



**City of Hamilton  
PLANNING COMMITTEE  
AGENDA**

**Meeting #:** 23-013  
**Date:** September 5, 2023  
**Time:** 9:30 a.m.  
**Location:** Council Chambers (Planning)  
Hamilton City Hall  
71 Main Street West

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

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|   | <b>Pages</b> |
|---|--------------|
| <b>1. CEREMONIAL ACTIVITIES</b>   |              |
| <b>2. APPROVAL OF AGENDA</b><br>(Added Items, if applicable, will be noted with *)  |              |
| <b>3. DECLARATIONS OF INTEREST</b>  |              |
| <b>4. APPROVAL OF MINUTES OF PREVIOUS MEETING</b>   |              |
| 4.1 August 15, 2023   | 4            |
| <b>5. COMMUNICATIONS</b>  |              |
| <b>6. DELEGATION REQUESTS</b>   |              |
| 6.1 Joshua Bossence respecting Concerns about the McMaster HomeComing event on Dalewood Ave. (For the September 19th meeting) |              |
| <b>7. DELEGATIONS</b>   |              |
| <b>8. STAFF PRESENTATIONS</b>   |              |
| <b>9. CONSENT ITEMS</b>   |              |

|            |  |     |
|------------|--|-----|
| 9.1        | Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-002 and Zoning By-law Amendment Application ZAC-22-005 to the Ontario Land Tribunal<br>for Lack of Decision for Lands Located at 487 Shaver Road, Ancaster (PED23089(a)) (Ward 12) | 45  |
| 9.2        | Appeal of Zoning By-law Amendment Application ZAC-21-027 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 140 and 164 Sulphur Springs Road, Ancaster (PED23184) (Ward 12)  | 80  |
| 9.3        | Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-23-010 and Zoning By-law Amendment Application ZAC-23-025 to the Ontario Land Tribunal<br>for Lack of Decision for Lands Located at 509 Southcote Road, Ancaster (PED23127) (Ward 12) | 101 |
| <b>10.</b> | <b>PUBLIC HEARINGS</b>   |     |
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| <b>11.</b> | <b>DISCUSSION ITEMS</b>  | 209 |
| 11.1       | Proposed Provincial Planning Statement, 2023 – Natural Heritage Policies (PED23185) (City Wide)  | 212 |
| 11.2       | Cross Melville Heritage District Committee Minutes 23-001  | 222 |
| 11.3       | Hamilton Municipal Heritage Committee Report 23-008  | 225 |
| <b>12.</b> | <b>MOTIONS</b>   |     |
| <b>13.</b> | <b>NOTICES OF MOTION</b>   |     |
| <b>14.</b> | <b>GENERAL INFORMATION / OTHER BUSINESS</b>  |     |
| 14.1       | Outstanding Business List  |     |
|            | a. Items to be Removed<br>19FF Support of Private Member’s Bill to Reverse Pit Bull Ban in Ontario (Motion)<br>Addressed as item 14.2 on the April 19, 2023 General Issues Committee Agenda, Report 23-013.  |     |

- b. Items Requiring New Due Dates
  - 19U Heritage Designation Process and Delegated Authority to Consent to Heritage Permits
  - Current Due Date: September 19, 2023
  - Proposed New Due Date: Q2 2024

- 21T Support for the NCCM Recommendations brought forward by the National Council of Canadian Muslims
  - Current Due Date: September 19, 2023
  - Proposed New Due Date: 2024

**15. PRIVATE AND CONFIDENTIAL**

**16. ADJOURNMENT**



## **PLANNING COMMITTEE MINUTES**

### **23-012**

**August 15, 2023**

**9:30 a.m.**

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

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

**Absent with Regrets:** Councillor J. Beattie – Personal

**Also in Attendance:** Councillor M. Spadafora

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

- 1. Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED23161) (City Wide) (Item 9.1)**

**(A. Wilson/Tadeson)**

That Report PED23161, respecting Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications, be received.

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

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

**2. Usage of the Cash-In-Lieu of Parking Policy (City Wide) (Outstanding Business List Item) (PED23176) (Item 9.2)****(Kroetsch/Hwang)**

That Report PED23176, respecting Usage of the Cash-In-Lieu of Parking Policy, be received.

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

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

**3. Cross Melville Heritage District Committee Report 23-002 (Item 9.3)****(A. Wilson/Cassar)**

That Cross Melville Heritage District Committee Report 23-002, be received.

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

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

4. **Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 95, 99, 103 and 105 Highway 8, Stoney Creek (PED23173) (Ward 5) (Item 10.1)**

**(Hwang/Tadeson)**

- (a) That Official Plan Amendment Application UHOPA-23-016, by 1826547 Ontario (c/o Sam Disanto of the Molinara Group), Owner, to amend Volume 2: Appendix A – Secondary Plan Index Map to incorporate additional lands into the Old Town Secondary Plan, to amend the Old Town Secondary Plan to incorporate additional lands into the Secondary Plan Area, and to add a Site Specific Policy to permit the redevelopment of the subject lands for two, 44 metre (12 storey) mixed use buildings, for the lands located at 95, 99, 103 and 105 Highway 8, as shown on Appendix “A” attached to Report PED23173, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED23173, be adopted by City Council;
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That Amended Zoning By-law Amendment Application ZAC-23-034, by 1826547 Ontario (c/o Sam Disanto of the Molinara Group), Owner, for a change in zoning from the Mixed Use Medium Density (C5) Zone to the Mixed Use Medium Density (C5, 862, H158) Zone, to permit two, 44 metre (12 storey) mixed use buildings, which includes 368 residential units and 1,128 square metres of ground floor leasable commercial space, for the lands located at 95, 99, 103 and 105 Highway 8, as shown on Appendix “A” attached to Report PED23173, be APPROVED on the following basis:
- (i) That the draft By-law attached as Appendix “C”, **as amended**, to Report PED23173, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) (iv) (8) The owner investigate traffic calming measures on Donn Avenue and Berkindale Drive and pay 50% of the costs, to a maximum of \$50,000.00, of the identified traffic calming measures, to the satisfaction of the Director of Transportation and Parking.**

- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (iii) That this amending By-law will comply with the Urban Hamilton Official Plan upon the approval of Urban Hamilton Official Plan Amendment No. XX;
- (iv) That this amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol 'H158' to the proposed Mixed Use Medium Density (C5, 862) Zone:

The Holding Provision 'H158' is to be removed conditional upon:

- (1) The Owner submitting a Sanitary Sewer Capacity Analysis, to the satisfaction of the Director of Growth Management and Chief Development Engineer;
- (2) The Owner submitting an updated Functional Servicing Report in accordance with the City's standards, to the satisfaction of the Director of Growth Management and Chief Development Engineer;
- (3) The Owner submitting a Watermain Hydraulic Analysis, to the satisfaction of the Director of Growth Management and Chief Development Engineer;
- (4) The Owner submitting a revised Hydrogeology Report specifying the levels of underground parking and impacts and mitigation measures for the groundwater systems, to the satisfaction of the Director of Growth Management and Chief Development Engineer;
- (5) The Owner submitting easement document details for the privately owned rear yard catch basins to be considered as a storm outlet for the subject site and acknowledging that the future condominium corporation on the subject site will be responsible to operate, maintain and mitigate any negative impacts for the proposed storm outlets at the future condominium corporation's cost, to the satisfaction of the Director of Growth Management and Chief Development Engineer;

- (6) The Owner making satisfactory arrangements with the City's Growth Management Division and entering into an External Works Agreement with the City for the design and construction of any required improvements to the municipal infrastructure at the Owner's cost, should it be determined that upgrades are required to the municipal infrastructure to support the proposed development, all to the satisfaction of the Director of Growth Management and Chief Development Engineer;
- (7) The Owner submitting a revised Tree Protection Plan addressing the protection of the trees found within the City's right-of-way and that finalizes the justification for the removal of the identified trees, and submitting written confirmation, from the owner of 505 Berkindale Drive, for permission to encroach into the dripline of "Tree A", to the satisfaction of the Director of Planning and Chief Planner. The resubmission is also to include the applicable Tree Protection Plan review fee payable to the City of Hamilton.

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

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

**5. Application for a Zoning By-law Amendment for Lands Located at 631 and 639 Rymal Road West, Hamilton (PED23162) (Ward 14) (Item 10.3)**

**(Hwang/Tadeson)**

- (a) That Amended Zoning By-law Amendment Application ZAC-22-028, by Bousfields Inc. (c/o David Falletta, Agent), on behalf of DiCenzo Construction Company Limited (Owner), for a change in zoning from the "B" (Suburban Agriculture and Residential, Etc.) District and the "C/S-



1822" (Urban Protected Residential, Etc.) District, Modified, to the Transit Oriented Corridor Multiple Residential (TOC3, 864, H157) Zone, to permit a 12 storey multiple dwelling with 165 dwelling units, 35 surface parking spaces and 163 underground parking spaces, for lands located at 631 and 639 Rymal Road West, as shown on Appendix "A" attached to Report PED23162, be APPROVED on the following basis:

- (i) That the draft By-law attached as Appendix "B" to Report PED23162, 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 symbol 'H157' to the proposed Transit Oriented Corridor Multiple Dwelling Residential (TOC3, 864) Zone.

The Holding Provision 'H157' is to be removed conditional upon:

- (1) The Owner submits a Sanitary Sewer Capacity Analysis, to the satisfaction of the Director of Growth Management and Chief Development Engineer;
- (2) The Owner makes satisfactory arrangements with the City's Growth Management Division and enters into an External Works Agreement with the City for the design and construction of any improvements to the municipal infrastructure at the Owner's cost, should it be determined that upgrades are required to the municipal infrastructure to support the proposed development, to the satisfaction of the Director of Growth Management and Chief Development Engineer;
- (iii) That the proposed amendment is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the Urban Hamilton Official Plan.

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

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 NOT PRESENT – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls

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

**6. Application for a Zoning By-law Amendment for Lands Located at 200 Centennial Parkway North, Hamilton (PED23163) (Ward 5) (Item 10.4)**

**(Hwang/Pauls)**

- (a) That Zoning By-law Amendment Application ZAC-22-013 by Calloway REIT (Stoney Creek) Inc. c/o Amanda Ireland, Owner, for a change in zoning from “G-1/S-635” (Designed Shopping Centre) District, Modified, to Mixed Use – High Density (C4, 853) Zone, to permit four residential multiple dwellings ranging in height from 17 to 20 storeys for a total of 1,116 dwelling units, and six ground floor commercial units consisting of a total of 1,666 square metres of gross floor area, for lands located at 200 Centennial Parkway North, as shown on Appendix “A” attached to Report PED23163, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED23163, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed change in zoning is consistent with Provincial Policy Statement (2020), conforms to A Place of Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended;
  - (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan and Centennial Neighbourhoods Secondary Plan.

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

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

YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

**7. Application for a Zoning By-law Amendment for Lands Located at 311 Rymal Road East, Hamilton (PED23174) (Ward 7) (Item 10.5)**

**(Francis/Tadeson)**

- (a) That Amended Zoning By-law Amendment Application ZAR-22-052, by Springbrook Associates Limited (c/o Saddique Khan), on behalf of 2836749 Ontario Ltd. (c/o Salvatore Aquino, Owner), for a change in zoning from the “B” (Suburban Agriculture and Residential, Etc.) District to the Low Density Residential (R1, 859) Zone (Block 1) and the Low Density Residential – Small Lot (R1a, 865) Zone (Block 2 and 3) to permit two semi detached dwellings, on lands located at 311 Rymal Road East, as shown on Appendix “A” attached to Report PED23174, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED23174, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and complies with the Urban Hamilton Official Plan (UHOP).

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

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

8. **Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 382 Southcote Road, Ancaster (PED23119) (Ward12) with REVISED Appendix 'C' (Item 11.1)**

**(Cassar/A. Wilson)**

- (a) That Official Plan Amendment Application UHOPA-23-003 by Urban Solutions Planning and Land Development Consultants Inc. c/o Matt Johnson, on behalf of 1376412 Ontario Ltd. c/o Zeina Homes, Owner, to add a new Site Specific Policy within the Garner Neighbourhood Secondary Plan, to permit the development of the subject lands for 3 single detached dwellings with a minimum lot frontage of 12.0 metres and a maximum overall density of 24 units per gross/net residential hectare, for lands located at 382 Southcote Road, as shown on Appendix "A" attached to Report PED23119, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment attached as Appendix "B" to Report PED23119, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council;
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That Amended Zoning By-law Amendment Application ZAR-23-003 by Urban Solutions Planning and Land Development Consultants Inc., on behalf of 1376412 Ontario Ltd. c/o Zeina Homes, Owner, for a change in zoning from the Agricultural "A-216" Zone, Modified, to the Low Density Residential (R1, 848) Zone, Modified, to facilitate development of three single detached dwellings, for lands located at 382 Southcote Road, as shown on Appendix "A" attached to Report PED23119, be APPROVED on the following basis:
- (i) That the draft By-law attached as **REVISED** Appendix "C" to Report PED23119, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
  - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon the approval of Urban Hamilton Official Plan Amendment No. XX.

- (c) *That the City of Hamilton Tree Protection Guidelines (2010) be amended to allow a 25% encroachment of site grading into the tree drip line for measurement of the tree protection zone to facilitate residential development at 382 Southcote Road.*

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

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

**9. Residential Parking Standards Review and Update (PED23156) (City Wide) (Item 11.2)**

**(Kroetsch/A. Wilson)**

- (a) That Report PED23156 be received;
- (b) That staff be authorized to proceed with public engagement on the Draft Parking Standards outlined in Report PED23156, in parallel with the Residential Zones project, and that staff report back to the Planning Committee summarizing public input, and recommending proposed parking standards and corresponding Zoning By-law Amendments;
- (c) That Transportation Planning and Parking staff be directed to review the current policy that limits access to on-street residential parking permits to households living in dwellings of three units or less and report back to Planning Committee with options that take-into-account proposed changes to parking standards as well as equity considerations;
- (d) That Transportation Planning and Parking staff be directed to prepare an implementation plan and any required policy or by-law changes to eliminate or modify the residential Boulevard Parking Program and bring back a report to Planning Committee for consideration;

- (e) That staff report back on any recommended changes to the City's Cash-In-Lieu of Parking Policy to support and complement the new parking standards.

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

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

**10. Residential Drainage Assistance Program - Bromley Road (PED23128)  
(Ward 7) (Item 11.3)**

**(Hwang/Francis)**

- (a) That with respect to the properties 66 and 68 Bromley Road, the City implements and funds the construction of a private rear yard catch-basin (Public Portion Only) as recommended in the report prepared by AECOM, dated March 15, 2022 attached in Appendix "B" to Report PED23128, at a cost of \$21,200 for works within the Right of Way;
- (b) That funding for work on the City Right of Way in Recommendation (a) estimated at \$21,200, be funded from Capital Account No. 518216, in accordance with the Residential Assistance Program;
- (c) That funding for the work on private properties namely 66 and 68 Bromley Road estimated at \$32,200 be apportioned among the benefiting property owners;
- (d) That prior to proceeding with any work on City property, appropriate agreements with the benefiting property owners of 66 and 68 Bromley Road, are entered into to the satisfaction of the City Solicitor.

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

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch

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

**11. Committee of Adjustment Decision regarding Minor Variance Application (DN/A-23:75) for Lands Located at 245 Mill Street, Dundas (Ward 13) (PED23177) (Item 11.4)**

**(Kroetsch/Hwang)**

That staff be directed to withdraw the Appeal Letter filed by staff against the decision of the Committee of Adjustment to the Ontario Land Tribunal, which allows the Committee of Adjustments minor variance approval to stand.

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

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

**12. Hamilton Municipal Heritage Committee Report 23-007 (Item 11.5)**

**(A. Wilson/Cassar)**

**1. Heritage Permit Application HP2023-024, Under Part V of the Ontario Heritage Act, for the Erection of a Rear Detached Accessory Structure at 79 Markland Street, Hamilton (PED23035) (Ward 2) (Item 10.1)**

- (a) That Heritage Permit Application HP2023-024, for the erection of a rear detached accessory structure on the designated property at 79

Markland Street, Hamilton (Durand-Markland Heritage Conservation District), as shown in Appendix "A" to Report PED23035, be approved, subject to the approval of any required *Planning Act* applications and the following Heritage Permit conditions:

- (i) That the final details of the windows, siding and roofing material be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to installation;
- (ii) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit;
- (iii) That construction and site alterations, in accordance with this approval, shall be completed no later than July 31, 2025. If the construction and site alterations are not completed by July 31, 2025, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

**2. Heritage Permit Application HP2023-028, Under Part V of the Ontario Heritage Act, for the Demolition of a Contemporary Rear Detached Accessory Structure at 174 Mill Street North, Flamborough (PED23168) (Ward 15) (Item 10.2)**

- (a) That Heritage Permit Application HP2023-028, for the demolition of a contemporary rear detached accessory structure on the designated property at 174 Mill Street North, Flamborough (Mill Street Heritage Conservation District), as shown in Appendix "A" to Report PED23168, be approved, subject to the following Heritage Permit conditions:
  - (i) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit;
  - (ii) That construction and site alterations, in accordance with this approval, shall be completed no later than July 31, 2025. If the construction and site alterations are not completed by July 31, 2025, then this approval expires as of that date, and



no alterations shall be undertaken without a new approval issued by the City of Hamilton.

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

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

**13. Agriculture and Rural Affairs Sub-Committee Report 23-002 (Item 11.6)**

**(McMeekin/Tadeson)**

That Agriculture and Rural Affairs Sub-Committee Report 23-002, be received.

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

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

**14. Appeal to the Ontario Land Tribunal (OLT) of Niagara Escarpment Development Permit Application for Mountain Brow Road (Ward 15) (LS23025) (Item 15.2)**

**(McMeekin/Tadeson)**

(a) That the directions to staff in closed session respecting Report LS23025 be approved;

- (b) That confidential recommendations (a) and (b) contained in Report LS23025 and the appendices to Report LS23025 be released to the public, following approval by Council;
- (c) That the balance of Report LS23025 remain confidential.

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

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

**15. Appeal to the Ontario Land Tribunal (OLT-22-002549) by Upper West Side Land Owners Group Inc., et al for Lands Located at 9511, 9445, 9285, 9751 & 9625 Twenty Road West & 555 Glancaster Road for Fees Under Protest (LS23028) (Ward 11) (Item 15.3)**

**(Tadeson/Hwang)**

- (a) That the directions to staff in closed session respecting Report LS23028 be approved;
- (b) That recommendation (a) contained in Report LS23028 be released to the public, following approval by Council; and
- (c) That the balance of Report LS23028 remain confidential.

**Result: Motion CARRIED by a vote of 8 to 1, as follows:**

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 NOT PRESENT – Ward 5 Councillor M. Francis  
 NOT PRESENT – Ward 7 Councillor E. Pauls  
 NO – Ward 8 Councillor J.P. Danko

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

**16. Ontario Land Tribunal Appeals of the Commercial and Mixed Use Zones (UHOPA No. 69 and By-law No. 17-240) (LS18008(d)) (City Wide) (Added Item 15.4)**

**(Tadeson/Hwang)**

- (a) That the directions to staff in closed session respecting Report LS18008(d) and Appendices “A”, “B” and “C” be approved and remain confidential until made public coincident with staff’s presentation of the City’s position to the Tribunal; and
- (b) That the balance of this Report LS18008(d) remains confidential.

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

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

**FOR INFORMATION:****(a) APPROVAL OF AGENDA (Item 2)**

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

**6. DELEGATION REQUESTS**

- 6.1 Amy Schaeffer respecting Heritage Permit for 174 Mill Street North (Item 11.5) (For today's meeting)**
- 6.2 Matt Johnston, UrbanSolutions, respecting 382 Southcote Road (Item 11.1) (For today's meeting)**
- 6.3 Delegations respecting Residential Parking Standards Review (Item 11.2) (For today's meeting):**
  - (i) Ian Borsuk, Environment Hamilton
  - (ii) James Boutilier

**10. PUBLIC HEARINGS**

- 10.1 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 95, 99, 103 and 105 Highway 8, Stoney Creek (PED23173) (Ward 5)**
  - (a) Added Written Submissions**
    - (i) Lois Vesentin
    - (ii) Candace Reynolds
    - (iii) Luigia Vesentin
    - (iv) Brenda Smith
- 10.3 Application for a Zoning By-law Amendment for Lands Located at 631 and 639 Rymal Road West, Hamilton (PED23162) (Ward 14)**
  - (b) Added Written Submissions**
    - (iii) Connie Caisse
    - (iv) Sarah Baldwin
    - (v) Alicia Simpson

**11. DISCUSSION ITEMS**

**11.2 Residential Parking Standards Review and Update (City Wide)  
(PED23156)**

**(a) Added Written Submissions**

- (i) Michelle Diplock and Anthony Salemi, West End Home Builders' Association

**15. PRIVATE AND CONFIDENTIAL**

**15.4 Ontario Land Tribunal Appeals of the Commercial and Mixed Use Zones (UHOPA No. 69 and By-law No. 17-240)  
(LS18008(d)) (City Wide)**

**(Nann/Hwang)**

That the agenda for the August 15, 2023 Planning Committee meeting be approved, as amended.

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

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

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

No declarations of interest were made.

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

**(i) July 11, 2023 (Item 4.1)**

**(Hwang/Pauls)**

That the Minutes of the July 11, 2023 meeting be approved, as presented.

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

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

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

**(i) Delegation Requests (Added Items 6.1 – 6.3)**

**(Kroetsch/Tadeson)**

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

- (a) Amy Schaeffer respecting Heritage Permit for 174 Mill Street North (Item 11.5) (For today's meeting) (Added Item 6.1)
- (b) Matt Johnston, UrbanSolutions, respecting 382 Southcote Road (Item 11.1) (For today's meeting) (Added Item 6.2)
- (c) Delegations respecting Residential Parking Standards Review (Item 11.2) (For today's meeting) (Added Item 6.3):
  - (i) Ian Borsuk, Environment Hamilton
  - (ii) James Boutilier

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

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

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

**(e) DELEGATIONS (Item 7)**

**(i) Nicole Wilson respecting a Request to Withdraw the City's Appeal of Committee of Adjustment decision on 245 Mill Street (Approved at the July 11 meeting) (Item 7.1)**

Nicole Wilson addressed the committee respecting a Request to Withdraw the City's Appeal of Committee of Adjustment decision on 245 Mill Street.

**(A. Wilson/Hwang)**

That the delegation from Nicole Wilson respecting a Request to Withdraw the City's Appeal of Committee of Adjustment decision on 245 Mill Street., be received.

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

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

**(ii) Amy Schaeffer respecting a Heritage Permit for 174 Mill Street North (Item 11.5) (Added Item 6.1)**

Amy Schaeffer addressed the committee respecting a Heritage Permit for 174 Mill Street North.

**(Pauls/Cassar)**

That the delegation from Amy Schaeffer respecting a Heritage Permit for 174 Mill Street North, be received.

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

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

**(iii) Matt Johnston, UrbanSolutions, respecting 382 Southcote Road (Item 11.1) (Added Item 6.2)**

Matt Johnston with UrbanSolutions, addressed the committee respecting 382 Southcote Road.

**(Cassar/A. Wilson)**

That the delegation from Matt Johnston with UrbanSolutions, respecting 382 Southcote Road, be received.

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

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

**(iv) Delegations respecting Residential Parking Standards Review (Item 11.2) (Added Item 6.3):**

- (i) Ian Borsuk, Environment Hamilton
- (ii) James Boutilier



Ian Borsuk addressed the committee respecting Residential Parking Standards Review.

**(A. Wilson/Cassar)**

That the delegation from Ian Borsuk respecting Residential Parking Standards Review, be received.

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

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

The Committee was advised that James Boutilier was in attendance to speak to the development at 631 and 639 Rymal Road West (Item 10.3).

**(iv) Delegations respecting Application for a Zoning By-law Amendment for Lands Located at 631 and 639 Rymal Road West, Hamilton (PED23162) (Ward 14) (Item 10.3) (Added Item 6.4):**

James Boutilier addressed the Committee respecting concerns with a development at 631 and 639 Rymal Road West (Item 10.3).

**(Kroetsch/Pauls)**

That the delegation from James Boutilier respecting Application for a Zoning By-law Amendment for Lands Located at 631 and 639 Rymal Road West, Hamilton (PED23162) (Ward 14), be received and referred to the consideration of Item 10.3.

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

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

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

For further disposition of this matter, refer to Items (f)(iii) and 5.

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

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

In accordance with the provisions of the *Planning Act*, Chair J.P. Danko advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Development applications before the Committee today, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Land Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

**(i) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 95, 99, 103 and 105 Highway 8, Stoney Creek (PED23173) (Ward 5) (Item 10.1)**

Johnpaul Loiacono, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation.

**(Francis/Hwang)**

That the staff presentation be received.

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

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

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

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

**(Francis/Tadeson)**

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

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

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

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

**(Francis/A. Wilson)**

- (a) That the following added written submissions (Item 10.1(a)) regarding this matter were received and considered by the Committee: and,
- (i) Lois Vesentin, in Opposition to the application.
  - (ii) Candace Reynolds, in Opposition to the application.
  - (iii) Luigia Vesentin, in Opposition to the application.
  - (iv) Brenda Smith, in Opposition to the application.
- (b) That the public meeting be closed.

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

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

**(Francis/Pauls)**

That Appendix “C” to Report PED23173 be **amended** by adding a new sub-section (b)(iv)(8) as follows:

**(b) (iv) (8)    *The owner investigate traffic calming measures on Donn Avenue and Berkindale Drive and pay 50% of the costs, to a maximum of \$50,000.00, of the identified traffic calming measures, to the satisfaction of the Director of Transportation and Parking.***

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

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

For disposition of this matter, refer to Item 4.

Councillor Danko relinquished the Chair to Councillor Hwang.

- (ii) **Application for a Zoning By-law Amendment for Lands Located at 212 and 220 Rymal Road West, Hamilton (PED23154) (Ward 8) (Item 10.2)**

**(Danko/M. Wilson)**

That Report PED23154 and the Public Meeting be DEFERRED to a future meeting of the Planning Committee.

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

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

Councillor Danko assumed the Chair.

- (iii) **Application for a Zoning By-law Amendment for Lands Located at 631 and 639 Rymal Road West, Hamilton (PED23162) (Ward 14) (Item 10.3)**

Johnpaul Loiacono, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation.

**(M. Wilson/Hwang)**

That the staff presentation be received.

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

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

YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

David Falletta with Bousfields Inc., was in attendance and indicated support for the staff report.

**(Pauls/Francis)**

That the delegation from David Falletta Bousfields Inc., be received.

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

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

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

- (i) Robyn Davis, in Opposition to the application
- (ii) David Dore, Concerns with the application

**(A. Wilson/Hwang)**

- (a) That the following written submissions (Item 10.3(a)), added written submissions (Item 10.3(b)) and public delegations, regarding this matter were received and considered by the Committee: and,

Written submissions:

- (i) John and Christine Chappel, in Opposition to the application.
- (ii) Alireza Hezarkhani, in Opposition to the application.
- (iii) Connie Caisse, in Opposition to the application.
- (iv) Sarah Baldwin, in Opposition to the application.
- (v) Alicia Simpson, in Opposition to the application.

Public delegations:

- (i) Robyn Davis, in Opposition to the application
- (ii) David Dore, Concerns with the application
- (iii) James Boutilier (formerly 7.4 (ii)), Concerns with the application

(b) That the public meeting be closed.

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

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

For disposition of this matter, refer to Item 5.

**(iv) Application for a Zoning By-law Amendment for Lands Located at 200 Centennial Parkway North, Hamilton (PED23163) (Ward 5) (Item 10.4)**

Daniel Barnett, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

**(Francis/Hwang)**

That the staff presentation be received.

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

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

YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

Harrison Ioannou with SmartCentres and Sarah Knoll with GSP Group, were in attendance and indicated support for the staff report.

**(Francis/Tadeson)**

That the delegation from Harrison Ioannou with SmartCentres and Sarah Knoll with GSP Group be received.

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

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

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

**(Francis/Tadeson)**

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

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

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



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

For disposition of this matter, refer to Item 6.

**(v) Application for a Zoning By-law Amendment for Lands Located at 311 Rymal Road East, Hamilton (Ward 7) (PED23174) (Item 10.5)**

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

**(A. Wilson/Tadeson)**

That the staff presentation be received.

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

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

Peter Delulio with Metropolitan Consulting, was in attendance and indicated support for the staff report.

**(A. Wilson/Francis)**

That the delegation from Peter Delulio with Metropolitan Consulting, be received.

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

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 NOT PRESENT – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang

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

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

**(A. Wilson/Francis)**

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

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

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

For disposition of this matter, refer to Item 7.

**(Cassar/Francis)**

That the Committee recess from 1:10 p.m. to 1:45 p.m.

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

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 NOT PRESENT – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 NOT PRESENT – Ward 7 Councillor E. Pauls

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

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

**(i) Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 382 Southcote Road, Ancaster (PED23119) (Ward 12) with REVISED Appendix ‘C’ (Deferred from the July 11th Planning Committee Meeting) (Item 11.1)**

**(Cassar/M. Wilson)**

- (a) That Official Plan Amendment Application UHOPA-23-003 by Urban Solutions Planning and Land Development Consultants Inc. c/o Matt Johnson, on behalf of 1376412 Ontario Ltd. c/o Zeina Homes, Owner, to add a new Site Specific Policy within the Garner Neighbourhood Secondary Plan, to permit the development of the subject lands for 3 single detached dwellings with a minimum lot frontage of 12.0 metres and a maximum overall density of 24 units per gross/net residential hectare, for lands located at 382 Southcote Road, as shown on Appendix “A” attached to Report PED23119, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED23119, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council;
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That Amended Zoning By-law Amendment Application ZAR-23-003 by Urban Solutions Planning and Land Development Consultants Inc., on behalf of 1376412 Ontario Ltd. c/o Zeina Homes, Owner, for a change in zoning from the Agricultural “A-216” Zone, Modified, to the Low Density Residential (R1, 848) Zone, Modified, to facilitate development of three single detached dwellings, for lands located at 382 Southcote Road, as shown on Appendix “A” attached to Report PED23119, be APPROVED on the following basis:

- (i) That the draft By-law attached as Appendix “C” to Report PED23119, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (iii) That this By-law will comply with the Urban Hamilton Official Plan upon the approval of Urban Hamilton Official Plan Amendment No. XX.

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

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

**(A. Wilson/Cassar)**

That the previous vote, Item (g)(i) respecting the Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 382 Southcote Road, Ancaster (PED23119) (Ward 12) with REVISED Appendix ‘C’, be Reconsidered.

**Result: Motion CARRIED by a 2/3’s vote of 9 to 0, as follows:**

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

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

For disposition of this matter, refer to Item 8.

**(ii) Residential Parking Standards Review and Update (City Wide)  
(PED23156) (Item 11.2)**

Amanda McIlveen, Manager of Parking Operations and Initiatives, addressed the Committee with the aid of a PowerPoint presentation.

**(Kroetsch/A. Wilson)**

That the staff presentation be received.

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

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

**(Kroetsch/Tadeson)**

That the following written submissions be received:

- (i) Michelle Diplock and Anthony Salemi, West End Home Builders' Association

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

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 NOT PRESENT – Ward 7 Councillor E. Pauls

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

For disposition of this matter, refer to Item 9.

**(iii) Committee of Adjustment Decision regarding Minor Variance Application (DN/A-23:75) for Lands Located at 245 Mill Street, Dundas (Ward 13) (PED23177) (Item 11.4)**

Morgan Gowans, Planning Technician, addressed the Committee with the aid of a PowerPoint presentation.

**(A. Wilson/Hwang)**

That the staff presentation be received.

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

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

**(Hwang/Cassar)**

- (a) That Council gives approval to the following actions, as detailed in Report PED23177, respecting Committee of Adjustment decision regarding Minor Variance application (DN/A-23:75) submitted by Nicole Wilson on behalf of the Owner (Christian Science Society), for lands located at 245 Mill Street, Dundas as shown on Appendix “A” attached to Report PED23177, approved by the Committee of Adjustment but recommended for Denial by the Planning and Economic Development Department:

- (i) That Council of the City of Hamilton proceed with the appeal to the Ontario Land Tribunal (OLT) against the decision of the Committee of Adjustment to approve application DN/A-23:75;
- (ii) That Council directs appropriate Legal Services and Planning Staff to attend the future Ontario Land Tribunal Hearing in opposition to the decision of the Committee of Adjustment to approve application DN/A-23:75.

**Result: Motion DEFEATED by a vote of 8 to 1, as follows:**

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

For disposition of this matter, refer to Item 11.

**(h) GENERAL INFORMATION/OTHER BUSINESS**

**(i) Outstanding Business List (Item 14.1)**

**(A. Wilson/Cassar)**

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

**(a) Items Requiring New Due Dates:**

19G Care Facilities and Group Homes (Urban Area) – Human Rights and the Zoning By-law Discussion Paper (CI 19-B) (PED19091)

Current Due Date: March 21, 2023

Proposed New Due Date: December 5, 2023

19P Corporate Policy for Official Planning Notification During Mail Strikes (Motion)

Current Due Date: April 18, 2023  
Proposed New De Date: December 5, 2023

21E Temporary Amendments to the Cash-In-Lieu of Parking Policy for the Downtown Secondary Plan Area (PED21028) (Ward 2)  
Current Due Date: March 21, 2023  
Proposed New De Date: December 5, 2023

21T Support for the NCCM Recommendations brought forward by the National Council of Canadian Muslims  
Current Due Date: Due Date Required  
Proposed New De Date: December 5, 2023

21X License Rental Housing (PED21097/LS21022)  
Current Due Date: June 13, 2023  
Proposed New Due Date: December 5, 2023

21Z Applications to Amend the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 1173 and 1203 Old Golf Links Road (PED21197) (Ward 12) (Item 9.1)  
Current Due Date: April 18, 2023  
Proposed New Due Date: October 31, 2023

22i Luca Giuliano respecting the 12 Hour Parking Rule (Item 9.1)  
Current Due Date: November 29, 2022  
Proposed New Due Date: December 5, 2023

22K Condominium Conversion Policy Review (PED22091) (City Wide) (Outstanding Business List Item) (Item 10.1)  
Current Due Date: March 21, 2023  
Proposed New Due Date: August 15 2023

22Q Application for Amendment to Glanbrook Zoning By-law No. 464 for Lands Located at 0 Gowland Drive and 3435 Binbrook Road, Glanbrook (PED22161) (Ward 11) (Item 9.3)  
Current Due Date: Due Date Required  
Proposed New Due Date: December 5, 2023

22R Amendments to Expand the Permitted Uses in the Low Density Residential Zones of the Former Community Zoning By-laws of the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek and Create Two New Low Density Residential Zones in Zoning By-law No. 05-200 (PED22154) (City Wide) (Item 9.6)



Current Due Date: Due Date required  
Proposed New Due Date: December 5, 2023

22S Public Consultation on Sustainable Building and Development Guidelines – Low Density Residential Uses (PED22185) (City Wide) (Item 10.2)

Current Due Date: Due Date required  
Proposed New Due Date: December 5, 2023

23A Inclusionary Zoning - Housing Needs Assessment (PED23044(a)) (City Wide) (Outstanding Business List Item) (Item 11.2)

Current Due Date: Due Date required  
Proposed New Due Date: September 19, 2023

**(b) Items to be Removed:**

20-B Review of Problems Associated with Increased Visitors to Waterfalls (PED18011(a))  
Addressed as item 7.2 on the February 7, 2023 General Issues Committee Budget Agenda, Report 23-001(g).

20J City of Hamilton Draft Urban Forest Strategy (PED20173) (City Wide) (Item 10.1)  
Addressed as item 5 on the June 13, 2023 Planning Committee Agenda, Report 23-010.

21A Integrating Health & Environmental Requirements to Demolition Permits (Item 11.1)  
Addressed as item 7 on the March 21, 2023 Planning Committee Agenda, Report 23-004

22A Various Delegations respecting the Taxi By-law (Added Items 9.4 – 9.8).  
Addressed as item 10.3 on April 25, 2022 Planning Committee Agenda, Report 22-006 and item 10.1 on August 3, 2022 Planning Committee Agenda, Report 22-012

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

YES – Ward 1 Councillor M. Wilson  
YES – Ward 2 Councillor C. Kroetsch  
YES – Ward 3 Councillor N. Nann  
YES – Ward 4 Councillor T. Hwang  
NOT PRESENT – Ward 5 Councillor M. Francis

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

**(i) PRIVATE & CONFIDENTIAL (Item 15)**

**(i) Closed Session Minutes – July 11, 2023 (Item 15.1)**

**(Hwang/Nann)**

- (a) That the Closed Session Minutes dated July 11, 2023, be approved as presented; and,
- (b) That the Closed Session Minutes dated July 11, 2023, remain confidential.

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

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

**(A. Wilson/Tadeson)**

That Committee move into Closed for Items 15.2, 15.3 and 15.4 pursuant to Section 9.3, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Sub-sections (e), (f) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

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

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

**(ii) Appeal to the Ontario Land Tribunal (OLT) of Niagara Escarpment Development Permit Application for Mountain Brow Road (Ward 15) (LS23025) (Item 15.2)**

For disposition of this matter, refer to Item 14.

**(iii) Appeal to the Ontario Land Tribunal (OLT-22-002549) by Upper West Side Land Owners Group Inc., et al for Lands Located at 9511, 9445, 9285, 9751 & 9625 Twenty Road West & 555 Glancaster Road for Fees Under Protest (LS23028) (Ward 11) (Item 15.3)**

For disposition of this matter, refer to Item 15.

**(iv) Ontario Land Tribunal Appeals of the Commercial and Mixed Use Zones (UHOPA No. 69 and By-law No. 17-240) (LS18008(d)) (City Wide) (Added Item 15.4)**

For disposition of this matter, refer to Item 16.

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

**(Tadeson/Hwang)**

That there being no further business, the Planning Committee be adjourned at 3:41 p.m.

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

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

**Planning Committee  
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YES – Ward 4 Councillor T. Hwang  
NOT PRESENT – Ward 5 Councillor M. Francis  
NOT PRESENT – Ward 7 Councillor E. Pauls  
YES – Ward 8 Councillor J.P. Danko  
NOT PRESENT – Ward 10 Councillor J. Beattie  
YES – Ward 11 Councillor M. Tadeson  
YES – Ward 12 Councillor C. Cassar  
YES – Ward 13 Councillor A. Wilson  
YES – Ward 15 Councillor T. McMeekin

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Councillor J.P. Danko, Chair  
Planning Committee

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Lisa Kelsey  
Legislative Coordinator



# INFORMATION REPORT

|                           |   |
|---------------------------|---|
| <b>TO:</b>                | Chair and Members<br>Planning Committee   |
| <b>COMMITTEE DATE:</b>    | September 5, 2023   |
| <b>SUBJECT/REPORT NO:</b> | Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-002 and Zoning By-law Amendment Application ZAC-22-005 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 487 Shaver Road, Ancaster (PED23089(a)) (Ward 12) |
| <b>WARD(S) AFFECTED:</b>  | Ward 12   |
| <b>PREPARED BY:</b>       | Mark Michniak (905) 546-2424 Ext. 1224  |
| <b>SUBMITTED BY:</b>      | Steve Robichaud<br>Director, Planning and Chief Planner<br>Planning and Economic Development Department   |
| <b>SIGNATURE:</b>         |   |

## COUNCIL DIRECTION

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

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

The following information is provided for Planning Committee's information with regards to Urban Hamilton Official Plan Amendment Application UHOPA-22-002 and Zoning By-law Amendment Application ZAC-22-005, which have been appealed for non-decision.

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

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

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

**SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-002 and Zoning By-law Amendment Application ZAC-22-005 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 487 Shaver Road, Ancaster (PED23089(a)) (Ward 12) - Page 2 of 8**

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## **INFORMATION**

The subject lands are municipally known as 487 Shaver Road, Ancaster and are located on the east side of Shaver Road between Garner Road West and Wilson Street West (refer to Appendix “A” to Report PED23089(a)).

Urban Hamilton Official Plan Amendment application UHOPA-22-002 and Zoning By-law Amendment application ZAC-22-005 were submitted by GSP Group Inc. (c/o Brenda Khes) on behalf of Shaver Road M.D. Holdings Inc., owner, on October 27, 2021 and were deemed complete on November 17, 2021.

The Urban Hamilton Official Plan Amendment and Zoning By-law Amendment applications were considered by the Planning Committee during the meeting of June 13, 2023. Staff recommended approval of the Urban Hamilton Official Plan Amendment application, however, Staff did not support the applicant’s proposed Zoning By-law Amendment as it is not compatible with the surrounding area. In its place, Staff recommended approval of an amended Zoning By-law Amendment.

Staff found that the Urban Hamilton Official Plan Amendment and amended Zoning By-law Amendment had merit and could be supported for the following reasons:

- They are consistent with the Provincial Policy Statement (2020) (PPS);
- They conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- They comply with the Urban Hamilton Official Plan and the Shaver Neighbourhood Secondary Plan, subject to the recommended Official Plan Amendment; and,
- The staff amended development is compatible with the existing land uses in the immediate area, represents good planning by, among other things, providing a compact and efficient urban form, and supports developing a complete community.

The Planning Committee accepted Staff recommendations.

On July 13, 2023, 624 days after the receipt of the application, an appeal of the Official Plan Amendment and Zoning By-law Amendment applications, filed by WeirFoulds LLP (c/o Denise Baker), agent for Shaver Road M.D. Holdings Inc., for non-decision was received (refer to Appendix “C” to Report PED22089(a)).

**SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-002 and Zoning By-law Amendment Application ZAC-22-005 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 487 Shaver Road, Ancaster (PED23089(a)) (Ward 12) - Page 3 of 8**

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The By-laws enacting the Urban Hamilton Official Plan Amendment and amended Zoning By-law Amendment were subsequently approved by City Council at the meeting on July 14, 2023. The Notice of Passing was given on July 27, 2023.

## **PROPOSED DEVELOPMENT**

The applicant proposed 36, four storey stacked townhouse dwelling units with 45 surface parking spaces (refer to Appendix “B” to Report PED23089(a)). The stacked townhouse dwellings proposed by the applicant are oriented along the southern property line, immediately adjacent to a City of Hamilton Public Works yard. The development proposal includes minimum side yard and rear yard setbacks of 1.8 metres, respectively.

The Applicant submitted the following studies/reports in support of the proposal on October 27, 2021:

- Formal Consultation Document;
- Application for Official Plan Amendment and Application for Zoning By-law Amendment;
- Site Plan Concept;
- Cover Letter;
- Adequate Water Services Form;
- Functional Servicing Report;
- Geotechnical Investigation Report;
- Landscape Plan;
- Environmental Noise Impact Study;
- Phase One Environmental Site Assessment;
- Phase Two Environmental Site Assessment;
- Planning Justification Report;
- Architectural Drawings;
- Record of Site Condition;
- Topographic Survey;
- Existing Conditions, Proposed Site Plan, Tree Inventory & Preservation Plan;
- Tree Inventory and Preservation Plan; and
- Watermain Hydraulic Analysis.

These reports and studies were circulated to internal and external review agencies for comment on November 25, 2021.

**SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-002 and Zoning By-law Amendment Application ZAC-22-005 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 487 Shaver Road, Ancaster (PED23089(a)) (Ward 12) - Page 4 of 8**

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The Applicant submitted the following studies/reports in support of the proposal on June 3, 2022:

- Response to Planning Comments Brief;
- Site Plan Concept;
- Building A – Architectural Drawings;
- Building B – Architectural Drawings;
- Building C – Architectural Drawings;
- Building D – Architectural Drawings;
- Environmental Noise Impact Study; and,
- Noise Study Addendum.

These reports and studies were circulated to internal and external review agencies for comment on June 13, 2022.

The Applicant submitted the following studies/reports in support of the proposal on August 26, 2022:

- Cover Letter;
- Revised Draft Zoning By-law;
- Architectural Drawings;
- Adequate Water Services Form;
- Functional Servicing Report;
- Landscape Plan;
- Response to City of Hamilton Planning and Economic Development Department;
- Functional Servicing Plan;
- Site Plan Concept;
- Tree Inventory and Preservation Plan; and,
- Existing Conditions, Proposed Site Plan, Tree Inventory & Preservation Plan.

These reports and studies were circulated to internal and external review agencies for comment on August 31, 2022.

The Applicant submitted the following studies/reports in support of the proposal on November 7, 2022:

- List Concept Layout and Next Steps; and,
- Site Plan Concept.



**SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-002 and Zoning By-law Amendment Application ZAC-22-005 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 487 Shaver Road, Ancaster (PED23089(a)) (Ward 12) - Page 5 of 8**

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The Applicant submitted the following studies/reports in support of the proposal on November 30, 2022:

- Cover Letter;
- Draft Revised Official Plan Amendment;
- Architectural Drawings;
- Civil Engineering Drawings Comment Response;
- Functional Servicing Plan;
- Development Engineering Response Letter;
- Functional Servicing Report;
- Hydrogeological Investigation and Water Balance;
- Landscape Plan;
- Adequate Water Services Form;
- Site Concept Plan;
- Existing Conditions, Proposed Site Plan, Tree Inventory & Preservation Plan; and,
- Tree Inventory and Preservation Plan.

These reports and studies were circulated to internal and external review agencies for comment on December 12, 2022.

The Applicant submitted the following studies/reports in support of the proposal on February 24, 2023:

- Cover Letter;
- Draft Revised Official Plan Amendment;
- Draft Revised Zoning By-law Amendment;
- Comment Response Matrix;
- Architectural Drawings;
- Functional Servicing Report;
- Functional Servicing Plan;
- Hydrogeological Investigation and Water Balance;
- Landscape Plan;
- Site Concept Plan;
- Sustainability Measures;
- Existing Conditions, Proposed Site Plan, Tree Inventory & Preservation Plan;
- Tree Inventory and Preservation Plan; and,
- Baseline Residential Water Survey.

**SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-002 and Zoning By-law Amendment Application ZAC-22-005 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 487 Shaver Road, Ancaster (PED23089(a)) (Ward 12) - Page 6 of 8**

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These reports and studies were circulated to internal and external review agencies for comment on March 1, 2023.

The Applicant submitted the following studies/reports in support of the proposal on April 14, 2023:

- Transportation Brief

These reports and studies were circulated to internal and external review agencies for comment on April 14, 2023.

Staff recommended approval of the Urban Hamilton Official Plan Amendment application, however, Staff did not support the applicant's proposed Zoning By-law Amendment as it is not compatible with the surrounding area. In its place, Staff recommended approval of an amended Zoning By-law Amendment.

### **OFFICIAL PLAN AMENDMENT APPLICATION**

The property is designated "Neighbourhoods" on Schedule E – Urban Structure and designated as "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations within the Urban Hamilton Official Plan. Additionally, the lands are designated "Medium Density Residential 2a" within the Shaver Neighbourhood Secondary Plan. The applicant requested an Urban Hamilton Official Plan Amendment application to amend the Shaver Neighbourhood Secondary Plan to redesignate the subject lands from "Medium Density Residential 2a" to "Medium Density Residential 2b" and to establish a Site Specific Policy within the Shaver Neighbourhood Secondary Plan. The effect of the Site Specific Policy would permit a 36 unit stacked townhouse development with a maximum density of 80 units per hectare and a maximum height of four storeys.

### **ZONING BY-LAW AMENDMENT APPLICATION**

The property is zoned Rural Commercial "C5-243" Zone, Modified, within the Town of Ancaster Zoning By-law 87-57. The applicant requested a Zoning By-law Amendment application to rezone the property from the Rural Commercial "C5-243" Zone, Modified, to a Residential Multiple "RM5" Zone, Modified. Staff do not support the applicant's proposal as the proposed side yard, rear yard, and planting strip regulations do not ensure compatible integration with the surrounding developments. Accordingly, staff recommended approval of an amended Residential Multiple "RM5-716" Zone, Modified at the June 13, 2023 Planning Committee meeting.

**SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-002 and Zoning By-law Amendment Application ZAC-22-005 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 487 Shaver Road, Ancaster (PED23089(a)) (Ward 12) - Page 7 of 8**

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A number of site specific modifications were proposed by staff to facilitate the development of stacked townhouses, including:

- To modify the definition of multi-plex dwelling to allow for stacked townhouses;
- To reduce the minimum lot area from 0.5 hectares to 0.44 hectares;
- To increase the maximum density from 50 units per hectare to 80 units per hectare;
- To reduce the minimum lot frontage from 45 metres to 30.0 metres;
- To reduce the minimum front yard from 10.5 metres to 3.0 metres;
- To reduce the minimum side yard from 9 metres to 5.5 metres and 6.0 metres;
- To reduce the minimum rear yard from 9 metres to 5.5 metres;
- To reduce the minimum planting strip from 3.0 metres to 1.5 metres on the southerly lot line;
- To increase the maximum height from 10.5 metres to 14.5 metres;
- To reduce the minimum landscaping from 50 percent to 41 percent including children's play area;
- To remove the requirement for enclosed or underground parking;
- To reduce the minimum parking from 2 parking spaces per unit and 0.66 visitor parking spaces per unit to 1 parking space per unit and 0.25 visitor parking spaces per unit; and,
- To reduce the accessory building setback from 1.5 metres to 1.0 metres on the southerly lot line.

## **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to property owners within 120 metres of the subject property on December 3, 2021. A Public Notice Sign was posted on the property on December 7, 2021 and updated on May 17, 2023 with the Public Meeting date. Finally, Notice of the Public Meeting was given on May 12, 2023 in accordance with the requirements of the *Planning Act*.

The applicant submitted a Public Consultation Strategy with the supporting materials. A micro-site for the project was created by the applicant to provide project information and collect feedback. The applicant did not receive any feedback as a result of their consultation.

**SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-002 and Zoning By-law Amendment Application ZAC-22-005 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 487 Shaver Road, Ancaster (PED23089(a)) (Ward 12) - Page 8 of 8**

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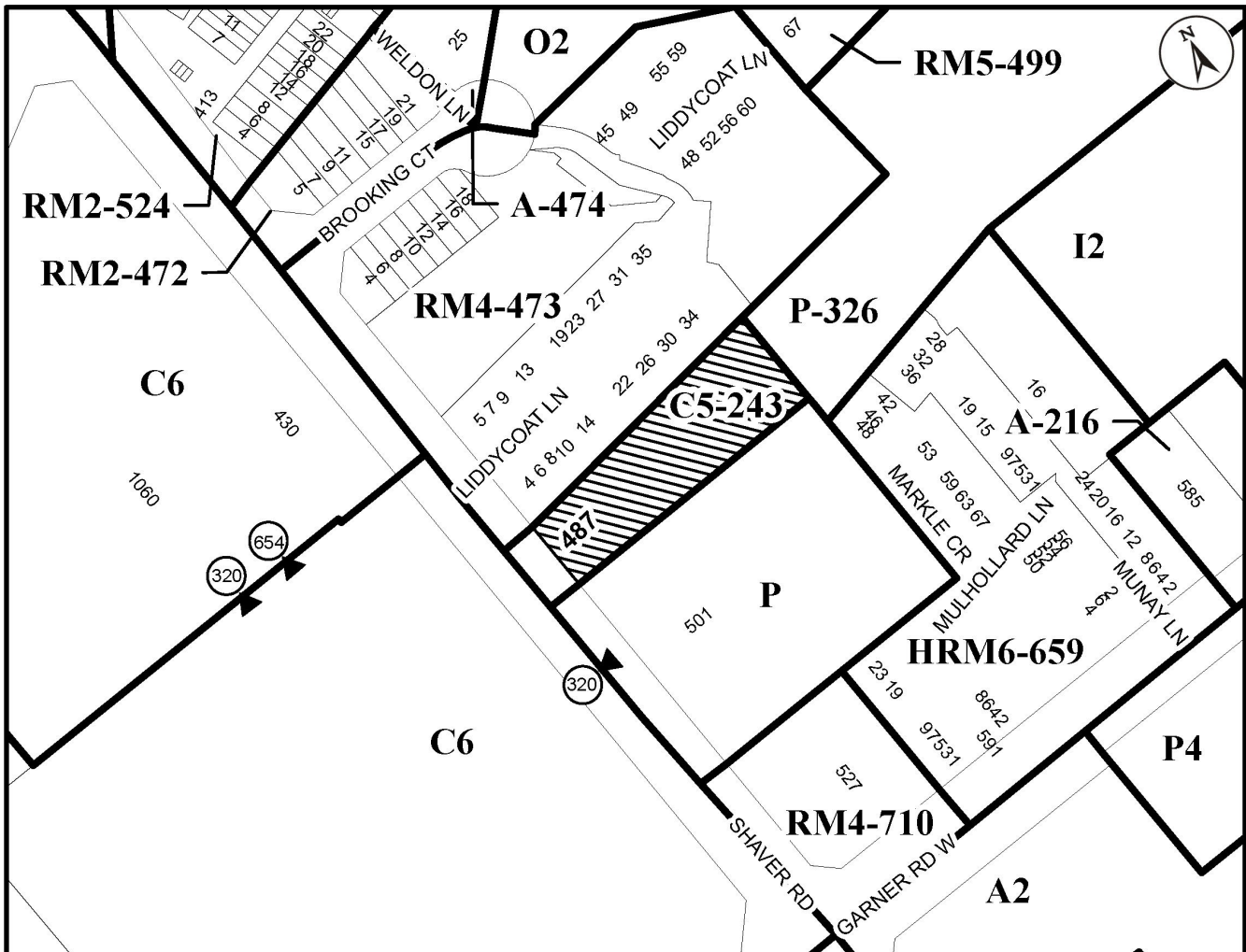
**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED23089(a) – Location Map

Appendix "B" to Report PED23089(a) – Site Plan Concept and Elevations

Appendix "C" to Report PED23089(a) – Letter of Appeal

Appendix "A" to Report PED23089(a)  
Page 1 of 1



● Site Location

## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

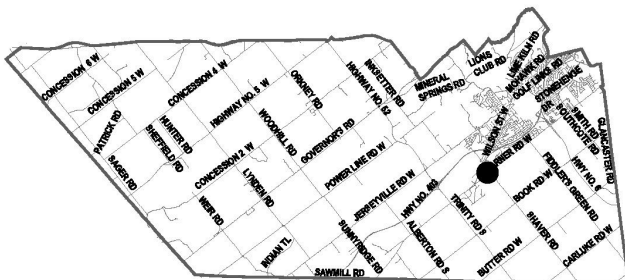
File Name/Number:  
ZAC-22-005/UHOPA-22-002

Date:  
March 8, 2023

Appendix "A"

Scale:  
N.T.S

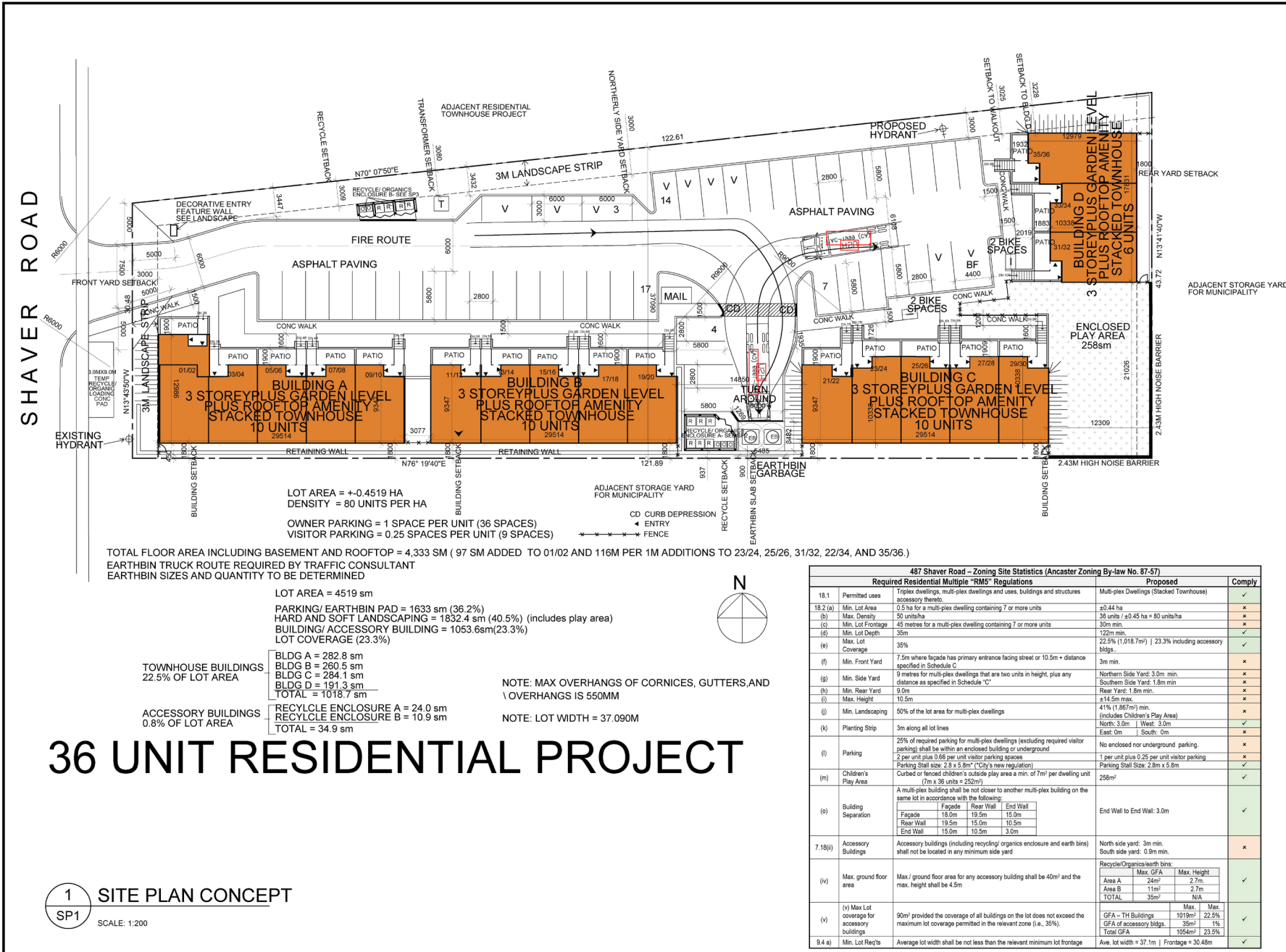
Planner/Technician:  
MM/NB



Key Map - Ward 12

### Subject Property

487 Shaver Road, Ancaster (Ward 12)



LOT AREA = +-0.4519 HA  
DENSITY = 80 UNITS PER HA

OWNER PARKING = 1 SPACE PER UNIT (36 SPACES)  
VISITOR PARKING = 0.25 SPACES PER UNIT (9 SPACES)

TOTAL FLOOR AREA INCLUDING BASEMENT AND ROOFTOP = 4,333 SM (97 SM ADDED TO 01/02 AND 116M PER 1M ADDITIONS TO 23/24, 25/26, 31/32, 22/34, AND 35/36.)  
EARTHBIN TRUCK ROUTE REQUIRED BY TRAFFIC CONSULTANT  
EARTHBIN SIZES AND QUANTITY TO BE DETERMINED

LOT AREA = 4519 sm  
PARKING/ EARTHBIN PAD = 1633 sm (36.2%)  
HARD AND SOFT LANDSCAPING = 1832.4 sm (40.5%) (includes play area)  
BUILDING/ ACCESSORY BUILDING = 1053.6sm(23.3%)  
LOT COVERAGE (23.3%)

TOWNHOUSE BUILDINGS  
22.5% OF LOT AREA

BLDG A = 282.8 sm  
BLDG B = 260.5 sm  
BLDG C = 284.1 sm  
BLDG D = 191.3 sm  
TOTAL = 1018.7 sm

ACCESSORY BUILDINGS  
0.8% OF LOT AREA

RECYCLC ENCLOSURE A = 24.0 sm  
RECYCLC ENCLOSURE B = 10.9 sm  
TOTAL = 34.9 sm

NOTE: MAX OVERHANGS OF CORNICES, GUTTERS, AND  
OVERHANGS IS 550MM

NOTE: LOT WIDTH = 37.000M

# 36 UNIT RESIDENTIAL PROJECT

1 SITE PLAN CONCEPT  
SP1  
SCALE: 1:200

| 487 Shaver Road - Zoning Site Statistics (Ancaster Zoning By-law No. 87-57) |   |  |  |
|---|---|--|--|
|   | Required Residential Multiple "RM5" Regulations | Proposed   | Comply   |
| 18.1  | Permitted uses                                  | Triplex dwellings, multi-plex dwellings and uses, buildings and structures   | Multi-plex Dwellings (Stacked Townhouse) ✓   |
| 18.2 (a)  | Min. Lot Area                                   | 0.5 ha for a multi-plex dwelling containing 7 or more units  | ±0.44 ha ✗   |
|   | Max. Density                                    | 50 units/ha  | 36 units / ±0.45 ha = 80 units/ha ✗  |
|   | Min. Lot Frontage                               | 45 metres for a multi-plex dwelling containing 7 or more units   | 30m min. ✗   |
|   | Min. Lot Depth                                  | 35m  | 12m min. ✗   |
|   | Max. Lot Coverage                               | 35%  | 22.5% (1,018.7m²)   23.3% including accessory bldg. ✓  |
| (f)   | Min. Front Yard                                 | 7.5m where facade has primary entrance facing street or 10.5m + distance specified in Schedule C   | 3m min. ✗  |
| (g)   | Min. Side Yard                                  | 9 metres for multi-plex dwellings that are two units in height, plus any distance as specified in Schedule "C"   | Northern Side Yard: 3.0m min. ✗<br>Southern Side Yard: 1.8m min. ✗   |
| (h)   | Min. Rear Yard                                  | 10.5m  | Rear Yard: 1.8m min. ✗<br>±14.5m max. ✗  |
| (i)   | Min. Landscaping                                | 50% of the lot area for multi-plex dwellings   | 41% (1,867m²) min. (includes Children's Play Area) ✓<br>North: 3.0m   West: 3.0m ✓<br>East: 0m   South: 0m ✗                   |
| (k)   | Planting Strip                                  | 3m along all lot lines   | ✗  |
| (l)   | Parking   | 25% of required parking for multi-plex dwellings (excluding required visitor parking) shall be within an enclosed building or underground<br>2 per unit plus 0.66 per unit visitor parking spaces<br>Parking Stall size: 2.8 x 5.8m ("City's new regulation) | No enclosed nor underground parking. ✗<br>1 per unit plus 0.25 per unit visitor parking ✗<br>Parking Stall Size: 2.8m x 5.8m ✗ |
| (m)   | Children's Play Area                            | Curbed or fenced children's outside play area a min. of 7m² per dwelling unit (7m x 36 units = 252m²)  | 258m² ✓  |
| (n)   | Building Separation                             | A multi-plex building shall be not closer to another multi-plex building on the same lot in accordance with the following:   |  |
|   |   | Façade   | End Wall   |
|   |   | 18.0m   19.5m   15.0m  | End Wall to End Wall: 3.0m ✓   |
|   |   | 19.5m   15.0m   10.5m  |  |
| 7.18(i)   | Accessory Buildings                             | Accessory buildings (including recycling/ organics enclosure and earth bins) shall not be located in any minimum side yard   | North side yard: 3m min.<br>South side yard: 0.9m min. ✗   |
| (iv)  | Max. ground floor area                          | Max. / ground floor area for any accessory building shall be 40m² and the max. height shall be 4.5m  |  |
|   |   | Max. GFA   | Max. Height  |
|   |   | Area A 24m²   2.7m<br>Area B 11m²   2.7m<br>TOTAL 35m²   N/A   | ✓  |
| (v)   | Max Lot coverage for accessory buildings        | 90m² provided the coverage of all buildings on the lot does not exceed the maximum lot coverage permitted in the relevant zone (i.e., 35%).  |  |
|   |   | GFA - TH Buildings 1018m²   22.5%<br>GFA of accessory bldgs. 35m²   1%<br>Total GFA 1054m²   23.5%   | ✓  |
| 9.4 (a)   | Min. Lot Req'ts                                 | Average lot width shall be not less than the relevant minimum lot frontage   | Ave. lot width = 37.1m   Frontage = 30.48m ✓   |

CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND JOB CONDITIONS BEFORE PROCEEDING WITH WORK

ALL DRAWINGS MAY BE SUBJECT TO CHANGE DUE TO DOCUMENTS FROM MUNICIPAL DEPARTMENTS AND OTHER AGENCIES WITH AUTHORITY

ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF THE ARCHITECT AND MUST BE RETURNED TO THE CONSULTANT UPON THE COMPLETION OF THE PROJECT

THE CONTRACTOR ASSUMES FULL RESPONSIBILITY AND RISK FOR ANY CORRECTIVE OR CHANGES RESULTING FROM THE WORK

KEY TO DETAIL LOCATION

No. / No. / DRAWING SHEET NUMBER

| DRAWING SETS ISSUED            | No. | DATE       | BY  |
|--------------------------------|-----|------------|-----|
| FOR APPRO.                     | 1   | 2023.11.26 | SPH |
| FIELD SURVEY UNDESLAY          | 2   | 2023.01.30 | SPH |
| FIELD SURVEY DESIGN MEETINGS   | 3   | 2023.02.24 | SPH |
| MOVE TRANSFORMER PER LANDSCAPE | 4   | 2023.04.12 | SPH |
| RESPONSE TO BIDDING            | 5   | 2023.05.25 | SPH |
| Added zoning chart             | 6   | 2023.05.27 | SPH |
| SHEET OF ALL SCHEMES           | 8   | 2023.06.28 | SPH |
| SHEET OF ALL SCHEMES           | 11  | 2023.08.08 | SPH |
| ALL SCHEMES WITH ZONING CHART  | 7   | 2023.03.24 | SPH |
| FINAL CITY COMMENTS            | 8   | 2023.11.23 | SPH |
| GRADING COMMENTS               | 9   | 2023.11.09 | SPH |
| LANDSCAPE COMMENTS             | 10  | 2023.11.23 | SPH |
| FOUNDATIONS COMMENTS           | 11  | 2023.01.31 | SPH |
| LANDSCAPE COMMENTS             | 12  | 2023.01.31 | SPH |
| SUBMISSION                     | 13  | 2023.03.28 | SPH |

ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED

| REVISIONS TO DRAWING | No. | DATE (DD.MM.YY) | BY |
|----------------------|-----|-----------------|----|
|                      |     |                 |    |

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M.D. DEVELOPMENTS  
487 SHAVER ROAD  
ANCASTER, ONTARIO

DRAWING SHEET TITLE  
SITE PLAN CONCEPT

DRAWING SCALE: PROJECT NUMBER:  
20055

DRAWING BY: CHECKED BY: DRAWING SHEET PROJECT:  
DRAWING VERSION:  
SP1

PLOT DATE:  
February 28, 2025



1 BUILDING A: FRONT ELEVATION  
A04 3/16"=1'-0"

CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND JOB CONDITIONS BEFORE PROCEEDING WITH WORK.

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KEY TO DETAIL LOCATION

|     |                      |
|-----|----------------------|
| No. | DETAIL NUMBER        |
| No. | DRAWING SHEET NUMBER |

| DRAWING SETS ISSUED             | No. | DATE       | BY |
|---------------------------------|-----|------------|----|
| FOR ARCH.                       | 1   | 2023.11.28 | WH |
| FOR SURVEY UNDERLAY             | 2   | 2023.01.16 | WH |
| FOR PLANNING DESIGN MEETINGS    | 3   | 2023.02.24 | WH |
| FOR SITE TRANSFER PER LANDSCAPE | 4   | 2023.04.12 | WH |
| FOR SITE DRAIN CHART            | 4   | 2023.05.08 | WH |
| Asphalt paving chart            | 5   | 2023.05.27 | WH |
| Sheet of ALL SCHEME             | 6   | 2023.06.28 | WH |
| Sheet of ALL SCHEME             | 7   | 2023.06.28 | WH |
| ALL SCHEME WITH ZONING CHART    | 7   | 2023.03.24 | WH |
| FOR CITY COMMENTS               | 8   | 2023.03.23 | WH |
| GRADING COMMENTS                | 9   | 2023.11.09 | WH |
| ZONING COMMENTS                 | 10  | 2023.11.29 | WH |
| ZONING COMMENTS                 | 11  | 2023.01.31 | WH |
| LANDSCAPE COMMENTS              | 12  | 2023.01.24 | WH |
| SUBMISSION                      | 13  | 2023.03.28 | WH |

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| REVISIONS TO DRAWING | No. | DATE (DD MM YY) | BY |
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BUILDING PERMIT NUMBER:  
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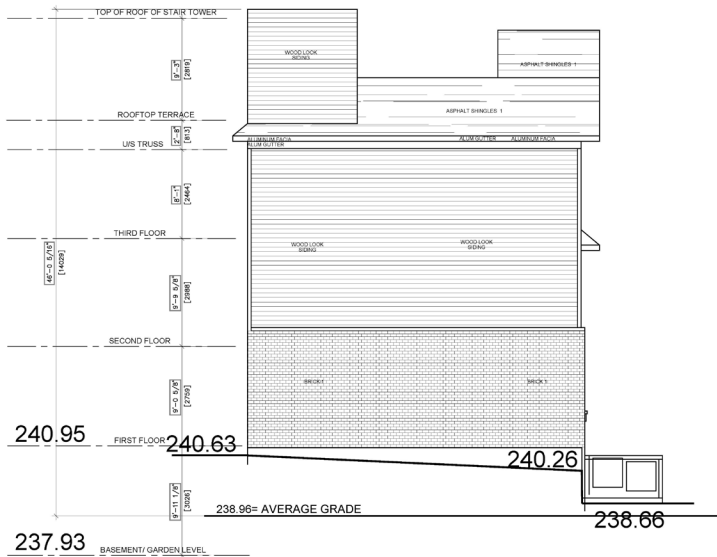
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ANCASTER, ONTARIO

DRAWING SHEET TITLE  
**BUILDING A  
FRONT ELEVATION**

|                                 |                                     |
|---------------------------------|-------------------------------------|
| DRAWING SCALE:                  | PROJECT NUMBER:<br><b>20055</b>     |
| DRAWN BY:                       | DRAWING SHEET NUMBER:<br><b>A04</b> |
| CHECKED BY:                     |                                     |
| DRAWING YEAR/ON:                |                                     |
| PLOT DATE:<br>February 28, 2023 |                                     |



**2** BUILDING A: LEFT ELEVATION  
A05 3/16"=1'-0"



**1** BUILDING A: RIGHT ELEVATION  
A05 3/16"=1'-0"

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KEY TO DETAIL LOCATION

No. DETAIL NUMBER  
No. DRAWING SHEET NUMBER

| DRAWING SETS ISSUED          | No. | DATE       | BY |
|------------------------------|-----|------------|----|
| FOR APL                      | 1   | 2023.11.28 | WH |
| PER REVIEW UNDERLAY          | 2   | 2023.01.16 | WH |
| PER DESIGN DESIGN MEETINGS   | 3   | 2023.02.24 | WH |
| WORK TRANSFER FROM LANDSCAPE | 4   | 2023.04.12 | WH |
| RESP TO BALK CHART           | 5   | 2023.05.08 | WH |
| Added zoning chart           | 6   | 2023.05.27 | WH |
| SWT OF ALL SCHEME            | 7   | 2023.06.26 | WH |
| SWT OF ALL SCHEME            | 8   | 2023.06.26 | WH |
| ALL SCHEME WITH ZONING CHART | 9   | 2023.03.24 | WH |
| PER CITY COMMITTEE           | 10  | 2023.03.24 | WH |
| GRADING COMMENTS             | 11  | 2023.03.24 | WH |
| GRADING COMMENTS             | 12  | 2023.03.24 | WH |
| LANDSCAPE COMMENTS           | 13  | 2023.03.24 | WH |
| SUBMISSION                   | 14  | 2023.03.24 | WH |

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| REVISIONS TO DRAWING | No. | DATE       | BY |
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DRAWING SHEET TITLE  
**BUILDING A  
SIDE ELEVATIONS**

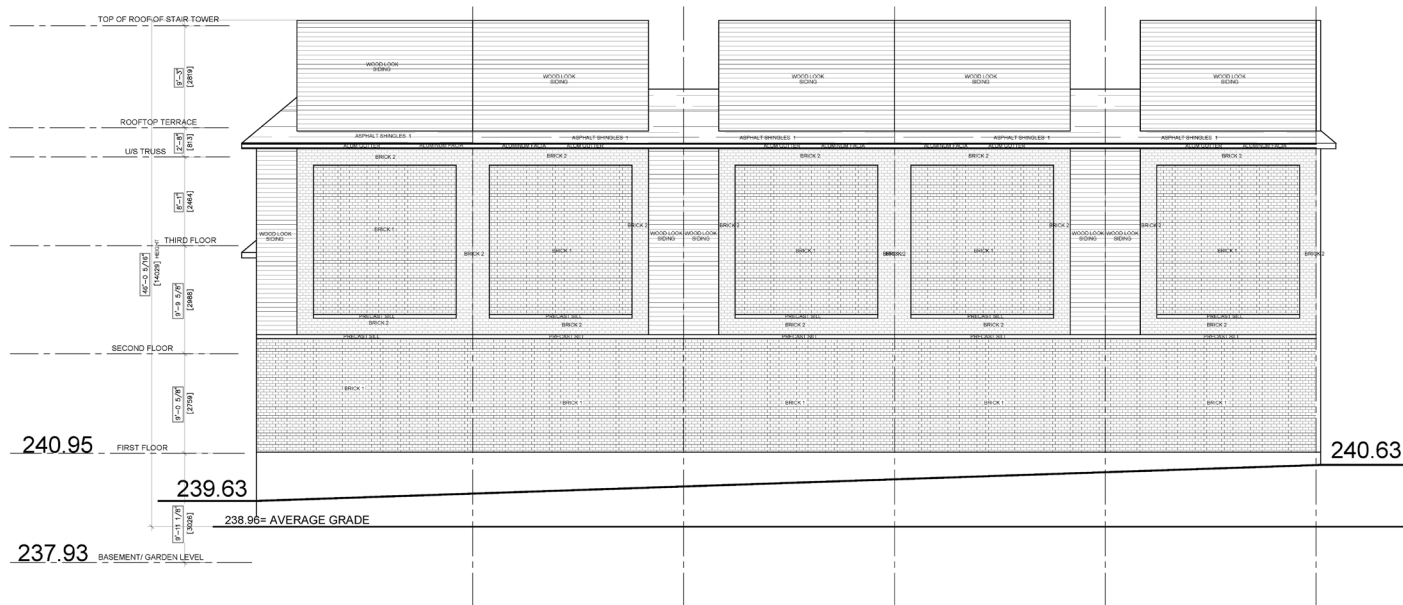
DRAWING SCALE: PROJECT NUMBER:  
20055

DRAWN BY: CHECKED BY: DRAWING SHEET NUMBER:

DRAWING YEARSON: A05

PLOT DATE: February 28, 2023





1 BUILDING A: REAR ELEVATION  
A06 3/16"=1'-0"

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KEY TO DETAIL LOCATION

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| No. | DETAIL NUMBER        |
| No. | DRAWING SHEET NUMBER |

| DRAWING SETS ISSUED                 | No. | DATE       | BY |
|-------------------------------------|-----|------------|----|
| FOR ARCH.                           | 1   | 2023.11.28 | WH |
| FIELD SURVEY UNDERLAY               | 2   | 2023.01.16 | WH |
| FIELD SURVEY DESIGN MEETINGS        | 3   | 2023.02.21 | WH |
| MOORE TRANSFER PRIMER PER LANDSCAPE | 4   | 2023.04.12 | WH |
| STEPS TO TRAIL OUTLINE              | 4   | 2023.05.28 | WH |
| Asisted parking chart               | 5   | 2023.05.27 | WH |
| SHEET OF ALL SCHEME                 | 6   | 2023.06.28 | WH |
| SHEET OF ALL SCHEME                 | 7   | 2023.06.28 | WH |
| ALL SCHEME WITH ZONING CHART        | 7   | 2023.03.24 | WH |
| CITY COMMENTS                       | 8   | 2023.03.22 | WH |
| SCAPE COMMENTS                      | 9   | 2023.11.09 | WH |
| ZONING COMMENTS                     | 10  | 2023.11.28 | WH |
| ZONING COMMENTS                     | 11  | 2023.01.31 | WH |
| LANDSCAPE COMMENTS                  | 12  | 2023.01.24 | WH |
| SUBMISSION                          | 13  | 2023.03.28 | WH |

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| REVISIONS TO DRAWING | No. | DATE       | BY |
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ANCASTER, ONTARIO

DRAWING SHEET TITLE  
**BUILDING A  
REAR ELEVATION**

DRAWING SCALE: PROJECT NUMBER:  
**20055**

DRAWN BY: CHECKED BY: DRAWING SHEET NUMBER:  
**A06**

DRAWING YEARSON: PLOT DATE:  
February 28, 2023



1 BUILDING B: FRONT ELEVATION  
A11 3/8"=1'-0"

CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND JOB CONDITIONS BEFORE PROCEEDING WITH WORK  
ALL DRAWINGS MAY BE SUBJECT TO CHANGE DUE TO COMMENTS FROM MUNICIPAL DEPARTMENTS AND OTHER AGENCIES WITH JURISDICTION  
THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE MUNICIPAL DEPARTMENTS AND AGENCIES WITH JURISDICTION  
THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE MUNICIPAL DEPARTMENTS AND AGENCIES WITH JURISDICTION

KEY TO DETAIL LOCATION

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|-----|----------------------|
| No. | DETAIL NUMBER        |
| No. | DRAWING SHEET NUMBER |

| DRAWING SETS ISSUED              | No. | DATE       | BY |
|----------------------------------|-----|------------|----|
| FOR ARCH.                        | 1   | 2023.11.28 | WH |
| FOR REVIEW UNDERLAY              | 2   | 2023.01.16 | WH |
| FOR PLANNING DESIGN MEETINGS     | 3   | 2023.02.24 | WH |
| FOR TRANSPORTATION PER LANDSCAPE | 4   | 2023.04.12 | WH |
| FOR TO WALK OUTS                 | 4   | 2023.05.28 | WH |
| Asisted zoning chart             | 5   | 2023.05.27 | WH |
| SWEEP OF ALL SCHEME              | 6   | 2023.06.28 | WH |
| SWEEP OF ALL SCHEME              | 7   | 2023.08.28 | WH |
| ALL SCHEME WITH ZONING CHART     | 7   | 2023.03.24 | WH |
| FOR CITY COMMENTS                | 8   | 2023.05.22 | WH |
| GRADING COMMENTS                 | 9   | 2023.11.09 | WH |
| GRADING COMMENTS                 | 10  | 2023.11.29 | WH |
| ZONING COMMENTS                  | 11  | 2023.01.31 | WH |
| LANDSCAPE COMMENTS               | 12  | 2023.01.24 | WH |
| SUBMISSION                       | 13  | 2023.03.28 | WH |

ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED

| REVISIONS TO DRAWING | No. | DATE       | BY |
|----------------------|-----|------------|----|
|                      |     | (DD MM YY) |    |
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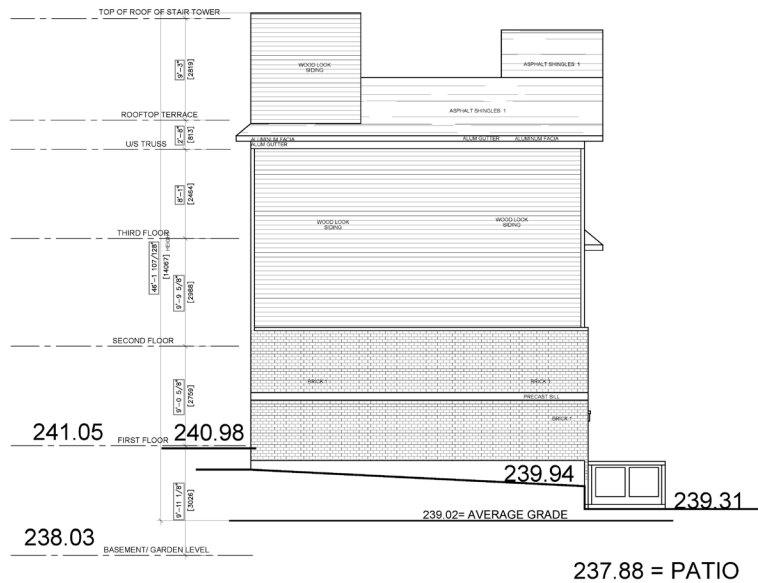
M.D. DEVELOPMENTS  
487 SHAVER ROAD  
ANCASTER, ONTARIO

DRAWING SHEET TITLE  
BUILDING B  
FRONT ELEVATION

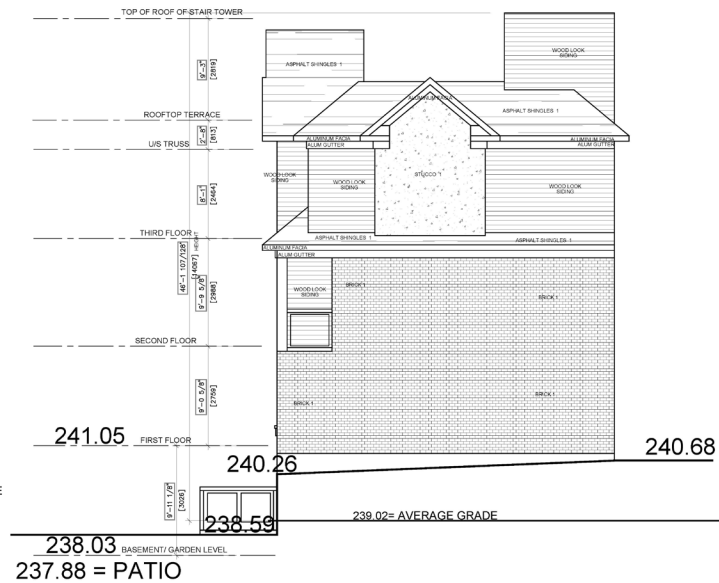
DRAWING SCALE: PROJECT NUMBER:  
20055

DRAWN BY: CHECKED BY: DRAWING SHEET NUMBER:  
A10

DRAWING YEARSON: PLOT DATE:  
February 28, 2023



2 BUILDING B: LEFT ELEVATION  
A12 3/16"=1'-0"



1 BUILDING B: RIGHT ELEVATION  
A12 3/16"=1'-0"

CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND JOB CONDITIONS BEFORE PROCEEDING WITH WORK.  
ALL DRAWINGS MAY BE SUBJECT TO CHANGE DUE TO COMMENTS FROM MUNICIPAL DEPARTMENTS AND OTHER AGENCIES WITH JURISDICTION.  
ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF THE ARCHITECT AND MUST BE RETURNED AT THE COMPLETION OF THE WORK. THE CONTRACTOR ACCEPTS FULL RESPONSIBILITY AND RISK FOR ANY CORRECTIVE OR CHANGE RESULTS FROM THE USE OF THESE DRAWINGS.

KEY TO DETAIL LOCATION

No. DETAIL NUMBER  
No. DRAWING SHEET NUMBER

| DRAWING SETS ISSUED                 | No. | DATE (YY-MM-DD) | BY |
|-------------------------------------|-----|-----------------|----|
| FOR PERMITS                         | 1   | 2023-11-28      | WH |
| FIELD SURVEY UNDERLAY               | 2   | 2023-01-16      | WH |
| FIELD SURVEY DESIGN MEETINGS        | 3   | 2023-02-21      | WH |
| MOUSE TRANSFER PRIMER PER LANDSCAPE | 4   | 2023-04-12      | WH |
| STEPS TO BRICK CURB                 | 4   | 2023-05-28      | WH |
| Asphalt paving chart                | 5   | 2023-05-27      | WH |
| Sheet of ALL SCHEME                 | 6   | 2023-06-28      | WH |
| Sheet of ALL SCHEME                 | 7   | 2023-06-28      | WH |
| ALL SCHEME WITH ZONING CHART        | 7   | 2023-03-24      | WH |
| PER CITY COMMENTS                   | 8   | 2023-01-25      | WH |
| GRADING COMMENTS                    | 9   | 2023-11-09      | WH |
| GRADING LOCATIONS                   | 10  | 2023-11-28      | WH |
| GRADING COMMENTS                    | 11  | 2023-01-31      | WH |
| LANDSCAPE COMMENTS                  | 12  | 2023-01-31      | WH |
| SUBMISSION                          | 13  | 2023-03-28      | WH |

ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED.

| REVISIONS TO DRAWING | No. | DATE (DD-MM-YY) | BY |
|----------------------|-----|-----------------|----|
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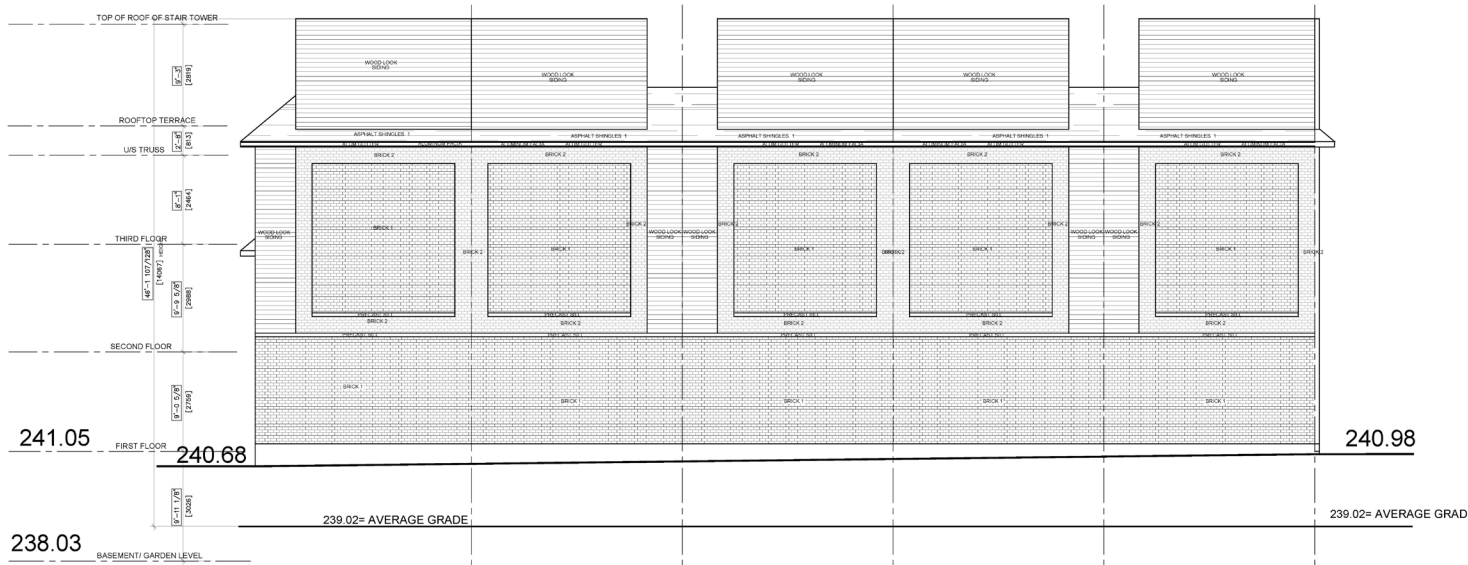
DRAWING SHEET TITLE  
BUILDING B  
SIDE ELEVATIONS

DRAWING SCALE: PROJECT NUMBER:  
20055

DRAWN BY: CHECKED BY: DRAWING SHEET NUMBER:

DRAWING YEAR/NO: A11

PLOT DATE: February 28, 2023



**1**  
A13 BUILDING B: REAR ELEVATION  
3/8"=1'-0"

CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND JOB CONDITIONS BEFORE PROCEEDING WITH WORK  
ALL DRAWINGS MAY BE SUBJECT TO CHANGE DUE TO COMMENTS FROM MUNICIPAL DEPARTMENTS AND OTHER AGENCIES WITH AUTHORITY  
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THE CONTRACTOR ACCEPTS FULL RESPONSIBILITY AND RISK FOR ANY CORRECTIVE OR CHANGE RESULTS FROM HIS OR HER WORK

KEY TO DETAIL LOCATION

|     |                      |
|-----|----------------------|
| No. | DETAIL NUMBER        |
| No. | DRAWING SHEET NUMBER |

| DRAWING SETS ISSUED                | No. | DATE       | BY |
|------------------------------------|-----|------------|----|
| FOR ARCH.                          | 1   | 2022-11-28 | WH |
| FIELD SURVEY UNDERLAY              | 2   | 2022-01-16 | WH |
| FIELD SURVEY DESIGN MEETINGS       | 3   | 2022-02-24 | WH |
| MOVE TRANSFER FORMER PER LANDSCAPE | 4   | 2022-04-12 | WH |
| RESPONSE TO TRAIL CHART            | 4   | 2022-05-26 | WH |
| Revised zoning chart               | 5   | 2022-05-27 | WH |
| SWEEP OF ALL SCHEME                | 6   | 2022-06-28 | WH |
| SWEEP OF ALL SCHEME                | 7   | 2022-08-26 | WH |
| ALL SCHEME WITH ZONING CHART       | 7   | 2022-03-24 | WH |
| FOR CITY COMMENTS                  | 8   | 2022-01-12 | WH |
| GRADING COMMENTS                   | 9   | 2022-11-09 | WH |
| FOR GRADING LOCALITIES             | 10  | 2022-11-29 | WH |
| ZONING COMMENTS                    | 11  | 2022-01-31 | WH |
| LANDSCAPE COMMENTS                 | 12  | 2022-01-24 | WH |
| SUBMISSION                         | 13  | 2022-03-26 | WH |

ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED

| REVISIONS TO DRAWING | No. | DATE       | BY |
|----------------------|-----|------------|----|
|                      |     | (DD MM YY) |    |

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DRAWING SHEET TITLE  
**BUILDING B REAR ELEVATION**

|                                 |                                     |
|---------------------------------|-------------------------------------|
| DRAWING SCALE:                  | PROJECT NUMBER:<br><b>20055</b>     |
| DRAWN BY:                       | CHECKED BY:                         |
| DRAWING YEAR/NO.:               | DRAWING SHEET NUMBER:<br><b>A12</b> |
| PLOT DATE:<br>February 28, 2023 |                                     |



1 BUILDING C: FRONT ELEVATION  
A18 3/16"=1'-0"

CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND JOB CONDITIONS BEFORE PROCEEDING WITH WORK  
ALL DRAWINGS MAY BE SUBJECT TO CHANGE DUE TO COMMENTS FROM MUNICIPAL DEPARTMENTS AND OTHER AGENCIES WITH JURISDICTION  
THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE MUNICIPAL DEPARTMENTS AND AGENCIES WITH JURISDICTION  
THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE MUNICIPAL DEPARTMENTS AND AGENCIES WITH JURISDICTION

KEY TO DETAIL LOCATION

|     |                      |
|-----|----------------------|
| No. | DETAIL NUMBER        |
| No. | DRAWING SHEET NUMBER |

| DRAWING SETS ISSUED              | No. | DATE       | BY |
|----------------------------------|-----|------------|----|
| FOR ARCH.                        | 1   | 2023.11.24 | WH |
| FIELD SURVEY UNDERLAY            | 2   | 2023.01.16 | WH |
| FIELD SURVEY DESIGN MEETINGS     | 3   | 2023.02.24 | WH |
| WORK TRANSFER FORM FOR LANDSCAPE | 4   | 2023.04.12 | WH |
| FORMS TO TRADE CRAFT             | 4   | 2023.05.28 | WH |
| Asphalt paving chart             | 5   | 2023.05.27 | WH |
| SWEEP OF ALL SCHEME              | 6   | 2023.06.28 | WH |
| SWEEP OF ALL SCHEME              | 7   | 2023.06.28 | WH |
| ALL SCHEMATIC WITH ZONING CHART  | 7   | 2023.03.24 | WH |
| FOR CITY COMMENTS                | 8   | 2023.03.24 | WH |
| STATE COMMENTS                   | 9   | 2023.11.09 | WH |
| ZONING COMMENTS                  | 10  | 2023.11.28 | WH |
| ZONING COMMENTS                  | 11  | 2023.01.31 | WH |
| LANDSCAPE COMMENTS               | 12  | 2023.01.31 | WH |
| SUBMISSION                       | 13  | 2023.03.28 | WH |

ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED

| REVISIONS TO DRAWING | No. | DATE       | BY |
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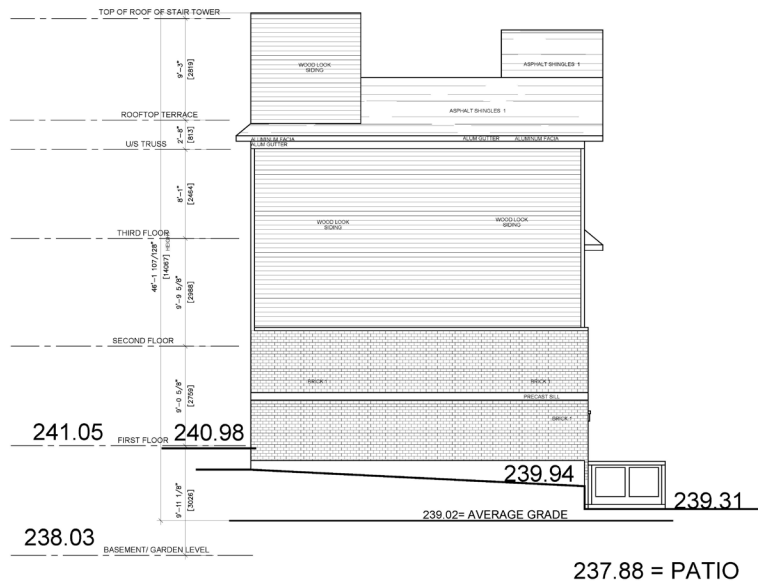
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487 SHAVER ROAD  
ANCASTER, ONTARIO

DRAWING SHEET TITLE  
BUILDING C  
FRONT ELEVATION

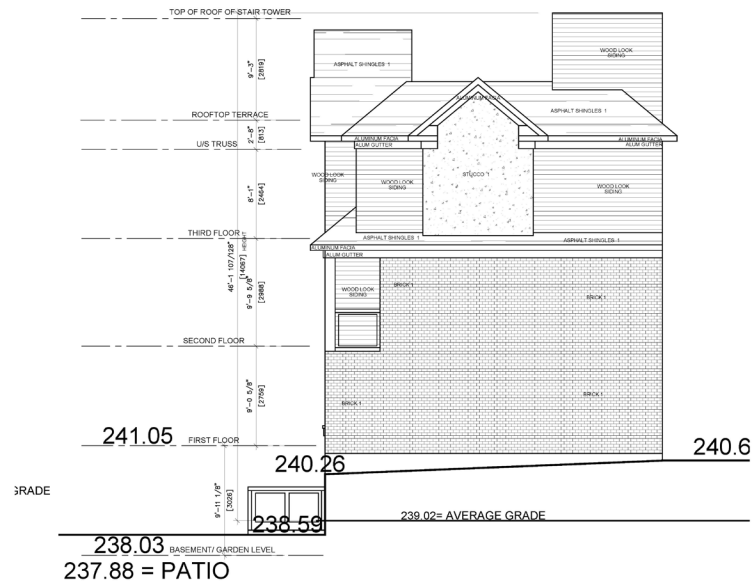
DRAWING SCALE: PROJECT NUMBER:  
20055

DRAWN BY: CHECKED BY: DRAWING SHEET NUMBER:  
A16

DRAWING YEAR: PLOT DATE:  
February 28, 2023



**2**  
A19 BUILDING C: LEFT ELEVATION  
3/16"=1'-0"



**1**  
A19 BUILDING C: RIGHT ELEVATION  
3/16"=1'-0"

CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND JOB CONDITIONS BEFORE PROCEEDING WITH WORK.  
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KEY TO DETAIL LOCATION

|     |                      |
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| No. | DETAIL NUMBER        |
| No. | DRAWING SHEET NUMBER |

| DRAWING SETS ISSUED                 | No. | DATE (YY-MM-DD) | BY |
|-------------------------------------|-----|-----------------|----|
| FOR APL                             | 1   | 2023-11-28      | WH |
| FIELD SURVEY UNDERLAY               | 2   | 2023-01-16      | WH |
| FIELD SURVEY DESIGN MEETINGS        | 3   | 2023-02-21      | WH |
| MOUSE TRANSFER PRIMER PER LANDSCAPE | 4   | 2023-04-12      | WH |
| STEPS TO BRICK CURB                 | 4   | 2023-05-28      | WH |
| Asphalt paving chart                | 5   | 2023-05-27      | WH |
| Sheet of ALL SCHEME                 | 6   | 2023-06-28      | WH |
| Sheet of ALL SCHEME                 | 7   | 2023-06-28      | WH |
| ALL SCHEME WITH ZONING CHART        | 7   | 2023-03-24      | WH |
| FOR CITY COMMITTEE                  | 8   | 2023-01-25      | WH |
| GRADING COMMENTS                    | 9   | 2023-11-09      | WH |
| FOR GRADING LOCATOR                 | 10  | 2023-11-28      | WH |
| GRADING COMMENTS                    | 11  | 2023-01-31      | WH |
| LANDSCAPE COMMENTS                  | 12  | 2023-01-24      | WH |
| SUBMISSION                          | 13  | 2023-03-28      | WH |

ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED.

| REVISIONS TO DRAWING | No. | DATE (DD-MM-YY) | BY |
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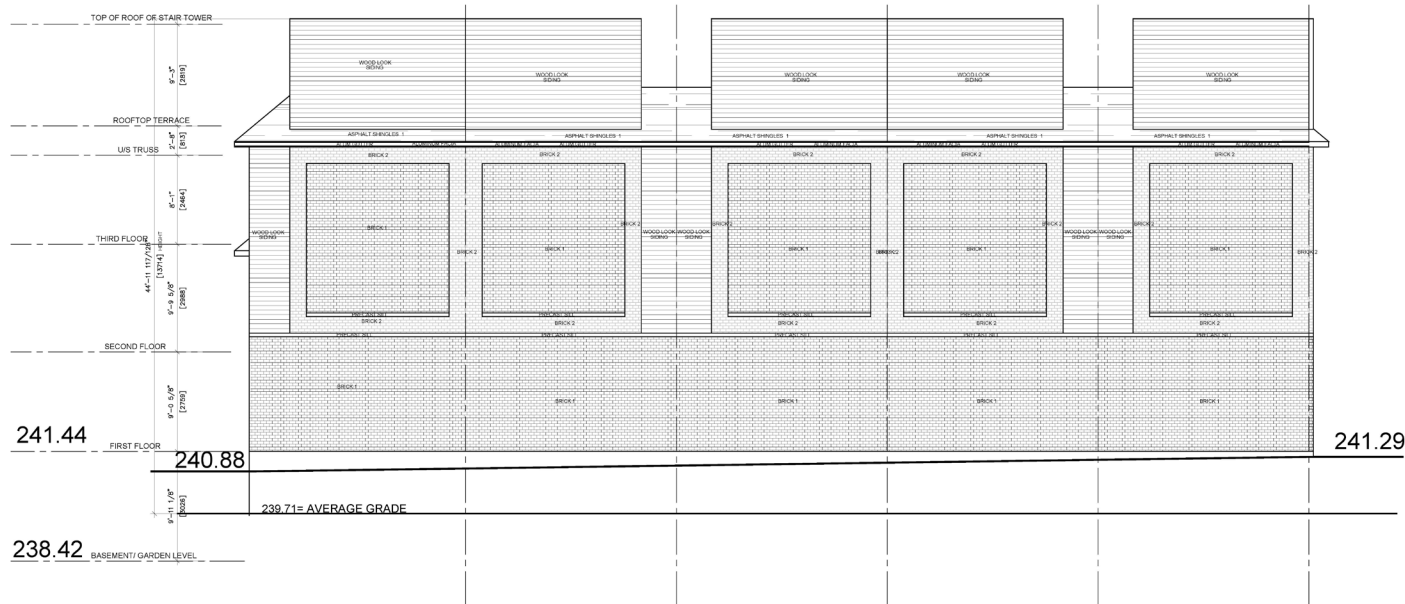
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ANCASTER, ONTARIO

DRAWING SHEET TITLE  
**BUILDING C  
SIDE ELEVATIONS**

DRAWING SCALE: PROJECT NUMBER:  
**20055**

DRAWN BY: CHECKED BY: DRAWING SHEET NUMBER:  
**A17**

DRAWING YEAR/NO.: PLOT DATE:  
February 28, 2023



CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND JOB CONDITIONS BEFORE PROCEEDING WITH WORK

ALL DRAWINGS MAY BE SUBJECT TO CHANGE DUE TO COMMENTS FROM MUNICIPAL DEPARTMENTS AND OTHER AGENCIES WITH JURISDICTION

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KEY TO DETAIL LOCATION

| No. | DETAIL NUMBER | DATE | BY |
|-----|---------------|------|----|
| 1   | 2005.11.25    | WH   |    |
| 2   | 2005.11.25    | WH   |    |
| 3   | 2005.11.25    | WH   |    |
| 4   | 2005.11.25    | WH   |    |
| 5   | 2005.11.25    | WH   |    |
| 6   | 2005.11.25    | WH   |    |
| 7   | 2005.11.25    | WH   |    |
| 8   | 2005.11.25    | WH   |    |
| 9   | 2005.11.25    | WH   |    |
| 10  | 2005.11.25    | WH   |    |
| 11  | 2005.11.25    | WH   |    |
| 12  | 2005.11.25    | WH   |    |
| 13  | 2005.11.25    | WH   |    |

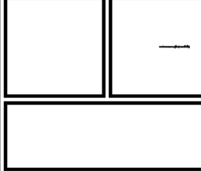
ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED

| REVISIONS TO DRAWING | No. | DATE (DD MM YY) | BY |
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DRAWING SHEET TITLE  
**BUILDING C REAR ELEVATION**

|                                 |                                     |
|---------------------------------|-------------------------------------|
| DRAWING SCALE:                  | PROJECT NUMBER:<br><b>20055</b>     |
| DRAWN BY:                       | CHECKED BY:                         |
| DRAWING YEAR/NO.:               | DRAWING SHEET NUMBER:<br><b>A18</b> |
| PLOT DATE:<br>February 28, 2023 |                                     |

**1**  
A20 BUILDING C: REAR ELEVATION  
3/16"=1'-0"



1 BUILDING D: FRONT ELEVATION  
A25 3/16"=1'-0"

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KEY TO DETAIL LOCATION

| No. | DETAIL NUMBER        | DATE | BY |
|-----|----------------------|------|----|
| No. | DRAWING SHEET NUMBER |      |    |

| DRAWING SETS ISSUED              | No. | DATE       | BY |
|----------------------------------|-----|------------|----|
| FOR ARCH.                        | 1   | 2023.11.28 | WH |
| FOR REVIEW UNDERLAY              | 2   | 2023.01.30 | WH |
| FOR PLANNING DESIGN MEETINGS     | 3   | 2023.02.21 | WH |
| FOR TRANSPORTATION PER LANDSCAPE | 4   | 2023.04.12 | WH |
| FOR TO WALK CLOS.                | 4   | 2023.05.28 | WH |
| Asisted zoning chart             | 5   | 2023.05.27 | WH |
| SWEEP OF ALL SCHEME              | 6   | 2023.06.28 | WH |
| SWEEP OF ALL SCHEME              | 7   | 2023.08.08 | WH |
| ALL SCHEME WITH ZONING CHART     | 7   | 2023.03.24 | WH |
| FOR CITY COMMITTEE               | 8   | 2023.03.22 | WH |
| GRADING COMMENTS                 | 9   | 2023.11.09 | WH |
| LANDSCAPE COMMENTS               | 10  | 2023.11.29 | WH |
| ZONING COMMENTS                  | 11  | 2023.01.31 | WH |
| LANDSCAPE COMMENTS               | 12  | 2023.01.24 | WH |
| SUBMISSION                       | 13  | 2023.03.28 | WH |

ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED

| REVISIONS TO DRAWING | No. | DATE       | BY |
|----------------------|-----|------------|----|
|                      |     | (DD MM YY) |    |

BUILDING PERMIT NUMBER:  
NOT FOR CONSTRUCTION WITHOUT PERMIT

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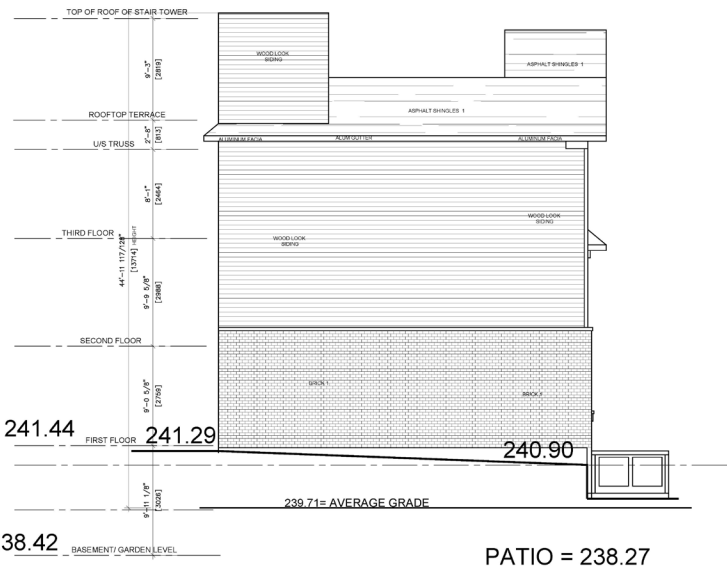
DRAWING SHEET TITLE  
**BUILDING D  
FRONT ELEVATION**

DRAWING SCALE: PROJECT NUMBER:  
**20055**

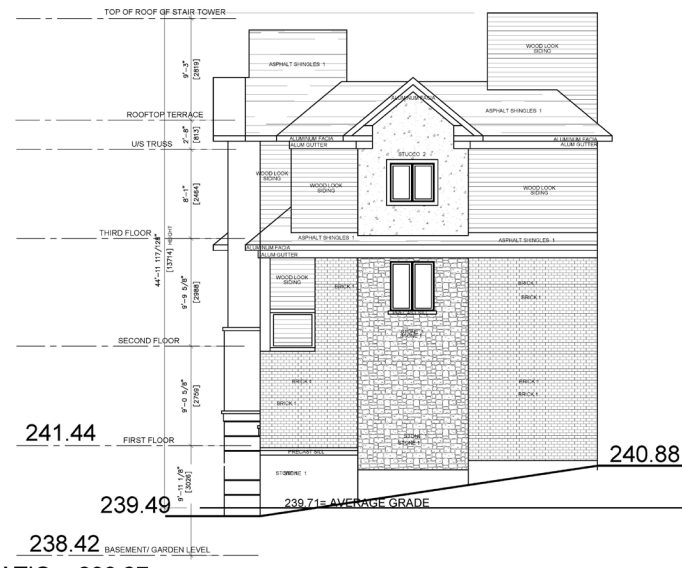
DRAWN BY: CHECKED BY: DRAWING SHEET NUMBER:  
**A22**

DRAWING YEAR: PLOT DATE:  
February 28, 2023





2 BUILDING D: LEFT ELEVATION  
A28 3/16"=1'-0"



1 BUILDING D: RIGHT ELEVATION  
A28 3/16"=1'-0"

CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND JOB CONDITIONS BEFORE PROCEEDING WITH WORK.

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KEY TO DETAIL LOCATION

|     |                      |
|-----|----------------------|
| No. | DETAIL NUMBER        |
| No. | DRAWING SHEET NUMBER |

| DRAWING SETS ISSUED            | No. | DATE       | BY |
|--------------------------------|-----|------------|----|
| FOR ARCH.                      | 1   | 2023.11.28 | WH |
| FIELD SURVEY UNDERLAY          | 2   | 2023.01.16 | WH |
| FIELD SURVEY DESIGN MEETINGS   | 3   | 2023.02.21 | WH |
| MOVE TRANSFORMER PER LANDSCAPE | 4   | 2023.04.12 | WH |
| RESPONSE TO INQUIRY            | 4   | 2023.05.28 | WH |
| Revised zoning chart           | 5   | 2023.05.27 | WH |
| SHEET OF ALL SCHEMES           | 6   | 2023.06.28 | WH |
| SHEET OF ALL SCHEMES           | 7   | 2023.06.28 | WH |
| ALL SCHEMES WITH ZONING CHART  | 7   | 2023.03.24 | WH |
| FOR CITY COMMITTEE             | 8   | 2023.05.15 | WH |
| GRADING COMMENTS               | 9   | 2023.11.09 | WH |
| GRADING COMMENTS               | 10  | 2023.11.29 | WH |
| ZONING COMMENTS                | 11  | 2023.01.31 | WH |
| LANDSCAPE COMMENTS             | 12  | 2023.01.24 | WH |
| SUBMISSION                     | 13  | 2023.03.28 | WH |

ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED.

| REVISIONS TO DRAWING | No. | DATE (DD MM YY) | BY |
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BUILDING PERMIT NUMBER:  
NOT FOR CONSTRUCTION WITHOUT PERMIT

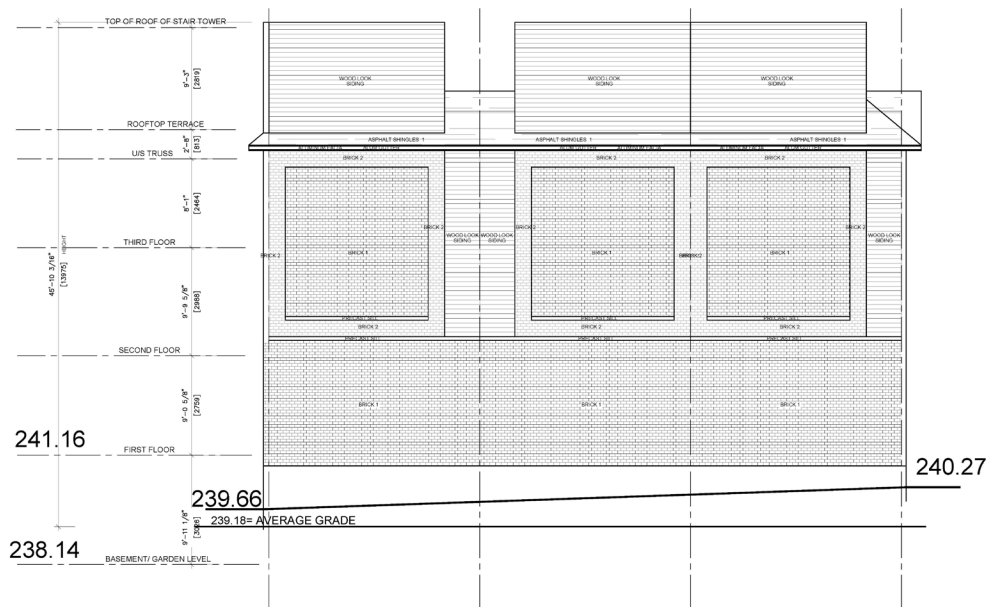
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M.D. DEVELOPMENTS  
487 SHAVER ROAD  
ANCASTER, ONTARIO

DRAWING SHEET TITLE  
**BUILDING D  
SIDE ELEVATIONS**

|                                 |                                     |
|---------------------------------|-------------------------------------|
| DRAWING SCALE:                  | PROJECT NUMBER:<br><b>20055</b>     |
| DRAWN BY:                       | CHECKED BY:                         |
| DRAWING YEAR/NO.:               | DRAWING SHEET NUMBER:<br><b>A23</b> |
| PLOT DATE:<br>February 28, 2023 |                                     |



1 BUILDING D: REAR ELEVATION  
A20 3/8"=1'-0"

CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND JOB CONDITIONS BEFORE PROCEEDING WITH WORK.

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KEY TO DETAIL LOCATION  
No. DETAIL NUMBER  
No. DRAWING SHEET NUMBER

| DRAWING SETS ISSUED                 | No. | DATE (YY MM DD) | BY |
|-------------------------------------|-----|-----------------|----|
| FOR ARCH.                           | 1   | 2023.11.28      | WH |
| FIELD SURVEY UNDERLAY               | 2   | 2023.01.16      | WH |
| FIELD SURVEY DESIGN MEETINGS        | 3   | 2023.02.21      | WH |
| NOISE TRANSFER FORMER PER LANDSCAPE | 4   | 2023.04.12      | WH |
| PROPS TO WALL CHART                 | 5   | 2023.05.28      | WH |
| Asphalt paving chart                | 6   | 2023.05.27      | WH |
| PLAN OF ALL SCHEME                  | 8   | 2023.06.28      | WH |
| SCHEM OF ALL SCHEME                 | 7   | 2023.06.28      | WH |
| ALL SCHEM WITH ZONING CHART         | 7   | 2023.03.24      | WH |
| FOR CITY COMMITTEE                  | 8   | 2023.05.02      | WH |
| GRADING COMMENTS                    | 9   | 2023.11.09      | WH |
| GRADING LOCATIONS                   | 10  | 2023.11.28      | WH |
| ZONING COMMENTS                     | 11  | 2023.01.31      | WH |
| LANDSCAPE COMMENTS                  | 12  | 2023.01.31      | WH |
| SUBMISSION                          | 13  | 2023.06.28      | WH |

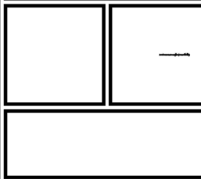
ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED.

| REVISIONS TO DRAWING | No. | DATE (DD MM YY) | BY |
|----------------------|-----|-----------------|----|
|                      |     |                 |    |
|                      |     |                 |    |
|                      |     |                 |    |
|                      |     |                 |    |
|                      |     |                 |    |

BUILDING PERMIT NUMBER:  
NOT FOR CONSTRUCTION WITHOUT PERMIT

**KNYMH**  
ARCHITECTURE • SOLUTIONS

KNYMH INC.  
1006 SKYVIEW DRIVE • SUITE 101  
BURLINGTON, ONTARIO • L7P 0W1  
T 905-639-6595  
F 905-639-6594  
www.knymh.com info@knymh.com



M.D. DEVELOPMENTS  
487 SHAVER ROAD  
ANCASTER, ONTARIO

DRAWING SHEET TITLE  
BUILDING D  
REAR ELEVATION

DRAWING SCALE: PROJECT NUMBER:  
20055

DRAWN BY: CHECKED BY: DRAWING SHEET NUMBER:  
A24

DRAWING VERSION: PLOT DATE:  
February 28, 2023

**Appendix "C" to Report PED23089(a)**  
**Page 1 of 13**

Barristers &amp; Solicitors

**WeirFoulds**<sup>LLP</sup>

July 13, 2023

**Denise Baker**  
 Managing Partner  
 t. 416-947-5090  
 dbaker@weirfoulds.com

Via Email &amp; Courier

File

City of Hamilton  
 Office of the City Clerk  
 71 Main Street West, 1<sup>st</sup> Floor  
 Hamilton, Ontario L8P 4Y5

Attention: Andrea Holland, City Clerk

Dear Ms. Holland:

**RE: Notice of Appeal pursuant to 22(7) and 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13  
 487 Shaver Road, Hamilton**

---

We are the solicitors for Shaver Road M.D. Holdings Inc. ("**Client**"), owner of lands located at 487 Shaver Road in the City of Hamilton (the "**Subject Site**").

On November 17, 2021 the City of Hamilton (the "**City**") deemed our Client's applications for an official plan amendment ("**OPA**") and zoning by-law amendment ("**ZBA**") for the Subject Site to be complete. As more than 120 days have passed since the applications were deemed complete and City Council has failed to make a decision on the OPA and ZBA (collectively, the "**Applications**"), our Client hereby appeals the Applications to the Ontario Land Tribunal ("**OLT**" or "**Tribunal**") pursuant to subsection 22(7) and 34 (11) of the *Planning Act*, R.S.O. 1990, c. P.13, (the "**Act**").

## Background

### The Proposal

The OPA and ZBA are being requested to facilitate the redevelopment of the Subject Site for residential purposes comprised of four (4) townhouse blocks including 36 units and 45 surface parking spaces at a density of 81 units per hectare.

### Subject Site and Surrounding Area

The Subject Site is located on the east side of Shaver Road with an approximate area of 0.45 hectares and a frontage of 30.4 metres. Access is currently provided from a gravel drive off of Shaver Road.

The Site is currently occupied by several buildings, including a commercial garage facility located on the eastern portion of the site.

The surrounding uses are characterized as follows:

- North:** A 2-storey townhouse complex named "Westbrooke Valley" is located immediately to the north (see Image B and C), which includes the Shaver Estates Park.
- East:** The City of Hamilton Works (Ancaster) Operations Yard is located immediately to the east and south. Further east is a naturalized creek area and a residential subdivision consisting of single-detached dwellings.
- South:** The City of Hamilton Works (Ancaster) Operations Yard is located immediately to the south. Further south is a vacant site currently being redeveloped for a 24 unit block townhouse development. In addition, a recently built 3-storey townhouse development is located along Garner Road West.
- West:** Across Shaver Road, on the west side of the street is large commercial

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WeirFoulds<sup>LLP</sup>

shopping area hosting a variety of retail stores, restaurants, medical clinics, and big-box style department stores providing for the daily grocery and shopping needs of the local neighbourhood and wider area.

### **The Applications**

An amendment to the Urban Hamilton Official Plan is required to redesignate the Site from "Medium Density Residential 2a" to Medium Density Residential 2b" to establish a Site-Specific Policy to permit four-storey residential buildings at a density of 81 units per hectare. An amendment to Zoning By-law 87-57 (Ancaster) is required to rezone the Site from the Rural Commercial "C5-242" Zone, to a modified Residential Multiple "RM5-\_\_" Zone to permit 36 stacked townhouses (multi-plex dwellings) including site specific regulations to accommodate the Site configuration illustrated in the Site Plan Concept dated February 23, 2023.

### **Reasons for Appeal**

In addition to City Council's failure to make a decision on the Applications within the statutory timeframe, our Client is appealing the Applications for the following reasons:

1. The Applications have had regard to matters of Provincial interest as set out in section 2 of the Act, are consistent with the Provincial Policy Statement and conform to the Growth Plan. Specifically, the Subject Site is an appropriate location for growth and development as it is currently an underutilized property located within Hamilton's Urban Boundary and along a collector road in close proximity to commercial amenities, recreation, and community facilities and in an area with available transit, include future frequent rapid transit.
2. The proposed development represents a cost-effective development pattern as it utilizes municipal water and wastewater services. The Proposed development represents a compact form that efficiently uses land, resources and infrastructure.
3. A series of detailed technical studies have been completed and were submitted with the Applications. All of these studies support approval of the Applications.

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4. But for the UHOP amendment to redesignate the Site from "Medium Density Residential 2a" to Medium Density Residential 2b", the Applications otherwise meet the intent of the goals, objectives and policies of UHOP.
5. There are no unacceptable adverse impacts resulting from the proposed development to any of the surrounding properties and improves a current underutilized site.
6. The proposed development meets the test of good planning and is in the public interest.
7. Such further and other reasons as counsel may advise and the OLT may permit.

**Filing Requirements**

Enclosed with this Notice of Appeal are the following requisite documents:

1. A completed OLT Appeal Form (A1) for the appeal of the Applications;
2. Two firm cheques, each in the amount of \$1,100.00, payable to the Minister of Finance, representing the filing fees associated with the processing of the appeal of the Applications.

Kindly acknowledge receipt of this Notice of Appeal together with its enclosures and advise when the appeal has been forwarded to the OLT.

Thank you for your attention to this matter. Should you have any questions or require further information, please do not hesitate to contact the undersigned.

**WeirFoulds**LLP

Barristers & Solicitors

Yours truly,

**WeirFoulds LLP**

A handwritten signature in black ink, appearing to read "DBaker".

Per: Denise Baker  
Managing Partner

**Appendix "C" to Report PED23089(a)**  
**Page 6 of 13**



## Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5

Tel: 416-212-6349 | 1-866-448-2248

Web Site: olt.gov.on.ca

## Appeal Form (A1)

**Date Stamp**

(OLT Office Use Only)

**OLT Case Number**  
(OLT Office Use Only)

**Date Stamp – Appeal Received  
by OLT**

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

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

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

### Section 1 – Contact Information (Mandatory)

| Applicant/Appellant/Objector/Claimant Information  |                |                    |                               |                     |
|--|----------------|--------------------|-------------------------------|---------------------|
| Last Name:   |                | First Name:        |                               |                     |
| Hakimi   |                | Hamid              |                               |                     |
| Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation): |                |                    |                               |                     |
| Shaver Road M.D. Holdings Inc.   |                |                    |                               |                     |
| Email Address:   |                |                    |                               |                     |
| marko@brooklyncontract.com   |                |                    |                               |                     |
| Daytime Telephone Number:  |                |                    | Alternative Telephone Number: |                     |
| 289 812 7234 x210  |                |                    | ext. _____                    |                     |
| Mailing Address  |                |                    |                               |                     |
| Unit Number:   | Street Number: | Street Name:       |                               | P.O. Box:           |
| 101  | 3410           | South Service Road |                               |                     |
| City/Town: Burlington  |                | Province: ON       | Country: Canada               | Postal Code: L7N3T2 |
|  |                |                    |                               |                     |



## Appendix “C” to Report PED23089(a) Page 7 of 13

| Representative Information   |  |  |                                    |
|--|--|--|------------------------------------|
| <input type="checkbox"/> I hereby authorize the named company and/or individual(s) to represent me   |  |  |                                    |
| Last Name:   |  | First Name:                              |                                    |
| Baker  |  | Denise                                   |                                    |
| Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):   |  |  |                                    |
| WeirFouds LLP  |  |  |                                    |
| Email Address:   |  |  |                                    |
| dbaker@weirfoulds.com  |  |  |                                    |
| Daytime Telephone Number:  |  | Alternative Telephone Number:            |                                    |
| 416-947-5090   |  |  |                                    |
|  |  | ext.                                     |                                    |
| Mailing Address  |  |  |                                    |
| Unit Number:   | Street Number:   | Street Name:                             | P.O. Box:                          |
| 4100   | 66   | Wellington Street West                   | 35                                 |
| City/Town: Toronto   |  | Province: ON                             | Country: Canada                    |
|  |  |  | Postal Code: M5K1B7                |
| <b>Note:</b> If your representative is not licensed under the <i>Law Society Act</i> , please confirm that they have your written authorization, as required by the OLT <i>Rules of Practice and Procedure</i> , to act on your behalf and that they are also exempt under the Law Society’s by-laws to provide legal services. Please confirm this by checking the box below.   |  |  |                                    |
| <input type="checkbox"/> I certify that I understand that my representative is not licensed under the <i>Law Society Act</i> and I have provided my written authorization to my representative to act on my behalf with respect to this matter. I understand that my representative may be asked to produce this authorization at any time along with confirmation of their exemption under the Law Society’s by-laws to provide legal services. |  |  |                                    |
| Location Information   |  |  |                                    |
| Are you the current owner of the subject property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   |  |  |                                    |
| Address and/or Legal Description of property subject to the appeal:  |  |  |                                    |
| 487 Shaver Road, Hamilton  |  |  |                                    |
| Municipality:  |  |  |                                    |
|  |  |  |                                    |
| Upper Tier (Example: county, district, region):  |  |  |                                    |
|  |  |  |                                    |
| Language Requirements  |  |  |                                    |
| Do you require services in French? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   |  |  |                                    |
| To file an appeal, please complete the section below. Complete one line for each appeal type   |  |  |                                    |
| Subject of Appeal  |  | Type of Appeal<br>(Act/Legislation Name) | Reference<br>(Section Number)      |
| Example    Minor Variance  |  | <i>Planning Act</i>                      | 45(12)                             |
| 1  | Official Plan Amendment  | Planning Act                             | 22(7)                              |
| 2  | Zoning By-law Amendment  | Planning Act                             | 34(11)                             |
| 3  |  |  |                                    |
| 4  |  |  |                                    |
| 5  |  |  |                                    |
| Section 2 – Appeal Type (Mandatory)  |  |  |                                    |
| Please select the applicable type of matter  |  |  |                                    |
| Select   | Legislation associated with your matter  |  | Complete Only the Section(s) Below |
| <input type="checkbox"/>   | Appeal of <i>Planning Act</i> matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances |  | 3A                                 |

**Appendix "C" to Report PED23089(a)**  
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|                          |   |                                       |
|--------------------------|---|---------------------------------------|
| <input type="checkbox"/> | Appeal of <i>Development Charges, Education Act, Aggregate Resources Act, Municipal Act</i> matters   | 3A                                    |
| <input type="checkbox"/> | Appeal of or objection to <i>Ontario Heritage Act</i> matters under subsections 29, 30.1, 31, 32, 33, 40.1 and 41   | 3A                                    |
| <input type="checkbox"/> | Appeal of <i>Planning Act</i> (subsections 33(4), 33(10), 33(15), 36(3)), <i>Municipal Act</i> (subsection 223(4)), <i>City of Toronto Act</i> (subsection 129(4)) and <i>Ontario Heritage Act</i> (subsections 34.1(1), 42(6)) matters                                     | 3A & 3B                               |
| <input type="checkbox"/> | Appeal of <i>Clean Water Act, Environmental Protection Act, Nutrient Management Act, Ontario Water Resources Act, Pesticides Act, Resource Recovery and Circular Economy Act, Safe Drinking Water Act, Toxics Reduction Act, and Waste Diversion Transition Act</i> matters | 4A                                    |
| <input type="checkbox"/> | Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i>   | 4B                                    |
| <input type="checkbox"/> | Appeal under the <i>Niagara Escarpment Planning and Development Act (NEPDA)</i>   | 5                                     |
| <input type="checkbox"/> | Appeal of <i>Conservation Authorities Act, Mining Act, Lakes and Rivers Improvement Act, Assessment Act, and Oil, Gas and Salt Resources Act</i> matters  | 6                                     |
| <input type="checkbox"/> | Legislation not listed above  | Contact OLT before filing your appeal |

### Section 3A – Planning Matters

|   |  |
|---|--|
| <b>Appeal Reasons and Specific Information</b>  |  |
| Number of new residential units proposed: 36  |  |
| Municipal Reference Number(s):  |  |
| List the reasons for your appeal:   |  |
| <p>Please see attached correspondence</p>   |  |
| Has a public meeting been held by the municipality?      X Yes <input type="checkbox"/> No  |  |
| For appeals of Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, please indicate if you will rely on one or more of the following grounds: |  |
| A: A decision of a Council or Approval Authority is:  |  |
| <input type="checkbox"/> Inconsistent with the Provincial Policy Statement issued under subsection 3(1) of the <i>Planning Act</i>  |  |
| <input type="checkbox"/> Fails to conform with or conflicts with a provincial plan  |  |
| <input type="checkbox"/> Fails to conform with an applicable Official Plan  |  |
| <b>And</b>  |  |
| B: For a non-decision or decision to refuse by council:   |  |
| X Consistency with the provincial policy statement, issued under subsection 3(1) of the <i>Planning Act</i>   |  |
| X Conformity with a provincial plan   |  |
| X Conformity with the upper-tier municipality's Official Plan or an applicable Official Plan  |  |

**Appendix "C" to Report PED23089(a)**  
**Page 9 of 13**

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

Please see attached correspondence

**Oral/Written submissions to council**

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

Oral submissions at a public meeting of council

Written submissions to council

Not applicable

**Related Matters**

Are there other appeals not yet filed with the Municipality?

Yes  No

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

Yes  No

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

**Section 3B – Other Planning Matters**

**Appeal Specific Information (Continued)**

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

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

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

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

**Section 4A – Appeals under Environmental Legislation**

**Appeal Specific Information**

Outline the grounds for the appeal and the relief requested:

Reference Number of the decision under appeal:

**Appendix “C” to Report PED23089(a)**  
**Page 10 of 13**

|  |  |
|--|--|
| Portions of the decision in dispute:   |  |
|  |  |
| Date of receipt of Decision or Director's Order (yyyy/mm/dd):  |  |
|  |  |
| Applying for Stay? <input type="checkbox"/> Yes <input type="checkbox"/> No  |  |
| If Yes, outline the reasons for requesting a stay: (Tribunal's Guide to Stays can be viewed <a href="#">here</a> )   |  |
|  |  |
| There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the <a href="#">Section 4A Checklist(s)</a> located <a href="#">here</a> and submit all documents listed on the checklist.   |  |
| <b>Section 4B – Environmental Application for Leave to Appeal</b>  |  |
| Are you filing an Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i> ? <input type="checkbox"/> Yes <input type="checkbox"/> No   |  |
| Identify the portions of the instrument you are seeking to appeal:   |  |
|  |  |
| Identify the grounds you are relying on for leave to appeal. Your grounds should include reasons why there is good reason to believe that no reasonable person, having regard to the relevant law and to any government policies developed to guide decisions of that kind could have made the decision; and why the decision could result in significant harm to the environment: |  |
|  |  |
| Outline the relief requested:  |  |
|  |  |
| There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the <a href="#">Section 4B Checklist(s)</a> located <a href="#">here</a> and submit all documents listed on the checklist.   |  |

**Appendix “C” to Report PED23089(a)**  
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**Section 5 – Appeal regarding Development Permit Application under the *Niagara Escarpment Planning and Development Act***

| Appeal Specific Information  |  |
|--|--|
| Development Permit Application File No:  |  |
| Address or legal description of the subject property:  |  |
| Reasons for Appeal: Outline the nature and reasons for your appeal. Specific planning, environmental and/or other reasons are required. (The Niagara Escarpment Plan is available on the Niagara Escarpment Commission's website ( <a href="http://www.escarpment.org">www.escarpment.org</a> )) |  |
|  |  |

**Section 6 – Mining Claim and Conservation Matters**

| Appeal Specific Information  |  |
|--|--|
| List the subject Mining Claim Number(s) (for unpatented mining claims) and accompanying Townships, Areas and Mining Division(s) where mining claims are situated. List all “Filed Only” Mining Claims, if appropriate: (This is to be completed for <i>Mining Act</i> appeals only.) |  |
|  |  |
| List the Parcel and the Property Identifier Numbers (PIN), if rents or taxes apply to mining lands, if appropriate (mining claims only):   |  |
|  |  |
| Provide the date of the Decision of the Conservation Authority or the Provincial Mining Recorder, as appropriate:  |  |
|  |  |
| Provide a brief outline of the reasons for your application/appeal/review. If other lands/owners are affected, please include that information in the outline being provided below:  |  |
|  |  |

| Respondent Information    |      |                               |
|---------------------------|------|-------------------------------|
| Conservation Authority:   |      |                               |
|                           |      |                               |
| Contact Person:           |      |                               |
|                           |      |                               |
| Email Address:            |      |                               |
|                           |      |                               |
| Daytime Telephone Number: |      | Alternative Telephone Number: |
|                           | ext. |                               |


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**Page 12 of 13**

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

### Section 7 – Filing Fee

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

### Section 8 – Declaration (Mandatory)

|   |   |                          |
|---|---|--------------------------|
| <b>Declaration</b>  |   |                          |
| I solemnly declare that all the statements and the information provided, as well as any supporting documents, are true, correct and complete.   |   |                          |
| By signing this appeal form below, I consent to the collection of my personal information.  |   |                          |
| <b>Name of Appellant/Representative</b>   | <b>Signature of Appellant/Representative</b>  | <b>Date (yyyy/mm/dd)</b> |
| Denise Baker  |  | 2003/07/13               |
| Personal information or documentation requested on this form is collected under the authority of the <i>Ontario Land Tribunal Act</i> and the legislation under which the proceeding is commenced. All information collected is included in the Ontario Land Tribunal (OLT) case file and the public record in this proceeding. In accordance with the <i>Freedom of Information and Protection of Privacy Act</i> and section 9 of the <i>Statutory Powers Procedure Act</i> , all information collected is available to the public subject to limited exceptions. |   |                          |
| We are committed to providing services as set out in the <i>Accessibility for Ontarians with Disabilities Act, 2005</i> . If you have any accessibility needs, please contact our Accessibility Coordinator at <a href="mailto:OLT.Coordinator@ontario.ca">OLT.Coordinator@ontario.ca</a> or toll free at 1-866-448-2248 as soon as possible.   |   |                          |

### Section 9 – Filing Checklists (Mandatory)

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

**Appendix “C” to Report PED23089(a)**  
**Page 13 of 13**

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

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

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



# INFORMATION REPORT

|                           |   |
|---------------------------|---|
| <b>TO:</b>                | Chair and Members<br>Planning Committee   |
| <b>COMMITTEE DATE:</b>    | September 5, 2023   |
| <b>SUBJECT/REPORT NO:</b> | Appeal of Zoning By-law Amendment Application ZAC-21-027 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 140 and 164 Sulphur Springs Road, Ancaster (PED23184) (Ward 12) |
| <b>WARD(S) AFFECTED:</b>  | Ward 12   |
| <b>PREPARED BY:</b>       | Michael Fiorino (905) 546-2424 Ext. 4424  |
| <b>SUBMITTED BY:</b>      | Steve Robichaud<br>Director, Planning and Chief Planner<br>Planning and Economic Development Department   |
| <b>SIGNATURE:</b>         |   |

## COUNCIL DIRECTION

In accordance with Subsections 22(7) and 34(11) of the *Planning Act*, a Zoning By-law Amendment application may be appealed to the Ontario Land Tribunal after 90 days if Council has not made a decision on the application.

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

The following information is provided for Planning Committee's information with regards to Zoning By-law Amendment application ZAC-21-027, which has been appealed for non-decision.

## INFORMATION

The subject property is municipally known as 140 and 164 Sulphur Springs Road (refer to Appendix "A" attached to Report PED23184). The Applicant, Ed Fothergill Planning &

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

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

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



**SUBJECT: Appeal of Zoning By-law Amendment Application ZAC-21-027 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 140 and 164 Sulphur Springs Road, Ancaster (PED23184) (Ward 12) - Page 2 of 3**

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Development Inc. on behalf of Ahmed Bilal, applied for a Zoning By-law Amendment (ZAC-21-027) to permit six residential lots for single detached dwellings at 140 and 164 Sulphur Springs Road. The proposed lots located at 140 Sulphur Springs Road is proposed to have access via a private condominium roadway and the proposed lot at 164 Sulphur Spring Road would retain the existing driveway.

The subject lands have a total area of approximately 4.3 ha, are irregular in shape, and are located on the south side of Sulphur Springs Road (refer to Appendix “A” attached to Report PED23184). The subject lands at 140 and 164 Sulphur Springs Road, each contain a single detached dwelling. The existing dwelling at 140 Sulphur Springs Road would be demolished to facilitate the proposal and the existing dwelling at 164 Sulphur Spring Road would be retained (refer to Appendix “B” attached to Report PED23184).

The Zoning By-law Amendment application was received on July 5, 2021 and was deemed complete on July 9, 2021.

The appeal of the Zoning By-law Amendment, filed by Goodmans LLP c/o David Bronskill on behalf of Ahmed Bilal was received by the City’s Clerk Office on June 29, 2023, 725 days after the receipt of the initial application (refer to Appendix “C” attached to Report PED23184).

### **Zoning By-law Amendment Application**

The subject property is currently zoned Deferred Development “D” on Schedule “A” in the Ancaster Zoning By-law No. 87-57, as shown on Appendix “A” attached to Report PED23184.

The Zoning By-law Amendment application is to change the zoning from Deferred Development “D” Zone to Residential “R1” Zone in the Town of Ancaster Zoning By-law No. 87-57 to permit the development of six residential lots. Modifications to the Residential “R1” Zone were not proposed with this application; however, a number of site specific modifications would be required to implement the proposed single detached dwellings, including:

- Reductions to the maximum lot coverage requirements;
- Reductions to the minimum front yard requirements;
- Reductions to the minimum rear yard requirements; and,
- Modification to the provision for direct access to parking (existing easement in place).

**SUBJECT: Appeal of Zoning By-law Amendment Application ZAC-21-027 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 140 and 164 Sulphur Springs Road, Ancaster (PED23184) (Ward 12) - Page 3 of 3**

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Issues identified through the circulation include:

- Incomplete Environmental Impact Study that includes a revised design and measures to mitigate the impacts of the proposed development on the natural heritage features and their functions as per Urban Hamilton Official Plan Policies C.2.2.2, C.2.3, and C.2.11.1;
- Incomplete Tree Management Plan so to ensure that the trees are considered within the design of the site and determine alternative techniques for the retention and preservation of trees along the perimeter as per Urban Hamilton Official Plan Policy C.2.11.1; and,
- Incomplete draft amending Zoning By-law.

### **Public Consultation**

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation for the application was sent to 70 property owners within 120 metres of the subject lands on July 9, 2021.

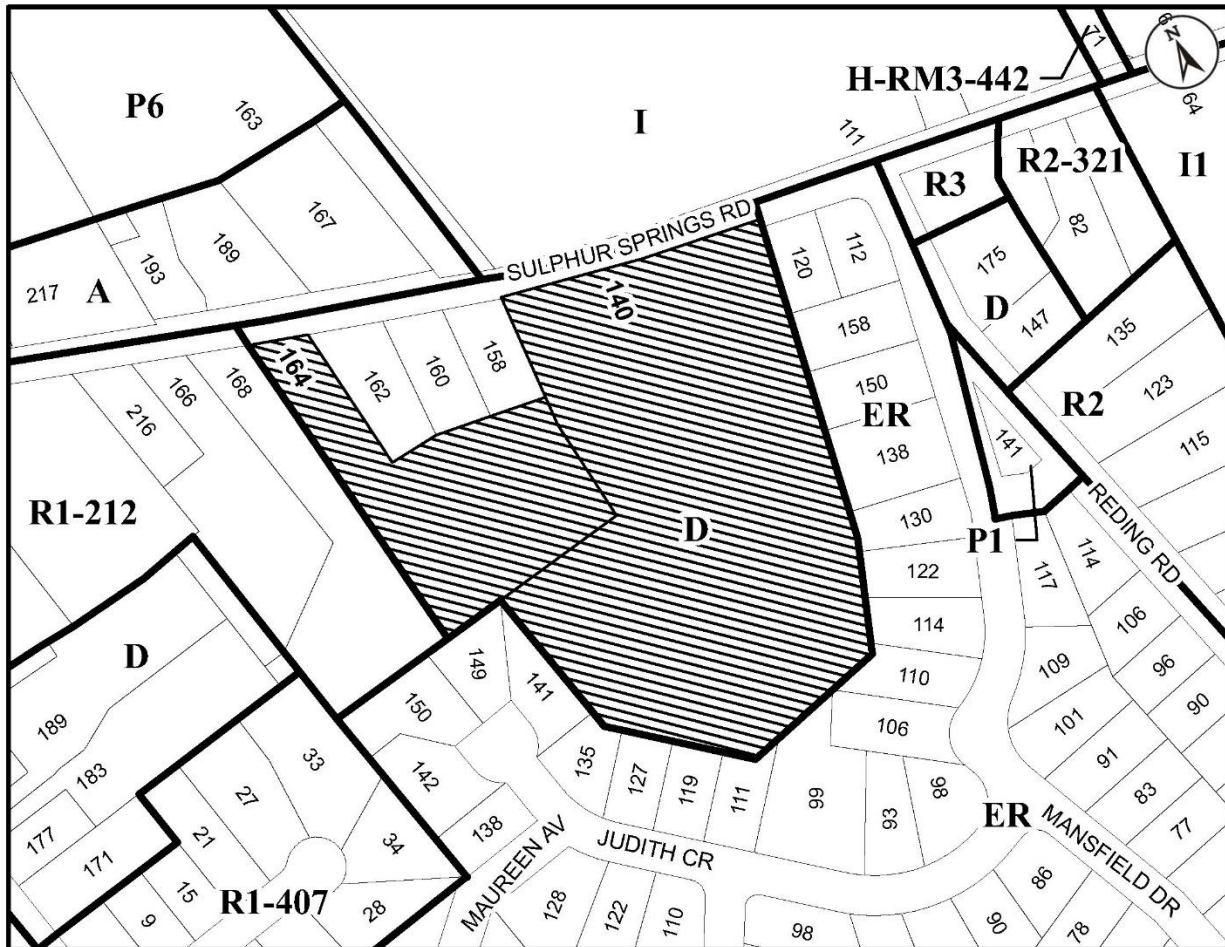
To date staff have received a total of seven written submissions by residents expressing concerns with the impact of the proposed development on the natural environment including the loss of mature vegetation (tree canopy) and habitat, slope stability, water runoff, loss of privacy, snow removal, property values, and noise.

The appeal of the application was received by the City Clerk's Office on June 29, 2023. 725 days after the receipt of the application (refer to Appendix "C" attached to Report PED23184).

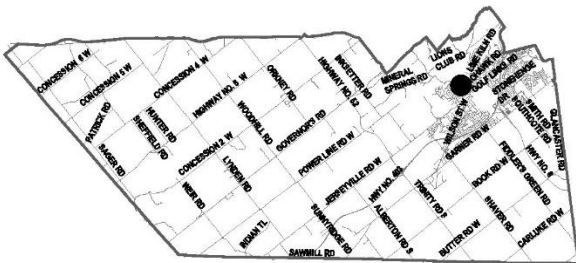
### **APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED23184 - Location Map  
Appendix "B" to Report PED23184 - Site Plan  
Appendix "C" to Report PED23184 - Letter of Appeal

MF:sd



● Site Location



Key Map - Ward 12

## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-21-027

Date:  
July 12, 2021

Appendix "A"

Scale:  
N.T.S

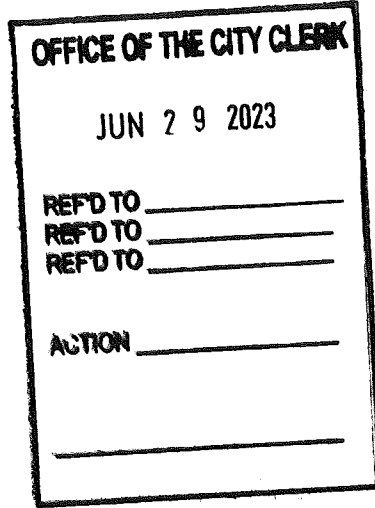
Planner/Technician:  
MA/VS

### Subject Property

 140 and 164 Sulphur Springs Road



**Goodmans** LLP



Barristers & Solicitors  
Bay Adelaide Centre  
333 Bay Street, Suite 3400  
Toronto, Ontario M5H 2S7  
Telephone: 416.979.2211  
Facsimile: 416.979.1234  
goodmans.ca

Direct Line: 416.597.4299  
dbronskill@goodmans.ca

June 28, 2023

Our File No.: 231477

**Delivered**

City of Hamilton  
City Hall  
71 Main Street West, 1<sup>st</sup> Floor  
Hamilton, ON L8P 4Y5

**Attention: Andrea Holland, City Clerk**

Dear Sirs/Mesdames:

**Re: 140 and 164 Sulphur Springs Road  
City of Hamilton File No. ZAC-21-027  
Appeal of Rezoning Application pursuant to subsections 22(7) and 34(11) of the  
*Planning Act***

We are solicitors for Ahmed Bilal in respect of the property known municipally in the City of Hamilton as 140 and 164 Sulphur Springs Road (the "**Properties**"). On June 15, 2021, after pre-consultation with City staff, our client filed a rezoning application for the Property (the "**Application**"), which the City of Hamilton (the "**City**") declared complete as of July 9, 2021.

We are writing on behalf of our client to appeal the Application to the Ontario Land Tribunal (the "**Tribunal**") pursuant to subsection 34(11) of the *Planning Act* for the failure of City Council to make a decision regarding the Application within the applicable statutory timeline.

**Background**

The Properties are located on the south side of Sulphur Springs Road in a transition area between the downtown urban core (550 metres to the east on Wilson Street) and low density residential areas to the north and west. Current use of the Properties are as two detached dwellings. Surrounding uses include single family subdivisions with lot frontages generally in the range of 25 metres to 38 metres, with an average frontage of 33.17 metres, and lot areas in the range of 1,000 square metres to 2,500 square metres, with an average of 1,488.32 square metres.

The Application proposes the demolition of the existing dwelling at 164 Sulphur Springs Road and construction of a new detached dwelling, retention of the existing dwelling at 140 Sulphur Springs Road, and the creation of four new residential lots for detached dwellings. The Planning Justification Report submitted in support of the Application provides more details of the proposal.

Implementation would proceed by way of a vacant land plan of condominium to secure access to and maintenance of the proposed access driveway and municipal services.

The Planning Justification Report also describes the surrounding context and policy context in more detail. At the Provincial level, the Application helps achieve objectives related to intensification in settlement areas while maintaining compatibility and appropriately protecting natural heritage systems. At the municipal level, the Application implements the residential intensification policies in the City of Hamilton Official Plan and conforming with the policies applicable to lands designated as *Neighbourhoods*. The Application is also supported by extensive technical reports. While the Application would remove a portion of the woodland on the Properties, extensive tree compensation planting and restoration activities are proposed to improve existing woodland quality and result in a functional increase of the woodland.

**Reasons for the Appeal**

Based on the materials submitted in support of the Application, including but not limited to the above-noted Planning Justification Report and technical reports, it is clear that the Application represents good planning and urban design. The proposal results in modest intensification in an appropriate location that is generally consistent with the form of residential development in the surrounding area. The Application is consistent with the Provincial Policy Statement, conforms with the Growth Plan for the Greater Golden Horseshoe, meets the intent and objectives of the Niagara Escarpment Plan, and conforms to the policies of the Urban Hamilton Official Plan.

However, the Application has not been advanced to approval by the City in a timely fashion. The Tribunal's assistance is required to avoid the potential for significant delay in the approval timeline. Despite the appeal, our client's goal would be to engage with the City and any stakeholders identified as part of the initial case management conference, including through mediation, to ensure that meaningful dialogue will continue in an effort to narrow and/or resolve issues with a desired goal of a settlement hearing.

Please find enclosed an appeal form, as well a cheque in the amount of \$1,100.00 payable to the Minister of Finance. Please do not hesitate to contact us if any further information is required.

Yours truly,

**Goodmans LLP**



David Bronskill  
DJB/  
Encl.



**Ontario Land Tribunal**

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5

Tel: 416-212-6349 | 1-866-448-2248

Web Site: olt.gov.on.ca

**Appeal Form (A1)**

**Municipal/Approval Authority Date Stamp**

**Receipt Number (OLT Office Use Only)**

**Date Stamp – Appeal Received by OLT**

**OLT Case Number (OLT Office Use Only)**

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

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

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

**Section 1 – Contact Information (Mandatory)**

**Applicant/Appellant/Objctor/Claimant Information**

Last Name:

First Name:

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

Email Address:

Daytime Telephone Number:  ext.

Alternative Telephone Number:

Mailing Address:

Unit Number:  Street Number:

Street Name:

P.O. Box:

City/Town:

Province:

Country:  Postal Code:

**Representative Information**

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

Last Name:

First Name:

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

Email Address(es):

Daytime Telephone Number:  ext.

Alternative Telephone Number:

**Mailing Address:**

Unit Number:  Street Number:

Street Name:

P.O. Box:

City/Town:

Province:

Country:  Postal Code:

**Note:** If your representative is not licensed under the *Law Society Act*, please confirm that they have your



written authorization, as required by the OLI *Rules of Practice and Procedure*, to act on your behalf and that they are also exempt under the Law Society's by-laws to provide legal services. Please confirm this by checking the box below.

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

**Location Information**

Are you the current owner of the subject property?

Yes  No

Address and/or Legal Description of property subject to the appeal:

140 and 164 Sulphur Springs Road

Municipality: Hamilton

Upper Tier (Example: county, district, region):

**Language Requirements**

Do you require services in French?

Yes  No

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

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

**Section 2 – Appeal Type (Mandatory)**

**Please select the applicable type of matter**

| Select                              | Legislation associated with your matter   | Complete Only the Section(s) Below    |
|-------------------------------------|---|---------------------------------------|
| <input checked="" type="checkbox"/> | Appeal of <i>Planning Act</i> matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severance   | 3A                                    |
| <input type="checkbox"/>            | Appeal of <i>Development Charges, Education Act, Aggregate Resources Act, Municipal Act</i> matters   | 3A                                    |
| <input type="checkbox"/>            | Appeal of or objection to <i>Ontario Heritage Act</i> matters under subsections 29, 30.1, 31, 32, 33, 40.1 and 41   | 3A                                    |
| <input type="checkbox"/>            | Appeal of <i>Planning Act</i> (subsections 33(4), 33(10), 33(15), 36(3)), <i>Municipal Act</i> (subsection 223(4)), <i>City of Toronto Act</i> (subsection 129(4)) and <i>Ontario Heritage Act</i> (subsections 34.1(1), 42(6)) matters                                     | 3A & 3B                               |
| <input type="checkbox"/>            | Appeal of <i>Clean Water Act, Environmental Protection Act, Nutrient Management Act, Ontario Water Resources Act, Pesticides Act, Resource Recovery and Circular Economy Act, Safe Drinking Water Act, Toxics Reduction Act, and Waste Diversion Transition Act</i> matters | 4A                                    |
| <input type="checkbox"/>            | Application for Leave to Appeal under the <i>Environmental Bill of Right</i>  | 4B                                    |
| <input type="checkbox"/>            | Appeal under the <i>Niagara Escarpment Planning and Development Act (NEPDA)</i>   | 5                                     |
| <input type="checkbox"/>            | Appeal of <i>Conservation Authorities Act, Mining Act, Lakes and Rivers Improvement Act, Assessment Act, and Oil, Gas and Salt Resources Act</i> matters  | 6                                     |
| <input type="checkbox"/>            | Legislation not listed above  | Contact OLT before filing your appeal |

**Section 3A – Planning Matters**

**Appeal Reasons and Specific Information**

Number of new residential units proposed:

Municipal Reference Number(s):

List the reasons for your appeal:

Please see the covering letter attached.

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

Has a public meeting been held by the municipality?  YES  NO

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

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

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

**And**

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

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

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

Please see the covering letter attached.

**Oral/Written submissions to council**

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

- Oral submissions at a public meeting of council
- Written submissions to council
- Not applicable

**Related Matters**

Are there other appeals not yet filed with the Municipality?  Yes  No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application).  Yes  No

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

related matters:

**Section 3B – Other Planning Matters**

**Appeal Specific Information (Continued)**

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

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

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

Please see the covering letter attached.

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

**Section 4A – Appeals under Environmental Legislation**

**Appeal Specific Information (Continued)**

Outline the grounds for the appeal and the relief requested:

Reference Number of the decision under appeal:

Portions of the decision in dispute:

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

Applying for Stay?  Yes  No

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

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

## Section 4B – Environmental Application for Leave to Appeal

### Appeal Specific Information (Continued)

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

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

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

Outline the relief requested:

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

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

**Appeal Specific Information**

Development Permit Application File No:

Address or legal description of the subject property:

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





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

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

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

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

**Respondent Information**

Conservation Authority:

Contact Person: [ ]

Email Address: [ ]

Daytime Telephone Number: [ ] ext. [ ]

Alternative Telephone Number: [ ]

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

Unit Number: [ ] Street Number: [ ]

Street Name: [ ]

P.O. Box: [ ]

City/Town: [ ]

Province: [ ]

Country: [ ] Postal Code: [ ]

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

**Section 7 – Filing Fee**

**Required Fee**

Please see the attached link to view the OLT Fee Chart

Total Fee Submitted: \$ [ 1100.00 ]

Payment Method:

- Certified Cheque
- Money Order
- Lawyer's general or trust account cheque
- Credit Card

If you wish to pay the appeal fee(s) by credit card, please check the box above and OLT staff will contact you by telephone to complete the payment process upon receipt of the appeal form.

**DO NOT INCLUDE YOUR CREDIT CARD INFORMATION ON THIS FORM. YOU WILL BE CONTACTED TO COMPLETE YOUR PAYMENT OVER THE PHONE.**

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


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

**Section 8 – Declaration (Mandatory)**

**Declaration**

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

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

| Name of Appellant/Representative | Signature of Appellant/Representative  | Date (yyyy/mm/dd) |
|----------------------------------|--|-------------------|
| David Bronskill                  |  | 2023/06/28        |

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

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

**Section 9 – Filing Checklists (Mandatory)**

**Filing/Submitting your form and documentation**

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

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

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

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

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



## INFORMATION REPORT

|                           |   |
|---------------------------|---|
| <b>TO:</b>                | Chair and Members<br>Planning Committee   |
| <b>COMMITTEE DATE:</b>    | September 5, 2023   |
| <b>SUBJECT/REPORT NO:</b> | Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-23-010 and Zoning By-law Amendment Application ZAC-23-025 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 509 Southcote Road, Ancaster (PED23127) (Ward 12) |
| <b>WARD(S) AFFECTED:</b>  | Ward 12   |
| <b>PREPARED BY:</b>       | Michael Fiorino (905) 546-2424 Ext. 4424  |
| <b>SUBMITTED BY:</b>      | Steve Robichaud<br>Director, Planning and Chief Planner<br>Planning and Economic Development Department   |
| <b>SIGNATURE:</b>         |   |

### COUNCIL DIRECTION

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

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

The following information is provided for Planning Committee's information with regards to Urban Hamilton Official Plan Amendment application UHOPA-23-010 and Zoning By-law Amendment application ZAC-23-025, which have been appealed for non-decision.

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

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

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

**SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-23-010 and Zoning By-law Amendment Application ZAC-23-025 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 509 Southcote Road, Ancaster (PED23127) (Ward 12) - Page 2 of 4**

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## **INFORMATION**

The subject property is municipally known as 509 Southcote Road (refer to Appendix “A” attached to Report PED23127). The Applicant, UrbanSolutions Planning & Land Development Consultants Inc., on behalf of Southcote Hills Inc., applied for an Urban Hamilton Official Plan Amendment (UHOPA-23-010) and Zoning By-law Amendment (ZAC-23-025) to permit 57 three storey townhouse dwellings arranged in ten blocks fronting onto a private condominium roadway. The townhouse dwellings would be supported with two parking spaces (one driveway parking space and one garage parking space), as well as 23 surface parking spaces for visitors (refer to Appendix “B” attached to PED23127).

The subject property is 1.07 ha in size, is rectangular in shape and is located on the east side of Southcote Road.

The Urban Hamilton Official Plan Amendment and Zoning By-law Amendment applications were received on December 23, 2022 and deemed complete on January 20, 2023.

The appeal of the Urban Hamilton Official Plan Amendment and Zoning By-law Amendment filed by Aird & Berlis LLP c/o Patrick J. Harrington, agent for Southcote Hills Inc. was received by the City Clerk’s Office on June 29, 2023, 188 days after the initial applications (refer to Appendix “C” attached to Report PED23127).

### **Urban Hamilton Official Plan**

The subject property is designated Neighbourhoods on Schedule E-1 -Urban Land Use Designations, in the Urban Hamilton Official Plan and designated “Low Density Residential” and “Low Density Residential 2a” in the Meadowlands Neighbourhood III Secondary Plan.

The Urban Hamilton Official Plan Amendment application is being sought to redesignate the subject lands from “Low Density Residential” and “Low Density Residential 2a” to “Low Density Residential 3b” in the Meadowlands Neighbourhood III Secondary Plan and to establish a site-specific exception to permit block townhouses with a density of 53 units per gross/net residential hectare.

**SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-23-010 and Zoning By-law Amendment Application ZAC-23-025 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 509 Southcote Road, Ancaster (PED23127) (Ward 12) - Page 3 of 4**

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### **Zoning By-law Amendment Application**

The subject property is currently zoned Agriculture “A” in Ancaster Zoning By-law No. 87-57, as shown on Appendix “A” attached to Report PED23127. The proposed Zoning By-law Amendment is to change the zoning from the Agriculture “A” Zone to a site specific Residential Multiple “RM2” Zone.

A number of site specific modifications are required to implement the proposed townhouse dwellings, as shown on the Concept Plan in Appendix “B” attached to Report PED23127, including:

- Reductions to the required minimum lot area, lot frontage, and lot depth;
- Reductions to the required minimum front, side, and rear yard;
- Reductions to the minimum distance separation between townhouse dwellings;
- Increase to the maximum building height requirements;
- Reductions to the minimum landscaping area requirements;
- To permit a front yard to abut a rear yard of a detached dwelling;
- Increase to the maximum yard encroachment for unenclosed porches;
- Reductions to the minimum planting strip along a lot line which abuts a parking area;
- Reductions to the minimum distance between a parking area and street; and,
- Reductions to the minimum required number of parking spaces.

Issues identified through the circulation include:

- Incomplete Tree Management Plan, to include an inventory of the rear portion of the subject lands and determine alternative techniques for the retention and preservation of trees along the perimeter as per Urban Hamilton Official Plan Policy C.2.11.1;
- Incomplete Traffic Impact Study, to include trip generation, distribution and description of the road network as well as the operational analysis of the Southcote Road and Garner Road East intersection as per Urban Hamilton Official Plan Policy C.4.5.9;
- Incomplete Noise Study, to include clarification of the noise barrier location and abutting grade changes as well as clarification on the commercial operations located to the south of the subject lands (along the southerly side lot line); and,
- Incomplete Functional Servicing and Stormwater Management Report which needs to demonstrate that there is adequate water system and sanitary sewer

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

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

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

**SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-23-010 and Zoning By-law Amendment Application ZAC-23-025 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 509 Southcote Road, Ancaster (PED23127) (Ward 12) - Page 4 of 4**

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capacity in the existing municipal infrastructure system as per Urban Hamilton Official Plan Policies C.5.3.11 and C.5.4.3.

### **Public Consultation**

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation for the applications were sent to property owners within 120 metres of the subject lands on February 2, 2023.

To date staff have received a total of 21 written submissions by residents expressing concerns with the proposed development. Issues raised by the public relate to traffic congestion, loss of mature vegetation (tree canopy) and habitat, safety, loss of privacy, water runoff, snow removal, air quality and contribution to climate change, lack of amenity space, property values, and lack of onsite parking.

The appeal of both applications was received by the City Clerk's Office on June 29, 2023, 188 days after the receipt of the application.

### **APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED23127 - Location Map

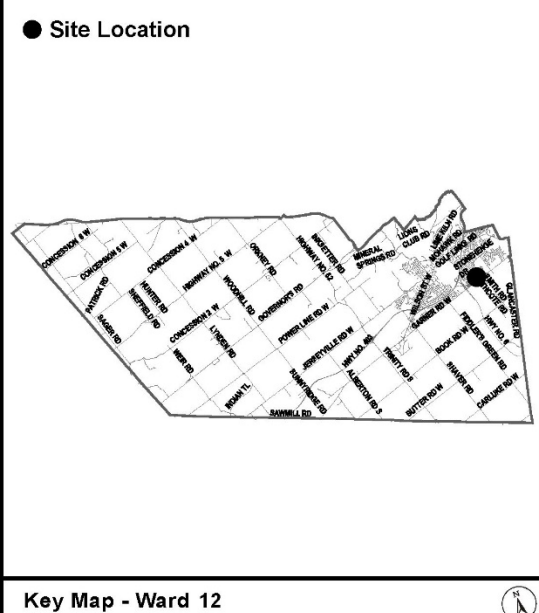
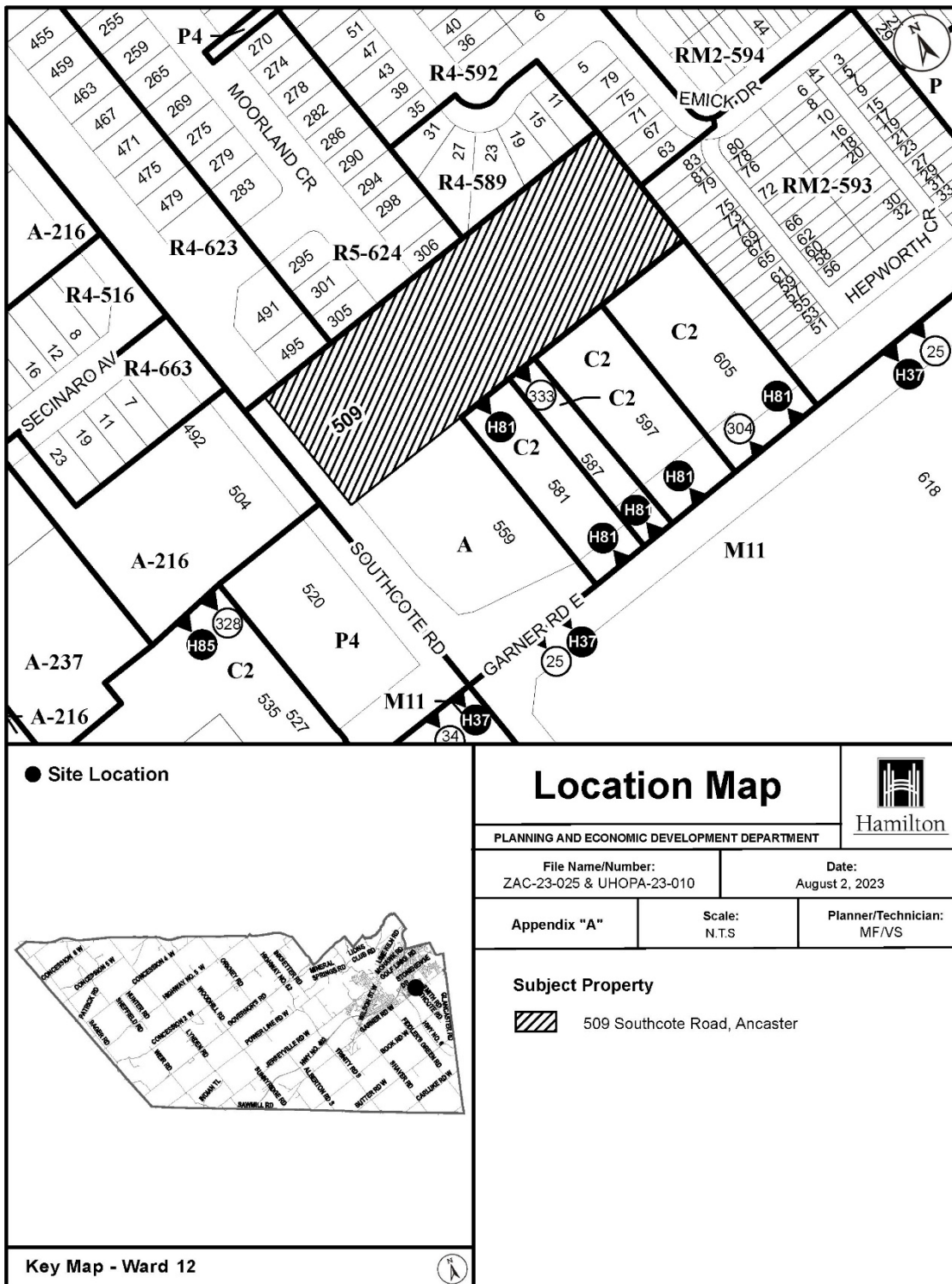
Appendix "B" to Report PED23127 - Site Plan and Building Elevations

Appendix "C" to Report PED23127 - Letter of Appeal

MF:sd



Appendix "A" to Report PED23127  
Page 1 of 1



### Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-23-025 & UHOPA-23-010

Date:  
August 2, 2023

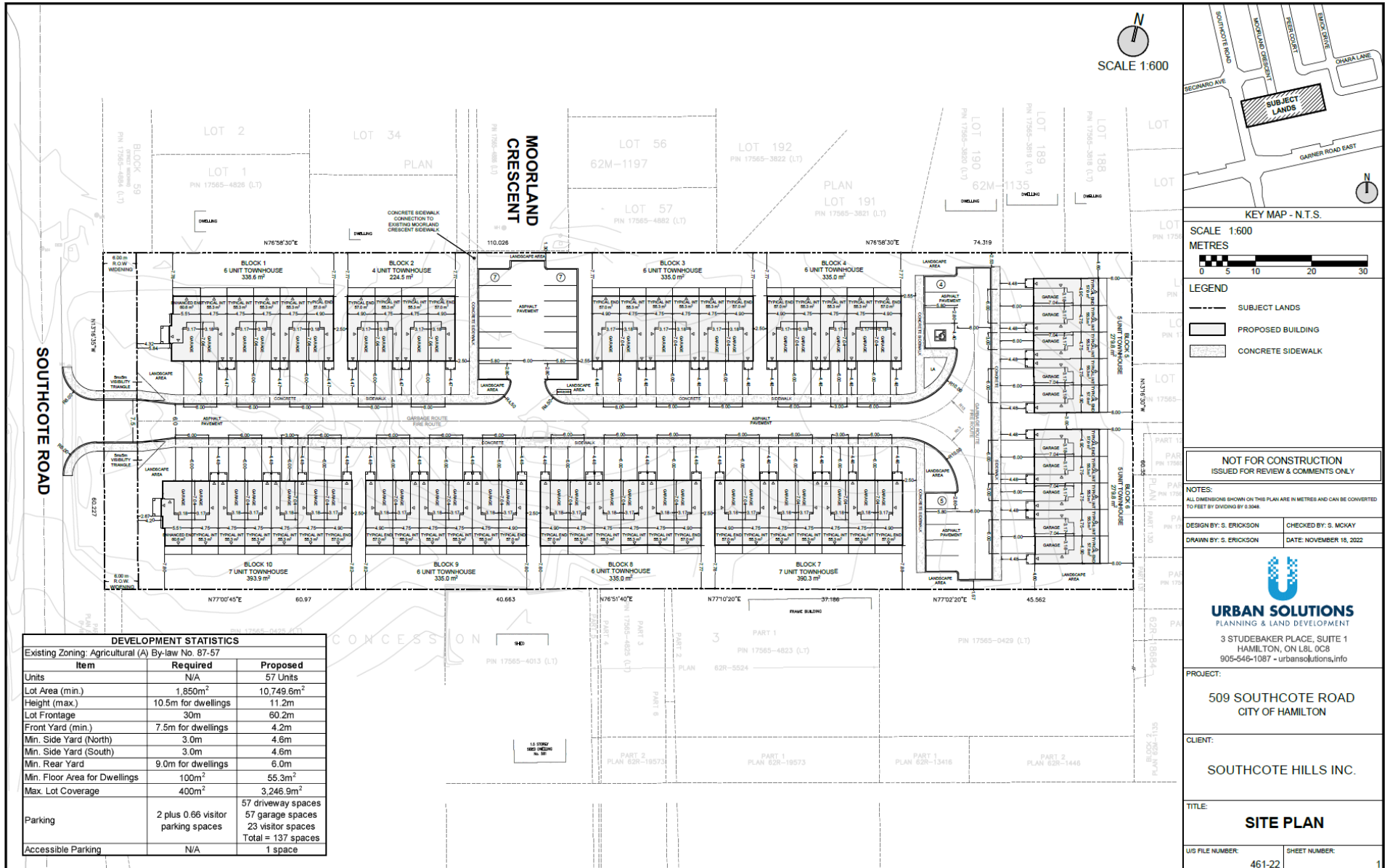
Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
MF/VS

#### Subject Property

509 Southcote Road, Ancaster



C:\land\Southcot\Urban Solutions\Site Plans - Documents\M2177\_500 Systems Plan7 - Drawings - 1\UrbanSolutions\Site Plans\M2177 - Site Plan - 2023.11.16.dwg

**STANDARD TOWNHOUSE BLOCK FRONT ELEVATION**



**CORNER TOWNHOUSE BLOCK FRONT ELEVATION**



**STANDARD TOWNHOUSE BLOCK SIDE ELEVATION**



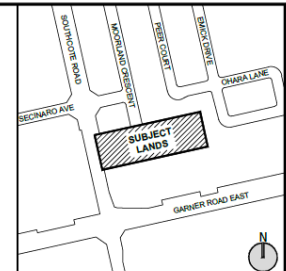
**CORNER TOWNHOUSE BLOCK SIDE ELEVATION**



**STANDARD TOWNHOUSE BLOCK REAR ELEVATION**



**CORNER TOWNHOUSE BLOCK REAR ELEVATION**



KEY MAP - N.T.S.

SCALE 1:250

METRES



NOT FOR CONSTRUCTION  
ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:  
ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: RN DESIGN      CHECKED BY: S. MCKAY  
DRAWN BY: S. ERICKSON      DATE: DECEMBER 22, 2022



**URBAN SOLUTIONS**  
PLANNING & LAND DEVELOPMENT

3 STUDEBAKER PLACE, SUITE 1  
HAMILTON, ON L8L 0C8  
905-648-1087 - urbansolutions.info

PROJECT:  
**509 SOUTHCOTE ROAD**  
CITY OF HAMILTON

CLIENT:  
**SOUTHCOTE HILLS INC.**

TITLE:  
**CONCEPTUAL  
BUILDING ELEVATIONS**

US FILE NUMBER:      SHEET NUMBER:  
461-22      1



Patrick J. Harrington  
Direct: 416.865.3424  
E-mail: pharrington@airdberlis.com

June 28, 2023

Our File No.: 309532

**VIA E-MAIL & COURIER**

Andrea Holland  
City Clerk  
City of Hamilton  
71 Main Street West  
Hamilton, ON L8P 4Y5

E-mail: [Andrea.Holland@hamilton.ca](mailto:Andrea.Holland@hamilton.ca) and [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

Dear Ms. Holland:

**Re: Appeals: Pursuant to subsections 22(7) & 34(11) of *Planning Act***  
**Subject: Official Plan and Zoning By-law Amendment Applications**  
**Appellant: Southcote Hills Inc.**  
**Location: 509 Southcote Road, City of Hamilton (Ancaster)**  
**File Nos.: UHOPA-23-010 & ZAC-23-025**

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**Introduction**

Aird & Berlis LLP is counsel to Southcote Hills Inc. (the “Applicant”). The Applicant is the owner of lands known municipally as 509 Southcote Road in the City of Hamilton (the “Site”). The Site is within the Meadowlands Neighbourhood III Secondary Plan Area in Ancaster – specifically, in the northeast quadrant of Garner Road and Southcote Road. The Site is 1.11 hectares (2.74 acres) and is occupied by one detached dwelling.

The Site is currently split-designated under the Urban Hamilton Official Plan. The western portion of the Site (fronting onto Southcote Road) is designated *Low Density Residential (Infill)* while the eastern portion of the Site is designated *Low Density Residential 2a*. The former designation permits single-detached dwellings with minimum 15 metre frontages while the latter designation permits singles and semi-detached dwellings with minimum 10.7 metre frontages and a density limit of 27 units per hectare. The zoning of the Site is currently “Agricultural ‘A’”.

**Proposal**

Consultations between the Applicant and the City of Hamilton on an intensified development project for the Site began in September 2022 and included a Development Review Team Meeting in October 2022. The Applicant filed private official plan and zoning by-law amendment applications with the City on December 23, 2023 and these applications were deemed complete by the City as of January 20, 2023.

The Applicant’s proposal consists of ten (10) 3-storey townhouse blocks containing a total of 57 dwelling units fronting onto a common private condominium roadway that will be accessed off of Southcote Road. The 57 proposed dwelling units include a combination of two-bedroom units and three-bedroom units. 114 resident parking spaces are proposed to be provided in attached

June 28, 2023  
 Page 2

garages and driveways for the townhouse dwellings with an additional 23 visitor parking spaces provided by surface parking along the proposed common element condominium road.



To facilitate this proposal, the Applicant sought the following through its private applications:

- **OPA:** Amend Map b.2.5.-1 to the Meadowlands Neighbourhood III Secondary Plan to change the designation of the entire Site to *Low Density Residential 3b*. This change will permit the proposed housing form (Townhouse Dwellings) at the proposed density.
- **ZBA:** Amend Schedule "B" to Zoning By-law 87-57 (Ancaster) to change the zoning category of the Site from "Agricultural 'A'" to a site-specific "Residential Multiple RM-2 - \_\_\_\_". Permitted regulations within this site-specific zoning will include the following
  - Minimum Lot Area: 1.0 hectare
  - Minimum Lot Coverage: 35%
  - Minimum Front Yard (from a private laneway): 4.0 metres
  - Minimum Side Yard: 4.0 metres
  - Minimum Internal Setback to a Townhouse Dwelling: 2.0 metres
  - Minimum Rear Yard: 6.0 metres
  - Maximum Height: 11.5 metres
  - Minimum Planting Strip: 1.25 metres

The ZBA also seeks site-specific relief from certain other standards in the parent zoning by-law, including the minimum requirements for parking.

June 28, 2023  
Page 3

### **Appeals**

It has been over 120 days since the Applicant's OPA and ZBA applications were deemed complete by the City. Hamilton City Council has to date failed to make a decision regarding the applications. Therefore, pursuant to subsections 22(7) and 34(11) of the *Planning Act*, we are writing on our client's behalf to appeal these OPA and ZBA applications to the Ontario Land Tribunal ("OLT" or "Tribunal").

Please accept this covering letter, the attached completed OLT appeal form (A1) and our firm cheques in the amount of \$1,100.00 (x2), representing the Tribunal's appeal fees, in satisfaction of the appeal requirements under both subsections 22(7) and 34(11) of the *Planning Act*.

### **Position on Appeals**

It will be the Applicant's position on these appeals that its OPA and ZBA for the Site are consistent with the 2020 Provincial Policy Statement and conform with the 2020 Growth Plan for the Greater Golden Horseshoe. Further, the OPA advances the goals and objectives of the Urban Hamilton Official Plan, including with respect to intensification within the Meadowlands Neighbourhood, while the ZBA appropriately implements and regulates the proposed development in a manner that constitutes good planning within the subject area context.

The Applicant is prepared to call members of its professional consulting team to give expert evidence before the Tribunal in support of its position, including evidence in the areas of land use planning, functional servicing, site engineering, landscape design, tree preservation/replanting, environmental impact, archaeology, acoustical impacts and urban design.

### **Potential for Scoping of Issues or Resolution**

The Applicant would welcome the opportunity to continue discussions between its expert consulting team and staff/representatives for Hamilton, including through formal mediation if deemed appropriate. However, any discussions to resolve these appeals should not result in delaying the Tribunal's consideration of the OPA and ZBA. It will be the Applicant's intention to seek dates for a merit hearing as soon as the Tribunal can accommodate.

### **Contact Information**

Our client's consulting planner is Matt Johnston, MCIP, RPP, Principal of Urban Solutions.

We trust that the above is satisfactory. However, should you have any questions or require additional information please contact the undersigned or my partner Patrick Harrington at [pharrington@aridberlis.com](mailto:pharrington@aridberlis.com) or (416) 865-3424.



June 28, 2023  
Page 4

Yours truly,

AIRD & BERLIS LLP



Patrick J. Harrington  
PJH/np

Encl.

c. Client  
M. Johnston, Urban Solutions

53464392.1



## Ontario Land Tribunal

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

# Appeal Form (A1)

|  |  |  |
|--|--|--|
| <b>Municipal/Approval Authority<br/>Date Stamp</b> | <b>Receipt Number<br/>(OLT Office Use Only)</b>  | <b>Date Stamp – Appeal Received<br/>by OLT</b> |
|  | <b>OLT Case Number<br/>(OLT Office Use Only)</b> |  |

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

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

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

### Section 1 – Contact Information (Mandatory)

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



|            |           |          |              |
|------------|-----------|----------|--------------|
|            |           |          |              |
| City/Town: | Province: | Country: | Postal Code: |
|            |           |          |              |

**Representative Information**

|   |                |                               |                |
|---|----------------|-------------------------------|----------------|
| <input checked="" type="checkbox"/> I hereby authorize the named company and/or individual(s) to represent me   |                |                               |                |
| Last Name:  |                | First Name:                   |                |
| <b>Harrington</b>   |                | <b>Patrick</b>                |                |
| Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):  |                |                               |                |
| <b>Aird &amp; Berlis LLP</b>  |                |                               |                |
| Email Address:  |                | LSO Number (if applicable):   |                |
| <b>pharrington@airdberlis.com</b>   |                | <b>510420</b>                 |                |
| Daytime Telephone Number:   |                | Alternative Telephone Number: |                |
| <b>416-865-3424</b>   | ext.           |                               |                |
| Mailing Address   |                |                               |                |
| Unit Number:  | Street Number: | Street Name:                  | P.O. Box:      |
| <b>1800</b>   | <b>181</b>     | <b>Bay Street</b>             |                |
| City/Town:  | Province:      | Country:                      | Postal Code:   |
| <b>Toronto</b>  | <b>ON</b>      | <b>Canada</b>                 | <b>M5J 2T9</b> |
| <p><b>Note:</b> If your representative is not licensed under the <i>Law Society Act</i>, please confirm that they have your written authorization, as required by the <i>OLT Rules of Practice and Procedure</i>, to act on your behalf and that they are also exempt under the Law Society's by-laws to provide legal services. Please confirm this by checking the box below.</p>   |                |                               |                |
| <p><input type="checkbox"/> I certify that I understand that my representative is not licensed under the <i>Law Society Act</i> and I have provided my written authorization to my representative to act on my behalf with respect to this matter. I understand that my representative may be asked to produce this authorization at any time along with confirmation of their exemption under the Law Society's by-laws to provide legal services.</p> |                |                               |                |

**Location Information**

|  |
|--|
| Are you the current owner of the subject property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Address and/or Legal Description of property subject to the appeal:  |
| <b>509 Southcote Road, Hamilton</b>  |

|   |
|---|
| Municipality:                                   |
| <b>City of Hamilton</b>                         |
| Upper Tier (Example: county, district, region): |
|   |

| Language Requirements              |   |
|------------------------------------|---|
| Do you require services in French? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

| To file an appeal, please complete the section below. Complete one line for each appeal type |                         |  |                               |
|--|-------------------------|--|-------------------------------|
| Subject of Appeal  |                         | Type of Appeal<br>(Act/Legislation Name) | Reference<br>(Section Number) |
| Example  | Minor Variance          | <i>Planning Act</i>                      | 45(12)                        |
| 1  | Official Plan Amendment | <i>Planning Act</i>                      | 22(7)                         |
| 2  | Zoning By-Law Amendment | <i>Planning Act</i>                      | 34(11)                        |
| 3  |                         |  |                               |
| 4  |                         |  |                               |
| 5  |                         |  |                               |

**Section 2 – Appeal Type (Mandatory)**

| Please select the applicable type of matter |   |                                    |
|---|---|------------------------------------|
| Select                                      | Legislation associated with your matter   | Complete Only the Section(s) Below |
| <input checked="" type="checkbox"/>         | Appeal of <i>Planning Act</i> matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances                          | 3A                                 |
| <input type="checkbox"/>                    | Appeal of <i>Development Charges, Education Act, Aggregate Resources Act, Municipal Act</i> matters   | 3A                                 |
| <input type="checkbox"/>                    | Appeal of or objection to <i>Ontario Heritage Act</i> matters under subsections 29, 30.1, 31, 32, 33, 40.1 and 41   | 3A                                 |
| <input type="checkbox"/>                    | Appeal of <i>Planning Act</i> (subsections 33(4), 33(10), 33(15), 36(3)), <i>Municipal Act</i> (subsection 223(4)), <i>City of Toronto Act</i> (subsection 129(4)) and <i>Ontario Heritage Act</i> (subsections 34.1(1), 42(6)) matters | 3A & 3B                            |
| <input type="checkbox"/>                    | Appeal of <i>Clean Water Act, Environmental Protection Act, Nutrient Management Act, Ontario Water Resources Act, Pesticides Act, Resource</i>  | 4A                                 |

|                          |  |                                       |
|--------------------------|--|---------------------------------------|
|                          | <i>Recovery and Circular Economy Act, Safe Drinking Water Act, Toxics Reduction Act, and Waste Diversion Transition Act</i> matters                      |                                       |
| <input type="checkbox"/> | Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i>  | 4B                                    |
| <input type="checkbox"/> | Appeal under the <i>Niagara Escarpment Planning and Development Act (NEPDA)</i>  | 5A                                    |
| <input type="checkbox"/> | Application to amend the <i>Niagara Escarpment Plan</i>  | 5B                                    |
| <input type="checkbox"/> | Appeal of <i>Conservation Authorities Act, Mining Act, Lakes and Rivers Improvement Act, Assessment Act, and Oil, Gas and Salt Resources Act</i> matters | 6                                     |
| <input type="checkbox"/> | Legislation not listed above   | Contact OLT before filing your appeal |

**Section 3A – Planning Matters**

Appeal Reasons and Specific Information

Number of new residential units proposed:

**57 new dwelling units.**

Municipal Reference Number(s):

**UHOPA-23-010 & ZAC-23-025**

List the reasons for your appeal:

**Please refer to the attached covering letter.**

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

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

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

Inconsistent with the Provincial Policy Statement issued under subsection 3(1) of the *Planning Act*

|  |
|--|
| <input type="checkbox"/> Fails to conform with or conflicts with a provincial plan<br><input type="checkbox"/> Fails to conform with an applicable Official Plan   |
| <b>And</b>   |
| B: For a non-decision or decision to refuse by council:  |
| <input checked="" type="checkbox"/> Consistency with the provincial policy statement, issued under subsection 3(1) of the <i>Planning Act</i><br><input checked="" type="checkbox"/> Conformity with a provincial plan<br><input checked="" type="checkbox"/> Conformity with the upper-tier municipality's Official Plan or an applicable Official Plan |
| If it is your intention to argue one or more of the above grounds, please explain your reasons:  |
| <b>Please refer to the attached covering letter.</b>   |

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

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

**Section 3B – Other Planning Matters**

|   |
|---|
| <b>Appeal Specific Information (Continued)</b>                    |
| Date application submitted to municipality if known (yyyy/mm/dd): |
| 2022/12/23  |

|   |
|---|
| Date municipality deemed the application complete if known (yyyy/mm/dd):  |
| 2023/01/20  |
| Please briefly explain the proposal and describe the lands under appeal:  |
| <b>Please refer to the attached covering letter.</b>  |
| There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the <a href="#">Section 3B Checklist(s)</a> located <a href="#">here</a> and submit all documents listed. |

**Section 4A – Appeals under Environmental Legislation**

|  |
|--|
| <b>Appeal Specific Information</b>   |
| Outline the grounds for the appeal and the relief requested:   |
|  |
| Reference Number of the decision under appeal:   |
|  |
| Portions of the decision in dispute:   |
|  |
| Date of receipt of Decision or Director’s Order (yyyy/mm/dd):  |
|  |
| Applying for Stay? <input type="checkbox"/> Yes <input type="checkbox"/> No  |
| If Yes, outline the reasons for requesting a stay: (Tribunal’s Guide to Stays can be viewed <a href="#">here</a> ) |

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

**Section 4B – Environmental Application for Leave to Appeal**

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

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

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

Outline the relief requested:

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

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

|  |  |
|--|--|
| Appeal Specific Information  |  |
| Development Permit Application File No:  |  |
|  |  |
| Name of Applicant for Development Permit:  |  |
|  |  |
| Reasons for Appeal: Outline the nature and reasons for your appeal. Specific planning, environmental and/or other reasons are required. (The Niagara Escarpment Plan is available on the Niagara Escarpment Commission's website ( <a href="http://www.escarpment.org">www.escarpment.org</a> )) |  |
|  |  |

**Section 5B – Application to amend the *Niagara Escarpment Plan***

|                           |                |                               |              |
|---------------------------|----------------|-------------------------------|--------------|
| Owner                     |                |                               |              |
| Last Name:                |                | First Name:                   |              |
|                           |                |                               |              |
| Email Address:            |                |                               |              |
|                           |                |                               |              |
| Daytime Telephone Number: |                | Alternative Telephone Number: |              |
|                           | ext.           |                               |              |
| Mailing Address           |                |                               |              |
| Unit Number:              | Street Number: | Street Name:                  | P.O. Box:    |
|                           |                |                               |              |
| City/Town:                | Province:      | Country:                      | Postal Code: |
|                           |                |                               |              |

|                                 |                |              |
|---------------------------------|----------------|--------------|
| Property Location & Information |                |              |
| Municipality:                   | Street Number: | Street Name: |
|                                 |                |              |

|                                |             |               |           |       |
|--------------------------------|-------------|---------------|-----------|-------|
| Lot:                           | Concession: | <b>And/or</b> | Lot:      | Plan: |
|                                |             |               |           |       |
| Assessment Roll Number or PIN: |             |               | Lot Size: |       |
|                                |             |               |           |       |

| Property Servicing        |                                    |                                  |                           |                                    |                                  |
|---------------------------|------------------------------------|----------------------------------|---------------------------|------------------------------------|----------------------------------|
| Existing Road Frontage:   | <input type="checkbox"/> Municipal | <input type="checkbox"/> Private | Proposed Road Frontage:   | <input type="checkbox"/> Municipal | <input type="checkbox"/> Private |
| Existing Water Supply:    | <input type="checkbox"/> Municipal | <input type="checkbox"/> Private | Proposed Water Supply:    | <input type="checkbox"/> Municipal | <input type="checkbox"/> Private |
| Existing Sewage Disposal: | <input type="checkbox"/> Municipal | <input type="checkbox"/> Private | Proposed Sewage Disposal: | <input type="checkbox"/> Municipal | <input type="checkbox"/> Private |

| Is the Proposal the Subject of a Current Application? Please identify:   |
|--|
| <input type="checkbox"/> Development Permit under <i>Niagara Escarpment Planning and Development Act</i><br><input type="checkbox"/> The <i>Planning Act</i> (Official Plan or Zoning By-law Amendment)<br><input type="checkbox"/> The <i>Aggregate Resources Act</i> (License)<br><input type="checkbox"/> Committee of Adjustment (Minor Variance)<br><input type="checkbox"/> Land Division Committee (Severance)<br><input type="checkbox"/> Other: |

| Description of the Property  |
|--|
| Describe the current use of the property including any existing buildings or structures: |
|  |

| Category of the Proposed Amendment  |
|---|
| <input type="checkbox"/> Change in Designation <input type="checkbox"/> Change to Policy              |
| <input type="checkbox"/> Request for Urban Servicing <input type="checkbox"/> Change to Plan Boundary |
| <input type="checkbox"/> Other:   |



Detailed Description of Proposed Amendment

Provide a detailed description of the proposed amendment:

Justification and Rationale

(Including Reasons, Argument and Evidence in Support of the Amendment)

(See Niagara Escarpment Plan Amendment Guidelines)

The justification submitted with the application should address the following:

1. Analysis of how the proposed amendment is consistent with the *Niagara Escarpment Planning and Development Act*, the Niagara Escarpment Plan, and shall be consistent with other relevant Provincial plans.
2. A justification which includes the rationale for the amendment, as well as reasons, arguments or evidence in support of the change to the Plan proposed through the amendment.

The following studies and reports may be necessary to be submitted in support of justification of the proposed amendment (The applicability of the following will depend on the nature of the application):

- Agricultural Land Use Impacts
- Air Quality Impact Assessment
- Engineering Reports
- Environmental Impact Study
- Geological Studies
- Grading Plans – Existing and proposed and Slope Stabilization Plans and Typical Cross Sections
- Historical/Cultural/Archeological Impact Assessment
- Hydrogeological Impact Assessment
- Landscape/Visual Impact Analysis
- Noise Impact Assessment
- Setback from the Brow of the Escarpment
- Suitable for Septic Systems
- Traffic Impact Assessment

- Tree Removal/Planting including Berming and Landscaping
- Other:

**Site Plan**

Please attach an accurate Site Plan drawn to scale. The Site Plan may be drawn on a blank sheet; on an attached Survey, or by using mapping software (Ontario Make a Map etc.). The Site Plan must show existing features, such as, buildings and structures, streams, changes in grades, rock outcrops, driveways, forested areas and proposed uses to changes to the property or the features.

**NOTE:** For amendments regarding Mineral Resource Extraction Areas, please provide copies of the Site Plan as required by Regulation under the *Aggregates Resources Act*.

**Section 6 – Mining Claim and Conservation Matters**

**Appeal Specific Information**

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

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

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

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

**Respondent Information**

Conservation Authority:

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

**Section 7 – Filing Fee**


|  |                          |  |                                     |
|--|--------------------------|--|-------------------------------------|
| Required Fee   |                          |  |                                     |
| Please see the attached link to view the <a href="#">OLT Fee Chart</a> .   |                          |  |                                     |
| Total Fee Submitted:   \$2200  |                          |  |                                     |
| Payment Method   | <input type="checkbox"/> | Certified Cheque                         | <input type="checkbox"/>            |
|  |                          | Money Order                              | <input checked="" type="checkbox"/> |
|  |                          | Lawyer's general or trust account cheque |                                     |
|  | <input type="checkbox"/> | Credit Card                              |                                     |
| If you wish to pay the appeal fee(s) by credit card, please check the box above and OLT staff will contact you by telephone to complete the payment process upon receipt of the appeal form. |                          |  |                                     |
| If a request for a fee reduction is being requested, please pay the minimum filing fee for each appeal and complete/submit the <a href="#">Fee Reduction request form</a> .                  |                          |  |                                     |
| <input type="checkbox"/> Request for Fee Reduction form is attached (if applicable – see Appeal Form Guide for more information)   |                          |  |                                     |

**Section 8 – Declaration (Mandatory)**

|             |
|-------------|
| Declaration |
|-------------|

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

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

| Name of Appellant/Representative | Signature of Appellant/Representative  | Date (yyyy/mm/dd) |
|----------------------------------|--|-------------------|
| Patrick J. Harrington            |  | 2023/06/28        |

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

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

**Section 9 – Filing Checklists (Mandatory)**

**Filing/Submitting your form and documentation**

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

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

| If the completed Section is: | You must file with the following:   |
|------------------------------|---|
| Section 3A                   | <p align="center">Municipality or the Approval Authority/School Board</p> <p align="center">*If you are filing under the <i>Ontario Heritage Act</i>, including under <b>s. 34.1(1)</b>, please carefully review the specific section of that legislation to determine if your appeal needs to be filed with the Tribunal <b>in addition</b> to the Municipality or Approval Authority.</p> |
| Section 3A & 3B or           | Ontario Land Tribunal   |

|   |   |   |
|---|---|---|
| Section 4A or<br>Section 4B or<br>Section 6 | 655 Bay Street, Suite 1500<br>Toronto, ON M5G 1E5<br>Phone: 416-212-6349   1-866-448-2248<br>Website: <a href="http://www.olt.gov.on.ca">www.olt.gov.on.ca</a>  |   |
| Section 5A or 5B                            | <p align="center"><b>For the Areas of:</b></p> Dufferin County (Mono)<br>Region of Halton<br>Region of Peel<br>Region of Niagara<br>City of Hamilton<br><br><p align="center"><b>File with:</b></p> NIAGARA ESCARPMENT COMMISSION<br>232 Guelph Street, 3 <sup>rd</sup> Floor<br>Georgetown, ON L7G 4B1<br><br>Phone: 905-877-5191<br>Fax: 905-873-7452<br>Website: <a href="http://www.escarpment.org">www.escarpment.org</a><br>Email: <a href="mailto:necgeorgetown@ontario.ca">necgeorgetown@ontario.ca</a> | <p align="center"><b>For the Areas of:</b></p> Bruce County<br>Grey County<br>Simcoe County<br>Dufferin County (Mulmur, Melancthon)<br><br><p align="center"><b>File with:</b></p> NIAGARA ESCARPMENT COMMISSION<br>1450 7 <sup>th</sup> Avenue<br>Owen Sound, ON N4K 2Z1<br><br>Phone: 519-371-1001<br>Fax: 519-371-1009<br>Website: <a href="http://www.escarpment.org">www.escarpment.org</a><br>Email: <a href="mailto:necowensound@ontario.ca">necowensound@ontario.ca</a> |

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

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



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

|                           |  |
|---------------------------|--|
| <b>TO:</b>                | Chair and Members<br>Planning Committee  |
| <b>COMMITTEE DATE:</b>    | September 5, 2023  |
| <b>SUBJECT/REPORT NO:</b> | Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1310 South Service Road, Stoney Creek (PED23135) (Ward 10) |
| <b>WARD(S) AFFECTED:</b>  | Ward 10  |
| <b>PREPARED BY:</b>       | Mark Michniak (905) 546-2424 Ext. 1224   |
| <b>SUBMITTED BY:</b>      | Steve Robichaud<br>Director, Planning and Chief Planner<br>Planning and Economic Development Department  |
| <b>SIGNATURE:</b>         |  |

### RECOMMENDATION

- (a) That **Amended Official Plan Amendment Application UHOPA-22-026, by Jennum Properties Inc. (c/o Toby Singlehurst, Applicant) on behalf of 843803 Ontario Ltd. (c/o Norman Kim, Owner)**, to redesignate the subject lands from “District Commercial” to “Neighbourhoods” within the Urban Hamilton Official Plan; and to redesignate the subject lands from “District Commercial” to “Medium Density Residential 2”, remove the lands from Area Specific Policy – Area G, and add a new Site Specific Policy within the Fruitland-Winona Secondary Plan; to permit a commercial / residential mixed use development comprised of two mixed use buildings of eight and 12 storeys, a residential building of ten storeys, and four, three storey townhouse blocks containing 32 units of which eight are Live/Work units, for a total of 705 dwelling units and 1,282 square metres of commercial space, with a maximum density of 310 units per hectare and a maximum height of 12 storeys, as shown on Appendix “A” attached to Report PED23135, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED23135, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council;

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**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
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Creek (PED23135) (Ward 10) - Page 2 of 35**

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- (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 **Amended Zoning By-law Amendment Application ZAC-22-063, by Jennum Properties Inc. (c/o Toby Singlehurst, Applicant) on behalf of 843803 Ontario Ltd. (c/o Norman Kim, Owner)**, for a change in zoning from the District Commercial (C6, 301, H112) Zone to the Mixed Use Medium Density (C5, 851, H112) Zone, to permit a commercial / residential mixed use development containing a total of 705 dwelling units and 1,282 square metres of commercial space within two mixed use buildings of eight and 12 storeys, a residential building of ten storeys, and four, three storey townhouse blocks containing 32 units of which eight are Live/Work units with a total of 698 parking spaces including 27 surface parking spaces, for lands located at 1310 South Service Road, as shown on Appendix "A" attached to Report PED23135, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix "C" to Report PED23135, 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 property by amending the Holding symbol 'H112' to the proposed Mixed Use Medium Density (C5) Zone;

The Holding Provision 'H112' is to be removed to allow for a 12 storey mixed use development, conditional upon:

- (1) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks. This Record of Site Condition must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the Record of Site Condition by the Ministry of the Environment, Conservation and Parks, and the submission of the City of Hamilton's current Record of Site Condition administration fee;
- (2) The Owner agrees in a Site Plan Agreement to implement all required noise mitigation measures identified in the Noise

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
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Feasibility Study prepared by Howe Gastmeier Chapnik Limited dated August 18, 2022 and updated February 8, 2023, to the satisfaction of the Director of Planning and Chief Planner;

- (3) The Owner agrees in a Site Plan Agreement, to provide notice to any subsequent owner, as well as any prospective purchasers or tenants that the dwellings are located in a Class 4 Area, and to agree to register this notice and any / all warning clauses on title, and include them in any purchase and sale and in any lease or rental agreement, to the satisfaction of the Director of Planning and Chief Planner;
  - (4) The Owner submit and receive approval of an updated Functional Servicing Report, prepared by a qualified Professional Engineer, to address sanitary design, watermain hydraulic analysis, and stormwater outlets, to the satisfaction of the Director of Growth Management and Chief Development Engineer and the Hamilton Conservation Authority;
  - (5) The Owner submit and receive approval of an updated Transportation Impact Study, with particular focus on improvement to mitigate both future background and total traffic at the Queen Elizabeth Way interchanges, to the satisfaction of the Ministry of Transportation and a cost estimate schedule and required securities for the improvements, to the satisfaction of the Director of Growth Management and Chief Development Engineer and the Director of Transportation Planning and Parking.
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow (2019, as amended), and will comply with the Urban Hamilton Official Plan and the Fruitland-Winona Secondary Plan upon approval of Urban Hamilton Official Plan Amendment No. X;
- (c) That Council deem the lands at 1310 South Service Road (see Appendix “A” attached to Report PED23135) as a Class 4 Area pursuant to the Ministry of the Environment, Conservation and Parks’ Noise Guidelines NPC-300 (Stationary and Transportation Sources – Approval and Planning), and that the Class 4 Area designation apply only to dwelling units within Building C and the two townhouse blocks adjacent to the southern property line with the requirement that all noise mitigation and warning clauses be secured through the Holding Provision

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attached to the implementing Zoning By-law as specified in Section ii) b. and c. outlined above.

## **EXECUTIVE SUMMARY**

The subject lands are municipally known as 1310 South Service Road and are located south of South Service Road and east of Vince Mazza Way. Applications have been submitted to amend both the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200. The amendments will permit the development of a 705 unit mixed use development with three buildings of 12, 10, and eight storeys in height, 32, three storey townhouse units, and 1,282 square metres of commercial space supported by a total of 698 parking spaces including 27 surface parking spaces.

The purpose of the Official Plan Amendment is for a change in designation from “District Commercial” to “Neighbourhoods” in the Urban Hamilton Official Plan, a change in designation from “District Commercial” to “Medium Density Residential 2” and to create a Site Specific Policy Area in the Fruitland-Winona Secondary Plan.

The purpose of the Zoning By-law Amendment is for a change in zoning from the District Commercial (C6, 301, H112) Zone to the Mixed Use Medium Density (C5, 851, H112) Zone within the City of Hamilton Zoning By-law No. 05-200. Site specific modifications to the (C5) Zone are proposed to accommodate the development. As part of the Zoning By-law Amendment, a Holding Provision is required to be added to the subject lands with respect to completing a Record of Site Condition, noise mitigation and designation as a Class 4 Area, an updated Functional Servicing Report, and an updated Transportation Impact Study and cost estimate schedule.

Based on the subject property being located in proximity to stationary noise sources the applicant is seeking to have the subject property classified a Class 4 Area pursuant to the Ministry of the Environment, Conservation and Parks’ Noise Guidelines NPC-300.

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

- It is consistent with the Provincial Policy Statement (2020) (PPS);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the general intent and purpose of the Urban Hamilton Official Plan and the Fruitland-Winona Secondary Plan subject to the proposed Official Plan Amendment; and,
- The proposed development represents good planning by, among other things, making efficient use of land and infrastructure by providing housing in an efficient urban form, expanding the range of residential dwelling types, supports local

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commercial uses and planned transit, and contributing to developing a complete community.

**Alternatives for Consideration – See Page 35**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

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

**HISTORICAL BACKGROUND**

**Report Fact Sheet**

| <b>Application Details</b> |   |
|----------------------------|---|
| Owner:                     | 843803 Ontario Ltd. (c/o Norman Kim).   |
| Applicant:                 | Jennum Properties Inc. (c/o Toby Singlehurst).  |
| Agent:                     | The Planning Partnership (c/o Brandon Simon).   |
| File Number:               | UHOPA-22-026 and ZAC-22-063.  |
| Type of Application:       | Urban Hamilton Official Plan Amendment and Zoning By-law Amendment.   |
| Proposal:                  | <p>To permit the development of a 705 unit residential mixed use development with three buildings of 12, 10, and eight storeys, 32, three storey townhouse units, and 1,282 square metres of commercial space. A total of 698 parking spaces will be provided including 27 surface parking spaces and 671 underground parking spaces. Access will be from Vince Mazza Way. See Appendix “E” attached to Report PED23135.</p> <p>Building A is 8 storeys and will contain 166 units and 1,157 square metres of commercial space at ground level. Building B is 12 storeys and will contain 266 units and 125 square metres of commercial spaces at ground level. Building C is 10 storeys and will contain 241 units. 32, three storey townhouse units are proposed along Vince Mazza Way with eight Live/Work units fronting directly onto Vince Mazza Way.</p> |

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| <b>Application Details</b>        |  |
|-----------------------------------|--|
| Proposal <b>Continued:</b>        | Outdoor amenity area will be provided via an internal trail network and a central courtyard/open space. Ground floor units will have private outdoor amenity spaces, where possible, in the form of patios and balconies. In addition, Buildings B and C have dedicated indoor amenity area on the ground floor, while Building A has ground floor commercial space that could be used as indoor amenity area. |
| <b>Property Details</b>           |  |
| Municipal Address:                | 1310 South Service Road.   |
| Lot Area:                         | 2.36 ha.   |
| Servicing:                        | Full municipal services.   |
| Existing Use:                     | Vacant.  |
| <b>Documents</b>                  |  |
| Provincial Policy Statement:      | The proposal is consistent with the Provincial Policy Statement (2020).  |
| A Place to Grow:                  | The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).   |
| Official Plan Existing:           | "Neighbourhoods" on Schedule E – Urban Structure and "District Commercial" on Schedule E-1 – Urban Land Use Designations.  |
| Original Official Plan Proposed:  | "Mixed Use – Medium Density" on Schedule E-1 – Urban Land Use Designations and to add a new policy to the Mixed Use – Medium Density Designation.  |
| Amended Official Plan Proposed:   | "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations.  |
| Secondary Plan Existing:          | "District Commercial" and within "Area Specific Policy G" area in the Fruitland-Winona Secondary Plan.   |
| Original Secondary Plan Proposed: | To remove lands from "Area Specific Policy – Area E" and to add a new Site Specific Policy to the Fruitland-Winona Secondary Plan.   |
| Amended Secondary Plan Proposed:  | "Medium Density Residential 2", remove the lands from "Area Specific Policy – Area G", and add a new Site Specific Policy – Area X to the Fruitland-Winona Secondary Plan.   |
| Zoning Existing:                  | District Commercial (C6, 301, H112) Zone.  |
| Original Zoning Proposed:         | District Commercial (C6, XXX) Zone.  |

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| <b>Documents</b>         |  |
|--------------------------|--|
| Amended Zoning Proposed: | Mixed Use Medium Density (C5, 851, H112) Zone.   |
| Modifications Proposed   | <p>The applicant proposed the following modifications to the Mixed Use Medium Density (C5) Zone:</p> <ul style="list-style-type: none"> <li>• To define Live/Work Unit and allow it as a permitted use;</li> <li>• To increase yard encroachments from 1.5 metres to 3.5 metres for porches, decks, or canopies;</li> <li>• To increase yard encroachments from 1.0 metres to 2.0 metres for balconies;</li> <li>• To modify permitted gross floor area of accessory buildings;</li> <li>• To increase parking setback from a street line from 3.0 metres to 25.0 metres;</li> <li>• To eliminate the planting strip requirement across the site;</li> <li>• To introduce a requirement for long-term bicycle parking of 0.25 bicycle parking spaces per unit;</li> <li>• To increase the short-term bicycle parking space requirement to 20 short-term bicycle parking spaces;</li> <li>• To permit short-term bicycle parking spaces anywhere on the subject site;</li> <li>• To permit residential units at-grade across the site;</li> <li>• To reduce minimum building setback from all street lines from 3.0 metres to 2.0 metres;</li> <li>• To increase maximum building setback from a street line from 4.5 metres to 8.5 metres on the western property line;</li> <li>• To increase maximum building setback from a street line from 4.5 metres to 16.5 metres on the northern property line;</li> <li>• To increase the maximum building height from 22.0 metres to 45.0 metres within specified areas;</li> <li>• To permit a minimum façade height along all street lines of 4.5 metres for a portion 12.0 metres wide;</li> <li>• To remove the requirement for incremental yard increases above 11.0 metres for development abutting Residential and Institutional Zones;</li> <li>• To locate 85% of required parking within an underground parking structure;</li> <li>• To introduce a minimum 40% landscape requirement;</li> <li>• To introduce a minimum 1,000.00 square metre contiguous outdoor amenity area located 25.0 metres from all street lines;</li> <li>• To introduce a minimum density of 60 units per net hectare; and,</li> <li>• To introduce a maximum density of 310 units per net hectare. (See Appendix “D” attached to Report PED23135.)</li> </ul> |

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**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
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| <b>Processing Details</b>       |   |
|---------------------------------|---|
| Received:                       | September 7, 2022.  |
| Deemed Complete:                | September 30, 2022.   |
| Notice of Complete Application: | Sent to five property owners within 120 metres of the subject property on October 13, 2022. |
| Public Notice Sign:             | Posted October 17, 2022 and updated with Public Meeting date August 9, 2023.                |
| Notice of Public Meeting:       | Sent to five property owners within 120 metres of the subject property on August 18, 2023.  |
| Public Comments:                | No comments received.   |
| Processing Time:                | 363 days.   |

### **EXISTING LAND USE AND ZONING**

|                           | <b>Existing Land Use</b> | <b>Existing Zoning</b>                    |
|---------------------------|--------------------------|---|
| <b>Subject Lands:</b>     | Vacant.                  | District Commercial (C6, 301, H112) Zone. |
| <b>Surrounding Lands:</b> |                          |   |
| <b>North</b>              | Queen Elizabeth Way      | Holding Major Institutional "I-H" Zone.   |
| <b>South</b>              | Commercial plaza.        | District Commercial (C6, 301) Zone.       |
| <b>East</b>               | Commercial plaza.        | District Commercial (C6, 301) Zone.       |
| <b>West</b>               | Vacant.                  | Mixed Use Medium Density (C5, 562) Zone.  |

### **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

#### **Provincial Policy Statement (2020)**

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the Provincial Policy Statement. The following policies, amongst others, apply to the proposed development.

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
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- “1.1.1 Healthy, liveable and safe communities are sustained by:
- b) Accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
  - c) Avoiding development and land use patterns which may cause environmental or public health and safety concerns; and,
  - e) Promoting the integration of land use planning, growth management, *transit-supportive* development, *intensification* and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- 1.1.3.1 *Settlement areas* shall be the focus of growth and development.
- 1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:
- a) Efficiently use land and resources;
  - b) Are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
  - e) Support *active transportation*; and,
  - f) Are *transit-supportive*, where transit is planned, exists or may be developed;
- 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

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- 1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.
- 1.7.1 Long-term economic prosperity should be supported by:
- b) Encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce.”

The application is consistent with Policies 1.1.1 b) and 1.1.3.3, by accommodating a broader range and mix of residential types to meet long-term needs. The proposed Zoning By-law Amendment ensures that the concerns outlined in 1.1.1 c) and 1.1.3.4, which seek to avoid development patterns which may cause environmental or public health concerns, are addressed. The application is also consistent with Policies 1.1.3.1 and 1.1.3.2, which focus on growth and development within settlement areas.

The vicinity of Fifty Road and South Service Road has been identified as a potential multi-modal transportation terminal, as shown on Appendix “B” of Volume 1 of the Urban Hamilton Official Plan, pending the extension of Light Rail Transit and a combination Light Rail Transit / Government of Ontario Transit rail station hub. Currently, the area is serviced by Trans Cab, which links the subject lands to the existing local transit route at the Municipal Service Centre on Highway No. 8. The addition of residential dwellings supports existing and planned transit for the area.

The proposed development is located within a settlement area with appropriate infrastructure and public service facilities and can support active transportation and planned transit.

#### Noise and Vibration

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

The subject lands are close to existing transportation noise sources and existing stationary noise sources in the area. A Noise Feasibility Study, prepared by Howe Gastmeier Chapnik Limited, dated August 18, 2022 and updated February 8, 2023, and a Response Letter dated May 9, 2023, was submitted with the applications. The study

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identified South Service Road and the Queen Elizabeth Way located to the north, and commercial uses located to the south, Costco, and east as potential sources of noise. The Costco includes rooftop mechanical equipment and a loading bay with three docks on the north side of the building. The report indicates that the sound emissions from the activities associated with the Costco has the potential to exceed background sound levels in the area during a worst-case scenario, therefore, a Class 4 Area designation is being sought.

The Study recommends the following noise mitigation measures be implemented for the proposed development respecting transportation noise sources:

- Air conditioning is required for the proposed residential buildings. The location, installation and sound ratings of the air conditioning devices should comply with NPC-300;
- Upgraded building and glazing constructions are required for the proposed residential buildings. When detailed floor plans and building elevations are available for the proposed buildings at the building permit stage, an acoustical consultant should provide revised recommendations based on actual window to floor area ratios;
- Warning clauses are required in all offers of purchase and sale or lease agreements to inform future owners/tenants of the sound level excesses and the presence of neighbouring commercial uses; and,
- Tarion Builders Bulletin B19R requires that the internal design of condominium projects integrates suitable acoustic features to insulate the suites from noise from each other and amenities in accordance with the Ontario Building Code, and limit the potential intrusions of mechanical and electrical services of the buildings on its residents. If B19R certification is to be sought, an acoustical consultant is required to review the mechanical and electrical drawings and details of demising constructions and mechanical/electrical equipment, when available, to help ensure that the noise impact of the development on itself are maintained within acceptable levels.

The Study recommends the following noise mitigation measures be implemented for the proposed development respecting stationary noise sources from the activities associated with the Costco:

- A Class 4 Area designation should be requested for Building C (as shown on Appendix "E" attached to Report PED23135) and the southerly townhouses of

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the development which would require: air conditioning for the building; upgraded building and glazing requirements; and a Class 4 Area specific warning clause;

- No windows into sensitive spaces along the southern façade of the southern townhouse blocks; and,
- To address the potential for audible sound from the nearby industrial/office facilities, specific noise warning clauses are required as indicated throughout the noise report.

The Class 4 Area designation is recommended by this Report. The implementation of remaining noise mitigation measures related to transportation and stationary noise sources will be undertaken through the Site Plan Control and Building Permit application processes.

While the applicant is proposing to include a number of mitigation measures for the proposed development to address transportation and stationary noise sources the measures will not achieve compliance with respect to a Class 1 Area requirements for stationary noise sources. Noise mitigation at the source, while preferred, is not feasible, as these noise sources are located off-site and would require enclosing the loading docks. At the time of development, sensitive land uses were not located or planned adjacent to the Costco, so noise mitigation at the source would not have been considered.

In order to meet the Ministry of the Environment Conservation and Parks' requirements, windows along the southern façade of both Building C and the townhouse dwellings would be required to be limited and possibly eliminated. This could result in blank walls. The study found that these requirements would limit design of the southern façades. Therefore, the change in classification from Class 1 Area to Class 4 Area is recommended.

Given the extent of the mitigation measures required to achieve compliance with the Ministry of the Environment Conservation and Parks based on a Class 1 Area for stationary noise sources, staff are in agreement that it is not practical to eliminate the noise from the southern façade of the building. Therefore, staff recommend that the lands be re-classified from a Class 1 Area to a Class 4 Area in accordance with the Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning (NPC-300) from the Ministry of the Environment Conservation and Parks (see Recommendation (c) of this Report).

The Study has also confirmed that a Vibration Study is not required due to the physical separation from the Canadian National Railway tracks to the south.

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Archaeology

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

The subject property meets two of the ten criteria used by the City of Hamilton and the Ministry of Citizenship and Multiculturalism for determining archaeological potential:

- Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,
- In an area of sandy soil in areas of clay or stone.

These criteria define the property as having archaeological potential. Stage 1 and Stage 2 Archaeological Assessments (P449-0636-2022 and P449-0650-2022) were submitted to the City of Hamilton and the Ministry of Citizenship and Multiculturalism. The Province provided clearance letters dated July 25, 2022 and August 17, 2022 respectively regarding the Stage 1 and Stage 2 Archaeological Assessments. Staff reviewed the assessment and found that the municipal interest in the archaeology has been satisfied.

Therefore, the applications are consistent with the Provincial Policy Statement (2020).

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

The policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) apply to any Planning decision. The proposal conforms to the Guiding Principles, Section 1.2.1, as it supports the achievement of complete communities, prioritizes residential intensification to make efficient use of land and infrastructure and support transit, and supports a range and mix of housing options. The following policies, amongst others, apply to the proposed development.

- “2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:
- a) The vast majority of growth will be directed to *settlement areas* that:
    - i. Have a *delineated built* boundary;

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- ii. Have existing or planned *municipal water and wastewater systems*; and,
  - iii. Can support the achievement of complete communities;
- c) Within settlement areas, growth will be focused in:
- i. Delineated built-up areas;
  - ii. Strategic growth areas;
  - iii. Locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and,
  - iv. Areas with existing or planned public service facilities;

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

- a) Feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
- c) Provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- e) Provide for a more compact built form and a vibrant public realm, including public open spaces;”

The proposed development is located within a delineated built boundary and has access to existing municipal services. The proposed development supports achievement of complete communities by providing residential dwellings with convenient access to local stores, services, and public service facilities and in a building form that expands the range and mix of housing options.

Based on the foregoing, the amended applications conform with the applicable policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

### **Urban Hamilton Official Plan and Fruitland-Winona Secondary Plan**

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “District Commercial” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan. The lands are also designated “District

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Commercial” and located within “Area Specific Policy Area G” on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan.

An Official Plan Amendment is necessary to re-designate the subject lands to facilitate the proposed mixed use development. Within the City’s Urban Structure, the subject lands are located within “Neighbourhoods” and not within an “Urban Node” or “Urban Corridor”. The Official Plan Amendment application proposes to re-designate the subject lands from “District Commercial” to “Neighbourhoods” in the Urban Hamilton Official Plan and “Medium Density Residential 2” in the Fruitland-Winona Secondary Plan. In addition, the amendment will remove the lands from Site Specific Policy Area G and create a new Site Specific Policy Area in the Fruitland-Winona Secondary Plan.

The following policies, amongst others, apply.

Urban Structure - Neighbourhoods

Volume 1

- “E.2.7.2 Neighbourhoods shall primarily consist of residential uses and complementary facilities and services intended to serve the residents. These facilities and services may include parks, schools, trails, recreation centres, places of worship, small retail stores, offices, restaurants, and personal and government services.
- E.2.7.4 The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including affordable housing and housing with supports.
- E.2.7.5 The Neighbourhoods element of the urban structure shall permit a range of commercial uses including retail stores and services. These commercial uses may be clustered into plaza forms or in main street configurations. Over time, some of these commercial areas may evolve into a mixed use form, where appropriate. Commercial uses that cater to a broader regional market shall be directed to appropriate Urban Nodes. The Neighbourhoods element of the urban structure permits a broader range of commercial areas than the Neighbourhoods Designation. The different types of commercial areas are designated on Schedule E-1 – Land Use Designations. The policies of Section E.4.0 – Commercial and Mixed Use Designations, Section E.3.0 – Neighbourhoods Designation, and applicable secondary plans of Volume 2 shall provide specific direction on the scale of commercial uses in the various commercial and mixed use designations.

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E.2.7.7 Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes compatible with the existing character or function of the neighbourhood shall be permitted. Applications for development and residential intensification within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Sections B.2.4 – Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 – Commercial and Mixed Use Designations, and, E.6.0 – Institutional Designation.”

The uses within the proposed development are compatible with the land uses intended within the “Neighbourhoods” component of the urban structure. The proposed development consists primarily of residential uses with commercial uses located within mixed use buildings. As proposed, the Live/Work units resemble a main street configuration. Compatibility with the character of the neighbourhood will be examined in the following sections.

#### Commercial and Mixed Use Designations – General Policies

##### Volume 1

“E.4.2.9 Notwithstanding Policies E.4.2.3 and E.4.2.6, four major commercial areas currently exist in the City of Hamilton that exceed 25,000 square metres of retail and commercial service space, but are not anticipated to evolve into mixed use areas during the life of this Plan. These four areas are not identified as Urban Nodes or Urban Corridors, are within the Neighbourhood element of the Urban Structure on Schedule E – Urban Structure, are designated District Commercial on Schedule E-1 – Urban Land Use Designations and have area or site specific requirements contained in Volume 2 or Volume 3. The amount or type of retail uses in these locations shall not be expanded without an amendment to the Urban Structure. The four major commercial areas are located:

- c) In the area south of the [Queen Elizabeth Way] QEW, west of Fifty Road, north of the CNR Railway, east of Winona Road, and east and south of Vince Mazza Way; and, (OPA 158)”

Although Policy E.4.2.9 states that the subject lands are not anticipated to evolve into a mixed use area, lands located to the west, on the opposite side of Vince Mazza Way, were removed from the “District Commercial” designation and zoned Mixed Use Medium Density (C5) Zone. The Planning Justification Report, prepared by The Planning Partnership and dated February 2023 in support of this application, states that

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the site has been unable to develop commercial uses as intended. The report notes that the site has been vacant since 2014 when the previous uses were demolished. Further, the Fruitland-Winona Secondary Plan Summary Report (2013) concluded that there is a surplus of commercial lands within the secondary plan area.

#### District Commercial Designation

##### Volume 1

“E.4.7.9 Although residential development is permitted and encouraged, it is not the intent of the Plan for the District Commercial designated areas to lose the planned retail and service commercial function set out in this Plan.”

The proposed mixed use development will contain less retail than set out in this plan. As a result, development an Official Plan Amendment is necessary to re-designate the lands. The Official Plan Amendment proposes to re-designate the lands from “District Commercial” to “Neighbourhoods”. The proposed Official Plan Amendment is attached as Appendix “B” to Report PED23135.

#### Neighbourhoods Designation

##### Volume 1

“E.3.2.1 Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.

E.3.2.2 The Neighbourhoods designation applies to lands generally greater than 4 hectares in size designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations.

E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:

- a) Residential dwellings, including second dwelling units and housing with supports; and,
- d) Local commercial uses.

E.3.5.1 Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor

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

- E.3.5.2 Uses permitted in medium density residential areas include multiple dwellings except street townhouses.
- E.3.5.4 Local commercial uses may be permitted on the ground floor of buildings containing multiple dwellings, subject to the provisions of Section E.3.8 – Local Commercial are satisfied.
- E.3.5.5 Medium density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities, public transit, schools, active or passive recreational facilities, and local or District Commercial uses.
- E.3.8.4 Local commercial uses may be permitted in the following built forms:
- d) Multiple storey buildings with the local commercial uses on the ground floor and residential units above.”

The proposed development meets the intent of the “Neighbourhoods” designation. Residential uses are proposed in multiple residential and mixed use building form. Limited local commercial uses to support residents are proposed on the ground floor of mixed use buildings and within Live/Work units. Local commercial uses are permitted within the “Neighbourhoods” designation. These uses are consistent with the designation. The site is located adjacent to South Service Road, which is classified as a minor arterial road. There are a range of commercial, institutional, and recreational uses found both within proximity to the subject lands to meet the long-term needs of future residents. Growth in residential population is expected to support future transit services in the area. The subject lands, at approximately 2.36 hectares in size, are less than the minimum area generally required for the “Neighbourhoods” designation of 4.0 hectares, however, as the subject lands will be integrated with the commercial lands to the east and south and will have opportunities for improved connections to the adjacent “Neighbourhoods” designations to the west, the proposal meets the intent of this policy.

## Commercial and Mixed Use Designations

### Volume 2

#### “B.7.4.5.4 District Commercial Designation

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Section E.4.7 – District Commercial Designation of Volume 1 shall apply to lands designated District Commercial on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan.

Area Specific Policy – Area G

B.7.4.18.7 For the lands bounded by Winona Road, South Service Road, CNR Railway and Fifty Road and as shown as Area Specific Policy - Area G, and designated District Commercial on Map B.7.4-1 - Fruitland-Winona Secondary Plan – Land Use Plan, the following policies shall apply:

- b) Notwithstanding Policy E.4.7.2 (a) and (c) - District Commercial of Volume 1, residential uses shall not be permitted;”

The proposed development consists of residential buildings, mixed use buildings, and Live/Work buildings. These uses are not permitted by the current land use permissions. Therefore, an Official Plan Amendment is necessary to re-designate the lands.

Residential Designations

Volume 2

“B.7.4.4.6 Medium Density Residential 2 Designation

In addition to Section E.3.5 - Medium Density Residential Policies of Volume 1, for lands designated Medium Density Residential 2 on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan, the following policies shall apply:

- a) In addition to the uses permitted in Policy E.3.5.2 of Volume 1, the following additional uses shall be permitted:
  - ii) Live-work housing units in accordance with the following provisions:
    1. Commercial uses shall include retail, personal services and offices; and,
    2. Commercial uses shall be located at grade.
- b) Notwithstanding Policy E.3.5.7 of Volume 1, the net residential density shall be greater than 60 units per hectare and shall not exceed 75 units per hectare.



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- c) Notwithstanding Policy E.3.5.8 of Volume 1, the maximum height shall be 3.5 storeys.”

For the proposed development to comply with the policies of the “Medium Density Residential 2” designation, the following Site Specific policies are proposed:

- To permit a maximum net residential density of 310 dwelling units per hectare, whereas a maximum density of 75 units per hectare is permitted; and,
- To permit a maximum building height of 12 storeys, whereas a maximum building height of 3.5 storeys is permitted.

It is Staff’s opinion that the subject lands are an appropriate location for residential land uses given the site’s location adjacent to major transportation routes, future transit, employment areas, and retail centres.

#### Residential Intensification and Compatibility

##### Volume 1

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

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

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g) The ability of the development to comply with all applicable policies.

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

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

Volume 2

“B.7.4.3 General Policies

The Fruitland-Winona Secondary Plan has been developed to guide development within the Secondary Plan area. The following policies address land uses and other matters common to all parts of the Fruitland-Winona Secondary Plan area:

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- d) When reviewing an application for development within the Fruitland Winona Secondary Plan area, the following matters shall be evaluated: (OPA 142)
- i) Compatibility with adjacent land uses including matters such as shadowing, grading, overlook, noise, lighting, traffic and other nuisance effects;
  - ii) Transition in height and density to adjacent and existing residential development; (OPA 142)
  - iii) The relationship of the proposed lot(s) with adjacent and existing lot pattern and configuration; and,
  - iv) The policies in Section 7.4.14 – Block Servicing Strategy and all other applicable policies of this Secondary Plan. (OPA 142)”

The proposed development increases the amount and range of housing options in the City to accommodate the anticipated growth through intensification of the built up area. The proposed mixed use development includes landscape features such as an internal trail system, central courtyard, and Live/Work units along Vince Mazza Way. This combination of land uses and landscape design will encourage connections with adjacent land uses and enhance the streetscape. The proposed development is not anticipated to create any negative impacts on adjacent lands in terms of privacy, overlook, and sun shadow as a result of the proposed site layout. The subject lands are bound by roads to the north and west and by commercial uses to the south and east. The area is well serviced by municipal infrastructure and no road improvements are required as sufficient capacity exists within the road network.

### Urban Design

#### Volume 1

- “B.3.3.1.5 Ensure that new development is compatible with and enhances the character of the existing environment and locale.
- B.3.3.1.8 Promote intensification that makes appropriate and innovative use of buildings and sites and is compatible in form and function to the character of existing communities and neighbourhoods.
- B.3.3.2.3 Urban design should foster a sense of community pride and identity by:
- a) Respecting existing character, development patterns, built form, and landscape;

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- b) Promoting quality design consistent with the locale and surrounding environment;
- c) Recognizing and protecting the cultural history of the City and its communities;
- d) Conserving and respecting the existing built heritage features of the City and its communities;
- e) Conserving, maintaining, and enhancing the natural heritage and topographic features of the City and its communities;
- f) Demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;
- g) Contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;
- h) Respecting prominent sites, views, and vistas in the City; and,
- i) Incorporating public art installations as an integral part of urban design.

**B.3.3.2.4** Quality spaces physically and visually connect the public and private realms. Public and private development and redevelopment should create quality spaces by:

- a) Organizing space in a logical manner through the design, placement, and construction of new buildings, streets, structures, and landscaping;
- b) Recognizing that every new building or structure is part of a greater whole that contributes to the overall appearance and visual cohesiveness of the urban fabric;
- e) Creating a continuous animated street edge in urban environments;
- f) Including transitional areas between the public and private spaces where possible through use of features such as landscaping, planters, porches, canopies, and/or stairs;

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- g) Creating public spaces that are human-scale, comfortable, and publicly visible with ample building openings and glazing; and,
- i) Minimizing excessive street noise and stationary noise source levels through the design, placement, and construction of buildings and landscaping.”

The proposed development is compatible with adjacent land uses in that it is not anticipated to cause any negative impact in terms of privacy, overlook, or sun shadow. The pedestrian network and internal central courtyard are quality spaces resulting from the placement of buildings and landscaping on the site. The internal central courtyard is placed to minimize excessive street noise from the Queen Elizabeth Way corridor. The placement of Live/Work units along Vince Mazza Way serves to create active street frontages through the inclusion of commercial uses and increased setbacks to allow for outdoor amenity space.

#### Integrated Transportation Network

##### Volume 1

- “C.4.2.3 All land use planning and design decisions shall be coordinated with, and consider, the integrated transportation network goals and policies of Section C.4.0 – Integrated Transportation Network.
- C.4.2.3.1 The timing of new *developments* shall be coordinated with the availability of adequate, matched transportation network capacity.
- C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way widths:
- a) Provincial highways, subject to the following general policies:
    - ii) New entrances or the upgrading of entrances within the Ministry of Transportation’s permit control area of a provincial highway shall be subject to the approval of the Ministry of Transportation; and,
    - iii) The City and the Ministry of Transportation shall work cooperatively with respect to the planning of land development and associated access connections within the Ministry of Transportation’s permit control area adjacent to all provincial highways and interchanges within the City, to protect the future

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capacity and operation of both the provincial highway network and the City's transportation facilities.”

The updated Transportation Impact Study, prepared by LEA Consulting Ltd. and dated February 2023, shows that the proposed development is generally supported by the surrounding transportation network. The study recommends an exclusive eastbound right-turn lane with 35 metres of storage at the intersection of South Service Road and Vince Mazza Way, optimized signal timing at the intersection of South Service Road and East Plaza Access during peak hours, and optimized signal timing at the intersection of Fifty Road and South Service Road during peak hours.

The Transportation Impact Study also indicates that both eastbound and westbound off ramps to the Queen Elizabeth Way will experience delays during peak hours which is expected to deteriorate further as a result of the proposed development's impact on the surrounding road network. Detailed comments from the Ministry of Transportation are provided in the Relevant Consultation section below. A Holding Provision has been added to require updates to the Transportation Impact Study to provide additional mitigation measures to the satisfaction of the Ministry of Transportation.

#### Tree Management

##### Volume 1

“C.2.11.1 The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

Trees were not identified on the subject site; therefore a Tree Protection Plan was not required in support of this development. Tree plantings will be identified on the Landscape Plan required during the future Site Plan Control stage.

Based on the foregoing, the proposal complies with the applicable policies of the Urban Hamilton Official Plan and the Fruitland-Winona Secondary Plan subject to the proposed Official Plan Amendment.

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

The subject lands are zoned District Commercial (C6, 301, H112) Zone in City of Hamilton By-law No. 05-200, as shown on Appendix “A” attached to Report PED23135. The District Commercial (C6, 301, H112) Zone permits a range of commercial uses to serve the day-to-day and weekly shopping needs of residents in the immediate and surrounding neighbourhoods. Residential uses are permitted but the intent of the zone

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
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is predominantly for commercial uses. As such, the applicant has proposed a rezoning to a site specific Mixed Use Medium Density (C5) Zone to permit multiple dwellings with a maximum height of 12 storeys and Live/Work units in addition to commercial uses.

The proposed zoning and zoning standards are consistent with the proposed land use designations in the Urban Hamilton Official Plan. The rationale for the Zoning By-law Amendment is discussed in the Analysis and Rationale for Recommendation section, and an evaluation of the proposed modifications to the (C5) Zone is included in Appendix "D" attached to Report PED23135. The Holding Provision will address the completion of Record of Site Condition requirements, implementation of noise mitigation measures, registration of noise warning clause, and submission and approval of an updated Functional Servicing Report, Hydraulic Analysis, Stormwater Management Report, and updated Transportation Impact Study. Once these conditions have been addressed, the applicant can apply for the removal of the Holding Provision through the passing of a by-law lifting the 'H'.

**RELEVANT CONSULTATION**

| Department and Agencies  | Response    |
|--|-------------|
| <ul style="list-style-type: none"> <li>• Planning and Economic Development Department, Economic Development Division, Corporate Real Estate Section and Commercial Districts and Small Business Section;</li> <li>• Public Works Department, Environmental Services Division, Parks &amp; Cemeteries Section,</li> <li>• Public Works Department, Engineering Services Division;</li> <li>• Hydro One Networks Inc.; and,</li> <li>• Canada Post.</li> </ul> | No Comment. |

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| <b>Department</b>   | <b>Comment</b>   | <b>Staff Response</b>  |
|---|--|--|
| Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department | <p>Development Engineering does not have any objections to the approval of the applications.</p> <p>An updated Functional Servicing Report is required to revise the sanitary design sheet based on a revised boundary, conduct watermain hydraulic analysis, and establish a storm outlet and stormwater management criteria.</p>   | The recommended Zoning By-law includes a Holding Provision for the completion of an updated Functional Servicing Report. |
| Growth Planning Section, Growth Management Division, Planning and Economic Development Department                   | Municipal addressing for this proposal will be determined after conditional Site Plan Approval is granted.   | Individual unit addresses for the proposed development will be addressed at the Site Plan Control stage.                 |
| Forestry and Horticulture Section, Environmental Services Division, Public Works Department                         | The landscape concept plans for the installation of street trees, prepared by The Planning Partnership and dated January 25, 2023, are approved in principle, although measurements need to be confirmed through the submission of a landscape plan with a format that can be measured accurately.   | A Landscape Plan will be required at the future Site Plan Control stage.   |
| Waste Management Division, Public Works Department  | <p>The townhouse units will store all recycling, organics and waste within a shared internal waste storage area located in the multi-residential buildings.</p> <p>The mixed use buildings and multi-residential building will require front-end bin service for collection of garbage, recyclable containers, recyclable papers, and organic waste.</p> <p>The daycare will require private waste collection.</p> | Location of collection areas will be determined at the Site Plan Control stage.  |

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| Department   | Comment   | Staff Response   |
|--|---|--|
| <p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department</p> | <p>The proposed development is projected to be generally supported by the surrounding transportation network.</p> <p>The Transportation Impact Study, prepared by LEA Consulting Ltd., dated September 2022 and revised February 2023, is approved.</p> <p>An exclusive eastbound right-turn lane with 35 metres of storage is required at the intersection of South Service Road and Vince Mazza Way once full build-out of the subject lands has been completed. A cost estimate schedule and required securities for the required works to be completed by the City of Hamilton once full build-out of the subject lands has been completed is to be provided.</p> <p>Long-term bicycle parking spaces are recommended to be located in a secure enclosed bicycle parking area. Short-term and long-term bicycle parking areas shall be clearly labelled on the site plan with the total number of spaces provided also to be indicated and numbered on the site plan accordingly.</p> <p>The Transportation Impact Study indicates that the proposed development will sell parking spaces separately from the cost to purchase a unit. The Owner shall provide a signed letter of intent indicating that parking spaces will be unbundled from the cost to purchase a residential unit.</p> | <p>Turning lane construction, long-term bicycle parking and short-term bicycle parking locations, letter of intent, driveway access, and underground parking ramps will be addressed at the future Site Plan Control stage.</p> <p>An updated Transportation Impact Study is required to remove the Holding Provision.</p> |

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**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
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| Department   | Comment  | Staff Response   |
|--|--|--|
| Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department <b>Continued</b> | <p>The proposed driveway access to Vince Mazza Way shall align centerline to centerline with the proposed driveway access located on the west side of Vince Mazza Way provided to the conditionally approved lands of 1290 South Service Road. For two-way operation onto municipal roadways, the proposed driveway access width(s) must be 7.5 metres at the ultimate property line and curve radii minimum 6.0 metres. These driveway dimensions must be annotated on the site plan.</p> <p>Transportation Planning notes that a maximum grade percentage of 10% is required as per City of Hamilton Comprehensive Development Guidelines for underground parking ramps.</p> |  |
| Landscape Architectural Services, Public Works Department  | The inclusion of private amenity space is supported however, this shall not contribute to parkland dedication. Requests cash-in-lieu of parkland dedication.   | Cash-in-lieu of parkland dedication will be addressed at the Building Permit stage.  |
| Ontario Ministry of Transportation   | <p>Ministry of Transportation shall review the Stormwater Management Report that is to be provided at the Site Plan Application stage.</p> <p>The Ministry of Transportation does not approve the Transportation Impact Study, prepared by LEA Consulting Ltd., dated September 2022 and revised February 2023. The report contains missing or inconsistent analysis and data.</p>   | The recommended Zoning By-law includes a Holding Provision for the completion of an updated Servicing Feasibility Report including a Stormwater Management Report. |

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| Department   | Comment  | Staff Response  |
|--|--|---|
| <p>Ontario Ministry of Transportation<br/><b>Continued</b></p> | <p>The report also indicates that the eastbound off ramp to the Queen Elizabeth Way will perform poorly under future background and total traffic conditions, which is a safety issue. The Ministry of Transportation does not accept poor levels of service. The proponent is required to provide analysis for unsignalized and signalized conditions and additional mitigation plans to ensure Ministry of Transportation thresholds are taken into consideration.</p> <p>The Ministry of Transportation does not permit essential features within 14 metres from the South Service Road right-of-way.</p> <p>Zero light trespass onto the Ministry of Transportation right-of-way is permitted.</p> | <p>The recommended Zoning By-law includes a Holding Provision for the completion of an updated Transportation Impact Study, with particular focus on improvements to mitigate both future background and total traffic at the Queen Elizabeth Way interchanges. Ministry of Transportation Permits will be required at the future Site Plan Control stage to address implementation of any mitigation plans.</p> <p>Essential features are not located within 14 metres of the South Service Road right-of-way.</p> <p>A Lighting Plan will be required during the Site Plan Control stage.</p> |
| <p>Canadian National Railway</p>                               | <p>Canadian National Railway reviewed the stormwater management and noise studies.</p> <p>The proposed development is feasible and can be designed to meet the Canadian National Railway, Railway Association of Canada, Federation of Canadian Municipalities, and Ministry of Environment, Conservation and Parks' guidelines.</p>   | <p>Noted.</p>   |

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| Department                                 | Comment   | Staff Response   |
|--|---|--|
| Canadian National Railway <b>Continued</b> | As the proposed development is more than 75 m from the CN right-of-way and not immediately adjacent to the Canadian National Railway right-of-way, a detailed vibration assessment is not required, and brick veneer or masonry exterior wall construction is not required.   |  |
| Hamilton Conservation Authority            | The Functional Servicing Report and related documentation prepared in support of the development were reviewed and the Hamilton Conservation Authority has no concerns with approval of the Official Plan and Zoning By-law Amendment applications. Outstanding comments can be addressed at the future Site Plan Control stage.  | Comments can be addressed at the future Site Plan Control stage. |
| Alectra Utilities                          | For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 Ext: 25713 or visit our web site at <a href="http://www.alectrautilities.com">www.alectrautilities.com</a> .  | Noted.   |
| Enbridge Gas Inc.                          | <p>Enbridge Gas Inc. does have service lines running within the area which may or may not be affected by the proposed Site Plan.</p> <p>Should the proposed site plan impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required would be at the cost of the property owner.</p> | Noted.   |

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### **Design Review Panel**

The proposed development was reviewed by the Design Review Panel on November 10, 2022. The concept reviewed included two mixed use buildings of eight and 12 storeys, one residential building of 10 storeys, and eight Live/Work units and 32 stacked townhouse units of three storeys with a total of 600 dwelling units, 1,204 square metres of commercial space, and at grade and underground parking.

The panel advised that the proponent should consider improving circulation and connections with the adjacent properties to increase interactions, designating the central square as a pedestrian area, reducing surface parking, and refining tower façade design.

In response to the Panel's comments, Staff note that the revised proposal has reduced the amount of surface parking from 43 to 27 spaces, modified the internal driveway layout, and increased setbacks to provide improved pedestrian connections.

Design Review Panel comments will be further addressed at the Site Plan Control stage.

### **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to five property owners within 120 metres of the subject property on October 13, 2022. A Public Notice Sign was posted on the property on October 17, 2022, and updated on August 9, 2023, with the Public Meeting date. Finally, Notice of the Public Meeting was given on August 18, 2023, in accordance with the requirements of the *Planning Act*.

#### Public Consultation Strategy

In addition to the requirements of the *Planning Act*, the applicants submitted a Public Consultation Strategy with the supporting materials. A Neighbourhood Information Meeting was included as a possible public participation tool. Since no public feedback was received as a result of the Notice of Complete Application or the sign, a Neighbourhood Information Meeting was not held.

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

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement (2020) (PPS);

**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
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- (ii) It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (iii) It complies with the Urban Hamilton Official Plan and the Fruitland-Winona Secondary Plan, subject to the recommended Official Plan Amendment; and,
- (iv) It represents good planning by, among other things, making efficient use of land and infrastructure by providing housing in an efficient urban form, expanding the range of residential dwelling types, supports local commercial uses and planned transit, and contributing to developing a complete community.

2. Urban Hamilton Official Plan and Fruitland-Winona Secondary Plan Amendments

The purpose of the Official Plan Amendment is to redesignate the lands from “District Commercial” to “Neighbourhoods” within the Urban Hamilton Official Plan and to redesignate the subject lands from “District Commercial” to “Medium Density Residential 2”, remove the lands from Area Specific Policy – Area G, and create a Site Specific Policy within the Fruitland-Winona Secondary Plan to permit a development with a maximum density of 310 units per hectare and a maximum height of 12 storeys.

As per the Urban Hamilton Official Plan policies identified above, the proposed re-designation can be supported since the proposed development makes efficient use of land and infrastructure, provides housing in an efficient urban form, and contributes to developing complete communities. The proposed development will introduce residential intensification in an appropriate location that is compatible with the surrounding area in terms of use, scale, form and character with no privacy, overlook, sun shadow, or other negative impacts. This will support commercial uses on site as well as commercial uses and services on adjacent sites.

The proposed Official Plan Amendment includes the creation of a new Site Specific Policy Area to increase height and density. The “Medium Density Residential 2” permits a maximum density of 75 units per hectare and a maximum height of 3.5 storeys. Staff support the increase in density as the site is located on the periphery of the neighbourhood and in proximity to a retail centre and a potential future transit hub. Staff support the increase in height as it is not expected to cause any negative impacts and supports efficient use of the land. In addition, the current Site Specific Policy Area does not permit residential uses. Staff support removing the lands from the Site Specific Policy Area to allow

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residential uses as it complies with the general intent and purpose of the Urban Hamilton Official Plan urban structure.

Based on the foregoing, staff supports the requested amendment.

3. Zoning By-law Amendment

The subject lands are currently zoned District Commercial (C6, 301, H112) Zone in City of Hamilton By-law No. 05-200. The applicant has requested that the subject lands be rezoned to a site specific Mixed Use Medium Density (C5) Zone to facilitate development of a mixed use development containing a total of 705 dwelling units and 1,282 square metres of commercial space within two mixed use buildings of eight and 12 storeys, a residential building of ten storeys, and four, three storey townhouse blocks containing 32 units of which eight are Live/Work units.

The proposed zone contains modifications to permit the development. The modifications are identified on pages 6-7 of Report PED23135 and discussed in detail in Appendix "D" attached to Report PED23135. The proposed Mixed Use Medium Density (C5, 851, H112) Zone will permit a broader range of residential uses and a greater height and density. The maximum height of buildings will be restricted to specific parts of the subject lands by a Special Figure in Schedule F – Special Figures of Zoning By-law No. 05-200. The proposed zoning modifications ensure compatibly with adjacent land use. In addition, the proposal contributes to the creation of a complete community envisioned by the Urban Hamilton Official Plan.

Staff are in support of this change of zoning as the proposal complies with the Urban Hamilton Official Plan policies.

4. Holding Provision

An "H" Holding Provision is recommended to require a Record of Site Condition, implementation of noise mitigation measures, registration of noise warning clauses, updated Functional Servicing Report, Hydraulic Analysis, Stormwater Management Report, and updated Transportation Impact Study. Once these conditions have been addressed, the applicant can apply for the removal of the Holding Provision through the passing of a By-law lifting the 'H'.

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**SUBJECT: Applications for Official Plan Amendment and Zoning By-law  
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**ALTERNATIVES FOR CONSIDERATION**

Should the applications not be approved, the subject lands will remain designated "District Commercial" and zoned District Commercial (C6, 301, H112) Zone. The District Commercial (C6) Zone permits a range of commercial uses to serve the day-to-day and weekly shopping needs of residents in the immediate and surrounding neighbourhoods and residential dwellings above the ground floor within a mixed use building.

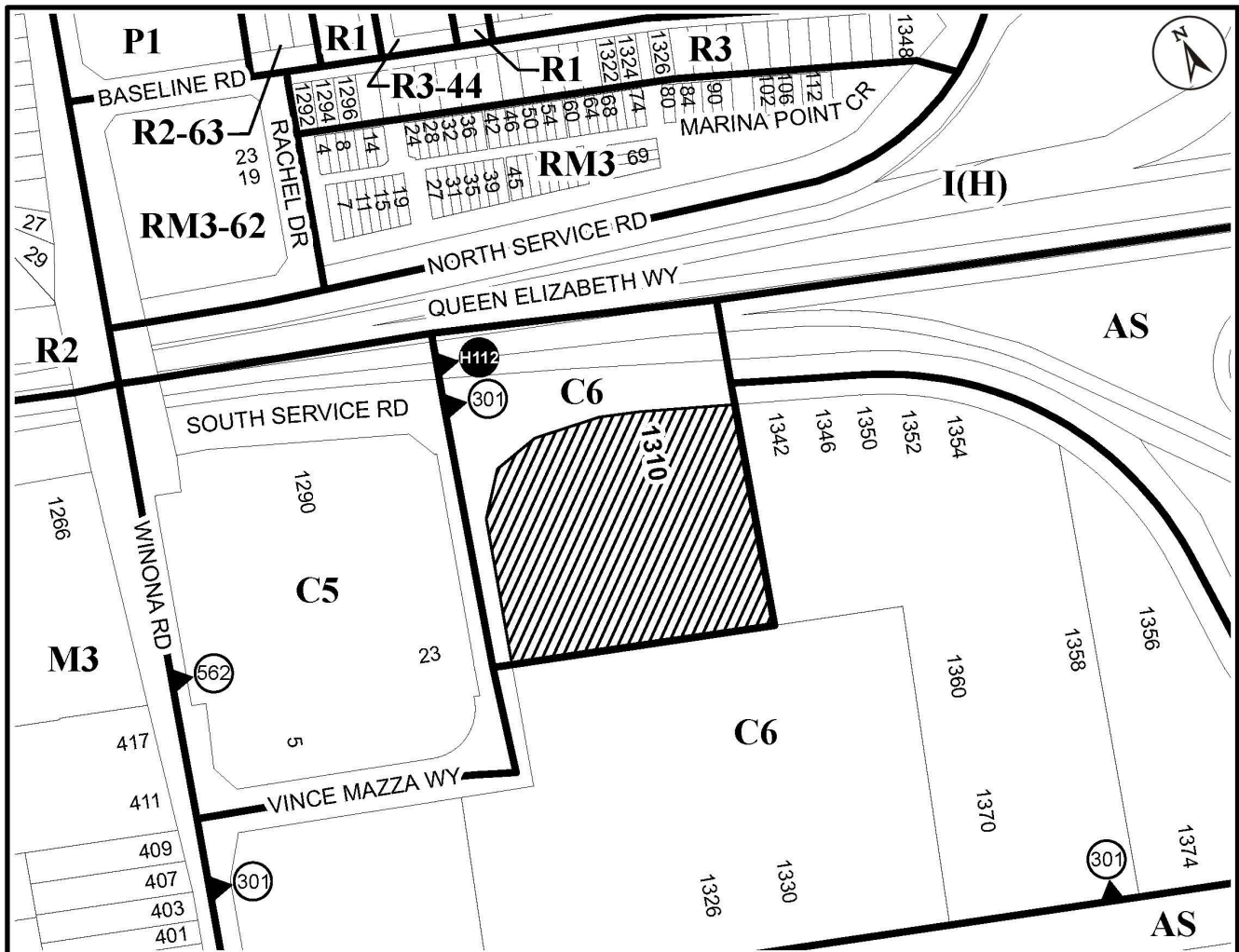
**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED23135 – Location Map  
Appendix "B" to Report PED23135 – Draft Official Plan Amendment  
Appendix "C" to Report PED23135 – Draft Zoning By-law Amendment  
Appendix "D" to Report PED23135 – Zoning Modification Chart  
Appendix "E" to Report PED23135 – Concept Plan

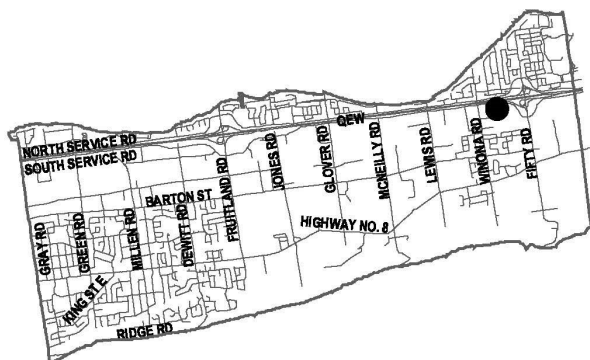
MM:sd



Appendix "A" to Report PED23135  
Page 1 of 1



● Site Location



Key Map - Ward 10

## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-22-063 & UHOPA-22-026

Date:  
April 26, 2023

Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
MM/AL

### Subject Property

1310 South Service Road



Change in Zoning from the District Commercial (C6, 301, H112) Zone to the Mixed Use Medium Density (C5, 851, H112) Zone

**Schedule “1”**

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

The following text, together with:

|              |   |
|--------------|---|
| Appendix “A” | Volume 1: Schedule E-1 – Urban Land Use Designations                    |
| Appendix “B” | Volume 2: Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan |

attached hereto, constitutes Official Plan Amendment No. “X” to the Urban Hamilton Official Plan.

### **1.0 Purpose and Effect:**

The purpose and effect of this Amendment is to redesignate the subject lands, remove the lands from Area Specific Policy – Area G, and create a new Site Specific Policy within the Fruitland-Winona Secondary Plan, to permit a mixed use development with a maximum density of 310 units per net hectare and a maximum height of 12 storeys on the subject lands.

### **2.0 Location:**

The lands affected by this Amendment are known municipally as 1310 South Service Road, in the former City of Stoney Creek.

### **3.0 Basis:**

The basis for permitting this Amendment is:

- The proposed development supports the policies of the Urban Hamilton Official Plan and the Fruitland-Winona Secondary Plan, as it contributes to the range of housing forms and the efficient use of land;
- The proposed development implements the Residential Intensification policies of the Urban Hamilton Official Plan; and,
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

## 4.0 Actual Changes:

### 4.1 Volume 1 – Parent Plan

#### *Schedules and Appendices*

##### 4.1.1 Schedule

- a. That Volume 1: Schedule E-1 – Urban Land Use Designations be amended by redesignating the subject lands from "District Commercial" to "Neighbourhoods", as shown on Appendix "A", attached to this Amendment.

### 4.2 Volume 2 – Secondary Plans

#### *Text*

##### 4.2.1 Chapter B.7 – Stoney Creek Secondary Plans – Section B.7.4 – Fruitland-Winona Secondary Plan

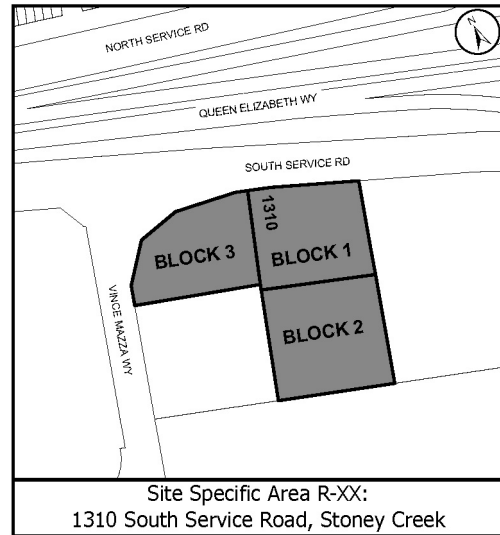
- a. That Volume 2: Chapter B.7 – Stoney Creek Secondary Plans, Section B.7.4 – Fruitland-Winona Secondary Plan be amended by adding a new Site Specific Policy, as follows:

"Site Specific Policy – Area "X"

B.7.4.18.XX For the lands located at 1310 South Service Road, designated Medium Density Residential 2 and identified as Site Specific Policy – Area "X" on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan, the following policies shall apply:

- a) Notwithstanding Policy B.7.4.4.6 b) of Volume 2, the residential density shall be greater than 60 units per net hectare and not exceed 310 dwelling units per net hectare;
- b) The implementing Zoning By-law shall set out the appropriate building height transitions and step backs from adjacent streets and existing residential uses within the adjacent lands designated Neighbourhoods.
- c) Notwithstanding Policy B.7.4.4.6 c) of Volume 2, the following maximum building heights shall apply:

- i) for Block 1 the maximum building height shall be 12 storeys;
- ii) for Block 2 the maximum building height shall be 10 storeys; and,
- iii) for Block 3 the maximum building height shall be 8 storeys.



## Maps

### 4.2.2 Map

- a. That Volume 2: Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan be amended by:
  - i) redesignating lands from “District Commercial” to “Medium Density Residential 2”;
  - ii) removing the lands from Area Specific Policy – Area G; and,
  - iii) identifying the subject lands as Site Specific Policy – Area “X”,as shown on Appendix “B”, attached to this Amendment.

## 5.0 Implementation:

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

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

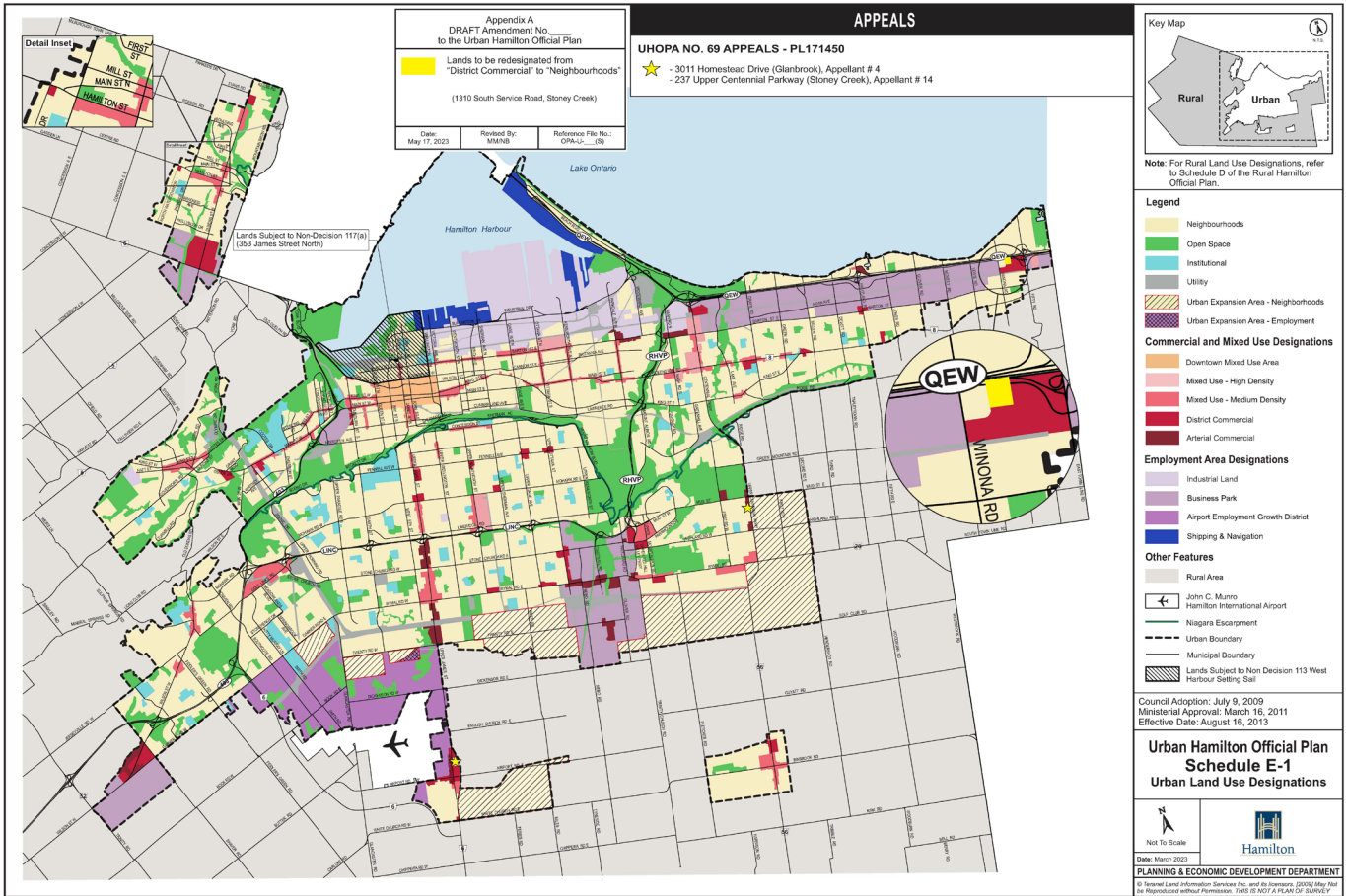
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City of Hamilton

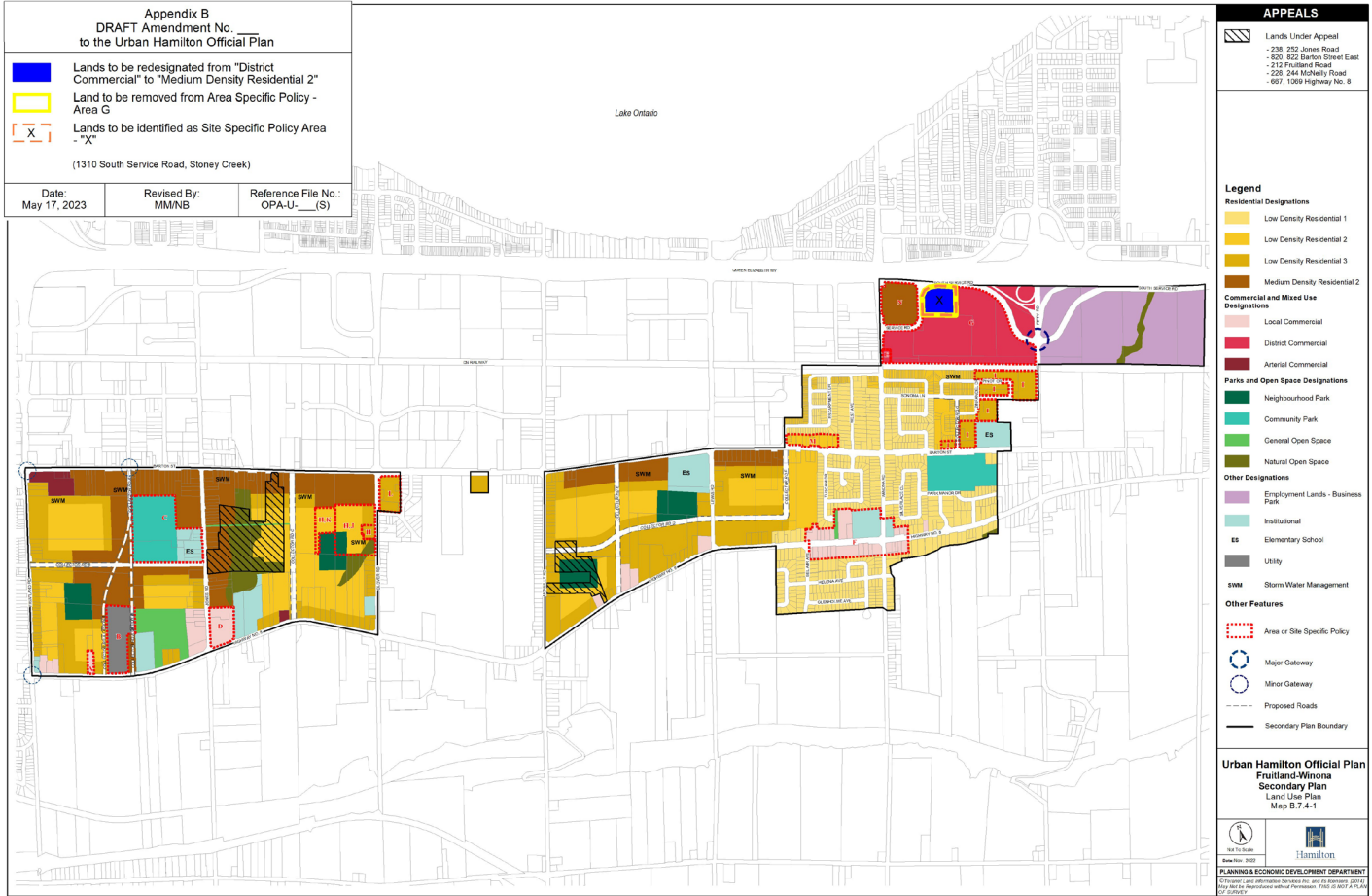
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A. Horwath  
MAYOR

---

A. Holland  
CITY CLERK





**Appendix “C” to Report PED23135  
Page 1 of 7**

**Authority:** Item XX, Planning Committee  
Report (PED23135)  
CM:  
Ward: 10

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW NO. 23-**

**To amend Zoning By-law No. 05-200  
with respect to lands located at  
1310 South Service Road, Stoney Creek**

**WHEREAS** Council approved Item \_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on September 5, 2023;

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

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

1. That Map No. 1259 of Schedule “A” – Zoning Maps is amended by changing the zoning from the District Commercial (C6, 301, H112) Zone to the Mixed Use Medium Density (C5, 851, H112) Zone for the lands identified on Schedule “A” to this By-law;
2. That Schedule “C” – Special Exceptions is amended by adding the following new Special Exception:

“851. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Map 1259 of Schedule “A” – Zoning Maps and described as 1310 South Service Road, the following special provisions shall apply:

- a) In addition to Section 3: Definitions the following definition shall also apply:

|                |  |
|----------------|--|
| Live/Work Unit | Shall mean a dwelling unit where a residence is permitted, and where a commercial use may also be permitted with a maximum size of 50 square metres of gross floor area and which shall be located on the ground floor. Commercial uses in a Live/Work Unit shall be limited to a personal service shop, a professional office and a retail store. |
|----------------|--|



**Appendix “C” to Report PED23135  
Page 2 of 7**

**To amend Zoning By-law No. 05-200 with respect to lands located at 1310 South Service Road,  
Stoney Creek**

- b) Notwithstanding Section 4.6 d), 4.6 e), and 4.8.1.1 a), the following special provisions shall apply:
- i) A porch, deck or canopy may encroach into any required yard to a maximum of 3.5 metres.
  - ii) A balcony may encroach into any required yard to a maximum of 2.0 metres.
  - iii) The aggregate Gross Floor Area of all Accessory Buildings shall not exceed 7.5% total lot coverage.
- c) Notwithstanding Section 5.1 a) v) a), 5.1 a) v) b), 5.7 a), and 5.7 c), and in addition to 5.7 e), the following special provisions shall apply:
- i) Surface Parking Spaces      Shall not be located within 25.0 metres of a street line.
  - ii) Long-term Bicycle Parking      Minimum 0.25 Long-term bicycle parking spaces per unit.
  - iii) Short-term Bicycle Parking      1. Minimum 20 Short-term bicycle parking spaces; and,  
  
2. Shall be located on the lot containing the use.
- d) In addition to Section 10.5.1, the following shall apply:
- i) Permitted Uses      Live/Work Unit
- e) Notwithstanding Section 10.5.1.1 i) 1., 10.5.3 a), 10.5.3 d) i), 10.5.3 d) ii), and 10.5.3 d) iii), and in addition to 10.5.3, the following shall apply:
- i) Building Setback from a Street Line      1. Minimum 2.0 metres;  
  
2. Maximum 16.5 metres from the northern property line; and,

**Appendix “C” to Report PED23135  
Page 3 of 7**

**To amend Zoning By-law No. 05-200 with respect to lands located at 1310 South Service Road,  
Stoney Creek**

- |      |                         |  |
|------|-------------------------|--|
|      |                         | 3. Maximum 8.5 metres from the western property line.  |
| ii)  | Building Height         | <p>1. Maximum building height shall be in accordance with Figure 35 of Schedule F – Special Figures of Zoning By-law No. 05-200; and,</p> <p>2. Minimum 7.5 metre façade height for any portion of a building along a street line, except that one section up to 12.0 metres in width may be permitted a reduced height of 4.5 metres.</p> |
| iii) | Parking Location        | Minimum of 85% of all vehicle parking spaces shall be located within an underground parking garage.  |
| iv)  | Minimum Landscaped Area | 40% of the total lot area.   |
| v)   | Outdoor Amenity Area    | Minimum 1,000 square metre contiguous area setback at least 25.0 metres from a Street Line shall be provided.  |
| vi)  | Minimum Density         | 60 units per net hectare.  |
| vii) | Maximum Density         | 310 units per net hectare.”  |
3. That Schedule “D” – Holding Provisions be amended by deleting Holding Provision 112 and replacing with the following:
- “112. Notwithstanding Section 10.5 of this By-law, within lands zoned Mixed Use Medium Density (C5, 851) Zone, identified on Map 1259 of Schedule “A” – Zoning Maps and described as 1310 South Service Road, no development shall be permitted until such time as:

**Appendix “C” to Report PED23135  
Page 4 of 7**

**To amend Zoning By-law No. 05-200 with respect to lands located at 1310 South Service Road,  
Stoney Creek**

- a) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and the submission of the City of Hamilton’s current RSC administration fee;
  - b) The Owner agrees in a Site Plan Agreement to implement all required noise mitigation measures identified in the Noise Feasibility Study prepared by Howe Gastmeier Chapnik Limited dated August 18, 2022 and updated February 8, 2023, to the satisfaction of the Director of Planning and Chief Planner;
  - c) The Owner agrees in a Site Plan Agreement, to provide notice to any subsequent owner, as well as any prospective purchasers or tenants that the dwellings are located in a Class 4 Area, and to agree to register this notice and any / all warning clauses on title, and include them in any purchase and sale and in any lease or rental agreement, to the satisfaction of the Director of Planning and Chief Planner;
  - d) The Owner submit and receive approval of an updated Functional Servicing Report, prepared by a qualified Professional Engineer, to address sanitary design, watermain hydraulic analysis, and stormwater outlets, to the satisfaction of the Director of Growth Management and Chief Development Engineer and the Hamilton Conservation Authority; and,
  - e) The Owner submit and receive approval of an updated Transportation Impact Study, with particular focus on improvement to mitigate both future background and total traffic at the Queen Elizabeth Way interchanges, to the satisfaction of the Ministry of Transportation and a cost estimate schedule and required securities for the improvements, to the satisfaction of the Director of Growth Management and Chief Development Engineer and the Director of Transportation Planning and Parking.”
4. That Schedule F: Special Figures of Zoning By-law No. 05-200 is hereby amended by adding Special Figure 35: Maximum Building Heights for 1310 South Service Road attached as Schedule “B” to this By-law.
  5. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the provisions of the Mixed Use Medium Density (C5,

**Appendix “C” to Report PED23135  
Page 5 of 7**

**To amend Zoning By-law No. 05-200 with respect to lands located at 1310 South Service Road,  
Stoney Creek**

851, H112) Zone, subject to the special requirements referred to in Section Nos. 2 and 3 of this By-law.

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

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023

---

A. Horwath  
Mayor

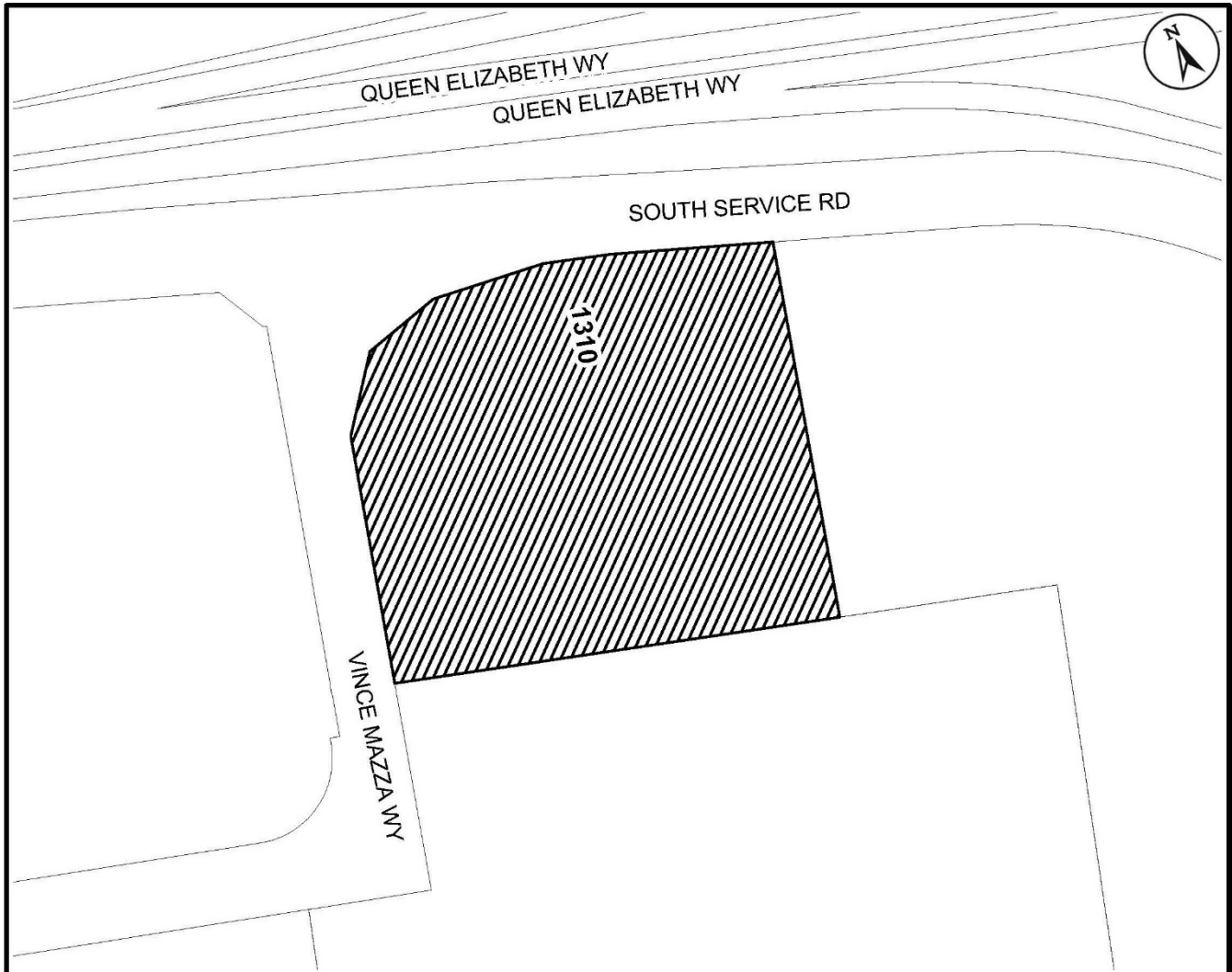
---

A. Holland  
City Clerk

ZAC-22-063

**Appendix "C" to Report PED23135**  
**Page 6 of 7**

To amend Zoning By-law No. 05-200 with respect to lands located at 1310 South Service Road,



This is Schedule "A" to By-law No. 23-  
 Passed the ..... day of ....., 2023

-----  
 Mayor  
 -----  
 Clerk


**Schedule "A"**

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

to Amend By-law No. 05-200  
 Map 1259

**Subject Property**

1310 South Service Road

 Change in Zoning from the District Commercial (C6, 301, H112) Zone to the Mixed Use Medium Density (C5, 851, H112) Zone

Scale:  
 N.T.S

File Name/Number:  
 ZAC-22-063 & UHOPA-22-026

Date:  
 April 26, 2023

Planner/Technician:  
 MM/AL



Hamilton

Appendix "C" to Report PED23135  
Page 7 of 7

To amend Zoning By-law No. 05-200 with respect to lands located at 1310 South Service Road,  
Stoney Creek

Schedule B to By-law No. 23-\_\_\_\_\_



Special Figure 35: Maximum Building Heights for 1310 South Service Road

Date:  
August 9, 2023

Legend

- |   |   |
|---|---|
|  Maximum Building Height 14m |  Maximum Building Height 38m |
|  Maximum Building Height 33m |  Maximum Building Height 45m |



### Site Specific Modifications to the Mixed Use Medium Density (C5) Zone

| Regulation                     | Required   | Modification   | Analysis  |
|--------------------------------|--|--|---|
| Definitions and Permitted Uses | Artist Studio<br>Beverage Making Establishment<br>Catering Service Commercial<br>Entertainment Commercial Parking Facility<br>Commercial Recreation<br>Commercial School<br>Communications Establishment<br>Conference or Convention Centre<br>Craftsperson Shop<br>Day Nursery<br>Dwelling Unit(s)<br>Educational Establishment<br>Emergency Shelter<br>Financial Establishment<br>Funeral Home<br>Hotel<br>Laboratory<br>Lodging House<br>Medical Clinic<br>Microbrewery<br>Motor Vehicle Gas Bar<br>Motor Vehicle Service Station<br>Motor Vehicle Washing Establishment<br>Multiple Dwelling | Added <b>Live/Work Unit</b> to the list of permitted uses.<br><br><b>Live/Work Unit</b> shall mean a dwelling unit where a residence is permitted, and where a commercial use may also be permitted with a maximum size of 50 square metres of gross floor area and which shall be located on the ground floor. Commercial uses in a Live/Work Unit shall be limited to a personal service shop, a professional office and a retail store. | Live/Work units provide both commercial and residential uses within the same dwelling unit. The land use designation permits both of these uses and encourages mixed use development.<br><br>Therefore, staff supports these modifications. |

| Regulation  | Required   | Modification                              | Analysis  |
|---|--|---|---|
|   | Office<br>Personal Services<br>Performing Arts<br>Theatre<br>Place of Assembly<br>Place of Worship<br>Repair Service<br>Residential Care<br>Facility<br>Restaurant<br>Retail<br>Retirement Home<br>Social Services<br>Establishment<br>Tradesperson's Shop<br>Transportation Depot<br>Urban Farmers Market<br>Veterinary Service |   |   |
| Permitted Yard Encroachments for a porch, deck, or canopy | Maximum 1.5 metres, or to a maximum of half the distance of the required yard, whichever is the lesser.  | Maximum 3.5 metres.                       | These modifications permit the development of buildings at the site boundaries which will result in vibrant pedestrian environments along street frontages and enhanced private amenity area.   |
| Permitted Yard Encroachments for a balcony                | Maximum 1.0 metres, except into a required side yard of not more than one-third of its width or 1.0 metres, whichever is the lesser.   | Maximum 2.0 metres.                       | Therefore, staff supports these modifications.  |
| Aggregate Gross Floor Area of all Accessory Buildings     | Shall not exceed 45 square metres or 7.5% total lot coverage, whichever is the lesser.   | Shall not exceed 7.5% total lot coverage. | Although block townhouse dwellings and Live/Works units are proposed, the site is designed as a multiple dwelling development with underground parking below grade. Therefore, it is not appropriate to regulate this proposal as other ground oriented dwelling types, and accessory buildings providing |



| Regulation                                    | Required   | Modification                               | Analysis   |
|---|--|--|--|
|   |  |  | <p>access to the underground parking should not be restricted by this regulation.</p> <p>Therefore, staff supports this modification.</p>  |
| Parking Space Location                        | Not within 3.0 metres from a street line.  | Not within 25.0 metres from a street line. | <p>The intention of these regulations is to create vibrant public environments by ensuring that parking spaces do not dominate the street line. The increased setback for parking spaces meets this intent and results in surface parking spaces located at the centre of the site behind buildings, which eliminates the need for a planting strip.</p> <p>Therefore, staff supports these modifications.</p> |
| Minimum Planting Strip                        | 3.0 metres.  | Not required.                              |  |
| Minimum Long-term Bicycle Parking Spaces      | N/A.   | 0.25 parking spaces per unit.              | <p>The proposed number of long-term and short-term bicycle parking spaces will exceed the minimum number required by Zoning By-law No. 05-200. This will support active transportation.</p> <p>Therefore, staff supports these modifications.</p>  |
| Minimum Short-term Bicycle Parking Spaces     | <p>Multiple dwelling: 5 parking spaces per building.</p> <p>Commercial uses in the Mixed Use Zones: 5 parking spaces per building.</p> | 20 parking spaces.                         |  |
| Location of Short-term Bicycle Parking Spaces | Within a bicycle parking area at grade.  | On the lot containing the use.             |  |
| Restriction of Uses within a building         | The finished floor elevation of any dwelling unit shall be a minimum of 0.9 metres above grade.  | Shall not apply.                           | <p>The proposed development includes townhouse units and multiple dwelling units located at-grade. This regulation is intended to create distinction between the public realm and private living space. The provision of private terraces outside at-grade units serves to create this distinction.</p> <p>Therefore, staff supports this modification.</p>  |

| Regulation                          | Required  | Modification   | Analysis   |
|-------------------------------------|---|--|--|
| Building Setback from a Street Line | Minimum 3.0 metres for a building with residential units on the ground floor facing a street.   | Minimum 2.0 metres.  | The proposed setbacks support the creation of a pedestrian oriented environment by allowing buildings to be located nearer to the property line while also permitting the Live/Work units to provide outdoor area adjacent to Vince Mazza Way. The increased setback along South Service Road is consistent with the provincial right-of-way setback requirement.<br><br>Therefore, staff supports these modifications.  |
|                                     | Maximum 4.5 metres, except where a visibility triangle is required for a driveway access.   | Maximum 16.5 metres from the northern property line.<br><br>Maximum 8.5 metres from the western property line.   |  |
| Building Height                     | Maximum 22.0 metres.  | Maximum building height shall be in accordance with Figure 35 of Schedule F – Special Figures of Zoning By-law No. 05-200.   | The proposed heights of 45.0 metres and 33.0 metres will result in a maximum 12 and 8 storey buildings, respectively. Shadow impacts are limited through site design and building massing and no shadow impacts will occur on low density dwellings. Buildings facing onto Vince Mazza Way public roads have a stepback of 2.5 metres at the 7 <sup>th</sup> floor to minimize appearance of height from the street.<br><br>Therefore, staff supports these modifications. |
|                                     | Minimum 7.5 metre façade height for any portion of a building along a street line.  | Minimum 7.5 metre façade height for any portion of a building along a street line, except that one section up to 12.0 metres in width may be permitted a reduced height of 4.5 metres. |  |
|                                     | In addition to Section 10.5.3d)i) and notwithstanding Section 10.5.3d)ii), any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum yard requirement established in Section 10.5.3 b) and c) when abutting a Residential or Institutional Zone to | Shall not apply.   |  |

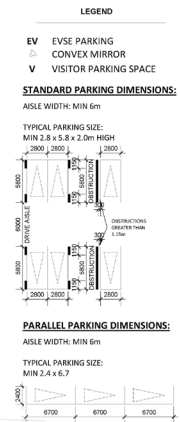
| Regulation              | Required                  | Modification  | Analysis   |
|-------------------------|---------------------------|---|--|
|                         | a maximum of 22.0 metres. |   |  |
| Parking Location        | N/A.                      | Minimum of 85% of all vehicle parking spaces shall be located within an underground parking garage.           | <p>These proposed regulations will support the creation of a pedestrian oriented environment as the regulations will ensure outdoor amenity area and the development of the central square, as shown on the Site Plan attached to Appendix “E” to Report PED23135, which will be further detailed at the future Site Plan Control stage. These outdoor amenity spaces will support both residents and shoppers resulting in the development of complete communities.</p> <p>Therefore, staff supports this modification.</p> |
| Minimum Landscaped Area | N/A.                      | 40% of the total lot area.  |  |
| Outdoor Amenity Area    | N/A.                      | Minimum 1,000 square metre contiguous area setback at least 25.0 metres from a Street Line shall be provided. |  |
| Minimum Density         | N/A.                      | 60 units per net hectare.   | <p>The proposed density regulations are consistent with the proposed site specific “Medium Density Residential 2” designation of the Fruitland-Winona Secondary Plan.</p> <p>Therefore, staff supports these modifications.</p>  |
| Maximum Density         | N/A.                      | 310 units per net hectare.  |  |

# TURNER FLEISCHER

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 47 Leavel Road  
 Toronto, ON, M6E 1T6  
 416-429-2222  
 turnerfleischer.com

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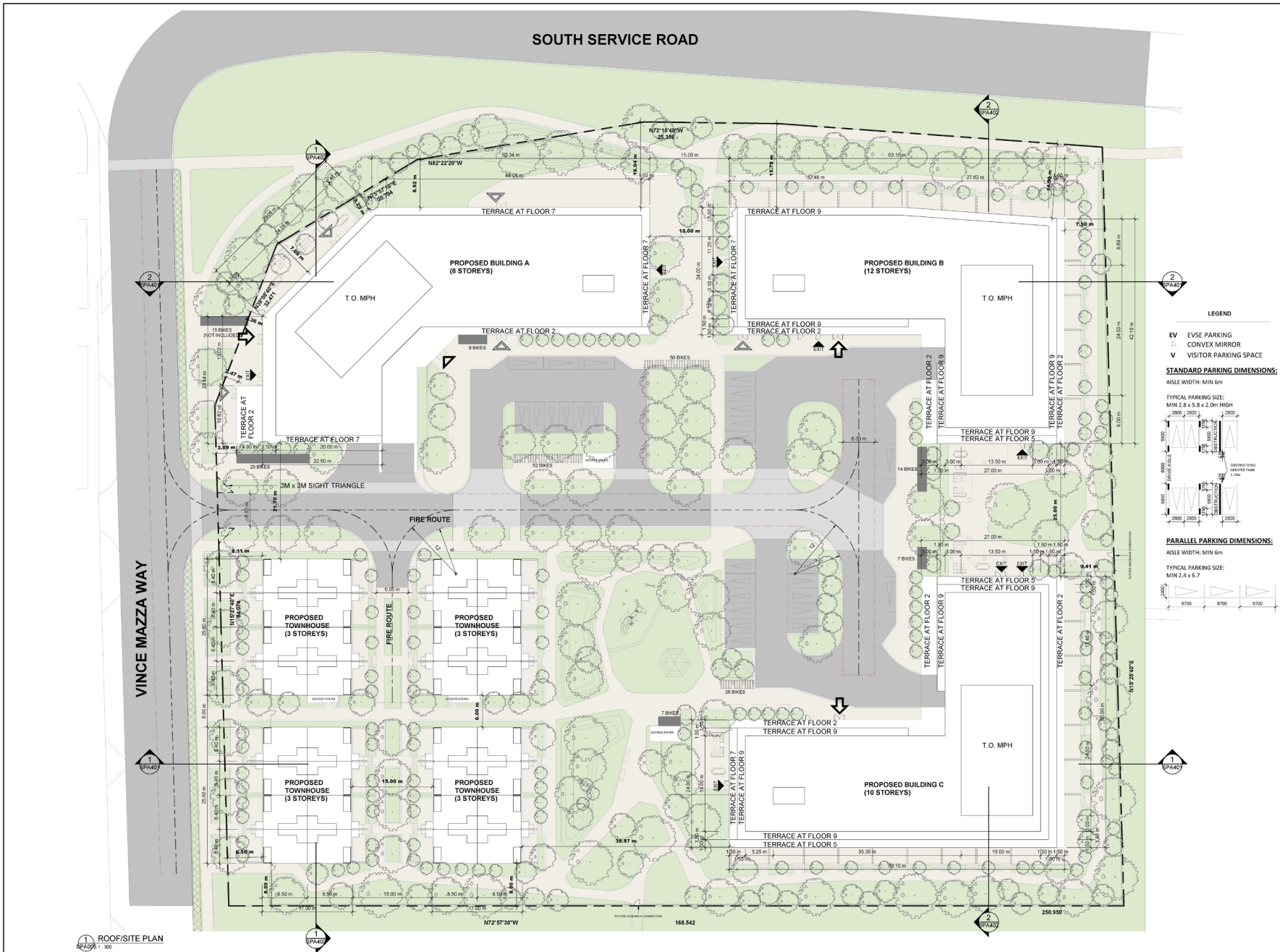
- ### LEGEND
- PRIMARY RESIDENTIAL ENTRANCE
  - SECONDARY RESIDENTIAL ENTRANCE
  - RETAIL ENTRANCE
  - EXIT
  - FIRE HYDRANT
  - SIAMESE CONNECTION
  - CONVEX MIRROR
  - TRANSFORMER WITH CLEARANCES
  - FIRE ROUTE SIGN
  - FIRE ROUTE SIGN
  - VISITOR PARKING SPACE
  - E.V. PARKING
  - CONVEX MIRROR
  - 0.000.00 SPOT ELEVATION
  - GAS/HYDRO METER
  - EXISTING DRAINAGE DITCH TO REMAIN



|                  |             |  |
|------------------|-------------|--|
| DATE: 2023-07-20 | REVISION: 1 | DESCRIPTION: Issue for OPA/DA (the submission) |
| DATE: 2023-07-20 | REVISION: 2 | DESCRIPTION: Issue for OPA/DA (Submission)     |
| DATE: 2023-07-20 | REVISION: 3 | DESCRIPTION: OPA/DA/DA                         |

|          |                         |
|----------|-------------------------|
| PROJECT: | 1310 South Service Road |
|          | Hamilton, ON            |
| DRAWING: | SITE PLAN / ROOF PLAN   |

|               |              |
|---------------|--------------|
| PROJECT NO:   | 22.060SPA    |
| PROJECT DATE: | 2023-04-21   |
| DRAWN BY:     | RVT          |
| CHECKED BY:   | LLE          |
| NOTES:        | As indicated |
| DATE:         | 2023-07-20   |
| SCALE:        | 1:500        |
| REV:          | 2            |



ROOF/SITE PLAN  
 SPA005 1:500

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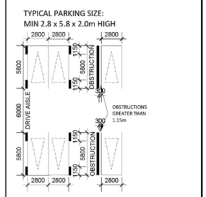
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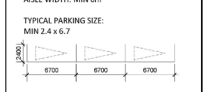
## LEGEND

- EV EVSE PARKING
- CONVEX MIRROR
- V VISITOR PARKING SPACE

## STANDARD PARKING DIMENSIONS:



## PARALLEL PARKING DIMENSIONS:



|              |            |
|--------------|------------|
| PROJECT NO.  | 22-0608PA  |
| PROJECT DATE | 2023-07-10 |
| DESIGN BY    | RFT        |
| CHECKED BY   | LLE        |
| SCALE        | 1:300      |
| DATE         | 2023-07-10 |
| PROJECT NO.  | 22-0608PA  |
| PROJECT DATE | 2023-07-10 |
| DESIGN BY    | RFT        |
| CHECKED BY   | LLE        |
| SCALE        | 1:300      |
| DATE         | 2023-07-10 |

PROJECT: 1310 South Service Road  
 Hamilton, ON

DRAWING: FLOOR 01

|                 |            |       |            |
|-----------------|------------|-------|------------|
| PROJECT NO.     | 22-0608PA  | DATE  | 2023-07-10 |
| DESIGN BY       | RFT        |       |            |
| CHECKED BY      | LLE        | SCALE | 1:300      |
| DATE            | 2023-07-10 |       |            |
| DRAWING: SPA151 |            | REV.  | 2          |

2023-07-10 3:42:14 PM

FLOOR 1  
 SPA151 1:300

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### EXTERIOR FINISH LEGEND

- 1A MASONRY/PRECAST PANEL - DARK BROWN
- 1B MASONRY/PRECAST PANEL - LIGHT BROWN
- 1C MASONRY/PRECAST PANEL - GRAY
- 1D MASONRY/PRECAST PANEL - DARK GRAY
- 2 PRECAST/METAL PANEL - WHITE
- 3A PRECAST/METAL PANEL - METALIC GREY
- 3B PRECAST/METAL PANEL - METALIC COPPER
- 4A MULLIONS - METALIC BRONZE
- 4B MULLIONS - BLACK
- 5 CLEAR GLAZING
- 6A SPANDREL GLASS - METALIC BRONZE
- 6B SPANDREL GLASS - GRAY

### BUILDING HEIGHT DEFINITION

CITY OF HAMILTON (By-Law No. 05-200)  
 Building Height shall mean the vertical distance from grade to the uppermost point of the building but not including any mechanical penthouse or any portion of a building designed, adapted or used for such features as a chimney, smokestack, fire wall, stair tower, fire tower, water tower, tank, elevator bulkhead, ventilator, skylight, cooling tower, derrick, conveyor, antenna, or any such similar structure. Provided, however, where this By-law requires building height to be calculated to determine a minimum rear yard or a minimum side yard requirement, building height shall mean the vertical distance between the lowest finished grade elevation along the lot line related to such required yard at that point closest to the building and the horizontal extension of the uppermost point of the building.

|      |            |            |        |
|------|------------|------------|--------|
| DATE | 2023-01-31 | ISSUED FOR | SPRINT |
| DATE | 2023-01-31 | ISSUED FOR | SPRINT |

PROJECT  
 1310 South Service Road  
 Hamilton, ON

### ELEVATIONS - BUILDING A

|              |              |
|--------------|--------------|
| PROJECT NO.  | 22-060SPA    |
| PROJECT DATE | 2023-01-31   |
| DESIGNED BY  | RVT          |
| CHECKED BY   | LLE          |
| NOTES        | As indicated |

|      |            |      |   |
|------|------------|------|---|
| DATE | 2023-01-31 | REV. | 2 |
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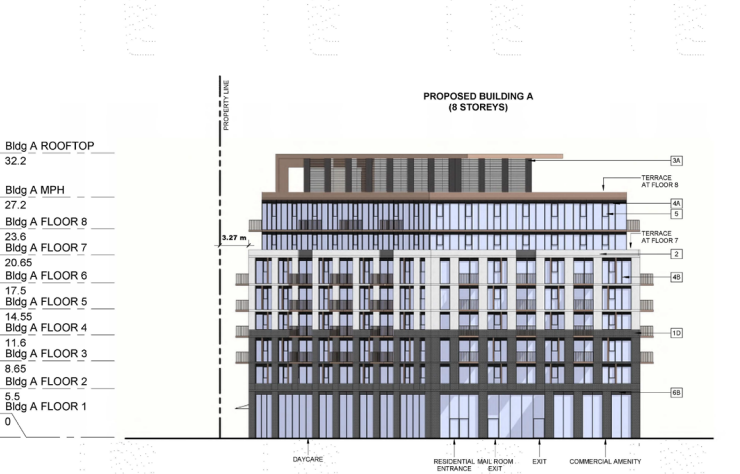
1 NORTH ELEVATION - BUILDING A  
 SPA303 1-200



3 EAST ELEVATION - BUILDING A  
 SPA303 1-200



2 SOUTH ELEVATION - BUILDING A  
 SPA303 1-200



4 WEST ELEVATION - BUILDING A  
 SPA303 1-200

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 87 Leavel Road  
 Toronto, ON M5S 1E4  
 416 429 2222  
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**EXTERIOR FINISH LEGEND**

- 1A MASONRY PRECAST PANEL - DARK BROWN
- 1B MASONRY PRECAST PANEL - LIGHT BROWN
- 1C MASONRY PRECAST PANEL - GRAY
- 1D MASONRY PRECAST PANEL - DARK GRAY
- 2 PRECAST METAL PANEL - WHITE
- 3A PRECAST METAL PANEL - METALLIC GREY
- 3B PRECAST METAL PANEL - METALLIC COPPER
- 4A MULLIONS - METALLIC BRONZE
- 4B MULLIONS - BLACK
- 5 CLEAR GLAZING
- 6A SPANDREL GLASS - METALLIC BRONZE
- 6B SPANDREL GLASS - GRAY

**BUILDING HEIGHT DEFINITION**  
 CITY OF HAMILTON By-Law No. 05-200

Building Height shall mean the vertical distance from grade to the uppermost point of the building but not including any mechanical penthouse or any portion of a building designed, adapted or used for such features as a chimney, smokestack, fire wall, stair tower, fire tower, water tower, tank, elevator bulkhead, ventilator, skylight, cooling tower, derrick, conveyor, antenna, or any such requisite appearance, or a flagpole, display sign, ornamental figure, parapet, bell tower, or other similar structure. Provided, however, where this By-law requires building height to be calculated to determine a minimum rear yard or a minimum side yard requirement, building height shall mean the vertical distance between the lowest finished grade elevation along the lot line related to such required yard at that point closest to the building and the horizontal extension of the uppermost point of the building.

PROPOSED BUILDING B (12 STOREYS)



2 NORTH ELEVATION - BUILDING B  
 SPA304 1:250

PROPOSED BUILDING B (12 STOREYS)



1 EAST ELEVATION - BUILDING B  
 SPA304 1:250

PROPOSED BUILDING B (12 STOREYS)



3 SOUTH ELEVATION - BUILDING B  
 SPA304 1:250

PROPOSED BUILDING B (12 STOREYS)



4 WEST ELEVATION - BUILDING B  
 SPA304 1:250

|            |                                   |
|------------|-----------------------------------|
| DATE       | DESCRIPTION                       |
| 2023-01-31 | Issued for OPA/PA (No Submission) |
| 2023-01-31 | Issued for OPA/PA (Submission)    |
| 14         | DATE                              |
|            | DESCRIPTION                       |

PROJECT  
 1310 South Service Road  
 Hamilton, ON

ELEVATIONS - BUILDING B

|              |              |
|--------------|--------------|
| PROJECT NO.  | 22-060SPA    |
| PROJECT DATE | 2023-01-31   |
| DESIGN BY    | RVT          |
| CHECKED BY   | LLE          |
| SCALE        | As Indicated |

|        |     |
|--------|-----|
| DATE   | REV |
| SPA304 | 2   |

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**EXTERIOR FINISH LEGEND**

- 1A MASONRY/PRECAST PANEL - DARK BROWN
- 1B MASONRY/PRECAST PANEL - LIGHT BROWN
- 1C MASONRY/PRECAST PANEL - GRAY
- 1D MASONRY/PRECAST PANEL - DARK GRAY
- 2 PRECAST/METAL PANEL - WHITE
- 3A PRECAST/METAL PANEL - METALIC GREY
- 3B PRECAST/METAL PANEL - METALIC COPPER
- 4A MULLIONS - METALIC BRONZE
- 4B MULLIONS - BLACK
- 5 CLEAR GLAZING
- 6A SPANDREL GLASS - METALIC BRONZE
- 6B SPANDREL GLASS - GRAY

**BUILDING HEIGHT DEFINITION**  
CITY OF HAMILTON (By-Law No. 05-200)

Building Height shall mean the vertical distance from grade to the uppermost point of the building but not including any mechanical penthouse or any portion of a building designed, adapted or used for such features as a chimney, smokestack, fire wall, stair tower, fire tower, water tower, tank, elevator bulkhead, ventilator, skylight, cooling tower, derrick, conveyor, antenna, or any such requisite appearance, or a flagpole, display sign, ornamental spire, parapet, bell tower, or other similar structure. Provided, however, where this By-law requires building height to be calculated to determine a minimum rear yard or a minimum side yard requirement, building height shall mean the vertical distance between the lowest finished grade elevation along the lot line related to such required yard at that point closest to the building and the horizontal extension of the uppermost point of the building.

|      |            |            |                                    |
|------|------------|------------|------------------------------------|
| DATE | 2023-01-31 | ISSUED FOR | Turner for OPA/SPA (Re-submission) |
| DATE | 2023-01-31 | ISSUED FOR | Turner for OPA/SPA (Re-submission) |
| DATE | 2023-01-31 | ISSUED FOR | Turner for OPA/SPA (Re-submission) |

PROJECT: 1310 South Service Road  
Hamilton, ON

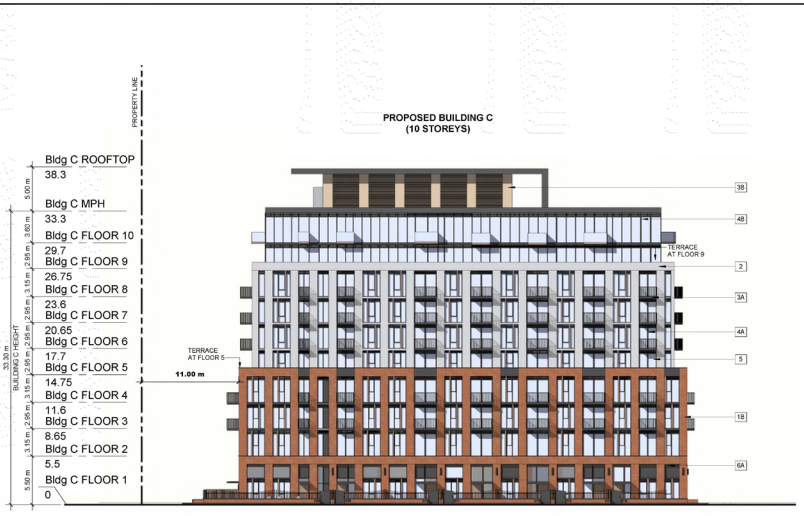
**ELEVATIONS - BUILDING C**

|              |              |
|--------------|--------------|
| PROJECT NO.  | 22-060SPA    |
| PROJECT DATE | 2023-01-31   |
| DRAWN BY     | RVT          |
| CHECKED BY   | LLE          |
| SCALE        | As indicated |

|      |            |      |   |
|------|------------|------|---|
| DATE | 2023-01-31 | REV. | 2 |
| DATE | 2023-01-31 | REV. | 2 |



2 NORTH ELEVATION - BUILDING C  
SPA305 1:250



1 EAST ELEVATION - BUILDING C  
SPA305 1:250



3 SOUTH ELEVATION - BUILDING C  
SPA305 1:250



4 WEST ELEVATION - BUILDING C  
SPA305 1:250



# TURNER FLEISCHER

Turner Fleischer Architects Inc.  
17 Leavel Road  
Toronto, ON, M5S 1T4  
416 429 2222  
turnerfleischer.com

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### EXTERIOR FINISH LEGEND

- 1A MASONRY PRECAST PANEL - DARK BROWN
- 1B MASONRY PRECAST PANEL - LIGHT BROWN
- 1C MASONRY PRECAST PANEL - GRAY
- 1D MASONRY PRECAST PANEL - DARK GRAY
- 2 PRECAST METAL PANEL - WHITE
- 3A PRECAST METAL PANEL - METALIC GREY
- 3B PRECAST METAL PANEL - METALIC COPPER
- 4A MULLIONS - METALIC BRONZE
- 4B MULLIONS - BLACK
- 5 CLEAR GLAZING
- 6A SPANDREL GLASS - METALIC BRONZE
- 6B SPANDREL GLASS - GRAY

### BUILDING HEIGHT DEFINITION

CITY OF HAMILTON (By-Law No. 05-200)

Building Height shall mean the vertical distance from grade to the uppermost point of the building but not including any mechanical penthouse or any portion of a building designed, adapted or used for such features as a chimney, smokestack, fire wall, stair tower, fire tower, water tower, tank, elevator bulkhead, ventilator, skylight, cooling tower, derrick, conveyor, antenna, or any such requisite appearance, or a flagpole, display sign, ornamental figure, parapet, bell tower, or other similar structure. Provided, however, where this By-law requires building height to be calculated to determine a minimum rear yard or a minimum side yard requirement, building height shall mean the vertical distance between the lowest finished grade elevation along the lot line related to such required yard at that point closest to the building and the horizontal extension of the uppermost point of the building.

|      |            |            |              |
|------|------------|------------|--------------|
| DATE | 2023-01-31 | ISSUED FOR | Final Design |
| DATE | 2023-01-31 | ISSUED FOR | Final Design |

PROJECT: 1310 South Service Road  
Hamilton, ON

### ELEVATIONS - TOWNHOUSE

|              |              |
|--------------|--------------|
| PROJECT NO.  | 22-060SPA    |
| PROJECT DATE | 2023-01-31   |
| DESIGN BY    | RVT          |
| CHECKED BY   | LLE          |
| SCALE        | As Indicated |

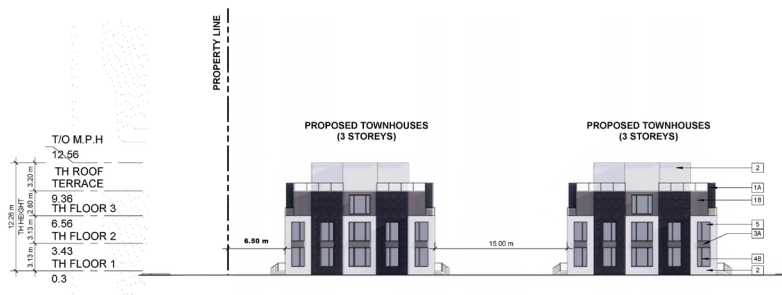
|      |            |      |   |
|------|------------|------|---|
| DATE | 2023-01-31 | REV. | 2 |
|------|------------|------|---|



3 NORTH ELEVATION - TOWNHOUSE  
SPA306 1:250



6 EAST ELEVATION - TOWNHOUSE  
SPA306 1:250



4 SOUTH ELEVATION - TOWNHOUSE  
SPA306 1:250



2 WEST ELEVATION - TOWNHOUSE  
SPA306 1:250



WELCOME TO THE CITY OF HAMILTON

# PLANNING COMMITTEE

September 5, 2023

## **PED23135– (ZAC-22-063 & UHOPA-22-026)**

Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1310 South Service Road, Stoney Creek.

Presented by: Mark Michniak

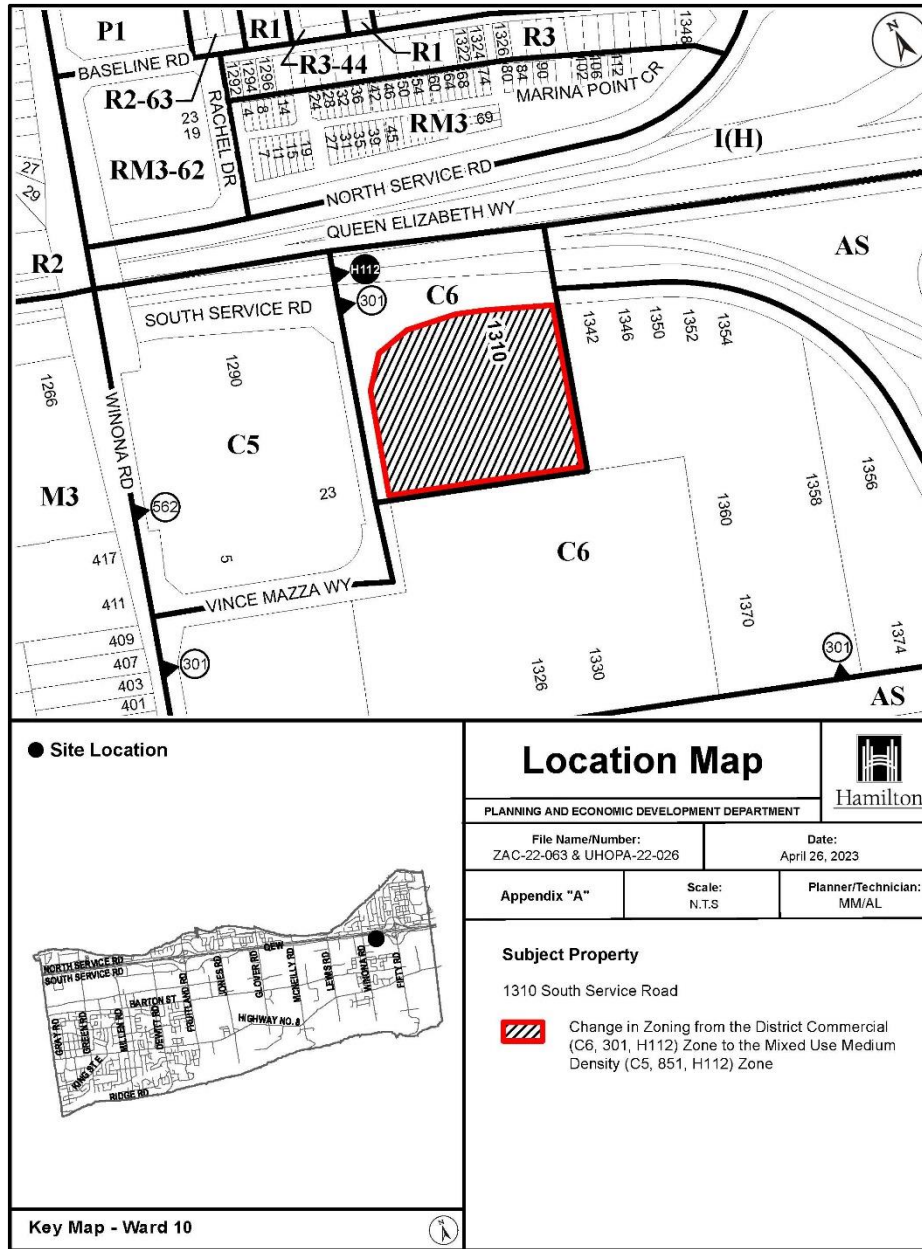


**SUBJECT PROPERTY**

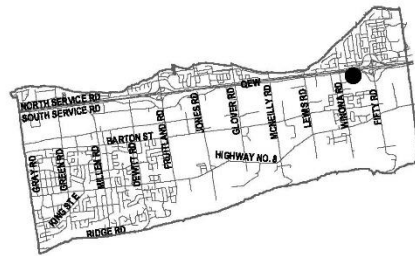


**1310 South Service Road, Stoney Creek**





● Site Location



Key Map - Ward 10

### Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
 ZAC-22-063 & UHOPA-22-026

Date:  
 April 26, 2023

Appendix "A"

Scale:  
 N.T.S

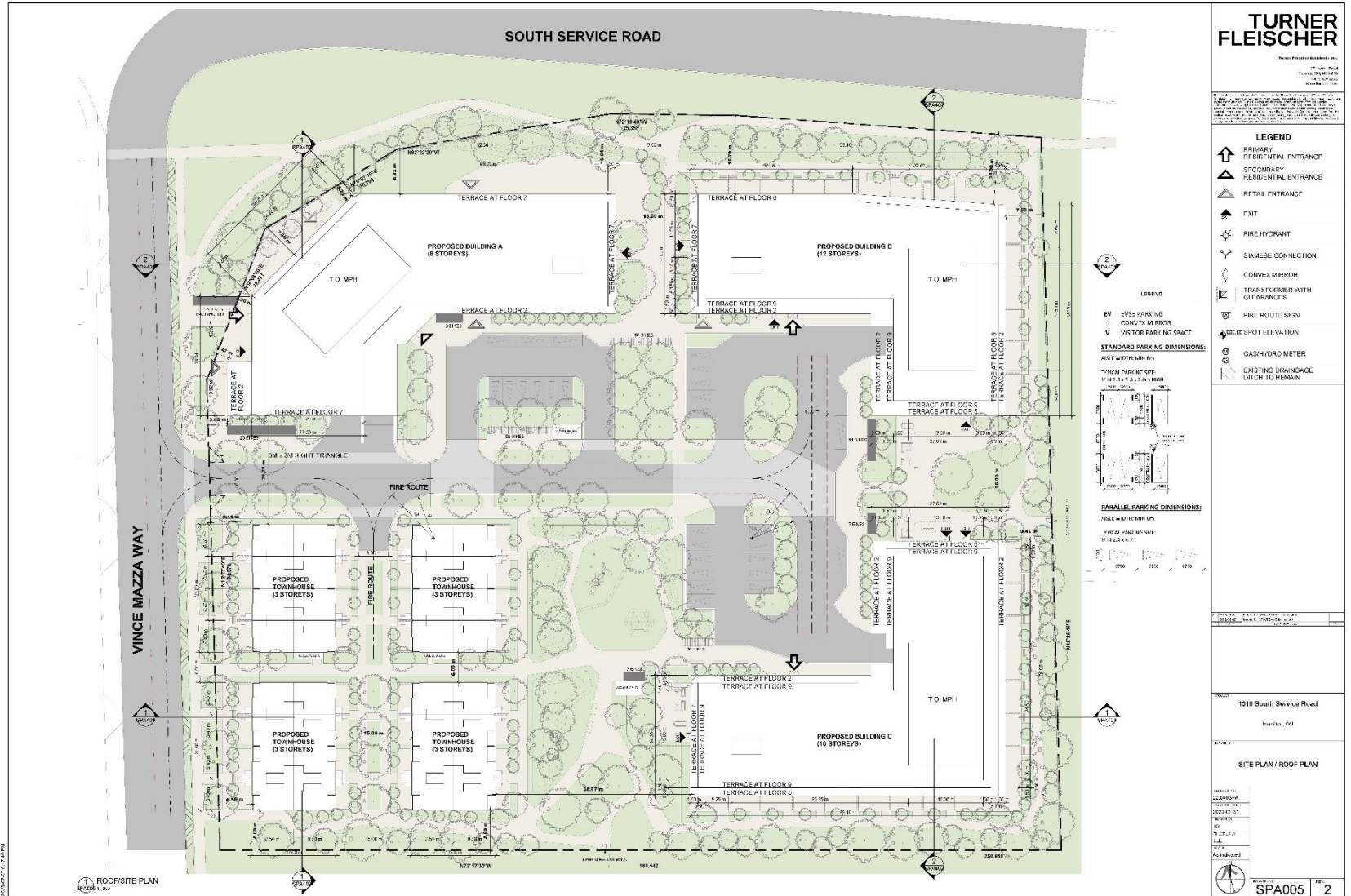
Planner/Technician:  
 MM/AL

#### Subject Property

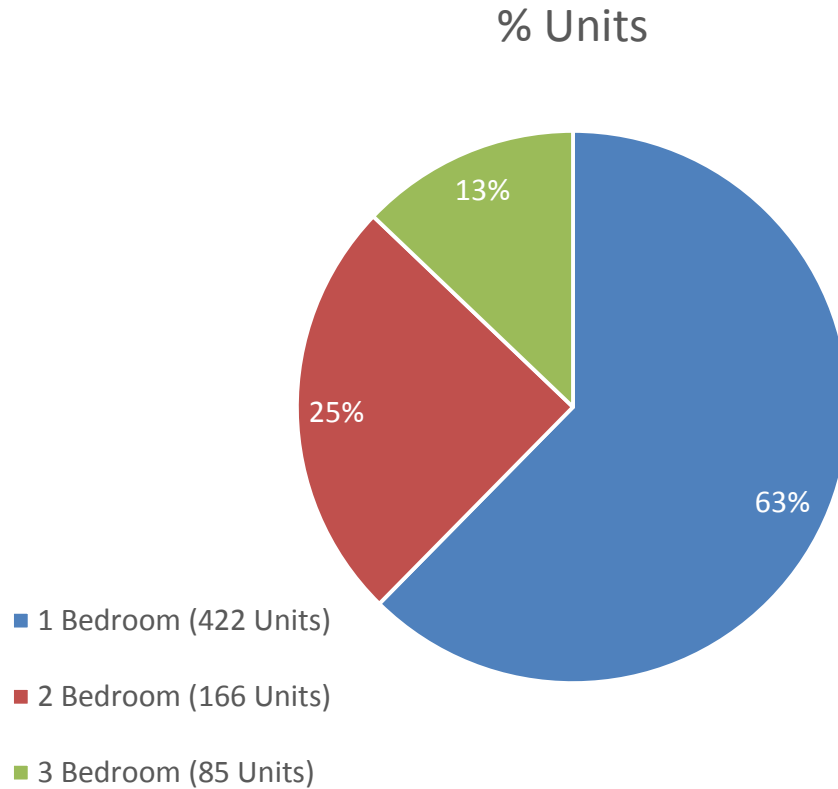
1310 South Service Road



Change in Zoning from the District Commercial (C6, 301, H112) Zone to the Mixed Use Medium Density (C5, 851, H112) Zone



# UNIT BREAKDOWN













### TURNER FLEISCHER

Turner Fletcher Architects Inc.  
 1150 Dundas Street West  
 Suite 1000  
 Toronto, Ontario M6J 1K5  
 Tel: 416-491-1000  
 Fax: 416-491-1001  
 www.turnerfleischer.com

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**EXTERIOR FINISH LEGEND**

- A) BRICKWORK - RED BRICK
- B) BRICKWORK - WHITE BRICK
- C) BRICKWORK - RED BRICK
- D) BRICKWORK - RED BRICK
- E) BRICKWORK - WHITE BRICK
- F) BRICKWORK - WHITE BRICK
- G) BRICKWORK - WHITE BRICK
- H) BRICKWORK - WHITE BRICK
- I) BRICKWORK - WHITE BRICK
- J) BRICKWORK - WHITE BRICK
- K) BRICKWORK - WHITE BRICK
- L) BRICKWORK - WHITE BRICK
- M) BRICKWORK - WHITE BRICK
- N) BRICKWORK - WHITE BRICK
- O) BRICKWORK - WHITE BRICK

---

**BUILDING HEIGHT DEFINITION**

City of Hamilton City Code, Section 6.0.0.0.0.0

Building height shall mean the vertical distance from ground to the highest point of the building but not including any mechanical equipment or any portion of a building structure situated on the roof level, unless such structure is a chimney, ventilation stack, tower, spire, antenna, or other structure that is not a part of the building's structure, or a flagpole, steeple, sign, or similar structure, or a structure used for advertising or other purpose. Building height shall mean the vertical distance from the lowest finished ground level to the highest finished floor level, or the highest finished floor level, or the highest finished floor level, or the highest finished floor level, or the highest finished floor level.

---

DATE: 11/15/2024  
 DRAWN BY: M. HARRISON  
 CHECKED BY: M. HARRISON  
 PROJECT NO: SPA306

1310 South Service Road  
 Hamilton, ON

**ELEVATIONS - TOWNHOUSE**

|             |              |
|-------------|--------------|
| PROJECT NO: | SPA306       |
| DRAWING NO: | 2            |
| DATE:       | 11/15/2024   |
| BY:         | M. HARRISON  |
| CHECKED BY: | M. HARRISON  |
| SCALE:      | As Indicated |





Subject Site – Looking East



Subject Site – View from Northeast corner



**Subject Site – Looking South**



Property located south of the subject site





Subject Site – Southwest corner looking north



Property located west of the subject site



South Service Road looking West



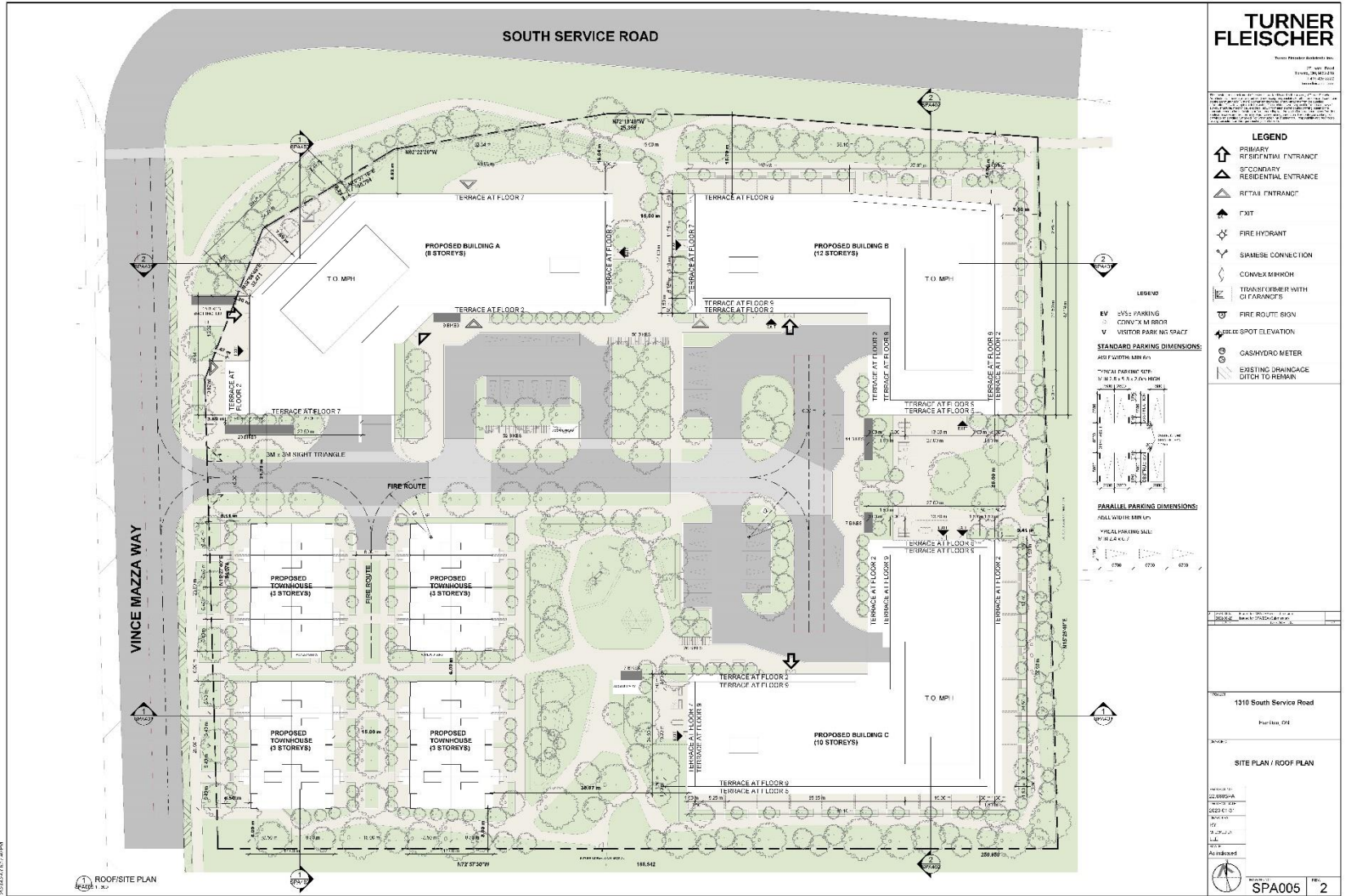
South Service Road Looking East



Queen Elizabeth Way



Property located east of the subject site





# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



## **Cross Melville Heritage District Advisory Committee Minutes**

Thursday, January 12, 2023

Virtual

6:00 pm

Present: Vikram Iyer, Justin Hogeterp (Chair), K. Burke

Attending Staff: Chloe Richer, Adrian Tralman

Regrets: Tim Ritchie, Graham Thomas, Jennifer Racine

### **1) Approval of Agenda:**

**(Burke/Iyer)**

That the Agenda for the January 12, 2023 be approved as presented.

### **2) Approval of Minutes** from previous meeting

**(Iyer/Burke)**

That the Minutes of August 4, 2022 be approved as presented

### **3) Heritage Permit Applications:**

#### **HP2023-004 - 63 Sydenham Street, Dundas**

Renovation of the existing rear detached accessory structure to permit the addition of a secondary dwelling unit including:

- Addition of a gable-roofed second storey, with asphalt shingles to match existing dwelling, which will cantilever over the existing single-storey footprint;
- New prefinished wood siding in the gable and dormers in the second storey; and,
- Retention of existing textured concrete block on the first storey.

After review and discussion, the CMHDAC passed the following motion to recommended for approval:

**(Burke/Iyer)**

That the Cross Melville Heritage District Advisory Committee advises that Heritage Permit Application HP2023-004 be approved as submitted, subject to the following conditions:

- Any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and,
- Implementation / installation of the alteration(s), in accordance with this approval, shall be completed no later than January 31, 2025. If the alteration(s) are not completed by January 31, 2025, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

#### **HP2023-002 - 11 Melville Street, Dundas**

- Exterior renovations to the circa 1963 Manse including:
  - Replacement in kind of the existing soffits, fascia, frieze board, eavestroughs, and downspouts;
  - Replacement of all existing windows with new matching single-hung windows of the same proportions and style;
  - Replacement of one rear window with a new custom sliding door that is the same width as the existing opening; and,
  - Construction of exterior wood stairs connecting to the proposed sliding door.

After review and discussion, the CMHDAC passed the following motion to recommended for approval:

#### **(Iyer/Burke)**

That the Cross Melville Heritage District Advisory Committee advises that Heritage Permit Application HP2023-002 be approved as submitted, subject to the following conditions:

- Any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and,

- Installation of the alteration(s), in accordance with this approval, shall be completed no later than January 31, 2025. If the alteration(s) are not completed by January 31, 2025, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

4) **Adjournment:** Meeting was adjourned at 6:34pm

**(Iyer/Burke)**

That the meeting be adjourned.



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

|                           |   |
|---------------------------|---|
| <b>TO:</b>                | Chair and Members<br>Planning Committee   |
| <b>COMMITTEE DATE:</b>    | September 5, 2023   |
| <b>SUBJECT/REPORT NO:</b> | Proposed Provincial Planning Statement, 2023 – Natural Heritage Policies (PED23185) (City Wide)         |
| <b>WARD(S) AFFECTED:</b>  | City Wide   |
| <b>PREPARED BY:</b>       | Jennifer Allen (905) 546-2424 Ext. 4672   |
| <b>SUBMITTED BY:</b>      | Steve Robichaud<br>Director, Planning and Chief Planner<br>Planning and Economic Development Department |
| <b>SIGNATURE:</b>         |   |

### RECOMMENDATION

- (a) That Council adopt the submissions and recommendations as provided in Report PED23185 regarding the proposed natural heritage policies within the proposed new Provincial Planning Statement, 2023;
- (b) That the Director of Planning and Chief Planner be authorized and directed to confirm the submissions made to the Province attached as Appendix “A” to Report PED23185;
- (c) That the Director of Planning and Chief Planner and the City Solicitor be authorized to make submissions on the proposed natural heritage policies of the proposed new Provincial Planning Statement, 2023 and any associated regulations consistent with the comments and concerns raised in Report PED23185.

### EXECUTIVE SUMMARY

On April 6, 2023, the Province released a new Provincial Planning Statement adapted from, and replacing the Provincial Policy Statement, 2020 and Growth Plan for the Greater Golden Horseshoe, 2019 as amended (Growth Plan). At that time, the policy document removed all existing natural heritage policies and noted they were still under

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

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

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

**SUBJECT: Proposed Provincial Planning Statement, 2023 – Natural Heritage Policies (PED23185) (City Wide) - Page 2 of 6**

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consideration by the Province. The City prepared comments on the proposed Provincial Planning Statement, which was presented and endorsed by City Council through Report PED23145 on June 21, 2023 and submitted to the Province.

On June 16, 2023, the Province released a revised version of the proposed Provincial Planning Statement with the natural heritage policies. The existing natural heritage policies within the Provincial Policy Statement, 2020 are proposed to be carried forward with no text changes. The proposed Provincial Planning Statement includes revisions to the definition of *Negative Impacts* and *Significant* which are discussed in this Report. It also included a revision to the definition of *Natural Heritage Features and Areas* but the Province has subsequently removed this change. Overall, the proposed Provincial Planning Statement carries forward the same approach for identifying and protecting natural heritage systems that has been in place in the Province since 2005.

The deadline for comment on the proposed Provincial Planning Statement including the newly release natural heritage policies was August 4, 2023, extended from June 5, 2023. Staff comments on the proposed natural heritage policies have been submitted to the Province and are contained in Appendix “A” attached to Report PED23185. If the recommendations of this Report are approved by Council, the Chief Planner will notify the Province that the submissions that were made have been adopted by Council for the City of Hamilton.

As discussed in Report PED23145, the Province had signalled that they were going to revisit the lot creation policies within Prime Agricultural Areas; however, to date no additional revisions to the proposed Provincial Planning Statement have been released.

**Alternatives for Consideration – See Page 5**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** The proposed Provincial Planning Statement will have financial implications on the City, largely related to long term planning. The degree and magnitude of the financial implications are not fully known at this time. Staff will continue to monitor, analyze and report back to Council as necessary.

**Staffing:** At this time, the proposed Provincial Planning Statement only proposes legislative changes and there are no staffing implications at this time. However, if the proposed PPS is enacted as currently drafted, there may be staffing resourcing implications associated with the changes.

**Legal:** Legal Services and the Planning Division will continue to monitor the status of the proposed Provincial Planning Statement and report back where necessary with recommendations for the implementation, if enacted.

**SUBJECT: Proposed Provincial Planning Statement, 2023 – Natural Heritage Policies (PED23185) (City Wide) - Page 3 of 6**

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**HISTORICAL BACKGROUND**

Over the last number of years, the Provincial Government has introduced various legislative changes which although including some positive changes, have generally diminished the land use planning system in Ontario:

- Bill 108 (2019) (FCS19057(a) / LS19023(a)) - changes to processes, heritage and appeals;
- Bill 276 (2021) (PED21139) - changes to subdivision control;
- Bill 13 (2021) (PED21220) (PED22112(b)) - additional delegated authority from Council to staff;
- Bill 109 (2022) (PED22112(b)(c)(d)) - fee refunds for applicants for certain development applications;
- Bill 23 (2022) (PED22207) – amendments related to increasing the supply of housing; and,
- Bill 97 (2023) (PED23145) – amendments to Minister powers, definition of employment and other procedural changes.

On June 21, 2023 Council ratified the submissions made to the Province regarding Bill 97, Proposed Helping Homebuyers, *Protecting Tenants Act*, 2023 and Proposed Provincial Planning Statement attached as Appendix “A” to Appendix “D” to Report PED23145.

Staff comments identify several areas of concern with the proposed Provincial Planning Statement including:

- Reducing the required justification and direction for settlement area expansion;
- Reducing emphasis on residential intensification and development in locations that support transit;
- Increasing opportunities for rural residential lot creation in rural and agricultural areas;
- Weakening restrictions on conversion of Employment Lands and making it more challenging to designate Employment Lands;
- Reducing land use compatibility criteria for sensitive land uses near Major Facilities;
- Weakening Climate Change policies; and,
- Allowing Minister Zoning Orders to exempt Provincial plans and policies.

The City is of the opinion the proposed Provincial Planning Statement is contrary to balance decision making, the protection of the natural environment, employment lands and agricultural lands, diminish the role of local participation in land use planning and represents a significant shift away from the policy led planning system in Ontario.

**SUBJECT: Proposed Provincial Planning Statement, 2023 – Natural Heritage Policies (PED23185) (City Wide) - Page 4 of 6**

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While the City of Hamilton supports the increase in housing supply as a measure to address the current housing crisis, the proposed Provincial Planning Statement provides increased flexibility which will have unintended consequences and create more uncertainty for land use planning.

These submissions did not include comments on the newly released natural heritage policies which have been submitted separately and are attached as Appendix “A” to Report PED23185.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Policy Statement (2020)**

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement. It provides municipal governments with the direction and authority to guide development and land use planning through official plans, secondary plans and zoning by-laws. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with policy statements and plans issued by the Province.

The Government of Ontario is proposing to replace the Provincial Policy Statement, 2020 with the new Provincial Planning Statement. Similar to the current framework, the proposed PPS will require that all municipal land use decisions affecting planning matters be consistent with policy statements and plans issued by the Province.

### **Growth Plan for the Greater Golden Horseshoe (2019)**

The Growth Plan for the Greater Golden Horseshoe is a provincial plan which provides direction for managing growth in Ontario to the year 2051. The *Planning Act* requires all municipal decisions to conform to all provincial plans.

The Government of Ontario is proposing to repeal the Growth Plan. The existing natural heritage policies in the Growth Plan are not proposed to be included in the proposed Provincial Planning Statement.

## **RELEVANT CONSULTATION**

The Senior Leadership Team and staff from within the Planning, Growth Management, Climate Change Initiatives, Indigenous Relations, Public Works, and Legal Services were consulted in the drafting of this report, recommendations and appendices.

**SUBJECT: Proposed Provincial Planning Statement, 2023 – Natural Heritage Policies (PED23185) (City Wide) - Page 5 of 6**

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**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

City staff are pleased the existing natural heritage policies and related definitions of the Provincial Planning Statement, 2020 have been carried forward with minimal changes. The changes include amending the definition of *Significant* to replace reference to “Ontario Ministry of Natural Resources and Forestry” with “the Province” and replacing “evaluation procedures developed by the Province, as amended from time to time” with “provincial guidance”. Staff have concerns these changes will increase uncertainty respecting how the Province will provide guidance and procedures for identifying natural features of provincial interest.

The proposed new Provincial Planning Statement provides the opportunity to strengthen the existing natural heritage policies in certain areas. The City of Hamilton has identified areas where additional policies should be included in the proposed Provincial Planning Statement including policies inclusive of all wetlands, policies associated with Vegetation Protection Zones, updating the Natural Heritage Reference Manual and re-evaluating the role of Conservation Authorities for evaluating natural features. This is further described in the comments attached as Appendix “A” to Report PED23185.

The Provincial Planning Statement, 2020 definition of *Natural Heritage Features and Areas* was initially proposed to be revised to remove reference to *habitat of endangered species and threatened species* in the revised document released on June 16, 2023. The document was since updated to remove this change. The Ministry of Municipal Affairs and Housing clarified this change was an error and there is no intent to revise the definition of *Natural Heritage Features and Areas*. The City of Hamilton has prepared comments on this basis.

The natural heritage policies of the Growth Plan are not included within the proposed Provincial Planning Statement. The natural heritage policies of the Growth Plan currently represent duplication with other provincial legislation and add unnecessary complexity for municipalities like Hamilton within the Greenbelt Plan when reviewing and developing official plan policies and assessing development applications.

It is understood that the natural heritage policies of the Greenbelt Plan and Niagara Escarpment Plan will continue to prevail over the proposed Provincial Planning Statement, 2023. At the time of writing this report, no changes have been proposed to these pieces of legislature and associated plans / policies.

**ALTERNATIVES FOR CONSIDERATION**

Council may amend the staff-level comments attached as Appendix “A” to Report PED23145 or supplement the staff-level comments with additional comments.



**SUBJECT: Proposed Provincial Planning Statement, 2023 – Natural Heritage  
Policies (PED23185) (City Wide) - Page 6 of 6**

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**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED23185 – City of Hamilton Staff Submission on the Natural  
Heritage Policies of the Provincial Planning  
Statement, 2023

JA:sd

**Appendix “A” to Report PED23185  
Page 1 of 4**

**City of Hamilton Comments on**

**Proposed Provincial Planning Statement, 2023 – Natural Heritage Policies**

**A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019**

The proposed Provincial Planning Statement contains the existing Natural Heritage policies of the Provincial Planning Statement, 2020 but does not consider the Natural Heritage policies of the Growth Plan.

The methodology used in the development of the Growth Plan Natural Heritage System differed from the technical criteria used in the Provincial Policy Statement (Natural Heritage Reference Manual), and Greenbelt Plan. For municipalities like Hamilton, within the Greenbelt Plan, the natural heritage policies of the Growth Plan represent duplication with other provincial legislation and can add unnecessary complexity when reviewing and developing official plan policies and assessing development applications.

The City of Hamilton is supportive of municipalities using the policies of the PPS for the identification natural heritage systems. Local data from municipalities and Conservation Authorities provides more accurate and up-to-date information.

Under the Growth Plan, the boundaries of the natural heritage system mapping can only be adjusted through a Municipal Comprehensive Review. As discussed in detail under the City of Hamilton’s other comments on the proposed Provincial Planning Statement, the City is not supportive of the removal of the Municipal Comprehensive Review requirement under the existing PPS, 2020 and Growth Plan.

**Provincial Policy Statement, 2020**

The current “systems-based” approach under the existing Provincial Planning Statement, 2020 was implemented recognizing that both the feature and its functions are important in achieving a resilient Natural Heritage System. The existing Natural Heritage System mapped in the Rural Hamilton Official Plan and Urban Hamilton Official Plan is based on the Greenbelt Plan criteria, criteria from the Natural Heritage Reference Manual, as well as locally significant natural areas (i.e., Environmentally Significant Areas). The City of Hamilton is supportive this approach has been retained, as suggested in Policy 4.1.1, 4.1.2, and 4.1.3 of the proposed PPS.

The existing Provincial Planning Statement, 2020 also contains direction on how to protect specific natural heritage features and their functions. The City of Hamilton is supportive that this approach has been retained, as suggested by Policy 4.1.5, 4.1.6, 4.1.7, and 4.1.8 of the proposed Provincial Planning Statement.

The intention of natural heritage policies within the current Provincial Planning Statement, 2020 is to preserve and enhance existing natural features and their functions for the long-term. The City of Hamilton is supportive that this intent has been carried forward within the proposed Provincial Planning Statement which:

**Appendix “A” to Report PED23185**  
**Page 2 of 4**

- Decreases fragmentation;
- Allows for an increase in biodiversity;
- Improvement of species ability to adapt to climate change; and,
- Promotes a healthy, resilient, and diverse natural environment.

The importance of ecological connections for the maintenance of ecological health is recognized in the current Provincial Planning Statement, 2020. These connections allow for plant and animal movement, hydrological and nutrient cycling and allows for species populations to replace themselves. The City is supportive of this being carried forward to the proposed Provincial Planning Statement.

It is stated in the current Provincial Planning Statement, 2020 that municipalities can go beyond minimum standards established in the Provincial Planning Statement as long as municipalities do not conflict with any Provincial Planning Statement policy. This policy is important to ensure that regional and local priorities are addressed and locally significant natural areas (i.e., Environmentally Significant Areas) are protected. The City of Hamilton supports this policy being carried forward to the proposed PPS.

Specific Changes:

| Summary of Proposed Change  | Comments   |
|---|--|
| <b>Definitions</b>  |  |
| <p>Adds back the following language to the definition of <i>Negative impacts</i> which had been removed from the proposed Provincial Planning Statement (April 6, 2023):</p> <p style="padding-left: 40px;">b) in regard to <i>fish habitat</i>, any permanent alteration to, or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under the <i>Fisheries Act</i>;</p> <p style="padding-left: 40px;">c) in regard to other <i>natural heritage features and areas</i>, degradation that threatens the health and integrity of the natural features or <i>ecological functions</i> for which an area is identified due to single, multiple or successive <i>development or site alteration</i> activities.</p> | <p>The City of Hamilton is supportive of the language being added back into the definition of <i>Negative Impacts</i>. Staff believe this language was not included in the initial release of the proposed Provincial Planning Statement as the natural heritage policies were under review.</p> |

**Appendix “A” to Report PED23185**  
**Page 3 of 4**

| Summary of Proposed Change  | Comments   |
|---|--|
| <p>Amends the definition of Significant as follows:</p> <ul style="list-style-type: none"> <li>a) removes “Ontario Ministry of Natural Resources and Forestry”</li> <li>b) replaces “Ontario Ministry of Natural Resources and Forestry” with “the Province”</li> <li>d) replaces “evaluation procedures developed by the Province, as amended from time to time” with “provincial guidance”</li> </ul> | <p>The Ontario Ministry of Natural Resources and Forestry has the expertise to provide science-based analysis and guidance. The proposed amendment to the definition of Significant to remove reference to the Ontario Ministry of Natural Resources and Forestry will lead to increased uncertainty on which branch of the Province will provide guidance and procedures for identifying natural features of provincial interest and could weaken policy 4.1.5 which prohibits development and site alteration in areas identified as significant natural features.</p> |

### **Missed Opportunities:**

The proposed Provincial Planning Statement poses an opportunity to make improvements to the existing provincial natural heritage policies. The following elements are missing from the natural heritage policies of the proposed Provincial Planning Statement:

Policies inclusive of all wetlands (not just Provincially Significant or Coastal Wetlands) have not been considered in the proposed Provincial Planning Statement. All wetlands (including unevaluated and non-provincially significant) play an important role in the function of the Natural Heritage System and should include in the proposed Provincial Planning Statement.

The concept of Vegetation Protection Zones is included within policies of the Greenbelt Plan and the Growth Plan, but no policies associated with Vegetation Protection Zones have been considered in the proposed Provincial Planning Statement. Vegetation Protection Zones are a widely accepted measures to mitigate the impacts of development on features and their functions. The City of Hamilton recommends policies be added to the proposed Provincial Planning Statement related to Vegetation Protection Zones.

The Natural Heritage Reference Manual was developed to provide guidance on technical approaches to implement natural heritage policies of the 2005 Provincial Policy Statement. This manual has not been updated since 2010. The City of Hamilton recommend this Manual be updated.

Lastly, a number of the natural heritage policies are dependent on Provincial determinations. The proposed revisions to the natural heritage policies was an

**Appendix "A" to Report PED23185**

**Page 4 of 4**

opportunity to re-evaluate the role of the Conservation Authorities in evaluating natural features to alleviate provincial resources and ensure timely decisions are made.

## **Cross Melville Heritage District Advisory Committee Minutes**

Thursday, January 12, 2023

Virtual

6:00 pm

Present: Vikram Iyer, Justin Hogeterp (Chair), K. Burke

Attending Staff: Chloe Richer, Adrian Tralman

Regrets: Tim Ritchie, Graham Thomas, Jennifer Racine

### **1) Approval of Agenda:**

**(Burke/Iyer)**

That the Agenda for the January 12, 2023 be approved as presented.

### **2) Approval of Minutes** from previous meeting

**(Iyer/Burke)**

That the Minutes of August 4, 2022 be approved as presented

### **3) Heritage Permit Applications:**

#### **HP2023-004 - 63 Sydenham Street, Dundas**

Renovation of the existing rear detached accessory structure to permit the addition of a secondary dwelling unit including:

- Addition of a gable-roofed second storey, with asphalt shingles to match existing dwelling, which will cantilever over the existing single-storey footprint;
- New prefinished wood siding in the gable and dormers in the second storey; and,
- Retention of existing textured concrete block on the first storey.

After review and discussion, the CMHDAC passed the following motion to recommended for approval:

**(Burke/Iyer)**

That the Cross Melville Heritage District Advisory Committee advises that Heritage Permit Application HP2023-004 be approved as submitted, subject to the following conditions:

- Any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and,
- Implementation / installation of the alteration(s), in accordance with this approval, shall be completed no later than January 31, 2025. If the alteration(s) are not completed by January 31, 2025, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

#### **HP2023-002 - 11 Melville Street, Dundas**

- Exterior renovations to the circa 1963 Manse including:
  - Replacement in kind of the existing soffits, fascia, frieze board, eavestroughs, and downspouts;
  - Replacement of all existing windows with new matching single-hung windows of the same proportions and style;
  - Replacement of one rear window with a new custom sliding door that is the same width as the existing opening; and,
  - Construction of exterior wood stairs connecting to the proposed sliding door.

After review and discussion, the CMHDAC passed the following motion to recommended for approval:

#### **(Iyer/Burke)**

That the Cross Melville Heritage District Advisory Committee advises that Heritage Permit Application HP2023-002 be approved as submitted, subject to the following conditions:

- Any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and,

- Installation of the alteration(s), in accordance with this approval, shall be completed no later than January 31, 2025. If the alteration(s) are not completed by January 31, 2025, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

4) **Adjournment:** Meeting was adjourned at 6:34pm

**(Iyer/Burke)**

That the meeting be adjourned.





# Hamilton

## **HAMILTON MUNICIPAL HERITAGE COMMITTEE**

**Report 23-008**

**12:00 p.m.**

**August 22, 2023**

**Room 264, 2<sup>nd</sup> Floor, City Hall**

**Present:** Councillor C. Kroetsch  
A. Denham-Robinson (Chair), K. Burke, G. Carroll, L. Lunsted, R. McKee, T. Ritchie, and W. Rosart

**Absent with  
Regrets:** J. Brown and C. Dimitry

### **THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 23-008 AND RESPECTFULLY RECOMMENDS:**

1. **Recommendation for Designation of 215 King Street West, Dundas under Part IV of the *Ontario Heritage Act* (PED23148) (Ward 13) (Item 8.2)**
  - (a) That the City Clerk be directed to give notice of Council's intention to designate 215 King Street West, Dundas, shown in Appendix "A" attached to Report PED23148, as a property of cultural heritage value pursuant to the provisions of Part IV, Section 29 of the Ontario Heritage Act, in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED23148, subject to the following;
    - (i) If no objections are received to the notice of intention to designate in accordance with the Ontario Heritage Act, City Council directs staff to introduce the necessary by-law to designate the property to be of cultural heritage value or interest to City Council;
    - (ii) If an objection to the notice of intention to designate is received in accordance with the Ontario Heritage Act, City Council directs staff to report back to Council to allow Council to consider the objection and decide whether or not to withdraw the notice of intention to designate the property.

**2. Heritage Designations Update, August 2023 (PED23169) (City Wide) (Item 9.4)**

That Report PED23169, respecting Heritage Designations Update, August 2023, be received.

**3. Notice of Intention to Demolish the Building Located at 279 Hess Street South, Hamilton, being a Non-Designated Property Listed on the Municipal Heritage Registrar (PED23180) (Item 10.1)**

That the non-designated property located at 279 Hess Street South, Hamilton, be removed from the Municipal Heritage Register.

**4. Beasley Register Listing Objection for 214 Mary Street, Hamilton (PED22135(b)) (Ward 2) (Item 10.2)**

- (a) That Council receive the notice of objection, attached as Appendix "A" to Report PED22135(b), from the owner of 214 Mary Street, Hamilton, objecting to the notice of Council's decision to list the non-designated property on the Municipal Heritage Register under Section 27 of the *Ontario Heritage Act*;
- (b) That Council retain 214 Mary Street, Hamilton, on the Municipal Heritage Register as a non-designated property that Council believes to be of cultural heritage value or interest, pursuant to Section 27(8) of the *Ontario Heritage Act*.

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 2)**

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

The agenda for August 22, 2023 Hamilton Municipal Heritage Committee, was approved, as presented.

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

A. Denham-Robinson declared a disqualifying interest to Item 8.1 respecting Recommendation for Designation of 215 King Street West, Dundas under Part IV of the *Ontario Heritage Act* (PED23148) (Ward 13), as she works for an architecture firm involved with the property.

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

(i) **July 21, 2023 (Item 4.1)**

The Minutes of July 21, 2023 meeting of the Hamilton Municipal Heritage Committee, were approved, as presented.

(d) **COMMUNICATIONS (Item 5)**

(i) That the following Communication items be approved, as presented:

- (a) Correspondence to the Ontario Heritage Trust respecting Notice of Passing of By-law No. 23-125 to Designate 115-117 George Street, Hamilton under Part IV of the *Ontario Heritage Act* (Item 5.1)

Recommendation: Be received.

- (b) Correspondence from Sheila Creighton, Communications Lead, TMHC Inc., respecting Cultural Heritage Evaluation for Juravinski Hospital (Item 5.2)

Recommendation: Be received and referred to staff for appropriate action.

(e) **STAFF PRESENTATIONS (Item 8)**

A. Denham-Robinson relinquished the Chair to G. Carroll during the consideration of Item 8.1 due to a declared conflict.

(i) **Recommendation for Designation of 215 King Street West, Dundas under Part IV of the *Ontario Heritage Act* (PED23148) (Ward 13) (Item 8.1)**

Lisa Christie, Cultural Heritage Planner, addressed the Committee respecting the Recommendation for Designation of 215 King Street West, Dundas under Part IV of the Ontario Heritage Act, with the aid of a PowerPoint presentation.

The presentation respecting Report PED23148, Recommendation for Designation of 215 King Street West, Dundas under Part IV of the Ontario Heritage Act, was received.

A. Denham-Robinson refrained from voting on this matter due to a declared conflict.

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

A. Denham-Robinson assumed the Chair.

**(f) CONSENT ITEMS (Item 9)**

The following Consent Items were received:

**(i) Delegated Approval: Heritage Permit Applications (Item 9.1)**

- (a) Heritage Permit Application HP2023-022: Extension of Council-approved Heritage Permit Application HP2021-033 to Relocate the Existing Two storey Stone Structure at 398 Wilson Street East, Ancaster, Marr House (Ward 12) (By-law No. 78-87) (Item 9.1(a))
- (b) Heritage Permit Application HP2023-029: Construction of a Rear Addition and New Deck 39 Elgin Street, Dundas (Former Mayor Thomas Wilson House) (Ward 13) (By-law No. 3814-89) (Item 9.1(b))
- (c) Heritage Permit Application HP2023-030: Removal of Contemporary Additions, Restoration of the Front Facade and Construction of a New Rear Addition and Covered Porch at 99 Mountsberg Road, Flamborough (Kerr Woolsey House) (Ward 15) (By-law No. 2000-95-H) (Item 9.1(c))
- (d) Heritage Permit Application HP2023-032: Installation of a Heat Pump System on the Side Facades at 33 Undermount Avenue, Hamilton (John R. Marshall House) (Ward 1) (By-law No. 90-106) (Item 9.1(d))
- (e) Heritage Permit Application HP2023-033: Roof Repairs at 25 Tecumseh Street, Hamilton (Gardener's Cottage) (Ward 1) (By-law No. 87-245) (Item 9.1(e))

**(ii) Heritage Permit Review Sub-Committee Minutes (Item 9.2)**

- (a) June 20, 2023 (Item 9.2(a))
- (b) August 15, 2023 (No Quorum Report) (Item 9.2(b))

**(iii) Inventory & Research Working Group Meeting Notes - May 15, 2023 (Item 9.3)**

**(i) GENERAL INFORMATION / OTHER BUSINESS (Item 13)**

**(i) Buildings and Landscapes (Item 13.1)**

Committee members provided brief updates on properties of interest.

The property located at 6 Tally Ho Drive, Dundas (I), was removed from the Endangered Building and Landscape (RED) listing.

The property located at 179 Mary Street (D), was added to the Heritage Properties Update (GREEN) listing and T. Ritchie will monitor the property.

The property located at 1000 Main Street East, Dunington-Grub Gardens/Gage Park (R) was removed from the Buildings and Landscapes of Interest (YELLOW) listing.

The property located at 77 King Street West, Battlefield House NHS (D) be removed from the Buildings and Landscapes of Interest (YELLOW) listing.

That the following updates were received:

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

Ancaster

- (i) 372 Butter Road West, Andrew Sloss House (D) – C. Dimitry
- (ii) 1021 Garner Road East, Lampman House (D) – C. Dimitry
- (iii) 398 Wilson Street East, Marr House (D) – C. Dimitry

Dundas

- (iv) 2 Hatt Street (R) – K. Burke
- (v) 216 Hatt Street (I) – K. Burke
- (vi) 215 King Street West (R) – K. Burke
- (vii) 219 King Street West (R) – K. Burke
- (viii) 6 Tally Ho Drive, Dundas (I) – K. Burke

Glanbrook

- (ix) 2235 Upper James Street (R) – G. Carroll

Hamilton

- (x) 80-92 Barton Street East, Former Hanrahan Hotel (R) – T. Ritchie
- (xi) 1155-1157 Beach Boulevard, Beach Canal Lighthouse and Cottage (D) – R. McKee
- (xii) 66-68 Charlton Avenue West (D) – J. Brown
- (xiii) 71 Claremont Drive, Auchmar Gate House / Claremont Lodge (R) – R. McKee
- (xiv) 711 Concession Street, Former Mount Hamilton Hospital, 1932 Wing (R) – G. Carroll
- (xv) 127 Hughson Street North, Firth Brothers Building (D) – T. Ritchie
- (xvi) 163 Jackson Street West, Pinehurst / Television City (D) – J. Brown
- (xvii) 108 James Street North, Tivoli (D) – T. Ritchie

- (xviii) 98 James Street South, Former James Street Baptist Church (D) – J. Brown
- (xix) 18-22 King Street East, Gore Buildings (D) – W. Rosart
- (xx) 24-28 King Street East, Gore Buildings (D) – W. Rosart
- (xxi) 537 King Street East, Rebel's Rock (R) – G. Carroll
- (xxii) 378 Main Street East, Cathedral Boys School (R) – T. Ritchie
- (xxiii) 679 Main Street East / 85 Holton Street South, Former St. Giles Church (I) – G. Carroll
- (xxiv) 120 Park Street North (R) – R. McKee
- (xxv) 828 Sanatorium Road, Long and Bisby Building (D) – G. Carroll
- (xxvi) 100 West 5th Street, Century Manor (D) – G. Carroll

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

#### Dundas

- (i) 64 Hatt Street, Former Valley City Manufacturing (R) – K. Burke
- (ii) 24 King Street West, Former Majestic Theatre (I) – K. Burke
- (iii) 3 Main Street, Former Masonic Lodge (NOID) – K. Burke
- (iv) 23 Melville Street, Knox Presbyterian Church (D) – K. Burke
- (v) 574 Northcliffe Avenue, St. Joseph's Motherhouse (R) – W. Rosart

#### Flamborough

- (vi) 283 Brock Road, WF Township Hall (D) – L. Lunsted
- (vii) 62 6th Concession East, Hewick House (I) – L. Lunsted

#### Hamilton

- (viii) 1 Balfour Drive, Chedoke Estate / Balfour House, (R) – T. Ritchie
- (ix) 384 Barton Street East, St. Paul's Ecumenical Church (D) – T. Ritchie
- (x) 134 Cannon Street East, Cannon Knitting Mill (R) – T. Ritchie
- (xi) 52 Charlton Avenue West, Former Charlton Hall (D) – J. Brown
- (xii) 56 Charlton Avenue West, Former Charlton Hall (D) – J. Brown
- (xiii) 2 Dartnall Road, Rymal Road Station Silos (R) – G. Carroll
- (xiv) 54-56 Hess Street South (R) – J. Brown
- (xv) 1000 Main Street East, Dunington-Grubb Gardens / Gage Park (R) – G. Carroll
- (xvi) 1284 Main Street East, Delta High School (D) – G. Carroll

- (xvii) 1 Main Street West, Former BMO / Gowlings (D) – W. Rosart
- (xviii) 311 Rymal Road East (R) – C. Dimitry
- (xix) St. Clair Boulevard Heritage Conservation District (D) – G. Carroll
- (xx) 56 York Boulevard / 63-76 MacNab Street North, Copley Building (D) – G. Carroll
- (xxi) 84 York Boulevard, Philpott Church (R) – G. Carroll
- (xxii) 175 Lawrence Road, Hamilton Pressed / Century Brick (R) – G. Carroll
- (xxiii) 65 Charlton Avenue East, Church of Ascension (D, NHS), Hamilton – G. Carroll
- (xxiv) 4 Turner Avenue, Hamilton (R) – J. Brown

Stoney Creek

- (xxv) 77 King Street West, Battlefield House NHS (D) – R. McKee
- (xxvi) 2251 Rymal Road East, Former Elfrida Church (R) – C. Dimitry

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

Dundas

- (i) 104 King Street West, Former Post Office (R) – K. Burke

Hamilton

- (ii) 88 Fennell Avenue West, Auchmar (D) – R. McKee
- (iii) 125 King Street East, Norwich Apartments (R) – T. Ritchie
- (iv) 206 Main Street West, Arlo House (R) – J. Brown

- (d) Heritage Properties Update (BLACK):  
(Black = Properties that HMHC have no control over and may be demolished)

Ancaster

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

Heritage Status: (I) Inventoried, (R) Registered, (D) Designated, (NHS) National Historic Site

**(j) ADJOURNMENT (Item 15)**

There being no further business, the Hamilton Municipal Heritage Committee adjourned at 1:06 p.m.

Respectfully submitted,

Alissa Denham-Robinson, Chair  
Hamilton Municipal Heritage Committee

Matt Gauthier  
Legislative Coordinator  
Office of the City Clerk



## STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST AND DESCRIPTION OF HERITAGE ATTRIBUTES

### Description of Property

The property municipally addressed as 215 King Street West, Dundas, is comprised of a one-and-a-half-storey asymmetrical brick Georgian dwelling constructed in 1861, located near the northwest corner of King Street West and Market Street North, in the community of Dundas in the City of Hamilton.

### Statement of Cultural Heritage Value or Interest

The property located at 215 King Street West is comprised of a representative example of a Georgian style dwelling. The one-and-a-half storey brick masonry cottage was built in 1861 and its features typical of the Georgian style include the three-bay front façade, box like massing, side gable roof and rectangular window openings. The front brick façade is laid in Flemish bond with English corner detailing and decorative cross brickwork under the eaves, displaying a high degree of craftsmanship. The property is also a unique example of an asymmetrical façade, which, while uncommon overall, is a local-to-Dundas vernacular interpretation of Georgian style.

The historical value of the property lies in its association with the theme of worker housing in Dundas. During the mid-nineteenth century, Dundas was a thriving industrial centre, home to a number of mills and manufacturers. Many people employed in these industries immigrated to, and resided in, downtown Dundas to be close to their places of employment. 215 King Street West represents part of this residential area and reveals the conditions in which working families lived. The subject property was built by Moses Fennix in 1861 and used as a single-family rental property before being converted into a boarding house. Tradespeople known to have resided at the property include a carpenter, axe maker, boiler maker, and plumber.

The contextual value of the property lies in its role maintaining the historic residential character of downtown Dundas. The property is historically and visually linked to its surroundings, located along the prominent historic transportation corridor of King Street, and having been historically rented out to local tradespeople.

### Description of Heritage Attributes

Key attributes that embody the design value of the property as being representative and unique example of the Georgian style of architecture and the high degree of craftsmanship, and the associative value of the property tied to early worker housing and tradespeople, include:

**Appendix 'A' to Item 1 of HMHC Report 23-008****Page 2 of 2**

- The front (south) and side (east and west) elevations of the one-and-a-half-storey brick building, including its:
  - Side gable roof;
  - One-and-a-half storey, box-like massing;
  - Asymmetrical three-bay front façade;
  - Front brick facade laid in Flemish bond with English corner detail;
  - Decorative cross brickwork below the front eave;
  - Flat-headed window openings in the front façade with brick voussoirs and stone sills; and,
  - Wood window and door surrounds on the front façade.

Key attributes that embody the contextual value of the property and its role in maintaining the historic residential character of downtown Dundas include its:

- Location fronting onto King Street West; and,
- Close proximity to the public right-of-way.

## Notice of Objection

5/26/2023

Samhita Gera  
2603880 Ontario Inc.  
23 Orleans Circle  
Woodbridge, ON  
L8L4W1

City of Hamilton  
Beasley Neighbourhood Inventory Project  
Lister Block: PO Box 2040  
Hamilton, ON  
L8P 4Y5

Re: 214 Mary Street, Hamilton, ON, L8L 4W1

To Whom it may concern:

I am writing to request to have my property located at 214 Mary Street, Hamilton ON, L8L 4W1 be **removed** from the Municipal Heritage Register (currently on the register as a non designated property as it is deemed to be a Character Supporting resource) **effective immediately**.

I understand that my property will be automatically be removed on January 1, 2025. However, there are no clear benefits to having my property on this register, for me personally or for the neighborhood for the remaining 2 years.

In reviewing the document provided to me which was used to add 214 Mary onto the heritage register, I am not at all convinced that there are any distinctive features in the property that would warrant adding it to the register. In fact, I see that you recognize that it is a Stone foundation home with brick construction materials which is not at all distinctive feature as most homes are built in the same manner. I **do not** agree that my property has a historical value due to the theme associated with it. My home is just a brick home! There is nothing particular that would warrant classifying it as an "association with a certain theme". I believe that the committee has falsely classified it and added it to the Register without my permission or consideration of the actual facts. It is true that the home is old but that shouldn't be a reason it to put it on a Heritage Register at all.

Furthermore, if it is automatically coming off the register as of January 1, 2025 anyway, adding to the Heritage Register adds zero value to the city or the neighbourhood and only causes potential roadblocks for the owner (additional loopholes to obtain permission to make changes if there were any plans in the future). I do not have any current or active plans to make any alternations to the home but the thought of having to approach city officials who are still

**Appendix 'B' to Item 4 of HMHC Report 23-008**  
**Page 2 of 2**

2603880 Ontario Inc.

working through a backlog from the pandemic is not an appealing one. Also, if there is a financial need to sell the property (due to the high interest rates and not being sustainable due to the economic environment), being on the register is extremely punitive as potential buyers do not want to take on a property with restrictions.

The fact that the city believes, there is little or no evidence that adding to a Heritage Register will negatively impact the value of the property to the homeowner is absolutely incorrect. I have read the report available online which is dated February 18, 2020 based on data from 2019. Needless to say this report is extremely outdated in today's dynamic environment and shouldn't hold any weight for the decision making of the committee as it is based on data before the pandemic which has shifted many market trends. The truth of the matter is, that the real estate market is quite depressed and having any stipulation whatsoever that restricts homeowners in altering their property is a hinderance. Period. The fact that being on the Heritage Register requires a short term delay absolutely decreases a property value as buyers and sellers do not want to be subjected to the red tape and delays that come with dealing with city officials who themselves are carrying a backlog of issues due to the pandemic. Furthermore, addition to the Heritage Register is absolutely meaningless. It doesn't provide any value to the city, neighborhood or the home owner. So why do it? Why is this even occurring? This is very clear in the report dated February 24, 2023 by the Planning and Economic Development Department which specifically calls out a need to substantially shift in how the city identifies and protects significant cultural heritage properties, which my property clearly isn't (a simple stone/brick home). Therefore, I would ask that 214 Mary street to be removed from the Heritage Register immediately.

In summary, there is 0 positive value to the city to adding 214 Mary Street to the Heritage Register. 214 Mary street is an older property but does not have any distinctive features to warrant it with a character supporting identification in the Heritage Register. Moreover, being placed on this Register is extremely punitive for the homeowners who are contending with extreme market and economic conditions and therefore do not need this added negative stipulation on the property to make things even worse than they already are.

Please remove 214 Mary street from the Heritage register effective immediately as this is automatically happening anyway on January 1, 2025 therefore, I do not see what the value it holds for the city to keep the property on the register for the sake of it for 2 more years at the cost of causing headaches for homeowners.

Thank you for your kind consideration. I will await your reply.

Regards,

*Samhita Gera*

Samhita Gera