



# City of Hamilton

## PLANNING COMMITTEE

### AGENDA

**Meeting #:** 23-016  
**Date:** October 3, 2023  
**Time:** 9:30 a.m.  
**Location:** Council Chambers (Planning)  
Hamilton City Hall  
71 Main Street West

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

	Pages
<b>1. CEREMONIAL ACTIVITIES</b>	
<b>2. APPROVAL OF AGENDA</b> (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 September 14, 2023 (Special Greenbelt meeting)	4
4.2 September 19, 2023	20
<b>5. COMMUNICATIONS</b>	
5.1 Elizabeth Knight respecting Implementing a New Noise By-law for Excessive Loud Vehicles Recommendation: Be received.	33
5.2 Russell Cheeseman for Brown's Wharf Development respecting Designation of 54 and 56 Hess St South (Item 11.2) Recommendation: Be received and referred to the consideration of Item 11.2.	34

## **6. DELEGATION REQUESTS**

- 6.1 West End Home Builders Association, Chamber of Commerce and Smart Prosperity Institute respecting "Who Will Swing the Hammer" Report (For the October 17th meeting)

## **7. DELEGATIONS**

- 7.1 Bernadette Bowen respecting Enclosure of Twin Compactors at Canadian Tire on 777 Upper James St. (Approved at the September 19th meeting)

## **8. STAFF PRESENTATIONS**

## **9. CONSENT ITEMS**

- |     |  |    |
|-----|--|----|
| 9.1 | Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-23-001 and Zoning By-law Amendment Application ZAC-23-001 for Non-Decisions for Lands Located at 499 Mohawk Road East, Hamilton (PED23205) (Ward 7)   | 35 |
| 9.2 | Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-20-021, Zoning By-law Amendment Application ZAC-20-037 and Draft Plan of Subdivision Application 25T-202006 for Lack of Decision for Lands Located at 544 and 550 Rymal Road East, Hamilton (PED23211) (Ward 7) | 71 |

## **10. PUBLIC HEARINGS**

- |      |  |     |
|------|--|-----|
| 10.1 | Application for a Zoning By-law Amendment for Lands Located at 212 and 220 Rymal Road West, Hamilton (PED23154) (Ward 8)                           | 97  |
| 10.2 | Application for a Zoning By-law Amendment for Lands Located at 65 Guise Street East, Hamilton (PED23201) (Ward 2)                                  | 131 |
| 10.3 | Application for a Zoning By-law Amendment for Lands Located at 1898 and 1900 Rymal Road East, Glanbrook (PED23206) (Ward 9)                        | 149 |
| 10.4 | Application for a Zoning By-law Amendment for Lands Located at 1177, 1183, and 1187 West 5th Street (PED23179) (Ward 8)                            | 194 |
| 10.5 | Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 117 Jackson Street East, Hamilton (PED23191) (Ward 2) | 252 |

## **11. DISCUSSION ITEMS**



11.1	Sign Variance Appeal SV-14-005 for the Property Known as 523 Carlisle Road, Flamborough, Denied by the Director of Development Planning and Appealed by the Owner (PED23204) (Ward 15)	324
11.2	Hamilton Municipal Heritage Committee Report 23-009	347
12.	<b>MOTIONS</b>	
13.	<b>NOTICES OF MOTION</b>	
14.	<b>GENERAL INFORMATION / OTHER BUSINESS</b>	
15.	<b>PRIVATE AND CONFIDENTIAL</b>	
16.	<b>ADJOURNMENT</b>	



**SPECIAL PLANNING COMMITTEE  
MINUTES  
23-014**

**September 14, 2023**

**6:30 p.m.**

**Ancaster Fairgrounds  
630 Trinity Road South, Jerseyville**

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

**Absent with Regrets:** Councillors C. Kroetsch, M. Francis – City Business

**Also in Attendance:** Councillor B. Clark

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

**1. Provincial Amendments to the Greenbelt Plan – Interim Report on the Results of Public Engagement on Community Benefits (PED23046(b)) (City Wide) (Item 10.1)**

**(A. Wilson/M. Wilson)**

- (a) That the interim Report on the Results of the Public Engagement on Community Benefits based on the online survey, written submissions, the public input received at the September 6, 2023 Open House and associated comment sheets be received;
- (b) That Planning Staff be directed to prepare a final report on the Results of the Public Engagement on Community Benefits based on the Interim Report and the additional public input provided at the Special Planning Committee meeting of September 14, 2023; and,
- (c) That City Clerk be directed to forward the final report on the Results of the Public Engagement to the Province of Ontario, the Provincial Land and Development Facilitator, the Association of Ontario Municipalities and all municipalities in the Greenbelt Plan area.

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

YES – Mayor A. Horwath  
YES – Ward 1 Councillor M. Wilson  
NOT PRESENT – 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  
YES – Ward 10 Councillor J. Beattie  
YES – Ward 11 Councillor M. Tadeson  
YES – Ward 12 Councillor C. Cassar  
YES – Ward 13 Councillor A. Wilson  
YES – Ward 15 Councillor T. McMeekin

**2. Provincial Amendments to the Greenbelt Plan – Results of Public Engagement on Community Benefits (PED23046(c)) (City Wide)**

**(Cassar/Beattie)**

That Report PED23046(c) respecting Provincial Amendments to the Greenbelt Plan – Results of Public Engagement on Community Benefits, be received.

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

YES – Mayor A. Horwath  
YES – Ward 1 Councillor M. Wilson  
NOT PRESENT – 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  
YES – Ward 10 Councillor J. Beattie  
YES – Ward 11 Councillor M. Tadeson  
YES – Ward 12 Councillor C. Cassar  
YES – Ward 13 Councillor A. Wilson  
YES – Ward 15 Councillor T. McMeekin

**FOR INFORMATION:**

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

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

**5. COMMUNICATIONS**

- 5.1 Ministry of Municipal Affairs and Housing respecting Proposal to Return Lands in Ajax to the Greenbelt

Recommendation: Be received and referred to the consideration of Item 10.1.

**10. PUBLIC HEARINGS**

- 10.1 Provincial Amendments to the Greenbelt Plan – Interim Report on the Results of Public Engagement on Community Benefits (PED23046(b)) (City Wide) (Item 10.1)

**(a) Added Written Submission:**

- (lxxv) Vicky Mason-Espin
- (lxxvi) Deanna Hove
- (lxxvii) Cathy Roberts
- (lxxviii) Carolanne Forster
- (lxxix) George Papalazarou
- (lxxx) David Roberts
- (lxxxii) Duncan Forster
- (lxxxiii) Rick Bodner
- (lxxxiv) Judy Hill
- (lxxxv) Anne Dwyer
- (lxxxvi) Irene Laurie
- (lxxxvii) Jennifer Waring
- (lxxxviii) Jill Tonini
- (lxxxix) Kathy ROUNG
- (lxxxix) David Vyn
- (xc) Jodi Eastwood
- (xci) Theresa McCuaig
- (xcii) Paul Rogers
- (xciii) Ruth Van Horne
- (xciv) Lara Stewart-Panko
- (xcv) Gord McNulty
- (xcvi) Becky Sapping
- (xcvii) Becky Sapping

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(xcviii) Debbie Eagan-Hashimoto  
(xcix) Howard Cole  
(c) Dawn Cole  
(ci) Howard W. Cole  
(cii) Doreen Stermann  
(ciii) Kevin Butter  
(civ) Janice Currie  
(cv) Paul Chapman  
(cvi) Fred Fischer  
(cvii) Michael Fischer  
(cviii) Megan Saunders  
(cix) Bianca Metz  
(cx) Tom Baker  
(cx i) George Baier  
(cxii) Denise Giroux  
(cxiii) Anne Holbrook  
(cxix) Charlane Surerus  
(cxv) Philip Kummel  
(cxvi) Christine Fitzpatrick  
(cxvii) Christine Brown  
(cxviii) Cindy Kaye  
(cxix) Thomas Madronich  
(cxx) Deborah Peace  
(cxxi) Zoe Green  
(cxxii) Louise Brownlee  
(cxxiii) Irene Fischer  
(cxxiv) Harriet Woodside  
(cxxv) Flora Molnar  
(cxxvi) Michel Proulx  
(cxxvii) Eileen Booty  
(cxxviii) Carolyn Stupple  
(cxxix) Laurie Galer  
(cxxx) Carole-Ann Durran  
(cxxx i) Teresa Gregorio  
(cxxxii) Annette Taylor  
(cxxxiii) Elizabeth Knight  
(cxxxiv) Don Brown  
(cxxxv) Jen Couillard  
(cxxxvi) Marina Robichaud  
(cxxxvii) Heather Millar  
(cxxxviii) Tom Morelli  
(cxxxix) Yvonne Sutherland-Case  
(cxl) Douglas Millar  
(cxli) Rand Robichaud  
(cxlii) Susan Crowe Connolly  
(cxliii) Catherine Weir  
(cxliv) Mark Forler

- (cxlv) John Roy
- (cxlvi) Harrison Ioannou
- (cxlvii) Jan Barton
- (cxlviii) Kathleen Livingston
- (cxlix) Jan Whitelaw
- (cl) Mark Rudolph
- (cli) Kathleen Kennedy
- (clii) John Corbett
- (cliii) Bill Pearce
- (cliv) Mary Allen
- (clv) Paul Parente

**(b) Added Registered Delegations**

- (vii) Charles Hostovsky - WITHDRAWN
- (viii) David M. Roberts (in-person)
- (ix) Tom Nugent (in-person)
- (x) Miriam Sager (in-person)
- (xi) Jan W. Jansen (pre-recorded)
- (xii) Phil Pothen (virtual)
- (xiii) Domenic Mattina - WITHDRAWN
- (xiv) Ian Borsuk (in-person)
- (xv) Dave Eccles (in-person)
- (xvi) Fred Bristol (in-person)
- (xvii) Kathleen Livingston (in-person)
- (xviii) Lucia Iannantuono (in-person)
- (xix) Jordyn Boyer, Andrew Wright and Jasmine Montrichard, Youth Power for Climate Justice (virtually)
- (xx) Bianca Metz (in-person)
- (xxi) Nancy McKeil (in-person)
- (xxii) Martha Howatt (in-person)
- (xxiii) Joe Minor (in-person)
- (xxiv) Annette Taylor (virtually)
- (xxv) Mary Allen - WITHDRAWN
- (xxvi) Roger Abbiss - WITHDRAWN
- (xxvii) Lilly Noble (in-person)
- (xxviii) Mary Love (in-person)
- (xxix) Don McLean (in-person)
- (xxx) Cynthia Meyer (in-person)
- (xxxi) Anne Washington (in-person)
- (xxxii) Michael J. Corrado (in-person)
- (xxxiii) George King (in-person)
- (xxxiv) Nobuko and Scott McNie (in-person)

(xxxv) MPP Sandy Shaw (in-person)  
 (xxvi) Carrie Hewitson (in-person)  
 (xxvii) Gloria Wade (in-person)

**(Hwang/A. Wilson)**

That the agenda for the September 14, 2023 Special Planning Committee meeting be approved, as amended.

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

YES – Mayor A. Horwath  
 YES – Ward 1 Councillor M. Wilson  
 NOT PRESENT – 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  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 NOT PRESENT – Ward 15 Councillor T. McMeekin

Mayor Horwath addressed those viewing and in attendance at the meeting respecting the Provincial Amendments to the Greenbelt Plan.

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

There were no declarations of interest.

**(c) COMMUNICATIONS (Item 5)**

**(i) (Nann/McMeekin)**

That the correspondence from the Ministry of Municipal Affairs and Housing respecting Proposal to Return Lands in Ajax to the Greenbelt (Added Item 5.1), be received and referred to the consideration of Item 10.1.

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

YES – Mayor A. Horwath  
 YES – Ward 1 Councillor M. Wilson

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

**(d) PUBLIC HEARINGS (Item 10)**

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.

**(i) Provincial Amendments to the Greenbelt Plan – Interim Report on the Results of Public Engagement on Community Benefits (PED23046(b)) (City Wide) (Item 10.1)**

Charlie Toman, addressed the Committee with the aid of a PowerPoint presentation.

**(Tadeson/Pauls)**

That the staff presentation be received.

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

YES – Mayor A. Horwath  
 YES – Ward 1 Councillor M. Wilson  
 NOT PRESENT – 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  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin



**(A. Wilson/Nann)**

That the order of the Delegations be ***amended to include a delegation from the Indigenous community (as Item 10.1 (b)(xviii) who will address the Committee first.***

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

YES – Mayor A. Horwath  
 YES – Ward 1 Councillor M. Wilson  
 NOT PRESENT – 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  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

**Registered Delegations (Item 10.1(b)):**

The following Delegations were not in attendance when called upon:

(iii) Rob Dolhai  
 (vii) Charles Hostovsky - WITHDRAWN  
 (xiii) Domenic Mattina - WITHDRAWN  
 (xxiv) Annette Taylor  
 (xxv) Mary Allen - WITHDRAWN  
 (xxvi) Roger Abbiss - WITHDRAWN  
 (xxvi) Carrie Hewitson  
 (xxxiii) George King

The following Delegations addressed the Committee:

(xxviii) Jacqueline House, Donna Silversmith, Clyde Chimklia (in-person)  
 (i) Peter Appleton (in-person)  
 (ii) K. Lynn Dykeman (in-person)  
 (iv) Patrick Antila (in-person)  
 (v) James S. Quinn (in-person)

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- (vi) Catherine Roberts (in-person)
- (viii) David M. Roberts (in-person)
- (ix) Tom Nugent (in-person)
- (x) Miriam Sager (in-person)
- (xi) Jan W. Jansen (pre-recorded)
- (xii) Phil Pothen (virtual)
- (xiv) Ian Borsuk (in-person)
- (xv) Dave Eccles (in-person)
- (xvi) Fred Bristol (in-person)
- (xvii) Kathleen Livingston (in-person)
- (xviii) Lucia Iannantuono (in-person)
- (xix) Jordyn Boyer, Andrew Wright and Jasmine Montrichard, Youth Power for Climate Justice (in-person)
- (xx) Bianca Metz (in-person)
- (xxi) Nancy McKeil (in-person)
- (xxii) Martha Howatt (in-person)
- (xxiii) Joe Minor (in-person)
- (xxvii) Lilly Noble (in-person)
- (xxviii) Mary Love (in-person)
- (xxix) Don McLean (in-person)
- (xxx) Cynthia Meyer (in-person)
- (xxxi) Anne Washington (in-person)
- (xxxii) Michael J. Corrado (in-person)
- (xxxiv) Nobuko and Scott McNie (in-person)
- (xxxv) MPP Sandy Shaw (in-person)
- (xxvii) Gloria Wade (in-person)

Chair Danko called three times for public delegations.

**The following delegations came forward and addressed the Committee:**

- (i) Jessie Chang
- (ii) Tim Katty
- (iii) Joanna Matthews
- (iv) Deb Mattina
- (v) Lyn Folkes
- (vi) Bonnie Sterus

**(Hwang/Cassar)**

- (a) That the following written submissions and Delegations (Item 10.1(a) and (b)), be received and referred to the consideration of

Report PED23046(b), Provincial Amendments to the Greenbelt Plan – Interim Report on the Results of Public Engagement on Community Benefits:

Written Submissions:

- (i) Don Mclean
- (ii) Brian McHattie
- (iii) Martha Howatt
- (iv) Carole-Ann Durran
- (v) Jean Wilson
- (vi) Janice Currie
- (vii) Darin Macmillan
- (viii) Deanna Hove
- (ix) Barbara Danese
- (x) Erica Hall
- (xi) Martha Schwenger
- (xii) Nicole Doro
- (xiii) Heather Yoell
- (xiv) Ruth Frager
- (xv) Jen Baker
- (xvi) Mark Mueller
- (xvii) Rachelle Sender
- (xviii) Bhavisha Morphet
- (xix) Laurie Peel
- (xx) Julie Palmese
- (xxi) Sue Frasson
- (xxii) Naomi Lewenhardt
- (xxiii) Rose Janson
- (xxiv) Michelle Tom
- (xxv) Rosemary Almas
- (xxvi) Rick Johnson
- (xxvii) Jean Mackay
- (xxviii) Debra and Gary Runge
- (xxix) Susan Suter
- (xxx) Gail Faveri
- (xxxi) Tamara Messersmith
- (xxxii) Sharon Paterson
- (xxxiii) Verena Walter
- (xxxiv) Peter Appleton
- (xxxv) Catherine Stewart
- (xxxvi) David Mivasair
- (xxxvii) Lil Blume

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(xxxviii) Kathleen Kennedy  
(xxxix) Pauline Prowse  
(xl) Erin Shacklette  
(xli) Anne Washington  
(xlii) Dave Carson  
(xliii) Betty Berry  
(xliv) Kelly Millar  
(xlv) Shirley Shaver-Cranston  
(xlvi) Kyle Whiteman  
(xlvii) Eileen Shannon  
(xlviii) Colina Phillips  
(xlix) Robin Cameron  
(l) Jonathan Scholtens  
(li) Liz Eeuwes  
(lii) Therese Taylor  
(liii) Kathy Wade Vlaar  
(liv) Michelle Chin  
(lv) Jen Sanges  
(lvi) Marie Covert  
(lvii) Sheila O'Neal  
(lviii) Mary Margaret Kachuwowski  
(lix) Luba Petkovic  
(lx) Lyn Folkes  
(lxi) Matias Rozenberg  
(lxii) Susan Button  
(lxiii) Judy Labelle  
(lxiv) Tracie Daigle  
(lxv) Theresa Berry  
(lxvi) Victoria Zess  
(lxvii) Donna Spurr  
(lxviii) Alison Niccols  
(lxix) Anne Kopys-Medeiros  
(lxx) James S. Quinn  
(lxxi) M. Pitilli  
(lxxii) Rick Johnson  
(lxxiii) Jim Beach  
(lxxiv) Tom Nugent  
(lxxv) Vicky Mason-Espin  
(lxxvi) Deanna Hove  
(lxxvii) Cathy Roberts  
(lxxviii) Carolanne Forster  
(lxxix) George Papalazarou  
(lxxx) David Roberts

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(lxxxi) Duncan Forster  
(lxxxii) Rick Bodner  
(lxxxiii) Judy Hill  
(lxxxiv) Anne Dwyer  
(lxxxv) Irene Laurie  
(lxxxvi) Jennifer Waring  
(lxxxvii) Jill Tonini  
(lxxxviii) Kathy ROUNG  
(lxxxix) David Vyn  
(xc) Jodi Eastwood  
(xci) Theresa McCuaig  
(xcii) Paul Rogers  
(xciii) Ruth Van Horne  
(xciv) Lara Stewart-Panko  
(xcv) Gord McNulty  
(xcvi) Becky Sapping  
(xcvii) Becky Sapping  
(xcviii) Debbie Eagan-Hashimoto  
(xcix) Howard Cole  
(c) Dawn Cole  
(ci) Howard W. Cole  
(cii) Doreen Stermann  
(ciii) Kevin Butter  
(civ) Janice Currie  
(cv) Paul Chapman  
(cvi) Fred Fischer  
(cvii) Michael Fischer  
(cviii) Megan Saunders  
(cix) Bianca Metz  
(cx) Tom Baker  
(cxii) George Baier  
(cxiii) Denise Giroux  
(cxiiii) Anne Holbrook  
(cxix) Charlane Surerus  
(cxv) Philip Kummel  
(cxvi) Christine Fitzpatrick  
(cxvii) Christine Brown  
(cxviii) Cindy Kaye  
(cxix) Thomas Madronich  
(cxx) Deborah Peace  
(cxxi) Zoe Green  
(cxxii) Louise Brownlee  
(cxxiii) Irene Fischer

(cxxiv) Harriet Woodside  
(cxxv) Flora Molnar  
(cxxvi) Michel Proulx  
(cxxvii) Eileen Booty  
(cxxviii) Carolyn Stupple  
(cxxix) Laurie Galer  
(cxxx) Carole-Ann Durran  
(cxxxii) Teresa Gregorio  
(cxxxiii) Annette Taylor  
(cxxxiii) Elizabeth Knight  
(cxxxiv) Don Brown  
(cxxxv) Jen Couillard  
(cxxxvi) Marina Robichaud  
(cxxxvii) Heather Millar  
(cxxxviii) Tom Morelli  
(cxxxix) Yvonne Sutherland-Case  
(cxl) Douglas Millar  
(cxli) Rand Robichaud  
(cxlii) Susan Crowe Connolly  
(cxliii) Catherine Weir  
(cxliv) Mark Forler  
(cxlv) John Roy  
(cxlvi) Harrison Ioannou  
(cxlvii) Jan Barton  
(cxlviii) Kathleen Livingston  
(cxlix) Jan Whitelaw  
(cl) Mark Rudolph  
(cli) Kathleen Kennedy  
(clii) John Corbett  
(cliii) Bill Pearce  
(cliv) Mary Allen  
(clv) Paul Parente

**Registered Delegations:**

(xxviii) Jacqueline House, Donna Silversmith, Clyde Chimklia (in-person)  
(i) Peter Appleton (in-person)  
(ii) K. Lynn Dykeman (in-person)  
(iv) Patrick Antila (in-person)  
(v) James S. Quinn (in-person)  
(vi) Catherine Roberts (in-person)  
(viii) David M. Roberts (in-person)

- (ix) Tom Nugent (in-person)
- (x) Miriam Sager (in-person)
- (xi) Jan W. Jansen (pre-recorded)
- (xii) Phil Pothen (virtual)
- (xiv) Ian Borsuk (in-person)
- (xv) Dave Eccles (in-person)
- (xvi) Fred Bristol (in-person)
- (xvii) Kathleen Livingston (in-person)
- (xviii) Lucia Iannantuono (in-person)
- (xix) Jordyn Boyer, Andrew Wright and Jasmine Montrichard,  
Youth Power for Climate Justice (in-person)
- (xx) Bianca Metz (in-person)
- (xxi) Nancy McKeil (in-person)
- (xxii) Martha Howatt (in-person)
- (xxiii) Joe Minor (in-person)
- (xxvii) Lilly Noble (in-person)
- (xxviii) Mary Love (in-person)
- (xxix) Don McLean (in-person)
- (xxx) Cynthia Meyer (in-person)
- (xxxi) Anne Washington (in-person)
- (xxxii) Michael J. Corrado (in-person)
- (xxxiv) Nobuko and Scott McNie (in-person)
- (xxxv) MPP Sandy Shaw (in-person)
- (xxvii) Gloria Wade (in-person)

**Additional Delegations:**

- (i) Jessie Chang
- (ii) Tim Katty
- (iii) Joanna Matthews
- (iv) Deb Mattina
- (v) Lyn Folkes
- (vi) Bonnie Sterus

- (b) That the public meeting be closed.

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

YES – Mayor A. Horwath  
 YES – Ward 1 Councillor M. Wilson  
 NOT PRESENT – 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  
YES – Ward 10 Councillor J. Beattie  
YES – Ward 11 Councillor M. Tadeson  
YES – Ward 12 Councillor C. Cassar  
YES – Ward 13 Councillor A. Wilson  
YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 1.

**(e) ADJOURNMENT (Item 16)**

**(Horwath/Danko)**

That there being no further business, the Planning Committee be adjourned at 10:20 p.m.

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

YES – Mayor A. Horwath  
YES – Ward 1 Councillor M. Wilson  
NOT PRESENT – 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  
YES – Ward 10 Councillor J. Beattie  
YES – Ward 11 Councillor M. Tadeson  
YES – Ward 12 Councillor C. Cassar  
YES – Ward 13 Councillor A. Wilson  
YES – Ward 15 Councillor T. McMeekin



**Special Planning Committee  
Minutes 23-014**

**September 14, 2023  
Page 16 of 16**

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Councillor J.P. Danko, Chair  
Planning Committee

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Lisa Kelsey  
Legislative Coordinator



## **PLANNING COMMITTEE**

### **MINUTES**

**23-015**

**September 19, 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, J. Beattie

**Also in Attendance:** Councillor B. Clark

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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 (PED23155) (City Wide) (Item 9.1)**

**(Tadeson/A. Wilson)**

That Report PED23155 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:**

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

**2. Application for Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 82 Carlson Street, Stoney Creek (PED23178) (Ward 9) (Item 10.1)**

**(Beattie/Tadeson)**

- (a) That Zoning By-law Amendment Application ZAC-22-064, by MHBC Planning Ltd. (c/o Dave Aston), on behalf of Losani Homes (1998) Ltd, (c/o Myles Smith, Owner), for a change in zoning from Neighbourhood Development “ND” Zone and Single Residential “R4-22” Zone, Modified to Low Density Residential (R1, 870) Zone, to permit 23 residential lots for single and semi detached dwellings located on the extension of Carlson Street, for the lands located at 82 Carlson Street, as shown on Appendix “A” attached to Report PED23178, be APPROVED on the following basis:
- (i) That the draft By-law attached as Appendix “B” to Report PED23178, 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); and,
  - (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan.
- (b) That Draft Plan of Subdivision Application 25T-202209, by MHBC Planning Ltd. (c/o Dave Aston), on behalf of Losani Homes (1998) Ltd., (Myles Smith), Owner, on lands located at 82 Carlson Street, shown as on Appendix “A” attached to Report PED23178, be APPROVED in accordance with By-law No. 07-323 being the delegation of the City of Hamilton’s Assigned Authority Under the *Planning Act* for the Approval of Subdivisions and Condominiums, on the following basis:
- (i) That this approval apply to the Draft Plan of Subdivision 25T-202209, certified by R.S. Querubin, O.L.S., dated May 16, 2023, consisting of 14 lots for single detached dwellings (Lots 1-14), seven lots for semi detached dwellings (Lots 15-21), two future development blocks (Blocks 22 and 23), one 0.3 metre reserve (Block 24), and the extension of Carlson Street, as shown on Appendix “D” attached to Report PED23178;

- (ii) That the Owner enter into a Standard Form Subdivision Agreement as approved by City Council and with the Special Conditions as shown attached as Appendix “E” to Report PED23178;
- (iii) That the Special Conditions of Draft Plan of Subdivision Approval, 25T-202209, as shown on Appendix “C” attached to Report PED23178, be received and endorsed by City Council;
- (iv) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council; and,
- (v) Acknowledgement by the City of Hamilton of its responsibility for cost sharing with respect to this development shall be in accordance with the City’s Financial Policies and will be determined at the time of development.

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

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

**3. School Zone Special Enforcement Area Pilot (PED19238(b)) (City Wide)  
(Item 11.1)**

**(Tadeson/Cassar)**

That Council direct Transportation Planning and Parking (Planning and Economic Development) staff in collaboration with Transportation Staff (Public Works) to develop a framework for evaluating future requests for Special Enforcement

Areas in proximity to school sites and report back in advance of the 2024/2025 School Year.

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

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

**4. Draft Major Transit Station Areas (PED23105) (City Wide) (Item 11.2)**

**(Beattie/M. Wilson)**

- (a) That the Major Transit Station Area draft report, prepared by Dillon Consulting, attached as Appendix “B” to Report PED23105, be received by Council;
- (b) That Council authorize staff to commence public and stakeholder consultation on the Major Transit Station Area draft report identified in Recommendation (a) to Report PED23105, and that staff report back on the results of the consultation and any changes or revisions to the report at the time that the Major Transit Station Area final report is presented for approval.

**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  
 NOT PRESENT – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson

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

**5. Administrative Penalty System Database (PED23186) (City Wide) (Item 11.3)**

**(Cassar/Francis)**

That staff be authorized to negotiate a single source contract, in a form satisfactory to the City Solicitor, with ACCEO Solutions Incorporated to continue to supply and service the enforcement system currently used to issue and manage penalty notices in the City of Hamilton for Parking Enforcement, and Licensing and By-law Services.

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

**FOR INFORMATION:**

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

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

**10. PUBLIC HEARINGS**

10.1 Application for Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 82 Carlson Street, Stoney Creek (PED23178) (Ward 9)

(a) Added Written Submissions:

- (i) Frank Stanisa
- (ii) Nancy Meletti

**(Francis/Tadeson)**

That the agenda for the September 19, 2023 Planning Committee meeting be approved, as amended.

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

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

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

There were no declarations of interest.

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

**(i) September 5, 2023 (Item 4.1)**

**(Hwang/Pauls)**

That the Minutes of the September 5, 2023 meeting be approved, as presented.

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

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

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

**(i) Bernadette Bowen respecting Enclosure of Twin Compactors at Canadian Tire on 777 Upper James St. (For the October 3rd meeting)**

**(Beattie/Tadeson)**

That the Delegation Request from Bernadette Bowen respecting Enclosure of Twin Compactors at Canadian Tire on 777 Upper James St., be approved for the October 3rd meeting.

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

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



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

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

**(i) Joshua Bossence respecting Concerns about the McMaster Homecoming event on Dalewood Avenue (Approved at the September 15<sup>th</sup> meeting) (Item 7.1)**

The Delegate was not in attendance when called upon to speak.

**(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) Application for Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 82 Carlson Street, Stoney Creek (PED23178) (Ward 9) (Item 10.1)**

Charlie Toman, Program Lead-Policy Planning and Municipal Comprehensive Review, addressed the Committee with the aid of a PowerPoint presentation.

**(Hwang/Francis)**

That the staff presentation be received.

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

YES – Ward 1 Councillor M. Wilson

YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

Stephanie Mirtitsch with MHBC Planning, was in attendance, and indicated support for the staff report.

**(Beattie/Cassar)**

That the presentation from Stephanie Mirtitsch with MHBC Planning, be received.

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

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

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

- (i) Frank Stanisa – Concerns with proposal
- (ii) Oyin Adenbigbe with CityLab – with questions about community engagement
- (iii) Nancy Diklic – Concerns with proposal

**(Tadeson/Hwang)**

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

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

YES – Ward 1 Councillor M. Wilson  
 YES – Ward 2 Councillor C. Kroetsch  
 YES – Ward 3 Councillor N. Nann  
 YES – Ward 4 Councillor T. Hwang  
 YES – Ward 5 Councillor M. Francis  
 YES – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 2.

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

**(i) Draft Major Transit Station Areas (PED23105) (City Wide) (Item 11.2)**

Charlie Toman, Program Lead-Policy Planning and Municipal Comprehensive Review, addressed the Committee with the aid of a PowerPoint presentation.

**(McMeekin/Cassar)**

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  
 NOT PRESENT – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko

YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 4.

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

**(i) General Manager's Update (Added Item 14.2)**

General Manager Jason Thorne provided an update to the Committee respecting upcoming staffing changes, with Jason Thorne becoming Acting City Manager, and Steve Robichaud becoming Acting General Manager of Planning and Economic Development.

**(Cassar/Nann)**

That the General Manager's Update, 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  
 NOT PRESENT – Ward 7 Councillor E. Pauls  
 YES – Ward 8 Councillor J.P. Danko  
 YES – Ward 10 Councillor J. Beattie  
 YES – Ward 11 Councillor M. Tadeson  
 YES – Ward 12 Councillor C. Cassar  
 YES – Ward 13 Councillor A. Wilson  
 YES – Ward 15 Councillor T. McMeekin

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

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

**(i) Closed Session Minutes (Item 15.1)**

- (a) August 15, 2023**
- (b) September 5, 2023**

**(Tadeson/A. Wilson)**

- (i) That the Closed Session Minutes dated August 15, 2023 and September 5, 2023, be approved, as presented; and,
- (ii) That the Closed Session Minutes dated August 15, 2023 and September 5, 2023, remain confidential.

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

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

**(Tadeson/Hwang)**

That there being no further business, the Planning Committee be adjourned at 11:57 a.m.

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

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Councillor J.P. Danko, Chair  
Planning Committee

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Lisa Kelsey  
Legislative Coordinator

**From:** Elizabeth Knight  
**Sent:** August 11, 2023 9:41 AM  
**Subject:** New Brampton vehicle noise bylaw

Clerk, please add my letter to the upcoming General Issues Committee agenda.  
Dear Councillors and Madame Mayor,

Hey all, if Brampton can do it we can too! Can one of you please pick this up and run with it to save Hamiltonians from bleeding eardrums all summer long?

"Brampton's new noise bylaw could see repeat offenders charged up to \$100,000 per day now that the city has set a limit on decibels in an effort to turn down excessive and annoying volume from vehicles and construction sites."



Here's the article [https://www.insauga.com/new-noise-bylaw-sets-fines-up-to-100000-per-day-for-excessive-loud-vehicles-in-brampton/?fbclid=IwAR1W\\_KFFmVkJFCyoBqrOFeBNnf7rKfq\\_AcbuWLAw3RmCxgk1a6O3XpiQvl8](https://www.insauga.com/new-noise-bylaw-sets-fines-up-to-100000-per-day-for-excessive-loud-vehicles-in-brampton/?fbclid=IwAR1W_KFFmVkJFCyoBqrOFeBNnf7rKfq_AcbuWLAw3RmCxgk1a6O3XpiQvl8)

Thank you for your consideration,  
Elizabeth Knight

RUSSELL D. CHEESEMAN  
~ Barrister & Solicitor ~

REAL ESTATE DEVELOPMENT | MUNICIPAL LAW | ENVIRONMENTAL LAW

September 26, 2023

VIA E-MAIL

Chair and Members of Hamilton Municipal Heritage Committee  
c/o City Clerk  
Corporation of the City of Hamilton  
Hamilton City Hall  
71 Main Street West  
Hamilton, Ontario L8P 4Y5

Dear Chair and Committee Members:

**Re: Recommendation to Designate 54 and 56 Hess Street South, Hamilton, under  
Part IV of the *Ontario Heritage Act*  
Your File PED23218 (Ward 2)**

We are counsel to Brown's Wharf Development Corporation, the owner of 54 Hess Street South, in the City of Hamilton.

Our client has become aware of the fact that there will be a Staff Report before you at your Meeting of today's date, wherein Staff recommend the designation of the subject property pursuant to Part IV of the *Heritage Act*. Our client wishes to advise the Committee that it is not in agreement with the recommendation of Staff with respect to this property.

The City of Hamilton is well aware of the fact that this building is in a serious state of physical deterioration and that our client's consulting engineer has recommended that the building should be demolished.

Our client is in the process of assessing the situation and applying for the necessary demolition permit from the City of Hamilton.

This letter will serve as notice to you of the fact that our client will object to the designation of this property if the Council of the City chooses to make that decision.

We trust that the foregoing is clear, but if you have any questions or require any clarification, please do not hesitate to contact the undersigned directly by telephone.

Yours very truly,



Russell D. Cheeseman

cc. Mr. Steve Pocrnic (via email)  
Ms. Allissa Golden, (via email)

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## INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	October 3, 2023
<b>SUBJECT/REPORT NO:</b>	Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-23-001 and Zoning By-law Amendment Application ZAC-23-001 for Non-Decisions for Lands Located at 499 Mohawk Road East, Hamilton (PED23205) (Ward 7)
<b>WARD(S) AFFECTED:</b>	Ward 7
<b>PREPARED BY:</b>	Aminu Bello (905) 546-2424 Ext. 5264
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### COUNCIL DIRECTION

In accordance with Subsection 22 (7) and 34 (11), of the *Planning Act*, an Official Plan Amendment 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-23-001 and Zoning By-law Amendment Application ZAC-23-001, 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-23-001 and Zoning By-law Amendment Application ZAC-23-001 for Non-Decisions for Lands Located at 499 Mohawk Road East, Hamilton (PED23205) (Ward 7) - Page 2 of 4**

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## **INFORMATION**

The subject property is municipally known as 499 Mohawk Road East, Hamilton (refer to Appendix “A” attached to Report PED23205). The subject property is rectangular shaped with a lot area of 3.99 hectares and is located northwest of the intersection of Upper Sherman Avenue and Mohawk Road East. The subject lands are currently occupied by commercial retailers and a surface parking lot.

Urban Hamilton Official Plan Amendment Application UHOPA-23-001 and Zoning By-law Amendment Application ZAC-23-001 were submitted by Urban Solutions Planning and Land Development Consultants Inc. (c/o Matt Johnston) on behalf of 499 Mohawk Inc. on October 24, 2022 and were deemed complete by staff on November 21, 2022. The applicant proposes to redesignate the subject lands from the District Commercial designation to the Mixed Use – Medium Density designation, in addition to a change in zoning from the District Commercial (C6) Zone to a modified Mixed Use Medium Density (C5) Zone.

The Applicant proposes development of a total of 1,995 residential dwelling units comprised of eight multiple dwelling buildings ranging in heights between eight and 25 storeys containing 1,945 dwelling units, and seven, three storey townhouse blocks containing 50 dwelling units, with on-site surface and underground parking areas, open space, and amenity areas, with access from both Mohawk Road East and Upper Sherman Avenue (refer to Appendix “B” attached to PED23205).

On October 24, 2022, the Applicant submitted technical studies/reports in support of the proposal, which were circulated to internal departments and external agencies for review and comment on November 25, 2022.

The appeal of the Urban Hamilton Official Plan Amendment and Zoning By-law Amendment applications filed by Aird & Berlis LLP c/o Patrick J. Harrington, Agent for 499 Mohawk Inc. was received by the City Clerk’s Office on August 11, 2023, 291 days after receipt of the applications (refer to Appendix “C” attached to Report PED23205).

## **Official Plan Amendment**

The subject lands are designated District Commercial on Schedule E-1 – Urban Land Use Designations, in the Urban Hamilton Official Plan. The submitted Urban Hamilton Official Plan Amendment is being sought to redesignate the subject lands from the District Commercial designation to the Mixed Use – Medium Density designation and establish a site specific exception to permit a maximum building height of 25 storeys.

**SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-23-001 and Zoning By-law Amendment Application ZAC-23-001 for Non-Decisions for Lands Located at 499 Mohawk Road East, Hamilton (PED23205) (Ward 7) - Page 3 of 4**

---

Issues identified through the circulation include:

- The proposal does not meet the planned land use function for the subject lands, as set out in the Urban Hamilton Official Plan;
- The proposal does not meet the intended built form of the Mixed Use – Medium Density designation set out in the Urban Hamilton Official Plan E.4.6.9.;
- The proposed residential density and building scale does not satisfy the residential intensification criteria of the Urban Hamilton Official Plan Policy B.2.4.1.4.;
- The Traffic Impact Study does not demonstrate that traffic generated from the proposal can be accommodated on the existing road network;
- A reversed Watermain Hydraulic Analysis is required to assess impacts on the municipal system resulting from the proposed development; and,
- Potential wind impacts are not acceptable at the pedestrian crosswalk located at the intersection of Upper Sherman Avenue and Mohawk Road East.

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

The subject property is currently zoned District Commercial (C6) Zone in the Hamilton Zoning By-law No. 05-200, as shown on Appendix “A” attached to Report PED23205. The proposed Zoning By-law Amendment would have the effect of rezoning the subject lands from the District Commercial (C6) Zone to a site-specific Mixed Use – Medium Density (C5) Zone.

A number of site-specific modifications are required to implement the proposed development, as shown on the Concept Plan in Appendix “B” attached to Report PED23205 including:

- A reduction to the minimum interior side yard and minimum rear yard;
- An increase to the maximum permitted building height;
- A reduction to the minimum required amenity area per dwelling unit;
- A reduction to the minimum building setback from a Street Line ;
- To permit multiple dwellings with no direct access from the public sidewalk;
- To permit a reduction of the minimum amenity area for Multiple Dwelling Units; and,
- To permit a maximum parking rate inclusive of visitor parking.

**SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application  
UHOPA-23-001 and Zoning By-law Amendment Application ZAC-23-  
001 for Non-Decisions for Lands Located at 499 Mohawk Road East,  
Hamilton (PED23205) (Ward 7) - Page 4 of 4**

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## **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 171 property owners within 120 metres of the subject lands on December 1, 2022. Pursuant to the City's Public Consultation Strategy Guidelines, the Applicant prepared a Public Consultation Strategy which included a neighbourhood meeting virtually hosted by the Applicant.

A Design Review Panel Meeting was held of December 8, 2022. The technical expert panel advised on elements of the proposal, among other matters, to encourage a reduction in residential density to enhance the central open space and provide a stronger emphasis on pedestrian connections between the public and private realms.

A notice advising of the neighbourhood meeting was sent to all residents within 240 metres of the subject lands as requested by the Ward 7 Councillor. Approximately 150 people, including the Ward 7 Councillor, Applicant and their Agent attended the in-person meeting held on February 2, 2023 at the Ukrainian Catholic Church of the Resurrection (821 Upper Wentworth Street, Hamilton). At the in-person public meeting, the Applicant provided a general overview of the proposed development and facilitated opportunities for public comments and direct feedback on the proposal.

To date, staff have received a total of 52 e-mail submissions from residents regarding the proposed development (49 respondents in opposition and three respondents in support). Issues raised by the public relate to land use compatibility, increased traffic, insufficient parking, pedestrian safety, increased residential density, building height, loss of commercial space, sun shadow impacts, construction disturbance and loss of privacy resulting from the proposed development.

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED23205 – Location Map

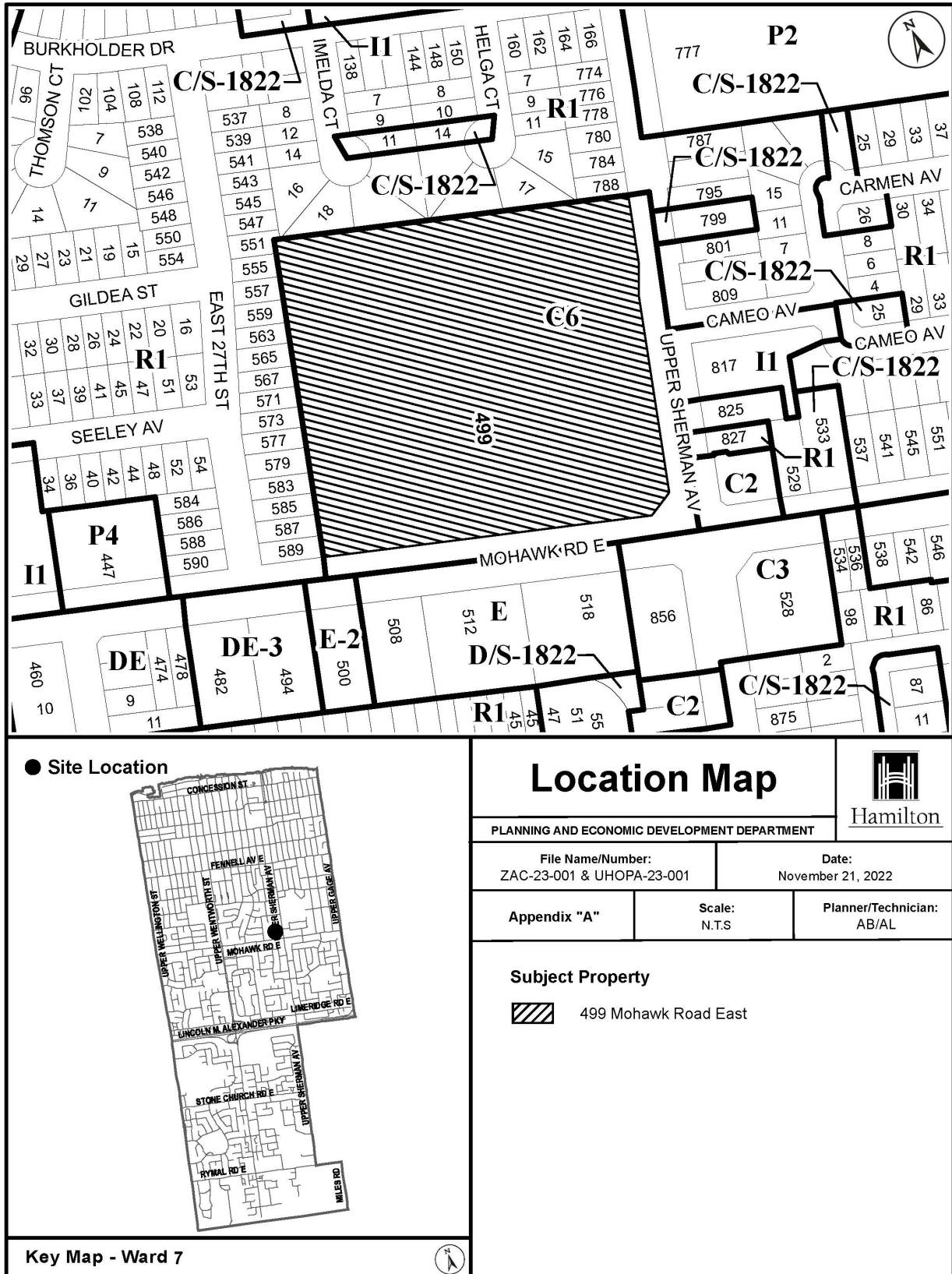
Appendix "B" to Report PED23205 – Concept Plan and Building Elevations

Appendix "C" to Report PED23205 – Letter of Appeal

AB:sd

## Appendix "A" to Report PED23205

Page 1 of 1





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Issues:

CAMEO AVE

UPPER SHERMAN AVE

No.01 SEPT.08.2022 Issued for OPA+ZBA B.G.



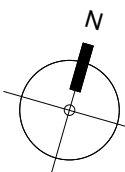
8400 JANE STREET, BUILDING D, SUITE 300, CONCORD, ONTARIO L4K 4L6  
PHONE: 905.795.2801 FAX: 905.795.2844 WWW.GC-ARCHITECTS.COM

PROPOSED RESIDENTIAL DEVELOPMENT

Mohawk & Upper Sherman

Project Architect: B.G.  
Assistant Designer: R.L./C.K.  
Drawn By: G.C.  
Checked By: -----  
Plot Date: SEPT.08.2022  
Job #: 1978.22

SITE PLAN



1:350 A102

Titleblock Size:





PROJECT STATISTICS

JOB No: 1978.22

DATE: Sept. 09 2022

01. SITE

m2
ha
ft2
ac

TOTAL SITE

39522.73
3.95
425419
0.91

Required

Proposed

02. G.C.A (m2) | Above Grade

Residential Buildings A -H
Residential Town Homes
commercial
Total

128850.8
9150.0
0
138000.8

03. G.F.A (m2)

Residential
commercial
Total

0.0
0
0.0

04. FSI

--

3.49
------

05. UNIT BREAKDOWN

Residential Units
Total

Bach.	350	18%
1 Bed	582	29%
1 Bed + D	600	30%
2 Bed	364	18%
3 Bed	49	2%
Town Homes	50	3%
	1995	100%

06. PARKING

Barrier Free 4400x5800
Standard 2800x5800
Compact 2800x5500
Total

1.0 per unit	1.00	37
max. 10%	4.0%	80
		1995

\*Refer to Building/ Zoning breakdown for required ratios

07. INDOOR AMENITY (m2)

Indoor
Outdoor
Total

No min. Amenity required	2898.6
No min. Amenity required	0.0
	2898.6

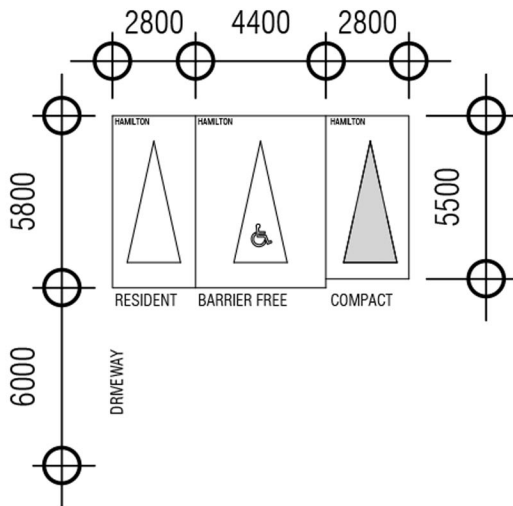
Notes:

\* setbacks to main building face

\*\* actual unit count may vary depending on market demand

PARKING LEGEND

INDOOR & SURFACE PARKING



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Issuances

No.01	SEPT.08.2022	Issued for OPA+ZBA	B.G.
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**GRAZIANI  
CORAZZA  
ARCHITECTS**

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ONTARIO ASSOCIATION  
OF  
ARCHITECTS

BERARDO E. GRAZIANI  
LICENCE 4684

PROPOSED RESIDENTIAL DEVELOPMENT

Mohawk & Upper Sherman

Project Architect:	B.G.
Assistant Designer :	R.L./C.K.
Drawn By:	G.C.
Checked By :	-----
Plot Date :	SEPT.08.2022
Job #	1978.22

PROJECT STATISTICS

A100

PROJECT STATISTICS  
JOB No: 1978.22  
DATE: Sept. 09 2022

BUILDING A					BUILDING B					BUILDING C					BUILDING D					
Required		Proposed			Required		Proposed			Required		Proposed			Required		Proposed			
01. G.C.A (m2)   Above Grade																				
Residential commercial Total	17926				21768				26050				12828							
	0				0				0				0							
	17926				21768				26050				12828							
02. FSI																				
03. UNIT BREAKDOWN																				
Residential Units     Total	Bach.		54	23%	Bach.		50	15%	Bach.		64	16%	Bach.		36	20%				
	1 Bed		58	25%	1 Bed		117	34%	1 Bed		139	36%	1 Bed		43	24%				
	1 Bed + D		53	23%	1 Bed + D		111	33%	1 Bed + D		82	21%	1 Bed + D		41	23%				
	2 Bed		64	28%	2 Bed		55	16%	2 Bed		94	24%	2 Bed		48	27%				
	3 Bed		3	1%	3 Bed		7	2%	3 Bed		11	3%	3 Bed		12	7%				
			232	100%	340		100%	390		100%	180		100%							
04. AMENITY (m2)																				
Indoor Outdoor Total	No Minimum Amenity Requirement		Ratio	# of Units	Area (m2)	No Minimum Amenity Requirement		Ratio	# of Units	Area (m2)	No Minimum Amenity Requirement		Ratio	# of Units	Area (m2)	No Minimum Amenity Requirement		Ratio	# of Units	Area (m2)
	No Minimum Amenity Requirement		1.3	232	290	No Minimum Amenity Requirement		0.9	340	320	No Minimum Amenity Requirement		2.0	390	790	No Minimum Amenity Requirement		1.4	180	259
				0	290				0	320				0	790				0	259
05. PARKING																				
Barrier Free 4400x5800 Standard 2800x5800 Compact 2800x5500 Total			6				8				8				6					
			270				262				440				147					
	% of compact spaces	0%	0		% of compact spaces	4.9%	14		% of compact spaces	6.7%	32		% of compact spaces	16.8%	31					
	Parking Ratio	1.19	276		Parking Ratio	0.84	284		Parking Ratio	1.23	480		Parking Ratio	1.02	184					
06. BUILDING HEIGHT																				
Top of Roof Mechanical Penthouse Total	15 sty		49.5 m	15 sty	25 sty		78.8 m	25 sty	25 sty		79.3 m	25 sty	13 sty		43.2 m	13 sty				
			6.0 m	1 sty			6 m	1 sty			6 m	1 sty			6 m	1 sty				
			55.5 m				84.8 m				85.3 m				49.2 m					

Notes:  
\* setbacks to main building face  
\*\* actual unit count may vary depending on market demand

BUILDING E					BUILDING F					BUILDING G					BUILDING H				
Required		Proposed			Required		Proposed			Required		Proposed			Required		Proposed		
01. G.C.A (m2)   Above Grade					01. G.C.A (m2)   Above Grade					01. G.C.A (m2)   Above Grade					01. G.C.A (m2)   Above Grade				
Residential		7553			7471		7471			15935		15935			19320		19320		
commercial		0			0		0			0		0			0		0		
Total		7553			7471		7471			15935		15935			19320		19320		
02. FSI					02. FSI					02. FSI					02. FSI				
03. UNIT BREAKDOWN					03. UNIT BREAKDOWN					03. UNIT BREAKDOWN					03. UNIT BREAKDOWN				
Residential Units		Bach.		25	21%	Bach.		8	7%	Bach.		47	20%	Bach.		66	20%		
		1 Bed		9	8%	1 Bed		16	14%	1 Bed		31	13%	1 Bed		169	52%		
		1 Bed + D		58	49%	1 Bed + D		56	48%	1 Bed + D		139	58%	1 Bed + D		60	18%		
		2 Bed		23	19%	2 Bed		37	32%	2 Bed		17	7%	2 Bed		26	8%		
		3 Bed		3	3%	3 Bed		0	0%	3 Bed		7	3%	3 Bed		6	2%		
Total		118			100%	117		100%	117		100%	241		100%	327		100%		
04. AMENITY (m2)					04. AMENITY (m2)					04. AMENITY (m2)					04. AMENITY (m2)				
Indoor		No Minimum Amenity Requirement		Ratio	# of Units	Area (m2)	No Minimum Amenity Requirement		Ratio	# of Units	Area (m2)	No Minimum Amenity Requirement		Ratio	# of Units	Area (m2)			
Outdoor		No Minimum Amenity Requirement		2.4	118	287	No Minimum Amenity Requirement		2.8	117	322	No Minimum Amenity Requirement		0.9	241	226			
Total						0	No Minimum Amenity Requirement				0	No Minimum Amenity Requirement				0			
						287					322					405			
05. PARKING					05. PARKING					05. PARKING					05. PARKING				
Barrier Free 4400x5800		1			1		1			2		5							
Standard 2800x5800		79			89		89			260		331							
Compact 2800x5000		3			0		0			0		0							
Total		83			90		90			262		336							
06. BUILDING HEIGHT					06. BUILDING HEIGHT					06. BUILDING HEIGHT					06. BUILDING HEIGHT				
Top of Roof		8 sty		27.5 m	8 sty	8 sty		27.5 m	8 sty	15 sty		48.6 m	15 sty	20 sty		63.6 m	20 sty		
Mechanical Penthouse				6.0 m	1 sty	1 sty		6.0 m	1 sty			6.0 m	1 sty	1 sty		6.0 m	1 sty		
Total				33.5 m		33.5 m		33.5 m				54.6 m		69.6 m		69.6 m			



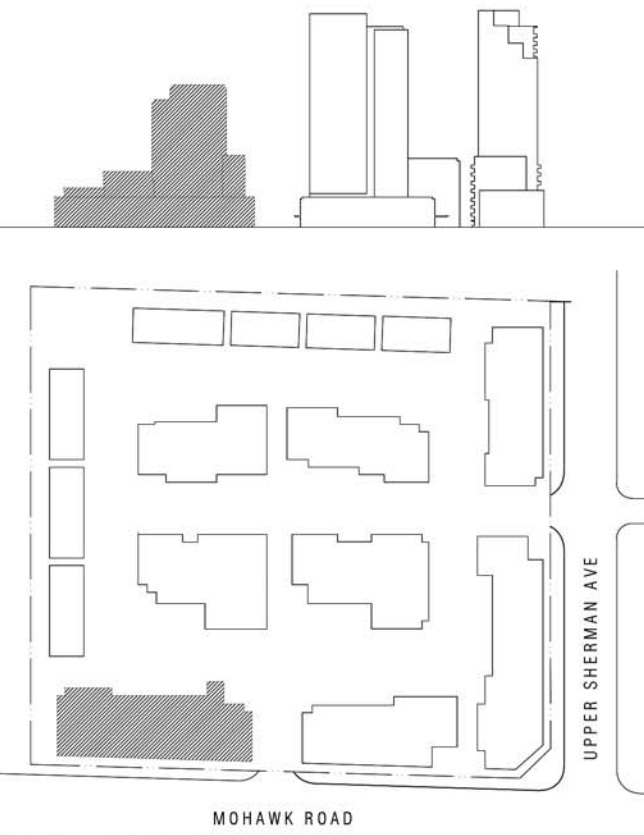
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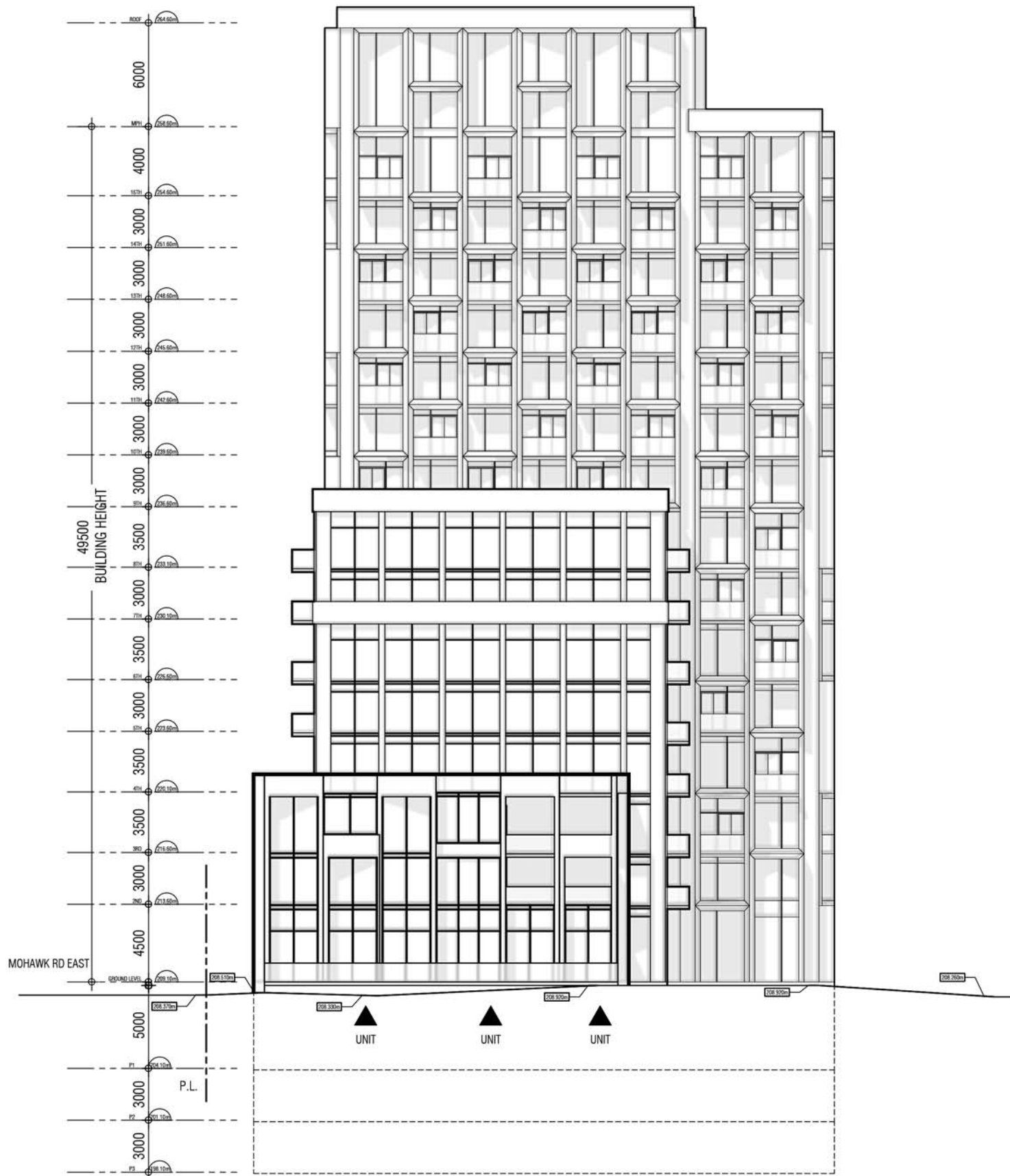
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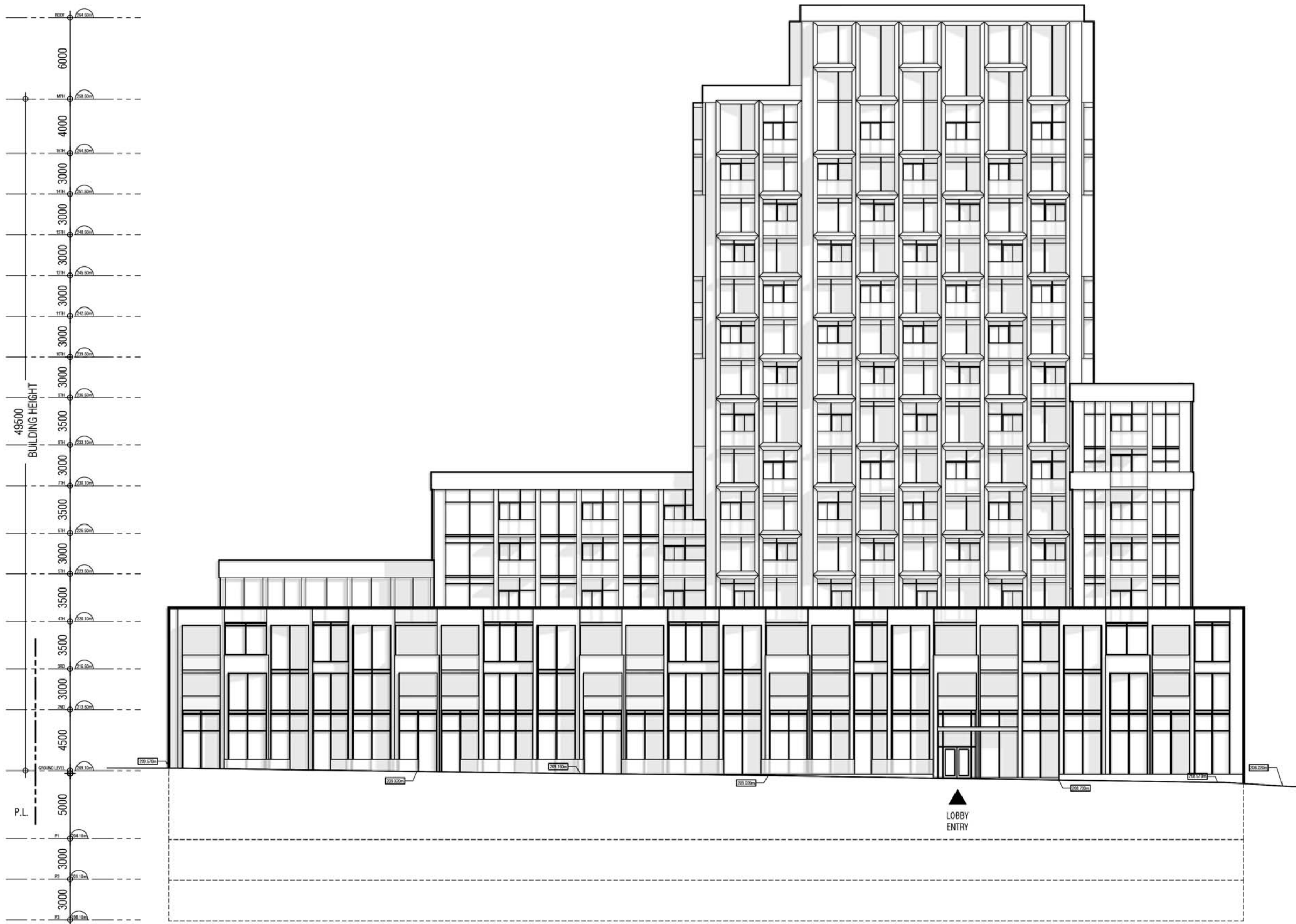
Key Plan



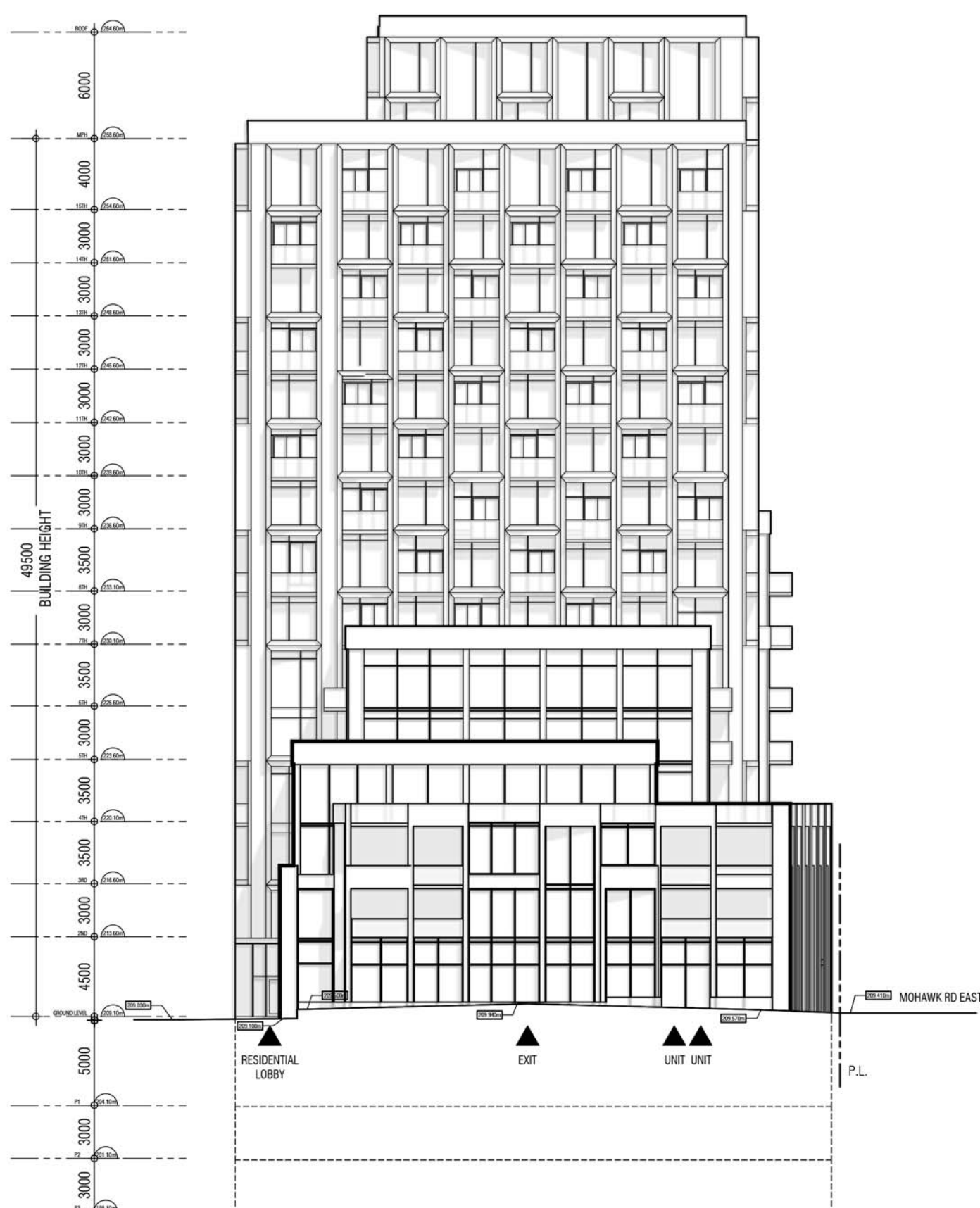
East Elevation 01



North Elevation 02



South Elevation 03



West Elevation 04

1. SEP.08.2022 ISSUED FOR OPA/ZBA  
issued for revisions



residential use

## Mohawk & Upper Sherman

Hamilton	Ontario
PROJECT ARCHITECT:	B. Graziani
ASSISTANT DESIGNER:	C. Kotva
DRAWN BY:	DV/SH/SP
CHECKED BY:	----
PLOT DATE:	SEP.08.2022
JOB #	1978.22

### BUILDING A Elevations

1:300

A401

TITLEBLOCK SIZE: 610 x 900



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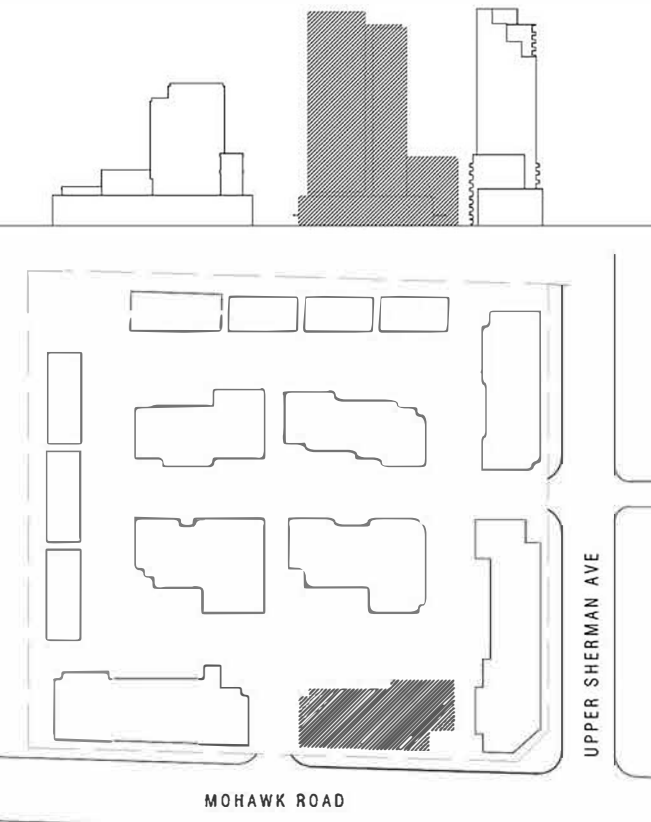
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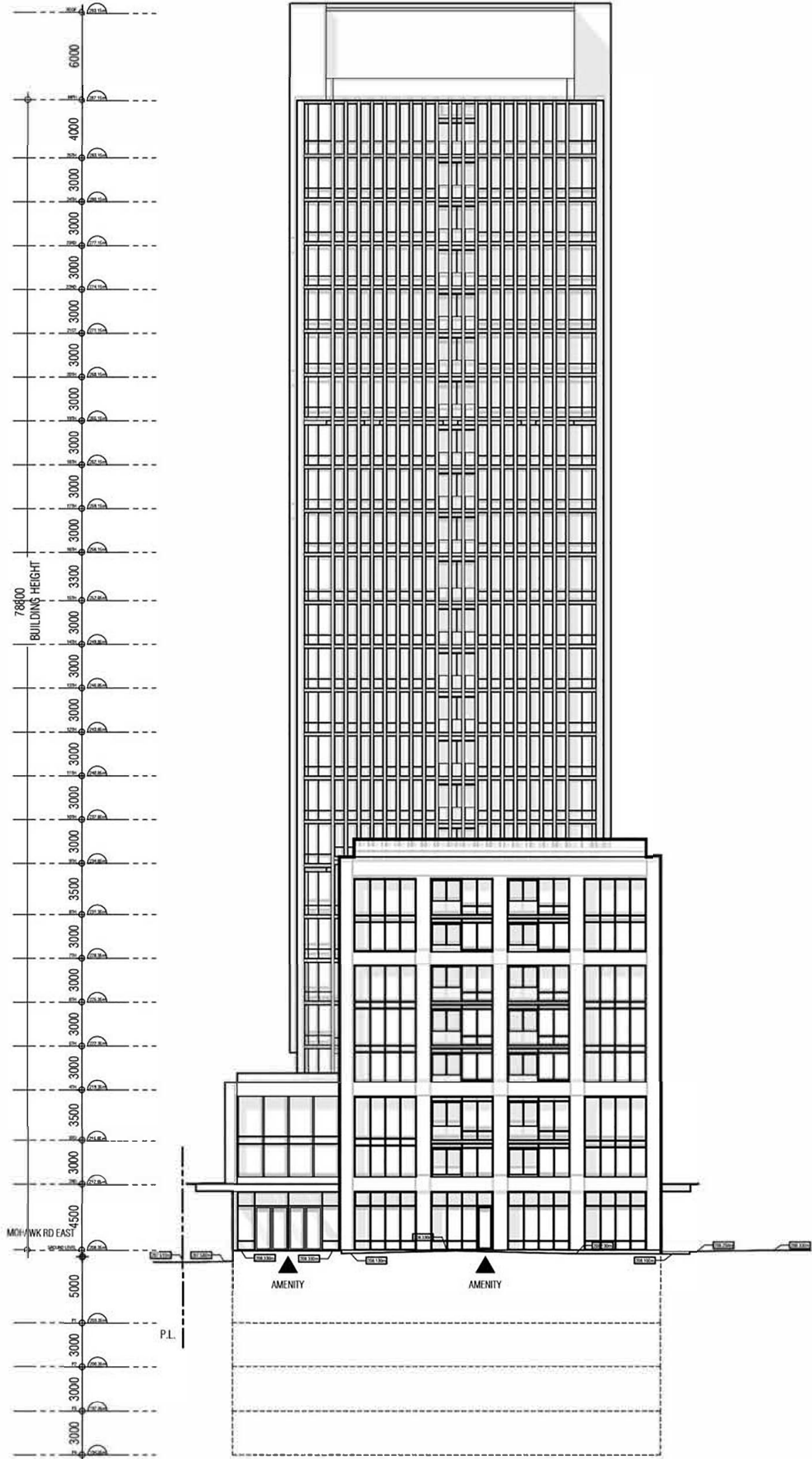
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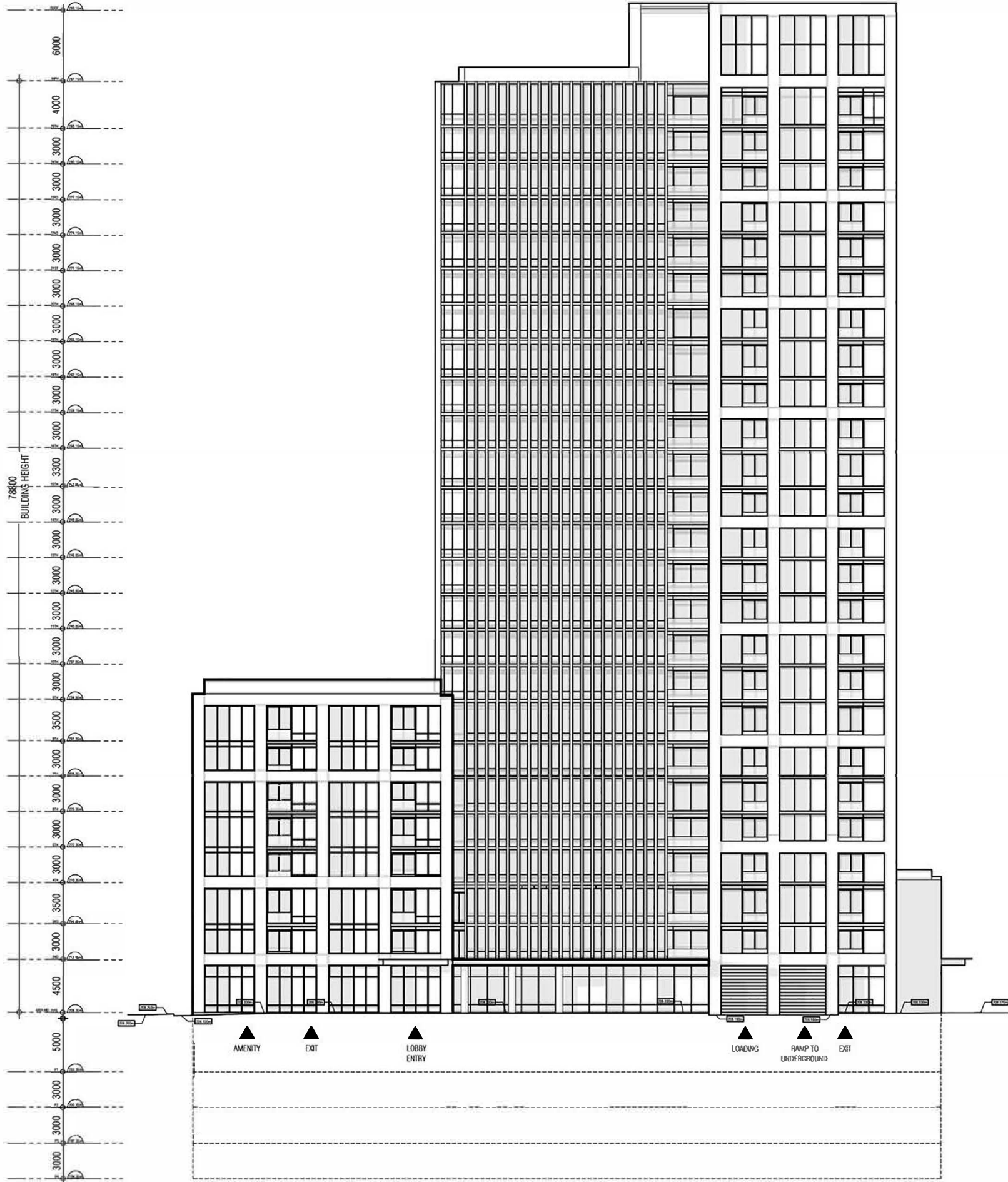
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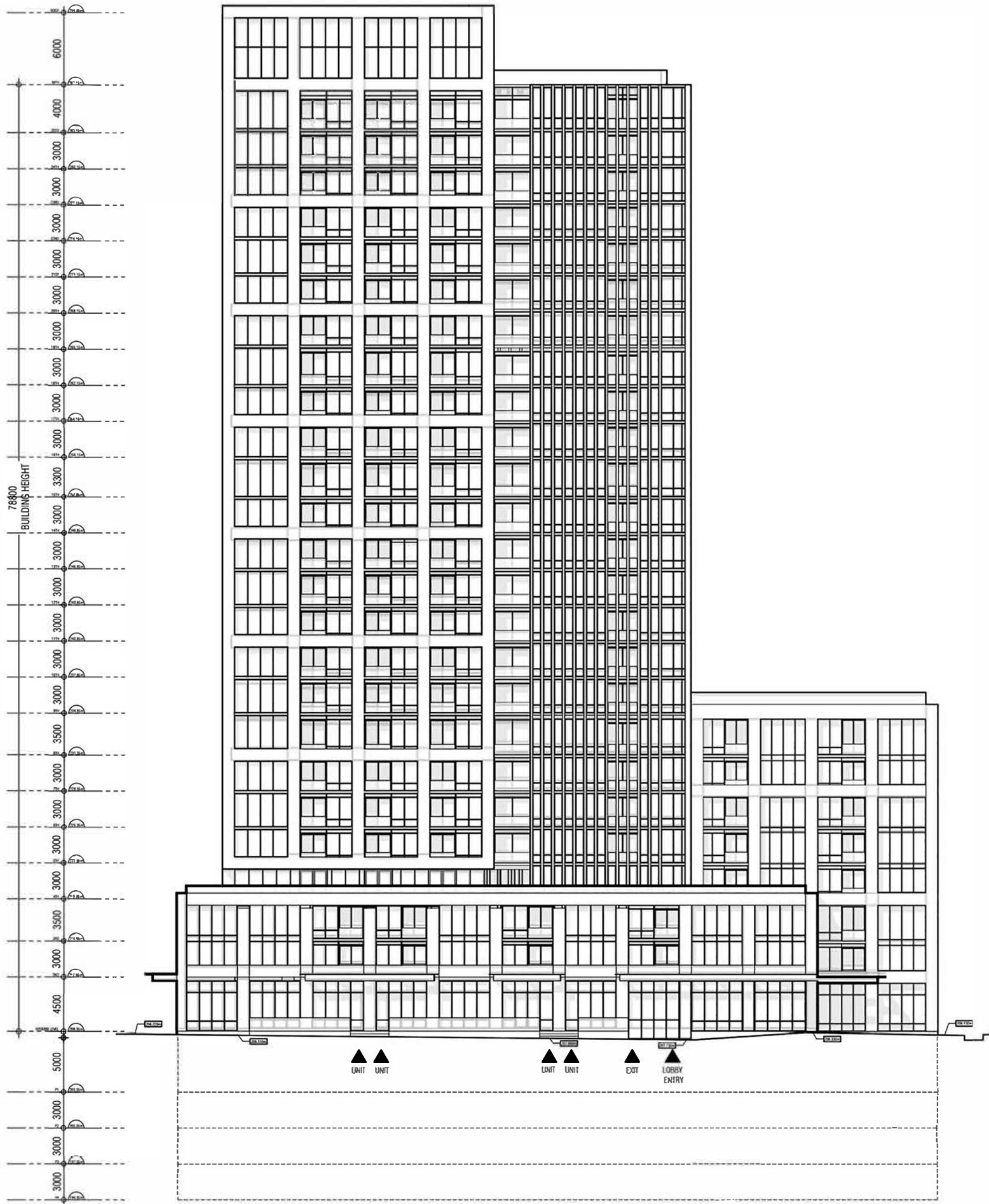
Key Plan



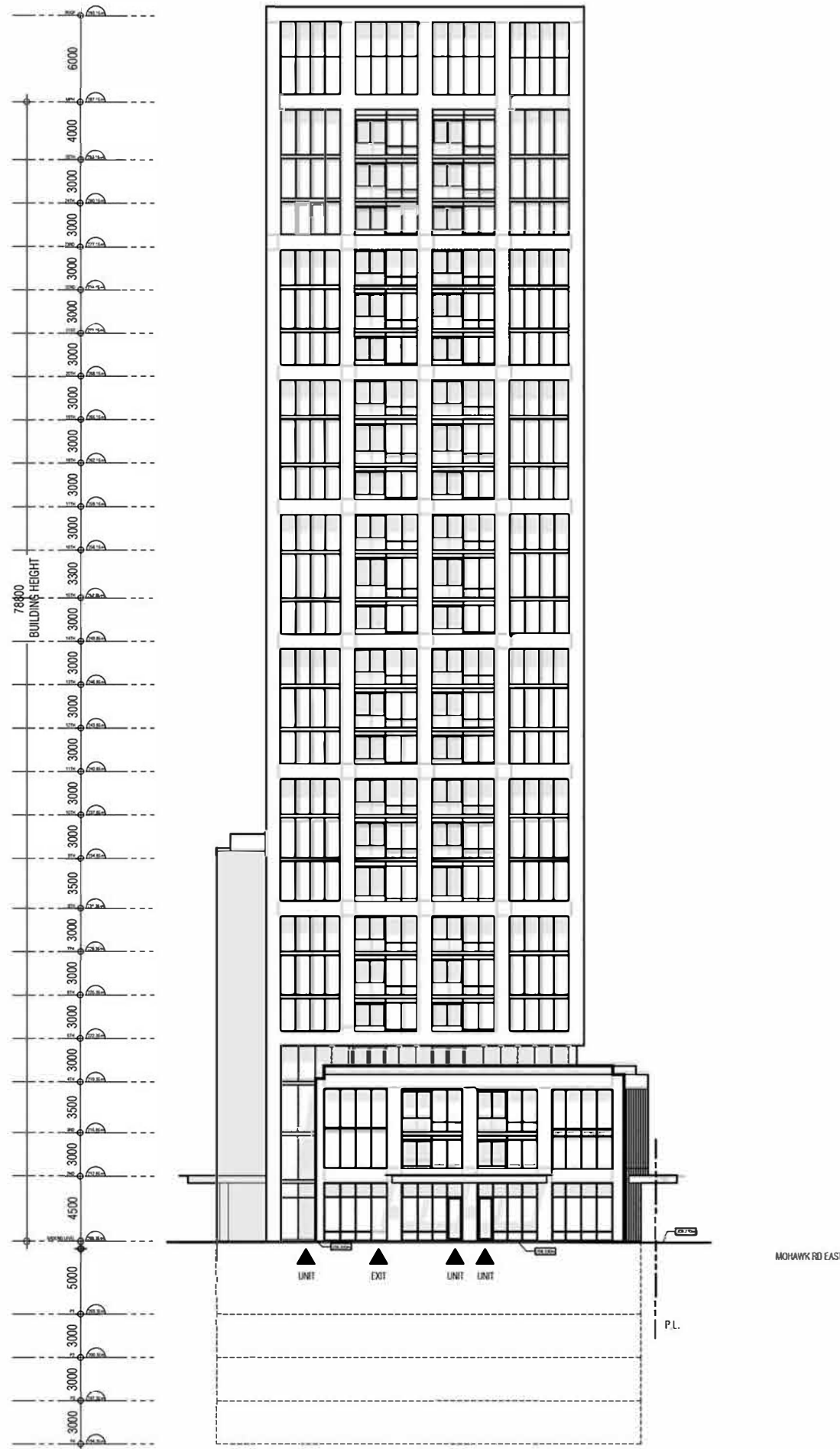
East Elevation 01



North Elevation 02



South Elevation 03



West Elevation 04

1. SEP.08.2022 ISSUED FOR OPA/ZBA BG

issued for revisions



**GRAZIANI  
CORAZZA  
ARCHITECTS**

BERARDO E. GRAZIANI  
LICENCE  
4684

8400 JANE STREET, BUILDING G-SUITE 300 CONCORD, ONTARIO L4K 4L8  
T 905.795.2611 F 905.795.2844 WWW.GC-ARCHITECTS.COM

residential use	
Mohawk & Upper Sherman	
Hamilton	Ontario
PROJECT ARCHITECT:	B. Graziani
ASSISTANT DESIGNER:	C. Kotva
DRAWN BY:	DV/SH/SP
CHECKED BY:	----
PLOT DATE:	SEP.08.2022
JOB #	1978.22

BUILDING B

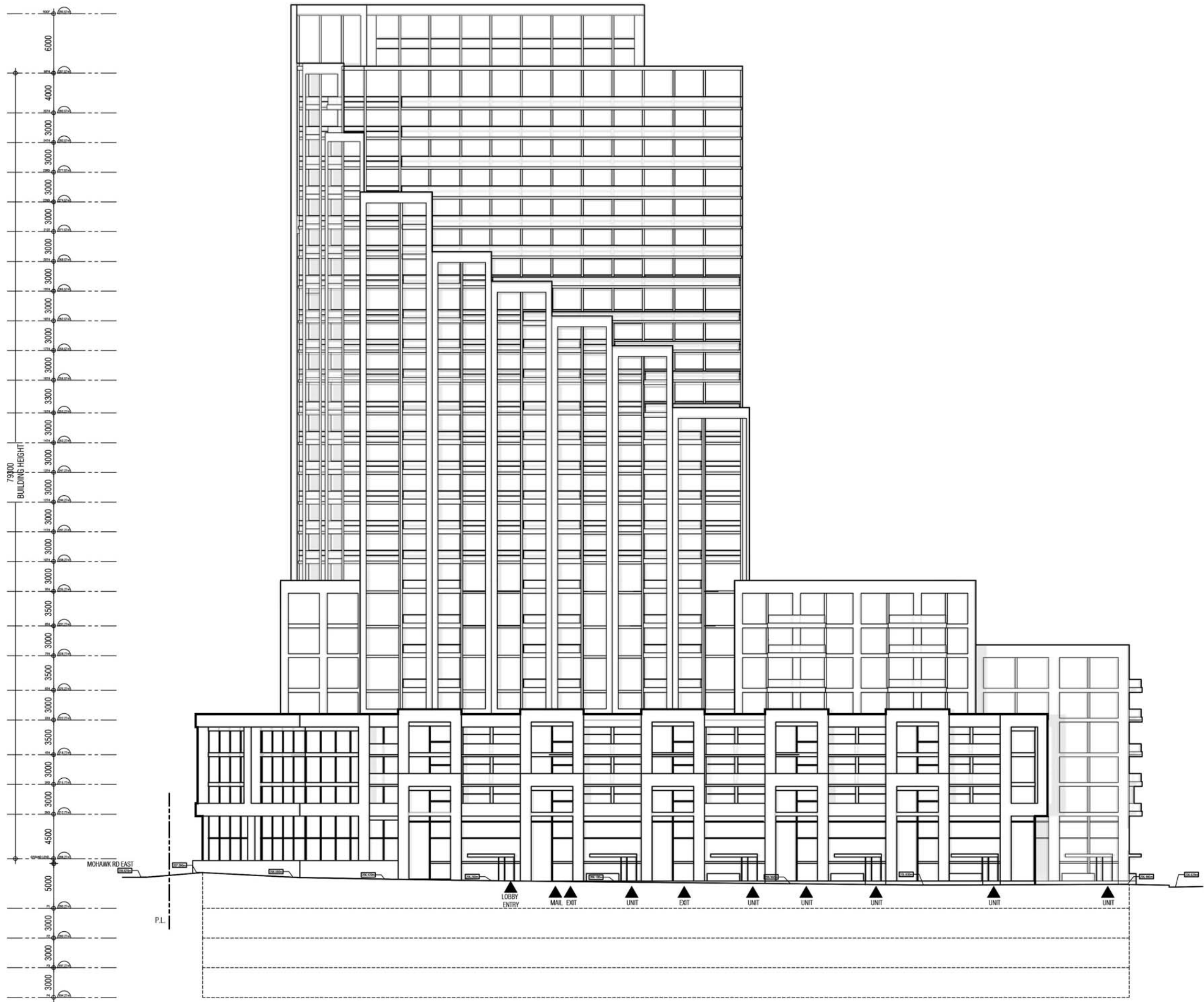
Elevations

1:400

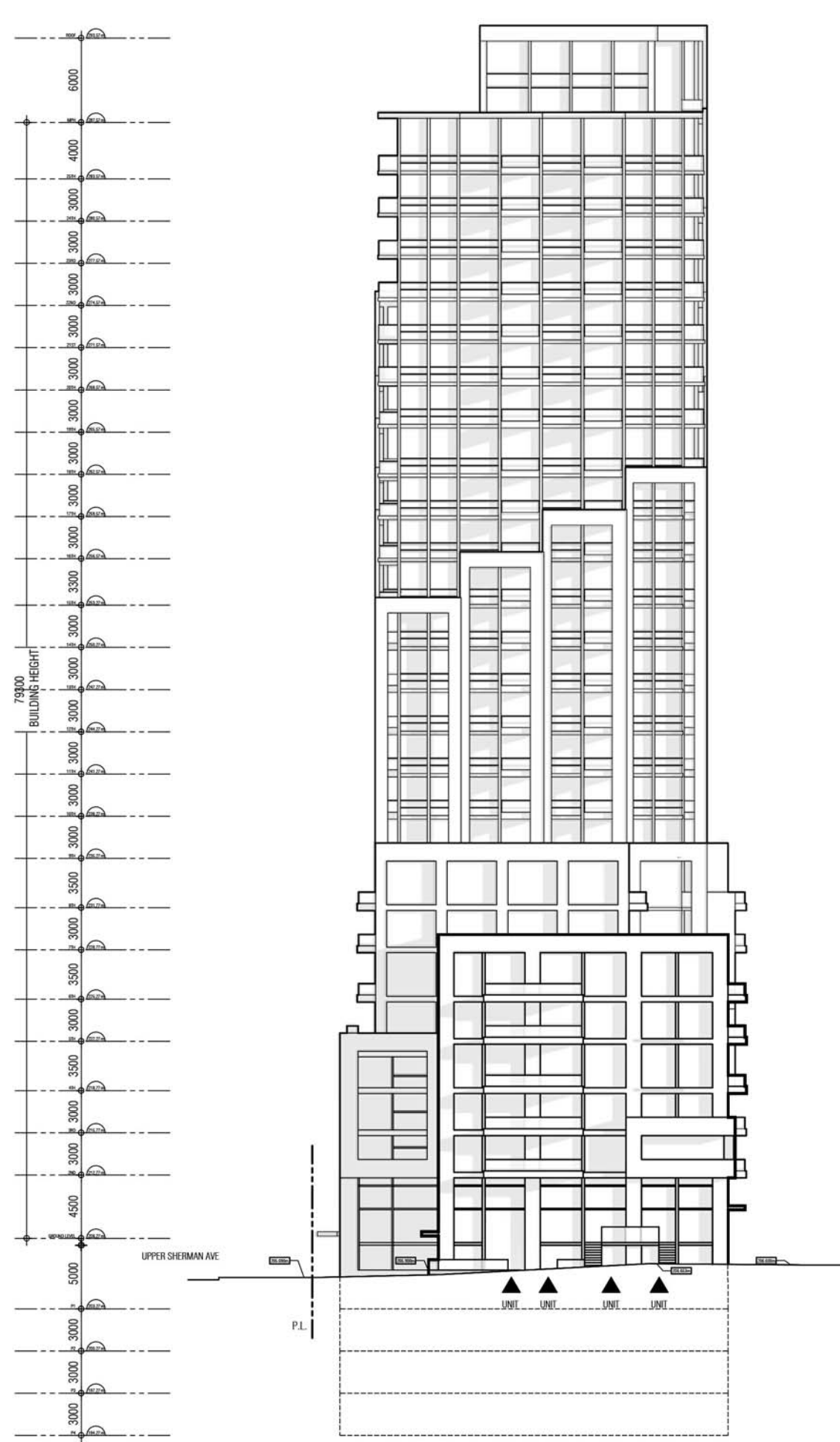
A402

TITLEBLOCK SIZE: 610 x 900

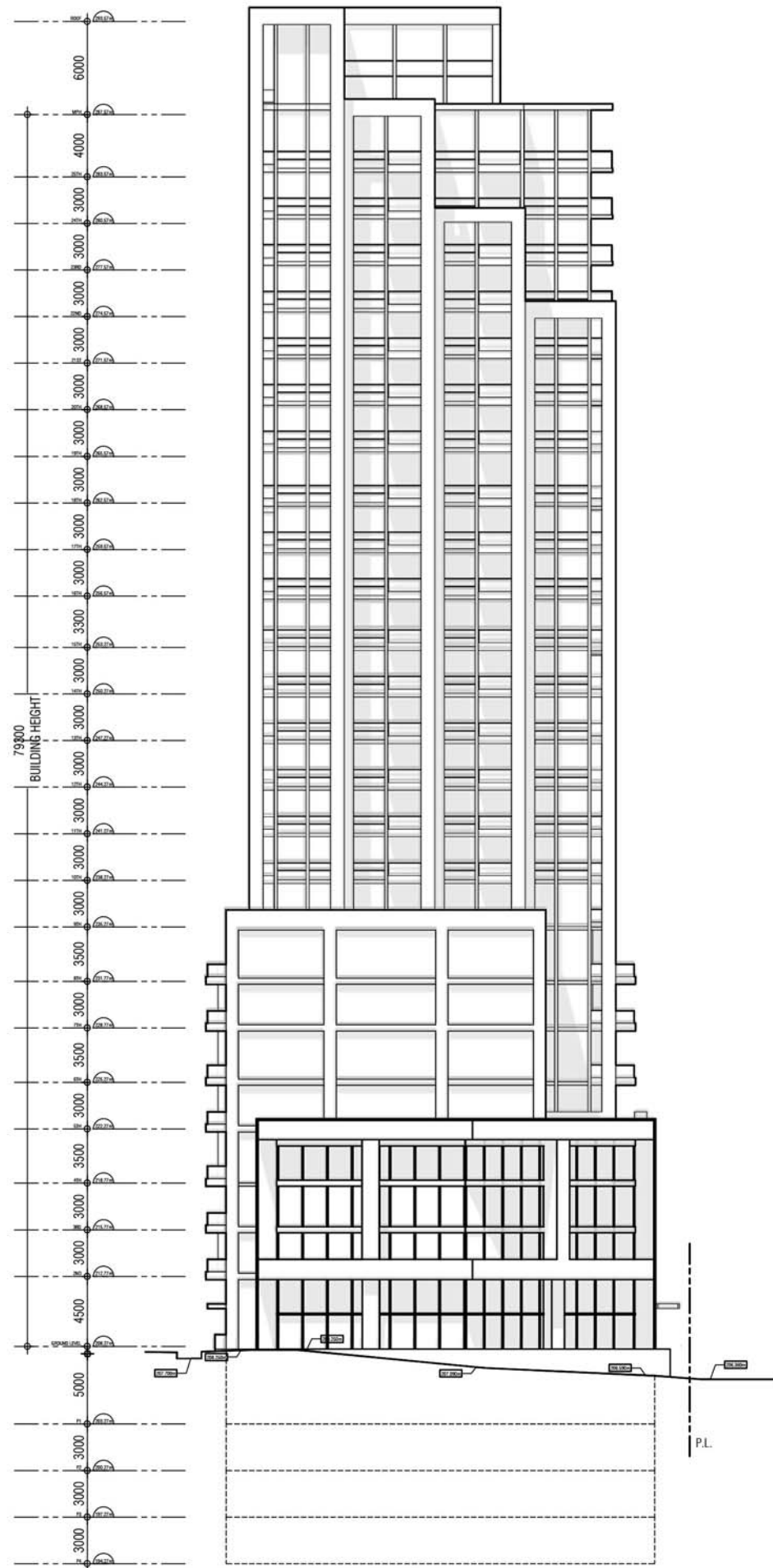




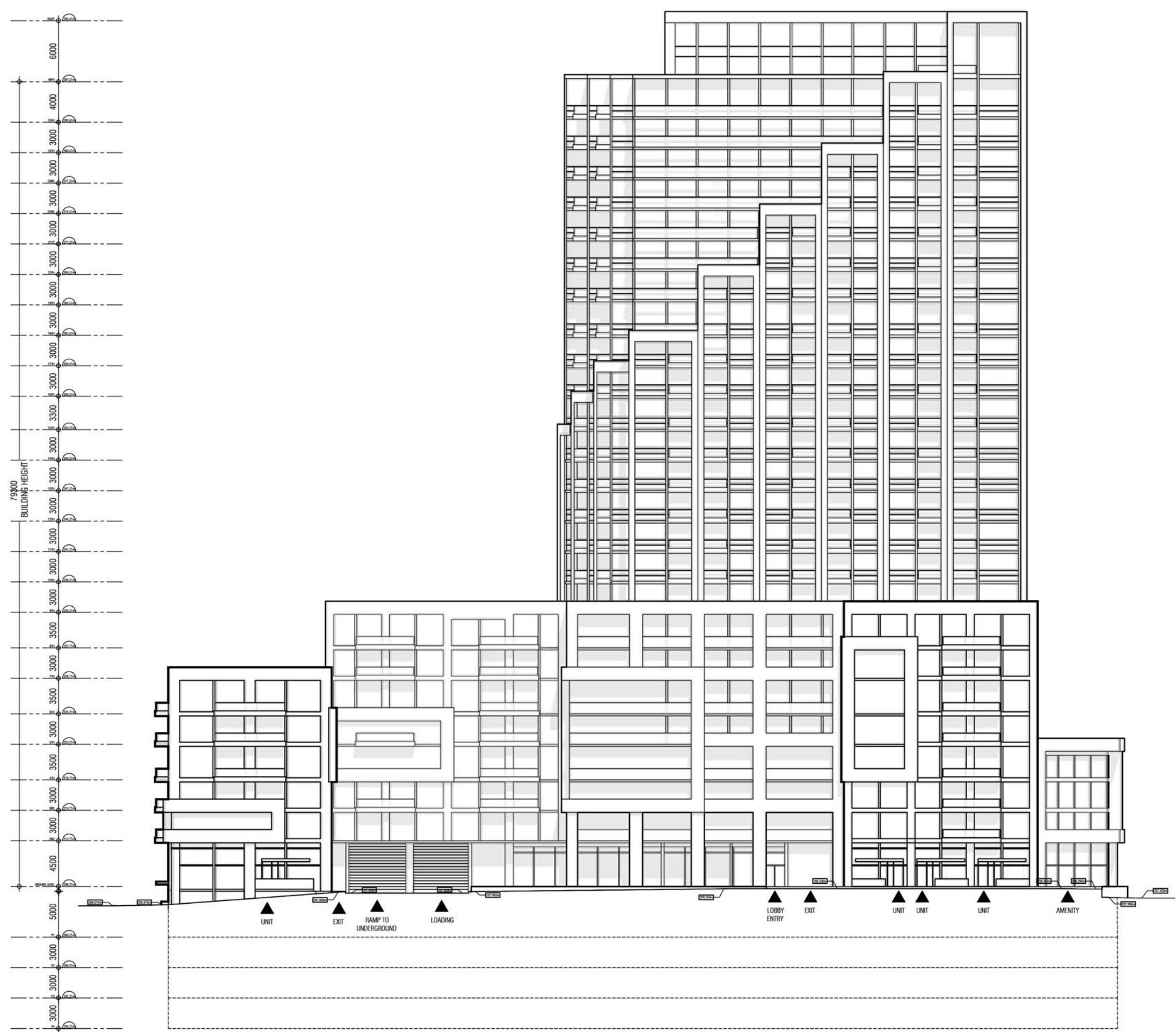
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North Elevation 02



South Elevation 03



West Elevation 04

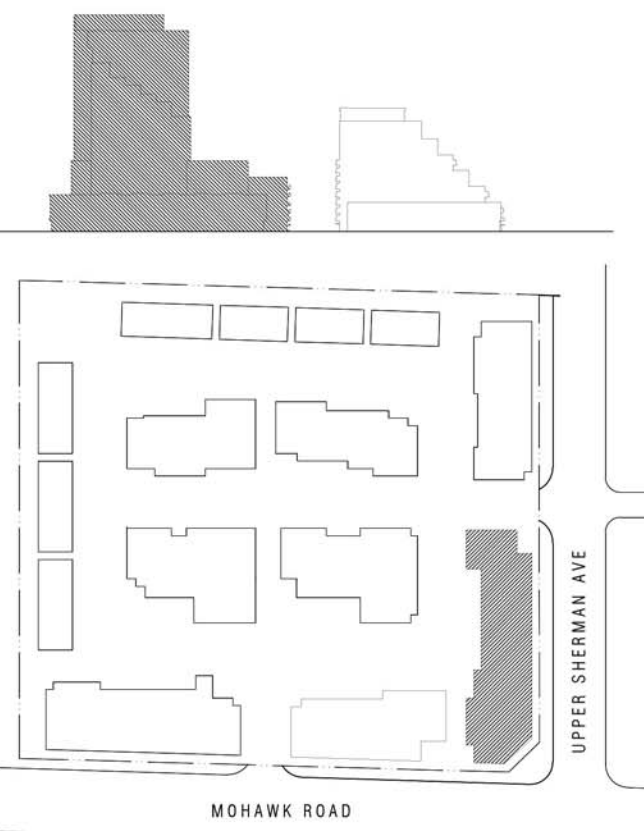
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residential use

## Mohawk & Upper Sherman

Hamilton	Ontario
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ASSISTANT DESIGNER:	C. Kotva
DRAWN BY:	DV/SH/SP
CHECKED BY:	----
PLOT DATE:	SEP.08.2022
JOB #	1978.22

### BUILDING C

#### Elevations

1:400

A403

TITLEBLOCK SIZE: 610 x 900







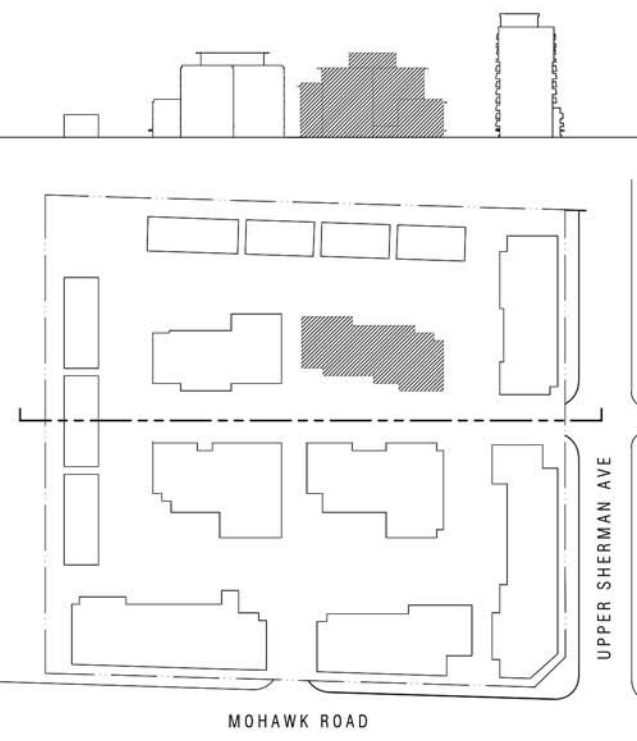
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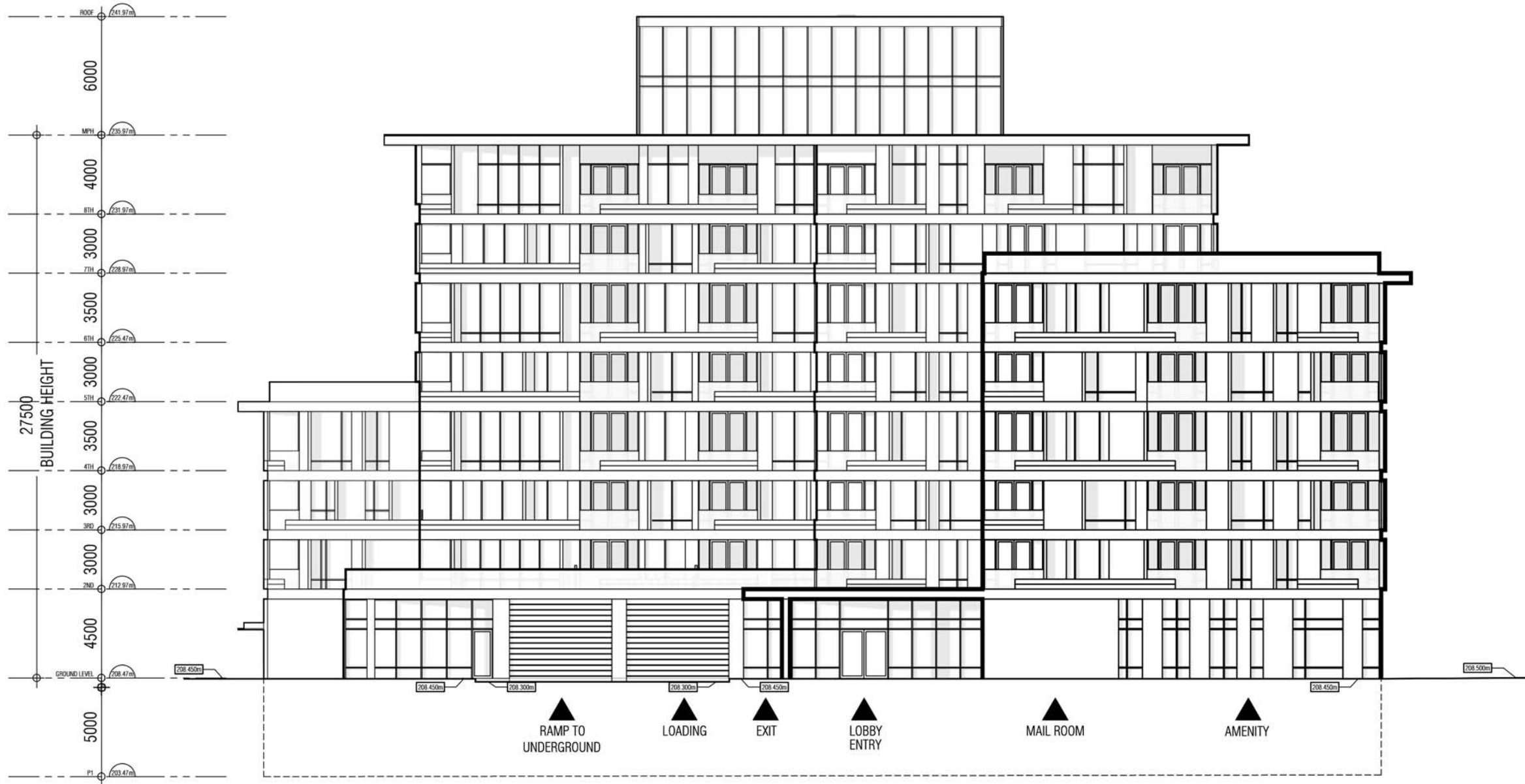
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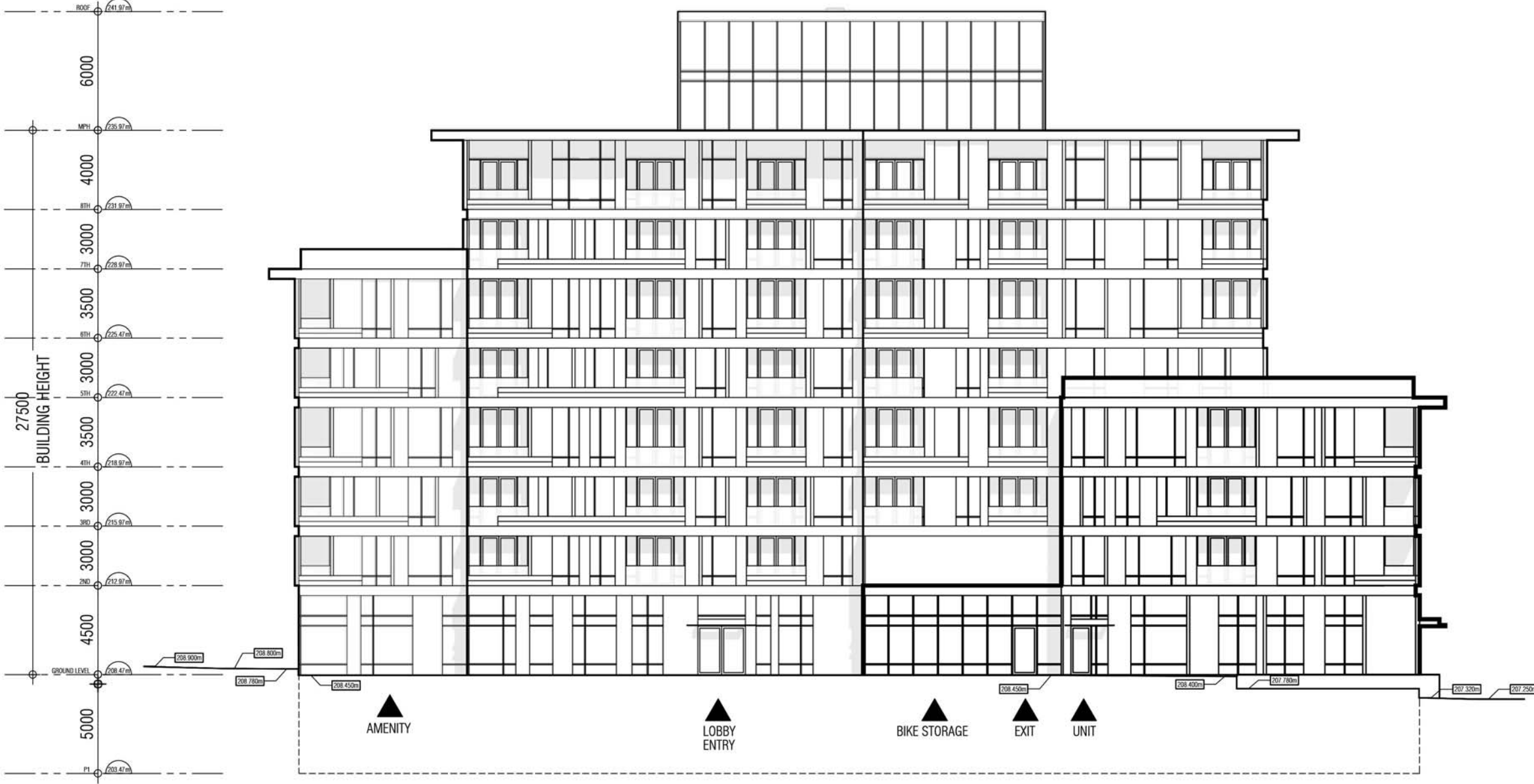
Key Plan



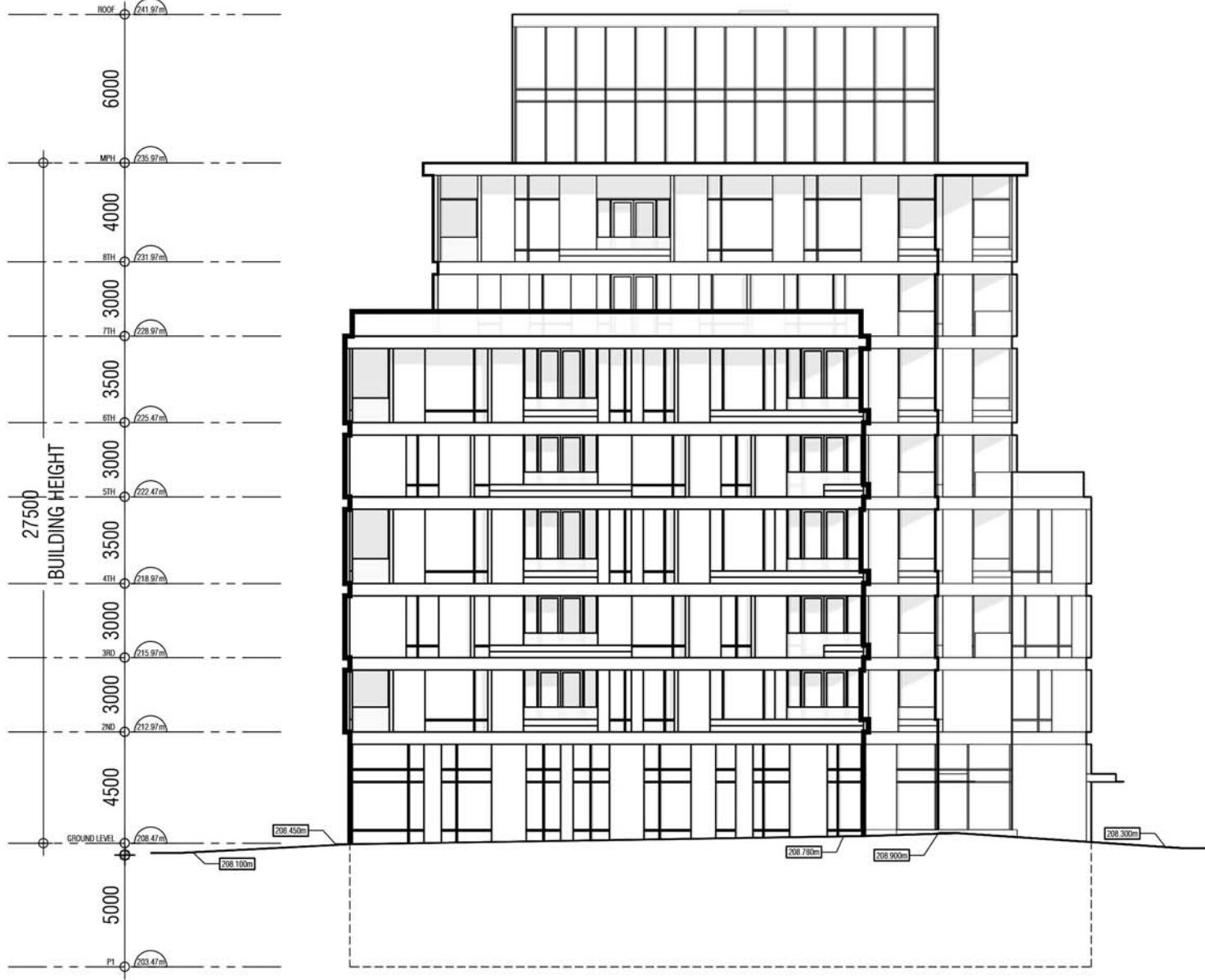
East Elevation 01



North Elevation 02



South Elevation 03



West Elevation 04

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## Mohawk & Upper Sherman

Hamilton	Ontario
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ASSISTANT DESIGNER:	C. Kotva
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### BUILDING E Elevations

1:250

A405

TITLEBLOCK SIZE: 610 x 900



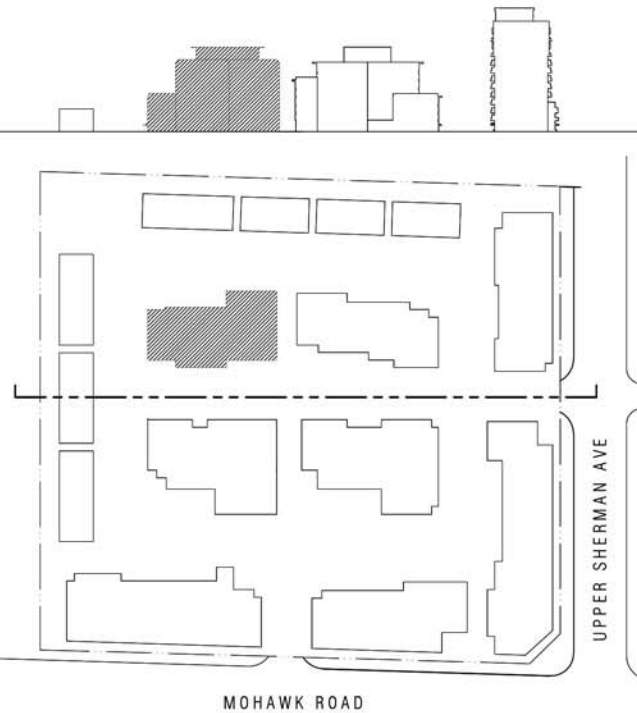
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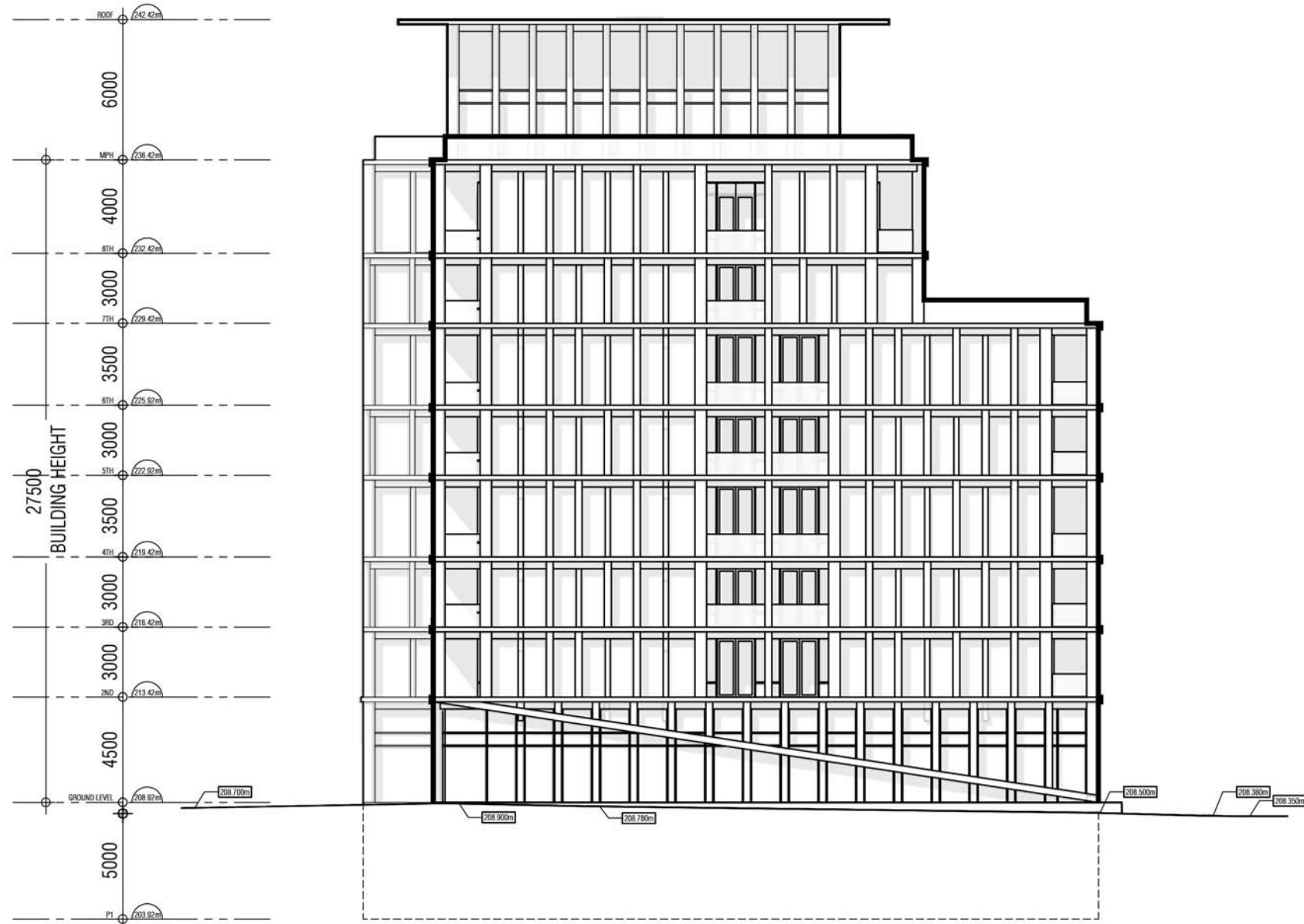
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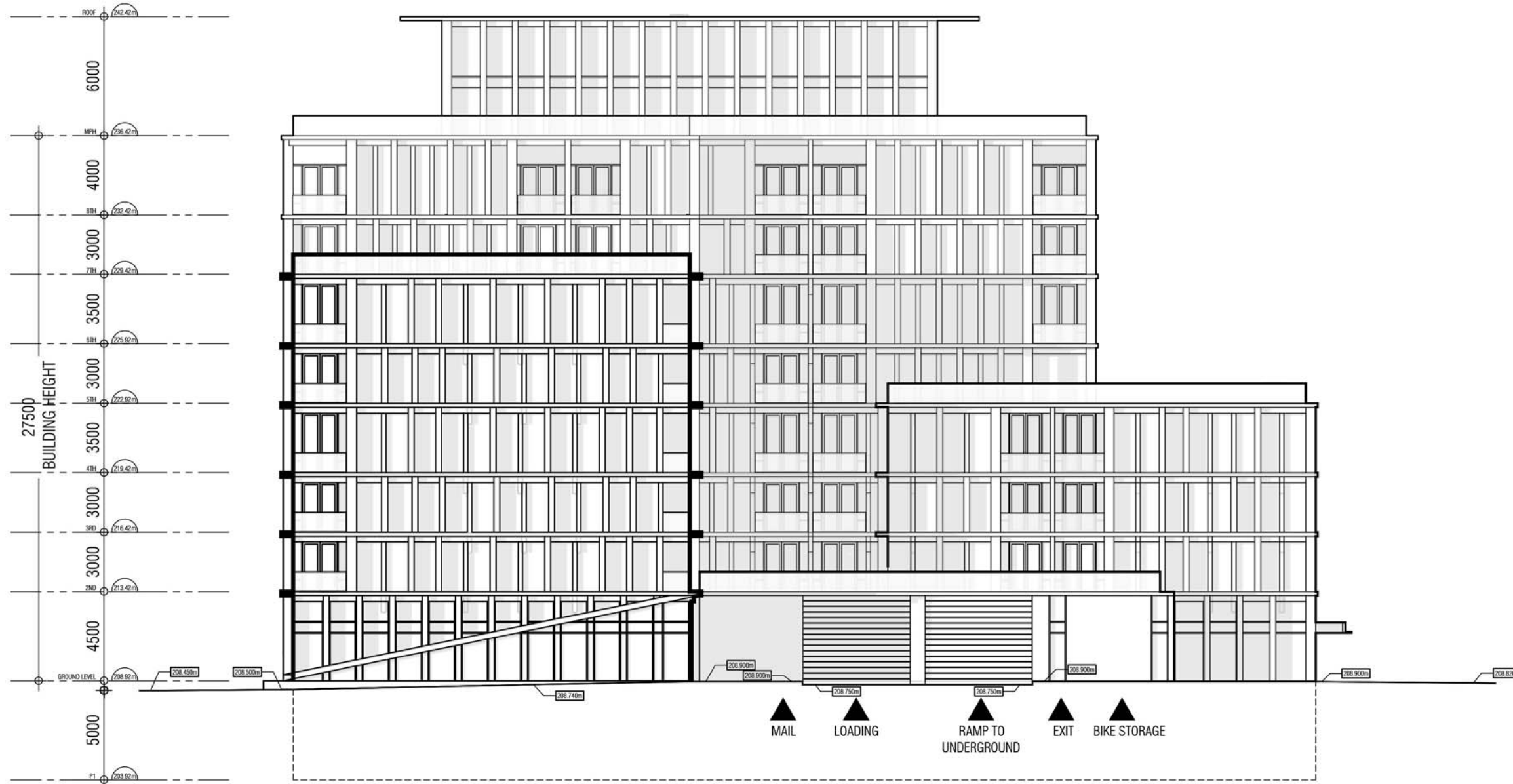
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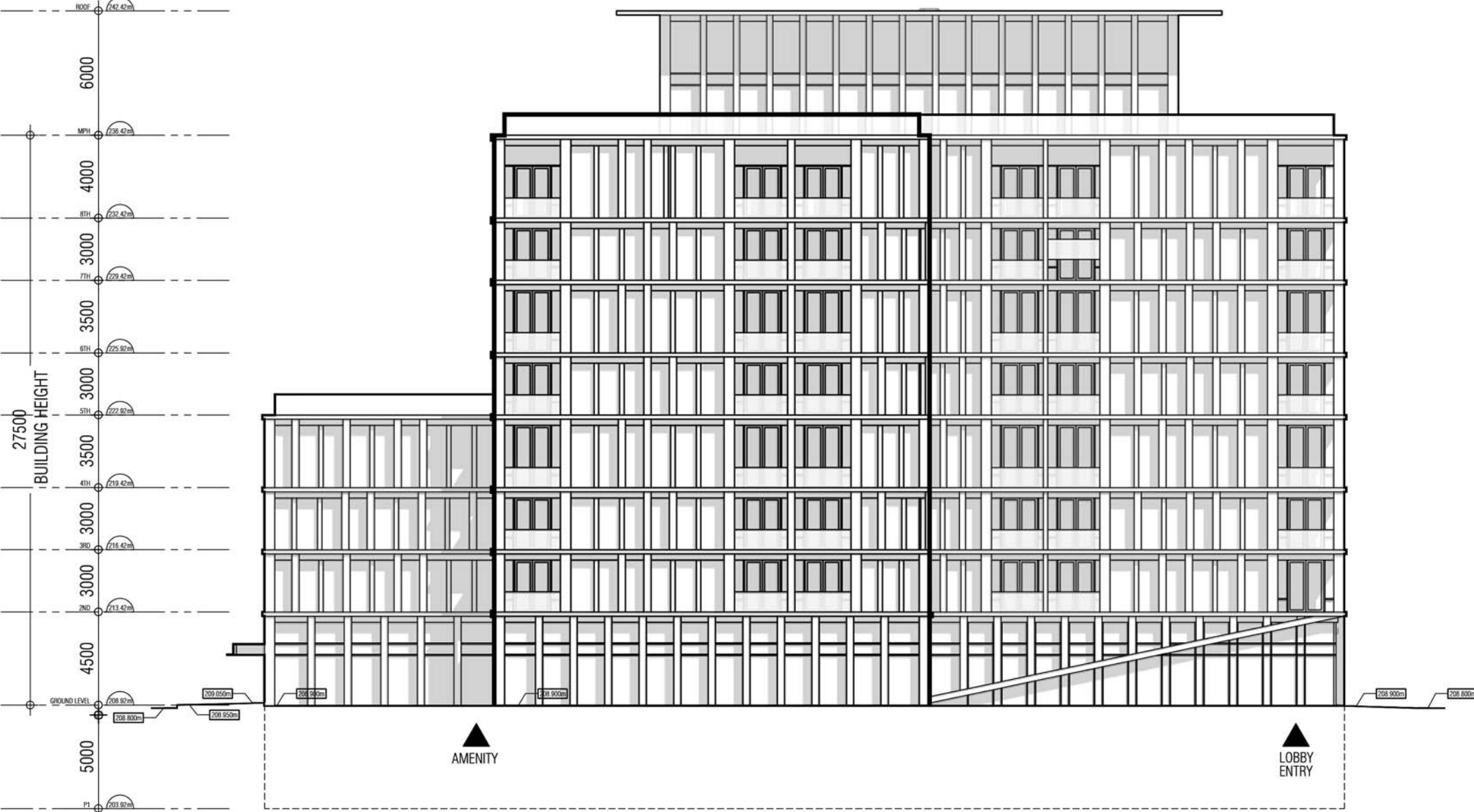
Key Plan



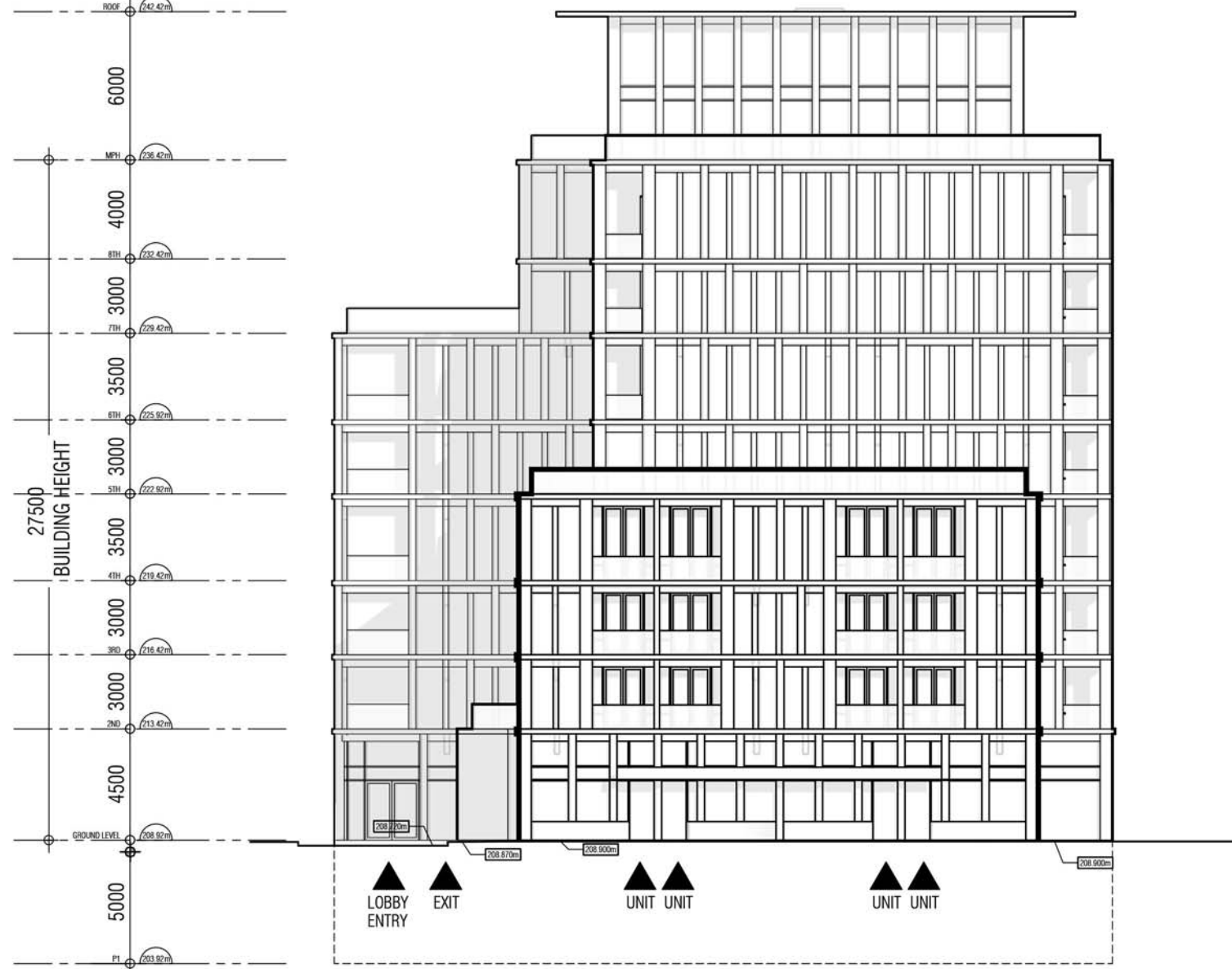
East Elevation 01



North Elevation 02



South Elevation 03



West Elevation 04

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## Mohawk & Upper Sherman

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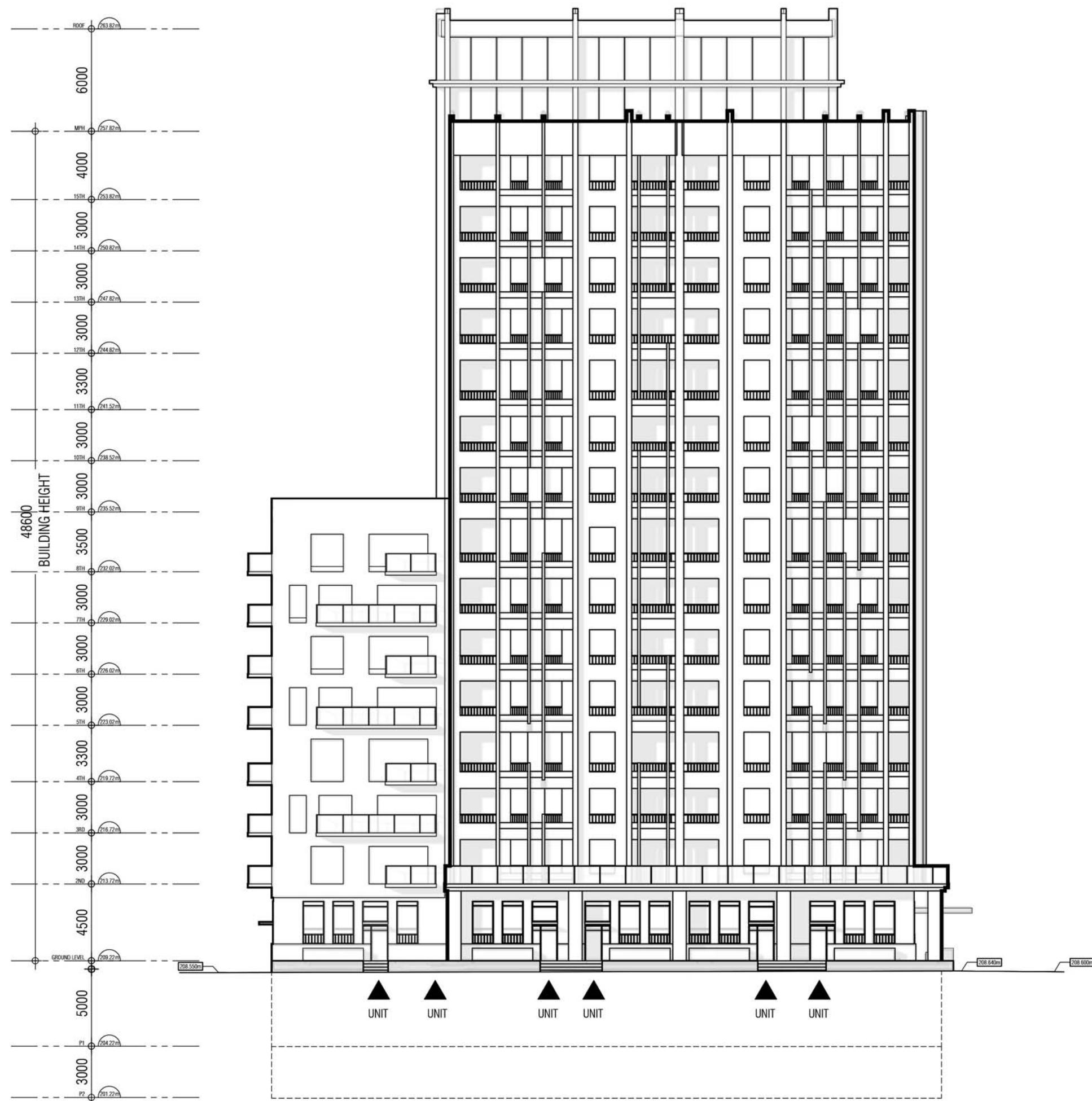
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1:250

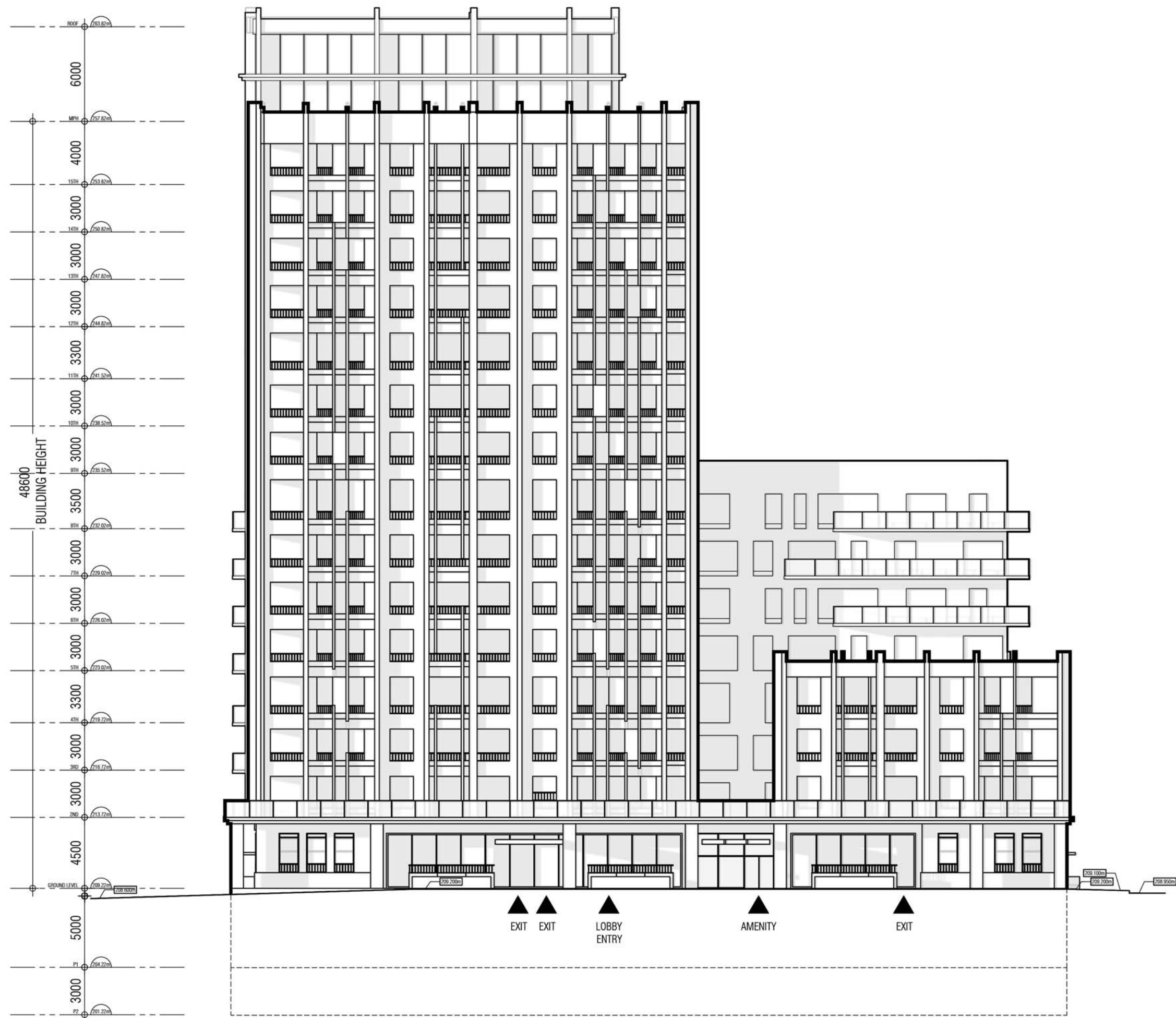
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TITLEBLOCK SIZE: 610 x 900

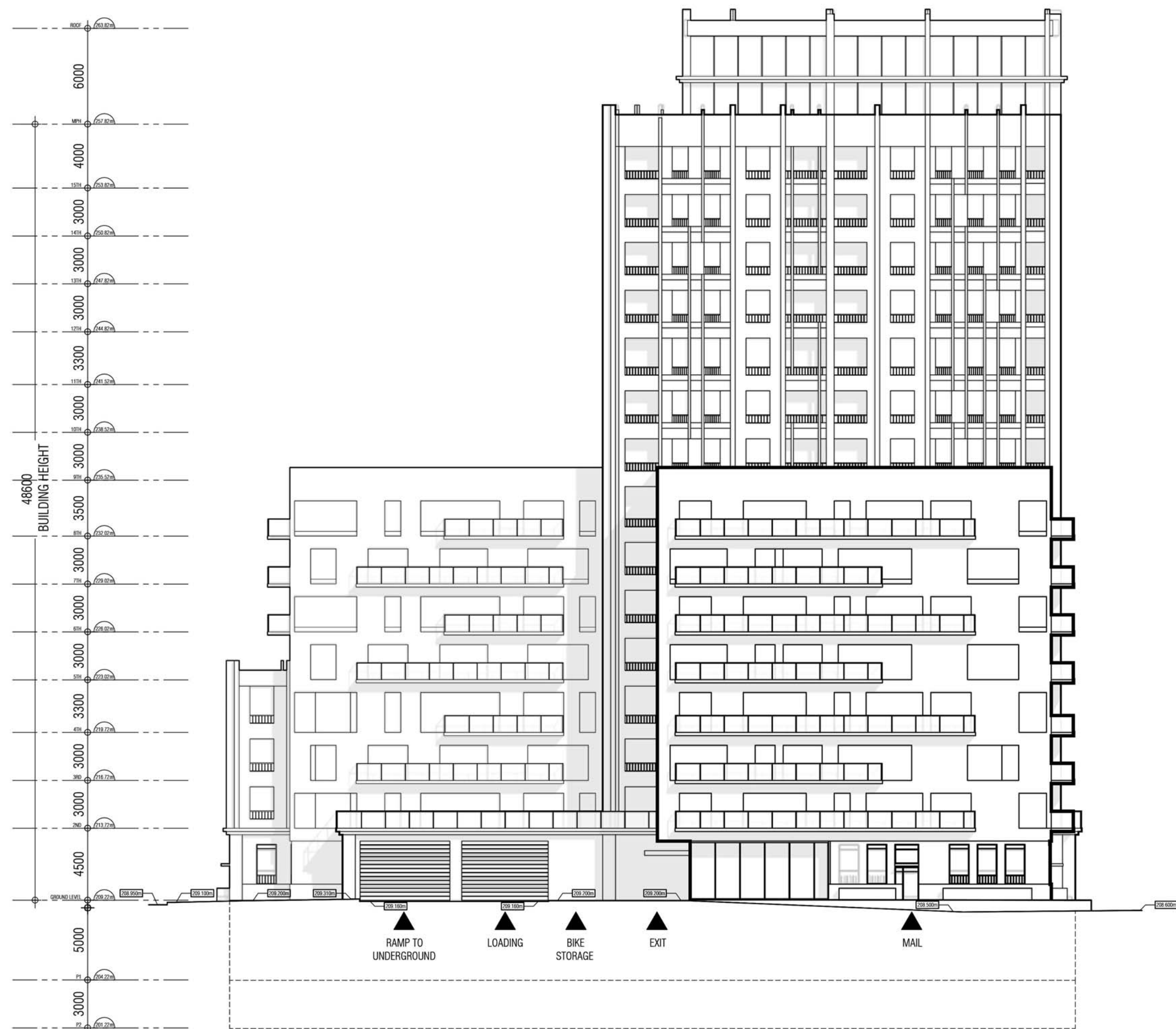




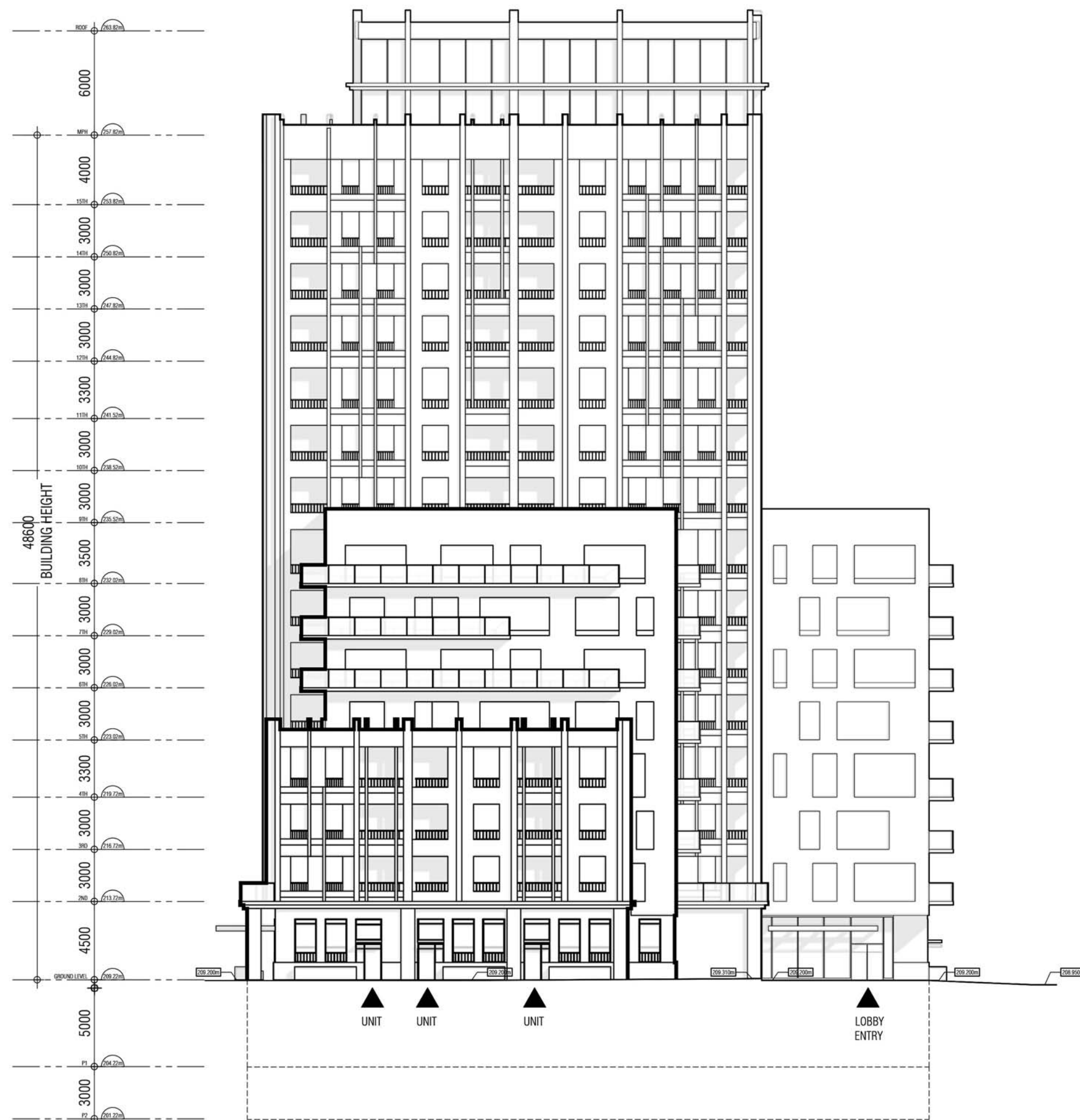
East Elevation 01



North Elevation 02



South Elevation 03



West Elevation 04

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## Mohawk & Upper Sherman

Hamilton	Ontario
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ASSISTANT DESIGNER:	C. Kotva
DRAWN BY:	DV/SH/SP
CHECKED BY:	----
PLOT DATE:	SEP.08.2022
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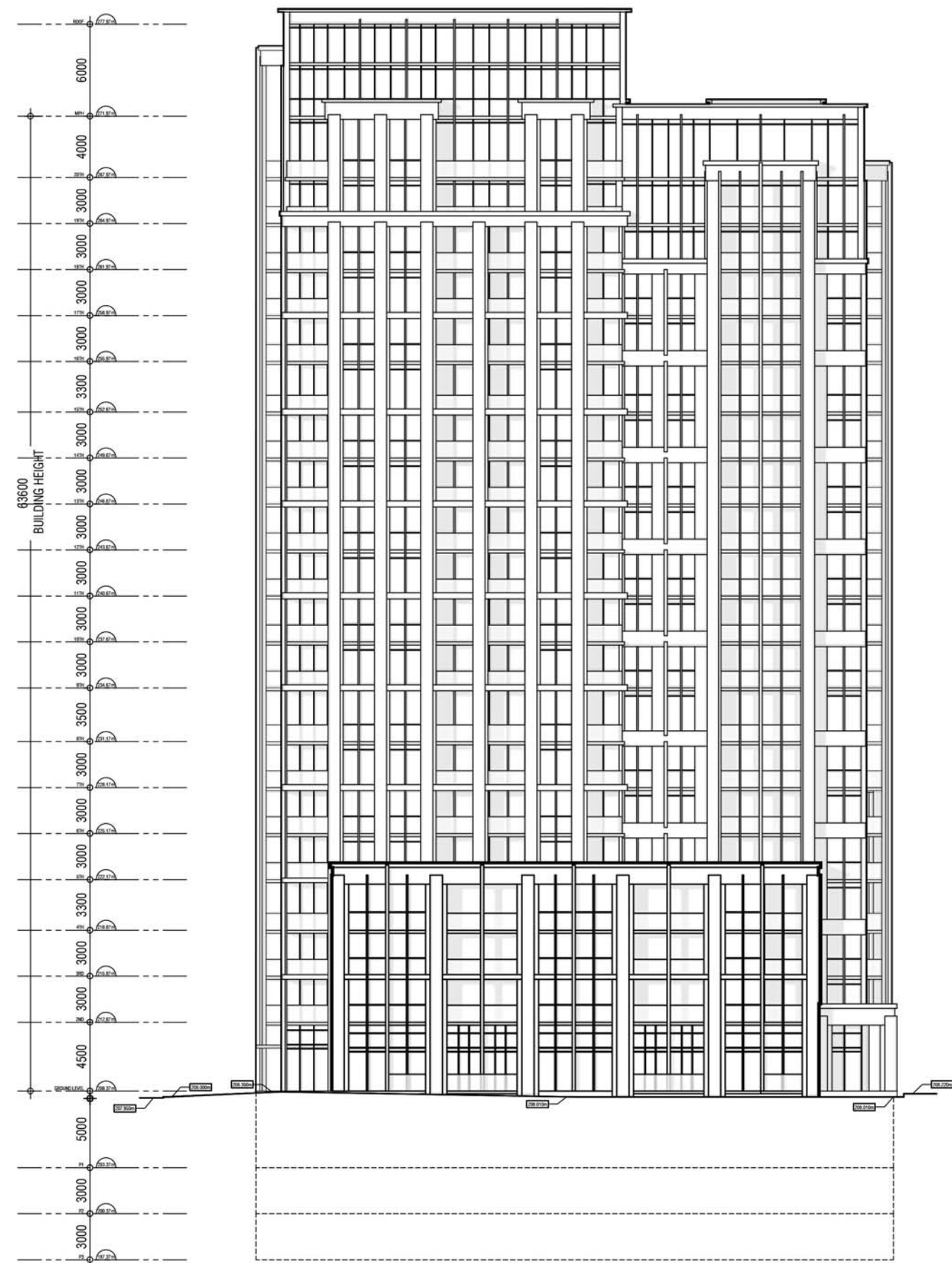
## BUILDING G Elevations

1:250

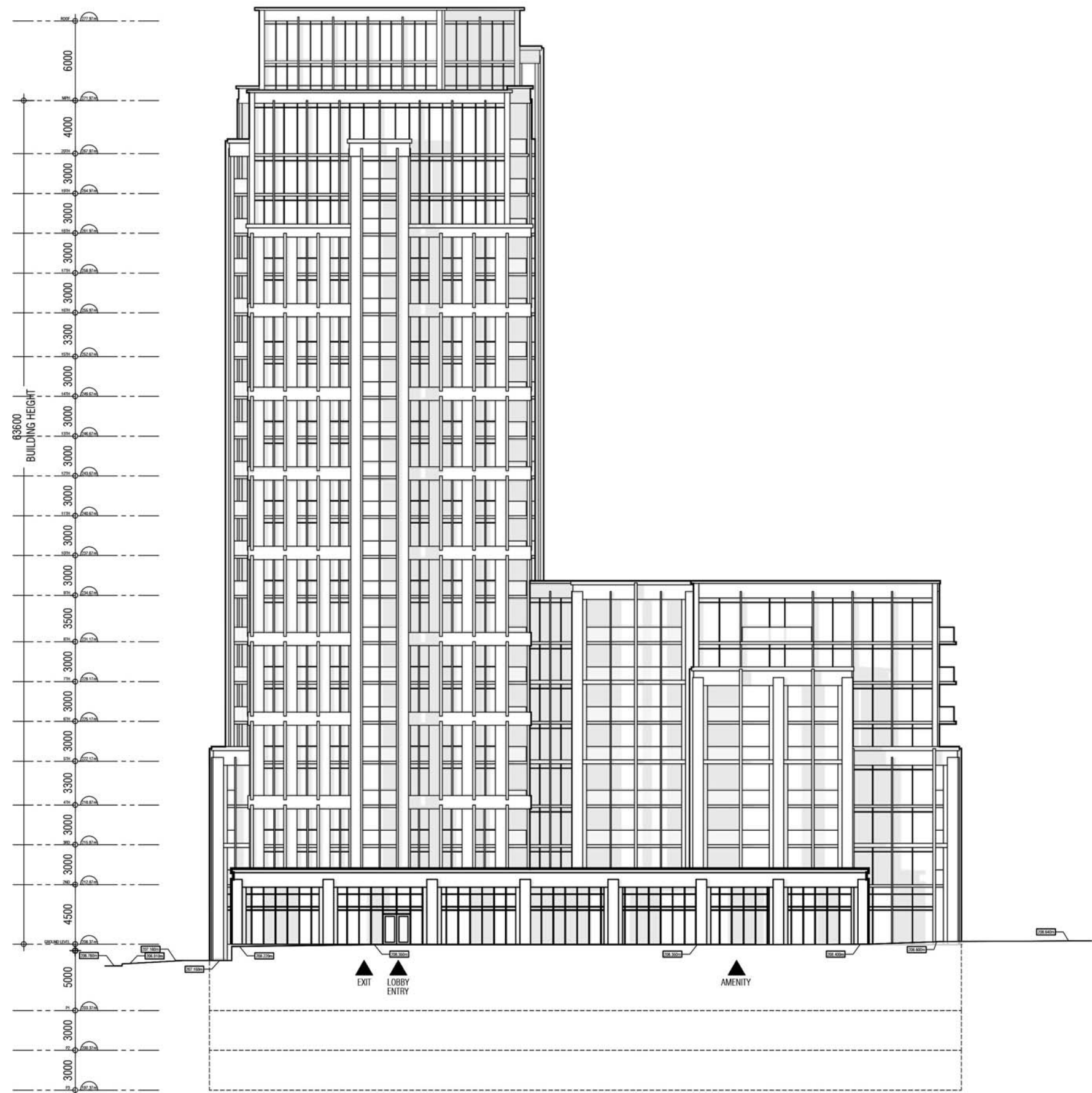
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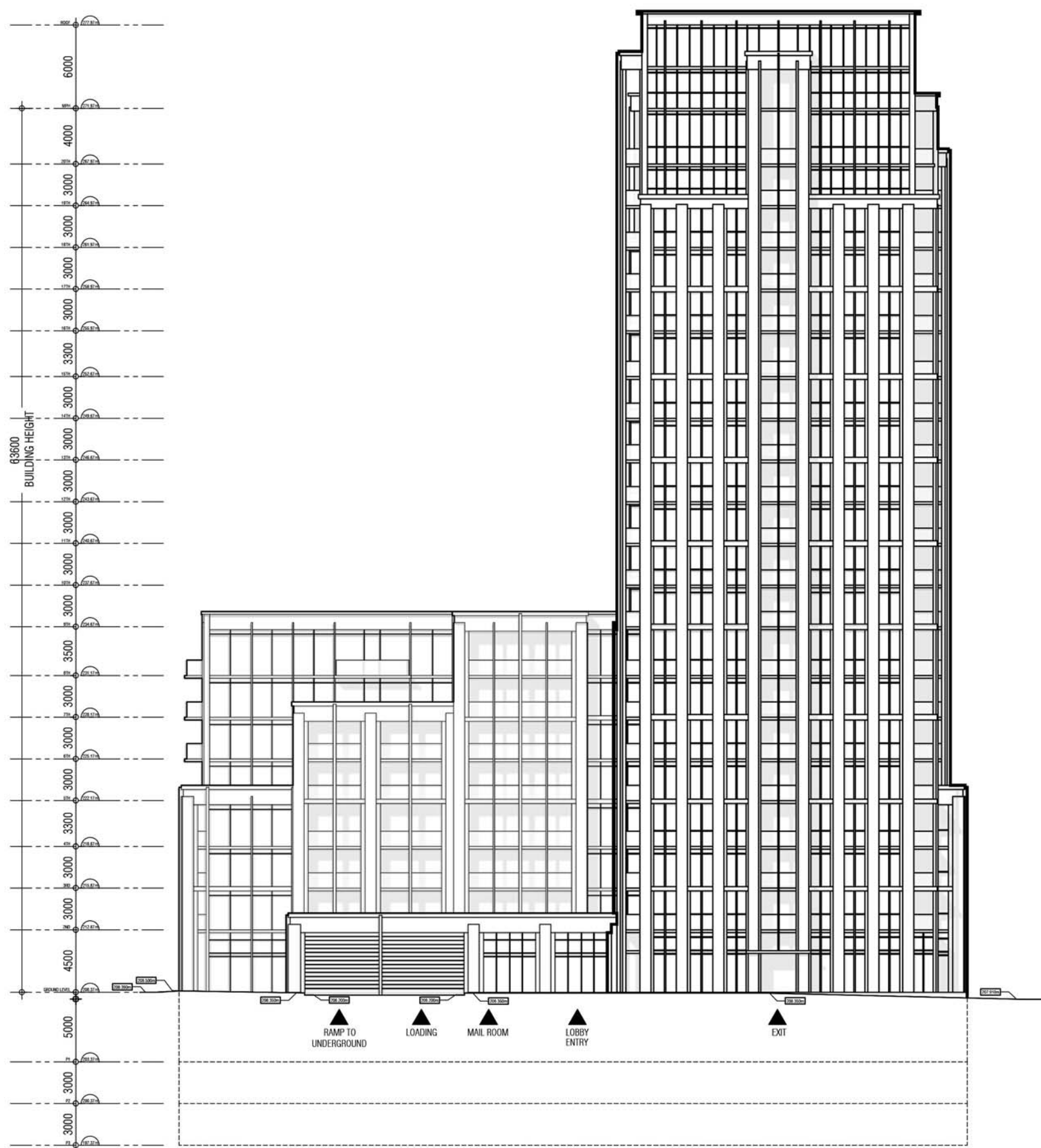
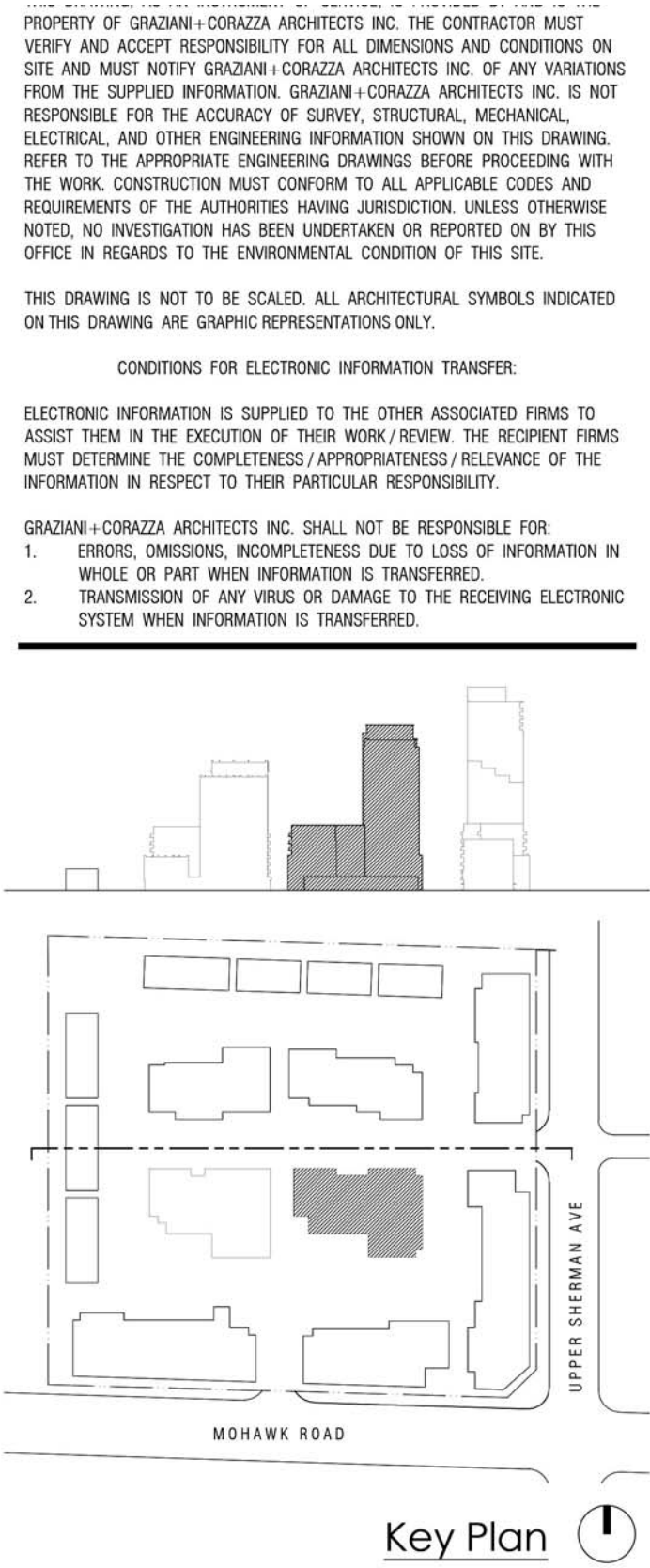




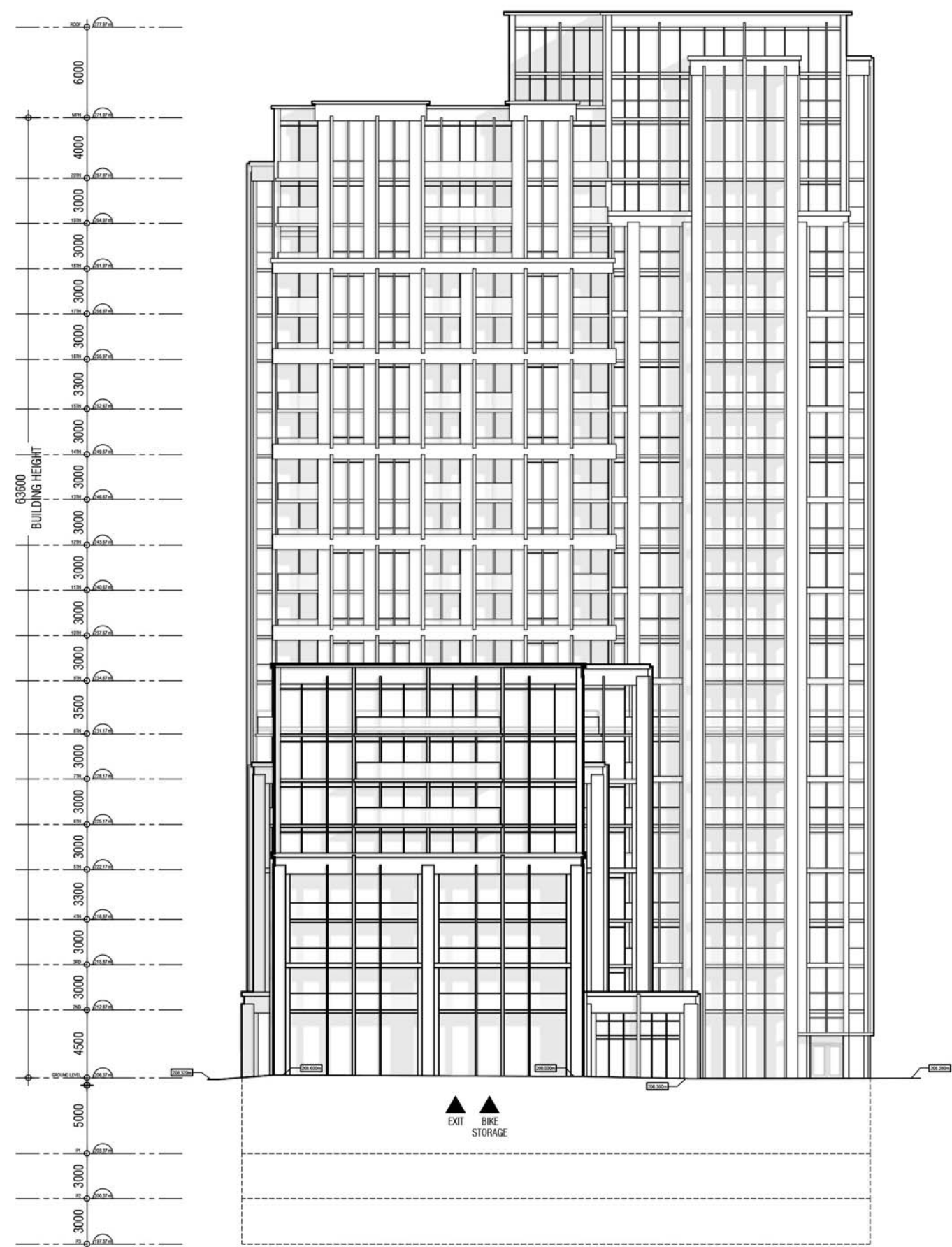
East Elevation 01



North Elevation 02



South Elevation 03



West Elevation 04

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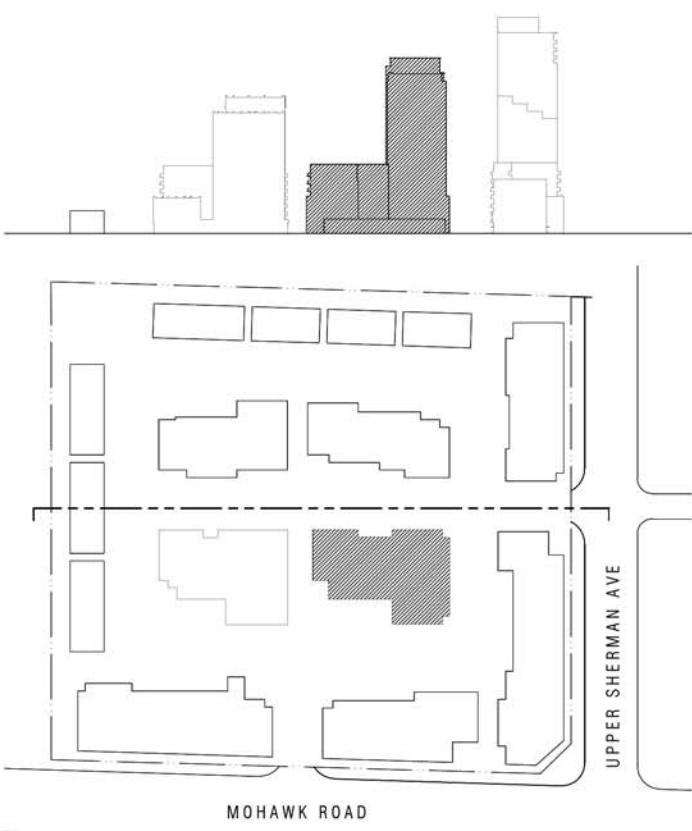
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**GRAZIANI  
CORAZZA  
ARCHITECTS**

8400 JANE STREET, BUILDING D-SUITE 300  
T.905.795.2601



ONTARIO ASSOCIATION  
OF  
ARCHITECTS

BERARDO E. GRAZIANI  
LICENCE  
4684

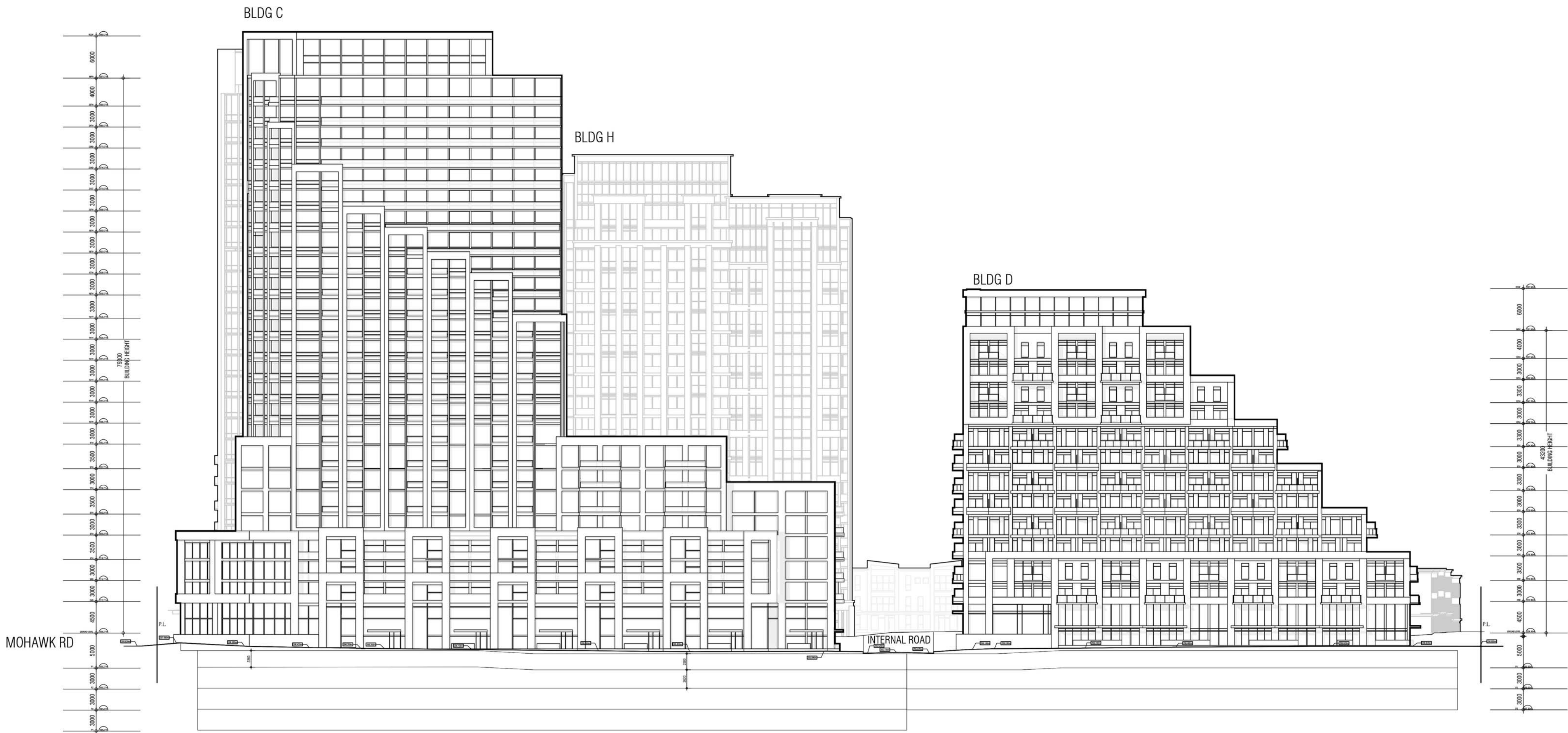
CONCORD, ONTARIO L4K 4L8  
F.905.795.2844 WWW.GC-ARCHITECTS.COM

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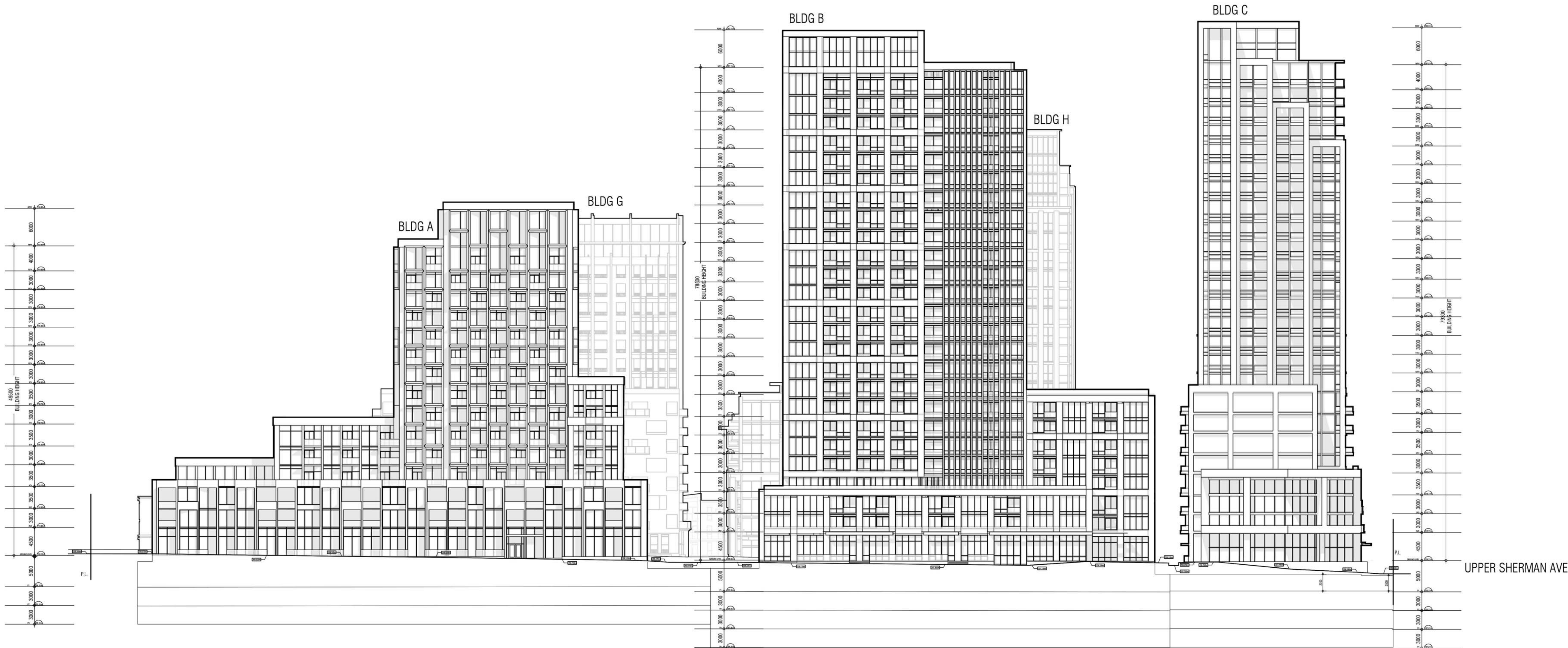
**Mohawk & Upper Sherman**

Hamilton	Ontario
PROJECT ARCHITECT:	B. Graziani
ASSISTANT DESIGNER:	C. Kotva
DRAWN BY:	DV/SH/SP
CHECKED BY:	----
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Upper Sherman Ave Looking West (01)



Mohawk Rd Looking North (02)

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## Mohawk & Upper Sherman

Hamilton	Ontario
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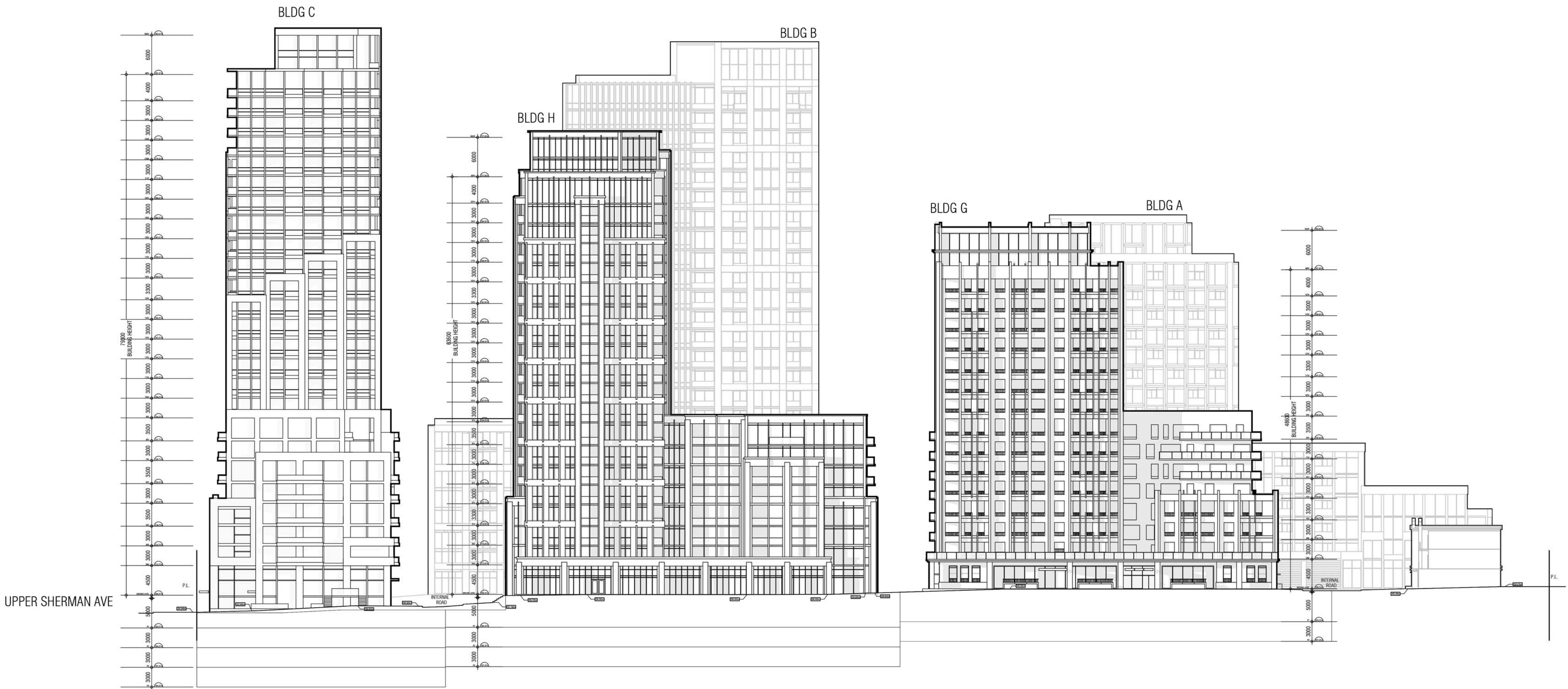
## Street Elevations

1:400

A409

TITLEBLOCK SIZE: 610 x 900





Interior Site View Looking South (01)

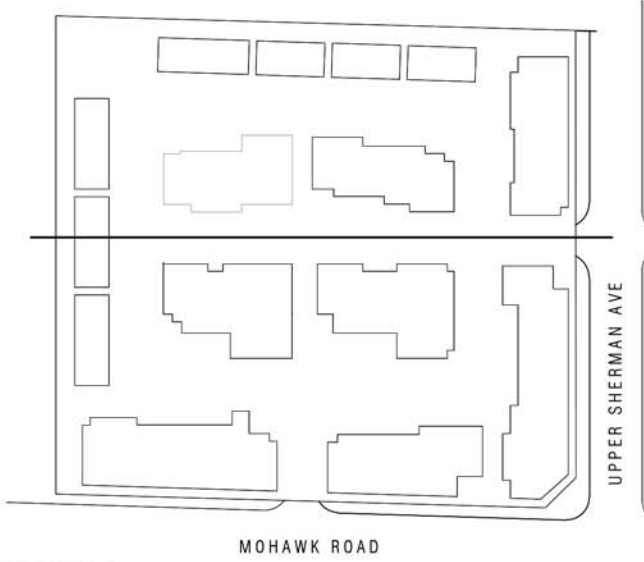
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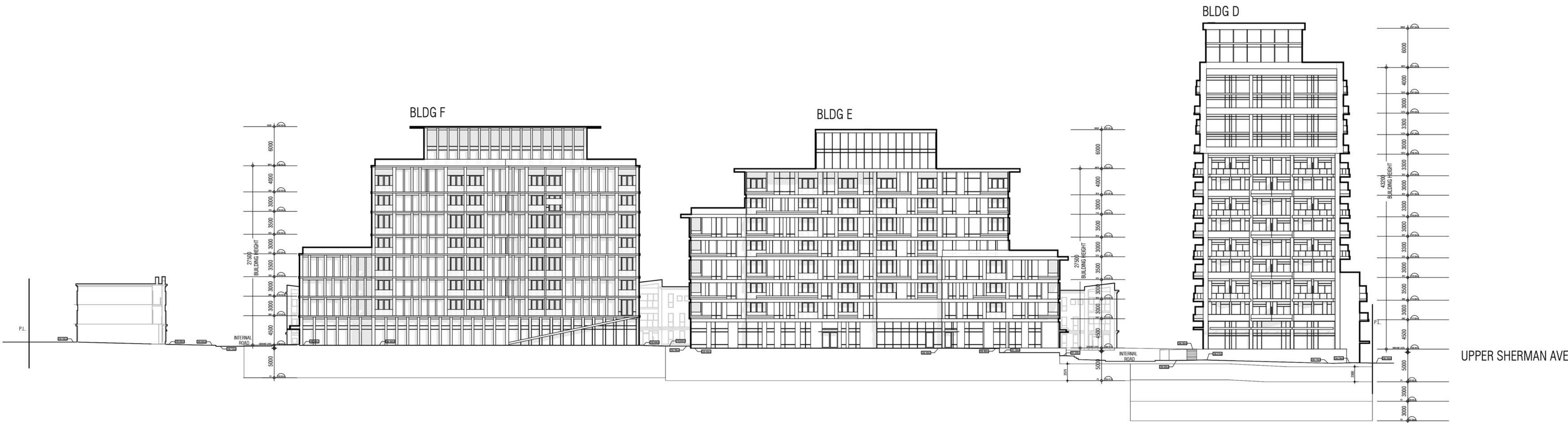
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Key Plan



Interior Site View Looking North (02)

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## Mohawk & Upper Sherman

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JOB #	1978.22

### Interior Site Elevations

1:400

A410

TITLEBLOCK SIZE: 610 x 900





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

August 11, 2023

Our File No.: 308749

**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:

<b>Re:</b>	<b>Appeals:</b>	<b>Pursuant to subsections 22(7) &amp; 34(11) of <i>Planning Act</i></b>
	<b>Subject:</b>	<b>Official Plan and Zoning By-law Amendment Applications</b>
	<b>Appellant:</b>	<b>499 Mohawk Inc.</b>
	<b>Location:</b>	<b>499 Mohawk Road East, Hamilton (Ward 07)</b>
	<b>File Nos.:</b>	<b>UHOPA-23-001 &amp; ZAC-23-001</b>

---

**Introduction**

Aird & Berlis LLP is counsel to 499 Mohawk Inc. (the “Applicant”). The Applicant is the owner of lands known municipally as 499 Mohawk Road in the City of Hamilton (the “Site”). The Site is within the City’s Burkholme Neighbourhood, between Upper Sherman Avenue and East 27<sup>th</sup> Street. The Site is 3.95 hectares (9.76 acres) in size and is presently occupied by a commercial strip mall that contains a vacant grocery store and other commercial uses that have ceased operation.

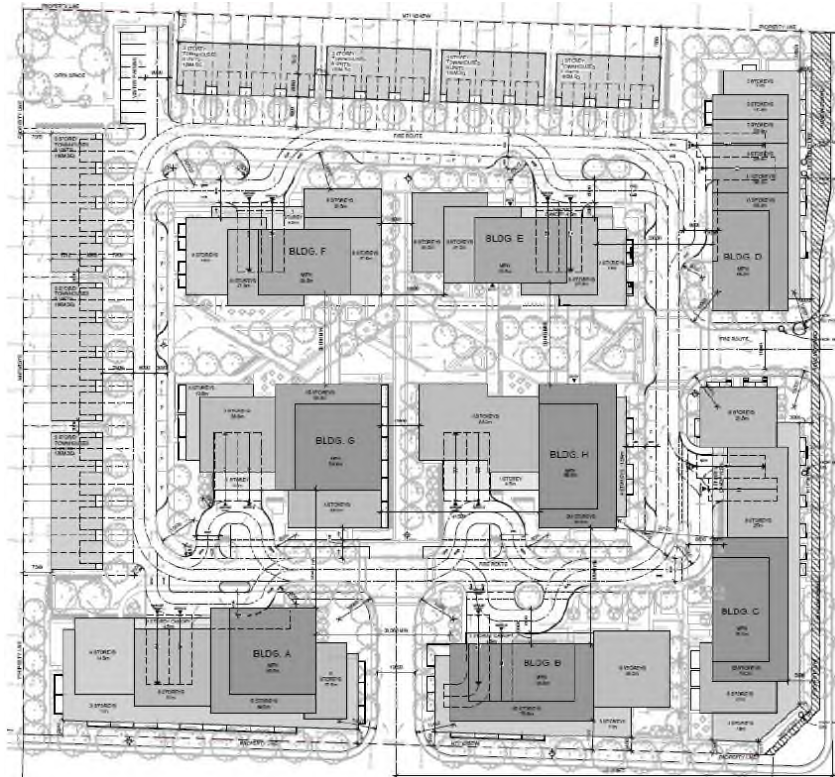
The Site is within a *Neighbourhoods* designation under Schedule E (Urban Structure) to the Urban Hamilton Official Plan (“UHOP”). On Schedule E-1 (Urban Land Use), the Site is further identified as *District Commercial*. The latter designation permits residential uses above the first storey, provided that the overall development enhances and is compatible with the scale and character of existing development. Existing development proximate to the Site includes a mix of 1-and-2 storey detached dwellings as well as 6-12 storey apartment buildings, in addition to various community, institutional and commercial uses. The Site is currently zoned “District Commercial (C6)”.

**Proposal**

Consultations between the Applicant and the City of Hamilton on an intensified development project for the Site began in November 2021 and included a Development Review Team Meeting held in January 2022. The Applicant filed private official plan and zoning by-law amendment applications with the City on October 24, 2022 and these applications were deemed complete by the City as of November 21, 2022.

August 11, 2023  
Page 2

The Applicant's proposal consists of two (2) 25-storey multiple dwellings, one (1) 20-storey multiple dwelling, two (2) 15-storey multiple dwellings, one (1) 13-storey multiple dwelling, two (2) 8-storey multiple dwellings and seven (7) 3-storey townhouse dwellings. The proposed multiple dwellings contain 1945 dwelling units, while the proposed townhouses comprise of 50 dwelling units for a total of 1995 dwelling units. The proposal is accommodated by 1995 resident and visitor parking spaces contained in surface parking spaces and an underground parking garage, as well as 95 short term bicycle parking spaces and 948 long term bicycle parking spaces.



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

- **OPA:** Amend Schedule E-1 to change the designation of the Site from *District Commercial* to *Mixed Use – Medium Density*. This change will permit the range of housing types and densities summarized above. As well, an amendment to Map 2 of Volume 3 to the UHOP is proposed to create a site-specific exception to Policy E.4.6.5 of the UHOP to permit a maximum height of 25-stores on the Site.
- **ZBA:** Amend Schedule "A" to Zoning By-law No. 05-200 to rezone the Site from "District Commercial (C6)" to "Mixed Use – Medium Density (C5, \_\_\_\_)". As well, an amendment to Schedule C to Zoning By-law 05-200 is proposed to create a further "Special Exception" that facilitates the setbacks, heights, amenity areas, landscaped area and parking ratio that will apply to the Site.

August 11, 2023  
Page 3

### **Appeals**

It has been over 120 days since the Applicant's OPA and ZBA applications were deemed complete by the City. While Design Review Panel and Neighbourhood Information meetings were held in December 2022 and February 2023 respectively, 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 redevelopment and intensification on a serviced-but-underutilized urban site that fronts onto a two-way, five-lane, double-sidewalk Major Arterial Road (being Mohawk Road East). The ZBA appropriately implements and regulates the proposed development in a manner that constitutes good planning within the 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, stormwater management, transportation, noise, wind, sun/shadow 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 at [pharrington@airdberlis.com](mailto:pharrington@airdberlis.com) or (416) 865-3424.

August 11, 2023  
Page 4

Yours truly,

AIRD & BERLIS LLP



Patrick J. Harrington  
PJH/np

Encl.

c. Client  
M. Johnston, Urban Solutions

53880831.1



## 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)

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

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

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

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

### Section 1 – Contact Information (Mandatory)

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

City/Town:	Province:	Country:	Postal Code:

Representative Information			
<input 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>499 Mohawk Road East, Hamilton</b>	
Municipality:	
<b>City of Hamilton</b>	



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 (Act/Legislation Name)	Reference (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 Act</i> , <i>Education Act</i> , <i>Aggregate Resources Act</i> , <i>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</i> , <i>Environmental Protection Act</i> , <i>Nutrient Management Act</i> , <i>Ontario Water Resources Act</i> , <i>Pesticides Act</i> , <i>Resource Recovery and Circular Economy Act</i> , <i>Safe Drinking Water Act</i> , <i>Toxics Reduction Act</i> , and <i>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>	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:

**1995 new dwelling units**

Municipal Reference Number(s):

**UHOPA-23-001 & ZAC-23-001**

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*
- ☐ 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 refer to the attached covering letter.**

#### 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):

2022/10/24

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

2022/11/21

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

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

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

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

##### Appeal Specific Information

Outline the grounds for the appeal and the relief requested:

Reference Number of the decision under appeal:

Portions of the decision in dispute:

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

Applying for Stay? ☐ Yes ☐ No

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

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

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

Are you filing an Application for Leave to Appeal under the <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.

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

<b>Appeal Specific Information</b>
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:	And/or	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:

- ☐ Development Permit under *Niagara Escarpment Planning and Development Act*
- ☐ The *Planning Act* (Official Plan or Zoning By-law Amendment)
- ☐ The *Aggregate Resources Act* (License)
- ☐ Committee of Adjustment (Minor Variance)
- ☐ Land Division Committee (Severance)
- ☐ Other:

Description of the Property

Describe the current use of the property including any existing buildings or structures:

Category of the Proposed Amendment

- ☐ Change in Designation
- ☐ Change to Policy
- ☐ Request for Urban Servicing
- ☐ Change to Plan Boundary
- ☐ 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 [Section 6 Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

## Section 7 – Filing Fee

### Required Fee

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

Total Fee Submitted: \$2200

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 [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)
Patrick J. Harrington		2023/08/11

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.

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

	Website: <a href="http://www.escarpment.org">www.escarpment.org</a> Email: <a href="mailto:necgeorgetown@ontario.ca">necgeorgetown@ontario.ca</a>	Email: <a href="mailto:necowensound@ontario.ca">necowensound@ontario.ca</a>
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**NOTE:** Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal).

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



# INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	October 3, 2023
<b>SUBJECT/REPORT NO:</b>	Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-20-021, Zoning By-law Amendment Application ZAC-20-037 and Draft Plan of Subdivision Application 25T-202006 for Lack of Decision for Lands Located at 544 and 550 Rymal Road East, Hamilton (PED23211) (Ward 7)
<b>WARD(S) AFFECTED:</b>	Ward 7
<b>PREPARED BY:</b>	Johnpaul Loiacono (905) 546-2424 Ext. 5134
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## COUNCIL DIRECTION

In accordance with Subsection 22(7), 34(11) and 51(34) of the *Planning Act*, an Official Plan Amendment, a Zoning By-law Amendment, and a Draft Plan of Subdivision 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-20-021, Zoning By-law Amendment Application ZAC-20-037 and Draft Plan of Subdivision Application 25T-202006, 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-20-021, Zoning By-law Amendment Application ZAC-20-037 and Draft Plan of Subdivision Application 25T-202006 for Lack of Decision for Lands Located at 544 and 550 Rymal Road East, Hamilton (PED23211) (Ward 7) - Page 2 of 6**

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## **INFORMATION**

The subject lands are municipally known as 544 and 550 Rymal Road East, Hamilton (refer to Appendix “A” attached to Report PED23211).

Urban Hamilton Official Plan Amendment Application UHOPA-20-021, Zoning By-law Amendment Application ZAC-20-037, and Draft Plan of Subdivision Application 25T-202006 were submitted by A.J. Clarke and Associates (c/o Ryan Ferrari) on behalf of Rymal East Development Corp. on September 11, 2020 and were deemed complete by staff on October 7, 2020.

The subject lands are located on the southside of Rymal Road East across from Acadia Drive between Upper Wentworth Street and Upper Sherman Avenue with the hydro corridor abutting the subject lands to the east. The lands are generally rectangular in shape having an area of approximately 1.61 hectares and 76 metres of frontage along Rymal Road East. The lands municipally known as 544 Rymal Road East contain a single detached dwelling that is not occupied, and 550 Rymal Road East is a vacant parcel.

The appeal of the Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, filed by Turkstra Mazza Associates (c/o Scott Snider), Agent for Rymal East Development Corp., was received by the City Clerk’s Office on July 20, 2023, 1,042 days from the receipt of the applications (refer to Appendix “D” attached to Report PED23211). Below is a high-level timeline of the Applicant’s submissions:

- Staff provided comments on the original submission on December 9, 2020;
- A second submission was received on July 27, 2021 and staff provided comments on November 17, 2021;
- The Applicant initiated a review to identify the Ecological Land Classification and any natural heritage features on the subject lands and completed genetic testing of four butternut trees found on the subject lands. This information was submitted on October 20, 2022 and November 9, 2022, respectively; and,
- A third submission was received on April 11, 2023 and staff provided comments on June 2, 2023.

## **Proposed Development**

The original submission received on September 11, 2020 included a total of 290 dwelling units that consisted of a 12 storey multiple dwelling with 203 dwelling units, four

**SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-20-021, Zoning By-law Amendment Application ZAC-20-037 and Draft Plan of Subdivision Application 25T-202006 for Lack of Decision for Lands Located at 544 and 550 Rymal Road East, Hamilton (PED23211) (Ward 7) - Page 3 of 6**

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three-storey stacked townhouse dwellings containing 69 dwelling units, ten street townhouse dwelling units, and eight single detached dwelling units.

The Applicant's latest proposal, received on April 11, 2023 and attached as Appendices "B" and "C" to Report PED23211, proposes a total of 429 dwelling units that consists of a 20 storey multiple dwelling containing 196 dwelling units, a 15 storey multiple dwelling containing 193 dwelling units, and two 3.5 storey stacked townhouse dwellings containing 40 dwelling units, with a total of 427 vehicle parking spaces (19 at grade spaces and 408 underground spaces over two levels). Additionally, a separate block toward the southern portion of the site conceptualizes 17 additional residential units consisting of ten street townhouse units and seven single detached dwellings to be developed as a future phase and are no longer subject to approval of the subject applications. As will be discussed further below, at a minimum, a Zoning By-law Amendment and a Draft Plan of Subdivision will be required to implement the proposal. The Draft Plan of Subdivision includes the conveyance of land for two proposed public rights-of-way that are intended to connect to the existing east-west roads of Arrowhead Drive and Onyx Court from the abutting subdivisions through adjacent lands to the west and south.

### **Urban Hamilton Official Plan**

Rymal Road East is located along a "Secondary Corridor" and the subject lands are identified as "Neighbourhoods" on Schedule E – Urban Structure and designated "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations.

An Official Plan Amendment was initially being sought to establish a Site Specific Policy Area to permit a net residential density of 295 units per hectare on the northern development block. However, following the adoption of Official Plan Amendment No. 167, Urban Hamilton Official Plan Policy E.3.6.6, which limited the density for high density residential areas to a maximum of 200 units per hectare in the Neighbourhoods Designation outside of Central Hamilton, was removed from the Urban Hamilton Official Plan. Therefore, an Official Plan Amendment is no longer required for the purpose of adding site specific density permissions.

Following the first submission, a separate Linkage Assessment was being prepared by Dillon Consulting (January 2021) for the City's Landscape Architectural Services trail connection to Chappel Estates Park located adjacent to 550 Rymal Road East. Based on this report, a "windshield" assessment was completed and the wooded area at the rear of 544 Rymal Road East has been classified as a deciduous woodland. This assessment identified that the woodland may support candidate Significant Wildlife Habitat (Bat

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

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

**SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-20-021, Zoning By-law Amendment Application ZAC-20-037 and Draft Plan of Subdivision Application 25T-202006 for Lack of Decision for Lands Located at 544 and 550 Rymal Road East, Hamilton (PED23211) (Ward 7) - Page 4 of 6**

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Maternity Roosts, habitat for Woodland Vole), habitat for Species at Risk (Butternut-“endangered” species) and a wildlife connection to the adjacent hydro corridor. Habitat for Endangered Species and Significant Wildlife Habitat are considered Core Areas (Key Natural Heritage Features). A refinement to the Core Areas boundary may require an Official Plan Amendment. To clarify the need for this Official Plan Amendment, staff were awaiting further information to address the latest Natural Heritage comments.

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

The subject lands are zoned “AA” (Agricultural) in the former City of Hamilton Zoning By-law No. 6593, as shown on Appendix “A” attached to Report PED23211. The proposed Zoning By-law Amendment is to change the zoning from the “AA” (Agricultural) Zone to the following:

- Block 1: to be rezoned to a modified Low Density Residential (R1) Zone for the portion of the future development consisting of street townhouse and single detached dwellings; and,
- Block 2: to be rezoned to a modified Transit Oriented Corridor Multiple Dwelling (TOC3) Zone for the portion of the proposal consisting of the 15 and 20 storey multiple dwellings and stacked townhouse units.

Site specific modifications are required to implement the proposed development, as shown on the Concept Plan in Appendix “B” attached to Report PED23211, including:

- An increase to the maximum building height requirement;
- A reduction to the minimum interior side yard;
- Revised parking standards, particularly for on-street parking; and,
- An increase to the maximum driveway width for ingress and egress.

### **Draft Plan of Subdivision**

The revised Draft Plan of Subdivision consists of five blocks: one block for future development (Block 1), one block for the multiple dwellings (Block 2), one block for a road widening (Block 3), the extension of one public road (Arrowhead Drive), and two blocks for 0.3 m reserves (Blocks 4 and 5). A portion of Block 1 will have to be conveyed to extend Onyx Court through a future draft plan of subdivision application.



**SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-20-021, Zoning By-law Amendment Application ZAC-20-037 and Draft Plan of Subdivision Application 25T-202006 for Lack of Decision for Lands Located at 544 and 550 Rymal Road East, Hamilton (PED23211) (Ward 7) - Page 5 of 6**

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Issues identified through the circulation include:

- There are concerns with the Draft Plan of Subdivision given that, among other things, it is unclear how the Applicant intends to make the connections to Arrowhead Drive and Onyx Court without agreements in place to cross the Hydro One Networks Inc. corridor to the east, or given that there is no development proposed to the lands immediately abutting the subject lands to the west. These road connections are important for the full build out of the subject lands and to fulfil the intended/planned connections as identified within the Chappel East Neighbourhood Plan, to ensure orderly development. This Neighbourhood Plan does not form part of the Urban Hamilton Official Plan, however, it does show that the extension of these roads as part of the build out of the neighbourhood.
- The proposal does not meet the Residential Intensification policies found in Chapter B of Volume 1 (B.2.4.1.4), more specifically compatible integration of the proposed development with the surrounding area in terms of use, scale, form and character is not achieved, and the development does not retain or enhance the natural attributes of the site;
- The proposal has not demonstrated compliance with Core Area policies found in Chapter C of Volume 1 (C.2.4) given the potential for the woodlot to be identified as a Core Area;
- The proposal does not meet the intent of the High Density Residential use policies in the Neighbourhoods designation found in Chapter E of Volume 1 (E.3.6), more specifically transitional features have not been provided in the design, such as building step backs, to mitigate any impact on to adjacent low profile residential uses, natural heritage system features are not proposed to be preserved (i.e. removal of the woodlot) and the proposal has not demonstrated a mix of unit sizes to accommodate a range of household sizes and income levels; and,
- Development Engineering related concerns including the identification of the preliminary grading needed to show the east and west road connections, demonstration of sufficient unallocated sanitary capacity and sufficient space for the provision of on-street parking.

## **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 105 property owners within 120 metres of the subject lands on October 23, 2020.

**SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-20-021, Zoning By-law Amendment Application ZAC-20-037 and Draft Plan of Subdivision Application 25T-202006 for Lack of Decision for Lands Located at 544 and 550 Rymal Road East, Hamilton (PED23211) (Ward 7) - Page 6 of 6**

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Pursuant to the City's Public Consultation Strategy Guidelines, the Applicant prepared a Public Consultation Strategy, which included plans for an Open House or an alternative due to the COVID-19 pandemic. Due to ongoing logistical challenges encountered by the Applicant at that time, a public information letter was instead mailed out to property owners within 120 metres. The Applicant collected public comment, however they have yet to submit a summary of the public comment received for the public record.

To date, staff have received one inquiry from a representative of a neighbouring property owner who wanted to be notified of any progress on the applications to ensure their interest in future development in the area wasn't negatively impacted by the proposal.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED23211 – Location Map

Appendix "B" to Report PED23211 – Concept Plan and Building Elevations

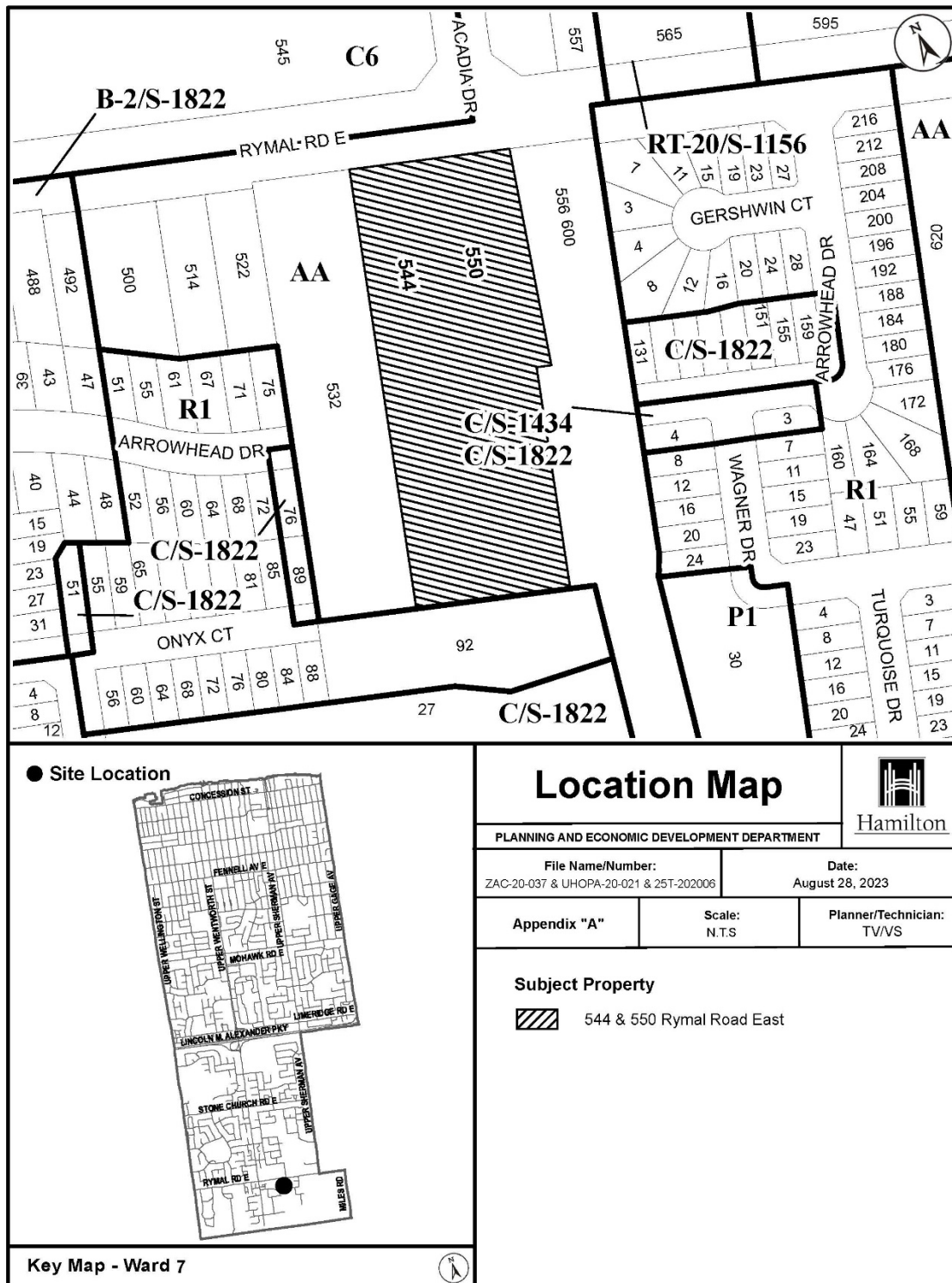
Appendix "C" to Report PED23211 – Proposed Draft Plan of Subdivision

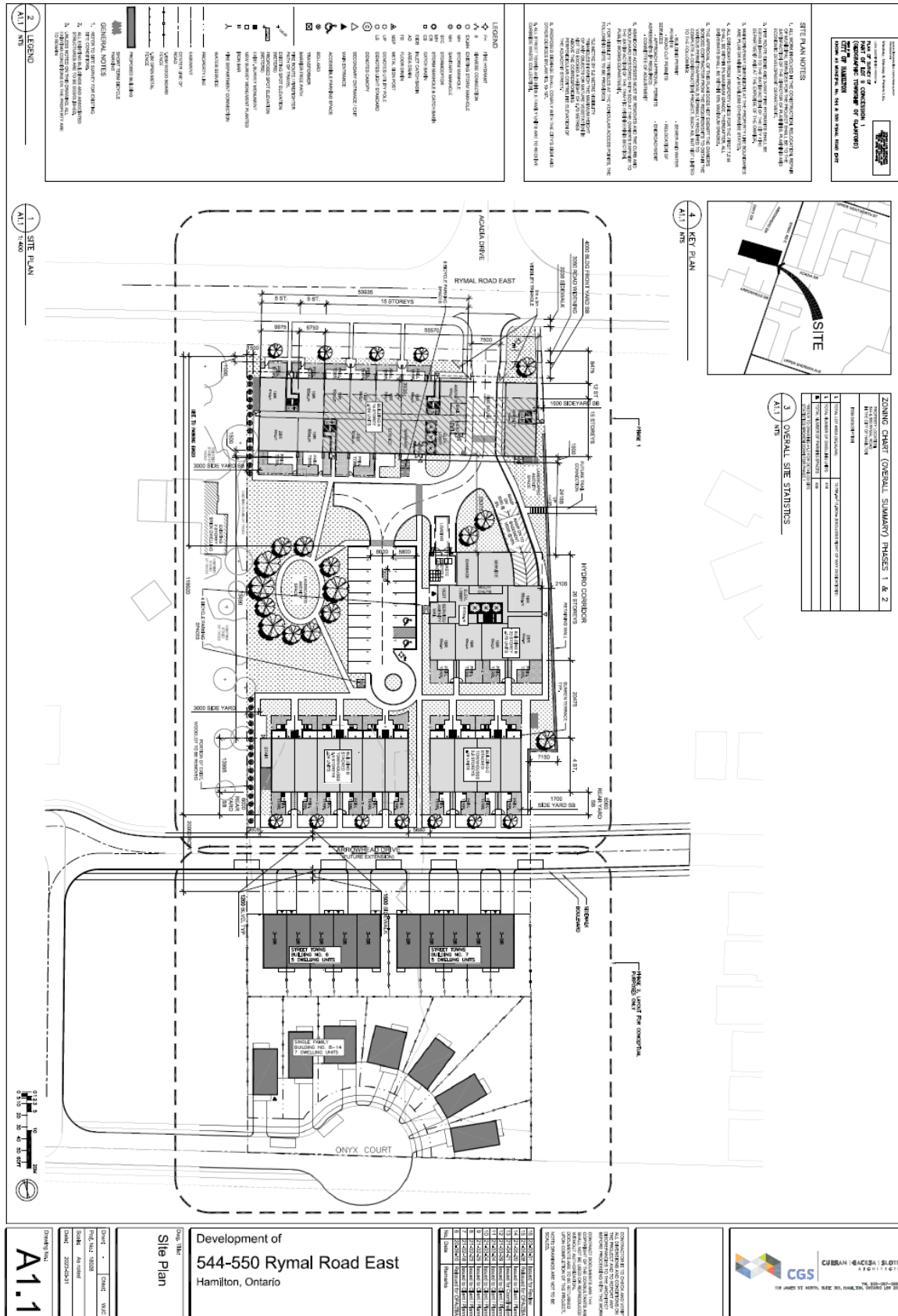
Appendix "D" to Report PED23211 – Letter of Appeal

JL:sd

Appendix "A" to Report PED23211

Page 1 of 1





1. APARTMENT TOWER EAST ELEVATION  
442' 1.00'

2. APARTMENT TOWER NORTH ELEVATION  
442' 1.00'

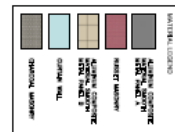
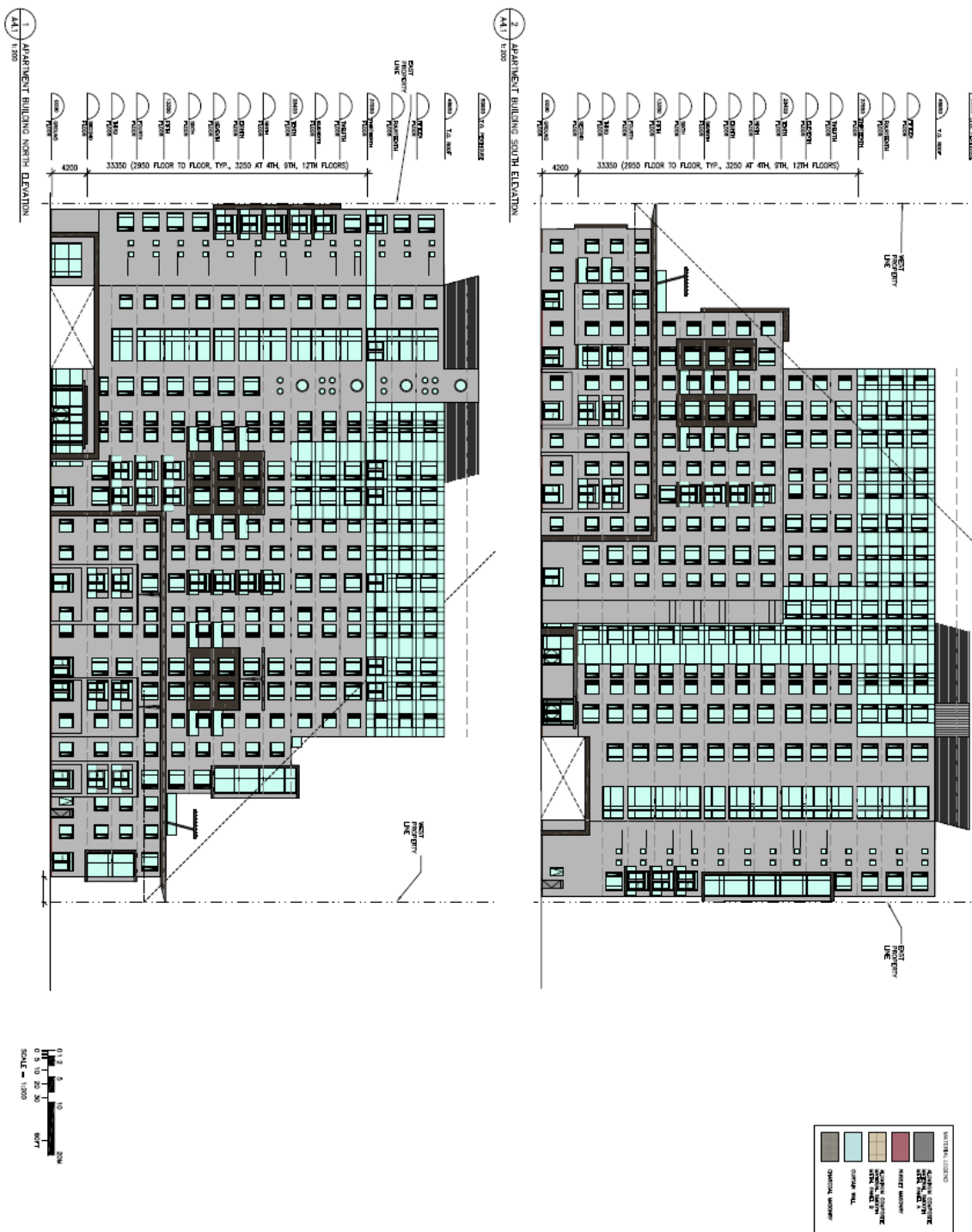


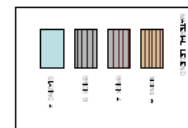
Figure 1 is a horizontal bar chart showing the percentage of total catch for various fish species in the 1967-68 season. The x-axis is labeled 'PERCENTAGE OF TOTAL CATCH' and ranges from 0 to 25. The y-axis lists species: 012, 5, 10, 20, 30, 60, 77, and 92. The bars represent the percentage of total catch for each species. A scale bar at the bottom indicates 'SCALE - 1/200'.

### Elevations of the 15 storey tower



Appendix "B" to Report PED23211  
Page 4 of 4

Elevations of the stacked townhouses



Development of  
**544-550 Rymal Road East**  
Hamilton, Ontario

Stacked Town  
Typical  
Elevations

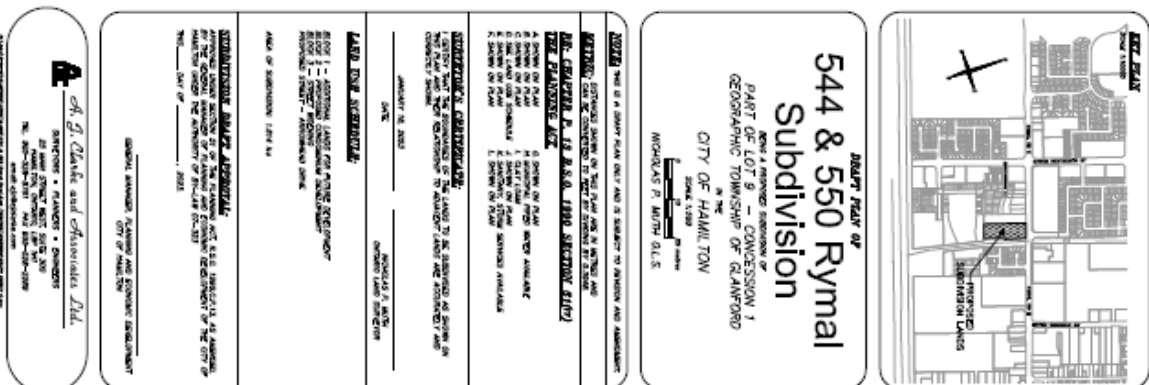
Scale: 1/4\"/>

CSGS  
CORBARI | SACCHIA | BLOTT  
ARCHITECTS

1. TOWN NORTH ELEVATION  
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3. TOWN WEST ELEVATION  
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**A4.3**







**Appendix "D" to Report PED23211**  
**Page 1 of 14**

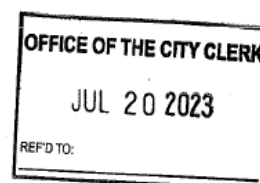


**Scott Snider**  
Professional Corporation  
15 Bold Street  
Hamilton Ontario Canada L8P 1T3  
Direct Line 905 526-6183 ext. 289  
Receptionist 905 529 3476 (905 LAW-FIRM)  
Facsimile 905 529 3663  
[ssnider@tmalaw.ca](mailto:ssnider@tmalaw.ca)

July 20, 2023

**VIA SAME DAY COURIER and**  
**EMAIL TO [andrea.holland@hamilton.ca](mailto:andrea.holland@hamilton.ca)**

City of Hamilton  
Office of the City Clerk  
**Attention: Andrea Holland, City Clerk**  
71 Main Street West (First Floor)  
Hamilton, ON L8P 4Y5



Dear Ms. Holland,

**RE: Appeals of Non-Decision of the City of Hamilton to the Ontario Land Tribunal pursuant to ss. 22(7), 34(11) and 51(34) of the *Planning Act***  
**Official Plan Amendment Application No.: UHOPA-20-021**  
**Zoning By-Law Amendment Application No.: ZAC-20-037**  
**Draft Plan of Subdivision Application No.: 25T-202006**  
**544-550 Rymal Road East, City of Hamilton**  
**Rymal East Development Corp. - Our File No. 13656**

We are counsel to Rymal East Development Corp. (the "Applicant") in this matter. Our client owns property municipally known as 544-550 Rymal Road East in the City of Hamilton ("Subject Lands").

**The Subject Lands**

The Subject Lands are located south of Rymal Road East, east of Upper Wentworth Street and west of Upper Sherman Avenue. The Subject Lands have an area of approximately ±16,140

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TURKSTRA MAZZA ASSOCIATES, LAWYERS

**Appendix “D” to Report PED23211**  
**Page 2 of 14**

Attn: Ms. A. Holland  
July 20, 2023

Page 2

square metres (1.61 ha) with approximately  $\pm 76.86$  metres of frontage on Rymal Road East. The Subject Lands consist of two large parcels of land, one is currently used for residential purposes and contains a single detached dwelling (544 Rymal Road East) and the other is vacant (550 Rymal Road). The surrounding area is largely built-out, containing a variety of residential, commercial and institutional land uses.

#### The Proposed Development

The Subject Lands are proposed to be developed with a total of 429 dwelling units, consisting of 196 apartment style dwellings in one 20 storey apartment building, 193 apartment style dwellings in one 15 storey apartment building and 40 stacked townhouse dwelling units in two 3.5 storey stacked townhouse buildings (the “Proposed Development”). A total of 427 parking spaces are proposed in a combination of 19 at-grade and 408 underground parking spaces, representing 0.995 spaces per unit.

#### The Applications and Appeal

Our client made applications for an Official Plan Amendment, Zoning By-Law Amendment, and Draft Plan of Subdivision (the “Applications”) in September 2020 with a further submission in July 2021. These Applications were deemed complete by the City on October 23, 2020.

To date, Council has failed to make decisions in connection with the Applications within the statutory timeframe in the *Planning Act*. As such, we hereby appeal the Applications to the Ontario Land Tribunal pursuant to section 22(7) of the *Planning Act* for the Official Plan Amendment, section 34(11) of the *Planning Act* for the Zoning By-Law Amendment and section 51(34) of the *Planning Act* for the Draft Plan of Subdivision. In our respectful submission, the three matters should be consolidated.

While we understand that as a result of recent modifications to the Urban Hamilton Official Plan through Official Plan Amendment No. 167, the Proposed Development no longer requires an official plan amendment. Nevertheless, out of an abundance of caution, we are appealing the Official Plan Amendment as well.

The Proposed Development is consistent with and conforms to the Provincial Policy Statement 2020, the Growth Plan for the Greater Golden Horseshoe (2020) and the Urban Hamilton Official Plan. The Proposed Development will expand the range of housing in the area, adding to a complete community. It represents compact residential development in a manner and location that is both transit-oriented and transit-supportive. Rymal Road East is a Major Arterial Road and a high-order transit route, allowing ease of access vehicles and public transit.

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TURKSTRA MAZZA ASSOCIATES, LAWYERS

**Appendix "D" to Report PED23211**  
**Page 3 of 14**

Attn: Ms. A. Holland  
July 20, 2023

Page 3

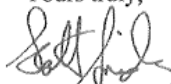
The form of the Proposed Development is compatible with surrounding residential development with respect to setbacks, massing, buffering, shadowing, overlook, and built form. The Proposed Development provides for an appropriate transition of built form and density with the 15 storey building proposed along Rymal Road East, a Major Arterial Road and intensification corridor. The 20 storey building is proposed beside a hydro corridor, with a transition to 3.5 storey stacked townhouses. The street-oriented design of the Proposed Development will enhance the streetscape along Rymal Road East, promoting a vibrant and distinctive streetscape which conveys a sense of place.

Form and Fee

We enclose a cheque made payable to the Minister of Finance in the order of \$3,300.00 as the appropriate filing fee for the three (3) appeals, along with a completed A1 Appeal Form.

Should you require anything further in connection with the filing of these appeals, please let us know.

Yours truly,



Scott Snider

Encls.  
13656/1  
atss

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**TURKSTRA MAZZA ASSOCIATES, LAWYERS**

# Appendix "D" to Report PED23211

## Page 4 of 14



### 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 Date Stamp</b>	<b>Receipt Number</b> (OLT Office Use Only)	<b>Date Stamp – Appeal Received by OLT</b>
	<b>OLT Case Number</b> (OLT Office Use Only)	

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

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

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

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

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

## Appendix "D" to Report PED23211

### Page 5 of 14

City/Town:	Province:	Country:	Postal Code:

<b>Representative Information</b>			
X I hereby authorize the named company and/or individual(s) to represent me			
Last Name:		First Name:	
Snider		Scott	
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):			
Email Address:			
ssnider@tmalaw.ca			
Daytime Telephone Number:		Alternative Telephone Number:	
	ext.		
Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:
	15	Bold Street	
City/Town:	Province:	Country:	Postal Code:
Hamilton	Ontario	Canada	L8P 1T3
<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.			
<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.			

<b>Location Information</b>
Are you the current owner of the subject property?    X Yes <input type="checkbox"/> No
Address and/or Legal Description of property subject to the appeal:
544-550 Rymal Road East
Municipality:
City of Hamilton
Upper Tier (Example: county, district, region):

## Appendix “D” to Report PED23211

### Page 6 of 14

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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 (Act/Legislation Name)	Reference (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	Draft Plan of Subdivision	<i>Planning Act</i>	51(34)
4			
5			

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

Please select the applicable type of matter		
Select	Legislation associated with your matter	Complete Only the Section(s) Below
X	Appeal of <i>Planning Act</i> matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances	3A
<input type="checkbox"/>	Appeal of <i>Development Charges Act</i> , <i>Education Act</i> , <i>Aggregate Resources Act</i> , <i>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</i> , <i>Environmental Protection Act</i> , <i>Nutrient Management Act</i> , <i>Ontario Water Resources Act</i> , <i>Pesticides Act</i> , <i>Resource Recovery and Circular Economy Act</i> , <i>Safe Drinking Water Act</i> , <i>Toxics Reduction Act</i> , and <i>Waste Diversion Transition Act</i> matters	4A
<input type="checkbox"/>	Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i>	4B
<input type="checkbox"/>	Appeal under the <i>Niagara Escarpment Planning and Development Act (NEPDA)</i>	5

<input type="checkbox"/>	Appeal of <i>Conservation Authorities Act, Mining Act, Lakes and Rivers Improvement Act, Assessment Act, and Oil, Gas and Salt Resources Act</i> matters	6
<input type="checkbox"/>	Legislation not listed above	Contact OLT before filing your appeal

## Section 3A – Planning Matters

Appeal Reasons and Specific Information	
Number of new residential units proposed:	
429	
Municipal Reference Number(s):	
Official Plan Amendment Application No.: UHOPA-20-021 Zoning By-Law Amendment Application No.: ZAC-20-037 Draft Plan of Subdivision Application No.: 25T-202006	
List the reasons for your appeal:	
Please see attached letter.	
Has a public meeting been held by the municipality? <input type="checkbox"/> Yes <input checked="" 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:	
<input checked="" type="checkbox"/> Consistency with the provincial policy statement, issued under subsection 3(1) of the <i>Planning Act</i>	
<input checked="" type="checkbox"/> Conformity with a provincial plan	

## Appendix "D" to Report PED23211

### Page 8 of 14

X Conformity with the upper-tier municipality's Official Plan or an applicable Official Plan
If it is your intention to argue one or more of the above grounds, please explain your reasons:
Please see attached letter.

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

Related Matters
Are there other appeals not yet filed with the Municipality?
<input type="checkbox"/> Yes    X    No
Are there other matters related to this appeal? (For example: A consent application connected to a variance application).
X    Yes <input type="checkbox"/> No
If yes, please provide the Ontario Land Tribunal Case Number(s) and/or Municipal File Number(s) for the related matters:
The three appeals are related and should be consolidated. Official Plan Amendment Application No.: UHOPA-20-021 Zoning By-Law Amendment Application No.: ZAC-20-037 Draft Plan of Subdivision Application No.: 25T-202006

#### 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:



## Appendix "D" to Report PED23211

Page 9 of 14

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

## Section 4A – Appeals under Environmental Legislation

## Appeal Specific Information

Outline the grounds for the appeal and the relief requested:

Reference Number of the decision under appeal:

Portions of the decision in dispute:

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

Applying for Stay? ☐ Yes ☐ No

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

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

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

**Appendix “D” to Report PED23211**  
**Page 10 of 14**

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.

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

<b>Appeal Specific Information</b>
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> ))

## Appendix "D" to Report PED23211

Page 11 of 14

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## 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:

## Appendix "D" to Report PED23211

### Page 12 of 14

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

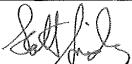
Required Fee						
Please see the attached link to view the <a href="#">OLT Fee Chart</a> .						
Total Fee Submitted:    \$3,300.						
Payment Method	<input type="checkbox"/>	Certified Cheque	<input type="checkbox"/>	Money Order	<input checked="" type="checkbox"/>	Lawyer's general or trust account cheque
	<input type="checkbox"/>	Credit Card				

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

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

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

#### Section 8 – Declaration (Mandatory)

Declaration		
I solemnly declare that all the statements and the information provided, as well as any supporting documents, are true, correct and complete.		
By signing this appeal form below, I consent to the collection of my personal information.		
Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Scott Snider		2023/07/20
Personal information or documentation requested on this form is collected under the authority of the <i>Ontario Land Tribunal Act</i> and the legislation under which the proceeding is commenced. All information collected is included in the Ontario Land Tribunal (OLT) case file and the public record in this proceeding. In accordance with the <i>Freedom of Information and Protection of Privacy Act</i> and section 9 of the <i>Statutory Powers Procedure Act</i> , all information collected is available to the public subject to limited exceptions.		

We are committed to providing services as set out in the *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.

## Appendix “D” to Report PED23211

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

##### Filing/Subsubmitting your form and documentation

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

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

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

## Appendix "D" to Report PED23211

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Phone: 905-877-5191	Phone: 519-371-1001
Fax: 905-873-7452	Fax: 519-371-1009
Website: <a href="http://www.escarpment.org">www.escarpment.org</a>	Website: <a href="http://www.escarpment.org">www.escarpment.org</a>
Email: <a href="mailto:necgeorgetown@ontario.ca">necgeorgetown@ontario.ca</a>	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 Planning Committee
<b>COMMITTEE DATE:</b>	August 15, 2023
<b>SUBJECT/REPORT NO:</b>	Application for a Zoning By-law Amendment for Lands Located at 212 and 220 Rymal Road West, Hamilton (PED23154) (Ward 8)
<b>WARD(S) AFFECTED:</b>	Ward 8
<b>PREPARED BY:</b>	Mark Michniak (905) 546-2424 Ext. 1224
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

That **Amended Zoning By-law Amendment Application ZAC-20-018, by T. Johns Consulting Group Ltd. c/o Diana Morris, on behalf of Atlas Homes Corp. c/o Tarik Abbas, Owner**, for a change in zoning from the “B” (Suburban Agriculture and Residential, Etc.) District to the Low Density Residential (R1, 854, H149) Zone and Low Density Residential (R1, 854, H149, H159) Zone, to permit the development of five single detached dwellings, for lands located at 212 and 220 Rymal Road West, as shown on Appendix “A” attached to Report PED23154, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED23154, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) 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 introducing the Holding symbol ‘H149’ and ‘H159’ to the proposed Low Density Residential (R1) Zone;

The Holding Provisions ‘H149’ and ‘H159’ be removed conditional upon:

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 212 and 220 Rymal Road West, Hamilton (PED23154) (Ward 8) - Page 2 of 14**

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H149. The Owner submits and receives approval of a Stormwater Management Report to demonstrate that post-development drainage is maintained to the open watercourse downstream of the site within William Connell Park, to the satisfaction of the Director of Growth Management and Chief Development Engineer and the Hamilton Conservation Authority;

H159. That development of the easternmost lot, extending 12.2 metres westerly from the shared property line with 204 Rymal Road West, shall not occur until such time that the remnant lands at the rear of the property within the "AA" (Agricultural) District are consolidated with lands to the west to provide access to a public right-of-way, to the satisfaction of the Director of Planning and Chief Planner;

- (c) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the Urban Hamilton Official Plan.

## **EXECUTIVE SUMMARY**

The subject lands are for the southern portion of the lands municipally known as 212 and 220 Rymal Road West, Hamilton and are located on the north side of Rymal Road West between Hazelton Avenue and West 5<sup>th</sup> Street.

The purpose of the Zoning By-law Amendment application is for a change in zoning from the "B" (Suburban Agriculture and Residential, Etc.) District to the Low Density Residential (R1, 854, H149) Zone and Low Density Residential (R1, 854, H149, H159) Zone. A Consent application to create the five new lots for the single detached dwellings will be required. A Site-specific modification to the (R1) Zone is proposed to accommodate the proposed development, which is discussed in detail in Appendix "C" to Report PED23154. As part of the Zoning By-law Amendment, Holding Provisions are required to be added to the subject lands with respect to completing a Stormwater Management Report and for lot consolidation with lands at the rear of a portion of the property.

The Zoning By-law Amendment has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2020);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the Urban Hamilton Official Plan (UHOP); and,

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at  
212 and 220 Rymal Road West, Hamilton (PED23154) (Ward 8) - Page  
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- The development is compatible with and complementary to the existing surrounding neighbourhood.

**Alternatives for Consideration – See Page 14**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

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

**HISTORICAL BACKGROUND**

**Report Fact Sheet**

<b>Application Details</b>	
Applicant/Owner:	Atlas Homes Corp. c/o Tarik Abbas
Agent:	T. Johns Consulting Group Ltd. (c/o Diana Morris)
File Number:	ZAC-20-018.
Type of Application:	Zoning By-law Amendment.
Proposal:	To rezone the southern portion of the lands to permit development of five single detached dwellings with access provided from Rymal Road West.
<b>Property Details</b>	
Municipal Address:	212 and 220 Rymal Road West.
Lot Area:	0.79 ha.
Servicing:	Full municipal services.
Existing Use:	Single detached dwellings (to be removed).
<b>Documents</b>	
Provincial Policy Statement:	The proposal is consistent with the PPS (2020).

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at  
212 and 220 Rymal Road West, Hamilton (PED23154) (Ward 8) - Page  
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<b>Documents</b>	
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 "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	No amendment proposed.
Zoning Existing:	"B" (Suburban Agriculture and Residential, Etc.) District.
Zoning Proposed:	"C" (Urban Protected Residential Etc.) District, Modified.
Zoning Proposed, Amended:	Low Density Residential (R1, 854, H149) Zone and Low Density Residential (R1, 854, H149, H159) Zone.
Modifications Proposed:	To reduce the front yard landscape area requirement from 50% to 40%.
<b>Processing Details</b>	
Received:	February 20, 2022
Deemed Complete:	March 16, 2020
Notice of Complete Application:	Sent to property owners within 120 m of the subject properties on April 16, 2020.
Public Notice Sign:	Posted March 31, 2020 and updated with Public Meeting date July 19, 2023.
Notice of Public Meeting:	Sent to 56 property owners within 120 m of the subject properties on July 28, 2023.
Public Comments:	No comments were received.
Revised Submissions Received:	<ul style="list-style-type: none"> <li>• Submission 2: June 30, 2021</li> <li>• Submission 3: May 23, 2023</li> </ul>
Processing Time:	1272 days, 84 days from receipt of final submission.

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 212 and 220 Rymal Road West, Hamilton (PED23154) (Ward 8) - Page 5 of 14**

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**EXISTING LAND USE AND ZONING**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Single detached dwellings.	"B" (Suburban Agriculture and Residential, Etc.) District.
<b>Surrounding Lands:</b>		
<b>North</b>	Vacant (rear portions of 212 and 220 Rymal Road West).	"AA" (Agricultural) District.
<b>South</b>	Single detached dwellings.	Low Density Residential (R1) Zone.
<b>East</b>	Single detached dwelling.	"C/S-1822" (Urban Protected Residential, Etc.) District, Modified.
<b>West</b>	Single detached dwelling.	"AA" (Agricultural) District.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Framework**

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the Provincial Policy Statement 2020.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal approval of the City of Hamilton Official Plan, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of Provincial interest (i.e., efficiency of land use) are discussed in the Official Plan analysis that follows.

As the application for a change in zoning complies with the Official Plan and the relevant policies in the PPS (2020), it is staff's opinion that the application is:

- Consistent with Section 3 of the *Planning Act*;
- Consistent with the Provincial Policy Statement (2020); and,

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 212 and 220 Rymal Road West, Hamilton (PED23154) (Ward 8) - Page 6 of 14**

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

### **Urban Hamilton Official Plan (UHOP)**

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan. The application was received and deemed complete prior to Ministerial approval of Official Plan Amendment No. 167. The applicant has confirmed that this application is to be reviewed under the Urban Hamilton Official Plan policies currently in effect, as amended by Official Plan Amendment No. 167. The following policies, amongst others, apply.

#### **Noise**

- “B.3.6.3.1 Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.”

The subject property fronts Rymal Road West, which is identified as a major arterial road on Schedule C – Functional Road Classification in the Urban Hamilton Official Plan. An Environmental Noise Impact Study, prepared by dBA Acoustical Consultants Inc. and dated October 2019, submitted in support of the development, identified the acoustic mitigation requirements for the development with respect to road noise from Rymal Road West including warning clauses, provision for central air conditioning and specific building components.

Further details will be required to be submitted at the future building permit stage to confirm Sound Transmission Class requirements based on floor plans and exterior wall design. Appropriate noise warning clauses will be required to be implemented in the appropriate agreements through conditions of the future Consent to sever applications.

#### **Archaeology**

- “B.3.4.4.2 In areas of archaeological potential identified on Appendix F-4 – Archaeological Potential, an archaeological assessment shall be required and submitted prior to or at the time of application submission for the following planning matters under the *Planning Act, R.S.O., 1990 c. P.13*:”

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 212 and 220 Rymal Road West, Hamilton (PED23154) (Ward 8) - Page 7 of 14**

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The subject property meets three of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential. The applicant prepared an archaeological assessment which examined the archaeological potential of the site to the satisfaction of the Ministry. Staff received a copy of the letter from the Ministry dated September 12, 2019, confirming that archaeological matters have been addressed. Staff are of the opinion that the municipal interest in the archaeology of this site has been satisfied.

#### Tree Management

“C.2.11.1 The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

A Tree Protection Plan has been prepared by Adesso Design Inc. dated February 11, 2020, and last revised June 16, 2021. A total of 44 trees have been inventoried including a cluster of 17 Eastern White Cedar which are located in the middle of the rear yard of one of the proposed building lots. Of the remaining 27 trees, two of the trees are Manitoba Maple, which are non-native species that reduce local biodiversity. In addition, three trees have been identified to be in poor health, one tree was identified as dead, and one tree is proposed to be removed due to the tree being in poor condition.

To accommodate the proposed development, one tree is proposed to be removed due to conflict with proposed building location. Seven trees are proposed to be removed due to conflict with proposed driveway location. The remaining 22 trees, including the cluster of 17 Eastern White Cedar, are proposed to be removed due to site grading for the proposed buildings and driveways.

Given these considerations, the Tree Protection Plan is approved. To ensure that tree cover is maintained, one for one compensation for the loss of 30 trees is required. Compensation for the one dead tree is not required. This matter, along with the implementation of tree protection measures, will be addressed at the Consent stage through the Consent Agreement.

#### Road Widening

“C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way-widths:

d) Minor arterial roads, subject to the following policies:

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 212 and 220 Rymal Road West, Hamilton (PED23154) (Ward 8) - Page 8 of 14**

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- iii) The basic maximum right-of-way widths for minor arterial roads shall be [as] described in Schedule C-2 – Future Right-of-Way Dedications.”

The future right-of-way of Rymal Road from Glancaster Road to Upper Centennial Parkway is identified as 36.576 metres, and widenings are offset based on previous Provincial Highway Survey Plans on Schedule C-2 – Future Right-Of-Way Dedications. The current right-of-way of Rymal Road West at the subject property is approximately 30.0 metres, therefore, a dedication of approximately 6.0 metres is required, which will be required as a condition at the Consent application stage.

#### Low Density Residential

- “E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.
- E.3.4.2 Low density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade.
- E.3.4.3 Uses permitted in low density residential areas:
  - a) Shall include single-detached, semi-detached, duplex, triplex, fourplex, and street townhouse dwellings; and,
  - b) May include multiple dwellings containing a maximum of 6 units for lots in proximity to collector roads or arterial roads.
- E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:
  - a) Direct access from lots adjacent to major or minor arterial roads shall be discouraged. (OPA 142)
  - c) A mix of lot widths and sizes compatible with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features; shall be encouraged. Development shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility.”

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 212 and 220 Rymal Road West, Hamilton (PED23154) (Ward 8) - Page 9 of 14**

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The subject lands are located on a major arterial road, Rymal Road West, and on the exterior of a neighbourhood. The surrounding land uses are single detached dwellings similar to the proposed development. The proposed development will maintain the character of the area and is a scale compatible with the neighbourhood. The proposed lots will contain a hammerhead driveway that will allow vehicles to turn around and drive in a forward motion onto Rymal Road West. This will improve safety as it will prevent vehicles from backing onto Rymal Road West. The proposed zoning permits the various forms of low-density dwellings permitted by the land use designation.

Therefore, the proposal complies with the Urban Hamilton Official Plan.

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

The subject lands are zoned “B” (Suburban Agriculture and Residential, Etc.) District in the City of Hamilton Zoning By-law No. 6593, as shown on Appendix “A” attached to Report PED23154.

As the application was received and deemed complete prior to Ministerial approval of Official Plan Amendment No. 167, the applicant originally applied to rezone the subject lands as “C” (Urban Protected Residential, Etc.) District. The applicant has confirmed that this application is to be reviewed under the Urban Hamilton Official Plan policies currently in effect, as amended by Official Plan Amendment No. 167 and to amend their proposed zoning to a modified Low Density Residential (R1) Zone within the City of Hamilton Zoning By-law No. 05-200 to facilitate the development of five single detached dwellings. The Low Density Residential (R1) Zone permits a range of low-density residential building types. An evaluation of the proposed modification to the (R1) Zone is included in Appendix “C” attached to Report PED23154. The Holding Provisions will address the completion of a Stormwater Management Report for the subject lands and lot consolidation.

**RELEVANT CONSULTATION**

Department and Agencies	Response
<ul style="list-style-type: none"> <li>Planning and Economic Development Department, Economic Development Division, Commercial Districts and Small Business Section.</li> </ul>	No Comment.

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 212 and 220 Rymal Road West, Hamilton (PED23154) (Ward 8) - Page 10 of 14**

Department and Agencies		Response
<ul style="list-style-type: none"> <li>Public Works Department, Strategic Planning Division, Corporate Asset Management Division, Architectural Services Section; and,</li> <li>Healthy and Safe Communities Department, Recreation Division.</li> </ul>		
Department	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	The proponent has demonstrated that the proposed grading/servicing is compatible with the future servicing strategy of the Eden Park lands Zoning By-law Amendment and Draft Plan of Subdivision applications (File Nos. ZAC-21-029 and 25T-200721) to the north. The proponent has also demonstrated that there is sufficient fire flow and sanitary capacity in the municipal system to support the proposed development.	Detailed servicing, grading, and stormwater management will be addressed that the Consent stage.  A Holding Provision is proposed for the subject lands which will require approval of a Stormwater Management Report to demonstrate that post-development drainage is maintained to the open watercourse downstream of the site within William Connell Park.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	The applicant and/or agent should be made aware that municipal addressing will be assigned to the development upon receipt of a Consent to sever application.	Individual unit addresses for the proposed development will be addressed at the Consent stage.
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	Forestry approves the Tree Protection Plan, and no Landscape Plan is required.	Cash in lieu for street trees will be collected through the Consent stage.
Waste Management Division, Public Works Department	This project is eligible for municipal waste collection.	Noted.

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 212 and 220 Rymal Road West, Hamilton (PED23154) (Ward 8) - Page 11 of 14**

Department	Comment	Staff Response
Transportation Planning, Planning and Economic Development Department	<p>The proposed development will have a negligible effect on the transportation network.</p> <p>A right-of-way dedication of approximately 6.0 metres is required to meet the 36.576 metre width of Rymal Road.</p> <p>Temporary access to the rear portion should be provided for property maintenance and emergency access.</p>	<p>Road right-of-way dedication will be addressed at the Consent stage a public right-of-way.</p> <p>Temporary access will be provided to the rear portion of the property through the application of a Holding Provision to preclude development of the lands until such time that the lands are combined with surrounding lands to provide access to a public right-of-way.</p>
Transit Division, Public Works Department	<p>The Ten-Year Local Transit Strategy currently calls for enhancements to the existing Route #44 Rymal service levels in the short term.</p> <p>Rymal Road is still considered to be one of the BLAST corridors, suitable for the introduction of rapid transit (RT)(S Line) in the medium to long term; potential RT station locations include Upper James Street and Garth Street, both located within 800m of the site.</p> <p>The infill intensification, as proposed by the applicant, is not consistent with land use density/mix required to support future RT viability on this major arterial road.</p>	<p>Road right-of-way dedication will be addressed at the Consent stage.</p> <p>The proposed development will increase density along Rymal Road West as two existing dwellings are proposed to be replaced with five. In addition, the rear portions of the lots will be developed as part of the adjacent Draft Plan of Subdivision application (File No. 25T-202108).</p>

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 212 and 220 Rymal Road West, Hamilton (PED23154) (Ward 8) - Page 12 of 14**

Department	Comment	Staff Response
Transit Division, Public Works Department <b>Continued</b>	Transit-supportive development can contribute to higher transit ridership, leading to improved local transit/RT service levels, helping transit to contribute positively to City in Motion modal split targets.	
Construction Section, Engineering Services Division, Public Works Department	Rymal Road was reconstructed and widened in 2018 between Garth Street and West 5th Street. Geogrid was placed on the subgrade under the granular base, which must be repaired and placed in the service trenches for the proposed development.	Rymal Road repair will be addressed through the Consent stage.
Alectra Utilities	For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department.	Noted.
Hamilton Conservation Authority (HCA)	HCA has no objection to the approval of the zoning by-law amendment, subject to the submission of a Stormwater Management Report to the satisfaction of HCA to ensure that post-development drainage is maintained to the open watercourse located downstream of the site within William Connell Park. In addition, the landowner will require an HCA Permit prior to the commencement of any fill placement/removal, grading and construction activities, or watercourse alteration within HCA's regulated area.	The recommended Zoning By-law includes a Holding Provision for the completion of a Stormwater Management Report.  HCA Permits are obtained directly from the Hamilton Conservation Authority.

## 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

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 212 and 220 Rymal Road West, Hamilton (PED23154) (Ward 8) - Page 13 of 14**

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owners within 120 m of the subject property on April 16, 2020. A Public Notice Sign was posted on the property on March 31, 2020, and updated on July 19, 2023, with the Public Meeting date. Finally, Notice of the Public Meeting was given on July 28, 2023, in accordance with the requirements of the *Planning Act*.

The applicants submitted a Public Consultation Strategy with this application. The strategy recommended that the prescribed statutory public notice requirements were an adequate amount of public consultation.

## **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);
  - (ii) It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
  - (iii) It complies with the Urban Hamilton Official Plan; and,
  - (iv) It is compatible with and complementary to the existing surrounding neighbourhood.
2. Zoning By-law Amendment

The subject lands are currently zoned “B” (Suburban Agriculture and Residential, Etc.) District in the City of Hamilton Zoning By-law No. 6593. The subject lands are proposed to be rezoned to Low Density Residential (R1, 854, H149) Zone and Low Density Residential (R1, 854, H149, H159) Zone in the City of Hamilton Zoning By-law No. 05-200 to permit the development of five single detached dwellings. Single detached dwellings are permitted within the “Neighbourhoods” designation of the Urban Hamilton Official Plan.

The subject lands will provide similar zoning as adjacent lands. This will ensure compatibility in terms of built form, massing, height, setbacks from the street and building separation. Therefore, staff support the proposed change in zoning.

3. A future Consent to Sever application will be required to create the five new lots fronting Rymal Road West. The rear portion of the subject lands will be developed as part of an adjacent Draft Plan of Subdivision application (File No. 25T-202108) and the Holding Provisions will ensure that the rear portion of easternmost lot shall not be developed until they are consolidated with lands to

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at  
212 and 220 Rymal Road West, Hamilton (PED23154) (Ward 8) - Page  
14 of 14**

---

the west and will temporarily provide access to the lands at the rear of the property until the subdivision is completed.

In addition, the Holding Provisions will ensure that a Stormwater Management Report is prepared and approved for the proposed development to demonstrate that post-development drainage is maintained to the open watercourse downstream of the site within William Connell Park.

## **ALTERNATIVES FOR CONSIDERATION**

Should the proposed Zoning By-law Amendment Application be denied, the lands will remain zoned “B” (Suburban Agriculture and Residential, Etc.) District in the City of Hamilton Zoning By-law No. 6593. The “B” District permits a single detached dwelling, foster home, residential care facility, and retirement home in addition to a number of institutional, public, commercial, and farming uses.

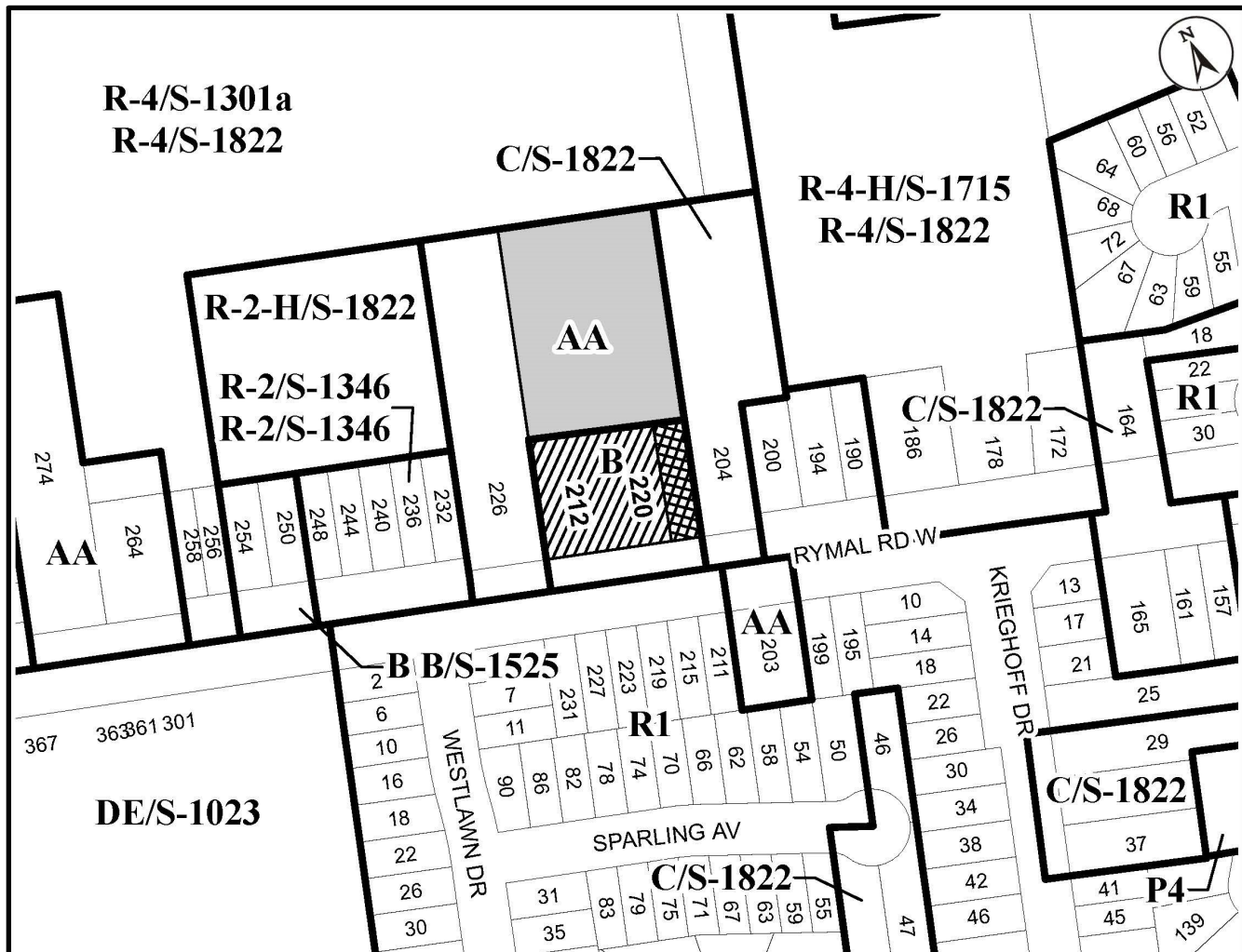
## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED23154 – Location Map  
Appendix “B” to Report PED23154 – Draft Zoning By-law Amendment  
Appendix “C” to Report PED23154 – Zoning Modification Chart  
Appendix “D” to Report PED23154 – Concept Plan

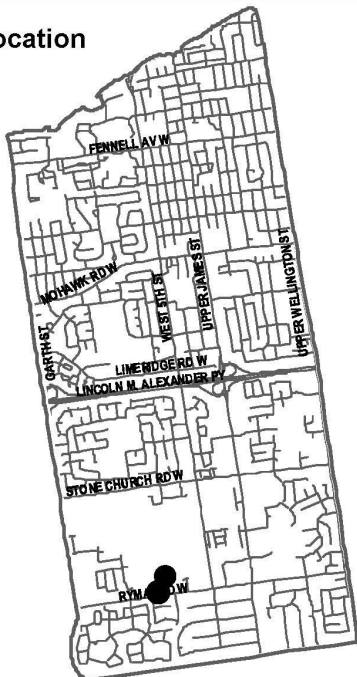
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## Appendix "A" to Report PED23154

Page 1 of 1



## ● Site Location



Key Map - Ward 8

## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-20-018Date:  
July 10, 2023

Appendix "A"

Scale:  
N.T.S.Planner/Technician:  
MM/AL

## Subject Property

212 &amp; 220 Rymal Road West

Lands to be added to Zoning By-law No. 05-200 as  
Low Density Residential (R1, 854, H149) ZoneLands to be added to Zoning By-law No. 05-200 as  
Low Density Residential (R1, 854, H149, H159) Zone

Additional lands owned by the owner

**Appendix “B” to Report PED23154****Page 1 of 3**

**Authority:** Item XX, Planning Committee  
Report (PED23154)  
CM:  
Ward: 8

**Bill No.****CITY OF HAMILTON****BY-LAW NO. 23-**

**To amend Zoning By-law No. 05-200 with respect to lands located at 212 and 220 Rymal Road West, Hamilton**

**WHEREAS** Council approved Item \_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on August 15, 2023;

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

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

1. That Map No. 1393 of Schedule “A” – Zoning Maps is amended by adding the Low Density Residential (R1, 854, H149) Zone and Low Density Residential (R1, 854, H149, H159) Zone to the lands as shown on Schedule “A” to this By-law.
2. That Schedule “C” - Special Exceptions is amended by adding the following new Special Exception:
 

“854. Within the lands zoned Low Density Residential (R1) Zone, identified on Map 1393 of Schedule “A” – Zoning Maps and described as 212 and 220 Rymal Road West, the following special provision shall apply:

  - a) Notwithstanding Section 4.35 a), a minimum 40% landscape area in the Front Yard shall be required.”
3. That Schedule “D” – Holding Provisions be amended by adding the following new Holding Provisions:
 

“149. Notwithstanding Section 15.1 of this By-law, within lands zoned Low Density Residential (R1, 854) Zone, identified on Map 1393 of Schedule “A” – Zoning Maps and described as 212 and 220 Rymal Road West, no development shall be permitted until such time as:

The Owner submits and receives approval of a Stormwater Management Report to demonstrate that post-development drainage is maintained to the open watercourse downstream of the site within William Connell Park, to the satisfaction of the Director of

**Appendix “B” to Report PED23154****Page 2 of 3****To amend Zoning By-law No. 05-200 with respect to lands located at 212 and 220 Rymal Road West, Hamilton**

Growth Management and Chief Development Engineer and the  
Hamilton Conservation Authority.

159. Notwithstanding Section 15.1 of this By-law, within lands zoned Low Density Residential (R1, 854) Zone, identified on Map 1393 of Schedule “A” – Zoning Maps and described as 212 Rymal Road West, no development shall be permitted until such time as:

That development of the easternmost lot, extending 12.2 metres westerly from the shared property line with 204 Rymal Road West shall not occur until such time that the remnant lands at the rear of the property within the “AA” (Agricultural) District are consolidated with lands to the west to provide access to a public right-of-way, to the satisfaction of the Director of Planning and Chief Planner.”

4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.
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 Low Density Residential (R1, 854) Zone, subject to the special requirements referred to in Section Nos. 2, and 3 of this By-law.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023

---

A. Horwath  
Mayor

---





A. Holland  
City Clerk

ZAC-20-018

## Appendix "B" to Report PED23154

Page 3 of 3

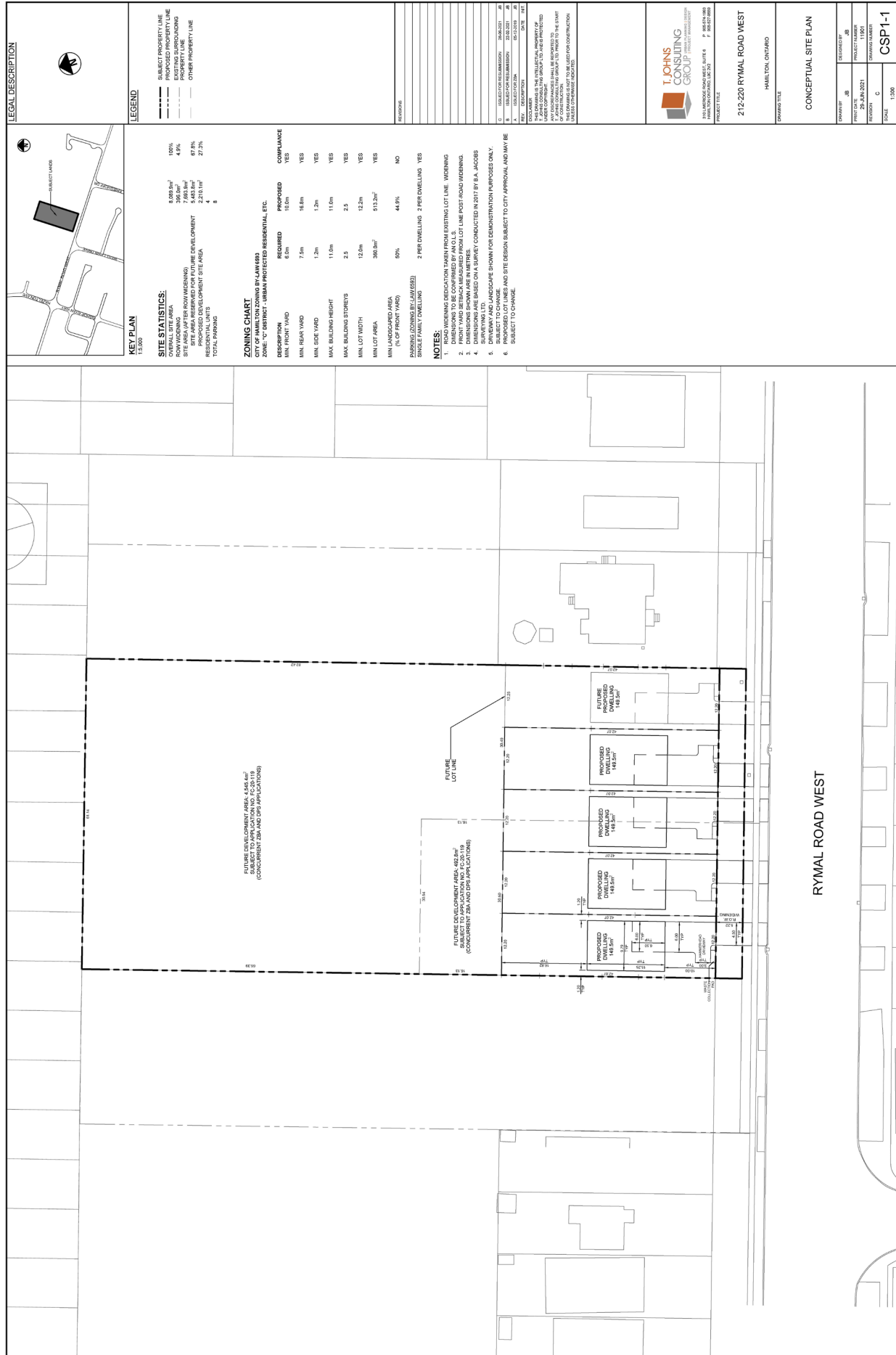
To amend Zoning By-law No. 05-200 with respect to lands located at 212 and 220  
Rymal Road West, Hamilton

					
<p>This is Schedule "A" to By-law No. 23-</p> <p>Passed the ..... day of ....., 2023</p>	<p>-----</p> <p>Mayor</p> <p>-----</p> <p>Clerk</p>				
<p><b>Schedule "A"</b></p> <p>Map forming Part of By-law No. 23-_____</p> <p>to Amend By-law No. 05-200 Map 1393</p>	<p><b>Subject Property</b></p> <p>212 &amp; 220 Rymal Road West</p> <p> Lands to be added to Zoning By-law No. 05-200 as Low Density Residential (R1, 854, H149) Zone</p> <p> Lands to be added to Zoning By-law No. 05-200 as Low Density Residential (R1, 854, H149, H159) Zone</p>				
<table border="1"> <tr> <td>Scale: N.T.S</td> <td>File Name/Number: ZAC-20-018</td> </tr> <tr> <td>Date: July 10, 2023</td> <td>Planner/Technician: MM/AL</td> </tr> </table>	Scale: N.T.S	File Name/Number: ZAC-20-018	Date: July 10, 2023	Planner/Technician: MM/AL	 <b>Hamilton</b>
Scale: N.T.S	File Name/Number: ZAC-20-018				
Date: July 10, 2023	Planner/Technician: MM/AL				
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>					



**Appendix “C” to Report PED23154****Page 1 of 1****Site Specific Modifications to the General Provisions**

<b>Regulation</b>	<b>Required</b>	<b>Modification</b>	<b>Analysis</b>
Minimum Landscape Area	50% in the front yard.	40% in the front yard.	<p>To accommodate a hammerhead driveway design to allow vehicles to turn around on each individual lot instead of backing out onto Rymal Road, which is a major arterial road, a reduced minimum landscaped area is required.</p> <p>Therefore, staff supports this modification.</p>





WELCOME TO THE CITY OF HAMILTON

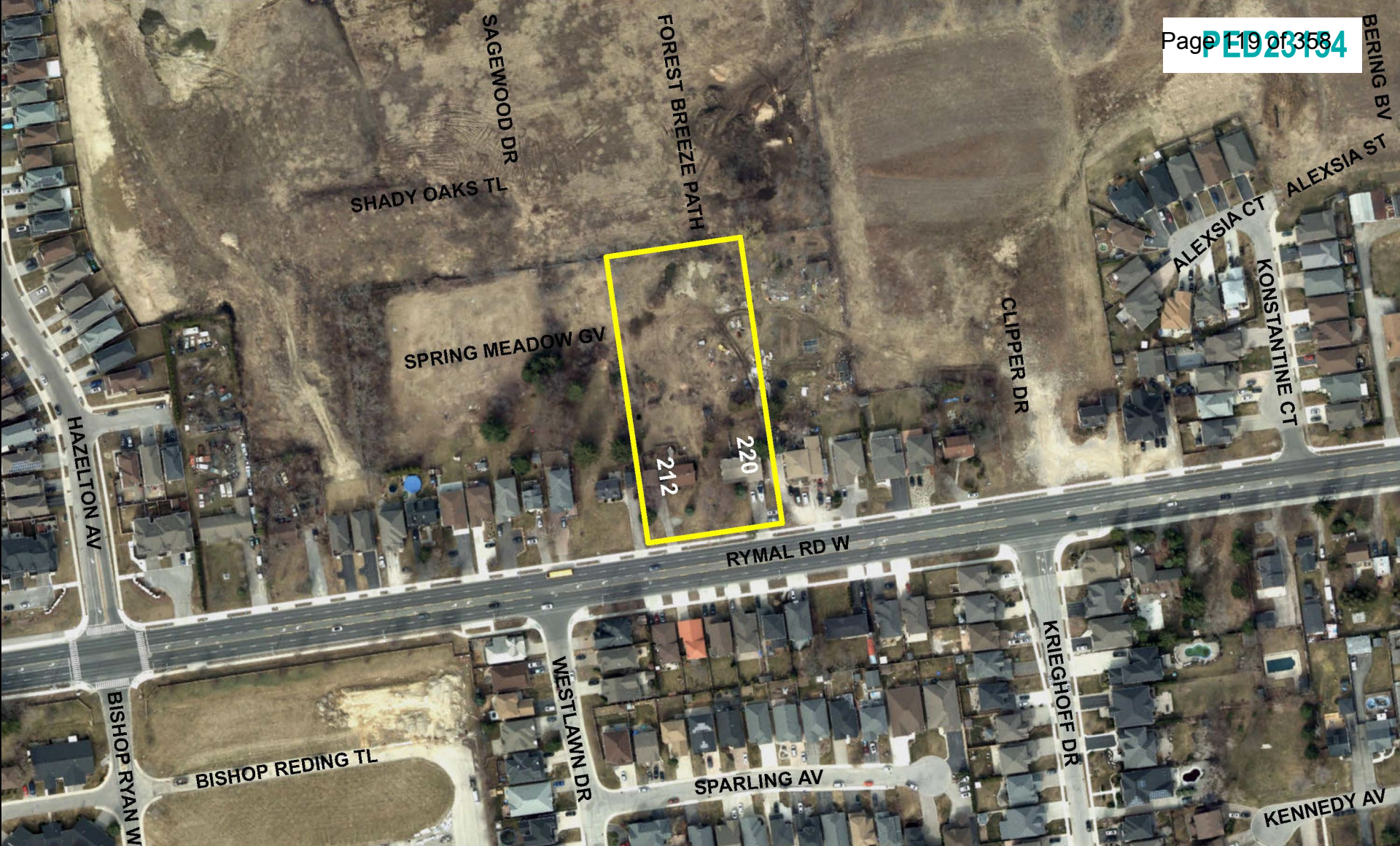
# PLANNING COMMITTEE

August 15, 2023

## PED23154 – (ZAC-20-018)

Application for a Zoning By-law Amendment for Lands Located at  
212 and 220 Rymal Road West, Hamilton.

Presented by: Mark Michniak



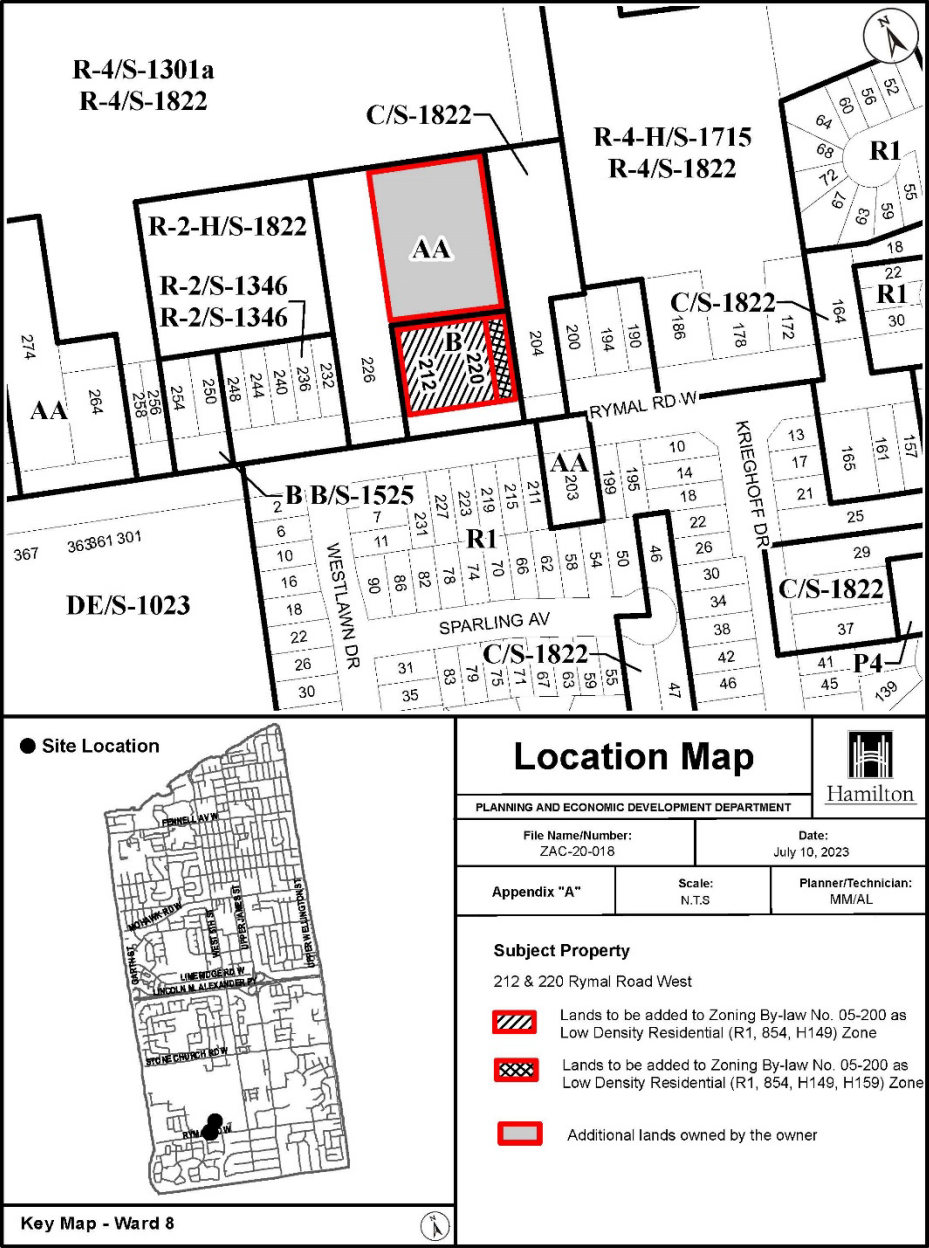
**SUBJECT PROPERTY**



**212 & 220 Rymal Road West**













Subject site – View from west





Subject site – View from north





Rymal Road West – Looking west



Rymal Road West – Looking east





Neighbouring property to the west





Neighbouring property to the east





Properties located across Rymal Road West





Properties located across Rymal Road West



# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE





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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	October 3, 2023
<b>SUBJECT/REPORT NO:</b>	Application for a Zoning By-law Amendment for Lands Located at 65 Guise Street East, Hamilton (PED23201) (Ward 2)
<b>WARD AFFECTED:</b>	Ward 2
<b>PREPARED BY:</b>	Alaina Baldassarra (905) 546-2424 Ext. 7421
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

That **Zoning By-law Amendment Application ZAC-23-035 by WEBB Planning Consultant c/o James Webb on behalf of the City of Hamilton, owner**, for a change in zoning from the Conservation / Hazard Land (P5) Zone to Conservation / Hazard Land (P5, 873, H152) Zone, to permit the construction of underground parking accessory to a residential use for a portion of the lands located at 65 Guise Street East (Blocks 12, 13 & 14 of 62M-1287), Hamilton, as shown on Appendix "A" attached to Report PED23201, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED23201, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) 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 introducing the Holding symbol 'H' to the proposed Conservation / Hazard Land (P5, 873, H152) Zone.

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

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

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 65 Guise Street East, Hamilton (PED23201) (Ward 2) - Page 2 of 8**

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The Holding Provision 'H' is to be removed, conditional upon:

- i) The Owner or authorized applicant submits a Functional Servicing and Stormwater Management Report, including design and construction details to identify and implement any required modifications to the proposed stormwater management system to the satisfaction of Director of Growth Management and Chief Development Engineer.
  - ii) The Owner or authorized applicant submits a Tree Protection Plan and Landscape Plan concept, including sections showing the planting depth of landscaped area with parking below to the satisfaction of the Director of Heritage and Design.
  - iii) The owner or authorized applicant shall obtain Ministry of Environment, Conservation and Parks approval of an amended Certificate of Property Use that reflects the intended use of Blocks 12, 13 & 14 to include below grade parking."
- (c) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), complies with the Hamilton-Wentworth Official Plan and West Harbour (Setting Sail) Secondary Plan.

## **EXECUTIVE SUMMARY**

The subject lands are municipally known as 65 Guise Street (Blocks 12, 13 & 14 of 62M-1287) and are located on the south side of Harbourside Way and on the north side of Haida Avenue.

The applicant, WEBB Planning Consultants c/o James Webb on behalf of the City of Hamilton, has applied for an amendment to the Zoning By-law 05-200 to permit the construction of below grade parking garage under the proposed greenway which would be used as an extension of the future below grade parking structures to provide flexibility in the amount of parking provided and reduce the number of vehicular accesses for the adjacent developments within the Conservation / Hazard Land (P5, 873, H152) Zone. The parking area will be accessory to the planned residential development on the abutting lands. The parking areas will be accessed through the future residential development.

Holding Provisions are recommended to secure the submission of technical studies to ensure the development accommodates the necessary stormwater management infrastructure, an adequate planting depth to support mature trees and the submission of a Record of Site Condition.

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 65 Guise Street East, Hamilton (PED23201) (Ward 2) - Page 3 of 8**

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The proposed Zoning By-law Amendment application has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2020);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended); and,
- It complies with the Hamilton-Wentworth Official Plan and West Harbour (Setting Sail) Secondary Plan.

**Alternatives for Consideration – See Page 8**

**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 amendment to the Zoning By-law.

**HISTORICAL BACKGROUND**

<b>Application Details</b>	
Owner/Applicant:	City of Hamilton.
Agent:	WEBB Planning Consultants c/o James Webb.
File Number:	ZAC-23-035.
Type of Application:	Zoning By-law Amendment.
Proposal:	To permit the construction of below grade parking garage under the proposed open space which would be used as an extension of the future below grade parking structures to provide flexibility in the amount of parking provided and reduce the number of vehicular accesses for the adjacent developments. The lands above the parking area continues to function as greenway (see Appendix “C”).
<b>Property Details</b>	
Municipal Address:	65 Guise Street East.
Lot Area:	0.53 ha.
Servicing:	Existing municipal services.
Existing Use:	Vacant Land.

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 65 Guise Street East, Hamilton (PED23201) (Ward 2) - Page 4 of 8**

<b>Property Details</b>	
Proposed Use:	Open Space (Pedestrian / Cycling Street) and an underground parking structure.
<b>Documents</b>	
Provincial Policy Statement (PPS):	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:	Hamilton-Wentworth Official Plan.  "Urban Area" Designation on Map No. 1 – Regional Development Pattern.
Secondary Plan:	West Harbour (Setting Sail).  "Medium Density Residential 2", "Mixed Use" and "Institutional" on Schedule M-2 General Land Use. A review of applicable policies is included in Appendix "D" attached to Report PED23201.
Zoning Existing:	Conservation / Hazard Land (P5) Zone.
Zoning Proposed:	Conservation / Hazard Land (P5, 873, H152) Zone.
Modifications Proposed:	The following modifications are being proposed to the Zoning By-law 05-200: <ul style="list-style-type: none"> <li>• Permit off-site parking in a zone for a use that is not permitted within the property providing the parking whereas the by-law requires that the property providing the parking is zoned to permit the use that requires the parking;</li> <li>• Permit a parking lot and a commercial parking facility whereas the by-law does not currently permit the use; and,</li> <li>• Adding regulations only permitting parking underground and requiring a minimum of 7.0 metres from a street line for a parking gate or on / off ramps for underground parking.</li> </ul>
<b>Processing Details</b>	
Received:	July 13, 2023.
Deemed Complete:	July 14, 2023.
Notice of Complete Application:	Sent to nine property owners within 120 metres of the subject property on July 31, 2023.
Public Notice Sign:	Posted on July 28, 2023.
Notice of Public Meeting:	Sent to nine property owners within 120 metres of the subject property on September 22, 2023.

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 65 Guise Street East, Hamilton (PED23201) (Ward 2) - Page 5 of 8**

<b>Processing Details</b>	
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix “E” attached to Report PED23201.
Public Consultation:	<p>The following Public Consultation was completed for the proposed development:</p> <ul style="list-style-type: none"> <li>• Creation of a webpage for the project (<a href="http://www.hamilton.ca/WestHarbour">www.hamilton.ca/West Harbour</a>) which provides updates on the various City initiatives, notices of upcoming meetings and contact information should residents want to obtain additional information; and,</li> <li>• Open House with Powerpoint Presentation Display Panels and dialogue with proponents on May 18, 2023, from 6:00 p.m. to 8:30 p.m.</li> </ul>
Public Comments:	No Public Comments were received to date.
Processing Time:	82 days from date of receipt of the application.

**Existing Land Use and Zoning**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Vacant Land	Conservation / Hazard Land (P5) Zone
<b>Surrounding Land Uses:</b>		
North	Vacant Land	Waterfront – Multiple Residential (WF1, H94) Zone, Waterfront – Multiple Residential (WF2, H94) Zone, Community Institutional (I2, 486, H94) Zone
South	Vacant Land	Waterfront – Multiple Residential (WF1, 483, H94) Zone, Waterfront – Multiple Residential (WF2, H94) Zone, Waterfront – Multiple Residential (WF1, H94) Zone, Community Institutional (I2, 486, H94)
East	Open Space, Lake Ontario	Open Space (P4, 485) Zone
West	Open Space, Lake Ontario	Open Space (P4, 485) Zone, Community Institutional (I2, 486, H94)

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 65 Guise Street East, Hamilton (PED23201) (Ward 2) - Page 6 of 8**

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## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Planning Policy Framework**

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 (2020) and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. Matters of provincial interest (e.g., efficiency of land use) are reviewed and discussed in the Official Plan analysis that follows.

It is staff's opinion that the application for a Zoning By-law Amendment has merit and can be supported for the following reasons:

- It is consistent with Section 3 of the *Planning Act*;
- It is consistent with the Provincial Policy Statement (PPS, 2020);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended); and,
- It complies with the West Harbour (Setting Sail) Secondary Plan.

### **Urban Hamilton Official Plan**

The Urban Hamilton Official Plan was approved by Council on July 9, 2009, and the Ministry of Municipal Affairs on March 16, 2011. The lands are currently identified as "Lands Subject to Non Decision 113 West Harbour Setting Sail" on Schedule E-1 of the Urban Hamilton Official Plan; therefore the Urban Hamilton Official Plan policies do not apply. There was no decision (Non-decision No. 113) made by the Ministry regarding the adoption of the West Harbour (Setting Sail) Secondary Plan into the Urban Hamilton Official Plan as the West Harbour (Setting Sail) Secondary Plan was under appeal.

### **Hamilton-Wentworth Official Plan and Former City of Hamilton Official Plan**

The subject lands are designated "Urban Area" on Map No. 1 – Regional Development Pattern of the Hamilton-Wentworth Official Plan. These policies are not in effect for the West Harbour (Setting Sail) Secondary Plan. They have been deleted with the approval of the Urban Hamilton Official Plan.

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 65 Guise Street East, Hamilton (PED23201) (Ward 2) - Page 7 of 8**

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The approval of the Urban Hamilton Official Plan by the Ontario Land Tribunal on August 16, 2013 resulted in deleting sections of the former City of Hamilton Official Plan. The two sections that remained in effect were policies from Section B.3.1 – Road Network: Policy B.3.1.2 and B.3.1.9. The development complies with these broad policy objectives. More detailed policy requirements are articulated through the West Harbour (Setting Sail) Secondary Plan (included in Appendix “D” attached to Report PED23201).

**West Harbour (Setting Sail) Secondary Plan**

In the West Harbour (Setting Sail) Secondary Plan, the property is designated as “Medium Density Residential 2”, “Mixed Use” and “Institutional”. Staff have completed a review of the overall policies within the secondary plan, including but not limited to, Urban Design, promoting a balanced transportation network, promote excellence in Design and maintain soil and groundwater quality.

Therefore, the proposal complies with the West Harbour (Setting Sail) Secondary Plan.

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

The proposed Zoning By-law Amendment is for a change in zoning from Conservation / Hazard Land (P5) Zone to the Conservation / Hazard Land (P5, 873, H152) Zone. The effect of the Zoning By-law Amendment application will permit below grade parking garage under the proposed pedestrian and cycling street. The proposed Zoning By-law Amendment is anticipated to provide flexibility in the number of parking spaces and consolidation of vehicular accesses to the underground parking garage for Blocks 1, 2, 3, 4, 5, 6 and 16 within 62M-1287.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
  - (ii) It complies with the general intent and purpose of the West Harbour (Setting Sail) Secondary Plan, in particular by supporting a range of transportation uses (vehicular, transit, cycling, walking) and implementing the Urban Design Guidelines for Pier 7 and 8; and,
  - (iii) The proposal represents good planning by providing a range of options to accommodate vehicular access as well as improving cycling, pedestrian, transit, and automobile circulation within the subject lands and Pier 8.

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 65 Guise Street East, Hamilton (PED23201) (Ward 2) - Page 8 of 8**

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**2. Zoning By-law Amendment**

The subject lands are zoned Conservation / Hazard Land (P5) Zone in Zoning By-law No. 05-200. The Zoning By-law Amendment proposes to change the zoning to Conservation / Hazard Land (P5, 873, H152) Zone as outlined in the table on Pages 3 and 4 of the staff report.

The proposed Zoning By-law Amendment complies by supporting a range of transportation uses (vehicular, transit, cycling, walking) and implementing the Urban Design Guidelines for Pier 7 and 8 as per the “Medium Density Residential 2”, “Mixed Use” and “Institutional” designation, of the West Harbour (Setting Sail) Secondary Plan as outlined in Appendix “D” attached to Report PED23201. The required modifications are outlined in the historical background section of the report.

Therefore, staff support the proposed Zoning By-law Amendment, subject to the proposed Holding Provision.

**3. Holding Provision**

Holding ‘H’ Provisions are proposed to be added to the subject lands for the purposes of requiring the submission of a Record of Site Condition, Landscape and Tree Protection Plan and Functional Servicing Study. Upon Submission and approval of the above noted plans and studies, the Holding Provision can be lifted.

**ALTERNATIVES FOR CONSIDERATION**

Should the application be denied, the subject property can be used in accordance with the Conservation / Hazard Land (P5) Zone in Zoning By-law No. 05-200.

**APPENDICES AND SCHEDULES ATTACHED**

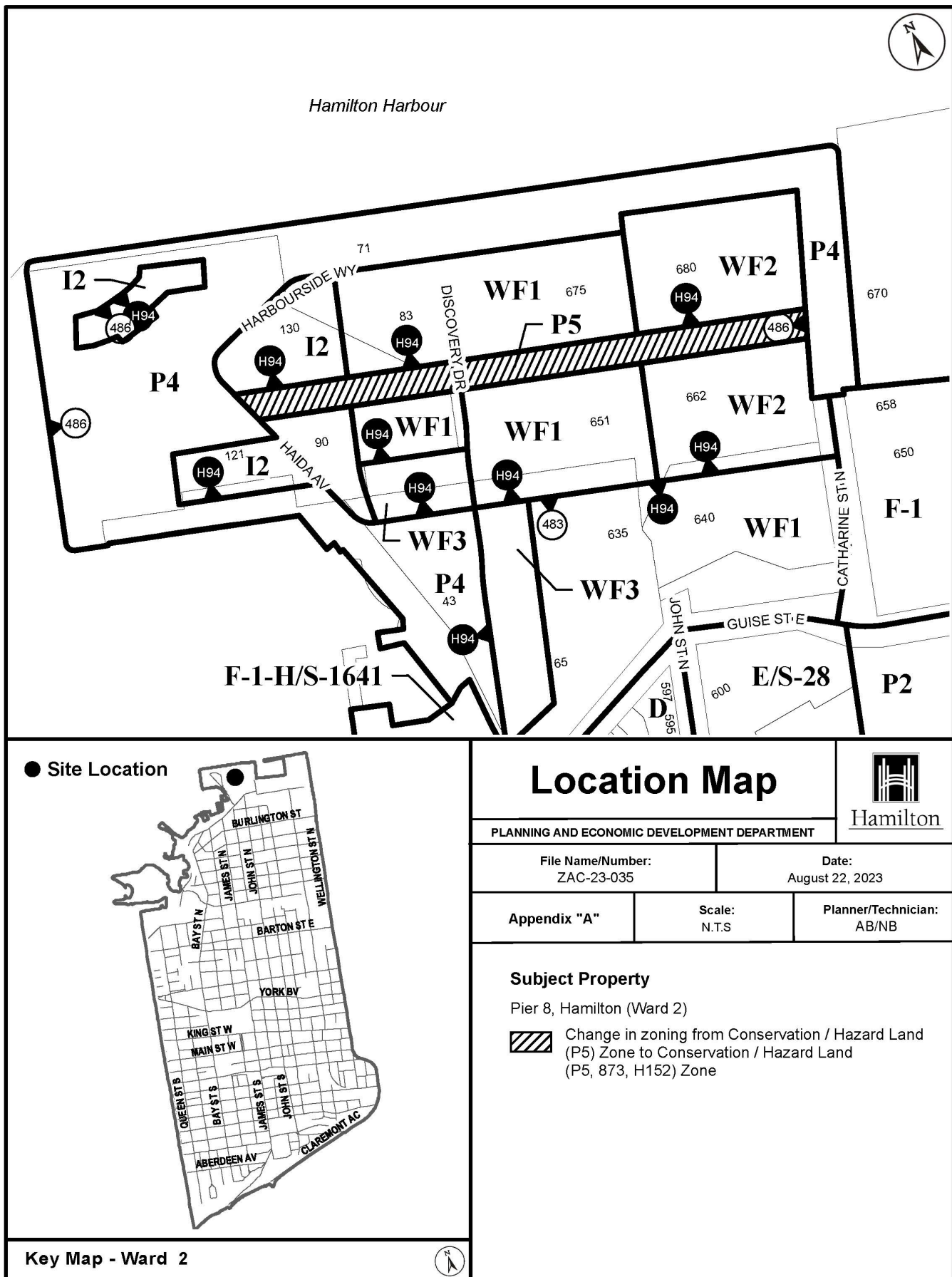
Appendix “A” to Report PED23201 – Location Map  
 Appendix “B” to Report PED23201 – Amendment to Zoning By-law No. 05-200  
 Appendix “C” to Report PED23201 – Concept Plan  
 Appendix “D” to Report PED23201 – Official Plan Policy Review  
 Appendix “E” to Report PED23201 – Department and Agency Comments

AB:sd



## Appendix "A" to Report PED23201

Page 1 of 1



**Appendix “B” to Report PED23201****Page 1 of 4**

**Authority:** Item ,  
Report (PED23201)  
CM:  
Ward: 5

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

**To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 65 Guise Street East, Hamilton**

**WHEREAS** Council approved Item \_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on October 03, 2023;

**WHEREAS** the Council of the City of Hamilton, in adopting Item \_\_\_ of Report 23 \_\_\_ - \_\_\_ of the Planning Committee, at its meeting held on the 03 day of October 2023, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

**AND WHEREAS** this By-law conforms to the City of Hamilton Official Plan;

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

1. That Map Nos. 787 and 827 of Schedule “A” – Zoning Maps of Zoning By-law No. 05-200 are amended by changing the zoning from the Conservation / Hazard Land (P5) Zone to the Conservation / Hazard Land (P5, 873, H152) Zone for the lands known as 65 Guise Street East, Hamilton the extent and boundaries of which are shown on Schedule “A” to this By-law.
2. That Schedule “C”: Special Exceptions is amended by adding the following new special exception:
 

“873: Within the lands zoned Conservation/Hazard Land (P5P Zone on Map Nos. 787 and 827 of Schedule “A” – Zoning Maps and described as 65 Guise Street East, Hamilton the following special provisions shall apply:

  - a) Section 5.1.a) ii) a) shall not apply.
  - b) In addition to Section 7.5.1 the following uses shall also be permitted in accordance Section c) below:
 

Parking Lot; and,  
Commercial Parking Facility.
  - c) The following provisions shall apply for uses listed in b) above:

**Appendix “B” to Report PED23201****Page 2 of 4**

i)	Restriction of Uses	The uses permitted in Section a) above, shall only be permitted underground.
ii)	Minimum Distance of a Parking Gate from a Street Line	7.0 metres.
iii)	Minimum Distance of on and off Ramps from a Street Line	7.0 metres.

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

“152. Notwithstanding Section 7.5 of this By-law, within lands zoned Conservation / Hazard Land (P5, 873, H152) Zone, identified on Map 787 and 827 of Schedule A – Zoning Maps and described as 65 Guise Street East, Hamilton (Blocks 12, 13 & 14 of 62M-1287), no development shall be permitted until such time as the applicant submits and receives approval of the following:

- i) The Owner or authorized applicant submits a Functional Servicing and Stormwater Management Report, including design and construction details to identify and implement any required modifications to the proposed stormwater management system to the satisfaction of Director of Growth Management and Chief Development Engineer.
- ii) The Owner or authorized applicant submits a Tree Protection Plan and Landscape Plan concept, including sections showing the planting depth of landscaped area with parking below to the satisfaction of the Director of Heritage and Design.
- iii) The owner or authorized applicant shall obtain Ministry of Environment, Conservation and Parks approval of an amended Certificate of Property Use that reflects the intended use of Blocks 12, 13 & 14 to include below grade parking.”

4. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure thereof be used, nor shall any land be used, except in accordance with the provisions of the Conservation/Hazard Land (P5, 873) Zone, subject to the special requirements referred to in Section Nos. 2 and 3 of this Bylaw.
5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law in accordance with the *Planning Act*.

**Appendix “B” to Report PED23201**

**Page 3 of 4**

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

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A. Horwath  
Mayor

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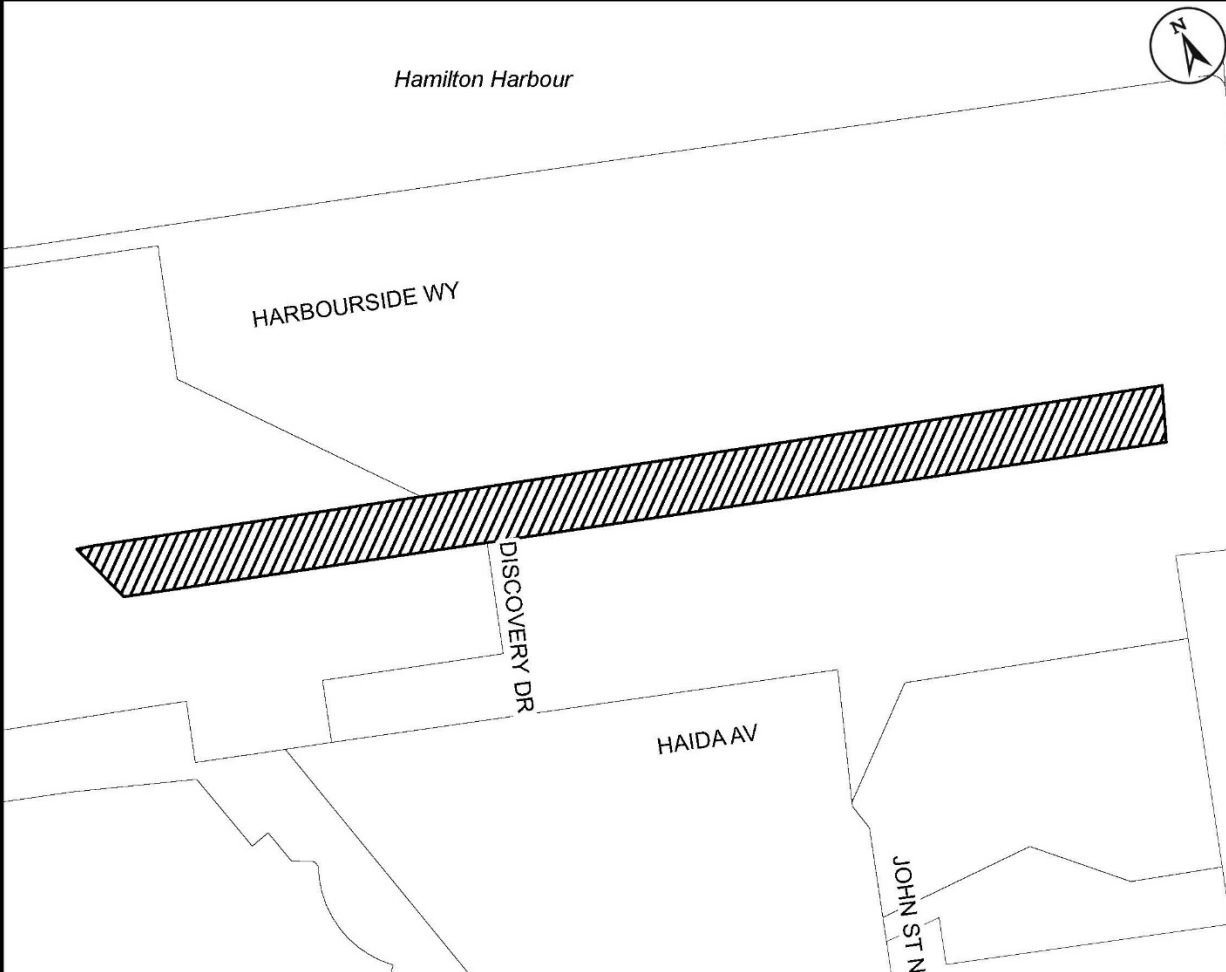


J. Pilon  
Acting, City Clerk

ZAC-23-033

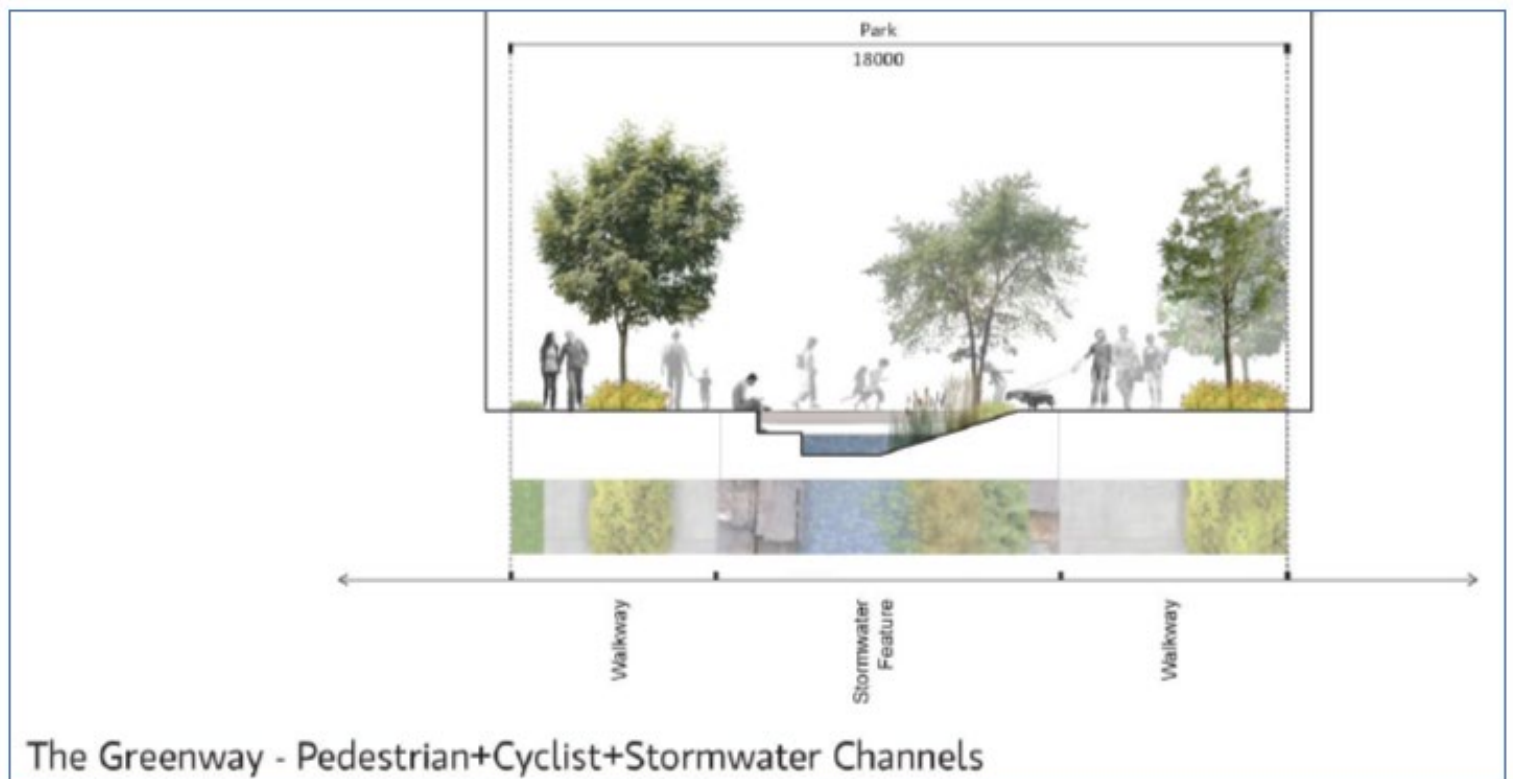
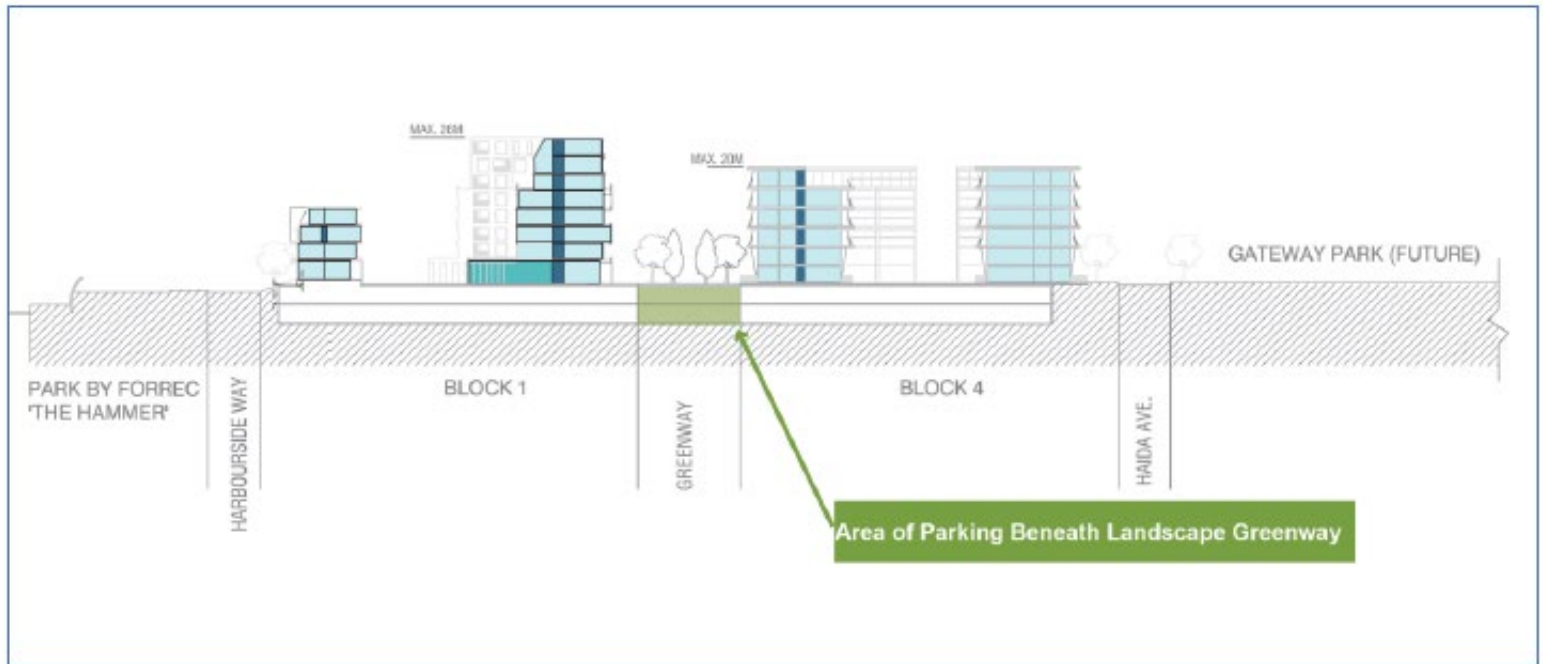


## Appendix "B" to Report PED23201

Page 4 of 4

	
<p>This is Schedule "A" to By-law No. 23-</p> <p>Passed the ..... day of ....., 2023</p>	<p>-----</p> <p>Mayor</p> <p>-----</p> <p>Clerk</p>
<p><b>Schedule "A"</b></p> <p>Map forming Part of By-law No. 23-_____</p> <p>to Amend By-law No. 05-200 Map 787 &amp; 827</p>	
<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-23-035</p>
<p>Date: August 22, 2023</p>	<p>Planner/Technician: AB/NB</p>
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	
<p><b>Subject Property</b> Pier 8, Hamilton (Ward 2)</p> <p> Change in zoning from Conservation / Hazard Land (P5) Zone to Conservation / Hazard Land (P5, 873, H152) Zone</p>	
<p> Hamilton</p>	

Appendix "C" to Report PED23201  
Page 1 of 1



**Appendix “D” to Report PED23201**  
**Page 1 of 2**

## SUMMARY OF SETTING SAIL SECONDARY PLAN POLICIES

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

<b>Theme and Official Plan Policy</b>	<b>Summary of Issue</b>	<b>Staff Response</b>
<b>Urban Design Study</b>  Policy A.6.3.8.9.4	<p>The proposal complies with this policy.</p> <p>The City shall complete an urban design study of Piers 7-8 to determine the appropriate height, massing and character of new buildings and the appropriate physical relationship between buildings and public open spaces.</p>	<p>The Urban Design Study prepared by BrookMcIlroy dated April 21, 2016 identified the requirement for the greenway as a pedestrian and cycling street (providing an east / west connection) which doubles as a naturalized storm water management area. As a result, in order to protect the intended function of the greenway as per the Urban Design Study the proposed parking is only permitted underground.</p>
<b>Promote a Balanced Transportation Network</b>  Policy A.6.3.2.6	<p>The proposal complies with this policy.</p> <p>The intent of the policy is to improve road connections to the waterfront, promote a more balanced multi-modal transportation system (which includes transit, cycling, walking, ferries and water taxis) and ensure most dwelling units are within 400 metres walking from a transit stop.</p>	<p>The intent of the policy is to establish a pedestrian and cyclist only street (no automobile use) which encourages individuals to use a range of active transportation options. The pedestrian street will allow movement east-west through the area. Permitting underground parking on the subject lands provides flexibility for the underground garage designs within Pier 8, which will preserve the pedestrian function of the street.</p>
<b>Promote Excellence in Design</b>  Policy A.6.3.2.8	<p>The proposal complies with this policy.</p> <p>The intent of the policy is to demonstrate the high design standard for the area including but not limited to design and construction of buildings, energy efficient buildings, public realm (including parks, squares, streets, trails and public buildings) are designed to the highest standard and incorporate public art in significant open spaces.</p>	<p>A Holding Provision is recommended to ensure that a Landscape Plan or a Tree Protection Plan is submitted to the satisfaction of the City to ensure the pedestrian street can support the growth of trees and plant material. The review of the landscape plan will be done in conjunction with any future Site Plan Control application for the adjacent blocks.</p>

**Appendix “D” to Report PED23201****Page 2 of 2**

<b>Theme and Official Plan Policy</b>	<b>Summary of Issue</b>	<b>Staff Response</b>
<b>Soil and Groundwater Quality</b>  Policy A.6.3.4.2.2	The proposal complies with this policy.  Where City-owned land was previously occupied by industrial uses, or they were suspected of containing contaminated soil, the City shall conduct a Phase 1 and Phase 2 Environmental Site Assessment or a Record of Site Condition.	A Holding Provision was added to the property to require an Environmental Site Assessment, or a Record of Site Condition is provided to the Satisfaction of the City. The area surrounding the pedestrian and cycling street was studied as residential uses were anticipated, however, since the original proposal did not include any sensitive land uses within the pedestrian street, confirmation that a Record of Site Condition for this portion of the site is required.



**Appendix “E” to Report PED23201**  
**Page 1 of 2**

**CONSULTATION – DEPARTMENTS AND AGENCIES**

	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	Development Engineering Approvals Section has no objections subject to a Holding Provision being added to the property. The Holding Provision requires the submission and approval of a Functional Servicing Study to confirm that the stormwater is properly managed within the block.	A Holding Provision is recommended as part of the Zoning By-law Amendment application.
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	Transportation Planning supports the Zoning By-law Amendment as the proposed development will not generate significant vehicular traffic volume and the surrounding road network can accommodate the anticipated vehicular traffic. The outcome of allowing vehicle parking under these blocks, provided that they can be legally accessed, is increasing the capacity of the parking supply for the development and the flexibility for efficient connectivity throughout the overall Pier 8 development area. The elimination of surface parking and access driveways will support the proposed pedestrian street. Moreover, this does not preclude the requirement of transportation infrastructure improvements or a Transportation Impact Study (if required) through future site plan applications.	Through future development Planning applications, it will be determined if additional transportation infrastructure improvements or further studies are required.
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<p>There are municipal tree assets on site, although it is determined that no impacts are anticipated. Therefore, no tree management plan is required.</p> <p>No Landscape Plan is required since no new landscape strips are shown and no additional landscape strips are required.</p>	Noted.

**Appendix “E” to Report PED23201**  
**Page 2 of 2**

	<b>Comment</b>	<b>Staff Response</b>
Hamilton Conservation Authority	No concerns or comments regarding the proposed zoning amendment to allow below-grade parking in the greenway blocks.	Noted.
Trails, Parks and Open Space – Capital Works	Landscape Architecture Services and Parks and Cemeteries has been working with an internal staff group and providing feedback on the details of the proposed greenway space. Originally, it was intended to be overland conveyance of storm water and this proposal will allow for a fully underground parking structure with piped conveyance of storm water. Should the intent continue be to provide public parkland, details regarding ownership, liability, design etc. will need to be worked out and built into agreements on title.	Noted.
Trails, Parks, and Open Space - Operations and Maintenance	Should the decision be made that maintenance of the greenway is to become a city responsibility then the Parks group will apply their standard level of service to the space (excluding stormwater elements). Parks staff requests to be included in future discussions related to agreements for maintenance and/or ownership of the greenway.	Noted.



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	October 3, 2023
<b>SUBJECT/REPORT NO:</b>	Application for a Zoning By-law Amendment for Lands Located at 1898 and 1900 Rymal Road East, Glanbrook (PED23206) (Ward 9)
<b>WARD(S) AFFECTED:</b>	Ward 9
<b>PREPARED BY:</b>	Michael Fiorino (905) 546-2424 Ext. 4424
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

That **Amended Zoning By-law Amendment Application ZAC-23-036, by Weston Consulting (c/o Kayly Robbins) on behalf of Komil Jasdev Bhalla and Jasdev Singh Bhalla and 1900 Holdco Inc. (c/o Mackenzie Paterson), Owners**, for a change in zoning from General Agricultural “A1” Zone to the Residential Multiple – Holding “H-RM2-328” Zone, Modified, to permit the development of eight, three storey townhouse dwellings and 11, two storey townhouse dwellings including 38 parking spaces and four visitor parking spaces inclusive of one barrier free, for lands located at 1898 and 1900 Rymal Road East, Glanbrook, as shown on Appendix “A” attached to Report PED23206, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED23206, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposed change in zoning is consistent with Provincial Policy Statement (2020), conforms to A Place of Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended, and complies with the Urban Hamilton Official Plan and Rymal Road Secondary Plan;

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 1898 and 1900 Rymal Road East, Glanbrook (PED23206) (Ward 9) - Page 2 of 10**

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- (c) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding “H” symbol as a prefix to the proposed Residential Multiple – Holding “H-RM2-328” Zone, Modified, as shown on Schedule “A” of Appendix “B” attached to Report PED23206 and shall be lifted conditional upon the following:
- (i) That the owner submits and receives approval of a Transportation Impact Study to the satisfaction of the Manager, Transportation Planning;
  - (ii) That the Owner submits and receives approval of a Watermain Hydraulic Analysis, to the satisfaction of the Director of Growth Management and Chief Development Engineer;
  - (iii) That the Owner submits a revised Tree Protection Plan addressing the protection of the trees and finalizes the justification for the removal of the identified trees, including submission of written confirmation from the abutting owners of 55 and 63 Bocelli Crescent and 11 Enclave Place for permission to encroach into the dripline of Trees A, B, C, H and P, to the satisfaction of the Director of Planning and Chief Planner. The resubmission is to include the applicable Tree Protection Plan review fee payable to the City of Hamilton.

## **EXECUTIVE SUMMARY**

The subject lands are known as 1898 and 1900 Rymal Road East. The applicant, Weston Consulting, c/o Kayly Robbins on behalf of Komil Jasdev Bhalla and Jasdev Singh Bhalla and 1900 Holdco Inc., has applied for a Zoning By-law Amendment to permit development of eight, three storey townhouse dwellings and 11, two storey townhouse dwellings on a private condominium road with 38 parking spaces and four visitor parking spaces inclusive of one barrier free parking space.

The purpose of the Zoning By-law Amendment application is for a change in zoning from the General Agricultural “A1” Zone to the “Residential Multiple – Holding “H-RM2-328” Zone, Modified in Glanbrook Zoning By-law No. 464.

Holding Provisions are recommended for the amending By-law with regard to the Transportation Impact Study, a Watermain Hydraulic Analysis to demonstrate the required domestic water and fire flows are available, and the submission and approval of a revised Tree Protection Plan.



**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 1898 and 1900 Rymal Road East, Glanbrook (PED23206) (Ward 9) - Page 3 of 10**

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

- It is consistent with the Provincial Policy Statement (2020);
- It conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the Urban Hamilton Official Plan and the Rymal Road Secondary Plan; and,
- The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units, making efficient use of existing infrastructure within the urban boundary, and supporting public transit.

**Alternatives for Consideration – See Page 10**

**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 amendment to the Zoning By-law. In accordance with Section 34(10.12), if the City makes a decision on a Zoning By-law Amendment within 90 days after the receipt of the application, the City shall not refund the fee.

**HISTORICAL BACKGROUND**

<b>Application Details</b>	
Owners:	Komil Jasdev Bhalla and Jasdev Singh Bhalla and 1900 Holdco Inc.
Agent/Applicant:	Weston Consulting, c/o Kayly Robbins
File Number:	ZAC-23-036
Type of Application:	Zoning By-law Amendment.
Proposal:	The purpose of the Zoning By-law Amendment is for a change in zoning from the General Agricultural “A1” Zone to the “Residential Multiple – Holding “H-RM2-328” Zone, Modified to permit development of eight, three storey townhouse dwellings and 11, two storey townhouse dwellings on a private condominium road with 38 parking spaces and four visitor parking spaces inclusive of one barrier free parking space.

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at  
1898 and 1900 Rymal Road East, Glanbrook (PED23206) (Ward 9) -  
Page 4 of 10**

<b>Property Details</b>	
Municipal Address:	1898 and 1900 Rymal Road East
Lot Area:	0.45 hectares.
Servicing:	Existing municipal services.
Existing Use:	1898 Rymal Road East is occupied by a single detached dwelling. 1900 Rymal Road East is occupied by a single detached dwelling.
<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:	"Secondary Corridor" on Schedule E – Urban Structure and "Neighbourhoods" on Schedule E-1 – Land Use Designations.
Secondary Plan Existing:	"Low Density Residential 2h" on Rymal Road Secondary Plan – Land Use Plan Map B.5.2-1.
Zoning Existing:	General Agricultural "A1" Zone.
Zoning Proposed:	Residential Multiple – Holding "H-RM2-328" Zone, Modified.
Modifications Proposed:	<p>The following modifications are being proposed to the Zoning By-law:</p> <ul style="list-style-type: none"> <li>To permit Street Townhouse Dwelling which includes but not limited to individual townhouse lots having frontage on or otherwise tied to a public road or condominium road;</li> <li>To define a "Lot" as individual dwelling unit lots that may be created by registration of a condominium plan or created by Part Lot Control or Draft Plan of Subdivision and shall be permitted to front on a private condominium road other than a street;</li> <li>To decrease the lot frontage from 7.5 metres to 5.9 metres;</li> <li>To decrease the lot frontage from 7.5 metres to 6.5 metres for dwelling end units and corner lots;</li> <li>To decrease the lot area per dwelling unit from 210 square metres to 130 square metres except: <ul style="list-style-type: none"> <li>(i) On an end lot which does not abut a flanking street, the minimum lot area shall be 175 square metres; and,</li> <li>(ii) On a corner lot which abuts a flanking street, the minimum lot area shall be 165 square metres;</li> </ul> </li> <li>To decrease the front yard setback from 7.5 metres to 4.0 metres except a garage that faces a front lot line shall have a minimum front yard setback of 6.0 metres.</li> </ul>

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 1898 and 1900 Rymal Road East, Glanbrook (PED23206) (Ward 9) - Page 5 of 10**

<b>Documents</b>	
Modifications Proposed <b>Continued:</b>	<ul style="list-style-type: none"> <li>To decrease the front yard setback from 7.5 metres to 1.65 metres for a corner lot except a garage that faces a front lot line shall have a minimum front yard setback of 6.0 metres;</li> <li>To decrease the side yard setback for an end unit 0.7 metres;</li> <li>To decrease the rear yard setback from 7.5 metres to 6.0 metres;</li> <li>To increase the lot coverage from 35 percent to 55 percent;</li> <li>To decrease the landscape area from 30 percent to 20 percent;</li> <li>To increase in the number of consecutive dwellings from four to eight;</li> <li>To increase the projection into a yard to 3 metres from 1.5 metres; and,</li> <li>To increase the maximum building height from 10.7 metres to 11.6 metres for townhouse units located along the frontage of Rymal Road East.</li> </ul>
<b>Processing Details</b>	
Received:	July 26, 2023
Deemed Complete:	July 26, 2023
Notice of Complete Application:	Sent to 145 property owners within 120 metres of the subject property on August 8, 2023.
Public Notice Sign:	Posted on August 9, 2023.
Notice of Public Meeting:	Sent to 145 property owners within 120 metres of the subject property on September 22, 2023.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix "F" attached to Report PED23206.
Public Consultation:	<p>The following Public Consultation was completed for the proposed development:</p> <ul style="list-style-type: none"> <li>An Open House hosted at Valley Park Community Centre (970 Paramount Drive, Stoney Creek), by Weston Consulting on Thursday, April 27, 2023 from 7:00 p.m. until 8:00 p.m.;</li> <li>Residents within 200 metres of the subject lands were notified through individual notice delivered to each resident;</li> <li>Four Presentation boards were displayed identifying various aspects, including the Site Plan and development statistics, elevations, land use designation, zoning, and the surrounding context; and,</li> <li>At the Open House, 14 people signed in however, approximately 20 residents were in attendance. Of the residents in attendance five submitted comments sheets.</li> </ul>

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 1898 and 1900 Rymal Road East, Glanbrook (PED23206) (Ward 9) - Page 6 of 10**

<b>Processing Details</b>	
<b>Public Consultation Continued:</b>	<ul style="list-style-type: none"> <li>Residents' concerns were summarized and were categorized including height, tree preservation and fencing, lighting, setbacks to existing dwellings and timing of construction.</li> </ul>
<b>Public Comments:</b>	One e-mail was received expressing concern with the proposed Zoning By-law Amendment. This correspondence and a summary of the comments are attached as Appendix "G" to Report PED23206.
<b>Processing Time:</b>	70 days from receipt of the application.

### Existing Land Use and Zoning

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Single detached dwellings	General Agricultural "A1" Zone
<b>Surrounding Land Uses:</b>		
North	Single detached dwellings; and, Eramosa Karst Conservation Area	Mixed Use Medium Density (C5, 589) Zone; and, Neighbourhood Development "ND" Zone
South	Single detached dwellings	Residential "R4-173(B)" Zone, Modified
East	Single detached dwellings	Residential "R4-173(A)" Zone, Modified
West	Residential - Townhouses	Neighbourhood Commercial (C1, 205) Zone

## POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

### Provincial Planning Policy Framework

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS 2020.

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 1898 and 1900 Rymal Road East, Glanbrook (PED23206) (Ward 9) - Page 7 of 10**

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The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. Matters of provincial interest (e.g. efficiency of land use) are reviewed and discussed in the Official Plan analysis that follows.

As the application for Zoning By-law Amendment complies with the Urban Hamilton Official Plan it is staff's opinion that the application is:

- Consistent with Section 3 of the *Planning Act*;
- Consistent with the Provincial Policy Statement (PPS, 2020); and,
- Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

### **Urban Hamilton Official Plan (UHOP)**

The subject lands are identified as “Secondary Corridor” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan. Furthermore, the subject lands are designated “Low Density Residential 2h” in the Rymal Road Secondary Plan. Refer to Appendix “D” attached to Report PED23206 for a review of applicable Official Plan policies.

The proposed redevelopment of the subject lands for 19 townhouse dwellings meets the intent of the policies of the Urban Hamilton Official Plan and more specifically the Rymal Road Secondary Plan. The proposed use is considered appropriate development as it is compatible with and respects the existing surrounding built form which includes two and three storey townhouses and one and two storey single detached dwellings while intensifying by introducing townhouses and adding to the housing supply. The proposed townhouses will appear as a continuation of the existing townhouse development to the west, with similar height and setbacks to Rymal Road East.

Detailed design information will be required as part of a future Site Plan Control application for the subject lands. As well, Transportation Planning comments require a Transportation Impact Study, and this has been included as a Holding Provision on the subject lands. Staff did not receive confirmation from the applicant if they were in agreement with the Holding Provision for the transportation study at the time of preparation of this report.

Additionally, given the new timelines imposed by Bill 109, staff have not been able to finalize and approve the Tree Protection Plan with the applicant and therefore have also



**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 1898 and 1900 Rymal Road East, Glanbrook (PED23206) (Ward 9) - Page 8 of 10**

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added that a revised Tree Protection Plan be included in the Holding Provision. There are no concerns from Forestry staff regarding municipal trees as there are no existing trees found in the municipal right-of-way. The decision to retain trees is based on vigour, condition, aesthetics, age, and species and any removed trees are to be replaced at a 1:1 ratio. Where it is not possible to accommodate replanting on the subject lands, cash in lieu payments are to be made. Tree preservation is a priority to conserve the existing tree canopy, however due to the majority of the mature trees being centrally located preservation of all trees would be limited. Further revisions are being requested for review of perimeter trees in good condition. There are trees along the rear and side property lines (identified as A, B, C, H and P) on the Tree Protection Plan dated February 21, 2023 which will require permissions from adjacent landowners. Staff are satisfied that it is appropriate to be place a Holding Provision on the lands for a revised Tree Protection Plan.

Based on the foregoing, subject to the Holding Provisions, the proposal complies with the applicable policies of the Urban Hamilton Official Plan. The full review of the policies of Volume 1 of the Urban Hamilton Official Plan is attached as Appendix “D” to Report PED23206.

### **Rymal Road Secondary Plan (Volume 2)**

The subject lands are designated “Low Density Residential 2h” in the Rymal Road Secondary Plan and the proposed development represents a compact form with the orientation of the massing along Rymal Road East which enhances the streetscape. The architectural design and proposed landscaping will also enhance the streetscape and create a pedestrian friendly environment.

The proposed development introduces a low-rise residential development with a density of 42 units per hectare complying with the density of the “Low Density Residential 2h” designation and is consistent with the surrounding area in terms of use, density, height and built form. The proposed elevations for the development are compatible with the surrounding area and assist in enhancing architectural variation in the neighbourhood. The parking has been located internal to the site, away from Rymal Road East and the development is located within a 400-metre walking distance from a public transit stop.

The full review of the Rymal Road Secondary Plan policies is attached as Appendix “D” to Report PED23206.

### **Glanbrook Zoning By-law No. 464**

The proposed Zoning By-law Amendment is for a change in zoning from the General Agricultural “A1” Zone to the Residential Multiple – Holding “H-RM2-328” Zone,

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 1898 and 1900 Rymal Road East, Glanbrook (PED23206) (Ward 9) - Page 9 of 10**

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Modified. The effect of this Zoning By-law Amendment will permit the development of eight, three storey townhouse dwellings and 11, two storey townhouse dwellings including 38 parking spaces and four visitor parking spaces inclusive of one barrier free. Modifications to the Residential Multiple “RM2” Zone are required to facilitate the development and are summarized in the modification chart in Appendix “E” attached to Report PED23206.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
  - (ii) It complies with the policies of the Urban Hamilton Official Plan and the Rymal Road Secondary Plan; and,
  - (iii) It is compatible with existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units, enhances the pedestrian environment along Rymal Road East, makes efficient use of existing infrastructure within the urban boundary, and supports public transit.
2. Zoning By-law Amendment

The Zoning By-law Amendment is to change the zoning to the Residential Multiple RM2-328” Zone, Modified, to permit the development of eight, three storey townhouse dwellings and 11, two storey townhouse dwellings including 38 parking spaces and four visitor parking spaces inclusive of one barrier free. The proposed Zone contains modifications to permit the development which are discussed in Appendix “E” to Report PED23206.

The subject lands will provide similar zoning standards as adjacent lands to help ensure compatibility in terms of built form, massing, height, setbacks and building separation. The proposal contributes to a complete community by providing additional housing opportunities for the surrounding established neighbourhood, provides a built form that is compatible with the scale and character of the area, and builds upon the established lot and block pattern and built form of the existing residential neighbourhood. The proposed Zoning By-law Amendment complies with the “Low Density Residential 2h” designation of the Rymal Road

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1898 and 1900 Rymal Road East, Glanbrook (PED23206) (Ward 9) -  
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Secondary Plan and applicable intensification policies of the Urban Hamilton Official Plan as outlined in Appendix “D” attached to Report PED23206.

Therefore, staff support the proposed amendment to the Zoning By-law.

3. Holding ‘H’ Provisions are proposed to be added to the subject lands for the purpose of requiring the submission of: Transportation Impact Study, a Watermain Hydraulic Analysis, and a Tree Protection Plan (and review fee), along with written confirmation, from abutting landowners, for permission to encroach into the dripline of Trees A, B, C, H and P. Upon submission and approval of the above noted plans and studies, the Holding Provision can be lifted.

### **ALTERNATIVES FOR CONSIDERATION**

Should the application be denied, the subject property can be used in accordance with the General Agricultural “A1” Zone in the Glanbrook Zoning By-law No. 464.

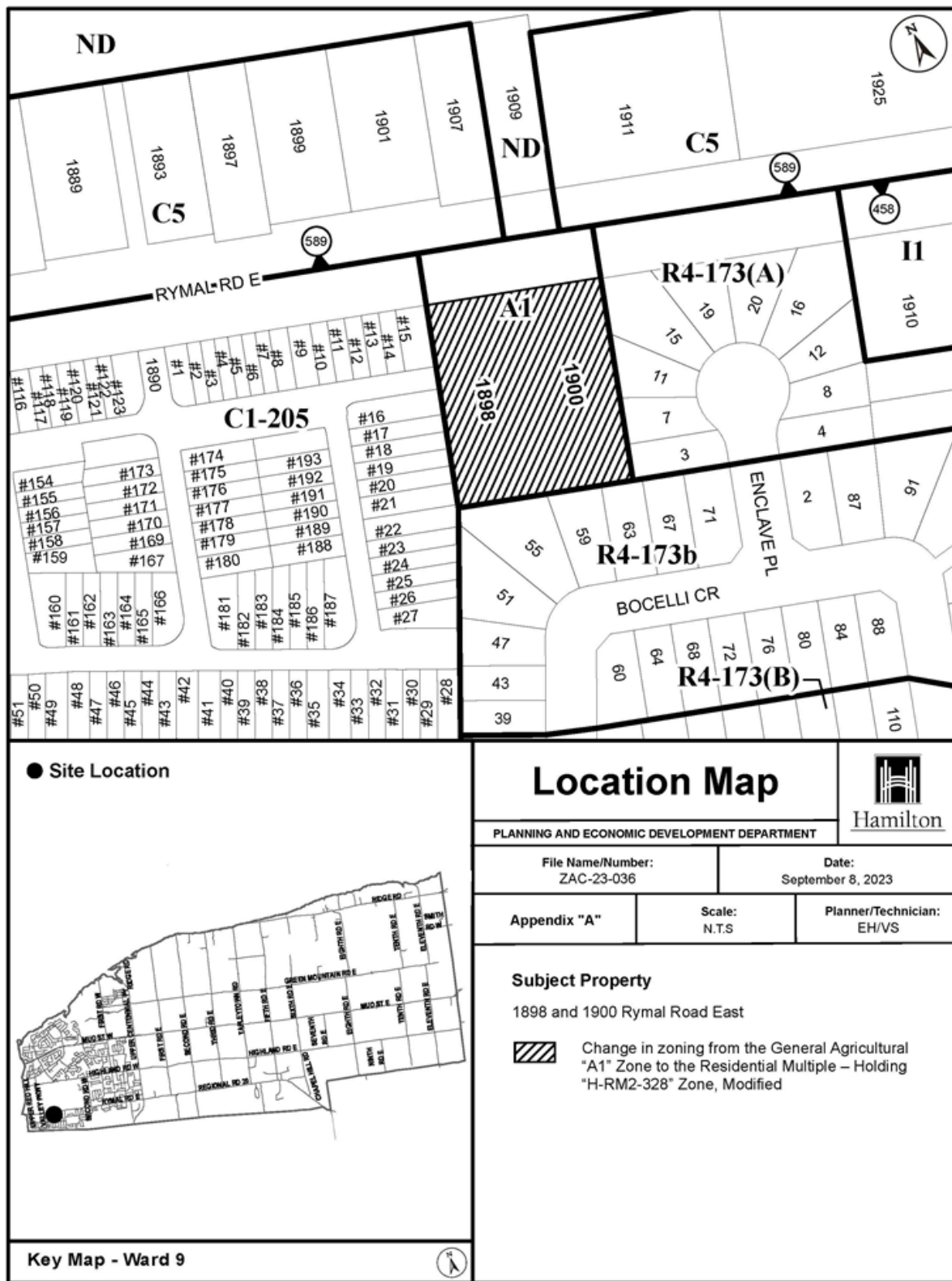
### **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED23206 – Location Map  
 Appendix “B” to Report PED23206 – Zoning By-law Amendment  
 Appendix “C” to Report PED23206 – Concept Plan  
 Appendix “D” to Report PED23206 – Official Plan Policy Review  
 Appendix “E” to Report PED23206 – Zoning Modification Chart  
 Appendix “F” to Report PED23206 – Department and Agency Comments  
 Appendix “G” to Report PED23206 – Public Comments

MF:sd

## Appendix "A" to Report PED23206

Page 1 of 1



**Appendix “B” to Report PED23206****Page 1 of 5**

**Authority:** Item ,  
Report (PED23206)  
CM:  
Ward: 9

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

**To Amend Zoning By-law No. 464 (Glanbrook)  
Respecting Lands Located at 1898 and 1900 Rymal Road East**

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

**AND WHEREAS** the City of Hamilton is the lawful successor to certain area municipalities, including the former area municipality known as “The Corporation of the Township of Glanbrook” and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

**AND WHEREAS** the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** Zoning By-law No. 464 (Glanbrook) was enacted on the 16<sup>th</sup> day of March, 1992, and approved by the Ontario Land Tribunal on the 31<sup>st</sup> day of May 1993;

**AND WHEREAS** Council, in adopting Item X of Report 23-\_\_\_ of the Planning Committee at its meeting held on the XX day of XXX 2023, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided; and,

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan.

**NOW THEREFORE** the Council of the City of Hamilton amends Zoning By-law No. 464 (Glanbrook) as follows:

1. That Schedule “H”, appended to and forming part of By-law No. 464 (Glanbrook), be amended as follows:
  - (a) by changing the zoning from General Agricultural “A1” Zone to Residential Multiple – Holding “H-RM2-328” Zone, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.
2. That SECTION 44: EXCEPTIONS TO THE PROVISIONS OF THIS BY-LAW, be amended by adding the following exceptions:

**“H-RM2-328 1898 and 1900 Rymal Road East**



**Appendix “B” to Report PED23206****Page 2 of 5**

Notwithstanding SECTION 18: RESIDENTIAL MULTIPLE “RM2” ZONE, Subsection 18.1 - PERMITTED USES, the uses permitted on lands zoned “RM2-328” shall be limited to:

- (a) Street Townhouse Dwelling which includes but not limited to individual townhouse lots having frontage on or otherwise tied to a public road or condominium road;
- (b) Uses, buildings and structures accessory to the uses described in Paragraphs (a).

Notwithstanding the regulations of Zoning By-law No. 464, is further amended by modifying SECTION 18.2 – REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 18.1 (STREET TOWNHOUSE DWELLINGS), provisions (a), (b), (c), (d), (e)(ii), (f), (i), and (k)(ii):

18.2 (a) Minimum Lot Frontage: .....5.9 metres per dwelling unit

- (i) For a dwelling end unit which does not abut a flanking street, the minimum lot frontage shall be 6.5 metres; and,
- (ii) On a corner lot, the minimum lot frontage for an end dwelling unit adjacent to the flanking street shall be 6.5 metres

(b) Minimum Lot Area: .....130 square metres  
per dwelling unit, except:

- (i) On an end lot which does not abut a flanking street, the minimum lot area shall be 175 square metres; and
- (ii) On a corner lot which abuts a flanking street, the minimum lot area shall be 165 square metres.

(c) Maximum Lot Coverage: .....55 percent

(d) Minimum Front Yard:

- (i) 4.0 metres, except a garage that faces a front lot line shall have a minimum front yard setback of 6.0 metres; and,
- (ii) Notwithstanding (d) (i) of this by-law, a minimum 1.65 metres for a corner lot except a garage that faces a front lot line shall have a minimum front yard setback of 6.0 metres.

(e) Minimum Side Yard:

- (ii) End dwelling unit on a corner lot abutting a

**Appendix “B” to Report PED23206****Page 3 of 5**

- flanking street .....0.7 metres
- (f) Minimum Rear Yard: .....6.0 metres
- (i) Minimum Landscape Area: ..... 20 percent  
of the lot area
- (h) Maximum Height: ..... 10.7 metres
- (i) Notwithstanding (h) of this by-law, townhouse units located along the frontage of Rymal Road East to a depth of 30 metres shall be permitted a maximum height of 11.6 metres.
- (k) Dwelling Unit Placement
- (ii) Not more than eight (8) attached dwelling units shall be erected in a row without offsetting or staggering the front face or wall of the dwelling or without varying the exterior design and materials of the front face or wall of the dwelling.

That for the purposes of this By-law, the following definitions shall apply:

- (a) Notwithstanding Section 4 - Definition as it relates to “Lot”, individual dwelling unit lots may be created by registration of a condominium plan or created by Part Lot Control or Draft Plan of Subdivision and shall be permitted to front on a private condominium road other than a street.

Notwithstanding the regulations of SECTION 7: GENERAL PROVISIONS FOR ALL ZONES, Sub-section 7.26 ENCROACHMENT INTO YARDS – Clause (b) the following special provision shall apply:

- (b) Balconies, canopies, fruit cellars or unenclosed porches which may project into any required front or rear yard a distance of not more than 3.0 metres.

3. The "H" symbol may be removed by a further amendment to this By-law at such time as the following matter is satisfied:
- i. That the owner submits and receives approval of a Transportation Impact Study to the satisfaction of the Manager, Transportation Planning;
  - ii. That the Owner submits and receives approval of a Watermain Hydraulic Analysis, to the satisfaction of the Director of Growth Management and Chief Development Engineer;
  - iii. That the Owner submits a revised Tree Protection Plan addressing the protection of the trees and finalizes the justification for the removal of the identified trees, including submission of written confirmation from the abutting owners 55 and 63 Bocelli Crescent and 11 Enclave Place for permission to encroach into the dripline of “Tree A, B, C, H and P”, to the satisfaction of the

**Appendix “B” to Report PED23206****Page 4 of 5**

Director of Planning and Chief Planner. The resubmission is to include the applicable Tree Protection Plan review fee payable to the City of Hamilton.

4. 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 Residential Multiple “H-RM2-328” Zone provisions, subject to the special requirements as referred to in Section 2, 3 and 4 of this By-law.
5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

**PASSED and ENACTED** this            day of            , 20            .

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A. Horwath  
Mayor

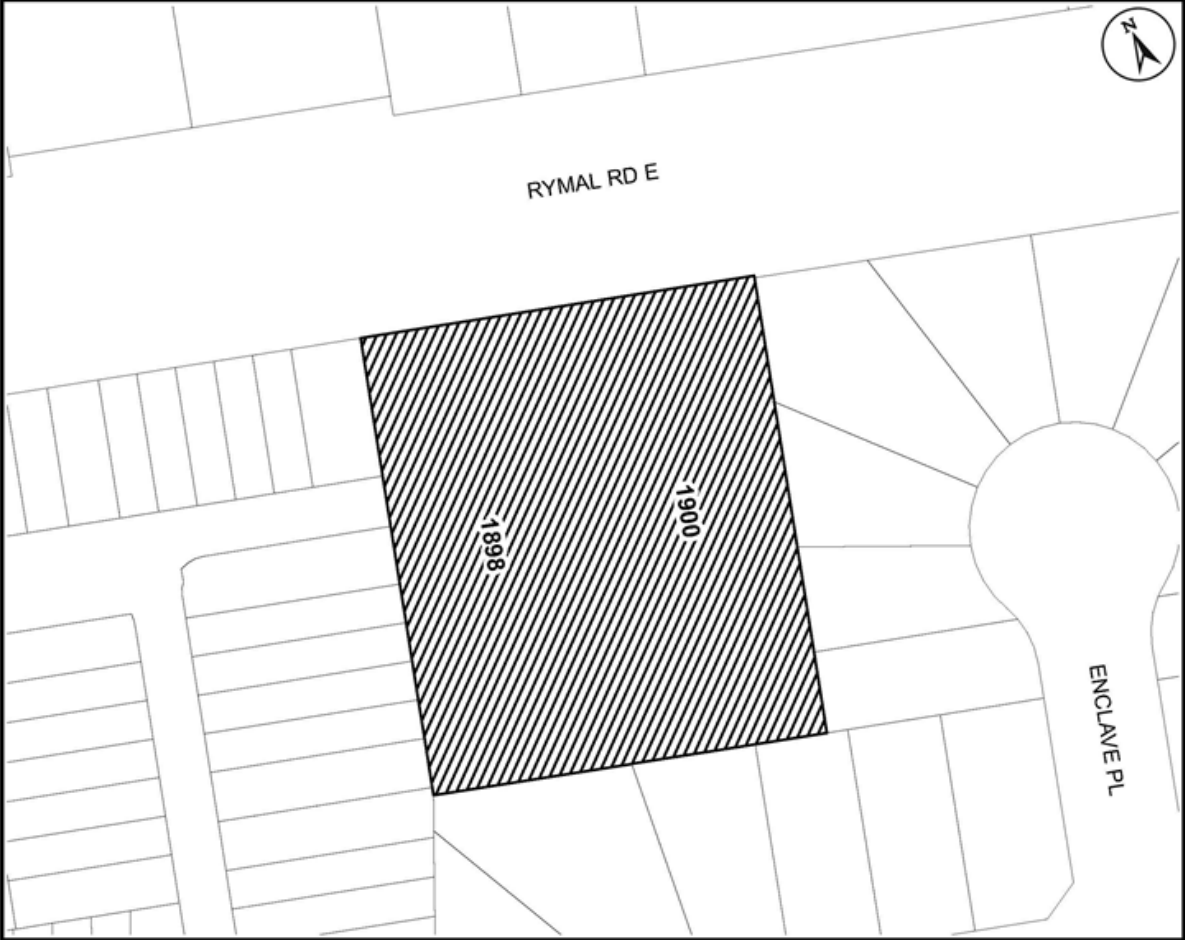


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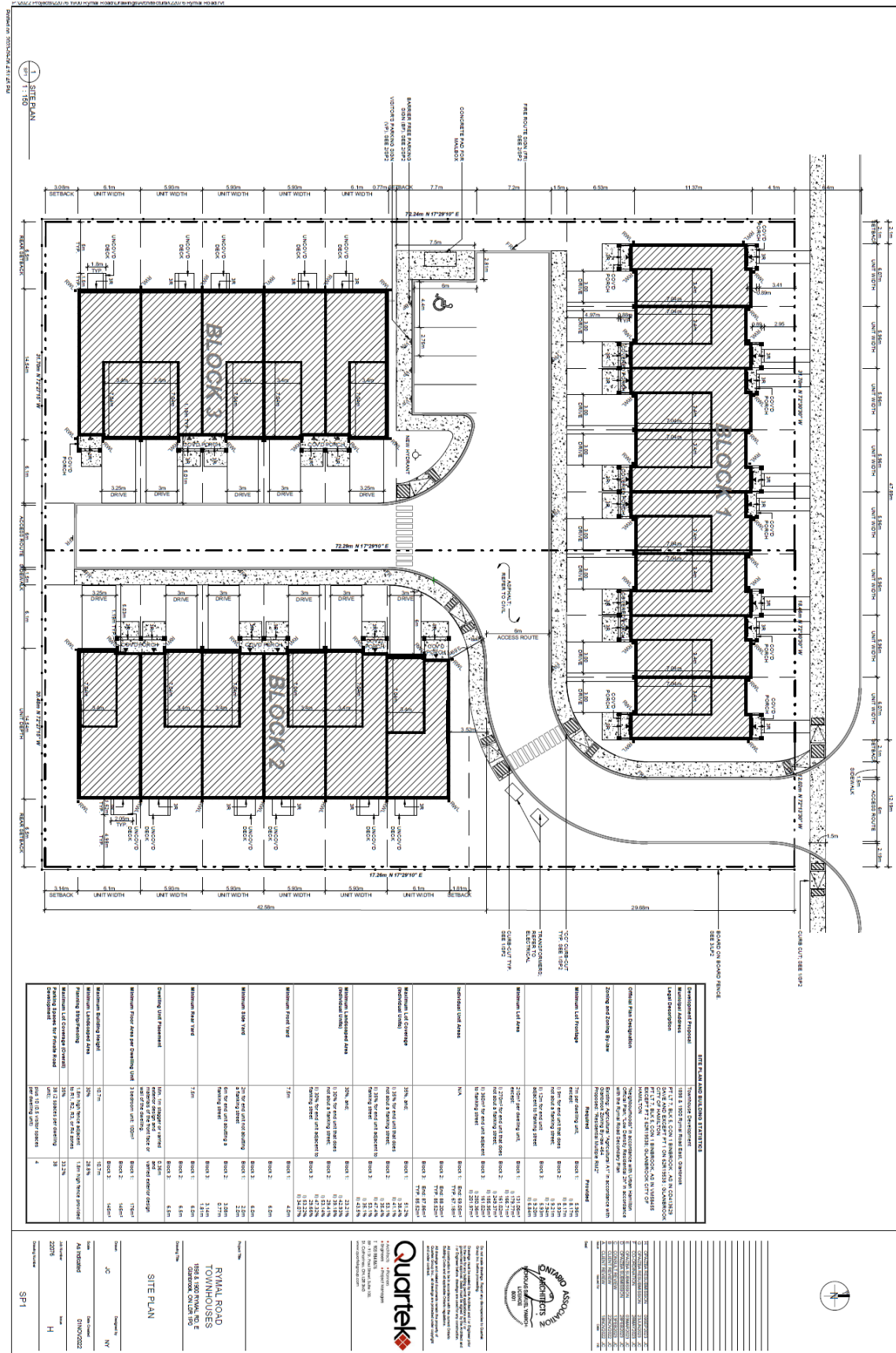
J. Pilon  
Acting City Clerk

ZAC-23-036

## Appendix "B" to Report PED23206

Page 5 of 5

	
<p>This is Schedule "A" to By-law No. 23-</p> <p>Passed the ..... day of ....., 2023</p>	<p>-----</p> <p>Mayor</p> <p>-----</p> <p>Clerk</p>
<p><b>Schedule "A"</b></p> <p><b>Map forming Part of</b></p> <p><b>By-law No. 23-_____</b></p> <p><b>to Amend By-law No. 6593</b></p>	
<p><b>Subject Property</b></p> <p>1898 and 1900 Rymal Road East</p> <p> Change in zoning from the General Agricultural "A1" Zone to the Residential Multiple – Holding "H-RM2-328" Zone, Modified</p>	
<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-23-036</p>
<p>Date: September 8, 2023</p>	<p>Planner/Technician: MF/AL</p>
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	
	

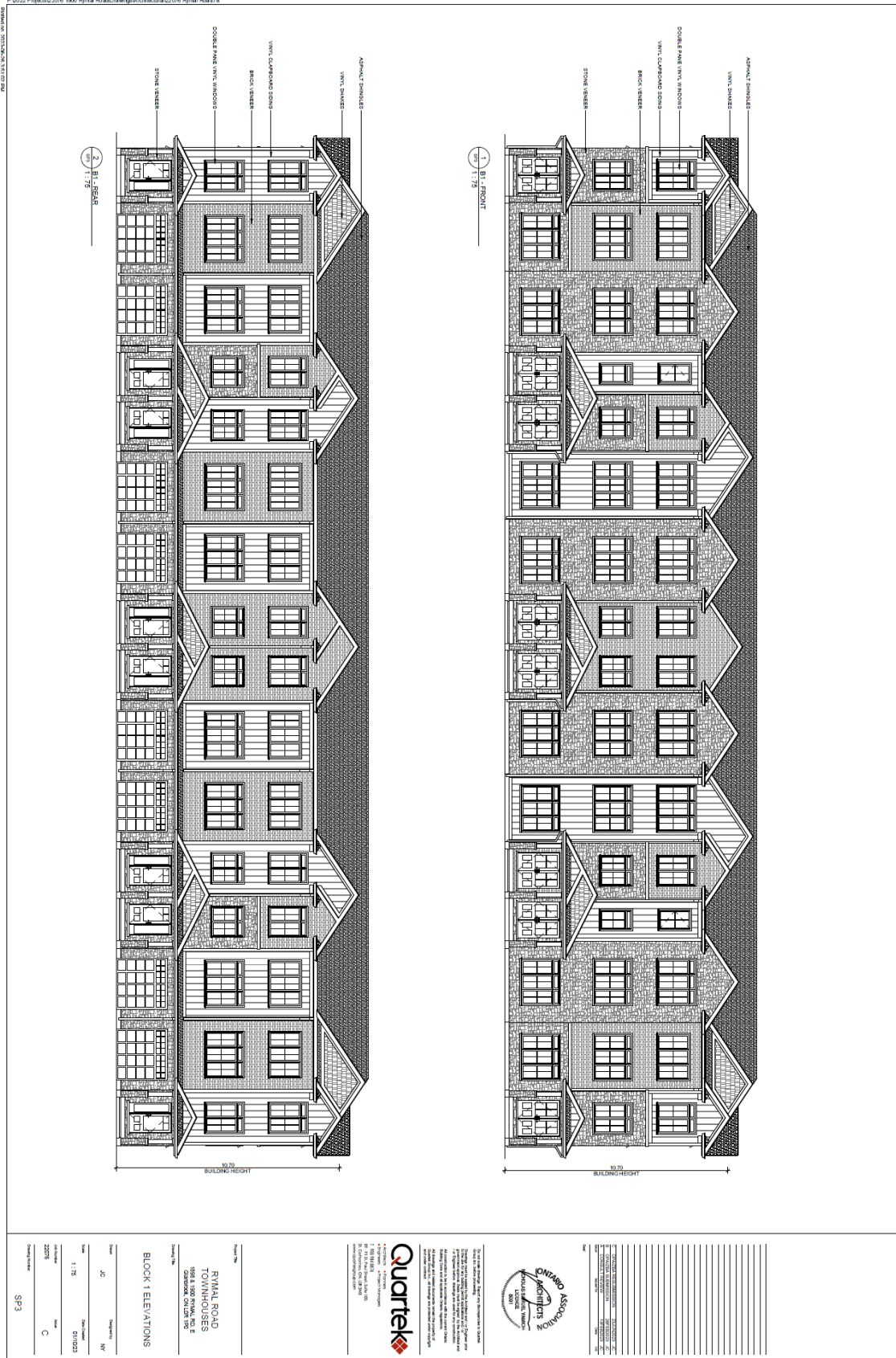


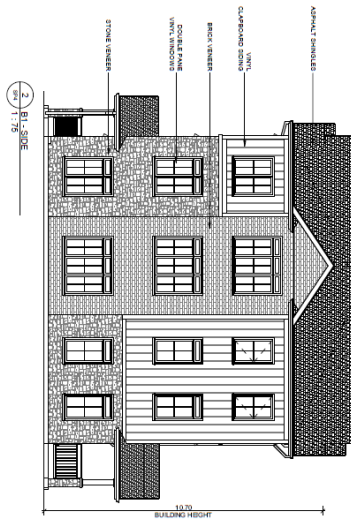


**Appendix “C” to Report PED23206**

**Page 2 of 6**

Appendix "C" to Report PED23206



[illegible][illegible]

**Project Title**

**RYMAL ROAD  
TOWNHOUSES**

1598 & 1500 RYMAL RD. E  
CAMBRIDGE, ON L0R 1P0

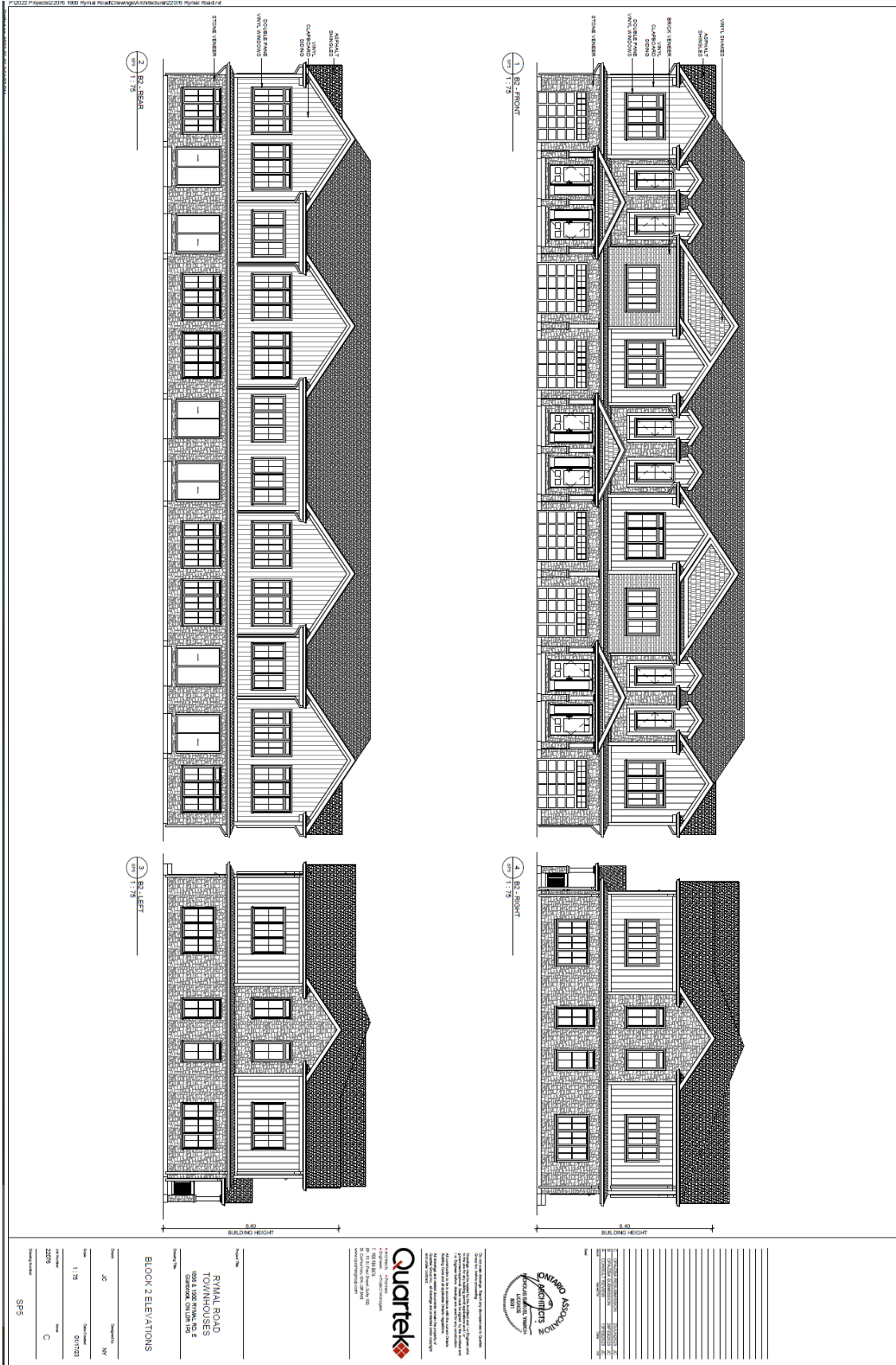
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**Drawing Title**

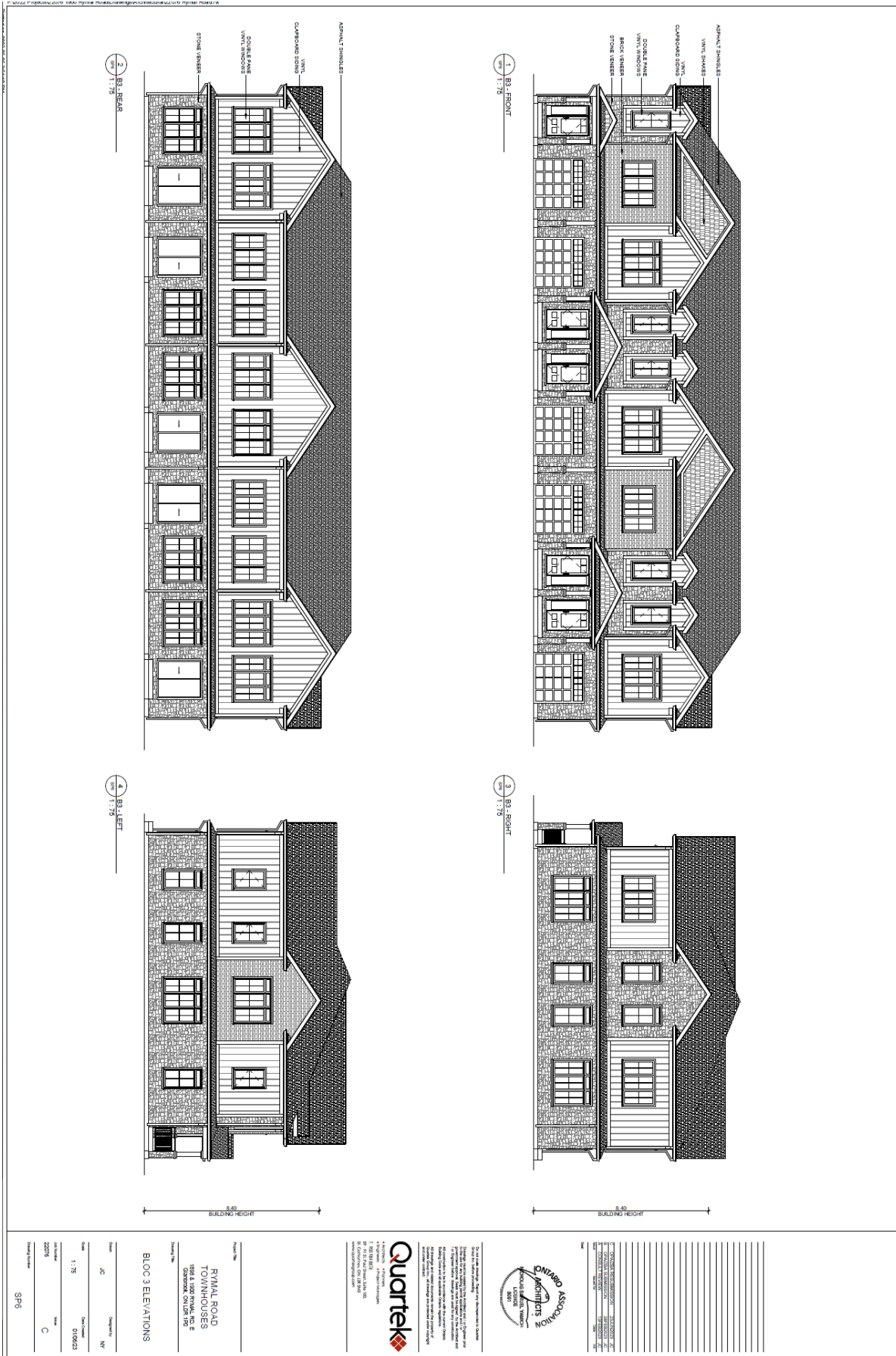
## BLOCK 1 ELEVATIONS

Division	JC	Designed by	NY
Code	1 : 75	Date Created	01/10/23
JOB Number	22076	Name	C
Drawing Number			

Appendix "C" to Report PED23206



Appendix "C" to Report PED23206





**Appendix “D” to Report PED23206**  
**Page 1 of 5**

## SUMMARY OF URBAN HAMILTON OFFICIAL PLAN POLICIES

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

Theme and Official Plan Policy	Summary of Issue	Staff Response
<p><b>Trees</b></p> <p>Policy C.2.11.1:</p>	<p>Unable to determine compliance at this time.</p> <p>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.</p>	<p>Trees have been identified within the subject property and are proposed to be removed as part of the development. A total of 30 of the 37 trees on site are proposed to be removed with nine of these trees in fair condition and 21 trees in good condition according to the Tree Inventory and Preservation Plan by Kuntz Forestry Consulting Inc. dated February 21, 2023. Tree preservation is a priority to conserve the existing tree canopy, however due to the location of the majority of trees being centrally located, opportunities to retain trees on the subject lands are limited due to the health of some of the trees and their location on the subject lands and the proposed development concept. Further revisions are being requested for review of perimeter trees in good condition.</p> <p>Where it is not possible to accommodate replanting on the subject lands, cash in lieu payments are to be made.</p>

**Appendix “D” to Report PED23206**  
**Page 2 of 5**

Theme and Official Plan Policy	Summary of Issue	Staff Response
<b>Trees (Continued)</b>  Policy C.2.11.1:		A Holding Provision has been included in the draft Zoning By-law Amendment, attached as Appendix “B” to Report PED23206, to ensure permission from adjacent property owners are received for potential injuring of tree root system and to confirm if additional tree preservation could be achieved. Further evaluation of the Tree Protection Plan and Landscape Plan will be required as part of the Site Plan Control process with a 1 to 1 compensation required for any trees proposed to be removed.
<b>Transportation</b>  Policy C.4.5.12:	Unable to determine compliance at this time.  A transportation impact study shall be required for a major rezoning application.	A Holding Provision has been added to the draft Zoning By-law Amendment, attached as Appendix “B” to Report PED23206, for review and approval of a Transportation Impact Study. The Transportation Consultant is to provide a proposed scope for review and approval by Transportation Planning prior to commencement of the study.
Policy C.4.5.2	The proposal complies with this policy.  The road network shall be planned and implemented according to the functional classifications and right-of-way-widths for a Major Arterial roadway (36.576 m).	The proposal as shown on the Concept Plan demonstrates the property depth consistent with deposited Reference Plan 62R-19512. The road right-of-way dedication to the City will be addressed at the future Site Plan Control application stage.

**Appendix “D” to Report PED23206**  
**Page 3 of 5**

Theme and Official Plan Policy	Summary of Issue	Staff Response
<b>Infrastructure</b>  Policy C.5.3.6:	<p>Unable to determine compliance at this time.</p> <p>All redevelopment within the urban area shall be connected to the City’s water and wastewater system.</p>	<p>The proposed development has municipal water and wastewater infrastructure available. A Holding Provision has been added to the draft Zoning By-law Amendment, attached as Appendix “B” to Report PED23206, for the requirement of a Watermain Hydraulic Analysis that demonstrates the required domestic water and fire flows are available within the appropriate pressure ranges and that the impact of this development on the surrounding pressure district is not adverse.</p>
<b>Noise</b>  Policy B.3.6.3.1	<p>The proposal complies with this policy.</p> <p>Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.</p>	<p>The noise study titled “Noise Impact Study, 1898 and 1900 Rymal Road East – Townhouse Development”, prepared by J.E Coulter Associates Limited and dated June 28, 2023, was reviewed by staff.</p> <p>Due to the predicted Rymal Road East noise levels identified in the report, mitigation measures as well as warning clauses will be required to ensure noise attenuation can be achieved through building design material.</p>

**Appendix “D” to Report PED23206****Page 4 of 5**

<b>Theme and Official Plan Policy</b>	<b>Summary of Issue</b>	<b>Staff Response</b>
<b>Noise (Continued)</b>  Policy B.3.6.3.1		Staff will require an addendum to the Noise Impact Study as a condition of the future Site Plan Control application to confirm Sound Transmission Class rating requirements based on floor plans and exterior wall design and ensure the appropriate noise warning clauses are implemented in the appropriate agreements.
<b>Residential Intensification</b>  Policy B.2.4.1.1	The proposal complies with this policy.  Residential Intensification is encouraged throughout the entire built-up area.	The proposal complies with this policy as the subject lands are located within the built-up area.
<b>Residential Intensification Evaluation</b>  Policy: B.2.4.1.4	The proposal complies with this policy.  Proposals are evaluated based on how it builds upon desirable established patterns and built form and requires an evaluation of compatible integration with the surrounding area in terms of use, scale, form and character. This policy also considers evaluating the proposal against the Urban Structure (Schedule E of the Urban Hamilton Official Plan) to ensure that the overall structure goals of the Urban Hamilton Official Plan are also achieved.	The proposed use is compatible with and respects the existing surrounding built form which includes two and three storey townhouses and one and two storey single detached dwellings while intensifying the use of the lands by introducing townhouses and adding to the housing supply.
<b>Rymal Road Secondary Plan</b>		
<b>Policy Goals</b>  Policy 5.2.2.2	The proposal complies with this policy.  Neighbourhoods shall function as complete communities with access to community and institutional uses. As well, design elements such as back lotting and the protrusion of garages with direct access along Rymal Road are discouraged.	The proposal contributes to a additional housing stock within proximity of community and institutional uses while being within 400 metres (±345 metres) of public transit. The townhouses will be accessed by one driveway internal to the subject lands.

**Appendix “D” to Report PED23206****Page 5 of 5**

Theme and Official Plan Policy	Summary of Issue	Staff Response
<b>Low Density Residential 2h</b>  Policy E.3.10.1	The proposal complies with this policy.  Residential uses shall be low rise apartments (up to three storeys) single detached dwellings, multiple attached dwelling unit types including street and block townhouse dwellings, and/or other forms of multiple dwellings such as semi-detached, duplexes, triplexes, stacked townhouses and low rise apartment buildings with density range shall be from 24 to 50 units per net residential hectare.	The proposed use is permitted and with a density of 42 units per hectare, is within the density range permitted.



### Site Specific Modifications to the Residential Multiple RM2-328

Regulation	Required	Modification	Analysis
Definition: “Lot”	<p>Means a parcel or tract or land having within the boundaries of a Zone sufficient lot frontage, lot depth and lot area to satisfy the applicable requirements of the Zone within which it is located, and:</p> <p>(a)(i) Is a whole lot as shown on a Registered Plan of Subdivision, except a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision in a By-law passed pursuant to Section 50 of the Planning Act, being Chapter P.13 of the Revised Statutes of Ontario, 1990, as amended from time to time; or</p>	Individual dwelling unit lots may be created by registration of a condominium plan or created by Part Lot Control or Draft Plan of Subdivision and shall be permitted to front on a private condominium road other than a street.	<p>The modification has been included by staff and represents a technical modification to permit townhouses on a condominium road. The modification is required to permit street townhouses prior to individual lots being created through approved Draft Plan of Subdivision and Part lot Control applications.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
Per-mitted Uses 18.1	<p>(a) One (1) Street Townhouse Dwelling per lot, and</p> <p>(b) Uses, buildings and structures accessory to the use permitted under Paragraph (a) of this Subsection.</p>	<p>(a) Street Townhouse Dwelling which includes but not limited to individual townhouse lots having frontage on or otherwise tied to a public road or condominium road;</p> <p>(b) Uses, buildings and structures accessory to the uses described in Paragraphs (a).</p>	<p>The modification has been included by staff and represents a technical modification to permit townhouses on a condominium road. The modification is required to permit street townhouses prior to individual lots being created through approved Draft Plan of Subdivision and Part lot Control applications.</p> <p>Therefore, staff supports this modification.</p>
Minimum Lot Frontage 18.2.(a)	7 metres.	<p>5.9 metres per dwelling unit</p> <p>(i) For a dwelling end unit which does not abut a flanking street, the minimum lot frontage shall be 6.5 metres; and,</p> <p>(ii) On a corner lot, the minimum lot frontage for an end dwelling unit adjacent to the flanking street shall be 6.5 metres</p>	<p>The applicant is requesting a minor reduction of 1.9 metres. Staff are of the opinion the requested modification is minor and will provide adequate building envelopes, driveway widths for a parking space, and side yard setbacks, and are considered a sufficient width to maintain good engineering practices.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
<p>Minimum Lot Area</p> <p>18.2 (b)</p>	<p>210 square metres (2,300 square feet) per dwelling unit, except:</p> <p>(i) On an end lot which does not abut a flanking street, the minimum lot area shall be 270 square metres (2,900 square feet); and,</p> <p>(ii) On a corner lot which abuts a flanking street, the minimum lot area shall be 360 square metres (3,875 square feet).</p>	<p>130 square metres per dwelling unit, except:</p> <p>(i) On an end lot which does not abut a flanking street, the minimum lot area shall be 175 square metres; and,</p> <p>(ii) On a corner lot which abuts a flanking street, the minimum lot area shall be 165 square metres.</p>	<p>The proposed modification will allow for a compact development that will provide an appropriate density, while maintaining efficient built form compatible with the existing lot fabric in the area and ensuring adequate parking and amenity areas.</p> <p>Therefore, staff supports this modification.</p>
<p>Maximum Lot Coverage</p> <p>18.2 (c)</p>	<p>35 percent</p>	<p>55 percent</p>	<p>The intent of the maximum lot coverage regulation is to provide enough area for stormwater infiltration and landscape amenity opportunities. Staff are of the opinion that the intention of the regulation is being achieved as the increase is minor and will allow the proponent to address SWM control. The increase in coverage is due to the coverage being calculated per individual lot in which the rear lane three storey townhouse units have a greater lot coverage. The proposal will maintain an overall lot coverage of 33.2 percent and meets the minimum requirement for amenity area, allowing for appropriate landscape amenity opportunities.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
Minimum Front Yard 18.2 (d)	7.5 metres.	(i) 4.0 metres, except a garage that faces a front lot line shall have a minimum front yard setback of 6.0 metres; and, (ii) Notwithstanding (d) (i) of this by-law, a minimum 1.65 metres for a corner lot except a garage that faces a front lot line shall have a minimum front yard setback of 6.0 metres	The front yard setback will allow for better articulation of the front elevations of the townhouse dwellings and requiring garages be setback. In addition, the reduction will activate the streetscape along Rymal Road East and provide cohesive transition to the townhouse to the west of the subject lands. In addition, the further reduction to 1.65 metres for corner units is a technical amendment as this is due to the curb radii of the private condominium road.  Therefore, staff supports this modification.
Minimum Side Yard 18.2.(e)(ii)	End dwelling unit on a corner lot abutting a flanking street 6.0 metres.	0.7 metres.	The reduction is to the end unit which abuts an internal sidewalk adjacent to visitor parking spaces. The reduction is only to one unit within the development and will be screened by plantings.  Therefore, staff supports this modification.
Minimum Rear Yard 18.2.(f)	7.5 metres.	6.0 metres.	Staff note that the intent of the Minimum Rear Yard is to provide for an appropriate private amenity outdoor living area and setback from adjacent land uses. Staff support the reduced setback as there will be sufficient outdoor private amenity area.  Therefore, staff supports this modification.

Regulation	Required	Modification	Analysis
Minimum Landscape Area  18.2 (i)	30 percent of the lot area.	20 percent of the lot area.	<p>The intent of the Minimum Landscape Open Space provision is to ensure that adequate landscaping and permeable surfaces are provided to create and maintain a consistent streetscape, provide amenity area and for drainage purposes. The increase in coverage is due to the coverage being calculated per individual lot. The proposed modification is minor in nature will allow for appropriate plantings and drainage to occur. The applicant will be encouraged to incorporate Low Impact Development (LID) measures within the hardscaped areas at the Site Plan Control stage to further improve permeability on the site.</p> <p>Therefore, staff supports this modification.</p>
Maximum Building Height  18.2 (h)	10.7 metres.	11.6 metres.	<p>The proposed increase in height is to accommodate three storey townhouses along Rymal Road East and the remainder of the subject lands will be subject to the existing 10.7 metre height provision. The modification is minor and will allow for compatible design achieved through architectural massing, height, scale and landscaping.</p> <p>The increase in height will not result in any potential shadowing or overlook issues onto abutting properties and proposed townhouses are consistent with the existing townhouses fronting on Rymal Road East to the west of the subject lands.</p> <p>Therefore, staff supports this modification.</p>
Dwelling Unit Placement  18.2 (k) (ii)	Not more than four (4) attached dwelling units shall be erected in a row without offsetting or staggering the front	Not more than eight (8) attached dwelling units shall be erected in a row without offsetting or	<p>This modification is required to allow flexibility with the articulation of the front facades by specifically allowing flexibility to the units along Rymal Road East with rear lane driveway access.</p>



Regulation	Required	Modification	Analysis
	face or wall of the dwelling.	staggering the front face or wall of the dwelling.	Therefore, staff support this modification.
Encroachment Into Yards, 7.26 (b)	Balconies, canopies, fruit cellars or unenclosed porches which may project into any required front or rear yard a distance of not more than 1.5 metres (5 feet), or into any minimum side yard a distance of not more than 0.5 metres (1.6 feet).	Balconies, canopies, fruit cellars or unenclosed porches which may project into any required front or rear yard a distance of not more than 3 metres.	The applicant is requesting a minor increase of 1.5 metres to allow for articulation along the front façade. The modification, while resulting in a minor increase, and will provide adequate separation from the street edge.  Therefore, staff supports this modification.

**Appendix “F” to Report PED23206**  
**Page 1 of 3**

**CONSULTATION – DEPARTMENTS AND AGENCIES**

	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	Development Engineering Approvals Section supports the Zoning By-law Amendment application with the inclusion of a Holding Provision.	A Holding Provision has been added to the draft Zoning By-law Amendment, attached as Appendix “B” to Report PED23206, requiring a Watermain Hydraulic Analysis that demonstrates the required domestic water and fire flows are available within the appropriate pressure ranges and that the impact of this development on the surrounding pressure district is not adverse.
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<p>A Transportation Impact Study is to be submitted. The Transportation Consultant is to provide a proposed scope for review and approval by Transportation Planning prior to the commencement of the study.</p> <p>Transportation Planning requested additional information regarding detailed design to be addressed through the Site Plan Control application.</p>	<p>A Holding Provision has been added to the draft Zoning By-law Amendment, attached as Appendix “B” to Report PED23206, for a Transportation Impact Study.</p> <p>Additional detailed design comments will be addressed through the Site Plan Control application.</p>

## Appendix "F" to Report PED23206

## Page 2 of 3

	Comment	Staff Response
Waste Policy and Planning Section, Waste Management Division, Public Works Department	Proposal was reviewed for municipal waste collection service, and as currently designed this development is not serviceable for municipal collections as continuous forward motion and "T" turnaround area do not meet current City standards.	Further review to determine if municipal waste collection service will occur through the future Site Plan Control application. If an appropriate design cannot be achieved private waste collection services will be required.
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	Forestry does not have concerns with the Tree Management Plan as there are no trees within the municipal right-of-way. Further revisions to the Landscape Plan for trees to be included within the municipal right-of-way will be addressed through the Site Plan Control application.	Through the Site Plan Control application revisions will be required to the Landscape Plan.
Legislative Approvals, Growth Management Plan, Planning and Economic Development Department	The Owner and Agent should be made aware that the municipal address for the proposed development will be determined after conditional Site Plan approval is granted.	Noted.
Development Charges, Programs and Policies Corporate Services	Municipal charges will apply for 1898 and 1900 Rymal Road East, Glanbrook under the By-Laws 14-035 and 16-245. The total payable for each property is as follows: <ul style="list-style-type: none"> <li>• 1898 Rymal Road East: \$12,292.54</li> <li>• 1900 Rymal Road East: \$12,292.54</li> </ul>	Noted, municipal fee charges will be collected through conditions at the future Site Plan Control application stage.

## Appendix "F" to Report PED23206

Page 3 of 3

	Comment	Staff Response
Hamilton Conservation Authority	<p>Hamilton Conservation Authority has no objection to the Zoning By-law Amendment.</p> <p>The site is regulated by the Hamilton Conservation Authority under Ontario Regulation 161/06 (Hamilton Conservation Authority's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) made under the <i>Conservation Authorities Act</i>, R.S.O. 1990 due to proximity to the Eramosa Karst Earth Science Area of Natural and Scientific Interest. Therefore, written permission (Letter of Permission) from Hamilton Conservation Authority will be required for the proposed new development.</p> <p>The site is located just to the south of the Eramosa Karst Conservation Area, which is owned by Hamilton Conservation Authority. Staff have reviewed the Landscape Plan and would recommend avoiding invasive species that could easily travel by seed and spread to the adjacent Conservation Area. HCA suggests revising the Landscape Plan to remove the invasive plants from the planting list.</p>	<p>Noted, HCA staff will be circulated with the future Site Plan Control application to ensure Letter of Permission is issued and native plant species are provided.</p>

**Appendix “G” to Report PED23206****Page 1 of 9****Summary of Public Comments Received**

<b>Comment Received</b>	<b>Staff Response</b>
Height and that the development should not impact existing adjacent residential properties.	<p>The applicant took the comments and concerns raised at the open house and modified the proposal to include both three storey townhouses along Rymal Road East and two storey townhouses internal to the subject lands and abutting existing residential properties.</p> <p>The proposal complies with the policies of the Urban Hamilton Official Plan relating to built form, scale, intensity and character of the area given the location of the subject lands along a major arterial road.</p>



## Appendix "G" to Report PED23206

Page 2 of 9

**From:**  
**To:** [Florino, Michael](#)  
**Subject:** Proposed Development Rymal Rd E (File #: ZAC-23-036)  
**Date:** Monday, August 14, 2023 4:53:09 PM  
**Attachments:** [1890 Rymal Rd Plans.pdf](#)

---

Hello Michael,  
Hope all is well.

Regarding the proposed development at 1898 and 1900 Rymal Rd E, I would like to bring to your attention the following notes:

- Notices from Weston Consulting were delivered with minimum clarity and were not easy to understand the exact location of the subject property in relation to our location. Also, many neighbors (including myself) did not receive the notice and were informed of this by our neighbor.
- During the planning phase for the development at 1890 Rymal Rd which is adjacent to the existing residential properties, Branthaven (the builder responsible) proposed building 2 storey townhomes for all areas of the development which faced/backed onto existing townhomes on Hannon Cres, and detached homes on Enclave Pl and Bocelli Cres.
- For the portion of the development which was adjacent to the future development as well as the portion adjacent to Rymal Rd E, Branthaven built 3 storey townhomes.
- In total, the development included under 200 two storey and 3 storey townhome units.

The reason for this 2/3 storey placement from Branthaven was to ensure there was minimum impact to existing residential properties. Special emphasis was placed on minimizing potential negative impact in regard to sunlight/heat, privacy, resale value and noise disturbances.

Given the current socioeconomic circumstances, there is an irrefutable shortage of supply of residential properties. That being said, 18 units can still be built as proposed, however I ask that consideration be given to the impact to the existing residential communities that the proposal will have and in doing so, alter the plan to allow only 2 story homes be built in all areas of the development which face/back onto existing townhome communities. Doing so will be respectful of existing communities who have paid premiums for the private nature of the property. Alternatively, to consider the environment, Weston can propose to develop the subject property to accommodate a community park/playground for surrounding neighborhoods to enjoy together.

In summary, as residents of 1890 Rymal Rd E who will be impacted by the proposal to build on the subject property, we herewith request for the proposed townhouse development to be amended such that fair consideration be given to the impact to the existing adjacent residential communities by altering the plan to have only 2 storey homes built in all areas of the development which face/back onto existing adjacent townhome communities. I have also enclosed some supporting documentation with regard to the subject and adjacent properties for your review and consideration.

Thank you.  
*Warm Regards,*



## Notice of Public Consultation Meeting – Proposed Development

**When:** Thursday April 27, 2023 at 7:00pm-8:00pm (In-person only)

**Where:** Valley Park Community Centre, 970 Paramount Drive, Stoney Creek, ON L8J 1L8

**Why:** To seek resident feedback regarding a proposed townhouse development at 1898 and 1900 Rymal Road East.

*This Notice is being provided to residents within 200 metres of the subject property (1898 and 1900 Rymal Road East).*

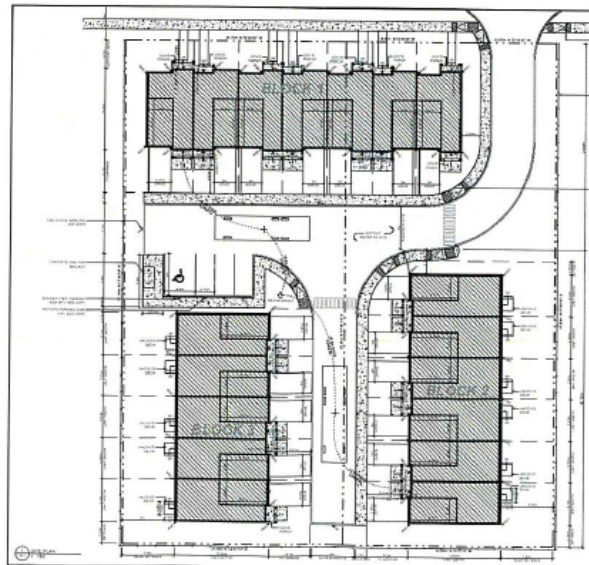
The purpose of the meeting is to provide you with information regarding the proposed townhouse development at 1898 and 1900 Rymal Road East and to provide a forum for residents to express their views. We encourage you to attend this meeting as your opinions would provide us with valuable input for the proposed development. A Complete Application Submission has not yet been submitted to the City for review.

### Proposed Development

The proposed development includes 18 three-storey townhouses with individual garages and driveways. The townhouses will be accessed via an internal private road, connecting to Rymal Road East.

- Applicant: 1900 Holdco Inc. c/o Weston Consulting
- Type of Development and Units: 18 Residential Townhouses
- Height: 3 Storeys (12.5 metres)
- Parking spaces: Two parking per unit, plus four Visitor Parking spaces

Proposed Site Plan



There is no requirement to RSVP or register for this in-person meeting. For any questions or comments, please feel free to reach out to the Planning Consultant for the agent (Weston Consulting c/o Kayly Robbins, [krobbins@westonconsulting.com](mailto:krobbins@westonconsulting.com)).



Appendix "G" to Report PED23206

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Property Report

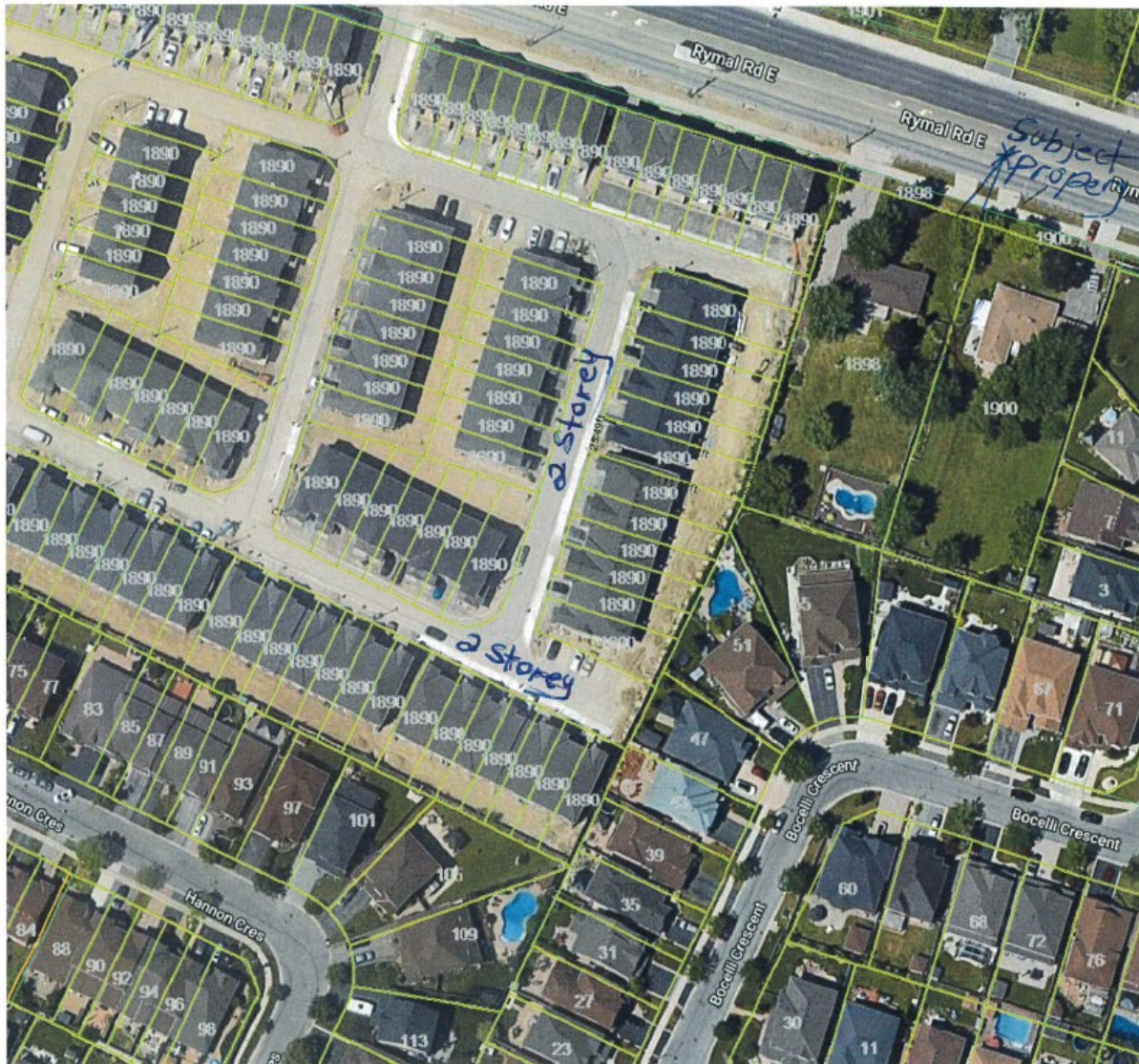
1890 Rymal Road East., Binbrook,  
PART BLOCK 112, PLAN 62M1050 DESIGNATED AS ...  
Property Report

Report a problem  
© 2023 Google - Images [www.google.com/maps](https://www.google.com/maps/@43.1511111, -79.7511111, 15z/data=!3m1!1e3!3m2!1s1890+Rymal+Road+East.,+Binbrook,+ON+L0R+1P0)



**Appendix "G" to Report PED23206**  
**Page 5 of 9****Assessment Property  
Information**

**Property Address:**  
1890 RYMAL RD E UNIT 21 HANNON ON L0R1P0  
**Unit Number:**  
21  
**Municipality:**  
HANNON  
**Property Type:**  
RESIDENTIAL



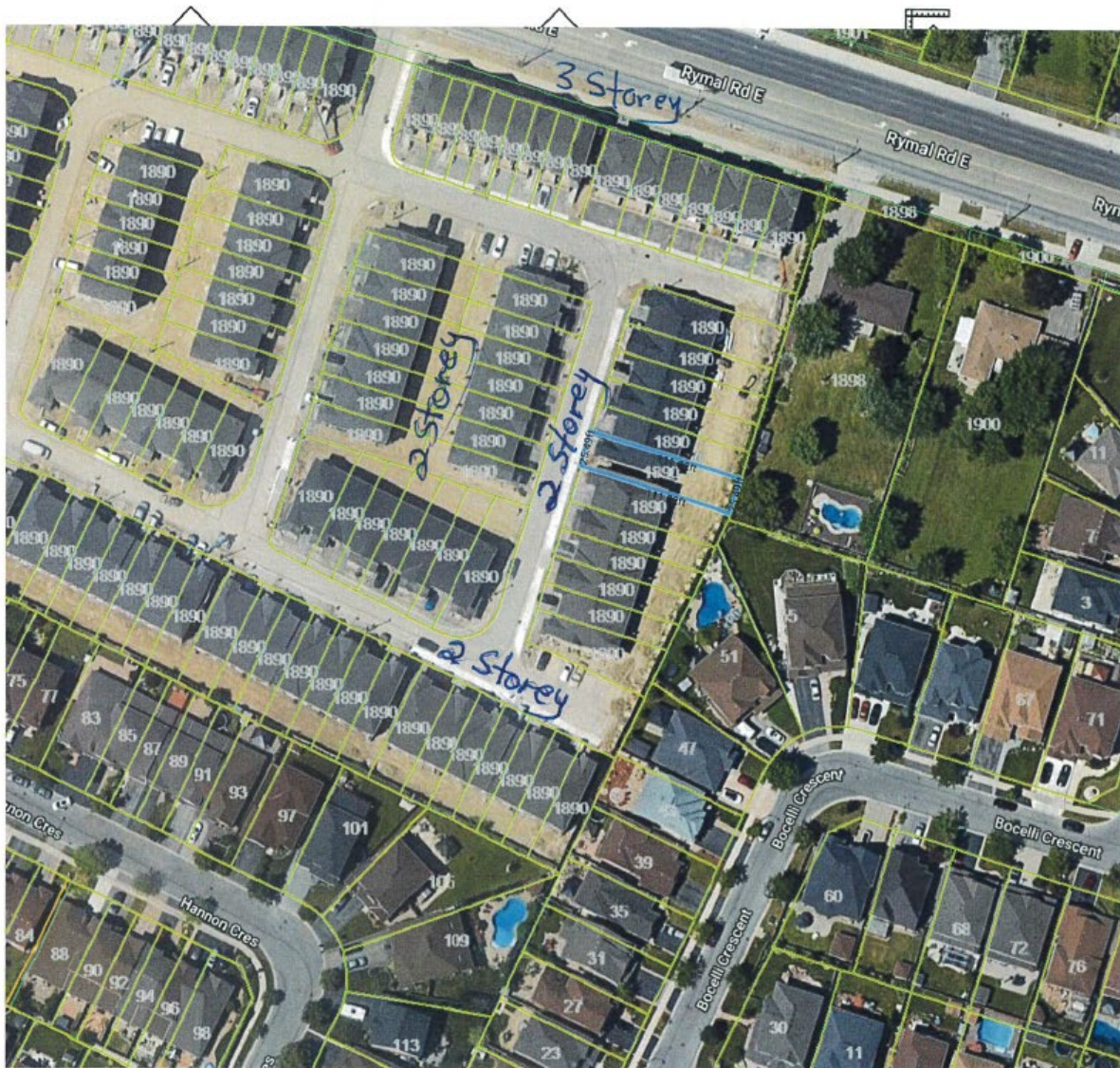


Appendix "G" to Report PED23206  
Page 6 of 9



1890 Rymal Road East, Hamilton

[Suggest an address correction](#)

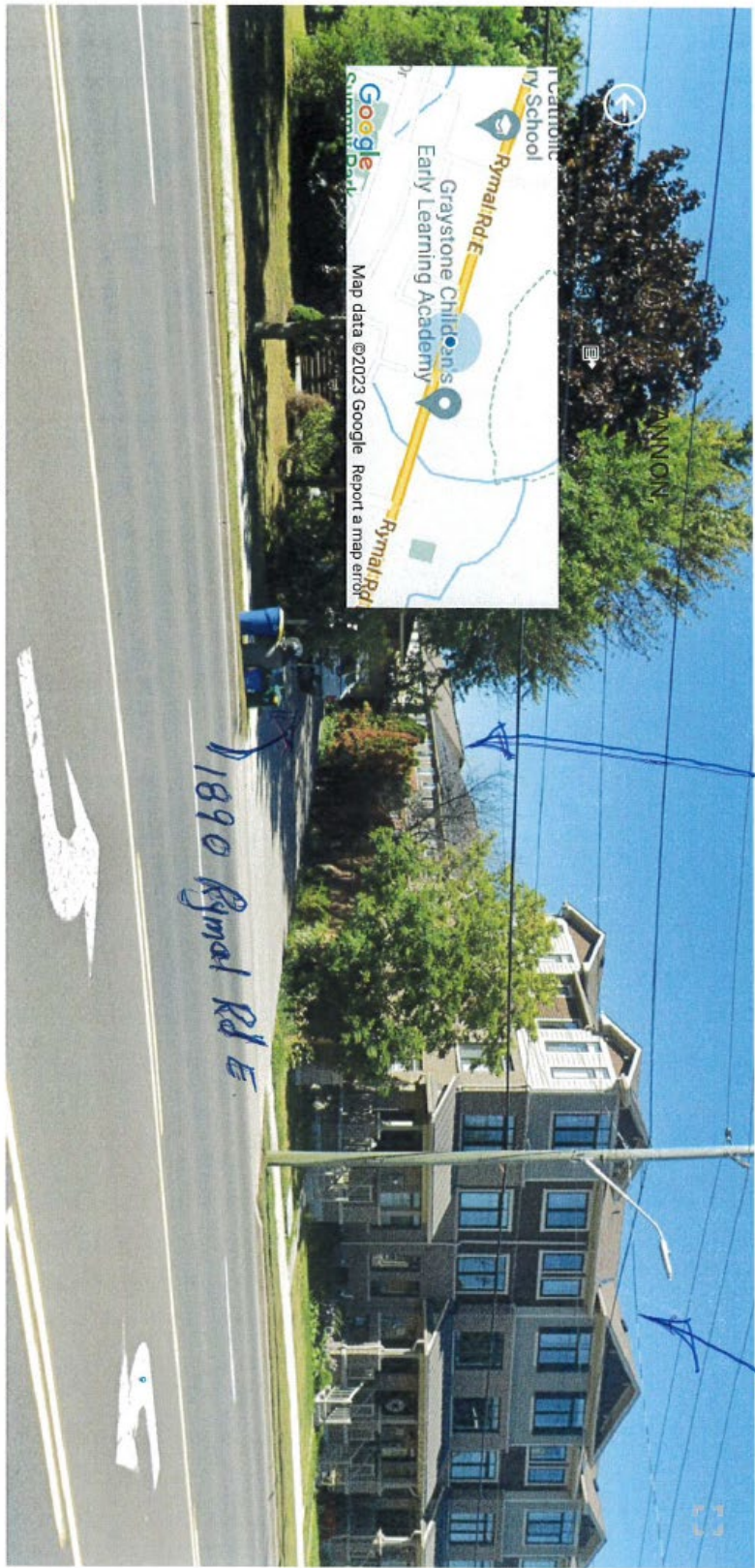




Appendix "G" to Report PED23206

Page 7 of 9





1890 Rymal Road East., Hamilton,  
PART BLOCK 112, PLAN 62M1050 DESIGNATED AS ...  
[Property Report](#)

[Report a problem](#)







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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	October 3, 2023
<b>SUBJECT/REPORT NO:</b>	Application for a Zoning By-law Amendment for Lands Located at 1177, 1183 and 1187 West 5th Street, Hamilton (PED23179) (Ward 8)
<b>WARD(S) AFFECTED:</b>	Ward 8
<b>PREPARED BY:</b>	Mark Michniak (905) 546-2424 Ext. 1224
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

That **Zoning By-law Amendment Application ZAC-22-047, by UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston on behalf of 1333664 Ontario Ltd. c/o Mike Valvasori, owner**, for a change in zoning from the “AA” (Agricultural) District (Block 1) and the “RT-20-H” (Townhouse-Maisonette) District, Modified, Holding (Block 2) to the “E-3/S-1830-H” (High Density Multiple Dwellings) District, Modified, Holding, to permit the development of a 10 storey multiple dwelling containing 206 dwelling units and 229 parking spaces, on lands located at 1177, 1183, and 1187 West 5<sup>th</sup> Street, Hamilton, as shown on Appendix “A” attached to Report PED23179, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED23179, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) 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 introducing the Holding symbol ‘H’ to the proposed “E-3/S-1830” (High Density Multiple Dwellings) District, Modified;

The Holding Provision ‘H’ is to be removed, conditional upon:

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 1177, 1183 and 1187 West 5th Street, Hamilton (PED23179) (Ward 8) - Page 2 of 11**

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- (i) That the Owner confirms that the construction of the municipal storm sewer along West 5<sup>th</sup> Street has been completed and is fully operational to provide a stormwater outlet for the subject site, to the satisfaction of the Director of Development Engineering;
  - (ii) That the Owner confirms that the municipal sanitary sewer along West 5<sup>th</sup> Street has been upgraded to support the proposed development, to the satisfaction of the Director of Development Engineering;
  - (iii) That the Owner submit and receives approval of a Functional Servicing Report that addresses the required fire flow, to the satisfaction of the Director of Development Engineering;
- (c) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the Urban Hamilton Official Plan.

## **EXECUTIVE SUMMARY**

The subject lands are municipally known as 1177, 1183, and 1187 West 5<sup>th</sup> Street, Hamilton and are located on the east side of West 5<sup>th</sup> Street between Rymal Road West and Stone Church Road West. The owner has applied for an amendment to the City of Hamilton Zoning By-law No. 6593 to rezone the lands from the “AA” (Agricultural) District (Block 1) and the “RT-20-H” (Townhouse-Maisonette) District, Modified, Holding (Block 2) to the “E-3/S-1830-H” (High Density Multiple Dwellings) District, Modified, Holding, to permit the development of a 10 storey multiple dwelling containing 206 dwelling units and 229 parking spaces, 24 of which are surface parking spaces, as shown on Appendix “D” attached to Report PED23179. Site-specific modifications to the “E-3” District are required to accommodate the proposed development, which are discussed in detail in Appendix “C” attached to Report PED23179.

The proposed Zoning By-law Amendment has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2020);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the Urban Hamilton Official Plan, in particular, the function, scale and design of the “Neighbourhoods” designation, Residential Infill, and Urban Design policies; and,

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 1177, 1183 and 1187 West 5th Street, Hamilton (PED23179) (Ward 8) - Page 3 of 11**

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- The 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, adding to the range of housing types by introducing one and two bedroom multiple dwelling units, and supporting the development of a complete community.

**Alternatives for Consideration – See Page 10**

**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 amendment to the Zoning By-law.

**HISTORICAL BACKGROUND**

**Report Fact Sheet**

Application Details	
Owner:	1333664 Ontario Inc. (c/o Mike Valvasori).
Applicant:	UrbanSolutions Planning & Land Development Consultants Inc. (c/o Matt Johnston).
File Number:	ZAC-22-047.
Type of Application:	Zoning By-law Amendment.
Proposal:	To permit development of a 10 storey multiple dwelling containing 206 dwelling units and 229 parking spaces. 206 parking spaces are residential parking spaces, of which 24 are located on the surface and the remainder underground, 15 visitor parking spaces, and eight barrier free parking spaces with access from West 5 <sup>th</sup> Street. In total, 3,896 square metres of indoor amenity space and 1,303 square metres of outdoor amenity space will be provided.
Property Details	
Municipal Address:	1177, 1183, and 1187 West 5 <sup>th</sup> Street.
Lot Area:	0.51 ha.
Servicing:	Existing full municipal services.

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<b>Property Details</b>	
Existing Use:	1177 West 5 <sup>th</sup> Street – Single detached dwelling; 1183 West 5 <sup>th</sup> Street – Single detached dwelling; and, 1187 West 5 <sup>th</sup> Street – Vacant.
Proposed Use:	Multiple dwelling.
<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 “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations.
Official Plan Proposed:	No amendment proposed.
Zoning Existing:	1177 West 5 <sup>th</sup> Street – “AA” (Agricultural) District. 1183 West 5 <sup>th</sup> Street – “AA” (Agricultural) District. 1187 West 5 <sup>th</sup> Street – “RT-20-H” (Townhouse-Maisonette) District, Modified, Holding.
Zoning Proposed:	“E-3/S-1830-H” (High Density Multiple Dwellings) District, Modified, Holding.
Modifications Proposed:	<ul style="list-style-type: none"> <li>• To establish a maximum height of 35.0 metres (10 storeys);</li> <li>• To establish a minimum front yard of 2.5 metres;</li> <li>• To establish a minimum setback of 4.3 metres from the front lot line for any portion of a building exceeding 20.0 metres in height;</li> <li>• To establish a minimum side yard of 5.4 metres from the southerly lot line;</li> <li>• To establish a minimum side yard of 20.0 metres from the northerly lot line;</li> <li>• To establish a minimum setback of 25.0 metres from the northerly lot line for any portion of a building exceeding 23.5 metres in height;</li> <li>• To establish a minimum setback of 30.0 metres from the northerly lot line for any portion of a building exceeding 30.0 metres in height;</li> <li>• To establish a minimum rear yard of 6.5 metres;</li> <li>• To reduce the landscaped area requirement from 40% to 25% of the lot area; and,</li> <li>• To remove the floor area ratio requirement.</li> </ul>

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 1177, 1183 and 1187 West 5th Street, Hamilton (PED23179) (Ward 8) - Page 5 of 11**

<b>Documents</b>	
Modifications Proposed Continued:	<ul style="list-style-type: none"> <li>• To establish a 3.0 metre planting strip along the northerly lot line;</li> <li>• To increase canopy projection into a required yard to 1.6 metres;</li> <li>• To increase stairway projection into a side yard or rear yard to 2.9 metres;</li> <li>• To increase balcony projection into a required yard to 1.8 metres;</li> <li>• To allow structures used for parking purposes within a required yard above curb level or ground level;</li> <li>• To reduce the parking requirement for multiple dwellings from 1.25 spaces per unit to 1.0 spaces per unit;</li> <li>• To reduce the visitor parking requirement for multiple dwellings from 0.25 spaces per dwelling to a minimum of 0.07 spaces per dwelling;</li> <li>• To reduce the loading space requirement from two loading spaces to one loading space with dimensions not less than 3.7 metres wide and 9.0 metres long; and,</li> <li>• To reduce the parking space dimensions from 2.7 metres wide and 6.0 metres long to 2.8 metres wide and 5.8 metres long.</li> </ul> <p>A complete analysis of the proposed modifications is attached as Appendix "C" to Report PED23179.</p>
<b>Processing Details</b>	
Received:	June 30, 2022.
Deemed Complete:	July 13, 2022.
Notice of Complete Application:	Sent to 111 property owners within 120 metres of the subject property on July 28, 2022.
Public Notice Sign:	Posted on July 27, 2022 and updated with Public Meeting date September 6, 2023.
Notice of Public Meeting:	Sent to 111 property owners within 120 metres of the subject property on September 15, 2023.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix "F" attached to Report PED23179.

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 1177, 1183 and 1187 West 5th Street, Hamilton (PED23179) (Ward 8) - Page 6 of 11**

<b>Processing Details</b>	
Public Consultation:	A virtual Neighbourhood Information Meeting was held on April 17, 2023. Four area residents attended and noted concerns regarding increased traffic, timing of the future development and the potential for increased crime in the area. The applicant provided a summary of the concerns and responses received at the information meeting which is attached as Appendix “H” to Report PED23179.
Public Comments:	Ten emails from the public were received expressing concern with the proposed Zoning By-law Amendment (attached as Appendix “G” to Report PED23179). Comments include, but are not limited to, the proposed height and density, the potential for increased crime, additional traffic that cannot be supported by the existing road network, insufficient sanitary sewer infrastructure to support the development, and that the amount of parking is insufficient.
Processing Time:	460 days from date of receipt of the application.

**Existing Land Use and Zoning**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	1177 West 5 <sup>th</sup> Street – Single detached dwelling.	“AA” (Agricultural) District.
	1183 West 5 <sup>th</sup> Street – Single detached dwelling.	“AA” (Agricultural) District.
	1187 West 5 <sup>th</sup> Street – Vacant.	“RT-20-H” (Townhouse-Maisonette) District, Modified, Holding.
<b>Surrounding Lands:</b>		
North	Townhouse dwellings.	“RT-30/S-1667” (Street – Townhouse) District, Modified.
South	Commercial plaza.	Mixed Use Medium Density (C5) Zone.

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**Surrounding Lands Continued:**

East	Surface parking lot.	Mixed Use Medium Density (C5) Zone.
West	Single detached dwelling and vacant land.	“B” (Suburban Agriculture and Residential, etc.) District, “R-4-H/S-1715” (Small Lot Single Family Detached) District, Modified, Holding, and “R-4/S-1822” (Small Lot Single Family Detached) District, Modified.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Planning Policy Framework**

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 (2020) and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal approval of the City of Hamilton Official Plan, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of Provincial interest (i.e. efficiency of land use) are discussed in the Official Plan analysis that follows.

As the application for Zoning By-law Amendment complies with the Urban Hamilton Official Plan, it is staff’s opinion that the application is:

- Consistent with Section 3 of the *Planning Act*;
- Consistent with the Provincial Policy Statement (2020); and,
- Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 1177, 1183 and 1187 West 5th Street, Hamilton (PED23179) (Ward 8) - Page 8 of 11**

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## **Urban Hamilton Official Plan**

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

The intent of the “Neighbourhoods” designation is to develop neighbourhoods as complete communities. As such, the proposal meets the intent by adding to the range of residential dwelling types and supporting residential intensification in an appropriate location. The proposed development will contain 206 units. Of these units, 66% are one-bedroom and 34% are two-bedroom. This represents a mix of unit types that support various household sizes.

The Urban Hamilton Official Plan describes Medium Density Residential as multiple dwellings on the periphery of neighbourhoods adjacent to minor arterial roads with a maximum height of 12 storeys, subject to several criteria including: providing a mix of unit sizes, incorporation of sustainable building and design features, demonstrating lack of shadow impacts, and provision of step backs. West 5<sup>th</sup> Street is classified as a minor arterial road. The applicant has satisfactorily demonstrated that this proposal meets the criteria to support the proposed height of 35.0 metres (10 storeys).

To meet the sustainable building and design features criteria, the proposed development will incorporate the following features: use of locally sourced building materials, the installation of a stormwater management tank to reduce impacts during storm events, inclusion of top down pedestrian lighting to limit light pollution, tree planting along the northern property line, and consideration for future electric vehicle charging stations. Further details of sustainable building and design features will be addressed through the future Site Plan Control process.

To meet the shadow impact criteria, the applicant submitted a Shadow Impact Analysis prepared by KNYMH Inc. dated May 24, 2022 in support of the development. The study found that the shadow impact on residential amenity spaces on March 21 and September 21 will experience long periods of continuous sunlight with minimal shading, which meets the guideline criteria of three hours of sunlight between 10:00 a.m. and 4:00 p.m. The report concluded that the proposed massing and site orientation mitigated the sun/shadow impact on the neighbouring residential properties north of the subject lands and that the proposed development meets or exceeds the City of Hamilton’s guidelines.

The applicant also submitted an Angular Plane drawing prepared by KNYMH Inc. dated March 9, 2023, in support of the development that demonstrates how the stepback criteria is achieved. To address the residential uses to the north, a stepback of 5.0 metres is proposed above 23.5 metres (seven storeys) and an additional stepback of

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 1177, 1183 and 1187 West 5th Street, Hamilton (PED23179) (Ward 8) - Page 9 of 11**

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5.0 metres is proposed above 30.0 metres (nine storeys). To address the streetscape, a stepback of 1.8 metres above 20.0 metres (six storeys) is proposed. As such, the proposal meets the intent of the “Medium Density Residential” policies.

Holding “H” Provisions are proposed to be added to the subject lands for the purpose of requiring the completion of a municipal storm sewer along West 5th Street, completion of municipal sanitary sewer upgrades along West 5th Street, and approval of a Functional Servicing Report that addresses required fire flow. These provisions will ensure that adequate infrastructure services can be provided prior to any development proceeding.

Therefore, the proposal complies with the Urban Hamilton Official Plan, subject to the proposed Holding Provisions.

### **Zoning By-law No. 6593**

The proposed Zoning By-law Amendment is for a change in zoning from the “AA” (Agricultural) District and the “RT-20-H” (Townhouse-Maisonette) District, Modified, Holding to the “E-3/S-1830-H” (High Density Multiple Dwellings) District, Modified, Holding. The effect of this Zoning By-law Amendment is to permit the development of a 35 metre (10 storey) residential building containing 206 units and 229 parking spaces. Modifications to the “E-3” (High Density Multiple Dwellings) District are required to facilitate the development and are summarized in the report Fact Sheet above and further discussed in Appendix “C” attached to Report PED23179.

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

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
  - (ii) It complies with the general intent and purpose of the Urban Hamilton Official Plan, in particular, the function, scale and design of the “Neighbourhoods” designation, Residential Infill, and Urban Design policies; and,
  - (iii) It is considered to be compatible with the existing development in the immediate area and, it represents good planning by, among other things, providing a compact and efficient urban form, adding to the range of housing types by introducing one and two bedroom multiple dwelling units, and supporting the development of a complete community.

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 1177, 1183 and 1187 West 5th Street, Hamilton (PED23179) (Ward 8) - Page 10 of 11**

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**2. Zoning By-law Amendment**

The subject lands are zoned “AA” (Agricultural) District and “RT-20-H” (Townhouse-Maisonette) District, Modified, Holding in Zoning By-law No. 6593. The Zoning By-law Amendment proposes to change the zoning to the “E-3/S-1830-H” (High Density Multiple Dwellings) District, Modified, Holding as outlined in the table on pages 4 and 5.

Staff are satisfied that the proposal meets the intent of the “Neighbourhoods” designation policies and applicable intensification policies of the Urban Hamilton Official Plan as outlined in Appendix “E” to Report PED23179. The proposed height increase can be supported as the proposed development meets the criteria for additional height set out in the “Neighbourhoods” designation. The site layout and building design help to mitigate the impacts of the proposed 10 storey building with the inclusion of building stepbacks and setbacks. These measures reduce the impact of the building height from the street and create sun access for the abutting low density residential buildings. Additionally, the development will provide a mix of unit types to the neighbourhood. The proposed amendments meet the general intent of the Zoning By-law. An analysis of the requested modifications is provided in Appendix “C” attached to Report PED23179.

Therefore, staff support the proposed Zoning By-law Amendment, subject to the proposed Holding Provisions.

**3. Holding Provisions**

Holding “H” Provisions are proposed to be added to the subject lands for the purpose of requiring the completion of a municipal storm sewer along West 5<sup>th</sup> Street, completion of municipal sanitary sewer upgrades along West 5<sup>th</sup> Street, and approval of a Functional Servicing Report that addresses required fire flow. Upon submission and approval of the above noted plans and studies, the Holding Provision can be lifted.

**ALTERNATIVES FOR CONSIDERATION**

Should the application be denied, the subject property can be used in accordance with the “AA” (Agricultural) District and the “RT-20-H” (Townhouse-Maisonette) District, Modified, Holding in Zoning By-law No. 6593.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED23179 – Location Map

Appendix “B” to Report PED23179 – Amendment to Zoning By-law No. 6593

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at  
1177, 1183 and 1187 West 5th Street, Hamilton (PED23179) (Ward 8) -  
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Appendix "C" to Report PED23179 – Zoning Modification Table

Appendix "D" to Report PED23179 – Concept Plan

Appendix "E" to Report PED23179 – Policy Review

Appendix "F" to Report PED23179 – Staff and Agency Comments

Appendix "G" to Report PED23179 – Public Comments

Appendix "H" to Report PED23179 – Neighbourhood Information Meeting Comment  
Response Letter

MM:sd

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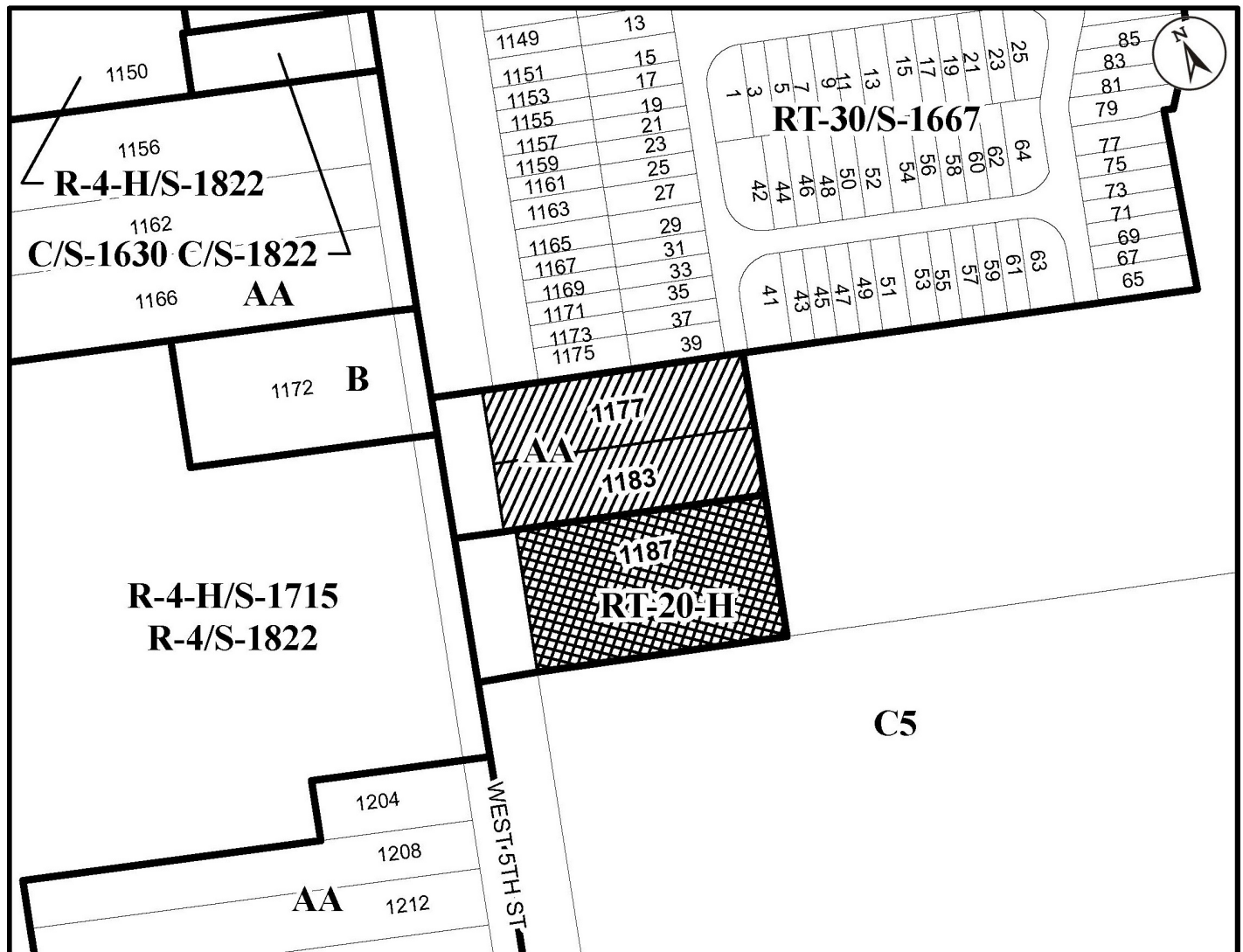
OUR Vision: To be the best place to raise a child and age successfully.

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

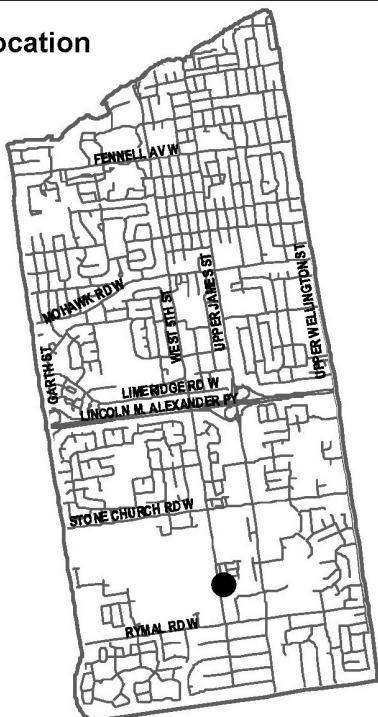
OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service,  
Engaged Empowered Employees.

## Appendix "A" to Report PED23179

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## ● Site Location



Key Map - Ward 8

## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT


File Name/Number:  
ZAC-22-047Date:  
July 4, 2023

Appendix "A"


Scale:  
N.T.SPlanner/Technician:  
MM/VS

## Subject Property

1177 &amp; 1183 West 5th Street, Hamilton

 Block 1 - Change in Zoning from the "AA" (Agricultural) District to the "E-3/S-1830-H" (High Density Multiple Dwellings) District, Modified, Holding

1187 West 5th Street, Hamilton

 Block 2 - Change in Zoning from the "RT-20-H" (Townhouse-Maisonette) District, Holding to the "E-3/S-1830-H" (High Density Multiple Dwellings) District, Modified, Holding



### Site Specific Modifications to the “E-3” (High Density Multiple Dwellings) District

Regulation	Required	Modification	Analysis
Maximum Height	<p>(a) except as provided in clause (c), where a building or structure is distant not greater than 30.0 metres (98.43 feet) from an "AA", "B", "B-1", "B-2", "C", "D" or "L-r" District, the height of a building or structure shall not exceed eight storeys or 26.0 metres (85.30 feet) in height;</p> <p>(b) except as provided in clause (c), where a building or structure is distant not greater than 30.0 metres (98.43 feet) from a "DE", "DE-2", "DE-3", RT-10", "RT-20" or "RT-30" District, the height of a building or structure shall not exceed twelve storeys or 39.0 metres (127.95 feet) in height;</p> <p>(c) where a building or structure is distant not less than 30.0 metres (98.43 feet) from an,</p> <p>(i) "AA", "B", "B-1", "B-2", "C", "D" and "L-r" District, and</p> <p>(ii) "DE", "DE-2", "DE-3", "RT-10", "RT-20" and "RT-30" District, the height of a building or structure shall not exceed eighteen storeys or 57.0 metres (187.01 feet) in height.</p>	35.0 metres or 10 storeys.	<p>The proposed height of 35.0 metres will result in a maximum 10 storey building. This modification meets the criteria set out in the Urban Hamilton Official Plan for additional height in the “Neighbourhoods” designation (see Appendix “E” to Report PED23179). The development will provide a mix of unit types. Shadowing will not impact adjacent residential properties through site design and building massing. The appearance of height from the street will be minimized through a stepback of 1.8 metres at the seventh storey.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
Minimum Front Yard	A front yard having a depth of at least one one-hundred and twentieth part of the product obtained by multiplying the height of the building or structure by its width, but no such front yard shall have a depth of less than 3.0 metres (9.84 feet) and need not have a depth of more than 7.5 metres (24.61 feet), Provided that where a front yard abuts upon a street of a width of less than 20.0 metres (65.62 feet), the required depth shall be increased by half of the difference between the actual width of the street and 20.0 metres (65.62 feet).	2.5 metres, except that any portion of a building exceeding 19.0 metres shall be set back not less than 4.3 metres.	The proposed setbacks support the creation of a pedestrian oriented environment by permitting buildings to be located nearer to the property line and providing a landscaped area adjacent to the street.  Therefore, staff supports this modification.
Minimum Side Yard	Along each side lot line a side yard having a width of at least one one-hundred and twentieth part of the product obtained by multiplying the height of the building by its length, less 1.5 metres (4.92 feet) where no balcony, sunroom or any window of a habitable room overlooks the side yard, but no such side yard shall have a width of less than 1.5 metres (4.92 feet) and need not have a width of more than 9.0 metres (29.53 feet); but plus 3.0 metres (9.84 feet) where any balcony, sunroom or window of a habitable room does overlook such side yard, but no such side	5.4 metres from the southerly lot line.  20.0 metres, except that any portion of a building exceeding 23.5 metres in height shall be set back not less than 25.0 metres and that any portion of a building exceeding 30.0 metres in height shall be set back not less than 30.0 metres, from the northerly lot line.	The proposed setbacks and stepbacks provide sufficient separation from the adjacent residential dwellings to the north to avoid negative impacts such as shadowing and overlook and providing an appropriate transition.  Therefore, staff supports this modification.

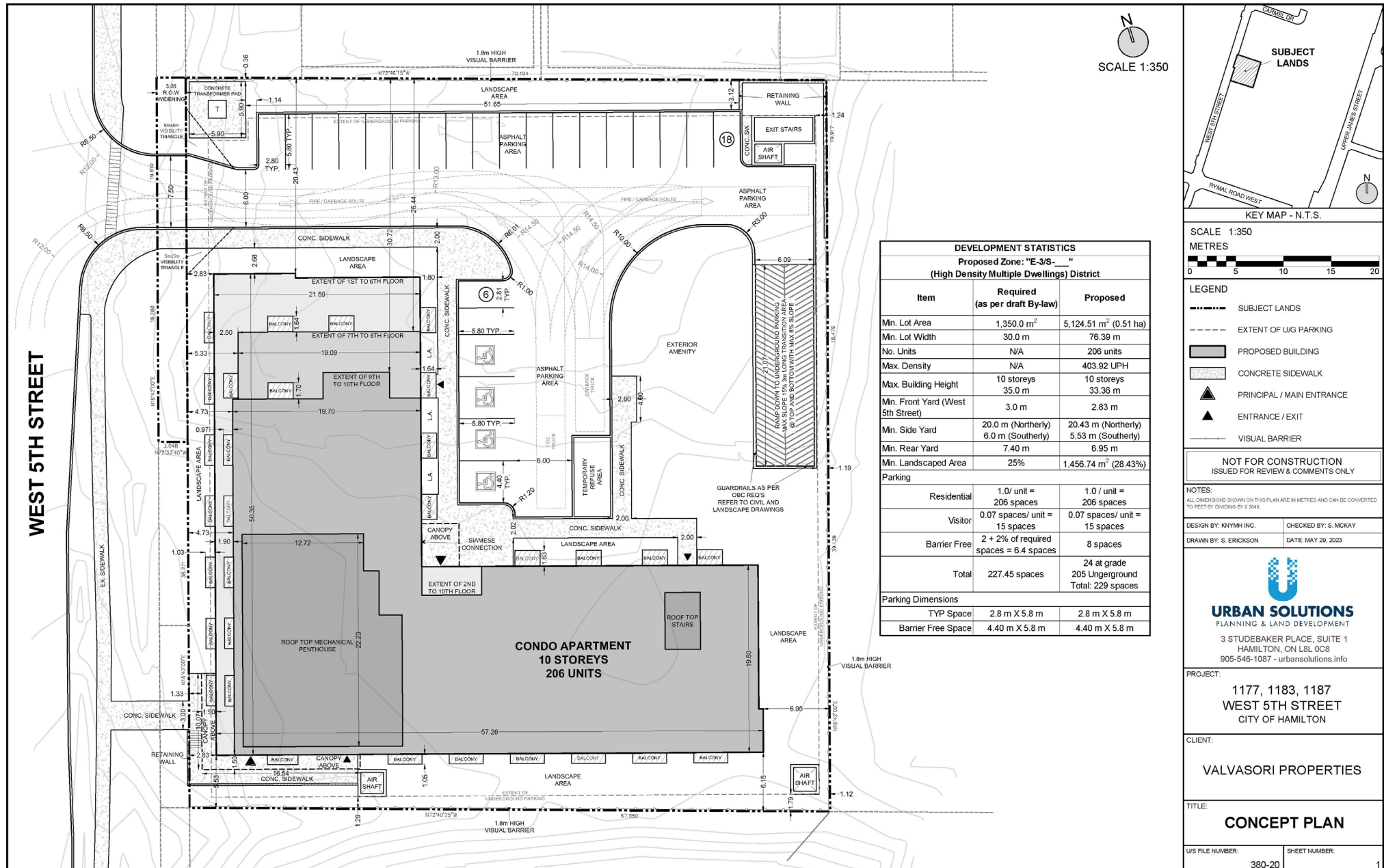
Regulation	Required	Modification	Analysis
	<p>yard shall have a width of less than 4.5 metres (14.76 feet), and need not have a width of more than 13.5 metres (44.29 feet);</p> <p>Provided that where a side lot line is a street line, the side yard on that side shall have a width of at least 3.0 metres (9.84 feet), and need not have a width of more than 7.5 metres (24.61 feet);</p> <p>And provided further, that where a side lot line is the street line of a street less than 20.0 metres (65.62 feet) wide, the required width of the side yard on that side shall be increased by half of the difference between the actual width of the street and 20.0 metres (65.62 feet).</p>		
Minimum Rear Yard	<p>A rear yard having a depth of at least one one-hundred and twentieth part of the product obtained by multiplying the height of the building or structure by its width, less 1.5 metres (4.92 feet) where no balcony, sunroom or any window of a habitable room overlooks the rear yard, but no such rear yard shall have a depth of less than 3.0 metres (9.84 feet) and need not have a depth of more than 13.5 metres (44.29 feet); but plus 3.0 metres (9.84</p>	6.5 metres.	<p>The proposed setback provides sufficient separation from adjacent commercial uses and appropriate landscaped area while meeting the intensification policies set out in the Urban Hamilton Official Plan.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
	feet) where any balcony, sunroom or any window of a habitable room does overlook such rear yard, but no such rear yard need have a depth of more than 13.5 metres (44.29 feet).		
Minimum Landscaped Area	40%.	25%.	<p>The proposed reduction in landscaped area will allow for more efficient use of the land without negative impacts to stormwater management, tree compensation planting area, or amenity space. The proposed development includes a shared outdoor amenity area and the site is near public parks.</p> <p>Therefore, staff supports this modification.</p>
Minimum Planting Strip	No requirement	3.0 metres wide and 50.0 metres long along the northerly property line.	<p>The proposed minimum planting strip will provide additional screening for the existing residential dwellings.</p> <p>Therefore, staff supports this modification.</p>
Floor Area Ratio	<p>No building or structure in an "E-3" District shall have a gross floor area greater than the area within the district of the lot on which it is situate, multiplied by the floor area ratio factor as shown in Table "E-3" appended to this Section, (10259/63)</p> <p>Provided that the said gross floor area may be increased by 0.2 square metres (2.15 square feet) for every 0.1 square metres (1.08 square foot) of landscaped area</p>	No requirement.	<p>The proposed height and density is consistent with the Medium Density Residential policies in the Urban Hamilton Official Plan (see Appendix "E" to Report PED23179).</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
	that is provided and maintained in excess of the requirements of this Section, but in no case shall the gross floor area increase be applied to excess landscaped area of more than 30 per cent of the area of the lot on which the building or structure is situate.		
Canopy Projection	1.5 metres into a front yard.  1.5 metres into a rear yard.  Not more than one-half of its width or 1.0 metre, whichever is lesser, into a side yard.	1.6 metres into any yard.	These modifications allow for more efficient use of land and are not anticipated to cause any negative impacts.  Therefore, staff supports this modification.
Stairway Projection	1.0 metre into a rear yard.  Not more than one-third of its width or 1.0 metre, whichever is lesser, into a side yard.	2.9 metres into a side or rear yard.	
Balcony Projection	1.0 metre into a front yard provided that no such projection shall be closer than 1.5 metres to a street line.  1.0 metre into a rear yard.  Not more than one-third of its width or 1.0 metre, whichever is lesser, into a side yard.	1.8 metres into any yard.	



Regulation	Required	Modification	Analysis
Parking Structure Projection	A building or structure used for parking purposes in conjunction with a multiple dwelling may project into a required front, side or rear yard, providing such building or structure is not above curb level when such yard adjoins a street, or not above the ground elevation of any adjoining land of any required yard where it does not abut a street.	No requirement.	These modifications allow for more efficient use of land and are not anticipated to cause any negative impacts.  Therefore, staff supports this modification.
Parking Space Requirement	1.25 spaces per unit.	1.0 spaces per unit.	The proposed number of parking spaces is not expected to cause negative impacts such as overspill onto adjacent properties. Opportunities for alternative forms of transportation are available to residents. The subject lands are located in close proximity to a mix of land uses, services, and public transit routes.
Visitor Parking Space Requirement	0.25 spaces per unit.	0.07 spaces per unit.	
Parking Space Dimensions	2.7 metres wide and 6.0 metres long.	2.8 metres wide and 5.8 metres long.	The parking space size regulation is consistent with the standards set out in Zoning By-law No. 05-200.  Therefore, staff supports this modification.
Loading Space Requirement	One space 3.7 metres wide, 18.0 metres long, and 4.3 metres high and one space 3.7 metres wide, 9.0 metres long, and 4.3 metres high.	One space 3.7 metres wide, 9.0 metres long, and 4.3 metres high.	This reduction in the number of loading spaces is not anticipated to cause negative impacts  Therefore, staff supports this modification.

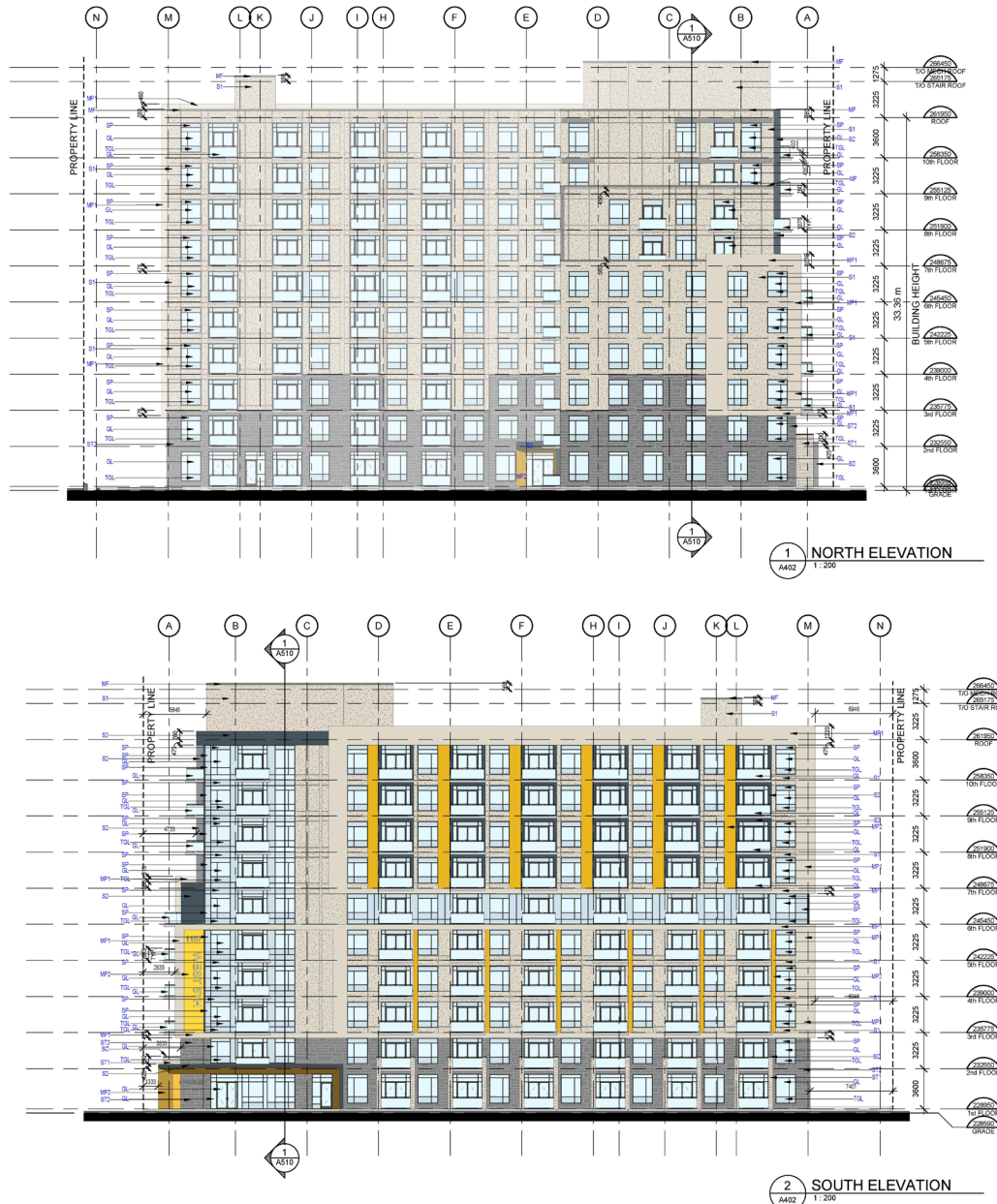






## Appendix "D" to Report PED23179

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

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

ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF THE ARCHITECT AND MUST BE RETURNED AT THE COMPLETION OF THE WORK.

THE CONTRACTOR SHALL PROTECT AND MAINTAIN ALL UTILITIES SHOWN FOR CONSTRUCTION MUST ASSUME FULL RESPONSIBILITY AND RISK FOR ANY CORRECTING OR DAMAGE TO UTILITIES FROM THE WORK.

KEY TO DETAIL LOCATION

DETAIL NUMBER  
DRAWING SHEET NUMBER

DRAWING SETS ISSUED

DATE  
(DD.MM.YY)

BY

ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED

REVISIONS TO DRAWING

DATE  
(DD.MM.YY)

BY

ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED

NOT FOR CONSTRUCTION

NOT FOR CONSTRUCTION WITHOUT PERMIT

BUILDING PERMIT NUMBER

KNYMH ARCHITECTURE • SOLUTIONS

KNYMH INC.

1006 SKYVIEW DRIVE • SUITE 101

BURLINGTON, ONTARIO • L7P 0V1

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VALVASORI PROPERTIES

1187 WEST 5TH STREET

HAMILTON, ON

DRAWING SHEET TITLE

ELEVATIONS

DRAWING SCALE:

As indicated

PROJECT NUMBER

19002

DRAWN BY

Author

CHECKED BY

Checker

DRAWING VERSION

1902-05-03

PROJECT DATE

1902-05-03

DRAWING SHEET NUMBER

A402

**Appendix “E” to Report PED23179**  
**Page 1 of 8**

## SUMMARY OF POLICY REVIEW

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

<b>Urban Hamilton Official Plan (Official Plan Amendment 167)</b>		
<b>Theme and Policy</b>	<b>Summary of Policy or Issue</b>	<b>Staff Response</b>
<b>Residential Intensification</b>  Policy B.2.4.1.1	The proposal complies with this policy.  Residential Intensification is encouraged throughout the entire built-up area.	The proposal complies with this policy as the subject lands are located within the built-up area.
<b>Residential Intensification Criteria</b>  Policy: B.2.4.1.4 and B.2.4.2.2	The proposal complies with these policies.  Residential intensification in the built-up area shall be evaluated on: the relationship with existing neighbourhood character, contribution towards achieving a range of dwelling types, compatible integration with the surrounding area, contribution towards achieving the planned urban structure, existing infrastructure capacity, incorporation of sustainable design elements, contribution towards supporting active transportation, contribution towards supporting transit, availability of public community facilities/services, ability to retain natural attributes of the site, and compliance with all other applicable policies.	<p>The proposed development represents a compatible form of infill development. It will provide a greater range of housing types and achieve the planned urban structure. The increased density will support the existing transit and commercial uses. It will also support active transportation as existing bicycle lanes are located within proximity to the subject lands.</p> <p>The proposed development is designed with consideration to the compatibility of the building with the surrounding land uses. To ensure an appropriate transition from existing residential uses, the building is located away from the existing residential uses to the north and it is designed with a series of stepbacks. Furthermore, a planting strip along the northerly property line will provide additional screening.</p> <p>The building is located close to the street which will enhance the streetscape along West 5<sup>th</sup> Street. In addition, a stepback at the seventh storey will serve to reduce massing along the street. Parking is primarily located underground with a row of surface parking along the northerly lot line. This will reduce the impact on the streetscape.</p>



**Appendix “E” to Report PED23179**  
**Page 2 of 8**

Theme and Policy	Summary of Policy or Issue	Staff Response
<b>Residential Intensification Criteria (Continued)</b>  Policy: B.2.4.1.4 and B.2.4.2.2	Residential intensification in the “Neighbourhoods” designation shall be evaluated on: matters listed in B.2.4.1.4, compatibility with adjacent land uses, relationship with nearby residential buildings, transition to adjacent residential buildings, relationship with lot pattern within the neighbourhood, provision of amenity space, ability to respect and maintain the streetscape, ability to complement the existing functions of the neighbourhood, conservation of cultural heritage resources, and infrastructure and transportation capacity.	Further design details, such as landscaping, lighting, and noise mitigation, will be addressed through the future Site Plan Control stage.
<b>Urban Design Policies – General Policies and Principles</b>  Policy: B.3.3.2.2 - B.3.3.2.10	<p>The proposal complies with these policies.</p> <p>The principles in Policies B.3.3.2.3 through B.3.3.2.10 inclusive, shall apply to all development and redevelopment, where applicable. These principles include:</p> <ul style="list-style-type: none"> <li>• Fostering a sense of community pride and identity;</li> <li>• Creating quality spaces;</li> <li>• Creating places that are safe, accessible, connected and easy to navigate;</li> <li>• Enhancing the character of the existing environment;</li> <li>• Creating places that are adaptable to future changes;</li> <li>• Promoting the reduction of greenhouse gas emissions and protecting and enhancing the natural environment;</li> <li>• Enhancing physical and mental health; and,</li> <li>• Designing streets as a transportation network and as a public space.</li> </ul>	<p>An Urban Design Brief, prepared by Adesso Design Inc. dated May 2022, was submitted in support of the development. The proposed development is compatible with the surrounding area, will enhance and complement the existing neighbourhood, and will create comfortable pedestrian circulation.</p> <p>The applicants are proposing to incorporate the following features to achieve sustainability: use of locally sourced building materials, the installation of a stormwater management tank to reduce impacts during storm events, inclusion of top down pedestrian lighting to limit light pollution, tree planting along the northern property line, and consideration for future electric vehicle charging stations. These features contribute towards enhancing the character of the existing environment. Further details of sustainable building and design features will be addressed through the future Site Plan Control process.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p><b>Tree Management</b></p> <p>Policy: C.2.11.1</p>	<p>The proposal complies with this policy.</p> <p>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.</p>	<p>A Tree Protection Plan prepared by Adesso Design Inc. dated January 27, 2023 was submitted in support of the development. A total of 31 trees have been inventoried and 21 are proposed to be removed including five trees found within the City’s right-of-way. Of these 21 trees, two were found to be in “fair-poor” condition.</p> <p>Of sixteen of the 21 trees proposed to be removed, 10 (one Shagbark Hickory, one Saucer Magnolia, one Thornless Honeylocust, one White Spruce, one Common Apple, two Black Walnut, and three Colorado Blue Spruce) are proposed to be removed to accommodate surface parking, four (one Black Walnut, one Norway Spruce, one Colorado Blue Spruce, and one Manitoba Maple) to accommodate the residential building, and two (two Downy Hawthorn) to accommodate underground parking. The Tree Protection Plan has not yet been approved. The decision to retain trees is to be based on condition, aesthetics, age, and species. 11 of the trees proposed to be removed are in good condition. This matter, along with the implementation of tree protection measures, will be addressed at the Site Plan Control stage.</p> <p>Five of the 21 trees proposed to be removed are located within the City’s right-of-way. Two are proposed to be removed to provide sidewalk connections, two due to underground servicing, and to accommodate a driveway access. Staff do not support the removal of trees for sidewalk connections and underground servicing. Measures to avoid impacts on public trees must be taken. This matter will be addressed at the future Site Plan Control stage.</p>

**Appendix “E” to Report PED23179****Page 4 of 8**

Theme and Policy	Summary of Policy or Issue	Staff Response
<b>Tree Management (Continued)</b>  Policy: C.2.11.1		<p>To ensure existing tree cover is maintained, 1 for 1 compensation is required for any tree (10 cm DBH or greater) that is proposed to be removed. The applicant proposes 13 new trees to replace the 16 trees that are proposed to be removed from the subject property. Due to the underground parking structure, the site does not have adequate soil depth or area for the additional three trees. Five street trees will be provided. A Landscape Plan will be required at the Site Plan Control stage to confirm compensation tree plantings and cash-in-lieu requirements</p>
<b>Transportation</b>  Policy: C.4.5.12	<p>The proposal complies with this policy.</p> <p>A Transportation Impact Study shall be required for an Official Plan Amendment and/or a major Zoning By-law Amendment.</p>	<p>A Transportation Impact Study (with Transportation Demand Management) was prepared by NexEng Consulting Group Inc., dated March 2023, and the findings were accepted by Transportation Planning staff.</p> <p>The future modified road network can accommodate the site-generated traffic. These future modifications shall be the responsibility of the Developer and will be enforced through conditions of Site Plan approval, which include: introduction of a left-turn lane along West 5<sup>th</sup> Street, extension of municipal sidewalks along West 5<sup>th</sup> Street, and right-of-way dedication of approximately 3.2 metres along West 5<sup>th</sup> Street.</p>
<b>Infrastructure</b>  Policy: C.5.3.6, C.5.3.13, C.5.3.17, and C.5.4	<p>The proposal complies with this policy.</p> <p>All redevelopment within the urban area shall be connected to the City’s water and wastewater system.</p> <p>The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system.</p>	<p>Development Engineering does not have any objections to the approval of the application.</p> <p>Construction of a municipal storm sewer along West 5<sup>th</sup> Street is required to provide a stormwater outlet for the subject site and the sanitary sewer along West 5<sup>th</sup> Street requires upgrades. In addition, an updated Functional Servicing Report is required to demonstrate that the existing municipal water system can adequately supply the required fire flow for the proposed development.</p>

**Appendix “E” to Report PED23179**  
**Page 5 of 8**

Theme and Policy	Summary of Policy or Issue	Staff Response
<b>Infrastructure (Continued)</b>  Policy: C.5.3.6, C.5.3.13, C.5.3.17, and C.5.4	<p>The City shall be satisfied that adequate infrastructure services can be provided prior to any development or intensification proceeding.</p> <p>The City shall ensure that appropriate storm water management facilities are built and maintained to provide a safe and secure system for storm water.</p>	<p>The recommended Zoning By-law includes a Holding Provision for the construction of a municipal storm sewer along West 5<sup>th</sup> Street, the upgrading of the municipal sanitary sewer along West 5<sup>th</sup> Street, and completion of an updated Functional Servicing Report (see Appendix “B” attached to Report PED23179).</p>
<b>Archaeology</b>  Policy B.3.4.4.3	<p>The proposal complies with this policy.</p> <p>In areas of archaeological potential identified on Appendix F-4 – Archaeological Potential, an archaeological assessment shall be required and submitted prior to or at the time of application submission for planning matters under the <i>Planning Act</i>.</p>	<p>The subject property meets three of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential. The applicant prepared an archaeological assessment which examined the archaeological potential of the site to the satisfaction of the Ministry.</p> <p>Staff received a copy of the letter from the Ministry dated April 14, 2022 confirming that archaeological matters have been addressed. Staff are of the opinion that the municipal interest in the archaeology of this site has been satisfied.</p>
<b>Noise</b>  Policy: B.3.6.3.1	<p>The proposal complies with these policies.</p> <p>Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.</p>	<p>The subject lands front onto West 5<sup>th</sup> Street, which is identified as a minor arterial road, and is located approximately 300 metres west of Upper James Street and approximately 295 metres north of Rymal Road West, both of which are identified as major arterial roads on Schedule “C” – Functional Road Classification. Both to the south and east are commercial buildings with rooftop HVAC units. The commercial building to the south has two loading bays.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<b>Noise (Continued)</b>  Policy: B.3.6.3.1		<p>A Noise &amp; Vibration Impact Study, prepared by dBA Acoustical Consultants Inc. dated April 2023, identified the following acoustic mitigation requirements for the development with respect to road noise from West 5<sup>th</sup> Street, Upper James Street, and Rymal Street West as well as stationary noise sources:</p> <ul style="list-style-type: none"> <li>• Warning Clauses inserted into all Offers and Agreements of Purchase and Sale or Lease for all residential units;</li> <li>• Central Air Conditioning for all residential units;</li> <li>• Appropriate Sound Transmission Class values required for all exterior windows, walls, and patio doors;</li> <li>• A letter from the Window Installation Company confirming the appropriate Sound Transmission Class values have been achieved and an Acoustical Certificate from the Qualified Acoustical Consultant be issued prior to issuance of the building plans; and,</li> <li>• Qualified Acoustical Consultant certifies that the required noise control measures have been incorporated into the builder’s plans prior to issuance of a building permit.</li> </ul> <p>These control measures will be implemented through the Site Plan Control application.</p>
<b>Neighbourhoods Designation – Function</b>  Policy: E.3.2.1	<p>The proposal complies with this policy.</p> <p>Areas designated “Neighbourhood” shall include a full range of residential dwelling types and densities.</p>	<p>The proposed development is a residential use in a multiple residential built form, which introduces a new type and density within the neighbourhood.</p>



## Appendix “E” to Report PED23179

## Page 7 of 8

Theme and Policy	Summary of Policy or Issue	Staff Response
<p><b>Medium Density Residential – Function</b></p> <p>Policy: E.3.5.1 and E.3.5.5</p>	<p>The proposal complies with these policies.</p> <p>Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads.</p> <p>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.</p>	<p>The proposed development is a multiple dwelling located on West 5<sup>th</sup> Street, which is identified as a minor arterial road on Schedule “C” – Functional Road Classification.</p> <p>The proposed development is located within a safe and convenient walking distance of a number of features to support the proposed density including retail uses to the east and along Upper James Street as well as to the south along Rymal Road West. Hamilton Street Railway operated bus routes are located along both Upper James Street and Rymal Road West. In addition, Rymal Road West has been identified as a rapid transit route. Bicycle lanes are located north of the subject lands along Stone Church Road. And finally, William Connell Park, a city-wide park, is located on the west side of West 5<sup>th</sup> Street.</p>
<p><b>Medium Density Residential – Scale</b></p> <p>Policy: E.3.5.8</p>	<p>The proposal complies with this policy.</p> <p>Additional height up to a total of 12 storeys may be permitted without an amendment to this Plan if it is demonstrated that the development provides a mix of unit sizes, incorporates sustainable building and design principles, there are no adverse shadow impacts on adjacent sensitive land uses, the proposal progressively steps backs from residential uses in “Neighbourhoods” and the building is stepped back from the street.</p>	<p>The proposed development will contain 206 units. Of these units, 66% are one-bedroom and 34% are two-bedroom. This represents a mix of unit types to support various household sizes.</p> <p>The applicants are proposing to incorporate the following features to achieve sustainability: use of locally sourced building materials, the installation of a stormwater management tank to reduce impacts during storm events, inclusion of top down pedestrian lighting to limit light pollution, tree planting along the northern property line, and consideration for future electric vehicle charging stations. Further details of sustainable building and design features will be addressed through the future Site Plan Control process.</p> <p>Staff have reviewed a Shadow Impact Analysis prepared by KNYMH Inc. dated May 24, 2022 submitted in support of the development. The study concluded that the proposed massing and orientation limits shadow impact on the adjacent residential properties.</p>

**Appendix “E” to Report PED23179****Page 8 of 8**

Theme and Policy	Summary of Policy or Issue	Staff Response
<p><b>Medium Density Residential – Scale (Continued)</b></p> <p>Policy: E.3.5.8</p>		<p>Staff have reviewed an Angular Plane drawing prepared by KNYMH Inc. dated March 9, 2023, submitted in support of the development. The drawing illustrates the angular plane from adjacent “Neighbourhood” areas. Building massing is not located within the angular plane. Yard requirements and step backs within the proposed Zoning By-law will implement this design (see Appendix “B” attached to Report PED23179).</p> <p>To minimize the appearance of height from the street a stepback is proposed at the seventh storey. This requirement has been incorporated into the proposed Zoning By-law (see Appendix “B” attached to Report PED23179).</p>

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**Page 1 of 5**

**CONSULTATION – DEPARTMENTS AND AGENCIES**

	<b>Comment</b>	<b>Staff Response</b>
<ul style="list-style-type: none"> <li>• Financial Planning, Administration and Policy, Corporate Services;</li> <li>• Parks and Cemeteries Section, Environmental Services Division, Public Works Department;</li> <li>• Commercial Districts and Small Business Section, Economic Development Division, Planning and Economic Development;</li> <li>• Real Estate Section, Economic Development Division, Planning and Economic Development Department;</li> <li>• Canada Post Corporation; and,</li> <li>• Metrolinx.</li> </ul>	No Comment.	Noted.
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 application.</p> <p>Construction of a municipal storm sewer along West 5<sup>th</sup> Street is required to provide a stormwater outlet for the subject site and the sanitary sewer along West 5<sup>th</sup> Street requires upgrades. In addition, an updated Functional Servicing Report is required to demonstrate that the existing municipal water system can adequately supply the required fire flow for the proposed development.</p>	The recommended Zoning By-law includes a Holding Provision for the construction of a municipal storm sewer along West 5 <sup>th</sup> Street, the upgrading of the municipal sanitary sewer along West 5 <sup>th</sup> Street, and completion of an updated Functional Servicing Report (see Appendix “B” to Report PED23179).

**Appendix “F” to Report PED23179**  
**Page 2 of 5**

	<b>Comment</b>	<b>Staff Response</b>
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<p>Transportation Planning support the proposed Zoning By-law Amendment as the site-generated traffic by the proposed development can be accommodated as demonstrated in the submitted and approved Transportation Impact Study prepared by NexEng Consulting Group Inc., dated March 2023 submitted in support of this development.</p> <p>The Transportation Impact Study recommended Transportation Demand Management measures, including 108 long-term and five short-term bicycle parking spaces.</p> <p>The infrastructure modifications identified in the Transportation Impact Study are the responsibility of the Developer and will be enforced through the conditions of Site Plan approval including:</p> <ul style="list-style-type: none"> <li>• Introduction of a left-turn lane along West 5<sup>th</sup> Street; and,</li> <li>• Extension of municipal sidewalks along West 5<sup>th</sup> Street.</li> </ul> <p>A right-of-way dedication of approximately 3.2 metres along West 5<sup>th</sup> Street is also required.</p>	<p>Transportation Planning staff have approved the submitted Transportation Impact Study, including the Transportation Demand Management measures. Conditions of Site Plan approval will implement the approved recommended measures in the Transportation Impact Study.</p> <p>The right-of-way dedication will be taken at the Site Plan Control stage as a condition of approval.</p>
Waste Policy and Planning Section, Waste Management Division, Public Works Department	<p>Waste Policy attempts to have all residential developments receive municipal waste collection unless there are extenuating circumstances and/or specific site constraints. The proposed multi-residential building will require front-end bin service for collection of garbage, recyclable containers, recyclable papers, and organic waste.</p>	<p>Specific design details will be addressed at the Site Plan Control stage.</p>

## Appendix “F” to Report PED23179

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	Comment	Staff Response
	Additional details have been provided in the comments to ensure the municipal requirements are met, which include the specifics regarding the size of the waste room, the number of bins, chute design for the building layout and the road base design along the access route.	
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	Forestry has not approved the Tree Preservation Plan prepared by Adesso Design Inc. dated January 27, 2023 and requires revisions as it relates to the removal of five trees within the municipal right-of-way. It is Forestry Staff's opinion that the removals for sidewalk connections and underground servicing can be avoided.	Revisions will be required to the Tree Protection Plan to address the preservation and protection of the five trees found within the municipal right-of-way. Given that the protection of these trees has been determined by Forestry staff as possible, the details will be addressed at the Site Plan Control stage.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<p>It should be determined if there are any implications arising from the adjacent Registered Plan of Subdivision, 62M-1220 (25T-201202).</p> <p>A PIN Abstract is required with the submission of a future Draft Plan of Condominium application.</p> <p>Municipal addressing will be determined at a future Site Plan Control stage.</p>	<p>No impacts on the adjacent Plan of Subdivision was identified.</p> <p>A PIN Abstract will be required with a Draft Plan of Condominium application.</p> <p>Municipal addressing will be determined at a future Site Plan Control stage.</p>
Transit Planning and Infrastructure, Transit Operations Division, Public Works Department (Hamilton Street Railway)	The existing asphalt walkway located on the east side of West 5th Street is not in good condition, so it is requested that the concrete sidewalk located north of the site be extended along the site's frontage.	Provision of sidewalks will be addressed during the Site Plan Control stage.



**Appendix “F” to Report PED23179**  
**Page 4 of 5**

	<b>Comment</b>	<b>Staff Response</b>
	<p>Also, the asphalt walkway, and associated storm drainage infrastructure, that extends from the south end of the site to Rymal Road West should be refurbished, such that it will be in good condition upon resident move-in.</p> <p>These upgrades will assist in optimising walking conditions for pedestrians wishing to access transit using the bus stops on Rymal Road West at West 5th Street.</p>	
Landscape Architectural Services, Strategic Planning Division, Public Works Department	Request cash in lieu of parkland dedication. Amenity space shall not count toward parkland dedication.	Will be addressed at the Building Permit stage.
Engineering Services Division, Public Works Department	West 5 <sup>th</sup> Street is scheduled to be urbanized and potentially widened along the frontage of the subject lands in 2025. Any servicing works within the West 5 <sup>th</sup> Street right-of-way required for this development should be completed before that time. If that is not possible, efforts should be made to coordinate servicing connections with Public Works as part of their design. Any access connections (sidewalks, driveways, etc.) should be designed with consideration for this future urbanization and widening of West 5th Street.	Right-of-way widening and access connections will be addressed during the Site Plan Control stage.
Hamilton Conservation Authority	As a result of recent changes to the <i>Conservation Authorities Act</i> , effective January 1, 2023, the planning application review services that Conservation Authorities may provide to their municipal partners has been limited to matters that relate to natural hazards.	Noted.

**Appendix “F” to Report PED23179****Page 5 of 5**

	<b>Comment</b>	<b>Staff Response</b>
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 @ <a href="http://www.alectrautilities.com">www.alectrautilities.com</a> .	Noted.
Rogers Communications Cnd Inc.	Rogers would like to provide services to this building.	Noted.
Enbridge Gas Inc.	<p>Enbridge does have a gas main fronting West 5<sup>th</sup> Street. The following requirements need to be taken into account:</p> <ul style="list-style-type: none"> <li>• Prefer that the gas service and riser are located outside underground parking, if possible. If not possible, a concrete trench with soil for the gas service is required.</li> <li>• Meter size could be between 2m x 6m in length depending on gas load. This meter would require a 10 foot clearance from any window, door, vent intake, etc.</li> </ul>	Noted.

**Appendix “G” to Report PED23179****Page 1 of 22****SUMMARY OF PUBLIC COMMENTS RECEIVED**

<b>Comment Received</b>	<b>Staff Response</b>
The proposed increase in height and density is inappropriate for the area.	<p>Staff have reviewed the compatibility of the proposal by assessing the impact of the built form (height and mass) on the neighbouring properties as required by the policies of the Urban Hamilton Official Plan.</p> <p>The proposed development complies with the residential intensification policies of the Urban Hamilton Official Plan, makes efficient use of land and infrastructure by providing housing in an efficient urban form, which contributes to developing a complete community (see Appendix “E” attached to Report PED23179).</p>
Demographic change caused by the proposed development will result in an increase in crime, mischief, and vandalism.	The City is not aware of any empirical evidence to support this comment.
The additional traffic generated by this development cannot be supported by the existing road network.	Transportation Planning support the Zoning By-law Amendment as the site-generated traffic can be accommodated, as demonstrated in the submitted and approved Transportation Impact Study prepared by NexEng Consulting Group Inc., dated March 2023 submitted in support of this application (see Appendix “F” attached to Report PED23179).
Concern whether the existing sanitary sewer infrastructure can support this development.	<p>Development Engineering does not have any objections to the approval of the application. Construction of a municipal storm sewer along West 5<sup>th</sup> Street is required to provide a stormwater outlet for the subject site and the sanitary sewer along West 5<sup>th</sup> Street requires upgrades. In addition, an updated Functional Servicing Report is required to demonstrate that the existing municipal water system can adequately supply the required fire flow for the proposed development.</p> <p>The recommended Zoning By-law includes a Holding Provision for the construction of a municipal storm sewer along West 5<sup>th</sup> Street, the upgrading of the municipal sanitary sewer along West 5<sup>th</sup> Street, and completion of an updated Functional Servicing Report by the applicant. See Appendix “B” attached to Report PED23179.</p>

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<b>Comment Received</b>	<b>Staff Response</b>
The proposed development will have a negative impact on resale value of adjacent homes.	The City is not aware of any empirical evidence to support this comment.
The development of a vacant parcel will result in the loss of “green space”.	The vacant lands at 1187 West 5 <sup>th</sup> Street are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan and zoned “RT-20-H” (Townhouse-Maisonette) District, Holding to the “E-3/S-1830-H” (High Density Multiple Dwellings) District, Modified, Holding. These lands were not intended to be used as a public park. In addition, William Connell Park is located on the west side of West 5 <sup>th</sup> Street.
The proposed number of parking spaces is insufficient for the proposed development and will result in spill over onto adjacent properties.	The Zoning By-law Amendment (see Appendix “B” to Report PED23179) will require a minimum of 1.0 parking space per unit and a minimum of 15 visitor parking spaces. This will result in a minimum requirement of 221 parking spaces. This is a reduction in the number of parking spaces from the requirement in Zoning By-law No. 6593. The proposed number of parking spaces is not expected to cause negative impacts such as overspill onto adjacent properties. Opportunities for alternative forms of transportation are available to residents. The subject lands are located in proximity to a mix of land uses and public transit routes.

**COPY OF PUBLIC COMMENTS RECEIVED**



2022/08/08 07:01:16 2 /3

## **Notice of application for zoning and plan amendment 1333664, ZAC 22047**

Attention Mark Michniak

Dear sir,

I am a resident of [REDACTED] Hamilton and have received your letter from the proposed development of 10 storeys building into the adjacent land. I am writing because of my concerns regarding this project.

Protecting our neighborhood from the impact of such project is at the almost importance. This neighborhood is composed of single dwelling and townhomes. Erecting such building will have negative effects on our life. I have outline below some of the negative effects for your consideration.

### **Point 1. Neighbourhood demographics.**

The type of buyers/renters will significantly impact the re selling of our property. High rise apartment building will increase population density, which result in a decrease of green spaces, promote traffic congestion, attract crime and vandalism. Studies has shown that high density building attracts low income families with low social economic values. In return, crime, vandalism, mischief will all have negative impact on the value of our homes. The neighbourhood will have less curb appeal and will make it difficult to sell.

### **Point 2. Environmental impact.**

Such building will produce adverse effects on the climate due to wind funneling and turbulence causing an increased risk to pedestrians who are walking by. Such building will cast shadow on the adjacent properties and decrease sunlight.

### **Point 3. Infrastructure.**

Problems will arise with overcrowding population that will in return increase demand on transportation. Since West 5<sup>th</sup> is already a 2 lanes road, increase traffic will increase chances of car accident as well as pedestrian. Let's not forget traffic congestion. Our neighborhood school will also be affected by increase children and this will put stress on child classes size, and in return affect the level of education provided.

### **Point 4. Social**

Th new residents will not fit into our neighborhood. Our neighborhood is composed of middle-class peoples, senior residents, and some families with limited number of children. This kind of

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2022/08/08 07:01:16 3 /3

dwelling will encourage low-income families, to move in and increase the crime rate, mischief, and vandalism.

Point 5. Construction.

Our neighborhood is a quiet, serene, and peaceful place to live. The disruption from the construction will bring noise, mud for quite some time. It will affect each and everyone of us.

In conclusion, I am urging the town of Hamilton to re evaluate this project better yet to ban it. If allow, negative impact will arise and affects the peaceful life of the residents. I strongly disagree with this project and hope that this will be taking seriously.

Yours truly,

Diane and Dennis Deabreu

A handwritten signature in cursive script, appearing to read "Diane Deabreu", followed by a long horizontal flourish line.

18 August 2022                      Subject: Zoning By-law Amendment  
ZAC-22-047, UHOPA-22-021

Mark Michniak

Planning and Economic Development Department

Development Planning, Heritage and Design- Suburban Team

71 Main Street West, 5<sup>th</sup> Floor, Hamilton ON, L8P 4Y5

Dear Sir,

I am in receipt of a Notice from your office in respect of proposed  
Zoning By-law amendment.

I wish to enter my opposition to the above proposal.

As a resident of the neighbourhood directly affected by this proposal I  
object to the construction of two 10 story high density apartment  
buildings for several reasons

1. Environmental impacts of pollution from higher volumes of traffic,  
parking, noise, garbage and the effects of high numbers of  
residents who will occupy the 442 units.
2. There exist multiple locations throughout the city that are  
currently empty that could be renovated with much less impact  
and provide the necessary accommodations.
3. Original zoning for the agricultural to Townhomes was already  
approved which would again have been preferable due to the  
lesser density of population.

4. The area has no high rise buildings and two 10 story buildings would impact the aesthetics of the surrounding neighbourhood.

5. Value of our houses will decreased.

I would request that I receive notice of the date of the public meeting.

I further request that my personal information remain private.

Sincerely

Eva Figura

**Appendix “G” to Report PED23179**

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Subject: Zoning By-law Amendment

ZAC-22-047, UHOPA-22-021

Mark Michniak

Planning and Economic Development Department

Development Planning, Heritage and Design- Suburban Team

71 Main Street West, 5<sup>th</sup> Floor, Hamilton ON, L8P 4Y5

Dear Sir,

I am in receipt of a Notice from your office in respect of proposed Zoning By-law amendment.

I wish to enter my opposition to the above proposal.

As a resident of the neighbourhood directly affected by this proposal I object to the construction of two 10 story high density apartment buildings for several reasons

1. Environmental impacts of pollution from higher volumes of traffic, parking, noise, garbage and the effects of high numbers of residents who will occupy the 442 units.



2. There exist multiple locations throughout the city that are currently empty that could be renovated with much less impact and provide the necessary accommodations.
3. Original zoning for the agricultural to Townhomes was already approved which would again have been preferable due to the lesser density of population.
4. The area has no high rise buildings and two 10 story buildings would impact the aesthetics of the surrounding neighbourhood.

I would request that I receive notice of the date of the public meeting.

I further request that my personal information remain private.

Sincerely

*William Nolan*

William Nolan

18 August 2022

Mark Michniak

Planning and Economic Development Department

Development Planning, Heritage and Design- Suburban Team

71 Main Street West, 5<sup>th</sup> Floor, Hamilton ON, L8P 4Y5

Subject: Zoning By-law Amendment

ZAC-22-047, UHOPA-22-021

Dear Sir,

I am in receipt of a Notice from your office in respect of proposed Zoning By-law amendment.

I wish to enter my opposition to the above proposal.

As a resident of the neighbourhood directly affected by this proposal, I object to the construction of two 10 story high density apartment buildings for

several reasons

1. Environmental impacts of pollution from higher volumes of traffic, parking, noise, garbage and the effects of high numbers of residents who will occupy the 442 units.
2. There exist multiple locations throughout the city that are currently empty that could be renovated with much less impact and provide the necessary accommodations.
3. Original zoning for the agricultural to Townhomes was already approved which would again have been preferable due to the lesser density of population.
4. The area has no high-rise buildings, and two 10 story buildings would impact the aesthetics of the surrounding neighbourhood.

I would request that I receive notice of the date of the public meeting.

I further request that my personal information remain private.

Sincerely,

Jana Simackova

**Appendix “G” to Report PED23179****Page 12 of 22**

From: Glenn Wellings <glenn@wellingsplanning.ca>  
Sent: Thursday, August 18, 2022 4:10 PM  
To: Michniak, Mark  
Subject: Applications by 1333664 Ontario Inc. - 1177, 1183 and 1187 West 5th Street - City File  
Nos.: UHOPA-22-021 & ZAC-22-047

Good afternoon Mark. We are Planning Consultants for 1804482 Ontario Limited (Sonoma Homes) owners of the adjacent property located at 1155 West Fifth Street. Sonoma Homes previously developed their lands for townhouses and have 24 townhouses remaining once their temporary SWM pond is decommissioned and the permanent SWM facility is operational. The issue of sanitary sewer capacity was a significant concern in the consideration of the Sonoma Homes applications and other applications in the immediate area. Sonoma Homes wishes to confirm the adequacy of servicing capacity for the above-noted project and wants assurance that there will be capacity available for their remaining 24 units. We would also like to discuss with City Planning staff the interface and compatibility of the proposed 10 storey building with the immediately adjacent townhouses. There were no site plan details provided with the notice received.

Please ensure I am added to the notification list and kept apprised of the ongoing progress of the applications. Thanks.

Glenn

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**Page 13 of 22**

From: REDACTED  
Sent: Friday, August 19, 2022 8:12 PM  
To: Michniak, Mark  
Subject: Quote ZAC-22-047, UHOPA-22-021

Hi Mark

Please take reference to the above noted Quote# above.

I would like the opportunity to comment on the proposed zoning by-law amendment and official plans as per my letter from the City Of Hamilton July 28th.

I just purchased a home within the West 5th area and Sonoma Valley Cres and concerned with the choice to re-zone to a 422 units with a height of 10 storeys.

1. Will bring down the value of my home 2. 10 Storey height will over power the following townhomes - lack of privacy 3. West 5th road requires major repairs and narrow that will have accommodate additional traffic flow and congestion.

Townhome development would be better suited than a re-zone if a high rise.

Please take into my consideration for appeal and comments for this are-zoning proposal.

Sandra Ortolan



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From: Joan Wallace REDACTED  
Sent: Friday, August 19, 2022 4:43 PM  
To: Michniak, Mark  
Subject: ZAC-22-047, UHOPA-22-021

In reference to the application for zoning change from the original Townhomes and single family dwelling to multi storey complex. I would like to register my objections to this new zoning as a resident of Sonoma Valley Crescent.

Sincerely

Joan Wallace.

Sent from my iPad

**Appendix “G” to Report PED23179****Page 15 of 22**

From: David  
Sent: Friday, August 19, 2022 10:20 AM  
To: Michniak, Mark  
Subject: Re: Concerns on the Zoning By-Law Amendment at 1177, 1183, and 1187 West 5th Street, Hamilton (Ward 08)

Dear Mark Michniak,

We hope that this letter finds you well. My family resides at REDACTED, located in close proximity to the proposed location of the Zone change and new apartment building (with respect to file ZAC-22-047, UHOPA-22-021) and we wish to voice several concerns with these changes. My sincere apologies, as your letter indicated that we should voice our concerns prior to August 19th (e.g. today's date), however we hope that our concerns may still be accepted as part of the report (we would ask that our personal contact information, e.g. address, telephone number, and email not be publicly published). Please note that our neighbours residing at REDACTED and REDACTED have both indicated similar concerns with the proposed Zone change and use of the property.

Below are a summary of our concerns:

1) In our view, the proposed change would alter the primary area characteristics that we found attractive in purchasing this home and result in this area becoming less attractive for our family to live in. We moved to this area only late last year, paying what we considered to be a considerable amount and having spent a significant amount of time seeking a home within a good residential area consisting of single family homes/town homes that was quiet, with a nearby park, and access to a shopping mall within walking distance. The proposed zone change itself from the current Agricultural District / Townhouse-Maisonette District would introduce a new large 10 story apartment building, essentially next to where we now live (within ~30-50 meters). There is presently no such building located anywhere within close proximity to our home within an appreciable radius (e.g. several kilometers).

2) We believe that the proposed Zone change and new building would devalue our home and others in this area resulting in financial loss. With respect to the above Zone change and proposed new building and having purchased a home late last year for which we paid a considerable amount, we believe that that prospective buyers who value a townhouse / single family home neighbourhood would consider the area to be less attractive, which would result in the potential for significant home price depreciation. This would result in our family (and potentially our neighbours) experiencing a significant financial loss.

3) We are concerned about the potential reduction of safety for ourselves and particularly for our young child. We consider this area to be safe and within walking distance to a good public school (James Macdonald Elementary). Our son is two-and-a-half years old and in approximately ~1.5 years we would like to send him to Junior Kindergarten at that school. At some point in the near future, we expect him to walk by

**Appendix “G” to Report PED23179****Page 16 of 22**

himself to school unaccompanied, which is currently not a concern for us in this area. We believe that the Zone change and proposed 10-story residential building would likely change the demographic representation of this area, e.g. potentially introducing lower income levels, and we are concerned that this would introduce risks for our son to come into contact with unsafe elements (e.g. violence, bullying, unsafe driving, drug addiction). As we also walk to the nearby shopping mall and grocery store from our home, which would involve passing in front of the new residential building, we could also experience levels of reduced safety, in particular at night.

4) We are concerned about increased levels of noise located in close proximity to our home. With respect to the proposed Zone change and proposed new 10-story residential building located ~30-50 meters from our home, we are also concerned about increased noise levels given 215 units and 232 parking spaces (e.g. a higher chance of loud parties, potentially "aggressive driving" - including making unnecessary noise, etc).

Due to our above concerns, we ask that the city and builder consider continuing with the proposed current Zoning and instead build additional single family homes or townhouse units. Due to our concerns, should the current plans proceed without any changes, we would most likely immediately sell our home and purchase a new one that meets our needs in a quiet, safe residential area located near a good school. In speaking with the above two neighbours that we mentioned, they indicated similar intentions to us should the above plans proceed. Please feel free to contact us with any questions.

Sincerely,

David Weiss and Family

**Appendix “G” to Report PED23179**  
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From: Adriana Viengxay REDACTED  
 Sent: Saturday, August 20, 2022 10:30 PM  
 To: Michniak, Mark  
 Subject: 1177,1183,1187 proposed west 5th construction

Hello

I am writing to fully and strongly oppose the potential construction of a 10 story unit on that land.

West 5th has already become as busy as upper James and rymal road with traffic. As a homeowner on west 5th it is hard enough to drive into the street or even take our children to William park having to cross the street with a stroller and a Child. Getting stuck at the lights at either stone church or rymal is a mess and its 3 sets of light changes before you get to get onto one of those streets .

At the moment from stone church to rymal rd we have older homes, 2 different builders of townhomes (Sonoma and Diconzo lot beside Sonoma) , a Dementia centre that was just built and opened, land that will be the further home of many more townhomes , another potential for 250 townhomes being built behind the KFC plaza another street of homes Sonoma homes will also be building on the other side of Carmel rd and now This?! Ther is also a sign right at the corner of stone church and west 5 for another potential building!

Yes I know we need more homes for people but we already have a street busy enough we're it's a single lane, people don't want to use upper james so they use west 5th to avoid 4 sets of light between stone church and rymal and now you want to add even more craziness to an already little street! It's single lane both ways with no turning lanes traffic gets backed up to Carmel rd in both directions even with turn singals at the main intersections.

My child going to the elementary school 3 blocks away where they already have 4 kindergarten classes for what's an already busy area never mind adding more!

By saying that “green space” will be added doesn't make it any better. It's already surrounded by green space and farm Land and your actually going to demolish the lovely green space it's on . Then behind this “potential building” you have a parking lot to restaurants grocery and gyms Will you block this all off from the future residential building for those of us that like to take our kids on walks in the current peace it's in?!

Please take a step back and look into another area of land better suited for this and look at what's already in the future for the one block of street. You are demolishing TWO homes to put 215 homes on! Does that math really make any sense ?!

Thank you  
 Adriana Viengxay

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From: mar h  
 Sent: Monday, April 17, 2023 8:40 PM  
 To: Michniak, Mark  
 Cc: Ward 8 Office  
 Subject: Objection Letter RE: Re-zoning to 1177, 1183 and 1187 West 5th UHOPA-22-021 & ZAC-22-047 Proposed 10 Storey

Letter of Objection Proposed Rezoning at 1177, 1183 and 1187 West 5th UHOPA-22-021 & ZAC-22-047 Proposed 10 Storey

To: Mr. Mark Michniak  
 City of Hamilton 71 Main Street West, Hamilton ON L8P 4Y5  
 mark.michniak@hamilton.ca

Hi Mark,

Kindly add me to any emails or noticers regarding this properties rezoning.

My below letter of objection.

My family and I, vociferously object to the inappropriateness of this zoning application and the proposed 10 storey (condo) building with over 200 units and parking spaces. This monstrously, oversized alternative which dwarfs its surroundings. We believe such a building is perfect for downtown redevelopment with access to future LRT and expanding GO transit. A. The application is unacceptable as this land is designated agricultural. The Application is contrary to the townhomes already in the area.

This application for rezoning is duplicating, redundant, without merit and should be rejected. “It does not support” rezoning being undertaken for “necessary or beneficial purposes”, but primarily for the Developer’s financial gain and profit maximization: “It does not support” the existing mix of residential types, single family and townhouses: “It does not support” a unique sense of place, The City’s Complete-Live-able-Better-Safer Streets Motto: “It does not support” the main priority of making the neighbourhood the best place to live, learn, work and play, by creating resentment and anger towards a monumentally disruptive change in the zoning and existing neighbourhood and current residential development: “It does not support” or promote consistency in new development within the existing neighbourhood or reduce greenhouse gas emissions, instead promotes increased single vehicle use and additional high rise building heating/AC over and above the prior townhouse project: “It does not support” the reasonable enjoyment of one’s property with the use of explosives or jack hammer backhoes to remove the amount of solid bedrock for proposed underground parking in an already built up area: “It does not support” the integrity of surrounding foundations from cracks or damage caused by the concussion of explosives or jack hammering backhoes: “It does not support” peace of mind

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for residents if there might be explosives SNAFUs causing exterior property damage: “It does not support” reducing fear for neighbourhood children’s safety and well being: “It does not support” minimizing adverse impacts on infrastructure, environment and community in respect to heavy equipment undertakings and a much longer construction period for hi-rise completion: “It does not support” confidence that the Developer will admit any damages unless residents prove it by hiring engineers and suing, resulting in additional expense and aggravation: “It does not support” ensuring the transportation system is able to operate efficiently and that the goals for safer roads, environmental protection and health are met: “It does not support” its current parking places, providing for over 200 parking spaces and no street parking. If 50% of the building might have 2 vehicles, 168 will be looking to park elsewhere, most likely, in visitor parking at the mall of park.

“It does not support” the current sewage and water supply, therefore increasing additional expenditure to the city taxpayers/property owners, re- water/sewage usage during peak morning pre-work hours: “It does not support” the existing road infrastructure for increased traffic congestion or the ability for its residence and visitors to park on existing roads or enter or exit re: building entrances/exits causing gridlock, project team suggests road widening which will not solve problem: “It does not support” the current architectural area and introduces concrete blandness that is detrimental to the area, affecting people’s loss of privacy by overlooking, also overshadowing all and will result in loss of light: “It does not support” enhancement of the walking experience or environment with a lack of street trees/landscaping along its sidewalks: “It does not support” any goals to provide affordable housing being marketed as “luxury” apartments: “It does not support” citizens concerns regarding “global warming” or accommodate a broader, more height desirable/environmentally sustainable range of living experience in our existing area: “It does not support” any “timely proximity” to a (LRT or GO) rapid transit system, or promote alternatives to car travel, in fact promotes increasing car travel with a mostly suburban location which was designed with car travel: “It does not support” resident’s concerns re: increased vehicle pollution, congestion, road rage, etc: “It does not support” any environmentally enhancing solar or green technologies: “It does not support” any cycling except with suggestions, undertake any or maximize safety for cyclists with increased traffic congestion: “It does not support” current transportation conditions with studies completed October 4th, 2018 which are now invalid and do not reflect current traffic congestion and how much more it will be increased, especially during mornings & afternoon/evening rush hour periods: “It does not support” limited intensification of activity, it is full-on large scale high rise development and is compromising of the area’s beauty, aesthetics, creating an oppressive/overbearing environment and increasing congestion of people and traffic: Finally, “Its team” could not provide any pricing or other pertinent information on its building units, confirm if explosives use was planned or provide “safe” access to info on its website. In conclusion, we find the proposal for the prior townhouse project to be totally acceptable. Unlike earlier townhouse proposal, this newest rezoning alternative proposal is totally unacceptable, inappropriate, and fundamentally offering no conceivable benefits to the existing residents or the public environmental interest, only the Developer’s financial gain and utmost profit maximization! Notwithstanding our contention that this application is inappropriate as a whole, we hereby comment on particulars of the application as they appear in their proposal and its accompanying documents.

Review of the current amenities in the vicinity of the proposed development indicates there



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are significant retail, food and service establishments in the vicinity of the proposed development, many of which can be easily reached by non-auto options. Amenities within a 600-m radius (approximately a 10- minute walk) include Service Ontario, Rogers, Booster Juice, Cora, Bulk Barn, East Side Mario's, Crunch Fitness, Second Cup, Paramount Middle Eastern Kitchen, Marshalls etc. The above stats falsely project “easy access without vehicle use”. It is deliberately misleading when essential grocery shopping or major shopping is included: Fortinos(Rymal) 800m, Walmart(Upper James)-3.3 kms, Sweet Paradise-2.2 kms, No Frills(Upper Paradise)-2.5 kms, Food Basics (Rymal)-2.9 kms, Limeridge Mall-3.5 kms, Meadowlands-4.9 kms. Clearly, most require vehicle use to transport a usual week of groceries or major shopping, leading only to increased congestion. Affordability Any claims that Employees working on the commercial retail strip area of Upper James will qualify to live in these “Luxury Apartments” is false or at best, an exaggeration. Normally, it will take two incomes with one or two children, and since Team couldn't provide pricing, we used 93 Bold Street, Two Bedroom for Rent - \$1646/mo or \$19,752 without parking. A monthly bus pass is between \$63-\$90. Most retail or service workers are part-time and receive minimum wage, rarely with benefits. Walking to and from work will not apply to most of these employees. Access to the site is envisioned via a full movement driveway onto West 5th Street. Two way entrance and exit to and from a 10 storey building onto W5th is a recipe for gridlock. When cars on W5th heading south (towards Rymal) through the intersection attempt to make a left turn into the PD (proposed development)entrance and need to wait for W5th northbound traffic to clear, this will cause cramming at the intersection of StoneChurch and W5th, until the turn is complete. Also, the Freeholds will be competing to make left turns onto northbound W5th. At the same time, this will impair and impede east and westbound traffic on Stone Church Rd East and West when they'll have a green light. In my opinion, this is definitely a recipe for increased gridlock and disaster. We do not believe street widening as proposed solves this problem.

Existing Traffic Volumes Existing traffic volumes at the study area intersections were undertaken by Spectrum Traffic on behalf of Nextrans Consulting Engineers on Thursday, October 4, 2018 during the morning (7:00 a.m. to 10:00 a.m.) and afternoon (4:00 p.m. to 7:00 p.m.) peak periods. We believe the Oct 4, 2018 study is no longer valid or reflective of the increase in traffic which occurred over the last year.

We challenge the project team to provide indisputable evidence that out of 237 units, only 64 vehicles will be driven outbound, (27% of the building), assumingly going to work in the “am”. We find that statistic to be without merit and unbelievable. Photo taken at Johnson Motors driveway with traffic heading westbound on Stone Church to W5th. Current residents already have trouble, exiting townhouses onto Stone Church. With Upper James project, this will only get much worse without “proposed 10 Storey building. Level of Service – Future Total Traffic Assessments The proposed site access is to be aligned with the existing access across the street. An estimated 40 townhouses were assumed and the corresponding traffic volumes were added to the existing intersection using the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition. The proposed site access operates at a good level of service. The townhouse access across the street operates at a failing level of service, however, the v/c ratio is excellent and therefore the failing level of service is acceptable. We can only assume the project team is admitting that the townhouse access as written, pertains to the 2 storey Freeholds. If 40 units are failing, how can 237 units with only one entrance/exit, be considered successful? We believe their claim of acceptability to be ludicrous. PARKING ASSESSMENT Based on the City of Hamilton Zoning By-Law 05-200, a minimum of 237 parking spaces will be

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required for the proposed development. The preliminary site plan provides for a total of 241 parking spaces resulting in a technical surplus of four (4) parking spaces. On this basis, the parking provision is completely satisfied. The 3 storey condo townhouses-72 Stone Church Rd West, also across the street from the project, provides 71 inside attached garage, 71 parking spaces in front of its garages for 142 parking spaces. There are 22 visitors parking spaces, totaling 164 parking spaces or 231% of project vs. a total of  $241/237 = 102\%$  at the new(PD) proposed development. The September 17th approved Ricci project provides 477 parking spaces with a total of 373 units or 129% of the project. There needs to be an explanation for this enormous deficiency which the project team claims is satisfied. We are absolutely certain that “our visitors parking” which residents complain is insufficient will be consumed by the “PD”. It’s clear that this will become a nightmare of conflict, anger and resentment only worsening over time. TRANSPORTATION DEMAND MANAGEMENT Based on our experience, excessive parking supply imposes environmental costs, contradicts community development objectives for more livable and walk-able communities, and tends to increase driving and discourage the use of alternative mode of travel. It is anticipated that the combination of reduced parking supply and an efficient public transit system will encourage the use of alternative modes of travel.

We believe that the above statement contradicts earlier claims and is an admission of the parking deficiency and the project team’s anticipation of alternative modes of travel to be a fairy tale of blind faith not reality. Walking around Stone Church and W5th is currently walk-able and livable but we fear, with cause, that this will disappear with street widening, increased gridlock, pollution with increased congestion. Being one of the original purchasers since 1991, I once regularly jogged from home, W5th to Limeridge, Upper James and back home. My biggest fear even back then with the less traffic was that a wayward vehicle would plow me into the stone wall at the little Jewish Cemetery in between John Bear and now the Marriot. Walk-ability on Upper James with heavy traffic and speeding within a few feet of the pedestrian is now dangerous, something we both avoid and remain very concerned about our safety. With the additional Ricci approval the additional traffic will be chaotic.

Sincerely,

Mariam Hanhan & Family

TRAFFIC ISSUES NOW: Photo taken at Johnson Motors driveway with traffic heading westbound on Stone Church to W5th.

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## Appendix “H” to Report PED23179

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#### NEIGHBOURHOOD INFORMATION MEETING COMMENT RESPONSE LETTER

Applicant: UrbanSolutions Planning & Land Development Consultants Inc.  
 Date: April 28, 2023  
 Location: 1177, 1183 & 1187 West 5<sup>th</sup> Street, Hamilton, Ontario  
 Owner: 1333664 Ontario Inc.

RE: (ZAC-22-047)

In support of the subject planning application, a virtual Neighbourhood Information Meeting was held via Zoom and hosted by Ward 8 Councillor John-Paul Danko on April 17, 2023 between 6:00pm and 7:00pm. The purpose of the meeting was to provide an opportunity for neighbours to learn about the details of the proposed development, the *Planning Act* application process, and to receive answers to any questions.

There were 154 invitations circulated to all property owners within a 120 metre radius of the subject lands. There was a total of nine (9) participants in the virtual meeting, of which four (4) were area residents while the balance included representatives from UrbanSolutions and the City of Hamilton; including Councillor John-Paul Danko, Nikola Wojewoda (Councillor Danko's Executive Assistant), and Mark Michniak, the City planner assigned to this file.

UrbanSolutions has prepared the following comment responses to the common themes raised during the Neighborhood Information Meeting:

#### Traffic Concerns

Comment Response: A Transportation Impact Study has been prepared by Nextrans Consulting Engineers to evaluate the traffic impacts of the proposed development on the surrounding street network. The Study concluded that the proposed development will generate very little auto trips and that both the Rymal Road West/West 5<sup>th</sup> Street and Stone Church Road West/West 5<sup>th</sup> Street intersections are expected to operate at acceptable levels of service during both morning and afternoon peak hours. Further, the City of Hamilton has indicated that future improvements to West 5<sup>th</sup> Street have been included in the capital budget and that construction is tentatively anticipated to commence in 2025.

#### Timing of Future Road Works along West 5<sup>th</sup> Street

Comment Response: As outlined on Schedule C-2 – Future Right-of-Way Dedications of the Urban Hamilton Official Plan (UHOP), West 5<sup>th</sup> Street has a planned width of 26.213 metres spanning from 90 metres south of Stone Church Road to the West 5<sup>th</sup> Street/Rymal Road intersection. Based on the street's current width (between +/- 20.0 metres and +/- 23.0 metres), the City requires that the owner dedicate approximately 3.2 metres of land along the western property line for the purpose of facilitating a future road widening; to be initiated by the City. This dedication has been included in the proposed Site Plan, which can be downloaded from our project microsite by visiting the following link:

<https://urbansolutions.info/1177-west-5th/>. As previously noted, the City has confirmed that such capital improvements have been included in the capital budget and that construction is tentatively anticipated to commence in 2025.

#### Timing of Future Development

Comment Response: During the Neighbourhood Information Meeting, Matt Johnston of UrbanSolutions noted how the dynamic approval process and subsequent Site Plan process make it difficult to predict timing. Additionally, the Construction Management Plan to be completed at the Site Plan Control Stage will ensure that all construction activities will avoid adverse impacts on the surrounding community with regards to noise, dust, and other disturbances. This process will also ensure that construction activities associated with the proposed development are coordinated with those occurring at nearby sites to ensure that adverse impacts to the neighbourhood such as road closures, traffic congestion, and off-site construction vehicle parking are limited.

#### Crime and Safety Concerns

Comment Response: During the Neighbourhood information meeting, concerns were raised regarding the proposed development's potential to contribute to increased crime levels within the neighbourhood. In response, Councillor Danko offered to discuss neighbourhood public safety concerns with any interested residents in more detail outside of the Neighbourhood Information Meeting.

#### The Planning Process

Comment Response: In response, UrbanSolutions provided an overview of the *Planning Act* process and stressed the importance of public participation.

If there are any questions or comments, please do not hesitate to contact the undersigned.

Regards,

UrbanSolutions



Matt Johnston, MCIP, RPP  
Principal



Matthew LeBlanc, MPL, BA (Hons)  
Planner



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	October 3, 2023
<b>SUBJECT/REPORT NO:</b>	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 117 Jackson Street East, Hamilton (PED23191) (Ward 2)
<b>WARD(S) AFFECTED:</b>	Ward 2
<b>PREPARED BY:</b>	Daniel Barnett (905) 546-2424 Ext. 4445
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

- (a) That **Official Plan Amendment Application UHOPA-23-009, by Bousfields Inc. c/o David Falletta on behalf of DiCenzo Construction Company Limited c/o Anthony DiCenzo, owner**, to establish a Site Specific Policy Area in the Downtown Hamilton Secondary Plan to permit a 39 storey and 30 storey mixed use development on lands located at 117 Jackson Street East, as shown on Appendix "A" attached to Report PED23191, be **DENIED** on the following basis:
- (i) That the proposed Official Plan Amendment does not demonstrate adequate infrastructure capacity to service the proposed development nor how green infrastructure and sustainable design elements will be implemented to minimize impacts on air quality and climate change which will contribute to environmental sustainability and appropriate low impact development, therefore, the proposal is not consistent with the Provincial Policy Statement (2020) and does not conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
  - (ii) That the proposed amendment to the Downtown Hamilton Secondary Plan does not comply with the Urban Hamilton Official Plan and the Downtown Hamilton Secondary Plan with regards to matters including, but not limited

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**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 117 Jackson Street East, Hamilton (PED23191) (Ward 2) - Page 2 of 17**

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to, a proposed building height exceeding the height of the Niagara Escarpment and an increase of shadow impacts on a prominent public gathering space (Prince's Square – 50 Main Street East);

- (b) That **Zoning By-law Amendment Application ZAC-23-024, by Bousfields Inc. c/o David Falletta on behalf of DiCenzo Construction Company Limited c/o Anthony DiCenzo, owner**, for a change in zoning from the Downtown Central Business District (D1, H17, H19, H20) Zone to a site specific Downtown Central Business District (D1, XXX), to permit the lands to be developed for a 39 and 30 storey mixed use development containing 741 dwelling units with 297 square metres of commercial floor area at grade on lands located at 117 Jackson Street East, as shown on Appendix "A" attached to Report PED23191, be **DENIED** on the following basis:
- (i) That the proposal does not demonstrate adequate infrastructure capacity to service the proposed development nor how green infrastructure and sustainable design elements will be implemented to minimize impacts on air quality and climate change which will contribute to environmental sustainability and appropriate low impact development, therefore the proposal is not consistent with the Provincial Policy Statement (2020), does not conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and does not comply with the Urban Hamilton Official Plan;
  - (ii) That the proposed Zoning By-law amendment to the City of Hamilton Zoning By-law No. 05-200 does not comply with the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan with regards to matters including, but not limited to, a proposed building height exceeding the height of the Niagara Escarpment and an increase of shadow impacts on a prominent public gathering space (Prince's Square – 50 Main Street East);
  - (iii) That the proposal is not considered to be good planning and in staff's opinion is an overdevelopment of the site based on the building height in relation to the Niagara Escarpment and the shadow impacts on a prominent public gathering space.

## **EXECUTIVE SUMMARY**

The subject property is municipally known as 117 Jackson Street East and is located at the north east corner of Catharine Street South and Jackson Street East. It is currently utilized as a commercial surface parking lot.

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 117 Jackson Street East, Hamilton  
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The subject property is designated “Downtown Mixed Use Area” in the Urban Hamilton Official Plan and designated “Downtown Mixed Use” within the Downtown Hamilton Secondary Plan. It is currently zoned Downtown Central Business District (D1, H17, H19, H20) Zone by Zoning By-law No. 05-200.

The applicants are proposing to develop the site with a mixed use building consisting of two towers, one 39 storeys (122 metres) in height and the second 30 storeys (96 metres) in height. The towers will be connected by a podium approximately three to four storeys in height and will contain 741 dwelling units, 297 square metres of commercial floor area at grade, 4,824 square metres of amenity area with 366 vehicle parking spaces contained within a parking structure and a total of 388 bicycle parking spaces (378 long term bicycle parking space and 10 short term bicycle parking spaces).

It is the opinion of staff that the proposed Official Plan Amendment and Zoning By-law Amendment applications do not have merit and therefore cannot be supported for the following reasons:

- The proposal is premature as the applicant has not demonstrated adequate infrastructure capacity to service the proposed development nor how green infrastructure and sustainable design elements will be implemented to minimize impacts on air quality and climate change which will contribute to environmental sustainability and implement appropriate low impact development, and therefore the proposal is not consistent with the Provincial Policy Statement (2020) nor conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and the Urban Hamilton Official Plan;
- The proposed increase in height of 39 storeys (122 metres) whereas the existing Secondary Plan and Zoning permit 30 storeys (93 metres westerly portion and 89 metres easterly portion). Both of the proposed towers exceed the height of the Niagara Escarpment (28.8 metres to 32.8 metres (westerly tower) and 3 metres (easterly tower) respectively). Therefore, the proposal does not comply with the general intent of the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan;
- The proposed development will have an adverse visual impact from prominent locations, therefore does not comply with the policies of the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan;
- The impact of the increased height would negatively impact one of the City’s prominent gathering spaces, as identified in the Downtown Secondary Plan (Prince’s Square – 50 Main Street East) by casting new shadows beyond that

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which exists today which is not consistent with the general intent of the Downtown Hamilton Secondary Plan;

- The proposed built form and massing does not incorporate sufficient setbacks, setbacks or articulation to address the existing narrow street proportions causing adverse shadow impacts on the public realm;
- The proposed development does not align with the scale of the existing built form along Jackson Street East. Therefore, does not conform to the policies of the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan;
- The proposed development has not demonstrated that adverse wind conditions will not impact the public realm and adjacent properties and as such, has not demonstrated conformity to the policies of the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan; and,
- The proposed development is not considered to be good planning and is considered overdevelopment of the site.

**Alternatives for Consideration – See Page 16**

**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 applications for an amendment to the Official Plan and Zoning By-law.

**HISTORICAL BACKGROUND**

**Report Fact Sheet**

Application Details	
Owner:	DiCenzo Construction Company Limited c/o Anthony DiCenzo
Agent:	Bousfields Inc. c/o David Falletta
File Numbers:	UHOPA-23-009 and ZAC-23-024

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 117 Jackson Street East, Hamilton (PED23191) (Ward 2) - Page 5 of 17**

<b>Application Details</b>	
Type of Application:	Official Plan Amendment Zoning By-law Amendment
Proposal:	<p>The purpose of the Official Plan Amendment is to amend the Downtown Hamilton Secondary Plan to add a Site Specific policy to permit an increase in maximum building height to 39 storeys and to allow new net shadows to be cast on Prince's Square (50 Main Street East).</p> <p>The purpose of the Zoning By-law Amendment is to modify the existing Downtown Central Business District (D1, H17, H19, H20) Zone to permit a maximum building height of 122 metres (39 storeys) for the easterly tower and 96 metres (30 storey) for the westerly tower, a 16.0 metres high building base façade height and to allow portions of the proposed tower to be located 0 metres from the edge of the building base.</p> <p>The effect of these applications is to facilitate a development consisting of two towers, 39 and 30 storeys in height connected by a three to four storey podium.</p> <p>The proposal provides a total of 741 dwelling units, 297 square metres of commercial floor area at grade, 4,824 square metres of amenity area, 366 vehicle parking spaces contained within a parking structure below and above ground as well as 388 bicycle parking spaces accessed from Catharine Street South (see the conceptual plans attached as Appendix "B" to Report PED23191).</p>
<b>Property Details</b>	
Municipal Address:	117 Jackson Street East.
Lot Area:	0.56 ha.
Servicing:	Existing full municipal services.
Existing Use:	Commercial surface parking lot.
Proposed Use:	Mixed use development.
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposed use of the lands is consistent with portions of the Provincial Policy Statement, however, the documents submitted by the applicant with the application have not demonstrated that adequate municipal services are available to service the proposed development.

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<b>Documents</b>	
Provincial Policy Statement (PPS) <b>Continued:</b>	Additionally, the application has not demonstrated how the proposed development will minimize the impacts on air quality and climate change and what measures the applicant is integrating within the building to ensure the development will be energy efficient.
A Place to Grow:	The proposed use generally conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, as amended, however, the development has not demonstrated that adequate municipal services are available to service the proposed development nor demonstrated how the proposed development will respond to climate change, reduce greenhouse gas emissions, contribute to environmental sustainability and integrate green infrastructure.
Official Plan Existing:	"Downtown Mixed Use Area" on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan.
Downtown Hamilton Secondary Plan Existing:	"Downtown Mixed Use" on Land Use Plan Map B.6.1-1 designation and identified as "High-Rise 2" on Maximum Building Height Map B.6.1-2, in the Downtown Hamilton Secondary Plan.
Downtown Hamilton Secondary Plan Proposed:	"Downtown Mixed Use" with Site Specific policy.
Zoning Existing:	Downtown Central Business District (D1, H17, H19, H20) Zone.
Zoning Proposed:	Downtown Central Business District (D1, XXX) Zone.
<b>Modifications</b>	
Modifications Proposed:	<p>The Applicant requested the following modifications to Zoning By-law No. 05-200:</p> <ul style="list-style-type: none"> <li>To increase the building base façade height from 7.5 metres to 16 metres along both Catharine Street South and Jackson Street East;</li> <li>To eliminate a stepback from the building base façade for up to 20 percent of each tower, whereas a minimum stepback of 3 metres is required from the building base façade; and,</li> <li>To increase the maximum building height to 122 metres for the eastern tower and increase the maximum building height to 96 metres for the western tower, whereas a maximum height of 89 metres for the easterly portion of the lands and 93 metres for the westerly portion of the lands is permitted.</li> </ul>
<b>Processing Details</b>	
Received:	December 22, 2022.
Deemed complete:	January 20, 2023.

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<b>Processing Details</b>	
Notice of Complete Application:	Sent to 319 property owners within 120 metres of the subject property on February 3, 2023.
<b>Processing Details</b>	
Public Notice Sign:	Posted on February 8, 2023.
Notice of Public Meeting:	Sent to 319 property owners within 120 metres of the subject property on September 15, 2023. The public notice sign was updated on September 6, 2023.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix "D" attached to Report PED23191.
Public Consultation:	A Virtual Public Open House was held on March 30, 2023. A summary of the virtual public open house was not provided by the applicant.
Public Comments:	One email was received asking for information about the proposed Official Plan Amendment and Zoning By-law Amendment (attached as Appendix "E" to Report PED23191).
Processing Time:	285 days from date of receipt of the application.

### Existing Land Use and Zoning

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Surface Commercial Parking Lot	Downtown Central Business District (D1, H17, H19, H20) Zone
<b>Surrounding Land Uses:</b>		
North	Mixed use building and motor vehicle service station	Downtown Central Business District (D1, H17, H19, H20) Zone
South	Multiple dwellings and mixed use buildings	Downtown Central Business District (D1) Zone
East	Outdoor storage	Downtown Central Business District (D1, H17, H19, H20) Zone
West	Surface commercial parking and commercial uses	Downtown Central Business District (D1, H17, H19, H20) Zone



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**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Planning Policy Framework**

A full policy review has been provided for the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) is attached in the Summary of Policy Review as Appendix “C” to Report PED23191.

**Provincial Policy Statement (2020)**

The proposed development has not demonstrated what green infrastructure and sustainable design elements are to be implemented, nor demonstrated that there is sufficient infrastructure capacity to service the proposed development.

A Stage 1 Archaeological Assessment was submitted as part of a complete application and the City is satisfied with the recommendations made in the report. The Provincial interest has yet to be satisfied and a letter from the Ministry is required to be submitted to the City when available.

The cultural heritage impacts were evaluated in an Urban Design Brief submitted with the application, and based on the findings the proposed design is generally compatible with adjacent heritage properties and the character of the Corktown Established Historical Neighbourhood due to the use of red and brown brick in the building base.

The principal of the land use is consistent with the Provincial Policy Statement, however, the applicant has not identified how the development will minimize negative impacts on air quality as well as climate change and promote energy efficiency. Furthermore, the proposal has not demonstrated that the Provincial Interest with respect to archaeology has been satisfied, nor has adequate servicing capacity been demonstrated.

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

The proposed development conforms to the policy directing growth to settlement areas and will add to the existing housing stock near a range of transit options, including regional transit.

There are existing municipal water and wastewater systems available, however, the applicant has not demonstrated that there is sufficient municipal service capacity to service the proposed development.

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law  
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In addition, the application does not demonstrate what green infrastructure, sustainable design elements and appropriate low impact development methods are anticipated to be implemented.

To summarize, the principal of the land use generally conforms with the policies of the Growth Plan of the Greater Golden Horseshoe, however, the applicant has not demonstrated conformity to the Growth Plan in regards to climate changes, reduce greenhouse gas emissions, contribute to environmental sustainability, integrate green infrastructure and low impact development techniques nor has it demonstrated that there is adequate servicing capacity to service the proposed development.

### **Urban Hamilton Official Plan (Volume 1)**

The subject lands are identified as “Downtown Urban Growth Centre” on Schedule “E” – Urban Structure and designated “Downtown Mixed Use Area” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan. The subject lands are also designated “Downtown Mixed Use” on Land Use Plan Map B.6.1-1 and identified as “High Rise-2” on Maximum Building Height Map B.6.1-2 in the Downtown Hamilton Secondary Plan Secondary Plan.

A detailed analysis of the applicable Urban Hamilton Official Plan (Volume 1) policies is included in Summary of Policy Review - Appendix “C” attached to Report PED23191.

As outlined in Appendix “C” attached to Report PED23191, the proposed land use conforms to the policies of the Urban Hamilton Official Plan as mixed use buildings are permitted within the designation. Additionally, the proposed development conforms to the minimum density target for the Downtown.

The scale and massing of the proposed development does not conform to the policies related to streetscape character, transition in scale, shadow impacts, visual impacts, wind impacts, amongst others. In addition, the application has not demonstrated that the proposed development will not be adversely impacted by nearby noise sources, or that there is adequate servicing capacity to service the proposed development.

The policies of the Urban Hamilton Official Plan require that where there is potential for site contamination, due to previous uses of a property, and a more sensitive land use being proposed that a mandatory filing of a Record of Site Condition is required. A Phase One and Phase Two Environmental Assessment were submitted with the applications, however at this time a Record of Site Condition has not been filed.

Therefore, it is the opinion of staff that the proposed development does not comply with the policies of the Urban Hamilton Official Plan.

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**Downtown Hamilton Secondary Plan (Volume 2)**

The subject property and the surrounding lands are designated as “Downtown Mixed Use” in the Downtown Hamilton Secondary Plan. A full review of the Downtown Hamilton Secondary Plan policies is included in the Summary of Policy Review attached as Appendix “C” to Report PED23191.

The intent of the Secondary Plan is to provide policy direction to ensure that the City’s pre-eminent node is developed in a manner that ensures it continues to be a location where all ages, abilities and incomes can live, work, access entertainment and culture, recreation, retail as well as institutional uses. The plan places an emphasis on building a well-connected downtown node that respects the existing built form and the views to the Niagara Escarpment.

The proposed development does not contemplate three bedroom units and therefore is not implementing the policy goal of the Downtown Hamilton Secondary Plan in respect to providing an adequate range of unit types and sizes, including those suitable for larger households with children and seniors and represent a missed opportunity in providing a greater range of unit types and sizes in an area supported by local and regional transit and in proximity to existing schools.

The Downtown Hamilton Secondary Plan emphasizes the Niagara Escarpment as an essential part of the character and appearance of the City, and the views of the Escarpment are important assets to protect. The Downtown Hamilton Secondary Plan recognizes the importance of the relationship between topography and building height on the impact to significant views of the Niagara Escarpment (policy 6.1.2 h)). Based on this principal, clear policy direction was established to restrict the height of new development to not exceed the height of the Niagara Escarpment regardless of the underlying land use designation. Appendix D of the Downtown Hamilton Secondary Plan includes the height of the Niagara Escarpment from various points throughout the Downtown and a Holding ‘H’ Provision was established to ensure no building exceeded the height of the Niagara Escarpment.

Policy 6.1.10.3 to 6.1.10.8 pertain to the importance of the Niagara Escarpment, protecting views of the Niagara Escarpment, the need for a Visual Impact Assessment to be undertaken and appropriate design measures be undertaken including reducing building height to mitigate impact on existing views. A Visual Impact Assessment was submitted with the proposed development and based on staff’s review the proposed development will have a visual impact on the Niagara Escarpment from prominent places in the City, including Sam Lawrence Park. A detailed analysis of the visual impacts is included in the Summary of Policy Review – Appendix “C” attached to Report PED23191. Therefore the proposed development does not comply with policies 6.1.2 h)

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and 6.1.10.4, and the development has not provide sufficient setbacks, stepbacks and reductions in height in order to mitigate the impact of the proposed development on existing views in accordance with policy 6.1.10.8.

Detailed direction regarding height, massing and scale is provided through Maximum Building Heights Map B.6.1-2 of the Downtown Hamilton Secondary Plan. The subject lands, the lands to the north and east are identified as “High Rise 2”, the lands to the west are identified as “High Rise 1” and the lands to the south are identified as “Mid Rise. For lands identified as “High Rise 2”, tall buildings are permitted although building height is restricted to a maximum of 30 storeys.

Particular attention was given to the location of the subject property to Prince’s Square which is located in front of the Hamilton Court House located at 50 Main Street East. Prince’s Square is located approximately 130 metres from the subject lands and is identified in the Downtown Hamilton Secondary Plan as a primary gathering space which is a location where civic life occurs. The policies of the Downtown Hamilton Secondary Plan prohibit new development from casting new shadows on to primary gathering spaces between 10:00 a.m. and 4:00 p.m. at the spring and fall equinox. The Shadow Impact Study dated December 2022 prepared by Bousfields Inc. identifies new shadow impacts on Prince’s Square after 10:00 a.m., casting new shadows for approximately 51 minutes at the spring equinox and 36 minutes at the fall equinox. In the opinion of staff, the new net shadow impacts on Prince’s Square are not consistent with the policy direction provided by Policy 6.1.4.37, and in staff’s opinion is neither incremental nor minor. The proposed shadowing represents a significant portion of the time period in which the policies seek to protect against new shadowing. A detailed analysis of the shadow impacts on Prince’s Square is included in the Summary of Policy Review – Appendix “C” attached to Report PED23191. Therefore, the proposed development does not comply with the policy B.6.1.4.37 and in the opinion of staff the Official Plan Amendment to permit the development to increase the net shadows contrary to policy B.6.1.4.37 is not appropriate.

The proposed building base height is more than twice the height envisioned for the subject lands based to the existing right of way widths of Jackson Street East and Catherine Street South. The proposed development has portions of the towers located with no stepbacks from the building base. This will result in shadow impacts on the Catherine Street South right-of-way.

The proposal has not demonstrated that the development will not create adverse wind impacts on adjacent lands, as well as the public realm, or that the proposed development will not create adverse visual impacts.

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Based on the foregoing, the proposed development does not conform to the Built Form, Massing, Transition in Scale, Sun Shadow, Wind Impacts, and Views and Vistas policies of the Downtown Hamilton Secondary Plan.

### **Design Review Panel**

The development proposal was presented to the Design Review Panel on March 9, 2023, the comments from the Panel included the following:

In principle, the panel was supportive of a tall building on the subject lands based on the site's location and access to the downtown core, access to multiple modes of transit and neighbourhood amenities. However, panel members noted the City of Hamilton does have a policy which restricts the height proposed in this location. Generally, the panel acknowledged that the Downtown Hamilton Secondary Plan attempted to balance the need for additional housing with the potential negative impacts from the proposed additional height, increased shadow impacts, reduction of escarpment views, and impacts on the streetscape.

Detailed design comments regarding access, streetscaping and the public realm were provided by the Design Review Panel. If the applications are approved, specific details regarding the development will be reviewed during the Site Plan process, however, the panel's comments informed staff's evaluation of the application for Official Plan Amendment and Zoning By-law Amendment. Improvements to the vehicle access as well as the ground level residential and retail uses were recommended.

The panel agreed that the streetscape and the pedestrian realm along Jackson Street East and Catharine Street South would be the focal area of the site and recommended an enlarged sidewalk area, landscape plantings, trees, site furniture and pedestrian-scaled lighting along both street fronts.

At the time of the writing of this Report, a detailed response to the comments provided by the Design Review Panel has not been provided by the applicant.

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

The Zoning By-law Amendment is for a change from the Downtown Central Business District (D1, H17, H19, H20) Zone to a site specific Downtown Central Business District (D1, XXX) Zone. The effect of the Zoning By-law Amendment will permit a mixed use development with two towers, one with a maximum building height of 122.0 metres (39 storey) and the other with a maximum building height of 96.0 metres (30 storeys) connected by a three to four storey podium containing 741 dwelling units, 4,824 square metres of amenity area, 297 square metres of commercial floor area at grade, 366

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vehicle parking spaces in an underground and above ground structure, and 386 bicycle parking spaces.

The applicant has requested a number of site specific modifications and staff have identified additional modifications to the Downtown Central Business District (D1) Zone. The modifications required to facilitate the proposed development are summarized in the Report Fact Sheet on page 4 of Report PED23191. Analysis of the Zoning By-law Amendment is provided below in the Analysis and Rationale for Recommendation section of Report PED23191.

The existing zoning includes Holding Provision (H17) which does not permit any development to exceed a maximum height of 44.0 metres until the Holding Provision has been lifted. Lifting the holding is conditional upon the following:

- That the landowner has demonstrated that they have assembled sufficient land to achieve minimum lot area and lot frontage requirements in accordance with the Zoning By-law;
- That the landowner has demonstrated the proposal conforms to the policies of the Downtown Hamilton Secondary Plan through submission of Sun Shadow Study, Wind Study, Visual Impact Assessment, Traffic Impact Study, and Functional Servicing Report;
- That the landowner demonstrate that the proposed development does not exceed the height of the Niagara Escarpment; and,
- Conditional Site Plan approval be received which shall address matters including but not limited to Design Review Panel advice.

The proposed development exceeds the height of the Niagara Escarpment and as previously noted the proposed development will have a shadow impact on a primary gathering space which does not conform to the policies of the Downtown Hamilton Secondary Plan. Therefore, the proposed development would not satisfy the conditions for lifting the Holding Provision.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal does not have merit and cannot be supported for the following reasons:
  - The proposed development has not demonstrated that there is adequate infrastructure capacity to service the proposed development nor



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demonstrates the green infrastructure and sustainable design elements to be implemented that will minimize impacts on air quality and climate change, contribute to environmental sustainability and implement appropriate low impact development, and therefore has not demonstrated that it is consistent with the Provincial Policy Statement (2020) nor conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);

- The proposed increase in height to 39 and 30 storeys exceed the heights of the Niagara Escarpment, therefore does not comply with the general intent of the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan;
- The proposed development will have an adverse visual impact from prominent locations, therefore does not comply with the policies of the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan;
- The impact of the increased height would negatively impact one of the City's prominent gathering spaces (Prince's Square – 50 Main Street East) by casting new net shadows and is not consistent with the general intent of the Downtown Hamilton Secondary Plan;
- The proposed development does not demonstrate that there is adequate infrastructure capacity to service the proposed development and does not demonstrate that appropriate green infrastructure and sustainable design elements are to be utilized in the development in accordance with the policies of the Urban Hamilton Official Plan;
- The proposed built form and massing does not incorporate sufficient setbacks, set-backs or articulation to address the existing narrow street proportions causing adverse shadow impacts on the public realm. The proposed development does not align with the scale of the existing built form along Jackson Street East. Therefore, does not conform to the policies of the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan;
- The proposed development has not demonstrated that it will not create adverse wind conditions on the public realm and adjacent properties and as such, has not demonstrated conformity to the policies of the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan; and,

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- The proposed development is not considered to be good planning and is considered overdevelopment of the site.

2. Official Plan Amendment

The subject lands are designated “Downtown Mixed Use” by the Urban Hamilton Official Plan and identified as “High Rise 2” in the Downtown Hamilton Secondary Plan. The Official Plan Amendment proposes to amend the Secondary Plan to establish a Site Specific Policy area to facilitate the proposed development by permitting an increase in maximum building height to allow the building to exceed the height of the Niagara Escarpment and to permit new net shadows to be cast upon a prominent gathering space within the downtown (Prince’s Square).

A detailed evaluation of the policies of the Urban Hamilton Official Plan, Downtown Hamilton Secondary Plan, Shadow analysis and the Tall Building Guidelines is provided in the Summary of Policy Review in Appendix “C” attached to Report PED23191.

The general intent and vision of the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan establishes the need for intensification in the Downtown on the basis that development would be in proximity to existing local and regional transit, have access to cycling infrastructure, be in proximity to existing commercial and community infrastructure as well as respects the historic character of the downtown. The need for intensification is however balanced with other consideration including the protection of the Niagara Escarpment, views of the Escarpment, and ensuring adequate access to the public realm, especially primary public gathering spaces, such as Prince’s Square is protected and maintained. It is staff’s opinion that the existing policies support appropriate levels of intensification while balancing the need for additional housing against other factors, including protecting views both to and from the Niagara Escarpment and providing an enhanced public realm. An appropriate level of development can be provided on-site using the direction of the current policies within the Downtown Hamilton Secondary Plan.

The Visual Impact Assessment submitted with the applications outlines that the proposed development will have an impact on the views of the Niagara Escarpment from prominent locations. It is the opinion of staff that a development that complies with the policies of the Downtown Hamilton Secondary Plan would result in a building of a size and scale that would reduce the visual impacts of the building on the Niagara Escarpment.

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The policies of the Downtown Hamilton Secondary Plan restrict that no new shadows be cast upon primary public gathering spaces such as Prince's Square between 10:00 a.m. and 4:00 p.m. at the spring and fall equinox. Staff note that the new net shadow proposed to be cast upon Prince's Square are, in part, a result of the proposed increase in building height and massing. A reduction of the maximum building height would have the effect of reducing, if not eliminating the casting of new net shadows on a primary gather space. It is the opinion of staff that the proposed amendment to permit increased shadowing on Prince's Square is not appropriate and cannot be supported.

Therefore, the Official Plan Amendment to allow for the development to exceed the height of the Escarpment is not consistent with the general intent and vision that has been established by the City and staff do not support the proposed amendment.

**3. Zoning By-law Amendment**

The subject lands are zoned Downtown Central Business District (D1) Zone in Zoning By-law No. 05-200. The Zoning By-law Amendment proposes to change the zoning to a site specific Downtown Central Business District (D1, XXX) Zone as outlined in the table on page 4 of Report PED23191.

The proposed Zoning By-law Amendment is seeking zoning modifications to allow for an increase in maximum building height, increase in maximum building base façade height and to remove the required minimum stepback from the building base.

In the opinion of staff, the proposed modifications do not comply with the policies of the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan as outlined in the Summary of Policy Review in Appendix "C" attached to Report PED23191. As noted above, the proposed Official Plan Amendment to amend the policies of the Urban Hamilton Official Plan is not appropriate and is not supported by staff.

Therefore, staff do not support the proposed Zoning By-law Amendment.

**ALTERNATIVES FOR CONSIDERATION**

- 1) Should the applications be approved, staff be directed to prepare the Official Plan Amendment and amending Zoning By-law consistent with the submitted concept plans attached as Appendix "B" to Report PED23191 with the inclusion of a Holding Provision to address matters, including, but not limited to the submission

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of a Record of Site Condition, site servicing, noise, wind impacts and any other necessary agreement to implement Council's direction.

- 2) Council direct staff to negotiate revisions to the proposal with the applicant in response to the issues and concerns identified in this Report and report back to Council on the results of the discussion.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED23191 – Location Map

Appendix "B" to Report PED23191 – Concept Plan

Appendix "C" to Report PED23191 – Summary of Policy Review

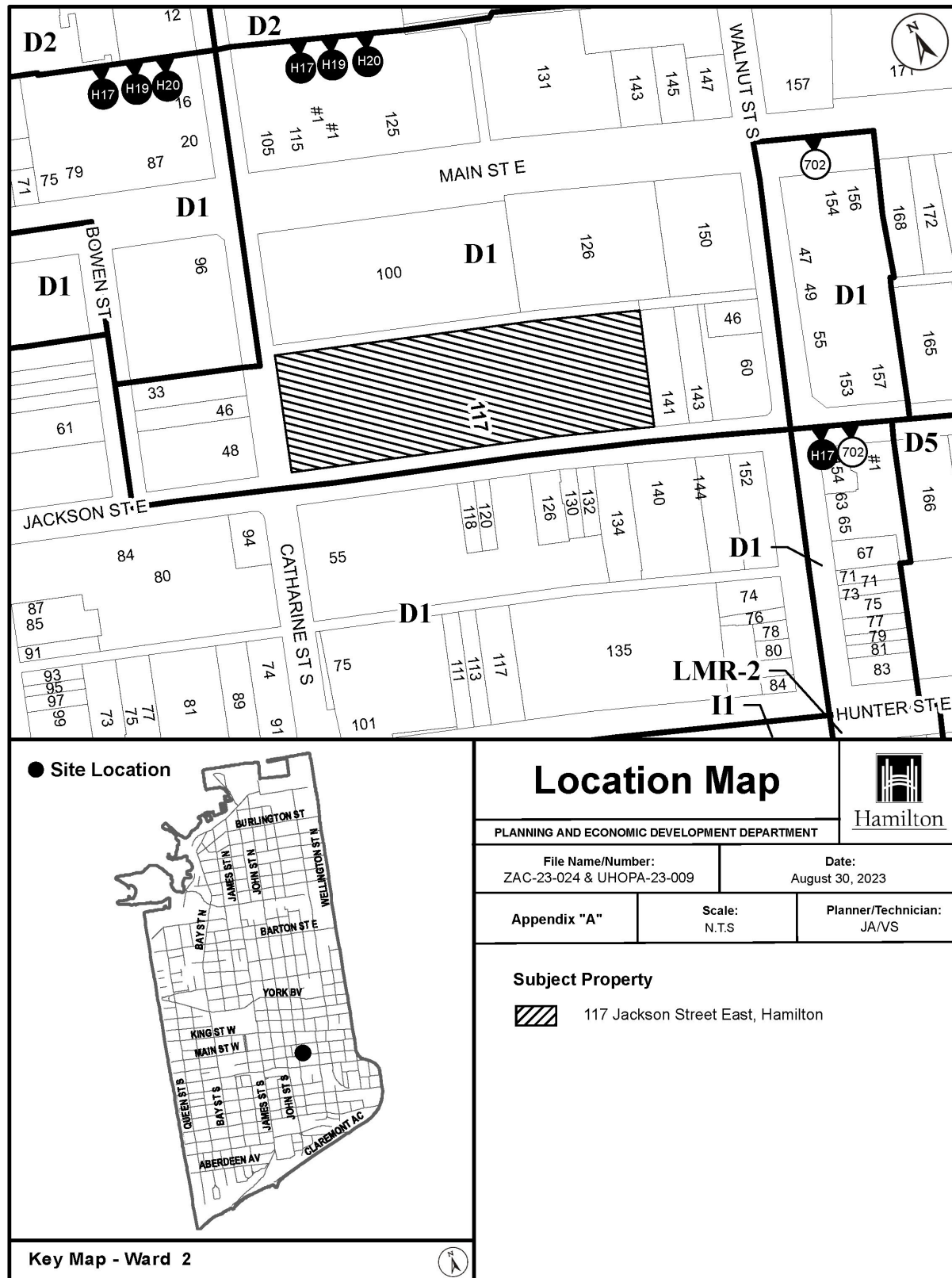
Appendix "D" to Report PED23191 – Department and Agency Comments

Appendix "E" to Report PED23191 – Public Comments

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Appendix "A" to Report PED23191

Page 1 of 1



117 JACKSON STREET EAST  
HAMILTON, ONTARIO



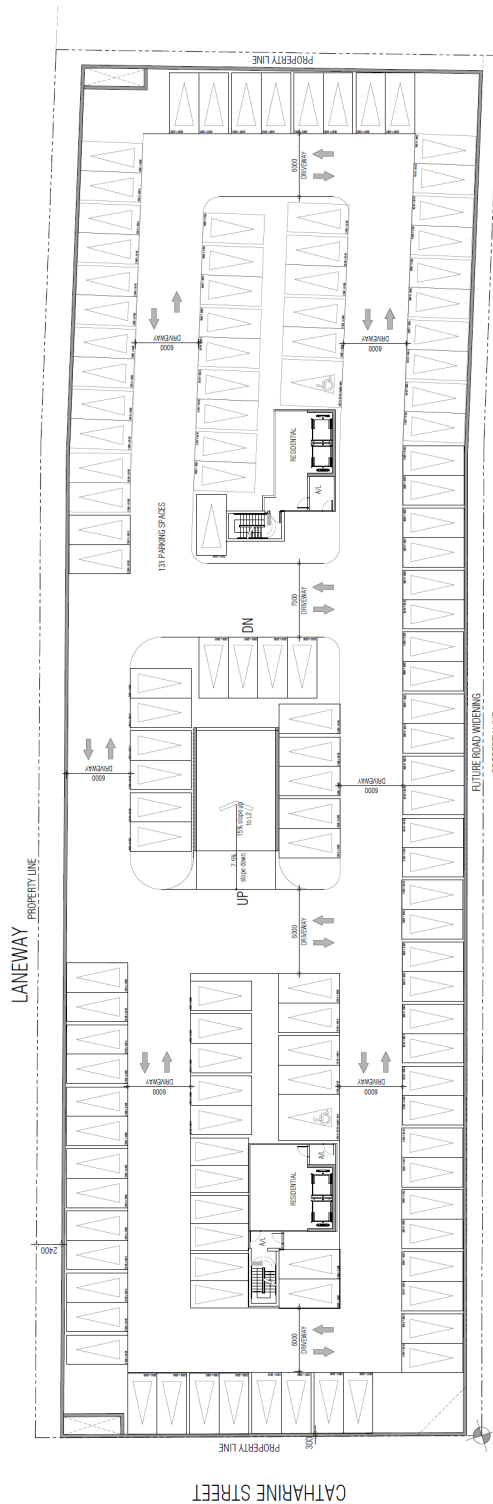
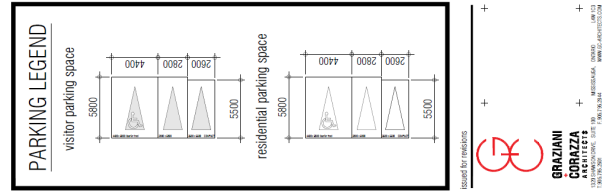
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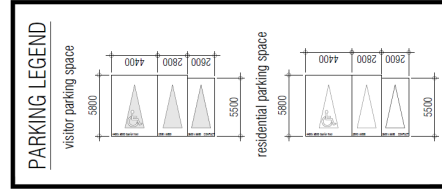
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Appendix "B" to Report PED23191

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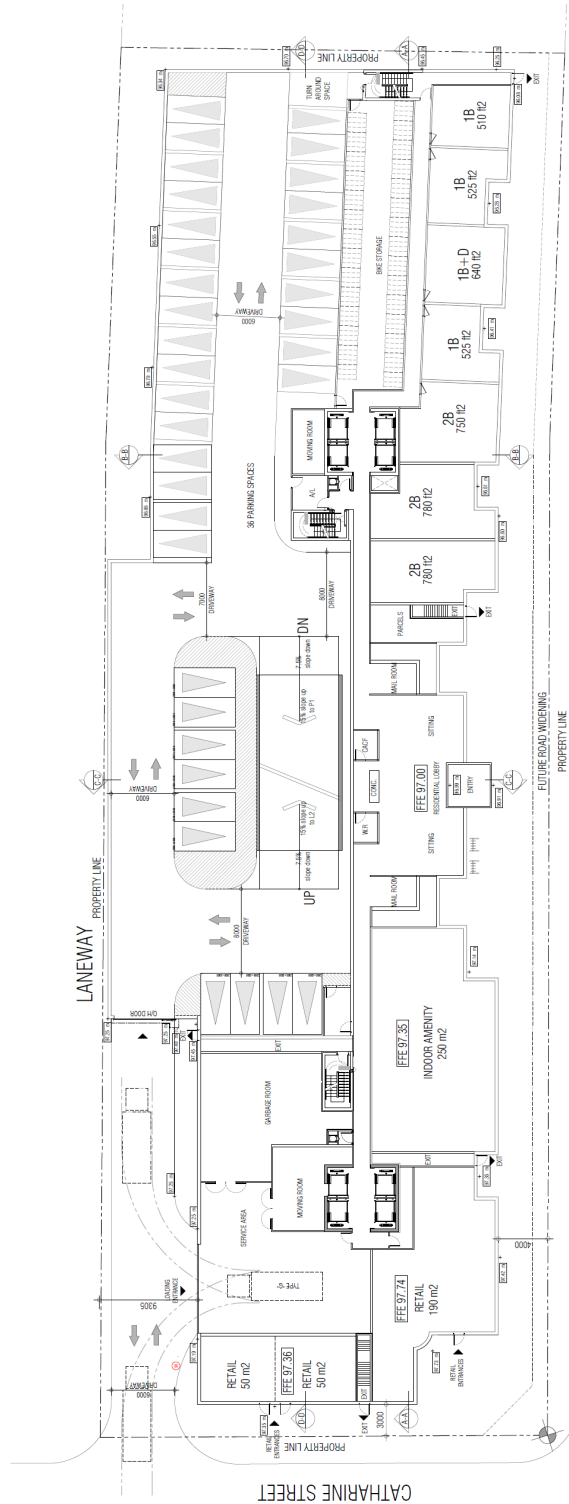


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Ground Floor Plan


Scale	1:200	A301
North Arrow		
Block Size	610 x 1000	



## PARKING LEGEND

Issued for tenders

+ +



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CORAZZA**  
**ARCHITETTI**

VIA S. PIETRO 10  
10121 TORINO - ITALY  
TEL. 011/51.76.26.00  
WWW.GC-ARCHITECTS.COM

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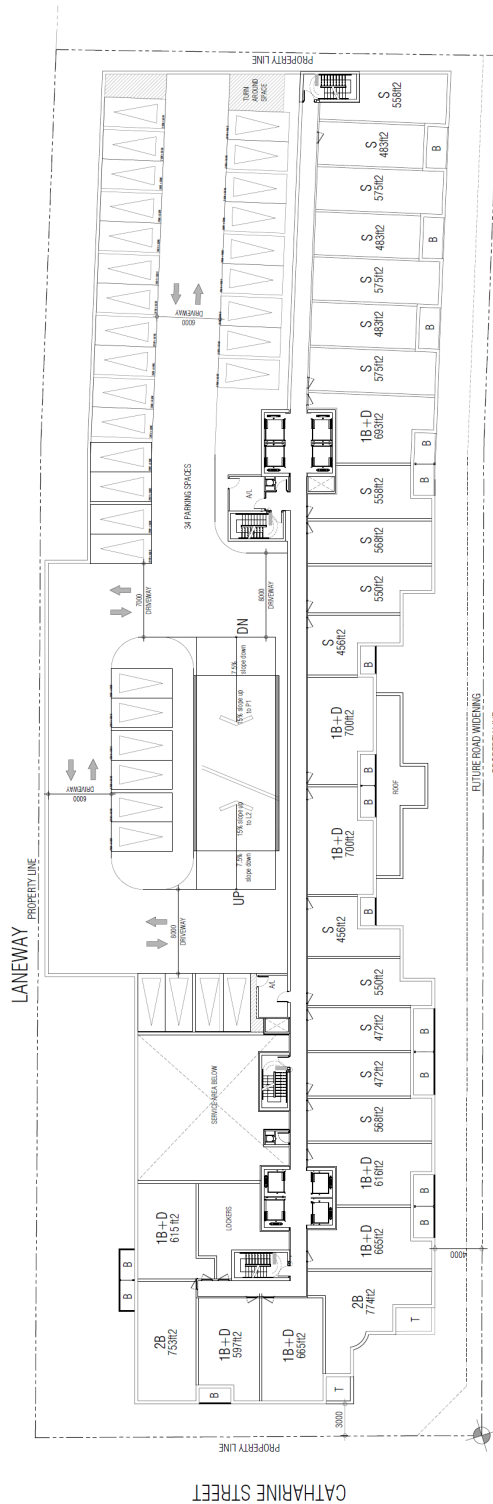
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	ASSISTANT DESIGNER:	R.L.
	DRAWN BY:	R.L. / J.B.
	CHECKED BY:	D.B.
	POST DATE:	DEC.01.2022
PLAT #		1291.300

2nd Floor Plan

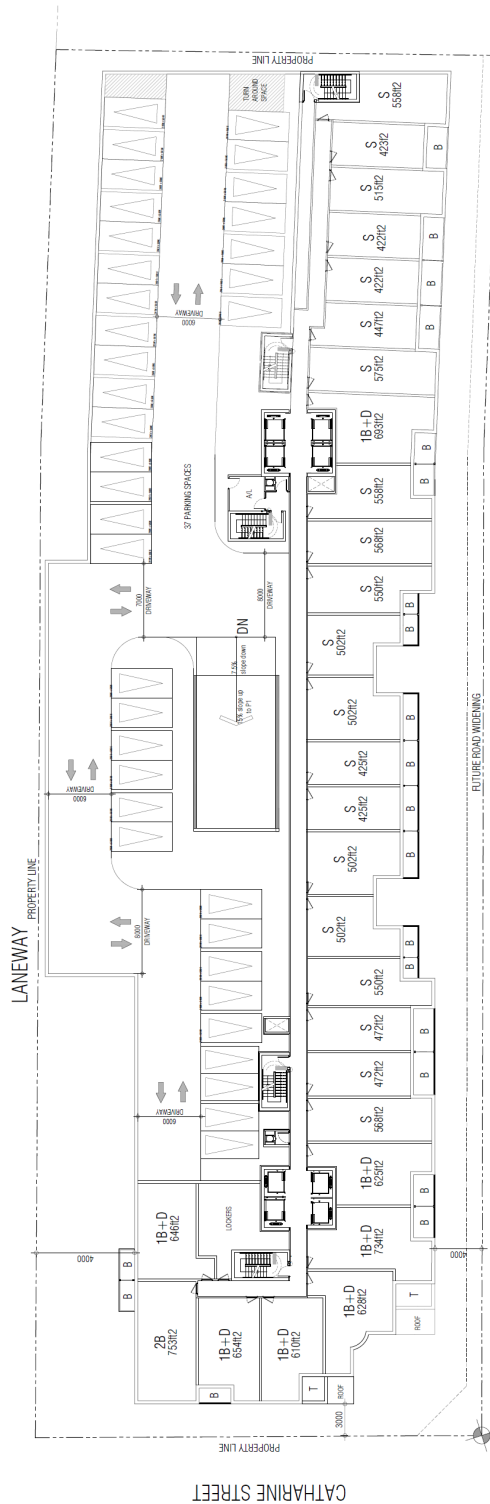
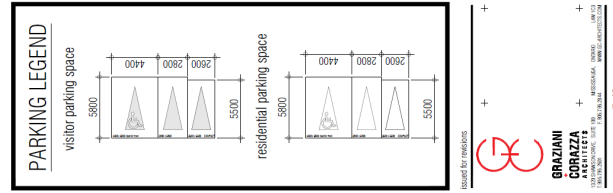
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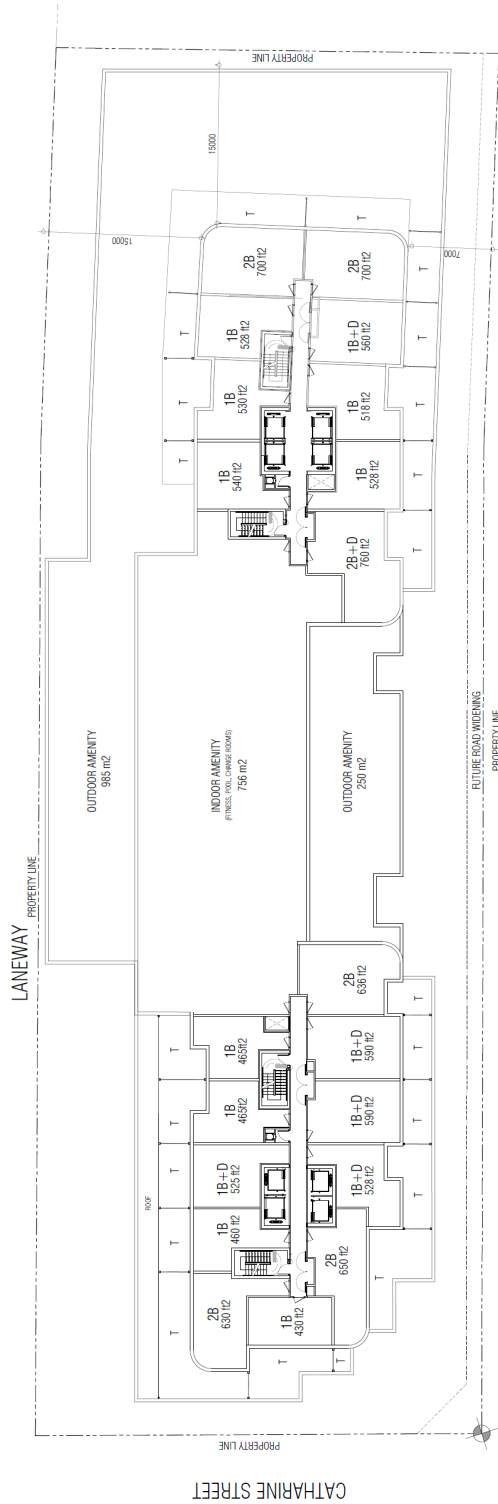






Appendix “B” to Report PED23191  
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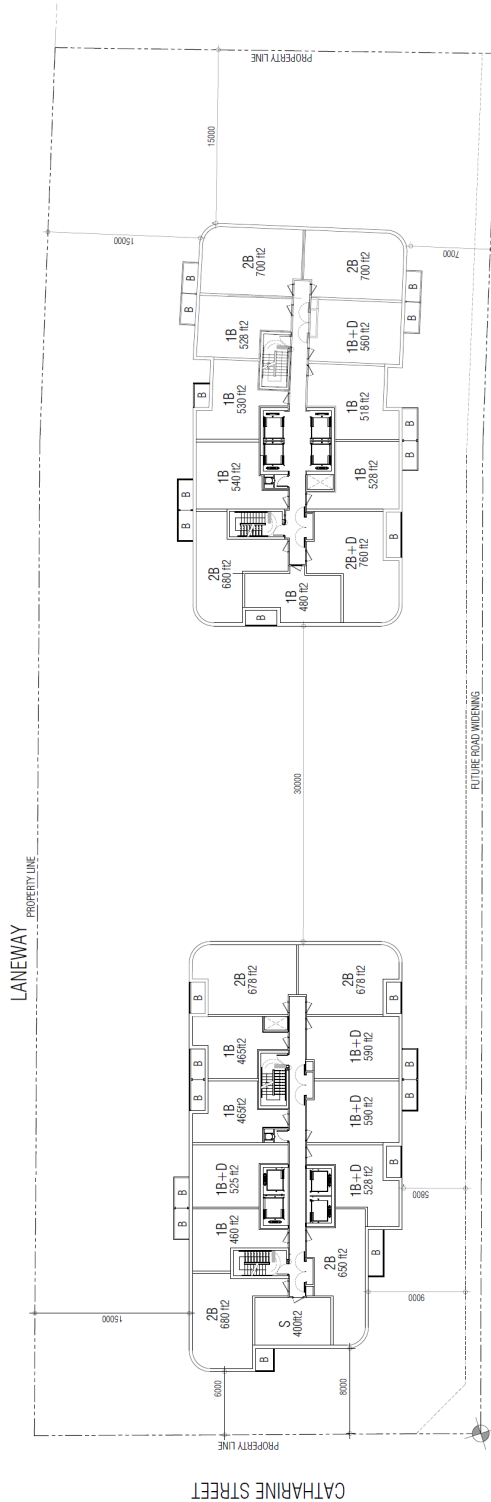
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4th Floor Plan

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THIS DRAWING IS AN ILLUSTRATION OF THE PROPOSED ELECTRICAL SYSTEM FOR THE PROPERTY AND IS NOT A CONTRACT DOCUMENT. IT IS THE RESPONSIBILITY OF THE CLIENT TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AUTHORITIES. THE CLIENT IS ADVISED THAT THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE CLIENT IS ADVISED THAT THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE CLIENT IS ADVISED THAT THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED FOR ANY OTHER PURPOSE.



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117 Jackson Street	
Number	117 Jackson Street East
Project Name	117 Jackson Street East
Client	117 Jackson Street East
Architect	117 Jackson Street East
Structural Engineer	117 Jackson Street East
Electrical Engineer	117 Jackson Street East
Plumbing Engineer	117 Jackson Street East
MEP Engineer	117 Jackson Street East
Project Date	117 Jackson Street East
Project No.	117 Jackson Street East

Typical Floor Plan  
6th - 28th

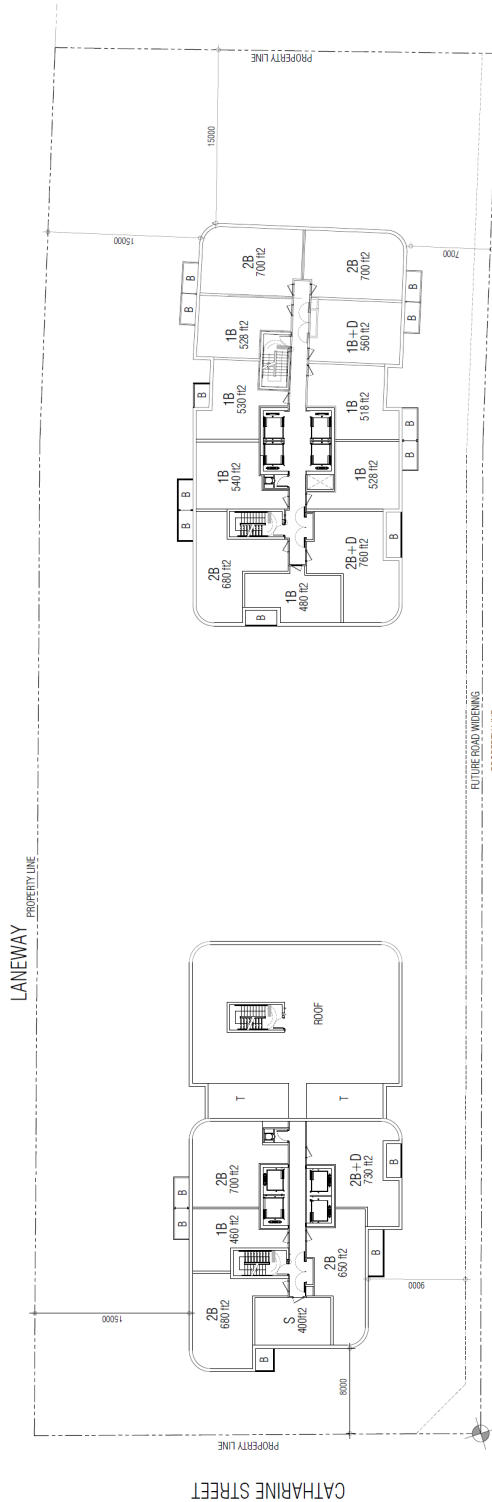


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TITLEBLOCK SIZE: 610 x 900



Herzline	PROJECT ARCHITECT:	B.G.
	ASSISTANT DESIGNER:	R.L.
	DRAWN BY:	R.L./J.B.
	CHECKED BY:	D.B.
	PLOT DATE:	DEC.01.2022
		1201-905

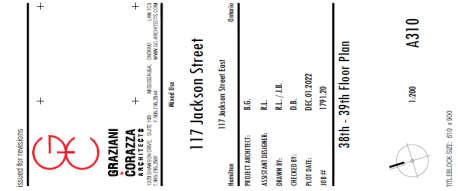
**Tower A Roof Plan**  
**32nd - 37th Floor Plan**

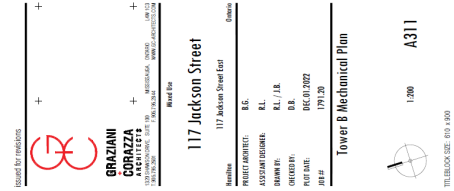


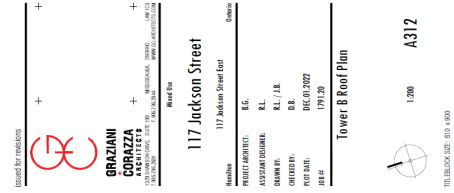
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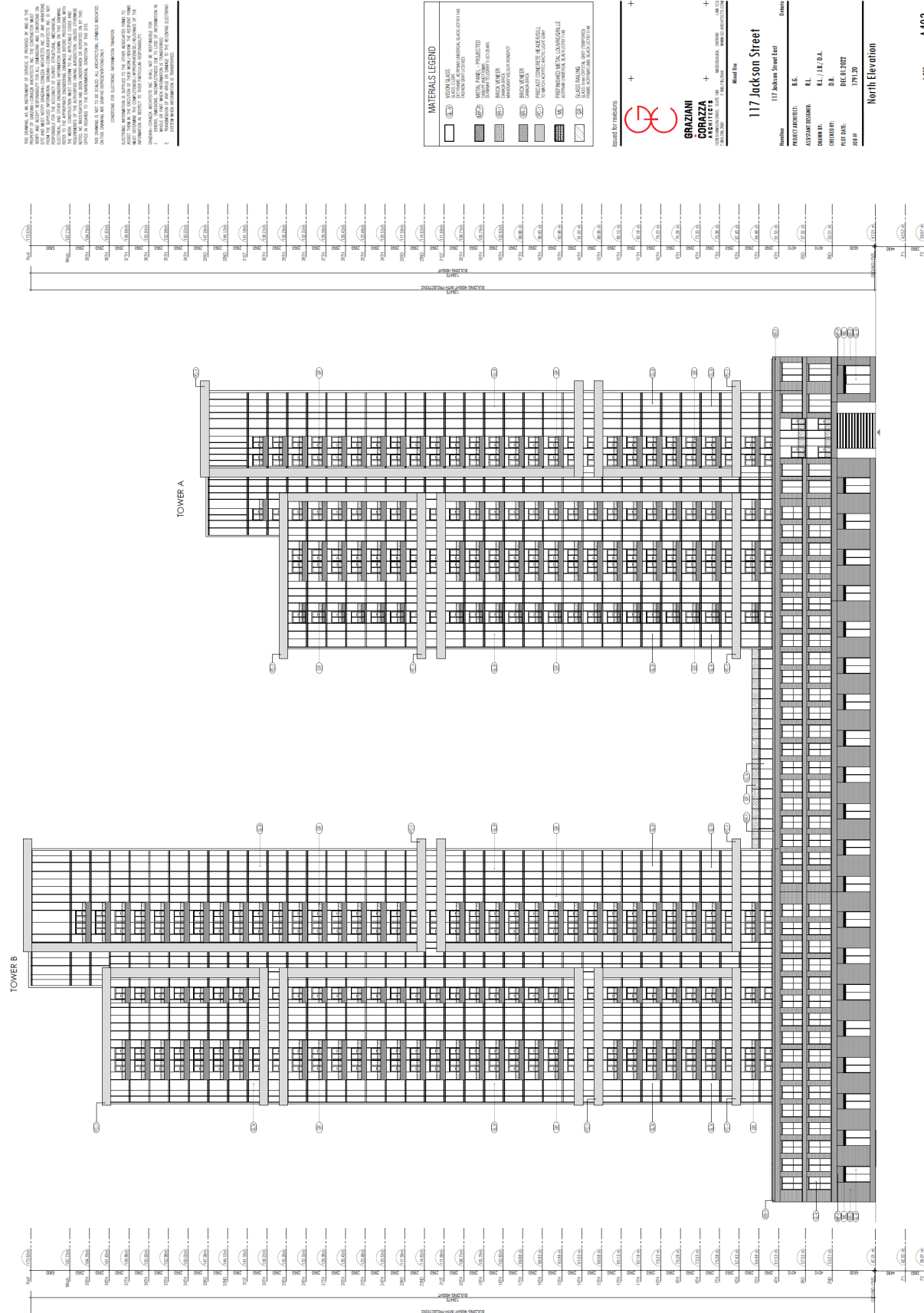
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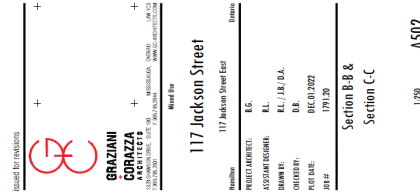
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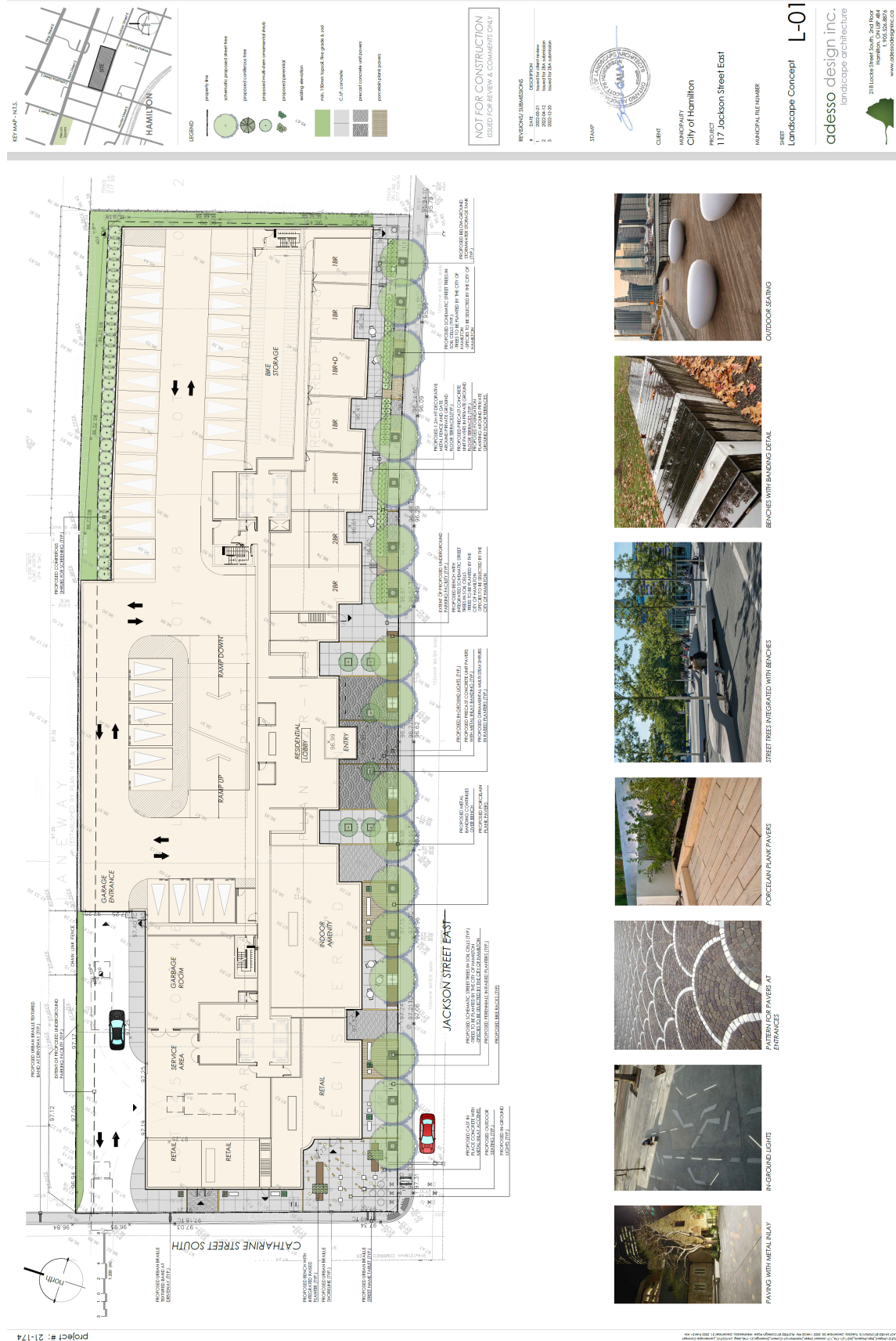


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## SUMMARY OF POLICY REVIEW

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

<b>Provincial Policy Statement (2020)</b>		<b>Staff Response</b>
<b>Theme and Policy</b>	<b>Summary of Policy or Issue</b>	
<b>Management of Land Use</b>  Policy: 1.1.1	“Settlement areas shall be the focus of growth and development.”	The proposed development is consistent with policy 1.1.1 as the proposed development focus growth within a settlement area.
<b>Settlement Area</b>  Policy: 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 resource;  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;  c) Minimize negative impacts to air quality and climate change, and promote energy efficiency;  d) Prepare for the impacts of a changing climate;  e) Support active transportation;  f) Are transit-supportive, where transit is planned, existing or may be developed.	The proposed development has not demonstrated that it is consistent with policy 1.1.3.2.  The proposed 751 dwelling units and 297 square metres of ground level commercial area will contribute to the mix of land uses in the area, would efficiently use land and existing infrastructure and represent a form of intensification that is supported by existing local and regional transit.  In addition, the applicant has not demonstrated that there is sufficient infrastructure capacity to service the proposed development.

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<b>Provincial Policy Statement (2020)</b>		<b>Staff Response</b>
<b>Theme and Policy</b>	<b>Summary of Policy or Issue</b>	
<b>Settlement Area (Continued)</b>  Policy: 1.1.3.2	Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.”	
<b>Cultural Heritage</b>  Policies 2.6.1, 2.6.2 and 2.6.3	<p>“2.6.1 - Significant built heritage resources and significant cultural heritage landscapes shall be conserved.</p> <p>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.</p> <p>2.6.3 - Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage properties except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”</p>	<p>The proposed development is consistent with policies 2.6.1, 2.6.2 and 2.6.3.</p> <p>The subject property meets six of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:</p> <ol style="list-style-type: none"> <li>1) In areas of pioneer EuroCanadian settlement; and,</li> <li>2) Along historic transportation routes.</li> </ol> <p>These criteria define the property as having archaeological potential. A Stage 1 archaeological report has been submitted to the City and the Ministry of Citizenship and Multiculturalism.</p> <p>While the Province interest has yet to be signed off by the Ministry, staff concur with the recommendations made in the report and the archaeological condition for the subject application has been met to the satisfaction of the City. A letter from the Mistry is required to be submitted to the City when available.</p> <p>An Urban Design Brief prepared by Bousfields Inc. dated December 2022 was submitted with the applications and assessed the impact of the proposed development at 117 Jackson on the surrounding character of the area.</p>

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<b>Provincial Policy Statement (2020)</b>		<b>Staff Response</b>
<b>Theme and Policy</b>	<b>Summary of Policy or Issue</b>	
<b>Cultural Heritage (Continued)</b>  Policies 2.6.1, 2.6.2 and 2.6.3		From a cultural heritage perspective, the use of red and brown brick is proposed which is consistent with the building materials in the Corktown Established Historical Neighbourhood.
<b>A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2029, as amended)</b>		
<b>Forecasted Growth</b>  Policy 2.2.1.2	Forecasted growth to the horizon of this Plan will be allocated based on the following: <ul style="list-style-type: none"> <li>a) The vast majority of growth will be directed to settlement areas that: <ul style="list-style-type: none"> <li>i. Have a delineated built boundary;</li> <li>ii. Have existing and planned municipal water and wastewater systems; and,</li> <li>iii. Can support the achievement of complete communities;</li> </ul> </li> <li>c) Within settlement areas, growth will be focused in: <ul style="list-style-type: none"> <li>i. Delineated built-up areas;</li> <li>ii. Strategic growth areas;</li> <li>iii. Location with existing or planned transit, with a priority on higher order transit where it exists or is planned; and,</li> <li>iv. Areas with existing or planned public service facilities.</li> </ul> </li> <li>d) Development will be directed to settlement areas, except where the policies of this Plan permit otherwise.</li> </ul>	<p>The proposed development does not comply with policy 2.2.1.2.</p> <p>The subject lands are located within the City of Hamilton’s urban boundary and are fully serviced by municipal water and wastewater infrastructure. The applicant has not demonstrated that there is sufficient municipal service capacity to service the proposed development.</p> <p>The proposal would contribute to achieving a complete community by expanding housing within the neighbourhood in close proximity to a range of transit options including the regional train and bus services from the Hamilton Centre GO Station and future Light Rail Transit.</p>



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<b>A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2029, as amended)</b>		
<b>Complete Communities</b>  2.2.1.4	<p>“Applying the policies of this Plan will support the achievement of complete communities that:</p> <ul style="list-style-type: none"> <li>c) Provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stage of life, and to accommodate the needs of all household sizes and incomes;</li> <li>f) Mitigate and adapt to the impacts of a changing climate, improving resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and,</li> <li>g) Integrate green infrastructure and appropriate low impact development.”</li> </ul>	<p>The applicant has not demonstrated that the proposal complies with policy 2.2.1.4.</p> <p>The applicant has not demonstrated what green infrastructure and sustainable design elements are to be implemented that will mitigate and adapt to the impacts of a changing climate, improve resilience, reduce greenhouse gas emissions, contribute to environmental sustainability as well as integrating green infrastructure and appropriate low impact development.</p>
<b>Official Plan:</b>	<b>Urban Hamilton Official Plan</b>	
Existing Identification – Schedule “E” Urban Structures:	Downtown Urban Growth Centre	
Existing Designation – Urban Land Use Designation:	Downtown Mixed Use	
Proposed Amendment/Site Specific Policy:	Amendment to the Downtown Hamilton Secondary Plan - “Site Specific Policy Area – Downtown Mixed Use”	

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<b>Official Plan:</b>	<b>Urban Hamilton Official Plan</b>	
<p><b>Downtown Urban Growth Centre – Use and Density</b></p> <p>Policy: E.2.3.1.2, E.2.3.1.9</p>	<p>“E.2.3.1.2 - The <i>Downtown Urban Growth Centre</i> shall be the pre-eminent node in Hamilton due to its scale, density, range of uses, function and identity by residents of the City as the Downtown and accordingly, it shall be planned for a range of uses appropriate to its role as the City’s pre-eminent node.</p> <p>E.2.3.1.9 – The <i>Downtown Urban Growth Centre</i> shall generally have the highest aggregate density within the City with a minimum target density of 500 persons and jobs per hectare. The Downtown Urban Growth Centre may evolve over time to a higher density without an amendment to this Plan.”</p>	<p>The proposal complies with these policies.</p> <p>The proposed development seeks to establish a mixed use development within the Downtown Urban Growth Centre. Therefore, the current zoning which allows for a residential and commercial uses, and the proposed use of the lands will be consistent with the function of the Downtown as the pre-eminent node of the city.</p> <p>The proposed development will have a residential density of approximately 1,350 units per hectare which equates to a residential density of 500 persons per hectare.</p>
<p><b>Detailed Policies – Height and Density</b></p> <p>Policies: E.2.3.1.12 and E.4.4.7</p>	<p>“E.2.3.1.12 - Detailed policies on permitted building heights and densities shall be set out in the Downtown Hamilton Secondary Plan, other secondary plans covering lands within the <i>Downtown Urban Growth Centre</i>, and other policies of this Plan.</p> <p>E.4.4.7 - Permitted density and heights shall be set out in the secondary plan for the lands designated Downtown Mixed Use.”</p>	<p>The proposal does not comply with these policies.</p> <p>The Downtown Hamilton Secondary Plan sets out a maximum height of 30 storey and restricts the height of new development to the height of the Niagara Escarpment. The proposed development seeks to establish a minimum building height of 30 and 39 storeys, which would exceed the height of the Niagara Escarpment.</p> <p>A detailed analysis respecting building height is provided in the Building Height section of the Downtown Hamilton Secondary Plan of the Summary of Policy Review – Appendix “C” of Report PED23191.</p>
<p><b>Residential Intensification</b></p> <p>Policy B.2.4.1.4</p>	<p>“Residential intensification developments within the built-up area shall be evaluated based on the following criteria:</p>	<p>The proposal does not comply with this policy.</p> <p>The proposed development exceeds the maximum building height permitted in the Downtown Hamilton Secondary Plan, and therefore is not consistent with the built form and established</p>

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	<p>a) A balanced evaluation of the criteria in b) through l), as follows;</p> <p>b) The relationship of the proposed development to existing neighbourhood character so that it builds upon desirable established patterns and built form;</p> <p>c) The contribution of the proposed development to maintaining and achieving a range of dwelling types and tenures;</p> <p>d) The compatible integration of the proposed 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;</p> <p>e) The contribution of the proposed development to achieving the planned urban structure as described in Section E.2.0 – Urban Structures;</p> <p>f) Existing and planned water, wastewater and stormwater capacity;</p> <p>g) The incorporation and utilization of green infrastructure and sustainable design elements in the proposed development;</p> <p>h) The contribution of the proposed development to supporting and</p>	<p>patterns envisioned in the Downtown Hamilton Secondary Plan. In addition, the scale and massing of the proposed development does not compatibly integrate with scale, form and character of the area and is creating shadow impacts on the public realm and on a primary public gathering space.</p> <p>A detailed analysis respecting building height, respecting built form, and respecting sun shadow impacts are provided in the Building Height section and Built Form, Massing and Transition in Scale section of the Downtown Hamilton Secondary of Summary of Policy Review – Appendix C of Report PED23191. (Policy B.2.4.1.4 b), d) and e))</p> <p>An appropriate range of housing types, including affordable housing has not been demonstrated. A detailed analysis is provided in the Range of Housing Types section of the Downtown Hamilton Secondary Plan of Summary of Policy Review – Appendix C of Report PED23191. (Policy B.2.4.1.4 c)).</p> <p>The proposed development has not demonstrated that there is adequate water, wastewater, and stormwater service capacity in order to service the proposed development without adverse impacts on servicing capacity (Policy B.2.4.1.4 f)).</p> <p>The proposed development has not demonstrated that appropriate green infrastructure and sustainable design elements are to be utilized in the development (Policy B.2.4.1.4 g)).</p> <p>The proposed development is located in proximity to existing local transit routes, future higher order transit routes and regional transit, and will include sufficient long term and short term bicycle parking in accordance with the Zoning By-law. Therefore, the proposed development will support and facilitating active transportation modes and contribution to support and facilitating active transportation modes, Policy B.2.4.1.4 h) and i).</p>
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	<p>facilitating active transportation modes; and,</p> <p>i) The contribution of the development to be transit-supportive and supporting the use of existing and planned local and regional transit services;</p> <p>j) the availability and location of existing and proposed public community facilities / services;</p> <p>k) The ability of the development to retain and / or enhance the natural attributes of the site and surrounding community including, but not limited to native vegetation and trees; and,</p> <p>l) compliance of the proposed development with all other applicable policies.”</p>	<p>There are existing commercial and institutional services in the area that would be able to service the proposed development (Policy B.2.4.1.4 j)).</p> <p>The proposed development is not located adjacent to a natural heritage area, however, there are existing street trees along Catharine Street South and on adjacent lands that may be impacted by the proposed development (Policy B.2.4.1.4 k)).</p>
<p><b>Urban Design - Built Form</b></p> <p>Policy B.3.3.3.1, B.3.3.3.2, B.3.3.3.3, and B.3.3.3.5 e)</p>	<p>B.3.3.3.1 – New development shall be located and organized to fit within the existing or planned context of an area as described in Chapter E – Urban Systems and Designations.</p> <p>B.3.3.3.2 - New development shall be designed to minimize impact on neighbouring buildings and public spaces by:</p> <p>a) creating transitions in scale to neighbouring buildings;</p> <p>b) ensuring adequate privacy and sunlight to neighbouring properties; and,</p>	<p>The proposal does not comply with these policies.</p> <p>The scale and massing of the proposed development does not fit within the existing or planned context of the area. The proposed development will not be massed to respect the existing and planned street proportions. A detailed analysis on the scale and massing of the building is provided in the Built Form, Massing, and Transition in Scale section of the Downtown Hamilton Secondary Plan of the Summary of Policy Review – Appendix C of Report PED23191.</p> <p>The proposed development will have a negative shadow impact on the public realm along Catharine Street South and on a primary gathering space (Prince’s Square). A detailed analysis on shadow impacts is provided in the Sun Shadow section of the</p>

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	<p>c) minimizing the impacts of shadows and wind conditions.</p> <p>B.3.3.3.3 - New development shall be massed to respect existing and planned street proportions.</p> <p>B.3.3.3.5 – Built form shall create comfortable pedestrian environment by:</p> <p>e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.”</p>	<p>Downtown Hamilton Secondary Plan of the Summary of Policy Review – Appendix C of Report PED23191.</p> <p>In respect to wind impacts, the application has not demonstrated the change in wind conditions as a result of the proposed development. A detailed analysis on wind impacts is provided in the Wind Impact section of the Downtown Hamilton Secondary Plan of the Summary of Policy Review – Appendix C of Report PED23191.</p> <p>Portions of the proposed design will not include stepbacks from the building base which has an impact on both the massing and scale of the development and on sun access to the public realm. A detailed analysis on scale and massing of the building and shadow impacts is provided in the Built Form, Massing and Transition in Scale section and Sun Shadow section of the Downtown Hamilton Secondary Plan of the Summary of Policy Review – Appendix “C” of Report PED23191.</p>
<p><b>Site Condition</b></p> <p>Policy B.3.6.1.1</p>	<p>“Where there is potential for site contamination due to previous uses of a property and a more sensitive land use is proposed, a mandatory filling of a Record of Site Condition is triggered as outlined in provincial guidelines. The Record of Site Condition shall be submitted by the proponent to the City and Province. The Record of Site Condition shall be to the satisfaction of the City.”</p>	<p>The existing use of the subject property is a surface parking lot and as the proposal is to establish a sensitive land use on-site, a Record of Site Condition is required. A Phase 1 and Phase 2 Environmental Site Assessment where submitted with the application for Official Plan Amendment and Zoning By-law Amendment. However, at this time the Record of Site Condition has not been filed with the Ministry of the Environment, Conservation and Parks and therefore the acknowledgement of filling has not been provided.</p>
<p><b>Noise</b></p> <p>Policy B.3.6.3.1</p>	<p>“Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.”</p>	<p>A Noise study prepared by dBA Acoustical Consultants Inc. dated November 2022 was submitted with the applications for Official Plan Amendment and Zoning By-law Amendment.</p> <p>The study identified multiple transportation noise sources road and railway that has the potential to impact the subject lands.</p> <p>In respect to stationary noise source the study notes the existing gas station located to the north of the subject lands but</p>

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		<p>determined it to have no acoustical impact on the proposed development due to the background noise levels exceeding noise level generated by the gas station. No evaluation was provided with respect to any other potential stationary noise source such as the lands at 150 Main Street East, 96 Main Street East and 33 Bowen Street. In addition the study does not provide an evaluation of the potential impact of idling GO trains located to the south of Hunter Street East which has resulted in noise level impacts on other developments in the area such as 101 Hunter Street East, in which it was identified that noise levels from idling GO trains was significant enough to warrant seeking a change in classification from a Class 1 to Class 4 area. While the proposed development is one block to the north of 101 Hunter Street East an evaluation on the respective noise impacts of the idling GO trains needs to be undertaken.</p> <p>In respect to the Canadian Pacific Railway line and GO line to the south as a transportation noise source the Noise the Study noted that the line is a single active line located 147 metres to the south and that there are several building shielding the train activities. Staff note that while there may be only one active rail line for the purpose of transportation noise there are other lines where GO trains are idle and generate stationary noise. In addition staff note that the railway line is an elevated railway line and that many of the building located between the subject lands and the railway line and the idling trains are low rise buildings and as such these building may not provide much protection from the raised railway line and any shielding that is provided would only protect the lower levels of the proposed building while providing no shielding for the upper floors.</p> <p>The Noise study identified the predicted noise levels for each individual street impacting the site and each rail source CP rail traffic, GO rail traffic, and also provided the combined noise levels of all rail traffic, combined noise from all road traffic and combine noise of all rail and road traffic. In evaluating the Noise study staff noted that combined noise levels for all rail and road traffic was</p>
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		<p>identifying noise level that are less than those identified for road noise only. It is not clear to staff how the combined rail and road noise is less than the combined road noise only, it would generally be expected that the combined road and rail noise would be at least equal to or higher than that of the road noise alone. Additional analysis is required to clarify this matter.</p> <p>In respect to the noise impacts of the proposed development on the building itself and on other sensitive land uses the study does note that the mechanical equipment of the site will not have an acoustical impact on the building itself of other residential properties. However, it is not clear if this in the context of the mechanical room need to be enclosed, through the use of certain special material to mitigate the noise or in the context of certain types of equipment being utilized. Additionally, no evaluation of other stationary noise sources such as the loading area have been included.</p> <p>An updated Noise study is required to evaluate the noise impact from surrounding noise sources on the proposed development and to evaluate the noise impacts of the site on the surrounding area, in order to determine that the proposed development will comply with Policy B.3.6.3.1.</p>
<b>Servicing</b>  Policy: C.5.3.13	“The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system and that investments into the system will support the achievement of the intensification and density targets provided in Section E.2.0 – Urban Structure. (OPA 167)”	<p>The proposal does not comply with this policy.</p> <p>The proposed development has not demonstrated that there is sufficient infrastructure capacity to service the proposed development.</p>
<b>Secondary Plan:</b>	<b>Downtown Hamilton Secondary Plan</b>	
Existing Designation:	<ul style="list-style-type: none"> <li>“Downtown Mixed Use” – Land Use Plan – Map B.6.1-1</li> </ul>	

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	<ul style="list-style-type: none"> <li>• “High Rise 2” – Maximum Building Height – Map B.6.1-2</li> </ul>	
Identified in Appendix:	<ul style="list-style-type: none"> <li>• Catharine Street North is a “View Corridor to Niagara Escarpment” and the Westerly portion of Subject Lands is considered a “Location Where there May be Impacts to Views” – Viewshed Analysis – Appendix C</li> <li>• Height of Escarpment – 190.2 metre for Westerly Portion of the Property and 186.2 metres for the Easter Portion of the Property – Niagara Escarpment Height – Appendix “D”.</li> </ul>	
Proposed Amendment/Site Specific Policy:	Downtown Mixed Use – Special Policy Area	
Policy: 6.1.2 h)	<p>The following principles provide guidance for evaluating initiatives and proposals for the Downtown to ensure that the City is taking a consistent approach to Downtown development:</p> <p>h) “The Niagara Escarpment is an essential part of the character and appearance of the City; views to the Escarpment are important assets to protect. The Niagara Escarpment meanders through the City of Hamilton providing a natural backdrop to the Downtown, access to a unique natural environment, and a home to a diverse ecosystem of international significance – a UNESCO World Biosphere Reserve. The Downtown Hamilton Secondary Plan recognizes the importance of the relationship between topography and building height and the impact of the relationship between topography and building height and</p>	<p>The proposal does not comply with this policy.</p> <p>Policy 6.1.2 h) outlines the importance of the Niagara Escarpment to the character and appearance of the City, the importance of the relationship between topography and building height and the impact on significant views of the Niagara Escarpment. The policies of the Downtown Hamilton Secondary restrict maximum building height and prohibit building heights that exceed that of the Niagara Escarpment, these policies are in place to implement the principle identified in policy 6.1.2 h). The proposed Official Plan Amendment seeks to amend the policies of the Downtown Hamilton Secondary Plan to permit a development that exceeds the height of the Niagara Escarpment. As evaluated in detail through this document the increase in height has an adverse impact in respect to sun shadowing and visual impacts on significant views to and of the Niagara Escarpment, and therefore the establish a site specific policy framework that is not consistent with the principle established in Policy 6.1.2 h).</p>

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	the impact on significant views to and of the Niagara Escarpment.”	
<b>Building Height</b>  Policy: 6.1.4.12 e), 6.1.4.14, 6.1.4.15, and 6.1.4.18 b)	<p>“6.1.4.12 e) - Building heights are identified on Map B.6.1.2 – Downtown Hamilton Building Heights and the maximum heights for each area shall fall into the following categories:</p> <p style="padding-left: 40px;">e) High Rise 2 – up to 30 storeys.</p> <p>6.1.4.14 – Notwithstanding Policy B.6.1.4.12 and Map B.6.1-2 Building Height, maximum building height within the Downtown Hamilton Secondary Plan area shall be no greater than the height of the top of the Escarpment as measured between Queen Street and Victoria Avenue, identified on Appendix “D” – Niagara Escarpment Heights.</p> <p>6.1.4.15 - The siting, massing, height and design of a building on one site shall not necessarily be precedent for development on an adjacent or nearby site.</p> <p>6.1.4.18 b) – New tall building shall be no greater than the height of the top of the Escarpment as measured between Queen Street and Victoria Avenue.”</p>	<p>The proposal does not comply with these policies.</p> <p>The proposed development includes a 39 storey building and therefore will not comply with the maximum height of 30 storeys and therefore will not comply with Policy 6.1.4.12 e).</p> <p>The proposed 122 metres height of the 39 storey building and 96 metre height of the 30 storey building will both exceed the height of the Niagara Escarpment with approximately 33.0 metres and 3.0 metres of additional height above the Escarpment respectively and therefore the proposed development will not comply with policy 6.1.4.14 and 6.1.4.18 b) and stands in clear contrast to the general intent and vision set out in the Downtown Hamilton Secondary Plan.</p> <p>The height of the proposed development stands in contrast to the existing low-rise and mid-rise scale of development that exists along Jackson Street East, specifically when compared to the adjacent two and street storey structures on the north side of Jackson Street East.</p> <p>The proposed increase in building height will have an adverse shadow impact on a primary public gathering spaces (Prince's Square). A detailed analysis of the shadow impacts is provided in the Sun Shadow section of the Downtown Hamilton Secondary Plan of the Summary of Policy Review – Appendix C of Report PED23191.</p> <p>Staff note that while there are other tall buildings in the area that exceed the height of the Niagara Escarpment, including the Landmark Place building to the north which pre-dates the Downtown Hamilton Secondary Plan, as per Policy 6.1.4.15 the height of a building on one site shall not necessarily be precedent for development on an adjacent or nearby site.</p>

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<p><b>Built Form, Massing and Transition in Scale</b></p> <p>Policy: 6.1.4.18, 6.1.4.25, and 6.1.4.28</p>	<p>“6.1.4.18 - The following policies shall apply to High-rise (tall) buildings:</p> <ul style="list-style-type: none"> <li>a) a tall building is any building that is greater than 12 storeys in height;</li> <li>b) new tall buildings shall be no greater than the height of the top of the Escarpment as measured between Queen Street and Victoria Avenue;</li> <li>c) a tall building is typically defined as having a building base component (also known as podium), a tower component and tower top, however, Policies B.6.1.4.18 through B.6.1.4.24 shall also apply to other typologies of a tall building;</li> <li>d) a building base is defined as the lower storeys of a tall building which are intended to frame the public realm with good street proportion and pedestrian scale or contains streetwall heights that respect the scale and built form character of the existing context through design, articulation, and use of the ground floor;</li> <li>e) a tower is defined as the storeys above the building base; and,</li> <li>f) the tower top is defined as the uppermost floors of the building including rooftop mechanical or telecommunications equipment, signage and amenity space. This portion of the building shall have a distinctive presence in Hamilton’s skyline</li> </ul>	<p>The proposal does not comply with these policies.</p> <p>As previously noted, the both the proposed towers will exceed the height of the Niagara Escarpment and therefore will not comply with Policy 6.1.4.18 b).</p> <p>The proposed development is located along both Catharine Street South and Jackson Street East both of which have a narrow right-of-way. In addition, Jackson Street East is an area of transition to existing low and mid-rise scale development located on the south side of Jackson Street East. The policies of the Downtown Hamilton Secondary Plan require that a building base frame the public realm with good street proportions, with a street wall height that respects the scale and built form character of the existing context through design and articulation. The proposed development includes the component of a tall building with a tower top, and a building base is proposed however the design of the base results in section where the tower is brought to the edge of the building base resulting in a sharp transition. Additionally, the height of the proposed building base is more than double what is envisioned by the City and represents a scale that is not consistent with the street proportions of the existing narrow right-of-way widths, and is not massed to frame the street in a way that respects and supports the adjacent street proportions, and therefore does not comply with Policy 6.1.4.18 d) and 6.1.4.28 a) and b), 6.1.4.21, 6.1.4.31 and 6.1.4.33.</p> <p>The increase in height of the proposed building base and increase in overall building height are contributing to adverse shadow impacts on the public realm along Catharine Street South and a primary public gathering space (Prince’s Square). A detailed analysis on shadow impacts is provided in the Sun Shadow section of the Downtown Hamilton Secondary Plan of the Summary of Policy Review – Appendix C of Report PED23191.</p> <p>The proposed development has not demonstrated that appropriate green infrastructure and sustainable design</p>
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	<p>by employing interesting architectural features and roof treatments.</p> <p>6.1.4.25 - In addition to Section B.3.3 – Urban Design Policies of Volume 1, development in the Downtown shall achieve the following:</p> <ul style="list-style-type: none"> <li>v) incorporating best practices and appropriate technology to reduce energy consumption and improve air quality.</li> </ul> <p>6.1.4.28 - All development shall:</p> <ul style="list-style-type: none"> <li>a) be massed to frame streets in a way that respects and supports the adjacent street proportions;</li> <li>b) be compatible with the context of the surrounding neighbourhood;</li> <li>c) contribute to high quality spaces within the surrounding public realm; and,</li> </ul> <p>6.1.4. 21 - Tall building development shall require transition to adjacent existing and planned low-rise and mid-rise buildings through the application of separation distances, setbacks, and stepbacks in accordance with Policies B.6.1.4.31 through B.6.1.4.39 of this Plan and as informed by the Downtown Hamilton Tall Building Guidelines.</p> <p>6.1.4.31 - Development shall provide built form transition in scale through a variety of design methods including angular planes, location</p>	<p>techniques are being utilized therefore it has not been demonstrated whether proposed roof top design will incorporate best practices and appropriate technology to reduce energy consumption and improve air quality, or that proposed development will develop rooftop terraces, gardens, and associated landscape areas for private amenity areas, which include climate enhancement and storm water management.</p>
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	<p>and orientation of the building, and the use of setbacks and stepbacks of building mass.</p> <p>6.1.4.33 - Development shall be required to provide transition in scale, within the development site, as a result of any of the following:</p> <ul style="list-style-type: none"> <li>a) the development is of greater intensity and scale than the adjacent existing scale, or where appropriate, the planned built form context;</li> <li>b) the development is adjacent to a cultural heritage resource or a cultural heritage landscape; or,</li> <li>c) the development is adjacent to existing or planned parks, or open spaces.”</li> </ul>	
<p><b>Tall Building Guidelines</b></p> <p>Policy 6.1.4.19</p>	<p>“The Downtown Hamilton Tall Building Guidelines shall apply to tall building development and shall be used by City Staff when evaluating tall building development proposals.”</p>	<p>The proposal does not comply with this policy.</p> <p>The proposed development is not consistent with the Tall Building Guidelines. A detailed analysis on the Tall Building Guidelines is provided in the Tall Building Guidelines section of the Summary of Policy Review – Appendix C of Report PED23191.</p>
<p><b>Range of Housing Types</b></p> <p>Policy 6.1.4.24</p>	<p>“Development proposals for tall buildings containing residential units shall be encouraged to provide a range of unit types and unit sizes, including those suitable for larger households, and those with children and seniors.”</p>	<p>The proposal does not comply with this policy.</p> <p>The proposed development seeks to establish a total of 751 dwelling units, the majority of which are studio or 1 bedroom units (66 percent) and the remaining units are 2 bedroom units (34 percent) but does not provide any three bedroom units. This does not assist in implementing the policy goal of providing an adequate range of unit types and sizes, including those suitable for larger households with children and seniors and represent a missed opportunity in providing a greater range of unit types and sizes in an area supported by local and regional transit and in</p>



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		proximity to existing schools. Furthermore, the applicant has not demonstrated whether any of the proposed dwelling units will be affordable units.
<b>Sun Shadow</b>  Policies 6.1.4.34, 6.1.4.35, and 6.1.4.37	<p>“6.1.4.34 - Development shall, to the satisfaction of the City, through building massing and orientation, minimize shadows on public sidewalks, parks, public and private open spaces, school yard and buildings, childcare centres, playgrounds, sitting areas, patios and other similar amenities.</p> <p>6.1.4.35 - Proposed development shall allow for a minimum of 3 hours of sun coverage between 10:00 a.m. and 4 p.m. as measured on March 21st to September 21st on public sidewalks, and public and private outdoor amenity areas such as patios, sitting areas, and other similar areas.</p> <p>6.1.4.37 - Downtown Hamilton contains a number of primary gathering spaces where civic life occurs. The quality, image, and amenity of these spaces strongly affect how people perceive the Downtown. Notwithstanding Policy B.6.1.4.35 and Policy B.6.1.4.36, development shall not cast any net new shadow between 10:00 a.m. and 4:00 p.m. as measured from March 21<sup>st</sup> to September 21<sup>st</sup> on the following parks, squares, plazas and open spaces areas that serve as Downtown’s key civic gathering spaces:</p> <ul style="list-style-type: none"> <li>a) Gore Park;</li> <li>b) Prince’s square (50 Main St E)</li> <li>c) Hamilton City Hall Forecourt (71 Main St W)</li> </ul>	<p>The proposal does not comply with these policies.</p> <p>A Sun Shadow Impact Study prepared by Bousfields Inc. dated December 2022 was submitted with the application. The study identifies the shadows cast by the proposed development and also notes the shadows cast by an as-of-right building.</p> <p>Staff note that the Study does not correctly identify the height being used for an as-of-right building, it appears that the as of right shadows are being based upon a 30 storey building or the height outlined in the Zoning By-law, however neither is correct. The current as-of-right limit is based on a height of 44.0 metres, which is the restrictions outlined in Holding Provision H17, which prohibits development beyond 44.0 metres in height until the holding has been lifted and requires the evaluation of and satisfaction of a sun shadow study in order to lift the holding.</p> <p>The Sun Shadow Impact Study notes that shadow impacts along both the east and west sides of Catharine Street South and based on the shadowing of the proposed building along with the cumulative shadow impacts of existing buildings in the area a minimum of 3 hours of sun access between 10 a.m. and 4 p.m. at the equinox is not being provided. It is noted that while a tower with a height of 44.0 metres is permitted as of right and may not the proposed podium height of 16.0 metres does not represent an as of right condition as a maximum building base façade height of 7.5 metres is established along both Catharine Street South and Jackson Street East. A podium height in compliance with the as of right condition of 7.5 metres would allow for greater sun access to the Catharine Street South right of way and while staff note that it may not provide 3 hours of sun access it would be more in compliance than what is being proposed.</p>

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	<p>d) Whitehern Museum (41 Jackson St W) e) Ferguson Station (244 &amp; 248 King St E).</p>	<p>The Sun Shadow Impact Study does not however provide analysis with respect to the sun shadow impacts on Main Street East, specifically whether the cumulative impacts of the existing buildings (Landmark Place and 154 Main Street East, amongst others), along with the proposed development will achieve a minimum of 3 hours of sun access on Main Street East. Therefore, the applicant has not demonstrated conformity with Policy 6.1.4.35 as it pertains to Main Street East.</p> <p>Policy 6.1.4.37 specifically states that no new net shadow is permitted on prominent public spaces, including Prince’s Square. The analysis in the Sun Shadow Impact Study outlines that new net shadows will be cast upon Prince’s Square between 10 a.m. and 4 p.m. specifically the proposed development will cast shadows on Prince’s Square until 10:51 a.m. on March 21<sup>st</sup> and until 10:36 a.m. on September 21<sup>st</sup>.</p> <p>The applicant is seeking to amend Policy 6.1.4.37 through the Official Plan Amendment in order to allow new shadows to be cast on Prince’s Square and seek to rationalize the additional shadows on the following basis:</p> <ul style="list-style-type: none"> <li>- That the new shadowing is an incremental shadowing on Prince’s;</li> <li>- That the new shadowing is limited to less than an hour in March and approximately half an hour in September;</li> <li>- That the new shadowing is limited given the presence of large mature shade trees located on Prince’s Square; and,</li> <li>- That shadow impacts will not impact the park’s utility or usability.</li> </ul> <p>Staff are of the opinion that the rational provided does not justify the casting of new shadows on Prince’s Square between 10 a.m. and 4 p.m. at the equinox. The policies respecting shadow impacts on Prince’s Square are in place because the City recognizes the importance of protecting prominent gather places like Prince’s Square. The policy is very clear that development</p>
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		<p>shall not cast any new net shadows on to primary gather places including Prince’s Square, therefore any new shadows during the respective time period is not permitted regardless of whether it is for 51 minutes or 5 minutes. Staff further noted that the 51 minutes duration of new shadowing proposed on March 21<sup>st</sup> represents approximately 14.2 percent or 1/7<sup>th</sup> of the 360 minute time period between 10 a. m. and 4 p.m. Therefore, in this context, the increased shadowing represents a substantive portion of the respective time period rather than an incidental amount of time as is attempting to be rationalize. The strong policy language respecting new net shadows is in place in part to prohibit incremental increases in shadowing of Prince’s Square, given that incremental increases from multiple development may have the impact of causing significant shadowing of the prominent gather space in terms of both the degree of shadowing and the length of time that Prince’s Square is in shadow.</p> <p>While shadowing would not prevent the public from accessing and using Prince’s square, reduced sun access onto Prince’s square would reduce the enjoyment and desirability of the square, such as reducing the number of park benches that are receiving sun access during this time period.</p> <p>Staff do not agree with the rational that shadowing that aligns with existing trees should be permitted, on the following basis:</p> <ul style="list-style-type: none"><li>• That sunlight is important for the health and sustainability of trees and buildings shadowing the trees would deprive those trees of access to the sun during those time periods;</li><li>• That the trees in question are deciduous trees and therefore would provide little shade at the time period of March 21<sup>st</sup>;</li><li>• That shadowing from trees differs from the shadowing from buildings in that trees do not always block all sunlight and still can provide indirect sunlight, whereas buildings would provide more permeant and complete shadowing; and,</li></ul>
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		<ul style="list-style-type: none"> <li>The existing trees on-site will not remain in place in perpetuity, at which point greater sun exposure would be provided, however that potential would not be possible if the building is shadowing that location.</li> </ul>
<b>Wind Impacts</b>  Policy 6.1.4.38	<p>"Buildings shall be sited, massed and designed to reduce and mitigate wind impacts on the public realm, including streets, sidewalks, parks and open spaces. Pedestrian wind levels shall be suitable for sitting and standing. Higher standards may be required for development adjacent to parks and open spaces, and along Pedestrian Focus Streets."</p>	<p>The proposal does not comply with this policy.</p> <p>A Pedestrian Level Wind Study prepared by Gradient Wind Engineers &amp; Scientist dated December 9, 2022 was submitted with the applications for Official Plan Amendment and Zoning By-law Amendment.</p> <p>The Wind study did not identify what the existing wind conditions are and therefore staff are not able to evaluate the change in wind conditions and therefore determine if conditions noted in the predicted wind conditions is an existing condition, is a worse wind condition or an improvement in wind condition.</p> <p>The Wind study identified the at grade wind conditions for the summer of which the majority of the areas identified were comfortable for sitting, and no conditions were identified as uncomfortable. For the outdoor amenity areas the Wind study identified only a small percentage of the area as being comfortable for sitting and identified areas comfortable for walking only. Staff note that conditions for sitting should be more prominent on the patio during the summer months and that conditions for walking are not ideal as the function of a patio is spend time on the patio rather than walking to a destination, therefore wind conditions only comfortable for walking should be mitigated and patio should be further mitigated to increase conditions for sitting.</p> <p>The Wind Study identified the at grade wind condition for the winter the majority of the area is comfortable for standing but two areas were identified as being uncomfortable. For the outdoor amenity area (roof top patio) the Wind Study identified the majority of the area as being comfortable for standing and strolling, but identified two areas as comfortable for walking and</p>

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		<p>three areas as uncomfortable. Uncomfortable conditions should not be imposed on the on the surrounding area or on the roof top patio. Staff note that while patios are used less in winter months having uncomfortable conditions would only further exasperate this and therefore such conditions should be mitigated.</p> <p>A revised Pedestrian Wind Level study is required in order to compare the existing and predicted wind conditions, and to demonstrate that the appropriate wind conditions are to be achieved on-site, in the public realm and on adjacent properties.</p>
<p><b>Views and Vistas (Visual Impacts)</b></p> <p>Policy 6.1.10.3, 6.1.10.4, 6.1.10.5, 6.1.10.6, 6.1.10.7, and 6.1.10.8</p>	<p>“6.1.10.3 – The Niagara Escarpment is the prominent feature that is visible to the terminus of several street in the Downtown due to its close proximity, height, and forested natural character. This distinct feature is a UNESCO Biosphere Reserve that separates lower Hamilton from the upper urban area above the brow of the escarpment. The Niagara Escarpment is a powerful visual feature due to its height and striking landscape character that terminates the vistas looking southward on several Downtown streets.</p> <p>6.1.10.4 – The Niagara Escarpment is part of Hamilton’s unique identity and contributes significantly to the character of the Downtown. Significant views to this natural features shall be protected.</p> <p>6.1.10.5 – In order to understand and limit the loss of views to the Niagara Escarpment significant view locations and corridors have been identified on Appendix C – Downtown Hamilton – Viewshed Analysis. The City of Hamilton shall prepare visual impact guidelines and a visual impact assessment</p>	<p>The proposal does not comply with these policies</p> <p>The Downtown Hamilton Secondary Plan established limitations on maximum building height and policy restrictions that do not permit a building to exceed the height of the Niagara Escarpment. In addition to protecting the views of the Niagara Escarpment, it is noted that the Views and Vista’s policies of Volume 1 of the Urban Hamilton Official Plan also protect views of the Hamilton Harbour and Downtown Skyline.</p> <p>The Visual Impact Assessment evaluated view impacts from three prominent places York Boulevard Gateway, Bayfront Park and Sam Lawrence Park.</p> <p>In respect to York Boulevard Gateway, the study concludes that the proposed development is not visible from this view however, in staff’s evaluation of the before and after views from the York Boulevard Gateway it is noted that while part of the proposed development is obscured by existing buildings, the top of the proposed 30 storey tower and the westerly portion of the 39 storey tower are visible from this view. Additionally the proposed building appears to obstruct the existing view of the Escarpment that exist between the buildings at 100 and 119 King Street West.</p> <p>In respect Bayfront Park, the study notes that there are a number of buildings that either exceed the height of the Escarpment or appear to exceed the height of the escarpment, and concludes</p>

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	<p>shall be prepared in accordance with the guidelines.</p> <p>6.1.10.6 – A Visual Impact Assessment may be required for development located on streets identified as View Corridors to the Niagara Escarpment, and properties identified as Locations Where There May be Impact to Views, as shown on Appendix C – Downtown Hamilton Secondary Plan – View Analysis.</p> <p>6.1.10.7 – Visual Impact Assessment shall be required for development on properties identified as Locations Where There Are Impacts to Views as identified on Appendix C – Downtown Hamilton Secondary Plan – Viewshed Analysis.</p> <p>6.1.10.8 – Development shall be required to provide setbacks, stepbacks, or reduced height in order to mitigate the impact of the proposed development on existing views.</p>	<p>that the proposed building will be perceived together with other tall building within the downtown. In evaluating the proposed development staff note that while part of the development is obscured by the existing Landmark Place building part of the proposed development are visible on either side of Landmark Place, additionally the building massing of the proposed 30 storey tower fills in an existing gap that exists between Landmark Place and other existing buildings, thereby obscuring the view of the escarpment that currently exist in that gap. Additionally the 30 storey building exceeds the height of the Escarpment and the building massing as seen from Bayfront Park shows an encroachment beyond the Escarpment, whereas the portion of the 39 storey tower not obscured by Landmark Place shows a significant projection above the height of the Escarpment. Reducing the building height to align with the maximum height restrictions in the Downtown Hamilton Secondary Plan would assist in achieving a building massing that is more closely aligned with the visual height of the Escarpment as seen from Bayfront Park.</p> <p>In respect to Sam Lawrence Park which is located above the Escarpment. The study concludes that the proposed view from Sam Lawrence Park demonstrates that the proposed towers will fit within the existing context and add interest to the evolving skyline, and that architectural expression will provide added style to the built form context. Based on staff review of the before and after images it is the opinion of staff that the visual impacts of the proposed development are most clearly seen from Sam Lawrence Park. The 39 storey tower appears to exceed the height of Landmark Place, and clearly project beyond the portion of the Niagara Escarpment that is seen on the opposite side of the Hamilton Harbour. Additionally staff note that the cumulative visual impacts of the 39 storey tower, 30 storey tower, and Landmark Place appears to obscure a substantive section of the Hamilton Harbour and the Escarpment beyond, and the cumulative impacts of the development give the appearance of a</p>
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		<p>wall of buildings with only a small break between the 39 storey tower and Landmark Place.</p> <p>The Visual Impact Assessment also provided an evaluation of the street level views for the streetscape and Escarpment as seen from the local streets. Staff note that in respect to the view of Catharine Street South looking north the proposed 30 storey tower will almost completely obscure the view of Landmark Place, which staff note is a prominent built form and visual marker in the downtown. Additionally, staff note that in the view from Catharine Street South looking north the proposed 39 storey building significantly project beyond the massing of the existing building at 55 Catharine Street south whereas it appears that the if that building complied with the existing maximum height restrictions only a modest projection beyond the massing of 55 Catharine Street South would be seen from this view. Views were also provided for the view along Jackson Street East and staff note that building mass would obscure the existing built form beyond such as Landmark Place and the building at 154 Main Street East, additionally the visual massing of the building along Jackson Street East puts into perspective the large size and scale of the development in comparison to the existing small narrow streets.</p> <p>In the opinion of staff the proposed development will have an adverse visual impact from Sam Lawrence Park and cumulative visual impacts created by the proposed buildings and existing buildings from Bayfront Park</p>
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<b>Guidelines:</b>	<b>Tall Building Guidelines</b>	
	<p>The following is an analysis of the proposed development in respect to the Downtown Hamilton Tall Building Guidelines, however it is noted that the setbacks, stepback, separation distances, transition requirements, maximum floor plates and other provision of the Guidelines were formulated under the context of tall building with a maximum height</p>	

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	<p>of 30 storeys and that in the context of taller building in excess of 30 storeys different guidelines, such as large setbacks, stepbacks, separation distances, smaller floor plates, increased transition requirements, amongst others may be necessary. It is noted that as an evaluation of appropriate standards for building greater than 30 storeys in height was not undertaken, as staff cannot determine what guidelines may still be appropriate, or what guidelines would need to be changes and to what degree the change may be in the context of building greater than 30 storeys in height.</p> <p>The analysis provided below is in respect to the proposed development against the standards established for building with a maximum height of 30 storeys.</p>	
<p><b>Neighbourhood Transition</b></p> <p>Section: 3.2</p>	<p>3.2 – The location, shape and form of Tall Buildings should respond to the surrounding neighbourhood context.</p> <p>To ensure that new development is sensitive to and compatible with the existing or planned low-rise residential neighbourhoods, tall buildings should be designed to transition in scale towards existing or planned low-rise residential and existing or planned open spaces areas. Tall building should be designed to:</p> <ul style="list-style-type: none"> <li>a) Limit the maximum height, including mechanical units, balconies, railings, overhangs and other projections, and employ measures such as the use of setbacks, stepbacks, and building</li> </ul>	<p>The proposed development is located along a narrow street in which there are existing low-rise built forms. The scale and massing of the proposed development stands in sharp contrast to the existing low-rise built form that exist along Jackson Street East.</p> <p>The proposed development is providing a 12.5 metre setback from the adjacent properties to the east and north, however as previously noted the guidelines were established based on a tall building with a maximum height of 30 storeys.</p>

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	<p>articulation to minimize shadow impacts on properties;</p> <p>b) Transition to the height of adjacent existing residential development the portion of the building base adjacent to the low-rise residential building should not exceed the height of the adjacent development; and,</p> <p>c) The tower portion of a building should be set back a minimum of 12.5 metres (excluding balconies) from the property line adjacent to residential neighbourhood to mitigate shadow impact and protect privacy and overlook.</p>	
<p><b>Views &amp; Landmarks</b></p> <p>Sections: 3.6, 3.6 a), b), c), d), e), f), and g)</p>	<p>“3.6 – Tall Buildings within Downtown Hamilton should respond to the city’s unique topography and landscape, including the Escarpment and the Waterfront.</p> <p>3.6 a) – Any development application shall identify, maintain and enhance viewing opportunities towards the Escarpment;</p> <p>3.6 b) – Tall building should be located in a fashion that preserves key views to existing landmarks and termini to and from the Downtown;</p> <p>3.6 c) – Tall buildings shall contribute to an interesting skyline and be sufficiently spaced apart to minimize the loss of sky views;</p> <p>3.6 d) – The silhouette of existing important landmark building should be protected, and</p>	<p>A Visual Impact Assessment was submitted with the applications for an Official Plan Amendment and a Zoning By-law Amendment. As outlined in detail in the Downtown Hamilton Secondary Plan section above respecting visual impact, the proposed development has a visual impact on the view of the Escarpment and views from the Escarpment and on the City Harbour as seen from above the Escarpment.</p> <p>The proposed development has a visual impact on an important landmark building (Landmark Place) obscuring view of Landmark Place along Catharine Street South looking north and partially obscuring views of Landmark Place from Sam Lawrence Park on top of the Escarpment.</p>

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	<p>the view corridor leading to them should remain legible;</p> <p>3.6 e) – Tower stepbacks should be increased to preserve the view to an existing important local landmark;</p> <p>3.6 f) – Views of the Escarpment should be preserved; and,</p> <p>3.6 g) – An assessment of impact on views to/from the Escarpment will be required as part of development applications.</p>	
<p><b>Building Base Height and Scale</b></p> <p>Sections: 4.2.2, 4.2.2 a) and b)</p>	<p>“4.2.2 – Building bases should fit harmoniously with the existing street and neighbourhood context, by respecting the scale and proportions of adjacent uses, including existing streets, parks and open spaces.</p> <p>4.2.2 a) – Façade height should reflect the existing adjacent building façade height but not be lower than 7.5 metres for any portion of a building along a streetline;</p> <p>4.2.2 b) – Maximum building base height at the streetline should be equal to the width of the right-of-way to ensure sunlight access to the sidewalk across the street.”</p>	<p>The City of Hamilton Zoning By-law establishes a building base façade height of 7.5 metres for building along both Catharine Street South and Jackson Street East, whereas the proposed development is seeking to increase the façade height to 16.0 metres. It is noted that both streets are narrow streets and the 16.0 metre façade height will exceed the width of the right of way for both streets. Based on the existing context of the street which is dominated by low to mid-rise built forms the scale of the podium and along with the balance of the building are resulting in a built form that is in sharp contrast to the existing context of the area. The higher building base will also result in an adverse shadow impact along Catharine Street South.</p>
<p><b>Floorplate Size and Shape</b></p> <p>Section: 4.3.1 a)</p>	<p>The maximum gross floor area for the floor plate of the tower portion of a tall building proposed should not exceed 750 square metres for residential purpose and 850 square metres for offices, excluding balconies; however, in small sites, smaller floorplates may be required when applying all appropriate setbacks. Larger floorplates may only be</p>	<p>The concept plans provided identify a 665 square metre floorplate for the 30 storey tower and 722 square metre floorplate for the 39 storey tower, however staff note that it is not clear if the floorplate size noted is for only the top two floors of each tower or for the balance of the tower. If the floorplates size noted is only the top two floors than the balance of the tower will exceed the maximum gross floor area for the floorplate of 750 square metres.</p>

## Appendix “C” to Report PED23191

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	permitted where the other guidelines of this document can be met to the City’s satisfaction.	
<b>Placement, Stepbacks &amp; Separation Distances</b>  Sections: 4.3.2, 4.3.2 c), g)	<p>“4.3.2 – Tall building towers should be sited to minimize shadow and adverse wind impacts on adjacent properties and public spaces. Tall building towers should be sited to provide sufficient privacy between the building and adjacent properties.</p> <p>4.3.2 c) – Towers should be stepped back a minimum of 3.0 metres from the building base along all streets.</p> <p>4.3.2 g) – Towers should be separate by at least 25.0 metres with a minimum 12.5 metre setback from the side and rear property lines to allow for adequate light, views and privacy.</p>	<p>The proposed towers are setback a minimum of 3.0 metres from most parts of the building base, however portions of the proposed towers are providing no stepback of the tower from the building base creating a tower that extends from grade to tower top 30 to 39 storeys in height. Therefore, the proposed development is not achieving a minimum 3.0 metre setback from the building base.</p> <p>The proposed development is maintaining a minimum 12.5 metre setback from the northerly and easterly lot lines and is maintaining a separation distance of more than a 25.0 metre setback between the two towers.</p>
<b>Tower Top Height</b>  Section: 4.4 j)	<p>In addition to meeting the performance standards and guidelines contained within this document, the maximum tall building height within the Downtown should be no greater than the height of the top of the Escarpment. Given that the elevation increases gradually towards the Escarpment, buildings may potentially be taller the farther away they are from the Escarpment.</p>	<p>The tall building guidelines clearly note that maximum tall building height within the Downtown should be no greater than the height of the top of the Escarpment.</p>

**Appendix “D” to Report PED23191**  
**Page 1 of 5**

**CONSULTATION – DEPARTMENTS AND AGENCIES**

<b>Department or Agency</b>	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department.	<p>The Development Engineering Approvals Section is unable to support the application until such time that the proponent revises the calculated total allowable storm drainage rate and proposed sanitary discharge calculations to meet City standards.</p> <p>Furthermore, the proponent shall submit a Watermain Hydraulic Analysis to demonstrate that there is sufficient water pressure/flow to support the domestic demand and required fire flow for the proposed development or to identify any necessary upgrades to the municipal system required to support the proposed development.</p>	The proposed development is premature in that the applicant has not demonstrated that there is sufficient servicing capacity to support the proposed development.
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<p>Transportation Planning supports the proposed Official Plan Amendment and Zoning By-law Amendment and has approved the Transportation Impact Study prepared by Paradigm Transportation Solutions Limited dated December 2022.</p> <p>Transportation Demand Management and Transit Oriented Design measures are recommended to be included into the development to foster vibrant and complete communities that facilitate multiple transportation modes.</p> <p>Catharine Street South is approximately 12.0 metres in width and the ultimate width is intended to be 15.24 metres. A road widening dedication of approximately 1.62 metres is required.</p>	<p>Transportation Demand Management and Transit Oriented Design measures will be addressed through the Site Plan Control application.</p> <p>The road widening along Jackson Street East and the daylight triangle at the corner of Jackson Street East and Catharine Street South appear to be identified on the concept plan provided, however, the road widening along Catharine Street South does not appear to be identified on the concept plan.</p>



## Appendix "D" to Report PED23191

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Department or Agency	Comment	Staff Response
<p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department <b>Continued</b></p>	<p>Jackson Street East is approximately 12.2 metres in width and the ultimate width is intended to be 15.24 metres. A road widening dedication of approximately 1.52 metres is required.</p> <p>Jackson Street East and Catharine Street South are both local roads. A daylight triangle dedication of 4.57 metres by 4.57 metres is required at the intersection Jackson Street East and Catharine Street South.</p> <p>Transportation Planning noted additional design standards including the requirements for driveway location and driveway design, driveway access width, driveway ramp slope requirements, visibility triangle requirement, sidewalk width, amongst others.</p>	<p>Additional detailed design comments will be addressed through a future Site Plan Control application.</p>
<p>Waste Policy and Planning Section, Waste Management Division, Public Works Department</p>	<p>The proposed mixed-use building with multi-residential dwellings and commercial units is eligible for municipal waste collection services, however, as currently designed the development is not serviceable.</p> <p>Waste Policy and Planning staff outlined what revisions or additional information that would be required in order for the development to be serviceable for municipal waste collection.</p> <p>If the development is not designed according with City requirements for municipal waste collection, the applicant will need to arrange a private waste hauler for the removal of all waste materials and a warning clause will need to be included as part of the purchase and sale agreement disclosing to prospective buyers that a unit within the development that the property is not serviceable for municipal waste collection.</p>	<p>The applicant will be required to demonstrate compliance with municipal waste collection requirements or note that waste collection will be by way of a private waste hauler through a future Site Plan Control application.</p> <p>The recommended warning clause will be addressed through a future draft plan of condominium application.</p>

**Appendix “D” to Report PED23191**  
**Page 3 of 5**

Department or Agency	Comment	Staff Response
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	Forestry does not approve the Landscape Concept Plan Revisions No. 3 dated December 20, 2022 and requires additional revisions illustrating the property lines, identifying the soil volumes for the surface street tress, provision of open beds, and note the spacing distance of street trees.	Through the Site Plan Control application revisions will be required to the Landscape Plan.
Legislative Approvals, Growth Management Plan, Planning and Economic Development Department	<p>Confirmation of the tenure of the subject proposal, specifically whether the development will be a Condominium.</p> <p>Confirmation that the subject proposal is not encroaching onto the municipal right-of-way is required.</p> <p>That the municipal addresses for the proposed development will be determined after conditional Site Plan Control approval is granted.</p>	Noted.
Landscape Architectural Services, Public Works Department	Cash-in-lieu of parkland is required.	
Metrolinx	<p>The subject property is within 300m of the Canadian Pacific Railway's Hamilton Subdivision which carries Metrolinx's Lakeshore West GO Train services.</p> <p>Canadian Pacific Rail is the owner of the railway corridor and they are the authority to provide commentary on matter related to rail safety.</p> <p>Metrolinx reviewed the noise study and note rail forecast data used in the study dated December 2020 has been updated as of December 2022. The study should be updated to reflect the most current data.</p> <p>A noise warning clause will be required and that language in the warning clause has been updated as of November 2022.</p>	The proposed development has not at this time demonstrate that the noise levels impact the proposed development are appropriate. An updated noise study is required.

**Appendix “D” to Report PED23191**  
**Page 4 of 5**

Department or Agency	Comment	Staff Response
Metrolinx <b>Continued</b>	The applicant shall grant Metrolinx an environmental easement for operational emissions.	
Canadian Pacific Railway	<p>Canadian Pacific Railway is not in favour of residential uses that are not compatible with rail operations and note that the safety and welfare of residents can be adversely affected by rail operations.</p> <p>The 2013 Proximity Guidelines respecting Canadian Pacific Railways approach to development in the vicinity of rail operations was developed between the Rail Association of Canada and the Federation of Canadian Municipalities and recommends that the guidelines be considered through the development process. In addition, Canadian Pacific Railway also noted that a warning clause be included in all property and tenancy agreement and offers of purchase and sale.</p>	<p>The proposed development is required to demonstrate that it is consistent with the 2013 Proximity Guidelines in the noise impact study.</p> <p>Any warning clauses as well as any other noise mitigation measures will be included as part of any Site Plan Control application.</p>
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 development.</p> <p>Should the development impact these services, it may be necessary to terminate gas service and relocate the lines. Any service relocation would be at the cost of the owner.</p> <p>The alleyway to the north of the site does contain a gas main in close proximity to the property, the location of this gas main should be obtained to ensure that it will not conflict with the proposed construction and shoring.</p>	<p>The matters pertaining to Enbridge Gas Inc. will be addressed as part of any Site Plan Control application.</p>

**Appendix “D” to Report PED23191**  
**Page 5 of 5**

<b>Department or Agency</b>	<b>Comment</b>	<b>Staff Response</b>
Hamilton International Airport	<p>The subject lands fall outside of the NEF contours boundaries.</p> <p>Hamilton International Airport has no objection to the applications for Official Plan Amendment and Zoning By-law Amendment.</p> <p>The proposed development should submit to NAV Canada and Transport Canada for navigation system assessment and aeronautical evaluation, respectively, particularly for any proposed crane activities.</p>	Noted.
Agencies that had no comments or concerns:	<ul style="list-style-type: none"> <li>• Alectra Utilities;</li> <li>• Canada Post;</li> <li>• Ministry of Transportation;</li> <li>• Sun Canadian Pipelines; and,</li> <li>• Planning and Economic Development Department, Economic Development Division, Urban Renewal, Commercial District and Small Business Section.</li> </ul>	Noted.

**Appendix “E” to Report PED23191**  
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**Barnett, Daniel**

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**From:**  
**Sent:** Wednesday, February 8, 2023 5:46 PM  
**To:** Allen, Jennifer  
**Cc:** Emily Martino  
**Subject:** 117 Jackson Street East, Hamilton

Hi Jennifer,

We received the Notice of Complete Application for the above development. Would you be able to provide us with the contents of the OPA/ZBA Application?

Thank you,



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	October 3, 2023
<b>SUBJECT/REPORT NO:</b>	Sign Variance Appeal SV-14-005 for the Property known as 523 Carlisle Road, Flamborough, Denied by the Director of Development Planning and Appealed by the Owner (PED23204) (Ward 15)
<b>WARD(S) AFFECTED:</b>	Ward 15
<b>PREPARED BY:</b>	Daniel Barnett (905) 546-2424 Ext. 4445
<b>SUBMITTED BY:</b>	Steve Robichaud Director of Planning and Chief Planner Planning Division
<b>SIGNATURE:</b>	

## RECOMMENDATION

That the Appeal of Sign Variance Application SV-14-005, by **Kaneff Properties Ltd. Owner, submitted Fontur International Inc. c/o Joel Swagerman**, to add a sign on the top of an existing telecommunications tower to advertise the ownership group of the Carlisle Golf and Country Club, for the property located at 523 Carlisle Road, (Flamborough), as shown on Appendix "A" attached to Report PED23204, be **Denied** on the following basis:

- (a) That the requested variances are not in keeping with the intent of Sign By-law No. 10-197;
- (b) That the requested variances do not meet the tests of Sign By-law No. 10-197.

## EXECUTIVE SUMMARY

Fontur International submitted Sign Variance application SV-14-005 on May 7, 2014, on behalf of the owner, Kaneff Properties Ltd., to facilitate the addition of signage to an



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Planning and Appealed by the Owner (PED23204) (Ward 5) - Page 2 of  
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existing telecommunications tower to advertise the ownership group of the Carlisle Golf and Country Club. The proposed Ground Sign will have a height of 55 metres, a sign face area of 105 square metres and will be located in the middle of the subject lands located approximately 600 metres from Carlisle Road and 400 metres from Milborough Line. A number of variances to the Sign By-law were requested including an increase in total sign area, increase in maximum building height and to not require the municipal address to be added to the proposed Ground Sign.

The requested variances were denied by the Director of Development Planning on October 29, 2014. The applicant appealed the denial on November 18, 2014 at which time Clerk's staff attempted to schedule a mutually agreeable Planning Committee meeting to consider this matter. The proposed Ground Sign cannot be supported as there are no special circumstances or practical difficulties that contribute to the proposal's inability to meet the maximum height, sign face area as well as addressing requirements of the Sign By-law and the scale of the proposed variances requested will alter the character of the area.

**ALTERNATIVES FOR CONSIDERATION – See Page 7**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: The application is subject to the *Municipal Act*, and there are no requirements for a Public Meeting. On August 12, 2010, Council approved Sign By-law No. 10-197. Section 6.0 of By-law No. 10-197 establishes the parameters for dealing with a Sign Variance application (Section 6.5), and the process to appeal a decision on a Sign Variance application (Section 6.6).

By-law No. 10-197 requires that the City Clerk notify the owner once a hearing date has been fixed for the Planning Committee to consider an appeal of the decision to deny a Sign Variance application.

**BACKGROUND**

In accordance with Section 5.2.2 of Sign By-Law No. 10-197, a Ground Sign may not exceed a maximum height of 7.5 metres, may not exceed a maximum sign face area of 36 square metres and requires that the municipal address be provided on the Ground Sign.

**SUBJECT: Sign Variance Appeal SV-14-005 for the Property Known as 523 Carlisle Road, Flamborough, Denied by the Director of Development Planning and Appealed by the Owner (PED23204) (Ward 5) - Page 3 of 7**

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The proposal requires the following variances to the Sign By-law No. 10-197:

- To permit a Ground Sign having a maximum face area of 105 square metres, whereas a multi-face Ground Sign is restricted to a maximum total sign area of 36 square metres;
- To permit a Ground Sign to be located on a telecommunications tower approximately 600 metres from Carlisle Road as shown on Appendix “B” and “C” attached to Report PED23204, having a maximum height of 55 metres, whereas a Ground Sign is required to have a maximum height of 7.5 metres; and,
- To not require the municipal address to be posted on the Ground Sign, whereas the municipal address is required to be located at the top or bottom of a Ground Sign.

On October 29, 2014, the variances were denied by the Director of Development Planning, and notice was sent to the applicant advising of the decision (as shown on Appendix “D” and “E” attached to Report PED23204). On November 18, 2014, the owner appealed the decision by the Director of Development Planning to deny the variances and requested that the matter be considered by the Planning Committee (as shown on Appendix “F” attached to Report PED23204).

#### **DETAILS OF SUBMITTED APPLICATION**

<b>Location:</b>	523 Carlisle Road, Flamborough
<b>Owner</b>	Kaneff Properties Ltd.
<b>Applicant:</b>	Joel Swager, Fonture International
<b>Property Description:</b>	Frontage: 574 metres (approximately)
	Lot Depth: 1,319 metres (approximately)
	Area: 64.8 hectares (approximately)

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## **POLICY IMPLICATIONS AND LEGISLATED REQUIRMENTS**

The proposed Ground Sign was reviewed against Sign By-law No. 10-197 and the following variances were identified:

- Section 5.2.2 (e) of the Sign By-law specifies that a Ground Sign is not to exceed a total sign area of 18.0 square metres for a single-faced or 36.0 square metres for a double or multi-faced sign. The proposed Ground Sign has three sides, each with a sign face having an area of 35 square metres, resulting in total of 105 square metres. Therefore, the proposed Ground Sign does not conform to the Sign By-law No. 10-197;
- Section 5.2.2 (f) of the Sign By-law specifies that the required height of a proposed Ground Sign be a maximum of 7.5 metres. The proposed Ground Sign will have a maximum height of 55 metres. Therefore, the proposed Ground Sign does not conform to the Sign By-law No. 10-197; and,
- Section 5.2.2.(g)(i) of the Sign By-law specifies that a Ground Sign includes the municipal address of the property on which the Ground Sign is displayed shown at the top or bottom in numerals that are a minimum height of 15.0 cm. The proposed Ground Sign does not have the municipal address of the property shown at the top or bottom. Therefore, the proposed Ground Sign does not conform to the Sign By-law No. 10-197.

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

The subject lands are dual zoned: with the majority of the site zoned Open Space (P4) Zone, and a portion of the site is zoned Conservation/Hazard Land Rural (P7) Zone. The P4 zone permits a Golf Course, subject to the applicable provisions, whereas the P7 Zone does not permit a Golf Course. The proposed Ground Sign is located within the portion of the lands zoned Open Space (P4) Zone.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The following is the staff analysis of the requested variances:

### **Maximum Total Sign Area for Ground Signs**

Sign By-Law No. 10-197 states that the required Ground Sign is not to exceed a total sign area of 18.0 square metres for a single-faced sign or 36.0 square metres for a

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double or multi-faced sign. The proposed three-sided Ground Sign would have a total sign area of 35 square metres per side, resulting in a total of 105 square metres, which constitutes an increase of 69 square metres for a multi-faced sign. The applicant is proposing a Ground Sign with a total sign area dimension that is not permitted under Sign By-Law No. 10-197.

A Ground Sign can be established on-site in proximity to Carlisle Road that will be visible to the public without requiring an increase in the total sign area. Staff confirm that there is already an existing Ground Sign on the property in proximity to Carlisle Road that is significantly smaller in total sign area than what is proposed for the sign at the top of the telecommunications tower. In addition, staff note that the golf course is called Carlisle Golf and Country Club and is located both off Carlisle Road and in proximity to the hamlet of Carlisle, making wayfinding and locating the golf course for patrons. The proposed increase in total sign area is the result of the applicant seeking to establish the proposed sign at the top of a 55 metre high telecommunication tower that is significantly setback from the road. Based on the foregoing, It is reasonable to conclude that the requested Ground Sign that the additional signage at the top of a telecommunications tower is not required in order for patrons to locate the golf course and therefore, a strict application of the Sign By-law would not result in practical difficulties or unusual hardship for the applicant.

The applicant has not demonstrated that there are special circumstances or conditions that apply to the lands that necessitate the need to increase the maximum total sign area to establish additional signage at the top of a telecommunication tower.

The intent of the 69 square metres of increased total sign area is to establish a sign that will clearly be visible from a great distance and will alter the character of the area. The existing tower can be clearly seen from both Carlisle Road and Milborough Line and exceeds the height of all buildings, structures, and vegetation in the area. In addition, the existing tower partially blends into the skyline due to the white colour of the tower. The proposed sign will change the top of the existing tower to be predominately red, which will stand out against the skyline rather than blend into it. Therefore, the proposed variance to increase in the total area of a Ground Sign will alter the essential character of the area in which it will be located.

Based on the foregoing, staff are not supportive of the increase in the total sign area.

### **Maximum Height**

Sign By-law No. 10-197 states that the required height of the proposed Ground Sign will be a maximum of 7.5 metres. The proposed Ground Sign will have a maximum height

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of 55 metres, which exceeds the maximum height by 47.5 metres. As previously noted, a Ground Sign can be established on-site in proximity to Carlisle Road that will be visible to the public without requiring an increase in the maximum height. As previously noted a Ground Sign currently exist on-site in proximity to Carlisle Road that is significantly smaller in height than what is proposed for the sign at the top of the telecommunications tower and the existing sign will provide notification to the public of the golf course, without the need for establishing a sign on a telecommunications tower. In addition, as previously noted the location of the Carlisle Golf and Country Club on Carlisle Road and in proximity to the hamlet of Carlisle will assist patrons in locating the golf course without the need for establishing a sign on a telecommunications tower. Therefore, a strict application of the Sign By-law would not result in practical difficulties or unusual hardship for the applicant.

The applicant has not demonstrated that there are special circumstances or conditions that apply to the lands that necessitate the need to increase the maximum height of a Ground Sign in order to establish additional signage at the top of a telecommunication tower.

The intent of the proposed increase in sign height by 47.5 metres is to establish a sign that will clearly be visible from a great distance and will alter the character of the area by utilizing an existing telecommunications tower that can be clearly seen from both Carlisle Road and Milborough Line. The telecommunications tower exceeds the height of all buildings, structures, and vegetation in the area as required to facilitate necessary services. In addition, the existing tower partially blends into the skyline due to the white colour of the tower, while the proposed sign will alter the top of the existing tower with the addition of a predominately red sign that will stand out against the skyline rather than blend in. Therefore, the variance to increase the maximum height of a Ground Sign will alter the existing character of the area in which it will be located.

Based on the foregoing, staff are not supportive of the proposed increase in the maximum height permitted.

### **Municipal Address on the Ground Sign**

Sign By-law No. 10-197 states that the municipal address be included on the Ground Sign and is required at the top or the bottom of the sign with the numerals having a minimum height of 15 centimetres. The proposed Ground Sign is proposed not to include the municipal address. Given the distance of the Ground Sign from the road and the height of the sign above the ground, a municipal address number with a numeral height of 15 centimetres would not be visible from either Carlisle Road or Milborough Line. The proposed variance is to facilitate removing the requirement to

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place the municipal address on a sign that is not supportable and therefore the proposed variance is not supported. The variance to not require the municipal address on a Ground Sign is also not supported.

## **ALTERNATIVES FOR CONSIDERATION**

Council may deny the recommendation of the Director of Development Planning, Planning Division, and support the proposed variances, as submitted. However, it is staff's opinion that this option is not considered to be good planning and does not maintain the general intent and purpose of the Hamilton Sign By-law No. 10-197.

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED23204 - Location Map

Appendix "B" to Report PED23204 - Site Plan

Appendix "C" to Report PED23204 - Elevations and Renderings of Proposed Ground  
Sign

Appendix "D" to Report PED23204 - Sign Variance Application Report SV-14-005

Appendix "E" to Report PED23204 - Notice of Decision

Appendix "F" to Report PED23204 - Letter of Appeal

DB:sd

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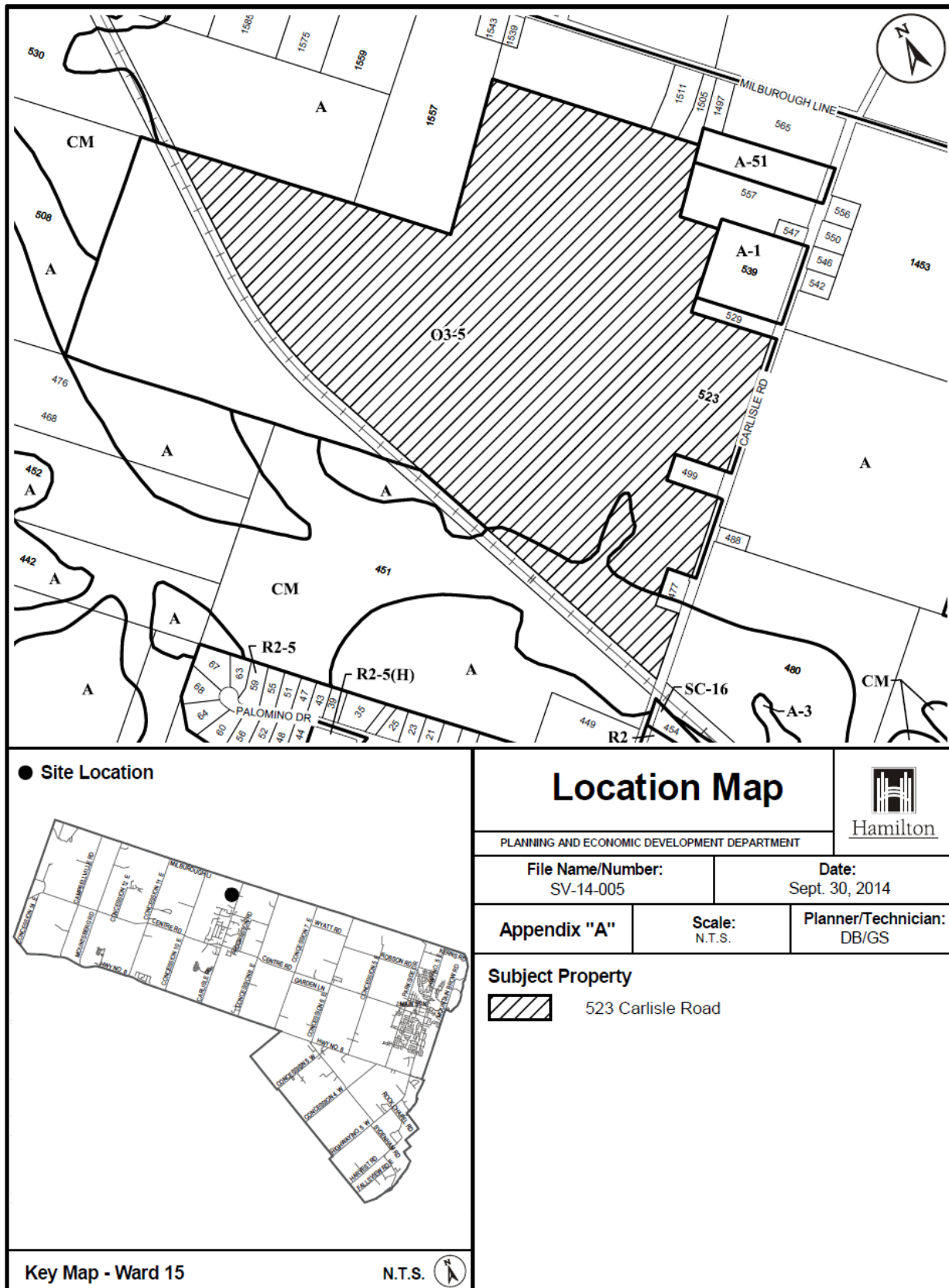
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## Appendix "A" to Report PED23204

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**Appendix "C" to Report PED23204**  
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## Appendix "D" to Report PED23204

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**SIGN VARIANCE APPLICATION – SV-14-005****ADDRESS:** 523 Carlisle Road, Flamborough

Owner: Kaneff Properties Ltd.

Applicant: Joel Swagerman, Fontur International

Date Application Received: May 7, 2014

Date Application Deemed Complete: June 12, 2014

**Background and Description of Proposed Variances:**

Ground Signs are regulated under Section 5.2 of the Hamilton Sign By-law No. 10-197 which defines a Ground Sign as a **"Sign that is free standing and is supported by a structure secured to the ground and which is not supported by any building or other structure but does not include a Billboard."**

The subject property is located at 523 Carlisle Road in Flamborough on the north side of Carlisle Road west, of Milborough Line (see Appendix "A").

The proposal is to establish a Ground Sign for an existing golf course.

Section 5.2.2 e) states that Ground Signs be restricted **"to not exceed a maximum sign face of 0.3 sq. m. for every 1m of the frontage along which the Ground Sign is located, not exceeding a total sign area of 18 sq. m. for a single faced Ground Sign or 36 sq. m. for a double faced Ground Sign."** The proposed Ground Sign will have a total of 3 faces, each face with a total area of 35 sq. m. for a total of 105 sq. m., whereas 18 sq. m. for a single sign face or 36 sq. m. for a double sign face is permitted.

Section 5.2.2 f) states that Ground Signs be restricted **"to a maximum height of 7.5m."** The proposed Ground Sign is located at the top of a telecommunications tower with a height of 55m, whereas 7.5m is the maximum height permitted for a Ground Sign.

Section 5.2.2 g) i) states that the Ground Sign **"include the municipal address number of the property on the Ground Sign at either the top or bottom of the sign with the number at least 15cm in height."** The proposed Ground Sign will not have any municipal address numbers on the Ground Sign.

**Plans/Drawings Submitted with Application:**

Details of the proposed Ground Sign are shown in Appendix "B", and the proposed sign faces for the Ground sign, are shown in Appendix "C".

**Preliminary Staff Assessment:**

The application was circulated on June 12, 2014, to internal departments and agencies.

**Appendix "D" to Report PED23204****Page 2 of 8**Development Engineering:

Comments from Development Engineering indicated that all Engineering concerns with regard to grading and drainage for this site were dealt with at the time of the development application for the telecommunications tower (MDA-12-179). Therefore Development Engineering staff did not have any concerns with respect to the sign variance application.

Traffic, Engineering and Operations Division:

No Comments.

Building Division

Comments from Building Division identified the sign as a Ground Sign and outlined what areas of relief are required.

**Analysis/Rationale:**

A Sign Variance application may be approved if the general intent and purpose of the By-law is maintained and the proposal has regard for the four tests as set out in Section 6.5 of By-law No. 10-197.

The proposed sign is defined as a Ground Sign as opposed to a wall sign based on the way that a wall sign is defined in the Sign By-law. The Sign By-law defines a Wall Sign as being a sign displayed on or against the wall of a building. Whereas a Ground Sign is defined as being a sign that is free standing and secured to the ground and is not supported by any building or other structure.

A telecommunications tower is not defined as or considered a building. Therefore, the proposed sign is not considered to be a Wall Sign.

Section 5.2.2 e) restricts the maximum face size of a Ground Sign to be no greater than 18 sq. m. for a single faced sign and 36 sq. m. for a double faced sign, whereas the existing cellular tower is a tri-pole tower and each face of the proposed sign will have 3 sign faces with a face area of 35 sq. m. each for a total sign area of 105 sq. m.

Section 5.2.2 f) restricts the maximum height of a Ground Sign to be no greater than 7.5m, whereas the proposed sign will be 55m in height.

Section 5.2.2 g) i) requires that a Ground Sign include the municipal address number at the top or bottom of the sign with numbers at least 15cm in height, whereas no municipal address numbers are to be included on the Ground Sign.

The four tests are evaluated in the following comments:

- a) Special circumstances or conditions applying to the lands, building or use referred to in the application;**



**Appendix "D" to Report PED23204****Page 3 of 8**

The subject property is a golf course with more than 250m of frontage along Carlisle Road. The main entrance for the golf course is on Carlisle Road and there is an existing Ground Sign near the main entrance that identifies the use of the property as a golf course. In addition, given that the name of the golf course is Carlisle Golf and Country Club, patrons searching for the golf course would reasonably expect it to be located near the hamlet of Carlisle along Carlisle Road. Based on the above reason, additional signage is not required in order for patrons to locate the golf course, and; therefore, no special circumstance or conditions apply to the property.

With respect to the variance for including the municipal address, the proposed sign could easily accommodate the municipal address on the sign, however, given the height of the sign and the setback of the sign from the road, the address would not be visible for passing motorists. Additionally the proposed variance is required to facilitate a large sign at the top of a telecommunications tower, and as noted above, there are no special circumstances or conditions that warrant such a departure from the provisions of the By-law.

- b) Whether strict application of the provisions of this By-law in the context of the special circumstances applying to the land, building or use, would result in practical difficulties or unnecessary and unusual hardship for the applicant, inconsistent with the general intent and purpose of this By-law;**

As noted above, the existing golf course is called Carlisle Golf and Country Club and is located off of Carlisle Road near the hamlet of Carlisle. There are also existing Ground Signs located along Carlisle Road near the main entrance that identify the property as the Carlisle Golf and Country Club, as well as, contact information for the Carlisle Golf and Country Club both in the form of a telephone number and a web address, and a second sign located right next to the entrance which advertises both the business and also identifies to a passing motorist of which driveway to use to enter the golf course. Additional signage at the top of a telecommunications tower is not required in order for patrons to locate the golf course and therefore strict application of the provision of the Sign By-law would not result in practical difficulties or unnecessary and unusual hardship for the applicant.

- c) Whether such special circumstances or conditions are pre-existing and not created by the Sign Owner or applicant; and**

The proposal is to permit the applicant to establish additional signage and greater exposure of the business than is currently provided by the existing Ground Signs near the road and at the existing entrance to the golf course. Therefore, the request does not reflect a pre-existing situation.

- d) Whether the Sign that is the subject of the variance will alter the essential character of the area in which the Sign will be located.**

The proposed sign, with a sign area of 35 sq. m. for each of the three sides for a total of 105 sq. m. of sign area and with a sign height of 55m, will establish a sign that will clearly be visible from a great distance and will alter the character of the area. The existing tower can be seen from both Carlisle Road and Milborough Line, and exceeds

## Appendix "D" to Report PED23204

Page 4 of 8

the height of all buildings, structures, and vegetation in the area, however the existing tower partially blends into the skyline due to the white colour of tower, the proposed sign will change the top of the existing tower to be predominately red which will stand out against the skyline rather than blend in to it. The proposed variance, if approved, would also establish an inappropriate precedent as other businesses would seek to establish signs atop of telecommunications towers given the exposure such a sign would provide for the business.

**Recommendation:**

That Sign Variance Application SV-14-005 to:

- (1) Permit a Ground Sign to have a sign height of 55m, whereas a maximum height of 7.5m is permitted;
- (2) Permit a Ground Sign to have a sign face area of 105 sq. m., whereas a maximum sign face area of 18 sq. m. for a single face sign and 36 sq. m. for a double face sign is permitted; and,
- (3) Permit a Ground Sign to have no municipal address number, whereas a municipal address number is required at either the top or bottom of the sign with numbers at least 15 cm in height.

for the golf course property located at 523 Carlisle Road, Flamborough be **Denied** for the following reasons:

- (1) The requested variances does not maintain the general intent and purpose of the By-law; and,
- (4) The requested variances do not have regard for the four tests as set out in the By-law.

**Approval:**

Staff Approval:



Daniel Barnett  
Planner 2, Planning Division

Authorized:

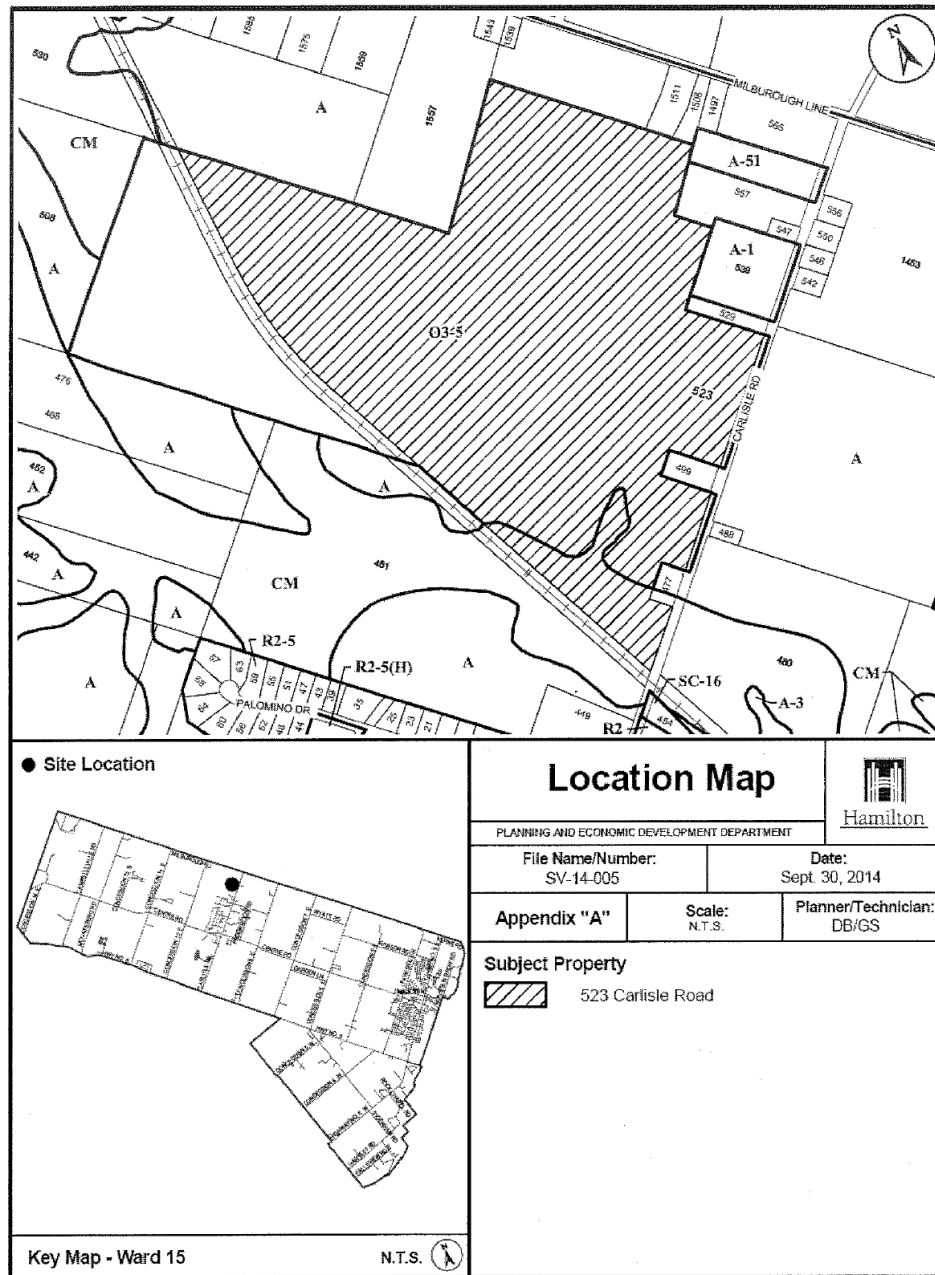


Stephen Robichaud  
Director of Planning

# Appendix "D" to Report PED23204

## Page 5 of 8

Appendix "A"



**PROPOSED SHOPPING CENTER PLAN & SITE PLAN**  
1967

**LEGEND**

- EXISTING BUILDING
- PROPOSED BUILDING
- EXISTING PARKING
- PROPOSED PARKING
- EXISTING ROAD
- PROPOSED ROAD
- EXISTING EASEMENT
- PROPOSED EASEMENT
- EXISTING SETBACK
- PROPOSED SETBACK

**NOTES**

- ALL PROPOSED BUILDINGS TO BE CONSTRUCTED IN ACCORDANCE WITH THE ZONING ORDINANCE OF THE CITY OF HAMILTON.
- ALL PROPOSED PARKING AREAS TO BE CONSTRUCTED IN ACCORDANCE WITH THE ZONING ORDINANCE OF THE CITY OF HAMILTON.
- ALL PROPOSED ACCESS ROADS TO BE CONSTRUCTED IN ACCORDANCE WITH THE ZONING ORDINANCE OF THE CITY OF HAMILTON.
- ALL PROPOSED EASEMENTS TO BE CONSTRUCTED IN ACCORDANCE WITH THE ZONING ORDINANCE OF THE CITY OF HAMILTON.
- ALL PROPOSED SETBACKS TO BE CONSTRUCTED IN ACCORDANCE WITH THE ZONING ORDINANCE OF THE CITY OF HAMILTON.

**PROPOSED SHOPPING CENTER PLAN & SITE PLAN**  
1967

**LEGEND**

- EXISTING BUILDING
- PROPOSED BUILDING
- EXISTING PARKING
- PROPOSED PARKING
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- ALL PROPOSED EASEMENTS TO BE CONSTRUCTED IN ACCORDANCE WITH THE ZONING ORDINANCE OF THE CITY OF HAMILTON.
- ALL PROPOSED SETBACKS TO BE CONSTRUCTED IN ACCORDANCE WITH THE ZONING ORDINANCE OF THE CITY OF HAMILTON.

**Appendix "D" to Report PED23204**  
**Page 7 of 8**

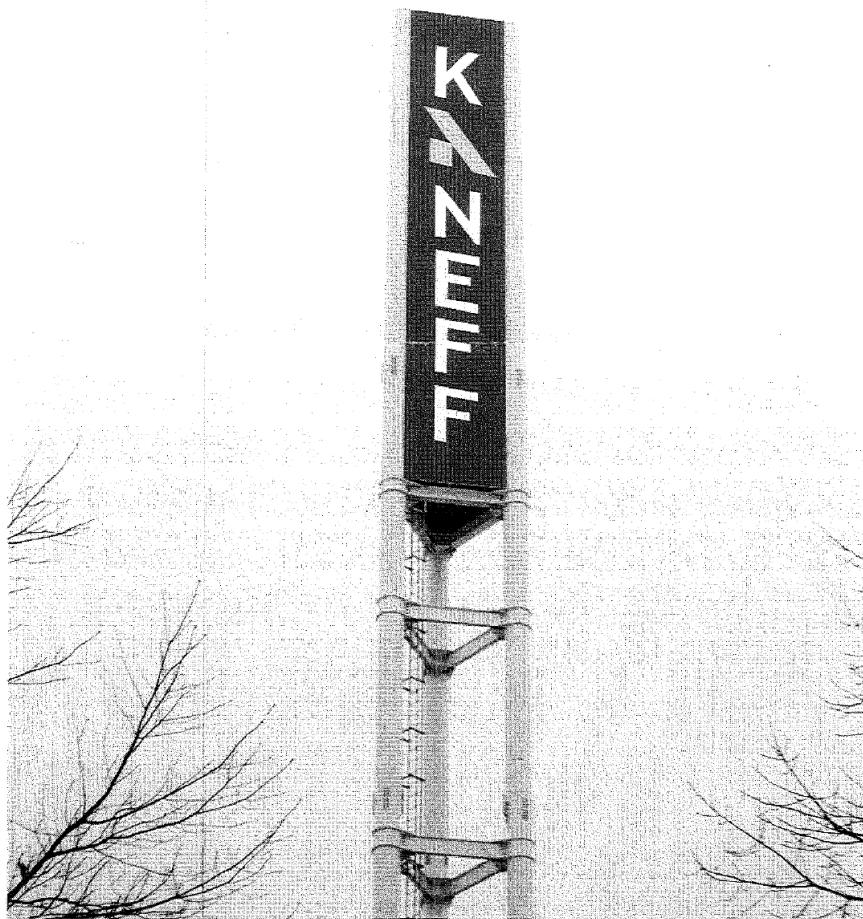
Appendix "C"



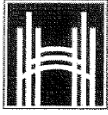
**Bell** PHOTOGRAPHIC SIMULATION  
W4026-523 Carlisle Road

**Appendix "D" to Report PED23204**  
**Page 8 of 8**

Appendix "C"



**Bell** PHOTOGRAPHIC SIMULATION  
W4026-523 Carlisle Road

**Appendix "E" to Report PED23204**  
**Page 1 of 2**Hamilton

Mailing Address:  
City Hall, 71 Main St. W, 5<sup>th</sup> Floor  
Hamilton, Ontario  
Canada L8P 4Y5  
www.hamilton.ca

Planning and Economic Development Department  
Planning Division,  
71 Main Street West, 6<sup>th</sup> Floor, Hamilton, ON L8P 4Y5  
Phone: 905-546-2424 Fax: 905-546-4202

October 29, 2014

FILE: SV-14-005

Joel Swagerman  
Fontur International  
30 East Beaver Creek Road, Suite 104  
Richmond Hill, ON  
L4B 1J2

Dear Sir:

**RE: Sign Variance Application, 523 Carlisle Road, Flamborough**

---

Please be advised that pursuant to By-law No. 10-197, which regulates signs and other advertising devices pursuant to the provisions of the Municipal Act and which delegates the approval or denial of variances for the provisions of the By-law to the Director of Planning, Sign Variance Application (SV-14-005) is **Denied**. The purpose of the application was to permit the following:

- (1) A Ground Sign to have a sign height of 55m, whereas a maximum height of 7.5m is permitted;
- (2) A Ground Sign to have a sign face area of 105 sq. m., whereas a maximum sign face area of 18 sq. m. for a single face sign and 36 sq. m. for a double face sign is permitted; and,
- (3) A Ground Sign to have no municipal address number, whereas a municipal address number is required at either the top or bottom of the sign with numbers at least 15 cm in height.

The reason for the refusal is that the proposed Sign Variance Application does not maintain the general intent and purpose of the By-law nor does it meet the 4 tests for sign variances as provided for in Section 6.5 of By-law 10-197.

Should you have any questions please contact Daniel Barnett at 905-546-2424 ext. 4445 or by email at [Daniel.Barnett@hamilton.ca](mailto:Daniel.Barnett@hamilton.ca).

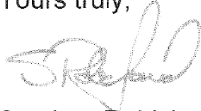


**Appendix "E" to Report PED23204**  
**Page 2 of 2**

**Re: 523 Carlisle Road, Flamborough**

**October 29, 2014**  
**Page 2 of 2**

Yours truly,



Stephen Robichaud, **MCIP OPPI RPP**  
Director, Planning Division

- cc. E. John, Senior Project Manager, Development Planning Heritage and Design – West  
A. Fabac, Manager, Development Planning, Heritage and Design  
J. Caetano, Manager of Building Construction  
G. Wong, Manager, Building, Engineering & Zoning Section  
Judi Partridge, Councillor, Ward 15  
Kaneff Properties Ltd. 200-8501 Mississauga Road, Brampton, ON, L6Y 5G8

**Appendix "F" to Report PED23204**  
**Page 1 of 1**



FONTUR INTERNATIONAL INC  
70 East Beaver Creek Road, Suite 22  
Richmond Hill, Ontario L4B 3B2

289-597-4576  
info@fonturinternational.com  
www.fonturinternational.com

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18 November 2014

Ms. Alexandra Rawlings  
Economic Development and Planning Committee/Advisory Committees  
Office of the City Clerk  
71 Main Street West, 1<sup>st</sup> Floor  
Hamilton, ON  
L8P 4Y5

Dear Ms. Rawlings:

**RE: Sign Variance Application, 523 Carlisle Road, Flamborough (File SV-14-005)**

Please be advised that we, on behalf of the owner of the lands at 523 Carlisle Road (Kaneff Properties Ltd.), wish to appeal the Director of Planning's decision regarding our sign variance application at 523 Carlisle Road, Flamborough.

Should you have any questions or require further information, please do not hesitate to contact the undersigned.

Sincerely,

Joel Swagerman, MCIP, RPP  
FONTUR International Inc.

cc. Daniel Barnett, Planning Division



## HAMILTON MUNICIPAL HERITAGE COMMITTEE

Report 23-009

12:00 p.m.

September 26, 2023

Room 264, 2<sup>nd</sup> Floor, City Hall

**Present:** Councillor C. Kroetsch  
A. Denham-Robinson (Chair), G. Carroll (Vice-Chair), J. Brown,  
K. Burke, L. Lunsted, R. McKee and W. Rosart

**Absent with  
Regrets:** T. Ritchie

### THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 23-009 AND RESPECTFULLY RECOMMENDS:

#### 1. Appointment of Vice-Chair (Item 1)

That Graham Carroll be appointed as Vice-Chair of the Hamilton Municipal Heritage Committee for the remainder of the term.

#### 2. Recommendation to Designate 54 and 56 Hess Street South, Hamilton, under Part IV of the *Ontario Heritage Act* (PED23218) (Ward 2) (Item 8.1)

- (a) That the City Clerk be directed to give notice of Council's intention to designate 54 and 56 Hess Street South, Hamilton, shown in Appendix "A" attached to Report PED23218, as properties 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 PED23218, subject to the following:
  - (i) For each property that receives no objections 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; and,
  - (ii) For each property that receives any objection to the notice of intention to designate 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.

**3. Monthly Report on Recommended Proactive Listings for the Municipal Heritage Register, September 2023 (PED23197) (Ward 13) (Item 10.1)**

That staff be directed to list the property located at 98 Sydenham Street, Dundas (Ward 13) on the Municipal Heritage Register as a non-designated property that Council believes to be of cultural heritage value or interest, as outlined in Report PED23197, in accordance with Section 27 of the *Ontario Heritage Act*.

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 2)**

The Clerk advised the Committee that there were no changes to the agenda.

The agenda for September 26, 2023 Hamilton Municipal Heritage Committee, was approved, as presented.

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

There were no declarations of interest.

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

**(i) August 22, 2023 (Item 4.1)**

The Minutes of August 22, 2023 meeting of the Hamilton Municipal Heritage Committee, were approved, as presented.

**(d) COMMUNICATIONS (Item 5)**

**(i) The following Communication items were approved, as presented:**

- (a) Correspondence respecting Notice of Council Decision for Heritage Permit Application HP2023-028 for 174 Mill Street North, Flamborough (Ward 15), Mill Street Heritage Conservation District, Designated under Part V of the *Ontario Heritage Act* (By-law No. 96-34-H) (Item 5.1)

Recommendation: Be received.

- (b) Correspondence respecting Notice of Council Decision for Heritage Permit Application HP2023-024 for 79 Markland Street, Hamilton (Ward 2), Durand-Markland Heritage Conservation District, Designated under Part V of the *Ontario Heritage Act* (By-law No. 94-184) (Item 5.2)

Recommendation: Be received.

- (c) Correspondence to Ontario Heritage Trust respecting Notice of Intention to Designate under Part IV of the *Ontario Heritage Act* 64 Hatt Street, Dundas (Former Valley City Manufacturing) (Item 5.3)

Recommendation: Be received.

- (d) Correspondence to Ontario Heritage Trust respecting Notice of Passing of By-law No. 23-142 to Designate 3 Main Street, Dundas under Part IV of the *Ontario Heritage Act* (Item 5.4)

Recommendation: Be received.

- (e) Correspondence from Charles Dimitry respecting his Resignation from the Hamilton Municipal Heritage Committee (Item 5.5)

Recommendation: Be received.

**(e) STAFF PRESENTATIONS (Item 8)**

- (i) Recommendation to Designate 54 and 56 Hess Street South, Hamilton, under Part IV of the *Ontario Heritage Act* (PED23218) (Ward 2) (Item 8.1)**

Meg Oldfield, Cultural Heritage Planning Technician, addressed Committee respecting the Recommendation to Designate 54 and 56 Hess Street South, Hamilton, under Part IV of the *Ontario Heritage Act* (PED23218) (Ward 2), with the aid of a PowerPoint presentation.

The Presentation respecting the Recommendation to Designate 54 and 56 Hess Street South, Hamilton, under Part IV of the *Ontario Heritage Act* (PED23218) (Ward 2), was received.

For disposition of this matter, refer to Item 2.

**(f) CONSENT ITEMS (Item 9)**

The following Consent Items were received:

- (i) Delegated Approval - Heritage Permit Application HP2023-035: Front Facade and Stair Restoration at 34-36 Hess Street South, Hamilton (Ward 2) (By-law No. 03-211) - Extension of Previously Approved Heritage Permit HP2022-012 (Item 9.1)**
- (ii) Hamilton Heritage Permit Review Sub-Committee Minutes (Item 9.2)**
  - (a) July 18, 2023 (Item 9.2(a))

(b) August 29, 2023 (Item 9.2(a))

**(g) GENERAL INFORMATION / OTHER BUSINESS (Item 13)**

**(i) Buildings and Landscapes (Item 13.1)**

Committee members provided brief updates on properties of interest.

The following properties be monitored:

- (a) 372 Butter Road West, Andrew Sloss House (D) – K. Burke
- (b) 1021 Garner Road East, Lampman House (D) – K. Burke
- (c) 398 Wilson Street East, Marr House (D) – K. Burke
- (d) 311 Rymal Road East (R) – G. Carroll
- (e) 2251 Rymal Road East, Former Elfrida Church (R) – G. Carroll
- (f) 442, 450 and 452 Wilson Street East (R) – K. Burke

The property located at 50-54 Sanders Boulevard, Binkley Property (R), was added to the Heritage Properties Update (GREEN) listing; and J. Brown will monitor the property.

The property located at 440 King St E, St. Patrick Roman Catholic Church (I), was added to the Buildings and Landscapes of Interest (YELLOW) listing; and W. Rosart will monitor the property.

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) – K. Burke
- (ii) 1021 Garner Road East, Lampman House (D) – K. Burke
- (iii) 398 Wilson Street East, Marr House (D) – K. Burke

**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

- (viii) 2235 Upper James Street (R) – G. Carroll

Hamilton

- (ix) 80-92 Barton Street East, Former Hanrahan Hotel (R) – T. Ritchie
- (x) 1155-1157 Beach Boulevard, Beach Canal Lighthouse and Cottage (D) – R. McKee
- (xi) 66-68 Charlton Avenue West (D) – J. Brown
- (xii) 71 Claremont Drive, Auchmar Gate House / Claremont Lodge (R) – R. McKee
- (xiii) 711 Concession Street, Former Mount Hamilton Hospital, 1932 Wing (R) – G. Carroll
- (xiv) 127 Hughson Street North, Firth Brothers Building (D) – T. Ritchie
- (xv) 163 Jackson Street West, Pinehurst / Television City (D) – J. Brown
- (xvi) 108 James Street North, Tivoli (D) – T. Ritchie
- (xvii) 98 James Street South, Former James Street Baptist Church (D) – J. Brown
- (xviii) 18-22 King Street East, Gore Buildings (D) – W. Rosart
- (xix) 24-28 King Street East, Gore Buildings (D) – W. Rosart
- (xx) 537 King Street East, Rebel's Rock (R) – G. Carroll
- (xxi) 378 Main Street East, Cathedral Boys School (R) – T. Ritchie
- (xxii) 679 Main Street East / 85 Holton Street South, Former St. Giles Church (I) – G. Carroll
- (xxiii) 120 Park Street North (R) – R. McKee
- (xxiv) 828 Sanatorium Road, Long and Bisby Building (D) – G. Carroll
- (xxv) 100 West 5th Street, Century Manor (D) – G. Carroll

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

Dundas

- (i) 64 Hatt Street, Former Valley City Manufacturing (R) – K. Burke
- (ii) 24 King Street West, Former Majestic Theatre (I) – K. Burke
- (iii) 3 Main Street, Former Masonic Lodge (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) – G. Carroll
- (xix) St. Clair Boulevard Heritage Conservation District (D) – G. Carroll
- (xx) 50-54 Sanders Boulevard, Binkley Property (R) - J. Brown
- (xxi) 56 York Boulevard / 63-76 MacNab Street North, Coppley Building (D) – G. Carroll
- (xxii) 84 York Boulevard, Philpott Church (R) – G. Carroll
- (xxiii) 175 Lawrence Road, Hamilton Pressed / Century Brick (R) – G. Carroll
- (xxiv) 65 Charlton Avenue East, Church of Ascension (D, NHS), Hamilton – G. Carroll
- (xxv) 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) – G. Carroll

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

Dundas

- (i) 104 King Street West, Former Post Office (R) – K. Burke

Hamilton

- (ii) 46 Forest Avenue, Rastrick House (D) – G. Carroll
- (iii) 88 Fennell Avenue West, Auchmar (D) – R. McKee
- (iv) 125 King Street East, Norwich Apartments (R) – T. Ritchie
- (v) 206 Main Street West, Arlo House (R) – J. Brown

- (d) Heritage Properties Update (BLACK):  
(Black = Properties that HMHC have no control over and may be demolished)

Ancaster

- (i) 442, 450 and 452 Wilson Street East (R) – K. Burke

Heritage Status: (I) Inventoried, (R) Registered, (D) Designated,  
(NHS) National Historic Site

**(ii) Heritage Permit Review Sub-Committee Update (Item 13.2)**

Alissa Golden, Cultural Heritage Program Lead, addressed Committee respecting Heritage Permit Review Sub-Committee Update.

The update respecting the Heritage Permit Review Sub-Committee was received.

**(iii) Hamilton Municipal Heritage Committee's Heritage Recognition Awards Update (Item 13.3)**

A. Denham-Robinson addressed Committee respecting Hamilton Municipal Heritage Committee's Heritage Recognition Awards Update.

The update respecting the Hamilton Municipal Heritage Committee's Heritage Recognition Awards was received.

**(h) ADJOURNMENT (Item 15)**

There being no further business, the Hamilton Municipal Heritage Committee adjourned at 1:04 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 properties located at 54 and 56 Hess Street South are comprised of a semi-detached two-and-one-half-storey stone building constructed circa 1852, located at the southwest corner of Hess and Main Streets in the Durand Neighbourhood, within the City of Hamilton.

### **Statement of Cultural Heritage Value or Interest**

The cultural heritage value of the semi-detached stone building lies in its design value as an early and representative example of the Second Empire architectural style in Hamilton, displaying a high degree of craftsmanship, as demonstrated by its concave Mansard roof with octagonal dichromatic slate tiles, pressed metal window hoods and keystones, wood cornice with dentils, decorative brackets and moulded frieze.

The historical value of the properties lie in their direct association with prominent Hamiltonian, Robert McElroy (1810-1881), the original owner. McElroy, a contractor by trade, owned a stone quarry on the Mountain and in the 1850s was awarded a contract to construct a section of the Great Western Railway. McElroy served as an alderman in the mid-nineteenth century and as mayor of Hamilton between 1862 and 1864, and resided in the southern half of the semi-detached dwelling during that time. The properties remained in the family for 70 years until 1929. This continuous ownership is significant and has played a part in maintaining the historic integrity of the building over time.

The contextual value of the properties lie in their role in defining the historic character of Hess Street South, standing out from the surrounding mid-twentieth century mixed use streetscape. The semi-detached building is visually and historically linked to its surroundings as part of the surviving mid-nineteenth to early-twentieth century residential streetscape that was redeveloped for commercial purposes in the late-twentieth century. The properties are considered to be local landmarks due to their prominent location on the corner of Hess Street South and Main Street West, with a shallow setback and at the high point of Main Street.

## Description of Heritage Attributes

The key attributes that embody the cultural heritage value of the properties as early and representative examples of the Second Empire style of architecture with a high degree of craftsmanship, and their historical association with prominent Hamiltonian, former Mayor Robert McElroy include:

- The front (east), side (north and south), and rear (west) elevations and roofline of the semi-detached two-and-one-half-storey stone building, including its:
  - Concave Mansard roof with its:
    - Dichromatic octagonal slate tiles;
    - Corbelled brick chimneys;
    - Brick parapet with decorative stone end bracket;
    - Segmental dormers with pressed metal window hoods and keystones;
    - Wood cornices with dentils, decorative brackets and moulded frieze;
  - Cut-stone even-course facades;
  - Flat-headed window openings with one-over-one hung wood windows, stained glass transoms and plain lug sills;
  - Belt course between the first and second storeys;
  - Symmetrical four-bay front (east) elevation with its:
    - Flanking two-storey window bays with wood trim, second-storey stained glass transom and first-storey casement windows;
    - Flanking entrances with shared porch, double-leaf doors with glass and decorative wood panels, and decorative glass transom;
  - One-and-a-half storey rear (north) stone addition with its:
    - Mansard roof;
    - Shed roof dormers with hung windows;
    - Gabled stone end parapet;

**Appendix A to Item 2 of HMHC Report 23-009****Page 3 of 3**

- Rear rubble-stone façade; and,
- Stone foundation.

The key attributes that embody the contextual value of the properties as defining features of the historical character of Hess Street South, and as local landmarks include their:

- Location at the southwest corner of Hess and Main Streets; and
- Shallow setback from Hess Street South.

**98 Sydenham Street, Dundas**

Constructed circa 1904

**Preliminary Evaluation of Cultural Heritage Value or Interest:**

(in accordance with *Ontario Regulation 9/06*, as amended by *Ontario Regulation 569/22*)

**Design / Physical Value**

1. The property is representative of an early-twentieth century vernacular two-storey brick dwelling. Notable features of the building include its: symmetrical three-bay front façade with central ground-floor entrance; , hip roof with flanking chimneys; segmentally-arched window openings with decorative brick voussoirs with raised trim and stone lug sills, and decorative brick paneling between the storeys.
2. The property does not appear to demonstrate a high degree of craftsmanship.
3. The property does not appear to demonstrate a high degree of technical or scientific achievement.

**Historical / Associative Value**

4. The property does not appear to have historical value or associative value because it has no direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.

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5. The property does not appear to yield, or have the potential to yield, information that contributes to an understanding of a community or culture.
6. The property does not appear to demonstrate or reflect the work or ideas of an architect, artist, builder, designer, or theorist who is significant to a community.

**Contextual Value**

7. The property has contextual value as it helps support and maintain the character of the eclectic mix of nineteenth and early-twentieth century buildings reflecting the evolution of the town of Dundas, which includes brick construction.
8. The property has contextual value as it is historically and visually linked to the surrounding area which includes an eclectic mix of nineteenth and early-twentieth century buildings.

Further, the property is historically, physically and visually linked to the historic transportation corridor, Sydenham Road, that responds to the natural topography of the area.

9. The property is not considered to be a local landmark.

**Sources:**

City of Hamilton. *Downtown Dundas Draft Historic Context Statement*. 2021.

City of Hamilton. Cultural Heritage Mapping (Internal Only). Accessed August 9, 2023. <https://spatialsolutions.maps.arcgis.com/apps/webappviewer/index.html?id=a9695a0e4e824a508ad960807b531970>.

City of Hamilton. Downtown Dundas Built Heritage Inventory. Allen and Matheson Survey. Dated 1855. [file:///corona/World/Planning%20&%20Economic%20Development/Planning/Cultural%20Heritage%20Planning/Inventories/DU/Historic%20Mapping/1855\\_RP-1446\\_Plan%20for%20Allan%20and%20Mathieson.pdf](file:///corona/World/Planning%20&%20Economic%20Development/Planning/Cultural%20Heritage%20Planning/Inventories/DU/Historic%20Mapping/1855_RP-1446_Plan%20for%20Allan%20and%20Mathieson.pdf)

Environment Canada. *The Buildings of Canada*. Barbara A. Humphreys and Meredith Sykes. Montreal: 1980, The Reader's Digest Association (Canada) Ltd., <https://www.historicplaces.ca/media/7173/buildingsofcanada.pdf> (accessed August 9, 2023).