



**City of Hamilton
PLANNING COMMITTEE
AGENDA**

Meeting #: 23-019
Date: November 14, 2023
Time: 9:30 a.m.
Location: Council Chambers (Planning)
Hamilton City Hall
71 Main Street West

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

	Pages
1. CEREMONIAL ACTIVITIES	
2. APPROVAL OF AGENDA (Added Items, if applicable, will be noted with *)	
3. DECLARATIONS OF INTEREST	
4. APPROVAL OF MINUTES OF PREVIOUS MEETING	
4.1 October 31, 2023	6
5. COMMUNICATIONS	

- 5.1 Correspondence respecting No Boundary Expansion (Item 11.3)
- (i) Lily Noble
 - (ii) Cathie Botelho
 - (iii) Gerten Basom
 - (iv) Martha Howatt
 - (v) Sarah Jenner
 - (vi) Jax Weafer
 - (vii) Jessica Prevost
 - (viii) Jane Hill
 - (ix) Zoe Green
 - (x) Kate Fox
 - (xi) Jessica Claus
 - (xii) Sherlly Jaminn
 - (xiii) Sydney Davis
 - (xiv) Hilary Lyttle
 - (xv) Jacqueline McDermid
 - (xvi) Graeme Lavrence
 - (xvii) Michelle Araujo
 - (xviii) Mack DaSilva
 - (xix) Morgan Bullock
 - (xx) Tina Brajic
 - (xxi) John Kennedy
 - (xxii) Terry Basom
 - (xxiii) Laura Katz
 - (xxiv) Megan Saunders
 - (xxv) Lara Stewart
 - (xxvi) Henriette Jansen
 - (xxvii) Brian Werner
 - (xxviii) Megan Allore
 - (xxix) Charlane Surerus
 - (xxx) Louissette Lanteigne
 - (xxxi) Isabel Douglas
 - (xxxii) Jason Hickey
 - (xxxiii) Karen Brock
 - (xxxiv) Roger Rose

6. DELEGATION REQUESTS

- 6.1 Lloyd Ferguson respecting Reinstating Inactive License Fee for Inactive Taxi Plates (For the December 5th meeting)

7. DELEGATIONS

8. STAFF PRESENTATIONS

Members of the public can contact the Clerk's Office to acquire the documents considered at this meeting, in an alternate format.

9. CONSENT ITEMS

- | | | |
|-----|---|-----|
| 9.1 | 2024 Licensing and By-Law Services Division's Priorities and Timelines for new by-laws, including Adequate Temperature By-Law (PED23238) (City Wide) (Outstanding Business List Item) | 96 |
| 9.2 | Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED23239) (City Wide) | 101 |

10. PUBLIC HEARINGS

- | | | |
|------|---|-----|
| 10.1 | Applications for Urban Official Plan Amendment UHOPA-21-001, Zoning By-law Amendment ZAC-21-001 and Draft Plan of Subdivision for Lands Located at 3169 Fletcher Road, Glanbrook (PED23210) (Ward 11) | 122 |
| 10.2 | Application for a Zoning By-law Amendment for lands Located at 2800 Library Lane and 2641 Regional Road 56, Glanbrook (PED23231) (Ward 11) | 176 |
| | a. Written Submissions: | 227 |
| | (i) Todd and Lara Barlow | |
| 10.3 | Applications for an Official Plan Amendment, Zoning By-law Amendment and Revisions to a Draft Plan of Subdivision for Lands Located at 2080 Rymal Road East, Glanbrook (PED23232) (Ward 9) | 243 |
| | a. Written Submissions: | 360 |
| | (i) Megan Runciman | |
| 10.4 | Application for Approval of a Draft Plan of Subdivision for Lands Located at 250 First Road West, Stoney Creek (PED23233) (Ward 9) | 367 |
| 10.5 | Applications for an Official Plan Amendment and Zoning By-law Amendment, for Lands Located at 1225 Old Golf Links Road, Ancaster (PED23234) (Ward 12) | 398 |
| 10.6 | Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13) | 441 |
| 10.7 | Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 65 Guise Street East (Pier 8, Block 16), Hamilton (PED22031(a)) (Ward 2) | 463 |
| | a. Registered Delegations: | |
| | (i) Bill Curran (in-person) | |

- b. Written Submissions: 613
 - (i) Nancy Hill
 - (ii) John Roy
 - (iii) Bill Curran
 - (iv) Daniel Coleman
 - (v) Mike and Kim Slattery
 - (vi) Tim Potocic

11. DISCUSSION ITEMS

- 11.1 Industrial/Commercial Proactive Pilot Project (PED23236) (City Wide) (Outstanding Business List Item) 628
- 11.2 Waterfront Ambassador Program (PED23237) (City Wide) (Outstanding Business List Item) 633
- 11.3 Provincial Announcement Impacting Provincial Decisions on Municipal Official Plans and Official Plan Amendments (PED23252) (City Wide) 651
- 11.4 Bill 136, Greenbelt Statute Law Amendment Act, 2023 - Reinstatement of Greenbelt Lands (PED23244) (City Wide) 723
- 11.5 Ontario Regulatory Registry Posting 23-MOI004, Proposed GO Transit Station Funding Act, 2023 (PED23245) (City Wide) 733
- 11.6 Bill 134, Proposed Affordable Homes and Good Jobs Act, 2023 (PED23256) (City Wide) 741

12. MOTIONS

13. NOTICES OF MOTION

14. GENERAL INFORMATION / OTHER BUSINESS

15. PRIVATE AND CONFIDENTIAL

- 15.1 Closed Session Minutes - October 31, 2023
Pursuant to Section 9.3, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Subsections (e), (f) and (k) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.
- 15.2 Appeal to the Ontario Land Tribunal for lands located at 509 Southcote Road, Ancaster for Lack of Decision on Official Plan Amendment Application (UHOPA-23-010) and Zoning By-law Amendment Application (ZAC-23-025) (LS23030) (Ward 12)
Pursuant to Section 9.3, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Subsections (e), (f) and (k) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

16. ADJOURNMENT



PLANNING COMMITTEE MINUTES

23-018

October 31, 2023

9:30 a.m.

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

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

Absent with Regrets: Councillors N. Nann – City Business

Also in Attendance: Councillor T. Jackson

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

- 1. Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-23-006 and Zoning By-law Amendment Application ZAC-23-012 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 1284 Main Street East, Hamilton (PED23226) (Ward 4) (Item 9.1)**

(McMeekin/Beattie)

That Report PED23226 Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-23-006 and Zoning By-law Amendment Application ZAC-23-012 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 1284 Main Street East, Hamilton, be received.

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

YES – Ward 1 Councillor M. Wilson
NOT PRESENT – Ward 2 Councillor C. Kroetsch
NOT PRESENT – Ward 3 Councillor N. Nann
NOT PRESENT – Ward 4 Councillor T. Hwang
YES – Ward 5 Councillor M. Francis
YES – Ward 7 Councillor E. Pauls
NOT PRESENT – 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. Strategic Zoning By-law Updates for Lands Fronting on Rymal Road East between Nebo Road and Trinity Church Road (PED23213) (Ward 6) (Item 10.1)

(Pauls/Francis)

- (a) That approval be given to City Initiative CI-23-L for modifications and updates to the Urban Hamilton Official Plan on the following basis:
- (i) That the Draft Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED23213, be adopted by Council;
 - (ii) That the proposed Official Plan Amendment is 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;
- (b) That approval be given to City Initiative CI-23-L for modifications and updates to the City of Hamilton Zoning By-law No. 05-200 on the following basis:
- (i) That the Draft By-law, attached as Appendix “B” to Report PED23213, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan upon approval of Draft Urban Hamilton Official Plan Amendment No. 192 (Appendix “B” attached to Report PED23213);
 - (iii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended.

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

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

YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 NOT PRESENT – 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. Provincial Amendments to Greenbelt Plan - Reinstatement of Hamilton Greenbelt Lands (PED23046(d)) (City Wide) (Item 11.1)

(McMeekin/Tadeson)

- (a) That the Greenbelt Plan Public Engagement 2023 Summary Report, attached as Appendix “A” to Report PED23046(d) be received;
- (b) That the Director of Planning and Chief Planner be authorized and directed to submit the Greenbelt Plan Public Engagement 2023 Summary Report, attached as Appendix “A” to Report PED23046(d), to the Government of Ontario to be considered as part of the public consultation on Bill 136, *Greenbelt Statute Law Amendment Act, 2023* and future Greenbelt Plan reviews.

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

YES – Ward 1 Councillor M. Wilson
 NOT PRESENT – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 NOT PRESENT – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 NOT PRESENT – 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. Airport Employment Growth District Transportation Master Plan Update (PED17175(a)) (Wards 11 and 12) (Item 11.2)**(Beattie/Tadeson)**

- (a) That the Airport Employment Growth District Transportation Master Plan Update review and update, Appendix "A1" attached to Report PED17175(a) be approved;
- (b) That the General Manager of the Planning and Economic Development Department be authorized and directed to file the Airport Employment Growth District's Transportation Master Plan Update with the Municipal Clerk for a minimum 30-day public review period;
- (c) That the recommended road projects identified to support the Airport Employment Growth District, and associated funding needs and timing as identified in Appendix "A1" attached to Report PED17175(a), be used to inform the annual Capital Budget process and Development Charges Background Study;
- (d) That Planning and Economic Development Department staff be directed to schedule a public meeting of the Planning Committee to consider proposed amendments to the applicable policies and mapping schedules of the Airport Employment Growth District Secondary Plan through a future City-initiated Urban Hamilton Official Plan Amendment to reflect the approval of Recommendation (a) to Report PED17175(a);
- (e) That staff be directed to work with applicants to preserve natural corridors and establish new trails and pathways around the edges of natural heritage systems through the development application approval process, and implementation of the Airport Employment Growth District Transportation Master Plan Update and any future amendments to the Secondary Plan.

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

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

YES – Ward 11 Councillor M. Tadeson
YES – Ward 12 Councillor C. Cassar
NO – Ward 13 Councillor A. Wilson
YES – Ward 15 Councillor T. McMeekin

5. Hamilton Municipal Heritage Committee Report 23-010 (Item 11.3)**(Tadeson/A. Wilson)****(a) Recommendation to Designate 7 Ravenscliffe Avenue, Hamilton, under Part IV of the Ontario Heritage Act (PED23187) (Ward 2) (Item 10.1)**

That the City Clerk be directed to give notice of Council's intention to designate 7 Ravenscliffe Avenue, Hamilton, shown in Appendix "A" attached to Report PED23187, as a property of cultural heritage value pursuant to the provisions of Part IV, Section 29 of the Ontario Heritage Act, in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED23187, subject to the following:

- (i) If no objections are received to the notice of intention to designate in accordance with the Ontario Heritage Act, City Council directs staff to introduce the necessary by-law to designate the property to be of cultural heritage value or interest to City Council;
- (ii) If an objection to the notice of intention to designate is received in accordance with the Ontario Heritage Act, City Council directs staff to report back to Council to allow Council to consider the objection and decide whether or not to withdraw the notice of intention to designate the property.

(b) Heritage Permit Application HP2023-042 to Demolish the Remnant Structure at 1541 Fiddlers Green Road, Ancaster, and Recommendation to Repeal Designation By-law No. 84-55 under Section 31 of the Ontario Heritage Act (PED23220) (Ward 12) (Item 10.1)

- (i) That Heritage Permit Application HP2023-042, for the demolition of the designated property at 1541 Fiddlers Green Road, Ancaster, as shown in Appendix "A" to Report PED23220, be approved, subject to the following Heritage Permit condition:

- (1) That the applicant make every reasonable effort to facilitate salvaging any remaining heritage features as part of the demolition process as may be safely permitted, to the satisfaction and approval of the Director of Planning and Chief Planner;
 - (ii) That the City Clerk be directed to give notice of Council's intention to repeal Bylaw No. 84-55, being a by-law designating 1541 Fiddlers Green Road, Ancaster attached as Appendix "B" to Report PED23220, in accordance with the requirements of Section 31(3) of the Ontario Heritage Act, subject to the following:
 - (1) If no objections to the notice of intention to repeal are received in accordance with the Ontario Heritage Act, City Council directs staff to introduce the necessary by-law to repeal to City Council;
 - (2) If an objection to the notice of intention to repeal is received in accordance with the Ontario Heritage Act, City Council directs staff to report back to Council to allow Council to consider the objection and decide whether or not to withdraw the notice of intention to repeal.
- (c) **Notice of Intention to Demolish the Building Located at 309 James Street North, Hamilton, being a Non-Designated Property Listed on the Municipal Heritage Register (PED23225) (Ward 2) (Item 10.2)**
 - (i) That the non-designated property located at 309 James Street North, Hamilton, be removed from the Municipal Heritage Register.
- (d) **Heritage Permit Application HP2023-036, Under Sections 33 and 34 of the Ontario Heritage Act, for the Adaptive Reuse of the Former Delta Secondary School Building (circa 1924), Removal of the Rear Additions (circa 1948-1950), Construction of New Four-Storey Rear Additions and Modifications to the Landscape at 1284 Main Street East, Hamilton (PED23224) (Ward 4) (Item 10.3)**
 - (i) That Heritage Permit Application HP2023-036 for the adaptive reuse of the former Delta Secondary School Building (circa 1924), removal of the rear additions (circa 1948- 1950), construction of new four storey rear additions and modifications to the landscape at 1284 Main Street East, Hamilton, under Sections 33 and 34 of the Ontario Heritage Act, be refused.

- (e) **Heritage Permit Application HP2023-041, Under Part V of the Ontario Heritage Act, for the Erection of a New Front Detached Accessory Structure at 79 Markland Street, Hamilton (PED23223) (Ward 2) (Item 10.4)**
- (i) That Heritage Permit Application HP2023-041, for the erection of a front detached accessory structure on the designated property at 79 Markland Street, Hamilton (Durand-Markland Heritage Conservation District), as shown in Appendix "A" attached to Report PED23223, be approved, subject to the approval of any required Planning Act applications and the following Heritage Permit conditions:
- (1) That the final details for the proposed stucco be submitted to the satisfaction and approval of the Director of Planning and Chief Planner, prior to installation;
 - (2) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations;
 - (3) That construction and site alterations, in accordance with this approval, shall be completed no later than November 30, 2025. If the construction and site alterations are not completed by November 30, 2025, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

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

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

6. A Bylaw to Regulate the Distribution and Display of Graphic Images (Item 12.1)

(M. Wilson/A. Wilson)

WHEREAS section 10 of the *Municipal Act, 2001*, S.O. 2001, c. 25, (the “Municipal Act, 2001”) as amended provides that a Municipality may pass by-laws respecting: economic, social and environmental well-being of the Municipality; health, safety and well-being of persons; and the protection of persons and property;

WHEREAS residents have expressed concerns that unsolicited non-commercial flyers showing graphic images of aborted fetuses are being delivered to properties across Hamilton;

WHEREAS these unsolicited flyers are causing harm to some recipients, including children and youth who are exposed to the flyers while collecting the mail and individuals who have experienced pregnancy loss;

WHEREAS residents have also expressed concerns with the same graphic imagery being carried, held or displayed in public spaces; and

WHEREAS residents should have an opportunity to choose whether they wish to view such images;

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to prepare a report for Planning Committee’s consideration no later than Q2 2024, on the feasibility of the City of Hamilton adopting and enforcing a by-law to regulate the distribution and display of graphic images:
 - (i) Requiring that flyers containing one or more images showing, or claiming to show, a fetus or any part of a fetus, conceal these images from view; and
 - (ii) Requiring that these said flyers be fully concealed within a sealed envelope or package, and that the sealed envelope or package containing the graphic image be marked with the following notice and information:

- (1) the name and address of the person responsible for the delivery of the graphic image(s); and
 - (2) a warning that the envelope or package contains a graphic image that may be offensive or disturbing to some people;
- (b) That the by-law to regulate the distribution and display of graphic images would not apply to:
- (i) mail that is delivered to a residence by Canada Post; and
 - (ii) material that is delivered to the residence at the request or with the consent of the addressee
- (c) That staff also be requested to explore the feasibility of regulating or prohibiting graphic imagery that is carried, held or displayed in public spaces.

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

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

7. Appeal to the Ontario Land Tribunal (OLT) for lands located at 909 North Waterdown Drive, Waterdown, for Lack of Decision on Urban Hamilton Official Plan Amendment Application (ZAC-22-032/UHOPA-22-018) (LS23006(a)) (Ward 15) (Item 15.2)

(McMeekin/Tadeson)

- (a) That the directions to staff in closed session respecting Report LS23006(a) be approved;

- (b) That the directions to staff in closed session with respect to Report LS23006(a) be released to the public, following approval by Council; and,
- (c) That the balance of Report LS23006(a) and its Appendices remain confidential.

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

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

8. Appeal to the Ontario Land Tribunal for lands located at 487 Shaver Road, Hamilton, for Lack of Decision on Official Plan Amendment Application (UHOPA-22-002) and Zoning By-law Amendment Application (ZAC-22-005) (LS23038) (Ward 12) (Added Item 15.3)

(Tadeson/Beattie)

- (a) That the directions to staff in closed session respecting Report LS23038 be released to the public, following approval by Council; and
- (b) That the balance of Report LS23038 remain confidential.

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

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

- 5.2 Medora Uppal, CEO of YWCA Hamilton, respecting the Distribution and Display of Graphic Images (Item 12.1)
- 5.3 Caroline Hill Smith respecting Airport Employment Growth District Transportation Master Plan (Item 11.2)

6. DELEGATION REQUESTS

- 6.1 Katie Dean with Viewer Discretion Legislation Coalition, respecting a By-law to Regulate the Distribution and Display of Graphic Images (Item 12.1) (For today's meeting)
- 6.2 Peter Appleton respecting the Airport Employment Growth Plan Transportation Master Plan Update (Item 11.2) (For today's meeting)

10. PUBLIC MEETINGS

- 10.1 Strategic Zoning By-law Updates for Lands Fronting on Rymal Road East between Nebo Road and Trinity Church Road (PED23213) (Ward 6)
Revised Report and Appendix B to say Ward 6 (not Ward 11)

15. PRIVATE AND CONFIDENTIAL

- 15.3 Appeal to the Ontario Land Tribunal for lands located at 487 Shaver Road, Hamilton, for Lack of Decision on Official Plan Amendment Application (UHOPA-22-002) and Zoning By-law Amendment Application (ZAC-22-005) (LS23038) (Ward 12)

ADDED:

Staff Presentations for Items 10.1 and 11.2.

(Tadeson/McMeekin)

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

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

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

(b) DECLARATIONS OF INTEREST (Item 3)

No declarations of interest were made.

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

(i) October 17, 2023 (Items 4.1)

(Tadeson/Beattie)

That the Minutes of the October 17, 2023 meetings be approved, as presented.

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

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

NOT PRESENT – 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) COMMUNICATIONS (Item 5)

(i) Various Communications (Items 5.1 and Added Items 5.2 and 5.3)

(M. Wilson/Tadeson)

That the following communication items be received and referred to the consideration of the appropriate agenda item.

- 5.1 Katie Dean with Viewer Discretion Legislation Coalition respecting the Distribution and Display of Graphic Images (Item 12.1)
- 5.2 Medora Uppal, CEO of YWCA Hamilton, respecting the Distribution and Display of Graphic Images (Item 12.1)
- 5.3 Caroline Hill Smith respecting Airport Employment Growth District Transportation Master Plan (Item 11.2)

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

YES – Ward 1 Councillor M. Wilson
 NOT PRESENT – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 NOT PRESENT – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 NOT PRESENT – 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) DELEGATION REQUESTS (Item 6)

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

(M. Wilson/Tadeson)

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

- 6.1 Katie Dean with Viewer Discretion Legislation Coalition, respecting a By-law to Regulate the Distribution and Display of Graphic Images (Item 12.1)
- 6.2 Peter Appleton respecting the Airport Employment Growth Plan Transportation Master Plan Update (Item 11.2)

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

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

(f) DELEGATIONS (Item 7)

(i) Michael Sabelli and Paul Kocsis respecting an Exemption to the Demolition By-law for 47 Whitfield Avenue (Approved at the October 17th meeting) (Item 7.1)

Michael Sabelli and Paul Kocsis addressed the Committee respecting an Exemption to the Demolition By-law for 47 Whitfield Avenue.

(M. Wilson/Beattie)

That the Delegation from Michael Sabelli and Paul Kocsis respecting an Exemption to the Demolition By-law for 47 Whitfield Avenue, be received.

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

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

(ii) Katie Dean with Viewer Discretion Legislation Coalition, respecting a By-law to Regulate the Distribution and Display of Graphic Images (Item 12.1) (Added Item 7.2)

Katie Dean addressed the Committee respecting a By-law to Regulate the Distribution and Display of Graphic Images (Item 12.1).

(McMeekin/Beattie)

That the Delegation from Katie Dean respecting a By-law to Regulate the Distribution and Display of Graphic Images (Item 12.1), be received.

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

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

(iii) Peter Appleton respecting the Airport Employment Growth Plan Transportation Master Plan Update (Item 11.2) (Added Item 7.3)

Peter Appleton addressed the Committee respecting the Airport Employment Growth Plan Transportation Master Plan Update (Item 11.2).

(Beattie/McMeekin)

That the Delegation from Peter Appleton respecting the Airport Employment Growth Plan Transportation Master Plan Update, be received.

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

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

(g) PUBLIC HEARINGS (Item 10)

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

In accordance with the provisions of the *Planning Act*, Acting Chair C. Cassar 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) Strategic Zoning By-law Updates for Lands Fronting on Rymal Road East between Nebo Road and Trinity Church Road (PED23213) (Ward 6) (Item 10.1)

No members of the public were registered as Delegations.

(Pauls/Francis)

That the staff presentation be waived.

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

YES – Ward 1 Councillor M. Wilson
 NOT PRESENT – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 NOT PRESENT – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 NOT PRESENT – 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 Cassar called three times for public delegations and no one came forward.

(Tadeson/Francis)

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

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

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

(h) DISCUSSION ITEMS (Item 11)

(i) Airport Employment Growth District Transportation Master Plan Update (PED17175(a)) (Wards 11 and 12) (Item 11.2)

Omar Shams, Project Manager - Transportation Planning New Initiatives and Margaret Fazio, Senior Project Manager - Infrastructure Planning, addressed the Committee respecting the Airport Employment Growth District Transportation Master Plan Update with the aid of a PowerPoint presentation.

(Tadeson/Beattie)

That the presentation from Omar Shams, Project Manager - Transportation Planning New Initiatives and Margaret Fazio, Senior Project Manager - Infrastructure Planning, respecting the Airport Employment Growth District Transportation Master Plan Update, be received.

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

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

For disposition of this matter, refer to Item 4.

(McMeekin/Tadeson)

That the Committee recess from 1:15 p.m. to 1:45 p.m.

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

YES – Ward 1 Councillor M. Wilson
 NOT PRESENT – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 NOT PRESENT – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 NOT PRESENT – 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) GENERAL INFORMATION / OTHER BUSINESS (Item 14)

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

Steve Robichaud, Acting General Manager, advised Committee that November 8 is World Town Planning Day 2023 and celebrations include the City's Urban Design Awards Ceremony at Mohawk College; and, the City is launching the public consultation on Zoning By-law Reform projects.

(Tadeson/Beattie)

That the General Manager's Update be received.

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

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

(j) PRIVATE & CONFIDENTIAL (Item 15)

(i) Closed Session Minutes – October 17, 2023 (Item 15.1)

(Tadeson/Beattie)

- (a) That the Closed Session Minutes dated October 17, 2023, be approved as presented; and,
- (b) That the Closed Session Minutes dated October 17, 2023, remain confidential.

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

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

(Tadeson/Kroetsch)

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

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

YES – Ward 1 Councillor M. Wilson

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

- (ii) **Appeal to the Ontario Land Tribunal (OLT) for lands located at 909 North Waterdown Drive, Waterdown, for Lack of Decision on Urban Hamilton Official Plan Amendment Application (ZAC-22-032/UHOPA-22-018) (LS23006(a)) (Ward 15) (Item 15.2)**

For disposition of this matter, refer to Item 7.

- (iii) **Appeal to the Ontario Land Tribunal for lands located at 487 Shaver Road, Hamilton, for Lack of Decision on Official Plan Amendment Application (UHOPA-22-002) and Zoning By-law Amendment Application (ZAC-22-005) (LS23038) (Ward 12) (Added Item 15.3)**

For disposition of this matter, refer to Item 8.

(j) ADJOURNMENT (Item 16)

(Tadeson/Pauls)

That there being no further business, the Planning Committee be adjourned at 2:16 p.m.

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

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

**Planning Committee
Minutes 23-018**

**October 31, 2023
Page 22 of 22**

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

Councillor C. Cassar, Acting Chair
Planning Committee

Lisa Kelsey
Legislative Coordinator

Salamone, Salvatore

From: clerk@hamilton.ca
Sent: Wednesday, November 8, 2023 9:02 AM
To: Carson, Katie; Kelsey, Lisa
Subject: FW: No Boundary Expansion

Magda Green

Administrative Assistant II to the City Clerk
Office of the City Clerk, Corporate Services

City of Hamilton

magda.green@hamilton.ca

City Hall is located on the ancestral territory of the Haudenosaunee Confederacy, the Anishinaabe and many other Indigenous peoples. It is also covered by the Dish with One Spoon Wampum agreement, which asks that all sharing this territory do so respectfully and sustainably in community.

From: Lilly Noble [REDACTED]
Sent: November 7, 2023 6:04 PM
To: clerk@hamilton.ca
Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

We call on you, our Mayor and Council, to restore the decision from November 2021 to freeze the urban boundary in Hamilton.

Mayor Horwath has made a firm commitment to hold the boundary firm but speculators, in tandem with the Province, will be lobbying the Mayor to expand. Earlier this week, the Province made a special rule allowing Mayors the ability to unilaterally force an urban expansion.

We need Mayor Horwath and the Council to stand firm.

With unprecedented engagement, Hamiltonians have been clear. We value our farmland and can meet our housing targets within our previous existing boundary. We expect our council to hold the line.

We know that sprawl is both economically and environmentally unsustainable. While developers will make significant profits off sprawl, existing residents will have to foot the bill for servicing costs, increasing our property taxes year over year. City housing stats reveal that we have over 1200 acres within the former urban boundary to provide a mix of housing types. Compact growth will allow us to make better use of our existing infrastructure, including roads, sewers and parks, while preserving valuable agricultural land.

Further, it will help build more vibrant neighbourhoods, support better transit, and help keep schools open. With our present labour shortages, we need to prioritize construction labour and materials to projects which can quickly build the affordable homes we need, not McMansions on distant farmland.

We will be watching at the November 14th Planning Committee meeting and at Council on November 22nd. We are counting on you, as Mayor and Council, to do the right thing to save our farmland and to prioritize affordable homes in liveable neighbourhoods.

Lilly Noble

[REDACTED]

[REDACTED]

▪

Salamone, Salvatore

From: clerk@hamilton.ca
Sent: Wednesday, November 8, 2023 9:02 AM
To: Carson, Katie; Kelsey, Lisa
Subject: FW: No Boundary Expansion

Magda Green

Administrative Assistant II to the City Clerk
Office of the City Clerk, Corporate Services

City of Hamilton

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From: Cathie Botelho [REDACTED]
Sent: November 7, 2023 6:12 PM
To: clerk@hamilton.ca
Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

We call on you, our Mayor and Council, to restore the decision from November 2021 to freeze the urban boundary in Hamilton.

Mayor Horwath has made a firm commitment to hold the boundary firm but speculators, in tandem with the Province, will be lobbying the Mayor to expand. Earlier this week, the Province made a special rule allowing Mayors the ability to unilaterally force an urban expansion.

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We will be watching at the November 14th Planning Committee meeting and at Council on November 22nd. We are counting on you, as Mayor and Council, to do the right thing to save our farmland and to prioritize affordable homes in liveable neighbourhoods.

Cathie Botelho

[REDACTED]

[REDACTED]

▪

Salamone, Salvatore

From: clerk@hamilton.ca
Sent: Wednesday, November 8, 2023 9:02 AM
To: Carson, Katie; Kelsey, Lisa
Subject: FW: No Boundary Expansion

Magda Green

Administrative Assistant II to the City Clerk
Office of the City Clerk, Corporate Services

City of Hamilton

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From: Gerten Basom <[REDACTED]>
Sent: November 7, 2023 6:20 PM
To: clerk@hamilton.ca
Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

We urgently call on you, our Mayor and Council, to restore the decision from November 2021 to freeze the urban boundary in Hamilton.

Mayor Horwath has made a firm commitment to hold the boundary firm but speculators, in tandem with the Province, will be lobbying the Mayor to expand. Earlier this week, the Province made a special rule allowing Mayors the ability to unilaterally force an urban expansion.

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Gerten Basom

[REDACTED]

[REDACTED]

▪

Salamone, Salvatore

From: clerk@hamilton.ca
Sent: Wednesday, November 8, 2023 9:02 AM
To: Carson, Katie; Kelsey, Lisa
Subject: FW: No Boundary Expansion

Magda Green

Administrative Assistant II to the City Clerk

Office of the City Clerk, Corporate Services

City of Hamilton

magda.green@hamilton.ca

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From: Martha Howatt <[REDACTED]>
Sent: November 7, 2023 6:12 PM
To: clerk@hamilton.ca
Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

We call on you, our Mayor and Council, to restore the decision from November 2021 to freeze the urban boundary in Hamilton.

Mayor Horwath has made a firm commitment to hold the boundary firm but speculators, in tandem with the Province, will be lobbying the Mayor to expand. Earlier this week, the Province made a special rule allowing Mayors the ability to unilaterally force an urban expansion.

We need Mayor Horwath and the Council to stand firm.

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Martha Howatt

[REDACTED]

[REDACTED]

▪

Salamone, Salvatore

From: clerk@hamilton.ca
Sent: Wednesday, November 8, 2023 9:02 AM
To: Carson, Katie; Kelsey, Lisa
Subject: FW: No Boundary Expansion

Magda Green

Administrative Assistant II to the City Clerk
Office of the City Clerk, Corporate Services
City of Hamilton
magda.green@hamilton.ca

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From: Sarah Jenner [REDACTED]
Sent: November 7, 2023 6:30 PM
To: clerk@hamilton.ca
Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

We call on you, our Mayor and Council, to restore the decision from November 2021 to freeze the urban boundary in Hamilton.

Mayor Horwath has made a firm commitment to hold the boundary firm but speculators, in tandem with the Province, will be lobbying the Mayor to expand. Earlier this week, the Province made a special rule allowing Mayors the ability to unilaterally force an urban expansion.

We need Mayor Horwath and the Council to stand firm.

With unprecedented engagement, Hamiltonians have been clear. We value our farmland and can meet our housing targets within our previous existing boundary. We expect our council to hold the line.

We know that sprawl is both economically and environmentally unsustainable. While developers will make significant profits off sprawl, existing residents will have to foot the bill for servicing costs, increasing our property taxes year over year. City housing stats reveal that we have over 1200 acres within the former urban boundary to provide a mix of housing types. Compact growth will allow us to make better use of our existing infrastructure, including roads, sewers and parks, while preserving valuable agricultural land.

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Sarah Jenner

[REDACTED]
[REDACTED]
[REDACTED]

■

Salamone, Salvatore

From: clerk@hamilton.ca
Sent: Wednesday, November 8, 2023 9:02 AM
To: Carson, Katie; Kelsey, Lisa
Subject: FW: No Boundary Expansion

Magda Green

Administrative Assistant II to the City Clerk
Office of the City Clerk, Corporate Services

City of Hamilton

magda.green@hamilton.ca

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From: Jax Weafer [REDACTED]
Sent: November 7, 2023 6:31 PM
To: clerk@hamilton.ca
Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

We call on you, our Mayor and Council, to restore the decision from November 2021 to freeze the urban boundary in Hamilton.

Mayor Horwath has made a firm commitment to hold the boundary firm but speculators, in tandem with the Province, will be lobbying the Mayor to expand. Earlier this week, the Province made a special rule allowing Mayors the ability to unilaterally force an urban expansion.

We need Mayor Horwath and the Council to stand firm.

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We know that sprawl is both economically and environmentally unsustainable. While developers will make significant profits off sprawl, existing residents will have to foot the bill for servicing costs, increasing our property taxes year over year. City housing stats reveal that we have over 1200 acres within the former urban boundary to provide a mix of housing types. Compact growth will allow us to make better use of our existing infrastructure, including roads, sewers and parks, while preserving valuable agricultural land.

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We will be watching at the November 14th Planning Committee meeting and at Council on November 22nd. We are counting on you, as Mayor and Council, to do the right thing to save our farmland and to prioritize affordable homes in liveable neighbourhoods.

Jax Weafer

[REDACTED]

[REDACTED]

▪

Salamone, Salvatore

From: clerk@hamilton.ca
Sent: Wednesday, November 8, 2023 9:02 AM
To: Carson, Katie; Kelsey, Lisa
Subject: FW: No Boundary Expansion

Magda Green

Administrative Assistant II to the City Clerk

Office of the City Clerk, Corporate Services

City of Hamilton

magda.green@hamilton.ca

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From: Jessica Prevost [REDACTED]
Sent: November 7, 2023 6:36 PM
To: clerk@hamilton.ca
Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

We call on you, our Mayor and Council, to restore the decision from November 2021 to freeze the urban boundary in Hamilton.

Mayor Horwath has made a firm commitment to hold the boundary firm but speculators, in tandem with the Province, will be lobbying the Mayor to expand. Earlier this week, the Province made a special rule allowing Mayors the ability to unilaterally force an urban expansion.

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We will be watching at the November 14th Planning Committee meeting and at Council on November 22nd. We are counting on you, as Mayor and Council, to do the right thing to save our farmland and to prioritize affordable homes in liveable neighbourhoods.

Jessica Prevost

[REDACTED]

[REDACTED]

▪

Salamone, Salvatore

From: clerk@hamilton.ca
Sent: Wednesday, November 8, 2023 9:02 AM
To: Carson, Katie; Kelsey, Lisa
Subject: FW: No Boundary Expansion

Magda Green

Administrative Assistant II to the City Clerk
Office of the City Clerk, Corporate Services

City of Hamilton

magda.green@hamilton.ca

City Hall is located on the ancestral territory of the Haudenosaunee Confederacy, the Anishinaabe and many other Indigenous peoples. It is also covered by the Dish with One Spoon Wampum agreement, which asks that all sharing this territory do so respectfully and sustainably in community.

From: Jane Hill [REDACTED]
Sent: November 7, 2023 6:37 PM
To: clerk@hamilton.ca
Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

We call on you, our Mayor and Council, to restore the decision from November 2021 to freeze the urban boundary in Hamilton.

Mayor Horwath has made a firm commitment to hold the boundary firm but speculators, in tandem with the Province, will be lobbying the Mayor to expand. Earlier this week, the Province made a special rule allowing Mayors the ability to unilaterally force an urban expansion.

We need Mayor Horwath and the Council to stand firm.

With unprecedented engagement, Hamiltonians have been clear. We value our farmland and can meet our housing targets within our previous existing boundary. We expect our council to hold the line.

We know that sprawl is both economically and environmentally unsustainable. While developers will make significant profits off sprawl, existing residents will have to foot the bill for servicing costs, increasing our property taxes year over year. City housing stats reveal that we have over 1200 acres within the former urban boundary to provide a mix of housing types. Compact growth will allow us to make better use of our existing infrastructure, including roads, sewers and parks, while preserving valuable agricultural land.

Further, it will help build more vibrant neighbourhoods, support better transit, and help keep schools open. With our present labour shortages, we need to prioritize construction labour and materials to projects which can quickly build the affordable homes we need, not McMansions on distant farmland.

We will be watching at the November 14th Planning Committee meeting and at Council on November 22nd. We are counting on you, as Mayor and Council, to do the right thing to save our farmland and to prioritize affordable homes in liveable neighbourhoods.

Jane Hill

[REDACTED]
[REDACTED]
[REDACTED]

■

Salamone, Salvatore

From: clerk@hamilton.ca
Sent: Wednesday, November 8, 2023 9:01 AM
To: Carson, Katie; Kelsey, Lisa
Subject: FW: No urban boundary expansion - Hold the line

Magda Green

Administrative Assistant II to the City Clerk

Office of the City Clerk, Corporate Services

City of Hamilton

magda.green@hamilton.ca

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From: zoe green [REDACTED]
Sent: November 7, 2023 7:13 PM
To: clerk@hamilton.ca
Subject: No urban boundary expansion - Hold the line

Clerk City Clerk,

Fantastic news the province will revert the forced urban boundary expansion but we're not safe yet. I'm writing to ask you to restore the decision from November 2021 to freeze the urban boundary in Hamilton.

Earlier this week, the Province made a special rule allowing Mayors - even those without "strong mayor" powers - the ability to unilaterally force an urban expansion.

We need Mayor Horwath and the Council to stand firm.

With unprecedented engagement, Hamiltonians have been clear. We value our farmland and can meet our housing targets within our previous existing boundary. We expect our council to hold the line.

We will be watching at the November 14th Planning Committee meeting and at Council on November 22nd. We are counting on you, as Mayor and Council, to do the right thing to save our farmland and to prioritize affordable homes in liveable neighbourhoods.

Thank you

zoe green



▪

Salamone, Salvatore

From: clerk@hamilton.ca
Sent: Wednesday, November 8, 2023 9:02 AM
To: Carson, Katie; Kelsey, Lisa
Subject: FW: No Boundary Expansion

Magda Green

Administrative Assistant II to the City Clerk
Office of the City Clerk, Corporate Services
City of Hamilton
magda.green@hamilton.ca

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From: Kate Fox [REDACTED]
Sent: November 7, 2023 6:44 PM
To: clerk@hamilton.ca
Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

We call on you, our Mayor and Council, to restore the decision from November 2021 to freeze the urban boundary in Hamilton.

Mayor Horwath has made a firm commitment to hold the boundary firm but speculators, in tandem with the Province, will be lobbying the Mayor to expand. Earlier this week, the Province made a special rule allowing Mayors the ability to unilaterally force an urban expansion.

We need Mayor Horwath and the Council to stand firm.

With unprecedented engagement, Hamiltonians have been clear. We value our farmland and can meet our housing targets within our previous existing boundary. We expect our council to hold the line.

We know that sprawl is both economically and environmentally unsustainable. While developers will make significant profits off sprawl, existing residents will have to foot the bill for servicing costs, increasing our property taxes year over year. City housing stats reveal that we have over 1200 acres within the former urban boundary to provide a mix of housing types. Compact growth will allow us to make better use of our existing infrastructure, including roads, sewers and parks, while preserving valuable agricultural land.

Further, it will help build more vibrant neighbourhoods, support better transit, and help keep schools open. With our present labour shortages, we need to prioritize construction labour and materials to projects which can quickly build the affordable homes we need, not McMansions on distant farmland.

We will be watching at the November 14th Planning Committee meeting and at Council on November 22nd. We are counting on you, as Mayor and Council, to do the right thing to save our farmland and to prioritize affordable homes in liveable neighbourhoods.

Kate Fox

[REDACTED]

[REDACTED]

▪

Salamone, Salvatore

From: clerk@hamilton.ca
Sent: Wednesday, November 8, 2023 9:01 AM
To: Carson, Katie; Kelsey, Lisa
Subject: FW: No Boundary Expansion

Magda Green

Administrative Assistant II to the City Clerk
Office of the City Clerk, Corporate Services

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From: jessica claus [REDACTED]
Sent: November 7, 2023 7:02 PM
To: clerk@hamilton.ca
Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

We call on you, our Mayor and Council, to restore the decision from November 2021 to freeze the urban boundary in Hamilton.

Mayor Horwath has made a firm commitment to hold the boundary firm but speculators, in tandem with the Province, will be lobbying the Mayor to expand. Earlier this week, the Province made a special rule allowing Mayors the ability to unilaterally force an urban expansion.

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jessica claus

[REDACTED]

[REDACTED]

▪

Salamone, Salvatore

From: clerk@hamilton.ca
Sent: Wednesday, November 8, 2023 9:01 AM
To: Carson, Katie; Kelsey, Lisa
Subject: FW: NO Boundary Expansion

Magda Green

Administrative Assistant II to the City Clerk

Office of the City Clerk, Corporate Services

City of Hamilton

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From: Sherlly Jaminn [REDACTED]
Sent: November 7, 2023 7:09 PM
To: clerk@hamilton.ca
Subject: NO Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

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DO THE RIGHT THING FOR THE PEOPLE OF HAMILTON!

Sherlly Jaminn

[REDACTED]

[REDACTED]

■

Salamone, Salvatore

From: clerk@hamilton.ca
Sent: Wednesday, November 8, 2023 9:01 AM
To: Carson, Katie; Kelsey, Lisa
Subject: FW: No Boundary Expansion

Magda Green

Administrative Assistant II to the City Clerk

Office of the City Clerk, Corporate Services

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From: Sydney Davis [REDACTED]
Sent: November 7, 2023 7:13 PM
To: clerk@hamilton.ca
Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

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Sydney Davis

[REDACTED]

[REDACTED]

▪

Salamone, Salvatore

From: clerk@hamilton.ca
Sent: Wednesday, November 8, 2023 9:01 AM
To: Carson, Katie; Kelsey, Lisa
Subject: FW: No Boundary Expansion

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From: Hilary Lyttle [REDACTED]
Sent: November 7, 2023 7:26 PM
To: clerk@hamilton.ca
Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

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Hilary Lyttle

[REDACTED]

[REDACTED]

▪

Salamone, Salvatore

From: clerk@hamilton.ca
Sent: Wednesday, November 8, 2023 9:01 AM
To: Carson, Katie; Kelsey, Lisa
Subject: FW: No Boundary Expansion

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From: Jacqueline McDermid [REDACTED]
Sent: November 7, 2023 7:31 PM
To: clerk@hamilton.ca
Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

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Jacqueline McDermid

[REDACTED]

[REDACTED]

▪

Salamone, Salvatore

From: clerk@hamilton.ca
Sent: Wednesday, November 8, 2023 9:01 AM
To: Carson, Katie; Kelsey, Lisa
Subject: FW: No Boundary Expansion

Magda Green

Administrative Assistant II to the City Clerk
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From: Graeme Lavrence [REDACTED]
Sent: November 7, 2023 7:49 PM
To: clerk@hamilton.ca
Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

We call on you, our Mayor and Council, to restore the decision from November 2021 to freeze the urban boundary in Hamilton.

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Graeme Lavrence

[REDACTED]

[REDACTED]

▪

Salamone, Salvatore

From: clerk@hamilton.ca
Sent: Wednesday, November 8, 2023 9:01 AM
To: Carson, Katie; Kelsey, Lisa
Subject: FW: No Boundary Expansion

Magda Green

Administrative Assistant II to the City Clerk
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From: Michelle Araujo [REDACTED]
Sent: November 7, 2023 7:50 PM
To: clerk@hamilton.ca
Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

We call on you, our Mayor and Council, to restore the decision from November 2021 to freeze the urban boundary in Hamilton.

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Michelle Araujo

[REDACTED]

[REDACTED]

▪

Salamone, Salvatore

From: clerk@hamilton.ca
Sent: Wednesday, November 8, 2023 9:01 AM
To: Carson, Katie; Kelsey, Lisa
Subject: FW: No Boundary Expansion

Magda Green

Administrative Assistant II to the City Clerk
Office of the City Clerk, Corporate Services
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From: Mack DaSilva [REDACTED]
Sent: November 7, 2023 7:56 PM
To: clerk@hamilton.ca
Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

We call on you, our Mayor and Council, to restore the decision from November 2021 to freeze the urban boundary in Hamilton.

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Mack DaSilva

[REDACTED]

[REDACTED]

▪

Salamone, Salvatore

From: clerk@hamilton.ca
Sent: Wednesday, November 8, 2023 9:01 AM
To: Carson, Katie; Kelsey, Lisa
Subject: FW: No Boundary Expansion

Magda Green

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From: Morgan Bullock [REDACTED]
Sent: November 7, 2023 8:19 PM
To: clerk@hamilton.ca
Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

We call on you, our Mayor and Council, to restore the decision from November 2021 to freeze the urban boundary in Hamilton.

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Morgan Bullock

[REDACTED]

[REDACTED]

▪

Salamone, Salvatore

From: clerk@hamilton.ca
Sent: Wednesday, November 8, 2023 9:01 AM
To: Carson, Katie; Kelsey, Lisa
Subject: FW: No Boundary Expansion

Magda Green

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From: Tina Brajic [REDACTED]
Sent: November 7, 2023 8:19 PM
To: clerk@hamilton.ca
Subject: No Boundary Expansion

Clerk City Clerk,

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Tina Brajic

[REDACTED]

[REDACTED]

▪

Salamone, Salvatore

From: clerk@hamilton.ca
Sent: Wednesday, November 8, 2023 9:01 AM
To: Carson, Katie; Kelsey, Lisa
Subject: FW: No Boundary Expansion

Magda Green

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From: John Kennedy [REDACTED]
Sent: November 7, 2023 8:43 PM
To: clerk@hamilton.ca
Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

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John Kennedy

[REDACTED]

[REDACTED]

▪

Salamone, Salvatore

From: clerk@hamilton.ca
Sent: Wednesday, November 8, 2023 9:01 AM
To: Carson, Katie; Kelsey, Lisa
Subject: FW: No Boundary Expansion

Magda Green

Administrative Assistant II to the City Clerk
Office of the City Clerk, Corporate Services

City of Hamilton

magda.green@hamilton.ca

City Hall is located on the ancestral territory of the Haudenosaunee Confederacy, the Anishinaabe and many other Indigenous peoples. It is also covered by the Dish with One Spoon Wampum agreement, which asks that all sharing this territory do so respectfully and sustainably in community.

From: Terry Basom [REDACTED]
Sent: November 7, 2023 8:46 PM
To: clerk@hamilton.ca
Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

This is a form letter but it says it all. Please look to the future and help it all you can. It's looking very troublesome and I fear for my sons and grandsons.

We call on you, our Mayor and Council, to restore the decision from November 2021 to freeze the urban boundary in Hamilton.

Mayor Horwath has made a firm commitment to hold the boundary firm but speculators, in tandem with the Province, will be lobbying the Mayor to expand. Earlier this week, the Province made a special rule allowing Mayors the ability to unilaterally force an urban expansion.

We need Mayor Horwath and the Council to stand firm.

With unprecedented engagement, Hamiltonians have been clear. We value our farmland and can meet our housing targets within our previous existing boundary. We expect our council to hold the line.

We know that sprawl is both economically and environmentally unsustainable. While developers will make significant profits off sprawl, existing residents will have to foot the bill for servicing costs, increasing our property taxes year over year. City housing stats reveal that we have over 1200 acres within the former urban boundary to provide a mix of housing types. Compact growth will allow us to make better use of our existing infrastructure, including roads, sewers and parks, while preserving valuable agricultural land.

Further, it will help build more vibrant neighbourhoods, support better transit, and help keep schools open. With our present labour shortages, we need to prioritize construction labour and materials to projects which can quickly build the affordable homes we need, not McMansions on distant farmland.

We will be watching at the November 14th Planning Committee meeting and at Council on November 22nd. We are counting on you, as Mayor and Council, to do the right thing to save our farmland and to prioritize affordable homes in livable neighborhoods.

Terry Basom

[REDACTED]
[REDACTED]
[REDACTED]

▪

Salamone, Salvatore

From: clerk@hamilton.ca
Sent: Wednesday, November 8, 2023 9:01 AM
To: Carson, Katie; Kelsey, Lisa
Subject: FW: No Boundary Expansion

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From: Laura Katz [REDACTED]
Sent: November 7, 2023 9:28 PM
To: clerk@hamilton.ca
Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

We call on you, our Mayor and Council, to restore the decision from November 2021 to freeze the urban boundary in Hamilton.

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Laura Katz

[REDACTED]

[REDACTED]

[REDACTED]

■

Salamone, Salvatore

From: clerk@hamilton.ca
Sent: Wednesday, November 8, 2023 9:01 AM
To: Carson, Katie; Kelsey, Lisa
Subject: FW: No Boundary Expansion

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From: Megan Saunders [REDACTED]
Sent: November 7, 2023 9:58 PM
To: clerk@hamilton.ca
Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

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Megan Saunders

[REDACTED]

[REDACTED]

▪

Salamone, Salvatore

From: clerk@hamilton.ca
Sent: Wednesday, November 8, 2023 9:01 AM
To: Carson, Katie; Kelsey, Lisa
Subject: FW: No Boundary Expansion

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From: Lara Stewart [REDACTED]
Sent: November 7, 2023 10:18 PM
To: clerk@hamilton.ca
Subject: No Boundary Expansion

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Lara Stewart

[REDACTED]

[REDACTED]

▪

Salamone, Salvatore

From: clerk@hamilton.ca
Sent: Wednesday, November 8, 2023 9:00 AM
To: Carson, Katie; Kelsey, Lisa
Subject: FW: No Boundary Expansion

Magda Green

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From: Henriette Jansen [REDACTED]
Sent: November 7, 2023 10:25 PM
To: clerk@hamilton.ca
Subject: No Boundary Expansion

Clerk City Clerk,

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Henriette Jansen

[REDACTED]

[REDACTED]

▪

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From: clerk@hamilton.ca
Sent: Wednesday, November 8, 2023 9:00 AM
To: Carson, Katie; Kelsey, Lisa
Subject: FW: No Boundary Expansion

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From: Brian Werner [REDACTED]
Sent: November 7, 2023 10:58 PM
To: clerk@hamilton.ca
Subject: No Boundary Expansion

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Brian Werner

[REDACTED]

[REDACTED]

▪

Salamone, Salvatore

From: clerk@hamilton.ca
Sent: Wednesday, November 8, 2023 9:00 AM
To: Carson, Katie; Kelsey, Lisa
Subject: FW: No Boundary Expansion

Magda Green

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From: Megan Allore [REDACTED]
Sent: November 7, 2023 11:03 PM
To: clerk@hamilton.ca
Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

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Megan Allore

[REDACTED]

[REDACTED]

▪

Salamone, Salvatore

From: clerk@hamilton.ca
Sent: Wednesday, November 8, 2023 9:00 AM
To: Carson, Katie; Kelsey, Lisa
Subject: FW: No Boundary Expansion

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From: Charlane Surerus [REDACTED]
Sent: November 7, 2023 11:52 PM
To: clerk@hamilton.ca
Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

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Charlane Surerus

[REDACTED]

[REDACTED]

▪

Salamone, Salvatore

From: clerk@hamilton.ca
Sent: Wednesday, November 8, 2023 9:00 AM
To: Carson, Katie; Kelsey, Lisa
Subject: FW: No Boundary Expansion

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From: Louise Lanteigne [REDACTED]
Sent: November 8, 2023 12:55 AM
To: clerk@hamilton.ca
Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

We call on you, our Mayor and Council, to restore the decision from November 2021 to freeze the urban boundary in Hamilton.

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Your water supplies, pipelines, hydro towers are sitting in water sensitive areas. You have to protect the geology bound to critical infrastructure. There is karst, earthquake risks and geological risks you have to consider to protect your communities. You need sound science to reasonably mitigate risks. Often times aggregates are more valuable left in place when it comes to securing potable water resources for generations to come.

Further, it will help build more vibrant neighbourhoods, support better transit, and help keep schools open. With our present labour shortages, we need to prioritize construction labour and materials to projects which can quickly build the affordable homes we need, not McMansions on distant farmland.

We will be watching at the November 14th Planning Committee meeting and at Council on November 22nd. We are counting on you, as Mayor and Council, to do the right thing to save our farmland and to prioritize affordable homes in liveable neighbourhoods.

Louissette Lanteigne

[REDACTED]

[REDACTED]

▪

Salamone, Salvatore

From: clerk@hamilton.ca
Sent: Wednesday, November 8, 2023 9:00 AM
To: Carson, Katie; Kelsey, Lisa
Subject: FW: No Boundary Expansion

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From: Isabel Douglas [REDACTED]
Sent: November 8, 2023 2:51 AM
To: clerk@hamilton.ca
Subject: No Boundary Expansion

Clerk City Clerk,

Dear Mayor and Council,

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Isabel Douglas

[REDACTED]

[REDACTED]

▪

Salamone, Salvatore

From: clerk@hamilton.ca
Sent: Wednesday, November 8, 2023 9:00 AM
To: Carson, Katie; Kelsey, Lisa
Subject: FW: No Boundary Expansion

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From: Jason Hickey [REDACTED]
Sent: November 8, 2023 5:56 AM
To: clerk@hamilton.ca
Subject: No Boundary Expansion

Clerk City Clerk,

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Jason Hickey

[REDACTED]

[REDACTED]

▪

Salamone, Salvatore

From: clerk@hamilton.ca
Sent: Wednesday, November 8, 2023 9:02 AM
To: Carson, Katie; Kelsey, Lisa
Subject: FW: No Boundary Expansion

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From: Karen Brock [REDACTED]
Sent: November 7, 2023 6:01 PM
To: clerk@hamilton.ca
Subject: No Boundary Expansion

Clerk City Clerk,

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Karen Brock

[REDACTED]

[REDACTED]

▪

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Sent: Wednesday, November 8, 2023 9:00 AM
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Subject: FW: No Boundary Expansion.

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From: Roger Rose [REDACTED]
Sent: November 8, 2023 7:19 AM
To: clerk@hamilton.ca
Subject: No Boundary Expansion.

Clerk City Clerk,

Dear Mayor and Council,

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Roger Rose


[REDACTED]

[REDACTED]

▪



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 14, 2023
SUBJECT/REPORT NO:	2024 Licensing and By-Law Services Division's Priorities and Timelines for new by-laws, including Adequate Temperature By-Law (PED23238) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Tamara Reid (905) 546-2424 Ext. 1969
SUBMITTED BY:	Monica Ciriello Director, Licensing and By-Law Services Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

On May 24, 2023, Council approved item 6.1, 2023 Hamilton Community Heat Response Plan (BOH23019) which included:

THEREFORE, BE IT RESOLVED:

- (a) That staff in the Licensing and By-law Services Division be directed to prepare an Information Report for Q4 2023 identifying the 2024 priorities and timelines for the development of new by-laws, including an Adequate Temperature By-law and report back to the Planning Committee;
- (b) That the following staffing resources, and related costs, to expand the Licensing and By-law Services Division's capacity to develop, update and enforce City by-laws to protect tenants and respond to the Climate Emergency, including the development of a new Adequate Temperature By-law, be referred to the 2024 Tax Supported Operating Budget process:

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SUBJECT: 2024 Licensing and By-Law Services Division's Priorities and Timelines for new by-laws, including Adequate Temperature By-Law (PED23238) (City Wide) - Page 2 of 5

- (i) One new Manager FTE and one new Senior Project Manager FTE within the Licensing and By-law Services Division;
 - (ii) One new Municipal Law Enforcement Supervisor FTE and one new Municipal Law Enforcement Officer FTE within the Licensing and By-law Services Division;
 - (iii) 0.5 FTE for Legal Services, to support the Licensing and By-law Services Division;
- (c) That staff be directed to include in the 2024 Tax Supported Capital Budget a Municipal By-law Review and Development project, with a purpose to undertake research, community engagement and leverage external expertise for the development of new City by-laws, with a budget of \$100,000.

INFORMATION

Licensing and By-Law Services Division is comprised of five sections, three of which are regulatory and enforce by-laws: Municipal Law Enforcement, Licensing Compliance, and Animal Services. The 2024 priority by-law drafting for these sections are outlined below, timelines may vary depending on competing priorities that come in throughout 2024.

Preparation for drafting and amending by-laws includes stakeholder engagement, jurisdictional scans, consultation with internal and external agencies. Once a new by-law or amendment is enacted, internal work continues, including: staff hiring, implementation plans, communication plans, updated enforcement plans, officer training, communication and education with the public. Amendments to Administrative Monetary Penalties and/or Set Fines is also required.

In 2023 Licensing and By-law Services Division brought forward Report PED23072 to address renovictions, tenant displacement and property standards in apartment buildings in the City of Hamilton. The report and resourcing of 33 staff was deferred to the 2024 Tax Supported Capital Budget. If approved, it will be a priority for Licensing and By-law Services throughout 2024.

Furthermore, if the operating ask in Report PED23072 is approved, Licensing and By-law Services would not require the approximate \$698,423 operating or capital ask outlined in BOH23019. Specifically, Licensing and By-law Services would not require:

- (i) One new Manager FTE and one new Senior Project Manager FTE within the Licensing and By-law Services Division;

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SUBJECT: 2024 Licensing and By-Law Services Division's Priorities and Timelines for new by-laws, including Adequate Temperature By-Law (PED23238) (City Wide) - Page 3 of 5

- (ii) One new Municipal Law Enforcement Supervisor FTE and one new Municipal Law Enforcement Officer FTE within the Licensing and By-law Services Division;
- (iii) 0.5 FTE for Legal Services, to support the Licensing and By-law Services Division;

This is further supported by staff because the Safe Apartment By-Law includes property standard and maintenance items and processes similar to what would be required in the development of the Adequate Temperature By-law.

Municipal Law Enforcement

The Municipal Law Enforcement section is tasked with educating and enforcing over 30 by-laws both proactively and reactively, as well as numerous programs. New by-laws and amended by-laws for 2024 include:

Municipal Law Enforcement Priorities	Timeline
Adequate Temperature By-Law	Q1 2024
Yard Maintenance By-law	Q1 2024
Infill Report	Q2 2024
Street Harassment By-law	Q2 2024
Woodlands By-law	Q4 2024
Site Alteration By-Law	Q4 2024
Graphic Images By-Law	Q4 2024

Adequate Temperature By-Law

Prepare a new by-law to address rising concerns surrounding tenant exposure to increased temperatures and lack of regulations to lower temperatures to a maximum of 26 degrees celcius. This would involve at minimum jurisdictional scans, creation of processes, consultations with legal and finance, and staff training.

Yard Maintenance

Collaborative amendments with Public Works to the Yard Maintenance By-law, including cutting of grass on boulevards in front of residential properties.

Infill Report

Collaborative initiative with Corridor Management (CM) and Film Office for enforcement of permits pertaining to road/lane closures and obstructions on City roadways which may include updates to respective by-laws. One Municipal Law Enforcement Officer is currently tasked with this enforcement role, funded by Corridor Management.

SUBJECT: 2024 Licensing and By-Law Services Division's Priorities and Timelines for new by-laws, including Adequate Temperature By-Law (PED23238) (City Wide) - Page 4 of 5

Street Harassment By-law

Report back on an Outstanding Business List item pertaining to street harassment.

Woodlands By-Law

Stemming from the Urban Forest Strategy, development of a private tree by-law within the urban area to assist with climate initiatives, maintain/increase urban tree canopy. A joint initiative with Planning/Heritage Planning, and Office of Climate Change Initiatives.

Site Alteration By-Law

Amendments to the Site Alteration to educate and enforce, as site alteration on properties without a permit continues to be a growing concern within the community.

Graphic Images By-law

Stemming from jurisdictional scans, and community comments, prepare a new by-law on graphic images.

Licensing Compliance Priorities

The Licensing Compliance section ensures business establishments follow by-laws and regulations, including taxis, residential care facilities and restaurants.

Table 3

Licensing	Timeline
Short Term Rental By-law	Q4 2023
Taxi Schedule	Q3 2024
Digital Sign By-Law	Q4 2024
Residential Care Facility Schedule	Q4 2024

Short Term Rentals (STR)

Program is scheduled to begin December 1, 2023. Review and revision of processes and data collection will continue to impact staff time throughout 2024.

Taxi Incentive Pilot Program

Propose amendments to Schedule 25 of the Licensing By-Law 07-170, following the conclusion of the taxi incentive pilot program.

Digital Sign By-Law

Development of digital sign by-law to address the maximum number of lumens (brightness), size and locations of digital signs, which may cause unwanted distractions while driving/or other means of transportation.

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SUBJECT: 2024 Licensing and By-Law Services Division's Priorities and Timelines for new by-laws, including Adequate Temperature By-Law (PED23238) (City Wide) - Page 5 of 5

Residential Care Facility

Propose amendments to Schedule 20 of the Licensing By-Law 07-170.

Animal Services

The Animal Services section is focused on animal health and welfare through dog licensing, adoptions, and responsibilities under various legislation including, Responsible Animal Ownership By-Law 12-031 and the *Dog Owner's Liability Act*. There are no anticipated by-law amendments in 2024.

APPENDICES AND SCHEDULES ATTACHED

Not Applicable.



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 14, 2023
SUBJECT/REPORT NO:	Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (City Wide) (PED23239) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Shannah Evans (905) 546-2424 Ext. 1928
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

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

INFORMATION

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

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

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (City Wide) (PED23239) (City Wide) - Page 2 of 3

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

Attached as Appendix “A” to Report PED23239 is a table outlining the active Applications received prior to December 12, 2017, sorted by Ward, from oldest Application to newest. As of October 18, 2023, there were:

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

Within 60 to 90 days of October 18, 2023, all six development proposals have passed the applicable 120, 180 and 270 day statutory timeframes.

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

Attached as Appendix “B” to Report PED23239 is a table outlining the active Applications received after December 12, 2017, but before Royal Assent of Bill 108, sorted by Ward, from oldest Application to newest. As of October 18, 2023, there were:

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

Within 60 to 90 days of October 18, 2023, all six development proposals have passed the applicable 150, 180 or 300 day statutory timeframes.

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

Attached as Appendix “C” to Report PED23239 is a table outlining the active Applications received after September 3, 2019, and subject to the new statutory timeframes, sorted by Ward, from oldest Application to newest. As of October 18, 2023, there were:

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

SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (City Wide) (PED23239) (City Wide) - Page 3 of 3

As of October 18, 2023, two development proposals are approaching the 90 or 120 day statutory timeframe and will be eligible for appeal. Fifty-five (55) development proposals have passed the 90 or 120 day statutory timeframe.

Planning Division Active Files

Combined to reflect property addresses, there are 69 active development proposals. Twenty-one (21) proposals are 2023 files (30%), 19 proposals are 2022 files (28%), 29 proposals are pre-2022 files (42%).

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

Current Non-Decision Appeals to the Ontario Land Tribunal

At the February 2, 2021, Planning Committee meeting, Planning Committee requested that information be reported relating to development applications that have been appealed for non-decision to the Ontario Land Tribunal. Attached as Appendix “D” to Report PED23239 is a table outlining development applications, along with the applicant/agent, that have been appealed for non-decision to the Ontario Land Tribunal. There are currently 22 active appeals for non-decision of which one is a rezoning application, one is a subdivision application, four are a combined official plan and rezoning application, and 16 are combined official plan, rezoning and subdivision applications. Third party appeals are not included in this information as Council has made a decision to approve the application.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED23239 - List of Active Development Applications (prior to December 12, 2017)

Appendix “B” to Report PED23239 - List of Active Development Applications (after December 12, 2017, but before September 3, 2019)

Appendix “C” to Report PED23239 - List of Active Development Applications (after September 3, 2019)

Appendix “D” to Report PED23239 - *Planning Act* Applications Currently Appealed for Non-Decision to the Ontario Land Tribunal

SE:sd

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective October 18, 2023)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of October 18, 2023
Ward 7									
UHOPA-17-31 ZAC-17-071	1625 - 1655 Upper James Street, Hamilton	27-Sep-17	n/a	02-Oct-17	25-Jan-18	n/a	24-Jun-18	MB1 Development Consulting Inc.	2270
Ward 9									
UHOPA-16-26 ZAC-16-065 25T-201611	478 and 490 First Road West, Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	2590
UHOPA-16-27 ZAC-16-066 25T-201612	464 First Road West, Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	n/a	09-Jul-17	T. Johns Consultants Inc.	2590
Ward 10									
ZAC-15-040	9 Glencrest Avenue, Stoney Creek	02-Jul-15	n/a	17-Jul-15	30-Oct-15	n/a	n/a	WEBB Planning Consultants Inc.	3058

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective October 18, 2023)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of October 18, 2023
Ward 12									
ZAC-16-006	285, 293 Fiddlers Green Road, Ancaster	23-Dec-15	n/a	06-Jan-16	21-Apr-16	20-Jun-16	n/a	Liam Doherty	2884
ZAC-17-062 25T-201709	45 Secinaro Avenue, Ancaster	28-Jul-17	n/a	01-Aug-17	25-Nov-17	n/a	n/a	T. Johns Consultants Inc.	2301

Active Development Applications

- When an Application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 120, 180 and 270 day timeframe commences on the date the new materials were submitted. In all other situations, the 120, 180 and 270 day timeframe commences the day the Application was received.
- * In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment Applications by 90 days from 180 days to 270 days. However, Applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 180 statutory timeframe.

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective October 18, 2023)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/Agent	Days since Received and/or Deemed Complete as of October 18, 2023
Ward 2									
ZAR-19-008	124 Walnut Street South, Hamilton	21-Dec-18	n/a	18-Jan-19	20-May-19	n/a	n/a	IBI Group	1790
Ward 11									
UHOPA-18-016* ZAC-18-040 25T-2018007	9511 Twenty Road West, Glanbrook	10-Jul-18	n/a	15-Aug-18	n/a	06-Jan-19	06-May-19*	Corbett Land Strategies	1954
Ward 12									
ZAC-18-048 25T-2018009	387, 397, 405 and 409 Hamilton Drive, Ancaster	09-Sep-18	n/a	28-Sep-18	06-Feb-19	08-Mar-19	n/a	Fothergill Planning & Development Inc.	1893
UHOPA-18-022* ZAC-18-056 25T-2018010	26 Southcote Road, Ancaster	05-Nov-18	n/a	15-Nov-18	n/a	04-May-19	01-Sep-19*	A.J. Clarke & Associates Ltd.	1836
Ward 14									
ZAC-19-011	1193 Old Mohawk Road, Ancaster	12-Dec-18	n/a	10-Jan-19	11-May-19	n/a	n/a	Urban Solutions Planning & Land Development	1799

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective October 18, 2023)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/Agent	Days since Received and/or Deemed Complete as of October 18, 2023
Ward 15									
RHOPA-18-020* ZAC-18-045	173 and 177 Dundas Street East, Flamborough	23-Jul-18	n/a	15-Aug-18	n/a	n/a	19-May-19*	MHBC Planning Limited	1935

Active Development Applications

1. When an Application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 150, 180, 210 and 300 day timeframe commences on the date the new materials were submitted. In all other situations, the 150, 180, 210 and 300 day timeframe commences the day the Application was received.

* In accordance with Section 34 (11.0.0.0.1), of the *Planning Act*, the approval period for Zoning By-law Amendment Applications submitted concurrently with an Official Plan Amendment, will be extended to 210 days.

* In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment Applications by 90 days from 210 days to 300 days. However, Applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 210 statutory timeframe.

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective October 18, 2023)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of October 18, 2023
Ward 1								
UHOPA-20-027 ZAC-20-042	1629-1655 Main Street West, Hamilton	2-Nov-20	n/a	1-Dec-20	n/a	02-Mar-21	GSP Group	1102
UHOPA-22-005 ZAC-22-012	200 Market Street, 55 Queen Street North, Hamilton	19-Jan-22	n/a	19-Jan-22	n/a	19-May-22	GSP Group	637
UHOPA-17-036 ZAC-17-036	644 Main Street West, Hamilton (in abeyance)	01-Nov-17	n/a	23-Nov-17	n/a	01-Mar-17	Urban Solutions Planning & Land Development	2177
UHOPA-23-008 ZAC-23-020	17 Ewen Road, Hamilton	19-Dec-22	n/a	17-Jan-23	n/a	21-Apr-23	GSP Group	300
Ward 2								
UHOPA-21-007 ZAC-21-014	101 Hunter Street East, Hamilton	23-Mar-21	n/a	8-Apr-21	n/a	21-Jul-21	Coletara Developments	997

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective October 18, 2023)**

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Ward 2 Continued								
UHOPA-22-001 ZAC-22-003	65 Guise Street, Hamilton	15-Nov-21	n/a	18-Nov-21	n/a	15-Mar-22	James Webb Consulting Inc.	698
UHOPA-23-012 ZAC-23-027	175 John Street N, Hamilton	19-Dec-22	n/a	30-Jan-23	n/a	18-Apr-23	Philip Alaimo	303
ZAC-23-019	117 Forest Avenue, Hamilton	23-Dec-22	n/a	17-Jan-23	23-Mar-23	n/a	Urban Solutions Planning & Land Development	299
ZAC-23-029 25T-202303	215 King Street W, Hamilton	23-Dec-22	n/a	2-Feb-23	n/a	22-Apr-23	Arcadis IBI Group	299
UHOPA-23-014 ZAC-23-031	118 King St W., Hamilton	15-Dec-22	n/a	22-Feb-23	n/a	14-Apr-23	Arcadis IBI Group	307

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective October 18, 2023)**

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Ward 3								
ZAC-22-049	338 Cumberland Avenue, Hamilton	20-July-22	n/a	20-July-22	18-Oct-22	n/a	Urban Solutions Planning & Land Development	456
ZAC-22-053	83 Emerald Street South, Hamilton	9-Aug-22	n/a	22-Aug-22	7-Nov-22	n/a	Gladki Planning Associates Inc.	436
Ward 5								
UHOPA-22-016 ZAC-22-030	399 Greenhill Avenue, Stoney Creek	26-Apr-22	n/a	27-Apr-22	n/a	28-July-22	Bousfields Inc.	540
25T-202305	75 Centennial Parkway North, Hamilton	23-Aug-23	n/a	6-Sep-23	n/a	21-Dec-23	Bousfields Inc.	56
ZAC-23-023	2481 Barton Street East, Hamilton	22-Dec-22	n/a	19-Jan-23	22-Mar-23	n/a	GSP Group Inc.	300
UHOPA-23-013 ZAC-23-028 25T-85033R	117 Nashville Circle, Stoney Creek	23-Dec-22	n/a	22-Feb-23	n/a	22-Apr-23	Bousfields Inc.	299

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective October 18, 2023)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of October 18, 2023
Ward 6								
ZAC-22-037 25T-202207	61 Eleanor Avenue, Hamilton	13-June-22	n/a	15-June-22	n/a	12-Oct-22	A.J. Clarke & Associates Ltd.	503
UHOPA-22-027 ZAC-22-065	1400 Limeridge Road East, Hamilton	31-Oct-22	n/a	10-Nov-22	n/a	28-Feb-23	MHBC Planning Ltd.	353
ZAC-23-009	1280 Rymal Road East, Hamilton	15-Dec-22	n/a	6-Jan-23	15-Mar-23	n/a	Fothergill Planning & Development Inc.	308
Ward 7								
UHOPA-20-021 ZAC-20-037 25T-202006	544 and 550 Rymal Road East, Hamilton	11-Sep-20	n/a	11-Oct-20	n/a	09-Jan-20	Rymal East Development Corp.	1197
ZAC-22-016	48 Miles Road, Hamilton	25-Jan-22	n/a	10-Feb-22	25-Apr-22	n/a	IBI Group	615

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective October 18, 2023)**

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Ward 8								
UHOPA-20-017 ZAC-20 029 25T-202003	393 Rymal Road West, Hamilton	20-Jul-20	n/a	19-Aug-20	n/a	17-Nov-20	GSP Group Inc.	1205
ZAC-21-029 25T-202108	204, 212, 220, 226 Rymal Road West, Hamilton	05-July-21	n/a	09-Aug-21	n/a	02-Nov-21	T. Johns Consulting Group	829
ZAC-22-024 25T-202204	1456-1460 Upper James Street, Hamilton	28-Mar-22	n/a	08-Apr-22	n/a	26-Jul-22	A.J. Clarke & Associates	570
ZAC-22-066	81 Rymal Road East, Hamilton	24-Oct-22	n/a	24-Nov-22	22-Jan-22	n/a	GSP Group Inc.	360
UHOPA-23-004 ZAC-23-005	1550 Upper James Street, Hamilton	24-Nov-22	n/a	9-Dec-22	n/a	24-Mar-23	Arcadis IBI Group	329
ZAC-23-014	253 & 259 Limeridge Road West, Hamilton	22-Dec-22	n/a	18-Jan-23	22-Mar-23	n/a	Urban Solutions Planning & Land Development	300

**Active Development Applications
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(Effective October 18, 2023)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of October 18, 2023
Ward 9								
UHOPA-20-010 ZAC-20-015 25T-200303R	2080 Rymal Road East, Glanbrook	20-Dec-19	20-Jan-20	31-Jan-20	n/a	19-May-20	A.J. Clarke & Associates Ltd.	1384
ZAC-22-001	2153, 2155, and 2157 Rymal Road East, Stoney Creek	4-Nov-21	n/a	n/a	2-Feb-22	n/a	Weston Consulting	713
ZAC-22-029 25T-202206	481 First Road W., Stoney Creek	22-Apr-22	n/a	n/a	n/a	24-Jul-22	Kuok Kei Hong	546
UHOPA-23-005 ZAC-23-006	1065 Paramount Drive, Stoney Creek	18-Nov-22	n/a	13-Dec-22	n/a	18-Mar-23	Arcadis IBI Group	335
25T-202304	157 Upper Centennial Parkway, Stoney Creek	22-Dec-22	n/a	11-Apr-23	n/a	11-Aug-23	MHBC Planning Ltd.	300
25T-202302	250-256 First Road West, Stoney Creek	23-Dec-22	n/a	25-Jan-23	n/a	22-Apr-23	Urban Solutions Planning & Land Development	299

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective October 18, 2023)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of October 18, 2023
Ward 9 Continued								
UHOPA-23-007 ZAC-23-017	2070 Rymal Road East, Stoney Creek	22-Dec-22	n/a	17-Jan-23	n/a	21-Apr-23	Bousfields Inc.	300
UHOPA-23-11 ZAC-23-026	196-202 Upper Mount Albion Road, Stoney Creek	9-Dec-22	n/a	24-Jan-23	n/a	8-Apr-23	NPG Planning Solutions	313
Ward 10								
UHOPA-21-018 ZAC-21-039	1400 South Service Road, Stoney Creek	10-Sep-21	n/a	16-Sep-21	n/a	14-Jan-22	MHBC Planning Ltd.	790
UHOPA-21-006 ZAC-21-011	582 and 584 Hwy. 8, Stoney Creek	08-Feb-21	n/a	08-Mar-21	n/a	21-Jul-21	SIMNAT Consulting Inc.	1010
UHOPA-22-020 ZAC-22-046 25T-202208	220 McNeilly Road, Hamilton	8-July-22	n/a	22-July-22	n/a	5-Nov-22	T. Johns Consulting Group	468
ZAC-23-004	48 Jenny Court	29-Nov-22	n/a	4-Jan-23	27-Feb-23	n/a	T. Johns Consulting Group	324

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective October 18, 2023)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of October 18, 2023
Ward 11								
UHOPA-21-001 ZAC-21-001 25T-202101	3169 Fletcher Road, Glanbrook	14-Dec-20	n/a	12-Jan-21	n/a	12-May-21	A.J. Clarke & Associates Ltd.	1066
UHOPA-21-008 ZAC-21-018 25T-202106	9555 Airport Road West, Hamilton	15-Apr-21	n/a	27-Apr-21	n/a	13-Aug-21	A.J. Clarke & Associates Ltd.	916
UHOPA-22-008 ZAC-22-017 25T-202202	3054 Homestead Drive, Hamilton	27-Jan-22	n/a	10-Feb-22	n/a	25-May-22	Urban Solutions Planning & Land Development	632
UHOPA-22-014 ZAC-22-027 25T-202205	2876 Upper James Street, Glanbrook	05-Apr-22	n/a	05-Apr-22	n/a	03-Aug-22	Rice Group	562
ZAC-22-055	2640 Binbrook Road, Glanbrook	16-Aug-22	n/a	18-Aug-22	14-Nov-22	n/a	IBI Group	429
25T-202203	9451 Dickenson Road West, Glanbrook	11-Nov-21	10-Dec21	20-Dec-21	n/a	11-Mar-22	Korsiuk Urban Planning	706
ZAC-23-022	2800 Library Lane, Glanbrook	6-Jan-23	n/a	19-Jan-23	6-Apr-23	n/a	SHS Consulting	285

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective October 18, 2023)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of October 18, 2023
Ward 12								
UHOPA-20-013 ZAC-20-017	210 Calvin Street, Ancaster	18-Feb-20	04-Mar-20	11-Jun-20	n/a	09-Oct-20	SGL Planning & Design Inc.	1252
25T-202102	370 Garner Road East, Ancaster	18-Dec-20	n/a	22-Jan-21	n/a	17-Apr-21	A.J. Clarke & Associates Ltd.	1062
25T-202105	700 Garner Road East, Ancaster	18-Jan-21	n/a	04-Feb-21	n/a	18-May-21	MHBC Planning Ltd.	1031
UHOPA-21-022 ZAC-21-047	559 Garner Road East, Ancaster	15-Oct-21	n/a	20-Oct-21	n/a	12-Feb-22	Urban Solutions Planning and Land Development	733
ZAC-23-010	299 Fiddlers Green Road, Ancaster	19-Dec-22	n/a	6-Jan-23	19-Mar-23	n/a	Wellings Planning Consultants	304
ZAC-23-041 UHOPA-23-017	1225 Old Golf Links Road, Ancaster	14-Aug-23	n/a	15-Aug-23	n/a	12-Dec-23	A.J. Clarke & Associates	64
Ward 13								
ZAC-22-044	64 Hatt Street, Dundas	6-July-22	n/a	7-July-22	4-Oct-22	n/a	GSP Group Inc.	470

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective October 18, 2023)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of October 18, 2023
Ward 14								
ZAC-23-016 25T-202301	760 Stone Church Road East, Hamilton	19-Dec-22	n/a	19-Jan-23	n/a	18-Apr-23	A.J. Clarke & Associates	303
Ward 15								
ZAC-20-006	518 Dundas Street East, Dundas	23-Dec-19	n/a	22-Jan-20	n/a	21-Apr-20	Urban Solutions Planning and Land Development	1396
UHOPA-21-003 ZAC-21-007 25T-202103	562 Dundas Street East, Flamborough	23-Dec-20	n/a	08-Feb-21	n/a	22-Apr-21	Metropolitan Consulting Inc.	1030
25T-201507R	74 Parkside Drive, Flamborough	11-Aug-22	n/a	18-Aug-22	n/a	17-Oct-22	IBI Group	434

Active Development Applications

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

**Planning Act Applications
Currently Appealed for Non-Decision to the
Ontario Land Tribunal (OLT)
(Effective October 18, 2023)**

	Address	Applicant /Agent	Date Appeal Received
Ward 2			
1	299-307 John Street South, Hamilton	Urban Solutions Planning & Land Development Consultants Inc.	November 2021
2	186 Hunter Street West, Hamilton	Urban Solutions Planning & Land Development Consultants Inc.	June 2022
3	117 Jackson Street East, Hamilton	Bousfields Inc.	September 2023
Ward 4			
4	1284 Main Street East, Hamilton	GSP Group	August 2023
Ward 5			
5	651 Queenston Road, Hamilton	A.J. Clarke & Associates Ltd	September 2022
6	2900 King Street East, Hamilton	Urban Solutions Planning & Land Development Consultants Inc.	November 2022
Ward 7			
7	499 Mohawk Road East, Hamilton	Urban Solutions Planning & Land Development Consultants Inc.	August 2023

**Planning Act Applications
Currently Appealed for Non-Decision to the
Ontario Land Tribunal (OLT)
(Effective October 18, 2023)**

	Address	Applicant /Agent	Date Appeal Received
Ward 9			
8	157 Upper Centennial Parkway, Stoney Creek	WEBB Planning Consultants Inc.	September 2017
Ward 10			
9	1036, 1038, 1054, 1090 Barton Street, and 262 McNeilly Road, Stoney Creek	Glen Schnarr & Associates Inc.	November 2021
Ward 11			
10	526 Winona Road, Stoney Creek	Urban Solutions Planning & Land Development Consultants Inc.	June 2022
11	3160, 3168, 3180, and 3190 Regional Road 56, Binbrook	MHBC Planning Limited	November 2022
12	3064, 3070, 3078, 3084 Regional Road 56, Glanbrook	MHBC Planning Limited	November 2022
13	11, 19, 20, 21, 23, 27 & 30 Lakeside Drive, 81 Waterford Crescent, Stoney Creek	IBI Group	December 2022
Ward 12			
14	140 Garner Road, Ancaster	Urban Solutions Planning and Land Development Consultants Inc.	February 2022

**Planning Act Applications
Currently Appealed for Non-Decision to the
Ontario Land Tribunal (OLT)
(Effective October 18, 2023)**

	Address	Applicant /Agent	Date Appeal Received
Ward 12 Continued			
15	1019 Wilson Street West, Ancaster	MHBC Planning Limited	July 2022
16	509 Southcote Road, Ancaster	Urban Solutions Planning and Land Development Consultants Inc.	June 2023
17	140 & 164 Sulphur Springs Road, Ancaster	Fothergill Planning & Development Inc.	July 2023
Ward 14			
18	801-870 Scenic Drive, Hamilton	Valery Developments Inc.	May 2021
Ward 15			
19	609 and 615 Hamilton Street North and 3 Nesbit Boulevard and 129 – 137 Trudell Circle, Flamborough (Waterdown)	Urban Solutions Planning and Land Development Consultants Inc.	October 2017
20	111 Silverwood Drive (111 Parkside Drive, Flamborough (Waterdown)	Metropolitan Consulting Inc.	October 2017

**Planning Act Applications
Currently Appealed for Non-Decision to the
Ontario Land Tribunal (OLT)
(Effective October 18, 2023)**

	Address	Applicant /Agent	Date Appeal Received
Ward 15 Continued			
21	30, 36 and 42 Dundas Street East, 50 Horseshoe Crescent, and 522 Highway 6, Flamborough	MHBC Planning	August 2021
22	909 North Waterdown Drive, Flamborough	Corbett Land Strategies Inc.	December 2022



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 14, 2023
SUBJECT/REPORT NO:	Applications for Urban Official Plan Amendment UHOPA-21-001, Zoning By-law Amendment ZAC-21-001 and Draft Plan of Subdivision for Lands Located at 3169 Fletcher Road, Glanbrook (PED23210) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Charlie Toman (905) 546-2424 Ext. 5863
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Official Plan Amendment Application UHOPA-21-001, by A.J. Clarke and Associates Ltd. (c/o Stephen Fraser), on behalf of Joe Sarto, Owner**, to re-designate the subject lands from “Low Density Residential 2h” to “Low Density Residential 3c” in the Binbrook Village Secondary Plan, to permit the development of block townhouse and back to back townhouse dwellings with a maximum density of 49 dwellings per net residential hectare, for lands located at 3169 Fletcher Road, as shown on Appendix “A” attached to Report PED23210, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED23210, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That **Zoning By-law Amendment Application ZAC-21-001, by A.J. Clarke and Associates Ltd. (c/o Stephen Fraser, on behalf of Joe Sardo, Owner**, for a

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SUBJECT: Applications for Urban Official Plan Amendment UHOPA-21-001, Zoning By-law Amendment ZAC-21-001 and Draft Plan of Subdivision for Lands Located at 3169 Fletcher Road, Glanbrook (PED23210) (Ward 11) - Page 2 of 27

change in zoning from the Restricted Agricultural “A2” Zone to Residential Multiple – Holding “H-RM3-327” Zone, Modified, to permit 23 block townhouse units and 34 back to back townhouse dwellings with two parking spaces per unit and 14 visitor parking spaces, for lands located at 3169 Fletcher Road, as shown on Appendix “A” attached to Report PED23210, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED23210, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and will comply with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. XX;
- (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the Planning Act, R.S.O. 1990 to the subject lands by introducing the Holding “H” as a prefix to the proposed zoning as shown on Schedule “A” of Appendix “C” attached to Report PED23210;

The Residential Multiple – Holding “H-RM4-327” Zone, Modified, applicable to lands shown on Schedule “A” to Appendix “C” attached to Report PED23210 be removed conditional upon the following:

That the “H” Holding Symbol may be removed by a further amendment to this By-law at such time that the landowner demonstrates to the satisfaction of the Director, Growth Management and Chief Engineer that:

- 1) Municipal services are available to the limits of the property, including but not limited to water, sanitary sewers, and storm sewers;
- 2) Street ‘B’ on the Draft Plan of Subdivision 25T-201405 as approved by the Ontario Land Tribunal on May 20, 2016 has been constructed;
- 3) The Stormwater Management Pond within the Draft Plan of Subdivision 25T-201405 as approved by the Ontario Land Tribunal on May 20, 2016, is constructed and fully operational;

SUBJECT: Applications for Urban Official Plan Amendment UHOPA-21-001, Zoning By-law Amendment ZAC-21-001 and Draft Plan of Subdivision for Lands Located at 3169 Fletcher Road, Glanbrook (PED23210) (Ward 11) - Page 3 of 27

- (c) That **Draft Plan of Subdivision Application 25T-202101 by A.J. Clarke and Associates Ltd. (c/o Stephen Fraser), on behalf of Joe Sarto, Owner**, on lands located at 3169 Fletcher Road, Glanbrook, as shown on Appendix “A” attached to Report PED23210, 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 “3169 Fletcher Road” certified by Nicholas P. Muth, O.L.S., dated December 13, 2022, consisting of one development block for 23 block townhouses units and 34 back to back townhouse dwellings (Block 1) and one block for a road right of way dedication (Block 2), as shown on Appendix “E” attached to Report PED23210;
 - (ii) That the Owner enter into a Standard Form Subdivision Agreement as approved by City Council and with the Special Conditions as shown on Appendix “F” attached to Report PED23210;
 - (iii) That the Special Conditions of Draft Plan of Subdivision Approval, 25T-202101, as shown on Appendix “F” attached to Report PED23210, be received and endorsed by City Council;
 - (iii) That in accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual there will be no City of Hamilton cost sharing for this subdivision;
 - (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.

EXECUTIVE SUMMARY

The Applicant, A.J. Clarke and Associates Ltd. on behalf of owner Joe Sarto, has applied for an Urban Hamilton Official Plan Amendment, a Zoning By-law Amendment, and a Draft Plan of Subdivision to facilitate the development of 23 block townhouses and 34 back to back townhouse dwellings with a maximum density of 49 dwelling units per net residential hectare, one parking space per unit and 14 visitor parking spaces.

SUBJECT: Applications for Urban Official Plan Amendment UHOPA-21-001, Zoning By-law Amendment ZAC-21-001 and Draft Plan of Subdivision for Lands Located at 3169 Fletcher Road, Glanbrook (PED23210) (Ward 11) - Page 4 of 27

The subject lands are located within the Binbrook Village Secondary Plan and currently contain one single detached dwelling.

The purpose of the Official Plan Amendment application is to amend the Binbrook Village Secondary Plan to re-designate the subject lands from “Low Density Residential 2h” to “Low Density Residential 3c” to permit block townhouse and back to back townhouse dwellings and to increase the maximum density range.

The purpose of the Zoning By-law Amendment application is to rezone the subject lands from Restricted Agricultural “A2” Zone to Residential Multiple – Holding “H-RM3-327” Zone, Modified, under Glanbrook Zoning By-law No. 464 to allow the proposed development. There are site specific modifications to the “RM3” Zone proposed to accommodate the use of back to back townhouse dwellings which do not have existing development regulations under the Glanbrook Zoning By-law.

Development of the subject lands cannot occur until the lands to the north, east and south are developed through Draft Plan of Subdivision “Cachet Binbrook” 25T-201405 as shown on Appendix “H” attached to Report PED23210. The applicant for this development, Cachet Homes, are in the process of clearing Draft Plan Approval conditions. The proposed development would be accessed from and connect to municipal water, storm water and wastewater services via Street “B” within Draft Plan of Subdivision 25T-201405. A Holding Provision is recommended as part of the Zoning By-law Amendment to restrict development of the subject lands until Draft Plan of Subdivision 25T-201405 is registered and services are constructed.

The purpose of the Draft Plan of Subdivision application is to establish two blocks as shown on Appendix “E” attached to Report PED23210. Block 1 is intended for the development of 23 block townhouse and 34 back to back townhouse dwellings along with a private roadway, sidewalk and visitor parking. Block 2 is a road right of way dedication of 3.05 metres along Fletcher Road together with a daylight triangle dedication for Street “B” within Draft Plan of Subdivision 25T-201405. Approval of this application will be subject to the owner entering into a Standard Form Subdivision Agreement, with special conditions.

A Part Lot Control and Draft Plan of Condominium applications will be required to create the individual townhouse lots and the condominium (private) road and associated parking areas. A Site Plan Control application will be required to implement the proposed development.

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SUBJECT: Applications for Urban Official Plan Amendment UHOPA-21-001, Zoning By-law Amendment ZAC-21-001 and Draft Plan of Subdivision for Lands Located at 3169 Fletcher Road, Glanbrook (PED23210) (Ward 11) - Page 5 of 27

The proposal 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 general intent of the Urban Hamilton Official Plan and Binbrook Village Secondary Plan, in particular, the function, scale and design of the Low Density Residential policies as they relate to greenfield development in the “Neighbourhoods” designation; and,
- The proposed development represents good planning, as it will provide a built form that is compatible with the character of the area and provides a compact and efficient urban form.

Alternatives for Consideration – See Page 27

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold a Public Meeting to consider an application for an Official Plan Amendment and Zoning By-law Amendment. *Bill 23* amended the *Planning Act* to remove the mandatory requirement for a public meeting to consider a proposed Draft Plan of Subdivision.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	Joe Sardo
Applicant/Agent:	A.J. Clarke & Associates Ltd. (c/o Ryan Ferrari)
File Number:	UHOPA-21-001 ZAC-21-001 25T-202101

SUBJECT: Applications for Urban Official Plan Amendment UHOPA-21-001, Zoning By-law Amendment ZAC-21-001 and Draft Plan of Subdivision for Lands Located at 3169 Fletcher Road, Glanbrook (PED23210) (Ward 11) - Page 6 of 27

Application Details	
Type of Application:	Urban Hamilton Official Plan Amendment Zoning By-law Amendment Draft Plan of Subdivision
Proposal:	To permit 23 block townhouse and 34 back to back townhouse dwellings on a private condominium road with a total of 72 parking spaces (one space per unit plus 14 visitor spaces) and a common amenity area, as shown on the Concept Plan and Building Elevations attached as Appendix "G" to Report PED23210.
Property Details	
Municipal Address:	3169 Fletcher Road
Lot Area:	±1.165 hectares (Rectangular)
Servicing:	Full municipal services upon the development of Plan of Subdivision "Cachet Binbrook" 25T-201405.
Existing Use:	A single detached dwelling.
Documents	
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.
Secondary Plan Existing:	"Low Density Residential 2h" in the Binbrook Village Secondary Plan.
Secondary Plan Proposed:	"Low Density Residential 3c" in the Binbrook Village Secondary Plan.
Zoning Existing:	Restricted Agricultural "A2" Zone.
Zoning Proposed:	Residential Multiple – Holding "H-RM3-327" Zone, Modified.
Modifications Proposed:	<ul style="list-style-type: none"> • To permit and define back-to-back townhouses; • To define the front, rear and flankage lot lines;

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SUBJECT: Applications for Urban Official Plan Amendment UHOPA-21-001, Zoning By-law Amendment ZAC-21-001 and Draft Plan of Subdivision for Lands Located at 3169 Fletcher Road, Glanbrook (PED23210) (Ward 11) - Page 7 of 27

Documents	
<p>Modifications Proposed (Continued):</p>	<ul style="list-style-type: none"> • To increase the Minimum Lot Frontage from 45 metres to 100 metres; • To increase the Minimum Lot Area from 0.4 hectares to 1 hectare; • To increase the Maximum Lot Coverage from 30 percent to 32 percent; • To increase the Maximum Density from 35 dwelling units per hectare to 60 dwelling units per hectare; • To reduce the Minimum Front Yard from 9 metres to 3.5 metres; • To modify the Minimum Rear and Side Yard to remove the requirement for an increased setback of 10.7 metres where the abutting lands are zoned "Existing Residential "ER" or Residential "R1", "R2", "R3" "R4" or "RM1"; • To not apply a Minimum Separation Distance; • To not apply a Minimum Floor Area per Dwelling Unit; • To modify the definition of Dwelling Unit Placement to include Maisonette Dwellings; • To increase the Maximum Height from 10.7 metres to 11.5 metres; • To reduce the Minimum Landscaped Area from 50% of the lot area to 30% of the lot area; • To modify the description of where the Minimum Landscape Strip / Fencing apply; • To not require a Minimum Privacy Area for Maisonette Dwellings; • To increase the amount of Minimum Amenity Area required per unit from 5 square metres to 8 square metres; • To reduce the parking space dimensions from 3 metres by 6 metres to 2.8 metres by 5.8 metres; • To reduce the parking ratio from 2.5 spaces for each dwelling unit to 2.20 spaces for each dwelling unit; and, • To reduce Visitor Parking Setback to 3 metres from the Front Yard and 1.5 metres of the Rear Yard. <p>(See Appendix "D" attached to Report PED23210)</p>

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SUBJECT: Applications for Urban Official Plan Amendment UHOPA-21-001, Zoning By-law Amendment ZAC-21-001 and Draft Plan of Subdivision for Lands Located at 3169 Fletcher Road, Glanbrook (PED23210) (Ward 11) - Page 8 of 27

Processing Details	
Received:	December 14, 2020.
Deemed Complete:	January 12, 2021.
Notice of Complete Application:	Sent to seven property owners within 120 m of the subject lands on August 5, 2021.
Public Notice Sign:	Posted January 15, 2021 and updated with Public Meeting date October 18, 2023.
Notice of Public Meeting:	Sent to seven property owners within 120 m of the subject lands on October 27, 2023.
Public Comments:	No public comments received.
Revised Submissions Received:	<ul style="list-style-type: none"> • July 15, 2021; • December 21, 2022; • May 10, 2023; and, • September 1, 2023.
Processing Time:	962 days from receipt of initial application, 39 days from receipt of final application submission.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Single Detached Dwelling	Restricted Agricultural "A2" Zone
Surrounding Land Uses:		
North	Vacant Land (preliminary grading for development)	Residential – Holding "H-R4-295" Zone, Modified
South	Vacant Land (preliminary grading for development)	Restricted Agricultural "A2" Zone
East	Vacant Land (preliminary grading for development)	Multiple Residential – Holding "H-RM3-298", Zone Modified
West	Agricultural Land, Single Detached Dwellings	Agriculture (A1) Zone

SUBJECT: Applications for Urban Official Plan Amendment UHOPA-21-001, Zoning By-law Amendment ZAC-21-001 and Draft Plan of Subdivision for Lands Located at 3169 Fletcher Road, Glanbrook (PED23210) (Ward 11) - Page 9 of 27

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020)

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

- “1.1.1 Healthy, liveable and safe communities are sustained by:
- b) Accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs; and,
 - e) Promoting the integration of land use planning, growth management, *transit-supportive* development, *intensification* and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- 1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted;
- 1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:
- a) Efficiently use land and resources;
 - b) Are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and / or uneconomical expansion;
 - e) Support *active transportation*; and,

SUBJECT: Applications for Urban Official Plan Amendment UHOPA-21-001, Zoning By-law Amendment ZAC-21-001 and Draft Plan of Subdivision for Lands Located at 3169 Fletcher Road, Glanbrook (PED23210) (Ward 11) - Page 10 of 27

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

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.”

The proposed development is located within a settlement area. The development of townhouse dwellings is an efficient use of land and represents an appropriate development of the site which is located along an arterial road and is close to planned amenities, schools and open spaces which will support active transportation. The subject lands are well serviced by a comprehensive street network.

Noise

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

The lands front Fletcher Road, which is identified as a collector road on Schedule C – Rural Functional Road Classification in the Rural Hamilton Official Plan and fronts onto Street “B” within Draft Plan of Subdivision “Cachet Binbrook” 25T-201405 which is classified as a proposed Collector road in Schedule C – Functional Road Classification of the Urban Hamilton Official Plan. The proposed development is subject to Site Plan Control, at which time the applicant will be required to submit a Noise Impact Study prepared by a qualified Professional Engineer, investigating noise levels from the adjacent collector roads and providing recommendations on any noise mitigation measures be submitted to the satisfaction of the City.

Archaeology

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

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

SUBJECT: Applications for Urban Official Plan Amendment UHOPA-21-001, Zoning By-law Amendment ZAC-21-001 and Draft Plan of Subdivision for Lands Located at 3169 Fletcher Road, Glanbrook (PED23210) (Ward 11) - Page 11 of 27

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,
- 2) Along historic transportation routes.

These criteria define the property as having archaeological potential. A Stage 1-2 archaeological report (P017-0821-2020) for the subject property was submitted to the City and the Ministry of Citizenship and Multiculturalism. The Province signed off on the report for compliance with licensing requirements in a letter dated August 18, 2020. Staff are of the opinion that the municipal interest in the archaeology of this portion of the site has been satisfied.

Based on the foregoing and subject to the Holding Provisions, the proposal is consistent with the Provincial Policy Statement (2020).

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

The policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) apply to any Planning decision. The proposal conforms to the Guiding Principles, Section 1.2.1, as it supports a range and mix of housing options, supports transit viability, and improves the integration of land use planning with planning and investment in infrastructure. The following policies, amongst others, apply to this proposal.

- “2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:
- a. The vast majority of growth will be directed to *settlement areas* that:
 - i. Have a *delineated built boundary*;
 - ii. Have existing or planned *municipal water and wastewater systems*; and,
 - iii. Can support the achievement of *complete communities*;
 - c. Within *settlement areas*, growth will be focused in:
 - i. *Delineated built-up areas*;
 - ii. *Strategic growth areas*;
 - iii. Locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and,

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iv. Areas with existing or planned *public service facilities*;

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

- a. Feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*; and,
- c. Provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.”

The subject lands are within the Urban Boundary in a settlement area, and the proposed development of 58 townhouse dwellings will provide a compact urban form that will introduce an additional housing type and form to the immediate area, with planned municipal services. The proposed development provides an efficient use of land with appropriate densities along two collector roads (Fletcher Road and Street “B” on Draft Plan of Subdivision 25T-201405).

Based on the foregoing and subject to the Holding Provisions, the proposal conforms with the applicable policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure, designated as “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations, and shown outside of the Built Boundary on Appendix G – Boundaries Map. The subject lands are designated as “Low Density Residential 2h” on Map B.5.1-1 in the Binbrook Village Secondary Plan – Land Use Plan.

The following policies, amongst others, are applicable to the subject applications.

Greenfield Development

“E.3.7.1 New greenfield communities shall be designed with a unique and cohesive character. Buildings, streetscapes, street patterns, landscaping, open spaces and infrastructure shall be designed to contribute to this character.

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E.3.7.7 Prior to registration of a plan of subdivision, the City may require the owner to prepare urban design and/or architectural guidelines to the satisfaction of the City. The City may undertake architectural control to ensure compliance with the approved urban design or architectural guidelines”.

The lands are identified as outside of the built boundary as shown on Appendix “G” of the Urban Hamilton Official Plan and are within the urban boundary making them ‘Greenfield Development’. In response to Policy E.3.7.1, the proposed Draft Plan area is within the Binbrook Village Secondary Plan and will contribute to the completion of the land uses and a road network generally envisioned by the Secondary Plan. In response to Policy E.3.7.7, the applicant submitted an Urban Design Brief prepared by A.J. Clarke and Associates Ltd. which is to the satisfaction of staff and will be implemented through Site Plan Control.

Tree Protection

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

Trees have been identified on the subject property, and staff have reviewed the submitted Tree Protection Plan, prepared by Adesso Design Inc. dated October 12, 2022. The Tree Protection Plan inventoried 93 trees, of which:

- 74 trees are proposed to be removed because they conflict with proposed building footprints, interior roads, visitor parking and required grading. Through the review of the Tree Protection Plan staff requested and the applicant agree to revise the concept plan as shown on Appendix “G” attached to Report PED23210 to reduce the size of the visitor parking lot in the north-east corner of the subject lands in order to allow the retention of a row of White Spruce trees (identified as trees 46-66). Condition No. 9 of Appendix “F” attached to Report PED23210 requires the submission of an updated Tree Protection Plan based on this updated concept plan.

In addition, the City requires 1 for 1 compensation for any tree (10 cm diameter at breast height or greater) that is proposed to be removed from private property, with said compensation to be identified on the Landscape Plan which will be required through Site Plan Control.

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Infrastructure and Servicing

- “C.5.3.11 The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system; and,
- C.5.4.2 Any new *development* that occurs shall be responsible for submitting a detailed storm water management plan prior to *development* to properly address on site drainage and to ensure that new *development* has no negative impact on off site drainage.”

Municipal infrastructure including roads, water, wastewater and storm water services will not be available to the subject lands until construction of adjacent Draft Plan of Subdivision “Cachet Binbrook” 25T-201405 is complete. The applicant has submitted a Functional Servicing and Stormwater Management Report, prepared by A.J. Clarke and Associates Ltd. that included a review of the engineering drawings submitted as part of Draft Plan of Subdivision “Cachet Binbrook” 25T-201405 and concluded that, once constructed, there will be adequate infrastructure to service the proposed development. Staff have reviewed the Functional Servicing and Stormwater Report and have identified a number of matters, including but not limited to the construction of the adjacent Draft Plan of Subdivision “Cache Binbrook” 25T-201405, that can be addressed through special conditions of draft plan approval (Conditions Nos. 1 to 7 of Appendix “F” attached to Report PED23210), the recommended Holding Provision and Site Plan Control.

Transportation

- “C.4.5.12 The City shall require transportation impact studies to assess the impact of proposed developments on current travel patterns and/or future transportation requirements. These studies shall be submitted as part of applications for Official Plan amendments, subdivision approvals, major rezoning and major site plan approvals.”

The applicant submitted a Transportation Brief, prepared by Nextrans Consulting Engineers, dated August 23, 2023, which concluded the planned transportation network can accommodate the proposed increase in density.

Plan of Subdivision

- “F.1.14.1.2 Council shall approve only those plans of subdivision that meet the following criteria:

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- a) The plan of subdivision conforms to the policies and land use designations of this Plan;
- b) The plan of subdivision implements the City's staging of development program;
- c) The plan of subdivision can be supplied with adequate services and community facilities;
- d) The plan of subdivision shall not adversely impact upon the transportation system and the natural environment;
- e) The plan of subdivision can be integrated with adjacent lands and roadways;
- f) The plan of subdivision shall not adversely impact municipal finances; and,
- g) The plan of subdivision meets all requirements of the *Planning Act*."

The proposal complies with the applicable policies of the Urban Hamilton Official Plan, subject to approval of the proposed Official Plan Amendment. It is consistent with the Criteria for Staging of Development as the site can be serviced through planned infrastructure and will not adversely impact the transportation system and the natural environment, subject to the proposed Draft Plan conditions, will not adversely impact municipal finances, and meets all requirements of the *Planning Act*.

Based on the foregoing, the proposal complies with the applicable policies of Volume 1 of the Urban Hamilton Official Plan subject to the proposed amendments.

Binbrook Village Secondary Plan – Volume 2

The subject lands are designated "Low Density Residential 2h" on Map B.5.1-1 – Binbrook Village Secondary Plan Land Use Plan. The proposed amendment is to re-designate the portion of the subject lands designated "Low Density Residential 2h" to "Low Density Residential 3c" in the Secondary Plan to permit back to back townhouse dwellings with proposed density of 49 units per net hectare. The following policies, amongst others, apply to the proposal.

"B.5.1.4.3 In addition to Section E.3.0 – Neighbourhoods Designation of Volume 1, the following general policies apply to all residential land use designations identified in Map B.5.1-1 – Binbrook Village – Land Use Plan:

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- a) Residential development in Binbrook Village shall have a compact urban form to enhance the livability of the community, provide for cost efficiencies, and support environmental sustainability.
- b) Each neighbourhood shall contain the following elements:
 - i) Compact and well defined urban form;
 - ii) A variety and balance of dwelling types;
 - iii) Accessible elementary schools and parks;
 - iv) Community design that encourages walking and socializing; and,
 - v) A clearly defined public realm (streets, open spaces, etc.).
- c) A range and mix of housing types shall be permitted, including single detached, semi-detached, duplexes, townhouses, quattroplexes, and apartment (multiple) dwellings, as well as housing with supports.
- d) Innovative and varied housing types and designs shall be encouraged.
- e) The location and design of new residential areas shall be sensitive to the density and form of existing residential uses. To encourage *compatibility*, new residential areas shall also be sensitive to the location and nature of existing and future non-residential uses.
- f) Residential development shall comply with Policy B.5.1.10.1 – Residential Design Guidelines.”

The proposed development is based on a compact urban form which introduces a different housing type (back to back townhouse dwellings) to the area. Based on the architectural drawings submitted, both the back to back and townhouse dwellings are proposed to have three bedrooms to accommodate larger families / households. The subject lands are near planned amenities including schools, neighbourhood parks and pedestrian trails which will encourage active transportation. The applicant has submitted an urban design brief, prepared by A.J. Clark and Associates dated December 2020 which identifies an enhanced private realm with the inclusion of a private amenity space. The location and design of the proposal is compatible with the planned low density residential developments to the north and east.

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“B.5.1.4.5 Low Density Residential

- c) Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the lands designated Low Density Residential 2h on Map B.5.1-1 – Binbrook Village – Land Use Plan:
- i) The permitted uses shall consist primarily of multiple dwelling unit types including street, block and stacked townhouse dwellings. Duplexes and triplexes may also be permitted; and,
 - ii) The density range shall be from 26 to 40 units per net hectare.
- d) Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the lands designated Low Density Residential 3c on Map B.5.1-1 – Binbrook Village – Land Use Plan:
- i) The permitted uses shall be low rise apartments, row houses, stacked and block townhouses and innovative forms of attached housing;
 - ii) The density range shall be from 41 to 60 units per net hectare;
 - iii) In locating new Low Density Residential 3c *development*, consideration shall be given to the following criteria:
 1. Low Density Residential 3c uses shall generally be located on the periphery of the neighbourhood, in areas abutting commercial development, or fronting major or minor arterial or major collector Roads.
 2. Some Low Density Residential 3c *development* in proximity to the Mixed Use - Medium Density area is desirable;
 3. Low Density Residential 3c dwelling forms shall be sensitively integrated with and adequately buffered from adjacent land uses; and,
 4. Where Low Density Residential 3c areas are proposed adjacent to Low Density Residential 2e and 2h uses, consideration shall be given to appropriate integration and compatibility of the dwelling forms. *Compatibility* may be accomplished through attention

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to architectural massing, height, scale, buffering and landscaping.”

Policy B.5.1.4.5 d) i) in the “Low Density Residential 3c” designation permits low rise apartments which is not contemplated in the applicant’s proposal and is not a permitted use in the recommended implementing zoning by-law as shown on Appendix “C” attached to Report PED23210. Should the applicant revise the development proposal in the future to include a low density residential use, a Zoning By-law Amendment application would be required to add the proposed use, through which an updated Planning Justification Report, Urban Design Brief and Concept Plan would be required.

In response to Policy B.5.1.4.5 d) ii), the Applicant’s Concept Plan identifies a maximum net residential density of 49 units per hectare.

In response to Policy B.5.1.4.5 d) iii), the subject lands are located at the periphery of the planned residential neighbourhood at the intersection of both a minor arterial road (Fletcher Road) and planned collector road (Street “B”). The proposal would be compatible with the lands to the east designated “Low Density Residential 2h” which are zoned to allow townhouse dwellings. Adjacent Draft Plan of Subdivision 25T-201405 includes a local commercial block at the southeast intersection of Fletcher Road and Binbrook Road which is within short walking distance of the subject lands.

Based on the foregoing and subject to the Holding Provisions, the proposal complies with the applicable policies of Volume 2 of the Urban Hamilton Official Plan subject to the proposed amendments.

Glanbrook Zoning By-law No. 464

The proposed Zoning By-law Amendment is for a change in zoning from the Restricted Agricultural “A2” Zone to Residential Multiple – Holding “H-RM3-327” Zone, Modified. The effect of this Zoning By-law Amendment will permit 23 block townhouse units and 34 back to back townhouse dwellings with one parking space per unit and 14 visitor parking spaces. Modifications to the Residential Multiple “RM3” Zone are required to facilitate the development and are summarized in the modification chart in Appendix “E” attached to Report PED23210. The proposed zoning will be discussed in the Analysis and Rationale section of this Report.

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RELEVANT CONSULTATION

Departments and Agencies		
	Comment	Staff Response
	<ul style="list-style-type: none"> Real Estate Section, Economic Development Division, Planning and Economic Development Department; Commercial Districts and Small Business Section, Economic Development Division, Planning and Economic Development Department; Hydro One Networks Inc.; and, Conseil Scolaire Viamonde. 	No Comment
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> A Holding Provision should be applied to the subject lands until such time as services are installed within the Cachet subdivision (25T-201405) as these services will be required for development of the subject lands. The Holding Provision shall not be lifted until the following items are addressed: <ul style="list-style-type: none"> Municipal services are available to the limits of the property, including but not limited to water, sanitary sewers, and storm sewers; Street 'B' on the Cachet Subdivision Draft Plan (25T-201405) as approved by the Ontario Land Tribunal on May 20, 2016 has been constructed; The Stormwater Management Pond within the Cachet Subdivision Draft Plan (25T-201405) is constructed and fully operational; The Owner shall pay for urbanization of Fletcher Road in accordance with the City's financial policy; and, The Owner shall pay all outstanding Best Efforts cost recoveries required to lift the 0.3 m reserve along the south limits of the subject lands. 	<ul style="list-style-type: none"> The recommended Holding Provision by Development Engineering is included in the recommended Draft Zoning By-law provided in Appendix "C" to Report PED23210. Staff are supportive of the application proceeding with Draft Plan approval. Comments related to payment of the appropriate share of the costs associated with the extension of municipal services and urbanization of Fletcher Road, construction of Subdivision (25T-201405) are addressed through the recommended 0.3 metre reserves.

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	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department Continued	<ul style="list-style-type: none"> • The subject lands depend on the proposed watermain in a future subdivision. The adequacy of the water supply cannot be determined until the required watermain hydraulic analysis for the Cachet Subdivision (25T-201405), as approved by the Ontario Land Tribunal on May 20, 2016, is reviewed and approved; • The Owner shall prepare and submit an On-Street Parking Plan that demonstrates that there is sufficient street parking and driveway accesses on Street 'B' in conjunction with the Cachet Subdivision (25T-201405) to meet the City's Comprehensive Development Guidelines and Financial Policies. • The applicant is to work collaboratively with the proponent of the Cachet Subdivision (25T-201405) to provide an on street parking plan that demonstrates adequate street parking for the street facing units on Street 'B' while also considering other street-facing residential units on Street 'B' and in the vicinity external to the development lands per the City's Comprehensive Development Guidelines and Financial Policies. This is a requirement of the Subdivision process and must be provided to the City prior to draft plan approval for all subdivisions. 	<ul style="list-style-type: none"> • Preparation of an On-Street Parking Plan is addressed as Conditions No. 7 of Appendix "F" attached to Report PED23210. • Additional comments and requirements identified will be addressed through Site Plan Control.

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	Comment	Staff Response
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<ul style="list-style-type: none"> • In order for this site to be viable, the construction of Street 'B' is required. Transportation Planning does not recommend development of the subject lands until the construction of Street 'B', which is dependent on the timing of Draft Plan of Subdivision Application 25T-201405 (3105 Fletcher Road), which at this time cannot be confirmed if it has been designed or approved in accordance with City Standards; • The existing right-of-way of Fletcher Road at the subject property is approximately 20 metres. Approximately 3.05 metres are to be dedicated to the right-of-way on Fletcher Road, as shown, and as per Rural Hamilton Official Plan: Schedule C-1 - Future Right-of-Way Dedications, Fletcher Road is to be 26.213 metres. • A 9 metre by 9 metre daylighting triangle is shown at the intersection of Fletcher Road at Street 'B'. Transportation Planning defers to Development Engineering to determine if this dedication is satisfactory or if a 9.14 metre x 9.14 metre dedication will be required to meet the Official Plan requirements. 	<ul style="list-style-type: none"> • Design and construction of Street "B" is addressed as Condition No. 8. of Appendix "F" attached to Report PED23210; • Block 2 on the Applicant's Draft Plan of Subdivision would be transferred to the City as part of the required right-of-way dedication for Fletcher Road and daylight triangle at the intersection of Fletcher Road and Street "B". Development Engineering support draft plan approval with the 9 metre x 9 metre daylighting triangle.
Recycling and Waste Disposal Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> • This development is eligible for municipal waste collection service subject to meeting the City's requirements. The property owner must contact the City to request waste collection service to complete a site visit to determine if the property complies with the City's waste collection requirements. 	<ul style="list-style-type: none"> • Waste collection requirements are addressed as Note No. 2 on the conditions of Draft Plan of Subdivision approval (see Appendix "F" attached to Report PED23210).

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	Comment	Staff Response
Recycling and Waste Disposal Section, Environmental Services Division, Public Works Department Continued		<ul style="list-style-type: none"> The proposed development is subject to Site Plan Control, through which the specific design requirements will be addressed.
Landscape Architectural Services, Strategic Planning, Public Works	<ul style="list-style-type: none"> Cash-in-lieu of parkland dedication is not required at this stage of the planning process. 	<ul style="list-style-type: none"> Noted
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> Staff have the Tree Protection Plan, prepared by adesso design inc. and dated October 12, 2022, and determined that as there are no municipal trees impacted by this development, Forestry will not require a public tree permit or loss of canopy fees at this time. 	<ul style="list-style-type: none"> Noted
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> It should be determined if there are any implications from the adjacent Plan of Subdivision, 25T-201405, e.g., cost recoveries, access or servicing. The owner and agent should be made aware that the existing address of 3169 Fletcher Road will be retained for the proposed subdivision. Municipal addressing for the proposed townhouse units will be finalized upon Conditional Site Plan approval. Requested a note indicating that Draft Approval shall lapse if not given final approval within three years, however extensions can be considered if written request is provided in writing two months in advance of the lapsing date. 	<ul style="list-style-type: none"> Cost recoveries resulting from adjacent Plan of Subdivision 25T-201405 is addressed as Condition Nos. 2 and 5 of Appendix "F" attached to Report PED23210. This note has been included as Note No. 1 in the conditions of Draft Plan of Subdivision approval (see Appendix "F" attached to Report PED23210).

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	Comment	Staff Response
Niagara Peninsula Conservation Authority	<ul style="list-style-type: none"> Due to the changes made under Bill 23, Conservation Authorities are no longer able to provide stormwater management comments unless they relate to a regulated hazard feature or wetland. Given that the property does not contain any regulated features, Niagara Peninsula Conservation Authority staff have no further comments on this file. 	<ul style="list-style-type: none"> Noted.
Bell Canada	<ul style="list-style-type: none"> Bell Canada has requested the appropriate easements be included to service to the subject lands. 	<ul style="list-style-type: none"> This requirement is addressed through Condition Nos. 10 and 11 of Appendix "F" attached to Report PED23210.
Canada Post Corporation	<ul style="list-style-type: none"> Owners / developers are required to notify purchasers of Centralized Mailbox locations. Owner agrees to work with Canada Post to determine the Centralized Mailbox locations. 	<ul style="list-style-type: none"> These requirements are addressed through Condition Nos. 12 to 14 of Appendix "F" attached to Report PED23210.
Enbridge Gas	<ul style="list-style-type: none"> The owner / developer is required to provide to Enbridge Gas the necessary easements and / or agreements required by Enbridge Gas for the provision of gas services for this project, in a form satisfactory to Enbridge Gas. 	<ul style="list-style-type: none"> This requirement is addressed through Condition No. 15 of Appendix "F" attached to Report PED23210.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to seven property owners within 120 m of the subject lands on August 5, 2021.

A Public Notice Sign was posted on the property on January 15, 2021, and updated on October 18, 2023, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on October 27, 2023.

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Staff have received inquiries from Cachet Homes, the developer of the adjacent Draft Plan of Subdivision “Cachet Binbrook” 25T-201405, as to the status of this application and whether the City’s approval will include conditions requiring the applicant to provide best efforts to pay the proportional share of the cost to extend services to the subject lands. Development Engineering have included draft plan of subdivision conditions for the applicant to pay proportional costs of the urbanization of Fletcher Road and maintenance of the planned stormwater management pond required to service the lands. Condition No. 3 of Appendix “F” attached to Report PED23210 requires a 0.3 metre reserve across the frontage of the subject lands that would not be lifted by the City until the owner provides their proportional share of these costs.

Public Consultation Strategy

Pursuant to the City’s Public Consultation Strategy Guidelines, the applicant prepared a Public Consultation Strategy which included holding an applicant led neighbourhood meeting. With little public interest in the applications following the notification of complete application and only a few neighbours surrounding the subject lands the applicant suggested visiting each individual neighbour within 120 metres to ask if they had questions regarding the proposal in lieu of a neighbourhood meeting. Both staff and the Ward Councillor supported this approach and the applicant visited each neighbouring property.

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 Urban Hamilton Official Plan and the Binbrook Village Secondary Plan, subject to the adoption of the proposed Official Plan Amendment; and,
 - iii) The proposal represents good planning by, among other things, providing a compatible residential development that contributes to a complete community through the establishment of housing forms and densities that are in keeping with existing and planned land uses and development in the surrounding area, while making efficient use of a vacant parcel of land that is compatible with the area and ensures orderly development through the completion of the envisioned public road network which ensures land, municipal services, and transportation systems are used efficiently.

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2. The purpose of the Official Plan Amendment is to amend the Binbrook Village Secondary Plan to change the designation of the subject lands from “Low Density Residential 2h” to “Low Density Residential 3c” as shown on Appendix “B” attached to Report PED23210.

The Official Plan Amendment can be supported as the development proposes an appropriate density, achieves the planned local road network, and utilizes existing and planned infrastructure. Furthermore, the proposal builds on the existing patterns and built form of the area and provides additional housing opportunities.

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

Therefore, staff supports the proposed Official Plan Amendment.

3. The proposed Zoning By-law Amendment is to rezone the subject lands to Residential Multiple – Holding “H-RM3-327” Zone, Modified, to permit 23 block townhouse and 34 back to back townhouse dwellings with one parking space per unit and 14 visitor parking spaces. An analysis of the applicant’s proposed modifications are discussed in Appendix “D” to Report PED23210. The application has merit as it:

- Complies with the general intent of the Urban Hamilton Official Plan and Binbrook Village Secondary Plan upon approval of the proposed Official Plan Amendment;
- Will provide a built form that is compatible with the planned development in the surrounding area; and,
- Is an efficient use of existing municipal infrastructure and has adequate servicing capacity to accommodate the residential development.

Staff are in support of the proposed Zoning By-law Amendment attached as Appendix “C” to Report PED23210.

4. Holding Provision

A Holding “H” Provision is proposed to be added to the subject lands for the purpose of requiring that municipal services (water, sanitary sewers and storm sewers) be available to the limit of the property, that Street ‘B’ on Draft Plan of Subdivision “Cachet Binbrook” 25T-201405 be constructed, and that the stormwater management pond within Draft Plan of Subdivision “Cachet Binbrook”

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25T-201405 be constructed and fully operational. Upon submission and approval of the above noted requirements, the Holding Provision can be lifted.

5. The proposed Draft Plan of Subdivision consists of one development block for 23 townhouse and 34 back to back townhouse dwellings (Block 1) and one block for a road right of way dedication (Block 2). The Draft Plan of Subdivision is required to enable future Draft Plan of Condominium and Part Lot Control Exemption applications to facilitate the proposal. In review of Subsection 51(24) of the *Planning Act*, to assess the appropriateness of the proposed subdivision, staff advise that:
- a) 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);
 - b) The proposal represents a logical and timely extension of existing development and services and is in the public interest;
 - c) It complies with the applicable policies of the Urban Hamilton Official Plan and the general intent of the Binbrook Village Secondary Plan;
 - d) The dimensions and shape of the lots and blocks are appropriate;
 - e) Restrictions and regulations for the development of the subdivision are included in the implementing Zoning By-law Amendment, conditions of draft plan approval and Subdivision Agreement;
 - f) The subject lands can be appropriately used for the purposes for which it is to be subdivided and will not negatively impact natural heritage features;
 - g) Utilities and municipal services will be available, the particulars of which will be determined as part of the conditions of draft plan approval and Subdivision Agreement; and,
 - h) Public land will be conveyed to create road rights-of-way, the particulars of which will be determined as part of the conditions of draft plan approval and Standard Subdivision Agreement and final registration of the Plan of Subdivision. The road extension over city owned lands will be opened through the passing of a By-law after the applicant has constructed the road to the City's satisfaction.

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

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

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

**SUBJECT: Applications for Urban Official Plan Amendment UHOPA-21-001,
Zoning By-law Amendment ZAC-21-001 and Draft Plan of Subdivision
for Lands Located at 3169 Fletcher Road, Glanbrook (PED23210)
(Ward 11) - Page 27 of 27**

Therefore, staff are supportive of the proposed Draft Plan of Subdivision and recommend its approval.

ALTERNATIVES FOR CONSIDERATION

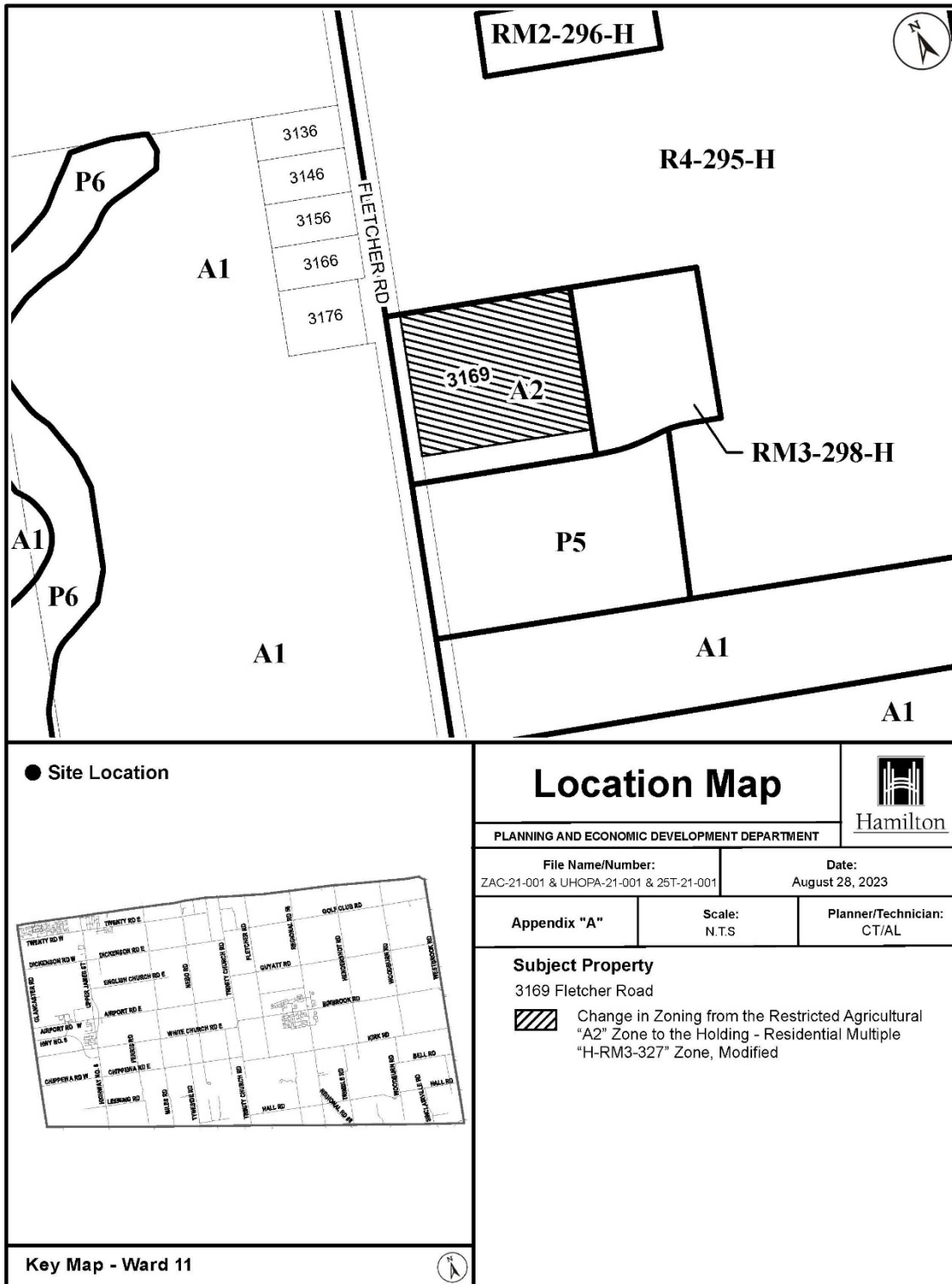
Should the applications be denied, the lands could not be developed for the proposed residential development and the lands would remain in the Restricted Agricultural "A2" Zone which permits agricultural uses and one single detached dwelling.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED23210 – Location Map
Appendix "B" to Report PED23210 – Draft Official Plan Amendment
Appendix "C" to Report PED23210 – Draft Zoning By-law Amendment
Appendix "D" to Report PED23210 – Zoning Modification Chart
Appendix "E" to Report PED23210 – Proposed Draft Plan of Subdivision
Appendix "F" to Report PED23210 – Draft Plan of Subdivision Special Conditions
Appendix "G" to Report PED23210 – Concept Plan and Building Elevations
Appendix "H" to Report PED23210 – Draft Plan of Subdivision "Cachet Binbrook" 25T-201405

CT:sd

Appendix "A" to Report PED23210
Page 1 of 1



● Site Location



Key Map - Ward 11

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-21-001 & UHOPA-21-001 & 25T-21-001

Date:
August 28, 2023


Appendix "A"

Scale:
N.T.S

Planner/Technician:
CT/AL

Subject Property

3169 Fletcher Road

 Change in Zoning from the Restricted Agricultural "A2" Zone to the Holding - Residential Multiple "H-RM3-327" Zone, Modified

DRAFT Urban Hamilton Official Plan Amendment No. X

The following text, together with Appendix "A" – Volume 2: Map B.5.1.1 – Binbrook Village Secondary Plan – Land Use Plan constitutes Official Plan Amendment No. "X" to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to redesignate the subject lands from "Low Density Residential 2h" to "Low Density Residential 3c" within the Binbrook Village Secondary Plan, to permit the development of block townhouse and back-to back townhouse dwellings with a maximum density of 49 dwelling units per net residential hectare.


2.0 Location:

The lands affected by this Amendment are known municipally as 3169 Fletcher Road, in the former Township of Glanbrook.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed development maintains the general intent of the policies of the Urban Hamilton Official Plan and Binbrook Village Secondary Plan.
- The proposed development will be integrated and compatible with the proposed subdivision to the west of the subject lands and introduces a new housing type that is compatible with planned housing in the area.
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

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

4.1 Volume 2 – Secondary Plans

Maps

4.1.2 Map

- a. That Volume 2: Map B.5.1-1 – Binbrook Village Secondary Plan – Land Use Plan be amended by redesignating lands from “Low Density Residential 2h” to “Low Density Residential 3c”, as shown on Appendix “A” attached to this amendment.

5.0 Implementation:


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

This Official Plan Amendment is Schedule “1” to By-law No. ____ passed on the ____th of _____, 2023.

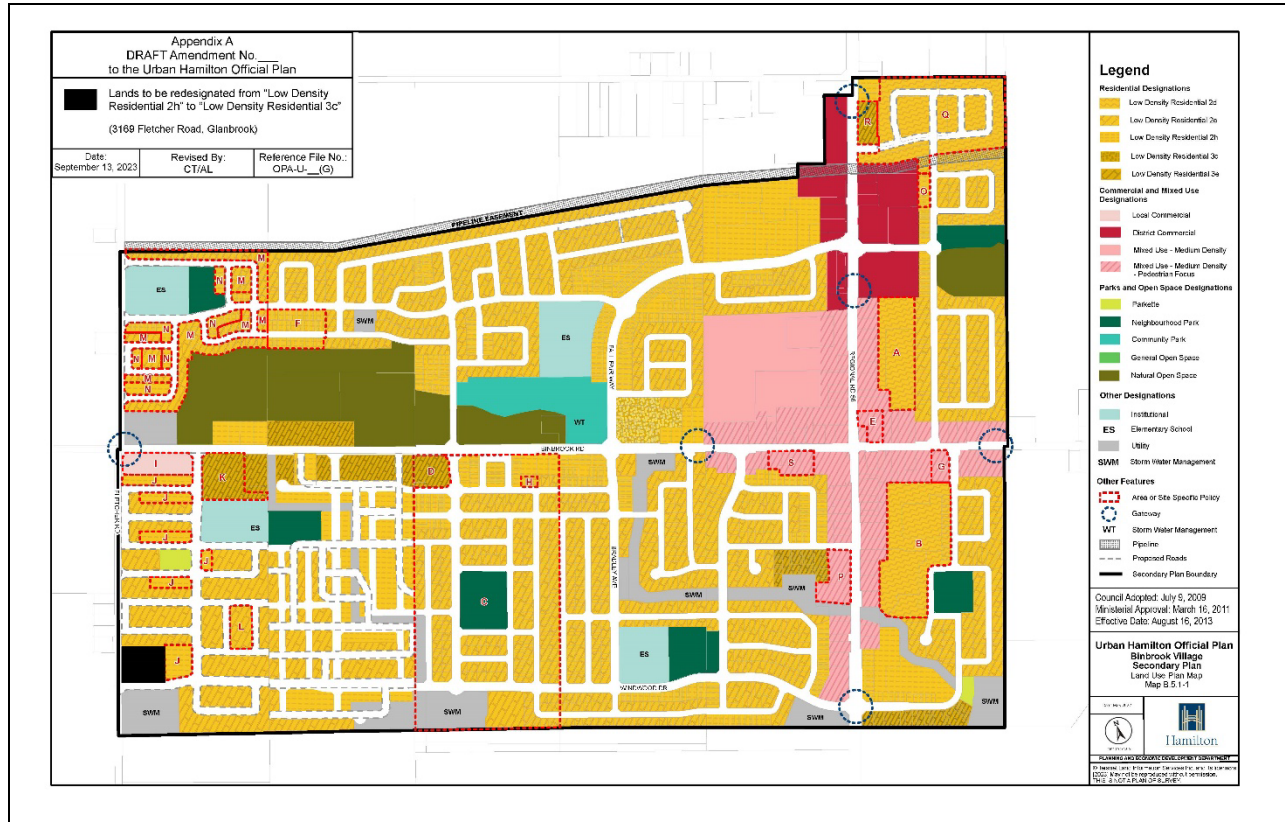
**The
City of Hamilton**

A. Horwath
MAYOR

J. Pilon
ACTING CITY CLERK

Urban Hamilton Official Plan Amendment No. X	Page 2 of 3	
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Appendix "B" to Report PED23210
Page 3 of 3



**Appendix “C” to Report PED23210
Page 1 of 5**

Authority: Item ,
Report (PED23210)
CM:
Ward: 11

Bill No.

CITY OF HAMILTON

BY-LAW NO. 23-

**To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands Located at 3169 Fletcher Road**

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 successor to certain area municipalities, including the former municipality known as the “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 and Official Plans of the former area municipalities, and the Official Plan of the former regional municipality, 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 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st 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 WHEREAS this by-law is in conformity with the Urban Hamilton Official Plan, upon approval of Official Plan Amendment No. X.

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 by changing the zoning from the Restricted Agricultural “A2” Zone to the Residential Multiple – Holding “H-RM3-327” Zone, Modified, on the lands the extent and boundaries of which are shown on the plan hereto annexed as Schedule “A”.
2. That SECTION 44: EXCEPTIONS TO THE PROVISIONS OF THIS BY-LAW, be amended by adding the following exception:

Appendix “C” to Report PED23210
Page 2 of 5

“H-RM3-327” – 3169 Fletcher Road

- (1) For the purpose of regulations contained in Sections 7, 11, 18, and 44 of Glanbrook Zoning By-Law No. 464, the boundary of lands zoned “RM3-327” Zone shall be deemed to be the lot lines for this purpose and the regulations of the “RM3-327” Zone, including but not limited to lot area, lot frontage, lot coverage, density, building setbacks, landscaped areas, and accessory buildings, shall be from the boundaries of the land zoned “RM3-327” Zone and not from individual property boundaries of dwelling units created by registration of a condominium plan, through a Consent or created by Part Lot Control.
- (2) In addition to Section 4 and for the purpose of the Residential Multiple “RM3-327” Zone, Back-to-Back Townhouse dwellings shall be defined as follows:

“DWELLINGS, BACK-TO-BACK TOWNHOUSE” shall mean a building divided vertically into a minimum of six and a maximum of 16 dwelling units, with each unit separated by a common or party walls both at the rear and at the side or sides of the unit, and whereby each unit has an independent entrance to the unit at grade.
- (3) Notwithstanding the definition of STREET in Section 4, DEFINITIONS, a common element condominium road shall be deemed to be a public street for the purposes of creating freehold lots.
- (4) Notwithstanding any provisions of the Zoning By-law to the contrary, for the purposes of the “RM3-327” Zone, the westerly lot line (Fletcher Road) shall be considered the front lot line and the southerly lot line (future Street ‘B’) shall be considered the exterior side lot line. The northerly lot line shall be considered a side lot line. The easterly lot line shall be considered a rear lot line.
- (5) For the lands zoned “RM3-327” Zone, the private driveway(s) or condominium road(s) are deemed to be a street(s) and parking and landscaping are permitted within the street(s).
- (6) In addition to the regulations of Subsection 19.1 PERMITTED USES of SECTION 19: RESIDENTIAL MULTIPLE “RM3” Zone, for those lands zoned “RM3-327”, the following use shall also be permitted:

Back-to-Back Townhouse Dwelling

- (7) Notwithstanding the regulations of paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (m) and (n) of Subsection 19.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) and (b) of SUBSECTION 19.1 (BLOCK TOWNHOUSE DWELLINGS) of SECTION 19: RESIDENTIAL MULTIPLE

Appendix “C” to Report PED23210
Page 3 of 5

“RM3” ZONE, for those lands zoned “RM3-327”, the following regulations shall apply:

- | | |
|--|---|
| (a) Minimum Lot Frontage: | 90 metres |
| (b) Minimum Lot Area: | 1 hectare |
| (c) Maximum Lot Coverage: | 32% |
| (d) Maximum Density: | 60 units per net hectare |
| (e) Minimum Front Yard: | 3.5 metres |
| (f) Minimum Rear Yard: | 7.5 metres |
| Minimum Interior Side Yard: | 7.9 metres |
| Minimum Exterior Side Yard: | 3 metres |
| (g) Minimum Separation Distance | N/A |
| (h) Minimum Floor Area per Dwelling Unit | N/A |
| (i) Maximum Height: | 11.5 metres |
| (j) Minimum Landscaped Area: | 30% |
| (k) Landscaping Strip/Fencing: | Along any interior side/north or rear lot line/east, a landscape strip with a minimum width of 1.5 metres and/or a solid fence with a height of 1.8 metres adjoining such boundary shall be provided and thereafter maintained. |
| (l) Minimum Privacy Area for Back-to-Back Townhouse Dwellings: | N/A |
| (m) Minimum Amenity Area: | A minimum of 8 square metres per dwelling unit of common amenity area shall be provided. |
| (o) Dwelling Unit Placement: | Not more than eight (8) block townhouse dwelling units shall be attached in a continuous row, and not more than sixteen (16) Back-to-Back Townhouse Dwelling units in a row |

Appendix “C” to Report PED23210
Page 4 of 5

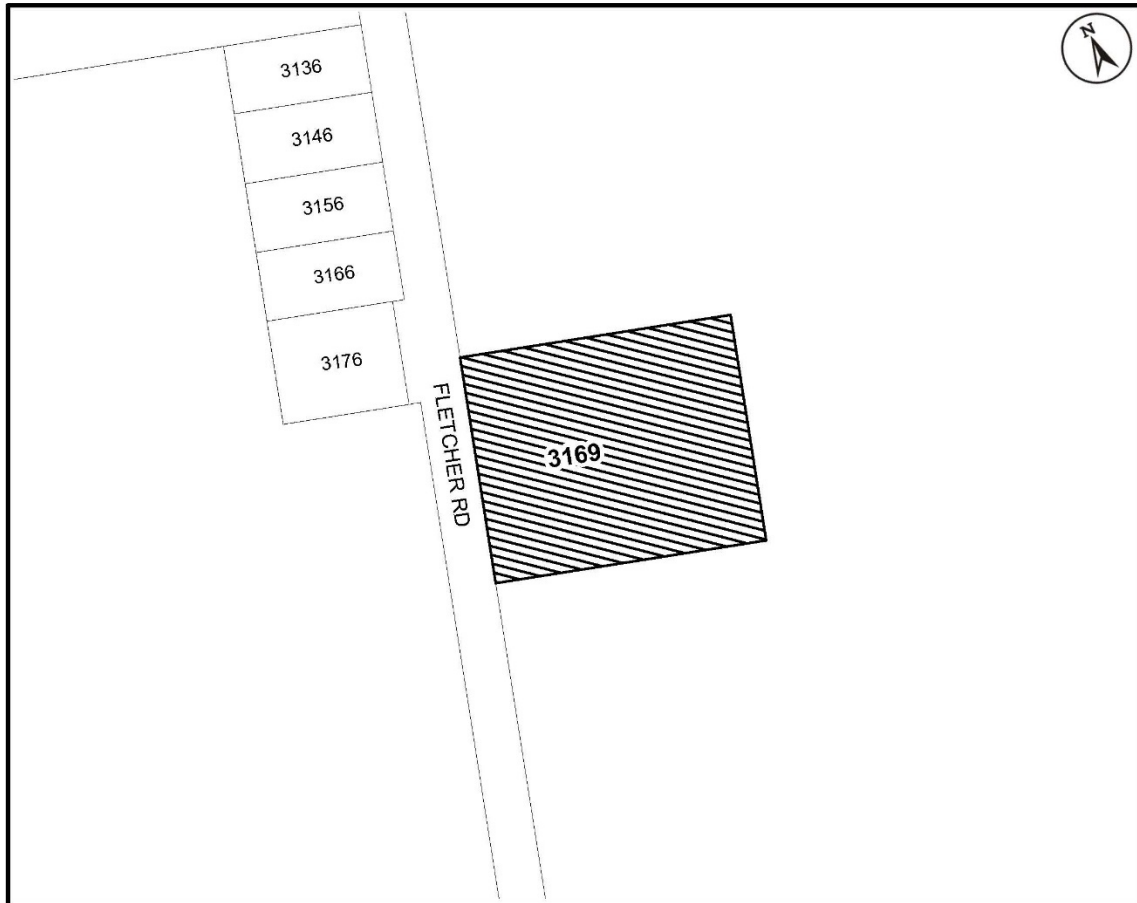
- (8) Notwithstanding the regulations of paragraphs (a)(i) and (a)(vii) and in addition to paragraph (a) of Section 7.35 MINIMUM PARKING REQUIREMENTS, for those lands zoned “RM3-327”, the following regulation shall apply to Block townhouse and Back-to-Back Townhouse dwellings:
- (i) Minimum Required Parking Spaces: A minimum of 2 parking spaces per unit plus 0.2 visitor parking spaces shall be provided for each Block townhouse and Back-to-Back Townhouse dwelling.
 - (ii) Each parking space shall have a minimum width of 2.8 metres and a minimum length of 5.8 metres, exclusive of any land required for access or driveway.
 - (iii) Minimum Setback for Visitor Parking Areas: Front Yard 3 metres
Rear Yard 1.5 metres
3. The “H” Holding Symbol may be removed by a further amendment to this By-law at such time that the landowner demonstrates to the satisfaction of the Director, Growth Management and Chief Engineer that:
- a. Municipal services are available to the limits of the property, including but not limited to water, sanitary sewers, and storm sewers;
 - b. Street ‘B’ on Draft Plan of Subdivision 25T-201405 as approved by the Ontario Land Tribunal on May 20, 2016 has been constructed; and,
 - c. The Stormwater Management Pond within the Draft Plan of Subdivision 25T-201405 as approved by the Ontario Land Tribunal on May 20, 2016 is constructed and fully operational.
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 “RM3-327” Zone, Modified provisions, subject to the special requirements as referred to in Section 2 of this By-law.
5. 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 XX day of XX, 2023.

A. Horwath
Mayor

J. Pilon
Acting City Clerk

Appendix "C" to Report PED23210
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 style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<p>Schedule "A"</p> <p>Map forming Part of</p> <p>By-law No. 23-_____</p> <p>to Amend By-law No. 464</p>	<p>Subject Property</p> <p>3169 Fletcher Road</p> <p> Change in Zoning from the Restricted Agricultural "A2" Zone to the Holding - Residential Multiple "H-RM3-327" Zone, Modified</p>
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<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-21-001 & 25T-202101 & UHOPA-21-001</p>	<p>Hamilton</p>
<p>Date: August 28, 2023</p>	<p>Planner/Technician: CT/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

**Appendix “D” to Report PED23210
Page 1 of 9**

Site Specific Modifications to the Residential Multiple “RM3” Zone

Regulation	Required	Modification	Analysis
<p>Lot Boundaries (Sections 7, 11, 18 and 44)</p>	<p>Zoning regulations are applied to the boundaries of parcels of tied land created through a Common Element Condominium and Part Lot Control exemption application.</p>	<p>Zoning regulations, including but not limited to lot area, lot frontage, lot coverage, density, building setbacks, landscaped areas, and accessory buildings, shall be from the boundaries of the land zoned “RM3-327” Zone and not from individual property boundaries of dwelling units created by registration of a condominium plan or created by Consent or Part Lot Control.</p>	<p>The intent of this modification is to provide some flexibility in the location of the proposed townhouse dwellings through Site Plan Control. Staff note that the proposed zoning by-law includes several regulations respecting lot coverage, building height, setbacks and residential densities that will ensure that the site is not overdeveloped and in keeping with the applicant’s concept plan.</p> <p>Staff support the modification.</p>

**Appendix “D” to Report PED23210
Page 2 of 9**

Regulation	Required	Modification	Analysis
Permitted Uses (Section 19.1)	Block Townhouses	<p>Added Permitted Uses:</p> <p>Back-to-back Townhouse Dwellings</p> <p>Added definitions for Back-to-Back Townhouse Dwellings</p> <ul style="list-style-type: none"> • The westerly lot line along Fletcher Road is deemed to be the Front Lot line; • The southerly lot line (future Street ‘B’) is considered the exterior lot line; • The northerly lot line shall be considered the side lot line; and, • The easterly side lot line shall be considered the rear lot yard. 	<p>The “Low Density Residential 3e” designation in the Binbrook Village Secondary Plan permits low-rise apartments, stacked townhouses and quattroplexes. The general residential policies in the Binbrook Village Secondary Plan note that a range and mix of housing types shall be permitted, including single detached, semi detached, duplexes, townhouses, quadroplexes, and apartment (multiple) dwellings. The applicant has only provided justification for establishing block and back-to-back townhouse dwellings.</p> <p>Multiple dwellings in the Official Plan means a building or part thereof containing five or more dwelling units. Examples of such dwellings include block townhouse dwellings, stacked townhouse dwellings, street townhouse dwellings fronting onto a condominium road, and apartment dwellings. (OPA 167)</p> <p>While back-to back townhouse dwellings are not specific listed as a permitted use in the “Low Density Residential 3e” designation, staff are of the opinion that the use is similar to the other low-rise dwelling types within this designation.</p> <p>Definitions have been included in the By-law to ensure that back-to-back townhouse dwellings are permitted. Definitions have also been included for clarity and to ensure the built form is consistent with the applicant’s Concept Plan.</p> <p>The requested modifications to deem the westerly, southerly, northerly, and easterly lot lines are consistent with staff’s analysis of the subject property.</p> <p>Staff support the modifications.</p>

Appendix “D” to Report PED23210
Page 3 of 9

Regulation	Required	Modification	Analysis
Definition of Street (Section 4)	<p>Defined as:</p> <p>(a) As defined under the Highway Traffic Act, and the Municipal Act, as amended from time to time, and</p> <p>(b) Which has been opened, improved, regularly maintained and assumed for public use November 2021 by the Township, the Regional Municipality of Hamilton-Wentworth or the Province of Ontario, unless such street has been opened, improved, regularly maintained and is within a Plan of Subdivision registered after the date of passing of this By-law.</p>	Specify that a common element condominium road shall be deemed to be a public street for the purposes of creating freehold lots.	<p>The applicant is proposing that the tenure of the dwellings be parcels of tied land on a common element condominium road. This modification will enable the applicant to create individual parcels of tied land through a future Part Lot Control application. This means zoning regulations related to driveways, parking and landscaping will also be applied to the common element condominium road.</p> <p>Staff support this modification.</p>
Minimum Lot Frontage (Section 19.2 (a))	45 metres	90 metres	<p>The applicant is seeking an increase to the minimum lot frontage to reflect the size of the subject lands and to ensure that it is not divided into smaller development blocks in order for the proposed development concept to be implemented.</p> <p>Staff support the modification.</p>
Minimum Lot Area (Section 19.2 (b))	0.4 hectares	1 hectare	The applicant is seeking an increase to the minimum lot area to reflect the size of the subject lands and to ensure that it is not divided into smaller development

Appendix “D” to Report PED23210
Page 4 of 9

Regulation	Required	Modification	Analysis
			<p>blocks in order for the proposed development concept to be implemented.</p> <p>Staff support the modification.</p>
<p>Maximum Lot Coverage (Section 19.2 (c))</p>	<p>30%</p>	<p>32%</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 proposed increase is minor and the opportunity for further landscaping can be reviewed at the Site Plan Control stage.</p> <p>Staff support the modification.</p>
<p>Maximum Density (Section 19.2 (d))</p>	<p>35 units per hectare</p>	<p>60 units per hectare</p>	<p>This density complies with the “Low Density Residential 3e” designation in the Secondary Plan.</p> <p>Staff note that the current maximum density of 35 units per hectare is more reflective of low density, low rise built form. An increase to 60 dwelling units per hectare will help achieve and support compact and efficient built form.</p> <p>Staff support the modification.</p>
<p>Minimum Front Yard (Section 19.2 (e))</p>	<p>9 metres</p>	<p>3.5 metres</p>	<p>Fletcher Road is proposed to be the front lot line; however, the proposed townhouses would not have direct driveway access through a 0.3 metre reserve and the entrance to the development would be off of future Street ‘B’. As there is no driveway access, a reduced setback will enable dwellings to be located closer to the street, better maximizing space on the subject lands.</p> <p>Staff support this modification.</p>

Appendix "D" to Report PED23210

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Regulation	Required	Modification	Analysis
Minimum Rear Yard (Section 19.2 (f))	7.5 metres, except 10.7 metres where the abutting lands are zoned Existing Residential "ER" or Residential "R1", "R2", "R3" "R4" or "RM1"	7.5 metres	The easterly lot line is proposed to be deemed the rear lot line which abuts vacant land zoned "H-RM3-298". Therefore, an exception for lands abutting other low-density zones is not necessary. Staff support the modification.
Minimum Interior Side Yard (Section 19.2 (f))	7.5 metres, except 10.7 metres where the abutting lands are zoned Existing Residential "ER" or Residential "R1", "R2", "R3" "R4" or "RM1"	7.9 metres	The northern lot line is proposed to be the interior lot line which abuts vacant land zoned "H-R4-295". That zone also includes a 7.5 metre rear yard setback. With the uses proposed limited to block and back-to-back townhouse dwellings together with the proposed maximum height of 11.5 metres, there are no concerns related to overlook or shadowing of the abutting lands. Staff support this modification.
Minimum Flankage (Exterior Side yard) (Section 19.2 (f))	7.5 metres, except 10.7 metres where the abutting lands are zoned Existing Residential "ER" or Residential "R1", "R2", "R3" "R4" or "RM1"	3 metres	The proposed modification to the exterior yard setback will promote a more compact built form to achieve urban design principles for an attractive, safe and pedestrian oriented environment, and will maintain a consistent street edge with the adjacent development planned to the east. Staff supports this modification.
Minimum Separation Distance (Section 19.2 (g))	Between two (2) exterior walls which contain no windows to habitable rooms, a minimum of 3 metres (10 feet); and Between two (2) exterior walls one (1) of which contains windows to a habitable room, a	To not apply this provision.	The intent of the building distance separation regulation is to ensure the protection of privacy and access to sunlight in interior portions of the site. These matters will be addressed through the required yard provisions and the Ontario Building Code requirements. Staff support the modification.

Appendix “D” to Report PED23210

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Regulation	Required	Modification	Analysis
	<p>minimum of 9 metres (30 feet); and,</p> <p>Between two (2) exterior walls both of which contain windows to a habitable room, a minimum of 15 metres (50 feet).</p>		
<p>Minimum Floor Area per Dwelling Unit (Section 19.2 (h))</p>	<p>95 square metres</p>	<p>To not apply this provision.</p>	<p>The intent of a Minimum Floor Area per dwelling unit is to ensure that an appropriate amount of liveable area is provided. The Ontario Building Code provides a minimum standard to ensure residential units meet a minimum level of habitable space.</p> <p>Staff support the modification.</p>
<p>Dwelling Unit Placement</p>	<p>No regulation</p>	<p>Not more than eight block townhouse dwellings shall be attached in a continuous row, and not more than 16 back to back townhouse dwellings in a row.</p>	<p>The proposed modification for an eight dwelling unit limit for block townhouse dwellings has been applied to other developments in Binbrook. The applicant has submitted an urban design brief which staff have reviewed and are satisfied that 16 continuous back to back townhouse dwellings in a row is appropriate for the subject lands given the location and concept plan submitted.</p> <p>Staff support the modification.</p>
<p>Maximum Height (Section 19.2 (i))</p>	<p>10.7 metres</p>	<p>11.5 metres</p>	<p>The applicant is looking to increase the height from 10.7 to 11.5 metres. This increase is minor, and the development concept maintains adequate setbacks to address potential shadowing concerns.</p> <p>Staff support the modification.</p>

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Regulation	Required	Modification	Analysis
<p>Minimum Landscaped Area (Section 19.2 (j))</p>	<p>50%</p>	<p>30%</p>	<p>The intent of the minimum landscaped area is to promote the inclusion of natural features and provide privacy areas that enhance the proposed development, ensuring that there is an adequate balance between built form, hard surface and open space areas on a property. The request to reduce the landscaped area will permit the establishment of a compact housing form while still providing adequate private amenity areas, common landscaped strips, and permeable areas.</p> <p>A landscape plan will be required at the Site Plan Control stage to ensure high quality landscape is provided and the applicant will be encouraged to incorporate Low Impact Development (LID) measures within the hardscaped areas to further improve permeability on the site.</p> <p>Staff support the modification.</p>
<p>Minimum Landscape Strip / Fencing (Section 19.2 (k))</p>	<p>Where the boundary of a Residential Multiple "RM3" Zone adjoins lands zoned Existing Residential "ER", or Residential "R1", "R2", "R3", "R4", or "RM1" a planting strip with a minimum width of 1.5 metres (5 feet) and/or a solid fence with a height of 1.8 metres (6 feet) adjoining such boundary shall be provided and thereafter maintained.</p>	<p>Along any interior side/north or rear lot line/east, a landscape strip with a minimum width of 1.5 metres and/or a solid fence with a height of 1.8 metres adjoining such boundary shall be provided and thereafter maintained.</p>	<p>The modification maintains the existing landscape strip and fencing requirements, clarifying the wording to fit the proposed deemed lot lines.</p> <p>Staff support the modification.</p>

Appendix “D” to Report PED23210

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Regulation	Required	Modification	Analysis
Minimum Amenity Area (Section 19.2 (m))	A minimum area of 5 square metres (55 square feet) per dwelling unit shall be provided and thereafter maintain	A minimum of 8 square metres per dwelling unit of common amenity area shall be provided.	The applicant is proposing to increase the minimum amenity area per dwelling that would be located within a common amenity area. Staff support this modification.
Minimum Privacy Area (Section 19.2 (l))	A minimum area of 35 square metres (375 square feet), per dwelling unit, shall be provided adjacent to the unit and screened on two (2) sides by means of a privacy screen.	To not apply this provision for back-to-back townhouse dwellings.	The intent of the minimum privacy area in the parent RM3 Zone is to ensure that each unit has its own private outdoor amenity area. While only conceptual at this point, the back-to-back townhouse dwellings could feature balconies above garages and rooftop amenity areas. These details would be further reviewed at the Site Plan Control stage. Staff support the modification.
Minimum Parking Requirements (Section 7.35)	(i) Each dwelling unit shall have one (1) of the two (2) required parking spaces located within an attached private garage and the second parking space shall be provided contiguous to the unit; however, both parking spaces may be located underground or in a parking structure.	Each parking space shall be 2.8 metres x 5.8 metres and each dwelling unit shall have two spaces plus 0.2 visitor parking spaces for each dwelling unit.	The current Glanbrook standard requires a parking space size of 3 metres by 6 metres. The proposal reduces the stall size width and length by 0.2 metres. The current proposal also requests reducing visitor parking to 0.2 spaces per unit, instead of 0.5 spaces per unit. The proposal also provides two spaces for each dwelling unit. The overall amount of parking provided is at a higher rate compared to the other former municipalities which typically would require 1.25-1.75 spaces for multiple dwellings and is appropriate for the proposal and for the site’s location along Fletcher Road Staff support these modifications.
Visitor Parking Setback (Section 7.35 (a) (xii))	Where a parking area which is required to provide for more than four (4) parking spaces abuts a street, a	Rear Yard - 1.8 metres	The proposed setbacks provide enough separation between the lot lines for a landscape strip and/or fencing to the planned residential development to the east of the subject lands.

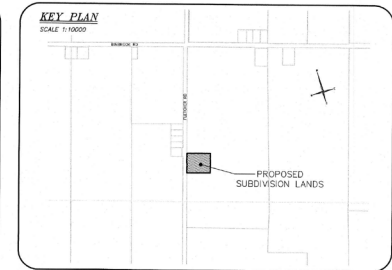
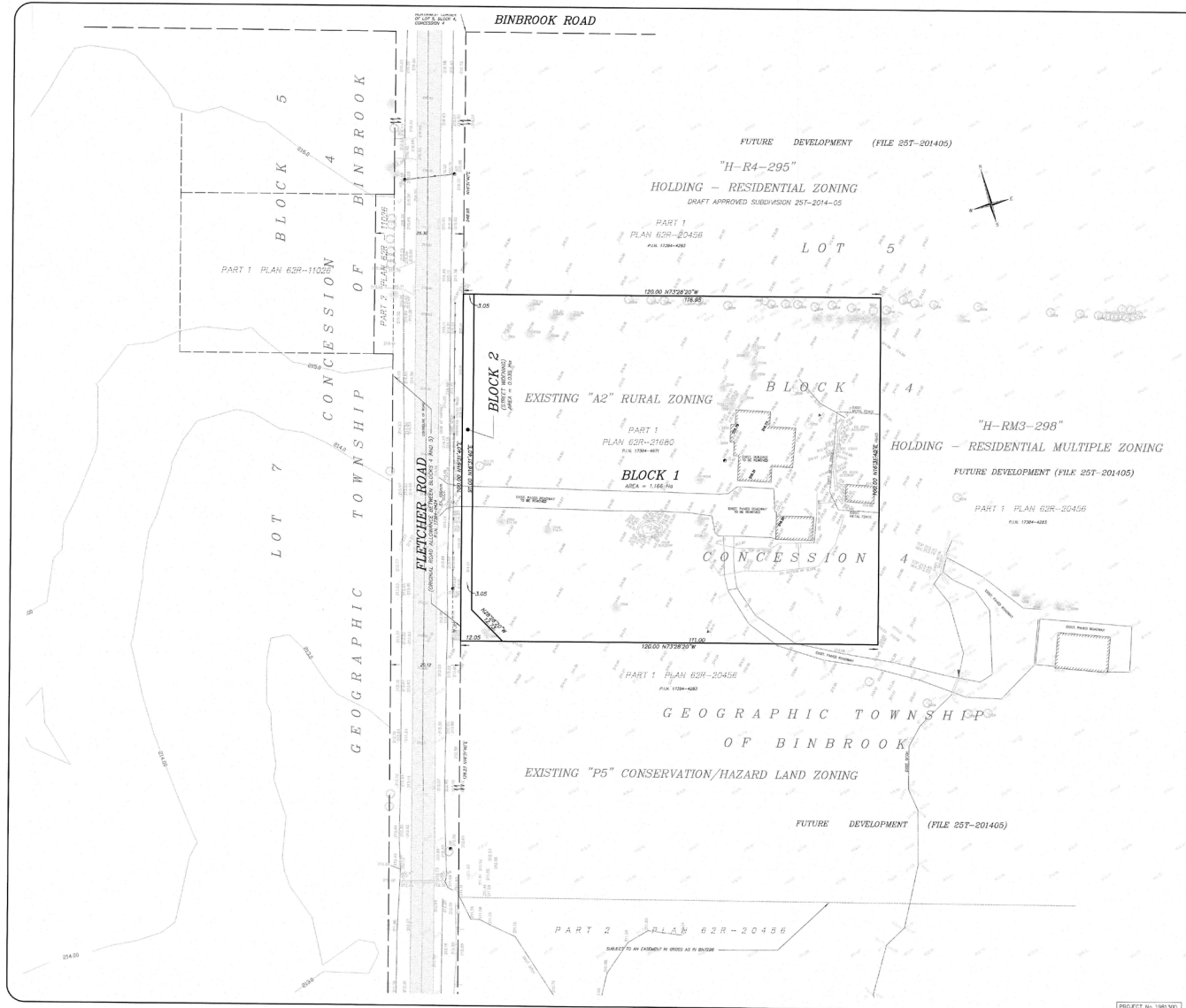
Appendix "D" to Report PED23210

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Regulation	Required	Modification	Analysis
	permanently maintained landscaped area with a minimum width of 3 metres (10 feet) shall be provided along the street line.		Staff support these modifications.

Appendix "E" To Report PED23210

Page 1 of 1



DRAFT PLAN OF
3169 Fletcher Road
BEING A PROPOSED SUBDIVISION OF
PART OF LOT 5 - BLOCK 4 - CONCESSION 4
GEOGRAPHIC TOWNSHIP OF BINBROOK
IN THE
CITY OF HAMILTON
SCALE 1:500
NICHOLAS P. MUTH O.L.S.

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

RE: CHAPTER P. 13 R.S.O. 1990 SECTION 51(1) THE PLANNING ACT

- A. SHOWN ON PLAN
- B. SHOWN ON PLAN
- C. SHOWN ON PLAN
- D. SEE LAND USE SCHEDULE
- E. SHOWN ON PLAN
- F. SHOWN ON PLAN
- G. SHOWN ON PLAN
- H. MUNICIPAL PIPED WATER TO BE MADE AVAILABLE THROUGH DRAFT APPROVED SUBDIVISION 257-2014-05
- I. SILT LOAM
- J. SHOWN ON PLAN
- K. SANITARY AND SEWAGE TO BE MADE AVAILABLE THROUGH DRAFT APPROVED SUBDIVISION 257-2014-05
- L. SHOWN ON PLAN

SURVEYOR'S CERTIFICATE:
I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

DECEMBER 13, 2022
DATE
NICHOLAS P. MUTH
ONTARIO LAND SURVEYOR

LAND USE SCHEDULE:

PROPOSED FUTURE DEVELOPMENT - BLOCK 1
PROPOSED STREET WIDENING - BLOCK 2
AREA = 1.20 ha

SUBDIVISION DRAFT APPROVAL:

APPROVED UNDER SECTION 51 OF THE PLANNING ACT, R.S.O. 1990, C.P. 13, AS AMENDED, BY THE GENERAL MANAGER OF PLANNING AND ECONOMIC DEVELOPMENT OF THE CITY OF HAMILTON UNDER THE AUTHORITY OF B.L.W. 07-323.
THIS ___ DAY OF ___, 2023.

GENERAL MANAGER, PLANNING AND ECONOMIC DEVELOPMENT
CITY OF HAMILTON

A. J. Clarke and Associates Ltd.
SURVEYORS • PLANNERS • ENGINEERS
25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO, L9P 1H1
TEL. 905-528-8781 FAX 905-528-2289
www.ajclarke.com

PROJECT No. 198330

Appendix “F” to Report PED23210
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Special Conditions for Draft Plan of Subdivision Approval for 25T-202101

That this approval for the Draft Plan of Subdivision “3169 Fletcher Road”, 25T-202101, prepared by A.J. Clarke and Associates Ltd., certified by Nicholas P. Muth, O.L.S., dated December 13, 2022, consisting of one development block for 23 block townhouses and 34 back to back townhouse dwellings (Block 1) and one block for road right of way dedication (Block 2), be received and endorsed by City Council with the following special conditions:

Development Engineering:

1. That, **prior to registration of the plan of subdivision**, the Owner acknowledges and agrees that any blocks created within this subdivision that are subject to Site Plan Control will be subject to a Site Plan Agreement with the City including a requirement to provide sanitary sewer flow monitoring in order to confirm that no inflow and infiltration (I&I) is entering the sanitary sewer system, to the satisfaction of the Director of Development Engineering.
2. That, **prior to registration of the plan of subdivision**, the Owner agrees to pay their proportionate share for the design and urbanization of Fletcher Road along the frontage of the subject lands in accordance with the City’s financial policy, to the satisfaction of the Director of Development Engineering.
3. That, **prior to registration of the plan of subdivision**, the Owner shall pay all costs associated with the 0.3 m reserve along the south boundary of the subject lands fronting onto Street ‘B’ on Draft Plan of Subdivision 25T-201405 as approved by the Ontario Land Tribunal on May 20, 2016, to the satisfaction of the Director of Development Engineering.
4. That, **prior to registration of the plan of subdivision**, the Owner shall submit the necessary transfer deeds to the City’s legal Services to convey a 0.3 m reserve along Fletcher Road, to the satisfaction of the Director of Development Engineering.
5. That, **prior to servicing**, the Owner shall secure their proportionate share of the ongoing operation and maintenance and monitoring of the storm water management pond located on the abutting land (Draft Plan of Subdivision 25T-201405) through all phases of development, to the satisfaction of the Director of Development Engineering.
6. That, **prior to preliminary grading**, the Owner agrees in writing that the removal of any existing structures (i.e. septic beds, buildings, sheds, etc.) will be at the sole cost of the Owner, to the satisfaction of the Director of Development Engineering.

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7. That, **prior to servicing**, the Owner prepare an on-street parking plan for Street 'B' based on the premise of achieving on-street parking for 40% of the total number of units and it shall include:
- a. driveway ramps and curb openings for all lots;
 - b. the pairing of driveways;
 - c. parking locations already accounted for in adjacent Draft Plan of Subdivision 25T-201405 that are required to meet the minimum parking requirements for that subdivision;
 - d. where lots in the subdivision abut a park entrance or a public walkway; and,
 - e. the location of transit pads, community mailbox pads, and fire hydrants, where the location has been determined by the appropriate authorities;
- all to the satisfaction of the Director of Development Engineering.

Transportation Planning

8. That, **prior to servicing**, Street 'B' shall be designed and constructed, to the satisfaction and approval of the Manager, Transportation Planning and the Director, Development Engineering.

Heritage & Urban Design:

9. That, prior to **prior to preliminary grading**, the Owner shall submit a revised Tree Protection Plan, to the satisfaction of the Director of Heritage & Urban Design.

Bell Canada:

10. That, **prior to registration of the plan of subdivision**, the Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.
11. That, **prior to registration of the plan of subdivision**, the Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

Canada Post:

12. That **prior to registration of the plan of subdivision**, the Owner shall include in all offers of purchase and sale and lease or rental agreements, a statement that advises the prospective purchaser:

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- a. That the home / business mail delivery will be from a designated Centralized Mail Box; and,
 - b. That the developers / owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
13. That **prior to registration of the plan of subdivision**, the Owner agrees to:
- a. Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision;
 - b. Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes;
 - c. Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision;
 - d. Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans; and,
 - e. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
14. Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly and more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Enbridge Gas:

15. That prior to **registration of the plan of subdivision**, the owner / developer shall provide to Enbridge Gas Inc.'s operating as Union Gas, ("Union") the necessary easements and / or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Union.

NOTES TO DRAFT PLAN APPROVAL

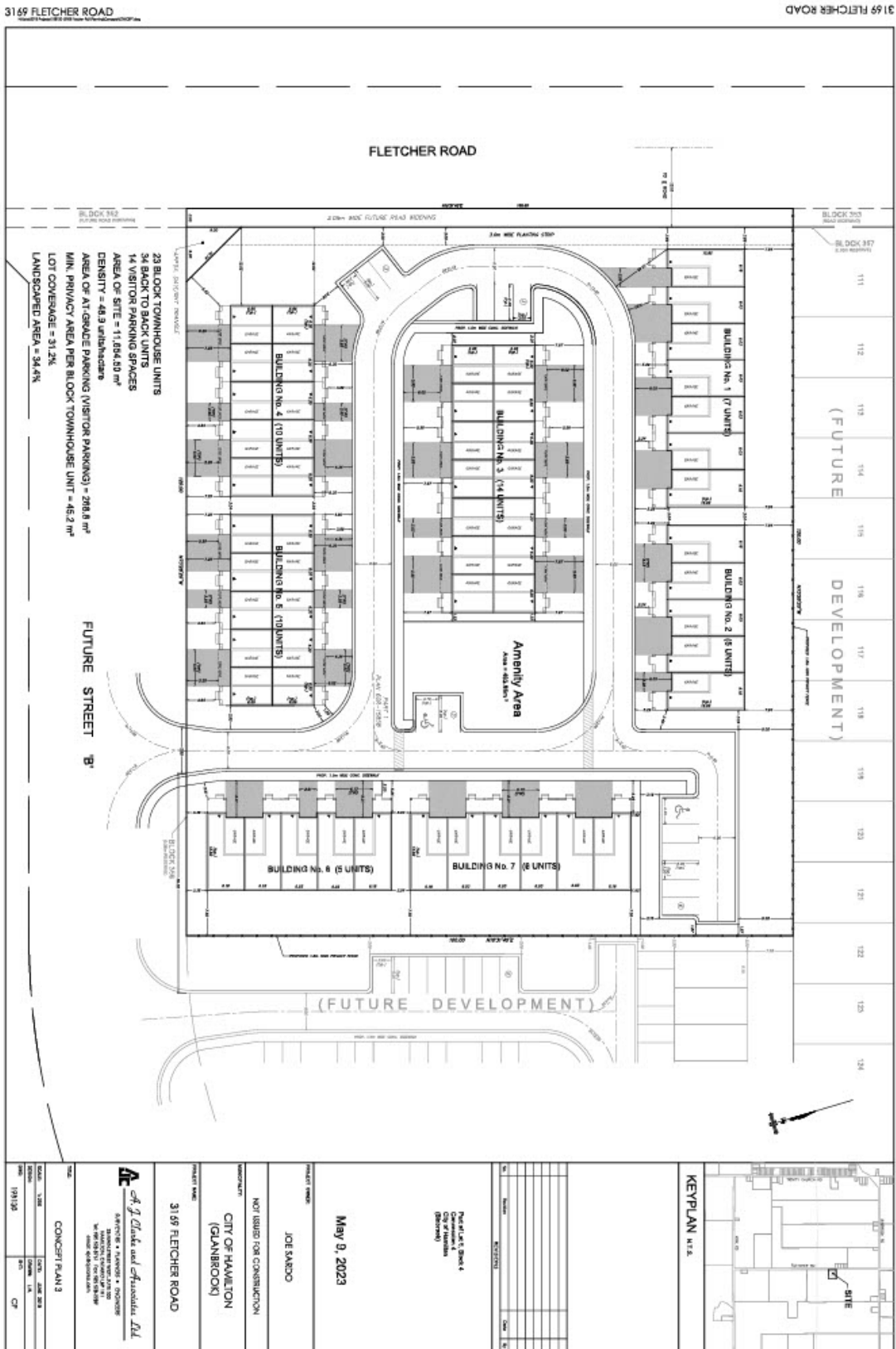
Legislative Approvals:

1. Pursuant to Section 51 (32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received two months before the draft approval lapses.

Recycling and Waste Disposal:

2. The developer is responsible for all waste removal up until the time that municipal collection services are initiated.

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PLAN 62M-

I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF WENTWORTH (62) AT _____ O'CLOCK ON THE _____ DAY OF _____, 2020 AND ENTERED IN THE PARCEL REGISTER FOR PROPERTY IDENTIFIER _____

AND REQUIRED CONSENTS ARE REGISTERED AS PLAN DOCUMENT No. _____

REPRESENTATIVE FOR LAND REGISTRAR _____

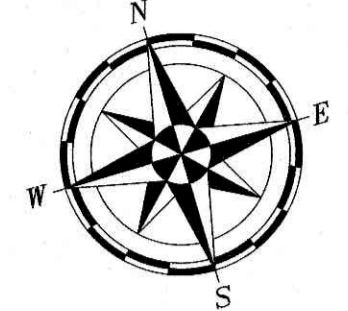
APPROVED UNDER SECTION 51 OF THE PLANNING ACT R.S.O. 1990, c.P.13, AS AMENDED, BY THE GENERAL MANAGER OF PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT OF THE CITY OF HAMILTON UNDER THE AUTHORITY OF BY-LAW 07-323.

THIS _____ DAY OF _____, 2020.

GENERAL MANAGER
PLANNING AND ECONOMIC DEVELOPMENT
CITY OF HAMILTON

THIS PLAN COMPRISES PART OF PIN 17384-4283

[Marketing Name]



PLAN OF SUBDIVISION OF PART OF LOT 5 BLOCK 4 - CONCESSION 4 GEOGRAPHIC TOWNSHIP OF BINBROOK CITY OF HAMILTON

SCALE 1:1000

0 10 20 30 40 50 metres

NICHOLAS P. MUTH O.L.S.

CURVE TABLE

LOT	RADIUS	ARC	CHORD	BEARING
153	21.60	9.61	9.53	N103°57'50"E
154	21.60	9.61	9.54	N36°27'45"E
155	21.60	9.62	9.54	N61°57'55"E
156	21.60	9.61	9.53	N87°28'05"E
157	21.60	9.58	9.21	N67°28'15"W
157	10.00	0.33	0.33	N56°06'00"W
158	10.00	2.87	2.86	N65°15'20"W
243	21.60	0.67	0.67	N00°53'55"W
244	21.60	9.46	9.38	N12°11'40"E
245	21.60	9.46	9.38	N37°37'05"E
246	21.60	9.46	9.38	N62°42'45"E
247	21.60	9.46	9.38	N87°48'25"E
248	21.60	7.23	7.20	N87°47'20"W
248	10.00	0.23	0.22	N55°48'15"W
249	10.00	2.97	2.96	N64°57'35"W
279	100.00	21.79	21.75	N79°42'50"W
283	21.60	1.13	1.13	N33°20'00"E
284	21.60	9.47	9.38	N12°11'40"E
285	21.60	9.16	9.09	N05°26'00"W
286	21.60	9.50	9.42	N30°10'50"W
287	21.60	11.24	11.11	N57°41'20"W
288	21.60	7.23	7.20	N87°47'20"W
288	10.00	3.02	3.00	N83°09'10"W
289	10.00	0.18	0.18	N73°59'50"W
301	21.60	2.40	2.40	N58°20'30"W
302	21.60	10.96	10.84	N76°33'25"W
303	21.60	11.56	11.52	N13°56'40"E
304	21.60	12.16	12.00	N42°20'50"E
305	21.60	10.04	9.95	N12°53'30"E
306	21.60	0.51	0.51	N01°06'25"W

LEGEND:

SIGN THIS ○ DENOTES A SURVEY MONUMENT PLANTED
SIGN THIS ■ DENOTES A SURVEY MONUMENT FOUND

IB DENOTES IRON BAR
SIB DENOTES STANDARD IRON BAR
SSIB DENOTES SHORT STANDARD IRON BAR
SM DENOTES STONE MONUMENT
(655) DENOTES J. T. PETERS O.L.S.
(717) DENOTES J. J. KISHAW O.L.S.
(1150) DENOTES M. IAROCKI O.L.S.
(408) DENOTES J. D. BARNES LIMITED, O.L.S.
(HJV) DENOTES HOLDING JONES VANDEVER INC. O.L.S.
(OH) DENOTES ONTARIO HYDRO
(OU) DENOTES ORION UNKNOWN
GW DENOTES GUY WIRE
HW DENOTES HYDRO POLE
DENOTES HYDRO MONUMENT
P1 DENOTES PLAN 62R-20456
P2 DENOTES PLAN 62R-15858
P3 DENOTES PLAN BY J. J. KISHAW O.L.S. (INDEX No. 22-601) ON FILE IN A. J. CLARKE O.L.S. OFFICE
(A. J. CLARKE INDEX 1-460)
D1 DENOTES INSTRUMENT 198308AB
D2 DENOTES INSTRUMENT AB138224

NOTE: ALL SURVEY MONUMENTS PLANTED ARE IRON BARS UNLESS OTHERWISE NOTED.

METRIC:

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS (A) AND (B) BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, (81 DEGREES LONGITUDE) NAD83 (CSRS(2010)). DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999984

OBSERVED REFERENCE POINTS: UTM ZONE 17NAD83 (CSRS) (2010) COORDINATES TO UTM ACCURACY PER SEC. 14 (2) OF O.R.G. 216/10

POINT ID	NORTHING	EASTING
(A)	477456.849	595275.038
(B)	477456.991	595055.492

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

FOR BEARING COMPARISONS, A ROTATION OF 0°47'20" COUNTERCLOCKWISE WAS APPLIED TO PLAN P2 TO CONVERT TO GRID BEARINGS.

OWNER'S CERTIFICATE:

THIS IS TO CERTIFY THAT:

1. LOTS 1 TO 336 BOTH INCLUSIVE, BLOCKS 337 TO 347 BOTH INCLUSIVE, THE STREETS, NAMELY STREET A, STREET B, STREET C, STREET D, STREET E, STREET F, STREET G, STREET H, STREET I, STREET J, STREET K, STREET L, STREET M, STREET N, STREET O, STREET P, STREET Q, STREET R, STREET S, STREET T, STREET U, STREET V, STREET W, STREET X, STREET Y, STREET Z, STREET AA, STREET AB, STREET AC, STREET AD, STREET AE, STREET AF, STREET AG, STREET AH, STREET AI, STREET AJ, STREET AK, STREET AL, STREET AM, STREET AN, STREET AO, STREET AP, STREET AQ, STREET AR, STREET AS, STREET AT, STREET AU, STREET AV, STREET AW, STREET AX, STREET AY, STREET AZ, STREET BA, STREET BB, STREET BC, STREET BD, STREET BE, STREET BF, STREET BG, STREET BH, STREET BI, STREET BJ, STREET BK, STREET BL, STREET BM, STREET BN, STREET BO, STREET BP, STREET BQ, STREET BR, STREET BS, STREET BT, STREET BU, STREET BV, STREET BW, STREET BX, STREET BY, STREET BZ, STREET CA, STREET CB, STREET CC, STREET CD, STREET CE, STREET CF, STREET CG, STREET CH, STREET CI, STREET CJ, STREET CK, STREET CL, STREET CM, STREET CN, STREET CO, STREET CP, STREET CQ, STREET CR, STREET CS, STREET CT, STREET CU, STREET CV, STREET CW, STREET CX, STREET CY, STREET CZ, STREET DA, STREET DB, STREET DC, STREET DD, STREET DE, STREET DF, STREET DG, STREET DH, STREET DI, STREET DJ, STREET DK, STREET DL, STREET DM, STREET DN, STREET DO, STREET DP, STREET DQ, STREET DR, STREET DS, STREET DT, STREET DU, STREET DV, STREET DW, STREET DX, STREET DY, STREET DZ, STREET EA, STREET EB, STREET EC, STREET ED, STREET EE, STREET EF, STREET EG, STREET EH, STREET EI, STREET EJ, STREET EK, STREET EL, STREET EM, STREET EN, STREET EO, STREET EP, STREET EQ, STREET ER, STREET ES, STREET ET, STREET EU, STREET EV, STREET EW, STREET EX, STREET EY, STREET EZ, STREET FA, STREET FB, STREET FC, STREET FD, STREET FE, STREET FF, STREET FG, STREET FH, STREET FI, STREET FJ, STREET FK, STREET FL, STREET FM, STREET FN, STREET FO, STREET FP, STREET FQ, STREET FR, STREET FS, STREET FT, STREET FU, STREET FV, STREET FW, STREET FX, STREET FY, STREET FZ, STREET GA, STREET GB, STREET GC, STREET GD, STREET GE, STREET GF, STREET GH, STREET GI, STREET GJ, STREET GK, STREET GL, STREET GM, STREET GN, STREET GO, STREET GP, STREET GQ, STREET GR, STREET GS, STREET GT, STREET GU, STREET GV, STREET GW, STREET GX, STREET GY, STREET GZ, STREET HA, STREET HB, STREET HC, STREET HD, STREET HE, STREET HF, STREET HG, STREET HI, STREET HJ, STREET HK, STREET HL, STREET HM, STREET HN, STREET HO, STREET HP, STREET HQ, STREET HR, STREET HS, STREET HT, STREET HU, STREET HV, STREET HW, STREET HX, STREET HY, STREET HZ, STREET IA, STREET IB, STREET IC, STREET ID, STREET IE, STREET IF, STREET IG, STREET IH, STREET II, STREET IJ, STREET IK, STREET IL, STREET IM, STREET IN, STREET IO, STREET IP, STREET IQ, STREET IR, STREET IS, STREET IT, STREET IU, STREET IV, STREET IW, STREET IX, STREET IY, STREET IZ, STREET JA, STREET JB, STREET JC, STREET JD, STREET JE, STREET JF, STREET JG, STREET JH, STREET JI, STREET JJ, STREET JK, STREET JL, STREET JM, STREET JN, STREET JO, STREET JP, STREET JQ, STREET JR, STREET JS, STREET JT, STREET JU, STREET JV, STREET JW, STREET JX, STREET JY, STREET JZ, STREET KA, STREET KB, STREET KC, STREET KD, STREET KE, STREET KF, STREET KG, STREET KH, STREET KI, STREET KJ, STREET KL, STREET KM, STREET KN, STREET KO, STREET KP, STREET KQ, STREET KR, STREET KS, STREET KT, STREET KU, STREET KV, STREET KW, STREET KX, STREET KY, STREET KZ, STREET LA, STREET LB, STREET LC, STREET LD, STREET LE, STREET LF, STREET LG, STREET LH, STREET LI, STREET LJ, STREET LK, STREET LL, STREET LM, STREET LN, STREET LO, STREET LP, STREET LQ, STREET LR, STREET LS, STREET LT, STREET LU, STREET LV, STREET LW, STREET LX, STREET LY, STREET LZ, STREET MA, STREET MB, STREET MC, STREET MD, STREET ME, STREET MF, STREET MG, STREET MH, STREET MI, STREET MJ, STREET MK, STREET ML, STREET MM, STREET MN, STREET MO, STREET MP, STREET MQ, STREET MR, STREET MS, STREET MT, STREET MU, STREET MV, STREET MW, STREET MX, STREET MY, STREET MZ, STREET NA, STREET NB, STREET NC, STREET ND, STREET NE, STREET NF, STREET NG, STREET NH, STREET NI, STREET NJ, STREET NK, STREET NL, STREET NM, STREET NN, STREET NO, STREET NP, STREET NQ, STREET NR, STREET NS, STREET NT, STREET NU, STREET NV, STREET NW, STREET NX, STREET NY, STREET NZ, STREET OA, STREET OB, STREET OC, STREET OD, STREET OE, STREET OF, STREET OG, STREET OH, STREET OI, STREET OJ, STREET OK, STREET OL, STREET OM, STREET ON, STREET OO, STREET OP, STREET OQ, STREET OR, STREET OS, STREET OT, STREET OU, STREET OV, STREET OW, STREET OX, STREET OY, STREET OZ, STREET PA, STREET PB, STREET PC, STREET PD, STREET PE, STREET PF, STREET PG, STREET PH, STREET PI, STREET PJ, STREET PK, STREET PL, STREET PM, STREET PN, STREET PO, STREET PP, STREET PQ, STREET PR, STREET PS, STREET PT, STREET PU, STREET PV, STREET PW, STREET PX, STREET PY, STREET PZ, STREET QA, STREET QB, STREET QC, STREET QD, STREET QE, STREET QF, STREET QG, STREET QH, STREET QI, STREET QJ, STREET QK, STREET QL, STREET QM, STREET QN, STREET QO, STREET QP, STREET QQ, STREET QR, STREET QS, STREET QT, STREET QU, STREET QV, STREET QW, STREET QX, STREET QY, STREET QZ, STREET RA, STREET RB, STREET RC, STREET RD, STREET RE, STREET RF, STREET RG, STREET RH, STREET RI, STREET RJ, STREET RK, STREET RL, STREET RM, STREET RN, STREET RO, STREET RP, STREET RQ, STREET RR, STREET RS, STREET RT, STREET RU, STREET RV, STREET RW, STREET RX, STREET RY, STREET RZ, STREET SA, STREET SB, STREET SC, STREET SD, STREET SE, STREET SF, STREET SG, STREET SH, STREET SI, STREET SJ, STREET SK, STREET SL, STREET SM, STREET SN, STREET SO, STREET SP, STREET SQ, STREET SR, STREET SS, STREET ST, STREET SU, STREET SV, STREET SW, STREET SX, STREET SY, STREET SZ, STREET TA, STREET TB, STREET TC, STREET TD, STREET TE, STREET TF, STREET TG, STREET TH, STREET TI, STREET TJ, STREET TK, STREET TL, STREET TM, STREET TN, STREET TO, STREET TP, STREET TQ, STREET TR, STREET TS, STREET TU, STREET TV, STREET TW, STREET TX, STREET TY, STREET TZ, STREET UA, STREET UB, STREET UC, STREET UD, STREET UE, STREET UF, STREET UG, STREET UH, STREET UI, STREET UJ, STREET UK, STREET UL, STREET UM, STREET UN, STREET UO, STREET UP, STREET UQ, STREET UR, STREET US, STREET UT, STREET UV, STREET UW, STREET UX, STREET UY, STREET UZ, STREET VA, STREET VB, STREET VC, STREET VD, STREET VE, STREET VF, STREET VG, STREET VH, STREET VI, STREET VJ, STREET VK, STREET VL, STREET VM, STREET VN, STREET VO, STREET VP, STREET VQ, STREET VR, STREET VS, STREET VT, STREET VU, STREET VV, STREET VW, STREET VX, STREET VY, STREET VZ, STREET WA, STREET WB, STREET WC, STREET WD, STREET WE, STREET WF, STREET WG, STREET WH, STREET WI, STREET WJ, STREET WK, STREET WL, STREET WM, STREET WN, STREET WO, STREET WP, STREET WQ, STREET WR, STREET WS, STREET WT, STREET WU, STREET WV, STREET WW, STREET WX, STREET WY, STREET WZ, STREET XA, STREET XB, STREET XC, STREET XD, STREET XE, STREET XF, STREET XG, STREET XH, STREET XI, STREET XJ, STREET XK, STREET XL, STREET XM, STREET XN, STREET XO, STREET XP, STREET XQ, STREET XR, STREET XS, STREET XT, STREET XU, STREET XV, STREET XW, STREET XX, STREET XY, STREET XZ, STREET YA, STREET YB, STREET YC, STREET YD, STREET YE, STREET YF, STREET YG, STREET YH, STREET YI, STREET YJ, STREET YK, STREET YL, STREET YM, STREET YN, STREET YO, STREET YP, STREET YQ, STREET YR, STREET YS, STREET YT, STREET YU, STREET YV, STREET YW, STREET YX, STREET YZ, STREET ZA, STREET ZB, STREET ZC, STREET ZD, STREET ZE, STREET ZF, STREET ZG, STREET ZH, STREET ZI, STREET ZJ, STREET ZK, STREET ZL, STREET ZM, STREET ZN, STREET ZO, STREET ZP, STREET ZQ, STREET ZR, STREET ZS, STREET ZT, STREET ZU, STREET ZV, STREET ZW, STREET ZX, STREET ZY, STREET ZZ

DATED THE _____ th DAY OF _____, 2020.

[OWNER]

[REPRESENTATIVE]

I HAVE THE AUTHORITY TO BIND THE CORPORATION

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.

2. THE SURVEY WAS COMPLETED ON THE _____ DAY OF _____, 2020

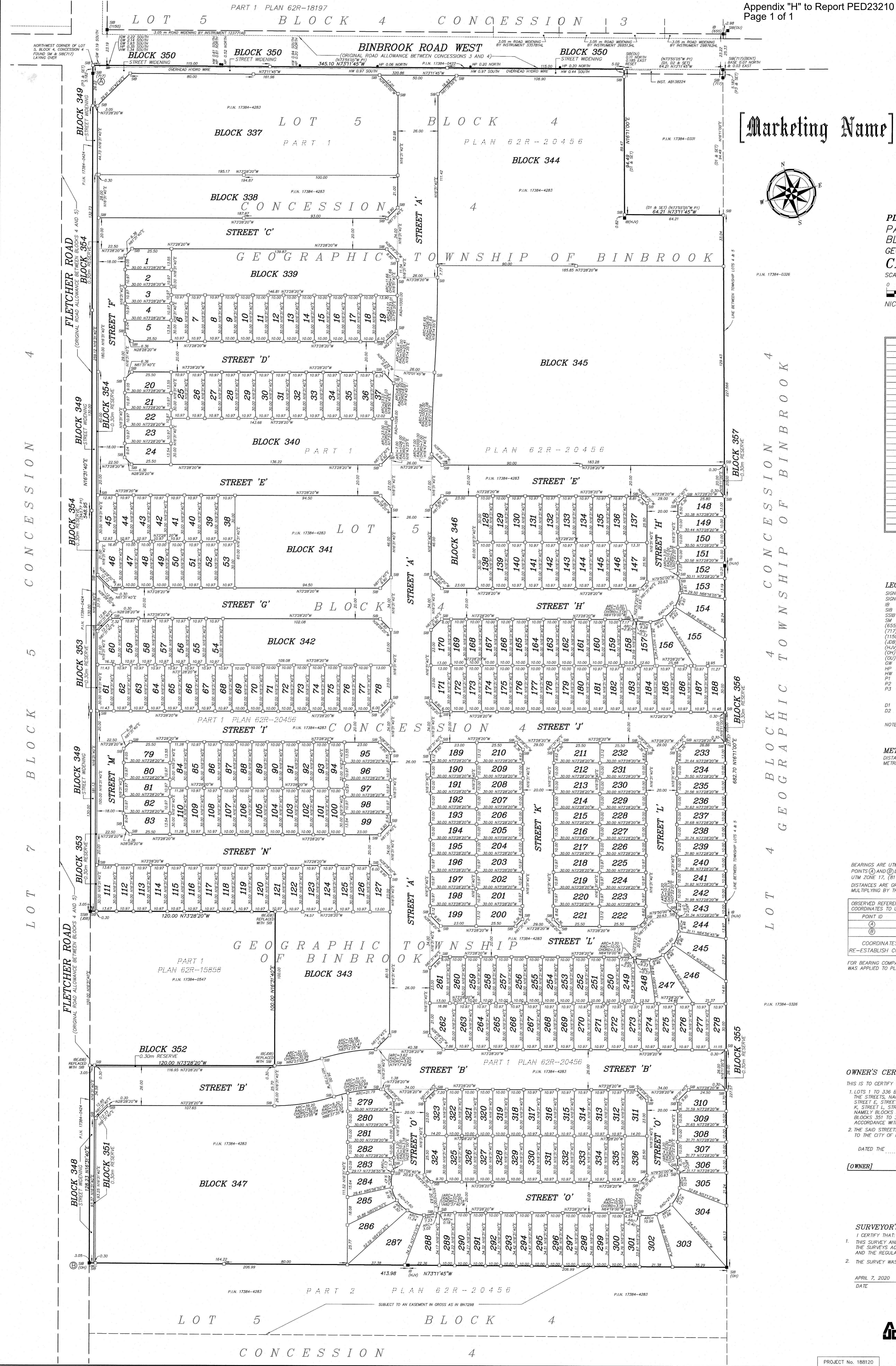
APRIL 7, 2020
DATE

NICHOLAS P. MUTH
ONTARIO LAND SURVEYOR

A. J. Clarke and Associates Ltd.

SURVEYORS • ENGINEERS • PLANNERS

25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO, L8P 1H1
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CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 14, 2023
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands Located at 2800 Library Lane and 2641 Regional Road 56, Glanbrook (PED23231) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	James Van Rooi (905) 546-2424 Ext. 4283
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That Zoning By-law Amendment Application ZAC-23-022, by SHS Consulting (c/o Andrew Vrana) on behalf of Township of Glanbrook Non-Profit Housing Corporation, Owner, for a change in zoning from the Restricted Agricultural "A2" Zone to the Residential Multiple "RM4-322" Zone, Modified, (Block 1) and from the Residential Multiple "RM4" Zone to the Residential Multiple "RM4-322" Zone, Modified, (Block 2) to permit the development of a three storey adult lifestyle multiple dwelling with 105 dwelling units and 78 surface parking spaces on a portion of the lands located at 2800 Library Lane and 2641 Regional Road 56, as shown on Appendix "A" attached to Report PED23231, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED23231, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the Urban Hamilton Official Plan and the Binbrook Village Secondary Plan.

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at
2800 Library Lane and 2641 Regional Road 56, Glanbrook (PED23231)
(Ward 11) - Page 2 of 10**

EXECUTIVE SUMMARY

The subject lands are municipally addressed as 2800 Library Lane and 2641 Regional Road 56, Glanbrook and are located east of Regional Road 56, south of Binbrook Marketplace Plaza, west of the Jackson Heights subdivision and north of Hamilton Public Library – Binbrook Branch. The subject lands have frontage on Library Lane. The owner, Township of Glanbrook Non-Profit Housing Corporation, has applied for an amendment to the Township of Glanbrook Zoning By-law No. 464 to permit development of a three storey adult lifestyle multiple dwelling with 105 dwelling units and 78 surface parking spaces. A total of 52 dwelling units will be affordable units which will be rental units that are offered at 80% of the average market rent. The existing two storey adult lifestyle multiple dwelling (31 dwelling units) and parking area will be retained.

The purpose of the Zoning By-law Amendment is to change the zoning from Restricted Agricultural "A2" Zone and Multiple "RM4" Zone to Residential Multiple "RM4-322" Zone, Modified, to permit a three storey adult lifestyle multiple dwelling and 78 surface parking spaces. Site specific modifications are required to implement the proposal. It is the applicant's intent to sever land that contains the existing two storey adult lifestyle multiple dwelling from the proposed three storey adult lifestyle multiple dwelling. As such, a special figure has been included within the Residential Multiple "RM4-322" Zone, Modified, to identify zoning standards for the existing building lands and proposed building lands, which are Block 1 and 2 respectively on Special Figure 2, shown in Appendix "B" attached to Report PED23231.

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 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the Urban Hamilton Official Plan and the Binbrook Village Secondary Plan; and,
- The proposal is compatible with and complementary to the existing and planned land uses in the immediate and surrounding area, and represents good planning by, among other things, creating a compact and efficient urban form, providing an alternative housing typology and tenure option, making efficient use of existing infrastructure within the urban boundary, and providing affordable and barrier-free housing options to support the community and surrounding area.

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at
2800 Library Lane and 2641 Regional Road 56, Glanbrook (PED23231)
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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

Application Details	
Owner:	Township of Glanbrook Non-Profit Housing Corporation.
Applicant/Agent:	SHS Consulting.
File Number:	ZAC-23-022.
Type of Application:	Zoning By-law Amendment.
Proposal:	<p>The purpose of the Zoning By-law Amendment is for a change in zoning from the Restricted Agricultural "A2" Zone and the Residential Multiple "RM4" Zone to the Residential Multiple "RM4-322" Zone, Modified.</p> <p>The effect of the application is to facilitate the development of a three storey adult lifestyle multiple dwelling with 105 dwelling units, of which 52 will be purpose built rental dwelling units supported with 78 surface parking spaces. The existing 31 unit adult lifestyle multiple dwelling and 37 parking spaces will be retained. Access to the site will be from a common driveway off Library Lane.</p>
Property Details	
Municipal Address:	2800 Library Lane and 2641 Regional Road 56, Glanbrook (see Location Map attached as Appendix "A" to Report PED23231).
Lot Area:	3.04 hectares.
Servicing:	Existing municipal services.
Existing Use:	Two storey adult lifestyle multiple dwelling with 31 dwelling units.

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at
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Documents	
Provincial Policy Statement:	The proposal is consistent with the Provincial Policy Statement (2020).
A Place to Grow:	The proposal conforms to the 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.
Secondary Plan Existing:	“Low Density Residential 2d” and “Area Specific Policy – Area A” on Land Use Plan Map B.5.1-1 of the Binbrook Village Secondary Plan.
Zoning Existing:	Restricted Agricultural “A2” Zone and Residential Multiple “RM4” Zone.
Zoning Proposed:	Residential Multiple “RM4-322” Zone.
Modifications Proposed:	<p>The following modifications are being proposed to the Zoning By-law:</p> <p>Residential Multiple “RM4-322” Zone (Block 1):</p> <ul style="list-style-type: none"> • To include a separate definition for front lot line; and, • To permit a maximum height of 10.7 metres. <p>Residential Multiple “RM4-322” Zone (Block 2):</p> <ul style="list-style-type: none"> • To include a separate definition for front lot line; • To permit an accessory building of up to 230 square metres at a minimum setback of 2.5 metres from the rear property line, whereas 1 metre is required; • To permit additional accessory uses such as a convenience store, restaurant and community centre; • To permit a minimum one bedroom unit of 45 square metres whereas 60 square metres is required; • To permit a minimum two bedroom unit of 65 square metres whereas 75 square metres is required; • To permit a maximum height of 16.5 metres whereas 10.7 metres is required; and, • To permit a planting strip with a minimum width of 2.5 metres beginning 64.88 metres south of the north property line and extending to 89.88 metres south of the north property line, whereas 3 metres is required for Block 2 on Special Figure 2.

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at
2800 Library Lane and 2641 Regional Road 56, Glanbrook (PED23231)
(Ward 11) - Page 5 of 10**

Documents	
Modifications Proposed Continued:	<p>Residential Multiple “RM4-322” Zone (Blocks 1 and 2):</p> <ul style="list-style-type: none"> • To permit parking spaces for 90 degree perpendicular parking to have a minimum width of 2.8 metres and a minimum length of 5.8 metres; • To permit accessible parking spaces to have a minimum width of 4.4 metres and a minimum length of 5.8 metres; • To permit 0.84 parking spaces per unit whereas an apartment building requires two spaces per unit plus 0.5 spaces per unit; • To permit parking to apply collectively to the existing building and proposed building; • To permit a minimum lot frontage of 20.13 metres whereas 30 metres is required; • To permit a maximum lot area of 3.04 ha whereas 1 hectare is required; • To permit a minimum side and rear yard of 7 metres where the boundary adjoins lands zoned “R4” whereas 15 metres is required; • To permit a minimum side yard of 3 metres where the boundary adjoins lands zoned “RM4-322”, whereas 9 metres is required; and, • To permit a minimum side yard of 9 metres where the boundary adjoins any other zones.
Processing Details	
Received:	December 23, 2022.
Deemed complete:	January 18, 2023.
Notice of Complete Application:	Sent to 135 property owners within 120 metres of the subject lands on January 27, 2023.
Public Notice Sign:	Posted January 27, 2023 and updated with public meeting date on October 18, 2023.
Notice of Public Meeting:	Sent to 135 property owners within 120 metres of the subject lands on October 27, 2023.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix “F” to Report PED23231.

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at
2800 Library Lane and 2641 Regional Road 56, Glanbrook (PED23231)
(Ward 11) - Page 6 of 10**

Processing Details	
Public Consultation	The Applicant held a Neighbourhood Meeting on July 7, 2022. Invitations to the event were shared through the former local Ward Councillor's office. A presentation was given to attendees by the project team. 37 people signed the attendance sheet however it is noted that there may have been 60-70 attendees. In addition to the applicant's project team, the former local Ward Councillor and City of Hamilton Housing staff were in attendance. A summary of the responses received by the applicant is attached as Appendix "H" to Report PED23231.
Public Comments:	Five comments expressing concern and opposition regarding the proposed Zoning By-law Amendment were received (attached as Appendix "G" to Report PED23231).
Processing Time:	327 days from date of receipt of initial application (118 days from resubmission).

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Residential (seniors' residence)	Restricted Agricultural "A2" Zone and Residential Multiple "RM4" Zone
Surrounding Land Uses:		
North	Commercial (retail uses)	District Commercial (C6, 570) Zone
South	Institutional and Residential (library and single detached dwellings)	Public "P" Zone and Mixed Use Medium Density – Pedestrian Focus (C5a, 570) Zone
East	Residential (single detached dwellings)	Residential "R4" Zone
West	Institutional and Residential (daycare, post office, single detached dwellings)	Mixed Use Medium Density – Pedestrian Focus (C5a, 570) Zone

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at
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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.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent approval by the Ontario Land Tribunal, the City of Hamilton has established the Urban Hamilton Official Plan which contains local policies 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 Holden Horseshoe (2019, as amended).

Urban Hamilton Official Plan and Binbrook Village Secondary Plan

The subject lands are identified as "Neighbourhoods" on Schedule E – Urban Structure, designated "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations and further designated "Low Density Residential 2d" and "Area Specific Policy – Area A" in the Binbrook Village Secondary Plan. The applicant's conceptual plans are attached as Appendix "D" to Report PED23231. A review of the applicable Official Plan policies is attached as Appendix "E" to Report PED23231.

The proposal is for a private and permanent adult lifestyle development which is permitted in "Area Specific Policy – Area A" and is an innovative form of attached housing being a three storey adult lifestyle multiple dwelling with 105 dwelling units with 52 affordable units intended for independent living and for assisted living for seniors, which complies with the uses of the Urban Hamilton Official Plan and Binbrook Village Secondary Plan. The density of the proposed three storey adult lifestyle multiple dwelling is 49 units per hectare, and the density provided for the existing two storey adult lifestyle multiple dwelling is 32 units per hectare. The total density across the lands if approved would be 43 units per hectare. Although these densities exceed the maximum density of the Low Density Residential 2d designation (26 to 40 units per net

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at
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hectare), staff note that the density calculation typically applies to private residential development in the form of singles, semis, townhouse, and multiple dwellings and the required density does not apply to housing with supports or permanent adult lifestyle developments.

There will be supporting uses such as a reading room, fitness room, laundry area, communal kitchen and community programming space to support the needs of the residents which are considered ancillary uses to the principal residential uses. The Zoning By-law Amendment also proposes accessory permitted uses such as convenience store, restaurant and community centre to allow for small shops, the sale of a variety of goods, the sale and consumption of food on site, and allow for gathering of events such as arts and crafts workshops or physical activity sessions for the residents and public. Through Site Plan Control, the development will be subject to more detailed design review.

The proposed development is based on a compact urban form which adds to a variety of dwelling types. The proposed use is a three storey adult lifestyle multiple dwelling with appropriate setbacks from surrounding residential uses to the east and west. The height at three storeys is also consistent with the surrounding low density residential built form. The design of the proposal encourages walking and active transportation through pedestrian pathways throughout the site and is located within walking distance to a mix of commercial and institutional uses. More detailed policy requirements are articulated through the policy review attached as Appendix "E" to Report PED23231.

Therefore, the proposal complies with the Urban Hamilton Official Plan and Binbrook Village Secondary Plan.

Township of Glanbrook Zoning By-law No. 464

The proposed Zoning By-law Amendment is for a change in zoning from the Restricted Agricultural "A2" Zone and Multiple Residential "RM4" Zone to the Residential Multiple "RM4-322" Zone, Modified. The effect of this Zoning By-law Amendment will permit the development of a three storey adult lifestyle multiple dwelling with 105 dwelling units. Modifications to the "RM4" Zone are required to facilitate the development and are summarized in the Report Fact Sheet above and further discussed in Appendix "C" attached to Report PED23231. It is the applicant's intent to sever land of the proposed adult lifestyle multiple dwelling from the land which contains an existing two storey adult lifestyle multiple dwelling. As such, a special figure has been included within the Residential Multiple "RM4-322" Zone, Modified, to identify zoning standards for the existing building lands and proposed building lands, which are Block 1 and 2, respectively on Special Figure 2 of Appendix "B" attached to Report PED23231.

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at
2800 Library Lane and 2641 Regional Road 56, Glanbrook (PED23231)
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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 Urban Hamilton Official Plan and Binbrook Village Secondary Plan; and,
 - (iii) It is compatible with and complementary to the existing and planned land uses in the immediate and surrounding area, represents good planning by, among other things, creating a compact and efficient urban form, providing an alternative housing typology and tenure option, making efficient use of existing infrastructure within the urban boundary, developing a complete community and providing affordable and barrier-free housing options to support the community and surrounding area.

2. Zoning By-law Amendment

The Zoning By-law Amendment is for a change in zoning from the Restricted Agricultural "A2" Zone and Multiple Residential "RM4" Zone to the Multiple Residential "RM4-322" Zone, Modified, to permit the development of a three storey adult lifestyle multiple dwelling with 105 dwelling units. The proposed zone contains modifications which are identified on pages 4 and 5 of Report PED23231 and discussed in detail in Appendix "C" attached to Report PED23231.

The proposed use and built form are encouraged and envisioned by the Urban Hamilton Official Plan and the Binbrook Village Secondary Plan. The proposal provides affordable housing units, includes sustainability stormwater management features, promotes active transportation, and makes efficient use of existing municipal infrastructure and services. Therefore, staff support the proposed amendment to the Zoning By-law.

3. Consent Application

A Consent application will be required to facilitate the creation of two lots. The library occupies a portion of 2641 Regional Road 56, which will need to be severed from the surplus municipal lands which are to be conveyed to the Township of Glanbrook Non-Profit Housing Corporation. The existing two storey,

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31 unit adult lifestyle multiple dwelling will be retained and the proposed three storey, 105 unit adult lifestyle multiple dwelling will be severed. Both lots will be required to comply with the Multiple Residential "RM4-322" Zone, Modified.

ALTERNATIVES FOR CONSIDERATION

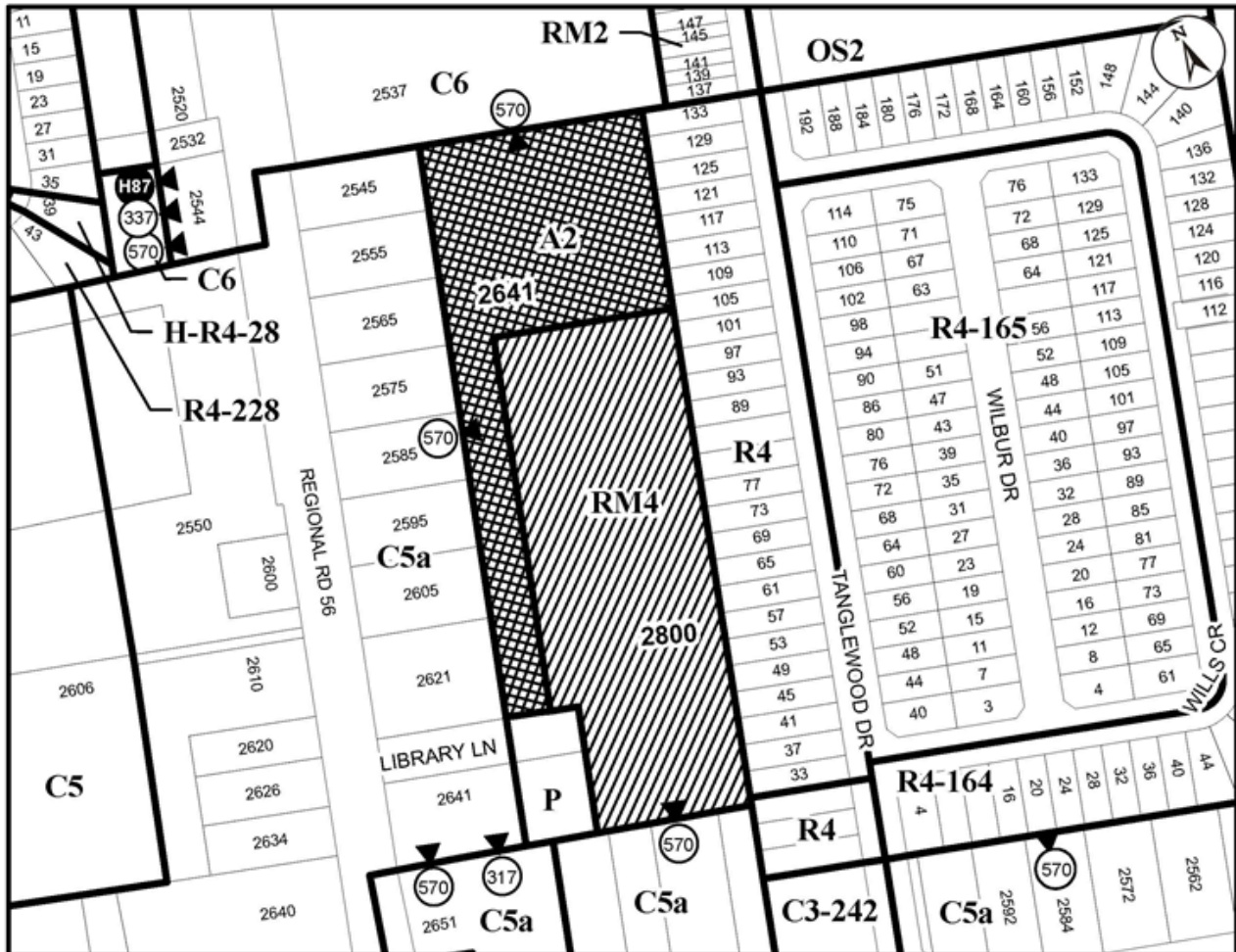
Should the Zoning By-law Amendment application be denied, the subject lands could be utilized in accordance with the existing Restricted Agricultural "A2" Zone and the Multiple Residential "RM4" Zone. The Restricted Agricultural "A2" Zone permits a range of agricultural uses with the exception of intensive livestock and kennels. The Multiple Residential "RM4" Zone permits apartment buildings and uses, buildings and structures accessory to apartment buildings.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED23231 - Location Map
Appendix "B" to Report PED23231 - Amendment to Zoning By-law No. 464
Appendix "C" to Report PED23231 - Zoning Modification Table
Appendix "D" to Report PED23231 - Concept Plan, Renderings and Elevations
Appendix "E" to Report PED23231 - Policy Review
Appendix "F" to Report PED23231 - Staff and Agency Comments
Appendix "G" to Report PED23231 - Public Comments
Appendix "H" to Report PED23231 - Applicant's Responses to Comments Received

JVR:sd

Appendix "A" to Report PED23231
Page 1 of 1



● Site Location



Key Map - Ward 11

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-23-022

Date:
January 20, 2023

Appendix "A"

Scale:
N.T.S

Planner/Technician:
DM/NB

Subject Property

2800 Library Lane and a portion of lands located at 2641 Regional Road 56, Glanbrook (Ward 11)



Block 1 - Change in Zoning from the Restricted Agricultural "A2" Zone to the Residential Multiple "RM4-322" Zone, Modified



Block 2 - Change in Zoning from the Residential Multiple "RM4" Zone to the Residential Multiple "RM4-322" Zone, Modified

Authority: Item _____, Planning Committee
Report PED23231
CM: October 20, 2020
Ward: 11

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

To Amend Zoning By-law No. 464 (Glanbrook)

Respecting Lands Located at 2800 Library Lane and 2641 Regional Road 56 (Glanbrook)

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 16th day of March, 1992, and approved by the Ontario Land Tribunal on the 31st 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 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 by changing the zoning from the Restricted Agricultural "A2" Zone (Block 1) and Residential Multiple "RM4" Zone (Block 2) to Residential Multiple "RM4-322" Zone, Modified, on the lands the extent and boundaries of which are shown on the plan hereto annexed as Schedule "A".
2. That SECTION 44: EXCEPTIONS TO THE PROVISIONS OF THIS BY-LAW, be amended by adding the following:

"RM4-322" - 2800 Library Lane and 2641 Regional Road 56 (Block 1)

1. Notwithstanding SECTION 4: DEFINITIONS, LOT LINE, FRONT shall be defined as follows:

LOT LINE, FRONT, for Block 1 on Figure 2 of Section 50: Special Figures, shall mean the lot line having a length of 20.31 metres of frontage along Library Lane.

Notwithstanding SECTION 20: RESIDENTIAL MULTIPLE "RM4" Zone, Subsection 20.2 – REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 20.1, Clause (i), the following regulations shall apply to the lands zoned Residential Multiple "RM4-322" Zone, Modified:

- (i) Maximum Height for Block 1 on Figure 2 of Section 50: Special Figures.....10.7 metres

"RM4-322" - 2800 Library Lane and 2641 Regional Road 56 (Block 2)

2. Notwithstanding SECTION 4: DEFINITIONS, LOT LINE, FRONT shall be defined as follows:

LOT LINE, FRONT, for Block 2 on Figure 2 of Section 50: Special Figures, shall mean the lot line having a length of 20.13 metres of frontage along Library Lane.

3. Notwithstanding SECTION 7.13: ACCESSORY BUILDINGS, PARAGRAPH (b) (ii), (iii) and (iv), an accessory building of up to 230 square metres shall not be located less than 2.5 metres from the northerly lot line for Block 2 on Figure 2 of Section 50: Special Figures.
4. In addition to SECTION 20: RESIDENTIAL MULTIPLE "RM4" Zone and Subsection 20.1 –PERMITTED USES, the following shall apply to the lands zoned Residential Multiple "RM4-322" Zone, Modified, for Block 1 and Block 2 on Figure 2 of Section 50: Special Figures, unless otherwise specified:

PERMITTED ACCESSORY USES

For Block 2 on Figure 2 of Section 50: Special Figures, permitted uses, buildings and structures accessory to uses permitted in Paragraph 20.1 (a) on these lands may also include the following:

- (i) Convenience Retail Store;
- (ii) Restaurant, Standard; and,
- (iii) Community Centre.

Notwithstanding SECTION 20: RESIDENTIAL MULTIPLE "RM4" Zone, Subsection 20.2 – REGULATIONS FOR USES PERMITTED IN

PARAGRAPH (a) OF SUBSECTION 20.1, Clauses (h), (i), and (l), the following regulations shall apply to the lands zoned Residential Multiple "RM4-322" Zone, Modified:

- (h) Minimum Floor Area per Dwelling Unit for Block 2 on Figure 2 of Section 50: Special Figures:
 - (i) One Bedroom Unit.....45 square metres
 - (ii) Two Bedroom Unit.....65 square metres
- (i) Maximum Height for Block 2 on Figure 2 of Section 50: Special Figures16.5 metres
- (l) Planting Strip

A planting strip of a minimum width of 2.5 metres is required along a 25 metre portion of the eastern property line beginning 64.88 metres south of the north property line and extending to 89.88 metres for Block 2 on Figure 2 of Section 50: Special Figures.

"RM4-322"-2800 Library Lane and 2641 Regional Road 56 (Blocks 1 and 2)

- 5. Notwithstanding the regulations of SUBSECTION 7.35 MINIMUM PARKING REQUIREMENTS, Clauses (a)(vii), and (b), the following provisions shall apply:
 - (a) each parking space for ninety (90) degree perpendicular parking shall have a minimum width of 2.8 metres and a minimum length of 5.8 metres and each accessible parking space shall have a minimum width of 4.4 metres and a minimum length of 5.8 metres;
 - (b) 0.84 parking spaces per unit shall be required for Block 1 and Block 2 collectively on Figure 2 of Section 50; and
 - (c) Notwithstanding the division of the lands zoned Residential Multiple "RM4-322" Zone, Modified into two or more parcels, the parking provisions for these lands shall apply collectively.

Notwithstanding SECTION 20: RESIDENTIAL MULTIPLE "RM4" Zone, Subsection 20.2 – REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 20.1, Clauses (a), (c), and (g), the following regulations shall apply to the lands zoned Residential Multiple "RM4-322" Zone, Modified:

- (a) Minimum Lot Frontage.....20.13 metres
- (c) Maximum Lot Area.....3.04 hectares
- (g) Minimum Side and Rear Yards

Where the boundary of a Residential Multiple "RM4-322" Zone adjoins lands zoned Residential "R4" a minimum yard of 7 metres shall be provided.

Where the boundaries of Blocks 1 and 2 on Figure 2 of Section 50: Special Figures adjoin, a minimum side yard of 3 metres shall be provided.

Where the boundary of a Residential Multiple "RM4-322" Zone adjoins any other zones a minimum yard of 9 metres shall be provided.

3. That SECTION 50: SPECIAL FIGURES, be amended by adding Figure 2: 2800 Library Lane and 2641 Regional Road 56.
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 "RM4-322" Zone, Modified provisions, subject to the special requirements as referred to in Sections 2 and 3 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 .

A. Horwath
Mayor

J. Pilon
Acting City Clerk

ZAC-23-022



This is Schedule "A" to By-law No. 23- Passed the day of, 2023	----- <p style="text-align: center;">Mayor</p> ----- <p style="text-align: center;">Clerk</p>
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map forming Part of By-law No. 23-_____</p> <p style="margin: 0 0 0 0;">to Amend By-law No. 464</p>	<p>Subject Property</p> <p>2800 Library Lane and a portion of lands located at 2641 Regional Road 56, Glanbrook (Ward 11)</p> <ul style="list-style-type: none"> Block 1 - Change in Zoning from the Restricted Agricultural "A2" Zone to the Residential Multiple "RM4-322" Zone, Modified Block 2 - Change in Zoning from the Residential Multiple "RM4" Zone to the Residential Multiple "RM4-322" Zone, Modified
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Scale: N.T.S	File Name/Number: ZAC-23-022	
Date: September 27, 2023	Planner/Technician: JV/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		



Special Figure 2: 2800 Library Lane and 2641 Regional Road 56

Date:
October 2, 2023

Legend

-  Block 1
-  Block 2



Appendix “C” to Report PED23231
Page 1 of 8

Site Specific Modifications to the Residential Multiple "RM4-322" Zone, Modified

Provision	Required	Modification	Analysis
<p>Section 4 Definition Lot Line, Front</p> <p><i>**Staff Requested Modification</i></p>	<p>Means in the case of an interior lot, the lot line that divides the lot from the street. In the case of a corner lot, the shorter lot line that abuts a street shall be deemed to be the front lot line, and the longer lot line that abuts a street, shall be deemed to be a side lot line. In the case of a corner lot with equal frontage on two (2) streets, the lot line abutting the wider street, or the Regional or Provincial Highway, shall be deemed the front lot line; or in the case of both streets being under the same jurisdiction, and in the case of the same width, the owner may designate the lot line abutting either street as the front lot line. In the case of a through lot, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line.</p>	<p>Lot Line Front, for Block 1 on Figure 2 of Section 50 shall mean the lot line having a length of 20.31 metres of frontage along Library Lane.</p> <p>Lot Line Front, for Block 2 on Special Figure 2 of Section shall mean the lot line having a length of 20.13 metres, of frontage along Library Lane.</p>	<p>A severance is intended in the future to separate the existing seniors residence and the proposed development, which would result in two different front lot lines. Staff have included new definitions for “front lot line” to ensure the new development and existing will conform to zoning should they be severed.</p> <p>Therefore, staff supports this modification.</p>
<p>Section 7.13</p> <p>Subsection 7.13 (b) (iii)</p> <p>Accessory Buildings</p>	<p>Accessory buildings in excess of 12 square metres (130 square feet) in gross floor area shall not be located in any minimum rear or side yard.</p>	<p>An accessory building of up to 230 square metres shall not be located less than 2.5 metres from the northerly lot line for Block 2 on Figure 2 of Section 50: Special Figures.</p>	<p>The intent of limiting an accessory structure size is to ensure it remains incidental to the principal dwelling and to limit intensity of built form and massing whereas the intent of the side yard setback is to ensure adequate spacing for access and maintenance.</p>

Appendix “C” to Report PED23231
Page 2 of 8

Provision	Required	Modification	Analysis
Section 7.13 Subsection 7.13 (b) (iii) Accessory Buildings Continued			<p>The proposed accessory structure will be incidental to the principal use and the concept plan shows the accessory building as being setback 2.5 metres from the northern lot line, which provides sufficient space for access and maintenance. Furthermore, the accessory building is appropriately located to the north of the site and not adjacent to any single detached dwellings and will be adjacent to a commercial plaza.</p> <p>Therefore, Staff support the modification.</p>
Section 7.35 (a) (vii) Parking space size	<p>Each parking space for 90 degree perpendicular parking shall have a minimum width of 3 metres (10 feet) and a minimum length of 6 metres (20 feet), exclusive of any land required for access or driveway, except where a minimum of 20 parking spaces are required to be provided on the subject lot, a maximum of thirty-five percent (35%) of the parking spaces may have a minimum width of 2.6 metres(8.5 feet) and a minimum length of 5.8 metres (19 feet), provided these parking spaces are clearly marked for small cars only.</p>	<p>Each parking space for 90 perpendicular parking shall have a minimum width of 2.8 metres and a minimum length of 5.8 metres and each accessible parking space shall have a minimum width of 4.4 metres and a minimum length of 5.8 metres.</p>	<p>The current Glanbrook Zoning By-law allows for a parking space size of 3 metres by 6 metres and allows for reduced parking space size of 2.6 metres by 5.8 metres for small cars only when the minimum required amount is above 20 spaces.</p> <p>The proposal introduces a standard of 2.8 metres by 5.8 metres which is the current standard in Hamilton Zoning By-law No. 05-200.</p>

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Provision	Required	Modification	Analysis
Section 7.35 (a) (vii) Parking space size Continued			<p>With regards to the amendment for the accessible parking, the applicant is proposing parking that is aligned with Zoning By-law No. 05-200 which is the most current standard in compliance with AODA requirements.</p> <p>Therefore, staff support the modification.</p>
Section 7.35 (b)	<p>Use: Block Townhouse Dwelling and Apartment Building dwelling unit.</p> <p>Minimum Required Parking Spaces: 2 spaces for each dwelling unit plus 0.5 visitor parking spaces for each unit.</p>	<p>(i) 0.84 parking spaces per unit shall be required collectively for Block 1 and Block 2.</p> <p>(ii) Notwithstanding the division of the lands zoned modified “RM4-322” into two or more parcels, the parking provisions for these lands shall apply collectively.</p>	<p>Parking is proposed at 0.84 parking spaces per dwelling unit. In support of the reduced parking rate, the applicant provided a parking study as part of the Transportation Impact Study, prepared by IBI Group and dated December 23, 2022. The parking study reviewed municipal standards and conducted a parking survey of the existing multiple dwelling to better understand demand. The maximum parking demand at the existing site equated to 0.81 spaces per dwelling unit unoccupied during peak periods of utilization.</p>

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Page 4 of 8**

Provision	Required	Modification	Analysis
<p>Section 7.35 (b) Continued</p>			<p>Providing parking rates in accordance with the Glanbrook Zoning By-law No. 464 standard rate would result in an oversupply of parking. The minimum parking of 0.84 spaces per unit is recommended to apply to both Blocks 1 and 2 so parking facilities can be shared and to provide flexibility in how parking spaces are allocated.</p> <p>Therefore, staff support the modifications.</p>
<p>Section 20.1 (a) Permitted Accessory Uses</p>	<p>(a) Apartment Building, and, (b) Uses, buildings and structures accessory to the use described in Paragraph (a) of this Subsection are permitted.</p>	<p>For Block 2 on Figure 2 of Section 50: Special Figures, permitted uses, buildings and structures accessory to uses permitted in Paragraph 20.1 (a) on these lands may also include the following:</p> <ul style="list-style-type: none"> (i) Convenience Retail Store; (ii) Restaurant, Standard; and, (iii) Community Centre. 	<p>The applicant has requested adding Convenience Retail Store, Restaurant Standard and Community Centre uses as permitted accessory uses. The Binbrook Village Secondary Plan Area Specific Policy – Area A permits ancillary uses that serve the needs of the residents. The accessory uses proposed will meet the needs of the residents by providing programs, convenient access to goods, food and social gathering.</p> <p>Therefore, staff support the modification.</p>

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Provision	Required	Modification	Analysis
Section 20.2 (a) Minimum Lot Frontage	30 metres	20.13 metres for Blocks 1 and 2 on Figure 2 of Section 50: Special Figures.	<p>The applicant intends on severing the lands and therefore, the lot frontage of 20.13 metres will apply to the new development. Staff are of the opinion that the 20.13 metre frontage is appropriate in order to accommodate landscaping and a driveway in the front yard.</p> <p>Therefore, Staff support the modification.</p>
Section 20.2 (c) Maximum Lot Area	1 hectare	3.04 hectares for Blocks 1 and 2	<p>The intent of the proposed maximum lot area is to recognize the existing lot size. The proponents have provided a design that can be supported on the larger lot size that is compatible with the surrounding area in scale.</p> <p>Therefore, Staff support the modification.</p>
Section 20.2 (g) Minimum Side and Rear Yards	9 metres (30 feet), except where the boundary of a Residential Multiple "RM4" Zone adjoins lands zoned Existing Residential "ER", or Residential "R1", "R2", "R3", "R4" or "RM1", a minimum yard of 15 metres (50 feet) shall be provided.	<p>Where the boundary of a Residential Multiple "RM4-322" Zone adjoins lands zoned Residential "R4", a minimum yard of 7 metres shall be provided.</p> <p>Where the boundaries of Blocks 1 and 2 on Figure 2 of Section 50: Special Figures adjoin, a minimum side yard of 3 metres shall be provided.</p>	<p>The intent of a minimum side yard is for appropriate buffer and access. This proposal provides appropriate access and amenity area on the west side of the building and is set back from single detached dwellings to the west.</p>

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Provision	Required	Modification	Analysis
Section 20.2 (g) Minimum Side and Rear Yards Continued		Where the boundary of a Residential Multiple “RM4-322” Zone adjoins any other zones, a minimum yard of 9 metres shall be provided.	<p>The side yard on the east side abutting a Residential “R4” Zone is proposed to be 7 metres and is a pinchpoint. Staff note that the concept plan, shown in Appendix “D” to Report PED23231, shows the north ends of the building angled away from the single detached dwellings and result in a setback that ranges from 7.49 metres to nearly 18 metres in width. Additional buffering measures such as landscaping will be reviewed at the Site Plan Control stage.</p> <p>Therefore, Staff support the modification.</p>
Section 20.2 (h) Minimum Floor Area per Dwelling Unit	One Bedroom Unit: 60 - square metres Two Bedroom Unit: 75 - square metres	Minimum Floor Area per Dwelling Unit for Block 2 on Figure 2 of Section 50: Special Figures: One Bedroom Unit: 45 - square metres Two Bedroom Unit: 65 - square metres	<p>The intent of providing a minimum floor area for dwelling units is to ensure there is an appropriate amount of livable space. The proposed building offers communal space and amenity area for residents in addition to individual dwelling units for residents.</p> <p>Therefore, Staff support the modification.</p>

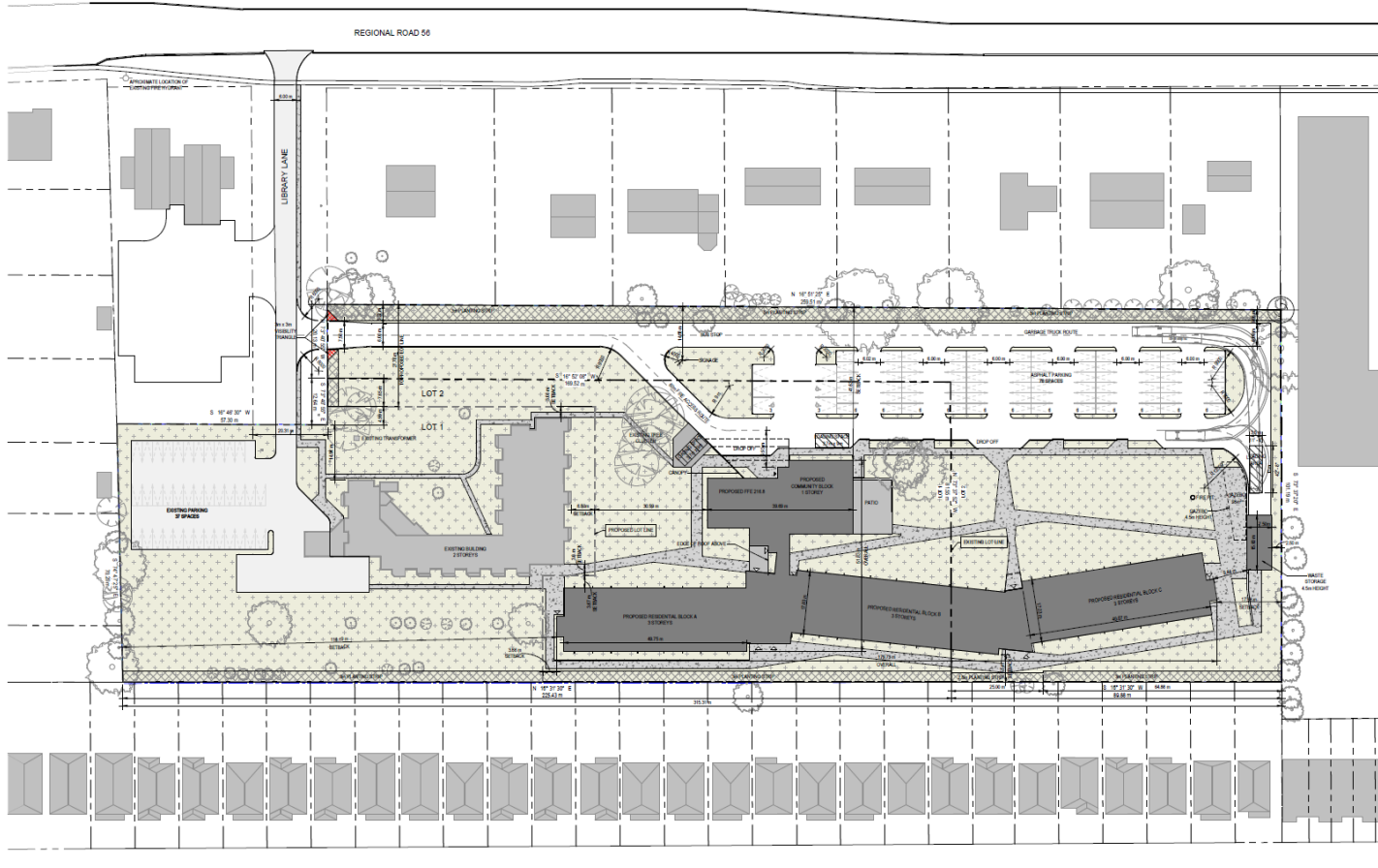
Appendix "C" to Report PED23231
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Provision	Required	Modification	Analysis
Section 20.2 (i) Maximum Height	10.7 metres	<p>Maximum Height for Block 1 on Figure 2 of Section 50: Special Figures, 10.7 metres.</p> <p>Maximum Height for Block 2 on Figure 2 of Section 50: Special Figures, 16.5 metres.</p>	<p>The intent of a maximum height is to ensure a consistent height and built form in an area. The proposed increase in height for this development is not intended to provide for additional storeys but allow for a pitched solar roof which will screen mechanical rooftop equipment. The elevation drawings indicate that the roof of the third floor is 9 metres. The Glanbrook Zoning By-law calculates height for pitched roofs as the point midway between the eaves and ridge.</p> <p>The applicants have indicated a height of 16.5 metres, which is to the top of the ridge of the roof and is not the midway point.</p> <p>Therefore, Staff support the modification.</p>
Section 20.1 (l) Planting Strip/Fencing	Where the boundary of a Residential Multiple "RM4" Zone adjoins lands zoned Existing Residential "ER", or Residential "R1", "R2", "R3", "R4" or "RM1", a planting strip with a minimum width of 3 metres (10 feet) and/or a solid fence with a height of 1.8 metres (6 feet) adjoining such boundary shall be provided and thereafter maintained.	A planting strip of a minimum width of 2.5 metres is required along a 25 metre portion of the eastern property line beginning 64.88 metres south of the north property line and extending to 89.88 metres for Block 2.	The intent of the planting strip is to ensure adequate landscaping and buffering between land uses. The reduction of 3.0 metres to 2.5 metres is for a pinchpoint of a concrete pathway intended for residents and visitors.

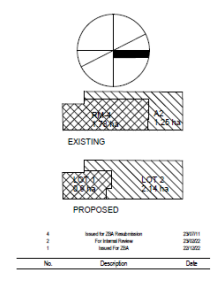
Appendix "C" to Report PED23231
Page 8 of 8

Provision	Required	Modification	Analysis
Section 20.1 (l) Planting Strip/Fencing Continued			The pinchpoint is minor and is limited to a 25 metre portion of the lot line measuring 315 metres. The remaining 290 metres will meet the 3 metres. Therefore, staff support the modification.

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GENERAL NOTES:
 1. The Architect bears no responsibility for the interpretations of these documents by the Contractor. Users shall evaluate the Architect's drawings and verify any program, calculation or supplementary information regarding the items of the Contract Documents. The Architect will review final drawings submitted by the Contractor for design conformity only.
 2. Changes are to be issued for construction. Contractor to verify all existing conditions and dimensions required to perform the work and report any discrepancies with the Contract Documents to the Architect before commencing work.
 3. Positions of proposed or proposed mechanical or electrical devices, fittings, and fixtures are indicated on the architectural drawings. The location shown on the architectural drawings governs over the mechanical and electrical drawings. Those items not clearly indicated will be installed as directed by the architect.



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 Non-Profit Housing Corporation
 3800 LIBRARY LANE, HAMILTON, ON

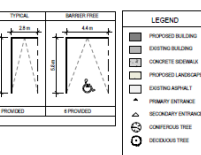
TANGLEWOOD DRIVE

SITE STATISTICS EXISTING BUILDING	
LOT AREA	110,000 sq. ft.
EXISTING BUILDING	110,000 sq. ft.
LOT COVERAGE	100%
EXISTING PARKING	19 SPACES
LANDSCAPED TRUCK SPACE	1 SPACE
ADULT PARKING	10 SPACES
LANDSCAPED AREA	0 sq. ft.
ADULT PARKING AREA	0 sq. ft.
ADULT PARKING TOTAL	10 SPACES

UNIT COUNT PER LEVEL	UNIT COUNT PER TYPE PER BLOCK	UNIT COUNT PER TYPE - TOTALS
Block A	120	120
Block B	120	120
Block C	120	120
TOTAL		360



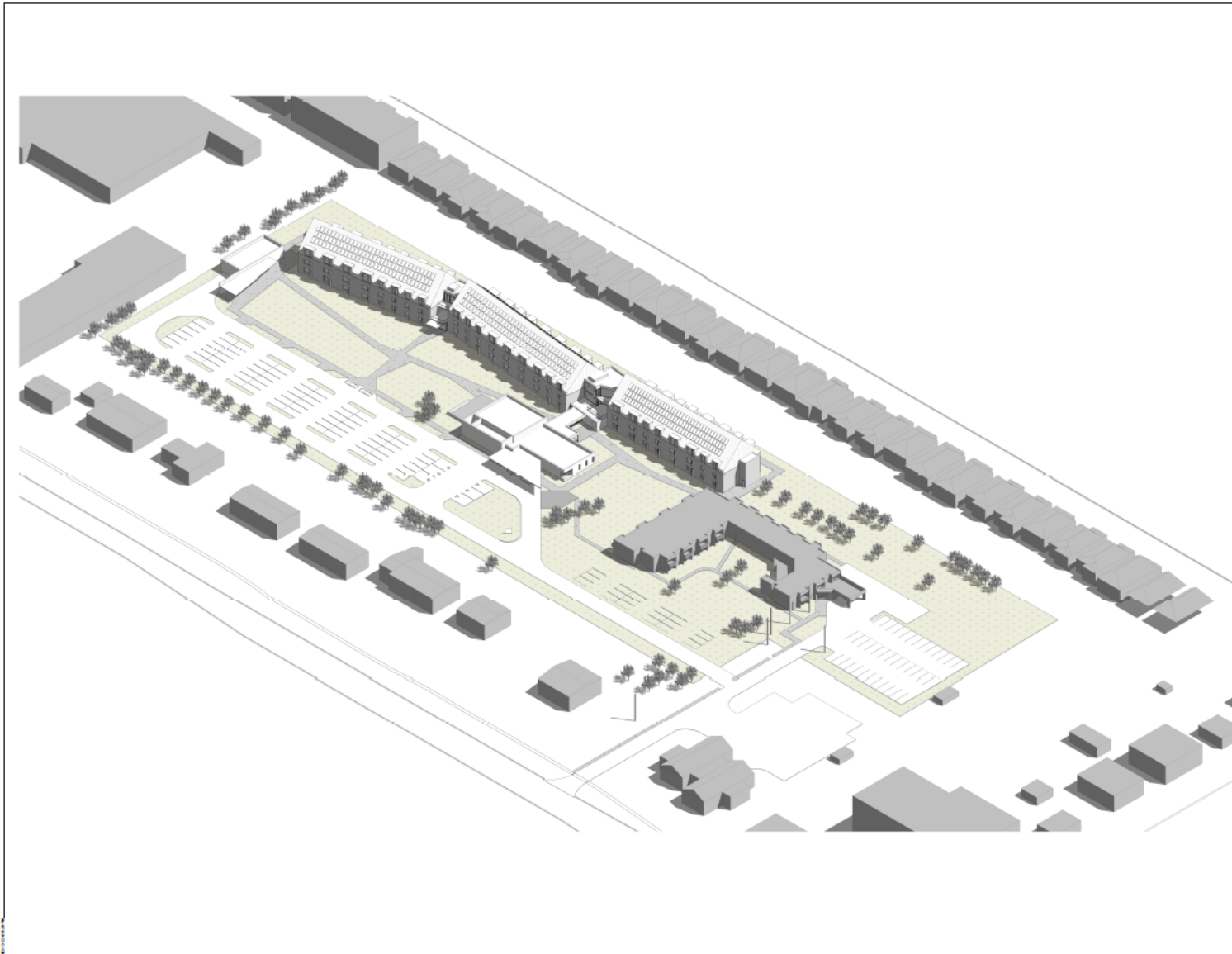
SITE STATISTIC - EXISTING & PROPOSED	
1. LOT AREA 1	2,500 sq. ft. 0.22 acres 100 meters
2. LOT AREA 2	27,400 sq. ft. 2.52 acres 114 meters
3. TOTAL LOT AREA	29,900 sq. ft. 2.74 acres 114 meters
4. BUILDING AREA	1,500 sq. ft.
5. EXISTING BUILDING AREA	1,500 sq. ft.
6. LOT COVERAGE	5%
7. NEW PARKING SPACES	1,000 sq. ft. 100 SPACES
8. TOTAL PARKING SPACES	1,019 sq. ft. 101.9 SPACES
9. TOTAL LANDSCAPED AREA FOR RESIDENTIAL DEVELOPMENT	742 sq. ft. 7.96% OF LOT
10. TOTAL LANDSCAPED AREA FOR RESIDENTIAL DEVELOPMENT	8,814 sq. ft. 29.5% OF LOT
11. BUILDING HEIGHT PROPOSED	3 STOREYS
12. BUILDING HEIGHT EXISTING	2 STOREYS
13. NUMBER OF RESIDENTIAL UNITS	360 UNITS
14. LANDSCAPED AREA	10,317 sq. ft.
15. OUTDOOR AMENITY AREA	100 sq. ft.



SITE PLAN

Project No.: 21035
 Scale: AS SHOWN
 Drawn By: TAD
 Created By: TAD

Appendix "D" to Report PED23231
Page 2 of 4



GENERAL NOTES

1. The Architect has no responsibility for the interpretation of these drawings by the Contractor, nor for any errors or omissions which may occur in the construction of the project. The Architect shall not be held responsible for any errors or omissions which may occur in the construction of the project.
2. Changes are to be made by the Contractor. The Architect will not be held responsible for any errors or omissions which may occur in the construction of the project.
3. Conditions of Precedent of Standard Architectural Contract, 1995, and 2003 are included in the Architect's drawing. The conditions of precedent are the minimum standard for the Architect and Contractor. These terms of precedent will be deemed as accepted by the Contractor.

No.	Description	Date

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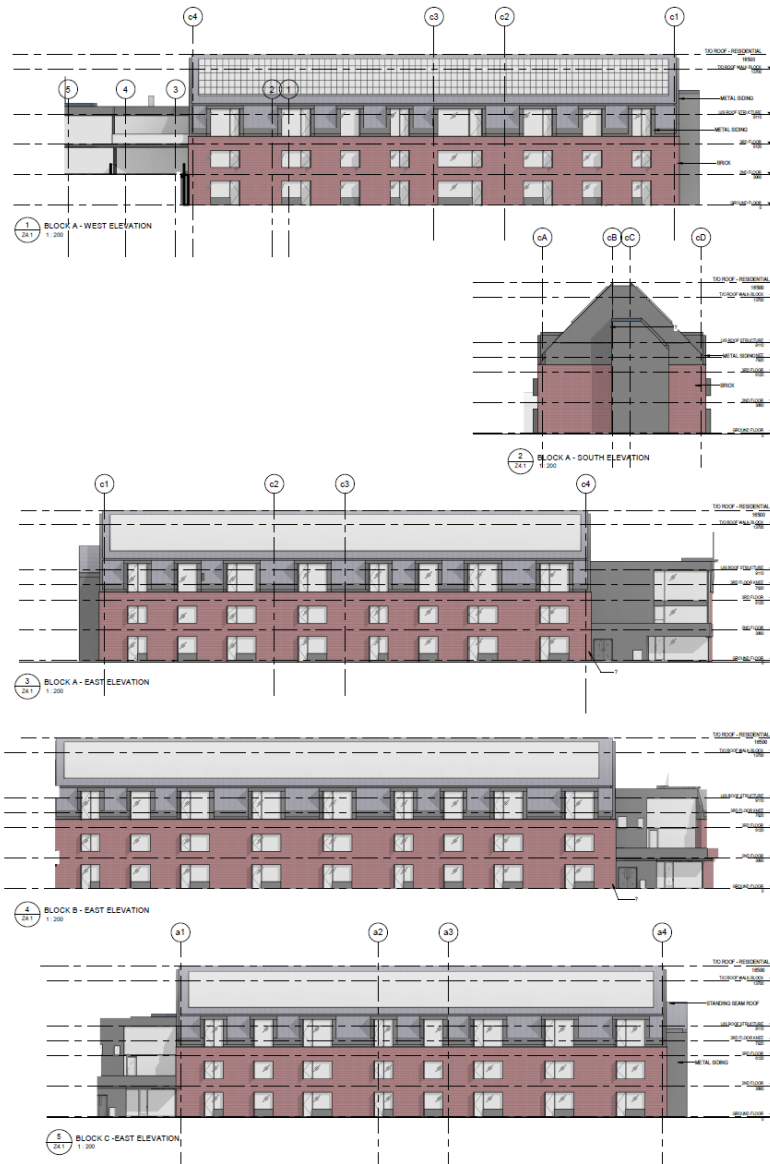
14 Bay Street, Suite 1000, Toronto, ON M5H 2R4
www.toms-mcnally.ca

Township of Glanbrook
Non-Profit Housing Corporation
2005, BROADWAY LANE, BRAMPTON, ON
AXONOMETRIC

Project No.	21025
Scale	
Drawn By	Author
Checked By	Checker

Z12.1

Appendix "D" to Report PED23231
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GENERAL NOTES:

- The Architect bears no responsibility for the interpretations of these documents by the Contractor. Users will be responsible for the correct use of these documents and any clarification or supplementary information regarding the intent of the Contract Documents. The Architect shall not be deemed to have assumed any liability for design or construction errors.
- Contractors are not to be deemed for construction. Contractor to verify all existing conditions and dimensions required to perform the work and report any discrepancies with the Contract Documents to the Architect before commencing work.
- Locations of proposed or finished mechanical or electrical devices, fittings, and fixtures are indicated on the architecture drawings. The locations shown on the architecture drawings govern over the mechanical and electrical drawings. These items not clearly located will be located as directed by the Architect.

No.	Description	Date
4	Issue for 23A Final Review	23/01/21
2	Issue for Review	23/01/21
1	Issue for 23A	23/01/21

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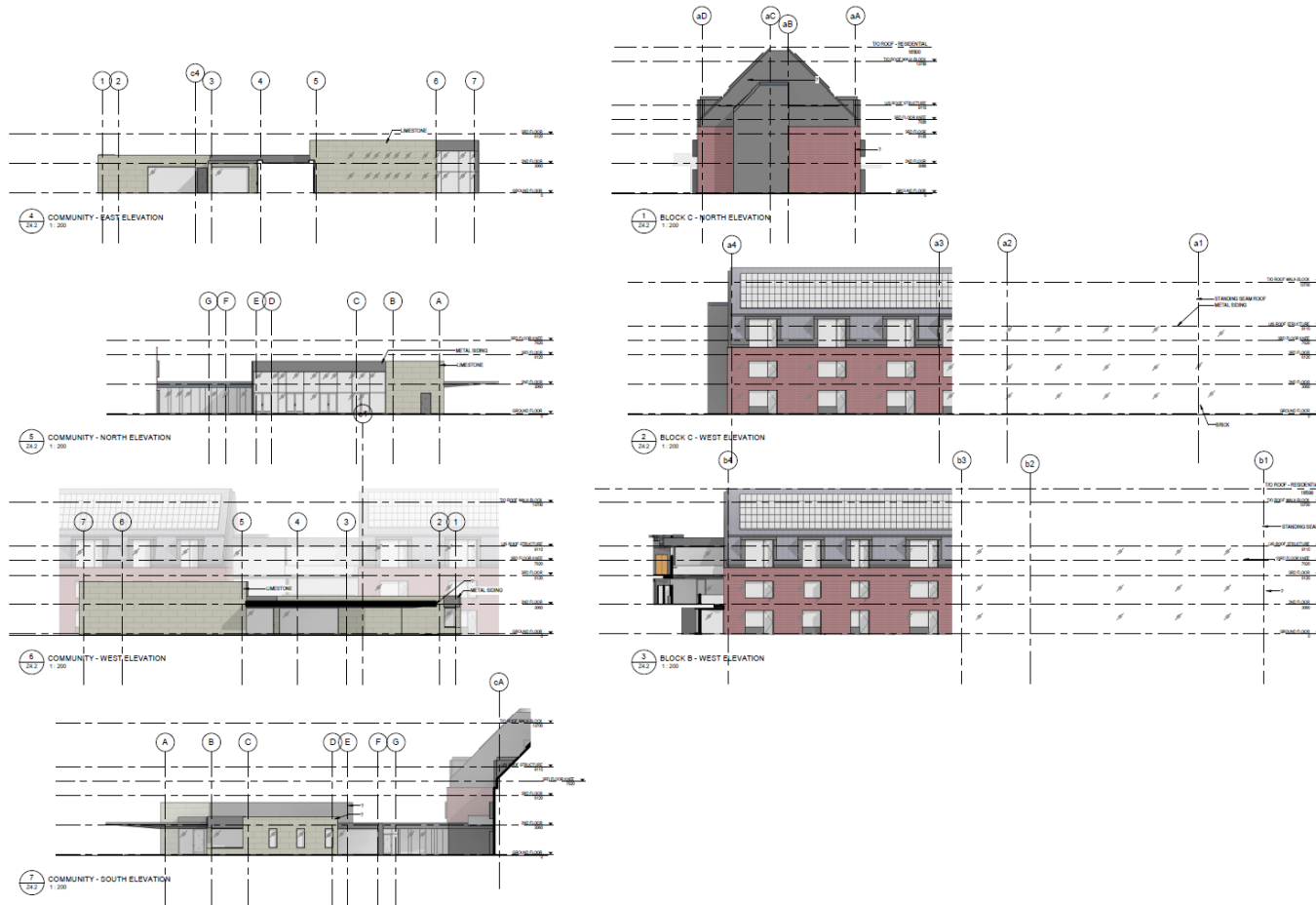
Township of Glanbrook
Non-Profit Housing
Corporation
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ELEVATIONS

Project No.: 21055
Scale: 1:200
Drawn By: T+M
Checked By: T+M

Z4.1

Appendix "D" to Report PED23231
Page 4 of 4



- GENERAL NOTES:
- The Architect bears no responsibility for the interpretations of these documents by the Contractor. Upon written application the Architect will provide written and graphic clarification or supplementary information regarding the intent of the Contract Documents. The Architect will review Shop Drawings submitted by the Contractor for BIDD compliance only.
 - Contractor shall be held liable for construction. Contractor to verify all existing conditions and dimensions required to perform the Work and report any discrepancies with the Contract Documents to the Architect before commencing work.
 - Positions of exposed or finished mechanical or electrical devices, fittings, and fixtures are indicated on the architectural drawings. The location shown on the architectural drawings governs over the mechanical and electrical drawings. Those items not clearly located will be located as directed by the Architect.

No.	Description	Date
4	Issued for 2024 Record Plans	2/28/24
3	For Review/Review	2/28/24
1	Issued for 2024	2/28/24

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 Corporation
 2600 LIBERTY LANE, HAMILTON, ON
ELEVATIONS

Project No.: 21055
 Scale: 1:200
 Drawn By: T-MJ
 Checked By: T-MJ

Z4.2

SUMMARY OF POLICY REVIEW

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

Theme and Policy	Summary of Policy or Issue	Staff Response
Urban Hamilton Official Plan		
<p>Trees</p> <p>Policy C.2.11.1:</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 34 of the 111 trees on site are proposed to be removed or transplanted (12 of the 34 are considered transplant candidates).</p> <p>Of the 34 trees, two are hazard trees, one is invasive, one supports an invasive pest, and 30 conflict with the parking lot, walkways or building and are recommended for removal. Compensation of 1 to 1 will be required for trees to be removed. The Landscape Plan notes that 146 new trees will be planted on site.</p>
<p>Transportation</p> <p>Policy C.4.5.12:</p>	<p>A transportation impact study shall be required for a major rezoning application.</p>	<p>A Transportation Impact Study with a Parking Analysis, prepared by IBI Group dated December 23, 2022, was submitted and reviewed by Transportation Planning Staff.</p> <p>Upon review, Transportation Planning approve the Transportation Impact Study as the existing road network can accommodate the traffic generated by the proposed development with minor infrastructure improvements and accept the proposed parking supply.</p>

Theme and Policy	Summary of Policy or Issue	Staff Response
Urban Hamilton Official Plan		
Policy C.4.5.2	The road network shall be planned and implemented according to the functional classifications and right-of-way-widths for a Major Arterial roadway.	Based on the approximate existing 20.0 metre right-of-way along Library Lane no further land dedication is required along the frontage of 2641 Regional Road 56. Local roads (Library Lane) are to be a maximum of 20.0 metres.
Infrastructure Policy C.5.3.6:	All redevelopment within the urban area shall be connected to the City's water and wastewater system.	The proposed development has municipal water and wastewater infrastructure available. Development Engineering has reviewed the initial Functional Servicing Report, Geotechnical Investigation Report, Grading and Erosion/Siltation Control Plan, Servicing Plan, Hydrogeological Site Assessment and have no objection to the rezoning application going forward.
Theme and Policy	Summary of Policy or Issue	Staff Response
Binbrook Village Secondary Plan		
Policy Goals Policy 5.1.4.3	<ul style="list-style-type: none"> • Residential development in Binbrook Village shall have a compact urban form to enhance the livability of the community, provide for cost efficiencies, and support environmental sustainability. • Each neighbourhood shall contain the following elements: <ul style="list-style-type: none"> • compact and well defined urban form; • a variety and balance of dwelling types; • accessible elementary schools and parks; • community design that encourages walking and socializing; and, • a clearly defined public realm (streets, open spaces, etc.). • A range and mix of housing types shall be permitted, including single detached, semi-detached, duplexes, townhouses, quattroplexes, and apartment (multiple) dwellings, as well as housing with supports. • Innovative and varied housing types and designs shall be encouraged. 	The proposed development is based on a compact urban form which adds to a variety of dwelling types. The proposed use is a three storey, adult lifestyle multiple dwelling with appropriate setbacks from surrounding residential uses to the east and west. The height at three storeys is also consistent with the surrounding low density residential built form. The design of the proposal encourages walking and active transportation through pedestrian pathways throughout the site and is located within walking distance to a mix of commercial and institutional uses.

Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Policy Goals (Continued)</p> <p>Policy 5.1.4.3</p>	<ul style="list-style-type: none"> The location and design of new residential areas shall be sensitive to the density and form of existing residential uses. To encourage compatibility, new residential areas shall also be sensitive to the location and nature of existing and future non-residential uses. 	<p>The proposal provides 105 dwelling units, of which 52 will be affordable units and is geared towards seniors who may require supports, but also offers the option for independent living for seniors. The proposal is sensitive to the adjacent residential uses by providing an appropriate buffer of 7 metres (at minimum) from neighbouring residential uses to the east. Through the Site Plan Control process detailed review of a landscape plan will occur to ensure the City is satisfied with screening and transitional elements to enhance the privacy of adjacent properties.</p>
<p>Low Density Residential 2d</p> <p>Policy B.5.1.4.5</p>	<ul style="list-style-type: none"> The permitted uses shall be single and semi detached dwellings and street, block and stacked townhouses. Innovative forms of attached housing may also be permitted. The density range shall be from 26 to 40 units per net hectare. 	<p>The proposed adult lifestyle multiple dwelling complies with the built form and is considered an innovative form of attached housing.</p> <p>The density of the proposed three storey adult lifestyle multiple dwelling is 49 units per hectare, and the density provided for the existing two storey adult lifestyle multiple dwelling is 32 units per hectare. The total density across the lands if approved would be 43 units per hectare. Although these densities exceed the maximum density of the Low Density Residential 2d designation, staff note that the density calculation typically applies to private residential development in the form of singles, semis and townhouse dwellings and the required density does not apply to private and permanent adult lifestyle developments or housing with supports.</p>

Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Area Specific Policy – Area A</p> <p>Policy B.5.1.13</p>	<p>The lands are intended for private and permanent adult lifestyle developments or Low Density Residential 2d development on the following basis:</p> <p>development and redevelopment shall comply with Policies B.5.1.10.1;</p> <ul style="list-style-type: none"> • Proximity of these residential areas to the Mixed Use - Medium Density designation is desirable. (OPA 128) • The predominant use of lands shall be for residential dwellings. All Low Density 2d dwelling types shall be permitted. Ancillary uses may be permitted as part of an adult lifestyle development provided they serve the needs of the residents and are compatible with the residential uses. These uses may include recreational uses, local commercial uses, storage facilities, long term care facilities, and other types of housing with supports. An accessory administrative and sales office shall also be permitted within an adult lifestyle development. • Clustering of residential units within adult lifestyle developments and other innovative site planning which satisfies the policies of this Plan and the implementing Zoning By-law, shall be encouraged to enhance the provision of open space areas. 	<p>The proposal is for a private and permanent adult lifestyle development which is permitted in “Area Specific Policy – Area A” and is an innovative form of attached housing being a three storey adult lifestyle multiple dwelling with 105 dwelling units with 52 affordable units intended for independent living and for assisted living for seniors.</p> <p>The proposal is in proximity to the “Mixed Use – Medium Density” designation which is located along Regional Road 56 immediately west of the subject lands.</p> <p>The proposal includes supporting uses such as a reading room, fitness room, laundry area, communal kitchen and community programming space to support the needs of the residents and are considered ancillary uses to the principal residential uses. The Zoning By-law Amendment also includes accessory permitted uses such as convenience store, restaurant, and community centre to allow for small shops, the sale of a variety of goods, the sale and consumption of food on site, and allow for gathering of events such as arts and crafts workshops or physical activity sessions to the public.</p>

Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Residential Design Guidelines</p> <p>Policy B.5.1.10.1</p>	<ul style="list-style-type: none"> • The overall composition of the neighbourhood and the attractiveness of its streets shall be considered in the design of residential buildings. • Direct access to individual dwelling units from major or minor arterial or collector roads should be limited by utilizing alternative development designs such as common driveways and rear laneways. • Buildings should have a strong, pedestrian-friendly street presence. • Flat rooflines shall not be permitted, except to enable energy efficient and environmental design in accordance with Section B.3.7 – Energy and Environmental Design. 	<p>In response to the Binbrook residential design guidelines, the proposed development is in a neighbourhood that is mixed use and the proposed three storey building and its setbacks are compatible with the nearby commercial, residential and institutional uses. The development will have access off Library Lane which is a local road and will have a common driveway and includes pedestrian pathways throughout the site. The development provides a surface parking area that will be mitigated visually by screening using landscaping, fencing and existing vegetation.</p> <p>The existing multiple dwelling which abuts Library Lane will be retained and maintain the existing street presence along Library Lane. The proposed development includes a pitched roof and energy-efficient design principles and materials, along with innovative technologies that will be used in its construction such as solar panels and energy efficient HVAC units.</p>

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CONSULTATION – DEPARTMENTS AND AGENCIES

	Comment	Staff Response
Development Engineering Section, Growth Management Division, Planning and Economic Development Department	<p>Water Servicing: The maximum day domestic water usage for the development, based on the approximate fixture unit approach, has been calculated as 11.72 L/s. This calculation is acceptable. The provided information is satisfactory to support the Zoning Bylaw Amendment application. No concerns from a water servicing perspective at this time.</p> <p>Sanitary Servicing / Storm Servicing: Please note that in support of the future Site Plan Control Application, the Proponent is required to submit a servicing plan.</p> <p>Stormwater Management: Infrastructure Planning staff is satisfied with the Stormwater Management design and have no objection from Zoning By-law Amendment approval perspective.</p> <p>Source Water Protection: Source Water Protection Planning has reviewed the applicant’s Geotechnical Investigation (McIntosh Perry Consulting Engineers Ltd., December 5, 2022) and Hydrogeological Site Assessment (McIntosh Perry Consulting Engineers Ltd., November 28, 2022). The applicant shall demonstrate that no long-term dewatering (due to groundwater) will be conveyed to the municipal sewer infrastructure.</p>	Matters related to site servicing, grading, stormwater management, and source water protection will be further reviewed at the future Site Plan Control application.

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	Comment	Staff Response
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<p>A Transportation Impact Study prepared by IBI Group dated December 23, 2022 was review by Transportation Planning and was determined that the existing road network can accommodate the traffic generated by the proposed development with minor infrastructure improvements.</p> <p>The Parking Analysis for the proposed development was completed using the parking rates under the Glanbrook Zoning By-Law No. 464. Transportation Planning accepts the proposed parking supply.</p> <p>The applicant should provide long-term and short-term bicycle parking within the property limits as per the City of Hamilton Zoning By-Law No. 05-200 for the proposed land use type.</p> <p>The applicant will be responsible for any road improvements that are identified in association with their development (i.e. road widening, new signs and/or markings, sidewalk improvements, etc.) all at their cost.</p> <p>Based on the approximate existing 20.0 metre right-of-way along Library Lane no further land dedication is required along the frontage of 2641 Regional Road 56.</p>	Any infrastructure improvements and bicycle parking spaces will be addressed at the future Site Plan Control application.
Waste Policy and Planning Section, Waste Management Division, Public Works Department	<p>The proposal was reviewed for municipal waste collection service and as currently designed the development is serviceable.</p> <p>The building is eligible for municipal waste collection and will be required to follow the requirements under the City of Hamilton Solid Waste Management By-law No. 20-221.</p>	Details for municipal waste collection will be addressed at the future Site Plan Control application.

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	Comment	Staff Response
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	Forestry conditionally approves the tree inventory and preservation management plan revision, dated December 23, 2022. Forestry has reviewed landscape plans dated October 2022 and has determined that due to the site conditions and available space, no new trees are required on the municipal road allowance.	Noted.
Transit Planning and Infrastructure, Transit Division, Public Works Department	The Binbrook area is not contained within the Urban Transit Area as outlined in the Transportation Impact Study, and no conventional public transit service is available in the Binbrook area.	Noted.
Alectra Utilities	Relocation, modification, or removal of any existing hydro facilities shall be at the owner’s expense. Developers shall be responsible for the cost of civil work associated with duct, structures, transformer foundations, and all related distribution equipment. Developers to acquire an easement, if required.	Noted.
Enbridge	The existing building currently has a gas service. If the proposed building will have additional gas loads applied the customer would need to submit a load increase request so that Enbridge can determine if the existing gas service and meter are sufficient. If the meter in its existing location will be an issue with the new proposed addition, a service relocate may also be required.	Noted.

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Summary of Public Comments Received

Comment Received	Staff Response
Concerns regarding a decrease in property value.	Staff are not aware of any empirical evidence to suggest property values will decrease.
Concerns regarding shadowing.	The proposal complies with the policies of the Urban Hamilton Official Plan regarding built form and scale and is adequately setback from the existing neighbouring single detached dwelling units. The proposed setbacks coupled with the height along the eastern property line will not create shadowing concerns.
Concern regarding light pollution.	Through a future Site Plan Control application, the proponents will be required to submit a lighting plan that will ensure there is no spill over to neighbouring properties.
Concerns regarding a loss of privacy.	The proposal complies with the policies of the Urban Hamilton Official Plan regarding built form and scale and is adequately setback from the existing and proposed neighbouring single detached dwelling units. Through a future Site Plan Control application, requests for columnar trees and landscaping will be requested to mitigate these concerns.
Concern regarding wildlife.	The proposal is not home to any known significant wildlife habitat. Construction on the site, in particular site grading and preparation is planned to occur outside of the nesting season to minimally impact migratory birds.
Concern regarding increased background noise with HVAC unit systems and coolers.	The predicted noise levels will be evaluated through the Site Plan control application. The applicant in response has noted that HVAC units are being avoided and rather ERV units which manage ventilation will be used and contained within attic space.

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Comment Received	Staff Response
Concern regarding construction such as flooding and mud.	The applicant will be preparing a construction management plan which will plan for soils management and erosion control. Through the Site Plan Control application, a grading plan and stormwater management plan will be required as part of the approvals process.
The development will create spill over parking in the area.	Parking is proposed at 0.84 parking spaces per dwelling unit. In support of the reduced parking rate, the applicants provided a parking study as part of the Transportation Impact Study, prepared by IBI Group, dated December 23, 2022. The parking study reviewed municipal standards and conducted a parking survey of the existing multiple dwellings to better understand demand. The maximum parking demand at the existing site equated to 0.81 spaces per dwelling unit unoccupied during peak periods of utilization. Providing parking rates in accordance with the Glanbrook Zoning By-law No. 464 standard rate would result in an oversupply of parking. With regards to the amendment for the accessible parking, the applicant is proposing parking that is aligned with Zoning By-law No. 05-200 which is the most current standard in compliance with AODA requirements.

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Morton, Devon

From: [REDACTED]
Sent: Wednesday, February 1, 2023 12:37 PM
To: Toman, Charlie; Morton, Devon
Cc: Tadeson, Mark
Subject: ZAC-23-022 Zoning Bylaw Amendment Disagreement.

Hi Devon,

I received the notice of complete application for ZAC-23-022 zoning application for 2800 Library lane and 2641 Regional Road 56. I am opposed to the plan of erecting a 3 story high seniors rental apartment build. I live at [REDACTED] [REDACTED] which my property backs onto the above property considered for rezoning. My reasons for opposing this project are as follows.

- **Property value:** Currently my property backs onto a peaceful field that is abundant with wildlife and wonderful views of the sunset and after this project is complete it will back onto a 3 story brick wall that will cast large shadows into my backyard which is currently sunny at the peak time in the day when myself and family and neighbours would like to enjoy the sun. Some neighbours have pools and this will ruin their experience and investment due to the shadows that will be cast into our yards. This in turn will detract from the value of my house of which I purchased at a premium price to have the views during the day and the starry skies at night. Which brings me to the next point.
- **Light pollution:** A building of that magnitude requires having sufficient lighting for safety reasons and to meet building code requirements. The outdoor lighting to mark entrances, illuminate parking areas and walkways and not to mention the light coming from windows in the building at night will cause a severe disturbance to myself, my family and my neighbours. Currently we have the proper amount of darkness at night and with this project it will be like having a spotlight shining into our windows 3 stories high and will disturb our rest.
- **Privacy:** Our privacy will be affected greatly as we will have 2 full storeys of building above the fence line staring into our backyard at all times of the day by people who are in their dwelling for most of the day and have nothing to do but stare out of the window. This will affect the enjoyment of our backyard.
- **Wildlife:** There is an abundance of wildlife on the property considered for rezoning. Hundreds of birds of all varying kinds (which lay their eggs there) and rabbits. We enjoy watching the wildlife and having the birds and animals visit our yard. This project would eradicate the wildlife, possibly scattering or destroying it.
- **Increased background noise:** The installation of a building of that magnitude would require large HVAC systems, coolers, generators for backup power and not to mention vehicle noise coming from the yard which would be a disturbance to the quiet neighbourhood we currently enjoy.
- **Inconvenience/ disturbance of construction:** My property and neighbours properties are graded lower than the property that is being rezoned. We have concerns about flooding and mud flowing into our backyards during the construction process. The houses on our street that back onto the Freshco plaza had the same issue when that plaza was constructed and their backyards were ruined. Who will be paying for damages when my and my neighbours yards will be filled with water and mud and not to mention a large amount of dust in dry conditions as the excavation and leveling of the property begins?

Please notify me when the public meeting is and also the decision that is made on the rezoning.

Questions:

1. Why does this building have to be 3 storeys tall? Can it not be a 1 level or maximum 2 level building?

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2. When the value of my property decreases as a result of this monstrosity being built will the city of hamilton reduce my property taxes to suit the new value? and to compensate for the hardship and nuisances that myself and my family will have to put up with?
3. Who will be compensating me in the event that flooding or mud pours into my backyard as a result of construction works?
4. If the property has to be developed can it be residential housing instead of a retirement home? it would be less invasive.
5. Can this project be built in a more suitable part of town?

Please remove my personal information when posting these comments on the website.

Thank you and have a good day,



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From: [REDACTED]
Sent: Saturday, February 11, 2023 11:23 AM
To: Morton, Devon
Cc: Tadeson, Mark
Subject: Change of zoning and plans for Glanbrook non profit housing

Hi Devon. Firstly, I'd like to request my personal information not be posted with the publications regarding this project. I am a homeowner [REDACTED] whose property will be negatively affected by this construction as the plan shows now. It is my understanding that the placement of the new buildings as shown and as inadequately "studied" will have our backyards in summer under shade by evening time. I work very hard all day to then come home in my summer time to have a blocked and shaded yard for my evenings would be very upsetting. I thought this was discussed at the first and only meeting so far that I know of.. we were told that this would be taken into account... Is there NO room for reconfiguring this layout or "flipping" so we have the parking and green space behind our homes and therefore get our evening sunshine back? And what of all those windows looking directly down into our yard? Another reason to have the buildings moved to the Hwy 56 side of the property. Property values will decrease for us now and we paid a premium for "no one behind us" at the time... swindled on that front too I suppose. What about the red wing blackbird habitat in the reeds? Hundreds of these birds nest and sleep behind us at night. How will traffic for all these new people be mitigated? When is the next meeting for the public going to be? I fear

This will all get pushed through and make for an very unhappy neighborhood. I'm Very unhappy with how it's been set up so far. I look forward to your response.

[REDACTED]

Sent from my iPhone

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Morton, Devon

From: [REDACTED]
Sent: Tuesday, February 14, 2023 10:06 PM
To: Morton, Devon
Subject: Re: Zoning By-Law Amendment Application ZAC-23-002

In addition please do not make our personnel information part of public record.

Regards

[REDACTED]

On Tuesday, February 14, 2023 at 09:56:00 p.m. EST, [REDACTED] wrote:

Mr. Morton;

We are residents of Binbrook living at [REDACTED]. We are writing to strongly object to the application ZAC-23-002 put forward to the City of Hamilton for the rezoning of the properties identified by the City in the letter dated January 27, 2023. As a note we did not receive any notification addressed to us from from the City. Thankfully our neighbors informed us and gave us a copy of your letter. Specifically we object to the proposed rezoning of Restricted Agricultural "A2" Zone to Residential Multiple "RM4-XXX" Zone. Your letter details the zoning change is required for the proposed construction of a 3-storey building immediately adjacent to our property. Restricted Agricultural "A2" zoning does not permit multi story residential development. The list of objections we have are long and diverse but we will summarize the main ones below.

First and foremost the Intrinsic damage to our property value from the proposed rezoning is our greatest concern. We specifically purchased our home at this this lot location with a significant premium and the knowledge that we would live with our property adjoined to a restricted agriculturally zoned property. The premium paid and the intrinsic value of this zoning was a key factor in our purchase decision 16 years ago. To have that potentially taken away by a proposed zoning change is completely unacceptable, unfair, and punitive to us and our family. In addition to the pure financial impact to our property value, we will loose all the enjoyment of our property outdoor space, which will be equally damaging to us. The shading of our property and intrusion of privacy into our yard will be untenable. We purchased the house and immediately installed an in-ground pool and associated finishes (Gardens, Concrete patios, sheds, Gazebo's sitting space) at significant cost to enjoy the outdoor space with our family and friends. This pool installation was done by design with a continuous Southwest exposure to the sun mid morning through the evening. This will all be taken away with any proposed development of this nature shading us all afternoon.

Further, we have already experienced significant damage to our yard with the Fresh-co Plaza development. Vermin pests, and other animals, are persistent at the trash collection located at the southeast corner of the parking lot. The animals migrate to our backyard. This area is rarely maintained in good order by the plaza tenants. To have a second repository so close to the first, and proposed to be immediately behind our lot, will no doubt amplify the already persistent issue of waste mismanagement in addition to heavy truck traffic and noise. The additional light pollution any proposed development will have on our outdoor space and the rear of our home will be amplified again - the fresh-co plaza is already disrupting further artificial light would be purely disruptive to sleeping at night. During the construction of the adjacent plaza, through inadequate construction methods and planning, our yard was wrecked by the site development activity. Temporary drainage was not controlled which result in overland flow and flooding to several backyards with mud and construction debris during a rain event. This caused thousands of dollars of damage which was virtually unrecoverable from the site service contractor. We just installed new liners and pool equipment again this summer after 15 years and are not willing to endure 2 years of construction activity that will result in the same damage again, given the site grading and drainage. Post construction it would be incredibly difficult to convince me that this proposed development would not ruin the natural detention of rain water from the existing field., This will result in significantly larger volumes of water flowing overland causing almost certain continuous saturation in the rear of our lots from simple routine rain events. Some firm would have to develop some rigorous grading and drainage modeling to convince me otherwise.

It is unconscionable to us as to why the proposed structure, over 30 ft tall, will be located nearly 10 feet from the existing property lines of us and our neighbors. Would it not make equitable sense in the event the zoning change receives the

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light of day that a development would be lower in height and located in the middle of the existing plot instead of on the eastern limit where there is no buffer to adjacent properties. 78 parking spots - 105 units and no accessibility to public transportation in Binbrook dictates that you are adding in the order of 100-200 cars on any given Sunday visitation as a result of this proposed development. Where is the overflow going to park? This will be in a congested area with no traffic control for pedestrians or cars on Highway 56. This is most definitely putting the cart before the horse - improve the access to public transit in Binbrook and have a traffic plan before proposing a multi story - multi unit development that adds this number of vehicles. All of this is presented without consideration for the disruption to the natural habitat and nesting that occurs in the low lying bull rush area to the south of us. Several bird species use this space as observed throughout the warmer months and all that would be lost.

In summary we oppose the proposed zoning change and are willing to take all necessary actions available to us to prevent the acceptance of the zoning by-law amendment application to the City.

Please advise of the meeting time and location for us to attend. Since we are not receiving written communications in the mail form from the City. Can you ensure we are on any mailing list both electronically and by physical mail. Please acknowledge receipt of this email for the purpose of preserving our rights to appeal a zoning decision, if any, made on this application to the City.

Regards;

[REDACTED]

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Morton, Devon

From: [REDACTED]
Sent: Wednesday, February 15, 2023 10:39 AM
To: Morton, Devon; Toman, Charlie; Tadeson, Mark
Subject: Application File No. ZAC-023-022

With regards to this letter, we do not want our personal information shared on the City of Hamilton Website.

We are writing to express our concerns with the Application File No. ZAC-023-022 for Zoning By-law Amendment by the Township of Glanbrook Non - Profit Housing Corporation and the City of Hamilton for Lands Located at 2800 Library Lane in Binbrook, ON

Our land Zoning behind our home at [REDACTED] that we purchases in June of 2007 is Zoned Restricted Agricultural, and was also a factor in our decision to purchase our property. We paid a lot premium of \$10,000 to be backing onto this area and have the extra space to put a pool, as did the rest of the lots on Tanglewood backing onto this property. Changing the zoning is going to result in property value loss! There is value in looking onto a field with thousands of birds that fly into this area. And the privacy of not having any windows facing into your property, viewing you in your home, or enjoying your pool and back yard space.

Other factors to consider with the development plans are:

Noise pollution from roof top HVAC systems, Garbage trucks, vehicles and people.

Light pollution from lighting for the area and parking lot.

Dirt and dust from construction coming over the fence and into our yard and pools.

Where is the water drainage from the underground spring in the Marsh area going to go?

Will the grading be higher than our current lots? How will the drainage and run off be managed?

Will there be a higher 8' fence be provided for privacy and security?

Will there be a traffic study done for the corner of Library Lane and Hwy 56 and will there be a traffic light installed there?

And would a traffic light impact the fire department access across the road?

Will the Garbage containment building be a closed unit to keep rats away?

Will public transit be provided for the residents of the building? and how much will our taxes increase as a result of this?

The 78 parking spaces for 105 apartments and staff and visitors does not add up. This will result in using other lots to park in, and there will be a lack of spaces at surrounding businesses.

Can we not find a better solution for this plot of land? Considering it is in the Green Belt and Community. Maybe a community garden with greenhouses and park area? It would keep our town more beautiful and a desired area to live in.

We would like to be notified of any future meetings regarding this matter.

Sincerely,

[REDACTED]

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Morton, Devon

From: [REDACTED]
Sent: Sunday, February 26, 2023 2:13 PM
To: Morton, Devon
Subject: Re: Zoning By-law Amendment Application at 2800 Library Lane and Portion of lands located at 2641 Regional Road

This is in regards to Application ZAC-23-002

On Sunday, February 26, 2023 at 12:09:35 p.m. EST, [REDACTED] wrote:

Hello Devon

I would like to voice my concerns about the zoning by-law amendment application at 2800 Library Lane and portion of lands located at 2641 Regional Road 56. As a resident at [REDACTED], I had bought with the understanding that the land behind me was zoned agricultural. It is unfair that now it is being changed and taking away privacy from my property, particularly with roof-top terraces where people can stare down into our backyards and into our homes. Is there a way to eliminate this roof-top terrace? Also, three stories will deeply shade my backyard and not provide light for the gardens that I take great pride in. Finally, it is a natural sanctuary for many animals and particularly birds...it will be a shame to lose this greenspace for nature. Please take these concerns seriously as if this was happening in your own backyard.

Thanks you for your time and consideration

[REDACTED]



July 20, 2023

To: City of Hamilton – Development Planning

Attention: James Van Rooi
Senior Planner (Rural Team)
Telephone: (905) 546-2424, ext. 4283
Email: James.VanRooi@hamilton.ca

MEMORANDUM

Re: Community Feedback for Proposed Development at 2800 Library Lane

Dear Mr. Van Rooi,

As part of the first-round comments received by the Applicant from City Staff as part of the Zoning By-Law Amendment application for 2800 Library Lane, Binbrook, five (5) letters from community members and neighbours were included for Applicant review and response. The five letters expressed concern regarding the proposed intensification of the Site and were submitted by immediate neighbours of the site. Collectively, the letters touched on eleven (11) themes or concerns:

Property Value

Several of the letters from the community expressed concern regarding the potential impact of proposed development on the market values of neighbouring properties. Specifically, they expressed concern that the proposed development of seniors apartments next door may reduce their property values. While this is a common concern raised by existing property owners adjacent to proposed development, numerous studies have demonstrated that infill development and intensification actually increases the land values of neighbouring properties. Additionally, it is generally accepted and supported by the Tribunal that this is not considered to be a planning argument against development. Furthermore, an increase in the value of neighbouring properties should not have a material impact on area property taxes as any additional infrastructure which may be required to support the development will be paid by the Applicant rather than an area-specific property tax levy.

Proposed Land Use

The proposed land use for the Site was another area of concern for residents.

First, it bears clarification that the proposed development will be a seniors affordable rental apartment building – which is classified as a residential use. The apartments are planned as an independent living community for seniors, which can be contrasted against a ‘retirement home’



type use where residents require additional support from staff and community organizations on-site 24/7.

Second, the location of the proposed development is appropriate and desirable. From a policy perspective, while the existing zoning for the site is A2 Restrictive Agricultural, this is out-of-date and a legacy of the old Binbrook Zoning By-Law No.464. The City of Hamilton is going through the process of updating zoning throughout the City with a new comprehensive Zoning By-Law. New zoning classification has not yet been applied to Binbrook and so the existing does not reflect more recent policies in the Urban Hamilton Official Plan and Binbrook Village Secondary Plan. Those documents clearly designate the site as 'Mixed Use – Medium Density' and 'Low Density Residential', respectively. This policy designation clearly indicates an intention for infill development on the site and reflects existing conditions. The Site is not feasible for agricultural uses given the size of the property and the fact that it is completely surrounded by residential and commercial uses. Furthermore, the location of the Site in close proximity to 2 arterial roadways (Regional Road 56 and Binbrook Road), commercial services and amenities and community services make it ideal for development and a more intense level of residential use.

Finally, the fact that the lands were vacant or underutilized when neighbouring property owners moved into the area is not, and cannot be a guarantee that lands maintain that use or intensity of use in perpetuity. The Tribunal has also confirmed that this is not a valid planning argument against development.

Building Height and Density

Questions were raised regarding the rationale for the height and density of the proposed development. There is an urgent need for both more seniors and affordable housing within Binbrook and the wider City of Hamilton. This is part of an ongoing and escalating cost-of-living and housing crisis within the region and province. Seniors are among the most vulnerable residents to rising housing costs because of their limited and fixed incomes. In this way, both the Applicant and City of Hamilton have a moral obligation to provide as much housing for seniors as possible while taking into consideration Site constraints (physical and community infrastructure, healthy and safety, etc.).

As previously mentioned in this memo, the Site has been designated for infill development through the Urban Hamilton Official Plan and Binbrook Village Secondary Plan. The proposed height and density for the site (3 storeys, 105 additional residential units) are consistent with Official Plan policies and zoning for the existing seniors affordable rental apartments currently located on the southern portion of the Site at 2800 Library Lane. Furthermore, City staff have confirmed that the necessary infrastructure to support this density (water, wastewater capacity) is available.

From a design perspective, by building the development up to 3 storeys in height allows for greater greenspace and soft landscaping on the site, thereby maintaining greater habitat for birds and mammals, as well as greater stormwater infiltration which would reduce the load on municipal stormwater infrastructure in the area. The architects were very conscious of placing the third floor within the roof of the building, significantly reducing the height of the peaked roof,



while also improving the aesthetics for neighbouring residents when compared to a somewhat shorter flat roof.

Traffic and parking

A Traffic and Parking Study was undertaken by reputable third-party consultants from Arcadis IBI. This study confirmed several important points:

- Given traffic patterns from the proposed resident demographic there would not be a significant or adverse impact on traffic on Library Lane or Regional Road 56
- A traffic light was not recommended or required to accommodate traffic from the proposed development
- The proposed parking supply was adequate to support the needs of future residents. Rates of automobile ownership by seniors are lower than other adult demographics, especially for low- or moderate-income seniors who already have difficulty paying their household rent, let alone the upkeep and operating costs of private vehicles.

The Traffic and Parking Study also recommended several Transportation Demand Management measures to provide alternative means of travel for future residents, which the Applicant is looking at implementing after construction.

Waste Storage and Collection

The proposed waste storage location will be in a secure, fully-enclosed accessory building located at the north end of the site, in close proximity to the existing waste collection areas for the retail commercial plaza to the north. Collection will be from the west side of the building. Both of these measures will minimize odours and pests as nuisances on future residents of the proposed development, as well as neighbouring property owners. The Applicant has an interest in maintaining this area and ensuring it is well-maintained. Unlike the commercial plaza to the north of the site, the proposed uses for this development are residential and odour or pests would also be a nuisance for residents on the Site.

Site Lighting

While Site Lighting has not yet been finalized (it will be detailed further during the Site Plan Control application process in the near future), reducing light pollution is an important design consideration which is top-of-mind for the design team. The architects and consultants are looking into using full cut-off lighting for both the parking area and pedestrian pathways surrounding the proposed development. Full cut-off lighting is known to direct the light downwards only, eliminating skyglow and, perhaps more importantly from the perspective of neighbouring property owners, glare and light trespass which would unintentionally illuminate the backyards of properties to the east of the Site.

More broadly, the proposed location of the new building near the eastern edge of the site was intentionally selected to protect the residential properties to the east of the site from the brighter lights required to illuminate the surface parking area which sits on the west of the Site



Privacy and shadow

A consistent concern raised by neighbouring residents was privacy and shadowing of the backyards for residential properties located to the east of the Site. The minimum distance the proposed building will be located from the east property line is 7.5 metres or 25 feet, with an average setback closer to 10 metres or 33 feet. These setbacks are not uncommon for infill multi-residential development and are consistent with where the roof structure begins.

By placing the third storey within the roof of the proposed building, the design significantly reduces the height and shadow impacts on neighbouring properties, as shown by a Shadow Study included with the resubmission of this Zoning By-Law Application. While there is shadowing, it is only very minor and for a few hours a day at most, particularly in the summer time when neighbouring residents are most likely to be in their backyards.

Several other design elements were also privacy considerations intended to reduce impacts on neighbouring residents. First and foremost, the building does not have exterior balconies for individual residential units. Instead, it has several shared terraces located off common areas at circulation and connection points joining the three residential "blocks" which makes up the proposed building. This limits the number of 'eyes' overlooking the backyards to the east.

Screening at the property line by tree planting was proposed by City Urban Design Staff in first-round submission comments. This is counter to a desire expressed by many residents of the neighbouring properties to the east, who complained of shading and leaf clean-up impacts this would create for their properties. Should these property owners change their mind in the future, the Applicant would be open to tree planting along the property line. The Applicant is also committed to consulting with neighbours to determine appropriate fencing to protect privacy.

Stormwater Management

Several community members expressed concern over surficial flooding resulting from development on the Site. Apparently, this is an ongoing issue for some property owners to the east in heavy rainfall events. The Site Grading Plan submitted with this application shows that several sections along the eastern edge of the site currently drain eastwards, leading to surficial water flow into neighbouring backyards. The proposed regrading of the site would alter site grading such that all stormwater would be contained within the site and ultimately directed west, towards Library Lane and Regional Road 56 not only preventing increased flows into neighbouring properties, but in fact improving existing conditions. Meanwhile, the increased stormwater runoff created by a reduction in the site permeability caused by the proposed building and surface parking area would be detained by a new underground storage tank, reducing peak flows to the stormwater main located under Regional Road 56.

Wildlife

The proposal for 2800 Library lane recognizes that the north end of the Site, currently vacant, is in a somewhat naturalized state resulting from years of benign neglect by the City of Hamilton. A high water table near the center of the site has created a seasonally wet area surrounding a decommissioned septic bed which has become populated by bullrushes which were not cleared.



While this is not original habitat, it has over the years given shelter to nesting migratory Red-Winged Blackbirds. Red-Winged Blackbirds are not considered a species-at-risk and have ample habitat in the areas surrounding Binbrook. Nevertheless, maintaining space for nature on the site is a design priority for the proposed development. Construction on the site, in particular site grading and preparation is planned to occur outside of the nesting season so as to minimally impact migratory birds. In turn, the landscape plan envisions the planting of many new trees within the site, and the creation of a new 'bird sanctuary' which will provide nesting habitat for a wide variety of native birds year-round, not just migratory Red-Winged Blackbirds.

Noise

Given the scale of the new building proposed for 2800 Library Lane it is understandable that some nearby residents are looking for assurance that the required HVAC units for the development will not create excessive noise. With this in mind, the proposed mechanical design eschews typical roof-mounted HVAC units. Instead, the only equipment to be located on top of the building are ERV units which manage ventilation and which will be contained within the attic space. There would be 3 of these indoor ERV units – 1 for each residential 'block' in the proposed design. Because there are only 3 smaller units located within the attic, which only manage airflow, the noise generated is not anticipated to be significant, especially as compared to a standard HVAC unit. Detailed equipment selection and evaluation will be dealt with further during the Site Plan Control application process.

Construction Period

So as to minimize impacts resulting from construction of the proposed development on neighbouring residents, the Applicant is undertaking the preparation of a Construction Management Plan, which would include a section on soils management and erosion control. Furthermore, to reduce the time to construct the proposed apartment building as well as noise resulting from construction on-site, the project architects have been investigating off-site prefabrication or panelization.

We hope the above responses and referenced submission materials are satisfactory to address concerns by members of the Binbrook community, neighbouring residents, and City Staff. We are happy to discuss further should additional clarification be required.

Sincerely,

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

Andrew Vrana
Senior Planner, SHS Consulting
77 Bloor Street West, Suite 600
Toronto, Ontario M5S 1M2
Telephone: (905) 763-7555 ext. 103
Email: avrana@shs-inc.ca

Salamone, Salvatore

From: clerk@hamilton.ca
Sent: Thursday, November 2, 2023 8:37 AM
To: Kelsey, Lisa
Subject: 10.2 a i FW: Zoning By-Law Amendment Application ZAC-23-002
Attachments: 2800 Library Lane_ZBA_CommunityComments.pdf; image001.png

Magda Green

Administrative Assistant II to the City Clerk

Office of the City Clerk, Corporate Services

City of Hamilton

magda.green@hamilton.ca

City Hall is located on the ancestral territory of the Haudenosaunee Confederacy, the Anishinaabe and many other Indigenous peoples. It is also covered by the Dish with One Spoon Wampum agreement, which asks that all sharing this territory do so respectfully and sustainably in community.

From: LAURA BARLOW [REDACTED]
Sent: November 1, 2023 8:02 PM
To: clerk@hamilton.ca; Van Rooi, James <James.VanRooi@hamilton.ca>
Subject: Fw: Zoning By-Law Amendment Application ZAC-23-002

Mr. James Vanrooi;

File ZAC-23-022

We are in receipt of the letter entitled Notice of Public Meeting of the Planning Committee scheduled for November 14, 2023 at 9:30 am, received on October 28, 2023.

We have requested an alternate date and time as we wish to attend in person or by Webex. We cannot do either on November 14, 2023 at 9:30 am. We have not received a response to this request for an alternate time or date of the meeting. In the event the meeting is not rescheduled please review the chain of correspondences with Glanbrook non profit of which we were direct by them to forward to you and your department. Please accept these correspondences as our written submission of objection to the proposed zoning change preserving our rights to object and appeal any decision made on this matter with the City of Hamilton or the OLT.

Please do not include our personnel information as part of the public record.

Please acknowledge receipt of these communications as satisfactory and substantiate for written submission at the public meeting.

We have made request for information supporting a memorandum from SHS on the proposed development forwarded by Ms Burrows of the Glanbrook Non-Profit. We were direct to you and the planning department to provide the information and responses requested below. Can you please review and provide at your earliest.

Please advise on an alternate meeting date.

Regards

Todd and Laura Barlow

----- Forwarded Message -----

From: LAURA BARLOW [REDACTED]
To: GLANBROOK NON-PROFIT [REDACTED]; LISA GRANBERG [REDACTED]; LAURA BARLOW [REDACTED]
Sent: Wednesday, October 4, 2023 at 07:15:09 p.m. EDT
Subject: Re: Zoning By-Law Amendment Application ZAC-23-002

Ms Burrows;

Having reviewed the attachment to your email "Memorandum Re: Community Feedback for Proposed Development at 2800 Library Lane" written by SHS Consulting of Toronto Ontario, on July 20, 2023 we have the following comments and unresolved concerns. We have structured a response in the same categories and order of the Memorandum,

Property Value;

The memorandum offers very anecdotal comments to address the concerns raised to date on property value. The memorandum offers no substantive data to support those comments and seems to indicate the concerns brought forth are not warranted. One comment on Property Value states ""numerous studies have demonstrated that infill development and intensification actually increases land values of neighboring properties". What studies? Please site these studies as references to the memorandum or provide the information referenced to support that statement. In the absence of that information one can make a reasonable logical extension that a home purchased in a rural setting with a agriculturally zoned property adjacent to it is worth less than a home purchased in rural setting with a multi unit residential develop immediately adjacent to it. Additionally the statement "an increase in the value of neighboring properties not have a material impact on area property taxes as any additional infrastructure which may be required to support the development will be paid by the Applicant rather than an area specific property tax levy". Can SHS or the City of Hamilton support that statement with detail calculations to demonstrate and support the statement? Please define a "material increase" and how can one be certain that would not occur? Can assurances to that statement be provided?. Currently the Tax Payers in the City of Hamilton are being presented with a contemplated 14% plus property tax increase to levied in the next budget and no discussion of area rating. Can the City development team, SHS, or Glanbrook non-profit, detail how this development can help relieve that proposed increase in the next budget?

Proposed Land Use;

Can SHS elaborate on the comment that the "proposed location is appropriate and desirable". This section contains discussion on a "new comprehensive Zoning By-Law" that has yet been applied to Binbrook. Correct it has not, and in part, the proposed development is on land that is currently zoned A2 Restrictive Agriculture. When you research the definition of this type of zoning, and what is permitted on that land for use, Multi unit residential buildings are not identified. The balance of the development is on Medium density to low density residential zoning as indicated in SHS Memorandum. I would debate that a 3 story 105 unit building does not meet the definition of low density residential. It is premature for SHS to extrapolate on what the land should or should not be used for based on its characteristics, more over the current zoning defines what it can be used for, and it is clear based on that . The statement that the proposed land for development is "in close proximity to 2 arterial roadways" is in part the basis for the concern that the already congested and traffic laden roads in the area with be further impacted with 105 units and possibly up to 200 vehicles with only 78 parking spots being add to the daily activities of the area. SHS may not be interpreting the concern presented as it was intended in the last Paragraph of this section - "the fact that the lands were vacant or underutilized when neighboring property owners moved in". Properties were purchased with adjacent land that had specific zoning at uses defined by that zoning at the time of purchase. Changing that zoning has to follow the processes associated with it. The proposed development is not consistent with the current zoning. It is premature to offer comments on land use until proposed zoning changes have followed the prescribed processes. Do we have a potential situation upcoming where the City of Hamilton may be acting hypocritical by forcing through municipal zoning by law changes without process or consultation but on the opposite hand objecting to the province doing the same in the Greenbelt land exchange controversy? This is a situation to uniquely keep in mind as it is relevant to this proposed development and the movement to re-urbanize higher density developments.

Building Height and Density;

There is no debate on the need for additional affordable housing for seniors, again it is not understood why these comments are included in the memorandum they are not factually relevant. The concerns brought forth by the residents surround the selection of this location for the proposed development citing various and several local issues that in our

opinion still have not been adequately addressed. First and foremost appropriate zoning for the proposed development is not in-place. Please provide the "Urban Hamilton Official Plan" and the "Binbrook Village Secondary Plan" referenced in the memorandum for review or are they part of the public record that can be accessed. Can you provided the supporting documentation or the report from City staff which details that the "necessary infrastructure to support this density is available". The current contracts and construction activities for tunneling and road cut connection to Binbrook are not complete for the Sanitary and Storm sewers. The Technicore contract is active and the previous McNally contract has not been connected to the town core yet to the best of my knowledge.

Traffic and parking;

Please provide the referenced Arcadis IBI traffic report for information. Can the the City, SHS, and Glanbrook non-profit elaborate on "several Transportation Demand Management measures as an alternative means of travel for future residents which the applicant is looking at implementing after construction" this is an open-ended statement, vague and non committal. Why would the group not put the details of the transportation demand management plan on the table for discussions to the residents concerned with that issue?

Waste Storage and Collection

Can you please forward drawings and details of the proposed Waste Storage and Collection System for information.

Site Lighting;

Please provide details of the proposed site lighting plan when completed. If there is an exchange of sky-glow lighting pollution for the relocation of the proposed structure to the middle of the property that should be discussed with the impacted residents during the development phase after any zoning issues have been resolved.

Privacy and Shadow

The set backs in the SHS memorandum do not appear to be consistent when scaled off the site plan provided by the City of Hamilton and Glanbrook non profit. When scaled it appears that the building envelope is within 10 ft - 3 m of the property lines. Please confirm which is correct. Please provide the "Shadow Study" referenced in the memorandum attached to the "re submission of the Zoning By-law Application". I don't think the residents have ever received a decent response to the question "Why cant the proposed development be located in the middle of the proposed property if the zoning issue is ever resolved and lands merged"? Moving the structure to the middle of the proposed lands would go a long way to mitigating any potential Privacy and Shadowing concerns.

Stormwater Management

Please provide details of how the stormwater will be "detained within the limits of the proposed development". I assume this comes in the from of an engineering report and design with assumptions that are relevant to the increase in number of rain events that are beyond the 90th percentile. This was the expectation of the design contemplated with the Freshco development and to date is has not functioned properly during heavy rainfall events resulting in local flooding of the backyards behind the parking lot. I would have substantial reservations about the statement that 'the proposed regrading of the site would alter site grading such that stormwater would be contained within the site and be directed towards the west". I would like to see a report or details that substantiate that statement. The west is the most difficult direction to send stormwater runoff. If the proposed stormwater management design is considering a detention tank and low-lift pumping station to the existing storm system on Highway 56, I would like to see those details.

Wild Life;

Can you please provide the report detailing the decommissioning of the septic bed mentioned in the memorandum that has subsequently been over grown by bulrushes? When the proposed construction schedule and site preparation duration is known who audits the proposed construction activities to ensure nesting duration is not interrupted? I'm not sure the residents have seen any proposed landscaping plans so this is new information to me.

Noise;

Has the Glanbrook non profit and/or the City done any back-ground noise monitoring to understand any impacts of post construction noise or modeling that would predict post construction changes to the current conditions? If so can you please provide that information.

Construction Period;

Please forward the Construction Management Plan as soon as readily available the memorandum states it is being worked on which I find strange that construction planning is happening prior to any proposed zoning change outcome.

Additional Questions/Concerns or Comments

Has SHS Consulting visited the proposed site for development?

I find it challenging for the City of Hamilton and Glanbrook non-profit to expect that the residents concerned should accept without question a report from a consultant that was hired by the City, purpose built to respond in a way that dispels all concerns categorically.

Looking forward to being updated on meeting dates that will allow us to participate in the proposed re-zoning process in addition to correspondences on the development issue at hand, which are of the most importance to the current residents living in this community.

Regards,

Todd Barlow

On Thursday, September 14, 2023 at 12:57:53 p.m. EDT, GLANBROOK NON-PROFIT [REDACTED] wrote:

Hi Todd and Laura,

My name is Lisa Burrows. I am the Executive Director for Township of Glanbrook Non-Profit Housing, which owns the existing seniors rental apartments at 2800 Library Lane and is planning an expansion on the vacant lands behind your property. We are a small local non-profit which operates dedicated affordable rental apartments for seniors on modest incomes and are looking to provide new independent living opportunities for Binbrook seniors – our waitlist is currently years long.

I am sorry we missed you on our neighbour visits a few weeks back. Myself, a member of our board, and our planning consultant dropped by twice that week in August – Monday and Tuesday – and visited every home on Tanglewood which backs onto our property. We were lucky enough to be able to speak with roughly one third of households during our visits and left flyers at all houses where there was no response at the door indicating that we would like to speak those we missed, and including our contact information. It's unfortunate that this flyer didn't find its way into your hands and that you heard about this from a neighbour instead, at a later date. As our flyers indicated, we were and continue to be open to meeting individually with our neighbours at a time that is convenient for them.

As an aside, we are expecting further mailed communication to all our neighbours from the City regarding an upcoming public meeting. This meeting will discuss the zoning for the development, primarily permitting residential uses on what were previously agricultural lands. We were initially supposed to have the meeting late September/early October, but have been informed by the City that it will be pushed back to late October or early November. Unfortunately, the date is still not confirmed. Once we have the date/time confirmed, we will also share with our mailing list.

I appreciate you sharing your list of concerns. Our neighbours are important to us and as part of our neighbour visit where we missed you, we shared that we are soliciting input on issues important to our neighbours, such as tree plantings, fencing, lighting, etc. which are still at preliminary stages. We certainly hope you are open to participating in a dialogue

with us on these key features, so that we can integrate neighbour feedback into what we propose to the City at the still upcoming Site Plan review stage.

Attached to this email you will find a copy of a memo from our Planning Consultant which was provided to the City, but I know they are not always the speediest with sharing these types of materials with the community. The memo addresses planning and functional concerns raised by neighbours and hopefully will address some of your questions from the email below.

I have done my best to briefly summarize responses to a few key concerns below, but please feel free to read the memo and let me know if you have any questions or would like to meet to discuss further:

- We do not operate a Long-Term Care or nursing home and as a result do not have the same traffic from staff and visitors as those types of facilities. The new development would mirror our existing resident demographics, including rates of car ownership which are much lower among seniors, even in Binbrook. Our transportation consultant confirmed the proposed parking would be sufficient for the planned units.
- The placement of the proposed building along the east end of the property (7.5m or 25 feet from the property line, for a few feet, at it's closest point) is actually intended to minimize negative impacts on our neighbours. This allows us to accommodate the parking required on the west side of the site – this will radically reduce the amount of light pollution from high light standards that goes into your backyard, as well as any possible stormwater runoff, and certainly noise from snow clearing in the winter months, which can be quite loud. It also allows us and the landscape architects to actually increase the number of trees and greenspace planted on the site, ensuring we can keep space for birds post-construction. Moving the building to the centre of the site would have meant you would have parking directly behind your fence.
- We made the design decision to have no exterior balconies for individual units in order to enhance neighbours privacy
- Following neighbour feedback from the community meeting we organized last year, our architects were able to place the third floor within the roof line (think units with dormers). In this way, we lowered the roof line by about 6 feet from the initial design, increasing the sunlight and sky views you will see from your backyard
- While it is still in preliminary stages, we are looking at planting columnar / pillar trees between the property line and the proposed new build to increase privacy while also minimizing leaves and shading of your backyard. We hope to receive your feedback on this.
- Also still in preliminary stages, our architects and planner are thinking about having only small pillar lights (about 3 feet high) which use full cut-off design to only illuminate a pedestrian pathway that will circle the new building. We are not fans of the lighting at the Freshco plaza either and don't want to replicate that for either you or our own future residents.
- All waste will be stored fully indoors within a dedicated separate waste storage building at the north end of the property. We don't want odour or pests affecting our future residents either!
- Currently a portion of the vacant lands drains towards Tanglewood. This was never addressed when your subdivision was built. We have proposed (and are required) to build a small retaining wall to correct this grading so all rain water flows away from Tanglewood.
- We understand from speaking to some of your neighbours that apparently some realtors (and possibly the builder of your subdivision) made claims or promises about the vacant land being some kind of wildlife refuge and protected for development in perpetuity. If that also happened to you, I'm truly sorry. Our Planning Consultant and the City have made it clear that was never the case and that for almost 20 years that land has been planned to accommodate future growth within City plans and policies. In fact, when Binbrook was part of Glanbrook pre-amalgamation, the Township had given the land for our existing apartments at 2800 Library Lane and set aside the vacant lands for future development. For a number of reasons that was not feasible before and the zoning of the lands never changed to reflect other plans at the City-level.

I hope these responses as well as the attached memo address some of your concerns. We hope to continue to receive your and your neighbours feedback and are happy to meet with you at a time convenient to you.

Kind regards,

Lisa Burrows

Lisa Burrows

Executive Director

Township of Glanbrook Non-Profit Housing Corporation

[REDACTED]

[REDACTED]

[REDACTED]

Sent from [Mail](#) for Windows 10

From: [LAURA BARLOW](#)

Sent: September 6, 2023 7:44 PM

To: [REDACTED]

Subject: Fw: Zoning By-Law Amendment Application ZAC-23-002

Re:2800 Library Lane

We are the residents of 129 Tanglewood Drive in Binbrook Ontario. We understand that you visited the Neighborhood on or about August 15, 2023, Friday mid afternoon. Our Neighbors passed along your contact information as we were out of the country and not available to meet with you. I imagine most residents were not available on a Friday in the middle of the day, in the middle of the summer to meet with you - good thing our neighbor was on afternoons to collect your contact information for us and voice some of our collective concerns. Please ensure our contact information and email is on file to provide information on meeting dates with you or the City for any proposed development or zoning changes effecting the lands to the west of our home. I don't find the timing you choose to engage the community to have been genuine and effective. Please find an email chain below with the details of only some of our concerns that we have raised with the City for any proposed development or zoning change. In short we have strong objections to the proposed development and find that the planning and communication to date is fractured, short sighted, and disingenuous.

Todd and Laura Barlow.

----- Forwarded Message -----

From: LAURA BARLOW [REDACTED]

To: LISA GRANBERG [REDACTED]

Sent: Sunday, February 26, 2023 at 03:41:16 p.m. EST

Subject: Re: Zoning By-Law Amendment Application ZAC-23-002

Hi Lisa,

No worries at all.

Talk soon, Laura

On Sunday, February 26, 2023 at 12:36:53 p.m. EST, LISA GRANBERG [REDACTED] wrote:

Hi Laura,

I am so sorry we didn't get back to you about this earlier. I had read it late and had already sent ours in. We got the same reply. So I sort of dismissed it as I had already done that. I just re read it now. When I sent the email, I had cc Mark Tadeson in on it.

Let me know if you need anything from me,

Lisa

On Wednesday, February 15, 2023 at 07:34:27 p.m. EST, LAURA BARLOW [REDACTED] wrote:

Hi Lisa,

I sent you the letter we sent and the response we got back today. Feel free to use it as a template or parts of it and remove our specific property details adding yours (obviously...lol). As for the Alderman Mark Tadeson's letter, Todd feels it should be shorter more concise requesting to meet with us to discuss our concerns collectively. Let us know your thoughts.

Laura:)

See Below....

[Sent from Rogers Yahoo Mail for iPhone](#)

Begin forwarded message:

On Wednesday, February 15, 2023, 12:53 PM, Morton, Devon <Devon.Morton@hamilton.ca> wrote:

Good afternoon Laura,

Thank you for your email and for providing formal comments on the application.

Your concerns have been noted and will be included in the staff report to Planning Committee (date to be determined).

Staff have not formalized a recommendation to Planning Committee at this time but will consider all public input in making that recommendation.

All registered landowners within 120 metres of the subject lands will receive notification of the statutory Public Meeting once the date has been finalized.

Should you require anything further, please let me know.

Thank you,

Devon M. Morton, MCIP, RPP (he/him/his)

Planner II (Rural Team)

Development Planning

Planning & Economic Development Department

City of Hamilton, 71 Main St. W, 5th floor, L8P 4Y5

Ph: (905) 546-2424 ext. 1384

Email: Devon.Morton@hamilton.ca

From: LAURA BARLOW [REDACTED]
Sent: Tuesday, February 14, 2023 10:06 PM
To: Morton, Devon <Devon.Morton@hamilton.ca>
Subject: Re: Zoning By-Law Amendment Application ZAC-23-002

In addition please do not make our personnel information part of public record.

Regards

Todd and Laura Barlow

On Tuesday, February 14, 2023 at 09:56:00 p.m. EST, LAURA BARLOW [REDACTED] wrote:

Mr. Morton;

We are residents of Binbrook living at 129 Tanglewood Drive since 2007. We are writing to strongly object to the application ZAC-23-002 put forward to the City of Hamilton for the rezoning of the properties identified by the City in the letter dated January 27, 2023. As a note we did not receive any notification addressed to us from from the City. Thankfully our neighbors informed us and gave us a copy of your letter. Specifically we object to the proposed rezoning of Restricted Agricultural "A2" Zone to Residential Multiple "RM4-XXX" Zone. Your letter details the zoning change is required for the proposed construction of a 3-storey building immediately adjacent to our property. Restricted Agricultural "A2" zoning does not permit multi story residential development. The list of objections we have are long and diverse but we will summarize the main ones below.

First and foremost the Intrinsic damage to our property value from the proposed rezoning is our greatest concern. We specifically purchased our home at this this lot location with a significant premium and the knowledge that we would live with our property adjoined to a restricted agriculturally zoned property. The premium paid and the intrinsic value of this zoning was a key factor in our purchase decision 16 years ago. To have that potentially taken away by a proposed zoning change is completely unacceptable, unfair, and punitive to us and our family. In addition to the pure financial impact to our property value, we will loose all the enjoyment of our property outdoor space, which will be equally damaging to us. The shading of our property and intrusion of privacy into our yard will be untenable. We purchased the house and immediately installed an in-ground pool and associated finishes (Gardens, Concrete patios, sheds, Gazebo's sitting space) at significant cost to enjoy the outdoor space with our family and friends. This pool installation was done by design with a continuous Southwest exposure to the sun mid morning through the evening. This will all be taken away with any proposed development of this nature shading us all afternoon.

Further, we have already experienced significant damage to our yard with the Fresh-co Plaza development. Vermin pests, and other animals, are persistent at the trash collection located at the southeast corner of the parking lot. The animals migrate to our backyard. This area is rarely maintained in good order by the plaza tenants. To have a second repository so close to the first, and proposed to be immediately behind our lot, will no doubt amplify the already persistent issue of waste mismanagement in addition to heavy truck traffic and noise. The additional light pollution any proposed development will have on our outdoor space and the rear of our home will be amplified again - the fresh-co plaza is already disrupting further artificial light would be purely disruptive to sleeping at night. During the construction of the adjacent plaza, through inadequate construction methods and planning, our yard was wrecked by the site development activity. Temporary drainage was not controlled which result in overland flow and flooding to several backyards with mud and construction debris during a rain event. This caused thousands of dollars of damage which was virtually unrecoverable from the site service contractor. We just installed new liners and pool equipment again this summer after 15 years and are not willing to endure 2 years of construction activity that will result in the same damage again, given the site grading and drainage. Post construction it would be incredibly difficult to convince me that this proposed development would not ruin the natural detention of rain water from the existing field., This will result in significantly larger volumes of water flowing overland causing almost certain continuous saturation in the rear of our lots from simple routine rain events. Some firm would have to develop some rigorous grading and drainage modeling to convince me otherwise.

It is unconscionable to us as to why the proposed structure, over 30 ft tall, will be located nearly 10 feet from the existing property lines of us and our neighbors. Would it not make equitable sense in the event the zoning change receives the light of day that a development would be lower in height and located in the middle of the existing plot instead of on the eastern limit where there is no buffer to adjacent properties. 78 parking spots - 105 units and no accessibility to public transportation in Binbrook dictates that you are adding in the order of 100-200 cars on any given Sunday visitation as a result of this proposed development. Where is the overflow going to park? This will be in a congested area with no traffic control for pedestrians or cars on Highway 56. This is most definitely putting the cart before the horse - improve the access to public transit in Binbrook and have a traffic plan before proposing a multi story - multi unit development that adds this number of vehicles. All of this is presented without consideration for the disruption to the natural habitat and nesting that occurs in the low lying bull rush area to the south of us. Several bird species use this space as observed throughout the warmer months and all that would be lost.

In summary we oppose the proposed zoning change and are willing to take all necessary actions available to us to prevent the acceptance of the zoning by-law amendment application to the City.

Please advise of the meeting time and location for us to attend. Since we are not receiving written communications in the mail form from the City. Can you ensure we are on any mailing list both electronically and by physical mail. Please acknowledge receipt of this email for the purpose of preserving our rights to appeal a zoning decision, if any, made on this application to the City.

Regards;

Todd J. Barlow, P.Eng - [REDACTED]

& Laura Barlow, R.N. - [REDACTED]



July 20, 2023

To: City of Hamilton – Development Planning

Attention: James Van Rooi
Senior Planner (Rural Team)
Telephone: (905) 546-2424, ext. 4283
Email: James.VanRooi@hamilton.ca

MEMORANDUM

Re: Community Feedback for Proposed Development at 2800 Library Lane

Dear Mr. Van Rooi,

As part of the first-round comments received by the Applicant from City Staff as part of the Zoning By-Law Amendment application for 2800 Library Lane, Binbrook, five (5) letters from community members and neighbours were included for Applicant review and response. The five letters expressed concern regarding the proposed intensification of the Site and were submitted by immediate neighbours of the site. Collectively, the letters touched on eleven (11) themes or concerns:

Property Value

Several of the letters from the community expressed concern regarding the potential impact of proposed development on the market values of neighbouring properties. Specifically, they expressed concern that the proposed development of seniors apartments next door may reduce their property values. While this is a common concern raised by existing property owners adjacent to proposed development, numerous studies have demonstrated that infill development and intensification actually increases the land values of neighbouring properties. Additionally, it is generally accepted and supported by the Tribunal that this is not considered to be a planning argument against development. Furthermore, an increase in the value of neighbouring properties should not have a material impact on area property taxes as any additional infrastructure which may be required to support the development will be paid by the Applicant rather than an area-specific property tax levy.

Proposed Land Use

The proposed land use for the Site was another area of concern for residents.

First, it bears clarification that the proposed development will be a seniors affordable rental apartment building – which is classified as a residential use. The apartments are planned as an independent living community for seniors, which can be contrasted against a ‘retirement home’



type use where residents require additional support from staff and community organizations on-site 24/7.

Second, the location of the proposed development is appropriate and desirable. From a policy perspective, while the existing zoning for the site is A2 Restrictive Agricultural, this is out-of-date and a legacy of the old Binbrook Zoning By-Law No.464. The City of Hamilton is going through the process of updating zoning throughout the City with a new comprehensive Zoning By-Law. New zoning classification has not yet been applied to Binbrook and so the existing does not reflect more recent policies in the Urban Hamilton Official Plan and Binbrook Village Secondary Plan. Those documents clearly designate the site as 'Mixed Use – Medium Density' and 'Low Density Residential', respectively. This policy designation clearly indicates an intention for infill development on the site and reflects existing conditions. The Site is not feasible for agricultural uses given the size of the property and the fact that it is completely surrounded by residential and commercial uses. Furthermore, the location of the Site in close proximity to 2 arterial roadways (Regional Road 56 and Binbrook Road), commercial services and amenities and community services make it ideal for development and a more intense level of residential use.

Finally, the fact that the lands were vacant or underutilized when neighbouring property owners moved into the area is not, and cannot be a guarantee that lands maintain that use or intensity of use in perpetuity. The Tribunal has also confirmed that this is not a valid planning argument against development.

Building Height and Density

Questions were raised regarding the rationale for the height and density of the proposed development. There is an urgent need for both more seniors and affordable housing within Binbrook and the wider City of Hamilton. This is part of an ongoing and escalating cost-of-living and housing crisis within the region and province. Seniors are among the most vulnerable residents to rising housing costs because of their limited and fixed incomes. In this way, both the Applicant and City of Hamilton have a moral obligation to provide as much housing for seniors as possible while taking into consideration Site constraints (physical and community infrastructure, healthy and safety, etc.).

As previously mentioned in this memo, the Site has been designated for infill development through the Urban Hamilton Official Plan and Binbrook Village Secondary Plan. The proposed height and density for the site (3 storeys, 105 additional residential units) are consistent with Official Plan policies and zoning for the existing seniors affordable rental apartments currently located on the southern portion of the Site at 2800 Library Lane. Furthermore, City staff have confirmed that the necessary infrastructure to support this density (water, wastewater capacity) is available.

From a design perspective, by building the development up to 3 storeys in height allows for greater greenspace and soft landscaping on the site, thereby maintaining greater habitat for birds and mammals, as well as greater stormwater infiltration which would reduce the load on municipal stormwater infrastructure in the area. The architects were very conscious of placing the third floor within the roof of the building, significantly reducing the height of the peaked roof,



while also improving the aesthetics for neighbouring residents when compared to a somewhat shorter flat roof.

Traffic and parking

A Traffic and Parking Study was undertaken by reputable third-party consultants from Arcadis IBI. This study confirmed several important points:

- Given traffic patterns from the proposed resident demographic there would not be a significant or adverse impact on traffic on Library Lane or Regional Road 56
- A traffic light was not recommended or required to accommodate traffic from the proposed development
- The proposed parking supply was adequate to support the needs of future residents. Rates of automobile ownership by seniors are lower than other adult demographics, especially for low- or moderate-income seniors who already have difficulty paying their household rent, let alone the upkeep and operating costs of private vehicles.

The Traffic and Parking Study also recommended several Transportation Demand Management measures to provide alternative means of travel for future residents, which the Applicant is looking at implementing after construction.

Waste Storage and Collection

The proposed waste storage location will be in a secure, fully-enclosed accessory building located at the north end of the site, in close proximity to the existing waste collection areas for the retail commercial plaza to the north. Collection will be from the west side of the building. Both of these measures will minimize odours and pests as nuisances on future residents of the proposed development, as well as neighbouring property owners. The Applicant has an interest in maintaining this area and ensuring it is well-maintained. Unlike the commercial plaza to the north of the site, the proposed uses for this development are residential and odour or pests would also be a nuisance for residents on the Site.

Site Lighting

While Site Lighting has not yet been finalized (it will be detailed further during the Site Plan Control application process in the near future), reducing light pollution is an important design consideration which is top-of-mind for the design team. The architects and consultants are looking into using full cut-off lighting for both the parking area and pedestrian pathways surrounding the proposed development. Full cut-off lighting is known to direct the light downwards only, eliminating skyglow and, perhaps more importantly from the perspective of neighbouring property owners, glare and light trespass which would unintentionally illuminate the backyards of properties to the east of the Site.

More broadly, the proposed location of the new building near the eastern edge of the site was intentionally selected to protect the residential properties to the east of the site from the brighter lights required to illuminate the surface parking area which sits on the west of the Site



Privacy and shadow

A consistent concern raised by neighbouring residents was privacy and shadowing of the backyards for residential properties located to the east of the Site. The minimum distance the proposed building will be located from the east property line is 7.5 metres or 25 feet, with an average setback closer to 10 metres or 33 feet. These setbacks are not uncommon for infill multi-residential development and are consistent with where the roof structure begins.

By placing the third storey within the roof of the proposed building, the design significantly reduces the height and shadow impacts on neighbouring properties, as shown by a Shadow Study included with the resubmission of this Zoning By-Law Application. While there is shadowing, it is only very minor and for a few hours a day at most, particularly in the summer time when neighbouring residents are most likely to be in their backyards.

Several other design elements were also privacy considerations intended to reduce impacts on neighbouring residents. First and foremost, the building does not have exterior balconies for individual residential units. Instead, it has several shared terraces located off common areas at circulation and connection points joining the three residential “blocks” which makes up the proposed building. This limits the number of ‘eyes’ overlooking the backyards to the east.

Screening at the property line by tree planting was proposed by City Urban Design Staff in first-round submission comments. This is counter to a desire expressed by many residents of the neighbouring properties to the east, who complained of shading and leaf clean-up impacts this would create for their properties. Should these property owners change their mind in the future, the Applicant would be open to tree planting along the property line. The Applicant is also committed to consulting with neighbours to determine appropriate fencing to protect privacy.

Stormwater Management

Several community members expressed concern over surficial flooding resulting from development on the Site. Apparently, this is an ongoing issue for some property owners to the east in heavy rainfall events. The Site Grading Plan submitted with this application shows that several sections along the eastern edge of the site currently drain eastwards, leading to surficial water flow into neighbouring backyards. The proposed regrading of the site would alter site grading such that all stormwater would be contained within the site and ultimately directed west, towards Library Lane and Regional Road 56 not only preventing increased flows into neighbouring properties, but in fact improving existing conditions. Meanwhile, the increased stormwater runoff created by a reduction in the site permeability caused by the proposed building and surface parking area would be detained by a new underground storage tank, reducing peak flows to the stormwater main located under Regional Road 56.

Wildlife

The proposal for 2800 Library lane recognizes that the north end of the Site, currently vacant, is in a somewhat naturalized state resulting from years of benign neglect by the City of Hamilton. A high water table near the center of the site has created a seasonally wet area surrounding a decommissioned septic bed which has become populated by bullrushes which were not cleared.



While this is not original habitat, it has over the years given shelter to nesting migratory Red-Winged Blackbirds. Red-Winged Blackbirds are not considered a species-at-risk and have ample habitat in the areas surrounding Binbrook. Nevertheless, maintaining space for nature on the site is a design priority for the proposed development. Construction on the site, in particular site grading and preparation is planned to occur outside of the nesting season so as to minimally impact migratory birds. In turn, the landscape plan envisions the planting of many new trees within the site, and the creation of a new 'bird sanctuary' which will provide nesting habitat for a wide variety of native birds year-round, not just migratory Red-Winged Blackbirds.

Noise

Given the scale of the new building proposed for 2800 Library Lane it is understandable that some nearby residents are looking for assurance that the required HVAC units for the development will not create excessive noise. With this in mind, the proposed mechanical design eschews typical roof-mounted HVAC units. Instead, the only equipment to be located on top of the building are ERV units which manage ventilation and which will be contained within the attic space. There would be 3 of these indoor ERV units – 1 for each residential 'block' in the proposed design. Because there are only 3 smaller units located within the attic, which only manage airflow, the noise generated is not anticipated to be significant, especially as compared to a standard HVAC unit. Detailed equipment selection and evaluation will be dealt with further during the Site Plan Control application process.

Construction Period

So as to minimize impacts resulting from construction of the proposed development on neighbouring residents, the Applicant is undertaking the preparation of a Construction Management Plan, which would include a section on soils management and erosion control. Furthermore, to reduce the time to construct the proposed apartment building as well as noise resulting from construction on-site, the project architects have been investigating off-site prefabrication or panelization.

We hope the above responses and referenced submission materials are satisfactory to address concerns by members of the Binbrook community, neighbouring residents, and City Staff. We are happy to discuss further should additional clarification be required.

Sincerely,

Andrew Vrana
Senior Planner, SHS Consulting
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Toronto, Ontario M5S 1M2
Telephone: (905) 763-7555 ext. 103
Email: avrana@shs-inc.ca



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 14, 2023
SUBJECT/REPORT NO:	Applications for an Official Plan Amendment, Zoning By-law Amendment and Revisions to a Draft Plan of Subdivision for Lands Located at 2080 Rymal Road East, Glanbrook (PED23232) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	James Van Rooi (905) 546-2424 Ext. 4283
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Official Plan Amendment Application UHOPA-20-010, by A.J. Clarke and Associates (c/o Stephen Fraser), on behalf of A. DeSantis Developments Ltd. (c/o Anthony DeSantis Jr.), Owner**, to redesignate the subject lands from "Institutional" (Public Elementary School), "Low Density Residential 2g", and "Medium Density Residential 2b" to "Low Density Residential 2h" and "Medium Density Residential 2c" to permit the development of 37 street townhouse dwellings, 189 block townhouse dwellings, and a multiple dwelling containing up to 80 units, on lands located at 2080 Rymal Road East, as shown in Appendix "A" attached to Report PED23232, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment attached as Appendix "B" to Report PED23232, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);

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SUBJECT: Applications for an Official Plan Amendment, Zoning By-law Amendment and Revisions to a Draft Plan of Subdivision for Lands Located at 2080 Rymal Road East, Glanbrook (PED23232) (Ward 9) - Page 2 of 18

- (b) That **Zoning By-law Amendment Application ZAC-20-015, by A.J. Clarke and Associates (c/o Stephen Fraser), on behalf of A. DeSantis Developments Ltd. (c/o Anthony DeSantis Jr.), Owner**, for a change in zoning from the Residential Multiple "RM3-175" Zone, Modified, the Residential Multiple "RM2-182" Zone, Modified, the Residential "R4-182" Zone, Modified, and the Residential "R4-173b" Zone, Modified, to the Low Density Residential - Small Lot (R1a, 866) Zone, to permit the development of 37 street townhouse dwellings, on lands located at 2080 Rymal Road East, as shown in Appendix "A" attached to Report PED23232 be **APPROVED** on the following basis:
- (i) That the draft By-law attached as Appendix "C" to Report PED23232, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iii) That this amending By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (c) That **Zoning By-law Amendment Application ZAC-20-015, by A.J. Clarke and Associates (c/o Stephen Fraser), on behalf of A. DeSantis Developments Ltd. (c/o Anthony DeSantis Jr.), Owner**, for a change in zoning from the Residential Multiple "RM2-182" Zone, Modified to the Residential Multiple "RM3-323" Zone, Modified (Block 1); from the Residential Multiple "RM2-173" Zone, Modified and the Institutional "I-173" Zone, Modified to Residential Multiple "RM4-325" Zone, Modified (Blocks 2 and 3); and from the Residential Multiple "RM2-173" Zone, Modified, the Institutional "I-173" Zone, Modified, the Residential Multiple "RM2-182" Zone, Modified, the Residential "R4-173(B)" Zone, Modified and the Residential "R4-182" Zone, Modified, to the Residential Multiple "RM3-324" Zone, Modified (Blocks 4, 5, 6, 7 and 8), to permit the development of 189 block townhouse dwellings and an 80 unit, multiple dwelling, on lands located at 2080 Rymal Road East, as shown in Appendix "A" attached to Report PED23232, be **APPROVED** on the following basis:
- (i) That the draft By-law attached as Appendix "D" to Report PED23232, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

SUBJECT: Applications for an Official Plan Amendment, Zoning By-law Amendment and Revisions to a Draft Plan of Subdivision for Lands Located at 2080 Rymal Road East, Glanbrook (PED23232) (Ward 9) - Page 3 of 18

- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iii) That this amending By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (d) That **Revisions to Approved Draft Plan of Subdivision 25T-200303R, by A.J. Clarke and Associates (c/o Stephen Fraser), on behalf of A. DeSantis Developments Ltd. (c/o Anthony DeSantis Jr.), Owner**, on lands located at 2080 Rymal Road East (Glanbrook), as shown on Appendix “A” to Report PED23232, 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 “Crossings Phase 3” 25T-200303R, prepared by A.J. Clarke and Associates Ltd., and certified by Nicholas P. Muth, O.L.S., dated September 07, 2022, consisting of two blocks for 37 street townhouse dwellings (Blocks 1 and 5); two blocks for 189 block townhouse dwellings (Blocks 2 and 4); one block for a multiple dwelling for up to 80 multiple dwelling units (Block 3); and the extension of Bellagio Avenue, as shown on the Draft Plan of Subdivision attached as Appendix “F” to Report PED23232;
 - (ii) That the Owner enter into a Standard form Subdivision agreement as approved by City Council and that the Special Conditions of Draft Plan of Subdivision Approval, 25T-200303R, as shown on Appendix “I” to Report PED23232, be received and endorsed by City Council;
 - (iii) That in accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual there will be no City of Hamilton cost sharing for this subdivision;
 - (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.

SUBJECT: Applications for an Official Plan Amendment, Zoning By-law Amendment and Revisions to a Draft Plan of Subdivision for Lands Located at 2080 Rymal Road East, Glanbrook (PED23232) (Ward 9) - Page 4 of 18

EXECUTIVE SUMMARY

The subject property is municipally known as 2080 Rymal Road and is located south and east of the intersection of Kingsborough Drive and Bellagio Avenue. The owner has applied for an Urban Hamilton Official Plan Amendment, a Zoning By-law Amendment, and Revisions to Approved Draft Plan of Subdivision 25T-200303.

The purpose of the Urban Hamilton Official Plan Amendment application is to redesignate the lands in the Rymal Road Secondary Plan from "Institutional" (Public Elementary School), "Low Density Residential 2g", and "Medium Density Residential 2b" to "Low Density Residential 2h" and "Medium Density Residential 2c".

The purpose of the Zoning By-law Amendment application is to change the zoning from Residential Multiple "RM3-175" Zone, Modified, Residential Multiple "RM2-182" Zone, Modified, and Residential "R4-173b" Zone, Modified to Low Density Residential - Small Lot (R1a, 866) Zone in City of Hamilton Zoning By-law No. 05-200 (as shown on Appendix "C" attached to Report PED23232); and, to change the zoning from the Residential Multiple "RM2-182" Zone, Modified, to Residential Multiple "RM3-323" Zone, Modified (Block 1); from Residential Multiple "RM2-173" Zone, Modified and Institutional "I-173" Zone, Modified to Residential Multiple "RM4-325" Zone, Modified (Blocks 2 and 3); and, from the Residential Multiple "RM2-173" Zone, Modified, Institutional "I-173" Zone, Modified, Residential Multiple "RM2-182" Zone, Modified, Residential "R4-173(B)" Zone, Modified and Residential "R4-182" Zone, Modified, to the Residential Multiple "RM3-324" Zone, Modified (Blocks 4, 5, 6, 7 and 8) in Township of Glanbrook Zoning By-law No. 464 (as shown on Appendix "D" attached to Report PED23232).

The proposed Revisions to Approved Draft Plan of Subdivision 25T-200303 (shown on Appendix "F" attached to Report PED23232) consists of two blocks for 37 street townhouses dwellings (Blocks 1 and 5), two blocks for 189 units of block townhouse dwellings (Blocks 2 and 4), one block for a multiple dwelling for up to 80 units (Block 3), and the extension of Bellagio Avenue. A large portion of the lands were previously being considered for an elementary school, however the elementary school is no longer required therefore a revised plan of subdivision application was submitted. The proposal now introduces a block for a multiple dwelling development, consolidates many of the former blocks, and removes the former institutional block, the former single detached dwelling lots and a cul-de-sac street.

The proposed Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications have merit and can be supported as:

- They are consistent with the Provincial Policy Statement (2020);

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SUBJECT: Applications for an Official Plan Amendment, Zoning By-law Amendment and Revisions to a Draft Plan of Subdivision for Lands Located at 2080 Rymal Road East, Glanbrook (PED23232) (Ward 9) - Page 5 of 18

- They conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- They comply with the general intent and purpose of the Urban Hamilton Official Plan and Rymal Road Secondary Plan, in particular the function, scale and design of the Low Density Residential policies as they relate to greenfield development in the “Neighbourhoods Designation”; and,
- The proposal is considered good planning by providing a compact compatible residential development that contributes to a complete community through the establishment of housing forms and densities that are in keeping with existing and planned land uses and development in the surrounding area, while making efficient use of a vacant parcel of land.

Alternatives for Consideration – See Page 17

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold a public meeting to consider an application for an Official Plan Amendment and Zoning By-law Amendment. *Bill 23* amended the *Planning Act* to remove the mandatory requirement for a public meeting to consider a proposed Draft Plan of Subdivision.

HISTORICAL BACKGROUND

Application Details	
Owner:	A. DeSantis Developments Ltd. (c/o Anthony DeSantis Jr.)
Applicant/Agent:	A.J. Clarke and Associates (c/o Stephen Fraser)
File Number:	UHOPA-20-010 ZAC-20-015 25T-200303R
Type of Application:	Urban Hamilton Official Plan Amendment Zoning By-law Amendment Revisions to Approved Draft Plan of Subdivision

SUBJECT: Applications for an Official Plan Amendment, Zoning By-law Amendment and Revisions to a Draft Plan of Subdivision for Lands Located at 2080 Rymal Road East, Glanbrook (PED23232) (Ward 9) - Page 6 of 18

Application Details	
Proposal:	<p>The purpose of the Official Plan Amendment and Zoning By-law Amendment is to redesignate the lands and change the zoning of the lands to allow for the proposed development. The subdivision will establish the new blocks and lot lines and the extension of Bellagio Avenue.</p> <p>The proposal consists of:</p> <ul style="list-style-type: none"> • 37 street townhouse dwellings (Blocks 1 and 5); • 189 townhouse dwellings (Blocks 2 and 4); • A multiple dwelling with up to 80 units (Block 3); and, • Extension of Bellagio Avenue. <p>As shown on the revised Draft Plan of Subdivision attached as Appendix “F” to Report PED23232. A large portion of the lands were previously being considered for an elementary school, however the elementary school is no longer required therefore a revised plan of subdivision application was submitted. The proposal now introduces a block for a multiple dwelling development, consolidates many of the former blocks, and removes the former institutional block, the former single detached dwelling lots and a cul-de-sac street.</p>
Property Details	
Municipal Address:	2080 Rymal Road East, Glanbrook
Lot Area:	±6.23 ha (Irregular)
Servicing:	Full municipal services.
Existing Use:	Vacant lands.
Documents	
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-1 – Urban Land Use Designations.
Official Plan Proposed:	No amendment proposed to Volume 1.

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SUBJECT: Applications for an Official Plan Amendment, Zoning By-law Amendment and Revisions to a Draft Plan of Subdivision for Lands Located at 2080 Rymal Road East, Glanbrook (PED23232) (Ward 9) - Page 7 of 18

Documents	
Secondary Plan Existing:	“Low Density Residential 2g”; “Low Density Residential 2h”; “Medium Density Residential 2b”; and “Institutional” (Public Elementary School) on Map B.5.2-1 Land Use Plan.
Secondary Plan Proposed:	"Low Density Residential 2h" and "Medium Density Residential 2b".
Zoning Existing:	Glanbrook Zoning By-law No. 464: <ul style="list-style-type: none"> • Institutional “I-173” Zone, Modified; • Residential Multiple “RM2-173” Zone, Modified; • Residential Multiple “RM2-182” Zone, Modified; • Residential Multiple “RM3-175” Zone, Modified; • Residential “R4-173(B)” Zone, Modified; and, • Residential “R4-182” Zone, Modified.
Zoning Proposed:	City of Hamilton Zoning By-law No. 05-200: <ul style="list-style-type: none"> • Low Density Residential - Small Lot (R1a, 866) Zone. <p>(See Appendix “C” attached to Report PED23232.)</p> <p>Glanbrook Zoning By-law No. 464:</p> <ul style="list-style-type: none"> • Residential Multiple "RM3-323" Zone, Modified (Block 1); • Residential Multiple "RM4-325" Zone, Modified (Blocks 2 and 3); and, • Residential Multiple "RM3-324" Zone, Modified (Blocks 4, 5, 6, 7, and 8). <p>(See Appendix “D” attached to Report PED23232.)</p>
Modifications Proposed:	The following modifications are being proposed to Zoning By-law No. 05-200: <p>Low Density Residential – Small Lot (R1a, 866) Zone:</p> <ul style="list-style-type: none"> • To reduce the minimum lot area from 180 square metres to 160 square metres for each dwelling unit; • To reduce the minimum unit width of each dwelling unit from 6.0 metres to 5.7 metres; and, • To reduce the minimum setback from the rear lot line from 7.5 metres to 7.4 metres.

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SUBJECT: Applications for an Official Plan Amendment, Zoning By-law Amendment and Revisions to a Draft Plan of Subdivision for Lands Located at 2080 Rymal Road East, Glanbrook (PED23232) (Ward 9) - Page 8 of 18

Documents	
<p>Modifications Proposed Continued:</p>	<p>The following modifications are being proposed to Glanbrook Zoning By-law No. 464:</p> <p>Residential Multiple “RM3-323” Zone (Block 1):</p> <ul style="list-style-type: none"> • To deem the zoning boundaries as the lot lines and Kingsborough Drive as the front lot line; • To not require direct access to a parking space in a garage; • To reduce the parking space size from 3 metres by 6 metres to 3 metres by 5.8 metres; • To reduce the landscaped area from 3 metres to 1.45 metres along Kingsborough Drive and to 2.6 metres along the Hypotenuse of a Daylight Triangle; • To increase the maximum lot coverage from 30% to 33%; • To increase the maximum density from 35 dwelling units per hectare to 43 units per hectare; • To modify the minimum side and rear yards requirements from 7.5 metres to the following: <ul style="list-style-type: none"> ○ To reduce side yard to 2.5 metres; ○ To reduce rear yard to 7.1 metres, and, ○ To increase exterior side yard to 7.6 metres; • To reduce the minimum separation distance to 2 metres whereas 3, 9, or 15 metres may be required; • To reduce the minimum landscaped area requirement from 50% to 36%; • To allow for a parking space to be a minimum of 1.45 metres from the street line as opposed to a minimum of 6 metres; and, • To not require a Minimum Amenity Area whereas a minimum of 35 square metres per dwelling unit is required. <p>Residential Multiple “RM4-325” Zone (Blocks 2 and 3)</p> <ul style="list-style-type: none"> • To increase the maximum density to 127 dwelling units per hectare from 60 dwelling units per hectare; • To increase the minimum front yard to 11 metres from 9 metres; • To modify the minimum side and rear yard requirements from 9 metres to the following: <ul style="list-style-type: none"> ○ To reduce exterior side yard to 4.5 metres; ○ To increase the side yard to 35 metres; ○ To increase the rear yard to 27.3 metres; and, ○ To increase maximum height to 22 metres from 10.7 metres.

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SUBJECT: Applications for an Official Plan Amendment, Zoning By-law Amendment and Revisions to a Draft Plan of Subdivision for Lands Located at 2080 Rymal Road East, Glanbrook (PED23232) (Ward 9) - Page 9 of 18

Documents	
<p>Modifications Proposed Continued:</p>	<p>Residential Multiple "RM3-324" Zone (Blocks 4, 5, 6, 7 and 8):</p> <ul style="list-style-type: none"> • To apply particular definitions for lot lines (front, sides and rear) and boundaries; • To not require direct access to a parking space within a garage whereas a 6 metre wide direct access is required; • To reduce the minimum parking space size to 3 metres by 5.8 metres whereas 3 metres by 6 metres is required; • To reduce the minimum Landscaped Area to 2 metres which may also include a sidewalk whereas 3 metres is required; • To reduce the parking ratio to 2 spaces and 0.3 visitor parking spaces per unit whereas 2 spaces and 0.5 visitor spaces per unit is required; • To add "Back to back Townhouse" as a permitted use; • To increase the maximum lot coverage to 31 percent from 30 percent; • To increase the maximum density to 43 dwelling units per hectare from 35 dwelling units per hectare; • To reduce the minimum front yard to 5 metres from 9.0 metres; • To modify the minimum side and rear yard requirements from 7.5 metres to the following: <ul style="list-style-type: none"> ○ To reduce rear yard to 3.5 metres; ○ To reduce the east side yard to 7.4 metres; ○ To reduce west side yard to 2.0 metres for buildings 12, 16 and 17; and, ○ To increase the west side yard to 7.7 metres for buildings 25, 26 and 27 on Special Figure 3; • Minimum separation distance to 2 metres whereas 3, 9, or 15 metres may be required; • To increase the maximum height to 12 metres from 10.7 metres; • To require a maximum height of 10.7 metres abutting the easterly property line; • To reduce the minimum landscaped area to 34 percent from 50 percent; and, • To not require a minimum amenity area whereas a minimum area of 5 square metres is required. <p>(See Appendix "K" attached to Report PED23232.)</p>
Processing Details	
Received:	December 20, 2019

SUBJECT: Applications for an Official Plan Amendment, Zoning By-law Amendment and Revisions to a Draft Plan of Subdivision for Lands Located at 2080 Rymal Road East, Glanbrook (PED23232) (Ward 9) - Page 10 of 18

Processing Details	
Deemed Incomplete:	January 20, 2020
Deemed Complete	January 31, 2020
Notice of Complete Application:	Sent to 226 property owners within 120 m of the subject lands on February 7, 2020.
Public Notice Sign:	Posted February 17, 2020 and updated with Public Meeting date October 18, 2023.
Notice of Public Meeting:	Sent to 226 property owners within 120 m of the subject lands on October 27, 2023.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix "L" attached to Report PED23232.
Public Consultation:	The applicants prepared and circulated an information letter on October 6 to 226 residents/occupants within 120 metres of the subject lands.
Public Comments:	Two letters and a petition expressing concern were received (see Appendix "M" attached to Report PED23232).
Revised Submissions Received:	<ul style="list-style-type: none"> • December 20, 2019; • June 7, 2022; and • May 8, 2023.
Processing Time:	1,445 days from receipt of initial application, 212 days from receipt of final application submission.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Vacant Lands	Residential Multiple "RM3-175" Zone, Modified, Residential Multiple "RM2-182" Zone, Modified; Residential Multiple "RM2-173" Zone, Modified; Institutional "I-173" Zone, Modified; Residential "R4-182" Zone, Modified; and, Residential "R4-173 (B) Zone, Modified.

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SUBJECT: Applications for an Official Plan Amendment, Zoning By-law Amendment and Revisions to a Draft Plan of Subdivision for Lands Located at 2080 Rymal Road East, Glanbrook (PED23232) (Ward 9) - Page 11 of 18

Surrounding Land Uses:

North	Townhouse dwellings	Residential Multiple “RM2-182” Zone, Modified and Residential Multiple “RM3-175” Zone, Modified.
South	Vacant lands (preliminary grading for development)	Residential “R4-182” Zone, Modified, and Residential “R4-173(B) Zone, Modified.
East	Vacant lands (preliminary grading for development)	Residential Multiple – Holding “RM4-257-H” Zone, Modified; Public Open Space “OS2” Zone; and, Residential Multiple “RM3-173(B)” Zone, Modified.
West	Townhouse dwellings and vacant lands (preliminary grading for development)	Residential Multiple “RM2-182” Zone, Modified, Residential Multiple “RM2-173” Zone, Modified, Residential “R4-173(B)” Zone, Modified, and Public Open Space “OS2” Zone.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

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) in Appendix “J” to Report PED23232.

Provincial Policy Statement (2020)

The proposal provides for the efficient use of land and resources by directing growth towards the existing settlement area where there will be municipal water and wastewater services. The development of street townhouse dwellings, back-to-back townhouse dwellings, and a multiple dwelling are an efficient use of land and represent an appropriate development of the site which will contribute to the completion of the surrounding neighbourhood. The subject lands are serviced by a comprehensive street network with nearby open spaces which will encourage active transportation and the development will increase the viability for transit along Rymal Road which is a major arterial road. The proposal contributes to a range and mix of housing types in the immediate area, which mainly consist of existing and planned low rise residential units.

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Based on the foregoing, the proposal is consistent with the Provincial Policy Statement (2020).

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

The proposal conforms with A Place to Grow (2019), as it supports a range and mix of housing options, supports transit viability, and improves the integration of land use planning with planning and investment in infrastructure.

The subject lands are within the Urban Boundary in a settlement area and the proposal will provide the opportunity to complete the surrounding neighbourhood and street network with additional residential uses using existing and planned municipal services. The proposed development provides an efficient use of land with appropriate densities with nearby open spaces, which will encourage active transportation and increase the viability for introducing transit service to the area in the future.

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

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. The subject lands are further found within the Rymal Road Secondary Plan and designated "Institutional" (Public Elementary School), "Low Density Residential 2g", and "Medium Density Residential 2b". The applicant is proposing to redesignate the lands to "Low Density Residential 2h" and “Medium Density Residential 2c” within the Rymal Road Secondary Plan. The applicant’s conceptual plans are attached as Appendix “E” to Report PED23232. A review of the applicable Official Plan policies is attached as Appendix “J” to Report PED23232.

Lands designated “Neighbourhoods” are characterized as complete communities that include a range of residential dwelling types, densities and supporting uses to serve local residents. The proposal, if approved, would facilitate the development of 226 townhouse units and up to 80 multiple dwelling units on the subject lands.

The proposal is designed to have a unique and cohesive character with the surrounding lands and its layout ensures clear and convenient connections from within the greenfield community and adjacent neighbourhoods. The proposal considers the use of private lanes/driveways and public roads that promote a compact development and the

SUBJECT: Applications for an Official Plan Amendment, Zoning By-law Amendment and Revisions to a Draft Plan of Subdivision for Lands Located at 2080 Rymal Road East, Glanbrook (PED23232) (Ward 9) - Page 13 of 18

proposal is compatible with the existing and future uses in the area such as surrounding residential, open space and commercial uses.

Based on the foregoing, the proposal complies with the applicable policies of the Urban Hamilton Official Plan subject to the Official Plan Amendment.

Rymal Road Secondary Plan

The "Low Density Residential 2h" designation permits a range of low density, low rise built forms such as low rise apartments, single detached dwellings, and multiple attached dwelling unit types such as street townhouses and block townhouses. The proposed uses are street townhouse dwellings, block townhouse dwellings and back to back townhouse dwellings and these uses are permitted by the "Low Density Residential 2h" designation. The required density shall be between 24 to 50 units per residential hectare, and the proposed net residential density for lands being designated "Low Density Residential 2h" will be 43 units per hectare.

A portion of the lands are currently designated "Institutional" (Public Elementary School) and the Hamilton-Wentworth District School Board did not foresee the need for these lands to remain for their intended use, as Shannen Koostachin Elementary school is located at 110 Bellagio Avenue. The "Medium Density Residential 2c" designation permits apartments, townhouses and stacked townhouse dwellings. The proposed use of a multiple dwelling complies with the "Medium Density Residential 2c" designation. The maximum permitted height in the designation is nine storeys and the density requirement in the designation permits a minimum of 60 units per net residential hectare. The proposal exceeds the minimum density at 127 units per hectare (80 units/0.63 ha) and is a proposed height of six storeys. The Rymal Road Secondary Plan requires the implementing zoning by-law to set out a maximum density for the Medium Density Residential 2c designation, as such a maximum density of 127 units per hectare has been included in the draft amending By-law.

A maximum height of 22 metres has also been included in the amending by-law to ensure the built form is at six storeys or less (attached as Appendix "D" to Report PED23232). The proposed development offers a compact and efficient form of development that is in proximity to an existing bus route and potential rapid transit line and is located along a collector road (Bellagio Avenue), as such staff find the redesignation of the lands appropriate.

Based on the foregoing, the proposal complies with the applicable policies of the Urban Hamilton Official Plan and Rymal Road Secondary Plan subject to the Official Plan Amendment.

SUBJECT: Applications for an Official Plan Amendment, Zoning By-law Amendment and Revisions to a Draft Plan of Subdivision for Lands Located at 2080 Rymal Road East, Glanbrook (PED23232) (Ward 9) - Page 14 of 18

Glanbrook Zoning By-law No. 464 and Hamilton Zoning By-law No. 05-200

The proposed Zoning By-law Amendment to Glanbrook Zoning By-law No. 464 is for a change in zoning from:

- Residential Multiple "RM2-182" Zone, Modified, to the Residential Multiple "RM3-323" Zone, Modified (Block 1);
- Residential Multiple "RM2-173" Zone, Modified and the Institutional "I-173" Zone, Modified, to the Residential Multiple "RM4-325" Zone, Modified (Blocks 2 and 3); and,
- Residential Multiple "RM2-173" Zone, Modified, the Institutional "I-173" Zone, Modified, the Residential Multiple "RM2-182" Zone, Modified, the Residential "R4-173(B)" Zone, Modified and the Residential "R4-182" Zone, Modified to the Residential Multiple "RM3-324" Zone, Modified (Blocks 4, 5, 6, 7 and 8).

The effect of this Zoning By-law Amendment will permit the development of 189 units of block townhouse units and up to 80 multiple dwelling units.

The proposed Zoning By-law Amendment to Hamilton Zoning By-law No. 05-200 is for a change in zoning from the Residential Multiple "RM3-175" Zone, Modified, the Residential Multiple "RM2-182" Zone, Modified, and the Residential "R4-173b" Zone, Modified to the Low Density Residential - Small Lot (R1a, 866) Zone to permit the development of 37 street townhouse dwellings.

Modifications to the Residential Multiple "RM3" Zones, Residential Multiple "RM4" Zone, and Low Density Residential - Small Lot (R1a) Zone are required to facilitate the development and are summarized in Appendix "K" attached to Report PED23232. The proposed zoning will be discussed in the Analysis and Rationale section of this Report.

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 and will comply with the Rymal Road Secondary Plan, subject to the adoption of the proposed Official Plan Amendment; and,

SUBJECT: Applications for an Official Plan Amendment, Zoning By-law Amendment and Revisions to a Draft Plan of Subdivision for Lands Located at 2080 Rymal Road East, Glanbrook (PED23232) (Ward 9) - Page 15 of 18

- (iii) The proposal represents good planning by providing, among other things, a compatible residential development that contributes to a complete community through the establishment of housing forms and densities that are in keeping with existing and planned land uses and development in the surrounding area, while making efficient use of a vacant parcel of land that is compatible with the area and achieves the planned public road network envisioned by the Plan which ensures land, municipal services, and transportation systems are used efficiently.
2. The purpose of the Official Plan Amendment is to amend the Rymal Road Secondary Plan by redesignating the subject lands from "Institutional" (Public Elementary School), "Low Density Residential 2g", and "Medium Density Residential 2b" to "Low Density Residential 2h" and "Medium Density Residential 2c" to permit the development of 37 street townhouse dwellings, 189 block townhouse dwellings, and a multiple dwelling containing up to 80 units.

The Official Plan Amendment can be supported as the development proposes an appropriate density, achieves the planned local road network, and utilizes existing and planned infrastructure. The Hamilton-Wentworth School Board has indicated that the lands are no longer required for an Elementary School which were deemed surplus in 2017. The proposed development will support the achievement of a complete community, by providing residential uses in proximity to institutional, recreational, and commercial uses. The proposed development is in proximity to an existing bus route and potential rapid transit line and is located along a collector road which is an appropriate location for a multiple dwelling. The proposal, through the implementation of the draft amending zoning by-law, also limits the built form to a mid-rise built form that is appropriate in the context of the surrounding area. Furthermore, the proposal builds on the existing patterns and built form of the area and provides additional housing opportunities.

Therefore, staff supports the proposed Official Plan Amendment.

3. The proposed Zoning By-law Amendment is for changes to the Township of Glanbrook Zoning By-law No. 464 and Hamilton Zoning By-law No. 05-200 to permit the development of 37 street townhouse dwellings, 189 townhouse dwellings and up to 80 multiple dwelling units.

The proposed amendment to Hamilton Zoning By-law No. 05-200 will remove a portion of the subject lands which are zoned Residential Multiple "RM3-175" Zone, Modified, Residential Multiple "RM2-182" Zone, Modified and Residential "R4-173(B)" Zone, Modified, in the Township of Glanbrook Zoning By-law No.

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

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

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

SUBJECT: Applications for an Official Plan Amendment, Zoning By-law Amendment and Revisions to a Draft Plan of Subdivision for Lands Located at 2080 Rymal Road East, Glanbrook (PED23232) (Ward 9) - Page 16 of 18

464 and add them to Hamilton Zoning By-law No. 05-200. The intent is to rezone them to the Low Density Residential - Small Lot Residential (R1a, 866) Zone to permit 37 street townhouse dwellings.

The proposed amendment to Township of Glanbrook Zoning By-law No. 464 is to rezone the lands to the Residential Multiple "RM3-323" Zone, Modified, the Residential Multiple "RM3-324" Zone, Modified, and the Residential Multiple "RM4-325" Zone, Modified, to permit 33 townhouse dwellings, 156 townhouse dwellings, and up to an 80 unit multiple dwelling.

Modifications to the Residential Multiple "RM3" Zones, Residential Multiple "RM4" Zone, and Low Density Residential - Small Lot (R1a) Zone are discussed in Appendix "K" attached to Report PED23232. The modifications will complement the existing and planned surrounding neighbourhood envisioned by the Rymal Road Secondary Plan, providing a mixture of lots and block sizes compatible with existing and planned development in the area and will be consistent with the character of the surrounding area.

As such, staff are satisfied that the proposal complies with the general intent of the Urban Hamilton Official Plan and the Rymal Road Secondary Plan, subject to the Official Plan Amendment, and are supportive of the Zoning By-law Amendments.

4. In review of Sub-section 51(24) of the *Planning Act*, to assess the appropriateness of the proposed subdivision, staff advise that:
 - (a) 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);
 - (b) The proposal represents a logical and timely extension of existing development and services and is in the public interest;
 - (c) It will comply with the applicable policies of the Urban Hamilton Official Plan and Rymal Road Secondary Plan upon approval of the Urban Hamilton Official Plan Amendment;
 - (d) The land is suitable for the purposes for which it is to be divided;
 - (e) The proposed roads will adequately service the proposed subdivision and can connect with the current road system;

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SUBJECT: Applications for an Official Plan Amendment, Zoning By-law Amendment and Revisions to a Draft Plan of Subdivision for Lands Located at 2080 Rymal Road East, Glanbrook (PED23232) (Ward 9) - Page 17 of 18

- (f) The dimensions and shape of the lots and blocks are appropriate;
- (g) Restrictions and regulations for the development of the subdivision are included in the implementing Zoning By-law Amendment, conditions of draft plan approval and Subdivision Agreement;
- (h) The subject lands can be appropriately used for the purposes for which it is to be subdivided and will not negatively impact natural heritage features, and flood control will be addressed through stormwater management plans that will be required as standard conditions of draft plan approval;
- (i) Adequate utility and municipal services will be available, the particulars of which will be determined as part of the conditions of draft plan approval and Subdivision Agreement;
- (j) The lands do not require a school block and School Boards have no comments on the requirement for such;
- (k) Public land will be conveyed to create road rights-of-way, the particulars of which will be determined as part of the Standard Subdivision Agreement and final registration of the Plan of Subdivision; and,
- (l) The proposed development of the subject land is interrelated with site plan control matters that will include further review of landscaping, lighting, waste collection and urban design.

Therefore, staff are supportive of the proposed Draft Plan of Subdivision and recommend its approval.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the subject property can be used in accordance with the Institutional "I-173" Zone, Modified, the Residential Multiple "RM2-173" Zone, Modified, the Residential Multiple "RM2-182" Zone, Modified, the Residential Multiple "RM3-175" Zone, Modified, the Residential "R4-173(B)" Zone, Modified, and the Residential "R4-182" Zone, Modified. If the applications were denied the lands would be permitted to develop as a Public or Separate Elementary School or as single detached dwellings in accordance with the existing modified Institutional Zone and would be permitted to develop street townhouse dwellings, single detached dwellings in accordance with existing modified Residential Zones in Glanbrook Zoning By-law No. 464.

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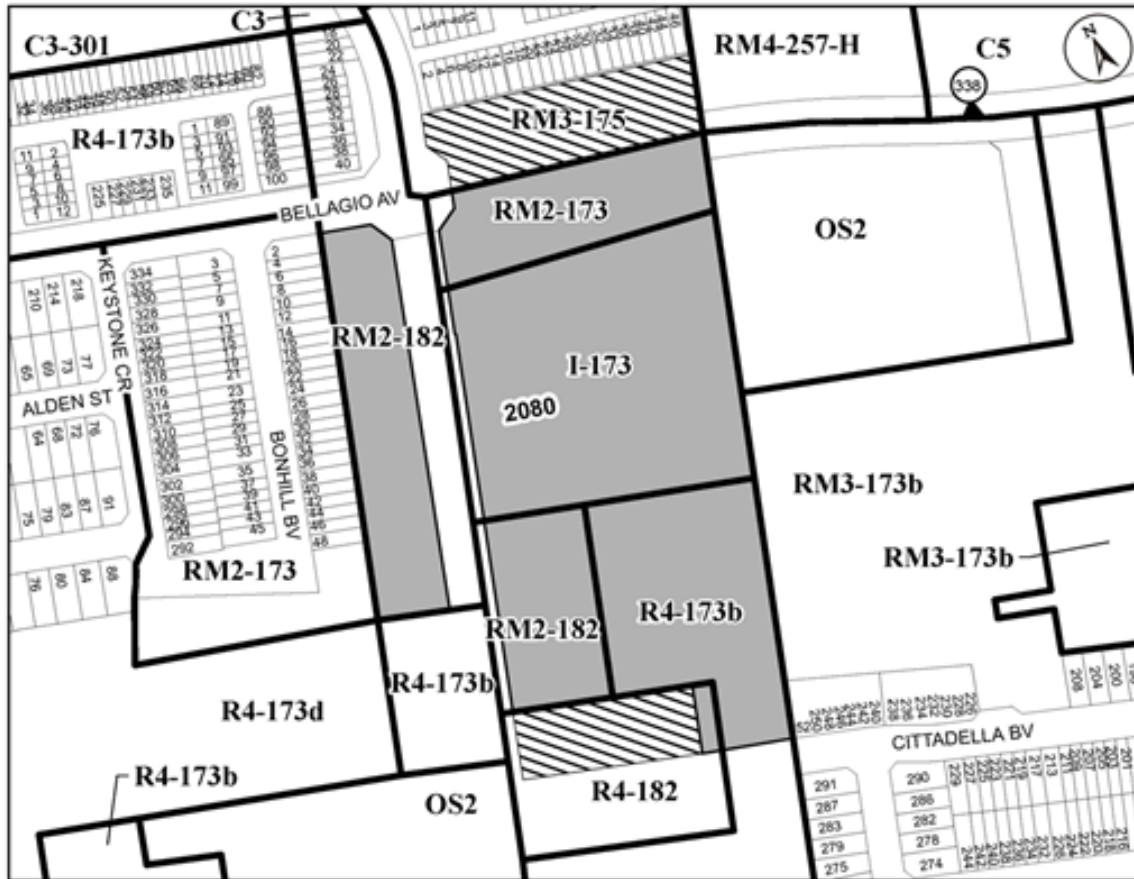
SUBJECT: Applications for an Official Plan Amendment, Zoning By-law Amendment and Revisions to a Draft Plan of Subdivision for Lands Located at 2080 Rymal Road East, Glanbrook (PED23232) (Ward 9) - Page 18 of 18

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED23232 – Location Map
Appendix "B" to Report PED23232 – Official Plan Amendment
Appendix "C" to Report PED23232 – Draft Amendment to Zoning By-law No. 05-200
Appendix "D" to Report PED23232 – Draft Amendment to Zoning By-law No. 464
Appendix "E" to Report PED23232 – Concept Plan
Appendix "F" to Report PED23232 – Revised Draft Plan of Subdivision
Appendix "G" to Report PED23232 – Approved Draft Plan of Subdivision 25T-200303
Appendix "H" to Report PED23232 – Original Conditions of Draft Plan of Subdivision Approval (File No. 25T-200303)
Appendix "I" to Report PED23232 – Draft Plan of Subdivision Special Conditions
Appendix "J" to Report PED23232 – Policy Review
Appendix "K" to Report PED23232 – Zoning Modification Chart
Appendix "L" to Report PED23232 – Staff and Agency Comments
Appendix "M" to Report PED23232 – Public Comments


JVR:sd

Appendix "A" to Report PED23232




Location Map


PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

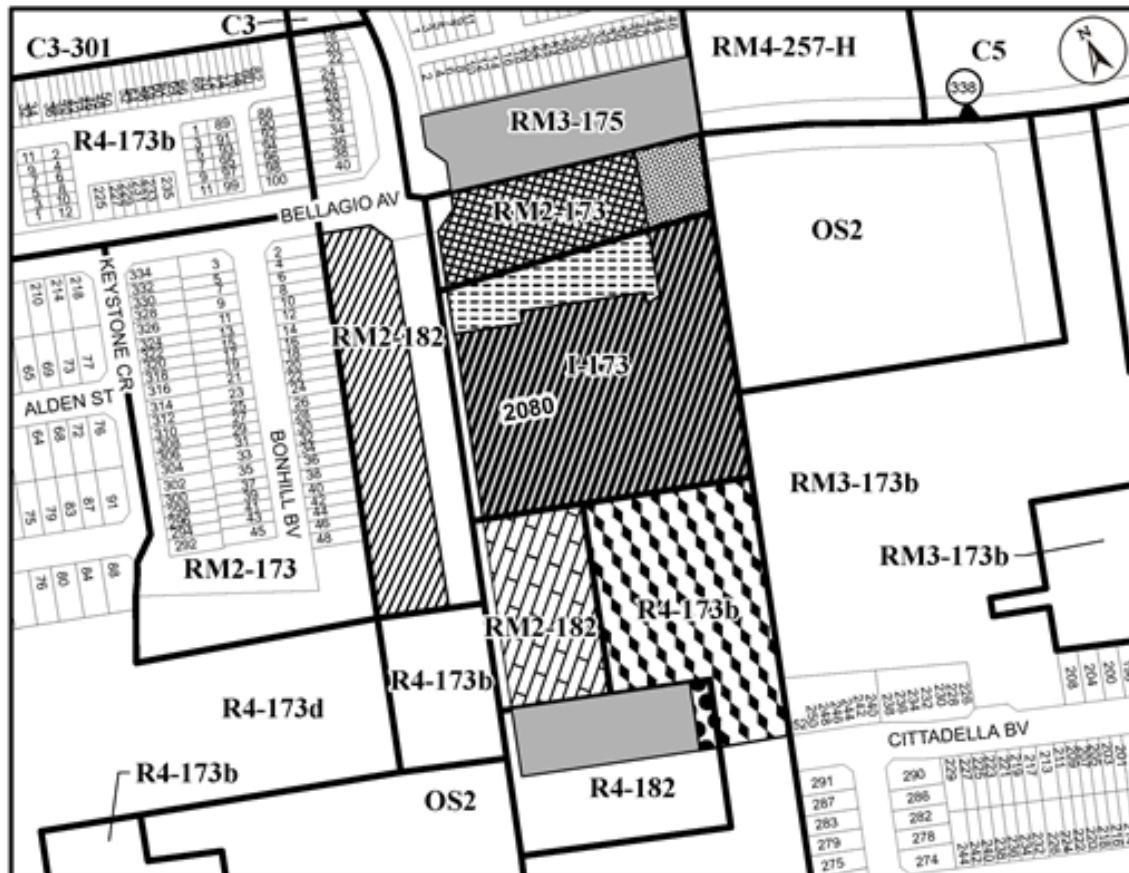


File Name/Number: ZAC-20-015/UHOPA-20-011/25T200303R	Date: October 10, 2023
Appendix "A"	Scale: N.T.S.
Planner/Technician: JVR/NB	

Subject Property
2080 Rymal Road East, Hamilton (Ward 9)

 Block 1 – Lands to be zoned Low Density Residential – Small Lot (R1a, 866) Zone

 Refer to By-law No. 464



● Site Location



Key Map - Ward 9

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-20-015/UHCPA-20-011/25T200303R

Date:
October 10, 2023

Appendix "A"

Scale:
N.T.S

Planner/Technician:
JVR/NB

Subject Property

2080 Rymal Road East, Hamilton (Ward 9)

- Block 1 - Change in Zoning from the Residential Multiple "RM2-182" Zone, Modified to the "Residential Multiple "RM3-323" Zone, Modified
- Block 2 - Change in Zoning from the Residential Multiple "RM2-173" Zone, Modified to the "Residential Multiple "RM4-325" Zone, Modified
- Block 3 - Change in Zoning from the Institutional "I-173" Zone, Modified to the "Residential Multiple "RM4-325" Zone, Modified
- Block 4 - Change in Zoning from Residential Multiple "RM2-173" Zone, Modified, to the Residential Multiple "RM3-324" Zone, Modified
- Block 5 - Change in Zoning from the Institutional "I-173" Zone, Modified to Residential Multiple "RM3-324" Zone, Modified
- Block 6 - Change in Zoning from the Residential Multiple "RM2-182" Zone, Modified to the Residential Multiple "RM3-324" Zone, Modified
- Block 7 - Change in Zoning from the Residential "R4-173(B)" Zone, Modified to the Residential Multiple "RM3-324" Zone, Modified
- Block 8 - Change in Zoning from the Residential "R4-182" Zone, Modified to the Residential Multiple "RM3-324" Zone, Modified
- Refer to By-law No. 05-200

Schedule "1"

DRAFT Urban Hamilton Official Plan Amendment No. X

The following text, together with Appendix "A" – Volume 2: Map B.5.2-1 Rymal Road Secondary Plan – Land Use Plan attached hereto, constitutes Official Plan Amendment No. X to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose of this Amendment is to amend the Rymal Road Secondary Plan by redesignating the subject lands from "Institutional" (Public Elementary School), "Low Density Residential 2g", and "Medium Density Residential 2b" to "Low Density Residential 2h" and "Medium Density Residential 2c" to permit the development of 37 street townhouse dwellings, 189 block townhouse dwellings, and a multiple dwelling containing up to 80 units.

2.0 Location:

The lands affected by this Amendment are known municipally as 2080 Rymal Road East, in the former Township of Glanbrook.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed development supports the policies of the Urban Hamilton Official Plan and the Rymal Road Secondary Plan, as it contributes to the range of housing forms and the efficient use of land;
- The proposed development supports Residential Intensification policies of the Urban Hamilton Official Plan by providing residential units adjacent to existing commercial uses and in proximity to existing transit; and,
- The proposed Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 Actual Changes:

4.1 Volume 2 – Secondary Plan

Maps

4.1.1 Map

a. That Volume 2: Map B.5.2-1 – Rymal Road Secondary Plan – Land Use Plan be amended by:

- i) Redesignating certain lands from "Institutional" (Public Elementary School) to "Low Density Residential 2h";
- ii) Redesignating certain lands from "Low Density Residential 2g" to "Low Density Residential 2h";
- iii) Redesignating certain lands from "Medium Density Residential 2b" to "Low Density Residential 2h"; and,
- iv) Redesignating certain lands from "Institutional" (Public Elementary School) to "Medium Density Residential 2c";

as shown on Appendix "A", attached to this Amendment.

5.0 Implementation:

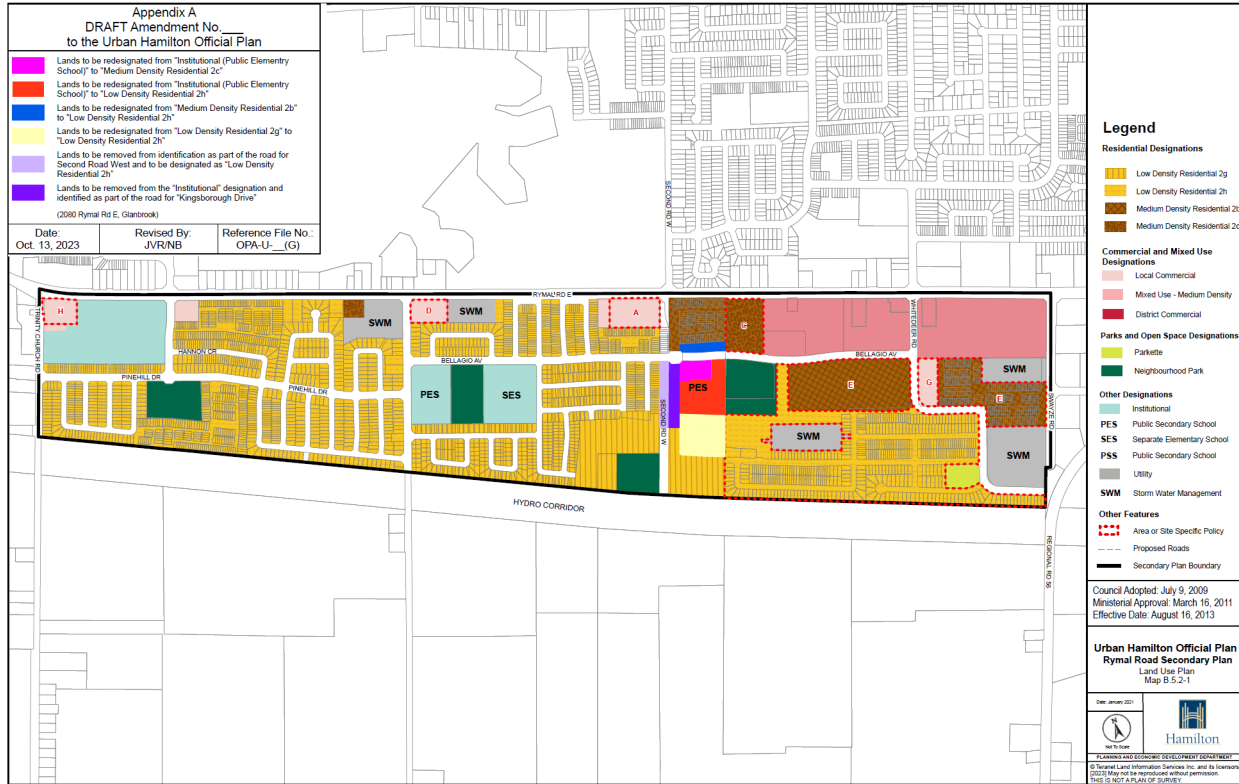
An implementing Zoning By-Law Amendment, Draft Plan of Subdivision and Site Plan will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the _____th day of _____, 202X.

**The
City of Hamilton**

A. Horwath
MAYOR

J. Pilon
ACTING CITY CLERK



Appendix “C” to Report PED23232
Page 1 of 3

Authority: Item ,
 Report (PED23232)
 CM:
 Ward: 11

Bill No.

CITY OF HAMILTON
BY-LAW NO.

**To Amend Zoning By-law No. 05-200 with respect to lands located at
 2080 Rymal Road East, Glanbrook**

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at the meeting held on _____, 2023;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. XX.

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

1. That Map No. 1639 of Schedule “A” – Zoning Maps is amended by adding the Low Density Residential – Small Lot (R1a, 866) Zone, for the lands known as 2080 Rymal Road East, 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:

“866. Within the lands zoned Low Density Residential – Small Lot (R1a) Zone, identified on Map No. 1639 of Schedule “A” – Zoning Maps and described as 2080 Rymal Road East, the following special provisions shall apply:

 - a) Notwithstanding Sections 15.2.2.3 a), b), and f), the following regulations shall apply:
 - a) Minimum Lot Area for each Dwelling Unit 160 square metres;
 - b) Minimum Unit Width for each Dwelling Unit 5.7 metres;
 - c) Minimum Setback from the Rear Lot Line 7.4 metres”
3. 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,

Appendix "C" to Report PED23232
Page 2 of 3

except in accordance with the provisions of the Low Density Residential - Small Lot (R1a) Zone, subject to the special requirements referred to in Section No. 2 of this By-law.

4. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this _____ , _____

A. Horwath
Mayor

J. Pilon
Acting City Clerk

Appendix "C" to Report PED23232
Page 3 of 3





This is Schedule "A" to By-law No. 23-
Passed the day of, 2023

Mayor

Clerk

Schedule "A"
Map forming Part of
By-law No. 23-_____
to Amend By-law No. 05-200
Map 1639

Subject Property
2080 Rymal Road East
 Block 1 – Lands to be added as Low Density Residential – Small Lot (R1a, 866) Zone
 Refer to By-law No. 464

Scale: N.T.S	File Name/Number: ZAC-20-015 & UHOPA-20-011 & 25T-2000303R
Date: October 2, 2023	Planner/Technician: JV/NB



Authority: Item ,
Report (PED23XXX)
CM:
Ward: 11

Bill No.

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

**To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands Located at 2080 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 successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" 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 16th day of March, 1992, and approved by the Ontario Land Tribunal on the 31st 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 WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. XX.

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 Zoning By-law No. 464 (Glanbrook) is amended as follows:
 - (a) by changing the zoning from Residential Multiple "RM2-182" Zone, Modified to Residential Multiple "RM3-323" Zone, Modified (shown as Block 1 on Schedule "A");
 - (b) by changing the zoning from Residential Multiple "RM2-173" Zone, Modified to Residential Multiple "RM4-325" Zone, Modified (shown as Block 2 on Schedule "A");

- (c) by changing the zoning from Institutional "I-173" Zone, Modified to Residential Multiple "RM4-325" Zone, Modified (shown as Block 3 on Schedule "A");
- (d) by changing the zoning from Residential Multiple "RM2-173" Zone, Modified to Residential Multiple "RM3-324" Zone, Modified (shown as Block 4 on Schedule "A");
- (e) by changing the zoning from Institutional "I-173" Zone, Modified to Residential Multiple "RM3-324" Zone, Modified (shown as Block 5 on Schedule "A");
- (f) by changing the zoning from Residential Multiple "RM2-182" Zone, Modified to Residential Multiple "RM3-324" Zone, Modified (shown as Block 6 on Schedule "A");
- (g) by changing the zoning from Residential "R4-173(B)" Zone, Modified to Residential Multiple "RM3-324" Zone, Modified (shown as Block 7 on Schedule "A"); and,
- (h) by changing the zoning from the Residential "R4-182" Zone, Modified to Residential Multiple "RM3-324" Zone, Modified (shown as Block 8 on Schedule "A");

For the lands known as 2080 Rymal Road East, the extent and boundaries of which are shown on Schedule "A" to this By-law.

2. That SECTION 44: EXCEPTIONS TO THE PROVISIONS OF THIS BY-LAW, be amended as follows:

"RM3-323" – 2080 Rymal Road East (Block 1)

1. In addition to SECTION 4: DEFINITIONS, that for the purposes of the Residential Multiple "RM3-323" Zone, Modified, the following definitions shall also apply:
 - (a) That all exterior lot/block lines shall be deemed to be the lot lines, and regulations including but not limited to lot area, lot frontage, lot coverage, building setbacks, landscaped areas, parking requirements and accessory buildings, shall be from the exterior boundaries of the townhouse block according to the unregistered final plan of subdivision and not from individual properties or boundaries created by registration of a condominium plan, through a Consent or created by Part Lot Control.
 - (b) That Notwithstanding the Definition of Front Yard – Kingsborough Drive shall be deemed the Front Yard for the purposes of determining the Front Yard.
2. In addition to the regulations of SECTION 7: GENERAL PROVISIONS FOR ALL ZONES, Subsection 7.23 – SPECIAL SETBACK REQUIREMENTS FROM STREETS, shall not apply.

3. Notwithstanding the regulations of SUBSECTION 7.35 MINIMUM PARKING REQUIREMENTS, Clauses (a)(vi), (a)(vii), (a)(xii), and (a)(xiii), the following provisions shall apply:
 - (a) No direct access shall be provided to each parking space within a garage.
 - (b) Minimum Parking Space Size 3.0 metres x 5.8 metres.
 - (d) A minimum 1.45 metres wide landscaped area shall be provided adjacent to Kingsborough Drive. A minimum 2.6 metres wide landscaped area shall be provided along the Hypotenuse of the Daylight Triangle.

4. Notwithstanding SECTION 19: RESIDENTIAL MULTIPLE "RM3" Zone, Subsection 19.2 – REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 19.1, Clauses (c), (d), (f), (g), (j), (m), and (n)(ii), the following regulations shall apply for the lands zoned Residential Multiple "RM3-323" Zone, Modified:

- (c) Maximum Lot Coverage.....33 percent
- (d) Maximum Density.....43 dwelling units per hectare
- (f) Minimum Side and Rear Yards
 - (i) Side Yard.....2.5 metres
 - (ii) Rear Yard.....7.1 metres
 - (iii) Exterior Side Yard.....7.6 metres
- (g) Minimum Separation Distance.....2 metres between two end units
- (j) Minimum Landscaped Area.....36 percent of the lot area
- (m) Minimum Amenity AreaN/A
- (n) Minimum Parking Requirements
 - (ii) No parking space or area shall be located closer to a street line than 1.45 metres.

"RM3-324" – 2080 Rymal Road East (Blocks 4, 5, 6, 7 and 8)

1. In addition to SECTION 4: DEFINITIONS, that for the purposes of the Residential Multiple "RM3-324" Zone, Modified, the following definitions shall also apply:
 - (a) That all exterior lot/block lines shall be deemed to be the lot lines, and regulations including but not limited to lot area, lot frontage, lot coverage, building setbacks, landscaped areas, parking requirements and accessory

buildings, shall be from the exterior boundaries of the townhouse block according to the unregistered final plan of subdivision and not from individual properties or boundaries created by registration of a condominium plan, through a Consent or created by Part Lot Control.

- (b) That Notwithstanding the Definition of Front Lot Line, Citadella Drive shall be considered the Front Lot Line.
 - (c) That Notwithstanding the Definition of Rear Lot Line, Bellagio Avenue shall be considered the Rear Lot Line.
 - (d) That Notwithstanding the Definitions of Interior Side Lot Line and Exterior Side Lot Line, all other Lot Lines shall be considered Side Lot Lines.
2. In addition to the regulations of SECTION 7: GENERAL PROVISIONS FOR ALL ZONES, Subsection 7.23 – SPECIAL SETBACK REQUIREMENTS FROM STREETS, shall not apply.
3. Notwithstanding the regulations of SUBSECTION 7.35 MINIMUM PARKING REQUIREMENTS, Clauses (a)(vi), (a)(vii), (a)(xii), and (a)(xiii), and (b) the following provisions shall apply:
- (a) No direct access shall be provided to each parking space within a garage.
 - (b) Minimum Parking Space Size 3.0 metres x 5.8 metres.
 - (c) A minimum Landscaped Area width of 2 metres, which may include a sidewalk shall be provided abutting a Residential Zone.
 - (d) 2 spaces for each dwelling unit plus 0.3 visitor parking spaces per unit shall be required.
4. Notwithstanding SECTION 19: RESIDENTIAL MULTIPLE "RM3" ZONE, Subsection 19.1 PERMITTED USES for those lands zoned "RM3-324", Zone, Modified, by this By-law, only the following uses shall be permitted:
- (a) Block Townhouse Dwelling.
 - (b) Back-to-back Townhouse Dwelling.
 - (c) Uses, buildings and structures accessory thereto.
5. In addition to the definitions of SECTION 4: DEFINITIONS, the following definition shall apply:
- "DWELLING, BACK TO BACK TOWNHOUSE" shall mean a building containing a minimum of eight and no more than 16 dwelling units that is divided vertically and where each unit is divided by common walls, including a common rear wall without a rear yard setback, and whereby each unit has an independent entrance to the unit at grade.

6. Notwithstanding SECTION 19: RESIDENTIAL MULTIPLE “RM3” Zone, Subsection 19.2 – REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 19.1, Clauses (c), (d), (e), (f), (g), (i), (j), and (m), the following regulations shall apply for uses listed in subsection 2 above, for the lands zoned Residential Multiple “RM3-324” Zone, Modified:

- (c) Maximum Lot Coverage.....31 percent
- (d) Maximum Density.....43 dwelling units per hectare
- (e) Minimum Front Yard.....5.0 metres
- (f) Minimum Side and Rear Yards
 - (i) Side Yard (easterly).....7.4 metres
 - (ii) Side Yard (westerly) for buildings 12, 16 and 17.....2.0 metres of Special Figure 3 of Section 50
 - (iii) Side Yard (westerly) for buildings 25, 26 and 27.....7.7 metres of Special Figure 3 of Section 50
 - Side Yard (abutting Block 3).....1.75 metres
 - (ii) Rear Yard.....3.5 metres
- (g) Minimum Separation Distance.....2 metres between two end units
- (i) Maximum Height.....12.0 metres
 Maximum Height abutting Easterly Property Line.....10.7 metres
- (j) Minimum Landscaped Area.....34 percent of the lot area
- (m) Minimum Amenity AreaN/A

“RM4-325” – 2080 Rymal Road East (Blocks 2 and 3)

1. Notwithstanding the regulations of SUBSECTION 7.35 MINIMUM PARKING REQUIREMENTS, Clause (b) the following provisions shall apply:

- (a) 1.05 spaces per residential unit, inclusive of visitor parking.

2. Notwithstanding SECTION 20: RESIDENTIAL MULTIPLE “RM4” Zone, Subsection 20.2 – REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 20.1, Clauses (e), (f), (g), and (i) the following for the lands zoned Residential Multiple “RM4-325” Zone, Modified:

- (e) Maximum Density.....127 dwelling units per hectare

- (f) Minimum Front Yard.....11 metres
 - (g) Minimum Side and Rear Yards
 - (i) Exterior Side Yard.....4.5 metres
 - (ii) Side Yard.....35.0 metres
 - (iii) Rear Yard.....27.3 metres
 - (i) Maximum Height.....22.0 metres
3. That SECTION 50: SPECIAL FIGURES, be amended by adding Figure 3: 2080 Rymal Road.
 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 "RM3-323" Zone, Modified, the Residential Multiple "RM3-324" Zone, Modified, and the Residential Multiple "RM4-325" Zone, Modified provisions, subject to the special requirements as referred to in Sections 2 and 3 of this By-law.
 5. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this _____ , _____

A. Horwath
Mayor

J. Pilon
Acting City Clerk



This is Schedule "A" to By-law No. 23-
 Passed the day of, 2023

 Mayor

 Clerk

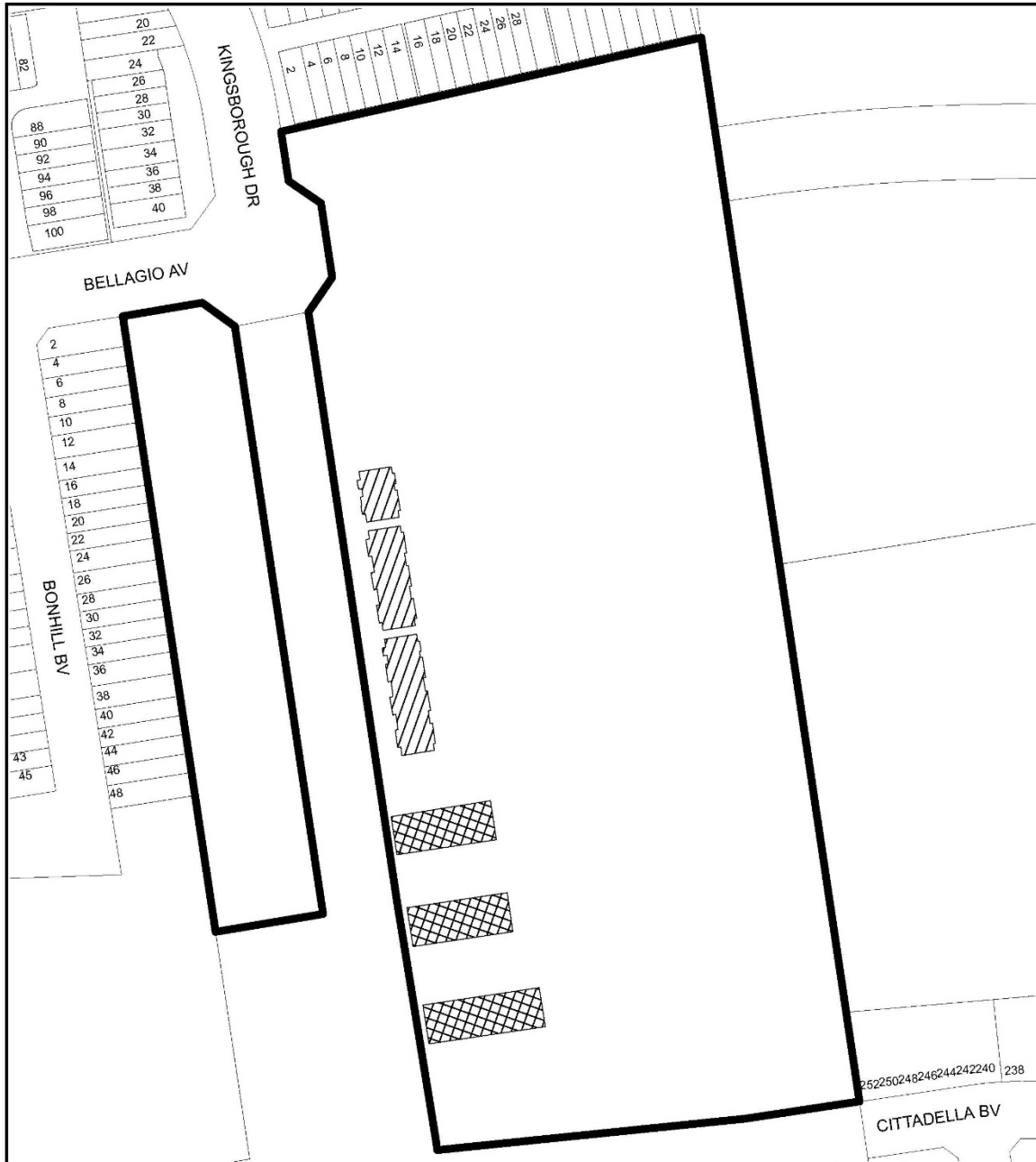
Schedule "A"
 Map forming Part of
 By-law No. 23-_____
 to Amend By-law No. 6593

- Subject Property**
 2080 Rymal Road East
- Block 1 - Change in Zoning from the Residential Multiple "RM2-182" Zone, Modified to the "Residential Multiple "RM3-323" Zone, Modified
 - Block 2 - Change in Zoning from the Residential Multiple "RM2-173" Zone, Modified to the "Residential Multiple "RM4-325" Zone, Modified
 - Block 3 - Change in Zoning from the Institutional "I-173" Zone, Modified to the "Residential Multiple "RM4-325" Zone, Modified
 - Block 4 - Change in Zoning from Residential Multiple "RM2-173" Zone, Modified, to the Residential Multiple "RM3-324" Zone, Modified
 - Block 5 - Change in Zoning from the Institutional "I-173" Zone, Modified to Residential Multiple "RM3-324" Zone, Modified
 - Block 6 - Change in Zoning from the Residential Multiple "RM2-182" Zone, Modified to the Residential Multiple "RM3-324" Zone, Modified
 - Block 7 - Change in Zoning from the Residential "R4-173(B)" Zone, Modified to the Residential Multiple "RM3-324" Zone, Modified
 - Block 8 - Change in Zoning from the Residential "R4-182" Zone, Modified to the Residential Multiple "RM3-324" Zone, Modified
 - Refer to By-law No. 05-200

Scale: N.T.S.	File Name/Number: ZAC-20-015 & UHOPA-20-011 & 25T-200303R
Date: October 2, 2023	Planner/Technician: JV/NB

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT





Special Figure 3: 2080 Rymal Road East

Date:
 October 30, 2023

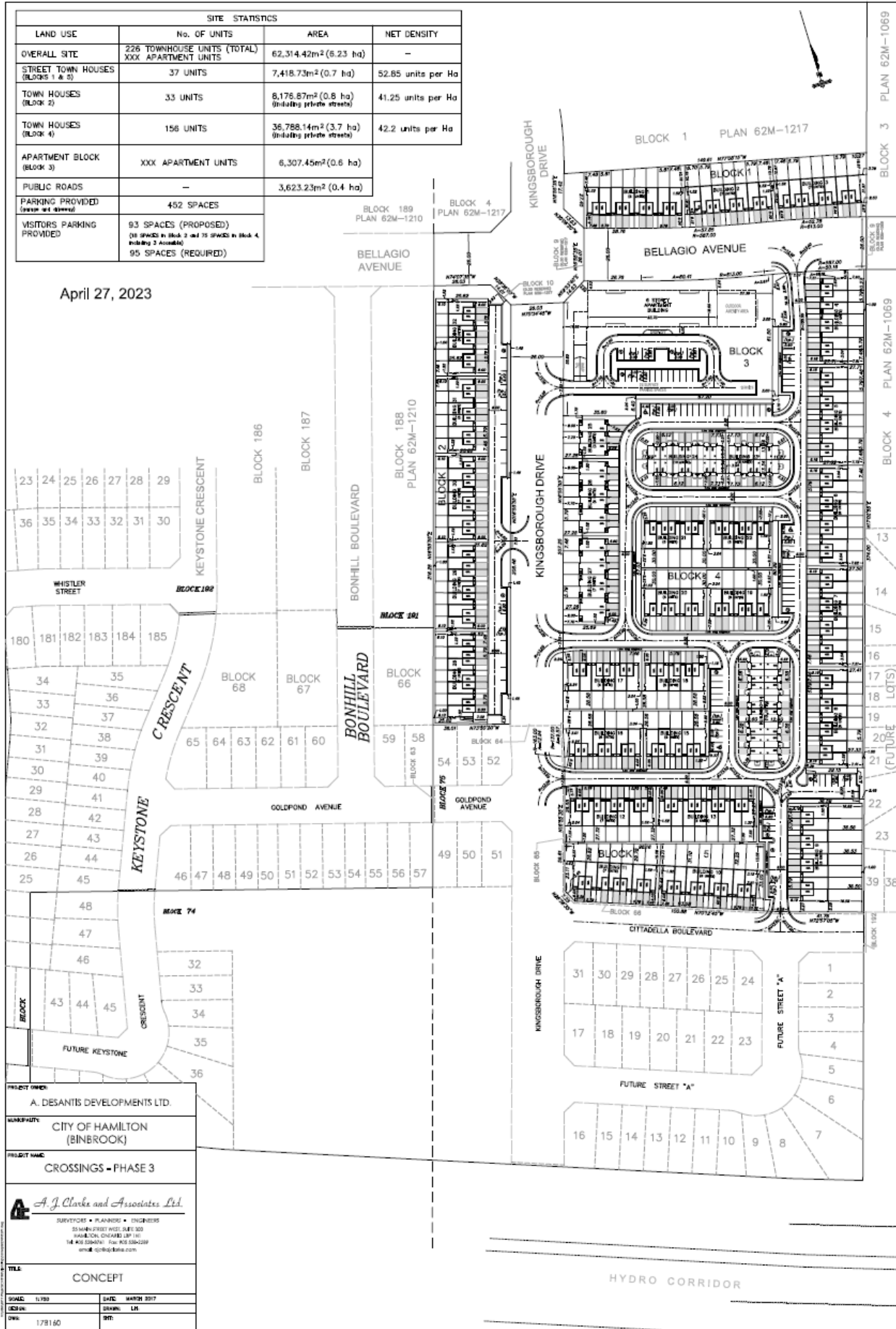
Legend

-  2080 Rymal Road East
-  Buildings 25, 26 & 27, 7.7 metre setback

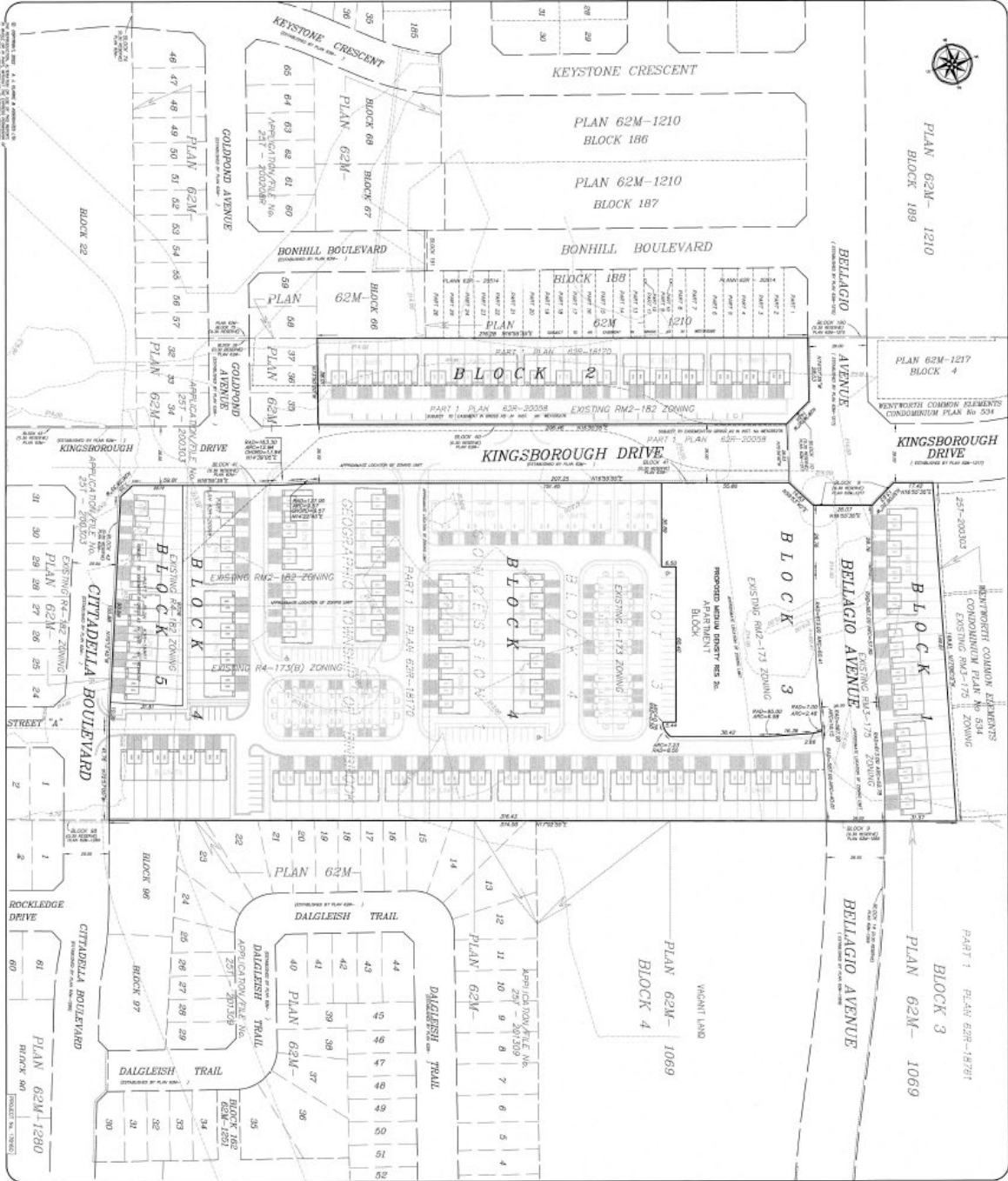
-  Buildings 12, 16 & 17, 2 metre setback



Appendix "E" to Report PED23232



Appendix "F" to Report PED2322
Page 1 of 1



AP
A-1 Clark and Chavella Ltd.
1000 SHEPPARD AVENUE EAST, SUITE 200
SCARBOROUGH, ONTARIO M1S 1W4
TEL: (416) 291-2222
WWW: CLARKANDCHAVELLA.COM

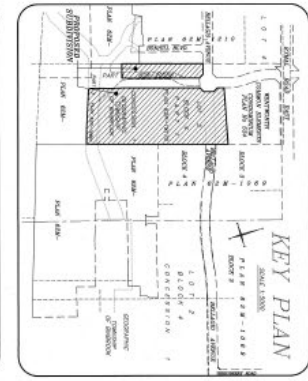
GENERAL MANAGER, PLANNING AND ECONOMIC DEVELOPMENT
CITY OF HAMILTON
100 KING STREET WEST
HAMILTON, ONTARIO L8N 3Z5
TEL: (905) 546-5500
WWW: CITYOFHAMILTON.COM

REVISED DRAFT PLAN OF THE CROSSINGS Phase 3
PART OF LOT 3-BLOCK 4-CONCESSION 1
GEOGRAPHIC TOWNSHIP OF BINBROOK
CITY OF HAMILTON
SCALE: 1:500
INDOORS P. WUTH, O.L.S.

REVISIONS
DATE: SEPTEMBER 01, 2022
BY: [Signature]

LAND USE SCHEDULE:
BLOCK 1 AND 2: APPLICABLE ZONING: RM2-182 ZONING
BLOCK 3: APPLICABLE ZONING: RM2-173 ZONING
BLOCK 4: APPLICABLE ZONING: RM2-173 ZONING

SUBDIVISION DRAFT APPROVAL:
APPROVED UNDER SECTION 57 OF THE PLANNING ACT, R.S.O. 1990, AS AMENDED, BY THE CITY OF HAMILTON, ONTARIO, ON SEPTEMBER 01, 2022.



SCHEDULE "C"

To the Subdivision Agreement dated August 19, 2014

ORIGINAL DRAFT PLAN CONDITIONS

The original draft plan conditions described as "Revised Schedule 1" dated November 20, 2003 and "Supplementary Schedule 1" dated December 11, 2007 appear in this schedule. The Owner acknowledges that certain draft conditions are considered outdated and now appear within the Part 1 - General Conditions of the Agreement. The Owner also agrees that the draft conditions may have also been modified accordingly and distributed within the "Specific Requirement Sections 1.50, 2.13, 3.08, 4.09, and 5.13" of this Agreement.

REVISED SCHEDULE 1

As authorised by By-law No. R95-041, I, Tim McCabe, hereby approve draft plan of subdivision, "The Crossings", J. Beume Real Estate Ltd., owner, for lands located in the City of Hamilton (Glanbrook), under File No. 25T200303, be subject to the following conditions;

- 1) That this approval apply to "The Crossings", dated July 18, 2003, prepared by Urbex Engineering Limited, redline revised, showing a total of two hundred and thirty-two (232) dwelling units including: seventy-eight (78) lots for single detached dwellings (Lots 1 to 78), four (4) blocks for future single detached dwellings to be developed with "Redhill Summit Estates - East" (Blocks 79 to 82), fifteen (15) blocks for eighty-eight (88) street townhouse units (Blocks 83 to 97), one (1) block multiple dwellings (Block 98), one (1) block for commercial development (Block 99), one (1) block for a public elementary school (Block 100), one (1) block for a neighbourhood park (Block 104), one (1) block for a walkway (Block 101), three (3) blocks for road widenings (Blocks 102, 103 and 105), and seven (7) blocks for 0.3 metre reserves (Blocks 106 to 112). Streets "A" to "G" will be dedicated to the City as public roadways

Development Department

- 1) That all road allowances, daylight triangles, public walkways and road widenings be dedicated by certificate as public highways on the final plan.
- 2) That the owner agrees to deed, free and clear to the appropriate authority, all easements or blocks required for utility purposes.
- 3) That, if required by the City of Hamilton, the owner/subdivider shall transfer to the City of Hamilton any easement over the subdivider's draft approved lands need for water or sewer services, or both, which easements will permit development to occur on adjacent property in accordance with the criteria approved by Council. Such easements are to be conveyed upon registration of the final plan of subdivision for any phase of that draft approved land.
- 4) That the owner agrees to provide a Geodetic Benchmark in a location to the satisfaction of the City of Hamilton.
- 5) That the owner agrees to convey lands to the City of Hamilton for the purposes of a Storm Water Management (SWM) facility.
- 6) That the owner agrees that any dead-ends and open sides of road allowance created by this draft plan of subdivision shall be terminated in 0.3m reserves and conveyed to the City of Hamilton.

- 7) That the owner shall prepare a plan showing the design and location of siltation and erosion control devices in accordance with the "Keeping Soils On Construction Sites" manual and to the satisfaction of the Manager of Development Engineering.
- 8) That the owner shall submit a detailed Storm Water Management report. Sufficient back-up information will be required to verify that the proposed location of the SWM facility will accommodate the proposed facility designed in accordance with current/ applicable Storm Water Management Guidelines to the satisfaction of the Manager of Development Engineering and all other appropriate agencies.
- 9) That the owner agrees that the Storm Water Management report mentioned in the foregoing condition shall detail cost sharing to all benefiting lands to the satisfaction of the Manager of Development Engineering. The owner further agrees that the implementation of the cost recovery of benefiting owners' apportionment shall occur as the contributing lands develop.
- 10) That the Storm Water Management report shall include "Best Management Practices" to be implemented in the development.
- 11) That the Storm Water Management report shall determine what impacts runoff from the site will have on the downstream water course and provide recommendations for any necessary mitigative measures.
- 12) That the owner agrees to provide sufficient securities to the City of Hamilton to remove any interim works incorporated into the design of a temporary storm water management facility.
- 13) That all temporary turnarounds be signed in accordance with the City's policy indicating that the street shall be extended in conjunction with future development.
- 14) That the owner provide a temporary vehicular turnaround, if necessary, to the satisfaction of the General Manager, or designate, of the Planning and Development Department.
- 15) That the owner agrees to construct all works which may be considered temporary to facilitate the development of the subject property, as required by the Manager of Development Engineering. These may include, but not be limited to, emergency access, temporary turn around, or outfalls.
- 16) That the owner agrees not to dispose or stockpile any waste or surplus fill material except in a manner and in a location approved by the City of Hamilton.
- 17) That the owner submit, to the satisfaction of the Manager of Development Engineering, a detailed servicing report, which shall address the provision of sanitary sewers, storm sewers and watermains to service the proposed development.

- 18) That any proposed storm water management facility be designed according to the City's storm water management guidelines and requirements, including walkways, to the satisfaction of the Manager of Development Engineering, prior to registration of the plan.
- 19) That the final plan of subdivision not be registered until adequate sanitary sewer outlets and storm sewer outlets (including storm water management ponds) have been constructed and are available for connection at the limits of the subdivision or, alternatively, the Owner agrees, in writing, to provide at its own expense adequate sanitary sewer outlets including the removal of any existing undersized downstream sanitary sewer, replacement with adequate larger size sanitary sewer as determined by the City's Public Works Department, complete with restoration of the existing roads and easements to the satisfaction of the Manager of Development Engineering and storm sewer outlets including storm water management ponds.
- 20) That the final plan of subdivision not be registered until a new sanitary sewer pumping station to service the proposed area has been completed, to the satisfaction of the Manager of Development Engineering, or alternatively that the owner submits a detailed analysis to the City for any alternative provisions for sanitary sewage outlet on an interim basis, and agree in writing to construct at the owner's expense any and all works necessary to implement the requirements of the analysis all to the satisfaction of the Manager of Development Engineering.
- 21) That the final plan of subdivision not be registered until a new water booster station to service the proposed area has been completed, to the satisfaction of the Manager of Development Engineering, or alternatively that the owner submits a detailed analysis to the City for any alternative provisions to provide adequate water pressure to satisfy normal and fire flow demands, and agree in writing to construct at the owner's expense any and all works necessary to implement the requirements of the analysis all to the satisfaction of the Manager of Development Engineering.
- 22) That the final plan of subdivision not be registered until the capacity of the Highland Road water reservoir (H-7) has been expanded (or a new reservoir has been constructed) and in full operation to the satisfaction of the Manager of Development Engineering, or alternatively that the owner submits a detailed analysis, which satisfies the City that there is adequate water storage capacity to satisfy normal and fire flow demands, and agree in writing to construct at the owner's expense any and all works necessary to implement the requirements of the analysis all to the satisfaction of the Manager of Development Engineering.
- 23) That the Owner agrees in writing to construct adequate temporary storm water management and siltation control measures during all phases of construction and implement a process for monitoring, inspection and maintenance of said measures.

- 24) That the Owner acknowledges that a new sanitary sewer pumping station, portions of the sanitary sewer force main, a new water boosting station, and the permanent stormwater management facility as approved by the Master Servicing and Drainage Plan prepared by A. J. Clarke and Associates, are located on adjoining lands. The owner shall make arrangements for the design, construction, and conveyance of lands needed for these facilities to the satisfaction of the City's Manager of Development Engineering.
- 25) That the owner agrees that registration of the first phase of the draft approved plan shall be restricted to a maximum of 75 units, consisting of Blocks 91, 95, 96, 97, 98 and Street "A". The City shall permit separate engineering drawing approvals and the posting of securities as corresponding to each stage of development. Registration of subsequent phases will not be permitted until Condition (xxxix) has been satisfied to the satisfaction of the Director of Development.
- 26) That the owner agrees in writing to transfer to the City, any easements over the subdivider's draft approved lands, upon registration of the final plan of subdivision needed for temporary stormwater management pond(s) to the satisfaction of the Manager of Development Engineering.
- 27) That the Owner agrees in writing to install 1.5 metre high black vinyl-coated chain link fencing along the rear and side yard of any lot or block created by registration of the draft approved plan which rear or side yard abuts City parklands, school lands or public walkways.
- 28) That the Owner pay all outstanding servicing costs to the City for existing sewers and water mains in the roads adjacent to and abutting on the proposed plan prior to registration of the draft approved plan.
- 29) That the Owner agree in writing to pay their share of the construction of the future sewers on Rymal Road adjacent to the subject lands to the satisfaction of the Manager of Development Engineering.
- 30) That the Owner agree in writing to fulfil all financial obligations under the City's Financial Policies applicable at the time of registration, including the cost of urbanization of Rymal Road East adjacent to the subject lands, according to the Development Charges policy applicable at the time of registration.
- 31) That the Owner submit a plan to the satisfaction of the Manager of Development Engineering, prepared by a qualified professional engineer in accordance with the "Keeping Soils on Construction Sites" manual, showing the design and location of siltation and erosion control devices on the lands to be developed.
- 32) That the Owner agrees in writing to provide adequate water main looping (temporary or permanent), to the satisfaction of the Manager of Development Engineering.

- 33) That the Owner establishes the road allowance for the collector roads, namely the extension of Second Road West shown as Street "A" on the plan and the mid block collector shown as Street "B" on the plan, at a width of twenty-six (26) metres on the final plan of subdivision, and may be required to be widened to accommodate traffic calming mechanisms, streetscape features or bicycle paths.
- 34) That the Owner establishes the road allowance for proposed local streets in the plan, namely Streets "C", "D", "E", "F" and "G" at a minimum width of eighteen (18) metres on the final plan of subdivision.
- 35) That the Owner provides a cross-section for an 18 metre right of way to the satisfaction of the Manager of Development Engineering and the utilities.
- 36) That the Owner dedicate by Certificate on the final plan of subdivision sufficient land to the City of Hamilton as public highway to establish the property line 18.29 metres from the centreline of the original Rymal Road road allowance and that these lands be shown as separate blocks on the final plan of subdivision.
- 37) That the Owner agrees in writing to include a "Notice of Prospective Purchasers" in all agreements of purchase and sale for the lots and blocks within the draft approved plan advising of a future H.S.R. bus route to service these lands.
- 38) That the Owner dedicate additional road allowance widenings, if required, to ensure the safe manoeuvring of H.S.R. buses through the development, including any traffic circles or other traffic calming initiatives, to the satisfaction of the Manager of Development Engineering.
- 39) That the Owner indicates all driveway locations on the approved engineering drawings for all lots located at intersections and on the outside radius of the internal streets, to the satisfaction of the Manager of Development Engineering.
- 40) That the Owner establish 10 metre by 10 metre daylight triangles at the intersection of the extension of Second Road West (Street "A") and the widened limits of Rymal Road and the intersection of the extension of Second Road West (Street "A") and the mid block collector (Street "B").
- 41) That the Owner establishes 5 metre by 5 metre daylight triangles at all internal intersections.
- 42) That the channelization at the intersections of Street "A" and Rymal Road East and Street "A" and Street "B" be to the satisfaction of the Manager of Development Engineering.
- 43) That prior to the issuance of Building Permits for the residential development from Street "B" southerly, the Owner agrees to provide adequate secondary emergency access, to the satisfaction of the Manager of Development Engineering.

- 44) That the Owner agrees, in writing, to provide a temporary turn-around with signage and convey sufficient easements and 0.3 metre reserves to the City, by deed, over the Owner's lands, to current Development Engineering Guidelines, to the satisfaction of the Manager of Development Engineering.
- 45) That any phasing of the development of the subject lands be subject to the satisfaction of the Manager of Development Engineering to ensure adequate servicing needs are met.
- 46) That the owner ensures that the proposed extension of Street "A" aligns centre line to centre line with the existing Second Road West on the north side of Rymal Road East.
- 47) That the owner ensures that Street "B" on the plan aligns centre line to centre with the proposed extensions east and west of the subject lands.
- 48) That the owner ensures that all the local streets shown on the plan align centre line to centre line with their proposed extensions into the adjacent lands.
- 49) That the owner installs a dead-end barricade to the satisfaction of the Manager of Development at the southern limits of Street "D".
- 50) That access to Blocks 95, 96, 97 and 98 be permitted only on Street "A" through a common access and that access to Block 99 be permitted only on Street "A".
- 51) That the owner agrees in writing to construct sidewalks as follows: along both sides of Street "A" from Rymal Road to the southerly limits of the plan; along both sides of the entire length of Street "B"; along one side of the entire length of Street "C" to coincide with "The Brooks @ Rymal/20" draft plan; and along one side of the entire lengths of Streets "E" and "F" to coincide with the "Red Hill Summit Estates - East" draft plan. The City will not require sidewalks on Street/Court "D". Further, that the owner shall include a notice in all Purchase and Sale Agreements advising future home owners of these sidewalk requirements.
- 52) That the owner prepare and submit, to the satisfaction of the Manager of Development Planning, Planning and Development Department, a municipal house numbering plan.
- 53) That the owner agrees to select a street name from the City of Hamilton Reserved Street Name Index and/or submit street names to the satisfaction of the City of Hamilton.
- 54) That the owner agrees to erect a sign in accordance with the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
- 55) That the final plan conforms to the Zoning By-law approved under the Planning Act.

- 56) That the owner agrees to provide the City of Hamilton with a certified list showing the net lot area and width of each lot and block and the gross area of the subdivision in the final plan.
- 57) That the owner shall carryout an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading or soil disturbances shall take place on the subject property prior to the approval of the Planning and Development Department and the Ministry of Citizenship, Culture and Recreation confirming that all archaeological resource concerns have met licensing and resource conservation requirements.
- 58) That the owner agrees to submit a Tree Preservation Study and Plan prepared by a certified arborist or landscape architect at the owner's expense and to the satisfaction of the City of Hamilton.
- 59) That a streetscape plan be prepared and implemented to the satisfaction of the Director of Development, Planning and Development Department.
- 60) That the Owner agrees to provide and implement, at the Owner's expense, a Streetscape Plan detailing enhanced boulevard landscaping treatment, fencing and street lighting for the required streets, prepared by a full member of the Ontario Association of Landscape Architects (OALA) and to the satisfaction of the Director, Design and Construction, Community Services Department.
- 61) The Owner agrees to provide and implement, at the Owner's expense, a Street Tree Planting Plan for boulevard trees along the required streets and lands, as prepared by a certified Arborist or Landscape Architect (OALA) and to the satisfaction of the of the Director, Design and Construction, Community Services Department.
- 62) That any phasing of the development of the subject lands be to the satisfaction of the Director of Development, Planning and Development Department.
- 63) That prior to registration of any phase of the proposed subdivision, the owner shall pay the required commutation amount of Local Improvement Charges to the Finance and Corporate Services Department.
- 64) That the owner agrees, in writing, to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands.
- 65) The owner agrees to enter into a Subdivision Agreement or Agreements with the City of Hamilton.

66) That the owner agrees, in writing, to satisfy all requirements, financial and otherwise of the City of Hamilton, by entering into a Subdivision Agreement with the City of Hamilton prior to registration of any portion of the subject lands.

67) That the Owner agrees and acknowledges that additional dwelling units beyond seventy-five (75), may only be registered at such time as either:

A. The following matters have been completed to the satisfaction of the Director of Operations and Maintenance:

(1.1) Environmental Assessment studies have been completed and approved;

(1.2) The method of financing to undertake the required road improvements have been identified including provisions for changes to the applicable Development Charges By-law; and,

(1.3) The required road improvements have been included in the Capital Budget and/or Forecast where applicable, or financed through other mechanisms;

for one or more of the following road improvements:

(2.1) Construction of the Red Hill Creek Expressway with four (4) lanes plus an additional upbound truck lane;

(2.2) The widening of Rymal Road to four (4) lanes plus turn lanes;

(2.3) The extension of Trinity Church Road to the Lincoln Alexander Parkway; and,

(2.4) The construction of a new signalized collector road intersection with Regional Road 56 and the widening of Regional Road 56 to four (4) lanes from Rymal Road to the new collector road intersection; or,

B. The submission and approval of a traffic impact study to address the need for and timing of any other required road improvements to improve transportation capacity south of and/or crossing the escarpment to accommodate such additional dwelling units, and compliance with the matters set out in (A)(1.1 to 1.3) in respect of such improvements, to the satisfaction of the Director of Roads and Traffic.

- 68) That the Owner agrees to undertake a detailed built heritage and cultural heritage assessment, to the satisfaction of the City of Hamilton, Manager of Heritage and Urban Design, prior to final approval.
- 69) That the Owner agrees that Blocks 79 to 82, inclusive, shall only be developed in conjunction with adjacent lands.
- 70) That the Owner agrees to investigate the noise levels on the site from traffic on Rymal Road East and determine the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment's recommended sound level limits, prior to final approval. The Owner agrees to submit to the City of Hamilton, an acoustical report prepared by a qualified Professional Engineer, containing the recommended control measures.
- 71) That the Owner agrees to submit detailed site and landscaping designs for a neighbourhood gateway feature at the intersection of Second Road West Extension and Rymal Road, to the satisfaction of the Director of Development.
- 72) That the Owner agrees to submit a Streetscape Plan to the Supervisor of Planning for the Hamilton Street Railway to comment on bus stop locations and customer amenities.
- 73) That the Owner agrees that should Block 100 be developed for residential purposes, then Block 100 shall only be developed by plan of subdivision.
- 74) That the Owner agrees and acknowledges that Council for the City of Hamilton will update the Municipal Development Charges By-law to include all growth-related infrastructure and service improvements required to service development within the Rymal Road Secondary Plan Area.

Public Works (formerly Community Services)

- 75) That the Owner agrees to convey Block 104, as proposed, to the City of Hamilton, as provided for under Section 51 of the Planning Act, in fulfilment of the parkland dedication requirement.
- 76) That the Owner agrees to grade, seed and provide service connections to the park Block to the satisfaction of the City.
- 77) That the Owner agrees to preserve and protect all trees within the Subdivision Plan in accordance with good arborist practices except for those trees that the City has permitted to be removed, and no trees shall be removed without such permission.
- 78) That the Owner agrees to keep all trees trimmed in accordance with good forestry practices until the City assumes the Subdivision Plan. Similarly, all trees identified for removal in the Tree Preservation Study and Plan, within the Subdivision Plan, shall be removed by the Owner, at the Owner's expense.

- 79) That the Owner agrees that all trees required to be preserved shall be protected during construction on the lands on the Subdivision Plan, to the satisfaction of the City, including the area required for the stockpiling of excess earth within the Subdivision Plan.
- 80) That the Owner agrees that undeveloped blocks within the Subdivision Plan, which have been disturbed from their natural state or are difficult to maintain in a controlled state, shall be graded, seeded and maintained by the Owner until construction commences thereon.
- 81) That the Owner agrees to implement the proposed stormwater management pond adjacent to the Owner's lands. Prior to the development of this naturalized storm drainage facility, a Landscape Plan shall be prepared by a full member, in good standing, of the Ontario Association of Landscape Architects (OALA) and to the satisfaction of the City. The Owner agrees to implement same in accordance with the approved plans and pay all associated costs to the satisfaction of the City. In addition, the Owner agrees to provide and pay for security features, such as chainlink fencing, as required, adjacent to other land uses.
- 82) That the Owner agrees to implement, at the Owner's own cost, and to the satisfaction of the City, a multi-use pathway trail system as prepared by a full member, in good standing, of the Ontario Association of Landscape Architects (OALA). The trail system will be developed both off and on road along the proposed residential streets, stormwater management ponds, school and park block. In conjunction with the trail system, the Owner agrees to provide pedestrian easements for user access and to accommodate City emergency and service vehicles. The width of the pedestrian trails shall be a minimum of 4.5m with a maximum slope of 8.0%. The Owner agrees to provide, at the Owner's expense, hardsurfaced treatment, pathway lighting, 1.5m high chainlink fence and removable bollards, all to the satisfaction of the City.

Roads and Traffic

- 83) That prior to registration of the plan, the Owner shall submit detailed engineering drawings that demonstrate that the required traffic circle design at Street 'A' and Street 'B' will accommodate all road users and provide the necessary road allowance areas for utilities and any proposed streetscape treatment. As outlined in the Rymal Road Secondary Plan Streetscape Manual, a traffic circle is to be constructed at the intersection of Street 'A' and east-west collector road Street 'B' at the sole expense of the Owner.
- 84) That prior to registration of the plan, the Owner shall provide detailed engineering drawings showing traffic calming initiatives on the collector road system to the satisfaction of the Manager of Traffic Engineering and Operations. The approved traffic calming initiatives shall be implemented at the sole expense of the Owner.

- 85) That the owner agrees to construct intersection turning lane improvements on Rymal Road at Second Road West (westbound left turn lane and eastbound right turn lane) as recommended in Figure 6 of the original "Transportation Review – Rymal Road Planning Area" prepared by the BA Group Transportation Consultants, February 2001, concurrent with the construction of the intersection of Street 'A' at Rymal Road.
- 86) That prior to registration of the plan, the owner shall submit detailed engineering drawings that illustrate where driveways will be situated at the following lots: 7-11, 21-32, 64-69.
- 87) That prior to the registration of this plan, the Owner agrees that special development charges levy for the improvements in the overall transportation network (eg. Pavement widenings, road construction, traffic signal installations on Rymal Road) shall be reviewed and approved in accordance with the direction of the Rymal Road Secondary Plan, if required.
- 88) That the Owner agrees that Streets 'B, C, E and F' must align centerline to centerline with the street connections on the adjacent plans of subdivision.
- 89) That the Owner agrees that a Minor Gateway Feature is to be included at the intersection of Rymal Road and Street 'A', in accordance with the Rymal Road Secondary Plan Streetscape Manual.
- 90) That the Owner agrees that access to Commercial Block 99, as illustrated, will not be permitted from Rymal Road.
- 91) That the Owner agrees that direct access to Blocks 95-97 must be from Street 'A' and one mutual access to Rymal Road, not direct access for each unit. An extension of the westbound left turn lane required at Second Road West would be required for these Blocks should one access to Rymal Road be proposed.

Social and Public Health Services

- 92) That any existing or proposed development(s) constructed on the above described draft plan are properly connected to municipal sewers and water supply.
- 93) That any existing septic tank be pumped out by a licensed contractor and refilled with suitable material to prevent it from collapsing.
- 94) That any existing abandoned water wells are plugged in accordance with Environment Ontario's Facts Sheet entitled: "Water Wells and Groundwater Supplies Recommended Methods for Plugging Water Wells".

Bell Canada

- 95) That the owner be required to enter into an Agreement (Letter of Understanding) with Bell Canada complying with any underground servicing conditions imposed by

the municipality, and if no such conditions are imposed, the owner shall advise the municipality of the agreement made for such servicing.

- 96) That the owner shall agree in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services. If there are any conflicts with existing Bell Canada facilities or easements, the owner/developer shall be responsible for rearrangements of relocation;

Canada Post

- 97) That the owner agrees to provide Canada Post facilities, as required by Canada Post Corporation, and to locate these facilities to the satisfaction of the City of Hamilton and Canada Post. The facilities are to be installed as part of the installation of Public Works.

Hamilton-Wentworth District School Board

- 98) That the owners, at their expense, place adequate signage on site based on Hamilton-Wentworth District School Board specifications advising that students from this development are likely to be redirected to schools outside of the area with available capacity and that students may be transported as governed by the Board's Transportation Policy.
- 99) That the Subdivision/Condominium Agreement include a Notice to purchasers advising that students are likely to be redirected to schools outside of the area with available capacity as governed by the Board's Transportation Policy.
- 100) That any rental or lease agreement required for occupancy include in all agreements to renters or leasers, a clause advising that students from this development are likely to be redirected to schools outside of the area with available capacity.

Niagara Peninsula Conservation Authority

- 101) That detailed lot grading and drainage plans, noting both existing and proposed grades, and the means whereby major system flows will be accommodated across the site, be submitted to the Conservation Authority for review and approval.
- 102) That detailed sedimentation and erosion control, detailing controls to be implemented both during and after construction, be submitted to the Conservation Authority for review and approval.
- 103) That the detailed design of the stormwater quality and quantity management facilities be submitted to the Conservation Authority for their review and approval.

- 104) That the owner agrees in the executed Subdivision Agreement to:

a) implement conditions 101) to 103) above.

105) That the Owner/applicant apply for and receive any approvals and permits required by Fisheries and Oceans Canada (DFO), the Ministry of Natural Resources (MNR) and the Niagara Peninsula Conservation Authority (NPCA).

TransCanada PipeLines Ltd.

106) That any grading that will affect drainage on TransCanada's right-of-way, regardless of whether or not the grading is conducted on the right-of-way, must receive TransCanada's prior written approval. Grading activities on the right-of-way will be permitted only when a TransCanada representative is present to inspect and supervise them.

107) That should any blasting be required at the site, a report on the methods and charges to be used must be prepared at the owners sole cost and expense by a qualified blasting Engineer and submitted for TransCanada's written approval prior to the commencement of blasting operations on the site.

108) That TransCanada Pipelines is regulated by the National Energy Board Act. Section 112 of this Act requires that anyone excavating with power-operated equipment or explosives within thirty (30) metres of the pipeline must obtain leave from the National Energy Board before starting any work. To satisfy this National Energy Board condition, TransCanada's Regional Office must be notified at 1-800-827-5094 three (3) business days before the start of any excavation using power-operated equipment and seven (7) business days before the use of explosives within thirty (30) metres of the pipeline.

109) That a construction schedule and any changes to this schedule should be submitted to TransCanada's Right-of-Way Department in Calgary before the start of any construction activities within thirty (30) metres of the pipelines.

110) That three (3) copies of any registered plans for this subdivision and a registered copy of the Subdivision Agreement should be sent to TransCanada's Land Department in Calgary.

Hydro One Networks Inc.

111) That prior to final approval, a copy of the lot grading and drainage plan, showing existing and proposed grades, must be submitted to Hydro One for review and approval. Drainage must be controlled and directed away from Hydro One property.

112) That temporary fencing be installed along the edge of the Hydro One right-of-way prior to the start of construction at the developer's expense.

- 113) That permanent fencing be installed after construction is completed along Hydro One owned lands at the developer's expense.
- 114) That Hydro One property not be used without the express written permission of Hydro One Network's Inc. During construction there will be no storage of materials or mounding of earth or other debris on the right-of-way. The proponent will be responsible for restoration of any damage to the right-of-way resulting from construction of the subdivision.
- 115) That the costs of any relocations or revisions to Hydro One facilities, which are necessary to accommodate this subdivision, will be borne by the developer.

Director of Development & Real Estate

116) That prior to the signing of the final plan, the Director of Development & Real Estate be advised by:

- a) The Development Department that conditions (2) to (74) inclusive;
- b) The Public Works that conditions (75) to (91) inclusive;
- c) Social And Public Health Services that conditions (92) to (94) inclusive;
- d) Bell Canada that conditions (95) and (96) ;
- e) Canada Post Corporation that condition (97);
- f) Hamilton-Wentworth District School Board that conditions (98) to (100) inclusive;
- g) Niagara Peninsula Conservation Authority that conditions (101) to (105) inclusive;
- h) TransCanada PipeLines Limited that conditions (106) to (110) inclusive;
- i) Hydro One Networks Inc. that conditions (111) to (115) inclusive; and

has/have been carried out to their satisfaction with a brief but complete statement indicating how each condition has been satisfied.

NOTE: Pursuant to Section 51(32) of the Planning Act, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received before the draft approval lapses.

Signed:

Date: November 20, 2003

Tim McCabe, MCIP, RPP
Director, Development and Real Estate

SUPPLEMENTARY SCHEDULE 1

Pursuant to Section 51(33) of The Planning Act, R.S.O. 1990, as amended, and as authorised by By-law R95-041, I, Paul Mallard, hereby grant an extension to the draft plan approval for "The Crossing" Subdivision, in the City of Hamilton (Glanbrook District) under file number 25T200303, and hereby change certain conditions and add conditions as follows:

- (i) That this approval shall be for a one-year period expiring on 2008 December 11 unless a further extension is granted by the approval authority.
- (ii) Deleting the following existing conditions (25), (26), (32) and (36) without replacement as they are no longer applicable.
- (iii) Deleting the following existing conditions (5), (8), (20), (21), (28), (31), (40), (41) and (50) and replacing them with the following revised conditions:
 - (5) That the owner agree in writing to make a cash payment to the City in-lieu of providing Horizontal and Vertical Control Survey Monumentation.
 - (8) That the owner shall prepare a plan showing the design and location of siltation and erosion control devices in accordance with the "Erosion and Sediment Control Guidelines for Urban Construction December 2006" manual and to the satisfaction of the Manager of Engineering Design and Construction.
 - (20) That the final plan of subdivision not be registered until adequate storm sewer outlets (including stormwater management ponds) have been constructed and are available for connection at the limits of the subdivision to the satisfaction of the Manager of Engineering Design and Construction.
 - (21) That the final plan of subdivision not be registered until the New Centennial Sanitary Trunk Sewer System has been constructed in accordance with the City Wide Water Wastewater Master Plan and the required outlet is available or alternatively the Owner agrees, in writing, to provide at their own expense an adequate temporary sanitary sewer outlet including the removal of any existing undersized downstream sanitary sewer, replacement with adequate larger size sanitary sewer as determined by the City complete with restoration of the existing roads and easements to the satisfaction of the Manager of Engineering Design and Construction.

Schedule 1 of 2007 December 11

25T200303 The Crossings

- (28) That the owner agrees in writing to install 1.5 metre high galvanized chain link fencing along the rear and side yard of any lot or block created by registration for the draft approved plan which rear or side yard abuts City parklands, school lands or public walkways.
 - (31) That the Owner pay their proportionate share for the future urbanization of Rymal Road East adjacent to Blocks 95, 96, 97, 99 and 103 based on the City's "New Roads Servicing Rate" in effect at the time of payment.
 - (40) That the owner indicates all driveway locations on the engineering drawings for all lots to the satisfaction of the Manager of Engineering Design and Construction.
 - (41) That the Owner establish 12 metre x 12 metre daylight triangles at the intersection of the extension of Second Road West (Street "A") and the widened limits of Rymal Road East, and the intersection of the extension of Second Road West (Street "A") and the mid block collector (Street "B").
 - (50) That the owner installs dead-end barricades to the satisfaction of the Manager of Engineering Design and Construction at the south limit of Street "A", the east and west limits of Street "B", the east limit of Street "C", the west limit of Street "E", and the west and/or east limit (as applicable) of Street "F".
- (iv) Add the following new conditions:
- (119) That the owner agrees that the final plan of subdivision shall not be registered until an adequate sanitary sewer outlet has been provided to the limit of the draft plan of subdivision.
 - (120) That the owner agrees that all lots and blocks shall be developed with full municipal services.
 - (121) That the owner agrees that all roads shall be designed to current geometric design standards of the City of Hamilton.
 - (122) That the owner agrees to have prepared by a qualified consulting engineer and submitted to the City of Hamilton, a detailed engineering design submission to be approved by the Manager of Engineering Design and Construction prior to the preparation of the Subdivision Agreement.
 - (123) That the owner agrees that all dead or diseased trees shall be removed from the road allowances and that the removal and replacement of street trees, as required by the reconstruction of the roads, will be at the sole expense of the owner.

Schedule 1 of 2007 December 11

25T200303 The Crossings

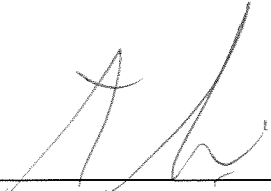
- (124) That the owner agrees to provide street lighting throughout the subdivision to the limits of the subdivision, to the satisfaction of the Manager of Engineering Design and Construction.
- (125) That the owner shall prepare a Groundwater Study which shall assess the impact that the proposed development would have on the water supply and the sewage disposal systems on the adjacent properties. Pending the outcome of the Study, the owner shall propose appropriate mitigative measures to address the concerns to the satisfaction of the Manager of Engineering Design and Construction.
- (126) That the owner shall transfer to the City of Hamilton any easement over the subdivider's draft approved lands needed for municipal water or sewer services, or both, which easements will permit development to occur on adjacent property. Such easements are to be conveyed upon registration of the final plan of subdivision for any phase of that draft approved plan in accordance with the Council approved criteria.
- (127) That the Owner provides the City with a geotechnical report prepared by a qualified professional engineer prior to final engineering design.
- (128) The Owner agree in writing that in the event groundwater is encountered during any construction within the subdivision, including but not limited to house construction, the owner will submit a Hydrogeological report to the City, prepared by a qualified professional, to assess impacts, to identify any significant recharge and discharge zone, to provide recommendations to mitigate the groundwater impacts and to undertake the works as recommended including monitoring, all to the satisfaction of the Manager of Engineering Design and Construction.
- (129) That the final plan of subdivision not be registered without the proper detailed engineering design approved and appropriate securities in place to the satisfaction of the Manager of Engineering Design and Construction.

Signed: _____ Date: 2007 December 11
Paul Maillard, MCIP, RPP
Director of Planning

REVISED SCHEDULE 1
(March 5, 2020)

Pursuant to Section 51(33) of the Planning Act, R.S.O. 1990, as amended, and as authorised by City of Hamilton By-law No. 07-323, I, Tony Sergi, hereby revise draft plan approval for "The Crossings", A.Desantis Developments Ltd., (owner) Subdivision in the City of Hamilton under file number 25T-200303, subject to the following:

- (i) That Conditions 35) 40) and 52) be deleted and replace with the following conditions:
 - 35) That the Owner establishes the road allowance for the proposed local streets in the plan as follows: Street "C" at a minimum width of twenty (20) metres; Streets "D", "E", and "F" at a minimum width of eighteen (18) metres on the final plan of subdivision to the satisfaction of the Senior Director, Growth Management.
 - 40) That, prior to servicing, the Owner indicates all driveway locations on the engineering drawings for all lots and that no driveway shall be within a daylight triangle and further that the driveways for the following lots be established as follows: Lots 1, 40, 41 , 55, 58, 59, and 72 on the east side of the lot; Lots 32, 33, 48, 49, 56, 61, and 75 on the west side of the lot; Lots 15 and 78 on the south side of the lot; Lot 16 on the north side of the lot, to the satisfaction of the Senior Director, Growth Management.
 - 52) That the Owner agrees in writing to construct sidewalks as follows: along both sides of Street "A" from Rymal Road to the southerly limits of the plan; along both sides of the entire length of Street "B"; along both sides of the entire length of Street "C"; along one side of the entire length of Street D; and along one side of the entire length of Streets "E" and "F" to coincide with the "Red Hill Summit Estates – East" draft plan. Further, that the Owner shall include notice in all Purchase and Sales Agreements advising future home owners of these sidewalk requirements to the satisfaction of the Senior Director, Growth Management.

Signed: 

Tony Sergi, P.Eng
Senior Director, Growth Management

Date: March 5, 2020

REVISED SCHEDULE 1
(December 13, 2017)

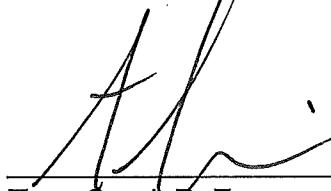
As authorized by By-law No. 07-323, I, Tony Sergi, hereby revise the draft plan approval for a subdivision known as "The Crossings", A. DeSantis Developments Ltd., owner, in the City of Hamilton under File No. 25T200303, as follows:

(i) That condition No. 131 be added as follows:

131) That, prior to registration of the final plan of subdivision, the owner/applicant agrees to include the following warning clause in all purchase and sale and/or lease agreements, and registered on title to the satisfaction of the Director of Planning and Chief Planner:

"Garages are intended for use as parking. It is the owner's responsibility to ensure that their parking needs can be met on their own property. On-street parking in this area is limited and cannot be guaranteed in perpetuity."

Signed:



Tony Sergi, P. Eng.
Senior Director, Growth Planning

Date: December 13, 2017

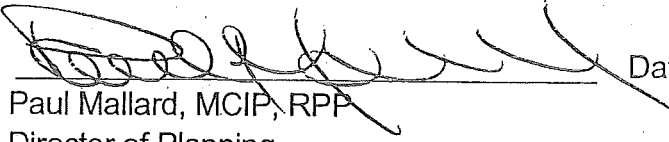
**SUPPLEMENTARY SCHEDULE 1
(REVISED)**

Pursuant to Section 51(33) of The Planning Act, R.S.O. 1990, as amended, and as authorised by By-law No. 07-323, I, Paul Mallard, hereby grant an extension to the draft plan approval for "The Crossings" Subdivision, in the City of Hamilton (Glanbrook) under file number 25T200303, subject to the following:

- (i) That this approval shall be for a one-year period expiring on 2010 December 11 unless a further extension is granted by the approval authority.
- (ii) Delete Condition No. 40 and replace it with the following:
- 40) That, prior to servicing, the Owner indicates all driveway locations on the engineering drawings for all lots and that no driveway shall be within a daylight triangle and further that the driveways for the following lots be established as follows: Lots 1, 40, 41, 49, 55, 58, 59 and 72 on the east side of the lot; Lots 32, 33, 48, 56, 61 and 75 on the west side of the lot; Lots 15 and 78 on the south side of the lot; and, Lot 16 on the north side of the lot, to the satisfaction of the Director of Development Engineering.
- (iii) Add the following new conditions:
- 130) That, prior to servicing, the Owner prepare an on-street parking plan for Streets "A", "B", "C", "D", "E", "F" and Court "D" based on the premise of achieving on-street parking for 40% of the total number of dwelling units to the satisfaction of the Director of Development Engineering.
- 131) That, prior to servicing, the Owner agrees to provide in writing, to the satisfaction of the Director of Development Engineering, a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision, including homes.

This document will also include, first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be used, the source of water, and the contractor or agent to be used to undertake the works as well as the contractor/agent contact information so that the City can direct works be completed as necessary.

Signed:


Paul Mallard, MCIP, RPP
Director of Planning

Date: 2009 November 25

SUPPLEMENTARY SCHEDULE 1

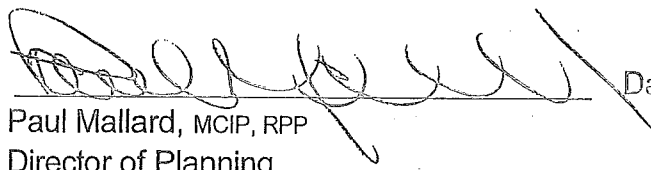
Pursuant to Section 51(33) of The Planning Act, R.S.O. 1990, as amended, and as authorised by By-law R95-041, I, Paul Mallard, hereby grant an extension to the draft plan approval for "The Crossing" Subdivision, in the City of Hamilton (Glanbrook District) under file number 25T200303, and hereby change certain conditions and add conditions as follows:

- (i) That this approval shall be for a one-year period expiring on 2008 December 11 unless a further extension is granted by the approval authority.
- (ii) Deleting the following existing conditions (25), (26), (32) and (36) without replacement as they are no longer applicable.
- (iii) Deleting the following existing conditions (5), (8), (20), (21), (28), (31), (40), (41) and (50) and replacing them with the following revised conditions:
 - (5) That the owner agree in writing to make a cash payment to the City in-lieu of providing Horizontal and Vertical Control Survey Monumentation.
 - (8) That the owner shall prepare a plan showing the design and location of siltation and erosion control devices in accordance with the "Erosion and Sediment Control Guidelines for Urban Construction December 2006" manual and to the satisfaction of the Manager of Engineering Design and Construction.
 - (20) That the final plan of subdivision not be registered until adequate storm sewer outlets (including stormwater management ponds) have been constructed and are available for connection at the limits of the subdivision to the satisfaction of the Manager of Engineering Design and Construction.
 - (21) That the final plan of subdivision not be registered until the New Centennial Sanitary Trunk Sewer System has been constructed in accordance with the City Wide Water Wastewater Master Plan and the required outlet is available or alternatively the Owner agrees, in writing, to provide at their own expense an adequate temporary sanitary sewer outlet including the removal of any existing undersized downstream sanitary sewer, replacement with adequate larger size sanitary sewer as determined by the City complete with restoration of the existing roads and easements to the satisfaction of the Manager of Engineering Design and Construction.

- (28) That the owner agrees in writing to install 1.5 metre high galvanized chain link fencing along the rear and side yard of any lot or block created by registration for the draft approved plan which rear or side yard abuts City parklands, school lands or public walkways.
- (31) That the Owner pay their proportionate share for the future urbanization of Rymal Road East adjacent to Blocks 95, 96, 97, 99 and 103 based on the City's "New Roads Servicing Rate" in effect at the time of payment.
- (40) That the owner indicates all driveway locations on the engineering drawings for all lots to the satisfaction of the Manager of Engineering Design and Construction. *Replaced w new, dated Nov 25/09*
- (41) That the Owner establish 12 metre x 12 metre daylight triangles at the intersection of the extension of Second Road West (Street "A") and the widened limits of Rymal Road East, and the intersection of the extension of Second Road West (Street "A") and the mid block collector (Street "B").
- (50) That the owner installs dead-end barricades to the satisfaction of the Manager of Engineering Design and Construction at the south limit of Street "A", the east and west limits of Street "B", the east limit of Street "C", the west limit of Street "E", and the west and/or east limit (as applicable) of Street "F".
- (iv) Add the following new conditions:
- (119) That the owner agrees that the final plan of subdivision shall not be registered until an adequate sanitary sewer outlet has been provided to the limit of the draft plan of subdivision.
- (120) That the owner agrees that all lots and blocks shall be developed with full municipal services.
- (121) That the owner agrees that all roads shall be designed to current geometric design standards of the City of Hamilton.
- (122) That the owner agrees to have prepared by a qualified consulting engineer and submitted to the City of Hamilton, a detailed engineering design submission to be approved by the Manager of Engineering Design and Construction prior to the preparation of the Subdivision Agreement.
- (123) That the owner agrees that all dead or diseased trees shall be removed from the road allowances and that the removal and replacement of street trees, as required by the reconstruction of the roads, will be at the sole expense of the owner.

- (124) That the owner agrees to provide street lighting throughout the subdivision to the limits of the subdivision, to the satisfaction of the Manager of Engineering Design and Construction.
- (125) That the owner shall prepare a Groundwater Study which shall assess the impact that the proposed development would have on the water supply and the sewage disposal systems on the adjacent properties. Pending the outcome of the Study, the owner shall propose appropriate mitigative measures to address the concerns to the satisfaction of the Manager of Engineering Design and Construction.
- (126) That the owner shall transfer to the City of Hamilton any easement over the subdivider's draft approved lands needed for municipal water or sewer services, or both, which easements will permit development to occur on adjacent property. Such easements are to be conveyed upon registration of the final plan of subdivision for any phase of that draft approved plan in accordance with the Council approved criteria.
- (127) That the Owner provides the City with a geotechnical report prepared by a qualified professional engineer prior to final engineering design.
- (128) The Owner agree in writing that in the event groundwater is encountered during any construction within the subdivision, including but not limited to house construction, the owner will submit a Hydrogeological report to the City, prepared by a qualified professional, to assess impacts, to identify any significant recharge and discharge zone, to provide recommendations to mitigate the groundwater impacts and to undertake the works as recommended including monitoring, all to the satisfaction of the Manager of Engineering Design and Construction.
- (129) That the final plan of subdivision not be registered without the proper detailed engineering design approved and appropriate securities in place to the satisfaction of the Manager of Engineering Design and Construction.

Signed:



Paul Mallard, MCIP, RPP
Director of Planning

Date: 2007 December 11

KEEP ON FILE

CHECK LIST

SCHEDULE 1

As authorised by By-law No. R95-041, I, Tim McCabe, hereby approve draft plan of subdivision, "**The Crossings**", J. Beume Real Estate Ltd., owner, for lands located in the City of Hamilton (Glanbrook), under File No. 25T200303, be subject to the following conditions;

- 1) That this approval apply to "The Crossings", dated July 18, 2003, prepared by Urbex Engineering Limited, redline revised, showing a total of two hundred and thirty-two (232) dwelling units including: seventy-eight (78) lots for single detached dwellings (Lots 1 to 78), four (4) blocks for future single detached dwellings to be developed with "Redhill Summit Estates - East" (Blocks 79 to 82), fifteen (15) blocks for eighty-eight (88) street townhouse units (Blocks 83 to 97), one (1) block multiple dwellings (Block 98), one (1) block for commercial development (Block 99), one (1) block for a public elementary school (Block 100), one (1) block for a neighbourhood park (Block 104), one (1) block for a walkway (Block 101), three (3) blocks for road widenings (Blocks 102, 103 and 105), and seven (7) blocks for 0.3 metre reserves (Blocks 106 to 112). Streets "A" to "G" will be dedicated to the City as public roadways

Development Department

- 2) That all road allowances, daylight triangles, public walkways and road widenings be dedicated by certificate as public highways on the final plan.
- 3) That the owner agrees to deed, free and clear to the appropriate authority, all easements or blocks required for utility purposes.
- 4) That, if required by the City of Hamilton, the owner/subdivider shall transfer to the City of Hamilton any easement over the subdivider's draft approved lands need for water or sewer services, or both, which easements will permit development to occur on adjacent property in accordance with the criteria approved by Council. Such easements are to be conveyed upon registration of the final plan of subdivision for any phase of that draft approved land.
- ~~NEW 5) That the owner agrees to provide a Geodetic Benchmark in a location to the satisfaction of the City of Hamilton. DEC 11 2001 REPORT~~
- 6) That the owner agrees to convey lands to the City of Hamilton for the purposes of a Storm Water Management (SWM) facility.
- 7) That the owner agrees that any dead-ends and open sides of road allowance created by this draft plan of subdivision shall be terminated in 0.3m reserves and conveyed to the City of Hamilton.

- NEW⁸⁾ That the owner shall prepare a plan showing the design and location of siltation and erosion control devices in accordance with the "Keeping Soils On Construction Sites" manual and to the satisfaction of the Manager of Development Engineering. DEC 11 2007 REPORT
- 9) That the owner shall submit a detailed Storm Water Management report. Sufficient back-up information will be required to verify that the proposed location of the SWM facility will accommodate the proposed facility designed in accordance with current/ applicable Storm Water Management Guidelines to the satisfaction of the Manager of Development Engineering and all other appropriate agencies.
 - 10) That the owner agrees that the Storm Water Management report mentioned in the foregoing condition shall detail cost sharing to all benefiting lands to the satisfaction of the Manager of Development Engineering. The owner further agrees that the implementation of the cost recovery of benefiting owners' apportionment shall occur as the contributing lands develop.
 - 11) That the Storm Water Management report shall include "Best Management Practices" to be implemented in the development.
 - 12) That the Storm Water Management report shall determine what impacts runoff from the site will have on the downstream water course and provide recommendations for any necessary mitigative measures.
 - 13) That the owner agrees to provide sufficient securities to the City of Hamilton to remove any interim works incorporated into the design of a temporary storm water management facility.
 - 14) That all temporary turnarounds be signed in accordance with the City's policy indicating that the street shall be extended in conjunction with future development.
 - 15) That the owner provide a temporary vehicular turnaround, if necessary, to the satisfaction of the General Manager, or designate, of the Planning and Development Department.
 - 16) That the owner agrees to construct all works which may be considered temporary to facilitate the development of the subject property, as required by the Manager of Development Engineering. These may include, but not be limited to, emergency access, temporary turn around, or outfalls.
 - 17) That the owner agrees not to dispose or stockpile any waste or surplus fill material except in a manner and in a location approved by the City of Hamilton.
 - 18) That the owner submit, to the satisfaction of the Manager of Development Engineering, a detailed servicing report, which shall address the provision of sanitary sewers, storm sewers and watermains to service the proposed development.

19) That any proposed storm water management facility be designed according to the City's storm water management guidelines and requirements, including walkways, to the satisfaction of the Manager of Development Engineering, prior to registration of the plan.

~~NEW20) That the final plan of subdivision not be registered until adequate sanitary sewer outlets and storm sewer outlets (including storm water management ponds) have been constructed and are available for connection at the limits of the subdivision or, alternatively, the Owner agrees, in writing, to provide at its own expense adequate sanitary sewer outlets including the removal of any existing undersized downstream sanitary sewer, replacement with adequate larger size sanitary sewer as determined by the City's Public Works Department, complete with restoration of the existing roads and easements to the satisfaction of the Manager of Development Engineering and storm sewer outlets including storm water management ponds. DEC 11 2007 REPORT~~

~~NEW21) That the final plan of subdivision not be registered until a new sanitary sewer pumping station to service the proposed area has been completed, to the satisfaction of the Manager of Development Engineering, or alternatively that the owner submits a detailed analysis to the City for any alternative provisions for sanitary sewage outlet on an interim basis, and agree in writing to construct at the owner's expense any and all works necessary to implement the requirements of the analysis all to the satisfaction of the Manager of Development Engineering. DEC 11 2007~~

22) That the final plan of subdivision not be registered until a new water booster station to service the proposed area has been completed; to the satisfaction of the Manager of Development Engineering, or alternatively that the owner submits a detailed analysis to the City for any alternative provisions to provide adequate water pressure to satisfy normal and fire flow demands, and agree in writing to construct at the owner's expense any and all works necessary to implement the requirements of the analysis all to the satisfaction of the Manager of Development Engineering.

23) That the final plan of subdivision not be registered until the capacity of the Highland Road water reservoir (H-7) has been expanded (or a new reservoir has been constructed) and in full operation to the satisfaction of the Manager of Development Engineering, or alternatively that the owner submits a detailed analysis, which satisfies the City that there is adequate water storage capacity to satisfy normal and fire flow demands, and agree in writing to construct at the owner's expense any and all works necessary to implement the requirements of the analysis all to the satisfaction of the Manager of Development Engineering.

24) That the Owner agrees in writing to construct adequate temporary storm water management and siltation control measures during all phases of construction and implement a process for monitoring, inspection and maintenance of said measures.

- 25) ~~That the Owner acknowledges that a new sanitary sewer pumping station, portions of the sanitary sewer force main, a new water boosting station, and the permanent stormwater management facility as approved by the Master Servicing and Drainage Plan prepared by A. J. Clarke and Associates, are located on adjoining lands. The owner shall make arrangements for the design, construction, and conveyance of lands needed for these facilities to the satisfaction of the City's Manager of Development Engineering. DEC 11 2007 REPORT~~
- 26) ~~That the owner agrees that registration of the first phase of the draft approved plan shall be restricted to a maximum of 75 units, consisting of Blocks 94, 95, 96, 97, 98 and Street "A". The City shall permit separate engineering drawing approvals and the posting of securities as corresponding to each stage of development. Registration of subsequent phases will not be permitted until Condition (68) has been satisfied to the satisfaction of the Director of Development. DEC 11 2007 REPORT~~
- 27) That the owner agrees in writing to transfer to the City, any easements over the subdivider's draft approved lands, upon registration of the final plan of subdivision needed for temporary stormwater management pond(s) to the satisfaction of the Manager of Development Engineering.
- NEW 28) ~~That the Owner agrees in writing to install 1.5 metre high black vinyl-coated chain link fencing along the rear and side yard of any lot or block created by registration of the draft approved plan which rear or side yard abuts City parklands, school lands or public walkways. DEC 11 REPORT~~
- 29) That the Owner pay all outstanding servicing costs to the City for existing sewers and water mains in the roads adjacent to and abutting on the proposed plan prior to registration of the draft approved plan.
- 30) That the Owner agree in writing to pay their share of the construction of the future sewers on Rymal Road adjacent to the subject lands to the satisfaction of the Manager of Development Engineering.
- NEW 31) ~~That the Owner agree in writing to fulfil all financial obligations under the City's Financial Policies applicable at the time of registration, including the cost of urbanization of Rymal Road East adjacent to the subject lands, according to the Development Charges policy applicable at the time of registration. DEC 11 2007 REPORT~~
- 32) ~~That the Owner submit a plan to the satisfaction of the Manager of Development Engineering, prepared by a qualified professional engineer in accordance with the "Keeping Soils on Construction Sites" manual, showing the design and location of siltation and erosion control devices on the lands to be developed. DEC 11 2007 REPORT~~
- 33) That the Owner agrees in writing to provide adequate water main looping (temporary or permanent), to the satisfaction of the Manager of Development Engineering.

- 34) That the Owner establishes the road allowance for the collector roads, namely the extension of Second Road West shown as Street "A" on the plan and the mid block collector shown as Street "B" on the plan, at a width of twenty-six (26) metres on the final plan of subdivision, and may be required to be widened to accommodate traffic calming mechanisms, streetscape features or bicycle paths.
- 35) That the Owner establishes the road allowance for proposed local streets in the plan, namely Streets "C", "D", "E", "F" and "G" at a minimum width of eighteen (18) metres on the final plan of subdivision.
- 36) ~~That the Owner provides a cross-section for an 18 metre right of way to the satisfaction of the Manager of Development Engineering and the utilities. DEC 11 2007 REPORT~~
- 37) That the Owner dedicate by Certificate on the final plan of subdivision sufficient land to the City of Hamilton as public highway to establish the property line 18.29 metres from the centreline of the original Rymal Road road allowance and that these lands be shown as separate blocks on the final plan of subdivision.
- 38) That the Owner agrees in writing to include a "Notice of Prospective Purchasers" in all agreements of purchase and sale for the lots and blocks within the draft approved plan advising of a future H.S.R. bus route to service these lands.
- 39) That the Owner dedicate additional road allowance widenings, if required, to ensure the safe manoeuvring of H.S.R. buses through the development, including any traffic circles or other traffic calming initiatives, to the satisfaction of the Manager of Development Engineering.
- NEW 40) ~~That the Owner indicates all driveway locations on the approved engineering drawings for all lots located at intersections and on the outside radius of the internal streets, to the satisfaction of the Manager of Development Engineering.~~
- NEW 41) ~~That the Owner establish 10 metre by 10 metre daylight triangles at the intersection of the extension of Second Road West (Street "A") and the widened limits of Rymal Road and the intersection of the extension of Second Road West (Street "A") and the mid block collector (Street "B"). DEC 11 2007 REPORT~~
- 42) That the Owner establishes 5 metre by 5 metre daylight triangles at all internal intersections.
- 43) That the channelization at the intersections of Street "A" and Rymal Road East and Street "A" and Street "B" be to the satisfaction of the Manager of Development Engineering.
- 44) That prior to the issuance of Building Permits for the residential development from Street "B" southerly, the Owner agrees to provide adequate secondary emergency access, to the satisfaction of the Manager of Development Engineering.

- 45) That the Owner agrees, in writing, to provide a temporary turn-around with signage and convey sufficient easements and 0.3 metre reserves to the City, by deed, over the Owner's lands, to current Development Engineering Guidelines, to the satisfaction of the Manager of Development Engineering.
- 46) That any phasing of the development of the subject lands be subject to the satisfaction of the Manager of Development Engineering to ensure adequate servicing needs are met.
- 47) That the owner ensures that the proposed extension of Street "A" aligns centre line to centre line with the existing Second Road West on the north side of Rymal Road East.
- 48) That the owner ensures that Street "B" on the plan aligns centre line to centre with the proposed extensions east and west of the subject lands.
- 49) That the owner ensures that all the local streets shown on the plan align centre line to centre line with their proposed extensions into the adjacent lands.
- ~~NEW 50) That the owner installs a dead-end barricade to the satisfaction of the Manager of Development at the southern limits of Street "D". DEC 11 2007 REPORT~~
- 51) That access to Blocks 95, 96, 97 and 98 be permitted only on Street "A" through a common access and that access to Block 99 be permitted only on Street "A".
- 52) That the owner agrees in writing to construct sidewalks as follows: along both sides of Street "A" from Rymal Road to the southerly limits of the plan; along both sides of the entire length of Street "B"; along one side of the entire length of Street "C" to coincide with "The Brooks @ Rymal/20" draft plan; and along one side of the entire lengths of Streets "E" and "F" to coincide with the "Red Hill Summit Estates – East" draft plan. The City will not require sidewalks on Street/Court "D". Further, that the owner shall include a notice in all Purchase and Sale Agreements advising future home owners of these sidewalk requirements.
- 53) That the owner prepare and submit, to the satisfaction of the Manager of Development Planning, Planning and Development Department, a municipal house numbering plan.
- 54) That the owner agrees to select a street name from the City of Hamilton Reserved Street Name Index and/or submit street names to the satisfaction of the City of Hamilton.
- 55) That the owner agrees to erect a sign in accordance with the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
- 56) That the final plan conforms to the Zoning By-law approved under the Planning Act.

- 57) That the owner agrees to provide the City of Hamilton with a certified list showing the net lot area and width of each lot and block and the gross area of the subdivision in the final plan.
- 58) That the owner shall carryout an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading or soil disturbances shall take place on the subject property prior to the approval of the Planning and Development Department and the Ministry of Citizenship, Culture and Recreation confirming that all archaeological resource concerns have met licensing and resource conservation requirements.
- 59) That the owner agrees to submit a Tree Preservation Study and Plan prepared by a certified arborist or landscape architect at the owner's expense and to the satisfaction of the City of Hamilton.
- 60) That a streetscape plan be prepared and implemented to the satisfaction of the Director of Development, Planning and Development Department.
- 61) That the Owner agrees to provide and implement, at the Owner's expense, a Streetscape Plan detailing enhanced boulevard landscaping treatment, fencing and street lighting for the required streets, prepared by a full member of the Ontario Association of Landscape Architects (OALA) and to the satisfaction of the Director, Design and Construction, Community Services Department.
- 62) The Owner agrees to provide and implement, at the Owner's expense, a Street Tree Planting Plan for boulevard trees along the required streets and lands, as prepared by a certified Arborist or Landscape Architect (OALA) and to the satisfaction of the of the Director, Design and Construction, Community Services Department.
- 63) That any phasing of the development of the subject lands be to the satisfaction of the Director of Development, Planning and Development Department.
- 64) That prior to registration of any phase of the proposed subdivision, the owner shall pay the required commutation amount of Local Improvement Charges to the Finance and Corporate Services Department.
- 65) That the owner agrees, in writing, to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands.
- 66) The owner agrees to enter into a Subdivision Agreement or Agreements with the City of Hamilton.

67) That the owner agrees, in writing, to satisfy all requirements, financial and otherwise of the City of Hamilton, by entering into a Subdivision Agreement with the City of Hamilton prior to registration of any portion of the subject lands.

68) That the Owner agrees and acknowledges that additional dwelling units beyond seventy-five (75), may only be registered at such time as either:

A. The following matters have been completed to the satisfaction of the Director of Operations and Maintenance:

(1.1) Environmental Assessment studies have been completed and approved;

(1.2) The method of financing to undertake the required road improvements have been identified including provisions for changes to the applicable Development Charges By-law; and,

(1.3) The required road improvements have been included in the Capital Budget and/or Forecast where applicable, or financed through other mechanisms;

for one or more of the following road improvements:

(2.1) Construction of the Red Hill Creek Expressway with four (4) lanes plus an additional upbound truck lane;

(2.2) The widening of Rymal Road to four (4) lanes plus turn lanes;

(2.3) The extension of Trinity Church Road to the Lincoln Alexander Parkway; and,

(2.4) The construction of a new signalized collector road intersection with Regional Road 56 and the widening of Regional Road 56 to four (4) lanes from Rymal Road to the new collector road intersection; or,

B. The submission and approval of a traffic impact study to address the need for and timing of any other required road improvements to improve transportation capacity south of and/or crossing the escarpment to accommodate such additional dwelling units, and compliance with the matters set out in (A)(1.1 to 1.3) in respect of such improvements, to the satisfaction of the Director of Roads and Traffic.

69) That the Owner agrees to undertake a detailed built heritage and cultural heritage assessment, to the satisfaction of the City of Hamilton, Manager of Heritage and Urban Design, prior to final approval.

- 70) That the Owner agrees that Blocks 79 to 82, inclusive, shall only be developed in conjunction with adjacent lands.
- 71) That the Owner agrees to investigate the noise levels on the site from traffic on Rymal Road East and determine the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment's recommended sound level limits, prior to final approval. The Owner agrees to submit to the City of Hamilton, an acoustical report prepared by a qualified Professional Engineer, containing the recommended control measures.
- 72) That the Owner agrees to submit detailed site and landscaping designs for a neighbourhood gateway feature at the intersection of Second Road West Extension and Rymal Road, to the satisfaction of the Director of Development.
- 73) That the Owner agrees to submit a Streetscape Plan to the Supervisor of Planning for the Hamilton Street Railway to comment on bus stop locations and customer amenities.
- 74) That the Owner agrees that should Block 100 be developed for residential purposes, then Block 100 shall only be developed by plan of subdivision.
- 75) That the Owner agrees and acknowledges that Council for the City of Hamilton will update the Municipal Development Charges By-law to include all growth-related infrastructure and service improvements required to service development within the Rymal Road Secondary Plan Area.
- 76) That in accordance with Policy B.3.7.5 Development Cost Sharing of the Rymal Road Secondary Plan, the owner shall pay its fair share of the cost of any front-ended Secondary Plan studies and other area wide studies based on gross acreage. Further, that the Director of Development and Real Estate shall determine the apportionate cost to be applied to the subject lands, and Council authorize the Director to amend the draft approval conditions for insertion into the subdivision agreement requiring the contribution to be paid prior to any registration of the agreement.

Public Works (formerly Community Services)

- 77) That the Owner agrees to convey Block 104, as proposed, to the City of Hamilton, as provided for under Section 51 of the Planning Act, in fulfilment of the parkland dedication requirement.
- 78) That the Owner agrees to grade, seed and provide service connections to the park Block to the satisfaction of the City.
- 79) That the Owner agrees to preserve and protect all trees within the Subdivision Plan in accordance with good arborist practices except for those trees that the City

has permitted to be removed, and no trees shall be removed without such permission.

- 80) That the Owner agrees to keep all trees trimmed in accordance with good forestry practices until the City assumes the Subdivision Plan. Similarly, all trees identified for removal in the Tree Preservation Study and Plan, within the Subdivision Plan, shall be removed by the Owner, at the Owner's expense.
- 81) That the Owner agrees that all trees required to be preserved shall be protected during construction on the lands on the Subdivision Plan, to the satisfaction of the City, including the area required for the stockpiling of excess earth within the Subdivision Plan.
- 82) That the Owner agrees that undeveloped blocks within the Subdivision Plan, which have been disturbed from their natural state or are difficult to maintain in a controlled state, shall be graded, seeded and maintained by the Owner until construction commences thereon.
- 83) That the Owner agrees to implement the proposed stormwater management pond adjacent to the Owner's lands. Prior to the development of this naturalized storm drainage facility, a Landscape Plan shall be prepared by a full member, in good standing, of the Ontario Association of Landscape Architects (OALA) and to the satisfaction of the City. The Owner agrees to implement same in accordance with the approved plans and pay all associated costs to the satisfaction of the City. In addition, the Owner agrees to provide and pay for security features, such as chainlink fencing, as required, adjacent to other land uses.
- 84) That the Owner agrees to implement, at the Owner's own cost, and to the satisfaction of the City, a multi-use pathway trail system as prepared by a full member, in good standing, of the Ontario Association of Landscape Architects (OALA). The trail system will be developed both off and on road along the proposed residential streets, stormwater management ponds, school and park block. In conjunction with the trail system, the Owner agrees to provide pedestrian easements for user access and to accommodate City emergency and service vehicles. The width of the pedestrian trails shall be a minimum of 4.5m with a maximum slope of 8.0%. The Owner agrees to provide, at the Owner's expense, hardsurfaced treatment, pathway lighting, 1.5m high chainlink fence and removable bollards, all to the satisfaction of the City.

Public Works - Roads and Traffic

- 85) That prior to registration of the plan, the Owner shall submit detailed engineering drawings that demonstrate that the required traffic circle design at Street 'A' and Street 'B' will accommodate all road users and provide the necessary road allowance areas for utilities and any proposed streetscape treatment. As outlined in the Rymal Road Secondary Plan Streetscape Manual, a traffic circle is to be

constructed at the intersection of Street 'A' and east-west collector road Street 'B' at the sole expense of the Owner.

- 86) That prior to registration of the plan, the Owner shall provide detailed engineering drawings showing traffic calming initiatives on the collector road system to the satisfaction of the Manager of Traffic Engineering and Operations. The approved traffic calming initiatives shall be implemented at the sole expense of the Owner.
- 87) That the owner agrees to construct intersection turning lane improvements on Rymal Road at Second Road West (westbound left turn lane and eastbound right turn lane) as recommended in Figure 6 of the original "Transportation Review – Rymal Road Planning Area" prepared by the BA Group Transportation Consultants, February 2001, concurrent with the construction of the intersection of Street 'A' at Rymal Road.
- 88) That prior to registration of the plan, the owner shall submit detailed engineering drawings that illustrate where driveways will be situated at the following lots: 7-11, 21-32, 64-69.
- 89) That prior to the registration of this plan, the Owner agrees that special development charges levy for the improvements in the overall transportation network (eg. Pavement widenings, road construction, traffic signal installations on Rymal Road) shall be reviewed and approved in accordance with the direction of the Rymal Road Secondary Plan, if required.
- 90) That the Owner agrees that Streets 'B, C, E and F' must align centerline to centerline with the street connections on the adjacent plans of subdivision.
- 91) That the Owner agrees that a Minor Gateway Feature is to be included at the intersection of Rymal Road and Street 'A', in accordance with the Rymal Road Secondary Plan Streetscape Manual.
- 92) That the Owner agrees that access to Commercial Block 99, as illustrated, will not be permitted from Rymal Road.
- 93) That the Owner agrees that direct access to Blocks 95-97 must be from Street 'A' and one mutual access to Rymal Road, not direct access for each unit. An extension of the westbound left turn lane required at Second Road West would be required for these Blocks should one access to Rymal Road be proposed.

Social and Public Health Services

- 94) That any existing or proposed development(s) constructed on the above described draft plan are properly connected to municipal sewers and water supply.

- 95) That any existing septic tank be pumped out by a licensed contractor and refilled with suitable material to prevent it from collapsing.
- 96) That any existing abandoned water wells are plugged in accordance with Environment Ontario's Facts Sheet entitled: "Water Wells and Groundwater Supplies Recommended Methods for Plugging Water Wells".

Bell Canada

- 97) That the owner be required to enter into an Agreement (Letter of Understanding) with Bell Canada complying with any underground servicing conditions imposed by the municipality, and if no such conditions are imposed, the owner shall advise the municipality of the agreement made for such servicing.
- 98) That the owner shall agree in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services. If there are any conflicts with existing Bell Canada facilities or easements, the owner/developer shall be responsible for rearrangements of relocation;

Canada Post

- 99) That the owner agrees to provide Canada Post facilities, as required by Canada Post Corporation, and to locate these facilities to the satisfaction of the City of Hamilton and Canada Post. The facilities are to be installed as part of the installation of Public Works.

Hamilton-Wentworth District School Board

- 100) That the owners, at their expense, place adequate signage on site based on Hamilton-Wentworth District School Board specifications advising that students from this development are likely to be redirected to schools outside of the area with available capacity and that students may be transported as governed by the Board's Transportation Policy.
- 101) That the Subdivision/Condominium Agreement include a Notice to purchasers advising that students are likely to be redirected to schools outside of the area with available capacity as governed by the Board's Transportation Policy.
- 102) That any rental or lease agreement required for occupancy include in all agreements to renters or leasers, a clause advising that students from this development are likely to be redirected to schools outside of the area with available capacity.

Niagara Peninsula Conservation Authority

- 103) That detailed lot grading and drainage plans, noting both existing and proposed grades, and the means whereby major system flows will be accommodated across the site, be submitted to the Conservation Authority for review and approval.
- 104) That detailed sedimentation and erosion control, detailing controls to be implemented both during and after construction, be submitted to the Conservation Authority for review and approval.
- 105) That the detailed design of the stormwater quality and quantity management facilities be submitted to the Conservation Authority for their review and approval.
- 106) That the owner agrees in the executed Subdivision Agreement to:
- implement conditions 102) to 104) above.
- 107) That the Owner/applicant apply for and receive any approvals and permits required by Fisheries and Oceans Canada (DFO), the Ministry of Natural Resources (MNR) and the Niagara Peninsula Conservation Authority (NPCA).

TransCanada PipeLines Ltd.

- 108) That any grading that will affect drainage on TransCanada's right-of-way, regardless of whether or not the grading is conducted on the right-of-way, must receive TransCanada's prior written approval. Grading activities on the right-of-way will be permitted only when a TransCanada representative is present to inspect and supervise them.
- 109) That should any blasting be required at the site, a report on the methods and charges to be used must be prepared at the owners sole cost and expense by a qualified blasting Engineer and submitted for TransCanada's written approval prior to the commencement of blasting operations on the site.
- 110) That TransCanada Pipelines is regulated by the National Energy Board Act. Section 112 of this Act requires that anyone excavating with power-operated equipment or explosives within thirty (30) metres of the pipeline must obtain leave from the National Energy Board before starting any work. To satisfy this National Energy Board condition, TransCanada's Regional Office must be notified at 1-800-827-5094 three (3) business days before the start of any excavation using power-operated equipment and seven (7) business days before the use of explosives within thirty (30) metres of the pipeline.

- 111) That a construction schedule and any changes to this schedule should be submitted to TransCanada's Right-of-Way Department in Calgary before the start of any construction activities within thirty (30) metres of the pipelines.
- 112) That three (3) copies of any registered plans for this subdivision and a registered copy of the Subdivision Agreement should be sent to TransCanada's Land Department in Calgary.

Hydro One Networks Inc.

- 113) That prior to final approval, a copy of the lot grading and drainage plan, showing existing and proposed grades, must be submitted to Hydro One for review and approval. Drainage must be controlled and directed away from Hydro One property.
- 114) That temporary fencing be installed along the edge of the Hydro One right-of-way prior to the start of construction at the developer's expense.
- 115) That permanent fencing be installed after construction is completed along Hydro One owned lands at the developer's expense.
- 116) That Hydro One property not be used without the express written permission of Hydro One Network's Inc. During construction there will be no storage of materials or mounding of earth or other debris on the right-of-way. The proponent will be responsible for restoration of any damage to the right-of-way resulting from construction of the subdivision.
- 117) That the costs of any relocations or revisions to Hydro One facilities, which are necessary to accommodate this subdivision, will be borne by the developer.

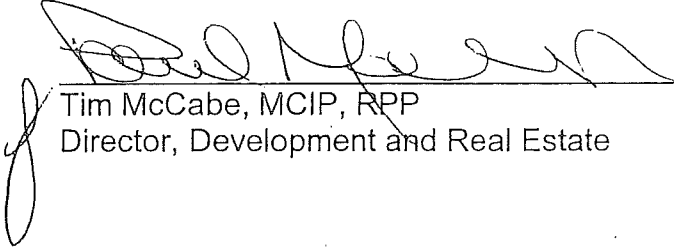
Director of Development & Real Estate

- 118) That prior to the signing of the final plan, the Director of Development & Real Estate be advised by:
- a) The Development Department that conditions (2) to (76) inclusive;
 - b) The Public Works that conditions (77) to (93) inclusive;
 - c) Social And Public Health Services that conditions (94) to (96) inclusive;
 - d) Bell Canada that conditions (97) and (98) ;
 - e) Canada Post Corporation that condition (99);
 - f) Hamilton-Wentworth District School Board that conditions (100) to (102) inclusive;

- g) Niagara Peninsula Conservation Authority that conditions (103) to (107) inclusive;
- h) TransCanada PipeLines Limited that conditions (108) to (110) inclusive;
- i) Hydro One Networks Inc. that conditions (113) to (117) inclusive; and

has/have been carried out to their satisfaction with a brief but complete statement indicating how each condition has been satisfied.

NOTE: Pursuant to Section 51(32) of the Planning Act, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received before the draft approval lapses.

Signed:  Date: November 20, 2003
Tim McCabe, MCIP, RPP
Director, Development and Real Estate

Appendix "I" to Report PED23232
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**Revised Special Conditions for Draft Plan of Subdivision Approval for
25T- 200303R**

That the following revised special conditions for Draft Plan of Subdivision Approval for 25T-200303R be received and endorsed by City Council:

a) That Condition Nos. 40 and 130 be deleted and replaced with the following:

40. That, **prior to servicing**, the Owner shall indicate all driveway locations on the engineering drawings for all lots and that no driveway shall be within a daylight triangle and further that the driveways for the following lots be established as follows: Lots 1, 41, 55, 58, 59, and 72 on the east side of the lot; Lots 48, 49, 56, 61, and 75 on the west side of the lot; Lots 15 and 78 on the south side of the lot, to the satisfaction of the Director of Development Engineering.
130. That, **prior to servicing**, the Owner prepare an on-street parking plan for Streets "A", "B", "C", "D", "E", and "F" based on the premise of achieving on-street parking for 40% of the total number of dwelling units, to the satisfaction of the Director of Development Engineering.

b) That Condition Nos. 132 to 142 be added:

132. That, **prior to registration of the plan of subdivision**, the Owner acknowledges and agrees that Block 1 shall be undevelopable until such time that adequate sanitary and storm outlet(s) are available at the east end of Bellagio Avenue, to the satisfaction of the Director of Development Engineering.
133. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimate schedule the construction of a temporary turning circle at the east limit of Bellagio Avenue, at the Owner's expense to the satisfaction of the Director of Development Engineering.
134. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimate schedules provision for the future removal of the temporary turning circle at the east limit of Bellagio Avenue including all associated restoration costs at the Owner's expense, to the satisfaction of the Director of Development Engineering.
135. That, **prior to registration of the plan of subdivision**, the Owner agrees to transfer to the City and designate as public highway, a temporary turning circle at the east limit of Bellagio Avenue. At such time as the City deems the turning circle no longer required, the lands will be transferred back to the Owner. All costs associated with the transfer will be at the Owner's expense. The City will not issue any building permits for the lots/blocks affected or encumbered by the turning circle until such time as it is determined no longer required by the City, all to the satisfaction of the Director of Development Engineering.

Growth Planning:

136. That, **prior to registration of the plan of subdivision**, the Owner shall work with Growth Planning staff to finalize municipal addressing for the individual Lots and Blocks, to the satisfaction of the Director of Growth Management and Chief Development Engineer.

Transportation Planning:

137. That, **prior to servicing**, the Owner shall construct 1.5 metre clear zone width buffered municipal sidewalk along both sides of the proposed municipal right-of-way, to the satisfaction and approval of the Manager of Transportation Planning.
138. That, **prior to servicing**, the Owner shall design and implement 1.5 metres wide bicycle lanes with an additional 0.3 metre buffer area along both sides of Bellagio Avenue by the Owner, to the satisfaction and approval of the Manager of Transportation Operations and Maintenance and the Manager of Transportation Planning.
139. That, **prior to servicing**, the Owner shall prepare and implement a detailed design drawing, prepared by a qualified transportation consultant, to convert each leg of the roundabout at Kingsborough Drive and Bellagio Avenue to a Pedestrian Crossover (PXO) Type D crossing, to the satisfaction and approval of the Manager of Transportation Operations and Maintenance and the Manager of Transportation Planning.
140. That, **prior to servicing**, the Owner shall provide a contribution of \$10,000 for the future implementation of traffic calming measures within the surrounding area, to the satisfaction and approval of the Manager of Transportation Planning.
141. That, **prior to servicing**, the Owner shall dedicate a right-of-way of 26.0 metres for Bellagio Avenue, to the satisfaction of the Manager of Transportation Planning.

Niagara Peninsula Conservation Authority:

142. That, **prior to preliminary grading and/or servicing**, the Owner shall prepare a detailed grading plan, storm servicing, and an erosion and sediment control plan, for the subject property, all to the satisfaction of the Niagara Peninsula Conservation Authority.

NOTES TO DRAFT PLAN APPROVAL

1. Pursuant to Section 51 (32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received two months before the draft approval lapses.

Recycling and Waste Disposal:

2. An "Agreement for On-site Collection of Municipal Solid Waste" must be completed and executed in order to receive municipal waste collection for the residential dwellings on the private road. The developer is responsible for all waste removal up until the time that an "Agreement for On-site Collection of Municipal Solid Waste" is finalized, and municipal collection services are initiated.
3. The developer must provide a signed letter from a professional engineer certifying that the road base along the access route can support at least 35,000 kilograms.
4. Prior to the start of municipal waste collection service, the development must be free of construction debris and construction related activities.
5. If the development is not designed according to specifications identified herein, the developer must:
 - a. Arrange a private waste hauler for the removal of all waste materials.
 - b. As part of the Purchase and Sale Agreement or Rental or Lease Agreement the developer, owner, property manager or agent for the development must disclose in writing to a prospective buyer of a unit within the development that the property is not serviceable for municipal waste collection.

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SUMMARY OF POLICY REVIEW

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

Provincial Policy Statement (2020)		
Theme and Policy	Summary of Policy or Issue	Staff Response
Management of Land Use Policy: 1.1.1	Healthy, liveable and safe communities are, in part, developed through the appropriate management of land use patterns.	The proposal provides for a healthy, liveable and safe community through an efficient form of development that, among other things, is transit-supportive and provides a mix of uses in a compact form. The development proposes street townhouses, back-to-back townhouses and up to an 80 unit multiple dwelling, contributing a built form that expands the range and mix of housing options in the area.
Settlement Area Policy: 1.1.3	Settlement Areas are intended to be the focus of growth and development. The development found within Settlement Areas are generally to have appropriate densities and mix of uses to allow for efficient use of public infrastructure, positively contribute to the concerns around a changing climate and be transit-supportive.	The proposal is appropriate given it is located within the Settlement Area of the City and provides for an efficient use of public infrastructure and is transit supportive given the proximity to Rymal Road East.
Noise Policy: 1.2.6.1	Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.	A condition for noise control was included through Approved Draft Plan of Subdivision 25T-200303 “The Crossings”. Condition No. 70 of Appendix “H” to Report PED23232 still applies. Further to the above, staff will require a detailed Noise Study at the Site Plan Control stage, where applicable.

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Theme and Policy	Summary of Policy or Issue	Staff Response
Transportation Policy: 1.6.7.4	A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.	The density and unit mix proposed positively contributes to the future use of transit along Rymal Road East, which is within reasonable walking distance from the subject lands. This corridor is a potential higher order transit line (“S-Line” of the BLAST network, as shown on Appendix B of the Urban Hamilton Official Plan).
Long-Term Economic Prosperity Policy: 1.7.1	Consideration must be given to promoting opportunities for economic development, encouraging residential supply and a range of housing options for a diverse workforce and other aspects like a cost-effective, reliable, multimodal transportation system.	The proposal positively contributes to the long-term economic prosperity, in part, through the supply of a multi-unit residential dwelling that will provide additional housing options, optimizes the use of land, and that will positively contribute to a transit system.
Climate Change Policy: 1.8.1	Improvements can be made to air quality and reducing greenhouse gas emissions (positively impacting a changing climate) through appropriate land use assignment and development patterns such as promoting compact form and structure of nodes and corridors, promoting active transportation and transit, promoting design that maximizes energy efficiency, and maximizing vegetation.	The proposed built form (i.e. a compact, dense development) is, in part, a contributor to improving air quality and the reduction of emissions. It contributes to a development pattern that can reduce individual car trips through the construction of an active and vibrant public realm that encourages walking and cycling and that supports transit. Through Site Plan Control, efforts will be made to maximize vegetation and soft landscaping.
A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)		
Theme and Policy	Summary of Policy or Issue	Staff Response
Managing Growth Policy: 2.2.1	The vast majority of growth is intended to happen within Settlement Areas and more specifically within the delineated built boundary. The application of the policies found within this section of the Plan are intended to help achieve complete communities.	The subject lands are located within the Urban Boundary but are outside of the delineated built-up area. The proposal is for various forms of residential buildings, increases the planned density, is transit supportive and would contribute to a complete community. Therefore, the proposal is appropriately located.

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Theme and Policy	Summary of Policy or Issue	Staff Response
Housing/ Complete Communities Policy: 2.2.6	A mix of housing options and densities is an important aspect of achieving complete communities. This is generally to be realised, in part, through multi-unit residential development that incorporates a mix of unit sizes to accommodate a diverse range of household sizes and incomes.	The proposal will contribute to achieving a complete community within the area surrounding the subject lands by providing additional multi-unit residential dwellings.
Urban Hamilton Official Plan		
Theme and Policy	Summary of Policy or Issue	Staff Response
Urban Design Policy: B.3.3	These policies are to generally apply to all development in the urban area to achieve the goals of B.3.3.1. Each of these policies discusses a design direction including: <ul style="list-style-type: none"> • creating identity; • creating quality spaces; • creating safe, accessible, connections; • creating transit supportive communities; • enhancing the character of the environment; • creating adaptable developments with respect to the changing needs of people; • creating adaptable developments with respect to a changing climate; • promoting development that respects natural processes and features; • promoting intensification compatible with existing communities; • encouraging innovative technologies; and, • creating development that improved air quality and healthy lifestyles. 	The Applicant submitted an Urban Design Brief prepared by Adesso Design Inc. dated August 2019 in support of this application. The report concluded that the proposal represents good site design and is an appropriate development solution that is compatible with the surrounding land use and existing built form and the proposed landscaped streetscapes will add to the City’s overall tree canopy.

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Trees</p> <p>Policy C.2.11.1:</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 Preservation Plan, prepared by Adesso Design and dated September 11, 2014, was submitted in support of this application. Tree removals were approved through the Tree Protection Plan which was reviewed through approval of the draft plan of subdivision (condition No. 58 of Appendix “H” to Report PED23232) and the trees have since been cleared from the site. The Tree Preservation Plan showed that all vegetation on site was to be removed except for one tree. Vegetation on site was of poor quality (not native, young, and not long-lived species). Compensation is required for 30 trees. Trees that are below 10 cm diameter at breast height, dead, and European Buckthorn have been excluded from compensation requirements.</p> <p>Payment of applicable street tree planting fees is addressed as Condition 2.8 of the City’s Standard Conditions of Subdivision Approval, and Landscape Plans will be required at the future Site Plan Control stages, where applicable, to show compensation plantings.</p> <p>Staff are satisfied that the proposal provides opportunities for a 1:1 tree compensation as set out in the City’s Tree Protection Guidelines (2010).</p>
<p>Archaeology</p> <p>Policy B.3.4.4.3</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 four 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 August 12, 2014 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>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Transportation</p> <p>Policy C.4.5.12:</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 Paradigm Transportation Solutions Limited, dated June 2018 and response letter dated February 5, 2021, and the findings were accepted by Transportation Planning staff. The future road network can accommodate the site-generated traffic.</p> <p>Recommended modifications include detailed design drawings for pedestrian crossings at the existing roundabout (at the intersection of Kingsborough Drive and Bellagio Avenue), securities for traffic calming measures, and sidewalks and bicycle lanes along both sides of Bellagio Avenue, which shall be the responsibility of the Developer and are being addressed as Condition Nos. 137 - 141 of Appendix “I” attached to Report PED23232. The rights-of-way adhere to the original alignments for Bellagio Avenue, Kingsborough Drive and Citadella Boulevard.</p>
<p>Infrastructure</p> <p>Policy C.5.3.6:</p>	<p>All redevelopment within the urban area shall be connected to the City’s water and wastewater system.</p>	<p>The proposed development will be connected to municipal water and wastewater infrastructure.</p>
<p>Residential Greenfield Design</p> <p>Policy E.3.7.1, E.3.7.5, E.3.7.6, E.3.7.7</p>	<p>E.3.7.1 New greenfield communities shall be designed with a unique and cohesive character. Buildings, streetscapes, street patterns, landscaping, open spaces and infrastructure shall be designed to contribute to this character.</p> <p>E.3.7.5 New residential development in greenfield areas shall generally be designed and planned to:</p> <p>a) Minimize changes to existing topography;</p>	<p>The subject lands are within the urban boundary but are not identified as being within the built-up area and are therefore considered as greenfield.</p> <p>In review, the proposal is for a mix of built forms such as street townhouse dwellings, townhouse dwellings on a private development block and a multiple dwelling with up to 80 units and the proposed public road layout is aligned with the previous Draft Approved Plan of Subdivision 25T-200303 thereby resulting in a unique and cohesive character.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Residential Greenfield Design (Continued)</p> <p>Policy E.3.7.1, E.3.7.5, E.3.7.6, E.3.7.7</p>	<p>b) Preserve existing trees and natural features.</p> <p>E.3.7.6 New development or redevelopment adjacent to open spaces shall:</p> <ul style="list-style-type: none"> a) Minimize the impacts on natural heritage features; b) Maintain or enhance public access to trails, bikeways, and parks within these features; d) Use native plant material adjacent to these features. <p>E.3.7.7 Prior to registration of a plan of subdivision, the City may require the owner to prepare urban design and/or architectural guidelines to the satisfaction of the City. The City may undertake architectural control to ensure compliance with the approved urban design or architectural guidelines.</p>	<p>The site is generally flat and the grades proposed are intended to match the existing grades of lands to the east and west. The vegetation on site is mostly poor quality (not native, young, and not long-lived species), and has been cleared through the approval of the draft approved plan of subdivision. Tree compensation as set out in the City’s Tree Protection Guidelines (2010) will be required.</p> <p>Access to parks and trails will be enhanced with the completion of this development. The landscape plan and site plan will encourage native plantings throughout the site.</p> <p>The townhouse dwellings on a private development block and the multiple dwelling will be required to go through site plan control, at which time further urban design review will occur to ensure compliance with the City’s site plan guidelines.</p>
<p>Neighbourhoods Designation</p> <p>Policy E.3.2.1 E.3.2.3</p>	<p>Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.</p> <p>The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:</p> <ul style="list-style-type: none"> a) residential dwellings, including second dwelling units and housing with supports; 	<p>The proposal contributes to the functions of a complete community by providing opportunities for a full range of dwelling types, tenures and densities that is in character with the existing residential and proposed residential uses, while increasing the supply of housing in proximity to transit routes and community facilities to serve local residents.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Neighbourhoods Designation (Continued)</p> <p>Policy E.3.2.1 E.3.2.3</p>	<p>b) open space and parks; c) local community facilities/services; and, d) local commercial uses.</p>	
Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Plan of Subdivision</p> <p>Policy F.1.14.1.2</p>	<p>The proposal complies with this policy.</p> <p>Council shall approve only those plans of subdivision that meet the following criteria:</p> <p>a) The plan of subdivision conforms to the policies and land use designations of this Plan;</p> <p>b) The plan of subdivision implements the City’s staging of development program;</p> <p>c) The plan of subdivision can be supplied with adequate services and community facilities;</p> <p>d) The plan of subdivision shall not adversely impact upon the transportation system and the natural environment;</p> <p>e) The plan of subdivision can be integrated with adjacent lands and roadways;</p> <p>f) The plan of subdivision shall not adversely impact municipal finances; and,</p> <p>g) The plan of subdivision meets all requirements of the <i>Planning Act</i>.</p>	<p>The proposed Revisions to Approved Draft Plan of Subdivision 25T-200303 is to facilitate the creation of five blocks consisting of 37 street townhouse dwellings (Blocks 1 and 5), 33 townhouse dwellings (Block 2), a multiple dwelling block with up to 80 units (Block 3), one development block of 156 townhouse dwellings (Block 4) and the extension of Bellagio Avenue, as shown in Appendix “F” attached to Report PED23232.</p> <p>The proposal is consistent with the Criteria for Staging of Development in that utilities and services are available. This proposal supports a healthy growing economy, provides housing opportunities, complies with the general intent of the Urban Hamilton Official Plan and Rymal Road Secondary Plan, will not adversely impact upon the transportation system or the natural environment, and will integrate well with the existing development in the area.</p>

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Rymal Road Secondary Plan		
Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Low Density Residential Designations</p> <p>B.5.2.2.3 b)</p>	<p>In the Low Density Residential 2h designation:</p> <ul style="list-style-type: none"> • The permitted 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. • Mixing of unit types shall be encouraged, and the implementing Zoning By-law may contain provisions to allow for a mixing of units. • The density range shall be from 24 to 50 units per net residential hectare. The net residential density may be averaged over each plan of subdivision within the designation. • Multiple dwellings shall be encouraged to locate adjacent to or in the nearby vicinity of the arterial and collector roads within and adjacent to the Secondary Plan area. 	<p>The "Low Density Residential 2h" designation permits a range of low density, low rise built forms such as low rise apartments, single detached dwellings, and multiple attached dwelling unit types such as street townhouses and block townhouses. The proposed uses of street townhouses and block townhouses comply with the permitted used of the “Low Density Residential 2h” designation. The proposed net residential density for lands being designated “Low Density Residential 2h” will be 43 units per hectare (226 units/5.26 ha). Staff find the proposed designation is appropriate as the built form, height and density fit within the neighbourhood, are compatible with surrounding uses and contribute to a complete community by adding to the range and mix of housing.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Low Density Residential Designations (Continued)</p> <p>B.5.2.2.3 b)</p>	<ul style="list-style-type: none"> • A variety of housing elevations shall be encouraged within each residential block to provide an interesting streetscape. Where townhouses are proposed, a mix of long and short townhouse blocks on public and private streets is encouraged to provide variety to the streetscape. The massing of long townhouse blocks can be broken down so that a single monotonous elevation is not created. The Zoning By-law may contain standards controlling this circumstance. 	
<p>Medium Density Residential Designations</p> <p>B.5.2.2.4 b)</p>	<p>In the Medium Density Residential 2c designation:</p> <ul style="list-style-type: none"> • Permitted uses shall be apartments, townhouses, stacked townhouse dwellings and other forms of multiple attached dwellings as a single form or mixed form development in a mid-rise housing form (up to nine storeys). • The minimum density shall be 60 units per net residential hectare. The maximum density shall be set out in the implementing Zoning By-law. 	<p>The “Medium Density Residential 2c” designation permits apartments, townhouses and stacked townhouse dwellings. The proposed use for a multiple dwelling complies with the “Medium Density Residential 2c” designation. The maximum permitted height in the designation is nine storeys and the density requirement in the designation permits a minimum of 60 units per net residential hectare. The proposal exceeds the minimum density at 127 units per hectare (80 units/0.63 ha) and is a proposed height of six storeys. The Rymal Road Secondary Plan requires the implementing zoning by-law to set out a maximum density for the Medium Density Residential 2c designation, as such a maximum density of 127 units per hectare has been included in the Draft Amending By-law (attached as Appendix “D” to Report PED23232). The applicant has proposed a maximum building height of 22 metres corresponding to the proposed height of six storeys.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Medium Density Residential Designations (Continued)</p> <p>B.5.2.2.4 b)</p>	<ul style="list-style-type: none"> • Medium Density Residential 2c areas shall be generally located on the periphery of the residential area or in areas abutting commercial development, major and minor arterial or collector roads. • Where Medium Density Residential 2c areas are proposed to be located adjacent to lower density residential uses, consideration shall be given to the appropriate integration of built form to enhance compatibility. Integration may be accomplished through architectural massing, lot setbacks, height, setbacks of upper floors, scale, density, buffering and landscaping. 	<p>The proposed multiple dwelling will front Bellagio Avenue (a collector road) and the development is appropriately located at the periphery of the planned residential area.</p> <p>The multiple dwelling is proposed with adequate setbacks from lower residential uses and is bound by Bellagio Avenue to the north and Kingsborough Drive to the west. At a height of six storeys, the height is an appropriate transition and overlook impacts are not anticipated for townhouses adjacent to the multiple dwelling block. The proposed density is appropriate and will not result in a lack of servicing as demonstrated by the Functional Servicing Report and Traffic Impact Studies submitted. Buffering and Landscaping will have further review through the future Site Plan Control process, where applicable.</p>

Site Specific Modifications to the Low Density Residential – Small Lot (R1a, 866) Zone

Regulation	Required	Modification	Analysis
Minimum Lot Area 15.2.2.3 a)	180.0 square metres.	160 square metres.	The reduced minimum lot area and minimum unit width will result in a density that is consistent with the surrounding area and that will be compatible with surrounding uses. Therefore, staff supports these modifications.
Minimum Unit Width 15.2.2.3 b)	6.0 metres.	5.7 metres.	
Minimum Rear Yard 15.2.2.3 f)	7.5 metres.	7.4 metres.	The proposed setback reduction is minor and will provide sufficient separation from the adjacent residential and provide sufficient amenity area. Therefore, staff supports this modification.

Site Specific Modifications to the Residential Multiple “RM3” Zone – “RM3-323” (Block 1)

Regulation	Required	Modification	Analysis
Section 4 Definition Lot Line	“Lot Line” means any boundary of a lot.	That all exterior lot/Block lines shall be deemed to be the lot lines, and regulations including but not limited to lot area, lot frontage, lot coverage, building setbacks, landscaped areas, parking requirements and accessory buildings, shall be from the exterior boundaries of the townhouse block according to the unregistered final plan of	The proposed townhouse units in Block 2 of the Plan of Subdivision are intended to be developed as a block without direct street access and to face towards Kingsborough Drive. The modification is a technical modification to facilitate townhouses prior to individual lots being created through Part lot Control applications. Therefore, staff supports these modifications.

Regulation	Required	Modification	Analysis
		subdivision and not from individual properties or boundaries created by registration of a condominium plan or created by Consent or Part Lot Control.	
Section 4 Definition of Front Yard	"Yard, Front" means the yard extending across the full width of a lot between the front lot line and the nearest wall of any principal building.	That notwithstanding the definition of front yard Kingsborough Drive shall be deemed the front yard.	
Section 7.23 Special Setback Requirements from Streets	<p>Minimum front yard setbacks for buildings shall be determined by measuring from the centreline of the street if a front yard setback is not included in the particular zone.</p> <p>The regulation lists specific streets in Glanbrook (which are not applicable to this application).</p>	Not applicable.	<p>Block 2 of the Plan of Subdivision (see Appendix "F" to Report PED23155) is not adjacent to any of the streets listed in this Section and appropriate setbacks have been established from the street.</p> <p>Therefore, staff supports this modification.</p>
Section 7.35 (a)(vi) Access to Parking Spaces	<p>Access to parking spaces shall be by means of a driveway, lane or aisle having a minimum width of 6 metres (20 feet); and</p> <p>(b) Indirect Access A driveway or lane which does not provide ingress or egress directly to a parking space, shall have a minimum width of 4.5 metres (15 feet) where designed for one-way vehicular circulation or a minimum width of 6 metres (20 feet) where</p>	No direct access shall be provided to each parking space within a garage.	<p>The existing regulation prevents tandem parking as access to the garage parking space would be required to be unobstructed from other parking spaces.</p> <p>Access to garage parking spaces will be provided by means of a 3.0 metre wide driveway and the modification will permit a car to be parked in the garage and within the driveway.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
	designated for two-way vehicular circulation.		
Section 7.35 (a)(vii) Minimum Parking Space Size	Each parking space shall have a minimum of width of 3 metres and a minimum length of 6 metres, except where a minimum of 20 parking spaces are required, 35% of these spaces are permitted to be a minimum of 2.6 metres in width by 5.8 metres in length.	3.0 metres by 5.8 metres.	The parking space length size regulation is consistent with the standards set out in Zoning By-law No. 05-200. Therefore, staff supports this modification.
Section 7.35 (a)(xii) and (a)(xiii) Planting Strip	<p>Where a parking area which is required to provide for more than four (4) vehicles abuts any Residential or Institutional Zone or where the adjoining land is used for residential or institutional purposes, a landscaped area consisting of a permanently maintained planting strip with a minimum width of 3 metres (10 feet) shall be provided and shall also include fencing to provide a solid and effective screen.</p> <p>Where a parking area which is required to provide for more than four (4) parking spaces abuts a street, a permanently maintained landscaped area with a minimum width of 3 metres (10 feet) shall be provided along the street line, and it shall be continuous except for driveways required for access to such parking area.</p>	A minimum 1.45 metres wide landscaped area shall be provided adjacent to Kingsborough Drive. A minimum 2.6 metres wide landscaped area shall be provided along the Hypotenuse of the Daylight Triangle.	The proposed planting strip will provide screening while also accommodating parallel parking spaces along Kingsborough Drive. Therefore, staff supports this modification.

Regulation	Required	Modification	Analysis
Section 19.2 (c) Maximum Lot Coverage	30 percent.	33 percent.	The proposed increase in lot coverage is not anticipated to impact stormwater management, amenity area, or planting area. The increase is minor and will allow the proponent to address SWM control and allow for flexibility for lot coverage to be measured for the townhouses on the whole of the block rather than on a lot by lot basis. Therefore, staff supports this modification.
Section 19.2 (d) Maximum Density	35 dwellings units per hectare (14 dwelling units per acre).	43 dwelling units per hectare.	The density provided is a slight increase and is considered appropriate intensification by providing a mix of housing types and adding to a range in housing in the area. Therefore, staff supports this modification.
Section 19.2 (f) Minimum Side Yard	7.5 metres, except 10.7 metres (35 feet) where the abutting lands are zoned Existing Residential "ER" or Residential "R1", "R2", "R3", "R4" or "RM1".	2.5 metres.	The proposed yards provide sufficient separation from the adjacent residential dwellings to avoid negative impacts such as privacy and overlook while providing privacy area and fits with the streetscaping and lotting pattern of the neighbourhood. Therefore, staff supports these modifications.
Minimum Rear Yard		7.1 metres.	
Minimum Exterior Side Yard		7.6 metres.	
Section 19.2 (g) Minimum Separation Distance	(i) Between two (2) exterior walls which contain no windows to habitable rooms, a minimum of 3 metres (10 feet); and (ii) Between two (2) exterior walls one (1) of which contains windows to a habitable room, a minimum of 9 metres (30 feet); and	2.0 metres between two end units.	The proposed separation space provides adequate spaces to access the rear of the property. Therefore, staff supports this modification.

Regulation	Required	Modification	Analysis
	(iii) Between two (2) exterior walls both of which contain windows to a habitable rooms, a minimum of 15 metres (50 feet).		
Section 19.2 (j) Minimum Landscaped Area	50 percent of the lot area, which may include the required privacy area.	36 percent of lot area.	<p>The proposed reduction in landscaped area will allow for more efficient use of the land without negative impacts to stormwater management, amenity area, or planting area.</p> <p>A landscape plan will be required at the Site Plan Control stage and reviewed by staff to ensure high quality landscape is provided. At this stage, the applicant will be encouraged to incorporate Low Impact Development measures within the hardscaped areas to further improve permeability on the site.</p> <p>Therefore, staff supports this modification.</p>
Section 19.2 (m) Minimum Amenity Area	A minimum area of 5 square metres (55 square feet) per dwelling unit shall be provided and thereafter maintained.	Not applicable.	<p>Each dwelling is required to provide an outdoor privacy area with a minimum area of 35 square metres. This area will provide private amenity area for residents. The subject lands are also located in proximity to an existing City Park, being Red Hill Summit Park, and will be close to two future parks.</p> <p>Therefore, staff supports this modification.</p>
Section 19.2 (n) Minimum Parking Requirements	No parking space or area shall be located closer to a street line than 6 metres (20 feet) and not be closer than 3 metres (10 feet) to any Residential Zone, unless such	No parking space or area shall be located closer to a street line than 1.45 metres.	<p>The proposed planting strip will provide screening while also accommodating parallel parking spaces along Kingsborough Drive.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
	parking space is located within a below-grade communal parking structure.		

Site Specific Modifications to the Residential Multiple “RM3” Zone – “RM3-324” (Blocks 4, 5, 6, 7 and 8)

Regulation	Required	Modification	Analysis
Section 4 Definition of Lot Line	“Lot Line” means any boundary of a lot.	That all exterior lot/Block lines shall be deemed to be the lot lines, and regulations including but not limited to lot area, lot frontage, lot coverage, building setbacks, landscaped areas, parking requirements and accessory buildings, shall be from the exterior boundaries of the townhouse block according to the unregistered final plan of subdivision and not from individual properties or boundaries created by registration of a condominium plan or created by Consent or Part Lot Control.	<p>The proposed townhouse units in Block 4 are intended to be developed as a block without direct street access to individual units.</p> <p>The modification is a technical modification to facilitate townhouse dwellings prior to individual lots being created through Part lot Control applications.</p> <p>Therefore, staff supports these modifications.</p>
Section 4 Definition of Front Lot Line	“Lot Line, Front” means the lot line that divides the lot from the street.	Front Lot Line: Citadella Drive	
Section 4	“Lot Line, Rear” means the lot line opposite the front lot line.	Rear Lot Line: Bellagio Avenue	

Regulation	Required	Modification	Analysis
Definition of Rear Lot Line			
Section 4 Definition of Side Lot Line	"Lot Line, Side" means a lot line other than a front or rear lot line.	All other Lot Lines shall be considered Side Lot Lines.	
Section 4 Definition of Exterior Side Lot Line	"Lot Line, Exterior Side" means a side lot line that abuts a street.	All other Lot Lines shall be considered Side Lot Lines.	
Section 7.23 Special Setback Requirements from Streets	<p>Minimum front yard setbacks for buildings shall be determined by measuring from the centreline of the street if a front yard setback is not included in the particular zone.</p> <p>The regulation lists specific streets in Glanbrook (which are not applicable to this application).</p>	Not applicable.	<p>Block 4 of the Plan of Subdivision (see Appendix "F" to Report PED23155) is not adjacent to any of the streets listed in this Section and appropriate setbacks have been established from proposed streets.</p> <p>Therefore, staff supports this modification.</p>
Section 7.35 (a)(vi) Access to Parking Spaces	<p>Access to parking spaces shall be by means of a driveway, lane or aisle having a minimum width of 6 metres (20 feet); and</p> <p>(b) Indirect Access</p> <p>A driveway or lane which does not provide ingress or egress directly to a parking space, shall have a minimum width of 4.5 metres (15 feet) where designed for one-way vehicular circulation or a minimum width of 6 metres (20 feet) where designated for two-way vehicular circulation.</p>	No direct access shall be provided to each parking space within a garage.	<p>Access to garage parking spaces will be provided by means of a 3.0 metre wide driveway and the modification will permit a car to be parked in the garage and within the driveway.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
Section 7.35 (a)(vii) Minimum Parking Space Size	Each parking space shall have a minimum of width of 3 metres and a minimum length of 6 metres, except where a minimum of 20 parking spaces are required, 35% of these spaces are permitted to be a minimum of 2.6 metres in width by 5.8 metres in length.	3.0 metres by 5.8 metres.	The parking space length size regulation is consistent with the standards set out in Zoning By-law No. 05-200. Therefore, staff supports this modification.
Section 7.35 (a)(xii) and (a)(xiii) Planting Strip	<p>Where a parking area which is required to provide for more than four (4) vehicles abuts any Residential or Institutional Zone or where the adjoining land is used for residential or institutional purposes, a landscaped area consisting of a permanently maintained planting strip with a minimum width of 3 metres (10 feet) shall be provided and shall also include fencing to provide a solid and effective screen.</p> <p>Where a parking area which is required to provide for more than four (4) parking spaces abuts a street, a permanently maintained landscaped area with a minimum width of 3 metres (10 feet) shall be provided along the street line, and it shall be continuous except for driveways required for access to such parking area.</p>	A minimum Landscaped Area width of 2 metres, which may include a sidewalk abutting a Residential Zone, shall be provided along the street line.	The proposed planting strip width is sufficient to provide adequate screening. Therefore, staff supports this modification.
Section 7.35 (b) Off-Street Parking	2 spaces for each dwelling unit plus 0.5 visitor parking spaces for each dwelling unit.	2 spaces for each dwelling unit plus 0.3 visitor parking spaces per unit shall be required.	The proposed parking rate exceeds the requirement set by Zoning By-law No. 05-200. There are no anticipated parking impacts on the surrounding street network.

Regulation	Required	Modification	Analysis
Space Requirement			Therefore, staff supports this modification.
Section 19.1 Permitted Uses	(a) Block townhouse dwellings, and (b) Uses, buildings and structures accessory to the use described in Paragraph (a) of this Subsection.	(a) Block Townhouse Dwellings (b) Back-to-back Townhouse Dwellings (c) Uses, buildings and structures accessory thereto. “Back-to-back townhouse dwellings” shall mean a building containing a minimum of eight and no more than 16 dwelling units that is divided vertically and where each unit is divided by common walls, including a common rear wall without a rear yard setback, and whereby each unit has an independent entrance to the unit at grade.	The proposed uses are considered to be compatible with the existing land uses in the immediate area and it is a compact and efficient urban form. Definitions have been included in the By-law to ensure that the back-to-back townhouse dwellings are permitted. Therefore, staff supports this modification.
Section 19.2 (c) Maximum Lot Coverage	30 percent.	31 percent.	The proposed increase in lot coverage is not anticipated to impact stormwater management, amenity area, or planting area. The increase is minor and will allow the proponent to address SWM control. The increase in coverage allows for flexibility for the lot coverage to be measured for the entire block rather than on a lot by lot basis.

Regulation	Required	Modification	Analysis
			Therefore, staff supports this modification.
Section 19.2 (d) Maximum Density	35 dwellings units per hectare (14 dwelling units per acre).	43 dwelling units per hectare.	The density provided is a slight increase and is considered appropriate intensification by providing a mix of housing types and adding to a range in housing in the area. Therefore, staff supports this modification.
Section 19.2 (e) Minimum Front Yard	9 metres (30 feet).	5.0 metres	The proposed yards provide sufficient separation from the adjacent residential dwellings to avoid negative impacts such as privacy and overlook while providing privacy area and fits with the streetscaping and lotting pattern of the neighbourhood. Therefore, staff supports these modifications.
Section 19.2 (f) Minimum Side Yard	7.5 metres, except 10.7 metres (35 feet) where the abutting lands are zoned Existing Residential "ER" or Residential "R1", "R2", "R3", "R4" or "RM1".	7.4 metres (easterly); 2.0 metres (westerly) for buildings 12, 16 and 17; 7.7 metres (westerly) for buildings 25, 26 and 27 on Special Figure 3; and, 1.75 metres (abutting Block 3).	
Minimum Rear Yard		3.5 metres.	
Section 19.2 (g) Minimum Separation Distance	(i) Between two (2) exterior walls which contain no windows to habitable rooms, a minimum of 3 metres (10 feet); and (ii) Between two (2) exterior walls one (1) of which contains windows to a habitable room, a minimum of 9 metres (30 feet); and (iii) Between two (2) exterior walls both of which contain windowsto a	2.0 metres between two end units.	The proposed separation space provides adequate spaces to access the rear of the property. Therefore, staff supports this modification.

Regulation	Required	Modification	Analysis
	habitable rooms, a minimum of 15 metres (50 feet).		
Section 19.2 (i) Maximum Height	10.7 metres (35 feet).	12.0 metres; and, 10.7 metres abutting the Easterly Property Line.	<p>The proposed increase in height is to accommodate three storey townhouses that are internal to Block 4 of the Draft Plan of Subdivision. The townhouses on the eastern side of the block will be subject to the existing 10.7 metre height provision.</p> <p>The modification is minor and will allow for compatible design achieved through architectural massing, height, scale and landscaping.</p> <p>Therefore, staff supports this modification.</p>
Section 19.2 (j) Minimum Landscaped Area	50 percent of the lot area, which may include the required privacy area.	34 percent of lot area.	<p>The proposed reduction in landscaped area will allow for more efficient use of the land without negative impacts to stormwater management, amenity area, or planting area.</p> <p>A landscape plan will be required at the Site Plan Control stage and reviewed by staff to ensure high quality landscape is provided. At this stage, the applicant will be encouraged to incorporate Low Impact Development measures within the hardscaped areas to further improve permeability on the site.</p> <p>Therefore, staff supports this modification.</p>
Section 19.2 (m) Minimum Amenity Area	A minimum area of 5 square metres (55 square feet) per dwelling unit shall be	Not applicable.	Each dwelling is required to provide an outdoor privacy area with a minimum area of 35 square metres. This area will provide private amenity area for residents. The subject lands are also

Regulation	Required	Modification	Analysis
	provided and thereafter maintained.		located in proximity to an existing City Park, being Red Hill Summit Park, and will be close to two future parks. Therefore, staff supports this modification.

Site Specific Modifications to the Residential Multiple “RM4” Zone – “RM4-325” (Blocks 2 and 3)

Regulation	Required	Modification	Analysis
Section 7.35 (b) Off-Street Parking Space Requirement	2 spaces for each dwelling unit plus 0.5 visitor parking spaces for each dwelling unit.	1.05 spaces per residential unit, inclusive of visitor parking.	The proposed parking rate exceeds the requirement set by Zoning By-law No. 05-200, and, there are no anticipated parking impacts on the surrounding street network. Therefore, staff supports this modification.
Section 20.2 (e) Maximum Density	60 dwelling units per hectare (24 dwelling units per acre).	127 dwelling units per hectare.	The density provided is considered appropriate intensification by providing a mix of housing types and adding to a range in housing in the area. Therefore, staff supports this modification.
Section 20.2 (f) Minimum Front Yard	9 metres (30 feet).	11.0 metres.	The proposed yards provide sufficient separation from the adjacent residential dwellings to avoid negative impacts such as privacy, overlook, and shadowing. Therefore, staff supports these modifications.
Section 20.2 (g) Minimum Side Yard	7.5 metres, except 10.7 metres (35 feet) where the abutting lands are zoned Existing Residential "ER" or Residential "R1", "R2", "R3", "R4" or "RM1".	35.0 metres.	
Minimum Rear Yard		27.3 metres	
Minimum Exterior Side Yard		4.5 metres	

Regulation	Required	Modification	Analysis
Section 20.2 (i) Maximum Height	10.7 metres (35 feet).	22.0 metres.	<p>The proposed building height is consistent with the Urban Hamilton Official Plan and Rymal Road Secondary Plan upon adoption of the Official Plan Amendment. See Appendix “H” to Report PED23155 for a detailed policy review. Establishing a height of 22 metres will cap the built form to a six storey height. Staff are in support of this height as it is appropriate to the existing and proposed lower density residential uses. The building will be separated from existing and proposed residential uses to the north and west by two collector roads and will be appropriately separated from the proposed townhouses to the south and east with internal private roads, driveways, and a surface parking area.</p> <p>The development will provide a mix of unit types. Shadowing will not impact adjacent residential properties through site design.</p> <p>Therefore, staff supports this modification.</p>

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CONSULTATION – DEPARTMENTS AND AGENCIES

	Comment	Staff Response
<p>Commercial Districts and Small Business Section, Economic Development Division, Planning and Economic Development Department</p> <p>Real Estate Section, Economic Development Division, Planning and Economic Development Department</p> <p>Parks and Cemeteries Section, Environmental Services Division, Public Works Department</p> <p>Capital Budget Projects Section, Engineering Services Division, Public Works Department</p>	No comment.	None.
<p>Development Engineering Section, Growth Management Division, Planning and Economic Development Department</p>	<p>The special conditions from the approved plan of subdivision application 25T-200303 (Appendix “H” to Report PED23232) will remain applicable except that Development Engineering staff has revised two conditions for driveway location and on-street parking plans which are reflective of the new lot/block pattern due to certain lots being removed and the removal of a cul-de-sac.</p>	<p>Revised Condition Nos. 40 and 130 of Appendix “I” to Report PED23232 are included to address revised driveway locations and on-street parking plans.</p>

**Appendix “L” to Report PED23232
Page 2 of 4**

	Comment	Staff Response
<p>Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department Continued</p>	<p>New conditions have been included to ensure Block 1 remains undevelopable until adequate sanitary and storm outlet(s) are available at the east end of Bellagio Avenue and for the construction and removal of a temporary turning circle which would be required until lands to the east are developed.</p>	<p>Condition No. 132 of Appendix “I” to Report PED23232 is included to ensure Block 1 is not developed until adequate sanitary and storm outlets are available.</p> <p>Condition Nos. 133 to 135 of Appendix “I” to Report PED23232 are included for the construction, transfer, and removal of the temporary turning circle at the east limit of Bellagio Avenue at the Owners expense.</p>
<p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department</p>	<p>The revisions to the Draft Plan of Subdivision result in a slight realignment of Bellagio Avenue. As such conditions that apply from previous approval of “The Crossings” Subdivision under 25T-200303 (Appendix “H” to Report PED23232) are still in effect.</p> <p>A Transportation Impact Study (with Transportation Demand Management) was prepared by Paradigm Transportation Solutions Limited, dated June 2018 and response letter dated February 5, 2021, and the findings were accepted by Transportation Planning staff. The future road network can accommodate the site-generated traffic.</p> <p>Transportation Planning support the Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision subject to additional conditions for installing sidewalks and bicycle lanes along both sides of Bellagio Avenue, converting each leg of the roundabout at Kingsborough Drive and Bellagio Avenue to a Pedestrian Crossover Type D crossing, a cash contribution to traffic calming measures within the surrounding area, and to establish the required municipal rights-of-way.</p>	<p>These matters are being addressed as Condition Nos. 137 – 141 of Appendix “I” to Report PED23232.</p>

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	Comment	Staff Response
Waste Policy and Planning Section, Waste Management Division, Public Works Department	The proposal was reviewed for municipal waste collection and Blocks 1, 2 and 5 are eligible for municipal waste collection subject to meeting the City's requirements. The property owner must contact the City to request waste collection service to complete a site visit to determine if the property complies with the City's waste collection requirements.	Waste collection requirements are addressed as Note Nos. 2-5 to the conditions of Draft Plan of Subdivision approval (see Appendix "I" of Report PED23232).
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	There are no concerns with the Tree Management Plan as there are no trees within the municipal right-of-way. A Streetscape Plan is required as a condition of draft plan approval. A Landscape Plan would also be required through the Site Plan process.	A Streetscape Plan condition was included in the previous draft plan of subdivision approval as Condition No. 60 and 61 of Appendix "H" to Report PED23232. Payment of applicable street tree planting fees is addressed as Condition 2.8 of the City's Standard Conditions of Subdivision Approval, and Site Plan Control applications, where applicable, would also require a Landscape Plan.
Legislative Approvals, Growth Management Plan, Planning and Economic Development Department	<p>PIN Abstract would be required with the submission of a future Draft Plan of Condominium application.</p> <p>The owner and agent should be made aware that addresses will be assigned once Draft Plan Approval has been granted.</p> <p>Include a note indicating if the plan is not given approval within three years it shall lapse.</p>	<p>Noted that a PIN Abstract is required at a future Draft Plan of Condominium.</p> <p>Municipal addressing is addressed as Condition No. 136 of Appendix "I" to Report PED23232.</p> <p>Note No. 1 of Appendix "I" to Report PED23232 has been included to address the lapsing of the draft approval.</p>

Appendix “L” to Report PED23232
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	Comment	Staff Response
Niagara Peninsula Conservation Authority	<p>Satisfied that the downstream storm infrastructure has been designed to adequately convey stormwater runoff from The Crossings Phase 3 development.</p> <p>Satisfied that the downstream Summit Park stormwater management facilities provide the necessary water quality treatment and quantity controls for The Crossings Phase 3 development.</p> <p>Requires detailed grading, storm servicing, and construction sediment control drawings for review and approval.</p>	Condition No. 142 of Appendix “I” of Report PED23232 has been included to ensure detailed drawings are reviewed by NPCA.
Bell Canada	Bell Canada has requested the appropriate easements be included to service to the subject lands.	This requirement will be addressed through the Standard Form Subdivision Agreement (Clause 2.06).
Canada Post	<p>Owners / developers are required to notify purchasers of Centralized Mailbox locations.</p> <p>Owner agrees to work with Canada Post to determine the Centralized Mailbox locations.</p>	These requirements will be addressed through the Standard Form Subdivision Agreement (Clause 1.43 f) and 2.10).
Union Gas	The owner / developer is required to provide to Union Gas the necessary easements and / or agreements required by Union Gas for the provision of gas services for this project, in a form satisfactory to Union Gas.	This requirement is addressed through the Standard Form Subdivision Agreement (Clause 1.20).

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Summary of Public Comments Received

Comment Received	Staff Response
<p>Not in keeping with the neighbourhood which includes single detached dwellings and townhouses.</p>	<p>Staff reviewed the application for compatibility, which is defined in the Urban Hamilton Official Plan as land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. ‘Compatibility’ or ‘compatible’ should not be narrowly interpreted to mean “the same as” or even as “being similar to”.</p> <p>Staff are satisfied that the proposal is compatible with the adjacent area. The proposed development is in proximity to an existing bus route and potential rapid transit line and is located along a collector road which is an appropriate location for a multiple dwelling. Staff find the proposed townhouses and multiple dwelling builds on the existing patterns and built form of the area and provides additional housing opportunities.</p>
<p>Expectation that townhouses, single detached dwellings and a school would be built in the future.</p>	<p>The current Rymal Road Secondary Plan designates a portion of the lands as “Institutional”. In November 2017, the Hamilton Wentworth District School Board indicated that they did not foresee the need for the designated school block in the subdivision known as “The Crossings” – 25T-200303.</p> <p>Staff note that low density building forms such as single detached dwellings and townhouses are still being proposed which will back onto existing development. The six storey multiple dwelling will not back onto any existing homes and is separated from existing and proposed low density dwellings.</p>
<p>Concern regarding a decrease in property value.</p>	<p>Staff are not aware of any empirical evidence to suggest property values will decrease.</p>
<p>The development will overburden traffic in the area such as Rymal Road East and Upper Red Hill Valley Parkway.</p>	<p>The applicant submitted a Traffic Impact Study, prepared by Paradigm Transportation Solutions Limited, dated June 2018 and response letter dated February 5, 2021. Transportation Planning staff reviewed and approves the submitted Transportation Impact Study. The proposed development is projected to generate approximately 139 new vehicle trips during the weekday peak morning hour and 172 new vehicle trips during the weekday peak evening hour. The capacity analysis showed that the study area intersections are not expected to experience significant impacts to operations as a result of the proposed development.</p>

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Comment Received	Staff Response
Hope that City staff strive to start approving more sustainable site developments.	Multi-unit dwellings have been shown to require less energy and water per resident and help contribute to reducing impacts of climate change. Through the site plan process, maximizing softscaping will be encouraged to reduce urban heat island effect and through the building permit process sustainable building elements will be encouraged.
Properties will lose privacy and that the six storey multiple dwelling will create overlook concerns.	The proposal complies with the policies of the Urban Hamilton Official Plan relating to built form and scale is adequately setback from existing and proposed neighbouring single detached dwelling units.

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From: [REDACTED]
To: [Meneray, Flyse](#)
Cc: [REDACTED]
Subject: UHOPA-20-010, ZAC-20-015 & 25T200303R
Date: Thursday, March 5, 2020 11:29:10 PM
Attachments: [Petition page 3.jpeg](#)
[Petition Page 2.jpeg](#)
[Petition page 4.jpeg](#)
[Petition page 1.jpeg](#)

To Whom it may concern,

Re: Applications by A.J. Clake and Associates Ltd. for an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Applications for Lands Located at 2080 Rymal Road East, Glanbrook (Ward 9)

This e-mail is to express our objection to the proposed zoning bylaw amendment and official plan amendment to allow a development of 60-80 apartment units within one multiple dwelling building to be built where an institution is zoned to be built currently. The medium density of this buildings is not in keeping with the neighborhood which includes single family homes and townhouses. When we purchased our homes 3-5 years ago, we were informed that there would be townhomes and single-family homes built in the future as well as, a school in the area adjacent to our properties not an apartment building.

People in the area purchased their homes knowing that there are plans for both Public and Catholic Elementary Schools and High Schools that are going to be within walking distance for their children and future children to go to and not have to be sent on a bus to a school out of the area making travel and extra curricular difficult to attend. Those who bought for investment purposes bought knowing that their investment will be more valuable and have more potential buyers with having the schools close by. Currently the closest public high school is over capacity and has been since it was built back in the 1990s - 2000s and as the areas are developed in a rapid rate there is an increased demand for schools in the area to accommodate the growing population. So, taking away this school and putting in a mid-rise dwelling will lower the value of the homes in the area where the school added value to the neighbourhood and would attract young families to the area.

The rezoning of this property will lower our property values by adding a higher density multi-story building to the area. Our properties will lose privacy due to a multi level apartment units overlooking the homes nearby, especially our lots that have their backyards facing the building. We all bought town houses and single dwelling homes in a survey that was slated for that use only.

As well, A multi level building will overburden traffic in the survey. The streets already in the area cannot accommodate for the increase in traffic even if people exited out the side streets, everyone has to go to Rymal to get anywhere. Currently, there is only one exit from the survey at Rymal and Kingsborough and with the current population already it is very busy and takes along time to get through the intersection light with the traffic backlog and slow light timing. The

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Redhill Expressway is already backed up in the mornings and evenings without adding increased density apartment units in our area. There are already high-density buildings being build on the Redhill Expressway that will backup up our entire area being build. If the building is put in that would be at least 60-180 if not more vehicle to be driving down Kingsborough each day.

This survey and roads were designed to accommodate low-density single-family homes and townhomes not a medium density apartment unit.

Attached is a petition including signatures of residents (1 per multi-person household) who are opposing the bylaw change. These were obtained in an hour and half period where every single one of the people spoken to signed saying they don't want the developers plans changed and would not like the zoning to be for a medium density building. If I had more time and everyone was home I would be providing list of everyone in the area apposing this amendment.

The letter sent out seemed to be confusing to a lot of the survey as they did not realize that you would be taking away the school and putting a 60-80 unit mid-rise building in its place.

I do not know who this letter went out to as I hope it included the entire area that is in the school's catchment as well as the homes that are currently being built and purchased as this would impact their decision and lives as well.

Please do not publish my name or those on the petition as no one has given the authority to do so.

Please consider our concerns when reviewing the request for amendments to the present zoning bylaws and official plan.

Regards,



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From: [REDACTED]
To: [Meneray, Elyse](#)
Subject: UHOP-20-010, ZAC-20-015 & 25t200303R
Date: Thursday, March 5, 2020 11:59:04 PM

Elyse,

Please be advised that I am not supportive of the amendments. I invested in this area 4 years ago with the purchase of a townhouse and the understanding that the area behind my house would be used for institutional purposes. The surrounding area was suppose to be a mixed use residential area with a combination of single dwelling and townhouses.

I do not want to see any apartment buildings in this area. An apartment building will not provide any added value to our community. On the other hand, building a school or community center will certainly draw in more families into the area and increase the value of the homes.

The Crossings (DeSantis) site plan is an absolute disaster and I hope City staff strive to start approving more sustainable site developments. It was the City's mistake not to ensure adequate space for trees to grow to maturity instead trees were planted in the only areas snow can be stored. To put this into prospective, we had next to no snowfall this winter and yet we had to ship snow offsite because we had no room on site to pile it. This is not good planning practice. My hope is the City will push back on the developer and insists less townhouses are built so there is enough room to grow trees and adequate space to store snow.

I do not want my personal information published.

Thank you,

[REDACTED]

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From: [REDACTED]
To: [Meneray, Elyse](#)
Subject: Applications by A.J.Clarke & Associates Ltd., for Official Plan Amendment, Zoning By-Law Amendment, and Draft Plan of Subdivision Applications for Lands Located at 2080 Rymal Rd. E., Glanbrook (Ward 9)
Date: Sunday, March 8, 2020 1:43:52 PM

Hello Elyse,

I received a letter in the mail regarding notice for Applications by A.J.Clarke & Associates Ltd., for Official Plan Amendment, Zoning By-Law Amendment, and Draft Plan of Subdivision Applications for Lands Located at 2080 Rymal Rd. E., Glanbrook (Ward 9).

I'd like to know who the builder is for this subdivision that is being built at 2080 Rymal Road E, Glanbrook?

Please let me know.

Thank you,

[REDACTED]

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From: [REDACTED]
To: [Meneray, Elyse](mailto:Elyse.Meneray@hamilton.ca)
Subject: Re: UHOPA-20-010, ZAC-20-015 & 25T200303R
Date: Friday, October 30, 2020 3:36:45 PM

Hi Elyse,

Thank you very much for the update. I did have a good summer too. Couldn't believe it snowed this morning.

I am glad to hear that it is required to have a neighbourhood meeting. I really appreciate that I will be given a notification about this. I know my neighbours will want to hear about it as well.

That other development is the ones that I have seen concerns about on the summit park board that people were asking for information about.

Thank you for all of your help! I hope you have a wonderful weekend and Happy Halloween!

Thanks,

[REDACTED]

On Oct 5, 2020, at 3:51 PM, Meneray, Elyse <Elyse.Meneray@hamilton.ca> wrote:

Hi [REDACTED]

Thanks for your email.

I did have a good summer, I hope you did too.

We are still waiting for the applicant to submit a revised submission of the proposal for review. I have not heard anything from the applicant since mid July on this application. A neighbourhood meeting has not been scheduled for this development. This will be a requirement of the applications and you will receive a notice of this meeting and be able to attend. Given the current situation with Covid-19, in person neighbourhood meetings are not being held, but several applicants have opted to have virtual meetings.

There is a current planning application for 1912 Rymal Road East to permit the development of a five storey, 92 unit apartment building. Is this the development you are referring to? Please see the map below:

<[image001.png](#)>

If this is the development, please let me know and I can provide you with the contact information of the planner on file. They will be able to provide direction on how to comment on the application, the status of the file and any other information.

Thanks,

Elyse

Appendix "M" to Report PED23232
Page 8 of 9**Elyse Meneray, B.U.R.PI**

Planner II
Development Planning, Heritage & Design Section (Rural Team)
Planning and Economic Development Department
City of Hamilton

71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5
T: (905) 546-2424 x6380
F: (905) 546-4202
E: Elyse.Meneray@Hamilton.ca

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

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

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

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

Thank you for your anticipated cooperation.

From: [REDACTED]
Sent: September 29, 2020 11:21 AM
To: Meneray, Elyse <Elyse.Meneray@hamilton.ca>
Subject: Re: UHOPA-20-010, ZAC-20-015 & 25T200303R

Hi Elyse,

I hope you had a good summer.

I just wanted to check in on the property behind Serenity lane and bonhill Blvd with the developers wanting to rezone the area to a condo building and the residence opposing this change. Has there been any meeting or information that has come up on this item? I heard there is a new sign over in fletcher area saying that a 5 storey condo is potentially going in there and I have heard a lot of opposing to that one as well. And people are asking how to have their voice heard?

Thank you for your help with this and any information that you can provide me.

Thanks,

[REDACTED]

On May 13, 2020, at 1:16 PM, [REDACTED] wrote:

Hi Elyse,

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Thank you for keeping me updated I really appreciate it.

The areas that seem to be having construction vehicles out are the turquoise on the map that I have added so that's why I was surprised to see the ones behind me working as that is the area that was in question for rezoning (I am the pink) unless they are just using that area to store the dirt but they seem to be working. Off and on in that area. They are working all the time beside the shoppers and crossings way all day long every day.

Thank you for keeping me up to date and let me know if anything comes up specially related to the rezoning. I know a lot of the neighbours do not want the rezoning to happen. The yellow below are the houses I visited and all of them that answered the door that night signed for no changes in the zoning. So if I had more time and more people had answered doors that night it would have been a lot larger than 40 signatures.

<image1.jpeg>

Thank you so much for all your help!

Thanks,



On May 11, 2020, at 5:36 PM, Meneray, Elyse
<Elyse.Meneray@hamilton.ca> wrote:

Hi 

Sorry for the delay in response.

I have followed up with the Construction Management team and there are several different projects happening in this area and scheduled for the upcoming weeks. Here is the list I was provided:

- Upcoming paving for the Crossings Phase 1 and 2 subdivision(shown in green);
- Development of the Summit Phase 8 subdivision(shown in blue);
- 2064 Rymal Road Site Plan(shown in orange); and,
- New utilities going in on Rymal Road.

Here is a map showing the areas of each of the proposed development.

<image001.jpg>

If you have any other questions, feel free to contact me.

Thanks,

Elyse

Elyse Meneray, B.U.R.PI

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Planner II
Development Planning, Heritage & Design Section (Rural Team)
Planning and Economic Development Department
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71 Main Street West, 5th Floor
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T: (905) 546-2424 x6360
F: (905) 546-4202
E: Elyse.Meneray@Hamilton.ca

From: Meneray, Elyse
Sent: April 27, 2020 4:14 PM
To: [REDACTED]
Subject: RE: UHOPA-20-010, ZAC-20-015 & 25T200303R
Hi [REDACTED]

Hope you are doing well and keeping safe.
The applications are still under review and no planning decisions have been made.
Due to the current situation involving COVID-19 the City of Hamilton is not holding public meetings, therefore I am not sure when these applications will be going to Planning Committee. There is also no update regarding a neighbourhood meeting. Once we get back to having Planning Committee, you will receive a public meeting notice. The comments you originally provided will be reviewed and incorporated into the Planning Report. There should not be any work being done with regards to this development. I have follow up with the Construction Management team to see if they know what work is being done in this area. It could be for neighbouring developments or the subdivision to the southwest of the property. I will let you know when I hear back.

Thanks,

Elyse

Elyse Meneray, B.U.R.PI
Planner II
Development Planning, Heritage & Design Section (Rural Team)
Planning and Economic Development Department
City of Hamilton

71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5
T: (905) 546-2424 x6360
F: (905) 546-4202
E: Elyse.Meneray@Hamilton.ca

From: [REDACTED]
Sent: April 23, 2020 9:21 AM
To: Meneray, Elyse <Elyse.Meneray@hamilton.ca>
Subject: Re: UHOPA-20-010, ZAC-20-015 & 25T200303R

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Hi Elyse,

I am just following up to see if anything has been brought in planning?

I didn't want to bother during this time of emergency but I am seeing dump trucks and work being done over where the condo building is being built that we are opposing. Can you please let me know what is being done behind our home and what stage this application for rezoning is in. We would appreciate being informed of all stages and knowing our voices are heard. I know Brad mentioned there would be another meeting about the rezoning specifically and with new regulations and policies of no meetings for the city I was not sure how this would work.

Thanks,

[REDACTED]

On Mar 12, 2020, at 12:39 PM, Meneray, Elyse
<Elyse.Meneray@hamilton.ca> wrote:

Hi [REDACTED]

At this time there are no plans for a Neighbourhood meeting, but this could change as we are still early on in the process. I will keep you updated on any meetings.

Thanks,

Elyse

Elyse Meneray, B.U.R.PI

Planner II

Development Planning, Heritage & Design Section
(Rural Team)

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City of Hamilton

71 Main Street West, 5th Floor
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T: (905) 546-2424 x8360

F: (905) 546-4202

E: Elyse.Meneray@Hamilton.ca

From: Megan Runciman

[REDACTED]

Sent: March 10, 2020 12:43 PM

To: Meneray, Elyse

<Elyse.Meneray@hamilton.ca>

Subject: Re: UHOPA-20-010, ZAC-20-015 &
25T200303R

Thank you Elyse,

From: Meg
Sent: November 7, 2023 8:54 AM
To: clerk@hamilton.ca
Subject: Fwd: 2080 Rymal Road East rezoning. UHOPA-20-010, ZAC-20-015 & 25T200303R

Hi City of Hamilton Clerks,

I received a letter in the mail about the rezoning that is occurring on Bellagio to a mid density building with several units. This email was also sent to AJ Clarke in the previous month so they are aware of the petition to stop the rezoning change that the builder would like to do.

Parking and traffic is one of the huge concerns it is already an issue without adding the mid density building to this area, along with the area being changed from what we initially were informed was going to be a high school so a lot of people built and purchased in this area for that reason for their families to be able to use the amenities right here in our one neighbourhood.

All the schools are over filled in the area and we do need a public high school to accommodate all the students coming out of the elementary school that was built and to are the over flow from Saltfleet and students in Binbrook area and the new condo and houses being built right on the upper redhill area as well.

There is also a need for a recreation centre I. This area as Valley Park can not accommodate the increase in demand with all of the new buildings in the area. But we do not need a mid density building added to make all of these current concerns even worse.

The meeting is next Tuesday at 9:30 when majority of the people in this area are working members of society and will be at work during this time. If it was being held in an evening you would have a lot more people able to show up and voice what they feel for this development. Can you please ensure you send the link for the virtual part of the meeting to myself as I will be working as well and will take my break / lunch early to attend.

How does the virtual part of the meeting work?

To Whom it may concern,

Re: Applications by A.J. Clake and Associates Ltd. for an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Applications for Lands Located at 2080 Rymal Road East, Glanbrook (Ward 9)

I sent this email March 2020 and it still stands true today as well as the petition.

This e-mail is to express our objection to the proposed zoning bylaw amendment and official plan amendment to allow a development of 60-80 apartment units within one multiple dwelling building to be built where an institution is zoned to be

built currently. The medium density of this buildings is not in keeping with the neighborhood which includes single family homes and townhouses. When we purchased our homes 3-5 years ago, we were informed that there would be townhomes and single-family homes built in the future as well as, a school in the area adjacent to our properties not an apartment building.

People in the area purchased their homes knowing that there are plans for both Public and Catholic Elementary Schools and High Schools that are going to be within walking distance for their children and future children to go to and not have to be sent on a bus to a school out of the area making travel and extra curricular difficult to attend. Those who bought for investment purposes bought knowing that their investment will be more valuable and have more potential buyers with having the schools close by. Currently the closest public high school is over capacity and has been since it was built back in the 1990s - 2000s and as the areas are developed in a rapid rate there is an increased demand for schools in the area to accommodate the growing population. So, taking away this school and putting in a mid-rise dwelling will lower the value of the homes in the area where the school added value to the neighbourhood and would attract young families to the area.

The rezoning of this property will lower our property values by adding a higher density multi-story building to the area. Our properties will lose privacy due to a multi level apartment units overlooking the homes nearby, especially our lots that have their backyards facing the building. We all bought town houses and single dwelling homes in a survey that was slated for that use only.

As well, A multi level building will overburden traffic in the survey. The streets already in the area cannot accommodate for the increase in traffic even if people exited out the side streets, everyone has to go to Rymal to get anywhere. Currently, there is only one exit from the survey at Rymal and Kingsborough and with the current population already it is very busy and takes along time to get through the intersection light with the traffic backlog and slow light timing. The Redhill Expressway is already backed up in the mornings and evenings without adding increased density apartment units in our area. There are already high-density buildings being build on the Redhill Expressway that will backup up our entire area being build. If the building is put in that would be at least 60-180 if not more vehicle to be driving down Kingsborough each day. The parking is also a huge issue. We already have residence parking on the main streets or using the visitors parking without authorization. Adding no parking to the area for residence will cause a huge issue with all the roads and snow removal.

This survey and roads were designed to accommodate low-density single-family homes and townhomes not a medium density apartment unit.

Attached is a petition including signatures of residents (1 per multi-person household) who are opposing the bylaw change. These were obtained in an hour

and half period where every single one of the people spoken to signed saying they don't want the developers plans changed and would not like the zoning to be for a medium density building. If I had more time and everyone was home I would be providing a list of everyone in the area apposing this amendment.

The letter sent out seemed to be confusing to a lot of the survey as they did not realize that you would be taking away the school and putting a 60-80 unit mid-rise building in its place.

I do not know who this letter went out to as I hope it included the entire area that is in the school's catchment as well as the homes that are currently being built and purchased as this would impact their decision and lives as well. I know that several of my neighbours did not get the letter as I shows them it and they had not received it in the mail so not everyone was properly informed.

Please do not publish my name or those on the petition as no one has given the authority to do so.

Please consider our concerns when reviewing the request for amendments to the present zoning bylaws and official plan.

Regards,

Megan Runciman

Petition against the proposed UHOPA-20-010, ZAC-20-015 & 25T200303R

03/04/2020

Zoning bylaw amendment and official plan amendment to allow a development of 228 townhouse unit and approximately 60-80 apartment units within one multiple dwelling building.

We were not informed about a potential high rise in the survey prior to the purchase of our homes.

The rezoning will:

- Lower property values by including medium density residential use.
- Increased traffic in the area. More cars means busier roads and less safe for children.
- There is only one exit currently from the survey at the traffic lights on Kingsborough Dr.
- It takes a long time to exit through this long traffic light already.
- Properties will lose privacy due to a multi level apartment units overlooking homes near by.
- Lower property value with not having a public high school in the area that is not over capacity.

Name	Address
Gene Nuredini	[REDACTED]
JODI FINCH	[REDACTED]
Julia Richard	[REDACTED]
Natalie Likord	[REDACTED]
Sabar & Smad	[REDACTED]
Bandy Green	[REDACTED]
Rodrigo Bolraol	[REDACTED]
Stacey Sapsford	[REDACTED]
Nancy Simpson	[REDACTED]
Lina Alqaidi	[REDACTED]
Charthalha Duke	[REDACTED]


Petition against the proposed UHOPA-20-010, ZAC-20-015 & 25T200303R
03/04/2020

Zoning bylaw amendment and official plan amendment to allow a development of 228 townhouse unit and approximately 60-80 apartment units within one multiple dwelling building.

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- There is only one exit currently from the survey at the traffic lights on Kingsborough Dr.
- It takes a long time to exit through this long traffic light already.
- Properties will lose privacy due to a multi level apartment units over looking homes near by.
- Lower property value with not having a public high school in the area that is not over capacity.

Name	Address
Farkhanda R.	
Masoli J.	
E. CURLEY	
MUHAMMAD HUSSA	
N. Purbhao	
R. Sanyal	
J. Magnum	
M. Ghare	
J. Tavares	
D. Burshiki	
S. Mally	

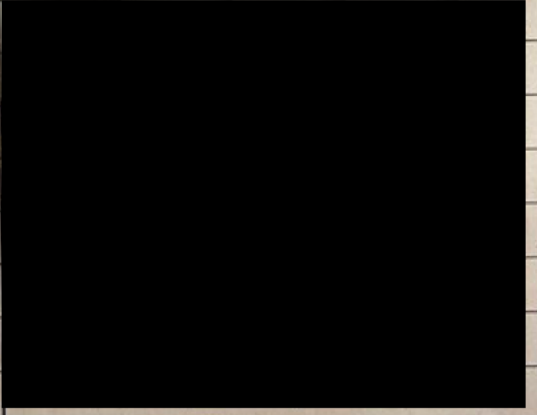
Petition against the proposed UHOPA-20-010, ZAC-20-015 & 25T200303R
03/04/2020

Zoning bylaw amendment and official plan amendment to allow a development of 228 townhouse unit and approximately 60-80 apartment units within one multiple dwelling building.

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- It takes a long time to exit through this long traffic light already.
- Properties will lose privacy due to a multi level apartment units over looking homes near by.
- Lower property value with not having a public high school in the area that is not over capacity.

Name	Address
Dungo Samu	
Nasra Ramal	
P. M. P.	
Nasra Y. Harby	
Marwah Abdullah	
Karen Mossato	

Petition against the proposed UHOPA-20-010, ZAC-20-015 & 25T200303R


03/04/2020

Zoning bylaw amendment and official plan amendment to allow a development of 228 townhouse unit and approximately 60-80 apartment units within one multiple dwelling building.

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- Increased traffic in the area. More cars means busier roads and less safe for children.
- There is only one exit currently from the survey at the traffic lights on Kingsborough Dr.
- It takes a long time to exit through this long traffic light already.
- Properties will lose privacy due to a multi level apartment units over looking homes near by.
- Lower property value with not having a public high school in the area that is not over capacity.

Name	Address
JANINE YAROMICH	
Chinenye Onweluozo	
Christine Kerr	
Nancy Capretta	
Katie Vallorani	
Humna Saqib	
Paul Pilon	
Steven Paprocki	
W Jag Runkiman	
A	
Boris Echeveras	

Thanks,
Meg Hope



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 14, 2023
SUBJECT/REPORT NO:	Application for Approval of a Draft Plan of Subdivision for Lands Located at 250 First Road West, Stoney Creek (PED23233) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	Mark Michniak (905) 546-2424 Ext. 1224
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Draft Plan of Subdivision Application 25T-202302, by UrbanSolutions Planning & Land Development Consultants Inc. (c/o Matt Johnston), on behalf of 256 First Road West Inc. (c/o Nicole Cimadamore), Owner**, on lands located at 250 First Road West, as shown on Appendix “A” attached to Report PED23233, 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:

- (a) That this approval apply to the Draft Plan of Subdivision 25T-202302, certified by Rob. A. McLaren, O.L.S., dated December 22, 2022, consisting of one development block for townhouse dwellings (Block 1), one block for a daylight triangle dedication (Block 2) and one block for a road right of way dedication (Block 3), as shown on Appendix “B” attached to Report PED23233;
- (b) That the Owner enter into a Standard Form Subdivision Agreement as approved by City Council and with the Special Conditions as shown on Appendix “C” attached to Report PED23233;

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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 Approval of a Draft Plan of Subdivision for Lands Located at 250 First Road West, Stoney Creek (PED23233) (Ward 9) - Page 2 of 10

- (c) That the Special Conditions of Draft Plan of Subdivision Approval, 25T-202302, as shown on Appendix “C” attached to Report PED23233, be received and endorsed by City Council;
- (d) That in accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual there will be no City of Hamilton cost sharing for this subdivision;
- (e) 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.

EXECUTIVE SUMMARY

The subject property is municipally known as 250 First Road West, Stoney Creek as shown on Appendix “A” attached to Report PED23233. The lands are located on the southeast corner of First Street West and Mud Street West and have an area of 0.59 ha.

The Applicant has submitted a Draft Plan of Subdivision application to establish three blocks as shown on Appendix “B” attached to Report PED23233. Block 1 is intended for the development of 25 townhouse units along with a private roadway, sidewalk and visitor parking, which is the subject of Site Plan Control application DA-22-097 as shown on Appendix “D” attached to Report PED23233 and Draft Plan of Condominium (Common Element) application 25CDM-202303. Block 2 is a daylight triangle dedication measuring 12.19 metres by 12.19 metres at the intersection of First Road West and Mud Street West. Block 3 is a road right of way dedication of 3.05 metres along First Road West. Approval of this application will be subject to the owner entering into a Standard Form Subdivision Agreement, with special conditions.

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the Urban Hamilton Official Plan and the West Mountain Area (Heritage Green) Secondary Plan. The proposed development is compatible with the existing development in the area and will make full use of available municipal services.

SUBJECT: Application for Approval of a Draft Plan of Subdivision for Lands Located at 250 First Road West, Stoney Creek (PED23233) (Ward 9) - Page 3 of 10

A future Part Lot Control application and Draft Plan of Condominium application will be required to create the individual townhouse lots and the condominium (private) road and associated parking areas.

Alternatives for Consideration – See Page 10

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: *Bill 23* amended the *Planning Act* to remove the mandatory requirement for a statutory public meeting to consider a proposed Draft Plan of Subdivision.

HISTORICAL BACKGROUND

Application Details	
Owner:	256 First Road West Inc. (c/o Nicole Cimadamore).
Applicant/Agent:	UrbanSolutions Planning & Land Development Consultants Inc. (c/o Matt Johnston).
File Number:	25T-202302.
Type of Application:	Draft Plan of Subdivision.
Proposal:	The Draft Plan of Subdivision proposes to create three blocks. Block 1 is intended for the development of 25 townhouse units along with a private roadway, sidewalk and visitor parking. Block 2 is a daylight triangle dedication measuring 12.19 metres by 12.19 metres at the intersection of First Road West and Mud Street West. Block 3 is a road right of way dedication of 3.05 metres along First Road West, as shown on Appendix “B” attached to Report PED23233.
Property Details	
Municipal Address:	250 First Road West.
Lot Area:	0.56 ha.
Servicing:	Full municipal services.
Existing Use:	Vacant.

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**SUBJECT: Application for Approval of a Draft Plan of Subdivision for Lands
Located at 250 First Road West, Stoney Creek (PED23233) (Ward 9) -
Page 4 of 10**

Documents	
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.
Secondary Plan Existing:	“Low Density Residential 3c” on Map B.7.6-1 of the West Mountain Area (Heritage Green) Secondary Plan.
Zoning Existing:	Multiple Residential “RM3-70(H)” Zone, Modified, Holding.
Processing Details	
Received:	December 23, 2022
Deemed Complete:	February 6, 2023
Notice of Complete Application:	Sent to 46 property owners within 120 m of the subject lands on February 17, 2023.
Public Notice Sign:	Posted February 21, 2023 and updated with Public Meeting date on October 18, 2023.
Notice of Public Meeting:	Sent to 46 property owners within 120 m of the subject lands on October 27, 2023.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix “F” attached to Report PED23233.
Public Consultation:	The applicant submitted a Public Consultation Strategy in support of the application. A micro-site for the project was created to provide project information and collect feedback. The micro-site was advertised on the sign posted on the subject property for the Zoning By-law Amendment application. The applicant did not receive any feedback with concerns as a result of their consultation.
Public Comments:	Two letters from the public were received with regards to traffic, privacy, and construction (see Appendix “G” attached to Report PED23233).
Processing Time:	326 days from date of receipt of the application.

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**SUBJECT: Application for Approval of a Draft Plan of Subdivision for Lands
Located at 250 First Road West, Stoney Creek (PED23233) (Ward 9) -
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Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Vacant.	Multiple Residential “RM3-70(H)” Zone, Modified, Holding.
Surrounding Lands:		
North	Temporary sales centre building.	Arterial Commercial (C7, 587) Zone.
South	Single detached dwellings.	Single Residential “R2” Zone.
East	Stormwater management pond.	Conservation/Hazard Land (P5) Zone.
West	Single detached dwellings.	Single Residential “R4” Zone.

Related Files

The following applications were submitted and are currently under review by City staff to facilitate the development of the proposed 25 townhouse dwellings fronting onto a common element condominium road:

Site Plan Control Application DA-22-097

A Site Plan Control application has been submitted to facilitate the development of 25 townhouse dwellings. The application received conditional approval on August 25, 2022.

Draft Plan of Condominium (Common Element) Application 25CDM-202303

The Draft Plan of Condominium (Common Element) application is comprised of a private road, 12 visitor parking spaces, and sidewalk. The application was received on December 23, 2022 and is currently under review.

SUBJECT: Application for Approval of a Draft Plan of Subdivision for Lands Located at 250 First Road West, Stoney Creek (PED23233) (Ward 9) - Page 6 of 10

Part Lot Control Application PLC-23-002

The Part Lot Control Application is comprised of 25 townhouse lots, one common element condominium road, and seven easements. The application was received on December 23, 2022 and is currently under review.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

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

The 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 Draft Plan of Subdivision complies with the Official Plan and the relevant policies in the Provincial Policy Statement (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,
- Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

Urban Hamilton Official Plan and West Mountain Area (Heritage Green) Secondary 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 lands are also designated "Low Density Residential 3c" on Map B.7.6-1 – West Mountain Area (Heritage Green) Secondary Plan – Land Use Plan. A review of applicable policies is contained in Appendix "E" attached to Report PED23233.

The "Low Density Residential 3c" designation permits townhouses at a density of 30 to 49 units per net residential hectare. The proposal is for the development of 25 townhouse units which are a permitted form of residential use. The proposed

**SUBJECT: Application for Approval of a Draft Plan of Subdivision for Lands
Located at 250 First Road West, Stoney Creek (PED23233) (Ward 9) -
Page 7 of 10**

development will have a density of 45 units per net residential hectare. As such, the proposal meets the intent of the “Neighbourhoods” and “Low Density Residential 3c” designations.

There are trees present on the subject lands, therefore a Tree Protection Plan is required. A Landscape Plan is required for all areas not covered by buildings, structures, loading areas, or parking areas. These matters are being addressed through Site Plan Control application DA-22-097. A Tree Protection Plan, Landscape Plan, and cash payment have been included as Condition Nos. 13, 15 and 16 of Appendix “C” attached to Report PED23233.

A Noise Study, prepared by HGC Engineering, dated March 30, 2020, and an Addendum Letter, dated July 5, 2021 were submitted in support of the previous Zoning By-law Amendment application. The study reviewed the acoustic requirements for the proposed development with respect to acoustic noise from vehicular traffic along First Road West and Mud Street East. Based on the results of the Study, a noise barrier will be required along the rear yards of the units facing Mud Street West and a noise barrier will be required along the rear yards of the units facing the Stormwater Management Pond to the east. Additionally, noise warning clauses will be required to be included in all agreements of purchase and sale or lease and all rental agreements. Condition Nos. 14 and 17 of Appendix “C” attached to Report PED23233 has been included to ensure that the appropriate warning clauses are included into all agreements of purchase and sale or lease and all rental agreements.

A Landfill Impact Assessment was prepared by Ortech Environmental (Ortech), dated April 6, 2020, and peer reviewed by Golder Associates Ltd (Golder), was submitted and required as part of the Zoning By-law Amendment application. Golder required updates to the original Assessment and a revised Landfill Impact Assessment, dated July 21, 2021, was received and reviewed. The Landfill Impact Assessment reviewed the requirements of the Ministry of Environment, Conservation and Parks (MECP) D4 - Land Use on or Near Landfills and Dumps Guidelines in relation to the adjacent TerraPure Landfill. Condition No. 18 of Appendix “C” attached to Report PED23233 has been included to ensure that the appropriate warning clauses be included into any offer of purchase and sale agreement or lease or rental Agreement to advise prospective buyers of the potential noise and odour nuisances associated with the adjacent landfill.

The Draft Plan of Subdivision includes a road right-of-way dedication of 3.048 metres for Mud Road West and a daylight triangle dedication of 12.19 metres by 12.19 metres, as shown on Appendix “B” attached to Report PED23233. The dedications have been included as Condition Nos. 22 and 23 in Appendix “C” attached to Report PED23233. As such, the proposal meets the intent of the Road Network policies.

SUBJECT: Application for Approval of a Draft Plan of Subdivision for Lands Located at 250 First Road West, Stoney Creek (PED23233) (Ward 9) - Page 8 of 10

Therefore, the proposal complies with the Urban Hamilton Official Plan and West Mountain Area (Heritage Green) Secondary Plan.

Stoney Creek Zoning By-law No. 3692-92

The subject lands are currently zoned Multiple Residential “RM3-70(H)” Zone, Modified, Holding in Stoney Creek Zoning By-law No. 3692-92. The proposed use is permitted in the “RM3-70(H)” Zone. The Holding Provision requires that adequate sanitary service capacity and appropriate sanitary sewer connections be demonstrated, and that the development demonstrate how it will incorporate adequate methane mitigation measures related to the Terrapure Environmental Stoney Creek Landfill prior to development of the lands. The Draft Plan of Subdivision complies with the “RM3-70(H)” Zone subject to removal of the Holding Provisions. Condition No. 19 of Appendix “C” attached to Report PED23233 has been included to ensure that the Holding Provision is removed prior to registration of the plan of subdivision.

PUBLIC CONSULTATION

In accordance with the provisions of the Planning Act and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 46 property owners within 120 m of the subject lands on February 17, 2023.

A Public Notice Sign was installed on the property on February 21, 2023 and updated on October 18, 2023, with the Public Meeting date.

Public Consultation Strategy

Pursuant to the City’s Public Consultation Strategy Guidelines, the applicant prepared a Public Consultation Strategy which included creating a digital micro-site for the project, to provide project information and collect feedback.

The applicant sent letters to residents within 120 m of the subject lands with information of the micro-site. The applicant did not receive any feedback with concerns from the micro-site.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (a) 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);

SUBJECT: Application for Approval of a Draft Plan of Subdivision for Lands Located at 250 First Road West, Stoney Creek (PED23233) (Ward 9) - Page 9 of 10

- (b) It conforms with the general intent and purpose of the Urban Hamilton Official Plan and the West Mountain Area (Heritage Green) Secondary Plan; and,
 - (c) The proposed development provides dwelling units in the area and is considered to be compatible with the existing land uses in the immediate area, and represents good planning by, among other things, increasing the supply of housing units and making efficient use of lands and existing infrastructure.
2. Staff reviewed the application against the criteria set out in the *Planning Act* sub-section 51(24) to assess the appropriateness of the proposed subdivision, staff advise that:
- (a) The proposal is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (b) The proposal represents a logical and timely extension of existing development and services, and it is in the public interest;
 - (c) The proposal complies with the general intent and purpose of the Urban Hamilton Official Plan and the West Mountain Area (Heritage Green) Secondary Plan and with adjacent plans of subdivision;
 - (d) The subject lands can be appropriately used for the purposes for which it is to be subdivided;
 - (e) The proposal will be compatible with the existing road network and block pattern of the surrounding neighbourhood;
 - (f) The dimensions and shape of the proposed blocks generally conform to the Zoning By-law and are sufficient to accommodate the proposed development;
 - (g) Restrictions and regulations for the development of the subdivision are included in the conditions of draft plan approval (see Appendix "C" attached to Report PED23233) and in the Subdivision Agreement;
 - (h) Natural heritage features have not been identified on the subject property nor is the site located within an area regulated by a conservation authority;

SUBJECT: Application for Approval of a Draft Plan of Subdivision for Lands Located at 250 First Road West, Stoney Creek (PED23233) (Ward 9) - Page 10 of 10

- (i) Adequate utilities and municipal services are available to service the proposed development block, the particulars of which will be determined as part of the conditions of draft approval and Subdivision Agreement;
- (k) Adequate land for right of way is being dedicated to the City;
- (l) The proposal will provide residential dwellings in a compact and efficient form; and,
- (m) The proposal is subject to Site Plan Control.

Based on the above, staff recommend approval of the Draft Plan of Subdivision.

ALTERNATIVES FOR CONSIDERATION

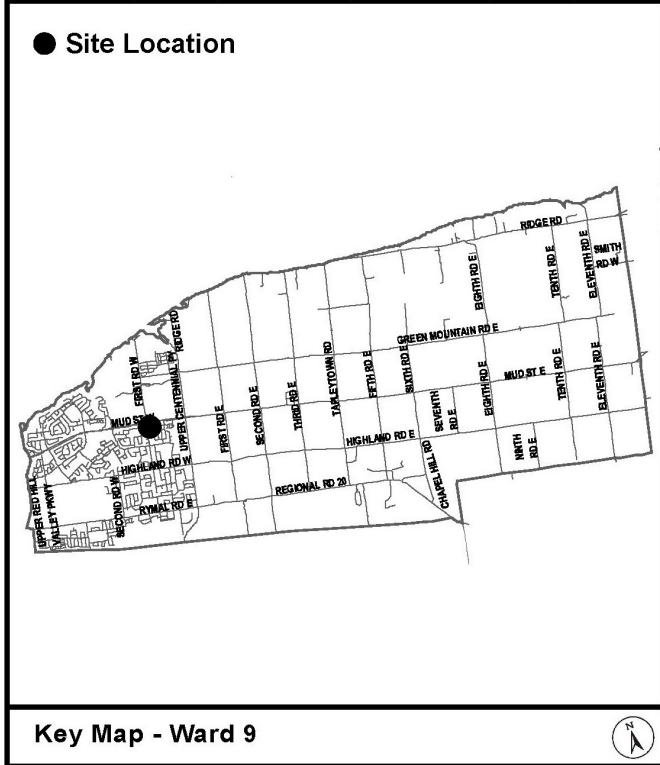
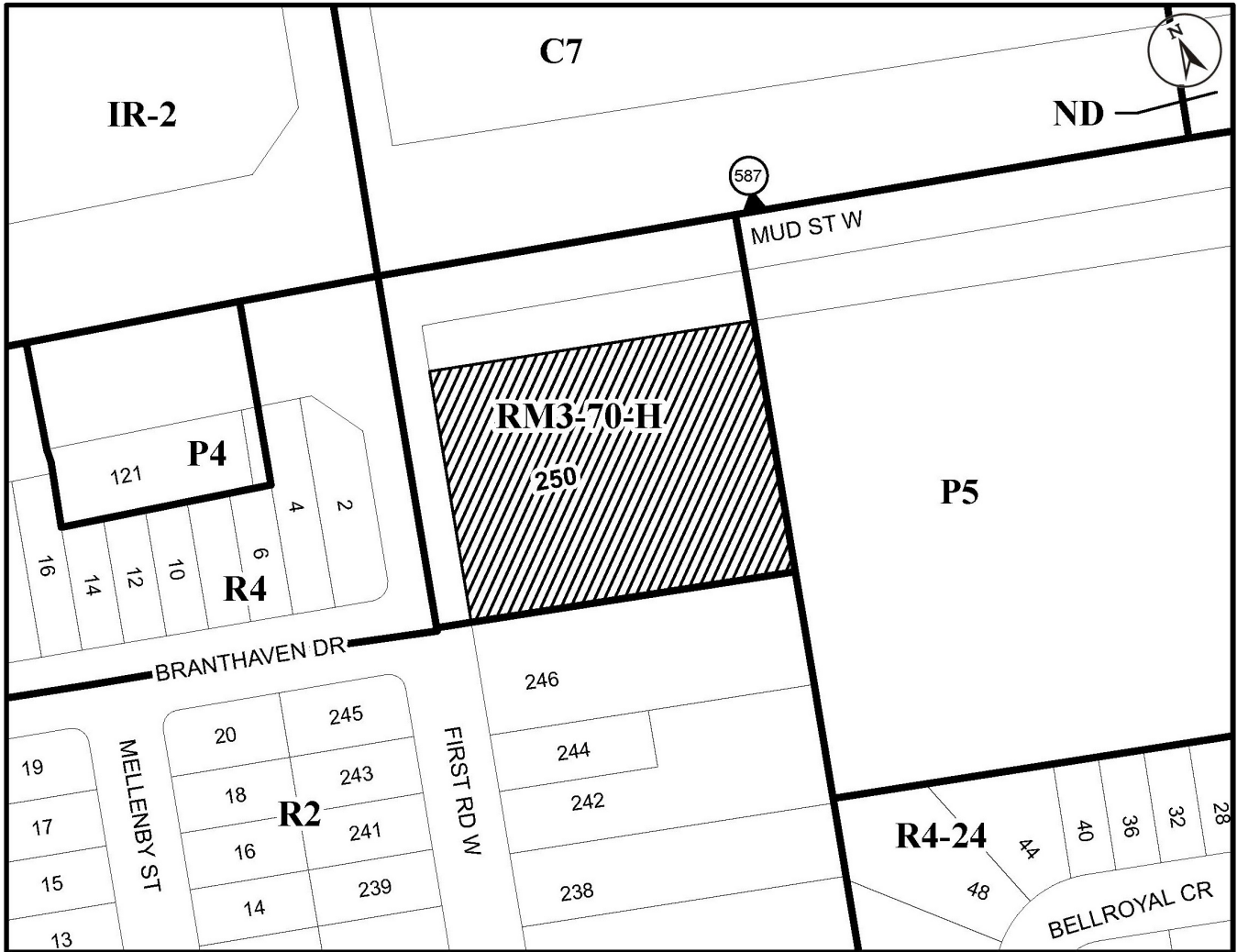
Should the proposed Draft Plan of Subdivision not be approved, the townhouse dwellings would be permitted in accordance with the Multiple Residential "RM3-70(H)" Zone, Modified, Holding, but would limit the tenure of the proposed townhouses.

APPENDICES AND SCHEDULES ATTACHED


Appendix "A" to Report PED23233 – Location Map
 Appendix "B" to Report PED23233 – Draft Plan of Subdivision
 Appendix "C" to Report PED23233 – Special Conditions of Draft Plan of Subdivision
 Appendix "D" to Report PED23233 – Site Plan
 Appendix "E" to Report PED23233 – Policy Review
 Appendix "F" to Report PED23233 – Comment Review
 Appendix "G" to Report PED23233 – Public Comments

MM:sd

Appendix "A" to Report PED23233
Page 1 of 1




Location Map

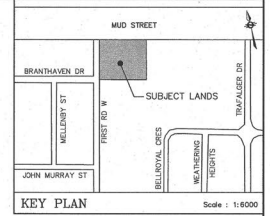
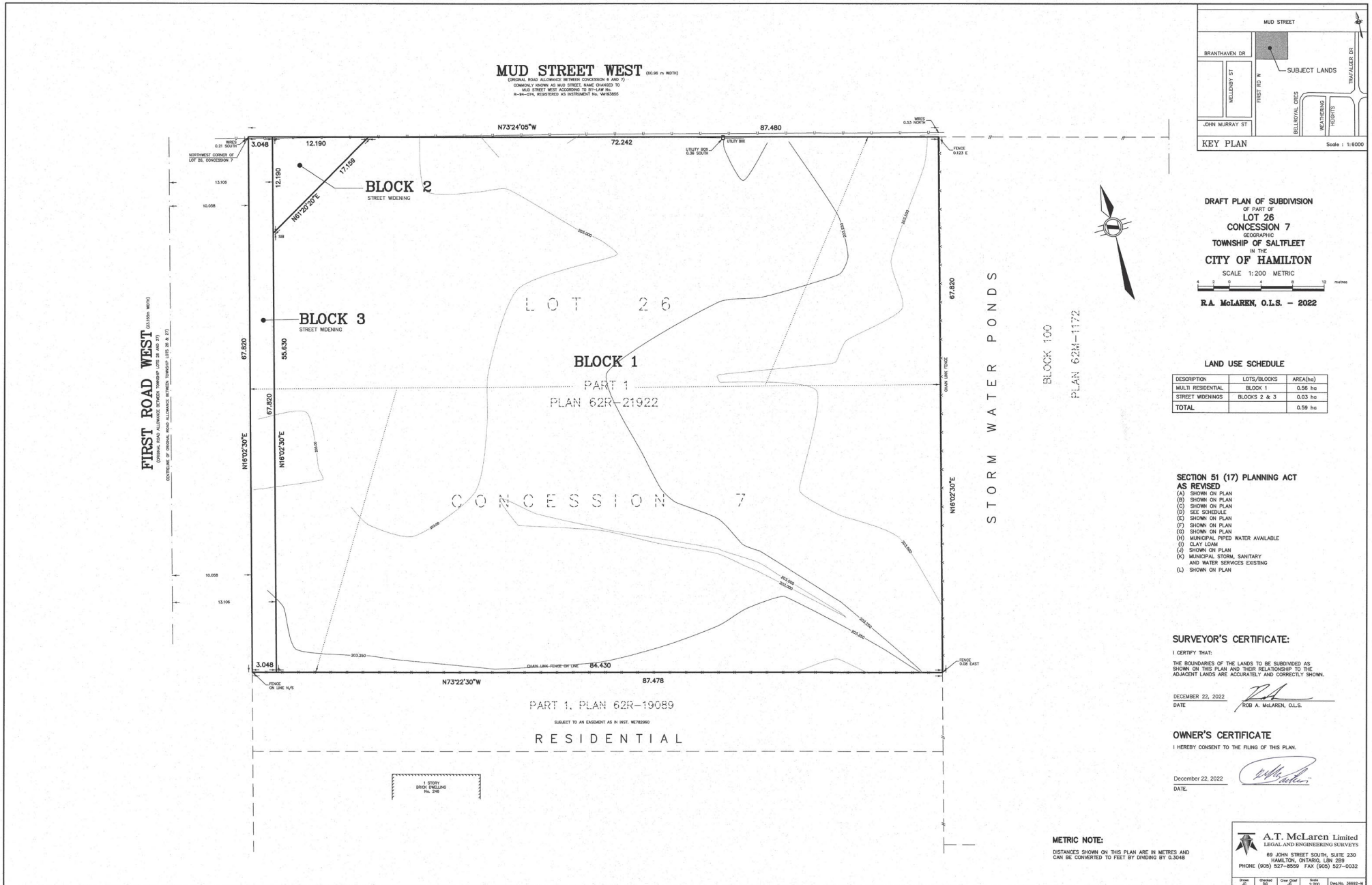

 Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: 25T-202302	Date: February 16, 2023
Appendix "A"	Scale: N.T.S.
Planner/Technician: DM/VS	

Subject Property

 250 First Road West, Stoney Creek



DRAFT PLAN OF SUBDIVISION
 OF PART OF
LOT 26
CONCESSION 7
 GEOGRAPHIC
TOWNSHIP OF SALT FLEET
 IN THE
CITY OF HAMILTON
 SCALE 1:200 METRIC
R.A. McLAREN, O.L.S. - 2022

LAND USE SCHEDULE

DESCRIPTION	LOTS/BLOCKS	AREA(ha)
MULTI RESIDENTIAL	BLOCK 1	0.55 ha
STREET WIDENINGS	BLOCKS 2 & 3	0.03 ha
TOTAL		0.59 ha

- SECTION 51 (17) PLANNING ACT**
AS REVISED
- (A) SHOWN ON PLAN
 - (B) SHOWN ON PLAN
 - (C) SHOWN ON PLAN
 - (D) SEE SCHEDULE
 - (E) SHOWN ON PLAN
 - (F) SHOWN ON PLAN
 - (G) SHOWN ON PLAN
 - (H) MUNICIPAL PIPED WATER AVAILABLE
 - (I) CLAY LOAM
 - (J) SHOWN ON PLAN
 - (K) MUNICIPAL STORM, SANITARY AND WATER SERVICES EXISTING
 - (L) SHOWN ON PLAN

SURVEYOR'S CERTIFICATE:
 I CERTIFY THAT:
 THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.
 DECEMBER 22, 2022
 DATE *RA McLAREN*
 ROB A. McLAREN, O.L.S.

OWNER'S CERTIFICATE
 I HEREBY CONSENT TO THE FILING OF THIS PLAN.
 DECEMBER 22, 2022
 DATE *W. McLaughlin*

METRIC NOTE:
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

A.T. McLaren Limited
 LEGAL AND ENGINEERING SURVEYS
 69 JOHN STREET SOUTH, SUITE 230
 HAMILTON, ONTARIO, L8N 2B9
 PHONE (905) 527-8559 FAX (905) 527-0332
 Plan 62R-19089 Date of Plan 1:200 Drawn By 36892-24

**Appendix “C” to Report PED23233
Page 1 of 7**

Special Conditions for Draft Plan of Subdivision Approval for 25T-202302

That this approval for the Draft Plan of Subdivision, 25T-202302, for the lands known as 250 First Road West, certified by Rob A. McLaren, O.L.S., dated December 22, 2022, consisting of one development block for townhouse dwellings (Block 1), one block for a daylight triangle dedication (Block 2), and one block for road right of way dedications (Block 3), be received and endorsed by City Council with the following special conditions:

Development Engineering:

1. That, **prior to preliminary grading**, the Owner agrees in writing that the removal of all existing septic beds, garages, playground equipment, wells, fencing, and or any structures will be at the sole cost to the Owner to the satisfaction of the Director of Growth Management and Chief Development Engineer.
2. That, **prior to preliminary grading**, the Owner agrees to provide in writing a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision. This document will also include first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be used, the source of water, and the contractor or agent to be used to undertake the works as well as contractor/agent contact information so that the City can direct the work to be completed as necessary, all to the satisfaction of the Director of Growth Management and Chief Development Engineer.
3. That, **prior to preliminary grading**, the Owner shall prepare and provide a Construction Management Plan that provides details on any construction activity that will encroach into the municipal road allowance such as construction staging, scaffolding, cranes etc. The plan must identify any required sidewalk and/or lane closures and the estimated length of time for such closures. Details on heavy truck routing must also be included, all to the satisfaction of the Director of Growth Management and Chief Development Engineer.
4. That, **prior to preliminary grading**, the Owner agrees to provide sufficient notice to the homeowner at 246 First Road West of the requirement to enter onto their lands within the easement (Instrument Number WE782960) for the installation of a sanitary lateral. The Owner further agrees to minimize the impacts of the works, in both time and extent, within the lands of 246 First Road West and fully restore the lands to an “as good or better” condition upon completion. The Owner will be responsible for any damages and accepts full liability for the construction. All at the Owner’s expense, to the satisfaction of the Director of Growth Management and Chief Development Engineer.

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5. That, **prior to preliminary grading**, the Owner shall submit a detailed stand-alone stormwater management report prepared by a professional engineer in support of the Site Plan Control application DA-22-097, to the satisfaction of the Director of Development Engineering.
6. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimate schedules the construction of all proposed works or improvements within First Road West, Mud Street and the 10m wide Sanitary and Watermain Easement as required to support the development, at the Owner's cost to the satisfaction of the Director of Growth Management and Chief Development Engineer.
7. That, **prior to servicing**, the Owner include in the engineering design and cost estimate schedules the installation of a 1.5 metre wide sidewalk on First Road West from Mud Street to the existing bus pad at the south limit of the subject lands, at the Owner's cost to the satisfaction of the Director of Growth Management and Chief Development Engineer.
8. That, **prior to servicing**, the Owner shall submit a Hydrogeological report to the City, prepared by a qualified professional, to assess impacts, identify any significant recharge and discharge zone, and provide recommendations to mitigate the groundwater impacts during any construction within the subdivision, including but not limited to house construction, and to undertake the works as recommended including monitoring. The report shall also provide a groundwater contingency plan to ensure that an appropriate mitigation strategy is available to be implemented in the case whereof:
 - a. An aquifer is breached during excavation;
 - b. Groundwater is encountered during any construction within the subdivision, including but not limited to house construction;
 - c. If the basements are being proposed below the groundwater level, the foundations and subsurface structures shall be designed / waterproofed accordingly; and,
 - d. Water supply and sewage disposal systems and any surface and groundwater related infrastructure are negatively impacted;all to the satisfaction of the Director of Growth Management and Chief Development Engineer.
9. That, **prior to servicing**, the Owner will be responsible to relocate, as required, all affected utility poles, hydrants, pedestals, hydro vaults, etc. on Mud Street and

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First Road West entirely at the Owner’s expense, to the satisfaction of the Director of Growth Management and Chief Development Engineer.

10. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedules provision for the installation/restoration of a 1.5m black vinyl coated heavy duty chain link fence along the south limit of the subject lands abutting the 10m wide Sanitary and Watermain Easement, to the satisfaction of the Director of Growth Management and Chief Development Engineer.
11. That, **prior to servicing**, the Owner acknowledges in writing that the development shall not proceed until it has been demonstrated that adequate capacity is available in the downstream sanitary sewer system to service the subject lands, including:
 - a. The proposed sanitary diversion at Picardy Drive and Lormont Boulevard has been completed and accepted by the City;to the satisfaction of the Director of Growth Management and Chief Development Engineer.
12. That, **prior to registration of the final plan of subdivision**, the Owner agrees to pay all outstanding costs including cost recoveries associated with the draft plan lands, to the satisfaction of the Director of Growth Management and Chief Development Engineer.

Development Planning:

13. That, **prior to preliminary grading or servicing**, the Owner shall submit a Tree Protection Plan for Block 1 prepared by a tree management professional (i.e., certified arborist, registered professional forester, or landscape architect) showing the location of drip lines, edges or existing plantings, the location of all existing trees and the methods to be employed in retaining trees to be protected, to the satisfaction of the Director of Planning and Chief Planner.
14. That, **prior to servicing**, the Owner shall include in the engineering design for the subject lands, to the satisfaction of the Director of Planning and Chief Planner, the inclusion of a noise barrier wall, as per Figure 2 of Addendum #1 – Noise Feasibility Study dated July 5, 2021, prepared by Howe Gastmeier Chapnik Limited, subject to the following:

“All noise barriers must return back to the dwelling units so that the rear yards are entirely shielded from the roadway. The acoustic barrier can be a combination of an acoustic wall on top of an earth berm. The wall component of the barrier should be of a solid construction with a surface density of no less than 20 kg/m². The walls may be constructed from a variety of materials such as

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wood, brick, pre-cast concrete or other concrete/wood composite systems provided that it is free of gaps or cracks.”

15. That, **prior to registration**, the Owner shall provide payment of \$695.79 plus HST per tree for road allowance street trees identified in the Tree Protection Plan, to the satisfaction of the Director of Planning and Chief Planner.
16. That, **prior to registration**, the Owner shall submit a Landscape Plan by a certified Landscape Architect showing planting and surfacing details for all areas not covered by buildings, structures, loading areas or parking areas, to the satisfaction of the Director of Planning and Chief Planner.
17. That, **prior to registration**, the Owner agrees to include the following warning clauses for Block 1 in all Purchase and Sale Agreements and Rental or Lease Agreements and in the Condominium Declaration, to the satisfaction of the Director of Planning and Chief Planner:

Warning Clause “A”:

“Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling unit occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.”

Warning Clause “B”:

“Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.”

Warning Clause “C”:

“This dwelling unit has been designed with the provision for adding central air conditioning at the occupant’s discretion. The installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the municipality and the Ministry of the Environment, Conservation and Parks.”

18. That, **prior to registration**, the Owner agrees to include the following warning clauses for Block 1 in all Purchase and Sale Agreements and Rental or Lease Agreements and in the Condominium Declaration, to the satisfaction of the Director of Planning and Chief Planner:

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“Purchasers / tenants are advised that the property is within 500 metres of the operational industrial, commercial and institutional TerraPure landfill. Purchasers / tenants are advised that due to the proximity of the adjacent TerraPure landfill, there may be odours from the landfill, and sound levels from the landfill may, at times, be audible.”

19. That, **prior to registration**, a Zoning By-law Amendment application to remove the Holding Provision on the “RM3-70(H)” Zone be approved, to the satisfaction of the Director of Planning and Chief Planner.

Growth Management (Legislative Approvals):

20. That, **prior to registration**, the Owner work with Legislative Approvals / Staging of Development Staff to finalize municipal addressing, to the satisfaction of the Director of Growth Management and Chief Development Engineer.
21. That, **prior to registration**, the Owner agrees to physically affix a multiple unit identification sign at the entrance in a manner that is visible from the street and in accordance with the City’s sign By-law, to the satisfaction of the Director of Growth Management and Chief Development Engineer.

Transportation Planning

22. That, **prior to grading**, the Owner shall dedicate a 3.048 metre right-of-way dedication along First Road West (Block 3) to the City of Hamilton as public highway by the Owner’s certificate on the plan, to the satisfaction and approval of the Manager, Transportation Planning.
23. That, **prior to grading**, the Owner shall dedicate a 12.19 metre x 12.19 metre daylighting triangle dedication at the intersection of Mud Street West & First Road West (Block 2) to the City of Hamilton as public highway by the Owner’s certificate on the plan, to the satisfaction and approval of the Manager, Transportation Planning.

Bell Canada:

24. That, **prior to registration**, the Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development and the Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada, to the satisfaction of Bell Canada.
25. That, **prior to registration**, the Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within

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the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost, to the satisfaction of Bell Canada.

Canada Post:

26. That, **prior to registration**, the Owner shall include in all offers of purchase and sale and lease or rental agreements, a statement that advises the prospective purchaser:
 - a. that the home / business mail delivery will be from a designated Centralized Mail Box; and,
 - b. that the Developers / Owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

27. That, **prior to registration**, the Owner agrees to:
 - a. work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision;
 - b. install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mailboxes;
 - c. identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision;
 - d. determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans; and,
 - e. maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

28. Canada Post's multi-unit policy, which requires that the Owner/Developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly and more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

NOTES TO DRAFT PLAN APPROVAL

1. Pursuant to Section 51 (32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within three years. However, extensions will be considered if a written request is received two months before the draft approval lapses.

Recycling and Waste Disposal:

2. The developer is responsible for all waste removal up until the time that an "Agreement for On-site Collection of Municipal Solid Waste" is finalized, and municipal collection services are initiated.
3. Arrange a private waste hauler for the removal of all waste materials.
4. As part of the Purchase and Sale Agreement the developer, Owner, property manager or agent for the development must disclose in writing to a prospective buyer of a unit within the development that the property is not serviceable for municipal waste collection.

Appendix "D" to Report PED23233

THIS DRAWING IS AN INSTRUMENT OF SERVICE, AS PROVIDED BY AND IS THE PROPERTY OF GRAZIANI CORAZZA ARCHITECTS INC. THE CONTRACTOR MUST VERIFY AND ACCEPT RESPONSIBILITY FOR ALL DIMENSIONS AND COORDINATIONS ON SITE AND MUST NOTIFY GRAZIANI CORAZZA ARCHITECTS INC. OF ANY VARIANCES FROM THE SUPPLIED INFORMATION. GRAZIANI CORAZZA ARCHITECTS INC. IS NOT RESPONSIBLE FOR THE ACCURACY OF SURVEY, STRUCTURAL, MECHANICAL, ELECTRICAL AND OTHER ENGINEERING INFORMATION SHOWN ON THIS DRAWING, NOR FOR THE APPROPRIATE REGULATORY AGENCIES' REVIEW OF THE WORK. CONSTRUCTION MUST CONFORM TO ALL APPLICABLE CODES AND REGULATIONS BY THE APPLICABLE MUNICIPAL JURISDICTIONS. UNLESS OTHERWISE NOTED, NO REVISIONS WILL BE MADE UNLESS AS REPORTED ON BY THIS OFFICE IN RESPONSE TO THE TOWN/CITY/COUNTY OF THIS CITY.

CONDITIONS FOR ELECTRONIC INFORMATION TRANSFER:
ELECTRONIC INFORMATION IS SUPPLIED TO THE OTHER ASSOCIATED PARTIES TO ACCESS THEREIN IN THE FURTHERANCE OF THIS WORK. THE RECEIVER PARTY MUST ENSURE THE CONFIDENTIALITY AND PROPRIETARY NATURE OF THE INFORMATION IN RESPECT TO THEIR PARTICULAR RESPONSIBILITY.

GRAZIANI CORAZZA ARCHITECTS INC. SHALL NOT BE RESPONSIBLE FOR:
1. ERRORS, OMISSIONS, INADEQUACIES DUE TO LOSS OF INFORMATION IN WHOLE OR PART WHEN INFORMATION IS TRANSMITTED.
2. DISRUPTIONS OF ANY KIND OR DAMAGE TO THE RECEIVING ELECTRONIC SYSTEM WHEN INFORMATION IS TRANSMITTED.

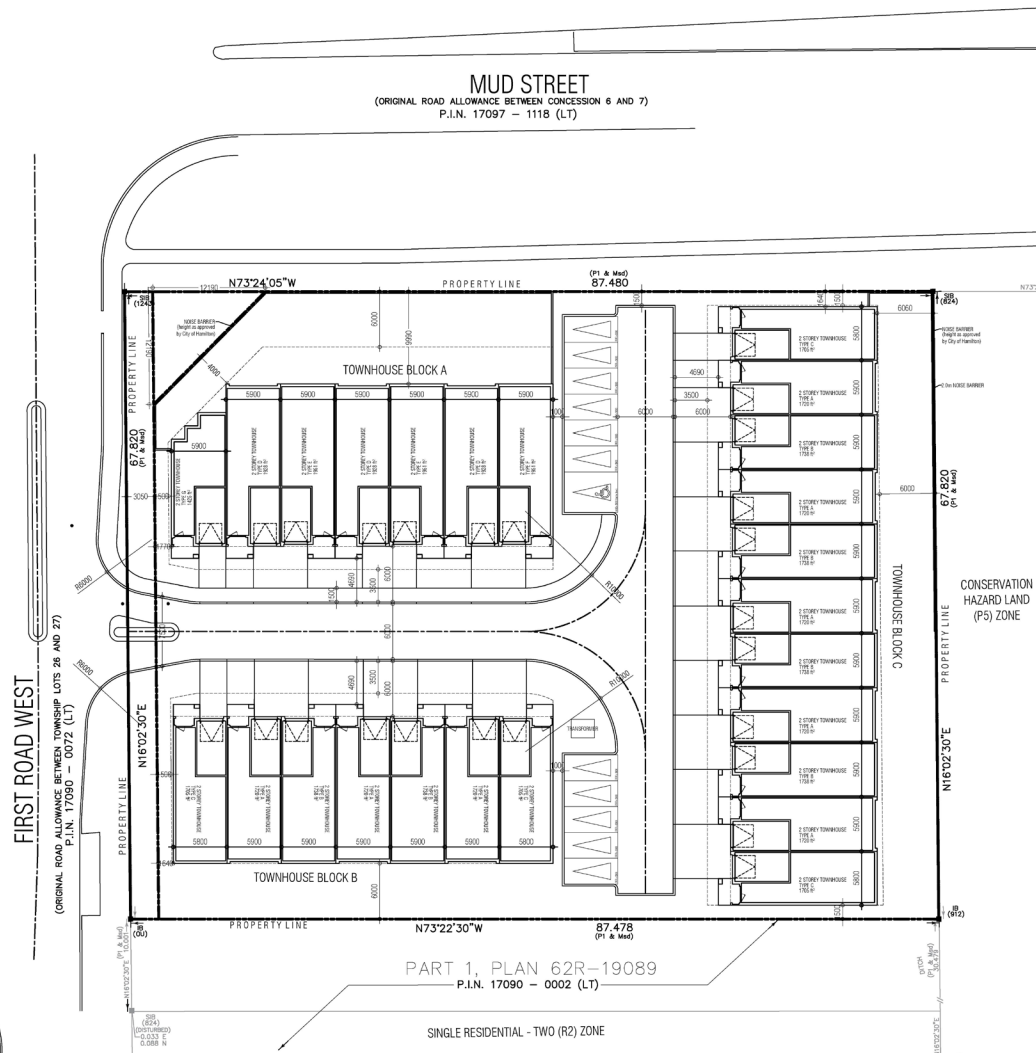
L APR 22 2022 08:00 FOR S.P.A. 06

STATISTICS				
DATE	22-Apr-22			
01. SITE AREA				
	(m ²)	(ha)	(ft ²)	(ac)
ROAD WIDENING	206.7	0.02	2225	0.05
DAYLIGHT TRIANGLE	74.3	0.01	800	0.02
DEVELOPABLE SITE	5934.7	0.57	63956	1.40
TOTAL	5934.7	0.59	63881	1.47
02. MIN. LOT AREA (m²)				
	PROPOSED	By-Law 3692-92 Zone RM3-70(P)		
	465.3	400		
03. MAX. DENSITY				
	PROPOSED	By-Law 3692-92 Zone RM3-70(P)		
	25 units	44 ugh	45 ugh	
04. MAX. LOT COVERAGE				
	PROPOSED	By-Law 3692-92 Zone RM3-70(P)		
	40%	40%		
05. SETBACKS (m)				
	PROPOSED	By-Law 3692-92 Zone RM3-70(P)		
FRONT YARD	1.50	1.5		
GARAGE	6.00	6.0		
SIDE YARD	1.50	1.5		
REAR YARD	6.00	6.0		
06. MAX. BUILDING HEIGHT (m)				
	PROPOSED	By-Law 3692-92 Zone RM3-70(P)		
	9.33	11		
07. MIN. LANDSCAPED OPEN SPACE				
	PROPOSED	By-Law 3692-92 Zone RM3-70(P)		
	34%	30%		
08. PARKING				
	PROPOSED	By-Law 3692-92 Zone RM3-70(P)		
RESIDENTIAL	90	2 spaces/unit	90	
VISITOR	12	0.45 spaces/unit	11	
TOTAL	62		61	

LIST OF DRAWINGS	
A.101 - Site Plan & Statistics	
A.301 - Townhouse Floor Plans 1	
A.302 - Townhouse Floor Plans 2	
A.401 - Block A Elevations	
A.402 - Block B Elevations	
A.403 - Block C Elevations	

<p>TOPOGRAPHIC SURVEY</p> <p>OF PART OF LOT 26 CONCESSION 7 GEOGRAPHIC TOWNSHIP OF SALTLEET IN THE CITY OF HAMILTON REGIONAL MUNICIPALITY OF HAMILTON</p>	<p>A.T. McLaren Limited</p> <p>Legal and Engineering Surveys 69 John Street South, Suite 230 Hamilton, Ontario L8N 2B9</p> <p>Tel: (905) 527-8559 Fax (905) 527-0032 E-MAIL: admin@atmlcmclaren.com</p>
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- GENERAL NOTES**
- ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OR MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE DIRECTOR OF PLANNING, PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT.
 - FIRE ROUTE SIGNS AND 3-WAY FIRE HYDRANTS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY FIRE DEPARTMENT AND AT THE EXPENSE OF THE OWNER.
 - MAIN DRIVEWAY DIMENSIONS AT THE PROPERTY LINE BOUNDARIES ARE PLUS OR MINUS 7.5mm UNLESS OTHERWISE STATED.
 - ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5m SHALL BE WITHIN 10% MAXIMUM GRADES. THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADES.
 - THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
BUILDING PERMIT
SEWER AND WATER PERMITS
ROAD CUT PERMITS
RELOCATION SERVICES
APPROACH APPROVAL PERMITS
ENCROACHMENT AGREEMENTS (IF REQUIRED)
COMMITTEE OF ADJUSTMENT
 - ABANDONED ACCESS MUST BE REMOVED AND THE CURB BOULEVARD RESTORED WITH SOO AT THE OWNER'S EXPENSE TO THE SATISFACTION OF THE TRAFFIC ENGINEERING SECTION, PUBLIC WORKS DEPARTMENT.
 - FOR VISIBILITY TRIANGLES AT THE VEHICULAR ACCESS POINTS, THE FOLLOWING NOTE MUST BE PROVIDED:
"5 METRE BY 5 METRE VISIBILITY TRIANGLES IN WHICH A MAXIMUM HEIGHT OF ANY OBJECTS OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.7 METRES ABOVE THE CORRESPONDING PERPENDICULAR CENTRELINE OF THE ADJACENT STREET."
 - PROPOSED SIGNAGE SHALL CONFORM TO THE CITY'S SIGN AND OTHER DEVICES BY LAW NO. 10-119
 - LIGHTING MUST BE DIRECTED ON SITE AND MUST NOT SPILL OVER TO ADJACENT PROPERTIES OR STREETS.
 - ALL FENCING SHALL BE IN ACCORDANCE WITH THE CITY'S FENCE BY LAW NO. 10-142
 - THE OWNER AGREES TO DISPLAY THE MUNICIPAL NUMBER AT THE FRONT ENTRANCE WITH EITHER THE MUNICIPAL NUMBER OR FULL ADDRESS IN A MANNER THAT IS VISIBLE FROM THE STREET.
 - ENROUTE GAS INC. OPERATING AS UNION GAS, HAS SERVICE LINES RUNNING IN THE AREA WHICH MAY OR MAY NOT BE IMPACTED BY THE PROPOSED DEVELOPMENT. SHOULD THE PROPOSED DEVELOPMENT IMPACT THESE SERVICES, IT MAY BE NECESSARY TO TERMINATE THE GAS SERVICE AND RELOCATE THE LINE. ANY SERVICE RELOCATION WOULD BE AT THE COST OF THE PROPERTY OWNER. CALL BEFORE YOU DIG, ARRANGE FOR UNDERGROUND UTILITY LOCATES BEFORE BEGINNING CONSTRUCTION BY CONTACTING ONTARIO ONE CALL @ 1-800-489-2256



issued for revisions

ON TARIO ASSOCIATION OF ARCHITECTS
GRAZIANI CORAZZA ARCHITECTS
BERNARD E. GRAZIANI, LEZCE ARCHT
LAW FIRM 67, BUILDING 0 - SUITE 303 - 1000 SHEPPARD AVENUE EAST, TORONTO, ONTARIO M2N 3K4
TEL: (416) 291-2344 FAX: (416) 291-2344 WWW.GC.ARCHITECTS.COM

PROPOSED TOWNHOUSE DEVELOPMENT

256 FIRST ROAD WEST

HAMILTON 256 FIRST ROAD WEST ONTARIO
PROJECT ARCHITECT: B.Graziani
ASSISTANT DESIGNER: RL
DRAWN BY: SH
CHECKED BY:
PLOT DATE: APR.22.2022
JOB #: 1973.22

SITE PLAN

1:250 A101
TITLE BLOCK SIZE: 610 x 900

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SUMMARY OF POLICY REVIEW

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

Urban Hamilton Official Plan		
Theme and Policy	Summary of Policy or Issue	Staff Response
Neighbourhoods Policy: E.2.7.2 and E.2.7.4	Neighbourhoods shall primarily consist of residential uses and shall permit a full range of housing forms.	The proposed development is a residential use in a townhouse form. Therefore, the proposal complies with these policies.
Neighbourhoods Designation – Function Policy: E.3.2.1	Areas designated “Neighbourhoods” shall include a full range of residential dwelling types and densities.	The proposed development is a residential use in a townhouse form. The proposal complies with this policy.
Infrastructure Policy: C.5.3.6	All redevelopment within the urban area shall be connected to the City’s water and wastewater system.	Development Engineering provided Condition Nos. 1 to 12 of Appendix “C” attached to Report PED23233. The proposal complies with this policy.
Noise Policy: 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 lands are adjacent to Mud Street which is identified as a major arterial road and First Road West which is identified as a collector road on Schedule C – Functional Road Classification in the Urban Hamilton Official Plan.

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Theme and Policy	Summary of Policy or Issue	Staff Response
Noise (Continued) Policy: B.3.6.3.1		<p>A Noise Study, prepared by HGC Engineering, dated March 30, 2020 and an Addendum Letter, dated July 5, 2021 were submitted in support of the previous Zoning By-law Amendment application. The study reviewed the acoustic requirements for the proposed development with respect to acoustic noise from vehicular traffic along First Road West and Mud Street East. Based on the results of the Study, a noise barrier will be required along the rear yards of the units facing Mud Street West and a noise barrier will be required along the rear yards of the units facing the Stormwater Management Pond to the east. A noise barrier wall and warning clauses have been included as Conditions Nos. 14 and 17 of Appendix “C” attached to Report PED23233, respectively.</p> <p>The proposal complies with this policy.</p>
Tree Management Policy: C.2.11.1	<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>There are trees present on the subject lands, therefore a Tree Protection Plan is required. A Landscape Plan is required for all areas not covered by buildings, structures, loading areas, or parking areas. These matters are being addressed through Site Plan Control application DA-22-097. A Tree Protection Plan, Landscape Plan, and cash payment have been included as Condition Nos. 13, 15 and 16 of Appendix “C” attached to Report PED23233.</p> <p>The proposal complies with this policy.</p>
Archaeology Policy B.3.4.4.3	<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 the following planning matters under the Planning Act, R.S.O., 1990 c. P.13.</p>	<p>The subject property meets four 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>

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Theme and Policy	Summary of Policy or Issue	Staff Response
Archaeology (Continued) Policy B.3.4.4.3		Staff received a copy of the letter from the Ministry dated September 4, 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. The proposal complies with this policy.
Road Right-of-Way Dedication Policy: C.4.5.2	The basic maximum right-of-way widths for urban collector roads shall be 30.480 metres in designated Employment Areas and 26.213 metres in all other areas, unless specifically described otherwise in Schedule C2 – Future Right-of-Way Dedications.	Transportation Planning provided Condition No. 22 of Appendix “C” attached to Report PED23233. The proposal complies with this policy.
Daylighting Triangles Policy: C.4.5.7	The City shall require the conveyance of property for appropriate daylighting triangles and corner rounding on existing roads at such times as the property is to be developed or redeveloped, as a condition of site plan approval, consent, or plan of subdivision approval, in accordance with City standards based on the intersecting roadways. Arterial to collector or arterial (Urban): 12.19 m x 12.19 m triangle.	Transportation Planning provided Condition No. 23 of Appendix “C” attached to Report PED23233. The proposal complies with this policy.

West Mountain Area (Heritage Green) Secondary Plan		
Theme and Policy	Summary of Policy or Issue	Staff Response
Low Density Residential 3c Policy: B.7.6.2.2 b)	The permitted uses shall include townhouse dwellings and low rise apartments and the density shall be approximately 30 to 49 units per net residential hectare.	The proposal is for the development of 25 townhouse dwelling units, which is a permitted use. The proposed development will have a density of 45 units per net residential hectare. The proposal complies with this policy.

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Landfill Site</p> <p>Policy: B.7.6.1.3</p>	<p>Proponents of development proposals for residential and other sensitive land uses located within 500 metres of the Taro East Quarry/Landfill site and former Taro West Quarry/Landfill site shall be required to submit studies demonstrating there are no adverse effects on the development or that the effects can be mitigated. These studies may include, but not be limited to, ground and surface water, leachate migrating onto the subject lands, traffic, air quality, noise, soil contamination and hazardous waste and landfill generated gases, subject to the requirements of the City.</p>	<p>A Landfill Impact Assessment was prepared by Ortech Environmental (Ortech), dated April 6, 2020 and peer reviewed by Golder Associates Ltd (Golder), was required as part of the Zoning By-law Amendment application. Golder required updates to the original Assessment and a revised Landfill Impact Assessment, dated July 21, 2021 was received and reviewed. The Landfill Impact Assessment reviewed the requirements of the Ministry of Environment, Conservation and Parks (MECP) D4 - Land Use on or Near Landfills and Dumps Guidelines in relation to the adjacent TerraPure Landfill.</p> <p>Condition No. 18 of Appendix “C” attached to Report PED23233 has been included to ensure that the appropriate warning clauses be included into any offer of Purchase and Sale Agreement or Lease Agreement to advise prospective buyers of the potential noise and odour nuisances associated with the adjacent landfill.</p> <p>The subject lands are currently zoned Multiple Residential “RM3-70(H)” Zone, Modified, Holding in Stoney Creek Zoning By-law No. 3692-92. The Holding Provision requires that the development demonstrate how it will incorporate adequate methane mitigation measures related to the Terrapure Environmental Stoney Creek Landfill prior to development of the lands. Condition No. 19 of Appendix “C” attached to Report PED23233 has been included to ensure that the Holding Provision is removed prior to registration of the plan of subdivision.</p> <p>The proposal complies with this policy.</p>

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CONSULTATION – DEPARTMENTS AND AGENCIES

	Comment	Staff Response
Economic Development Division, Commercial Districts and Small Business Section, and Corporate Real Estate Office Section, Planning and Economic Development Department	No Comment.	Noted.
Development Engineering Section, Growth Management Division, Planning and Economic Development Department	<p>A Functional Servicing and Stormwater Management Report, prepared by S. Llewellyn & Associates Limited dated April 2020, and Addendum dated July 2021, was reviewed through Zoning By-law Amendment application ZAC-20-026. Development Engineering found no sanitary services available for this site and recommended that a Holding Provision be applied.</p> <p>Development Engineering recommend approval of the Draft Plan of Subdivision with conditions.</p>	<p>The Holding Provision remains in place and an application to remove the Holding Provision has not been submitted to date.</p> <p>The proposed conditions have been addressed as Condition Nos. 1 - 12 of Appendix “C” attached to Report PED23233.</p>
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<p>The original concept plans through ZAC-20-026 were circulated and separate comments provided by Corridor Management and Transportation Management Sections.</p> <p>The right-of-way dedications indicated as ‘Block 3’ on the draft plan of subdivision provided indicates the right-of-way dedication requirements along First Road West.</p>	<p>The proposed conditions have been addressed as Condition Nos. 22 and 23 of Appendix “C” attached to Report PED23233.</p>

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	Comment	Staff Response
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department Continued	The daylighting triangle dedications indicated as 'Block 2' on the draft plan of subdivision provided indicates the daylighting triangle dedication requirements at the intersection of Mud Street West and First Road West.	
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.</p> <p>As currently designed, the development is not serviceable as the length of the driveway exceeds the maximum.</p> <p>The developer must arrange a private waste hauler for the removal of all waste materials and disclose in writing to prospective buyers/tenants that the property is not serviceable for municipal waste collection in all agreements of purchase and sale and/or lease.</p>	These matters are being addressed through Site Plan Control application DA-22-097 and Draft Plan of Condominium application 25CDM-202303 and Note Nos. 2, 3, and 4 on the conditions of Draft Plan of Subdivision Approval (see Appendix “C” attached to Report PED23233).
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<p>There are municipal tree assets on site, therefore a Tree Management Plan will be required.</p> <p>Documents supporting number of street trees and a cash payment are required.</p> <p>A Landscape Plan is required for land not included in the proposed development block.</p>	A Tree Protection Plan, Landscape Plan, and cash payment have been included as Condition Nos. 13, 15 and 16 of Appendix “C” attached to Report PED23233.

Appendix “F” to Report PED23233
Page 3 of 3

	Comment	Staff Response
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<p>Municipal addressing will be determined after Draft Plan of Subdivision approval is granted. Conditions are recommended to finalize municipal addressing and ensure unit identification.</p> <p>Requested a note indicating that Draft Approval shall lapse if not given final approval within three years, however extensions can be considered if written request is provided in writing two months in advance of the lapsing date.</p>	<p>Municipal addressing has been addressed as Condition Nos. 20 and 21 of Appendix “C” attached to Report PED23233.</p> <p>This note has been included as a Note No. 1 on the conditions of Draft Plan of Subdivision approval (see Appendix “C” attached to Report PED23233).</p>
Alectra Utilities	The Owner needs to contact our Engineering Design Department at 416-819-4975.	Noted.
Bell Canada	The Owner is required to provide any easements that may be necessary for communication/telecommunication infrastructure and relocate any such facilities in case of any conflict at their own cost.	The proposed conditions have been addressed as Condition Nos. 24 and 25 of Appendix “C” attached to Report PED23233.
Canada Post	Mail service will be provided via a centralized mailbox.	The proposed conditions have been addressed as Condition Nos. 26, 27, and 28 of Appendix “C” attached to Report PED23233.

Appendix "G" to Report PED23233

Page 1 of 4

SUMMARY OF PUBLIC COMMENTS RECEIVED

Comment Received	Staff Response
Privacy and shadowing onto adjacent dwellings.	The application for a Draft Plan of Subdivision is to establish tenure through the associated Draft Plan of Condominium and Part Lot Control applications, and for road right of way dedications, and does not seek to decrease setbacks nor to increase building height. These items were addressed through the previous Zoning By-law Amendment application ZAC-20-026.
Construction will cause noise and dust.	A Construction Management Plan, that provides details on any construction activity that will encroach into the municipal road allowance, is required by Condition No. 3 of Appendix "C" attached to Report PED23233.
The additional traffic generated by this development cannot be supported by the existing road network.	This application for a Draft Plan of Subdivision is to establish tenure through the associated Draft Plan of Condominium and Part Lot Control applications, and for road right of way dedications, and does not seek to increase the number of dwellings permitted on the subject property. Traffic impacts were addressed through the previous Zoning By-law Amendment application ZAC-20-026.

COPY OF PUBLIC COMMENTS RECEIVED

Appendix “G” to Report PED23233
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From: Dr. Muneera Al-Matari
Sent: Tuesday, February 28, 2023 5:15 PM
To: Gowans, Morgan
Subject: 25T-202302

Greeting,

I'm writing to you with regard to the project other 250 first Roud West It was surprise for me and my family to receive this letter. My mother and father living in [REDACTED]. Their property is a huge property which will be surrounded by your building, Our main issue is, there is no way to insure their privacy and safety When you surround them with so many neighbour's.

My parents were sad because the process of building and the noise over the next three years will be uncontrollable for them not to mention air, pollution they are senior with lung and heart diseases, and they cannot tolerate all that stress on tension.

Lastly, digging in the area will affect the foundation of their house, building hi two or three level townhouse, will decrease the sunlight in that area and their land.

I am very thankful for your initiation by sharing the decision with us, because I don't think that under no circumstances will be allowing for such thing to happen

Appendix "G" to Report PED23233
Page 4 of 4

From: Terry Spence
Sent: Thursday, April 6, 2023 12:07 PM
To: Gowans, Morgan
Subject: File(s): 25T-202302 250 First Road West

Hello and yes, I know I'm late voicing my opinion.

I am against the new 25 residential lots that will sit at the corner of First Road West and Mud Street.

With all the housing already in progress and with the extension of Isaac Brock to Lormont Blvd. we have seen more and more vehicle movement towards this intersection. The vehicles coming out of this new complex, the cars coming down First Road and all of them wanting to turn left on Mud will be a mess.

We have many vehicles now coming from the north (Green Mountain Road area) and the people cutting across from Upper Centennial to jam up this intersection which right now is getting out of control.

Planners, builders and City Hall don't live in this area and don't care what it will be like to navigate Mud St. and First Road West. Now you throw in the drivers that want to beat the traffic light and imagine what an accident is going to create.

Not much thought went into this project (my opinion) as this is just a cash grab by the city, the builders, the engineers and who cares what is about to happen.

I know I'm late voicing my opinion and shame on me. But here it is anyway.

Not a very happy resident of a once quiet neighbourhood.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 14, 2023
SUBJECT/REPORT NO:	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1225 Old Golf Links Road, Ancaster (PED23234) (Ward 12)
WARD AFFECTED:	Ward 12
PREPARED BY:	Johnpaul Loiacono (905) 546-2424 Ext. 5134
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Official Plan Amendment Application UHOPA-23-017, by A.J. Clarke and Associates Ltd. (c/o Ryan Ferrari) on behalf of Ancaster Space Station Inc. (c/o Steve Grzenda), Owner**, to amend Volume 1, Schedule E-1 -Urban Land Use Designations by redesignating the subject site from the “Open Space” designation to the “Mixed Use – Medium Density” designation, to amend Volume 2, Meadowlands Mixed Use Secondary Plan Map B.2.4-1 by redesignating the subject site from the “General Open Space” designation to the “Mixed Use – Medium Density” designation, and to amend Volume 2, Meadowlands Mixed Use Secondary Plan by adding a Site Specific Policy to permit a maximum five storey warehouse (self-storage) use, for the lands located at 1225 Old Golf Links Road, as shown on Appendix “A” attached to Report PED23234, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED23234, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1225 Old Golf Links Road, Ancaster (PED23234) (Ward 12) - Page 2 of 14

- (b) That **Zoning By-law Amendment Application ZAC-23-041, by A.J. Clarke and Associates Ltd. (c/o Ryan Ferrari) on behalf of Ancaster Space Station Inc. (c/o Steve Grzenda), Owner**, for a change in zoning from the Public “P-242” Zone to the Mixed Use Medium Density (C5, 876, H161) Zone, to permit a maximum five storey (18.8 metre) warehouse (self-storage) with 46 parking spaces, for the lands located at 1225 Old Golf Links Road, as shown on Appendix “A” attached to Report PED23234, be **APPROVED** on the following basis:
- (i) That the draft By-law attached as Appendix “C” to Report PED23234, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iii) That this amending By-law will comply with the Urban Hamilton Official Plan upon the approval of Urban Hamilton Official Plan Amendment No. XX;
 - (iv) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject site by introducing the Holding symbol ‘H161’ to the proposed Mixed Use Medium Density (C5, 876) Zone:

The Holding Provision ‘H161’ is to be removed conditional upon:

- (1) The Owner submitting a revised Functional Servicing Report analyzing the sanitary sewer system in accordance with the City’s standards and demonstrating that there is a residual capacity in the system to support the proposed development and that the increased wastewater generated from the proposed development will not adversely impact the hydraulic performance of the City’s sanitary sewer system, to the satisfaction of the Director of Growth Management and Chief Development Engineer;
- (2) The Owner submitting a revised Stormwater Management Report to demonstrate there is a suitable storm outlet for the proposed development, to the satisfaction of the Director of Growth Management and Chief Development Engineer;

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1225 Old Golf Links Road, Ancaster (PED23234) (Ward 12) - Page 3 of 14

- (3) The Owner submitting a Watermain Hydraulic Analysis, to the satisfaction of the Director of Growth Management and Chief Development Engineer;
- (4) The Owner entering into an External Works Agreement with the City's Growth Management Division for the design and construction of any required improvements to the municipal infrastructure at the Owner's cost, to the satisfaction of the Director of Growth Management and Chief Development Engineer;
- (5) The Owner submitting an acoustical report prepared by a qualified Professional Engineer containing the recommended noise control measures to the satisfaction of the Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner;
- (6) The Owner submitting a revised Tree Protection Plan addressing the protection of the trees found within the City's right-of-way including justification for the removal of the identified trees and the applicable Tree Protection Plan review fee payable to the City of Hamilton, to the satisfaction of the Director of Planning and Chief Planner;
- (7) The Owner satisfying all requirements of Hydro One Corporation including lot grading and drainage and entering into a Site Plan Agreement with the City, to the satisfaction of the Director of Planning and Chief Planner.

EXECUTIVE SUMMARY

The subject site is municipally known as 1225 Old Golf Links Road in Ancaster. It is located on the north side of Old Golf Links Road, east of the intersection of Mohawk Road and Stone Church Road and abuts the Lincoln Alexander Parkway to the north. The applicant has submitted applications to amend the Urban Hamilton Official Plan and Zoning By-law No. 05-200 to permit a five storey warehouse (self-storage) use with 46 parking spaces. The Official Plan Amendment will require amendments to Volume 1 and Volume 2 (Meadowlands Mixed Use Secondary Plan) to redesignate the lands from "Open Space" and "General Open Space", respectively, to "Mixed Use - Medium Density" with a Site Specific Policy for the warehouse (self-storage) use having a maximum height of five storeys.

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The purpose of the Zoning By-law Amendment is to rezone the lands from Public “P-242” Zone to the Mixed Use – Medium Density (C5, 876, H161) Zone to permit a five storey (18.8 metre) warehouse (self-storage) use with 46 parking spaces.

As part of the Zoning By-law Amendment, Holding ‘H’ Provisions are recommended to ensure the functional servicing of the subject site, including the sanitary capacity, the resubmission and approval of a revised Tree Protection Plan, the submission of a Noise Feasibility Study and satisfying all of the requirements of Hydro One Corporation.

The proposal 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 general intent and purpose of the Urban Hamilton Official Plan, in particular, the function, scale and design of the Mixed Use – Medium Density policies; and,
- The proposal introduces a use and built form that is compatible with the surrounding land uses.

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 an Official Plan Amendment and Zoning By-law Amendment. In accordance with Section 34(10.12), if the City makes a decision on a joint Official Plan Amendment and Zoning By-law Amendment within 120 days after the receipt of the application, the City shall not refund the fee.

HISTORICAL BACKGROUND

Application Details	
Owner/Applicant:	Ancaster Space Station Inc. (c/o Steve Grzenda).
Agent:	A.J. Clarke and Associates Ltd. (c/o Ryan Ferrari).

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1225 Old Golf Links Road, Ancaster (PED23234) (Ward 12) - Page 5 of 14

Application Details	
File Numbers:	UHOPA-23-017 and ZAC-23-041.
Type of Applications:	Official Plan Amendment. Zoning By-law Amendment.
Proposal:	<p>The purpose of the Official Plan Amendment is to redesignate the subject site from the “Open Space” designation to the “Mixed Use – Medium Density” designation in Volume 1, to amend the Meadowlands Mixed Use Secondary Plan in Volume 2 by redesignating the subject site from the “General Open Space” designation to the “Mixed Use – Medium Density” designation, and adding a Site Specific policy to permit a five storey warehouse (self-storage) use.</p> <p>The purpose of the Zoning By-law Amendment is to change the zoning from the Public “P-242” Zone to the Mixed Use Medium Density (C5, 876, H161) Zone to permit a five storey (18.8 metre) warehouse (self-storage) with 46 parking spaces.</p> <p>The effect of the applications is to facilitate the development of a five storey warehouse (self-storage) with 10,666.78 square metres of gross floor area, including a total of 138 square metres of office space on the ground and fourth floors, and 46 surface parking spaces, as shown on Appendix “D” attached to Report PED23234.</p>
Property Details	
Municipal Address:	1225 Old Golf Links Road (see Location Map attached as Appendix “A” to Report PED23234).
Lot Area:	5,735.58 square metres (irregular).
Servicing:	Existing municipal services.
Existing Uses:	Vacant (utility easement with aerial power lines on the western portion of the subject site).
Proposed Use:	Warehouse (self-storage).
Documents	
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:	“Open Space” on Schedule E-1 – Urban Land Use Designations.

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Documents	
Official Plan Proposed:	“Mixed Use – Medium Density” designation
Secondary Plan Existing:	“General Open Space” on Map B.2.4-1–Land Use Plan of the Meadowlands Mixed Use Secondary Plan Area.
Secondary Plan Proposed:	“Mixed Use – Medium Density” with Site Specific policy. Site Specific policy on the subject site to permit a maximum height of five storeys and a warehouse (self-storage) use.
Zoning Existing:	Public “P-242” Zone.
Zoning Proposed:	Mixed Use Medium Density (C5, 876, H161) Zone.
Modifications Proposed:	The following modifications are proposed to Zoning By-law No. 05-200: <ul style="list-style-type: none"> • To permit a warehouse (self-storage) use in the Mixed Use Medium Density (C5) Zone; • To decrease the permitted setback to the Lincoln Alexander Parkway; • To decrease the maximum permitted height to 18.8 metres; • To decrease the rear yard setback to 1.0 metre; and, • To permit a principal entrance facing westerly, whereas the closest building face to the street is the southern facade.
Processing Details	
Received:	August 14, 2023.
Deemed Complete:	August 15, 2023.
Notice of Complete Application:	Sent to eight property owners within 120 m of the subject site on August 24, 2023.
Public Notice Sign:	Posted August 18, 2023.
Notice of Public Meeting:	Sent to eight property owners within 120 m of the subject site on November 3, 2023.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix “G” attached to Report PED23234.
Public Consultation:	An information letter was sent out on landowners within 120 metres of the subject site on July 6, 2023 inviting them to provide comment by July 28, 2023. The Applicant did not receive any public comment.
Public Comments:	Staff have not received any public comment.
Processing Time:	92 days from receipt of the applications.

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**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law
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Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Site:	Vacant (utility easement is located on the western portion of the subject site).	Public "P-242" Zone
Surrounding Land Uses:		
North	Lincoln Alexander Parkway	Public "P-242" Zone
South	Vacant	Public "P-242" Zone, Agricultural "A" Zone, and Agricultural "A-286" Zone
East	Vacant	Public "P-242" Zone
West	Vacant	Mixed Use Medium Density (C5, 329, H86) Zone

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) as shown on Appendix "E" attached to Report PED23234.

Provincial Policy Statement (2020)

The proposed development provides for the efficient use of land and resources by intensifying a site within the existing settlement area where there are municipal water and waste services that can be appropriately extended. The proposal further provides for the urbanization of the area at the Owner's expense. Staff have identified technical requirements related to the necessary municipal infrastructure to service the site, which includes ensuring that there is residual sanitary sewer capacity to support the proposed use and upgrading Old Golf Links Road to an urban standard. As such, a Holding 'H'

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Provision has been recommended in the amending By-law to ensure that the necessary infrastructure upgrades are completed at the cost of the owner as shown on Appendix “C” attached to Report PED23234.

Based on the foregoing, and subject to the Holding Provisions, the proposal is consistent with the Provincial Policy Statement (2020).

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

The subject site is located within the City of Hamilton’s built-up area where municipal services are available or can be extended. The subject site is in proximity to commercial uses, public services and adjacent to the Lincoln Alexander Parkway on ramp. The proposal enhances the public realm by upgrading Old Golf Links Road to an urban standard and through the overall requirement for landscape and streetscape improvements.

There are concerns regarding the existing and planned servicing of the subject site that have not yet been addressed as it relates to the residual capacity in the system, the increased wastewater generated from the proposed development and its impact on the hydraulic performance of the City’s sanitary sewer system, and the demonstration that there is a suitable storm outlet for the proposed development. City staff have recommended Holding ‘H’ Provisions in the amending By-law to address these concerns.

Based on the foregoing and subject to the Holding Provisions, the proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

Urban Hamilton Official Plan

The subject site is designated “Open Space” on Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan and designated “General Open Space” on Map B.2.4-1–Land Use Plan within the Meadowlands Mixed Use Secondary Plan area. A review of the applicable Official Plan policies is attached as Appendix “E” to Report PED23234.

Lands within the “Open Space” designation, particularly if they are within public ownership, are often linked to other open space lands or trails and the predominant use and function of these lands are generally for recreation and/or conservation management uses.

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The permitted uses in policy C.3.3.4 include parks for active and passive recreational activities, publicly owned and operated recreation/community centres or historic sites, pedestrian pathways, trails, marinas, wildlife management and cemeteries. Given that the size of the site is less than four hectares, and there are restrictions imposed by the utility easement, the development potential of this site is limited. Further, given its location, the subject site is not an effective trail connection, nor does it contain any natural heritage features that require protection. The site is also not in public ownership and policy C.3.3.6 acknowledges that lands designated “Open Space” under private ownership are not necessarily intended to remain so. Further, Staff have confirmed that there is no intention, on the City’s part, to acquire these lands for parkland purposes.

The intent of the “Mixed Use Medium Density” designation is to permit a range of retail, commercial and residential uses, where appropriate. While a self-storage use is not considered a commercial use (per the City’s Zoning By-law definition), the use is considered appropriate in this context due to the mixed use nature of the area. Further, the approach to the built form (in comparison to the traditional built forms of past self-storage uses in the City) is compatible with the intent of the designation. The planned mixed use nature, and commercial function of the area (as will be discussed in the policy context of the Secondary Plan below), is not hindered by the proposed use, particularly given the location of the subject site, being on the periphery of the secondary plan area. The introduction of the proposed use to the “Mixed Use Medium Density” is complementary in that the land uses are compatible given the built form proposed.

There are a number of site constraints that impede development of the subject site including its irregular shape and size that is encumbered by a utility easement along the western portion of the site (aerial hydro lines), the location and surrounding uses as it is located at the terminus of Old Golf Links Road and abutting the Lincoln Alexander Parkway and Hydro One lands.

The constrained developable area on the subject site has resulted in the proposed built form and rear yard setback, however staff note that the form is compatible given that the use is abutting a highway and there are sufficient distances from any sensitive lands uses eliminating any shadowing and/or overlook issues. Any further comments regarding design, for example the elimination of blank walls, will be addressed at the Site Plan stage. Development Engineering staff are satisfied with the rear yard setback as it relates to the functioning of the site and stormwater management.

A noise feasibility study is required to determine whether noise mitigation measures are needed, therefore, a Holding Provision in the amending By-law requires the submission of this study to consider the impact of the proposed development on the neighbouring

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law
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site to the west, which is proposed to include residential dwellings. A detailed Noise Study will also be required at the Site Plan Control stage.

With regard to natural heritage, there are no “Core Areas”, such as a watercourse or significant woodlands, located on the subject site, although there are “Core Areas” and Linkages on adjacent properties. There are trees on the subject site, which are important to the quality of life in the community (e.g. providing canopy cover, energy conservation etc.) and a Tree Protection Plan was requested. The submitted Tree Protection Plan has not been approved by Natural Heritage and Forestry staff, and instead staff requested that further information be provided including: justification for the removal of six Scarlett Hawthorn trees and a Black Walnut tree; clarification of the make-up of the “unit” of Staghorn Sumac (i.e. how many individual trees); and steps to be taken to remove invasive species such as the Buckthorn trees. Given that the Tree Protection Plan has not been approved, a Holding Provision has been included in the amending By-law requiring the resubmission of a revised Tree Protection Plan.

Transportation and Development Engineering staff highlighted the requirement for the upgrades to Old Golf Links Road to support the proposed development, at the Owner’s expense, which will be addressed through the applicable agreement and conditions at the Site Plan Control stage. Development Engineering noted the requirement for the resubmissions of reports and studies to satisfy comments related to sanitary capacity, stormwater management and stated the requirement for an External Works Agreement to protect the City’s interest regarding the required upgrades to the municipal infrastructure. These comments are captured in the Holding Provisions of the amending By-law.

Staff note that Hydro One Corporation did not provide comments following Staff’s circulation of these applications and their comments are important given the utility easement, in their favour, that crosses the western portion of the subject site. As such, Staff have referenced comments provided at the Formal Consultation application stage. Staff have followed up with Hydro One however have not yet received comments on these applications. The comments received during the Formal Consultation stage were such that Hydro One could not support the application unless specific Site Plan conditions were included in a future Site Plan Agreement. Given Bill 109 timelines, staff have had to proceed in advance of receiving the Hydro One comments, and therefore, their Formal Consultation comments have been addressed through a Holding Provision in the amending By-law.

Based on the foregoing, and subject to the Holding Provisions, the proposal complies with the applicable policies of the Urban Hamilton Official Plan subject to the Official Plan Amendment.

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Meadowlands Mixed Use Secondary Plan

The subject site is designated “General Open Space” in the Meadowlands Mixed Use Secondary Plan. The full review of the Meadowlands Mixed Use Secondary Plan policies is attached as Appendix “E” to Report PED23234.

As noted above, there are development constraints applicable to the subject site and given the existing Site Specific Policy areas found within the Meadowland Mixed Use Secondary Plan, Staff reviewed the policy history applicable to the subject site. Staff note that at the time when the Town of Ancaster Official Plan (1997) was in effect, the applicable secondary plan had designated the subject site (and abutting lands) as “Part B”, which intended that the primary uses be non-retail commercial uses. Therefore, the subject site was not previously designated “Open Space”. The “Part B” designation, found within the Ancaster Official Plan noted the following,

“Remnant lands east of Ontario Hydro are considered to have limited development potential. At this time, these lands are predominantly under public ownership, exhibit an awkward size and configuration, and are adjacent to property owned by Ontario Hydro which has no interest at this time in disposing of their holdings. As such, these lands shall remain designated “Industrial” in the Official Plan and are shown as “Special Study Area” on Map 1. The precise land use designation and zoning will be determined, on a site-specific basis, when any potential development application and interest is received. Any development permission shall be subject to the provision of adequate servicing.”

The “Part B” language provided a similar policy intent to the Site Specific Policy – Area “B” that currently exists in the Meadowlands Mixed Use Secondary Plan. However, the specific policy language was not carried forward from the Town of Ancaster Official Plan to the Urban Hamilton Official Plan and applied to the subject site. As such, an amendment to Volume 2 is required.

Given the existing designation of the subject site, the proposed warehouse (self-storage) use is not permitted on “General Open Space” nor within any other of the established designations found within the Secondary Plan. The Secondary Plan generally limits heights to three storeys. Therefore, an amendment is required to redesignate the subject site to the most appropriate available designation in the Secondary Plan, which is the “Mixed Use – Medium Density” designation. The proposed Site Specific Policy adds the warehouse (self-storage) use as a permitted use in addition to the existing permissions, notwithstanding the three storey height limitation in the Secondary Plan. Given that the subject site abuts the Lincoln Alexander Parkway with a substantial amount of vacant land from the subject site’s northern property line to the travelled freeway lanes, the limited developable area, and compatibility with the

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neighbouring sites, staff support the proposed five storey building height. Further, the proposal takes on a built form for self-storage facilities, which is in keeping with the intent of the “Mixed Use Medium Density” designation.

Based on the foregoing, and considering the policy history on the subject site, the proposal complies with the applicable policies of the Meadowlands Mixed Use Secondary Plan subject to the Official Plan Amendment.

Zoning By-law No. 05-200

The proposed Zoning By-law Amendment is for a change in zoning from the Public “P-242” Zone to the Mixed Use Medium Density (C5, 876, H161) Zone. The effect of the Zoning By-law Amendment will permit a five storey warehouse (self-storage) use. Modifications to the Mixed Use Medium Density (C5) Zone are required to facilitate the development and are summarized in the modification chart in Appendix “F” attached to Report PED23234.

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 and will comply with the general intent of the Meadowlands Mixed Use Secondary Plan subject to the Official Plan Amendment; and,
 - (iii) The proposal represents good planning by providing an efficient urban form of development that contributes to a complete community by providing a mix of uses and built form that is in keeping with the “Mixed Use Medium Density” designation policies found within the Urban Hamilton Official Plan and the Meadowlands Mixed Use Secondary Plan.

2. The purpose of the Official Plan Amendment is to amend Volume 1, Schedule E-1 (Urban Land Use Designations) by redesignating the subject site from the “Open Space” designation to the “Mixed Use – Medium Density” designation, to amend Volume 2, Meadowlands Mixed Use Secondary Plan (Map B.2.4-1) by redesignating the subject site from the “General Open Space” designation to “Mixed Use – Medium Density” designation, and to amend Volume 2, Meadowlands Mixed Use Secondary Plan by adding a Site Specific Policy to

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1225 Old Golf Links Road, Ancaster (PED23234) (Ward 12) - Page 13 of 14

permit a height of five-storeys and a warehouse (self-storage) use. The subject site has constraints, particularly given its irregular shape and size and that it is encumbered by a utility easement. Taking into consideration these constraints, including accounting for the policy history, the Secondary Plan's intent for the "Mixed Use - Medium Density" designation in the area, and given the proposed built form, it is staff's opinion that the height and use are compatible with the surrounding character of the Meadowlands Mixed Use Secondary Plan area and that the proposal is an efficient use of the lands.

Therefore, staff supports the proposed Official Plan Amendment.

3. The Zoning By-law Amendment proposes to change the zoning to the Mixed Use Medium Density (C5, 876, H161) Zone as outlined in the table on pages 5 and 6 of Report PED23234. The current zone is "Public", with a site exception "242" that permits a low profile transformer station, which is a legacy zone related to the previous land holdings by Hydro One (or its predecessor). Therefore, the proposed zone change to Mixed Use Medium Density is appropriate given that it is consistent with the zoning and designations of lands within the Secondary Plan Area.

Further, Staff are satisfied that the proposal meets the intent of the "Mixed Use – Medium Density" designation policies of the Urban Hamilton Official Plan as outlined in Appendix "E" attached to Report PED23234. An analysis of the requested modifications is attached as Appendix "F" to Report PED23234.

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

4. Holding 'H' Provisions are proposed to be added to the subject site for the purpose of requiring the submission of: a revised Functional Servicing Report; a revised Stormwater Management Report; a Watermain Hydraulic Analysis; the Owner entering into an External Works Agreement for the design and construction of any required improvements to the municipal infrastructure, a resubmission of a Tree Protection Plan (and review fee), a submission of a Noise Feasibility Study, and satisfying all Hydro One Corporation concerns. Upon submission and approval of the above noted plans, studies and comments, the Holding Provisions can be lifted. Removal of the Holding 'H' Provisions is delegated to the Director of Planning and Chief Planner.

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**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 1225 Old Golf Links Road,
Ancaster (PED23234) (Ward 12) - Page 14 of 14**

ALTERNATIVES FOR CONSIDERATION

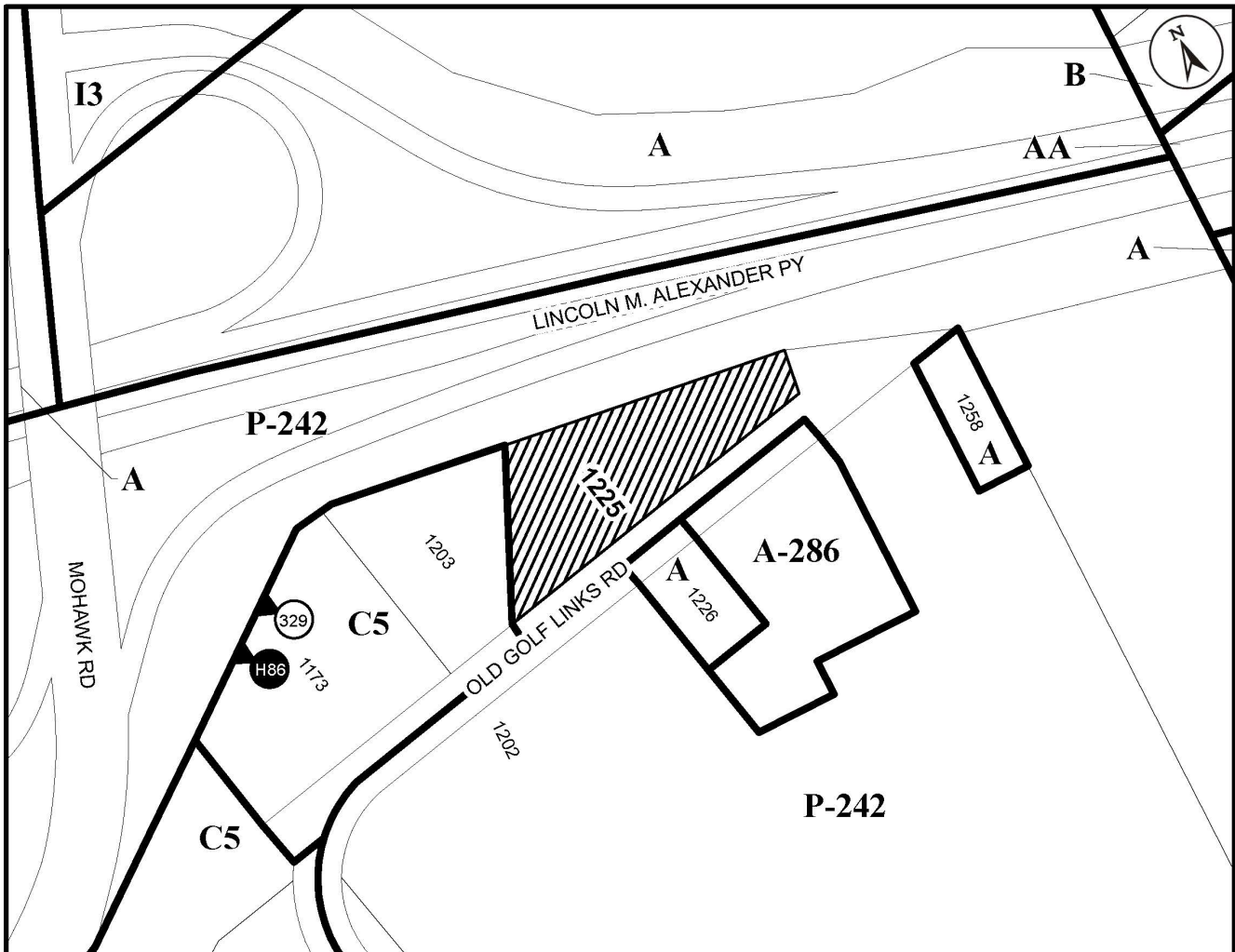
Should the applications be denied, the subject property can be used in accordance with the Public "P-242" Zone, in Zoning By-law No. 87-57, which is a site specific zoning that permits a "low profile transformer station".

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED23234 – Location Map
Appendix "B" to Report PED23234 – Official Plan Amendment
Appendix "C" to Report PED23234 – Zoning By-law Amendment
Appendix "D" to Report PED23234 – Concept Plans
Appendix "E" to Report PED23234 – Policy Review
Appendix "F" to Report PED23234 – Zoning Modification Chart
Appendix "G" to Report PED23234 – Staff and Agency Comments

JL:sd

Appendix "A" to Report PED23234
Page 1 of 1



● Site Location

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

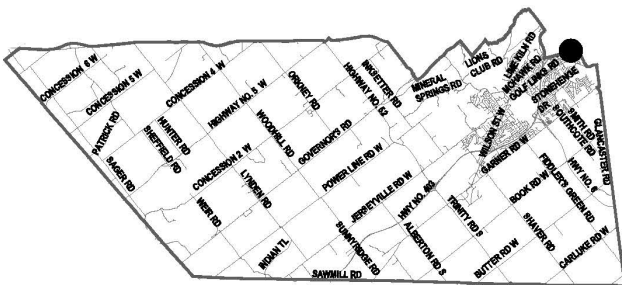
File Name/Number:
ZAC-23-041/UHOPA-23-017

Date:
September 21, 2023

Appendix "A"

Scale:
N.T.S

Planner/Technician:
DB/NB



Key Map - Ward 12



Subject Property

1225 Old Golf Links Road, Ancaster (Ward 12)



Change in zoning from the Public ("P-242") Zone to the Mixed Use Medium Density (C5, 876, H161) Zone

Schedule “1”

**DRAFT Urban Hamilton Official Plan
 Amendment No. 193**

The following text, together with:

Appendix “A”	Volume 1: Schedule E-1 – Urban Land Use Designations
Appendix “B”	Volume 2: Map B.2.4-1 – Meadowlands Mixed Use Secondary Plan – Land Use Plan

attached hereto, constitutes Official Plan Amendment No. 193 to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to re-designate the subject lands from “Open Space” to “Mixed Use – Medium Density” and to re-designate from “General Open Space” to “Mixed Use – Medium Density” to permit the development of a warehouse (self-storage) use with a maximum height of five storeys on the subject lands.

2.0 Location:

The lands affected by this Amendment are known municipally as 1225 Old Golf Links Road, in the former Town of Ancaster.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed development will be compatible with mixed use development within the surrounding area;
- The proposal achieves development of constrained land that otherwise has limited development potential;
- The proposed development will help facilitate the continued extension of an urbanized streetscape and services;
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as

amended.

4.0 Actual Changes:

4.1 Volume 1 – Parent Plan

Schedules and Appendices

4.1.1 Schedule

- a. That Volume 1: Schedule E-1 – Urban Land Use Designations be amended by redesignating the subject lands from "Open Space" to "Mixed Use – Medium Density", as shown on Appendix "A", attached to this Amendment.

4.2 Volume 2 – Secondary Plans

Text

4.2.1 Chapter B.2.0 – Ancaster Secondary Plans – Section B.2.4 – Meadowlands Mixed Use Secondary Plan

- a. That Volume 2: Chapter B.2.0 – Ancaster Secondary Plans, Section B.2.4 Meadowlands Mixed Use Secondary Plan be amended by adding a new Site Specific Policy, as follows:

"Site Specific Policy – Area C

B.2.4.12.3 For the lands located at 1225 Old Golf Links Road, designated Mixed Use Medium Density, and identified as Site Specific Policy – Area C on Map B.2.4-1 – Meadowlands Mixed Use Secondary Plan – Land Use Plan, the following policies shall apply:

- a) Notwithstanding Policy B.2.4.3 of Volume 2, a warehouse (self-storage) building with a maximum height of five storeys shall be permitted; and,
- b) In addition to the commercial uses listed in Policy E.4.6.5 a) of Volume 1, and the non-retail commercial uses listed in Policy B.2.4.5.1 c) i) of Volume 2, a warehouse (self-storage) use shall also be permitted."

Maps

4.2.2 Map

- a. That Volume 2: Map B.2.4-1 – Meadowlands Mixed Use Secondary Plan – Land Use Plan be amended by:
 - i) redesignating the subject lands from "General Open Space" to "Mixed Use – Medium Density"; and,
 - ii) identifying the subject lands as Site Specific Policy – Area "C", as shown on Appendix "B", attached to this Amendment.

5.0 Implementation:

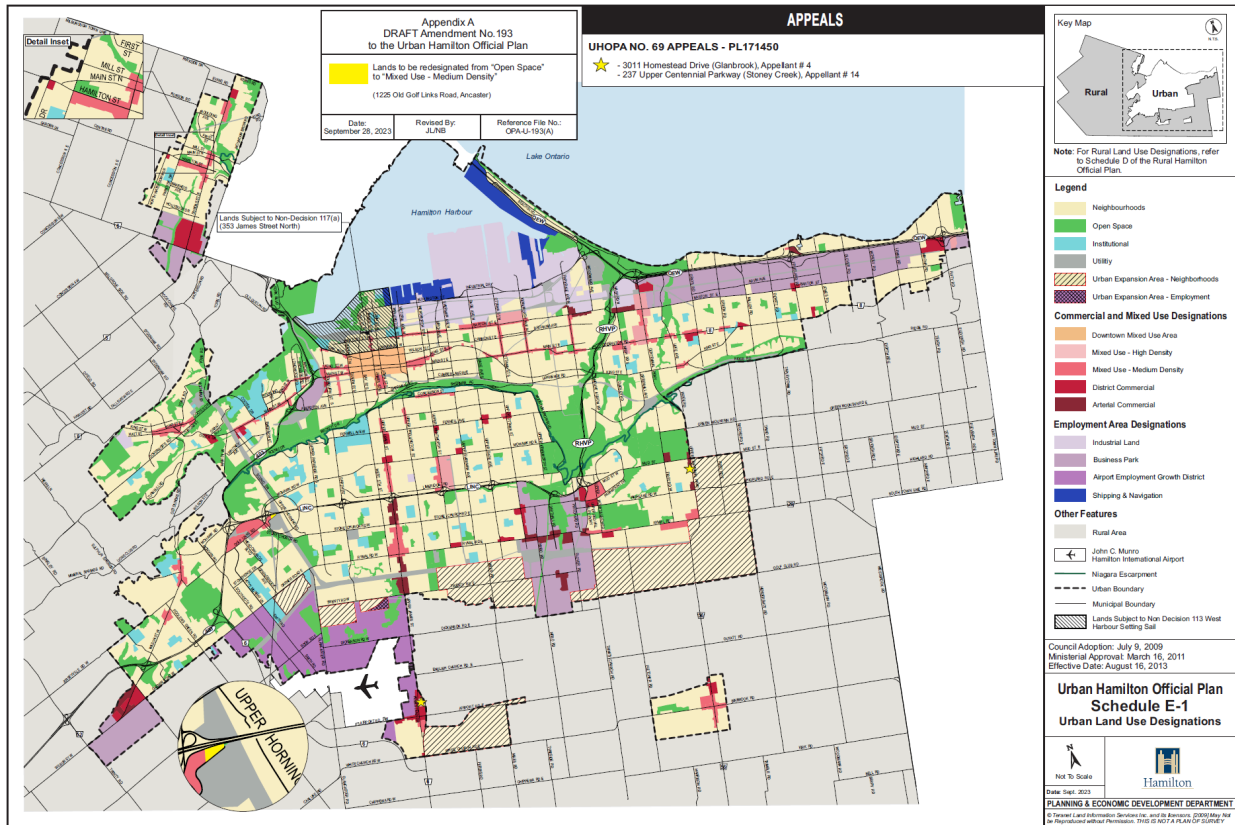
An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

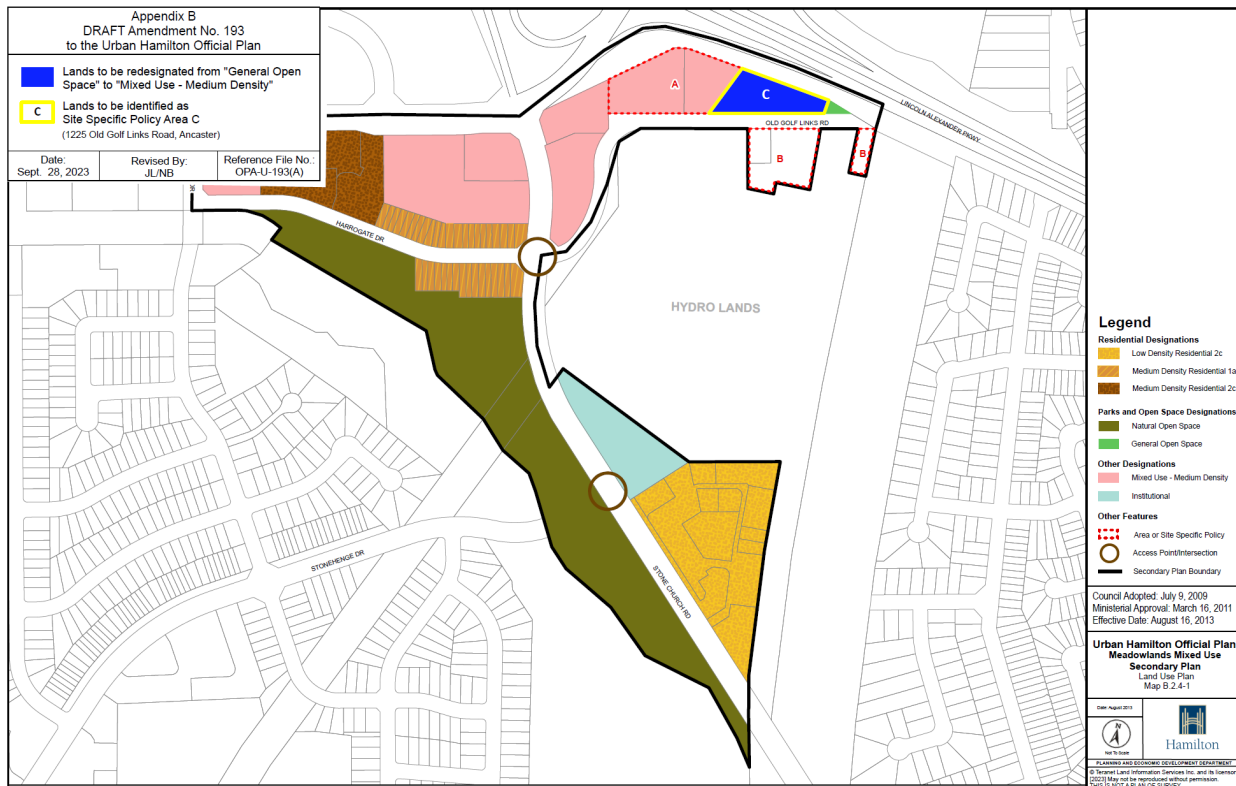
This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the ____th day of ____, 2023.

The City of Hamilton

A. Horwath
MAYOR

J. Pilon
ACTING CITY CLERK





**Appendix “C” to Report PED23234
Page 1 of 4**

Authority: Item XX, Planning Committee
Report (PED)
CM:
Ward:

Bill No.

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

To amend Zoning By-law No. 05-200, respecting lands located at 1225 Old Golf Links Road, Ancaster

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at its meeting held on November 14, 2023;

AND WHEREAS this By-law conforms to the Urban Hamilton Official Plan upon the approval of Official Plan Amendment No. XX;

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

1. That Map Nos. 1178 and 1179 of Schedule “A” – Zoning Maps are amended by adding the Mixed Use Medium Density (C5, 876, H161) Zone for the lands known as 1225 Old Golf Links Road, Ancaster, 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:
 - “876. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Map Nos. 1178 and 1179 of Schedule “A” – Zoning Maps and described as 1225 Old Golf Links Road, Ancaster, the following special provisions shall apply:
 - a) Notwithstanding Section 4.23 e) as it relates to the setback from the Lincoln Alexander Parkway, a minimum setback of 1.0 metre from the Lincoln Alexander Parkway right-of-way, excluding access ramps.
 - b) In addition to Section 10.5.1, a Warehouse (self-storage) shall also be permitted in accordance with Section 10.5.3 and Section c) below.
 - c) Notwithstanding Section 10.5.3 b), 10.5.3 d) ii), and 10.5.3 g) vii)
 1. the following special provisions shall apply:

**Appendix “C” to Report PED23234
Page 2 of 4**

**To amend Zoning By-law No. 05-200 respecting lands located at
1225 Old Golf Links Road, Ancaster**

- | | | |
|------|---------------------------------|---|
| i) | Minimum
Rear Yard
Setback | 1.0 metre. |
| ii) | Maximum
Height | 18.8 metres. |
| iii) | Principal
Entrance | A principal entrance shall be permitted to face westerly and include a direct connection to the street. |

3. That Schedule “D” – Holding Provisions be amended by adding the additional Holding Provision as follows:

“161 Notwithstanding Section 10.5 of this By-law, within lands zoned Mixed Use – Medium Density (C5) Zone, identified on Map No. 1178 and 1179 of Schedule “A” – Zoning Maps and described as 1225 Old Golf Links Road, no development shall be permitted until such time as:

- i) The Owner submits a revised Functional Servicing Report in accordance with the City’s standards, to the satisfaction of the Director of Growth Management and Chief Development Engineer demonstrating that the increased wastewater generated from the proposed development will not adversely impact the hydraulic performance of the City’s sanitary sewer system by completing a sanitary sewer analysis to demonstrate that there is a residual capacity in the system to support the proposed development;
- ii) The Owner submits a revised Stormwater Management Report demonstrating that there is a suitable storm outlet for the proposed development, to the satisfaction of the Director of Growth Management and Chief Development Engineer;
- iii) The Owner submits a Watermain Hydraulic Analysis, to the satisfaction of the Director of Growth Management and Chief Development Engineer.
- iv) The Owner makes satisfactory arrangements with the City’s Growth Management Division and enters into an External Works Agreement with the City for the design and construction of any required improvements to the municipal infrastructure at the Owner’s cost, all to the satisfaction of the Director of Growth Management and Chief Development Engineer.

**Appendix “C” to Report PED23234
Page 3 of 4**

**To amend Zoning By-law No. 05-200 respecting lands located at
1225 Old Golf Links Road, Ancaster**

- v) The Owner submits an acoustical report prepared by a qualified Professional Engineer containing the recommended noise control measures to the satisfaction of the Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner.
 - vi) The Owner submits a revised Tree Protection Plan that addresses the protection of the trees inventoried within the City’s right-of-way and finalizes the justification for the removal of the identified trees, to the satisfaction of the Director of Planning and Chief Planner. The resubmission must include the applicable Tree Protection Plan review fee payable to the City of Hamilton.
 - vii) The Owner satisfying all requirements of Hydro One Corporation including lot grading and drainage and entering into a Site Plan Agreement with the City, to the satisfaction of the Director of Planning and Chief Planner.
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 provisions of the Mixed Use Medium Density (C5, 876, H161) Zone, subject to the special requirements referred to in Section No. 2 and 3 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 _____, 2023.

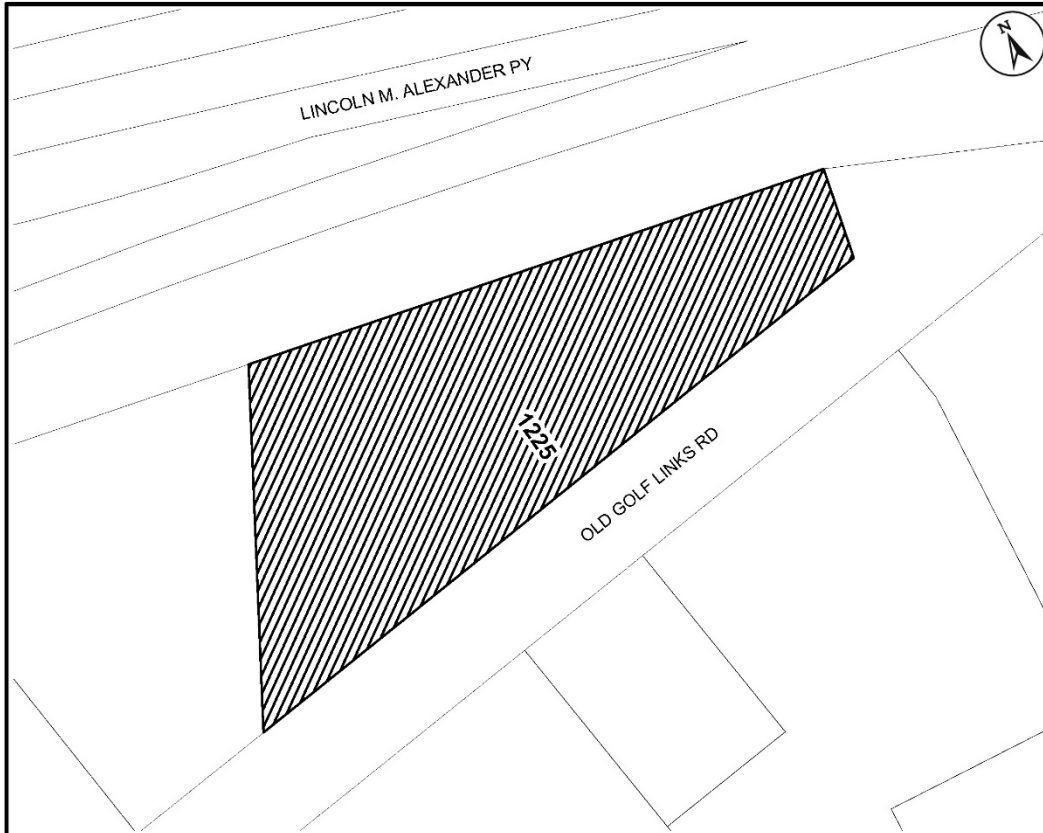
A. Horwath
Mayor

J. Pilon
Acting City Clerk

ZAC-23-041

Appendix "C" to Report PED23234
Page 4 of 4

**To amend Zoning By-law No. 05-200 respecting lands located at
 1225 Old Golf Links Road, Ancaster**



This is Schedule "A" to By-law No. 23- Passed the day of, 2023	----- Director of Planning and Chief Planner
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<p style="text-align: center;">Schedule "A"</p> <p style="text-align: center;">Map forming Part of By-law No. 23-_____</p> <p style="text-align: center;">to Amend By-law No. 05-200 Maps 1178 & 1179</p>	<p>Subject Property</p> <p>1225 Old Golf Links Road, Ancaster (Ward 12)</p> <p> Change in zoning from the Public ("P-242") Zone to the Mixed Use Medium Density (C5, 876, H161) Zone</p>
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Scale: N.T.S	File Name/Number: ZAC-23-041 & UHOPA-23-017	
Date: September 21, 2023	Planner/Technician: JL/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Appendix “E” to Report PED23234
Page 1 of 8

SUMMARY OF POLICY REVIEW

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

Provincial Policy Statement (2020)		
Theme and Policy	Summary of Policy or Issue	Staff Response
Management of Land Use Policy: 1.1.1	Healthy, liveable and safe communities are, in part, developed through the appropriate management of land use patterns.	<p>The proposal is consistent with this policy.</p> <p>The subject site is constrained given its overall size and shape, the surrounding context, including its location (abutting a highway) and the presence of a utility easement crossing the western half of the lands.</p> <p>Give the site constraints, which minimize the uses and built forms possible for the site, the proposed land use is appropriate.</p>
Settlement Area Policy: 1.1.3.1 and 1.1.3.2	Settlement Areas are intended to be the focus of growth and development. The development found within Settlement Areas are generally to have appropriate densities and mix of uses to allow for efficient use of public infrastructure, positively contribute to the concerns around a changing climate and be transit supportive.	<p>The proposal is consistent with this policy.</p> <p>The proposal is appropriate given it is located within the Settlement Area of the City and allows for the development of an underutilized site.</p>
Noise Policy: 1.2.6.1	A Noise Study is required to demonstrate that the noises generated from the proposal can be appropriately mitigated as it relates to the surrounding sensitive land uses.	<p>There is a multiple residential dwelling proposed at 1173 and 1203 Old Golf Links Road to the west of the subject site. Given the use is considered to be sensitive, a Noise Feasibility Study is recommended as part of the Holding Provision to ensure the noise generated from the proposed warehouse use can effectively be mitigated (if required).</p>

Appendix “E” to Report PED23234
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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Climate Change</p> <p>Policy: 1.8.1</p>	<p>Improvements can be made to air quality and reducing greenhouse gas emissions (positively impacting a changing climate) through, among other things, the appropriate land use assignment, development patterns and design/orientation to maximize energy efficiency and conservation.</p>	<p>The proposal is consistent with this policy.</p> <p>The proposal is located on a constrained and underutilized site. The proposed use benefits from its location being in proximity to the Lincoln Alexander Parkway and arterial roads and the planned mixed use area that exists to the west.</p> <p>The Applicant has proposed a compact built form and sustainable design measures including: an energy efficient HVAC system (that reduces energy consumption, by among other things, specifically controlling for humidity); a cool roof system and energy recovery ventilation system; energy efficient/low-flow appliances; and LED lighting to further reduce energy consumption. The Applicant has further noted that electric vehicle charging stations can be installed and that the intention is to achieve a Net Zero consumption through, in part, the installation of solar panels.</p>
<p>Archaeological</p> <p>Policy: 2.6.2</p>	<p>Significant built heritage resources and significant cultural heritage landscapes shall be conserved.</p> <p>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>The proposal is consistent with this policy.</p> <p>A Stage 1-2 archaeological report (P017-1002-2022) has been submitted to the City of Hamilton and the Ministry of Citizenship and Multiculturalism. While the Provincial interest has yet to be signed off by the Ministry, Staff concur with the recommendations made in the report, and the archaeology condition for the subject application has been met. Staff request a copy of the letter from the Ministry when available and will become a condition of Site Plan approval.</p>

Appendix “E” to Report PED23234

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A Place to Growth: Growth Plan for the Greater Golden Horseshoe (2019, as amended)		
Theme and Policy	Summary of Policy or Issue	Staff Response
Managing Growth Policy: 2.2.1.2	The vast majority of growth is intended to happen within the Settlement Areas and more specifically within the delineated built boundary. The application of the policies found within this section of the Plan are intended to help achieve complete communities.	The proposal conforms to this policy. The subject site is located within the delineated built-up area and therefore the proposal is appropriately located.
Urban Hamilton Official Plan (as amended by Official Plan Amendment 167)		
Theme and Policy	Summary of Policy or Issue	Staff Response
Urban Design Policy: B.3.3.2.2	These policies are to generally apply to all development in the urban area to achieve the goals of B.3.3.1. Each of these policies discusses a design direction including: <ul style="list-style-type: none"> • Creating identity; • Creating quality spaces; • Creating safe, accessible, connections; • Enhancing the character of the environment; • Creating adaptable developments with respect to the changing needs of people; • Creating adaptable developments with respect to a changing climate; • Creating development that has a positive impact on the physical and mental health of the occupants; and, • Creating streets that contribute to the transportation network and that are important public spaces. 	The proposal complies with this policy. The proposal is appropriate for an otherwise constrained and underutilized site. The lands currently are vacant and taken together with the new development to the west, Old Golf Links Road and the surrounding municipal infrastructure will be upgraded to meet urban standards through the development planning process (i.e. at the Owner’s expense). The proposed built form will not have a negative impact on neighbouring properties. The Applicant has proposed sustainable design measures including: an energy efficient HVAC system (that reduces energy consumption, by among other things, specifically controlling for humidity); a cool roof system and energy recovery ventilation system; energy efficient/low-flow appliances; and LED lighting to further reduce energy consumption. The Applicant has further noted that electric vehicle charging stations can be installed and that the intention is to achieve a Net Zero consumption through, in part, the installation of solar panels.

Appendix “E” to Report PED23234

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Urban Design (Continued)</p> <p>Policy: B.3.3.2.2</p>		<p>Given the location, abutting the Lincoln Alexander Parkway, utility corridors/transmission stations and commercial uses, and further being located at the terminus of Old Golf Links Road, this area is not to be heavily travelled by pedestrians or benefit from any planned public transit. Staff acknowledge that the proposal will be visible from the Lincoln Alexander Parkway and the proposed multiple dwelling to the west. Given these reasons, including that this application will be subject to Site Plan Control, the proposal will be analysed further from a design perspective to create the expected quality built form. For the purpose of the Urban Hamilton Official Plan and Zoning By-law Amendment applications, the proposal meets the intent of the policy and staff acknowledge that the design will be refined at the Site Plan Control stage.</p>
<p>Parking</p> <p>Policy: B.3.3.10</p>	<p>Surface parking is generally discouraged. Parking areas are intended to be connected to the street through landscape pedestrian walkways. Parking areas are to also including landscaped islands, where possible.</p>	<p>The proposal complies with this policy.</p> <p>While surface parking is discouraged, staff acknowledge that the site constraints and nature of the use would not make underground parking financially feasible. The Applicant has located the parking to the side of the building given that the proposed building cannot be located within the utility easement. A three-metre landscape buffer has been provided along the side of the building that fronts Old Golf Links Road. Given the development restrictions within the utility easement, the majority of an existing Staghorn Sumac stand (existing landscaping), that fronts the west side of the site, along Old Golf Links Road, will remain to further contribute to the landscaping on the site.</p>

Appendix “E” to Report PED23234

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Parkland Policies</p> <p>Policy: B.3.5.3.5a)</p>	<p>General Open Space shall include golf courses, urban farms, community gardens, pedestrian and bicycle trails, walkways, picnic areas, beaches, remnant parcels of open space lands, and urban plazas, squares and core spaces. These areas do not function as parks but are used for both active and passive recreational activities.</p>	<p>An Urban Hamilton Official Plan Amendment is proposed.</p> <p>The intent of the General Open Space designation includes uses such as a golf course, urban farm/gardens, trails and urban plazas, among other uses. The subject lands are not large enough for a use like a golf course nor connected to other lands to be part of a larger trail network. Given they are at the terminus of Old Golf Links Road and abutting the Lincoln Alexander Parkway, they are not centrally located nor abutting uses for these lands to act as an urban plaza/square.</p>
<p>Tree Management</p> <p>Policy C.2.11.1:</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>The Tree Protection Plan, prepared by Adesso Design Inc. dated July 27, 2023, has not been approved and therefore, a Holding Provision is being recommended to the amending By-law to finalize the Tree Protection Plan, which requires that the applicant include additional information justifying the tree removal and techniques to remove invasive species.</p> <p>A total of 12 trees and 1 Unit (Staghorn Sumac stand) were identified. The Staghorn Sumac unit is located on private land and 11 of the 12 trees are located within the public right-of-way. All the trees are proposed to be removed while the majority of the Staghorn Sumac stand will remain. Of the 12 trees, one is dead, and two are suggested to be in poor condition experiencing die back in their canopy. Due to the limited developable area on the subject site, given the utility easement, the remaining trees conflict with the proposal, particularly the proposed swale. Of note, the three Black Walnut trees and one Chokecherry tree have a low tolerance to site disturbance, therefore, while tree protection measures may be possible to avoid removal, it is likely that the trees may not survive for many years post construction.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
Tree Management Policy C.2.11.1 Continued:		Therefore, the 12 trees proposed for removal are proposed to be replaced by nine trees in addition to eight trees within the City’s right-of-way. The final approval of the proposed trees (i.e. species and exact location) is subject to a resubmission of a Tree Protection Plan, as noted above.
Open Space Designation - Function Policy: C.3.3.1	Lands designated as Open Space are public or private areas where the predominant use of or function of the land is for recreational activities, conservation management and other open space uses.	The Applicant has applied for an Urban Hamilton Official Plan Amendment to address this policy. Staff note that the use of these lands did not reflect the intended Open Space purpose and therefore are supportive of the amendment as the predominant use or function of the land is not intended for recreational activities.
Open Space Designation – Permitted Uses Policy: C.3.3.6	Where land is designated Open Space and is under private ownership, it is not intended that this land shall necessarily remain so indefinitely.	The Applicant has applied for an Urban Hamilton Official Plan Amendment to redesignate the lands to permit redevelopment of the lands.
Transportation Policy C.4.5.12:	A Transportation Impact Study shall be required for an Official Plan Amendment and/or a major Zoning By-law Amendment.	The proposal complies with this policy. A Transportation Impact Study was prepared by Paradigm Transportation Solutions, dated June 21, 2023 and was approved by Transportation Planning staff, as the existing road network will accommodate the trips generated by the development and works are needed to upgrade the roads to urban standards.

Appendix “E” to Report PED23234
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Theme and Policy	Summary of Policy or Issue	Staff Response
Infrastructure Policy C.5.3.6:	All redevelopment within the urban area shall be connected to the City’s water and wastewater system.	<p>The proposal complies with this policy.</p> <p>The proposed development requires the extension of a watermain, which will become a condition of the future Site Plan Control application. Staff have requested revisions to the Functional Servicing Report and related studies and therefore there are recommending Holding Provisions to be part of the amending By-law, requiring the applicant to provide additional analysis before any development takes places on the subject site. There is a potential requirement for the Owner to enter into an External Works Agreement if it is determined that infrastructure improvements are needed, which will be at the Owner’s expense.</p>
Mixed Use – Medium Density designation - Function Policy: E.4.6.1	The range of commercial uses is intended to serve the surrounding community or series of neighbourhoods as well as provide day-to-day retail facilities and services to residents in the immediate area. These areas shall also serve as a focus for the community, creating a sense of place.	<p>The proposal complies with this policy.</p> <p>A site specific policy, through the Official Plan Amendment, will add the self-storage use, which can be supported because, among other things, the site constraints and limited number of feasible developments for the subject site.</p>
Mixed Use – Medium Density designation - Design Policy: E.4.6.24	New development shall respect the existing built form of adjacent neighbourhoods by providing a gradation in building height and densities, and by locating and designing new development to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.	<p>The proposal complies with this policy.</p> <p>The proposal is appropriately separated from low rise residential uses by utility corridors (open space buffers) and therefore there are no concerns or compatibility issues related to shadowing and/or overlook.</p>

Appendix “E” to Report PED23234

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Meadowlands Mixed Use Secondary Plan		
Theme and Policy	Summary of Policy or Issue	Staff Response
General Policies Policy: 2.4.3	All buildings with the Meadowlands Mixed Use Secondary Plan shall have no more than three occupied storeys entirely above grade.	The proposal does not comply with this policy. The Official Plan Amendment addresses this policy through the addition of site specific permissions for five storeys. Given the location of the proposal and the site constraints the additional height can be supported.
Transportation Policies Policy: 2.4.10.1	The use of connections and linkages for pedestrians and cyclists shall be maximized in the Secondary Plan area. Sidewalks shall be required where alternative pedestrian linkages are not provided.	The proposal complies with this policy. Staff have highlighted the requirement for sidewalks and the full urbanization of the road in this area. A Holding Provision requires an External Works Agreement that, in part, addresses this policy.
Infrastructure Policies Policy: 2.4.11.1	In order to ensure coordinated building concepts and high-quality building design, the evaluation of site plan control applications shall be guided by the policies of this Secondary Plan.	The proposal complies with this policy. The development will be subject to Site Plan Control.
Infrastructure Policies Policy: 2.4.11.3	Holding symbols ('H') shall be used in implementing zoning bylaws to ensure conditions regarding a master servicing plan, a storm water management plan, and built form concept plans are met to the satisfaction of the City and any other public agency having jurisdiction.	The proposal complies with this policy. Staff are recommending a Holding Provision in the amending By-law to address staff and agency concerns, which include the extension of the required municipal infrastructure to service the site.
Medium Density Designation Policy: 2.4.5.1 c)	The primary uses of this area of the Secondary Plan that apply to the subject site, include “non-retail commercial uses”. Residential uses are also permitted subject to specific policies.	The proposal complies with this policy, in part. Through the Official Plan Amendment, the Site Specific Policy addresses this Secondary Plan policy. Given the policy context (and policy history as noted with the body of Report PED23234), particularly given that the subject lands are located within a Secondary Plan that plans for a mixing of uses of this area, the continuation of the “Mixed Use Medium Density” designation is appropriate for the subject site.

Site Specific Modifications to the Mixed Use – Medium Density (C5) Zone

Regulation	Required	Modification	Analysis
<p>Setback from the Lincoln Alexander Parkway</p> <p>Policy 4.23 e)</p>	15.24 metres	1.0 metre	<p>The subject site is elevated from the highway and the nature of the proposed self-storage use is such that it is not continuously occupied by people, thereby limiting any issues of incompatibility.</p> <p>Between the roadway (travelled highway) and the subject site, there is a setback of at least 20 metres that has intervening land including approximately 17 metres of City owned open/vacant land and the Mohawk Road on-ramp. Additionally, the City can continue to maintain the fence along the property line with the Lincoln Alexander Parkway.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
Permitted Use Policy 10.5.1	Warehouse (self-storage) is not a listed permitted use	Permit Warehouse (self-storage)	<p>This modification proposes to add the Warehouse (self-storage) use to the list of permitted uses. The use is limited to self-storage (not other forms of warehousing). Further, the Warehouse use is not a “prohibited” use within the Mixed Use – Medium Density (C5) Zone.</p> <p>The use is similar in the existing list of permitted uses in regard to impact (e.g. traffic) and the Traffic Brief submitted by Paradigm Transportation Solutions has shown that the existing road system can support the proposal. The use is also suitably located, abutting a highway, at the terminus of Old Golf Links Road. Given the utility easements on the site and its location, the site is constrained and limited for development. The warehouse (self-storage) is compatible and appropriate for the area.</p> <p>Therefore, staff supports this modification.</p>
Minimum Rear Yard Policy 10.5.3 b)	7.5 metres	1.0 metre	<p>The intent of this setback is to eliminate overlook concerns and shadowing impacts on neighbouring properties, particularly sensitive uses, including low rise residential uses. To the rear of the subject site is the Lincoln Alexander Parkway, therefore the reduction in the setback will not have a negative impact on any sensitive land uses.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
<p>Maximum Height</p> <p>Policy 10.5.3 d) ii)</p>	22.0 metres	18.8 metres	<p>This modification is proposed to reduce the maximum height permitted within the Mixed Use – Medium Density (C5) Zone. The proposal includes a five storey building whereas the C5 Zone regulations permit six storeys.</p> <p>This modification allows for the alignment to the Site Specific Policy proposed in the amending Official Plan Amendment to the height permissions in the Meadowlands Mixed Use Secondary Plan. As noted in the body of Report PED23234, the proposed height is compatible given the site context and location and that there are no compatibility concerns (e.g. shadowing and/or overlook). Further, given that this modification is a slight height reduction (i.e. one storey) to the current permissions in the C5 Zone regulations, the modification meets the intent of the zone.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
Principal Entrance Policy 10.5.3 g) vii) 1.	A minimum of one principal entrance provided within the ground floor façade that is setback closest to a street.	A principal entrance shall be permitted to face westerly and include a direct connection to the street.	<p>The intent of this regulation, particularly in a mixed use area designation, is to encourage the animation of streets. However, this site is located along Old Golf Links Road that will not be heavily travelled by pedestrians. Further, there are many site constraints, including the site's size and configuration that impact the orientation of the building. The applicant has opted to provide a 3.0 metre landscape buffer setback along Old Golf Links Roads and relocated the principal entrance to the western façade, which will be directly across from the proposed parking lot. The surface parking lot is located in the western portion of the site due to the limitations imposed by the utility easement. Staff consider the building orientation and site layout to be appropriate given the site constraints.</p> <p>Therefore, staff supports this modification.</p>

CONSULTATION – DEPARTMENTS AND AGENCIES

	Comment	Staff Response
<ul style="list-style-type: none"> • Commercial Districts and Small Business Section, Economic Development Division, Planning and Economic Development; • Landscape Architectural Services, Strategic Planning Division, Public Works Department • Real Estate Section, Economic Development Division, Planning and Economic Development Department; • Transit Planning and Infrastructure, Transit Operations Division, Public Works Department (HSR) • Bell Canada; and, • Canada Post Corporation. 	No Comment.	Noted.

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	Comment	Staff Response
Development Engineering Section, Growth Management Division, Planning and Economic Development Department.	<p>The Applicant is required to provide the following revised reports to address Development Engineering staff’s concerns:</p> <ul style="list-style-type: none"> • A sanitary sewer capacity analysis to demonstrate that there is a residual capacity in the system to support the proposed development and that the increased wastewater generated from the development will not adversely impact the hydraulic performance of the City’s sanitary sewer system; • A revised Stormwater Management Report to demonstrate there is suitable storm outlet for the proposed development; • A Watermain Hydraulic Analysis that demonstrates the required domestic 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; and, • Acknowledgement that an External Works Agreement will be required for any upgrades required to the existing municipal infrastructure to accommodate the subject development at the owner’s cost. 	<p>Holding Provisions have been placed in the amending By-law (see Appendix “C” to Report PED23234) to address the submission of the revised reports.</p>
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<p>Transportation Planning support the proposed Official Plan and Zoning By-law Amendments as the existing road network will be able to accommodate the trips generated by the proposed development.</p>	<p>Transportation Planning staff have reviewed and approved the submitted Traffic Brief, prepared by Paradigm Transportation Solutions Limited, dated June 21, 2023.</p>

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	Comment	Staff Response
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department Continued	The Applicant will be responsible for any road improvements including upgrades to the municipal right-of-way.	Refer to Development Engineering section above, regarding upgrades to the municipal right-of-way.
Waste Policy and Planning Section, Waste Management Division, Public Works Department	A private waste hauler will be required to collect the waste materials as the use will exceed the allowable garbage container limit as outlined in the City’s Solid Waste Management By-law No. 20-221.	The Applicant is to arrange for private waste collection.
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	Forestry has not approved the Tree Protection Plan and Landscape Plan prepared by Adesso Design Inc., both dated July 27, 2023 (revision 2) and requires diameter at breast height for trees numbered 2 through 5 and consultation with Hydro One to confirm tree plantings are permitted in the utility easement.	Revisions will be required to the Tree Protection Plan. A Holding Provision is recommended in the amending By-law for the resubmission of a Tree Protection Plan.
Enbridge	A gas main extension will be required to provide service to this development. Note: It is recommended that submissions for gas servicing be applied for a minimum of 10 months in advance of the gas need date. 12 months if a gas main extension is required.	The Applicant is to contact Enbridge directly to arrange for the gas service.

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	Comment	Staff Response
Hamilton Conservation Area	<p>The conservation authority has no objection to the proposal. Staff recommend that at the Site Plan stage the following is submitted/ revised:</p> <ul style="list-style-type: none"> • Mud mat details are revised as noted in the Stormwater Management concept (Drawing 5); and, • Clarifications is provided on the channel design for drainage on the adjacent property at 1171 Old Mohawk Road. 	Staff note that these details will be addressed at the Site Plan Control stage.
Hydro One Corporation	<p>The comments detailed herein do not constitute an endorsement of any element of the site plan design or road layout, nor do they grant any permission to access, use, proceed with works on, or in any way alter the transmission corridor lands, without the express written permission of HONI.</p> <p>The following should be included in the Site Plan Agreement:</p> <ol style="list-style-type: none"> 1. Any proposed secondary land use on the transmission corridor is processed through the Provincial Secondary Land Use Program (PSLUP) to ensure all of HONI’s technical requirements are met to its satisfaction, and acquire the applicable agreements. 2. Prior to HONI providing its final approval, the developer must make arrangements satisfactory to HONI for lot grading and drainage. <p>The drawings must identify the transmission corridor, location of towers within the corridor and any proposed uses within the transmission corridor.</p>	Note that Hydro One Corporation did not provide comments following Staff’s circulation of these Official Plan and Zoning By-law Amendment applications. The comments referred to herein were taken from the Formal Consultation application. Staff followed up with Hydro One (up until October 23, 2023) and have not received any comment.

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	Comment	Staff Response
<p>Hydro One Corporation Continued</p>	<p>Drainage must be controlled and directed away from the transmission corridor.</p> <p>3. Any development in conjunction with the site plan must not block vehicular access to any HONI facilities located on the transmission corridor. During construction, there must be no storage of materials or mounding of earth, snow or other debris on the transmission corridor.</p> <p>4. At the developer’s expense, temporary fencing must be placed along the transmission corridor prior to construction, and permanent fencing must be erected along the common property line after construction is completed.</p> <p>5. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this site plan will be borne by the developer. The developer will be responsible for restoration of any damage to the transmission corridor or HONI facilities thereon resulting from construction of the site plan.</p>	<p>To address the previous Hydro One comments, the Holding Provision includes satisfying all requirements of Hydro One.</p>

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	Comment	Staff Response
Hydro One Corporation Continued	<p>In addition, HONI requires the following be conveyed to the developer as a precaution:</p> <p>6. The transmission lines abutting the subject lands operate at either 500,000, 230,000 or 115,000 volts. Section 188 of Regulation 213/91 pursuant to the <i>Occupational Health and Safety Act</i>, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the developer’s responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the <i>Act</i>. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.</p>	



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 14, 2023
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13)
WARD(S) AFFECTED:	Ward 13
PREPARED BY:	Shaival Gajjar (905) 546-2424 Ext. 5980
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Amended Zoning By-law Amendment Application ZAC-22-044, by WEBB Planning Consultants (c/o James Webb), on behalf of 64 Hatt St Investments Inc. (c/o Forge & Foster), owner**, for a change in zoning from General Industrial (I.G) Zone to Mixed Use Medium Density (C5, 863, H156) Zone and from Open Space – Conservation Zone (OS) and Open Space - Conservation Zone (OS/S-7) to Conservation/Hazard Land (P5, 863) Zone, to permit the adaptive reuse of existing industrial buildings on the lands located at 64 Hatt Street, as shown on Appendix "A" attached to Report PED23164, be **APPROVED**, on the following basis:

- (a) That the Draft By-law, attached as Appendix "B" to Report PED23164, 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 Mixed Use Medium Density (C5, 863, H156) Zone as shown on Schedule "A" of Appendix "B" attached to Report PED23164 and shall be lifted conditional upon the following:

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

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- (i) That the Owner submits and receives approval of a Functional Servicing Report to demonstrate that the change in land use can be serviced without adverse impacts to the existing infrastructure, to the satisfaction of the Director of Development Engineering;
- (ii) That the owner acknowledges and agrees that, as part of a future Site Plan Control application, the owner will enter into and register on title an External Works Agreement with the City for the design and construction of any required infrastructure upgrades at the owner's expense, 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 located at the south-east corner of Hatt Street and McMurray Street and are bound by Spencer Creek to the south. The property contains a former industrial building, known as the Gartshore Building (c. 1846) which was originally constructed as a foundry and used for manufacturing. The Applicant, WEBB Planning Consultants (c/o James Webb), has applied for a Zoning By-law Amendment to permit commercial uses within the existing industrial building, as shown on Appendix "C" attached to Report PED23164.

The purpose of the Zoning By-law Amendment application is to rezone the subject lands from General Industrial (I.G) Zone to Mixed Use Medium Density (C5, 863, H156) Zone and from Open Space - Conservation Zone (OS), and Open Space - Conservation Zone (OS/S-7) to the Conservation/Hazard Land (P5, 863) Zone to permit the adaptive reuse of the existing buildings. The proposed Zoning By-law Amendment includes modifications to the Conservation/Hazard Land (P5) Zone and Mixed Use Medium Density (C5) Zone to restrict additions or expansions to existing buildings and to allow uses permitted in accordance with Sections 10.5.1, 10.5.1.1, and 10.5.2 of the Zoning By-law No. 05-200.

Additionally, a Holding 'H' Provision is recommended for the amending By-law for a Functional Servicing Report, to demonstrate that the change in use can be serviced without adverse impacts to the existing infrastructure.

On October 25, 2023, Council passed By-law No. 23-200, designating the property under Part IV of the *Ontario Heritage Act* (see Report PED23124). Designated properties require Heritage Permit Applications for any proposed changes to the

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heritage attributes identified in the Statement of Cultural Heritage Value or Interest for the property.

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

- It is consistent with the Provincial Policy Statement (2020);
- It conforms to the 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 intensification, and function of the “Mixed Use – Medium Density” designation, Urban Design, and Core Area policies; and,
- The proposal is compatible with and complementary to the existing and planned land uses in the immediate and surrounding area, and represents good planning by, among other things, making efficient use of existing infrastructure within the urban boundary, managing and preserving built heritage assets and contributing to the economic vitality of downtown Dundas.

Alternatives for Consideration – See Page 15

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

Application Details	
Owner:	64 Hatt St Investments Inc. (c/o Forge & Foster).
Applicant/Agent:	WEBB Planning Consultants (c/o James Webb).
File Number:	ZAC-22-044.
Type of Application:	Zoning By-law Amendment.
Proposal:	To permit the adaptive reuse of the existing buildings on the property by allowing a mix of commercial uses such as retail, restaurant, offices, etc.

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Property Details	
Municipal Address:	64 Hatt Street, Dundas
Lot Area:	± 1.09 ha.
Servicing:	Full municipal services.
Existing Use:	Vacant industrial buildings.
Proposed Use:	Mixed use buildings.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the Provincial Policy Statement (2020).
A Place to Grow:	The proposal conforms to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	<p>“Mixed Use – Medium Density” on Schedule E-1 – Urban Land Use Designations</p> <p>“Dundas Two Zone Floodplain Area” on Map D-1 - Dundas Area Specific Policies.</p> <p>“Lands located along Spencer Creek” on Map D-2 - Dundas Area Specific Policies.</p>
Zoning Existing:	General Industrial (I.G) Zone; Open Space – Conservation Zone (OS); and, Open Space – Conservation Zone (OS/S-7).
Zoning Proposed:	<p>Mixed Use Medium Density (C5, 863, H156) Zone.</p> <p>Conservation/Hazard Land (P5, 863) Zone.</p> <p>Staff amended the application to rezone those portions of the lands that are Open Space - Conservation Zone (OS) and Open Space - Conservation Zone (OS/S-7) to Conservation/Hazard Land (P5, 863) Zone.</p>
Modifications Proposed:	<p>To modify the Conservation/Hazard Land (P5) Zone and Mixed Use Medium Density (C5) Zone to:</p> <ul style="list-style-type: none"> • permit the buildings existing on the date of the passing of this By-law with no further additions or expansions; and, • permit the uses in accordance with Sections 10.5.1, 10.5.1.1, and 10.5.2.

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Processing Details	
Received:	June 10, 2022.
Deemed complete:	July 7, 2022.
Notice of Complete Application:	Sent to 269 property owners within 120 metres of the subject lands on July 11, 2022.
Public Notice Sign:	Posted July 22, 2022 and updated with the Public Meeting date on October 16, 2023.
Notice of Public Meeting:	Sent to 269 property owners within 120 metres of the subject lands on October 27, 2023.
Public Comments:	No public comments received.
Processing Time:	523 days from the date of receipt of the application.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Industrial buildings	General Industrial (I.G) Zone, Open Space - Conservation Zone (OS) and Open Space - Conservation Zone (OS/S-7)

Surrounding Land Uses:

North	Commercial uses	Mixed Use Medium Density (C5, 304) Zone, Mixed Use Medium Density (C5) Zone and Mixed Use Medium Density (C5, 594) Zone
South	Spencer Creek	Open Space - Conservation Zone (OS/S-7) and Open Space - Conservation Zone (OS)

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Surrounding Land Uses Continued:

East	Medical Offices, Vacant / Parking Lot, and Apartment Building.	Mixed Use Medium Density (C5) Zone, Open Space - Conservation Zone (OS) and High Density Multiple Dwelling (RM4/S-83) Zone
West	Physiotherapy Clinic, and Outdoor Vehicle Storage	Mixed Use Medium Density (C5, 709) Zone and Mixed Use Medium Density (C5, 581) 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 (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 (A Place to Grow, 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 approval by the Ontario Land Tribunal, the City of Hamilton has established the Urban Hamilton Official Plan which contains local policies 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 below.

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

Urban Hamilton Official Plan

The subject lands are designated "Mixed Use – Medium Density" on Schedule E-1 – Urban Land Use Designations and located within "UD-1" Dundas Two Zone Floodplain

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Area of Map D-1 and "UD-6" Lands Located Along Spencer Creek of Map D-2 in Volume 3: Area Specific Policies. The following policies, amongst others, apply to the proposal.

Mixed Use – Medium Density

- "E.4.6.1 The range of commercial uses is intended to serve the surrounding community or series of neighbourhoods as well as provide day-to-day retail facilities and services to residents in the immediate area. These areas shall also serve as a focus for the community, creating a sense of place.
- E.4.6.9 The predominant built form shall be mid rise and low rise mixed use buildings that have retail and service commercial stores at grade. Single use commercial buildings and medium density ground related housing forms shall also be permitted, except for pedestrian focus streets as listed by Policy E.4.3.1.1. (OPA 65) (OPA 142)
- E.4.6.22 Development applications shall be encouraged to provide a mix of uses on the site."

The proposal is to rezone the property from an industrial zone to a mixed use zone to permit the adaptive reuse of existing heritage designated buildings by allowing a range of commercial uses such as retail, restaurant, and offices that serves the surrounding community.

Cultural Heritage

- "B.3.4.1.4 Ensure that all new development, site alterations, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources.
- B.3.4.2.1 The City of Hamilton shall, in partnership with others where appropriate:
- g) Ensure the conservation and protection of cultural heritage resources in planning and development matters subject to the *Planning Act* either through appropriate planning and design measures or as conditions of development approvals.
 - h) Conserve the character of areas of cultural heritage significance, including designated heritage conservation districts and cultural heritage landscapes, by encouraging those land uses, development

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and site alteration activities that protect, maintain and enhance these areas within the City.

- B.3.4.3.6 The City shall protect established historical neighbourhoods, as identified in the cultural heritage landscape inventory, secondary plans and other City initiatives, by ensuring that new construction and development are sympathetic and complementary to existing cultural heritage attributes of the neighbourhood, including lotting and street patterns, building setbacks and building mass, height, and materials.”

The subject property comprises the former Dundas Foundry / Valley City Manufacturing complex, which contains 12 historic structures constructed between the mid-nineteenth and mid-twentieth centuries, the oldest of which were built circa 1846. On October 25, 2023, Council passed By-law No. 23-200, designating the property under Part IV of the *Ontario Heritage Act* (see Report PED23124). Designated properties require Heritage Permit Applications for any proposed changes to the heritage attributes identified in the Statement of Cultural Heritage Value or Interest for the property.

Health and Public Safety

- “B.3.6.1.1 Where there is potential for site contamination due to previous uses of a property and a more sensitive land use is proposed, a mandatory filing 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 the Province. The Record of Site Condition shall be to the satisfaction of the City.”

The proposal will establish a mix of uses on the site which previously had industrial uses. The *Environmental Protection Act* requires a Record of Site Condition be submitted prior to a change in property use from commercial or industrial to a residential use. A Record of Site Condition shall be required when an application for Site Plan Control and/or Building Permit is submitted for any residential or other similar use.

Core Areas

- “C.2.3.3 The natural features and ecological functions of Core Areas shall be protected and where possible and deemed feasible to the satisfaction of the City enhanced. To accomplish this protection and enhancement, vegetation removal and encroachment into Core Areas shall generally not be permitted, and appropriate vegetation protection zones shall be applied to all Core Areas.

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C.2.11.1 The City recognized 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.”

The subject lands are abutting Spencer Creek which is designated as a Key Hydrologic Feature Stream on Schedule B of the Urban Hamilton Official Plan. It is noted that the subject property is already disturbed, and no new construction is proposed on the property. Staff have requested correspondence from the Ministry of the Environment, Conservation and Parks providing instruction and mitigation measures with respect to the at-risk Chimney Swift species that have been identified on site. There is an existing fence along the top of bank that restricts new construction towards the creek. The proposed Zoning By-law Amendment includes rezoning a portion of the lands to Conservation/Hazard Land (P5, 863) Zone which will continue to protect and restrict new development adjacent to Spencer Creek. The proposed modifications to the Conservation/Hazard Land (P5) Zone and Mixed Use Medium Density (C5) Zone protect the existing buildings by restricting further additions or expansions to the existing buildings and allows uses permitted in accordance with Sections 10.5.1, 10.5.1.1, and 10.5.2 of Zoning By-law No. 05-200.

The applicant has indicated that trees will not be removed, and staff are of the opinion that the Tree Protection Plan requirement for a future Site Plan Control application may be waived in lieu of the applicant adding a detail to any future site plan drawing that tree protection fencing will be installed during construction activities.

Infrastructure

“C.5.3.17 The City shall be satisfied that adequate infrastructure services can be provided prior to any development or intensification proceeding and, where technically and economically possible, the City shall require such services to be located underground.”

While existing buildings on the property has historically been industrial and currently zoned to allow a range of service intensive uses including food processing and manufacturing, staff have not determined there is adequate water and wastewater capacity to service the range of commercial uses proposed. Staff are recommending that a Holding ‘H’ Provision be placed on the property, which can be lifted once the owner submits and receives approval of a Functional Servicing Report that demonstrates that the proposed development can be serviced without adverse impacts to the existing network.

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Volume 3: Area Specific Policies

Dundas Two one Floodplain Area (UD-1)

- “B.1.0 Council recognizes the inherent dangers to development in areas subject to flooding and the constraints required to minimize the loss of life and property. Accordingly, the following policies shall apply within the floodplain area shown on Map D-1 as Area Specific UD-1:
- b) Where a proposal is made for development or redevelopment within or in proximity to UD-1, the City shall request the proponent to contact the Hamilton Conservation Authority to determine if and what flood protection measures are necessary, or other limitations to development.
 - g) Non-residential development within the flood fringe area may be permitted on the basis of limited or no fill and subject to adequate flood proofing.
 - h) Paved day-use parking lots may be permitted within the flood fringe without the necessity of flood protection measures.”

The Zoning By-law Amendment application has been circulated to the Hamilton Conservation Authority who noted that in 2018 a previous owner of the property had applied for a permit to undertake floodproofing of the existing building but did not follow through with the application and a permit was not issued. Should the Zoning By-law Amendment application be approved, the applicant would be required to obtain a permit from the Hamilton Conservation Authority to complete this floodproofing prior to the City issuing Building Permits.

Lands Located Along Spencer Creek (UD-6)

- “B.1.0 In addition to the policies of Volume 1, the following policy shall apply to lands located along Spencer Creek, shown as Area Specific UD-6 on Map D-2:
- a) Development or redevelopment proposals on sites adjacent to Spencer Creek shall be required to provide public access to the creek, and to make necessary improvements to complete the trail system along Spencer Creek to the satisfaction of the City and the Hamilton Conservation Authority.”

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13) - Page 11 of 15

Currently, there is no public access to Spencer Creek from the subject lands. If the site is redeveloped, staff would seek improvements to ensure public access to Spencer Creek in association with the Hamilton Conservation Authority.

Based on the foregoing, the proposal complies with the policies of Volume 1 and 3 of the Urban Hamilton Official Plan, subject to the Holding Provision.

Town of Dundas Zoning Bylaw No. 3581-86

The subject lands are zoned General Industrial (I.G) Zone, Open Space - Conservation Zone (OS), and Open Space - Conservation Zone (OS/S-7) in the former Town of Dundas Zoning By-law No. 3581-86. The General Industrial (I.G) Zone permits general manufacturing, assembling and fabricating industries, and related wholesale and retail commercial uses. The intent of the Open Space - Conservation Zone (OS) is to protect lands that are unsuitable for general urban development due to their physiographic characteristics or their ecological significance. The Open Space - Conservation Zone (OS/S-7) permits the existing parking lot as an accessory use to the industrial use to the north.

Hamilton Zoning By-law No. 05-200

The Zoning By-law Amendment is to rezone the subject lands to Mixed Use Medium Density (C5, 863, H156) Zone and Conservation/Hazard Land (P5, 863) Zone to permit the adaptive reuse of existing buildings with a range of commercial uses including retail and restaurant and to continue to protect the natural features. Modifications to the Conservation/Hazard Land (P5) Zone and Mixed Use Medium Density (C5) Zone restricts further additions or expansions to the existing buildings and allows uses permitted in accordance with Sections 10.5.1, 10.5.1.1, and 10.5.2 of the Zoning By-law No. 05-200. The applicant is not in agreement with the amended By-law.

RELEVANT CONSULTATION

Departments and Agencies	
<ul style="list-style-type: none"> • Landscape Architectural Services, Strategic Planning Division, Public Works Department; • Commercial District and Small Business Section, Planning & Economic Development Department; • Corporate Real Estate, Planning & Economic Development Department; • Canada Post Corporation; and, • Alectra Utilities. 	No Comments.

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13) - Page 12 of 15

	Comment	Staff Response
Growth Management Division, Planning and Economic Development Department	<p>A Functional Servicing Report is required containing sanitary design calculations to demonstrate that the flows generated from the proposed development will not adversely impact the hydraulic performance of the City's sanitary sewer system. The Functional Servicing Report shall also show that the municipal watermains can provide the required fire flow and domestic flow to support the proposed development.</p> <p>It should be determined if a Draft Plan of Condominium application will be required in the future.</p> <p>The owner and agent should be made aware that the municipal addresses for this proposal will be determined after conditional Site Plan approval is granted.</p>	<p>A Holding Provision requiring the submission of a Functional Servicing Report has been added to the amending by-law.</p> <p>The proposal tenure has not been confirmed by the applicant.</p> <p>Should a Site Plan Control application be required, municipal addressing will be a condition of approval.</p>
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<p>A Tree Management Plan will be required, and a permit will be issued upon approval of the Tree Management Plan and applicable fees.</p> <p>A detailed Landscape Planting Plan prepared by a Registered Landscape Architect, showing the placement of trees on City property is required.</p>	<p>Should a Site Plan Control application be required, a Tree Management Plan and a Landscape Planting Plan will be conditions of approval.</p>
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<p>To protect the existing and future pedestrian realm, cycling infrastructure and road Network, Transportation Planning shall require site plan revisions.</p>	<p>Should a Site Plan Control application be required, revisions will be required to address Transportation Planning comments.</p>
Waste Management Operations Section, Environmental Services Division, Public Works Department	<p>The development is ineligible for municipal waste collection and will be required to follow the requirements under the Waste Management System By-law No. 20-221.</p>	<p>Noted.</p>

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13) - Page 13 of 15

	Comment	Staff Response
Infrastructure Renewal, Public Works Department	Hatt Street is scheduled for reconstruction in 2026 including watermain replacement along the frontage of the subject lands. Any works within the Hatt Street right-of-way should be completed prior to this time or coordinated with the Public Works Department to prevent the need to cut into the reconstructed road after that time.	Noted.
Hamilton Conservation Authority	<p>Hamilton Conservation Authority noted that in 2018, the previous owner of the property had applied for a permit to undertake floodproofing of the existing building but did not follow through with the application and a permit was not issued.</p> <p>The applicant would be required to obtain a permit from Hamilton Conservation Authority to complete this floodproofing prior to the City issuing a change of use permit for internal renovations.</p>	This will be addressed at the future Building Permit stage.
Public Consultation: No submissions from the public.		

Public Consultation

In accordance with the Council's Public Participation Policy, the Zoning By-law Amendment application was circulated as part of the Notice of Complete Application and Preliminary Circulation to 269 property owners within 120 metres of the subject lands on July 11, 2022. A Public Notice Sign was installed on the property on July 22, 2022 and updated with the Public Meeting date on October 16, 2023. To date, there have been no public submissions received by the City. Finally, Notice of the Public Meeting was given on October 27, 2023 in accordance with the requirements of the *Planning Act*.

A Public Consultation Strategy was submitted with the initial submission of the application. The applicant proposed to contact the Ward Councillor to determine whether a Neighbourhood Open House was required in advance of the Statutory Public Meeting.

An online Neighbourhood Open House was scheduled for Thursday, September 21, 2023. Notice was provided in the Dundas Star News newspaper on September 7, 2023. There were no members of the public in attendance at the Neighbourhood Open House.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13) - Page 14 of 15

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 Urban Hamilton Official Plan, in particular, the intensification, Mixed Use – Medium Density and Cultural Heritage policies; and,
 - (iii) It is considered to be compatible with, and complementary to the existing surrounding neighbourhood and represents good planning by, among other things, reusing existing buildings (with heritage value) that would provide for an increase in businesses that offer employment opportunities within the community of Dundas.

2. Zoning By-law Amendment

The subject lands are currently zoned General Industrial (I.G) Zone, Open Space - Conservation Zone (OS), and Open Space - Conservation Zone (OS/S-7) in the former Town of Dundas Zoning By-law No. 3581-86. The subject lands are proposed to be rezoned to the Mixed Use Medium Density (C5, 863, H156) Zone and Conservation/Hazard Land (P5, 863) Zone to permit the adaptive reuse of existing buildings and protect the existing natural features. The proposed Zoning By-law Amendment includes modifications to the Conservation/Hazard Land (P5) Zone and Mixed Use Medium Density (C5) Zone that protect the existing buildings by restricting additions or expansions to the existing buildings and to allow uses permitted in accordance with Sections 10.5.1, 10.5.1.1, and 10.5.2 of the Zoning By-law No. 05-200. The existing buildings predates the adoption of Zoning By-law No. 05-200, making them legal non-conforming buildings. As the property is being rezoned to the Mixed Use Medium Density (C5) Zone with the intent of adaptive reuse of the existing buildings, these modifications will restrict any further additions or expansions to the existing buildings and allow the uses of Mixed Use – Medium Density (C5) Zone within the portion of the building that is encroaching into the Conservation/Hazard Land (P5) Zone.

Staff support above-mentioned modifications as the buildings existed prior to the adoption of Zoning By-law No. 05-200 and recognizes an existing situation. Staff are also satisfied that the proposed Zoning By-law Amendment complies with the policies of the “Mixed Use - Medium Density” designation and Mixed Use Medium Density (C5) Zone through the adaptive reuse of existing heritage

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13) - Page 15 of 15

buildings, proposing to provide commercial uses such as office, retail, and restaurant that serves the surrounding community, and to continue to protect the natural features through the Conservation/Hazard Land (P5, 863) Zone.

Staff are in support of the proposed Zoning By-law Amendment, subject to the Holding 'H' Provision.

3. Holding Provision

A Holding 'H' Provision is recommended to be added to the Zoning By-law Amendment to address the submission and approval of a Functional Servicing Report to demonstrate that a change in use will not have any adverse impacts on the existing network.

ALTERNATIVES FOR CONSIDERATION

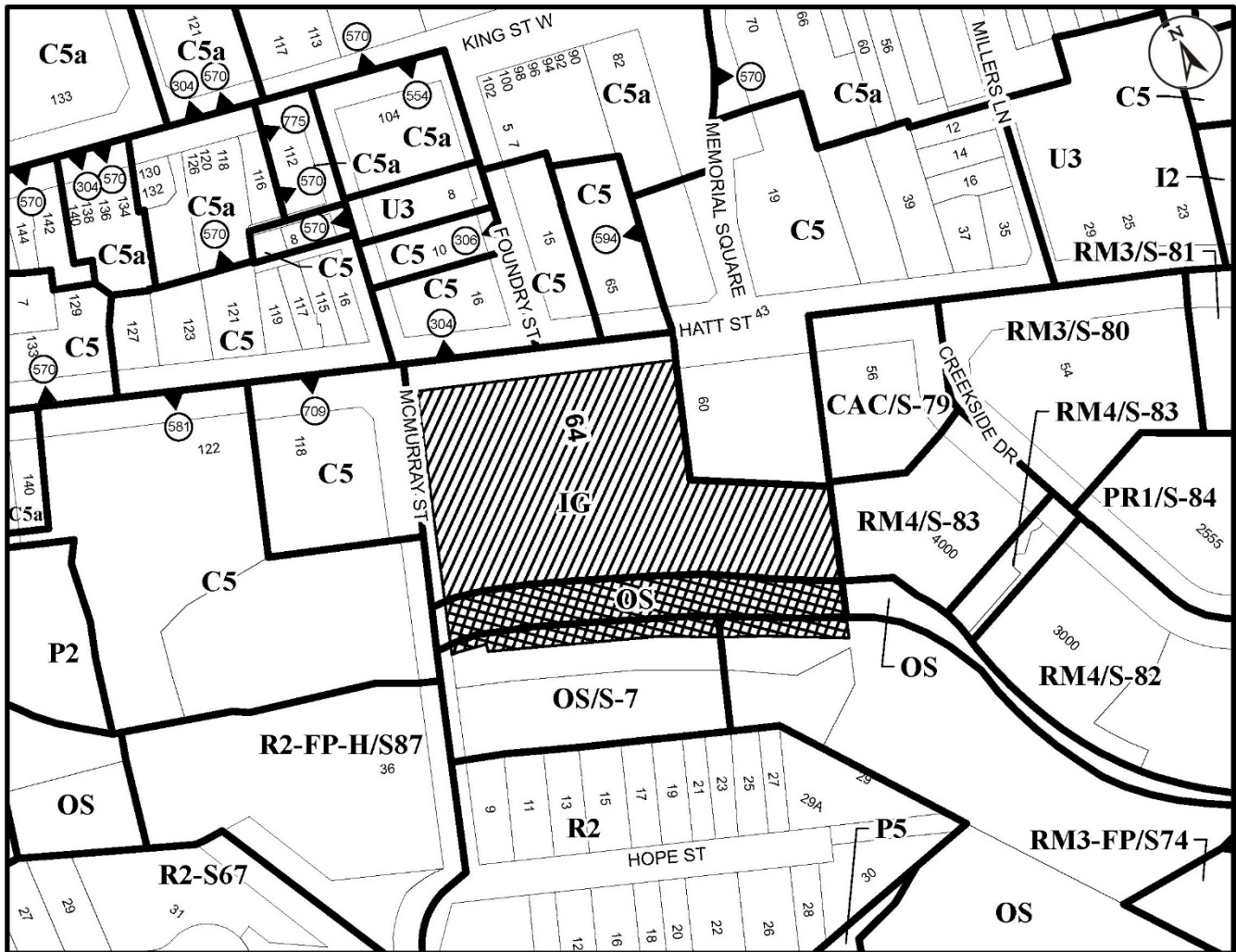
Should the application be denied, the subject lands could be utilized in accordance with the existing General Industrial (I.G) Zone, Open Space - Conservation Zone (OS), and Open Space - Conservation Zone (OS/S-7) within the Dundas Zoning By-law No. 3581-86. The General Industrial (I.G) Zone permits general manufacturing, assembling and fabricating industries, and related wholesale and retail commercial uses. The Open Space - Conservation Zone (OS) is to protect lands unsuitable for general urban development due to their physiographic characteristics or their ecological significance. The Special Exception – 7 attached to the Open Space - Conservation Zone (OS/S-7) is to permit the existing parking lot as an accessory use to the industrial use to the north.

APPENDICES AND SCHEDULES ATTACHED

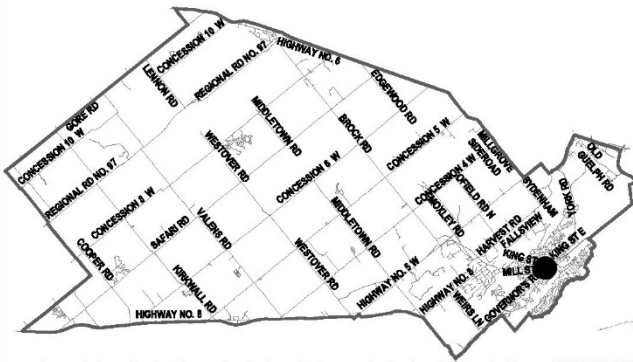
Appendix "A" to Report PED23164 – Location Map
Appendix "B" to Report PED23164 – Draft Zoning By-law Amendment
Appendix "C" to Report PED23164 – Concept Floor Plans
Appendix "D" to Report PED23164 – Site Specific Modifications

SG:sd

Appendix "A" to Report PED23164
Page 1 of 1



● Site Location



Key Map - Ward 13

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-22-044

Date:
October 19, 2023



Appendix "A"

Scale:
N.T.S

Planner/Technician:
SG/NB

Subject Property

64 Hatt Street, Dundas (Ward 13)

-  Lands to be added as Mixed Use Medium Density (C5, 863, H156) Zone
-  Lands to be added as Conservation/Hazard Land (P5, 863) Zone

**Appendix “B” to Report PED23164
Page 1 of 3**

Authority: Item,
Report (PED23164)
CM: November 22, 2023
Ward: 13

Bill No.

CITY OF HAMILTON

BY-LAW NO. 23-XXX

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 64 Hatt Street (Dundas)**

WHEREAS Council approved Item ____ of Report PED23 ____ of the Planning Committee, at its meeting held on _____, 2023.

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

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

1. That Map Nos. 860 and 902 of Schedule “A” – Zoning Maps are amended by adding the Mixed Use Medium Density (C5, 863, H156) Zone and Conservation/Hazard Land (P5, 863) Zone, for the lands known as 64 Hatt Street the extent and boundaries of which are shown on Schedule “A” to this By-law.
2. That Schedule “C” – Special Exceptions be amended by adding the following new Special Exception:
 - “863. In addition to Section 7.5 and notwithstanding Section 10.5.3, on those lands zoned Conservation/Hazard (P5) Zone and Mixed use Medium Density (C5) Zone identified on Map Nos. 860 and 902 of Schedule "A" - Zoning Maps, and described as 64 Hatt Street, Dundas, the following special provision shall apply:
 - a) The buildings existing on the date of passing of this By-law shall be permitted and no further additions or expansions to the existing buildings shall be permitted and the uses therein shall be permitted in accordance with Sections 10.5.1, 10.5.1.1 and 10.5.2.
3. That Schedule “D” – Holding Provisions be amended by adding the following new Holding Provision:
 - “156. Notwithstanding Section 10.5 of this By-law, within lands zoned Mixed Use Medium Density (C5) Zone, identified on Map Nos. 860 and 902 of Schedule “A” – Zoning Maps and described as 64 Hatt Street, no development shall be permitted until such time as:

Appendix “B” to Report PED23164

Page 2 of 3

- i) That the Owner submits and receives approval of a Functional Servicing Report to demonstrate that the change in use can be serviced without adverse impacts to the existing infrastructure, to the satisfaction of the Director of Development Engineering;
 - ii) That the owner acknowledges and agrees that, as part of a future Site Plan Control application, the owner will enter into and register on title an External Works Agreement with the City for the design and construction of any required infrastructure upgrades at the owner’s expense, to the satisfaction of the Director of Development Engineering.
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 provisions of the Mixed Use Medium Density (C5, 863, H156) Zone and Conservation/Hazard (P5, 863) Zone, subject to the special requirements referred to in Sections No. 2 and 3 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 this _____ , 2023

A. Horwath
Mayor

J. Pilon
Acting City Clerk

ZAC-22-044

Appendix "B" to Report PED23164
Page 3 of 3



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

Passed the day of, 2023

 Mayor

 Clerk


Schedule "A"


Map forming Part of
 By-law No. 23-_____

to Amend By-law No. 05-200
 Map 860 & 902

Subject Property

64 Hatt Street, Dundas (Ward 13)

 Lands to be added as Mixed Use Medium Density (C5, 863, H156) Zone

 Lands to be added as Conservation/Hazard Land (P5, 863) Zone

Scale:
 N.T.S

File Name/Number:
 ZAC-22-044

Date:
 October 19, 2023

Planner/Technician:
 AG/NB



Hamilton

**Appendix “D” to Report PED23164
Page 1 of 1**

Site Specific Modifications to the Conservation/Hazard Land (P5) Zone and Mixed Use Medium Density (C5) Zone

Regulation	Required	Modification	Analysis
Section 7.5: Conservation/Hazard Land (P5) Zone	<p>No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Conservation/Hazard Land (P5) Zone for any purpose other than one or more of the following uses or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:</p> <p>7.5.1 PERMITTED USES Conservation Flood and Erosion Control Facilities Recreation, Passive</p>	<p>In addition to Section 7.5, the building existing on the date of passing of this By-law shall be permitted and no further additions or expansions to the existing building shall be permitted in the Conservation/Hazard (P5) Zone and the uses therein shall be permitted in accordance with Sections 10.5.1, 10.5.1.1, and 10.5.2.</p>	<p>The existing building is encroaching into the existing Open Space – Conservation Zone (OS) which is being rezoned to the Conservation/Hazard Land (P5) Zone. Since the building and site layout existed prior to the adoption of Zoning By-law No. 05-200, the proposed modification can be supported recognizing an existing situation.</p>
Section 10.5.3: Regulations	<p>The regulations required for a development are setback from all property lines, building height, gross floor area, amenity, planting strip, visual barriers, and, outdoor storage.</p>	<p>Notwithstanding Section 10.5.3, no further additions or expansions to the existing buildings shall be permitted.</p>	<p>The intent of the Zoning By-law Amendment application is to support adaptive reuse of the existing buildings to permit commercial uses such as restaurants, retail, and offices that serves the community. Staff are supportive of the proposed modification.</p>



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 14, 2023
SUBJECT/REPORT NO:	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 65 Guise Street East (Pier 8, Block 16), Hamilton (PED22031(a)) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Mark Kehler (905) 546-2424 Ext. 4148
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Revised Official Plan Amendment Application UHOPA-22-001, by WEBB Planning Consultants (c/o James Webb) on behalf of the City of Hamilton, Municipal Land Development Office, Owner**, to redesignate the subject lands from “Institutional” to “Mixed Use” and to establish a Special Policy Area on Schedule “M-2” in the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan to permit a maximum 45 storey mixed use building, for lands located at 65 Guise Street East (Pier 8, Block 16), as shown on Appendix “A” attached to Report PED22031(a), be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED22031(a), be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That **Revised Zoning By-law Amendment Application ZAC-22-003, by WEBB Planning Consultants (c/o James Webb) on behalf of the City of Hamilton,**

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 65 Guise Street East (Pier 8, Block 16), Hamilton (PED22031(a)) (Ward 2) - Page 2 of 20

Municipal Land Development Office, Owner, for a change in zoning from the Community Institutional (I2, 486, H94) Zone to the Waterfront – Mixed Use (WF2, 819, H94, H130) Zone to permit a maximum 45 storey (147.0 metre) mixed use building, for lands located at 65 Guise Street East (Pier 8, Block 16), as shown on Appendix “A” attached to Report PED22031(a), be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED22031(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and will comply with the City of Hamilton Official Plan upon approval of Official Plan Amendment No. XX;
- (iii) That the amending By-law apply the Holding Provision of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding symbol ‘H130’ to the proposed Waterfront – Mixed Use (WF2, 819, H94, H130) Zone;

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

- (1) The Owner submitting and receiving conditional site plan approval, which shall implement the Pier 8 Block 16 Urban Design Guidelines, the Pier 8 – Block 16 Sustainability Report, the preferred tower design as determined through the Implementation Process for a Tall Building Proposal – Pier 8, Block 16, and that addresses innovation in the areas of sustainability, quality of life and design excellence, to the satisfaction of the Director of Planning and Chief Planner.
- (c) That Item 22D respecting a Recommendation Report for proposed Official Plan Amendment and Zoning By-law Amendment applications for 65 Guise Street East (Pier 8, Block 16) be identified as complete and removed from the Planning Committee Outstanding Business List.

EXECUTIVE SUMMARY

The subject lands are known as Block 16 of Pier 8 which forms part of the property municipally known as 65 Guise Street East and are located north of Guise Street East

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 65 Guise Street East (Pier 8, Block 16), Hamilton (PED22031(a)) (Ward 2) - Page 3 of 20

between Discovery Drive and Catharine Street North in the North End Neighbourhood (see Appendix “A” attached to Report PED22031(a)).

The Owner, the City of Hamilton, Municipal Land Development Office, has submitted applications to amend both the City of Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200. These amendments will permit a maximum 45 storey (147.0 metre) mixed use building. The Pier 8 lands are owned by the City of Hamilton with Waterfront Shores Corporation being the developer as chosen through the Pier 8 Development Request for Proposal Process.

The purpose of the Official Plan Amendment is to redesignate the subject lands from “Institutional” to “Mixed Use” and to establish a Special Policy Area on Schedule “M-2” of the West Harbour (Setting Sail) Secondary Plan to permit a mixed use commercial / residential building with a maximum building height of 45 storeys. The existing “Institutional” designation permits institutional uses such as hospitals, nursing homes, day nurseries, schools, libraries, museums, places of worship and social services with permitted building heights between 2 to 4 storeys.

The purpose of the Zoning By-law Amendment is to change the zoning from the Community Institutional (I2, 486, H94) Zone to the Waterfront – Mixed Use (WF2, 819, H94, H130) Zone to permit a maximum 45 storey (147.0 metre) mixed use building. Proposed uses include commercial and / or cultural uses on the ground floor and a high-rise multiple dwelling consisting of a single tower above a two-storey podium.

As part of the Zoning By-law Amendment, a Holding Provision is recommended to be added to the subject lands that requires conditional site plan approval be received that implements the Pier 8 Block 16 Urban Design Guidelines, the Pier 8 – Block 16 Sustainability Report, and the preferred tower design as determined through the Implementation Process for a Tall Building Proposal – Pier 8 – Block 16.

The proposed applications have been subject to an Implementation Process for a Tall Building Proposal that included stakeholder engagement and a special design process to develop three alternative tower designs that address innovation in the areas of sustainability, quality of life and design excellence. The Implementation Process was designed to achieve a landmark building that will create a singular exception to the uniform mid-rise built form character of Pier 8, adding variety and interest to the urban fabric. This report represents the final staff recommendation on the proposed Official Plan Amendment and Zoning By-law Amendment applications and the preferred tower design option, as determined through the Implementation Process.

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 65 Guise Street East (Pier 8, Block 16), Hamilton (PED22031(a)) (Ward 2) - Page 4 of 20

The proposal 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 policies of the Hamilton-Wentworth Official Plan, and the City of Hamilton Official Plan, and complies with the general intent of the West Harbour (Setting Sail) Secondary Plan;
- The proposed preferred tower design addresses innovation in the areas of sustainability, quality of life and design excellence and creates a landmark and visual anchor at Pier 8 that is emblematic of the Harbour's renewal; and,
- The proposal results in additional family sized dwelling units contributing to a broader range of housing types within the West Harbour Secondary Plan area.

Alternatives for Consideration – See Page 20

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: Under the terms of the Minutes of Settlement to resolve appeals to the Council adopted Zoning and Plan of Subdivision for the Pier 8 lands, the City agreed to bring forward for Council's consideration an Official Plan Amendment and Zoning By-law Amendment for a mixed use or residential building with a mid-rise or high-rise built form on Pier 8, Block 16.

As required by the *Planning Act*, Council shall hold a public meeting to consider an application for an amendment to the Official Plan and Zoning By-law. The statutory public meeting was held on February 15, 2022.

HISTORICAL BACKGROUND

The subject lands are known as Pier 8, Block 16, located at 65 Guise Street East, Hamilton (see Appendix "A" attached to Report PED22031(a)). The lands are owned by the City of Hamilton and the City has selected Waterfront Shores Corporation to be the developer of the lands through the Pier 8 Development Opportunity Request for Proposals Process. As outlined in Report PED22031, the proposed development has been subject to an Implementation Process for a Tall Building Proposal that forms Phase 2 of the Block 16 planning process (see Appendix "D" attached to Report PED22031(a)). This process was initiated to comply with Minutes of Settlement to

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 65 Guise Street East (Pier 8, Block 16), Hamilton (PED22031(a)) (Ward 2) - Page 5 of 20

resolve appeals by Harbour West Neighbours and Herman Turkstra to the Council adopted Zoning and Plan of Subdivision for the Pier 8 lands.

In accordance with the Implementation Process, a statutory public meeting for the subject applications was held at Planning Committee on February 15, 2022. Planning Committee and Council referred the input received at the public meeting to staff for consideration and directed staff to advise the applicant to undertake the Council endorsed Implementation Process for a Tall Building Proposal – Pier 8, Block 16. The Implementation Process was developed through the City initiated Pier 8, Block 16 Study and Urban Design Guidelines that formed Phase 1 of the Block 16 planning process. The Pier 8, Block 16 Urban Design Guidelines were endorsed by Council in August 2021 and have informed staff's review of the proposed Official Plan Amendment and Zoning By-law Amendment applications.

Following the statutory public meeting on February 15, 2022, the applicant has completed the following steps:

Step	Description	Date of Completion
Development of Design Options	The applicant developed three tower designs, addressing innovation in three areas: sustainability, quality of life and design excellence. The three designs included a "Cylinder" design, a "Waves" design and a "Lily" design, all prepared by KPMB Architects.	February 2022
Public Information Centre	A virtual Public Information Centre was held on March 8, 2022 to present the three tower designs and obtain feedback from the public. Notice of the virtual Public Information Centre was emailed to West Harbour mailing list subscribers and notices were printed in the Hamilton Spectator, the North End Breezes newsletter and on the City of Hamilton Twitter account. A total of 124 participants connected to the virtual Public information Centre and 174 comments and questions were received. The feedback	March 8, 2022

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 65 Guise Street East (Pier 8, Block 16), Hamilton (PED22031(a)) (Ward 2) - Page 6 of 20

Step	Description	Date of Completion
Public Information Centre Continued	received at the Public Information Centre is summarized in a Public Feedback Report prepared by an independent facilitator attached as Appendix “E” to Report PED22031(a).	
Special Design Review Panel	<p>A Special Design Review Panel meeting was held on March 10, 2022 to review the three tower designs.</p> <p>Based on the feedback received at the Public Information Centre and Special Design Review Panel, the “Lily” tower design option was chosen by the applicant as the preferred tower design. This preferred design was further developed by the applicant and brought forward to a second Special Design Review Panel meeting on April 27, 2022.</p> <p>Feedback received from the Special Design Review Panel meetings is summarized in Appendix “F” attached to Report PED22031(a).</p>	March 10 and April 27, 2022

Following the second Special Design Review Panel meeting, discussions between the applicant and City staff resulted in further modifications to the preferred tower design to improve public access to the site and consolidate underground vehicle and loading access with adjacent blocks. To allow the consolidation of vehicle and loading access, a Zoning By-law Amendment to permit underground parking beneath the “Greenway” feature to the south of Block 16 was required and was approved by Council on October 11, 2023. The additional revisions that occurred following the second Design Review Panel meeting resulted in the September 2022 target date for a decision on the proposed Official Plan Amendment and Zoning By-law Amendment (Step 7 in the Implementation Process for a Tall Building Proposal – Pier 8 Block 16) not being met (see Appendix “D” to Report PED22031(a). Additional Public Open Houses to present the revised design were held by the applicant on June 19, 2023 (virtual) and June 22,

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 65 Guise Street East (Pier 8, Block 16), Hamilton (PED22031(a)) (Ward 2) - Page 7 of 20

2023 (in person), and the final concept plan was submitted to the Planning Division on August 21, 2023.

This report represents the final recommendation to Planning Committee on the proposed Official Plan Amendment and Zoning By-law Amendment and the preferred tower design option. Under the terms of the Minutes of Settlement, the City agreed to consider an Official Plan Amendment and Zoning By-law Amendment for the Block 16 lands to permit a residential or mixed-use building in a mid-rise or high-rise built form. The proposed applications will not result in an increase to the maximum number of units permitted on Pier 8 (1,645 units). As outlined in Report PED22031 and on page 17 of this Report, the Minutes of Settlement require that the proposed increase in height to 45 storeys is conditional upon the requirement that an additional minimum of 150 family units (defined as dwelling units with two or more bedrooms) be developed on the Pier 8 lands, in addition to the existing requirement that 15% of units within Pier 8 be family units. The City did not commit, in the Minutes of Settlement, to approving additional building height on Block 16.

Report Fact Sheet

Application Details	
Owner:	City of Hamilton, Municipal Land Development Office.
Applicant:	WEBB Planning Consultants c/o James Webb.
File Numbers:	UHOPA-22-001 and ZAC-22-003.
Type of Application:	Official Plan Amendment and Zoning By-law Amendment
Proposal:	<p>The purpose of the Official Plan Amendment is to redesignate the subject lands from “Institutional” to “Mixed Use” and to establish a Special Policy Area on Schedule “M-2” in the West Harbour (Setting Sail) Secondary Plan.</p> <p>The purpose of the Zoning By-law Amendment is for a change in zoning from the Community Institutional (I2, 486, H94) Zone to the Waterfront – Mixed Use (WF2, 819, H94, H130) Zone.</p> <p>The proposal is for a mixed use building with a maximum building height of 45 storeys (147.0 metres) consisting of two connected tower forms above a two-storey podium.</p>

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**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 65 Guise Street East (Pier 8, Block
16), Hamilton (PED22031(a)) (Ward 2) - Page 8 of 20**

Application Details	
Proposal (Continued):	Non-residential commercial and / or cultural uses are proposed on the ground floor together with grade related townhouse-style units. Residential amenity space is proposed at the second level, including indoor amenity rooms and an outdoor terrace. A publicly accessible lookout terrace facing the Hamilton Harbour is proposed above the two storey podium with access from the street. Parking and loading areas are proposed to be located underground with vehicle access from the adjacent block to the east (see Appendix "G" attached to Report PED22031(a)).
Property Details	
Municipal Address:	65 Guise Street East (Pier 8, Block 16). Staff note that the new municipal address assigned to Block 16 through the registration of the Pier 8 Plan of Subdivision is 130 Haida Avenue.
Lot Area:	0.35 hectares (3,500 square metres).
Servicing:	Existing municipal services.
Existing Use:	Surface parking lot.
Documents	
Provincial Policy Statement:	The proposal is consistent with the Provincial Policy Statement (2020).
A Place to Grow	The proposal conforms to the Growth Plan, as amended.
Official Plan Existing:	"Urban Area" in the Hamilton-Wentworth Official Plan. "West Harbour" in the City of Hamilton Official Plan.
Secondary Plan Existing:	"Institutional" in the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan.
Secondary Plan Proposed:	"Mixed Use" with a Special Policy Area: <ul style="list-style-type: none"> • To establish vision policies for future development within Pier 8, Block 16; • To permit a maximum building height of 45 storeys and a maximum geodetic elevation of 224.0 metres; and, • To permit commercial, community and live / work uses on the ground floor of a multiple dwelling.

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 65 Guise Street East (Pier 8, Block 16), Hamilton (PED22031(a)) (Ward 2) - Page 9 of 20

Documents	
Secondary Plan Proposed (Continued):	<ul style="list-style-type: none"> • To require family sized units in accordance with the implementing Zoning By-law; • To encourage the inclusion of affordable housing in accordance with the development agreement the City and the developer; • To require that development achieve the sustainability targets set out in the submitted Sustainability Report; and, • To require that the development be consistent with the Pier 8, Block 16 Urban Design Guidelines.
Zoning Existing:	Community Institutional (I2, 486, H94) Zone
Zoning Proposed:	Waterfront – Mixed Use (WF2, 819, H94, H130) Zone
Modifications Proposed:	<p>The following modifications are being proposed to the Zoning By-law No. 05-200:</p> <ul style="list-style-type: none"> • To permit a maximum building height of 147.0 metres (including mechanical penthouse); • To require an additional 150 family sized units within Pier 8 based on the approved building height (in accordance with the Minutes of Settlement); • To permit local commercial and institutional uses at grade; • To require a minimum landscaped open space of 20%; • To require a minimum unit width of 5.0 metres for live/work or multiple dwelling units at grade; • To require a minimum of 2.0 square metres of indoor amenity space and 2.0 square metres of outdoor amenity space for each dwelling unit; • To permit a maximum total gross floor area of 38,200 square metres including mechanical areas; • To permit a maximum gross floor area of 850 square metres for floors four to 30 and 650 square metres for floors 31 and above; • To require a minimum 7.5 metre setback from the easterly lot line and 1.5 metres from all other lot lines; • To require an additional 12.5 metre setback above the third storey from the easterly and northerly lot lines and 3.0 metres from all other lot lines; and, • To permit a second floor terrace to encroach a maximum 1.5 metres into a required setback.

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Documents	
Modifications Proposed (Continued):	<ul style="list-style-type: none"> • A Holding Provision has been included to require that the development implement the Pier 8 Block 16 Urban Design. • Guidelines, the Pier 8 – Block 16 Sustainability Report, and the preferred tower design option as determined through the special design process.
Processing Details	
Received:	November 9, 2021.
Deemed Complete:	November 18, 2021.
Notice of Complete Application:	Mailed to 80 property owners within 120 metres of the subject property on December 1, 2021.
Public Notice Sign:	Sign posted: December 1, 2021. Sign updated: January 19, 2022 (February 15, 2022 Statutory Public Meeting) October 27, 2023 (November 14, 2023 Public Meeting)
Notice of Public Meeting:	Mailed to 80 property owners within 120 metres of the subject property on January 28, 2022 and posted in the Hamilton Spectator (February 15, 2022 Statutory Public Meeting). Mailed to 80 property owners within 120 metres of the subject property on October 27, 2023 and posted in the Hamilton Spectator (November 14, 2023 Public Meeting).
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix “H” attached to Report PED22031(a).
Public Consultation:	In addition to the Implementation Process for a Tall Building Proposal described on pages 5 and 6 of Report PED22031(a), the applicant has completed the following additional Public Consultation: <ul style="list-style-type: none"> • December 2021 to present - maintained a Pier 8, Block 16 project website and mailing list to provide updates on public meetings and key developments in the planning process; • April 4, 2023 – neighbourhood drop-in event hosted by the developer (Waterfront Shores Corporation) at Castelli Cucina on James Street North to provide updates and answer questions about the Pier 8 development.

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Processing Details	
Public Consultation (Continued):	<ul style="list-style-type: none"> • June 19, 2023 – virtual public meeting to update the community on the proposed revised tower design; and, • June 22, 2023 – in-person open house at the Hamilton Waterfront Trust Centre with display panels giving the community the opportunity to view the revised tower design and ask questions of City staff and the applicant team.
Public Comments:	24 letters of concern / opposition and eight letters of support were submitted. The letters are attached as Appendix “I” to Report PED22031(a).
Processing Time:	735 days from date of receipt of initial application. 85 days from receipt of the revised submission.

EXISTING LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands:	Surface parking lot	Community Institutional (I2, 486, H94) Zone
Surrounding Land Uses:		
North	Pumping station and linear park	Open Space (P4, 485) Zone
South	Vacant land	Conservation / Hazard Lands (P5) Zone
East	Vacant land	Waterfront – Multiple Residential (WF1, H94) Zone
West	Discovery Centre Open Space	Open Space (P4, 485) Zone

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law
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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) (attached as Appendix “J” to Report PED22031(a)).

Provincial Policy Statement (2020)

The proposed development will contribute to the supply of a range of housing options, including an increase in the number of two or more bedroom units on the Pier 8 lands. The compact urban design of the proposal, along with underground parking and a mix of uses, will efficiently use land and existing infrastructure and is transit-supportive by providing intensification with access to the West Harbour GO Station and existing and planned Hamilton Street Railway (HSR) transit servicing the Pier 8 lands.

A Noise Feasibility Study prepared by GHD, dated October 25, 2021 was submitted with the application that assessed transportation and stationary noise sources in the area and concluded that the proposed development is feasible from a noise perspective. As part of the previous Pier 8 Rezoning and Plan of Subdivision approval, the Pier 8 lands were approved by Council to be classified as a Class 4 Area under Ministry of the Environment, Conservation and Parks NPC-300 Guidelines, allowing higher noise level limits to be applied than a typical Class 1 Area. An existing Holding Provision (H94) will remain on the lands which requires that an updated Noise Study based on the final building design be submitted to ensure that appropriate noise mitigation measures and warning clauses are implemented as the area develops. The implementation of remaining noise mitigation measures, related to stationary and transportation noise sources, will be undertaken through the Site Plan Control and Building Permit application processes. It has been determined that the implementation of required noise mitigation measures and inclusion of warning clauses will allow for the existing industries in proximity to the site to continue operations while adhering to stationary noise requirements.

Pier 8 is recognized as a contaminated site due to its former industrial use. Phase 1 and 2 Environmental Assessments have been completed for the site by Dillon Consulting leading to a Record of Site Condition being filed with the Ministry of the Environment, Conservation and Parks on April 21, 2022. The developer will be required to implement the Risk Management Measures contained within the Certification of Property Use issued by the Ministry of the Environment, Conservation and Parks to address all adverse effects associated with site contamination.

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Based on the foregoing, the proposal is consistent with the Provincial Policy Statement (2020).

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

The subject lands are located within the City of Hamilton urban boundary and are serviced by municipal water and wastewater infrastructure. The proposal will contribute to creating a complete community by introducing a mix of uses to the site, including commercial and / or cultural uses at grade and residential units in a high-rise built form. Consistent with the growth management policies of the Growth Plan, the proposal provides for residential intensification within the built-up area, with access to transit servicing Pier 8.

Based on the foregoing, the proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

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.

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. At the time the Ministry was reviewing the Urban Hamilton Official Plan, the Secondary Plan was still under appeal and, therefore, when the Urban Hamilton Official Plan came into effect on August 16, 2013, it did not affect the West Harbour (Setting Sail) Secondary Plan. 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. Should the applications be approved, staff would request that the proposed Official Plan Amendment be included in the Secondary Plan at the time when the Ministry deals with the non-decision.

Hamilton-Wentworth Official Plan

The subject lands are not included within the Urban Hamilton Official Plan as they are part of Non-Decision No. 113. As a result, the policies of the Hamilton-Wentworth Official Plan are applicable to the subject lands and remain in effect. In this regard, the subject lands are within the Urban Area of the Hamilton-Wentworth Official Plan. The proposed development complies with the high-level policy direction for the Urban Area

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to achieve compact urban form that makes efficient use of services, provides access to public transit, and allows for viable walking and bicycling options for residents.

City of Hamilton Official Plan

The subject lands are not included within the Urban Hamilton Official Plan as they are part of Non-Decision No. 113. As a result, the policies of the City of Hamilton Official Plan remain in effect. Schedule A of the City of Hamilton Official Plan designates the subject lands “West Harbour.” The policies of the West Harbour (Setting Sail) Secondary Plan provide more detailed designations and policy framework for this area. The proposal complies with the policies of the City of Hamilton Official Plan that encourage a range of dwelling types within a residential or mixed use development, that supports the efficient operation of public transit, and that recognizes the scale and character of the existing residential area.

West Harbour (Setting Sail) Secondary Plan

The West Harbour (Setting Sail) Secondary Plan was approved by Council in 2005. Due to appeals to the Ontario Municipal Board (now Ontario Land Tribunal), the Secondary Plan was not deemed to be in effect until the Ontario Land Tribunal issued its final decision in 2012. This decision added the Secondary Plan to the former City of Hamilton Official Plan as that was the Official Plan in effect for the former City of Hamilton at that time.

When the Urban Hamilton Official Plan was brought into effect by the Ontario Land Tribunal in 2013, the lands within the West Harbour (Setting Sail) Secondary Plan area were noted as being subject to Non-Decision No. 113. Therefore, the operable Secondary Plan policies in effect to review against the proposed development are those policies in the Setting Sail Secondary Plan OPA No. 198, instead of the Urban Hamilton Official Plan (Volume 2). A review of the applicable policies of the West Harbour (Setting Sail) Secondary Plan is attached as Appendix “J” to Report PED22031(a).

The West Harbour (Setting Sail) Secondary Plan directs that Pier 8 be the focus of development that combines public spaces with mixed use development to establish a distinct urban waterfront neighbourhood. To further establish a design direction for the Pier 8 Neighbourhood, the City commissioned the Pier 7 and 8 Urban Design Study that was approved by Council in May 2016 and informed the original Pier 8 Zoning By-law Amendment approval. In August 2021, Council adopted the Pier 8 Block 16 Urban Design Guidelines that provides further design criteria for evaluating the proposed high-rise mixed use building on Block 16. The recommendations of the Pier 8 Block 16 Urban Design Guidelines have been incorporated in the preferred tower design and Official Plan Amendment and implementing Zoning By-law.

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Block 16 is designated “Institutional” in the West Harbour (Setting Sail) Secondary Plan and the applicant has proposed to change the designation to “Mixed Use.” The West Harbour (Setting Sail) Secondary Plan has area specific policies for the Mixed Use designation that permit apartment buildings, cultural uses such as museums and galleries, and ground floor commercial uses such as restaurants and retail. Staff are satisfied that Block 16 is an appropriate location for mixed use development as it is adjacent to the Hamilton Waterfront Trust Centre, a restaurant (Williams Coffee Pub) and the Pier 8 Open Space and will contribute to creating a hub of cultural and commercial activity at the western terminus of the Waterfront Promenade and the Greenway. The addition of residential uses to the site will increase day and night activity on Block 16 and support public transit serving Pier 8.

The proposed building height of 147.0 metres is based on a recommendation from the Pier 8, Block 16 Urban Design Guidelines that the maximum geodetic elevation (height above sea level) of a tall building on Pier 8 be slightly lower than that of the tallest existing building in Hamilton (Landmark Place). The taller building height for Block 16 is intended to be an intentional urban design device to create a singular exception to the uniform mid-rise built form character of Pier 8 that will add variety to the urban fabric. The applicant submitted a Shadow Study dated August 18, 2023 and prepared by KPMB, demonstrating that the proposal will comply with the shadow criteria from the Pier 8 Block 16 Urban Design Guidelines, including allowing for a minimum of 3.0 hours of sun coverage between 9:00 am and 6:00 pm on public sidewalks, and allowing for a minimum 50% sun coverage at all times of the day on the waterfront promenade as measured from March 21 to September 21. A Pedestrian Wind Assessment dated November 3, 2021, prepared by RWDI was also submitted that recommends wind control measures and further detailed wind studies to be completed at the Site Plan Control stage.

Promoting excellence in design is one of the core principles of the West Harbour (Setting Sail) Secondary Plan. In keeping with this policy direction, the Pier 8 Block 16 Guidelines require that a tall building on Block 16 be designed to create a regional level landmark that is emblematic of the Harbour’s renewal. Staff are satisfied that the preferred tower design developed through the Implementation Process for a Tall Building Proposal meets the design objectives of the West Harbour (Setting Sail) Secondary Plan and the Pier 8 Block 16 Urban Design Guidelines to achieve design excellence on the Block 16 site. The applicant has submitted a Visual Analysis showing the proposed tower from key viewpoints on the McQuesten High Level Bridge, James N. Allan Skyway, and from James Street North at King Street in Downtown Hamilton. The Visual Analysis demonstrates that the tower design meets the objectives of the Pier 8 Block 16 Urban Design Guidelines to act as a visual landmark on the Harbour.

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The West Harbour (Setting Sail) Secondary Plan encourages a broad mix of households and a diversity of housing types. The proposal will contribute to achieving this goal by increasing the number of two or more bedroom dwellings required to be developed on Pier 8 and introducing a high-rise residential built form to a predominantly mid-rise neighbourhood. In addition, the City's development agreement with Waterfront Shores Corporation requires that no less than five percent (5%) of the residential housing units being developed on Pier 8 meet the definition of affordable housing in the City's Municipal Housing Facilities By-law No. 16-233.

The applicant has incorporated sustainability measures in the proposed development that are documented in the Pier 8 – Block 16 Sustainability Report submitted with the application. Included in this Report is the applicant's commitment to pursue three third party verified certifications: LEED, WELL, and EnergyStar, that will ensure a high standard of design as it relates to energy efficiency, water conservation, and air quality. Staff are satisfied that the sustainability measures incorporated in the proposed development address the overall sustainability goals of the West Harbour (Setting Sail) Secondary Plan and Pier 8 Block 16 Urban Design Guidelines. The proposed Official Plan Amendment includes vision policies for future development in Block 16 that reinforces the importance of sustainability to the design of the final Block 16 development.

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

The proposed Zoning By-law Amendment is for a change in zoning from the Community Institutional (I2, 486, H94) Zone to the Waterfront – Mixed Use (WF2, 819, H94, H130) Zone. The effect of the Zoning By-law Amendment is to permit a maximum 45 storey (147.0 metre) mixed use building. Modifications to the WF2 Zone are required to facilitate the development and are summarized in the modification chart in Appendix "K" attached to Report PED22031(a). The existing H94 Holding Provision will remain on the subject lands and requires that the owner further investigate noise, odour and dust levels on the site and implement control measures required to meet Ministry of the Environment, Conservation and Parks recommended noise, dust and odour limits.

DESIGN REVIEW PANEL

The proposed development was reviewed by a Special Design Review Panel on March 10, 2022 and April 27, 2022. The Special Design Review Panel was formed in accordance with the Implementation Process for a Tall Building Proposal – Pier 8 Block 16 attached as Appendix "D" to Report PED22031(a)

At the first Special Design Review Panel meeting on March 10, 2022, the applicant presented three alternative tower designs, including a "Cylinder" design, a "Waves"

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design, and a “Lily” design. The Panel made recommendations to the design team related to design excellence, sustainability, and quality of life.

At the second Design Review Panel meeting on April 27, 2022, the applicant further developed the “Lily” design as the preferred tower design. The panel commented that the preferred tower design meets the objective of design excellence, demonstrating improvements related to the public realm, building materials and sustainability measures. The preferred tower design will be further refined and implemented at the Site Plan Control stage in accordance with the proposed Official Plan Amendment, Zoning By-law Amendment, and the Pier 8 Block 16 Urban Design Guidelines.

Full summaries of the two Special Design Review Panel meetings are attached as Appendix “F” to Report PED22031(a)

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed tall building on Block 16 represents a resetting of the West Harbour (Setting Sail) Secondary Plan vision for Block 16 within the mid-rise community on Pier 8. The tall building proposal is intended to be a singular showcase building that meets or exceeds the City’s requirements in terms of urban design, placemaking, sustainability and quality of life. The success of the tower as an urban design device is contingent on it maintaining its landmark status as the only tall building on Pier 8. Therefore, staff support for the proposal does not indicate support for the further development of tall buildings on Pier 8 or in the West Harbour (Setting Sail) Secondary Plan area.
2. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the PPS (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (ii) It complies with the policies of the Hamilton-Wentworth Official Plan, the City of Hamilton Official Plan, and complies with the general intent of the West Harbour (Setting Sail) Secondary Plan subject to the proposed amendments;
 - (iii) The proposed preferred tower design addresses innovation in the areas of sustainability, quality life and design excellence and creates a landmark and visual anchor at Pier 8 that is emblematic of the Harbour’s renewal; and,

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- iv) The proposal results in additional family sized dwelling units contributing to a broader range of housing types within the West Harbour Secondary Plan area.
3. The purpose of the Official Plan Amendment is to redesignate the subject lands from “Institutional” to “Mixed Use” and to establish a Special Policy Area on Schedule “M-2” in the West Harbour (Setting Sail) Secondary Plan to permit a maximum 45 storey mixed use building. The proposed Official Plan Amendment implements the Pier 8 Block 16 Urban Design Guidelines which formed Phase 1 of the planning process for the site. The proposal satisfies the goals of the West Harbour (Setting Sail) Secondary Plan, to achieve excellence in design, a broad mix of housing types, and innovative sustainability measures. Staff are satisfied that the final tower design will achieve a regional level landmark building that is emblematic of the Harbour’s renewal and achieves placemaking that is built on quality of life, sustainability, and design excellence.

Therefore, staff support the proposed Official Plan Amendment.

4. The Zoning By-law Amendment proposes to change the zoning to the Waterfront – Mixed Use (WF2, 819, H94, H130) Zone as outlined in the table on page 9 of Report PED22031(a).

The proposed modifications to the WF2 Zone implement the built form recommendations for a tall building proposal established in the Pier 8 Block 16 Urban Design Guidelines. Staff are satisfied that the proposal meets the intent of the West Harbour (Setting Sail) Secondary Plan, subject to the proposed amendment, as outlined in Appendix “J” attached to Report PED22031(a). An analysis of the requested modifications is attached as Appendix “K” to Report PED22031(a). The implementing Zoning By-law will ensure that appropriate setbacks, building height, tower floor plates, amenity areas, and landscaping are implemented to mitigate impacts related to shadows and views, and provide for a high quality of life and an attractive public realm.

Staff note that the new municipal address assigned to Block 16 through the registration of the Pier 8 Plan of Subdivision is 130 Haida Avenue. Therefore, the proposed Zoning By-law Amendment reflects the 130 Haida Avenue address instead of 65 Guise Street East as this will be the address of the lands as development occurs.

Therefore, staff support the proposed Zoning By-law Amendment.

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5. A Holding 'H' Provision is proposed to require that conditional site plan approval be received to implement the Pier 8 Block 16 Urban Design Guidelines, the Pier 8 – Block 16 Sustainability Report submitted by the applicant and the preferred tower design resulting from the Implementation Process for a Tall Building Proposal – Pier 8 Block 16. The Holding 'H' Provision will ensure that the innovative design features and sustainability measures reflected in the Official Plan Amendment and Zoning By-law Amendment submission are implemented in the final tower design.

6. Minutes of Settlement

On September 16, 2019, the City of Hamilton executed Minutes of Settlement between the City, Waterfront Shores Corporation, Harbour West Neighbours and Herman Turkstra to resolve appeals filed by Harbour West Neighbours and Herman Turkstra respecting Zoning By-law No. 17-095 and Draft Plan of Subdivision 25T- 201605 which implemented the West Harbour (Setting Sail) Secondary Plan as it applies to the Pier 8 lands (Case No. PL170742).

The Minutes of Settlement include a clause in which the parties agreed that the City shall bring forward an Official Plan Amendment to redesignate the Block 16 lands from Institutional in the West Harbour (Setting Sail) Secondary Plan to permit a residential or mixed use building in a mid-rise or high-rise built form.

The Minutes of Settlement included the following additional requirements related to family sized dwelling units:

- That there will be no change in the maximum number of dwelling units permitted on Pier 8 (1,645 units).
- A minimum of 15% of the dwelling units developed on Pier 8 shall be family units (defined as dwelling units with two or more bedrooms).
- That the number of family units required on the Pier 8 lands shall increase based on the number of storeys approved through the Block 16 Official Plan Amendment and Zoning By-law Amendment, as follows:

Change in Height (additional storeys)	Additional Family Units
No change in height	0
+ 4 storeys	25
+ 5 to 11 storeys	50
+12 to 19 storeys	75

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Change in Height (additional storeys)	Additional Family Units
+20 to 30 storeys	100
31+ storeys	150

The additional family units may be provided within Block 16 or elsewhere within Pier 8, at the discretion of the developer.

The Official Plan Amendment and Zoning By-law Amendment applications implement the minutes of settlement by requiring an additional 150 family units for the proposed development that is greater than 30 storeys.

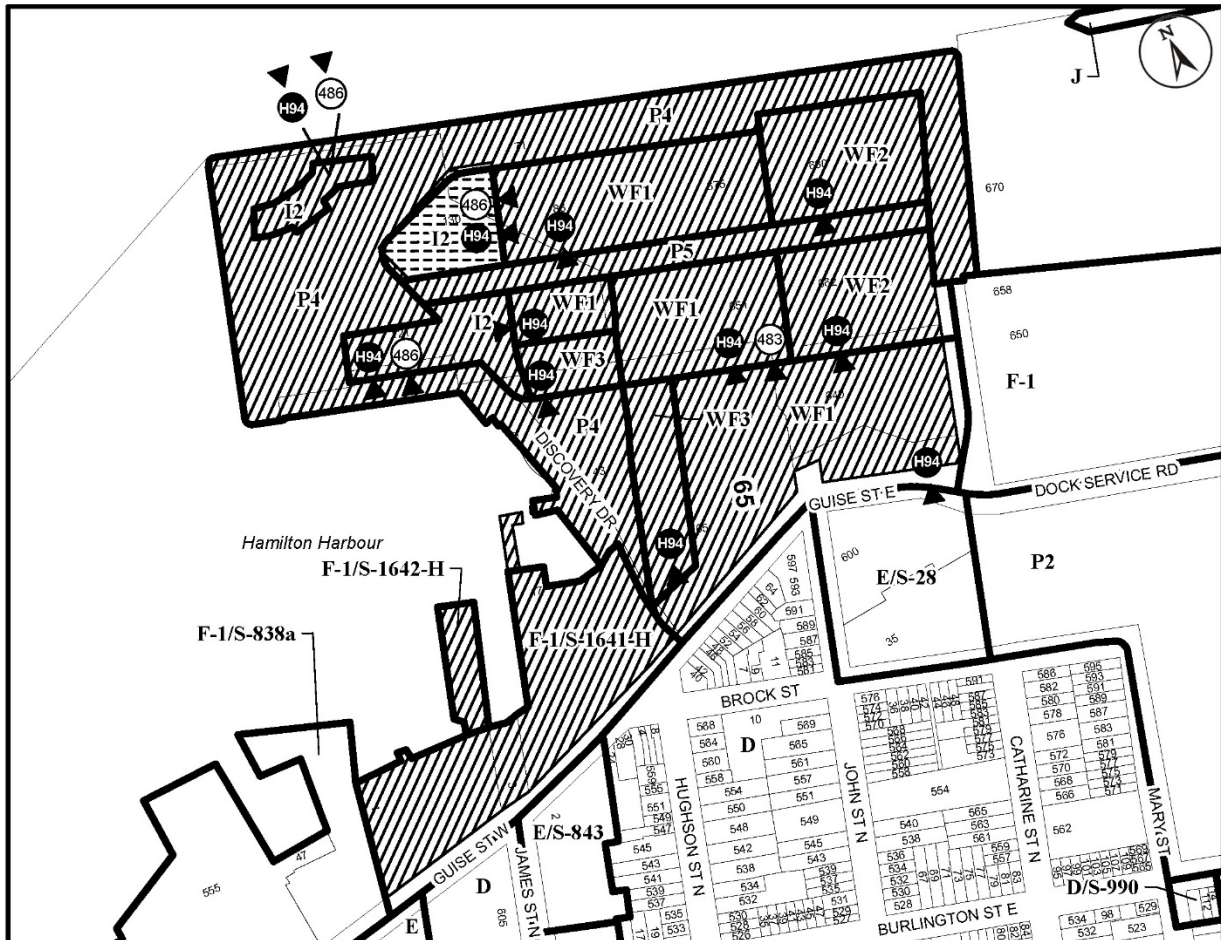
ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the subject property can be used in accordance with the Community Institutional (I2, 486, H94) Zone in City of Hamilton Zoning By-law No. 05-200 which permits institutional uses and a maximum building height of 15.0 metres.

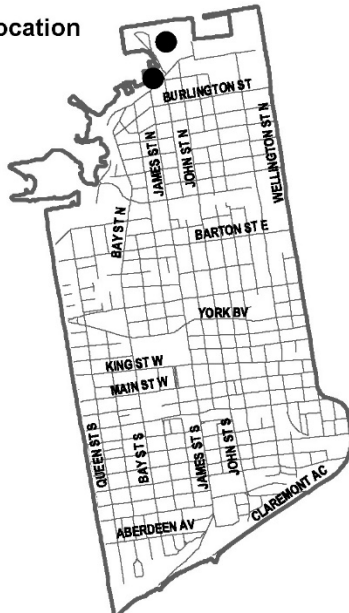
APPENDICES AND SCHEDULES ATTACHED

- Appendix "A" to Report PED22031(a) - Location Map
- Appendix "B" to Report PED22031(a) - Draft Official Plan Amendment
- Appendix "C" to Report PED22031(a) - Draft Amendment to Zoning By-law No. 05-200
- Appendix "D" to Report PED22031(a) - Implementation Process for a Tall Building Proposal – Pier 8 Block 16
- Appendix "E" to Report PED22031(a) - Public Feedback Report from Community Meeting
- Appendix "F" to Report PED22031(a) - Design Review Panel Meeting Summaries
- Appendix "G" to Report PED22031(a) - Revised Concept Plan and Elevations
- Appendix "H" to Report PED22031(a) - Staff and Agency Comments
- Appendix "I" to Report PED22031(a) - Public Submissions
- Appendix "J" to Report PED22031(a) - Policy Review
- Appendix "K" to Report PED22031(a) - Zoning By-law Site Specific Modification Chart

MK:sd



● Site Location



Key Map - Ward 2

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-22-003/UHOPA-22-001

Date:
September 21, 2023

Appendix "A"

Scale:
N.T.S

Planner/Technician:
MK/NB

Subject Property

65 Guise Street East, Hamilton (Ward 2)



Pier 8, Block 16 – Change in Zoning from the Community Institutional (I2, 486, H94) Zone to the Waterfront – Mixed Use (WF2, 819, H94, H130) Zone



Additional lands owned by owner

Amendment No. “X” to the City of Hamilton Official Plan

The following text, together with:

Appendix “A”	Schedule M-2: General Land Use
Appendix “B”	Schedule M-4: Building Height

attached hereto, constitutes Official Plan Amendment No. “X” to the City of Hamilton Official Plan.

1.0 **Purpose and Effect:**

The purpose and effect of this Amendment is to amend the West Harbour (Setting Sail) Secondary Plan by changing the designation of the subject lands from “Institutional” to “Mixed Use” and establishing a Special Policy Area to permit a mixed use building with a maximum building height of 45 storeys.

2.0 **Location:**

The lands affected by this Amendment are located at 65 Guise Street East (Pier 8, Block 16) in the City of Hamilton.

3.0 **Basis:**

The basis for permitting the Amendment is as follows:

- The proposed development addresses innovation in the areas of sustainability, quality of life and design excellence and creates a landmark and visual anchor at Pier 8 that is emblematic of the Harbour’s renewal.
- The proposal results in additional family sized units contributing to a broader range of housing types within the West Harbour Secondary Plan area.
- The Amendment is consistent with the Provincial Policy Statement, 2020 and the A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 Changes:

4.1 Text Changes:

4.1.1 That Section A.6.3.5.1.11 be amended by adding Policy No. A.6.3.5.1.11.X as follows:

“A.6.3.5.1.11.X The following policies shall apply to lands known municipally as 65 Guise Street East (Pier 8, Block 16), designated Mixed Use and identified as Special Policy Area XX on Schedule M-2: General Land Use Plan of the West Harbour Secondary Plan:

Vision

- i) Pier 8, Block 16 is considered a prominent site of strategic importance within the overall Pier 8 development. Future development of the site shall reflect the positive attributes of the unique waterfront context and create a regional level landmark and visual anchor at Pier 8 that is emblematic of the Harbour’s renewal;
- ii) A tall building on Pier 8, Block 16 shall be a singular exception to the mid-rise built form character of Pier 8 intended to create variety and interest in the urban fabric;
- iii) The design of development on Pier 8, Block 16 shall achieve placemaking that is built on quality of life, sustainability, and design excellence and include publicly accessible open spaces;
- iv) Development shall support families through the provision of family sized and affordable housing units;
- v) Promote development that will achieve a high standard of design as it relates to energy efficiency, water conservation and

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air quality through certifications such as LEED, WELL, and EnergyStar;

Implementation

- vi) In addition to Policies A.6.3.5.1.11 i) and ii), commercial, community and live / work uses shall be permitted on the ground and second floor of a multiple dwelling;
- vii) Policies A.6.3.5.1.11 iv) and v) shall not apply;
- viii) The maximum building height shall be 45 storeys and no building, including mechanical penthouse, shall exceed a geodetic elevation of 224.0 metres;
- ix) Residential development shall include family sized units as required in the implementing Zoning By-law. Family sized units shall mean dwelling units with two or more bedrooms;
- x) No less than five percent of residential units on the entire Pier 8 lands shall meet the definition of Affordable Housing as defined by the City of Hamilton Municipal Housing Facilities By-law No. 16-233 and as required by the applicable development agreement between the City and the developer. The inclusion of Affordable Housing in the Block 16 development shall be encouraged;
- xi) The maximum number of dwelling units permitted on the entire Pier 8 lands, inclusive of Block 16, shall be in accordance with the Zoning By-law;
- xii) Development shall achieve the environmental sustainability targets set out in the Pier 8 – Block 16 Sustainability Report submitted by the developer in consultation with the City. The intent of the sustainability

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measures is to set a high standard for environmental sustainability and raise expectations for future development; and,

- xiii) Development shall be consistent with the Pier 8 Block 16 Urban Design Guidelines.

4.2 Map / Schedule Changes:

4.2.1 That Schedule M-2: General Land Use, of the West Harbour (Setting Sail) Secondary Plan is amended by:

- a) redesignating the subject lands from “Institutional” to “Mixed Use”; and,
- b) identifying the subject lands as “Special Policy Area XX”,

as shown on Appendix “A” to this Amendment.

4.2.2 That Schedule M-4: Building Heights, of the West Harbour (Setting Sail) Secondary Plan is amended by changing the building height category for the subject lands from “2-4 storeys” to “Height is governed by the Secondary Plan Policies”, as shown on Appendix “B” to this Amendment.

5.0 Implementation:

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

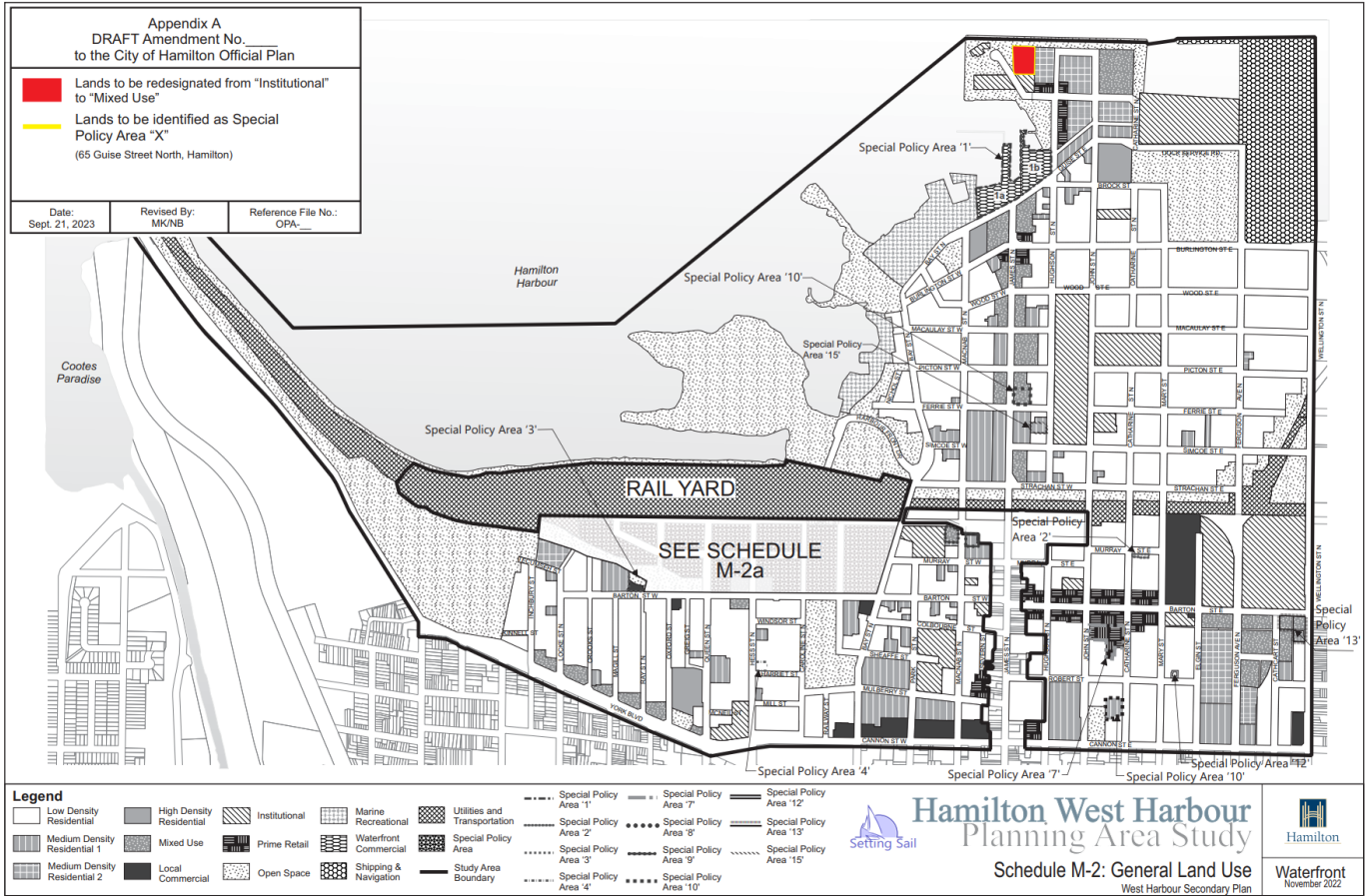
This Official Plan Amendment is Schedule “1” to By-law No. _____ passed on the day of _____, 2023.

**The
City of Hamilton**

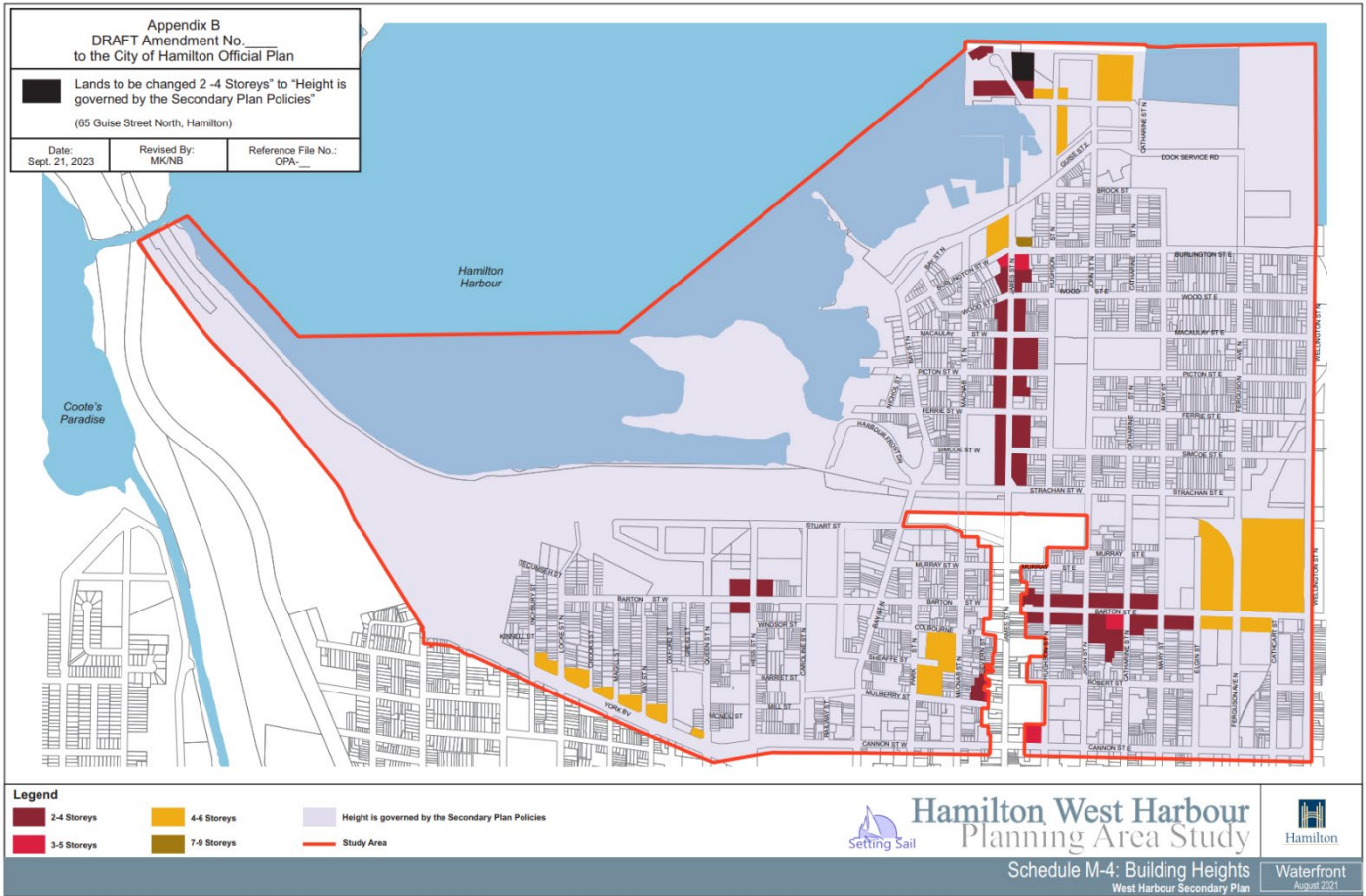
A. Horwath
MAYOR

J. Pilon
ACTING CITY CLERK

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Appendix “C” to Report PED22031(a)

Page 1 of 7

Authority: Item ,
Report (PED22031(a))
CM:
Ward: 2

Bill No.

CITY OF HAMILTON

BY-LAW NO.

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at
130 Haida Avenue (formerly 65 Guise Street East), Hamilton**

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at its meeting held on November 14, 2023;

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

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

1. That Section 14.0 E) is amended by replacing the words “Blocks 1 through 16” with the words “Blocks 1 through 17.”
2. That Schedule “A” – Zoning Maps, Map Nos. 787 and 827 are amended by changing the zoning from the Community Institutional (I2, 486, H94) Zone to the Waterfront – Mixed Use (WF2, 819, H94, H130) Zone, for the lands known as 130 Haida Avenue, the extent and boundaries of which are shown on Schedule “A” attached to this By-law.
3. That Schedule “C” – Special Exceptions is amended by adding the following new Special Exception:

“819. Within the lands zoned Waterfront – Mixed Use (WF2, 819, H94, H130) Zone, identified on Map Nos. 787 and 827 of Schedule “A” – Zoning Maps, the following special provisions shall apply:

- a) Notwithstanding Section 3 as it relates to the definition of Gross Floor Area, the following shall apply:

Gross Floor Area

Shall mean the aggregate horizontal area measured from exterior faces of the exterior walls of all floors of a building (excluding any cellar) within all buildings on a lot, including any area devoted to mechanical equipment but not including balconies.

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b) In addition to Section 4.6 and Notwithstanding Section 4.6 (d), the following shall apply:

- i) A second floor terrace shall be permitted to encroach a maximum 1.5 metres into a required setback but shall not be closer than 0.5 metres from a lot line.
- ii) A porch, deck, canopy or retaining wall may encroach a maximum 4.0 metres into the required easterly side yard.

c) Notwithstanding Section 14.2.1.1, the following shall apply:

- | | |
|-----------------|--|
| Restricted Uses | <ul style="list-style-type: none"> 1. In addition to Section 14.2.1, Commercial and Institutional uses shall only be permitted on the ground and second floors. 2. Residential units shall be in accordance with Figure 14 of Schedule F: Special Figures. |
|-----------------|--|

d) Notwithstanding Section 14.2.3, the following regulations shall apply:

- | | |
|---|--|
| i) Minimum Landscaped Area | 20% of the lot area. |
| ii) Minimum Unit Width for Ground Level Live / Work or Dwelling Units | 5.0 metres |
| iii) Minimum Amenity Area for Multiple Dwellings | <ul style="list-style-type: none"> 1. An area of 2.0 square metres located indoors for each dwelling unit; and, 2. An area of 2.0 square metres located outdoors for each dwelling, which may include balconies. |
| iv) Maximum Gross Floor Area | <ul style="list-style-type: none"> 1. 38,200 square metres. 2. The maximum Gross Floor Area for each floor within a building shall be: |

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b) That Figure 12: Waterfront Zones – Building Heights be amended as follows:

i) That a new row 9) be added to Table WF.2, as follows:

Table WF.2		a)	b)	c)
		Minimum Building Height	Maximum Building Height	
9)	Block 17	9.0 metres	45 storeys and 147.0 metres measured to the top of the mechanical penthouse.	

ii) That the existing row 9) of Table WF.2 be amended by adding the words “Except where otherwise indicated,” before the words “Building heights”; and, be renumbered as “10)” so that it reads:

“10)	Except where otherwise indicated, building heights will not be calculated with any mechanical penthouse or any portion of a building designed, adapted or used for such features as a chimney, smokestack, fire wall, stair tower, fire tower, water tower, tank, elevator bulkhead, ventilator, skylight, cooling tower, derrick, conveyor, antenna, or any such requisite appurtenance, or a flagpole, display sign, ornamental figure, parapet, bell tower or other similar structure.”
------	--

c) That Figure 14: Waterfront Zones – Residential Unit Restrictions be amended as follows:

i) That a new row 9) be added to Table WF.4 as follows:

Table WF.4		a)	b)	c)
		Minimum Residential Unit Total	Maximum Residential Unit Total	
9)	Block 17	No Minimum	No Maximum	

ii) That the existing row 9) of Table WF.4 be amended by replacing the words “Blocks 3, 4, 6, 9 and 8” with the words “Blocks 3, 4, 6, 8, 9 and 17” and replacing the words “Blocks 1 through 16” with the words “Blocks 1 through 17” and be renumbered as “10)” so that it reads as follows:

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“10)	Notwithstanding there being no unit restrictions on Blocks 3, 4, 6, 8, 9 and 17 in Figure 10 of this by-law, a maximum of 1,645 units are permitted within the geographic area comprised of Blocks 1 through 17 as illustrated on Schedule A.”
------	--

- iii) That the existing row 10) of Table WF.4 be amended by replacing the words “At least 15% of all units” with the words “At least 15% of all units plus 150 units”, replacing the words “Blocks 1 through 16” with the words “Blocks 1 through 17”, and renumbering as “11)” so that it reads as follows:

“11)	At least 15% of all units plus 150 units, within the geographic area comprised of Blocks 1 through 17 as illustrated on Schedule A shall have 2 or more bedrooms.”
------	--

6. 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 Waterfront – Mixed Use (WF2, 819, H94, H130) Zone, subject to the special provisions referred to in Sections 3 to 5 of this By-law.
7. That the clerk is hereby authorized and directed to proceed with the giving of notice of the passing of the By-law in accordance with the *Planning Act*.

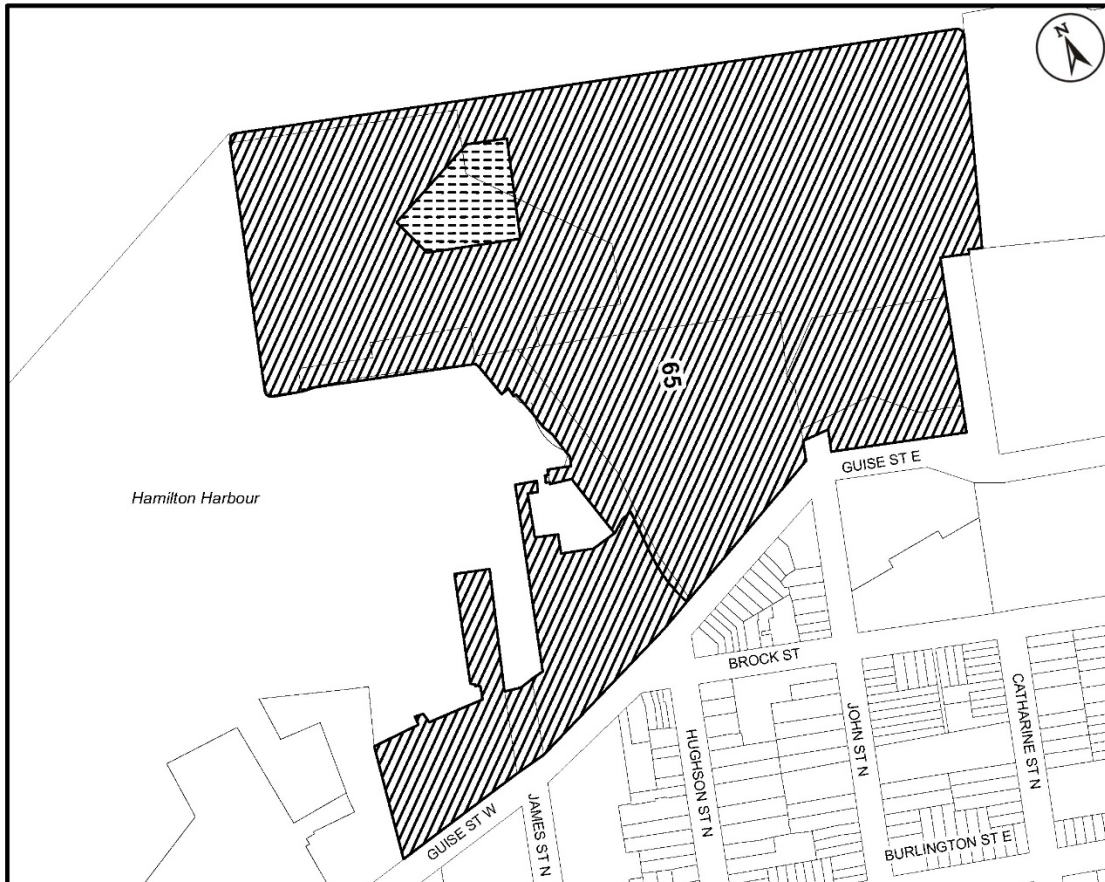
PASSED this _____, _____

A. Horwath
Mayor

J. Pilon
Acting City Clerk

ZAC-22-003

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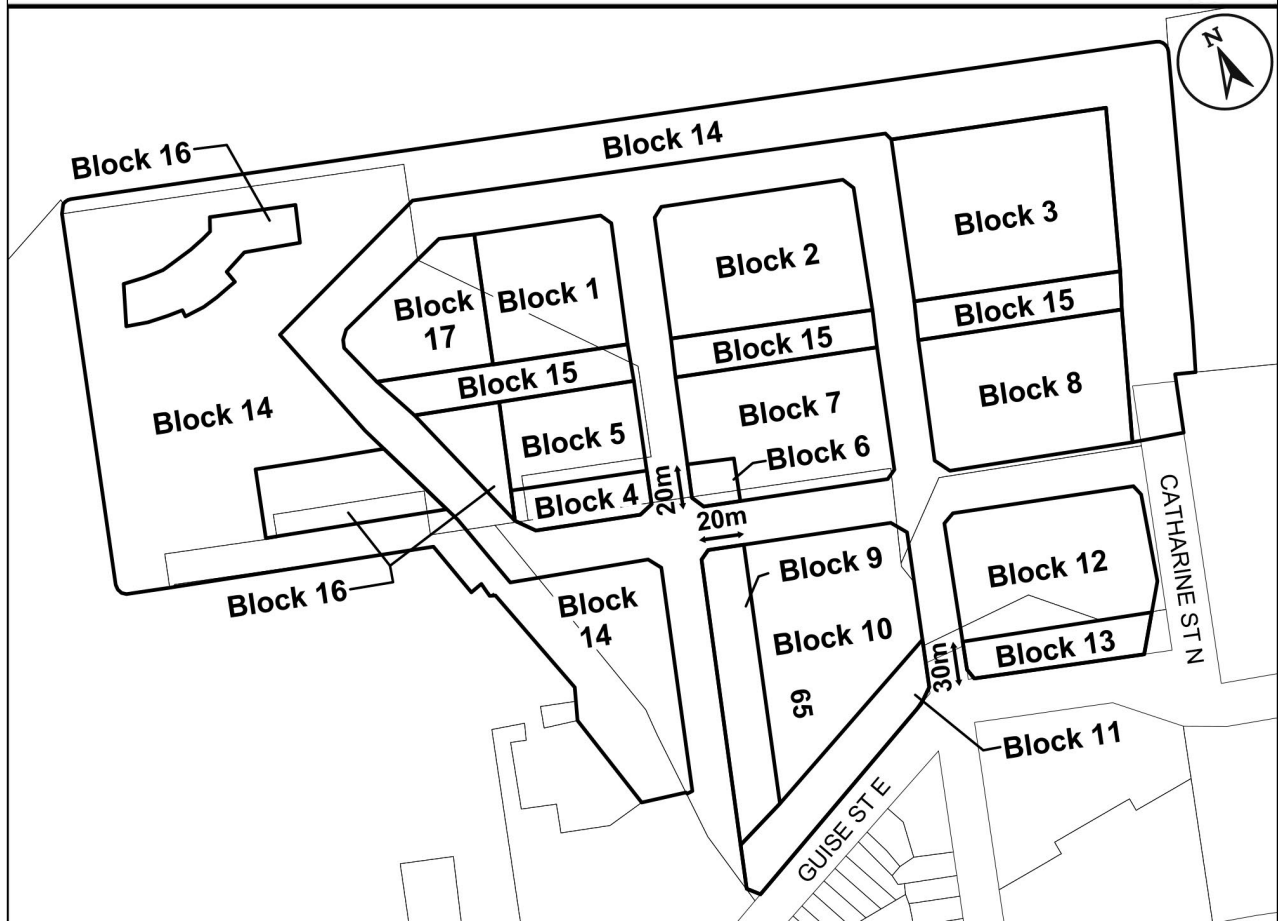
<p>This is Schedule "A" to By-law No. 23-</p> <p>Passed the day of, 2023</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
--	---

<p>Schedule "A"</p> <p>Map forming Part of By-law No. 23-_____</p> <p>to Amend By-law No. 05-200 Map 787 & 827</p>	<p>Subject Property</p> <p> 130 Haida Avenue – Change in Zoning from the Community Institutional (I2, 486, H94) Zone to the Waterfront – Mixed Use (WF2, 819, H94, H130) Zone</p> <p> Additional lands owned by owner</p>
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Scale: N.T.S	File Name/Number: ZAC-22-003/UHOPA-22-001	
Date: October 24, 2023	Planner/Technician: MK/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		Hamilton

Schedule "B"

Figure 10: Waterfront Block Plan



**Appendix “D” to Report PED22031(a)
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IMPLEMENTATION PROCESS FOR A TALL BUILDING PROPOSAL – PIER 8 BLOCK 16

	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10	STEP 11
	PIER 8 BLOCK 16 UDG DECISION	OPA/ZBA APPLICATION (120 days to <u>make a decision</u>)	STATUTORY PUBLIC MEETING ON OPA/ZBA	DEVELOPMENT OF DESIGN OPTIONS (Applicant)	PUBLIC INFORMATION CENTRE	SPECIAL DESIGN REVIEW PANEL	OPA/ZBA DECISION	SITE PLAN APPLICATION	CONDITIONAL SITE PLAN APPROVAL, HOLDING REMOVAL APPLICATION AND DRAFT PLAN OF SUBDIVISION CONDITIONS	FINAL SITE PLAN APPROVAL	IMPLEMENTATION (Transfer of Lands, Building Permit and Condominium Approvals)
Target Date for Completion	August 10, 2021 – PC August 15 - Council	October 2021	November 2021 – report deadline January/Feb 2022 – PC	Feb 2022	March 2022	March 2022	June 2022 – Report deadline September 2022 – PC	Timing for Site Plan application submission dependent on applicant’s phasing plan for Pier 8.			
DESCRIPTION	Present Pier 8 Block 16 Urban Design Guidelines to Council for approval.	Submission of the OPA/ZBA based on the design direction of the guidelines. Includes full scope of studies (urban design brief, sustainability report, sun/shadow, wind, noise studies, FSR, etc.)	Hold the statutory public meeting to present the proposed application and receive public input on the OPA/ZBA. Report Recommendation: that the applicant be directed to participate in a special design process to develop three tower designs. Each design should address innovation in following three areas: sustainability, quality of life and design excellence.	Applicant to engage in multiple design professionals to develop three tower designs that address innovation in three areas: sustainability, quality of life and design excellence.	Public Information Centre to present the three tower designs. The applicant will explain how each design is an example of innovation in sustainability, quality of life and design excellence. A special design review panel will also attend this meeting to understand feedback from the public on the three tower design options.	A special design review panel will review the feedback received at the PIC on the three tower design options presented to provide comments and feedback on the three options to staff.	Recommendation Report to Planning Committee on OPA/ZBA and preferred tower design option. The proposed ZBA will include a Holding provision that states that the proponent shall implement, through site plan approval, the preferred tower design option.	Site Plan application that implements the OPA/ZBA and detailed aspects of the preferred design option.	Once it has been determined that the preferred design option has been implemented through the Site Plan application process, an application can be made to remove the Holding Provision on the Zoning. The Holding Provision will be included as a special condition of conditional site plan approval. The condition of draft plan of subdivision related to the Urban Design Brief being compliant will be updated to reflect the Pier 8 Block 16 Urban Design Guidelines.	Final Site Plan approval can be granted. Special conditions should include review of the final design and site plan by a Control Architect and Sustainability Consultant (independent of the Design Architect and Engineers) to review the matters of Urban Design and Sustainability.	Control Architect Review for conformity with Design Guidelines
DECISION	Adopt; or Receive; or Deny	Notice of Complete application.	No decision at this meeting on the OPA/ZBA. Approve or deny the proposed special design process.	N/A	N/A	N/A	Approval or denial of OPA/ZBA If the UDG were received in Step 1 then Council could adopt here if approving the OPA/ZBA.	Site Plan application deemed complete.	Approve or Deny Holding removal By-law.	Prior to final site plan approval, staff will consult with Council and incorporate Council’s advice in <u>making a decision</u> on the application.	Transfer of lands/ Issuance of building permit/Condominium approvals.
APPROVAL AUTHORITY	Council	Planning Staff	Council	N/A	N/A	N/A	Council	Planning Staff	Council – Holding Staff – Subdivision and Site Plan Condition	Chief Planner and Director of Planning.	<ul style="list-style-type: none"> • City Manager’s Office/Real Estate Department • Chief Building Official • Planning Staff

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IMPLEMENTATION PROCESS FOR A TALL BUILDING PROPOSAL – PIER 8 BLOCK 16

<p>OUTCOME or ACTION</p>	<p>Approve Guidelines (proceed to Step 2); or</p> <p>Approve guidelines but hold in abeyance until decision on OPA/ZBA (Step 7); or</p> <p>Deny</p>	<p>Notice of Complete Application and Circulation of application.</p>	<p>At the statutory meeting Council and the public to provide feedback and comments on the proposed OPA/ZBA.</p> <p>Council could approve or deny recommendation to proceed with a special design process.</p>	<p>Three tower designs to be presented to the public and a special design review panel for comment.</p>	<p>Feedback received will be considered by the applicant in the development of the final preferred tower design option.</p>	<p>Applicant to review comments from public and the special design review panel and prepare one final design option that will proceed with the OPA/ZBA application.</p> <p>Chief planner to review the final design option and prepare a recommendation report on the preferred option and OPA/ZBA for Council’s consideration.</p>	<p>Approve OPA/ZBA (If approved, proceed to Site Plan application)</p> <p>Or</p> <p>Deny OPA/ZBA</p>	<p>Prior to receiving final site plan approval, the Holding Provision must be lifted.</p>	<p>If the Holding Provision has been removed, proceed to Site Plan approval.</p>	<p>Approved site plan based on preferred design option, UDG and OPA/ZBA.</p> <p>Proceed to Building Permit.</p>	<p>Proceed to construction phase.</p>
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**PIER 8, BLOCK 16:
RESIDENTIAL TOWER DESIGN
OPTIONS**

**Public Feedback Report from
Community Meeting held
March 8, 2022**

Prepared by:
Independent Facilitator Sue Cumming,
Cumming+Company



April 8, 2022

This Community Meeting Feedback Report has been prepared by the Facilitator. It includes the questions and responses that were noted at the Community Meeting held on March 8, 2022. It includes verbatim comments, questions and responses. Further comments and questions can be forwarded to the City of Hamilton, Municipal Land Development Office at westharbour@hamilton.ca and to Development Review Planner at Mark.Kehler@hamilton.ca



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PIER 8, BLOCK 16: RESIDENTIAL TOWER DESIGN OPTIONS
COMMUNITY MEETING (WEBINAR) held March 8, 2022
Feedback Report

About This Report

The city has initiated Official Plan and Zoning By-Law Amendments on lands identified as Pier 8, Block 16 located at 65 Guise Street. The applications propose a 45-storey residential building consisting of approximately 429 units. A special design review process is being followed which involves public consultation and input through a Design Review Panel. A Community Meeting (Webinar) was held on Tuesday, March 8 from 6:30 to 9:00 p.m. The meeting was hosted by the City of Hamilton Municipal Land Development Office and Waterfront Shores Partners to provide information about three tower design options for Pier 8, Block 16.

The purpose of the Community meeting was to:

- Provide an overview the design review process.
- Present three tower design options that address innovation in three areas: sustainability, quality of life and design excellence.
- Receive feedback from the public on the tower design options and answer questions.

This report, prepared by Facilitator Sue Cumming, MCIP RPP, Cumming+Company, includes what was heard from the public at the Community Meeting. This report is intended to provide a record of what was heard and responses from the Project Team. The comments and questions included are verbatim. It should be noted that the meeting held on March 8, 2022, was a community meeting and not the Public Meeting as required by the Planning Act (i.e., the “statutory public meeting”). The first Public Meeting was held on February 15, 2021. The second Public Meeting will occur at a later date and will be advertised by the city.

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1. VIRTUAL COMMUNITY MEETING INFORMATION DETAILS

Given restrictions related to public gatherings, the Community Meeting was held by way of an online **WEBINAR on March 8, 2022, from 6:30 to 9:00 p.m.** Participants registered in advance of the meeting. 190 participants registered and 124 connections participated at the meeting. Some of these may have included more than one individual.

The format included live presentations from City Staff and representatives from Waterfront Shores Development Corporation following by questions and answers. Presenters included:

City of Hamilton	Jennifer Roth, Planning and Economic Development Department Chris Phillips, Municipal Land Development Office
Waterfront Shores Partners	Bruce Kuwabara of KPMB Luka Matutinovic of Purpose Building

Those who wanted to share a comment or questions were able to do so by typing into these into the Q and A question box. Comments and questions were then read aloud by the Independent Facilitator and answered live by the presenters. Individual names were not read aloud when the questions were asked. Participants could ask multiple questions.

Mark Kehler, Development Planner, City of Hamilton attended. A number of the Design Review Panel Members also attended to hear the discussion.

Throughout the Question-and-Answer period, 172 comments and questions were received. 54 individuals asked at least one question. A number of participants asked multiple questions. One individual had 19 comments and questions and 3 others asked more than 10. The majority of the questions included in the Q and A were read aloud. All the comments and questions are included in this feedback report.

Following the meeting, the PowerPoint Slide deck and recording of the presentation were posted on the Block 16, Pier 8 website and further comments were encouraged to be sent to the Municipal Land Development Office for inclusion in this report or to Mark Kehler the City of Hamilton Development Review Planner for review as part of the processing of the applications. Additional comments received by the Municipal Land Development Office by March 24, 2022, are including in Appendix 1 to this report.

2. WHAT WAS HEARD - COMMENTS AND QUESTIONS NOTED

This summary is intended as a record of “What was Heard” – public comments and questions raised at the March 8, 2022, Community Meeting. It includes verbatim questions that were noted in the Q and A and responses provided. The questions and comments are grouped by topic. Personal identifying information i.e., the name of the individuals asking questions is not included.

All of the feedback is being considered by the City of Hamilton Municipal Land Development Office and Waterfront Shores Partners in their review of the proposed development project for Block 16. A summary of the feedback on the design elements was prepared and provided to the Design Review Panel for their first meeting held on March 10, 2022.

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Table A – What was Heard about the planning history of Block 16 and the Pier 8 Development

The following table includes the verbatim comments and questions about the planning History of Block 16, the application process and overall, Pier 8 Development. Each bullet point is a different person's comment or question.

Topic	Questions and Comments Noted and Responses Provided at the Meeting (Verbatim)
A.1 About the planning history of Block 16	<ul style="list-style-type: none"> • Have we abandoned the idea that Block 16 is to be the signature institutional building providing a key public anchor at the waterfront? • How did this change from institutional to residential? Who exactly suggested that a 45-story tower be considered in the Minutes of Settlement? Was it the City or the Harbour West Neighbourhood Association or individual? • If the zoning of Block 16 was changed from Institutional to Residential Mixed Use in 2020, why do all of the City's public document still say its Institutional? • Please clarify - what does the 'institutional' label mean on the block we are talking about tonight? And was that modified in the LPAT approved zoning? <p><i>Response from City Planner from Sustainable Communities: There was an appeal on the zoning that was put in place, and through the LPAT settlement discussions, there was consideration for changing the land use on this specific block. It is a deviation from the original concept of institutional on Block 16. The applications are being processed and this meeting is part of that process. The determination as to whether the land use changes to residential to permit this development will be up to City Council. and is part of this process. The institutional designation will remain on the block until such time as Council decides on the Official Plan and Zoning Application. It will still show as Institutional until the decision is made.</i></p> <ul style="list-style-type: none"> • How does removing the signature institutional building in the Pier 8 Plan help build a place for people? <p><i>Response from the Municipal Land Development Office: Part of negotiated settlement between the parties which included two community groups within the neighbourhood who were actually participants and lead to that settlement. It is important to also review two contextual pieces for what is happening within the Pier 8 neighbourhood. (1) Council has just recently approved a visioning process to the Discovery Centre building which is currently institutional and that will be out for consultation (2) and there are two new public buildings being planned for Piers 6 and 7. This idea of institutional is still important and part of the area development. Additional planned as opposed to eliminating it on this one block.</i></p> <ul style="list-style-type: none"> • Why was this building not part of the original design rather than introduced part way through the approval process? • I believe that Setting Sail said no buildings taller than 8 floors but this awful two apartment building.

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Topic	Questions and Comments Noted and Responses Provided at the Meeting (Verbatim)
<p>About the planning history of Block 16</p>	<ul style="list-style-type: none"> • The city also sent out an RFP for this site. There was a community voting process. None of the proposals included 40+ storey towers. When did this change? I understand there may be a desire for density carriers, but why wasn't this studied in the initial RFP? It makes that voting and RFP process seem quite disingenuous. • This new tower looks nothing like the plans presented during the RFP. Why the change from what was presented? • Can anyone clarify this section of the minutes? "The Parties agree that the City shall direct staff to bring forward for Planning Committee and Council's consideration and approval, in its sole and unfettered legislative discretion, an amendment to Setting Sail (the "OPA") that would redesignate the existing Institutional block ("Block 16") to permit residential or mixed use in a mid-rise or high-rise form" is the City required to consider both mid- and high-rise buildings? <p><i>Response from the Municipal Land Development Office: When the city went out for the RFQ and RFP process (of which Waterfront Shores was the successful proponent), the city had undergone the planning approvals on the site which did have a 8-storey height limit on the overall site and included institutional on Block 16. As mentioned, there were several appeals made on the planning for the Pier 8 including an industrial owner in close proximity to the Pier 8 and two community groups that were in the north end neighbourhood. It was during this process under appeal that the idea of factoring in different element and looking at the rezoning of this site and specifically the objective of looking at more family units on the site that the change from Institutional to residential for Block 16 was contemplated. The process for considering this change to residential was agreed to by two community groups, the industrial owners and City Council. That process involves the current applications which are before the city for review and will be determined by City Council.</i></p> <ul style="list-style-type: none"> • There was not sufficient public consultation to change the original plans that were in place and voted on by the community. The land is city owned which is funded by public dollars. This is unacceptable. Have you done sufficient consultation to know what percentage of the north end neighbourhood is in support of this tower? There absolutely should be a real estate assessment to protect folks who own property in the area considering this will obscure views. • Has a survey or broad public response been done to determine how many people in Hamilton are in favour or not of a tower is this location? • North End Neighbours and other groups don't speak for the northenders, so we need to get this clarified. • North end residents should get to vote on building height changes. It was changed from 4 to 8 stories without our acknowledgement. Big surprise to many people. <p><i>Response from the Municipal Land Development Office: When the Minutes of Settlement went to Council there was public debate on the settlement. This is part of the public consultation on the change of use for Block 16 and as was noted earlier, the land use has not changed from</i></p>

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<p>About the planning history of Block 16</p>	<p><i>Institutional to Residential and that change would be before Council for their decision.</i></p> <ul style="list-style-type: none"> • There are many questions and there should be further public consultation before this goes forward. <p><i>Response from City Planner from Sustainable Communities: There are two Design Review Panel meetings that are advertised on the website and the public can register to observe these. Comments can be received at any time through submission to the Municipal Land Development Office for the Development Planner at the City, Mark Kehler. There will be statutory public meeting held and the public can register to speak and send comments. When the statutory public meeting occurs, there will be notice in the newspapers, to the mailing list and signs of the property. Residents can also reach out to their Councillors to provide their feedback.</i></p>
<p>A.2 About the application process and public consultation</p>	<ul style="list-style-type: none"> • The city spent time and money developing a new Urban Official Plan. What is the point of that process if the city is appealing its own bylaws? • Is the height of the tower a "done deal"? At 45 stories this will be an absolute eye sore, blocking out the view for many. Will look like the Toronto - skyline with access to view extremely limited. <p><i>Response from City Planner from Sustainable Communities: The tower is not a done deal. The application is still before the city for review. The only thing that has been completed to date is the Opportunities Study which resulted in Urban Design Guidelines which will be used to review these applications against. Within the Guidelines a 45-storey cap was established. There was consultation done at that time and they were endorsed by Planning Committee. No land use changes have been done at this time and that is still in the process.</i></p> <ul style="list-style-type: none"> • What is the process for this application? <p><i>Response from City Planner from Sustainable Communities: The application is submitted by Municipal Land Development Office in partnership with Waterfront Shores Partners. The application received by development planning division in the planning department. The planner who is reviewing the application is Mark Kehler. It was received in January and the application has been deemed complete. Given the uniqueness of the application, the City held a Statutory Public Meeting in February. You may have seen the public notice signs on the site, the newspaper notices or received a mail chimp blast about the February meeting.</i></p> <p><i>A report went to City of Hamilton Planning Committee and Council recommending continuing the processing the applications through an enhanced consultation process which includes the establishment of a Design Review Panel and direction to the applicant to hold a community meeting. This is that Community meeting.</i></p>

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Topic	Questions and Comments Noted and Responses Provided at the Meeting (Verbatim)
<p>About the application process and public consultation</p>	<p><i>Information is available on the city web site and comments can be forwarded to Mark Kehler. Eventually a staff report with a recommendation will go forward to Planning Committee and Council for decision.</i></p> <ul style="list-style-type: none"> • I did not receive notice of the public meeting in February. How many people attended that meeting? • There are clearly many questions and concerns about this tower. Further public consultation needs to occur before this moves forward. <p><i>Response from City Planner from Sustainable Communities: For the February Statutory Meeting, there was notice in the newspaper and there was a mail out (physical notices) and notices to mailing list and signs placed on the property. The minutes of Planning Committee are available on the city’s website.</i></p> <ul style="list-style-type: none"> • Can the mailouts please include the entire North end. I did not receive one for the meeting in February and I live in the area. • I too have found the public notice lacking. • These meetings seem to be clandestine. All my neighbours in Westdale knew nothing of this meeting. How are you advising the public in general, especially those without access to electronic devices? <p><i>Response from the Municipal Land Development Office: Waterfront Shores: Meeting notices are always difficult. This project has garnered some significant attention and media attention, we did provide a notice in the Spectator. We have a data base of names that were part of the community engagement we did several years ago. We have a mailing list and any one can sign up on the website and receive direct notification. This also went to Planning Committee and that was advertised. There was also notice in the North End Breezes for this meeting. I wouldn’t think the word clandestine isn’t really a fair acknowledgment as we have been very public about this including posting reports and information.</i></p> <ul style="list-style-type: none"> • Can we possibly get a copy of tonight's presentation? <p><i>Response from the Facilitator: The recording for the presentation and the slide deck will be posted on the city webpage by March 10. Additional comments that are forwarded to Waterfront Shores up to March 24, 2022, will also be included in the meeting feedback report. This feedback will be considered by the Municipal Land Development Office and the Design Review Panel and will be included in future City Staff reports to Planning Committee and Council. Comments can be forwarded to the City Development Review Planner, Mark Kehler at any time and would be considered as part of the review of the applications. Contact information in on slide.</i></p> <ul style="list-style-type: none"> • This is a webinar not a consultation. I would expect a dedicated session for discussion and Q&A in order to be considered public consultation. This is just a bunch of buzz words. This was meant to be a public consultation to have our questions answered. There are

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	<p>currently only 4 minutes remaining. I would expect a follow-up session to allow for actual discussion and questions to be answered to fulfill the public consultation process.</p> <p><i>Response from the Facilitator: In response to the pandemic, virtual meetings have become the way to provide information and receive input. This type of webinar meeting with a presentation followed by Q and A has been used for many City of Hamilton projects. We know that some people prefer in-person meetings. This format does enable for there to be lots of questions asked – so far, we have over 140 and we do find that it provides the opportunity for people to ask questions, hear responses and learn about other individual’s questions. There are other ways to provide input as well and everyone is encouraged to view the online material on the city website and to forward comments to Waterfront Shores and to the City’s Development Planner whose name and contact information has been provided.</i></p>
A.3	<p>About Pier 8 and the overall development plans</p> <ul style="list-style-type: none"> • I understand the need to build taller buildings to increase density. I support density, and I worked to Stop Sprawl. My question is why the additional units were not simply added to another floor or two for the other buildings considering Pier 8 is being considered a single site. There was obviously a plan to keep this a mid-rise development in the original plan. That could have been kept if there was an extra floor on each of the other blocks • If the number of units remains the same across the Pier 8 development, will other buildings be shorter, slimmer, and have more commercial? • Will this shift in units just allow for more floors of commercial/office space in other buildings rather than diminishing the height of the other buildings? • What are the changes to the other buildings on pier 8 that will allow units to be shifted to this building? • Are we locked in to 1,645 units no matter what? Could this be managed by a lower rise building instead of 45 storeys? <p><i>Response from the Municipal Land Development Office: The 1645 is the maximum on the on the overall site and it is what is in the zoning and embedded in the LPAT minutes of settlement. The total number of units is a hard number and is the total regardless of if there is tower on the site.</i></p> <ul style="list-style-type: none"> • While I think the site can accommodate a landmark tower, 45 storeys seem too high given the scale of planned built form surrounding the proposal on the rest of Pier 8. Could some of this height not be re-distributed more evenly across the other development blocks? <p><i>Response from the Municipal Land Development Office: No, that would not be allowed. The Minutes of Settlement do not allow any change in height on the other blocks in Pier 8.</i></p> <ul style="list-style-type: none"> • Do you have alternative location in mind, should this location not be approved for a building this high?

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Topic	Questions and Comments Noted and Responses Provided at the Meeting (Verbatim)
<p>About Pier 8 and the overall development plans</p>	<ul style="list-style-type: none"> • What is stopping developers changing the other blocks to high rise 45 storey or more or less from developing if this goes through? • What stops a variance going through to change the heights? My comment: Usually it's just about the money.... If someone pays it will go through • Block 1 is blocked from any westerly entirely. Will this devalue these smaller properties? • Is there a reason this tower can't be built at the Strachan/James St block? Why at the waterfront where it will add to congestion and block views for many folks. • The overall Pier 8 development is planned to be phased if I recall correctly. Has the developer determined at which point in the project this tower element would be built? • The neighbourhood association (NENA) has reviewed and continues to review the proposed signature / landmark tower as a single development for the waterfront. This will allow the remaining site to remain lower and have greater connection of the new development into existing schools, retails, churches and people. <p><i>Response from the Municipal Land Development Office: At the start of the presentation, we overviewed the plans for Pier 8 and how the development is proceeding for the other blocks. For the entire development, 1645 units is allowed on this site maximum whether there is tower on Block 16 or not. As stated, it is a firm maximum number – it is in the zoning by-law and in the contractual agreement between the city and Waterfront Shores.</i></p> <p><i>With respect to a variance for the height of any buildings in Pier 8, in the city agreement with Waterfront Shores, they are not allowed to apply for any variance in height unless the city agrees. We are not anticipating any changes to the other blocks.</i></p> <ul style="list-style-type: none"> • How much money/profit is being generated by this project? Who are the stakeholders, and why are developers dictating the design, and the number of floors? Is this not a cash grab? • The more units the more profit for those involved. So, the hard sell is moot. • This sounds as if this is a done deal. We are probably all wasting our time listening to this. I predict this so-called presentation is for marketing only. Let's hear it for corporate greed! <p><i>Response from the Municipal Land Development Office: The city is actually the landowner and all of the capital investment that have been made down there already and capital upgrades continuing on are being paid for by this communal development. From a tax and land sales perspective, the city is reaping financial benefit not just the developers. All of the city's proceeds of that are being pumped back into all of the fantastic public amenities that we are building that Council has already committed to – over 100 million dollars of investment in the West Harbour area.</i></p>

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Topic	Questions and Comments Noted and Responses Provided at the Meeting (Verbatim)
<p>About Pier 8 and the overall development plans)</p>	<ul style="list-style-type: none"> • It's nice that the city owns the land. The builder has a monetary stake in this. Are they building for free? I don't understand your statement regarding profit. • So, builder is building for material costs and no profit. This makes no sense. • The city invested in the industrial area in its history and is now paying for its clean up. The city owes it to its citizens to not make any mistakes in its future. Don't tell us that we are garnering revenues from this. Short term thinking is not appreciated. • Will that financial benefit be reinvested into the north end? There is nothing to guarantee that. Public funds historically are invested elsewhere. Roads, parks etc. in this area have historically been neglected. I understand that the waterfront is being invested in now but what about the other roads, parks etc. in the rest of the north end?
<p>A.4 About traffic, parking and transit for Pier 8 and north end neighbourhood</p>	<p>Comments about public parking</p> <ul style="list-style-type: none"> • Where is everyone going to park? Is it all street parking? Where is the public parking? What about public coming to the skating rink or for a walk on Promenade? • Where is the public parking? • Where is the public parking? For example, when the tugboat docked, there were families with small children coming from all over the city. You cannot expect parents to load kiddies and their paraphernalia by public transit and come to enjoy the waterfront. • Parking and infrastructure in the north end have not been upgraded. The Councillor still wants to black top Eastwood Park to ease parking. City talks green space; this is more concrete and asphalt than green space. Why are they not looking at the brownfields that the city exhumed for a stadium that never happened that sits empty on Stewart St. I think Hamilton must be for keeping our waterfront green for the people and the wildlife. <p><i>Response from the Municipal Land Development Office: The public parking would not change because of this development. The city conducted traffic studies and analyses. Because there is no increase in density for the site, the maximum number of units remains the same at 1645 regardless of where these units are built. The traffic impacts are no different if there is a tower on Block 16.</i></p> <p><i>There will be some parking in the Pier 8 development for some of the commercial uses. The city is now working on long term plan for the entire area.</i></p> <p>Comments about public transit</p> <ul style="list-style-type: none"> • More of a comment than a question: please consider working with HSR and Council to make the free 99 Waterfront Shuttle year-round to draw people to the water in all seasons! Maybe a corporate partnership could help pay for it. • Does anyone know if HSR service will go through this development with connections to West Harbour and Go Transit and of course downtown connections?

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	Topic	Questions and Comments Noted and Responses Provided at the Meeting (Verbatim)
	About traffic, parking and transit for Pier 8 and north end neighbourhood	<ul style="list-style-type: none"> • Will there be increased public transit to the area? <p><i>Response from the Municipal Land Development Office: We can't speak for HSR on their plans and services. Certainly, as the area develops over time, transit service would be something that HSR continues to look at.</i></p> <p>Comments about traffic in the area</p> <ul style="list-style-type: none"> • How can 1600 additional units on site not increase traffic on a main tributary.? With over 1600 units planned how many cars do you expect will be added to the current traffic flows? • Do you expect that there will be a need to expand existing roads because of additional traffic? • With respect to Transportation Background, The Official Plan and Setting Sail have probably addressed the question but has there not been any information as to how this has been addressed for such increased developments of the pier lands. There is presently limited traffic and truck access to these lands. It would be informative to have some background information as to how existing roads will be suitable to handle all this development. <p><i>Response from the Municipal Land Development Office; The West Harbour webpage (Hamilton.ca/westharbour) has an online data room and all of the information including traffic, transportation and parking, all of the studies that have been done are all there for public viewing. This was a significant issue for the neighbourhood groups both in the lead up to the RFP process as well as since and as part of the settlement discussion. It is important to recognize that the total number of units zoned for the site is 1645. The transportation studies looked at the uses on the site and the total number of units. These applications for a tall building on Block 16 are not adding any additional units. The total number of 1645 remains the same and there are not anticipated to be any changes to the traffic and parking because of the tall building. The transportation findings do not change and are still relevant.</i></p> <p><i>Response from the City Planner from Sustainable Communities: When the city did the Opportunities Study that resulted in the Urban Design Guidelines for Block 16, the City's transportation planning staff did review whether an updated traffic management study would be required, and they concluded that it would not because institutional uses are a higher generator for traffic and higher parking and trips per vehicles and that this would potentially be an improvement.</i></p>
A.5	About public use of the waterfront	<p>Comments about public use</p> <ul style="list-style-type: none"> • If the goal for the Hamilton Waterfront as per presentation description of the 40-year plan is “Pure Public Access” isn't there a more suitable place near but not on the waterfront for a giant building which will create a wall on the waterfront, not access to the waterfront. The combination of this building and the Harbourside Way Roadway leave very little usable space for “public access”. • No towers along the waterfront! The waterfront belongs to all the citizens of Hamilton, and we need to keep the view free from vertical

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Topic	Questions and Comments Noted and Responses Provided at the Meeting (Verbatim)
<p>About public use of the waterfront</p>	<p>obstructions. If you allow 1, you'll set precedent and you'll be allowing 100. Make the right decision along with the smart decision. Keep up the good work!</p> <ul style="list-style-type: none"> • We need clean water, we need clean water edge, we need clean green public space, and then low rise residential to mid rise residential to high rise residential evolving away from the lake. • The presentation is lovely, but where is the public space that a large crowd for special occasions will gather? <p><i>Response from the Municipal Land Development Office: Many of the public amenities are either there now or are under construction. The new Copsps Pier Promenade Park stretches all around Pier 8. We are about to take the construction fence down for permit public access. It was designed through an international competition. There is a new one-kilometer boardwalk being built now on Piers 6 and 7 that is just being built right now. Plus, the whole area of Piers 6 and 7 is being converted from surface parking and boat storage to an new open public area with access from James Street. And another gateway park at the entranceway to this. The city is investing in significant public spaces at the Waterfront.</i></p>
<p>A.6 About servicing</p>	<ul style="list-style-type: none"> • How much will it cost the city for garbage pickup.? Who will eat the costs for these additional services? i.e., for waste pickup, sewer, water etc.? • Can the city handle the flushing from 1645 toilets? Was an infrastructure study done and when? <p><i>Response from the Municipal Land Development Office: We have done lots of infrastructure studies and infrastructure work and there were no services for Piers 5, 6, 7 and 8 and the city has done a lot of work to put in the services – upfronted all this including a pumping station. There is ample servicing capacity down here. There won't be any issues with servicing the 1645 units. These studies are all in the data room at Hamilton.ca/westharbour.</i></p>

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Table B – What was Heard about the Residential Tower Design Options

The following table includes the verbatim comments and questions about the Residential Tower Design Options. Each bullet point is a different person’s comment or question.

Topic	Questions and Comments Noted and Responses Provided at the Meeting
<p>B.1</p> <p>About design excellence</p>	<p>Considerations for the design</p> <ul style="list-style-type: none"> • We have heard a lot about this being a beacon, an icon of the community. The top portion of this building should be a lookout for the public. If this is to be a civic landmark, with this height will there be a viewing platform on top for the public and not just residents? • If this is to be a civic landmark, with this height will there be a viewing platform on top for the public and not just residents? • There will only be panoramic views for the people that can afford to live in this building. That is not a draw for the neighbourhood unless the building will be public access. If not, this tall building will in fact prevent panoramic views for the rest of the neighbourhood. • Will there be the inclusion of architectural lighting features? i.e., a lit crown, lighting on the podium, lighting throughout the tower? • On inset balconies vs. wraparound balconies, has there been thought re: ensuring the elegant appearance is maintained? Glazing on the tower slab edge was envisioned as very clean; are there plans to avoid spandrel panels and messy window wall interfering with the design so that appearance can be achieved? Is higher quality unitized curtain wall potentially on the table? <p><i>Response from Waterfront Shores: These are all really specific design considerations for the exterior of the building. Specific to how to get the building to be legible, how it is composed, how it reads. Glazing vs. solid ratios. These are good considerations. We are at a starting place and there is more to come on this. We are at the first design review panel, and these are consideration that may be discussed at Design review panel 2 in April.</i></p> <ul style="list-style-type: none"> • The wind says go cylinder. • I vote for the Lily. • I think the Lily design option (option 3) is the most interesting and best showcases the landmark nature of the site. • The design looks beautiful, and I would be interested in selling my place to live on this new landmark. • In the first part of the presentation, it was mentioned that the building should be part of the neighbourhood and the city not something that stands alone, yet the scale/height of the building and the goal of making it a regional landmark speaks more to it standing out/alone - wondering if anyone can expand on this? <p><i>Response from Waterfront Shores: I think that you want to be part of the neighbourhood and stand out –because it is an exceptional site. I think that we are doing both, both fitting in supporting the mews, the greenway, the shape of site. As Haida Avenue turns onto Harbourside Way, into the marina, there obviously the lighthouses, there are metaphors of markers like this and standing out. This is a complex site and I think that this is addressing all of these issues at different scales.</i></p>

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Topic	Questions and Comments Noted and Responses Provided at the Meeting
About design excellence	<ul style="list-style-type: none"> • What effect will the "wave" design have on the light coming into the residential spaces? <p><i>Response from Waterfront Shores: I think it has more perimeter because of the in and out play of the wave design and if that were a preferred direction, we would study the lighting. There is a lot more work to be done but yes, absolutely it is like bays that go out and in and convex and concave surfaces of that design as opposed to the cylinder.</i></p> <p>Bird friendly design considerations</p> <ul style="list-style-type: none"> • Will this building be bird friendly to minimize bird strikes? • This is an important bird migration and habitat location. How can you minimize bird strikes? • I don't believe that a tower can be bird friendly. I didn't hear anything tonight that indicated that it would be. <p><i>Response from Waterfront Shores: Yes. It will have bird-friendly mitigation. We have done buildings on flight corridors and waterfronts where there is an application of a pattern for having birds avoid hitting the building and it is effective. This is an important design consideration that is accounted for, and mitigation built in.</i></p> <ul style="list-style-type: none"> • Would like to see usable green space on the rooftop of any of these designs. Will that be the case? <p><i>Response from Waterfront Shores: Yes, that is why we expanded the podium which did two things, it provided very comfortable areas for residents on the third floor behind the glass screens. There will be planted areas there. Then the site itself there will be green edges. All these are being worked on. There will be different green amenities on different levels of the building.</i></p> <p>Differentiation of design options</p> <ul style="list-style-type: none"> • The 3 design options presented are more like 3 variations on 1 design option. Would like to see you come back with 3 distinct options that are significantly different from each other. • Each design iteration is a repeating extrusion of one floor plate. Earlier in the presentation, you showed a building that were much more dynamic with non-uniform floor plates. Will you explore different types of tower shapes that aren't simply an extrusion of one floor plate shape? <p><i>Response from Waterfront Shores: I think that it is three very beautiful variations on one intelligent design option based on the aerodynamics and the analysis of the wind. It is not such a big site as you can see by the site plan. There were other options which were rectangular and a diagonal slab that were presented in the Urban Design Guidelines which recommended or pushed forward as a demonstration an oval shape building. We purified it and rotated that plan. The floor plates sizes are controlled and are very small – 650 and 850 square metres was written</i></p>

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Topic	Questions and Comments Noted and Responses Provided at the Meeting
About design excellence	<p><i>into the Urban Design Guidelines. All three options actually work within those Guidelines. There can be variations on them. definitely depending on the direction for taking one of the tower forms further the podium and the base, the townhouses elevation. What is important is the integration and the harmony between the tall, medium, and lower form and all things consideration. So, it is all things considered and pushing forward. There is a lot more work to do and there will more iterations based on the comments.</i></p> <p><i>There is an inherent energy and material efficiency that is built into a circular form. It is a compact. It is a very small amount of surface area that encloses the condition volumes and the addition of inset balconies. Less material and less heat loss. It all works together to achieve all of these different objectives.</i></p> <ul style="list-style-type: none"> • In response to an earlier question about the 3 different options - a comment was made that the circular form is inherently efficient. Let's call "a spade a spade" the desire for the formal move of having a tall tower that anchors the West Harbour is trumping the desire for sustainability - towers are inherently less efficient in surface area, structural material efficiency. <p><i>Comments were noted.</i></p> <p>Cost-effectiveness of different designs</p> <ul style="list-style-type: none"> • Is one of the designs more cost effective to build than the others? • Do the 3 designs have different long-term exterior maintenance considerations? • What will be used for exterior cladding material - is it the same for all 3 designs? <p><i>Response from Waterfront Shores: All three share an interest in having long-term maintenance consideration. That is what goes into the criteria for decision-making and will go into the quality of the building.</i></p> <p><i>Response from Waterfront Shores: For the exterior cladding, it could be a material that is called GFRC which is a fibre reinforced concrete. It could be pre-cast concrete. It could be metal. These are decisions that have not been made. I believe that it should not be dark and should be a lighter material.</i></p> <p>Comments about the townhouse portion of the building design</p> <ul style="list-style-type: none"> • Are the townhouses stacked? Is the idea of the townhouse to walk out onto the grass? • How will the townhouses fit into the development including views, walk out areas, landscaping areas and the use of more organic brick materials. • Why would someone in a townhouse want their view blocked by a monster building. • Would like to see street level as organic brick townhouse type construction not blocky modern glass (like Toronto).

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Topic		Questions and Comments Noted and Responses Provided at the Meeting
About design excellence		<ul style="list-style-type: none"> • Townhomes facing east will have a view of the Stelco lands and foundry. Hardly enticing. <p><i>Response from Waterfront Shores: The townhouses are not what I would call stacked. They are two story townhouses along the Mews and there are not very many of them. Townhouses are required in the urban design guidelines and the drawing show a what we think is a good approach for providing these. With respect to the views from the townhouses, the townhouse views are facing east and facing away.</i></p> <ul style="list-style-type: none"> • Who do you anticipate living at this site – do you expect it to be Hamiltonians or people coming in from the GTA? <p><i>Response from Waterfront Shores: It would likely be a mix – a broad mix of people. We expect a wide range, if the tower is approved there will be a lot of family units and we expect that people will come from Hamilton and the surrounding areas.</i></p> <p>Other comments about the building design</p> <ul style="list-style-type: none"> • Please do not put the same cover as the newer Waterdown library which is out of place. • A building this large does not cater to our needs to meet housing requirements except for those who will be able afford what these units will cost. Sad. • Balconies are stacked. I am concerned about the marijuana stench on the balcony below. • It seems as though the back-of-house functions like loading and parking access take up a very prominent portion of the building's frontage along the waterfront and public promenade. Has the team studied whether these functions could be incorporated along the south or east sides of the building, to ensure more active and outward facing uses are achieved along this frontage? • Do all the elevators go to the basement as well? • How much extraordinary engineering is required to build a building of this height on a pier? Were detailed wind studies done to model effects of any of the designs?. • Is there a cost study? Is one of the designs more cost-effective than the others? • Was a detailed vibration assessment done? Will the floors shake? <p><i>Response from Waterfront Shores: No, for sure the floors are not going to shake. it will be structurally engineered to the highest degree.</i></p>
B.2	About the height of the residential tower	<p>Comments about the height of the residential tower</p> <ul style="list-style-type: none"> • This is a beautiful building, but I truly believe it is in the wrong place. It reminds me of Montparnasse, a single tall tower out of place on the Paris skyline. • The concept is too bright and out-of-place. The goal of making it a regional landmark speaks more to it standing out/alone that being part of a neighbourhood.

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Topic	Questions and Comments Noted and Responses Provided at the Meeting
About the height of the residential tower	<ul style="list-style-type: none"> • The concept is too bright; similar to out-of-place newer Waterdown library whose design does not fit in with Waterdown Victorian Village promotion. • I do not like the apartment towers at all. • I do not want tall towers on the site at all. • These towers are too high and out of place. Hamilton has always had a small/big town feel. 45 storeys are way too big for the area. • Believe me I'm very sensitive to the fact that you have put a lot of talent, time, imagination, and passion into the design, but I would be fundamentally opposed to allowing it to be built on Pier 8. • I also have concerns about the height issue. We do not need a signature building. • How is this monstrous building going to be engaging with the existing community? Will the local community be able to engage with this building or is it just another condo? It looks like a silo and self-contained structure standing out and not contributing to any community engagement. A giant eye sore really. • The building will be 147 metres tall--the escarpment is 90 metres. Does this not make the tower disproportionate to the landscape? Does the city still have height limits shaped by our unique geography? • With respect I can see that a lot of passion has gone into this design, but it sounds like the architect is in love with this plan for his legacy and that it can be seen from all directions ... not for what Hamiltonians want for this location. <p><i>Response from Waterfront Shores: The beauty of the building itself – it is quite an exceptional site, and our job is to try to drive the design, quality of life and sustainability to be exemplary. We don't see it as a monster, we think that we are doing everything we can to really make a building that responds to its environment to create a great public realm around it that related to the lower building to the left and to relate to the fabric of Pier 8.</i></p> <p>Comment about views</p> <ul style="list-style-type: none"> • No towers along the waterfront! The waterfront belongs to all the citizens of Hamilton. And we need to keep the view free from vertical obstructions. • Not completely sold on this concept. Was there just today and I've been looking at the sight from the Mountain Brow. Very concerned about the city approving more tall towers. I don't want the view of the Bay blocked by a tower. • To me the point that it can be seen from all those different points mentioned – RBC, the Skyway, La Salle Park, High Level Bridge etc. is irrelevant. If a landmark building was further back toward the escarpment, it would still be seen from those points. It would still be a landmark building. It would be just as sustainable, and it wouldn't be blocking everyone else's view. And that's where it should be built. • At 45 stories this will be an absolute eye sore, blocking out the view for many. Will look like the Toronto skyline with views extremely limited.

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	Topic	Questions and Comments Noted and Responses Provided at the Meeting
	About the height of the residential tower	<ul style="list-style-type: none"> • There will only be panoramic views for the people that can afford to live in this building. That is not a draw for the neighbourhood unless the building will have public access. If not, this tall building will in fact prevent panoramic views for the rest of the neighbourhood. • Block 1 is blocked from any westerly view. Will this devalue these smaller properties? <p><i>Response from Waterfront Shores: Not sure what this means by devaluing other properties. Devaluing other blocks? In fairness, I am not a real estate person and couldn't tell whether there is any devaluation. The main idea of the townhouses is that the overall site not just the tower is suitable for different people particularly for families when you are looking the two-bedroom units and townhouses.</i></p>
B.3	Comments about the tower becoming a precedent for building other towers along the waterfront:	<ul style="list-style-type: none"> • How will this tall building avoid becoming like the waterfronts in Vancouver and Toronto with too many condominiums in a row? Not happy with such a mega development focus. • Many people I have spoken to have concerns that an exception for the extra height for this building will open up the floodgates for a Toronto-esque look, similar to what you see between the Gardner and Lakeshore Rd. How can the city ensure this doesn't happen? • I believe that Setting Sail said no buildings taller than 8 floors but his awful two apartment building. • The city also sent out an RFP for this site. There was a community voting process. None of the proposals included 40+ storey towers. When did this change? I understand there may be a desire for density carriers, but why wasn't this studied in the initial RFP? It makes that voting and RFP process seem quite disingenuous. • The original 8 storeys would be a better quality of life for surrounding residential areas; 45 storeys will overwhelm the area which has traditionally been single family and quiet. It might be an architectural desire, but not practical for the surrounding neighbourhoods. It will change the "feel" of the area forever - the height in particular. How will this tall building avoid becoming Vancouver-Toronto-condified-like in its nature? <p><i>Response by Waterfront Shores: I think that it is a building that is really connecting to the scale of the entire city and making transitions to the fabric of Pier 8 and actually with the podium making relationship with the Discover Centre and with Williams. The circular form is unique and is in response to the shape of the site which you can see on the drawings. It is also connecting to the James Street corridor so that you really know that this is the landmark on the waterfront. It is on the water and is speaking in a way to the other civic landmarks around the Bay or other important public places. I think that it is important that it have a civic stature. It is designed like this for this site and not any other site. It is something that I have been thinking about this for a long time. There are some buildings that I really love – Marina City in Chicago for example where there are round buildings, extraordinary buildings, they are private, and people are living there. You can't imagine Chicago without them. They are fantastic buildings. They become part of the identity of the city itself. That is where I started with the scale that is close to the</i></p>

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Topic	Questions and Comments Noted and Responses Provided at the Meeting
<p>Comments about the tower becoming a precedent for building other towers along the waterfront:</p>	<p><i>ground, the transition to the mid-rise buildings and then something that would speak to the scale of the Bay, the escarpment, the John Lyle Bridge, all of those elements. In the history cities, this is what has gone on in terms of identifying and creating buildings which become part of the image of the entire city. There are many examples of this and yes, this is not Chicago or Toronto, and I don't want that either. The principles of design that would really make this a civic site and not just a commercial-residential building and there are buildings that do that and do it really well. This is what I think is really appropriate for this site, the circular form and the placement relative to John Street. All of that is really important. That is the working principle for me.</i></p> <ul style="list-style-type: none"> • We don't want to be Chicago; Hamilton has always had a small/big town feel. 45 storeys way to big for the area. • Marina City, Chicago is away from the lake!!! Replicate Chicago... water, beach, park, and the city with amazing architecture. • I have concerns about the Waterfront taking on a 'Toronto' feel. I know this has been vaguely discussed already, but what steps will be taken to maintain this area for what it is rather than a modern, industrialized centre similar to the Burlington or Toronto waterfronts • Contracts change, rules change and landscapes change. What's to stop a future developer from wanting to build a tower in another location on the waterfront. What stops a variance going through to change the heights? • What's to stop a future developer from wanting to build a tower at the corner of James St N and Burlington St., for instance, once this tall building precedent is set? • This new tower looks nothing like the plans presented during the RFP. Why the change from what was presented? • One building, one block " is just the beginning!!! • One building one park, that is how Toronto started. very worried. <p><i>Response from Municipal Land Development Office: On the Toronto-esque like skyline concern noted, it is important to understand the context for the tall building on Block 16. This is one building on one block of the entire area between Bayfront Park to Eastwood Park. There are already two towers behind at John and Guise and the Ken Soble Tower. We are talking about one specific area where development would happen - Block 16 with a specific site for one building.</i></p> <p><i>On the concern about what is to stopping towers on other parcels on the site, it is important to understand the context for the this. It is also important to note that the city is the owner off all of the lands from Bayfront Park and the end of Pier 8 and as well as Eastwood Park on the other side. The City of Hamilton controls by ownership the lands. The City of Hamilton also controls the zoning on those lands which does not allow for additional residential other than what you see on Pier 8. Specifically, the LPAT Hearing Settlement Agreement says that there is only OPA and rezoning happening on this one block on Pier 8.</i></p>

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	Topic	Questions and Comments Noted and Responses Provided at the Meeting
	Comments about the tower becoming a precedent for building other towers along the waterfront:	<i>Waterfront Shores has committed to building on the rest of Pier 8 exactly as the Plan lays out. Lastly, Waterfront Shores and the City of Hamilton have a contractual legal agreement that says that they are not allowed to increase the heights and densities on any of the other lands that they have the right to build on because the city actually owns it. That gives the protection all the way around so that this will not become a Toronto-esque skyline. We are talking about one tower on Block 16. We are talking about the rest of the building being developed as what was anticipated in the Setting Sail Plan in the early 2000's when the vision for this area was laid out.</i>
B.4	About accessibility	<ul style="list-style-type: none"> • There is no one on the City Design Panel who actually has a disability or experience in design. I do not want tall towers on the site at all. The newer city Westmount Recreation Centre only has one elevator which breaks down frequently. I want to ensure that all new city buildings have two elevators minimum. • Is loading and parking large enough for DARTs shuttles? • How will accessibility be addressed in the building design? Will there be accessible drop-offs, multiple elevators and accessible design? • Concerned that pedestrian access will not be accessible for the disabled. How will DARTS get through if there is a huge pedestrian mall space? • There needs to be accessible parking – for residents and visitors. <p><i>Response from Waterfront Shores: The City Design Review Panel has 10 members, and they will be looking at Accessibility. The building must be in compliance with Universal Design standards. Accessibility is required and accessibility needs would be addressed throughout the building. There are four elevators planned for the tower. Parking and loading will accommodate accessible vehicles.</i></p>
B.5	About parking for the residential tower	<ul style="list-style-type: none"> • A number of us are worried about the traffic flow in the area. will there be parking on site for the residents? • How many levels of parking below grade will there be? • Your earlier mention of three underground stories of parking seems inadequate when considering 1.5 parking spaces per unit. Are you sure that it will be enough? • Being so close to the waters edge and I'm doubtful that three stories of parking will be enough, how will this not be below water level? And is this not a concern? • Being so close to the waters edge, how will the parking not be below water level? • Currently there is already a problem with public parking for skating ring. Just 3 levels does not sound like it will be enough even for residents of the tower but what about public coming to the skating ring or for a walk on Promenade. • Will there be visitor parking? • There needs to be parking for visitors going to the building. • There needs to be parking for visitors for if we want to be a city to 'age in place'. Occupational and physiotherapy treatment providers need to get to their patients in their homes.

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Topic	Questions and Comments Noted and Responses Provided at the Meeting
About parking for the residential tower	<ul style="list-style-type: none"> • Given the proximity to the GO Station, the city's climate emergency declaration and the trend in a growing number of cities to reduce/eliminate personal car use, will the parking ratio be optimized with this foresight and to also decrease unit costs and increase affordability? • Is the City enforcing minimum parking requirements? Parking spaces are expensive, and many go unsold. Ideally this site will be marketed as being great for transit users given the proximity to West Harbour <p><i>Response from Waterfront Shores: Yes, there would be parking for residents, and it would be below grade under below the site. There would also be parking for visitors and accessible handicapped spaces.</i></p> <p><i>Comments noted.</i></p>

Table C – What was Heard about Sustainability

The following table includes the verbatim comments and questions about Sustainability. Each bullet point is a different person's comment or question.

Topic	Questions and Comments Noted and Responses Provided at the Meeting (Verbatim)
C.1 About climate change considerations	<ul style="list-style-type: none"> • Can you clarify how this contributes to climate action? Will there be green infrastructure? Will there be solar panels? • The panelist spoke about Hamilton's history of addressing climate change. Please outline what about this building will address climate change? Will there be heat pumps, solar, wind, green roof? • Where is outside water going? <p><i>Response from Waterfront Shores: This development by its very nature and the process that is being used will deliver substantially better energy, carbon, material performance relative to what is typical and relative to the what the minimum requirements are. the specific technologies are part of that design process. We do not have a final design of what will be included. Things like solar and wind tend to not be able to generate a significant amount of energy or reduce carbon in tall buildings. It is about how we heat and cool primary and that is one of the focuses of our design process.</i></p> <ul style="list-style-type: none"> • This is not contributing to climate action. This is meeting minimum standards. <p><i>This is by no means only meeting the minimum requirements. The entire Pier 8 development is already setting a higher level of energy and sustainable design relative to the minimum requirements and Block 16 is going above that. This will likely be a heat pump design although that is still being validated. Yes, there will be energy efficient low carbon heating and cooling systems be used. Wind and solar may be more appropriate for a low-rise building.</i></p>

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Topic		Questions and Comments Noted and Responses Provided at the Meeting (Verbatim)
	About Environmental Sustainability and Energy Efficiency	<i>Response from Waterfront Shores: Generally, they can be but this one won't. There are energy efficient buildings for all types of buildings. This project will be energy efficient in keeping with the Urban Design Guidelines.</i>
C.3	Other Sustainability comments noted	<ul style="list-style-type: none"> • How will road salt be used on lakeside roads? Will there be a lot of road salt washing into the lake from the road? • Will local building materials be used? Will local talent be employed to build? Will that be a part of the sustainability? • With Hamilton's air quality in mind and the buildings proximity to industry, what will a lightly coloured building look like in years to come. Let's keep what happened to Stelco Tower in mind. <p><i>Comments noted.</i></p>

Table D – What was Heard about the Quality of Life and Family Housing

The following table includes the verbatim comments and questions about the Residential Tower Design Options. Each bullet point is a different person's comment or question.

Topic		Questions and Comments Noted and Responses Provided at the Meeting (Verbatim)
D.1	About quality of life	<ul style="list-style-type: none"> • My comment is that it just doesn't make sense to me that a building this tall could be considered an enhancement to either the aesthetic or the quality of life of the harbour area. Don't get me wrong - It's a beautiful building. It's a gorgeous building. And I'm sure it will be as climate friendly as humanly possible. It just shouldn't be built there. If I lived there, I'd love it. If I didn't, I'd hate it. And most of us wouldn't be living there. • I am encouraged to see that the design allows for 2- and 3-bedroom apartments which bring more families into our neighbourhood. • Quality of life will not happen for those concerned that some parts will be blocked off to our residents who are disabled and need transport to their homes. • Are there additional schools planned given all the family units? <p><i>Comments noted.</i></p>
D.2	About affordability and family friendly units	<ul style="list-style-type: none"> • If I understand correctly the developer is required to construct 246 family units or 15% of 1645 total units. By increasing the height of this one building will this result in an increase in family units above and beyond the minimum required 246 units or will it just add more 1bdrm units? <p><i>Response from the Municipal Land Development Office: Yes, that is the agreement with respect to the consideration of increased height. Should the height be permitted, the number of family units would increase, and these could be built in any of the buildings on the Pier 8 site including Block 16.</i></p> <ul style="list-style-type: none"> • We are in great need of housing supply, and all three options would be beautiful additions to our city. Thanks to all involved for working

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Topic	Questions and Comments Noted and Responses Provided at the Meeting (Verbatim)
<p>About affordability and family friendly units</p>	<p>so hard to balance diverse community and environmental needs with this development!</p> <ul style="list-style-type: none"> • What guarantees that the family units that will be built will at least partially be included in the affordable units? • Are these rentals or condominiums? • Will a percentage of the units in the tower be affordable i.e., rent-geared to income to make them more affordable for a greater number of Hamiltonians? • Are any units going to be 'affordable' or what is known is 'rent-geared-to-income'. • Will there be any 'social housing units included and if yes, who monitors it? • Will this new density come with an increase in affordable housing? • How many affordable units will there be and are they going to be one- or two-bedroom facilities? • Nothing that I have seen in any of the documentation provided ensures that the additional family units that will be built will at least partially be included in the affordable units - wondering if anyone can speak to how we will avoid having existing Hamilton residents being pushed out of the neighbourhood? • If the city is the landlord here, I am perplexed as to why there aren't more affordable and deeply affordable units. • Can you clarify whether/how many of the 5% designated as affordable housing will be family units? <p><i>Response from Waterfront Shores: One of the commitments that the city made and principles in the redevelopment for Pier 8 is the mandate which is contractually obligated for the developer to provide 5% of the overall housing (5% of the 1645 units to be affordable housing). That 5% could be in any of the buildings.</i></p>

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Appendix 1 - Comments Received by March 24, 2022

The following are comment received by the City of Hamilton Municipal Land Development Office pertaining to further feedback from the March 8, 2021, Community Meeting. These comments are verbatim. They are numbered for reference purposes. Identifying information i.e., names and addresses has been omitted from this report.

1. Never, Never, Never. 45 story for an architect. Really!!!
2. Thanks for this. Whoever thought that the building of a 45-storey building on Guise would not be met with opposition, is daft. Yet again, an illustration of the heedless greed of developers, I guess. I've been overly patient (4yrs. & counting) without any signs of progress on this project. If I wait any longer for hopeful signs of ever living there, I'll likely be too old to fully enjoy the pleasure. Count me out.
3. As a Northend resident, I would like to lodge my vote against the 45 and 31 storey buildings at Pier 8 Block 16. This will forever impact the neighbourhood and start a condo craze similar to what happened at Toronto's harbour front (which is no longer a waterfront rather a condo front).

It changes natural/bird environments and increases noise, traffic, density, blocks views to the water, changes sunlight patterns, reduces access to green spaces for local residents by attracting too much density in one location, and it can potentially increase crime vis a vis too much density. I am in favour of the originally approved 8 storey building.

Thank you for the opportunity to provide input.

4. Good day, I have participated in the community meeting regarding the proposal for a tall tower. I prefer the Lily design. One of the things that was not addressed is the impact of the tall tower on the rest of Pier 8 development. In my perspective, one of the benefits of the tall tower is that the density of the remaining blocks are reduced. To me, this is very important.

The original plans were very dense and appeared to block of sight lines to the water. I would like to see the other blocks have buildings that were further apart, with wider boulevards with more green space. This could create an opportunity for more public open space. Further public meetings should present a redesign of the whole development, which, if it showed the positive impact of reduced density, might reduce opposition to the tower.

Thanks

5. Hey there West Harbour, not everyone in the north end agrees with this. A lot of folks are not on board, and I am one of them.
6. Hello, how do I share my concerns? The proposed Tower unit is ugly and too high.

There is no one on the City Design Review panel with a disability so we ended up with that horrible “new” Waterdown Library which looks like a huge iceberg and does not fit in with Waterdown's historic ‘Victorian Charm’. The new Waterdown library is not remotely suitable for the disabled as it has no elevators and is dreadful to walk in.

About the Pier 8: Habitat for Humanity only builds houses families, not individuals so how about those need a one-bedroom unit? Will each unit have storage?

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The 'new' Westmount Recreation Centre only has one elevator which breaks down at least once a week – thereby incurring extra expenses for classes which are cancelled on the upper level for patrons in wheelchairs (of which there are many at Westmount).

I have more concerns as well. I dislike the whole concept anyway for the Harbour is only going to be for the wealthy as it is in Oakville and Toronto now.

7. I did get to the webinar and thought it was well done. From a design perspective, I preferred the lily form as it was playful with more possibility for interpretations-playful, natural. The straight up cylinder looked industrial and reminded me of 'the big stack' in Sudbury, not a handle that we need in The Hammer
8. Hello, I recently read an article detailing the public opposition to the pier 8 development plan's revisions to show a 147m tall building amongst a mix of lower scale buildings. I wanted to write in to voice my support for this plan as a new resident of Hamilton. I believe there is a lot of support for this, but unfortunately it does not get voiced in these meetings.

It does not make any sense to limit height on every single building in Hamilton. The obsession with the escarpment height is absolutely arbitrary in this location, and in fact this is a great location to add more housing to the severe shortage we have, without anyone claiming views are being blocked. A single tall tower, or even a few tall towers will not be detrimental to any views of Hamilton harbour. As long as pedestrian scale is respected etc. this will massively improve the use and the visual impact of the waterfront. As long as there is still ample public space provided to enjoy the waterfront, we could have a gem on our hands.

My only quibble is the shape of the tower reminds me of terrible 1980's post-modern design, aside from the Lily pad design, (Lily pad is great!) I hope the city runs this through the design panel and we don't end up with something out of the 80's. Lots of options other than tacky cylinders. This should be a beautiful tower that should look to international contemporary precedents and Hamilton's red brick and industrial heritage.



City of Hamilton

Design Review Panel

VIRTUAL WebEx

Meeting Summary – March 10, 2022

Meeting Summary

The Design Review Panel met virtually on Thursday March 10, 2022 via Webex Events.

Panel Members Present:

- Jennifer Mallard, OAA, MRAIC, AIA (Chair)
- Ted Watson, OAA ARCHITECT AIBC AAA SAA NSAA Int'l. Assoc. AIA FRAIC LEED AP Partner (Vice-Chair)
- Calvin Brook, FRAIC, MCIP, OAA, MAA, SAA, RPP, AICP, LEED AP
- David Clusiau, OAA, AIBC, NCARB, FRAIC, LEED AP
- Tony Cupido, Ph.D., P.Eng.
- Petra Matar, OAA, MRAIC, CPHD
- Richard Witt, B.E.S., B.Arch., OAA, AAA, AIBC, MAA, SAA, NSAA, AANB, FRAIC, NCARB, LEED AP
- Paula Hamilton, BES, OAA

Panel Member Regrets:

- Eldon Theodore, BES, MUDS, MLAI, MCIP, RPP

City of Hamilton Staff Present:

- Steve Robichaud, Director of Planning and Chief Planner
- Ken Coit, Manager, Heritage and Urban Design
- Christine Newbold, Manager, Sustainable Communities
- Mark Kehler, Senior Planner, Development Planning
- Jennifer Roth, Planner I, Sustainable Communities
- Chris Phillips, Manager, Municipal Land Development Office
- Andrea Smith, Senior Consultant – West Harbour Redevelopment, Municipal Land Development Office

Applicant and Design Team Present:

- Bruce Kuwabara, KPMB Architects
- Luka Matutinovic, Purpose Building Inc.

Declaration of Interests:

None

Summary of Comments

Note: The Design Review Panel is strictly an advisory body and makes recommendations to Planning Division staff. These comments should be reviewed in conjunction with all comments received by commenting agencies and should be discussed with Planning Division staff prior to resubmission.

Proposal Overview

Waterfront Shores Partners is the developer of Pier 8, municipally known as 65 Guise Street East. The architect and sustainability expert from the Waterfront Shores Partners development team presented three conceptual 45 storey tower designs. Bruce Kuwabara indicated that the point tower would become a landmark similar to the McQuesten High Level bridge entry markers designed by John Lyle. Vertical windows in all options allow for views both up and down.

The three tower options include:

1. Cylinder
 - This tower option is a response to the geometry of the site and has an aerodynamic form.
2. Waves
 - The scalloped edges of this option allow a wider view from each individual unit. This is a variation of the basic form.
3. Lily
 - The floorplan shape of this option is a reference to the lilies at Cootes Paradise, and brings this reference of the natural environment to the working waterfront.

Key Questions to the Panel

- 1) To what extent do each of the proposed options implement the Pier 8 Block 16 Urban Design Guidelines?

- 2) To what extent do each of the tower design options capture the standards and design criteria required to create a unique building with high quality design and exceptionalism?
- 3) To what extent do each of the tower design options portray innovation in sustainability and quality of life for occupants?
- 4) To what extent do each of the proposed options serve as a visual anchor and regional/metropolitan scale landmark?
- 5) Are there design considerations that have not been contemplated that would contribute to design excellence, innovation in sustainability and quality of life for occupants?
- 6) What are the key features related to design excellence, quality of life for its occupants and/or sustainability that are integral and should be carried forward to the final proposed development concept for the official plan and zoning by-law amendment and site plan application?

Panel Comments and Recommendations

Overall Compliance with the Urban Design Guidelines and Implementation Process

- The Panel sought clarification on the podium height. Confirmation was provided that all three tower concepts have a two-storey condition which is not reflective of the guidelines requirement for a three storey podium.
- The Panel clarified that the building envelope of the three tower design options is within the envelope stipulated by the urban design guidelines.
- The Panel stated that this building should be an exemplar for all tall buildings to live up to and that it should be an inspiration for the City of Hamilton.
- Several Panel members suggested that there could be an opportunity to soften the transition between the two floor plate sizes (850 and 650 square metres). The Panel requests additional exploration of alternatives (ie. gradual transition/stepbacks) to the design concepts that illustrate two distinct floor plates.
- The Panel noted that they expected three very distinct tower concepts including variations in application of sustainability and quality of life measures. The three tower concepts presented have been viewed by the Panel as minor variations on the same core design, with no significant distinction in sustainability or quality of life initiatives. The Panel proffered that without three distinct tower concepts, the implementation process outlined in the urban design guidelines may not be adequately implemented.

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Site Context

- The Panel understands that should the 45 storey height be permitted, Blocks 7 and 8 on Pier 8, which are two blocks adjacent to two storey homes on Guise Street East, would have their building heights reduced to improve the transition into the existing residential neighbourhood. The Panel requested further detail on the changes to Blocks 7 and 8.

Design Excellence

- The Panel notes that they are confident in the architectural team's ability to design a building that will be beautiful regardless of which design is selected.
- Several of the Panel Members appreciated the natural design shape of the Lily design concept. The Panel valued the story of this design iteration, where it represents a transition between the industrial working waterfront and the natural heritage lands in Cootes Paradise. The Panel also appreciated how the Lily design concept changes as you move around the harbour, giving it subtly different readings. The softer curves of the Lily design gives the appearance of a more slender form and is representative of the residential nature of the building.
- The Cylinder design concept is an iconic form, however the Panel expressed that there are some challenges that come with that purity of the cylinder form including a very corporate and downtown expression.
- The Panel suggested that there could be a more significant expression on the top of the building and expressed concern that the mechanical penthouse would dominate the massing.
- The Panel noted that the three design concepts have been designed to be iconic from many miles away, however they have requested that further detail be provided to understand how the buildings have been designed to address the human scale along the mews space, greenway and the public realm.

Sustainability

- The Panel was concerned that the sustainability targets presented for the three tower design options were not reflective of the aspirations that have been outlined in the urban design guidelines.
- The Panel commented that a landmark building of this stature should be an inspiration for sustainable development within Hamilton and Ontario more broadly.

- The Panel stated landmark tall building in this location should seek aspirational sustainability certification levels to address the fact that the City of Hamilton has declared a Climate Emergency.
- The Panel cautioned that LEED Silver is not sufficient for a building of this landmark stature and location. The Panel suggested that LEED Platinum and Toronto Green Standard Version 4 should be the minimum standard sought for a building of this stature.
- The Panel was encouraged to hear that geothermal heat exchange is being explored. Further detail on the application of geothermal heat exchange was requested. The Panel requested that consideration should be given to how a geothermal system could be provided across the entirety of Pier 8.
- The Panel is supportive of partial electrification and heat pumps to reduce energy consumption within the tower form.
- The Panel was supportive of the passive design elements of the conceptual building designs that will assist in reducing the energy required for cooling in warmer months. The passive design elements include massing, recessed balconies and the ratio of vertical wall surface to enclosed floor area. The Panel recommended that further consideration be given to the window to wall ratio and the material selection to improve energy efficiency through passive design.
- The Panel sought further clarification and information on the methods that the proponent will use to reduce embodied carbon.
- The Panel sought further detail on the mechanical systems and how they could be enhanced for efficiency.
- The Panel considered if there were alternative financial sources to encourage a higher standard of sustainable development.
- The Panel requests a firm commitment to a sustainability target in the next iteration of the design.

Quality of Life

- The Panel inquired about the methodology of the wind study and suggested that a wind tunnel study be completed instead of just computer modelling. In addition to the wind mitigation methods presented (recessed lobby entrance, landscape elements and podium wind screen), the Panel wanted further detail about the range of options to mitigate wind on the north side of the building.
- The Panel suggested that community participation through public art could benefit the proposal.
- The Panel appreciated the large lobby space and the explanation of the indoor amenity spaces co-located with the outdoor spaces above the podium.

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- The Panel requested that further detail be provided on how the WELL standard would enhance quality of life of the residents through community building programming.
- The Panel requested further detail on Family Friendly design.

Visual Anchor/Landmark and Public Access

- The Panel suggested consideration should be given to providing innovative ways for the site to benefit the broader public.
- The Panel suggested that Block 16 may have been viewed as publicly accessible based on the current Planning policy framework. The Panel recommended the building design should incorporate publicly accessible community programming within a three storey podium (ie. commercial uses or meeting rooms for rent) or alternatively, public access to the building could include access to the rooftop to appreciate the views.

Site Layout, Landscaping and Public Realm Interface

- The Panel expressed that there could be different design solutions to avoid approximately 100 metres of loading and parking areas adjacent to the public realm along the northern edge of the property.
- The Panel is concerned with the cantilevered base over planted areas. Further information and detail should be provided on the landscape plan.

Summary

The Design Review Panel was concerned that the implementation process outlined in the Pier 8 Block 16 Urban Design Guidelines has not been adequately followed. The Panel recommends that the future submission include more detail, specifically focused on sustainability targets and certification, quality of life measures and a refined design. City of Hamilton staff will consider the comment, review the process established in the Pier 8 Block 16 Urban Design Guidelines and evaluate timelines.

The Panel would like to see further detail on the design in the following areas:

- Further detail on the façade expression and alternatives to precast built forms.
- Consideration for additional stepbacks as the building rises to avoid the uniformity of the two floor plate elements and give the perception of a thinner profile.
- Further detail on the façade expression including materiality and fenestration (window to wall ratio)
- Detail on the programming approaches for the balconies and terraces.

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- Further detail regarding the townhome units and how the design would change for live/work units.
- Further detail on the lighting strategy of the building exterior.
- Enhanced roof top/penthouse expression.
- Detail on the design of Pedestrian Mews including the public realm, landscaping and transitional strategy between the private units.

The Panel would like to see a firm commitment to a sustainability target in the next iteration of the design, including:

- Commitment to LEED Platinum, Net Zero Carbon and/or equivalence to TGS tier 4
- Understanding of how geothermal could work within the broader Pier 8 development.
- Exploration of the potential for rain water capture and greywater reuse.
- Commitment to a specified percentage of electric car charging stations and ability to expand the grid in an efficient way.

The Panel wants to better understand the quality of life measures included in the proposal, including:

- How the WELL standard is going enhance the quality of life (ie. urban agriculture, air quality, etc.?)
- How the building will be child and family friendly?
- How the townhouse units can be designed to be live/work?
- How the amenity spaces go above and beyond standard offerings in condominiums?
- Exploration of opportunities to have space open to the general public in the building.
- Detail on the innovation of the unit designs in the tower and the townhome units.



City of Hamilton

Design Review Panel

VIRTUAL WebEx

Meeting Summary – April 27, 2022

Meeting Summary

The Design Review Panel (DRP) met virtually on Wednesday April 27, 2022 via Webex Events in relation to proposed Official Plan and Zoning By-law Amendment application for a 45-storey residential tower located at Pier 8 Block 16, known municipally as 65 Guise Street East.

At the meeting, the proponent, Waterfront Shores Partners, provided meeting materials and presented the preferred design option related to the development applications. Changes to the design from the concepts presented at the March 8, 2022 Community Meeting, and March 10, 2022 DRP Meeting No. 1 were highlighted. Members of the DRP asked questions of clarification, as well as provided comments and recommendations on the proposed design concept.

Panel Members Present:

- Jennifer Mallard, OAA, MRAIC, AIA (Chair)
- Ted Watson, OAA ARCHITECT AIBC AAA SAA NSAA Int'l. Assoc. AIA FRAIC LEED AP Partner (Vice-Chair)
- Calvin Brook, FRAIC, MCIP, OAA, MAA, SAA, RPP, AICP, LEED AP
- David Clusiau, OAA, AIBC, NCARB, FRAIC, LEED AP
- Tony Cupido, Ph.D., P.Eng.
- Petra Matar, OAA, MRAIC, CPHD
- Paula Hamilton, BES, OAA
- Eldon Theodore, BES, MUDES, MLAI, MCIP, RPP

Panel Member Regrets:

- Richard Witt, B.E.S., B.Arch., OAA, AAA, AIBC, MAA, SAA, NSAA, AANB, FRAIC, NCARB, LEED AP

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City of Hamilton Staff Present:

- Ken Coit, Manager, Heritage and Urban Design
- Christine Newbold, Manager, Sustainable Communities
- Mark Kehler, Senior Planner, Development Planning
- Jennifer Roth, Planner I, Sustainable Communities
- Andrea Smith, Senior Consultant – West Harbour Redevelopment, Municipal Land Development Office

Note: Other city staff were also in attendance as meeting observers.

Applicant and Design Team Present:

- Bruce Kuwabara, KPMB Architects
- Francesco Valente Gorjup, KPMB
- Luka Matutinovic, Purpose Building Inc.
- Hanqing Wu, RWDI
- Pat Hanson, GH3
- Guiseppe Valela, Tercot
- Sam Crignano, Citizen

Declaration of Interests

None

Summary of Comments

Note: The Design Review Panel is strictly an advisory body and makes recommendations to Planning Division staff and the proponent on the design options presented. These comments should be reviewed in conjunction with all comments received by commenting agencies and should be discussed with Planning Division staff prior to resubmission.

Proposal Overview

At the April 27th meeting, Waterfront Shore Partners presented the preferred design option (Bruce Kuwabara of KPMB, Luka Matutinovic, of Purpose, Pat Hanson of GH3).

The preferred design option is an evolution of one of the three designs presented at the March 10, 2022 DRP meeting and is referred to as the “Lily”.

For a detailed summary of the proposed tower design option provided by KPMB, refer to *Appendix A: KPMB letter dated April 27, 2022 Re: Block 16 Design Review Panel Meeting #2* (attached).

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A general summary of the proposed design concept is as follows:

The concept is a 45-storey residential tower that steps down to a 30-storey element, including a three-storey podium and six townhouses on the east side of the building.

The building design is contemporary in character, comprised of undulating curves of the tower in a rich copper-bronze colouration and distinctive façade elements enhancing its vertical proportions. The proposed building materials, lighting and design consider the aesthetics of the building in the day and night sky. The cylindrical form creates unique spaces for building residents.

The townhouses are convertible to live/work units, and a restaurant space is proposed on the south face of the podium addressing the publicly accessible Greenway element running across Pier 8. The Greenway includes landscaping and stormwater management elements. The building design and podium mitigate wind impacts of the site.

The third floor provides indoor and outdoor amenity spaces for residents. Consideration of public realm elements include consideration of buildings materiality, building design, uses and outdoor spaces at grade.

The sustainability strategy related to the proposed tower is innovative within the real estate development industry to make the first tower in Canada to be triple-certified—LEED Gold, Energy Star, and WELL.

Key Questions to the Panel

Members of the DRP reviewed the meeting materials and presentation, and provided comments and recommendations in accordance to the evaluation context below:

- 1) To what extent does the proposed tower design implement the Pier 8 Block 16 Urban Design Guidelines?
- 2) To what extent does the proposed tower design capture the standards and design criteria required to create a unique building with high quality design and exceptionalism?
- 3) To what extent does the proposed tower design portray innovation in sustainability and quality of life for occupants?
- 4) To what extent does the proposed tower design serve as a visual anchor and regional/metropolitan scale landmark?

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DRP Member Questions & Waterfront Shores Partners Responses

DRP Questions	Waterfront Shores Partners Response
Is there a significance or a connection between the selected materials and proposed design?	<p>We are looking at locally sourced brick, Ontario hardwoods (e.g. maple and oak), and Ontario stone (e.g. limestone).</p> <p>We also are considering materials on the ground, which will be on the outside of the building and into the lobby. Considering if it will be the same material.</p>
Was there consideration of other façade expression alternatives before coming to the preferred design option?	<p>Yes, there was a tapered smooth bullnose and a flatter version (reverse scalloped), but these were more appropriate for the cylindrical building design.</p> <p>The Lilly is based on convex and concave curves in a very repetitive way accentuating the line of the perimeter. It gives the desired solidity but also opens the view.</p>
Which areas are publicly accessible?	<p>Clarified that there will be restrictions in building entry. What is truly ‘public’ is the public realm around the building, the landscaping, restaurant and greenway. The amenity room could be booked, subject to security clearance.</p> <p>Design option does not consider taking public access to the roof top based on economic and security measures. Will provide opportunities for bicycling, more will be done on the site plan.</p>
Re: geexchange system, what is meant by hybrid?	<p>Hybrid means less than 100% of the peak annual heating and cooling and domestic hot water loads will be met by geexchange system. The balance will be through conventional energy generation means.</p> <p>There is a density of load associated with proposed building height and available</p>

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	<p>site area which serves as a constraint. Given this and load reduction, the ground cannot meet 100%. There are various other limitations. A transition plan for the condo could enable transition to full system over time.</p>
<p>Was there consideration for stormwater harvesting (e.g. toilet flushing)?</p>	<p>Greywater toilet flushing is not under consideration now, but all landscaping irrigation will be provided by stormwater.</p>
<p>Is goal to eliminate the fossil fuels over time? What are the enabling steps?</p>	<p>The building design would not preclude/would enable evolution from use of fossil fuels. Steps are being taken to remove those barriers and assist feasibility of transitioning. It would be up to the condo to implement. Examples of ways to support transition are:</p> <ol style="list-style-type: none"> 1) In suite heat pumps vs fan coils 2) Where future of electrical service would sit on site and how it makes it way through the building. 3) Where equipment would live in the mechanical penthouse.
<p>Re: Reduce longer term emissions in flexibility of the layout outs?</p>	<p>The idea over time is that a system could be designed, to combine units and could be feasible in the future. There is still a lot of consideration; space layouts still need to get resolved.</p>
<p>Have photovoltaic cells in cladding been considered?</p>	<p>We don't think it is the best use of the technology. We think that there are better strategies that deliver a better return on investment and go further in reducing carbon.</p>
<p>Is the intent to use curved glass vs segmented glass? It is an important component of organic theme.</p>	<p>There may be a combination of straight and curved glass. We want to do enough so that it is present but not to overdo it. Need to consider the spatial effects of the curved glass. Still need to consider how many glass elements to include and their location.</p>

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Could there be a program element at top of tower?	Not a consideration.
Is there consideration of an alternative restaurant location with water view?	The proposed location gets the south light and connects to the community on the greenway. It also helps block the wind, and connects with a spectacular view of the marina. Potentially could do both.
Re: parking garage, what is the extent of the electrification for battery powered vehicles?	There is a plan for 10% of provided parking spaces to be electrified for vehicles on day 1, and provisions to be made for full electrification in the future (via conduit runs).
How does building compare to other landmark buildings?	In terms of carbon, Canada is a leader in shifting carbon emissions. That is why the design is on carbon reduction not just energy efficiency (this is an area of focus for the design). This is a market-driven development, and not institutional and government entity investment. Would estimate that this proposal is in top 10% in Canada.
How will building adapt in the future?	The condo corporation will have a role in managing the capital renewal plan and relates to adaptability. That said, material selection and durability will be a factor. Excellent operational efficiency can be achieved today with further future transitions happening in the future. Design and construction quality are important factors, and Waterfront Shores has delivered in this regard to date. One of the elements of LEED strategy is fully commissioning across the board including envelop commissioning, which addresses innovation in sustainability.
With minimalist design approach, the detailing becomes critical to successful outcome. The materials and fins are painted? Has there been consideration of how balcony ceiling is painted?	Yes, they are painted. Re: haven't fully considered painting of underside of the balcony; do not want it to be too dark. Lighting on balcony is important and can be warm.

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What is materiality of the hardscape?	Could use curve and fill in concrete, or could be sandblasted concrete, which could be also be taken into the building. If not using concrete, we could consider bound granular. This needs to be further considered.
Re: sustainability and details in achieving high performing building, are the concrete slabs thermally broken in relation to balconies to ensure warm interior floors?	We are still studying.
Has there been consideration of triple glazing in any of the area?	Yes, did consider however decision has been made to prioritize effort that delivers carbon benefit with is geoexchange.

Comments and Recommendations

Design:
<ul style="list-style-type: none"> • Enjoy the design, a lot of great elements. • Lily floor plate is more dynamic type of units leading to better quality of life. • Lily design is an improved floor plate. • Opportunity for refining night element of penthouse for enhanced lit expression. • Progression of design concept has been great, particularly at the ground level. • Perhaps there could be further explanation of how this building relates to built form context of Pier 8. • Strong evolution from first design in buildings design and elegance. • Support how this design has developed. • The concept is a successful design. The curved elements are important. • Refinements to landscape design are very successful. • Refinements to design, in particular to lower podium and Lily curve design are integral. • Program elements that support the family positive aspects elements of the project are successful. • Commend the effort. • Lily theme complements the Greenway theme. • The Lily form achieves a slender expression, and the modulating design is interesting. • The way the building is designed, and penthouse as part of landmark element is successful. • Consider further studying the soffit materials so that it “glimmers and glints” making “people smile”.

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<ul style="list-style-type: none"> • In consideration of the site context and proposed design concept, opinion is that a tower on this site is appropriate, noting decision is to be made by Council. • The proposed design concept is achieving the objectives that were set out for this building, just some further work on sustainability is needed. • Colour has improved the design. Consider further study of different colours at a future development stage (e.g. at site plan stage). • Appreciate the addition of the restaurant enabling public into the building. Consider modification so that restaurant takes up a portion of the podium without entering the building lobby and serviced by single story elevator to bring elevated views. • Consider removing upper storey balconies; questioned desirability. Glazed-in rooms can offer alternative amenity space (e.g. greenhouse room). • Design has really progressed. • Idea of copper hue is positive development to differentiate this building and is a play of light and shadow. • Incorporation of natural materials will help with depth. • Restaurant is a positive contribution to the proposal, activating the mews. • Scale of the podium to the mews is positive. • Landscape design is compelling, tying the entire site together. • Consider further study of materiality and detail of building fins in a more finessed way. • Regarding rooftop, appreciate consideration of limiting spill of light to the sky. Consider hybrid approach of penthouse to add lightness, to bring texture and lightness as was developed at the podium. • Consider termination of the low podium. • Design concept includes a straight wall in the lobby that is opaque and intersects the curtain wall. Consider dematerializing and making it more transparent and fluid. • Impressive project.
Process:
<ul style="list-style-type: none"> • Would have liked more background on rationale of façade elements (e.g. window-wall ratio), and maybe have some options.
Sustainability:
<ul style="list-style-type: none"> • Sustainability targets have improved and uniqueness in the approach. • Given City’s declaration of climate emergency, the renewed carbon reduction targets from the Federal government and DRP’s mandate, these factors could lead to proposal to zero carbon, understanding the challenges that it would bring. • The Pier 8 Greenway provides an opportunity of a geothermal field. • Opportunity for City to contribute to sustainably objectives. • Innovation in sustainability should remain the focus of this project.

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<ul style="list-style-type: none"> • Landscaping presentation was helpful. The proposed landscaping provides opportunity for powerful public realm. • Should consider expanding the geothermal field that could serve multiple developments/projects. • Achieving a net zero carbon and all electric building would support this building achieve objective of exceptional. • Excited about geothermal on this site. • Commitment to LEED Gold is laudable. • Recognition that this project is serving as a lightning rod for sustainability, the real target is City of Hamilton. The City needs to set policy “with teeth” and establish sustainability goals in place, so that all projects are guided.
Urban Design Guidelines
<ul style="list-style-type: none"> • Regarding UDG 6.8.2 utilize bioswale raingardens, consider revisiting compliance to this guideline. • The project is generally following the guideline and is reflecting them.
Public Realm
<ul style="list-style-type: none"> • Development of public realm is great to see and that this building and landscaping is friendly is important. • Location of the restaurant is an animator of the Greenway. The Greenway is important key public space and feature of Pier 8, integrating environmental objectives in the project.

Summary:

- All agree that this is strong proposal.
- The design concept has come along far from first meeting.
- The design concept is achieving its objective in meeting design excellence.
- This will be an elegant solution as it develops further.
- We’ve seen improvements to the character and refinement of the cladding system.
- We’ve seen improvements in scale and development of the mews as a habitable outside street.
- The move from white approach building to copper colour is a great move. It is warm, playful, light reflectance and reminiscent of steel industry town. Look forward to seeing that concept develop.
- Appreciate comment of design that makes people smile, and role of materiality.

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- Consider an approach of removing balconies on upper stories.
- The 3D massing development is very successful, the low podium exaggerating the ground plane is a good move.
- Transition at 30th floor and elegantly reaching up to taller portion of tower is a good approach.
- Subtle glow of rooftop is successful. Consider not capping it; rather a gentle approach to the sky,
- On sustainability front, great to see LEED Gold commitment, Well and Energy Star. There is opportunity to raise the bar further. Exemplary in innovation, getting us to net zero carbon is an ask.
- Consideration of greenway for whole campus, thinking broadly about the site.
- Wall cladding photovoltaics could be explored and could be an opportunity to enhance energy of the building.
- Encourage elimination of fossil fuels now versus over time.
- Minimalist approach with the detailing will be exquisite.
- Curve glass is important to carry it up the Lily.
- Strong development of texture and variation of the ground plane.
- Addition of a restaurant is brilliant, increasing public face around the building.
- Overall, great to see the development, this can be landmark in the City.

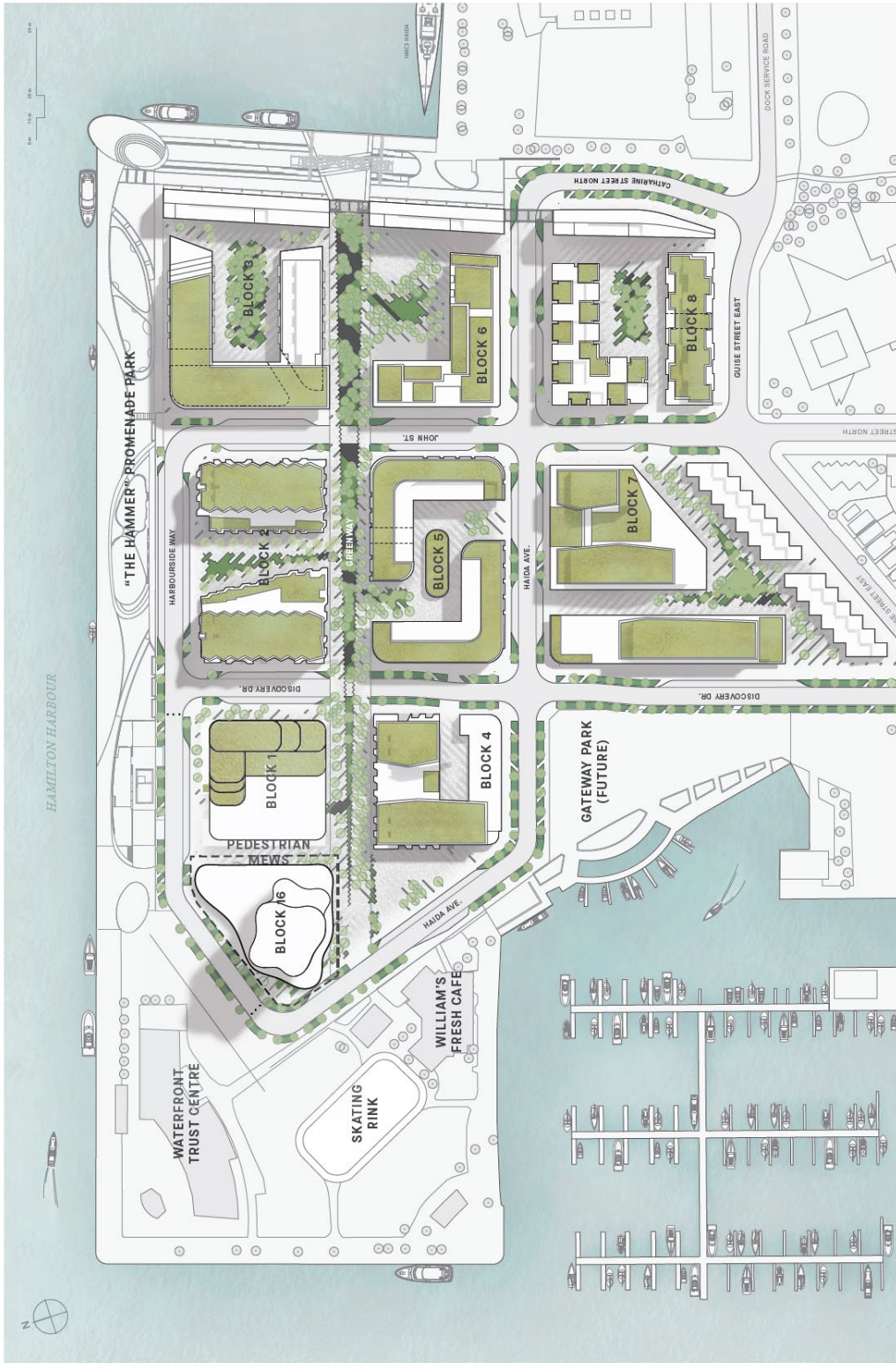
Waterfront Shores Partners (Response)

- This process is one of the most complex and front-loaded projects experienced by the team.
- There has been so much comprehensive and integrated design thinking at this stage as part of OPA and ZBA application process.
- It is a real challenge from various perspectives, because this is at the design concept stage rather than full schematic design stage with full structural design.
- WSP has embraced the process.
- Also need to consider the market in Hamilton for residential on this site.
- Panel has been fair and upfront.
- Cannot do everything in a commercial project in a commercial market. Condo context is a different context to Government buildings, or to a context when there is a long-term ownership structure. Need to consider how to place the measures properly. The truth of the project is in consideration of a particular economy, context and market. Waterfront Shores understands that context and has been successful.
- The Design Review Panel's comments have been extremely influential to the design thinking of the process.

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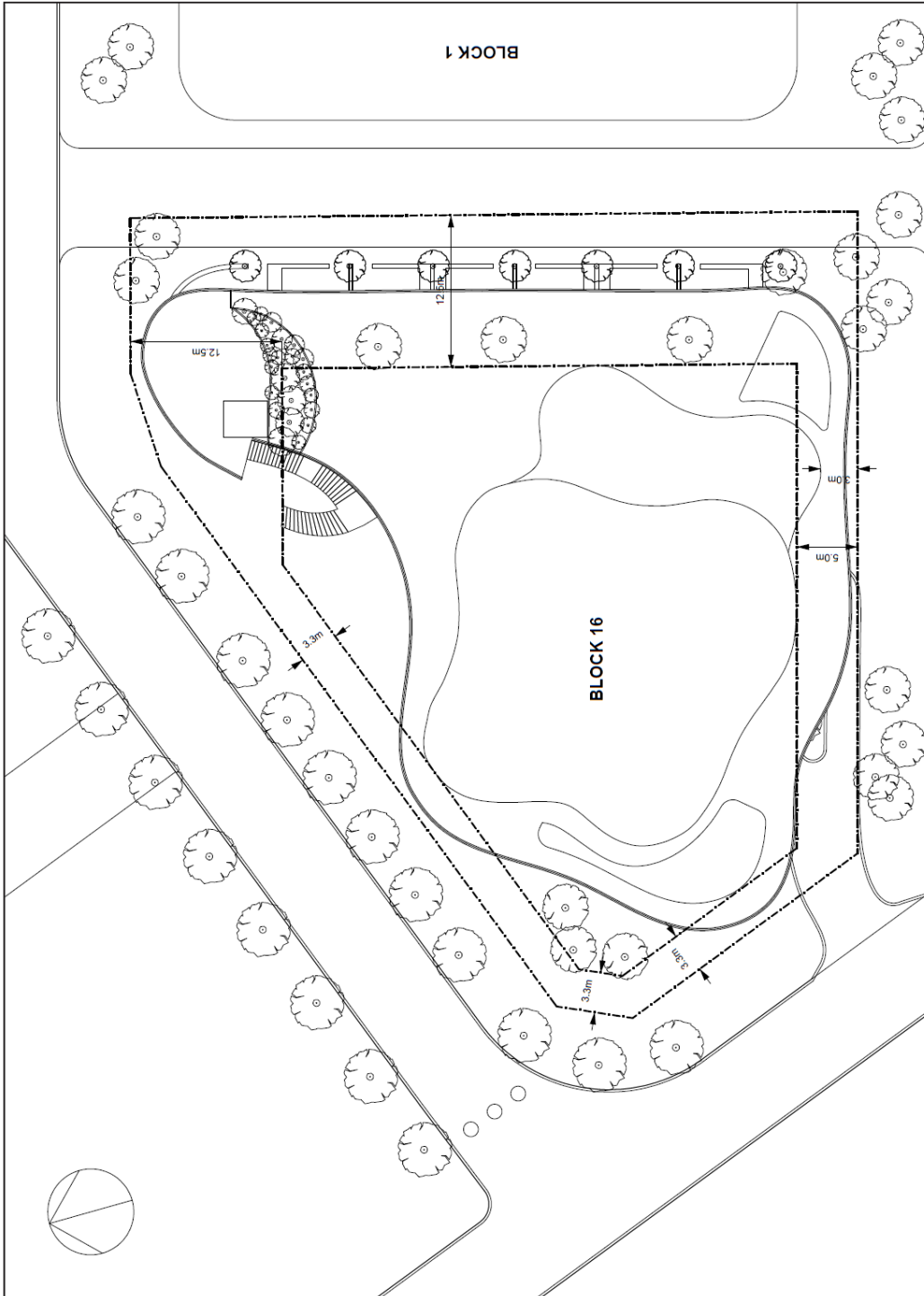
- Incorporating sustainability measures into the design has been a balance of implementing “depth” with “breadth” of measures.
- Recognize that an argument could be made to take a narrower focus and fully implement them. However, the approach taken by WSP has been to implement breadth of the guidelines to address all the of the sustainability considerations and to elevate them. This is where there is tension as to whether to fully address select measures or to raise the bar across the majority.
- All electric buildings cost more the operate, however that will flip at some point over the next 5-10 years.
- Appreciate feedback and conversation.

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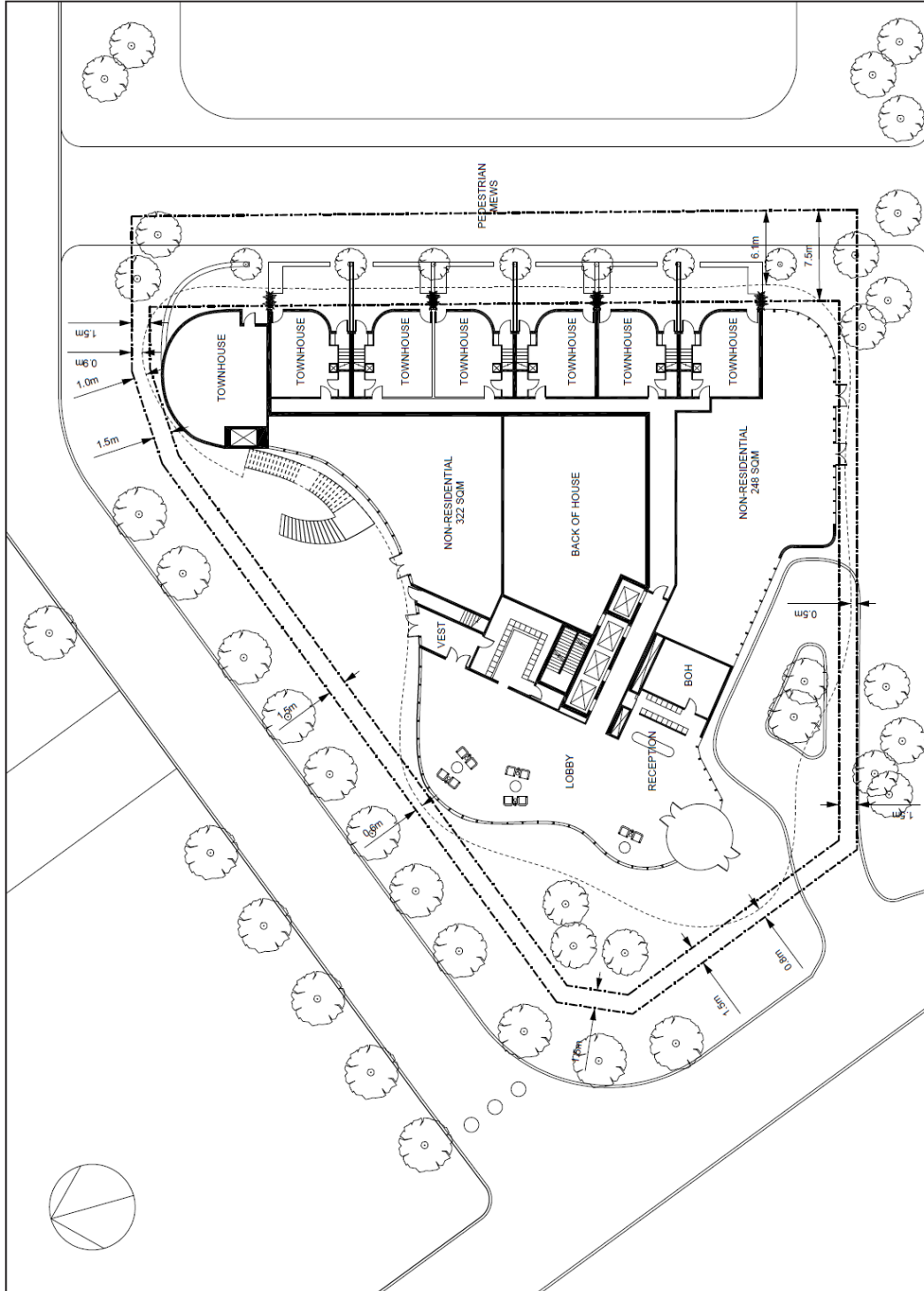
PIER 8 - SITE PLAN
PIER 8 OCTOBER 02, 2023

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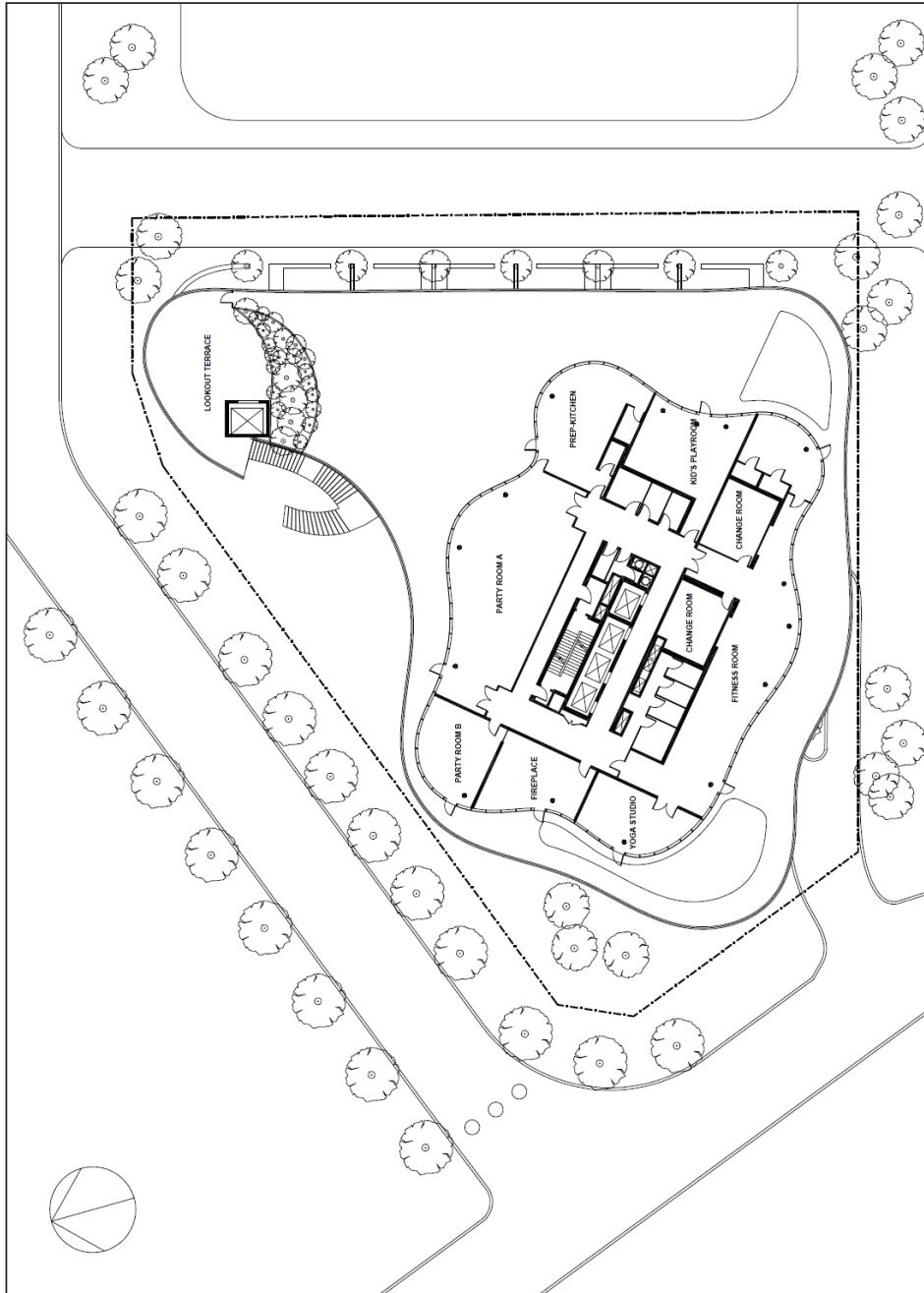
BLOCK 16 - ROOF PLAN
PIER 8 OCTOBER 02, 2023

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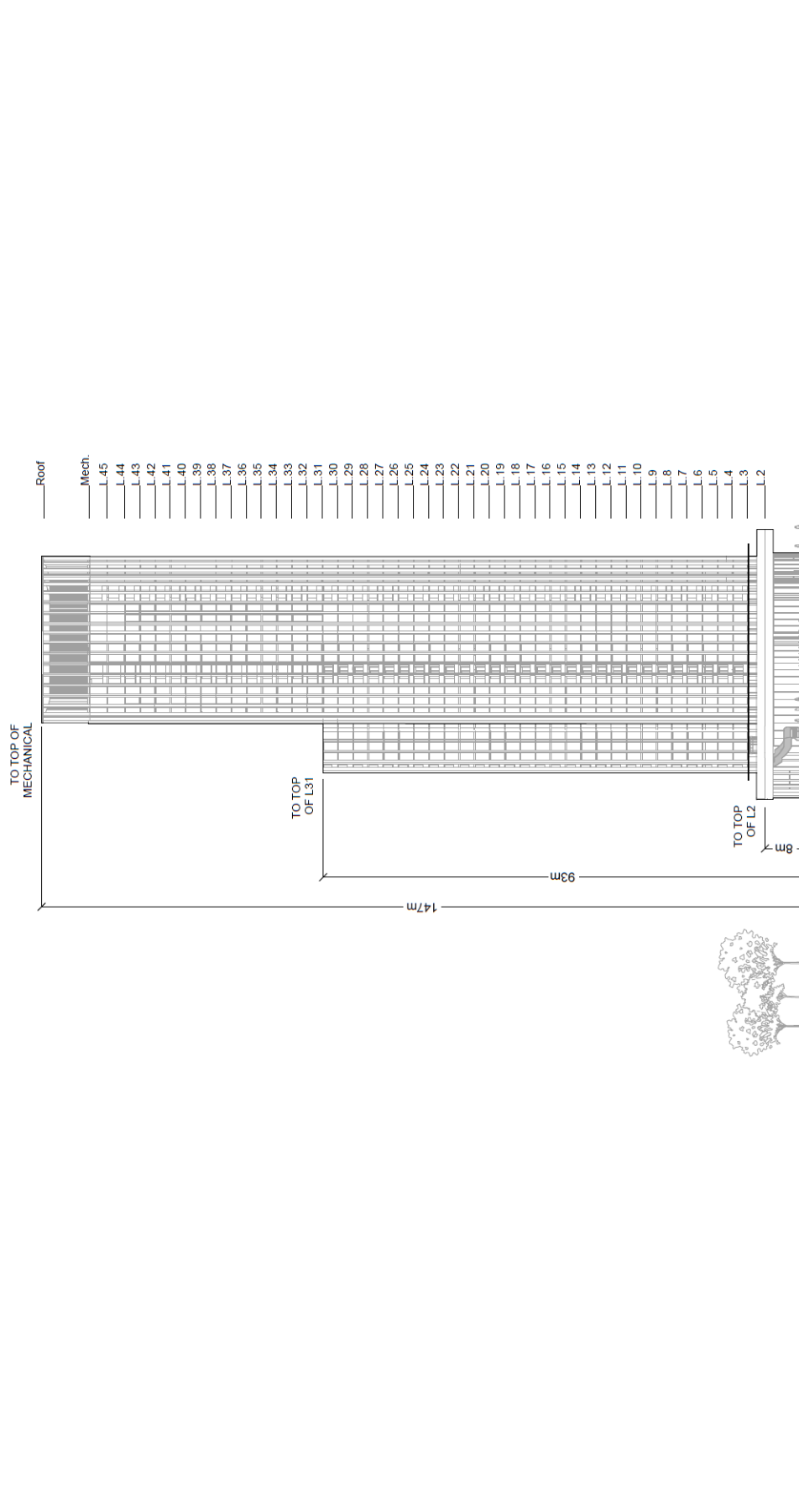
BLOCK 16 - GROUND FLOOR
PIER 8 OCTOBER 02, 2023

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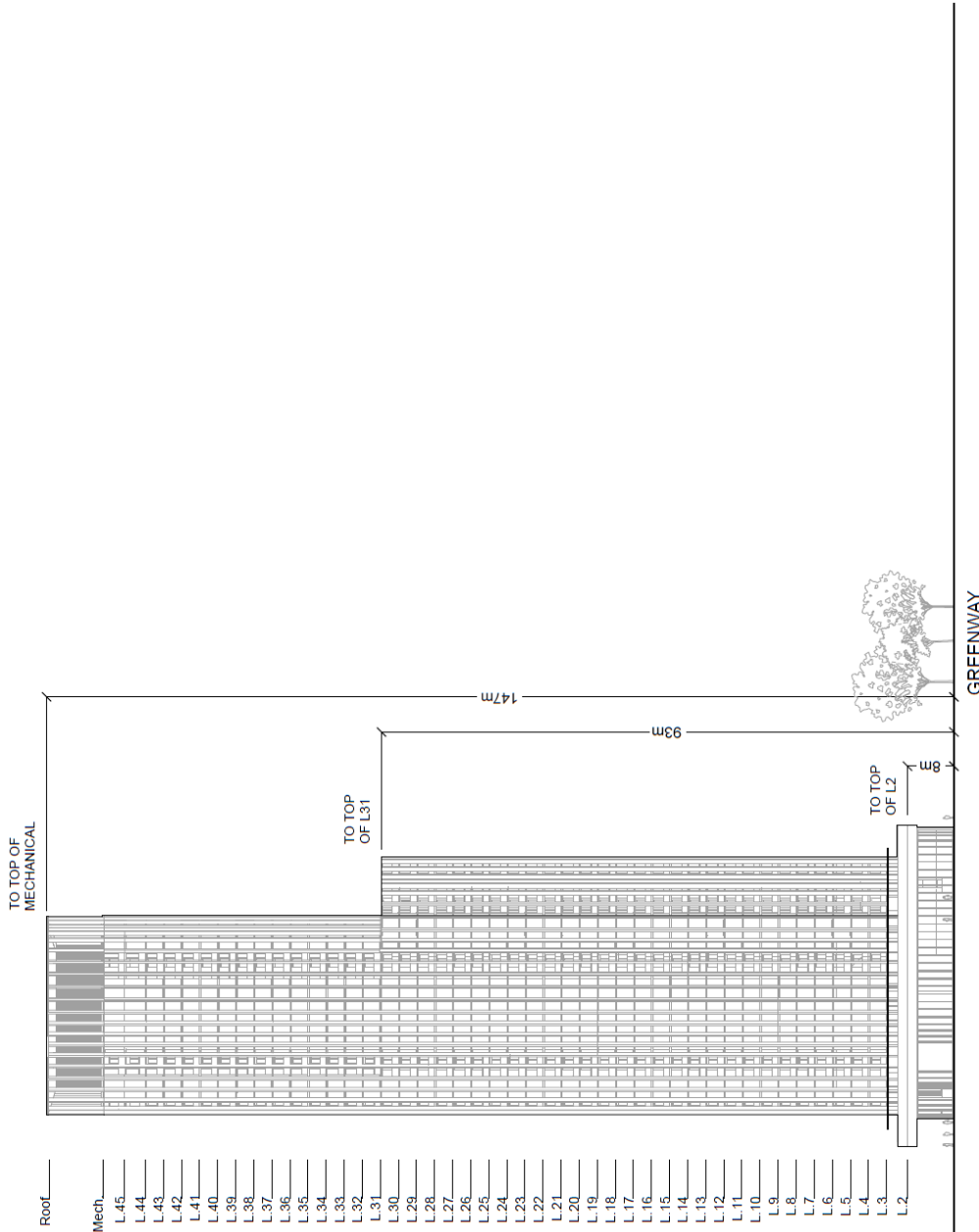
BLOCK 16 - PODIUM FLOOR
PIER 8 OCTOBER 02, 2023

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BLOCK 16 - NORTH ELEVATION
PIER 8 OCTOBER 02, 2023

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BLOCK 16 - SOUTH ELEVATION
PIER 8 OCTOBER 02, 2023

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CONSULTATION – DEPARTMENTS AND AGENCIES

	Comment	Staff Response
Development Engineering Section, Growth Management Division, Planning and Economic Development Department	Based on the number of units not changing from what was previously approved through application Nos. ZAC-16-024 and 25T-201605, Development Engineering staff have no concerns with the proposed applications.	Development Engineering will review updated block specific documents at the Site Plan Control stage.
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	There are municipal tree assets on site for which public tree permits had been previously issued.	Noted.
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	Advised that a revised / updated Traffic Impact Study is not required at this stage as the previous Pier 7 and 8 Traffic Impact Study still applies. Vehicle access to the underground parking and loading area will be reviewed in detail at the Site Plan Control stage.	An updated Traffic Impact Study will be reviewed at the Site Plan Control stage.
Waste Policy and Planning Section, Waste Management Division, Public Works Department	The proposed development is a multi-residential building which will require front-end bin service for collection of garbage, and cart service for the collection of recyclable containers, recyclable papers, and organic waste. As currently designed the development is not serviceable with revisions required to the site plan prior to receiving municipal waste collection.	Waste collection will be reviewed at the Site Plan Control stage.

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SUMMARY OF PUBLIC COMMENTS RECEIVED

Comment Received	Staff Response
Building height	Concerns were expressed that the proposed 45 storey tower is too tall and too large for its surroundings. The proposed tower design implements recommendations of the Pier 8, Block 16 Urban Design Guidelines intended to achieve a landmark building that does not overwhelm the Hamilton skyline or negatively impact its surroundings. Specific design measures include a narrow building profile and a building height that does not exceed the geodetic elevation (height above sea level) of the existing tallest building in Hamilton (Landmark Place).
Unit size / suitability for families	There are concerns that tall buildings are not desirable or suitable locations for families with children. By incorporating some of the family sized units in the proposed tower, the development will provide an additional housing option to those families that do desire to live in a tall building.
Density and infrastructure	There are concerns that the proposal will result in too much density that cannot be accommodated by existing infrastructure. The proposal to allow residential development on Block 16 will not increase the total number of dwelling units permitted across Pier 8 as approved through the original Pier 8 Rezoning (1,645 dwelling units). Infrastructure capacity was reviewed as part of the previous rezoning and it was determined that the density can be accommodated.
Inconsistency with previous planning and design studies	Concerns were expressed that the proposal does not align with the previous Pier 8 Zoning By-law Amendment that was approved by Council in 2017 based on the Pier 7 and 8 Urban Design Study that recommended a mid-rise built form for the site. The Pier 8, Block 16 planning process was initiated to comply with minutes of settlement to resolve appeals to the Council approved Pier 8 rezoning. As Phase 1 of the planning process, the City initiated and adopted the Pier 8, Block 16 Urban Design Guidelines which provide more specific design direction for the Block 16 lands. The decision on whether to approve a tall building on Block 16 remains with Council who may choose to approve or deny the proposed Official Plan Amendment and Zoning By-law Amendment applications.

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Comment Received	Staff Response
Shadow impacts	Concerns were raised that the proposed tower will shadow existing residences. Due to the location and orientation of the tower, shadows will be cast towards the northeast, north and northwest of the site. There will be no shadows cast on existing residences that are located to the south of Pier 8.
Views	Concerns were raised that the proposed building will negatively impact views, including towards the Niagara Escarpment. A Visual Analysis was submitted by the applicant demonstrates that the proposed tower will enhance views towards the Niagara Escarpment from the James N. Allan Skyway and Sam Lawrence Park by acting as a visual landmark on the Hamilton Harbour.
Traffic	Concerns were raised that the proposed tower will increase traffic congestion in the area. Traffic for the Pier 8 development was reviewed through the original Pier 8 rezoning and it was determined that it could be accommodated. The proposed tower will not increase the number of units approved to be developed on Pier 8 nor the number of required parking spaces.
Compatibility with adjacent industries	<p>The land use planning counsel for Parrish & Heimbecker Ltd., the owner of a grain terminal to the east of Pier 8, expressed concerns that the proposed residential tower may create compatibility issues by introducing noise sensitive uses to Block 16 in proximity to their industrial operation. It was noted that Parrish & Heimbecker Ltd. entered into separate minutes of settlement with the City and Waterfront Shores Corporation to address compatibility issues between residential uses approved through the original Pier 8 rezoning and Parrish & Heimbecker’s operations.</p> <p>A Noise Feasibility Study was submitted by the applicant that assessed the noise impacts of stationary noise sources in proximity to Block 16, including Parrish & Heimbecker, and concluded that the proposed high-rise residential development is feasible from a noise perspective. The Study identifies that façade construction and ventilation will be required to protect indoor living spaces from noise, and screening will be required to protect outdoor living areas. A warning clause will also be required on title for all residential units advising of Parish & Heimbecker’s operations.</p>

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Comment Received	Staff Response
Compatibility with adjacent industries continued	There is an existing Holding Provision applicable to Block 16 that requires all noise control measures to be implemented in the final design at the Site Plan Control stage. The Holding Provision also requires that the applicant address potential odour and dust concerns that were identified as part of the original Pier 8 rezoning approval.
Gentrification and affordability	A concern was raised that the surrounding neighbourhood has become unaffordable due to gentrification and that the proposed development is not a solution to affordability issues. The proposal will contribute to providing a range of dwelling types on the Pier 8 lands, including grade-related townhouse style units, a high-rise multiple dwelling, and an increased number of units with two or more bedrooms. As per the City’s development agreement with Waterfront Shores Corporation, no less than five percent (5%) of the dwelling units developed on Pier 8 shall meet the definition of affordable housing in the City’s Municipal Housing Facilities By-law No. 16-233.
Bird collisions	A concern was raised about birds colliding with the proposed tower due to its location on a migratory path for birds. The applicant has committed in the Sustainability Report submitted with the application to implementing bird-friendly building design at the Site Plan Control stage.
Precedent	There are concerns that approval of a tall building on Block 16 will create a precedent leading to more tall buildings being approved on the waterfront. The design and planning rationale for the Block 16 includes its ability to achieve a regional level landmark building that demonstrates excellence in design. Any future proposals for a tall building in the West Harbour area would be reviewed against the applicable policies of the West Harbour (Setting Sail) Secondary Plan and considered on their own merits.
Efficiency targets	Comments were received that the proposed sustainability measures are not ambitious enough and that the proposal should seek to achieve higher energy efficiency targets. The applicant has submitted a Sustainability Report prepared by a consulting team with expertise in building performance.

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Comment Received	Staff Response
Efficiency targets continued	Staff are satisfied that the sustainability measures identified in the Sustainability Report meet the objectives of the West Harbour (Setting Sail) Secondary Plan and the Pier 8, Block 16 Urban Design Study.
Increased commercial uses on the waterfront	A comment was received regarding more commercial uses on the waterfront. The proposed zoning by-law amendment permits commercial uses on the ground floor of the building which, together with the adjacent Williams Coffee Pub and Waterfront Trust Centre, may contribute to a hub of commercial activity at the western terminus of the Waterfront Promenade and the Greenway.

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Kehler, Mark

From: [REDACTED]
Sent: Friday, July 7, 2023 12:01 PM
To: Kehler, Mark
Subject: Feedback Pier 8 Tower

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

I am sending my vote as "no" to the tower. I have submitted my reasons to the City and Counsellor Ward 2 a few times now and want to ensure I register my vote with you too.

I am in favour of the 6-8 story design.

A note, the process as mentioned in the North End Breezes is not the best, as participants have never been able to speak openly at a town hall like meeting at the public online/in-person meetings. I do find this curious and a lot of elders in the Northend have complained about this, as they do not know how to use "Chat Boxes" and prefer the in-person on microphone traditional town hall type style to provide their thoughts on the matter.

Thank you.

Kind regards,

[REDACTED]

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Kehler, Mark

From: [REDACTED]
Sent: Friday, June 23, 2023 11:43 AM
To: Kehler, Mark
Subject: Question re Block 16: Proposed Residential Tower

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Mark

I attended the virtual presentation for this application and I have the following question:

In evaluating the 45 tower option for this site, I am wondering whether staff have considered the health implications for the residents in a tall tower.

I'd be interested in your comments to the following article:

<https://www.smartcitiesdive.com/ex/sustainablecitiescollective/7-reasons-why-high-rises-kill-livability/561536/>.

I look forward to your response.

Thank you.

[REDACTED]

Appendix "I" to Report PED22031(a)
Page 7 of 50**Kehler, Mark**

From: [REDACTED]
Sent: Thursday, June 22, 2023 9:30 PM
To: Kehler, Mark
Cc: bd@kpmbarchitects.com; kpmb@camronpr.com; West Harbour; Kroetsch, Cameron
Subject: Pier 8 45 story high-rise

Follow Up Flag: Follow up
Flag Status: Flagged

Just returned from the open house at the Discovery Centre for the pier 8 development . I am afraid my discussions with the architect and developers were sometimes less than civil due to my strong objections to the 45 story tower proposal...

However I did learn that the only reason this tower is now needed is that the original award winning low to mid rise plans for the whole site were NIMBYed by a small group of local homeowners facing the site.

From what I heard it appears that the only way the development group can meet their density goals after having buildings on Guise Street reduced in height to meet the residents objections was to

concentrate all the units in one high-rise in block 16. So it appears that the developers are not really to blame for suggesting this monster building as they seem to think it is the only way

the can meet the required number of units required by the planning department.

Of course no architect is going to forgo the opportunity to design a so called "iconic" building. This building is supposed to have some larger family sized units but it is hard to see how a 45 story building is in any way "family friendly"

There are small families living in tiny high rise condos in Toronto only because the housing market has become so unaffordable.

So this proposal is clearly in the court of the Planning Department. The need for the building can only be resolved by either revisiting the earlier well thought out mid rise plans or by absolving the developers of the density requirements

so that a giant tower is not needed or justified.

Sincerely

[REDACTED]

Appendix "I" to Report PED22031(a)
Page 8 of 50

Kehler, Mark

From: [REDACTED]
Sent: Wednesday, June 21, 2023 12:38 PM
To: Kehler, Mark
Subject: High rise at Pier 8

Follow Up Flag: Follow up
Flag Status: Flagged

Please. Mr Kehler, stop and change this approach. We love the waterfront. Erecting a monstrous ediface that will tower over the serenity of this location is neither in the best interest of Hamilton nor its residents. I do not welcome this development and I am shocked at its proposal.

[REDACTED]

Sent from my iPhone

Appendix "I" to Report PED22031(a)
Page 9 of 50

Kehler, Mark

From: [REDACTED]
Sent: Wednesday, June 21, 2023 12:02 PM
To: Kehler, Mark
Subject: Pier 8 Tower

Follow Up Flag: Follow up
Flag Status: Flagged

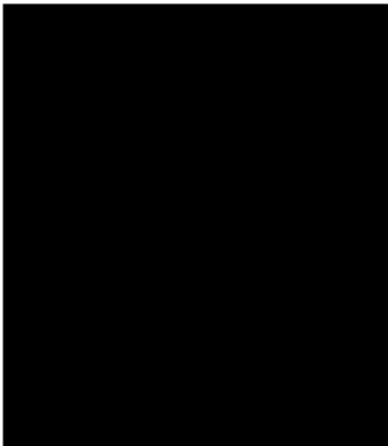
Hi Mark,

I am a homeowner in the Strathcona neighbourhood and I strongly support the development of a 45 storey tower at Pier 8.

I support the idea of a landmark on the waterfront and that it will allow larger 2 and 3 bedroom units in the rest of the development. In my opinion this is good urban design.

All the noise from the north end residences is total NIMBY bull shit. I hope the city does not cow tail to them.

Best Regards,



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Appendix "I" to Report PED22031(a)
Page 10 of 50**Kehler, Mark**

From: [REDACTED]
Sent: Friday, June 16, 2023 10:34 AM
To: Kehler, Mark; West Harbour
Cc: Office of Ward 3 City Councillor Nrinder Nann; Kroetsch, Cameron
Subject: Proposed Tower Blocks on West Harbour Lands.

Follow Up Flag: Follow up
Flag Status: Flagged

This proposal for 45 story buildings is a is a planning horror story . Even if more family units are built into the massive tower blocks they are not suitable accommodation.

I can confidently say that no giant tower block ever, anywhere has ever enhanced the rest of the surrounding neighbourhood.

Perhaps you would like to go on the internet where there are some lovely You tube videos of similar sized tower blocks being imploded in Glasgow , Scotland.

These were built to replace some of the worst slums in the western world but in the end just became unsustainable high rise nightmares.

The same density can be achieved by medium rise buildings.



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Kehler, Mark

From: Kelsey, Lisa
Sent: Wednesday, October 5, 2022 12:59 PM
To: Kehler, Mark
Subject: FW: 65 Guise Street East

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

Written comments below for the Staff Report.

Regards,
 Lisa Kelsey, Dipl.M.A.
 Legislative Coordinator
 City of Hamilton, Office of the City Clerk
 71 Main Street West, 1st Floor
 Hamilton, ON L8P 4Y5
 Ph. (905) 546-2424 ext. 4605
 Fax. (905) 546-2095

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Mission:

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From: clerk@hamilton.ca <clerk@hamilton.ca>
Sent: Friday, September 30, 2022 8:16 AM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Cc: Carson, Katie <Katie.Carson@hamilton.ca>
Subject: FW: 65 Guise Street East

Lisa – is this for Planning?

From: [REDACTED]
Sent: September 30, 2022 2:36 AM
To: clerk@hamilton.ca; Farr, Jason <Jason.Farr@hamilton.ca>
Subject: Re: 65 Guise Street East

Hello,

Appendix "I" to Report PED22031(a)
Page 12 of 50

I wanted to let you know that I support the position of the North End Neighbourhood Association and the tall signature tower proposal.

Appendix "I" to Report PED22031(a)
Page 13 of 50**Kehler, Mark**

From: Kelsey, Lisa
Sent: Wednesday, October 5, 2022 1:00 PM
To: Kehler, Mark
Subject: FW: Is there really a 45-story tower being built next door to our Waterfront Trust Centre (former Discovery Centre)?

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

Written comments below for the staff report.

Regards,
Lisa Kelsey, Dipl.M.A.
Legislative Coordinator
City of Hamilton, Office of the City Clerk
71 Main Street West, 1st Floor
Hamilton, ON L8P 4Y5
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From: [REDACTED]
Sent: Thursday, September 29, 2022 11:42 AM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Is there really a 45-story tower being built next door to our Waterfront Trust Centre (former Discovery Centre)?

Not sure if I am too late.

As a resident of ward 2, I believe that it is ok for a 45-story tower building to be built near docks and piers. I've recently walked on the piers and loved it, and I bet many people would love to live in the area as well.

I would also be ok with it being higher.

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Page 14 of 50

Kehler, Mark

From: Kelsey, Lisa
Sent: Wednesday, October 5, 2022 1:01 PM
To: Kehler, Mark
Subject: FW: North End - Waterfront Tower

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

More written comments below.

Regards,
 Lisa Kelsey, Dipl.M.A.
 Legislative Coordinator
 City of Hamilton, Office of the City Clerk
 71 Main Street West, 1st Floor
 Hamilton, ON L8P 4Y5
 Ph. (905) 546-2424 ext. 4605
 Fax. (905) 546-2095

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From: Farr, Jason <Jason.Farr@hamilton.ca>
Sent: Sunday, June 12, 2022 8:57 PM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Subject: Re: North End - Waterfront Tower

It's the Waterfront Shores project. One of the nine parcels. The one next to the Hamilton Waterfront Trust Centre (former Discovery Centre). Pier 8

Sent from my iPhone

On Jun 11, 2022, at 5:06 PM, Kelsey, Lisa <Lisa.Kelsey@hamilton.ca> wrote:

Hello Councillor Farr,

Appendix "I" to Report PED22031(a)
Page 15 of 50

Do you know what the street address is for this development?

Thank you,
 Lisa Kelsey, Dipl.M.A.
 Legislative Coordinator
 City of Hamilton, Office of the City Clerk
 71 Main Street West, 1st Floor
 Hamilton, ON L8P 4Y5
 Ph. (905) 546-2424 ext. 4605
 Fax. (905) 546-2095



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From: Farr, Jason <Jason.Farr@hamilton.ca>
 Sent: Tuesday, June 7, 2022 1:07 PM
 To: Vanessa Seneriches [REDACTED]
 Cc: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
 Subject: RE: North End - Waterfront Tower

Good afternoon, Vanessa. Just a quick note to let you know that your correspondence has been shared with our City Clerk (cc) who will be sure to add it to our agenda for whenever the matter comes before planning Committee.

Thanks you for engaging on this.

Jay

From: [REDACTED]
 Sent: March 22, 2022 1:13 PM
 To: Farr, Jason <Jason.Farr@hamilton.ca>
 Subject: North End - Waterfront Tower

Hello Jason,

As a resident of the North End, I am opposed to amending the by-law to allow a 45-storey building on the waterfront. I do agree there is a necessity to provide affordable housing to habitants, however, I think the proposed plan for this building creates a visual eyesore taking away from the rejuvenation happening along the harbour and detracting from the beauty of the Escarpment. The existing by-law for building heights has been in place for good reason. I am a proponent of the mix-use waterfront work the city has undertaken though I think as a community we need to put limitations on private interests.

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In addition, the 45-storey height of this proposed building would contribute to over density in the North End; this is a pattern for poor urban planning that can be found in pockets of Toronto – such as along Liberty Village and along Toronto's unusable waterfront. During rush hours, the traffic is bumper to bumper as roads and intersections were not planned to account for the volume of vehicles and people inhabiting the buildings. When they built those towers, the amount of traffic congestion found in those areas has contributed to people wanting to move away from Toronto (myself included). People don't stay in these condominiums for the long-term.

If the objective is about building a vision for long-term, family-friendly, sustainable community that thrives on maintaining its wonderful Hamilton heritage, then it is important for the neighbourhood to agree.

Also, I think your newsletter should include a picture showing the condominium tower and be transparent about the developers proposing a 45-story tower (not just a 'tall tower') as it is misleading to say that the drawing featured on the newsletter is the plan. As a concerned resident of Ward 2, I hope that my views are shared with the Council.

Thanks,

[REDACTED]

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Kehler, Mark

From: [REDACTED]
Sent: Thursday, August 11, 2022 12:12 AM
To: Kehler, Mark
Subject: Re: Pier 8 proposed building

Follow Up Flag: Follow up
Flag Status: Flagged

I believe this is an excellent iconic waterfront multi-family structure that will be shown in Hamilton images forever. If designed to not simply be a rectangle.. meaning, if it is designed to be the iconic structure this area deserves, i believe it will be a blessing to the city. It can enhance the economic boost to the overall pier 8 development and will have a major impact on lower-downtown morale and area business sales.



Appendix "I" to Report PED22031(a)
Page 18 of 50**Kehler, Mark**

From: Kelsey, Lisa
Sent: Thursday, May 5, 2022 11:58 AM
To: Kehler, Mark
Subject: FW: Re 65 Guise Street East

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

Public comments below for the report coming back to Planning Committee on this property.

Thank you,
Lisa Kelsey, Dipl.M.A.
Legislative Coordinator
City of Hamilton, Office of the City Clerk
71 Main Street West, 1st Floor
Hamilton, ON L8P 4Y5
Ph. (905) 546-2424 ext. 4605
Fax. (905) 546-2095



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From: clerk@hamilton.ca <clerk@hamilton.ca>
Sent: Thursday, May 5, 2022 11:27 AM
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>
Cc: Carson, Katie <Katie.Carson@hamilton.ca>
Subject: FW: Re 65 Guise Street East

Hi Lisa,

Not sure if this is for planning, kindly advise.

Thanks,
Danielle

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From: John Benjamin [REDACTED]
Sent: Wednesday, May 4, 2022 10:56 PM
To: clerk@hamilton.ca
Subject: Re 65 Guise Street East

Hi, my name is [REDACTED] a resident on Wood St E in the North End.

I support the position of the North End Neighbourhood Association and the tall signature tower proposal. I support this for a number of reasons, several of which are listed on NENA's website:

- The tower addresses the "Missing middle housing" problem, by enabling more units at Pier 8 to be family-sized homes
- Family-sized homes (3 BR) are important - I live with my newborn son and my wife in a small (2 BR) home, and I understand the need for a growing family to have appropriate living space. 1BR Condos are not a viable option to raise a family.
- Families and children are an important part of making a diverse community - the tower will help include this demographic in Pier 8 and build that connection across Guise St.
- I am an opponent of car-centric cities. If this tower can reduce traffic and parking and create a denser and more pedestrian-friendly and bike-friendly neighborhood, then I vote for the tower.
- Personally, I would appreciate a landmark tower on the Bay (especially one that which does not set a precedent for a 'clogged' waterfront)

The Pier 8 development, it's proposed tower, and the character of North End are all important, and I look forward to working alongside my community to build a better Hamilton.

Sincerely,
[REDACTED]

Appendix "I" to Report PED22031(a)
Page 20 of 50**Kehler, Mark**

From: Smith, Andrea
Sent: Tuesday, May 3, 2022 10:20 AM
To: [REDACTED]
Cc: Roth, Jennifer; Kehler, Mark
Subject: FW: Pier 8 Zoom Meeting

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Pat,

Thank you for your email. By copy of this email, your comment has been forwarded to Senior Planner – Mark Kehler, Planning Division, City of Hamilton as part of processing of the development applications related to 65 Guise St., Block 16, Pier 8 (Files: ZAC-22-003/UHOPA-22-001). To provide further comments about these applications, please contact: Mark Kehler at mark.kehler@hamilton.ca

As your comment relates to the status of the 45 storey tower, I wanted to clarify that approval of the tower remains subject to a Council decision. The Official Plan and Zoning By-law amendment applications related to the proposed tower are currently in process. The Design Review Panel meetings and feedback of the Panel members are a part of the process, serving as an input into evolution of the design concept. The applications will be scheduled at a future Public Meeting and considered by Council. If you wish to receive notice of this Public Meeting, please contact Mark Kehler. You can also sign up for West Harbour updates [here](#).

Hopefully this clarifies.

Regards,

Andrea Smith MCIP, RPP, PMP
Senior Consultant – West Harbour Redevelopment
Municipal Land Development Office
Planning & Economic Development
City of Hamilton
Ph: (905) 546-2424 Ext. 6256
Cell: (905) 973-3864
andrea.smith@hamilton.ca



From: [REDACTED]
Sent: May 1, 2022 11:04 AM
To: Roth, Jennifer <Jennifer.Roth@hamilton.ca>
Subject: Pier 8 Zoom Meeting

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Greetings

It was informative to see what is happening with this development. I did not think that the city had actually approved of the 45 story tower development. It is a very interesting design but certainly not an affordable housing option. It is sad because there is so much gentrification in this city that it has become unaffordable for many who live here. This area was a working man's neighbourhood at one time.

I am also not a fan of so much glass in a large building. I have heard that overtime this can fail and it is also a poor insulator. I know that the wind in this area can be strong and cold. I think architects choose this because it is cheaper and faster to build.



A lifetime Hamiltonian

[Sent from Yahoo Mail for iPad](#)

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Kehler, Mark

From: [REDACTED]
Sent: Wednesday, May 11, 2022 6:22 PM
To: Kehler, Mark
Subject: Re: Pier 8 comments

Follow Up Flag: Follow up
Flag Status: Flagged

Thanks, Mark.

My wife and I watched the last design team meeting and we're very impressed with the work that has been done to design the tall building so that it looks attractive in its position on the waterfront. We should be considering it as a landmark building.

The Lily pad option is quite lovely and the colours that appeared to be in the glass and the cladding also seem to fit well with its location. The presentation also showed that the architects were interested in connecting the building to the ground level, both through the podium and through the proposed restaurant; the l will be a wonderful addition to the waterfront.

One concern which wasn't brought up by the design team, nor by the architects, was the potential for bird collisions due to the amount of glass in the construction. We would like to know what steps will be taken to mitigate bird collisions as the waterfront will be on on the migratory path for many birds crossing the bay.

Another issue which I think should be addressed in presentations to the public in the future will be to show how the proposed tower will decrease the density of the other buildings in the Pier 8 development.

We would like to see that the agreed upon decreased density would provide for enhanced sight lines between the other buildings in Pier 8 to the waterfront and the bay, so that views from the rest of the North End would be somewhat maintained.

Most of the renderings show how the development looks from the water, but other than water traffic, everyone will be looking at Pier 8 from the city.

There should also be an easy flow of pedestrian and bicycle traffic into the development. Otherwise the development could present as a wall/barrier between the North End and the waterfront and will detract from its potential to become part of the fabric of the Hamilton waterfront.

Thanks

[REDACTED]

On May 11, 2022, at 3:42 PM, Kehler, Mark <Mark.Kehler@hamilton.ca> wrote:

Hi [REDACTED]

You can send any written comments to me and they will be included in the Staff Report that goes to

Appendix “I” to Report PED22031(a)
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Kehler, Mark

From: [REDACTED]
Sent: Thursday, April 28, 2022 6:49 PM
To: Roth, Jennifer
Cc: Smith, Andrea; Kehler, Mark
Subject: Re: Resident Comment Re: Pier 8 Block 16 DRP 2
Attachments: image001.png

Follow Up Flag: Follow up
Flag Status: Flagged

Thanks for the information, Jennifer.

One final comment on energy use:

The design team stated their EUI target to be 120-140 kWh/m²/a (Luka from Purpose presented this). For comparison, this aligns only with Tier 1 of the new version of the Toronto Green Standard, coming into effect May 1st (135 kWh/m²/a - the minimum standard for new multi-unit over 6 storeys). So I reject their claim that this is an 'ambitious' proposal, especially in light of the City's climate emergency declaration. And when compared to housing globally, such as new construction in places like Vienna, it's a laughable target.

Thanks.

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/toronto-green-standard-version-4/mid-to-high-rise-residential-non-residential-version-4/buildings-energy-emissions-resilience/>

On Thu., Apr. 28, 2022, 3:00 p.m. Roth, Jennifer, <Jennifer.Roth@hamilton.ca> wrote:

Hi [REDACTED]

Thanks for your comments. The Pier 8 Block 16 Urban Design Guidelines requires that the building design and lighting take into consideration migratory birds – more details about this will come at the site plan stage. I have included the file planner, Mark Kehler, on this email so he can document your comments on the lighting and migratory birds as well as the sustainability target for the building.

To answer the RFP question, Waterfront Shores was selected in 2018 as the Preferred Proponent to develop Pier 8. The RFP process incorporated sustainability considerations as part of the RFP evaluation parameters. The resulting Purchase and Sale agreement between the City and Waterfront Shores contains a range of terms and obligations including sustainability measures. Should Council approve the Official Plan and Zoning By-law amendment applications for Pier 8 Block 16, there will be additional opportunities as part of the development process to implement additional sustainability measures. If you have further questions about this information, I have cc'ed Andrea Smith from the Municipal Land Development Office.

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Thank you for taking the time to observe the meeting last night.

Best,

Jennifer Roth, RPP, MCIP

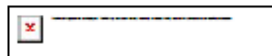
Senior Project Manager, Rental Housing Development

Housing Services Division

Healthy and Safe Communities

City of Hamilton

905-546-2424 Ext. 7242



From: [REDACTED]
Sent: April 28, 2022 7:40 AM
To: Roth, Jennifer <Jennifer.Roth@hamilton.ca>
Subject: Resident Comment Re: Pier 8 Block 16 DRP 2

Hi Jennifer,

I am wondering whether the design team has given consideration to the impact of the penthouse lighting scheme on migratory birds, given the proximity to Cootes?

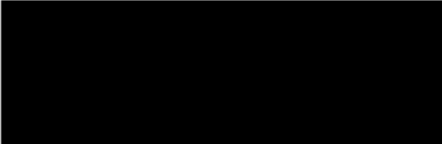
I also wholly agree with the Panel's comments on not being an ambitious enough proposal, in terms of energy and CO2-e, but am sympathetic to the response of this being a market-driven project. My assumption is that the property was

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sold to the winning development team with certain conditions – and that perhaps these metrics were left vague in what I assume was an RFP years ago?

Thanks for the session!

--



Appendix "I" to Report PED22031(a)
Page 27 of 50**Kehler, Mark**

From: Roth, Jennifer
Sent: Thursday, April 28, 2022 8:16 AM
To: Smith, Andrea; Kehler, Mark
Subject: FW: Final reminder for Web seminar: Pier 8 Block 16 DRP 2

Follow Up Flag: Follow up
Flag Status: Flagged

FYI – comments below.

From: [REDACTED]
Sent: April 27, 2022 9:14 PM
To: Roth, Jennifer <Jennifer.Roth@hamilton.ca>
Subject: Re: Final reminder for Web seminar: Pier 8 Block 16 DRP 2

I missed about 10 slides but I got thr gist of the presentation.

PS: would like to see more commercial along waterfront.

Also, I didn't think LEED Certification was the "gold standard " anymore. I read somewhere that Passive Haus is even better.

Thank you.

[REDACTED]

On Wed., Apr. 27, 2022, 9:02 p.m. Roth, Jennifer, <Jennifer.Roth@hamilton.ca> wrote:

[REDACTED] – I am so sorry that I missed this email – I was busy taking notes. I really hope they started to advance so you didn't miss anything.

Thanks,

Jennifer

From: [REDACTED]
Sent: April 27, 2022 7:09 PM
To: Roth, Jennifer <Jennifer.Roth@hamilton.ca>
Subject: Re: Final reminder for Web seminar: Pier 8 Block 16 DRP 2

Slides are not advancing in my view. Stuck on "View from South".

Appendix "I" to Report PED22031(a)
Page 28 of 50**Kehler, Mark**

From: Roth, Jennifer
Sent: Tuesday, March 8, 2022 9:03 PM
To: Smith, Andrea; sue.cumming@total.net; Kehler, Mark; Phillips, Chris
Cc: Newbold, Christine
Subject: FW: Pier 8 meeting tonight

Follow Up Flag: Follow up
Flag Status: Flagged

FYI

Jennifer Roth, MCIP, RPP
Planner I

Sustainable Communities
Planning & Economic Development Department
71 Main Street West, 5th Floor
Hamilton ON, L8P 4Y5
Telephone: 905-546-2424 ex. 2058
Fax: 905-546-4202

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

Please consider the environment before printing this email.

From: [REDACTED]
Sent: March 8, 2022 8:27 PM
To: Roth, Jennifer <Jennifer.Roth@hamilton.ca>
Subject: Pier 8 meeting tonight

Hi Jennifer,

I can't seem to make any comments on the meeting tonight! I felt the meeting was heavily weighed to negative and constructive comments from participant which I guess is fair.... but I wanted to say...the site plans and pictures got me excited (hoping I may be able to someday buy a place at Pier 8).

Thanks for all the hardwork from everyone on this very busy meeting tonight.

[REDACTED]

Appendix "I" to Report PED22031(a)
Page 29 of 50**Kehler, Mark**

From: Roth, Jennifer
Sent: Thursday, March 10, 2022 3:34 PM
To: Kehler, Mark
Subject: FW: Pier 8 Block 16 Community Meeting

Follow Up Flag: Follow up
Flag Status: Flagged

FYI – comments for the file.

Thanks,

Jennifer Roth, MCIP, RPP
Planner I

Sustainable Communities
Planning & Economic Development Department
71 Main Street West, 5th Floor
Hamilton ON, L8P 4Y5
Telephone: 905-546-2424 ex. 2058
Fax: 905-546-4202

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

Please consider the environment before printing this email.

From: [REDACTED]
Sent: March 9, 2022 10:23 AM
To: Roth, Jennifer <Jennifer.Roth@hamilton.ca>
Subject: Re: Pier 8 Block 16 Community Meeting

Hi Jennifer,

Oh sorry, I wasn't complaining about the process. I never really realized that OLT could approve something completely different than what was applied for. I'm aware that there is only so much you can do to reach the community. But the City gets the blame for following the OLT ruling unfortunately.

I feel better though knowing that more families will be accommodated in this development. I like that the building isn't all glass, has balconies and will hopefully allow for a mix of people with various incomes to call Pier 8 home.

Yes, feel free to share my comments below.

Kind regards,

[REDACTED]

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On Wed., Mar. 9, 2022, 10:04 a.m. Roth, Jennifer, <Jennifer.Roth@hamilton.ca> wrote:

Good morning [REDACTED]

Thank you for your attendance last night.

I can appreciate your frustration with the process. The provincial planning appeal body (Ontario Land Tribunal) does tend to change things without public input.

Can I forward your comments to the development review planner to include in the public record?

Thank you,

Jennifer Roth, MCIP, RPP

Planner I

Sustainable Communities

Planning & Economic Development Department

71 Main Street West, 5th Floor

Hamilton ON, L8P 4Y5

Telephone: 905-546-2424 ex. 2058

Fax: 905-546-4202

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

Please consider the environment before printing this email.

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From: [REDACTED]
Sent: March 8, 2022 8:59 PM
To: Roth, Jennifer <Jennifer.Roth@hamilton.ca>
Subject: Pier 8 Block 16 Community Meeting

Thank you for hosting this public meeting. It was very informative and the additional information was helpful. I thought it was well run and it seems that plenty of public consultation over and above what is normally required under the Planning Act has been done.

While I am not keen on such a tall building personally, the fact that the developer will be offering greater than 15% of the units as family units(2bdm and 3bdm units) is important. I am disappointed that the tower came into fruition long after the original designs went out to the public to vote on prior to the RFP process, as it may have very well changed people's perception and decision on which design they preferred. I think this is where much of the animosity comes from with the people who are against the height, regardless of the benefits and why the perception of non-transparency exists.

Anyhow, what is done is done. The cylindrical and Lily design are the best looking but they should go with the most cost efficient design to save on construction costs. I hope the City considers reduced parking minimums given the close proximity to the West Harbour Go and HSR service to downtown(it will also reduce cost of construction), and assurances that the public space will remain public in perpetuity. I also hope Hamilton stands by their word that should Council approve the tower, it will not pave the way for future developers to also request for these massive height increases for other waterfront development, City owned lands or otherwise.

Kind regards,

[REDACTED]

--

[REDACTED]

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Kehler, Mark

From: Roth, Jennifer
Sent: Monday, March 14, 2022 8:25 AM
To: cumming1@total.net; Smith, Andrea; Kehler, Mark
Subject: FW: Pier 8 Block 16 DRP Web seminar comments

Follow Up Flag: Follow up
Flag Status: Flagged

FYI – comments for Pier 8 Block 16.

Jennifer Roth, MCIP, RPP
 Planner I

Sustainable Communities
 Planning & Economic Development Department
 71 Main Street West, 5th Floor
 Hamilton ON, L8P 4Y5
 Telephone: 905-546-2424 ex. 2058
 Fax: 905-546-4202

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

Please consider the environment before printing this email.

From: [REDACTED]
Sent: March 13, 2022 9:19 PM
To: Roth, Jennifer <Jennifer.Roth@hamilton.ca>
Subject: Pier 8 Block 16 DRP Web seminar comments

Hi Jennifer,

I attended the web seminar and as an engineer who's been working in the energy modelling/sustainability industry for the most part of the past decade and as a north-ender I have a few comments.

1. The proposed Tier-2 target didn't include ALL the three metrics used by TGS (TEDI, TEUI, and GHGI). Excluding TEDI is problematic because this metric focuses on envelope and resiliency of the building. Excluding it allows the construction of highly glazed generic towers like the ones peppered all over the GTA.
- 2.
3. Window to wall ratio (WWR) matters despite of what's been touted about the importance of the Surface to Area (SAR). The proposed high percentage (70%) of glazing will only reduce the performance of the building while negatively impacting the thermal comfort of the occupants. As a professional working in the industry, I find it hard to believe that Tier-2 is achievable with the committed design, and even recommended as a sustainable exemplary building.
- 4.

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5. The proposed mechanical system is a standard system that'll surely help reduce GHGI, but it isn't the magical wand we're being led to believe. With a glazing-induced thermal load of the envelope, most of the heating will be satisfied with NG (Methane) boilers. In other words, the mechanical system despite its efficiency and carbon switching approach, will only react to the loads assigned to it.
- 6.
7. Some of the architects on the panel voiced their concerns about the importance of passive design elements, but the answers focused on the importance of the mechanical system, the self-shading, and SAR. In my experience, self-shading has minimal impact, and adding balconies decrease the thermal performance of the facade if it's not mitigated. I do have some serious doubts about these claims.
- 8.
9. The Standards (Energy Star, LEED Silver, and WELL) are great to achieve, but the only one that's pure energy is Energy Star. Energy Star isn't hard to achieve, so setting it as a target is setting the bar low. With a building that'll define the Hamilton waterfront, we should aim higher.
- 10.
11. The city should have a clear approach on how to model the building, an absolute target, and a third-party auditor to verify the results.

Kind Regards,



Too brief? [Here's why!](#)

[EOM] = End of Message

[NNTR] = No need to respond

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PETITION AGAINST 45 STORY TOWER ON PIER 8

We the residents of Guise st east OBJECT to the changing of official plan amendment (file no, uhopa-22-001) and the zoning by-law amendment (file no, zac-22-003).

The City of Hamilton has so far done a great job of revitalizing the north end waterfront, creating parks and recreation areas for all Hamiltonians and their families to enjoy . Festivals and special events have flourished.
Many of the existing residents of the north end have enjoyed the the low traffic quiet neighbourhood of the past, but have excepted the rebirth of the waterfront as it has enhanced the waterfront and created a great destination for all to enjoy.
Then came the housing developments which we objected to with the belief the area should be maintained as waterfront recreation .
But in the end the housing was accepted as an unassuming development which would blend in and allow others to join the community of waterfront living we have enjoyed.

We find that allowing the building of a massive tower of 45 storeys will greatly effect the quality of life and enjoyment of residents already settled in the area.

A building of this magnitude is undesirable in this location as it will

detract from the aesthetics of the area taking away the park and waterfront feel and making it into a concrete jungle

it will also create shadowing for all residence existing and in the new developments

it will create severe traffic congestion ,by over intensifying an area with limited access. It will diminish the quality of life.

More importantly allowing a 45 story tower in this location will defeat the whole purpose of a 15 year Setting Sail process initiated by the City of Hamilton itself.

Never once ,during this 15 year consultation process was a 45 story building mentioned or contemplated. Four stories was a possibility in the modelling at Werner Plessels office at the Waterfront Trust. Nothing too severe. Nothing too disruptive to the existing neighbourhood and historically mild traffic patterns. Nothing that would block out the sun.

This notion of 45 stories is bait and switch at its vulgar worst. It is dishonest, it renders the engagement process meaningless.

Bruce Kuwabararas involvement ,and his north end roots do not trump the good faith participation of hundreds (if not thousands) of north end residents. Mr Kuwabararas lives and works in toronto.

Please do the honourable thing and reject this tower proposal.



name address contact



continued on back

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J. Pitman Patterson
T 416.387.6109
PPatterson@blg.com

Katie Butler
T 416.387.6353
KButtler@blg.com

Borden Ladner Gervais LLP
Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto ON M5H 4E3
Canada
T 416-367-6000
F 416-367-6749
blg.com



February 22, 2022

Delivered by Email (clerk@hamilton.ca) (mayor@hamilton.ca)

Mayor Eisenberger and Council
City of Hamilton
71 Main Street West, 1st Floor
Hamilton, ON L8P 4Y5

Dear Mayor Eisenberger and Members of Council:

Re: File: Official Plan Amendment UHOPA-22-001
File: Zoning By-law Amendment ZAC-22-003
Folder: 2022 100024 00 PLAN (1087541)
Subject Property: 65 Guise Street East (Pier 8, Block 16), Hamilton
Item 5.3 Planning Committee Report 22-003 - February 15, 2022

BLG has been retained as land use planning counsel by Parrish & Heimbecker Limited ("P&H") the operator of a grain handling terminal and flour mill on Pier 10 in Hamilton. We write regarding our client's concerns in respect of the proposed Official Plan Amendment and Zoning By-law Amendment (the "Proposed Amendments") at the property municipally known as 65 Guise Street East, Hamilton (Pier 8, Block 16) (the "Subject Property") and the associated introduction of new sensitive land uses in a 45-storey tower.

Our client is the owner and operator of a large grain handling terminal and state of the art flour mill on Pier 10, including the dockwalls and finger pier extending toward Pier 8 which is used for the loading and unloading of ships (the "P&H Facility"). The P&H Facility which is approximately 270 meters from the east side of Pier 8, and ships dock on the finger pier as close as approximately 150 metres. In 2017, P&H completed a \$45 million investment in a new flour mill on Pier 10 which was supported by the City of Hamilton and all other levels of government. The new mill is the first greenfield site flour mill built in Ontario in 75 years.

P&H has made a substantial economic investment on Pier 10, and a significant contribution to the establishment of a successful agri-food hub in the port. These efforts have been supported by all levels of government and the Hamilton-Oshawa Port Authority. The Port of Hamilton and the industries it hosts play a major role in the City's economy. Given this role, the City has recognized the need to work in consultation with the Hamilton-Oshawa Port Authority to harmonize planning initiatives. The City's Official Plan recognizes the need to protect existing industrial areas in the Port and to establish appropriate separation and mitigation measures.

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Borden Ladner Gervais

This is not the first time the proposed introduction of sensitive uses on Pier 8 has raised serious issues of land use compatibility with existing industry on and around Pier 10. In 2017, P&H and others appealed to the Ontario Land Tribunal (“OLT”) objecting to the City’s approval of Zoning By-law No. 17-095 and draft Plan of Subdivision 25T-201605 (Case No PL170742). P&H’s appeals (the Phase II appeals) raised concerns about the proposed use of the Pier 8 lands on numerous grounds, including that the proposed sensitive land uses were incompatible with the use and operation of the P&H Facility, which could expose P&H to potential action for damages or injunctions or both, enforcement action, and environmental compliance approval issues. As described in the Staff Report (PED22031), on September 16, 2019, the City agreed with the WSC, Harbour West Neighbours Inc. and Herman Turkstra to resolve some of the appeals (the Phase I appeals). On August 14, 2020, the City, Waterfront Shores Corporation (“WSC”) and P&H entered into a settlement agreement setting out measures to address the incompatibility issues raised in the P&H appeals (“Settlement Agreement”). P&H, the City and WSC also entered into an agreement pursuant to the *Industrial and Mining Lands Compensation Act*, RSO 1990, c. I.5, which was registered on title to the Pier 8 lands on or around August 25, 2021 (the “IMLCA Agreement”). The IMLCA describes, among other things, the proposed sensitive uses of the Pier 8 lands and the incompatibility of sensitive uses proximate to the use and operation of the P&H Facility.

The Settlement Agreement and IMLCA Agreement facilitated settlement of the P&H appeals, and the OLT issued its order on September 22, 2020 approving Zoning By-law 17-095. The Settlement Agreement and IMLCA Agreement were carefully negotiated on the basis of the arrangement of development blocks, built form and uses contemplated in Zoning By-law 17-095. A 45 storey multi-residential building was not contemplated on Block 16, nor was such use or built form approved in Zoning By-law 17-095.

Our client is concerned that the P&H Facility once again will be threatened by the proposed introduction of sensitive land uses on the Subject Property, and that there has been inadequate consultation with existing industries, contrary to the approach directed by the Ministry of Environment and Climate Change under the NPC-300 publication, which states:

Where a site in proximity to a stationary source is in the process of being developed or re-developed for noise sensitive uses (such as residential), it is considered the responsibility of the proponent/developer of the noise sensitive land use to ensure compliance with the applicable sound level limits and for this responsibility to be reflected in the land use planning decisions.

NPC-300 goes on to state that the involvement of owners of stationary sources in the land use planning process “is highly recommended” when an adjacent new noise-sensitive land use is proposed, and that a “cooperative effort” between the proponent and the stationary source owners is desirable. Pursuant to NPC-300, it is the responsibility of the proponent of the new noise sensitive land use to ensure compliance with applicable sound level limits.

We have reviewed the planning application materials available online, including the proponent’s Planning Justification Report and the Noise Feasibility Study dated October 25, 2021 (the “Noise Study”). In respect of the Noise Study, P&H’s acoustical engineers are currently reviewing that study to evaluate the characterization of noise sources, the impact on the proposed Block 16 tower, and the sufficiency of the mitigation measures noted in the Noise Study. As matters currently stand, there is no comfort to P&H that appropriate mitigation measures will be implemented, or more generally, that

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the proposed use and built form are appropriate. The Planning Justification Report refers to "*potential mitigation measures that could be implemented*". The Staff Report (PED22031) is remarkably entirely silent on the history and process of resolving compatibility issues with P&H for Pier 8 development, and says nothing about the Settlement Agreement or the noise issue at all. There is no discussion of, or commitment to, implementation of mitigation measures to ensure compatibility, surely a threshold issue when approving new uses and built form in a zoning by-law amendment.

Given the close proximity to stationary and other noise sources and industry such as the P&H Facility, ensuring compatibility and compliance with Provincial guidelines should be a fundamental driver when evaluating the Proposed Amendments and the introduction and distribution of new uses in the area and at the Subject Property.

We submit this letter in advance of the statutory public meetings being held for the Official Plan and Zoning By-law Amendments where this item will be considered by the Planning Committee and subsequently City Council. Our client seeks an outcome which protects industry in conformity with the Official Plan and Provincial guidelines.

Our client requests copies of subsequent communications in this matter, and notice of all meetings and decisions in respect of the Proposed Amendments.

Yours very truly,
BORDEN LADNER GERVAIS, LLP

A handwritten signature in black ink, appearing to read "Pitman Patterson", written over a horizontal line.

Pitman Patterson

CC : Stephen Robichaud, Director, Planning and Chief Planner

Lisa Kelsey, Legislative Coordinator, Planning Committee

Client

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Kehler, Mark

From: [REDACTED]
Sent: Thursday, February 17, 2022 7:57 AM
To: Kehler, Mark
Subject: Waterfront development

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Mark,

I'm an intern architect working on them paperwork to finally now obtain my license. I moved to Hamilton 4 years ago from Burlington where I previously came to from downtown Toronto having studied at UofT and lived the last 7 years. I have seen Toronto burst into what it is today from a time when it was far less densified. I have seen the same thing happen in Burlington and I am now witnessing it happen in Hamilton. In fact, I Also lived in Shanghai, a megacity in the midst of it's development for 3 years in 2011-2014 while working as an architect in the middle of it all. I loved how peaceful it was here and is in comparison. It reminds me of Toronto at least 10-12 years ago. A city more full of culture than it is now. Toronto now feels like a hassle and stressful to live in.

I have a deep understanding of both the development and urban push in design but many times not a say in the impact of these developments I often work on. I also have an appreciation for Mr Kuwabara's work.

I do not think, however, developments of 43 stories are sustainably nor socially minded in the waterfront lands. They are financially driven and detrimental to the development of this city and as a community in general. It is our job as those who know to put a soft halt to the stress these ideas put on the actual community and limit what's suitable.

In fact, I am one of those new families who have brought my money and investment to this city and I assure you that families do not buy 2 bedroom apartments. Families need at least 3 bedrooms. Who ends up living in condos are single people sharing costs and renters maybe a young couple until they decide to have kids. People with cash on hand are who get hands on these development units and sky rocket prices as investment. It hurts the city as there are no better measures in place. Even house or townhome developments are tough to get on the list for if you don't have sizable amount of money or can practically pay cash. It is not suitable that any condos in Hamilton get built so densely and with only 1 or 2 bedrooms and called family units.

These towers do not only make the skyline look overly crowded and intensely covered. We all know you cant even see the rogers center anymore and hardly see the CN tower from the water. They have been detrimental to downtown Toronto and it's infrastructure. They are obstructive to an extent and awful to live in as a family with kids. Past having a baby, most families will choose a space with at least 3 bedrooms and often sell to look for homes or townhomes. In my youth, I erroneously thought it doable as this is what is fed to us through these meetings and marketing. But having kids I now know the truth.

I lived for years between Queen and King, using transit along the king st of Toronto. I was lucky to be getting on before the liberty village passengers. What I saw was a lack of consideration to the residents of these communities and previous existent ones with the new densities created for the sake of money in developers pockets. There was a lack of grocery stores, transit, community spaces, libraries, restaurants, and all the daily necessities as well. Maxing out the residential units by making them as small as possible also isn't beneficial.

Densification brings about change. However, not necessarily good change and many issues that urban big cities have to juggle. Bringing more money into the city doesn't have to be done through densification to this scale in a place that could in fact become a public and less dense community that will enrich socially rather than just financially the city's

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pockets. A building of no more than 8-10 stories will bring about enough change and density as it is at this location. Let the city grow proportionately and do not set a precedent that will bolster greediness and unsustainable direction for years to come. Let them buy more central properties for these tall towers. Keep the waterfront less dense and more community friendly. You'd be doing everyone a favour by spacing out and creating more landscaped community environments and less tall towers to this area. More community hubs and outdoor squares that will bring shoppers and families to enjoy the space.

Caringly,



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From: Bryan Ritskes <bryan.ritskes@harbourwestneighbours.ca>
Sent: Sunday, February 13, 2022 3:53 PM
To: clerk@hamilton.ca
Cc: Farr, Jason; Phillips, Chris; Kehler, Mark; McKie, Shannon
Subject: 65 Guise Street - Email for the Legislative Coordinator, Planning Committee -

Follow Up Flag: Follow up
Flag Status: Flagged



February 13, 2022

Chair & Members,
City of Hamilton Planning Committee

Re 65 Guise Street - Block 16 - Pier 8

Harbour West Neighbours Inc. appreciates the opportunity to provide the Committee with our perspective on the reports you are considering regarding the proposed signature building on Pier 8.

Harbour West Neighbours Inc. participated as a party in the appeal and settlement of the planning for Pier 8 described in the staff report.

We have carefully studied the Webb planning report and the staff report to be presented to you on February 15th.

We wish to advise the Committee that together with NENa and other residents of the North End Neighbourhood, we support the conclusions of the reports to be considered by the Committee. The reports are consistent with the settlement HWN agreed to with the City.

The Committee may wish to know that in the appeal process HWN consolidated the interests of a number of residents who had originally appealed the original Pier 8

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Council decision. In the settlement process we worked closely with NENa and a number of local residents. While we understand that there will be different opinions about the tall building and we do not speak for everyone in our neighbourhood, we have worked hard to incorporate the views of as many of our neighbours as possible. In addition to our outreach, NENa held a number of public meetings which demonstrated substantial support for the proposal.

The Official Plan Amendment, Urban Design Study and Zoning By-Law to be considered by the Committee on February 15 are a critical part of ensuring that Pier 8 becomes an integral part of our stable neighbourhood. The settlement will significantly increase the number of family friendly homes on Pier 8. Homes for children on Pier 8 are important to supporting that family friendly character of our neighbourhood. Children on Pier 8 will support our schools and recreation facilities and help prevent the new homes on Pier 8 from being isolated from the rest of the neighbourhood.

We look forward to continuing working with NENa and City planning staff in this planning process.

Thank you for consideration of our submission.



Bryan Ritskes
President,
Harbour West Neighbours Inc.

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Kehler, Mark

From: [REDACTED]
Sent: Thursday, January 27, 2022 12:45 AM
To: Kehler, Mark
Subject: objection to 45 story high rise
Attachments: Guise PETITION AGAINST 45 STORY TOWER ON PIER 8.pdf; North PETITION AGAINST 45 STORY TOWER ON PIER 8.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Mark

Please find attached two petitions in Opposition against the redesignating 65 Guise st east (Pier 8). The building of any high rise structure should not be permitted.



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S. CHRISTIAN HOLLINGSHEAD

63 Stanley Avenue, Hamilton, ON, L8P 2L2 (905) 975-8765

Date: 01-21-2022
 Property Address: 65 Guise Street East, Hamilton ON
 File References: UHOPA-22-001, ZAC-22-003

URBAN OFFICIAL PLAN AMENDMENT (File No. UHOPA-22-001)

OPPOSED TO THIS PLAN AMENDMENT.

Zoning By-law Amendment (File No. ZAC-22-003)

OPPOSED TO THIS PLAN AMENDMENT.

Applicable Development Documents Commissioned by the City of Hamilton;
 Urban Design Study - Brook McIlroy April 21, 2016
 Pier 8 Presentation Panels - KPMB Architects, The Waterfront Shores Corporation

Applicable plans;
 Urban Hamilton Official Plan
 Setting Sail Secondary Plan

Applicable Zoning By-law;
 City of Hamilton's Comprehensive Zoning By-law No. 05-200

Comments:

The City of Hamilton commissioned an urban design study and used this as the basis for tendering development concepts and promoting the redevelopment to the citizens. This urban study defined uses for each new block within the Pier 7-8 development. This comprehensive study has used and references the Urban Hamilton Official Plan and Setting Sail Secondary Plan to justify the proposed use of the "Blocks" within the Pier 7-8 development area.

It is proposed in the application to allow for a 45 storey building (147.0 m height) on the lands located at 65 Guise Street East (Pier 8, Block 16).

The Urban Study suggests that a maximum building height of 8 storeys. The proposed building height of 45 storeys (147.0 m) is **5.625 times the recommended building height.**

The Urban Study suggests that building heights in this development area closest to the existing neighbouring lots be reduce from the maximum suggested building height. 65 Guise St E is one of the closest lots in the development area to the existing

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neighbouring lots. The neighbouring lots consist mostly of 3 storey or less structures. Only 2 of the existing neighbouring structures are tall residential buildings (apartment buildings).

The Urban Study suggests that the Pier 7-8 development area be developed in 3 stages. The lot at 65 Guise St E is part of the proposed Phase 1 development. **The precedent set during Phase 1 will affect the future development philosophies and policies for the Phase 2 and Phase 3.**

The Urban Study suggests that the Urban Hamilton Official Plan and Setting Sail Secondary Plan are well suited to be the guiding principles for development of the Pier 7-8 area. The Setting Sail Secondary Plan also guides development policy for James St N, including building heights.

The Setting Sail Secondary Plan guides development of building heights and residential density. **The Setting Sail Secondary Plan clearly indicates that in contradiction between density standards and building height standards, building height regulations should be considered as a priority.**

In summary, if the the application to allow a building height of 45 storeys (147.0m) is permitted for the lands located at 65 Guise St E (Pier 8, Block16), any increase in building height for future development withing the Pier 7-8 development area and the James St N corridor will have to be given consideration up to a maximum of an additional 5.625 times the recomended building height.

Applicable excerpts from the Urban Design Study;

- 6.2.1 Secondary Plan Amendments (page 95) Through the preparation of this Urban Design Study it was determined that the policies of the Secondary Plan are well suited to shape development on the Piers.
- 65 Guise St E is contained on Block I, as identified in the study on (page 89, 5.7 Blocks I/J)
- 3.2.5. A Diversity of Land-Use (page 40) designates Block I as medium density residential
- Existing Built Form (page 10) The mix of existing building types supports a mid-rise form (3-8 storeys) that decreases in height as it approaches the low rise homes to the south. The block massing table indicates the appropriate number of storeys as 6-8. Key Design Considerations notes that "Building heights shall be lower along Guise Street where existing low-rise homes are located to the south"
- 2.3 CHARACTER PRECEDENTS (page 20) "The key features that were

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consistently noted in each of the communities include: A human-scaled development that frames the streets and open spaces”

- 4.10. Mid-Rise Buildings (page 78); New development within the Pier 7 + 8 area is recommended to be mid-rise at 3-8 storeys in height in accordance with the Secondary Plan
- 6.4.2. Phase 1 Development (page 100); Establishing the blocks along Guise Street will help establish the edge condition for the Pier 8 community,

The Urban Hamilton Official Plan suggests the following principles:

- Scale; 3.5.7 For medium density residential uses, the net residential density shall be greater than 60 units per hectare and not greater than 100 units per hectare (page E3, 5 of 12)
- Scale; 3.5.8 For medium density residential uses, the maximum height shall be six storeys (page E3, 5 of 12)
- Design 3.5.9 (c) The height, massing, and arrangement of buildings and structures shall be compatible with existing and future uses in the surrounding area (page E3, 5 of 12)
- 2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria: b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form; d) the compatible integration of the development with the surrounding area in terms of use, scale, form and character. g) the ability of the development to comply with all applicable policies. (page B2, 4 of 6)
- 2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated: a) the matters listed in Policy B.2.4.1.4; b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects; c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings; d)

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the consideration of transitions in height and density to adjacent residential buildings; e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;

•

The Setting Sail Secondary Plan suggests the following principles:

- A.6.3.3.1.4 All new development in West Harbour shall be subject to the height limits shown on Schedule “M-4”, Building Heights, and prescribed in the specific policies of this plan (page 10)
- **A.6.3.3.1.5 Where there is a discrepancy between the maximum heights and density ranges in this plan when applied to specific sites, the maximum height limits shall prevail and be adhered to (page 10)**
- A.6.3.5.1.17 Prior to zoning by-law amendments to permit the development of any new buildings on Piers 7 and 8, a comprehensive urban design study of the entirety of both piers shall be completed. The study shall determine the appropriate height and massing of new buildings, taking into consideration impacts on public views, sunlight penetration, privacy and wind conditions. **If the urban design study recommends building heights greater than the maximum heights permitted by the above-referenced policies, an amendment to this plan shall be required. (page 37)**
- Schedule M-4: Building Heights (map) indicates that the building height for 65 Guise St E is governed by the Setting Sail Secondary Plan
- Schedule M-2: General Land Use (map) indicates that the land use for 65 Guise St E is Medium Density Residential and Medium Density Residential 2
- A.6.3.5.1.12 (page 36) xi) the design and massing of buildings shall minimize shadow and wind impacts on the public realm; xii) the design of new developments shall have respect for the light, views and privacy enjoyed by residents in adjacent buildings and areas.

The City of Hamilton’s Comprehensive Zoning By-law No. 05-200 provides the following applicable requirements:

- 14.1.1 PERMITTED USES - “Multiple Dwelling” (SECTION 14: WATERFRONT

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ZONES)

- 14.1.2 REGULATIONS - "c) Building Height Shall be provided in accordance with Figure 12 of Schedule F: Special Figures" (SECTION 14: WATERFRONT ZONES)
- Figure 10: Waterfront Block Plan - this plan assigns block # 9, 10, 11 to the block containing 65 Guise St E
- **Figure 12: Waterfront Zones - Building Heights - This table assigns a maximum building height for Block 10 = 8 storeys, 30m, for Block 11 = 3 storeys, 11.5m**
- Figure 14: Waterfront Zones - Residential Unit Restrictions, sets a maximum number of units at 247 units for Blocks 9, 10 and 11, and Maximum 18,000 square metres for residential uses and a maximum 3000 square metres for commercial uses for Blocks 9, 10, and 11

Sincerely,

S. Christian Hollingshead

Property Owner
547-549 Hughson St N
Hamilton ON

PETITION AGAINST 45 STORY TOWER ON PIER 8

We the residents of north end of Hamilton OBJECT to the changing of official plan amendment (file no, uhopa-22-001) and the zoning by-law amendment (file no, zac-22-003).

The City of Hamilton has so far done a great job of revitalizing the north end waterfront, creating parks and recreation areas for all Hamiltonians and their families to enjoy . Festivals and special events have flourished.

Many of the existing residents of the north end have enjoyed the the low traffic quiet neighbourhood of the past, but have excepted the rebirth of the waterfront as it has enhanced the waterfront and created a great destination for all to enjoy.

Then came the housing developments which we objected to with the belief the area should be maintained as waterfront recreation .

But in the end the housing was accepted as an unassuming development which would blend in and allow others to join the community of waterfront living we have enjoyed.

We find that allowing the building of a massive tower of 45 storeys will greatly effect the quality of life and enjoyment of residents already settled in the area.

A building of this magnitude is undesirable in this location as it will

detract from the aesthetics of the area taking away the park and waterfront feel and making it into a concrete jungle

it will also create shadowing for all residence existing and in the new developments

it will create severe traffic congestion ,by over intensifying an area with limited access. It will diminish the quality of life.


More importantly allowing a 45 story tower in this location will defeat the whole purpose of a 15 year Setting Sail process initiated by the City of Hamilton itself.

Never once ,during this 15 year consultation process was a 45 story building mentioned or contemplated. Four stories was a possibility in the modelling at Werner Plessels office at the Waterfront Trust. Nothing too severe. Nothing too disruptive to the existing neighbourhood and historically mild traffic patterns. Nothing that would block out the sun.

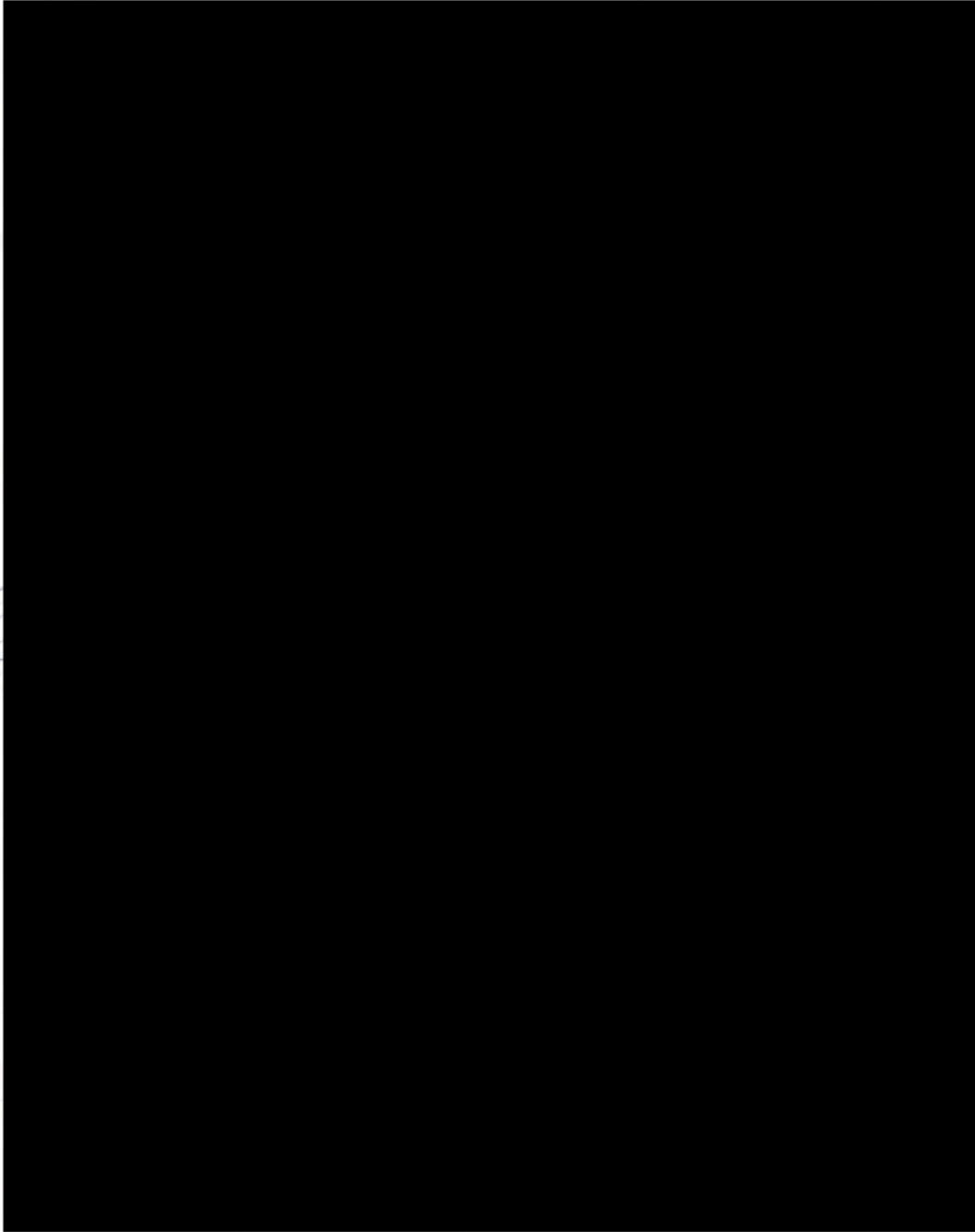
This notion of 45 stories is bait and switch at its vulgar worst. It is dishonest, it renders the engagement process meaningless.

Bruce Kuwabarar involvement ,and his north end roots do not trump the good faith participation of hundreds (if not thousands) of north end residents. Mr Kuwabarar lives and works in toronto.

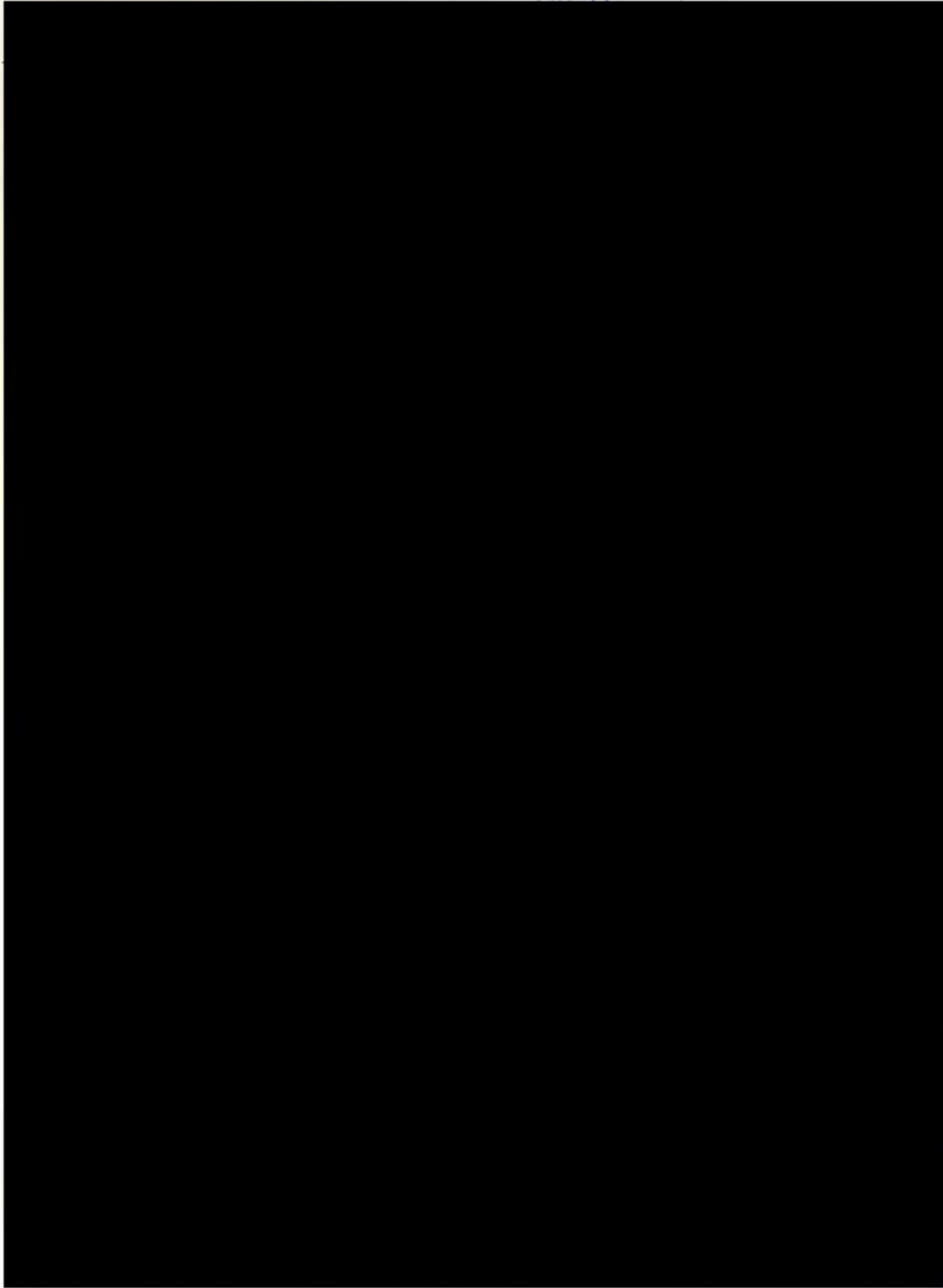
Please do the honourable thing and reject this tower proposal.



PETITION AGAINST 45 STORY TOWER ON PIER 8



PETITION AGAINST 45 STORY TOWER ON PIER 8



SUMMARY OF POLICY REVIEW

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

Provincial Policy Statement (2020)		
Theme and Policy	Summary of Policy or Issue	Staff Response
Settlement Areas Policy: 1.1.3	Settlement Areas are intended to be the focus of growth and development. The development found within Settlement Areas are generally to have appropriate densities and mix of uses to allow for efficient use of public infrastructure, positively contribute to the concerns around a changing climate and be transit-supportive.	The subject property is located within a settlement area as defined by the Provincial Policy Statement (2020). The proposed residential development would contribute to the supply of a range of housing options, including units with two or more bedrooms. The proposal would efficiently use land and existing infrastructure and is transit-supportive by providing intensification with access to the West Harbour GO Station and existing and planned Hamilton Street Railway transit serving Pier 8.
Noise, Odour and Other Contaminants Policy 1.2.6.1	<p>A Noise Study is required to demonstrate that the transportation related noises and any stationary noise sources uses surrounding the subject lands can be appropriately mitigated.</p> <p>The proposed development is required to prevent or mitigate adverse effects from odour and other contaminants to minimize risk to public health and safety and ensure the long-term viability of adjacent industries.</p>	<p>To address Ministry of the Environment, Conservation and Parks' noise guidelines, the applicant submitted a Noise Feasibility Study dated October 25, 2021, prepared by GHD Limited. The Study concludes that the development is feasible from a noise perspective and is not expected to limit the ability of existing industries in proximity to the site to operate within the stationary noise requirements under Ministry of the Environment, Conservation and Parks Guidelines.</p> <p>The Study notes that the Pier 8 Lands are classified as a Class 4 Area, allowing higher noise level limits to be applied for the development than a typical Class 1 Area. The Class 4 Area classification was approved by Council in June 2017 together with the adoption of the Pier 8 Zoning By-law Amendment and Draft Plan of Subdivision (Report No. PED17074). There is an existing Holding 'H' Provision (H94) applicable to Block 16 that requires an updated Noise Study based on the final building design to ensure that appropriate noise mitigation measures and warning clauses are implemented as the area develops.</p>

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Provincial Policy Statement (2020)		
Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Noise, Odour and Other Contaminants (Continued)</p> <p>Policy 1.2.6.1</p>		<p>Potential odour and dust impacts were investigated in a Dust and Odour Impact Assessment dated January 21, 2017 submitted in support of the previous Pier 8 rezoning and Plan of Subdivision applications. The Assessment recommended the application of filtered air HVAC systems, closed windows and enclosed balconies for odour and dust abatement together with warning clauses to advise purchasers and/or tenant of potential odour and dust impacts. The implementation of odour and dust control measures are secured through the conditions of the Pier 8 Draft Plan of Subdivision and Holding Provision H94 and will be further reviewed and implemented at the Site Plan Control stage.</p>
<p>Human Made Hazards</p> <p>Policy 3.2.2</p>	<p>Sites with contaminants shall be assessed and remediated prior to any activity on the site associated with the proposed use such that there will be no adverse effects.</p>	<p>Pier 8 is recognized as a contaminated site due to its former industrial use. Phase 1 and 2 Environmental Assessments have been completed for the site leading to a Record of Site Condition being filed with the Ministry of the Environment, Conservation and Parks on April 21, 2022. The developer will be required to implement the Risk Management Measures contained within the Certification of Property Use issued by the MECP to address all adverse effects associated with site contamination.</p>
A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020, as amended)		
<p>Managing Growth</p> <p>Policy 2.2.1</p>	<p>The vast majority of growth is intended to happen within the Settlement Areas and more specifically within the delineated built boundary. The application of the policies found within this section of the Plan are intended to help achieve complete communities.</p>	<p>The subject lands are located within the City of Hamilton urban boundary and are serviced by municipal water and wastewater infrastructure. The proposal expands housing options by introducing high-rise residential units and increasing the number of units with two or more bedrooms required to be developed on the Pier 8 lands. Consistent with the growth management policies of the Growth Plan, the proposal provides for residential intensification within the built-up area, with access to existing transit servicing Pier 8.</p>

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West Harbour (Setting Sail) Secondary Plan		
Theme and Policy	Summary of Policy or Issue	Staff Response
Distinct, Urban Waterfront Neighbourhood A.6.3.5.1.7	Piers 6-8 will be the focus of physical improvements and development that combine new civic spaces and promenades with residential, cultural and mixed-use buildings to establish over time a series of linked destinations and a distinct, urban waterfront neighbourhood.	The proposed mixed use building will contribute to the mix of uses on Pier 8 and will serve as the westerly gateway and as an anchor destination for both the Waterfront Promenade to the north of Block 16 and the “Greenway” (an east / west pedestrian and cycling street) to the south. The regional level landmark building will contribute to creating a distinct, urban waterfront neighbourhood.
Comprehensive Urban Design Study A.6.3.5.1.16	Prior to development of any new buildings on Piers 7 and 8, a comprehensive urban design study of the entirety of both piers shall be completed to determine the appropriate height and massing of new buildings.	A comprehensive Pier 7 and 8 Urban Design Study was approved by Council in May 2016 and informed the original Pier 8 rezoning approval. In August 2021, Council adopted the Pier 8 Block 16 Urban Design Guidelines in response to minutes of settlement for the Pier 8 rezoning. The Guidelines carried forward the key Block 16 design recommendations from the Pier 7 and 8 Urban Design Study and provided further design criteria for evaluating a future development application for a high-rise or mid-rise mixed use or residential building. Staff are satisfied that the proposed applications implement the Pier 8 Block 16 Urban Design Guidelines.
Comprehensive Traffic Study A.6.3.5.1.17	Prior to approval of new development on Pier 8, a comprehensive traffic calming study shall be completed and implemented for the area north of the CN railway line.	This Policy was addressed by the City through the endorsement of the North End Traffic Management Plan (NETMP) in October 2010. In addition, a Traffic Impact Study specific to Pier 8 was completed as part of the Pier 8 Rezoning and Plan of Subdivision applications. Since the proposed Official Plan Amendment and Zoning By-law Amendment for Block 16 will not result in an increase to the overall number of units within Pier 8, staff are satisfied that traffic generated by the proposed development can be accommodated in accordance with the North End Traffic Management Plan and the Pier 8 Traffic Impact Study.

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West Harbour (Setting Sail) Secondary Plan		
Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Mixed Use Areas</p> <p>A.6.5.1.11</p>	<p>Mixed Use Areas on Pier 8 shall permit institutional uses of a cultural nature and apartment buildings. Public open spaces are also permitted.</p> <p>Buildings shall generally be built at the front property line with parking areas located underground or in parking structures.</p> <p>Private and common amenity spaces shall be provided.</p> <p>The design of new development shall minimize shadow and wind impacts on the public realm and respect the light, views and privacy enjoyed by residents in adjacent buildings and areas.</p>	<p>The subject lands are designated “Institutional” on Schedule M-2 – General Land Use in the West Harbour (Setting Sail) Secondary Plan and the Owner has applied to redesignate the lands to “Mixed Use”. Setting Sail contains Mixed Use Policies that are specific to Pier 8 and generally reflect the proposed development of a residential building with cultural and / or commercial uses at grade.</p> <p>The proposal provides private amenity in the form of balconies for individual units, and common amenity space is proposed at the second level, including fitness rooms, party rooms, a children’s playroom and an outdoor terrace. The proposed development also includes a publicly accessible open space adjacent to the street that includes a viewing platform above the podium. Parking for the proposed development will be located underground.</p> <p>To address the shadow criteria from the Pier 8 Block 16 Urban Design Guidelines, the applicant submitted a Shadow Study dated August 18, 2023 prepared by KPMB Architects. Except for a small portion of the sidewalk directly to the northwest of the site, the proposal provides for greater than three hours of sun coverage throughout the day on public sidewalks as measured from March 21st to September 21st. Due to the narrow profile of the proposed tower, shadows will move quickly across the Waterfront Promenade, providing greater than 50% sun coverage at all times. Daily shadows from the tower travel from the northeast to the northwest of the site, limiting the impact on future residential buildings that will be located to the east and south.</p>

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West Harbour (Setting Sail) Secondary Plan		
Theme and Policy	Summary of Policy or Issue	Staff Response
Mixed Use Areas (Continued) A.6.5.1.11		<p>A Pedestrian Wind Assessment dated November 3, 2021, prepared by RWDI was submitted with the application. The Assessment notes that the introduction of a tall building to the site is expected to increase ground level wind speeds around the perimeter of the site and potentially uncomfortable high wind activity is anticipated to the northwest and southeast of the tower. To address uncomfortable wind conditions, the Assessment recommends that wind mitigation measures such as canopies, wind screens and landscape features be implemented and that more detailed wind testing be completed to determine the effectiveness of wind control measures selected. The implementation of wind control measures will be further reviewed at the Site Plan Control stage.</p> <p>An Official Plan Amendment is required to permit commercial, community, and live / work uses on the ground floor of the proposed multiple dwelling, in addition to the institutional uses with associated commercial uses that are already permitted. An amendment is also required to allow the building to not be built at the front property line to accommodate the proposed publicly accessible open space. Staff are satisfied that the proposed amendments to the Mixed Use policies are appropriate and will provide for greater flexibility to incorporate active uses at grade together with public space facing the Waterfront Promenade.</p>

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West Harbour (Setting Sail) Secondary Plan		
Theme and Policy	Summary of Policy or Issue	Staff Response
Building Height A.6.3.3.1.4	The existing maximum building height for Block 16 as shown on Schedule “M-4” is two to four storeys.	<p>An Official Plan Amendment is required to increase the maximum building height from two to four storeys to 45 storeys.</p> <p>The Pier 8 Block 16 Urban Design Guidelines evaluated the potential for a tall building on the site and determined that a tall building that is designed to standards of exceptional quality and design excellence has the potential to create a regional landmark emblematic of the Harbour’s renewal. The Guidelines recommend the proposed maximum height of 45 storeys (147.0 metres) based on an analysis of the existing tallest building in Hamilton (Landmark Place). The proposed 45 storey building on Block 16 will have a geodetic elevation (height above sea level) of 224.0 metres which is slightly less than the 226.0 metre geodetic elevation of the 43 storey Landmark Place. Therefore, the visual presence of the proposed building on the Hamilton skyline will be similar to the existing tallest building in Hamilton.</p> <p>Staff support the proposed amendment to building height which implements the recommendations of the Pier 8 Block 16 Urban Design Guidelines. The proposed tall building will achieve a regional level landmark building that is emblematic of the Harbour’s renewal, will achieve placemaking that is built on quality of life, sustainability, and design excellence and include publicly accessible open spaces, and will achieve a high standard of design as it relates to energy efficiency, water conservation and air quality.</p>
Views and Vistas A.6.3.3.4.5	The vistas of Hamilton Harbour and the key views leading to the harbour shall be preserved	The Pier 8 Block 16 Guidelines establish that the following viewpoints towards Block 16 should be considered:

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West Harbour (Setting Sail) Secondary Plan		
Theme and Policy	Summary of Policy or Issue	Staff Response
Views and Vistas (continued) A.6.3.3.4.5		<ul style="list-style-type: none"> • Mid-span on the Burlington Bay James N. Allan Skyway bridge; • Mid-span on the McQuesten High Level Bridge; and, • James Street North at King Street. <p>The Guidelines further recommend that the building have a slender profile as seen from the James Street corridor and other surrounding areas and to serve as a visual “beacon” on the Hamilton Harbour.</p> <p>Views are addressed in a Visual Analysis dated August 2023, prepared by WND Associates. The Analysis concludes that the proposed tower will be highly visible but will not overwhelm the Hamilton skyline and will serve as a landmark on the Hamilton Harbour as is recommended in the Pier 8 Block 16 Urban Design Guidelines.</p>
Excellence in Design A.6.3.2.8 and A.6.3.3.4.1	<p>Development shall promote excellence in design, including:</p> <ul style="list-style-type: none"> • Enhancing the best attributes of the West Harbour. • Creating a comfortable and interesting pedestrian environment, including by providing main entrances facing the street and ensuring barrier free access. • Promoting a high standard of design for the public realm, including by incorporating public art. • Respect the design and scale of neighbouring buildings. 	<p>The proposed preferred tower design demonstrates excellence in design by achieving a landmark building on the Hamilton Harbour.</p> <p>The ground floor of the proposed building includes entrances facing the street and the “Greenway,” and townhouse units facing the mid-block pedestrian connection to the east. The proposal contributes to the public realm by incorporating a publicly accessible open space with access to a viewing platform facing the Hamilton Harbour. Opportunities to incorporate public art will be considered at the Site Plan Control stage.</p> <p>The proposed tower is located at the northwest corner of Pier 8, away from the lower scale residential uses to the south.</p>

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West Harbour (Setting Sail) Secondary Plan		
Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Excellence in Design (continued)</p> <p>A.6.3.2.8 and A.6.3.3.4.1</p>		<p>The proposal includes setbacks and step backs to create separation from adjacent development blocks to respect the design and scale of future mid-rise development.</p>
<p>Housing</p> <p>A.6.3.3.1.9 to A.6.3.3.1.11</p>	<p>To encourage a broad mix of household types at varying income levels, West Harbour shall accommodate a diversity of housing types.</p> <p>In the event of disposal of publicly owned lands, Council will consider the desirability of developing such lands for affordable housing, and where appropriate, encourage its development.</p>	<p>The proposal will contribute to achieving a broad mix of housing types by increasing the number of two or more bedroom dwellings required to be developed on Pier 8 and introducing a high-rise residential built form to a predominantly mid-rise neighbourhood.</p> <p>Specific to affordable housing, the City’s development agreement with WSC includes the requirement that no less than five percent (5%) of the residential housing units being developed across all of Pier 8 will meet the definition of affordable housing according to the City’s Hamilton’s Municipal Housing Facilities By-law No. 16-233.</p>
<p>Sustainability</p> <p>A.6.3.4.1.2 and A.6.3.4.1.3</p>	<p>The design and construction of new development and redevelopment shall incorporate best practices and appropriate building technology to minimize energy consumption, conserve water, reduce waste and improve air quality.</p>	<p>The applicant has incorporated sustainability measures in the proposed development that are documented in a Sustainability Report submitted with the application, prepared by Purpose Building, dated May 30, 2022. Included in this Report is a commitment by the applicant to pursue three third party verified certifications: LEED, WELL, and EnergyStar, that will ensure a high standard of design as it relates to energy efficiency, water conservation, waste reduction and air quality.</p> <p>The proposed Official Plan Amendment requires that the development achieve the environmental sustainability targets set out in a Sustainability Report.</p>

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Site Specific Modifications to the Waterfront – Mixed Use (WF2) Zone

Regulation	Required	Modification	Analysis
<p>14.2.1.1</p> <p>Restricted Uses</p>	<p>A Library, Art Gallery, or Museum shall only be permitted on the ground floor and second floor</p> <p>20% of the total non-residential floor area will be permitted for commercial uses ancillary to a Library, Art Gallery, or Museum.</p>	<p>That Commercial uses and Institutional uses be permitted on the ground and second floors.</p>	<p>To provide for greater flexibility for non-residential uses on the ground floor of the building, the existing restriction that commercial uses only be permitted as ancillary to a Library, Art Gallery or Museum is proposed to be removed and that commercial and institutional uses be permitted on the ground and second floors only.</p> <p>Staff are satisfied that any of the non-residential uses permitted in the WF2 Zone, including institutional, commercial and live / work uses, would be appropriate on the ground floor of the building and support the modification.</p>
<p>Figure 14 of Schedule “F” – Special figures</p> <p>Residential Unit Restrictions</p>	<p>Residential units are permitted in accordance with Figure 14: Waterfront Zones – Residential Unit Restrictions. The subject lands are presently not included on Figure 14 as they are zoned for institutional uses only.</p> <p>Figure 14 requires that at least 15% of all units within Pier 8 have two or more bedrooms.</p>	<p>To add the subject lands to Figure 14 with no minimum or maximum total unit count.</p> <p>To increase the required number of units with two or more bedrooms to at least 15% of all units plus 150 units.</p>	<p>Figure 14: Waterfront Zones – Residential Unit Restrictions provides minimum and maximum total unit counts for each of the residential blocks on Pier 8 and restricts the total number of units to a maximum of 1,645. Adding the subject lands to Figure 14 with no minimum or maximum unit count will allow some of the permitted residential units to be reallocated to the proposed 45 storey building with the total number of units with two or more bedrooms being increased by 150 units.</p> <p>Staff support the modification.</p>

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Regulation	Required	Modification	Analysis
Minimum Landscaped Area	No existing requirement	20% of the lot area	<p>To contribute to quality of life for residents and visitors, the Pier 8 Block 16 Urban Design guidelines recommend that 20% of the site area be landscaped to allow for elements such as hard and soft landscaping, water features and public art installations.</p> <p>Staff support the proposed modification.</p>
Minimum Unit Width for Ground Level Live / Work or Dwelling Units	No existing requirement	5.0 metres	<p>As recommended in the Pier 8 Block 16 Urban Design Guidelines, the development includes a mid-block pedestrian connection (pedestrian mews) to the east of the proposed building that is flanked by townhouse-style units facing the mews. The Guidelines recommend that the townhouse-style units have a minimum width of 5.0 metres.</p> <p>Staff support the proposed modification.</p>
Minimum Amenity Area	No existing requirement	<p>2.0 square metres of indoor amenity space for each dwelling unit; and,</p> <p>2.0 square metres of outdoor amenity space for each dwelling unit, which may include balconies.</p>	<p>The Pier 8 Block 16 Urban Design Guidelines recommend that private and communal amenity areas be provided to serve as places for shared activities and support the lifestyle needs of residents of all ages. A minimum of 2.0 metres of indoor and 2.0 square metres of outdoor amenity space is recommended for each dwelling unit. This requirement has been addressed in the proposed building with private balconies and common party rooms, a kid’s playroom, fitness rooms and an outdoor terrace.</p> <p>Staff support the proposed modification.</p>

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Regulation	Required	Modification	Analysis
Maximum Gross Floor Area	No existing requirement	<p>Total maximum Gross Floor Area of 38,200 square metres.</p> <p>Maximum Gross Floor Area of 850 square metres for floors 4 to 30 and 650 square metres for floors 31 and above.</p> <p>For the purposes of this By-law, the definition of Gross Floor Area is amended to include mechanical areas and elevators.</p>	<p>The Pier 8 Block 16 Urban Design Guidelines established a recommended massing envelope within which a tall building could be accommodated while ensuring appropriate transition and separation between development blocks. The recommended volume of the building itself is less than the volume of the massing envelope, allowing for flexibility on the design and location of the tower and podium elements. The total floor area (including all mechanical, elevators, etc.) recommended in the Guidelines is 38,200 square metres and this requirement has been included in the proposed zoning by-law.</p> <p>To ensure a slender and tapered building design, the Pier 8 Block 16 Urban Design Guidelines also recommends that the tower floor plates not exceed 850 square metres for floors 4 to 30 and 650 square metres for floors 31 and above.</p> <p>Staff support the proposed modifications to maximum gross floor area as they will ensure that appropriate building massing is implemented as established in the Pier 8 Block 16 Urban Design Guidelines.</p>

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Regulation	Required	Modification	Analysis
Minimum Setbacks	No existing requirement	<p>7.5 metres from the easterly lot, and 1.5 metres from all other lot lines.</p> <p>12.5 metres from the easterly and northerly lot lines and 3.0 metres from all other lot lines for any portion of a building exceeding three storeys.</p>	<p>The Pier 8 Block 16 Urban Design Guidelines recommend a 7.5 metre setback from the easterly property line to accommodate a mid-block pedestrian connection, and a 1.5 metre setback from all other lot lines to allow for landscaping at grade.</p> <p>A 12.5 metre setback above the third storey is recommended to provide for transition to the future development block to the east and the Waterfront Promenade to the north. A minimum 3.0 metre setback above the third storey for all other lot lines is proposed that will provide transition to the Greenway and Discovery Drive.</p> <p>Staff support the proposed modifications.</p>
Encroachment into a Required Setback	<p>No existing requirement for a second floor terrace or a retaining wall.</p> <p>Maximum 1.5 metres for a porch, deck or canopy into a required yard.</p>	<p>To permit a second floor terrace to encroach a maximum 1.5 metres into a required setback but shall be no closer than 0.5 metres from a lot line.</p> <p>To permit a porch, deck, canopy or retaining wall to encroach a maximum 4.0 metres into the required east side yard.</p>	<p>The applicant has proposed a second floor terrace that also acts as a canopy that encroaches into the required setbacks. The terrace / canopy will provide weather protection at grade and outdoor amenity space for residents at the second level. The terrace also includes a publicly accessible viewing platform facing the Hamilton Harbour.</p> <p>In addition, the applicant has proposed private amenity areas in front of the townhouse style units on the east side of the building. The amenity areas may include poches, decks, canopies or retaining walls that encroach up to 4.0 metres into the required 7.5 metre easterly</p>

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Regulation	Required	Modification	Analysis
Encroachment into a Required Setback Continued			side yard. Staff are satisfied that the encroachments are appropriate and would enhance the private amenity areas while allowing enough space within the easterly side yard for a mid-block pedestrian connection. Therefore, staff support the proposed modification.
Building Height	Minimum 9.0 metres Maximum 6-storeys and up to 24.5 metres	45-storeys and 147.0 metres measured to the top of the mechanical penthouse.	The recommended massing envelope from the Pier 8 Block 16 Urban Design Guidelines includes a maximum building height of 147.0 metres. This maximum height was established based on the geodetic elevation of Landmark Place, the tallest building presently in Hamilton. To avoid a building that is above the existing tallest building, the proposed maximum building height will have a geodetic elevation (224.0 metres) that is less than Landmark Place (226.0 metres). Staff support the proposed modification.
Figures 10: Waterfront Block Plan Figure 12: Waterfront Zones – Building Heights	The subject property together with another block to the south, the Waterfront Trust Centre, and the existing restaurant building to the west (William’s Coffee Pub) are all shown as “Block 16” on	To identify the subject property as “Block 17” and add additional regulations related to building height to Figure 12 (maximum 147.0 metres for the subject lands) and number of family units to Figure 14 (15% of all units plus 150 units	The subject property is known as Block 16 because that is its block number on the Pier 8 Plan of Subdivision. Figure 10: Waterfront Block Plan assigns block numbers for zoning purposes that do not in all cases align with the corresponding block numbers on the Plan of Subdivision.

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Regulation	Required	Modification	Analysis
<p>and,</p> <p>Figure 14: Waterfront Zones – Residential Unit Restrictions</p>	<p>the Waterfront Block Plan (Figure 10).</p> <p>The Waterfront Block Plan Figure is referred to in the Waterfront Zones for regulations related to Building Height (Figure 12) and residential unit restrictions (Figure 14).</p>	<p>within the area comprised of Blocks 1 through 17).</p>	<p>To distinguish the subject lands from the other blocks identified as “Block 16” on Figure 10: Waterfront Block Plan, the applicant has proposed to identify it as “Block 17”.</p> <p>Modifications to Figure 12: Waterfront Zones – Building Heights and Figure 14: Waterfront Zones – Residential Unit Restrictions are also required to assign a maximum building height to the subject lands (147.0 metres) and to increase the number of required family units from 15% of all units within Pier 8 to 15% of all units plus 150 units. The proposed modifications implement the maximum recommended building height as determined through the Pier 8 Block 16 Urban Design Guidelines and the number of required family units from the Pier 8 rezoning minutes of settlement.</p> <p>Staff support the proposed modifications.</p>

From: Tim And nance
Sent: October 31, 2023 12:48 PM
To: clerk@hamilton.ca
Subject: 65 Guise Street East

Dear Sir/Madam,

I am writing in response to the Notice of Public Meeting of the Planning Committee for an Official Plan Amendment/Zoning By-Law Amendment regarding the proposed condominium development at 65 Guise Street East (Pier 8, Block 16), Hamilton.

I am a resident of Hamilton and regularly spend recreational time at the waterfront/Hamilton Harbour area. It is my firmly held belief that the proposed zoning by-law amendment to allow the construction of a massive 45 story condominium tower on this site will be a major blot on the landscape of the harbourfront and negatively impact the public's enjoyment of this unique waterfront area. The plans for the condominium building should be part of a low-scale mixed use neighborhood. The Harbour waters and the surrounding natural area should be the focus, not a huge building overpowering the area. Please deny approval for this proposed 45 storey building.

Sincerely yours,
Nancy Hill

Sent from my iPhone

From: John Roy Lawrence John Roy

Sent: October 31, 2023 1:58 PM

To: clerk@hamilton.ca

Subject: Official Plan Amendment File No. UHOPA-22-001 Written objection.

Re :Official Plan Amendment File No. UHOPA-22-00165 Guise St. East Pier 8 Block 16 f OBJECTION TO ZONING CHANGE.

I would like to register my objections to this proposal for the following reasons. I do not live in the immediate neighbourhood but as a lifelong resident of Hamilton I consider the city my neighbourhood and hate to see it being unmade by bad planning decisions.

1. In my opinion this 45 story monolith goes against what the city has been trying to accomplish for decades on the Pier 8 lands: a people friendly development with attractive public spaces and a model development of which the City can be proud and which will develop into a new vibrant neighbourhood. The original winning plan for this area consisted of low to mid rise buildings-buildings on a human scale .
2. A 45 story tower is totally out of context and out of scale with the rest of the proposed development and with every other part of the harbour front redevelopment.
3. Residents of a 45 story tower will be isolated from the rest of the neighbourhood and have no easy access or motivation to contribute to the social fabric of the neighbourhood which their building will dominate In fact you can watch on You Tube as Towers built in the 1960's are imploded as they simply could not function as part of real communities or neighbourhoods.
4. No 45 story tower anywhere in the world has improved the ambiance, livability or social fabric of the surrounding neighbourhood.
- 5 This tower exceeds the City's planned height limit of 30 stories.
6. A 45 story tower will loom over any buildings to the east blocking direct sunlight and a view of the sunset and creating wind vortexes that would be hostile to pedestrians using the public areas and the other residents of the proposed neighbourhood.
7. In the case of a fire or other disaster it seems unlikely that the Hamilton Fire Department is equipped or trained to fight a fire or rescue people from such a building.

8. Being totally out of scale with the rest of the harbour front development it is likely to contribute nothing to the atmosphere and ambiance of the public areas. Who wants to enjoy a stroll along a harbour front dominated by a giant monolith?

9. It is my understanding that one of the reasons for this proposal is that some of the density in the original mid-rise proposal was zoned out in response to local objections and that this is an attempt to put all the removed density back in one space. This makes no sense. There more sensible options such as reducing the original density requirements or redistributing the density throughout the project to more human scale buildings.

10. The place for high rise monoliths of this type is in high density downtown cores not on valuable harbour front development land.

John Roy

From: Bill Curran

Sent: October 30, 2023 12:35 PM

To: clerk@hamilton.ca

Subject: Public Meeting Submission for 65 Guise Street East, Hamilton (Pier 8, Block 16), File No. UHOPA-22-001 and ZAC-22-003)

Hello Clerk's Office,

Please find attached and in the link below my written Submission for this.
I am in support of these amendments.

[Hamilton waterfront: A fear of heights - Hamilton City Magazine](#)

Please notify me of the decisions for the OPA and ZBA.

Thank you,

Bill

William J.E. Curran, OAA, FRAIC

Principal

Fellow of the Royal Architectural Institute of Canada

Member of the Ontario Association of Architects

LEED Accredited Professional



My email address has changed – please update your address book.

You can read more about our name change from TCA to CGS [here!](#)

MADE IN HAMILTON

HAMILTON WATERFRONT: A FEAR OF HEIGHTS

By **Bill Curran** May 26, 2023



Opponents of a 45-storey tower on the Hamilton waterfront say it's too tall. The fact is, it's not tall enough, argues architect Bill Curran.

The Hancock Tower in Chicago was the world's first high-rise home built in 1969, with 700 apartments stretching up 100 floors. It remains a highly valued, expensive building.

Hamilton's own Century 21 apartment tower (now Landmark Place) followed in 1975 at 45 storeys, of which the top five floors were premium offices. It remains our tallest building.

As context, Hamilton's 150-year stampede of advancement, expansion and unbridled immigrant opportunity collapsed with the steel and manufacturing industries in the mid-1980s, causing societal-wide impacts that remain. Finally, we have a yearned-for return to prosperity after decades of poverty and emptiness, but it is bemoaned by some (negatively) as gentrification, a misstatement if ever there was one.

Fast forward to 2023, and with a glacial implementation of the Setting Sail Plan by City staff and politicians since 2001, we stand on the precipice of perhaps someday actually building much-anticipated homes to breathe life back into a huge piece of prime waterfront reclaimed from industry.

FYI, the Egyptian pyramids only took 20 years to build, Hausmann's 19th-century reconstruction of Paris happened in 17 years and the World Trade Centre rebuild also took 17 years. What failed in Hamilton that we have little built yet but an ugly sewage pump station set in the worst spot right on the Pier 7 waterfront? This is yet another sad City leadership story.

After a painfully long process, a highly capable development team was selected in 2017 to redevelop piers 7 and 8 into apartments, a lauded plan was produced and approved. Nothing happens but some infrastructure work paid for by taxpayers. Then, with an approved plan of eight-storey apartment buildings, suddenly a 45-storey tower proposal appears.

Masterplans like this always evolve. As with every planning proposal, some people are always against change. But our democracy requires that you articulate any planning concerns with *facts*, not horseshit speculation or feelings, “what ifs” and opinions. Every NIMBY objector formulaically says a development will affect views, cause shadows, have unworkable traffic volumes, have inadequate parking, reduce land values ... blah blah blah. Rarely are objections based on facts.

So, let’s explore the tower objections and see what *facts* support them.

NO TOWER: Let’s unpack the arguments against the tower concept

A small group of relentlessly vocal and litigious North End residents who oppose and appeal almost every development or City planning change appealed the zoning bylaw for pier 7 and 8, and in a settlement meeting out of the public eye that included just them, the developers and City staff, lobbied “on behalf of the community” they claimed to represent for “more family units.” The developers answered that they could meet this odd goal by building a 45-storey tower on a lot previously proposed as a four-storey institutional building.

Why? Some posit that the appellants were duped by the developers. A family unit was defined by the developers as two-bedroom or larger, with astute observers noting a one-bedroom-plus-den is the same as a two-bedroom. The reality is that most developments that are not “entry level” are focused on larger, two-bedroom or one-bedroom-plus-den units anyway (entry-level buildings focus on one-bedroom and studio units, and are not built on high-value sites like waterfronts).

Will this tower bring families back to the North End (as if they ever left)? Will families really live in a tower? Surely some, but high-rise life is not appealing for most families if they have the choice. Oops?

As a second selling point, the developers proposed to build a signature architectural statement that would mark Hamilton’s renaissance. The architect noted that you cannot achieve a signature architectural form in low height, especially since you will have a series of eight-storey buildings around it and several high-rises nearby, including the 17-storey CityHousing Ken Soble tower, 22- and 19-storey Pier Towers on John Street North, along with numerous tall industrial structures and the weird Copps Pier yellow gantry art installation.

So a 45-storey signature tower (arbitrarily set at the-then City maximum escarpment height) was quickly agreed to and here we are. Bring on the families back to the North End, and create a Hamilton landmark for good measure!

It does seem very odd that those against a seven-storey building are now pro-45 storeys. This lobbying has gone over poorly with many residents who are adamant that this group does not represent them.

Despite a troubling process, it still needs City approval that is subject to public input, but that does not change the only essential issue: is this a good development based on what constitutes good planning?

The anti-tower opposition leader



Jeff Glen, a long-time North End resident, has created a visual and mobile expression of his opposition to a waterfront tower.

Jeff Glen, a long-time North End resident, vehemently objects to this process that sees a few unappointed and contentious citizens trying to make decisions for the neighbourhood and lobbying for a tower. Glen also laughs at the weak argument that a tower will attract families.

The Planning Act does not control who lives where, and the Human Rights Act likely would not allow anyone to control who lives in any apartment, such as if a single person or couple choose to live in a two- or three-bedroom apartment. No one is authorized to ensure private property is lived in by four or more persons.

Glen tells me he also does not see how any tower could enhance the waterfront, and considers anything above 12 storeys as wrong and “ominous” looking, but this clearly is an opinion that lacks planning merit.

He worries a tower will change the look and feel of the North End neighbourhood and the entire city, which seems highly unlikely for one building, especially since the three high-rise apartment buildings a few blocks away have been there for about 50 years and no one has ever claimed they changed the look and feel of the community, much less the entire city of Hamilton. This lacks planning merit.

Other arguments raised against the tower from North Enders include:

- It will block sight lines of the water and waterfront views: Views of the water will be blocked by even a low building or house depending on where you stand, so this seems a non-starter.
- A tower will be incompatible with nearby industry: Piers 7-8 will include numerous apartment buildings all closer to industry than the tower, so since they will function fine, this is also a non-starter argument.
- It will set a precedent for tall buildings that could turn the local waterfront into the "plugged" skylines of Toronto and Burlington: The signed agreement states that all other buildings will remain eight storey maximum. End of story.
- It will cast shade on the neighbourhood: This is an odd one, as the tower is on the north side of the site, and the sun is in the south, so this seems poorly considered. Regardless, the architects' carefully considered and very detailed shadow studies (well beyond the norm on any development) clearly show that this is absolutely not at all true.
- It will bring unwanted traffic to area streets: Again, the agreement is that there is no increase in the approved number of apartments on all of Pier 7-8, so this is not based on facts.

In written comments submitted to public meetings, opponents have said they flat-out don't want towers on the site, contending the proposed structure is "way too big for the area" and its

"small/big town feel." Others criticized it as "monstrous," and "a giant eyesore" in the making. But these are opinions or feelings and not legitimate planning arguments.

Opponents have said the building's proposed 147 metres will be disproportionate to the escarpment's 90-metre height. They ask: Doesn't the city still have height limits shaped by our unique geography?

As noted, the height was intentionally set to the City's arbitrary maximum of the escarpment height (a rule specifically slapped down by the province as lacking planning merit). So today there is no height limit anywhere in Hamilton, and any would have to be proposed based on planning merit. There are no established architectural, planning or urban design rules on how tall buildings should be, only guidelines on how to make towers fit in well to a neighbourhood.

Despite plans to include forward-thinking green technologies and both affordable and multi-family housing in the tower, many of the comments shared during the March 8 public presentation reflect a strong core of NIMBYism resisting the project. That is expected in virtually every contentious planning application, which is specifically why the province updated planning law with Bill 23 in October to reduce irrelevant, emotional or anti-change-based NIMBY objections. Local architects (yes, including me) objected to the City's arbitrary 45-storey rule and were ignored.

The Ontario Land Tribunal approves 97 per cent of all projects, on the basis of conformance with provincial policy and good planning rule compliance, so solid arguments are needed.



An artist's rendering of an aerial view of the proposed future development of Pier 8, including a proposed concept for a 45-storey tower that has yet to be approved. Image: Waterfront Shores

PROS: Why allow a waterfront tower?

If approved, the Pier 7 tower would become the tallest in Hamilton. Is that a good thing?

The development's lead architect is Hamilton-raised Bruce Kuwabara. From a modest childhood in the North End blocks from the piers, Kuwabara is *the* most important Canadian architect of our generation, full stop. His past local work includes the renovation of the Hamilton Art Gallery and the lovely McMaster University's James Stewart Centre for Mathematics. His firm's work across Canada and the U.S. has received numerous Governor General Awards for architecture, he is a member of the Order of Canada and has earned innumerable other architectural and personal distinctions and awards. Oddly, he has never built a new building in Hamilton, and remains very keen to do so. There can be no better architect for this entire Pier 7-8 project, frankly.

As to his motivation, Kuwabara said: "My hope is that through this process [we achieve] something that would be enduring; a marker; something you could look to." Preferring a simple, sculpted round form clad in copper-coloured metal as the most elegant solution, he has support in the logic of it as minimizing adverse wind impacts.

The developers say

The developers argue that the tower allows for more family-sized units while keeping lower density throughout the rest of the pier. The developers are offering 65 affordable housing units, managed by Habitat for Humanity, as a further inducement. The ground-level will have publicly accessible spaces, including a restaurant and will be integrated with a public greenway.

The tower proposal has so far gone through the most design scrutiny ever in the City's history, by not only City staff, and the City's tepid independent volunteer Design Review Panel, but also outside urban design consultants hired specifically for the task.

The DRP was absolutely glowing about the design, the urban design consultants' assessment guidelines seem almost written exactly to dictate the proposed design. The City planning staff report is still underway as of this writing.

A basic fact NIMBYists ignore is the simple market reality that buyers always pay premiums to live on higher floors. People love living high, especially on a visually powerful waterfront. Towers work.



The proposed development for Pier 7 and 8 envisions a mixed-use community anchored by a 45-storey tower. Image: Waterfront Shores

So where do I stand on the tower proposal, as a biased neighbour and architect?

Dear reader, I propose a 65-storey tower. OK, actually maybe higher. Whatever the market forces allow. I really don't believe we will get a powerful enough landmark at the arbitrary 45-storey height, since the 30-storey larger part of the tower stem leaves only one-third as the slender tower form, a poor ratio in my opinion.

The taller the better; the taller the more impactful as a landmark. Since there is no defensible height limit based on urban design theory, I believe that an excellent design is what we need. Let's let Bruce Kuwabara work his magic, unfettered to build what he knows is the most appropriate landmark.

To paraphrase the famous 19th-century architect Daniel Burnham who helped reshape Chicago into the architectural powerhouse it is today: "Make no little plans; they have no magic to stir the soul."

Bill Curran is a principal in CGS / Curran Gacesa Slote Architects Inc. in downtown Hamilton.

From: Coleman, Daniel
Sent: October 30, 2023 10:58 AM
To: clerk@hamilton.ca
Subject: Re: Zoning By-Law Ammendment at Waterfront (Pier 8 Block 16)

Dear Planning Committee at the City of Hamilton,

This is the second time I have written to the Planning Committee during a public consultation about the inadvisability of rezoning the Waterfront Shores plan to amend city bylaws for the Pier 8 development that would permit developments up to 45 storeys at the waterfront.

When I attended the June 19th, 2023 Pier 8, Block 16 Residential Tower Design meeting, I came to understand that the idea of the 45-storey “signature building” that exceeds the 8-storey limit of the original development plan is a result of the target density numbers the city has set for the Waterfront Shores development project. I learned that people have argued that such a building would offer more affordable housing for families as part of the Waterfront Shores development, that it would give a renowned North End architect a chance to design a “signature” building, and that, given the City’s decision not to expand the urban boundaries, densification is a greater priority than ever.

But I do not see why a 45-storey building needs to be built right at the very front of the waterfront. Once such a tall building is built, everyone’s view will be blocked for as long as the building stands. Furthermore, once the city makes an exemption for one developer to exceed the 8-storey plan, what argument will be used to refuse the next developer from applying for an exemption? Before we know it, we’ll have Toronto’s and Burlington’s plugged waterfront skylines.

If Hamilton wishes to celebrate the architecture of Bruce Kuwabara and to provide housing for 45-storeys’-worth of people, why cannot land be found on some of the brownfields on the south side of the railway yard for such a building, rather than right at the waterfront? Why must the city insist that the density target number must be fulfilled at this absolutely unique waterfront location that should be made available to the public rather than made into 45 storeys worth of private homes? Surely, such a building would still tower high above all others in the area if it were built on the south side of the railroad tracks and still be a defining feature of the north end? I can’t see why Hamilton would wish to hazard the humane 8-storey limit for waterfront development by giving this monstrous building an exemption. Once it’s built, there’s no going back. The view of the waterfront for everyone will be obstructed.

I urge City Planning not to approve this rezoning "exception" which will become the rule,

Daniel Coleman

-----Original Message-----

From: Kim Slattery <

Sent: November 5, 2023 7:10 AM

To: clerk@hamilton.ca

Subject: 45 story tower on Hamilton waterfront

To Legislator Co-Ordinator, Planning Committee

We would like to register our disagreement with the zoning amendment regarding this project and in fact, this project itself. We oppose this 45 story tower which will be a blight on our beautiful waterfront .. WE ARE NOT TORONTO!

The proposed development for pier 8 is bad enough and will decimate an unobstructed view of the Bay and the skyway bridge from the surrounding area. Also, the traffic from this entire development will be horrendous. The city has already restricted and constricted traffic with all the lane and street closures.. have any of these planners used James Street North during the rush hour.. Traffic can be backed up to Picton/McAuley.. There are plenty of other brownfield sites close to Downtown and the Go stations that could accommodate such a building.. however 45 stories is still too high for any area within Hamilton... Thank you and see you on the 14th..

Regards,

Mike and Kim Slattery



Planning and Economic
Development Department

71 Main Street West, 5th
Floor , Hamilton ON L8P
4Y5

November 1, 2023

Dear Mark Kehler, Senior Planner, City of Hamilton,

It is with pleasure that I write this letter of support all of the development blocks of the Pier 8 Development project.

As the owner of Sonic Unyon Records, I am pleased to support the Waterfront Shores Partners and their work at the waterfront development site.

Waterfront Shores Partners are new to Hamilton but hopefully will continue to invest in our city. Looking forward to seeing new buildings developed on our waterfront with activations and respectful building that complements the existing location.

Waterfront Shores Partners are a leader in the development industry and I'm excited for their careful work in activating our waterfront.


Sincerely,

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

Tim Potocic
President – Owner



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-law Services Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 14, 2023
SUBJECT/REPORT NO:	Industrial/Commercial Proactive By-law Pilot Project (PED23236) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Gillian Barkovich (905) 546-2424 Ext. 2348
SUBMITTED BY:	Monica Ciriello Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That Licensing and By-law Services create a one year Industrial/Commercial Proactive By-law Pilot Project to review existing and potential new by-laws and provincial regulation as it relates to impacts on residential areas by industrial and commercial operations, subject to the approval of the staffing and resourcing outlined in Recommendation (b);
- (b) That the Director of Licensing and By-law Services be directed to create the following temporary positions for creation and implementation of the Industrial/Commercial Proactive By-law Pilot Project funded first from the departmental operating budget surplus and second from the Tax Stabilization Reserve (110046) should the final 2024 departmental budget surplus be insufficient;
- (i) One temporary full-time (1.0) Project Manager in the Licensing and By-law Services Division at an estimated total cost of \$144,018 annually;

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- (ii) One temporary full-time (1.0) Municipal Law Enforcement officer in the Licensing and By-law Services Division at an estimated total cost of \$110,204 annually;
 - (iii) One vehicle for Licensing and By-law Services, at an estimated cost of \$54,525 and \$9,000 for vehicle maintenance costs for investigation and enforcement;
- (e) That staff report back to the Planning Committee (Q3 2025) at the conclusion of the Industrial/Commercial Proactive By-law Pilot Project, with an update on the outcomes and future recommendations;
- (f) That Item 23E respecting the establishment of a proactive team to work with industrial and commercial partners city wide be identified as complete and removed from the Planning Committee's Outstanding Business List.

EXECUTIVE SUMMARY

The purpose of this report is to respond to the motion passed at the March 29, 2023, Council meeting, which directed staff to report back to the Planning Committee by Q4 2023, in advance of the 2024 Budget deliberations, on the scope, budget and resourcing for a 2024 pilot project that would review existing and identify potential new by-laws or amendments to existing by-laws related to the impacts of commercial and industrial operations in the City-wide industrial and commercial areas of Hamilton on adjacent residential areas and secondly establish a proactive by-law team.

This report proposes the creation of a one-year Industrial/Commercial Proactive By-law Pilot Project to:

- Respond to by-law complaints proactively and reactively relating to industrial and commercial properties city wide;
- Review the jurisdictional boundaries of current provincial legislation and current municipal by-laws; and,
- Explore and prepare new processes and by-laws to reduce negative impacts on and improve relationships between commercial/industrial partners and the surrounding community.

Alternatives for Consideration – See Page 5

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The total estimated cost of administering a one-year Pilot Project is \$317,747, with a net levy impact of \$317,747. Costs include 2.0 temporary

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FTEs (\$254,222), and a one-time purchase of a vehicle (\$54,525) including maintenance costs (\$9,000).

Staffing: The Pilot Project will require an additional 2.0 temporary Full-time Equivalents (FTEs) in the Licensing and By-law Services Division consisting of:

- 1.0 FTE Project Manager to research existing and potential new by-laws and track measurables; and,
- 1.0 FTE MLE Officer to investigate and enforce complaints received at commercial/industrial properties city wide.

Legal: Not applicable

HISTORICAL BACKGROUND

The City of Hamilton is a hub for major commercial and industrial business, which may result in nuisances to the surrounding residential community, including noise and dust concerns. Historically, the Ontario Provincial Government under the Ministry of the Environment, Conservation and Parks has been responsible for receiving complaints, conducting investigations, and creating processes to regulate behaviours in this area. The enforcement and regulation of these types of nuisances is outside of the jurisdictional authority of the municipality. However, both City Council and residents have raised concerns with the application and effectiveness of existing provincial regulation and have requested that Licensing and By-law Services staff review provincial procedures, seek opportunities to collaborate with the Ministry on the resolution of complaints, and close gaps in Municipal and Provincial authority and regulation.

On March 29, 2023, City Council passed a motion which directed that Licensing and By-law Services staff be directed to report back on the scope, budget and resourcing for a 2024 pilot project that would review existing and potential new by-laws related to the impacts of commercial and industrial operations in industrial and commercial areas of Hamilton and establish a proactive by-law team.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Staff's review considered the following applicable Municipal and Provincial legislation:

- *Municipal Act, 2001, S.O. 2001, c.25;*
- *Ontario Building Code Act, 1992, S.O. 1992, c.23;*
- Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning, Ministry Publication NPC-300, August 2013; and,

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- Municipal By-laws including Licensing, Zoning, Property Standards, Yard Maintenance, Parking, Noise and Nuisance By-laws.

RELEVANT CONSULTATION

Staff in the City's Legal Services, Finance and Administration, and Information Technology were consulted in the preparation of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Throughout the City of Hamilton, commercial and industrial businesses often operate on properties that border residential areas. While the operation of commercial and industrial businesses are integral to the economic success of many municipalities, there can often be negative impacts that are felt by area residents as a result of proximity to those businesses (E.g. concerns related to noise, air quality, yard maintenance, etc.).

Overall, the Ministry of the Environment, Conservation and Parks is responsible for investigation of provincially regulated noise concerns, including noise from industrial or renewable energy sources. The Ministry of the Environment, Conservation and Parks is also responsible for investigating odour related concerns where "a discharge released into air from an industrial, commercial or other source exceeds a standard...set out in Ontario Regulation 419/05 – Local Air Quality" or may inspect where an industrial facility requires an Environmental Compliance Approval.

Historically, Licensing and By-law Services staff have referred residents with noise and/or air quality complaints from an industrial/commercial source to the Ministry of the Environment, Conservation and Parks office. That being said, officers continue to investigate other by-law complaints related to industrial/commercial areas including; garbage/debris or long grass/weeds, on-street parking, fencing/visual barriers, property standards and zoning concerns at a given property, but officers are constrained where authority for enforcement lies with the provincial government.

Notwithstanding the jurisdictional restrictions noted above, staff recognize that negative impacts continue to be experienced by residents as a result of industrial/commercial operations. A jurisdictional review of like municipalities did not produce any substantively different by-laws or processes in place as it relates to industrial/commercial areas but the historical pattern of development is different in Hamilton, with residential areas in close proximity to heavy industrial activities. Thus, staff are proposing a one-year pilot program, with additional staff and resourcing to undertake this new scope of work.

This report proposes a one-year pilot project to assign dedicated staff to:

SUBJECT: Industrial/Commercial Proactive By-law Pilot Project (PED23236) (City Wide) - Page 5 of 5

- Respond to complaints received at industrial/commercial properties;
- Conduct investigations and issues charges are applicable;
- Engage with community members;
- Work with industrial/commercial partners;
- Research new/existing by-laws;
- Develop process for working with provincial partners; and,
- Explore the creation of new service standards for complaints of this nature.

The Pilot Project is not presented as a cost recovery program, as there are no significant sources of revenues (e.g. Licensing/fees/fines). Revenues to offset a portion of the pilot project *may* be generated from charges and fees that are issued in response to non-compliance with current City by-laws.

Monitoring and Performance Measurement:

Staff will monitor overall impacts and effectiveness of the program and report back to Planning Committee at the end of the pilot. Key metrics considered for assessment include:

- Number and location of complaints;
- Compliance rates for municipal by-laws;
- Enforcement – Resulting charges and revenues generated; and,
- Budget and service impacts.

ALTERNATIVES FOR CONSIDERATION


Staff can establish a tracking mechanism related to complaints about industrial and commercial properties (i.e., tracking all complaints inclusive of those immediately referred to the Ministry of the Environment, Conservation and Parks). Council may consider deferring their decision on the Pilot Project and directing staff to report back to Council with more comprehensive data to determine future need for a pilot project.

APPENDICES AND SCHEDULES ATTACHED

Not applicable.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-Law Services Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 14, 2023
SUBJECT/REPORT NO:	Waterfront Ambassador Program (PED23237) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Tamara Reid (905) 546-2424 Ext. 1969
SUBMITTED BY:	Monica Ciriello Director, Licensing and By-Law Services Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the Waterfront Ambassador Pilot Program at the Hamilton Beachfront (Ward 5), be approved as a permanent annual program subject to the approval of 2 full-time summer students from the months of May-September, at an estimated annual cost of \$36,658.18 and be referred to the 2024 Tax Supported Operating Budget process;
- (b) That the Waterfront Ambassador Pilot Program be expanded to include education and enforcement rotations at additional trail sites City wide as determined seasonally by the Director or designate of Licensing and By-Law Services, and in consultation with Ward Councillors, be approved as an enhancement to the permanent annual program, subject to the approval of 2 full-time summer students from the months of May-September at an estimated cost of \$36,658.18, and be referred to the 2024 Tax Supported Operating Budget process;
- (c) That subject to the approval of recommendation (a) and (b) the one-time cost of one vehicle \$54,525 plus operating costs \$6,250 to transport bicycles to the trail location and hold equipment/educational materials, be approved, for Licensing and By-Law Services;

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SUBJECT: Waterfront Ambassador Program (PED23237) (City Wide) - Page 2 of 6

- (d) That the matter respecting Item 1, Planning Committee Report 23-007, from the Council meeting on May 10, 2023, be identified as complete and removed from the Outstanding Business List.

EXECUTIVE SUMMARY

The Council approved Waterfront Ambassador Pilot Program has been in place since 2020, each year the Ward Councillor brought forward a motion to establish the program. Staff recommended that the pilot program be made an annual permanent summer program and that it be enhanced to additional areas of the City on a rotational schedule.

Alternatives for Consideration – See Page 6**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: The total estimated annual cost for the Waterfront program is \$73,316.36 plus a one-time vehicle cost of \$54,525 plus operation costs of \$6,250 for the purchase of one vehicle.

Staffing: 4 summer students will be hired each summer for the Waterfront Ambassador program from May-September.

Legal: N/A

HISTORICAL BACKGROUND

The Waterfront Ambassador program provides for two summer students to monitor and act as ambassadors for the City of Hamilton along the Hamilton Beachfront (Ward 5) from the canal bridge to Confederation Park, a path which is approximately 7.5 kms in length. The smooth paved surface, at 6m wide, provides for many enjoyable activities by the public.

Council adopted a motion on June 24, 2020, Item 7.2, for City Ambassadors on the Hamilton Beachfront, as the trail became popular with out of town cyclists speeding and racing on the trail, leading to safety concerns for the public in the immediate area. As a result, Council directed Licensing and By-Law Services to hire two summer student Waterfront Ambassadors to educate the public during the months of July and August 2020 at a cost of \$12,000 funded by the Hamilton Beach Reserve Account No. 108037.

Planning Committee was updated on the success of the program on January 12, 2021, Information Report PED21013, conveying the positive impact it had for the residents of the Beach Community in the overall enjoyment of the waterfront.

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SUBJECT: Waterfront Ambassador Program (PED23237) (City Wide) - Page 3 of 6

Council approved the program again on February 10, 2021, Item 11.3 Planning Committee Report PED21-002, to include, in addition to concerns for out of town cyclists, apprehensions for the increase in use of e-bikes, e-scooters and other electric powered devices on the waterfront trail, contrary to the City's by-law. Licensing and By-Law Services hired 2 full time summer students and expanded the program to operate from May -August 2021 at a cost of \$27,522, funded by the Hamilton Beach Reserve Account No. 108037.

At the Council meeting on February 6, 2022, Planning Committee Report 22-002 Item 11.1 was approved, to have 2 full time summer student ambassadors to educate the public and enforce infractions on the waterfront trail for the months of May - August 2022, at a cost of approximately \$28,740.49 to be funded by the Hamilton Beach Reserve Account No. 108037.

At the Council meeting on May 9, 2023, Planning Committee Report 23-007 Item 12.1 was approved at a cost of approximately \$32,392.86 to be funded by the Hamilton Beach Reserve Account No. 108037. Council directed staff to report back with an evaluation of the program, and recommendations as to whether it should be made permanent as part of the 2024 Budget process, and/or whether it should be extended to other areas of the City.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Not Applicable.

RELEVANT CONSULTATION

Not Applicable.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Staff recommend that the Waterfront Ambassador Program, incorporating both education and enforcement, is having a positive effect on the safety and overall enjoyment of those on the waterfront trail. Ambassadors engage with neighbouring residents and local/out of town trail visitors. The goal of the program is to engage with the public and inform and educate on trail etiquette as opposed to issuing charges. Staff engaged with the public while patrolling the pathway, often responding to residents who reached out with concerns, inquiries and stories. Ambassadors sought out residents to ask their thoughts and recommendations of how they could improve trail safety and keeping them up to date on developments.

Staff have received public inquiries pertaining to the return of the student ambassadors at the onset of the 2023 summer season as a welcome program to the neighbourhood. Patrolling on bicycles provides open approach opportunities to engage with others.

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SUBJECT: Waterfront Ambassador Program (PED23237) (City Wide) - Page 4 of 6

They are able to rest and communicate trail rules directly. The bikes are able to traverse onto the beach and grassy sections safely to address unsafe beach fires and BBQ use. The Hamilton Beachfront has a popular social media following due to its amenities and

accessible paved pathway enabling a variety of activities to occur while enjoying beautiful views and wildlife habitat. It is important to advise destination visitors on how to respectfully and safely enjoy their experience while providing opportunities to adhere to the rules prior to the issuance of fines which may discourage repeat visits.

Table 1 shows the progression of the program from 2020 to 2023, indicating the continued need and reliance by the public for the program. Higher visitor numbers were captured at the peak of COVID-19 in 2021 and in some areas continue to show high traffic on the trail (skateboarders, rollerbladers). Education is the prime focus of the program, over the course of three years Audible Warnings have decreased substantially, from 1,049 in 2021 to 208 in 2023 despite there being a relatively consistent estimate of visitors. A total of 24 charges were issued over the three-year term. Charges issued under the Parks By-Law 01-219 included:

- Stoke fire/bonfire in park;
- Use charcoal portable BBQs in park; and,
- Use other than charcoal/briquettes in stationary barbecues.

Table 1

Waterfront Student Ambassador Program (May to August)	2020	2021	2022	2023
Overview				
Estimated Visitors	123,942	186,495	61,026	104,571
Estimated Escooter, Ebike, etc	62	159	335	187
Estimated Group Cyclists (5>)	45	503	52	97
Cyclists	15,673	24,628	5,229	11,696
Pedestrians	40,816	73,634	31,881	52,541
Skateboard/Rollerbladers	2,259	5,657	1,672	4,112
Beach patrons	65,194	82,576	19,945	36,224
Warnings	796	1,920	558	421
Charges	10	9	2	3
Warnings				
Fire/BBQ	99	77	61	74
Audible Warning	458	1,049	333	208
Smoking	94	N/A	64	58
Speed	145	609	73	45
Social Distancing	N/A	26	N/A	N/A

More information can be found in the attached as Appendix "A" to Report PED23237.

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

SUBJECT: Waterfront Ambassador Program (PED23237) (City Wide) - Page 5 of 6

To date the ambassador pilot program has successfully:

1. Improved the overall safety and enjoyment of the Waterfront Trail.
2. Educated the public on trail etiquette and Park By-Law including the use of audible warnings when passing others on the trail, navigating at safe speeds, and maintaining activity on the appropriate side of the path
3. Established and enhanced relationships with the beach community residents by asking questions, active listening, providing updates and sharing stories.

Students often went above and beyond the program requirements including:

- Requesting the trimming of greenery affecting site lines of the path;
- Ensuring entrepreneurs, including on one occasion, the prohibition of a new alcoholic beverage, marketed on the trail, without a permit;
- Assisting to return a small child to their family;
- Returning lost articles;
- Answering questions on other by-laws; and,
- Educating on area wildlife.

During the 2022 Summer Program, students conducted several patrols of Bayfront Park to Pier 8 in Ward 1 and 2. Their observations are detailed in the table 2 below.

Table 2

BayFront Student Ambassador Program (May to August)	2022
Overview	
Estimated Visitors	10,291
Estimated Escooter, Ebike, etc.	57
Estimated Group Cyclists (5>)	6
Cyclists	540
Pedestrians	8,057
Skateboard/Rollerbladers	136
Beach patrons	82
Warnings	83
Charges	0
Warnings	
Fire/BBQ	12
Audible Warning	43
Smoking	13
Speed	14
Social Distancing	N/A

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SUBJECT: Waterfront Ambassador Program (PED23237) (City Wide) - Page 6 of 6

The success of the above additional park patrol indicates that additional students and areas could also benefit from the program in educating and contributing to a safer environment for the public to explore the City's waterfront. Additional high traffic sites could be considered and included for the program:

- As it easily adapts to new locations;
- Ambassadors are mobile;
- The Municipal Parks By-Law 01-219 is in effect City-wide; and,
- Typical park signage would already be in place (would review for additional signage needs).

In summary, the Council approved Waterfront Ambassador program was welcomed by area residents, appreciated by both local and out of town users, in decreasing the safety concerns and increasing the overall positive perception of the trail.

Attached as Appendix "A" to Report PED23237, Summer 2023 Waterfront Trail Report.

ALTERNATIVES FOR CONSIDERATION

1. Council may choose to revisit the program prior to the start of the next summer season and bring forward a motion at that time at an approximate cost of \$36,658.18 for 2 full time summers students to patrol the beachfront for the period May until August 2024 funded from the Hamilton Beach Reserve Account 108037. This is not recommended as the program has been successful from its inception in 2020 and should become permanent at this time.
2. Council may choose to confirm the program permanent, *without* the recommended enhancements of 2 additional summer students to assist with other areas in the City on a rotational schedule at an approximate cost \$36,658.18 funded by the Planning and Economic Development Department, Licensing and By-Law Services.
3. Council may choose to confirm the program permanent, *without* the recommended enhancements of 2 additional summer students to assist with other areas in the City on a rotational schedule at an approximate cost of \$36,658.18 but include the purchase of a vehicle at the cost of \$54,525 plus operating costs \$6,250 for the program be funded from Planning and Economic Development, Licensing and By-Law Services accounts.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED23237 - Summer 2023 Waterfront Trail Report

Summer 2023

Waterfront Trail Report

Submitted by:

Evan Blewitt

On Behalf of:

Steely Sloss

Submitted to:

Monica Ciriello

Kim Coombs

Tamara Reid



Hamilton



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Introduction

This year we were given a great opportunity to be Hamilton's Waterfront Trail division. This team consists of two Municipal Law Enforcement Officers who are, (Student) Officer Evan Blewitt and (Student) Officer Steely Sloss.

Our daily duties were as follows:

- To patrol Confederation Park in Ward 5
- To patrol the Waterfront area as City of Hamilton Ambassadors enforcing the Parks Bylaw 01-219.
- To educate the general public about the Parks bylaw.



**City of Hamilton****BY-LAW NO. 01-219
TO MANAGE AND REGULATE MUNICIPAL PARKS**

WHEREAS Section 191(1) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, provides that the council of every corporation may pass by-laws for acquiring land for the purposes of the corporation and for erecting and repairing buildings thereon and for making additions to or alterations of such buildings;

AND WHEREAS Section 191(6) of the Municipal Act provides that the council of every corporation may pass by-laws providing for the use of the public of lands which the corporation is the owner and for the regulation of such use and the protection of such lands;

AND WHEREAS the City of Hamilton may exercise all or any of the powers that are conferred on Boards of Park Management by the Public Parks Act, R.S.O. 1990, Chapter P.46, as amended, pursuant to Section 207, paragraph 52 of the Municipal Act;

AND WHEREAS Section 207(42) of the Municipal Act, provides for the prohibition of vehicles from sidewalks, pathways or footpaths in Parks;

AND WHEREAS the City of Hamilton Act, 1999, S.O. 1999 Chapter 14, Schedule C did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to the following former area municipalities, namely: The Corporation of the Town of Ancaster, The Corporation of the Town of Dundas, The Corporation of the Town of Flamborough; The Corporation of the Township of Glanbrook; The Corporation of the City of Hamilton; and the Corporation of the City of Stoney Creek; all hereinafter referred to as the "former area municipalities";

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

AND WHEREAS the Council of the City of Hamilton deems it expedient to enact a single by-law to provide for the maintenance, operation, management and regulation of Municipal Parks, in place of by-laws of the former area municipalities.



Council Direction

7.2

CITY OF HAMILTON NOTICE OF MOTION

Council: June 24, 2020

MOVED BY COUNCILLOR C. COLLINS.....

City Ambassadors on the Waterfront Trail

WHEREAS the use of the Waterfront Trail has become popular with out of town cyclists many of whom are speeding and racing down the trail, creating daily safety concerns for those in the area; and,

WHEREAS Licensing and By-law Services has previously hired summer students to act as City Ambassadors to educate the public and enforce City By-laws.

THEREFORE BE IT RESOLVED:

That Licensing and By-law Services be directed to hire two summer students to act as City Ambassadors on the Waterfront Trail for the months of July and August at a cost of approximately \$12,000 which will be covered through the Hamilton Beach Reserve



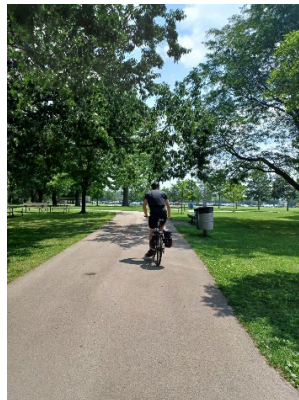


Team Goals / Objectives

Summer Goals

1. To have the majority of the bikes, scooters, roller bladders use an audible device such as a bell or simple verbal acknowledgement when passing others on the path.
2. To minimize all injuries by both providing better coverage and implementing as many appropriate safety measures as possible.
3. To inform more people about the ban on portable Barbeque devices in the park, as well as any other object or device that contains a flame.
4. To continue to build relationships with regulars on the path and any residents that lives on the beach strip, so that we may understand their related concerns better.

Our Objective for the Waterfront trail of summer 2023, was to help educate the public on the Parks Bylaw and to advise on trail etiquette. Our tasks were insuring that people are: not speeding through the parks, indicate when passing either by using a bell or their own variable voice, and sharing the trail with others who are actively on the trail. Another major part of our job was to make sure that no devices with a flame are being used in the parks. No barbeques of any kind are allowed in a city park, including that of the beachfront.





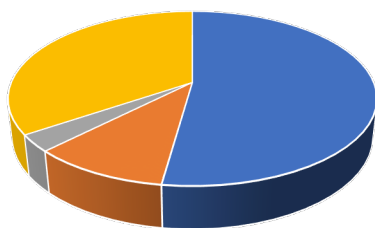
Hamilton

June waterfront Statistics

For this month, in addition to the reported individuals that we noted for the month, we added an estimated total, to provide a more accurate total for the month as a whole. We did this to include the days and hours that we were not present and observing.

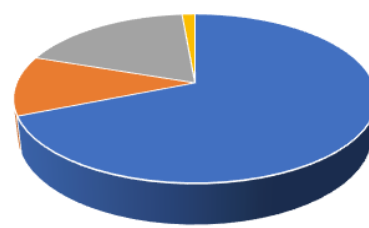
Confederation Park Estimated Totals	Total days present	Estimate for month of June
Estimated Total of Visitors at the park	25,264	76,000
Estimated Total of Mobility Devices on path (E-Scooter, E-Bike ETC)	61	190
Estimated Total of Group Style Riders (5+ More in a pack)	21	75
Types of Activities		
Pedestrians	13,193	40,000
Cyclists	2,585	7,800
Skateboards/Rollerblades	781	2,400
Beach	8,705	26,500
Types of Interactions		
Warnings	129	-
Tickets	0	-
Total	264	-
Common Warnings		
Audible Warning	60	-
Speed	10	-
BBQ/Fire	16	-
Smoking	12	-

Types of Activities



■ Pedestrians ■ Cyclists

Warnings



■ Audible Warning ■ Speed ■ BBQ/Fire ■ Smoking

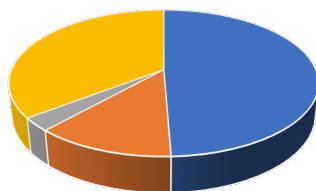


July Waterfront Statistics

For this month, in addition to the reported individuals that we noted for the month, we added an estimated total, to provide a more accurate total for the month as a whole. We did this to include the days and hours that we were not present and observing.

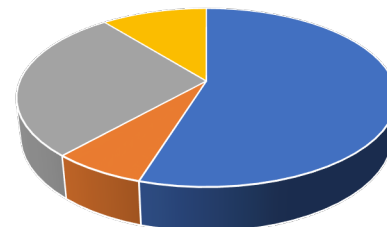
Confederation Park Totals	Totals for days present	Estimates for Month of July
Visitors at the park	43,264	129,792
Mobility Devices on path (E-Scooter, E-Bike ETC)	97	291
Total of Group Style Riders (5+ More in a pack)	43	129
Types of Activities		
Pedestrians	21,364	64,092
Cyclists	5,321	15,963
Skateboards/Rollerblades	1,256	3,768
Beach	15,325	45,975
Types of Interactions		
Warnings	182	-
Tickets	1	-
Total	396	-
Common Warnings		
Audible Warning	97	-
Speed	12	-
BBQ/Fire	49	-
Smoking	19	-

Types of Activities



- Pedestrians
- Cyclists
- Skateboards/ rollerblades
- Beach

Warnings



- Audible Warning
- Speed
- BBQ/Fire
- Smoking

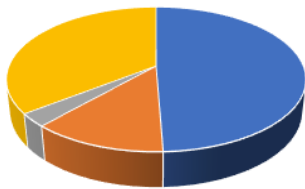


August Waterfront Statistics

For this month, in addition to the reported individuals that we noted for the month, we added an estimated total, to provide a more accurate total for the month as a whole. We did this to include the days and hours that we were not present and observing

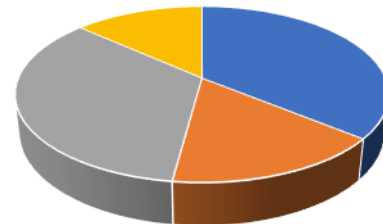
Confederation Park Totals	Totals for days present	Estimates for Month of August
Visitors at the park	36,043	155,000
Mobility Devices on path (E-Scooter, E-Bike ETC)	29	90
Total of Group Style Riders (5+ More in a pack)	33	100
Types of Activities		
Pedestrians	17,984	54,000
Cyclists	3,790	11,500
Skateboards/Rollerblades	2,075	6,500
Beach	12,194	37,000
Types of Interactions		
Warnings	110	-
Tickets	2	-
Total	112	-
Common Warnings		
Audible Warning	51	-
Speed	23	-
BBQ/Fire	9	-
Smoking	27	-

Types of Activities



■ Pedestrians ■ Cyclists ■ Skateboards/ rollerblades ■ Beach

Warnings



■ Audible Warning ■ Speed ■ BBQ/Fire ■ Smoking

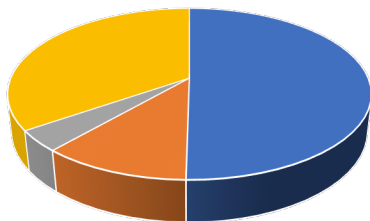


Summer Waterfront Statistics

For this month, in addition to the reported individuals that we noted for the month, we added an estimated total, to provide a more accurate total for the month as a whole. We did this to include the days and hours that we were not present and observing

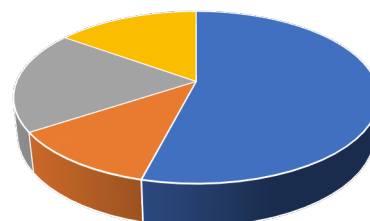
Confederation Park Totals	Totals for days present	Estimates for the summer
Visitors at the park	104,571	315,000
Mobility Devices on path (E-Scooter, E-Bike ETC)	187	600
Total of Group Style Riders (5+ More in a pack)	97	300
Types of Activities		
Pedestrians	52,541	157,500
Cyclists	11,696	35,000
Skateboards/Rollerblades	4,112	12,500
Beach	36,224	109,000
Types of Interactions		
Warnings	421	-
Tickets	3	-
Total	424	-
Common Warnings		
Audible Warning	208	-
Speed	45	-
BBQ/Fire	74	-
Smoking	58	-

Types of Activities



■ Pedestrian ■ Cyclists ■ Skateboard/Rollerblades ■ Beach

Warnings



■ Audible Warning ■ Speed ■ BBQ/Fire ■ Smoking



Recommendations and Efforts

The following are recommendations that we have for next summer, based on our experiences.

1. We believe it would be beneficial for speed limit signs to be placed along the Waterfront trail. One of the largest issues that we have faced on the trail is the presence of reckless and speedy cyclists who put others in danger. Also, we believe that it would be very beneficial to work along side Hamilton Police using a radar speed gun, to be able to help hand out APNs for those who do not use the trail appropriately.
2. More large trail signs should be added stating normal park rules, with a possibility of separate signs for e-vehicles. We also believe that a sign should be placed at the start of the lift bridge from the Burlington trail, as many who use the trail do not understand the rules for it. Signs should be specific in prohibiting all electric vehicles, for as they stand, they only work to prohibit e-bikes, which is not entirely accurate nor specific enough.
3. It would be very beneficial to have more Waterfront Ambassador staff available. We believe having two morning and two afternoon/night staff would be very beneficial as we'd be able to cover all times of day at the park being able to prevent more rule breaks. On top of this, we believe that it would be beneficial to add Waterfront Ambassadors during the Spring and Fall months to ensure that constant coverage is assured for the safety of the park and trail. We have noticed a great deal of progress that has been achieved due to our presence and we fear that this progress could be undone if there were to be no more coverage until next summer.



Conclusion

In conclusion, we are very satisfied with the work and impact that have been accomplished this summer. Our largest lasting takeaways are the conversations and relationships that have been formed with the pedestrians who frequented the trail. As we interacted with them throughout the summer, we developed a community feeling that we believe contributed towards better communication within the park as a whole. It became apparent through our interactions as the summer moved along, that we truly were beginning to understand life within the park and also the issues and frustrations that came along with it. We believe that this all culminated in the overall ability to listen to pedestrians in a way that made them feel heard and to also speak with enough authority and understanding to help them feel that we knew the park well and therefore understood the issues that they would bring forward. In all, we believe that this was due to our constant presence and experiences that we shared alongside those in the park. This seemed to be the best form of enforcement and is one of the reasons why we highly recommend more coverage in the park, moving forward.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 14, 2023
SUBJECT/REPORT NO:	Provincial Announcement Impacting Provincial Decisions on Municipal Official Plans and Official Plan Amendments (PED23252) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Melanie Pham (905) 546-2424 Ext. 6685 Charlie Toman (905) 546-2424 Ext. 5863 Lauren Vraets (905) 546-2424 Ext. 2634
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That Council reconfirm its position on Urban Hamilton Official Plan Amendment 167 and Rural Hamilton Official Plan Amendment 34, as adopted by Council on June 8, 2022;
- (b) That Planning and Economic Development Department staff on behalf of the Mayor and Council, be directed to:
 - (i) Submit Report PED23252, including the comments and changes in Appendices “A” and “B” and the development application information in Appendix “C” attached to Report PED23252 to the Ministry of Municipal Affairs and Housing;
 - (ii) Work with the Ministry of Municipal Affairs and Housing to retain modifications that are conformity-related and are supported by Council, as identified in the comments contained in Appendices “A” and “B” attached to Report PED23252;

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- (iii) Request that the Ministry of Municipal Affairs and Housing include clear language in the implementing legislation that would bar legal proceedings and remedies being brought against municipalities in relation to the reversal of the modifications by the Minister of Official Plans and Official Plan amendments;
 - (iv) Request that the Ministry of Municipal Affairs and Housing provide clear legislative language with respect to transitional matters in the anticipated legislation to reverse the modifications by the Minister of Official Plans and Official Plan amendments and adopt the recommendations of the City;
 - (v) Request that the Ministry of Municipal Affairs and Housing remove the requirement to phase in Development Charge Rates (Section 5(8) of the *Development Charges Act, 1997*, as amended) for the initial service specific Development Charge By-laws which utilize infrastructure master plans developed based on the reversal of Provincial modifications to the urban boundary;
- (c) That Planning and Economic Development Department staff and Finance staff be directed to:
- (i) Prepare detailed cost estimates of additional costs incurred by the City as a result of the Provincial modifications to Urban Hamilton Official Plan Amendment 167 and Rural Hamilton Official Plan Amendment 34 made on November 4, 2022, and any additional costs incurred since the Provincial announcement on October 23, 2023;
 - (ii) Engage in discussions with the Province to recover costs incurred;
- (d) That the Effective Date and Transition Policies outlined in Report PED23252 be submitted as comments to the Province for inclusion in its anticipated legislation respecting the Provincial announcement.

EXECUTIVE SUMMARY

On October 23, 2023, the Ministry of Municipal Affairs and Housing announced its intention to reverse recent official plan decisions for various municipalities, including its decision made on Urban Hamilton Official Plan Amendment 167 and Rural Hamilton Official Plan Amendment 34. On November 2, 2023, the Minister of Municipal Affairs and Housing issued a letter (attached as Appendix “D” to Report PED23252) that outlined the Province’s intention to introduce legislation as soon as possible that would reverse the Province’s changes to these official plans except for any modifications that

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are necessary to protect matters of public health and safety, in circumstances where construction has begun, or which are required to align with legislation or regulations. In essence, the Province would be removing all modifications it made to the City adopted Official Plan Amendments 167 and 34 as the approval authority and reverting back to the Council adopted official plans.

The announcement and the letter submitted on November 2, 2023 included a request for municipalities to submit changes and updates about the modifications to Ministry staff within 45 days, including information on projects already underway. The purpose of this report is to confirm the City of Hamilton's requested changes and updates for Official Plan Amendments 167 and 34 and provide information on projects that are underway related to the changes, within the 45 day time frame requested by the Minister, which from the date of the announcement results in a December 7, 2023 deadline.

Key modifications and the implications of the reversal are discussed in the Analysis and Rationale section of Report PED23252. Major areas of modification include the urban boundary, intensification and greenfield density targets, employment area conversions, community node policies, neighbourhood plan policies, and height limitations. To implement Council's previous decision on Official Plan Amendments 167 and 34, staff have no objections to the reversal of these modifications. Minor modifications such as corrections and added definitions that provide clarification or contribute to interpretive conformity with Provincial policies are identified as changes that can be carried forward by the Province.

The reversal allows the City to plan for opportunities to systematically increase density within the urban area and align this density with key areas of the City's urban structure and with major planned transit infrastructure, as requested by the Province. Growth will be monitored and adjustments to the growth strategy can be made by future amendment to the Official Plan as required.

As part of reversal, there are matters which will need to be determined by the Province regarding the effective date of the forthcoming legislation as well as transitional matters. Staff's recommended approach is that the Province implement an effective date of November 4, 2022 for the reversal, which is the date of the Province's prior decision on Official Plan Amendments 167 and 34. Details about transitional matters would be based on this effective date. Recommendation (d) to Report PED23252 directs that the recommended effective date and approach to transitional matters as outlined in the Report be submitted as comments to the Province.

The announcement also indicated that in recognition of the costs incurred by municipalities arising out of the decisions, the Province will work with impacted

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municipalities to assist with related planning and staffing costs. Recommendation (c) to Report PED23252 directs staff to prepare detail cost estimates for costs incurred, and to engage in future discussions with the Province to recover costs. Costs estimates are not subject to the 45 day time limit and will be developed at a later date. Key costs relate to reviewing the implications of the decision, subsequent urban expansion areas planning work, additional analysis to establish new greenfield density and intensification targets and impacts to the Development Charges Study and Infrastructure Master Plan processes.

Alternatives for Consideration – See Page 23

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Various costs have been incurred as a result of the Provincial decision on Official Plan Amendments 167 and 34 issued in November 2022. Costs include both staff resources spent to review and implement the changes, and consultant costs for further analysis and assistance with subsequent public consultations related to the urban expansion areas.

The letter released by the Province on November 2, 2023 indicated that it was “interested in receiving information and supporting documentation that outlines related planning costs that may have been incurred by your municipality arising out of the provincial decisions”. To recover costs associated with the decision, Recommendation (c) to Report PED23252 directs staff to prepare detailed cost estimates and engage with the Province on further discussions to recoup costs.

Staffing: There are no staffing implications for this report.

If any urban boundary expansions are not reversed, then there will be staffing implications associated with completing Secondary Planning for expansion areas. Staffing resources needed would vary depending on the extent of an urban boundary expansion and the approach to Secondary Planning. Completing Secondary Plans for all expansion areas and overseeing the implementation of the Secondary Plans would require a dedicated staff team from multiple departments/divisions.

Legal: As announced on October 23, 2023, the Minister of Municipal Affairs and Housing is proposing to introduce legislation to reverse the Provincial modifications to Official Plans. Legal Services will continue to monitor any developments related to the introduction of this anticipated legislation and its potential impacts on development and planning matters at the City.

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HISTORICAL BACKGROUND

A Municipal Comprehensive Review and update to the City's Growth Related Integrated Development Strategy were initiated concurrently in 2017. The Municipal Comprehensive Review work plan was divided into phases with the first phase focused on bringing the Urban and Rural Hamilton Official Plans into conformity with urban related policies of the Growth Plan for the Greater Golden Horseshoe (Growth Plan), and the Provincial Policy Statement.

The update to the City's Growth Related Integrated Development Strategy (GRIDS 2) was required to plan for Growth Plan population and employment forecasts to 2051 and to determine the impact on the City's Master Plans. The most recent 2051 forecasts for Hamilton from the Growth Plan for the Greater Golden Horseshoe project a total of 820,000 persons and total employment of 360,000 jobs for Hamilton by 2051. GRIDS 2 identifies where intensification / redevelopment will be planned to occur and forms the basis for the future official plan reviews in accordance with Provincial planning requirements.

The following is a chronology of reports, announcements and decisions that occurred since 2021 related to the City's long-term growth.

- November 2021: Report PED17010(n) presented the final Land Needs Assessment, addendum report, and peer review, recommending the "Ambitious Density" growth option, based on an intensification target of 60% with approximately 1,310 hectares of land that needed to be added to the Urban Boundary to accommodate community-related growth to 2051. The location of where this growth would occur was not included in the staff report.
- November 2021: Council adopted a No Urban Boundary Expansion growth option to accommodate the City's forecasted population and employment growth within the existing urban area to the year 2051. Council directed staff to prepare a draft Official Plan Amendment which implements the Council direction for No Urban Boundary Expansion.
- June 2022: The No Urban Boundary Expansion growth scenario, based on an intensification target of 80%, was integrated into the final Urban Hamilton Official Plan and Rural Hamilton Official Plan policy amendments that were ultimately adopted by Council on June 8, 2022 through Urban Hamilton Official Plan Amendment 167 and Rural Hamilton Official Plan Amendment 34. The 80%

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intensification rate reflected the proportion of growth to be accommodated within the built boundary. The remaining 20% of growth was to be accommodated within designated greenfield areas already within the urban boundary. Planning Division staff submitted the Council adopted Official Plan Amendments and additional required materials to the Ministry of Municipal Affairs and Housing for their final review and approval on June 27, 2022.

November 4, 2022: The Ministry of Municipal Affairs and Housing issued decisions to the City of Hamilton in response to the Council-adopted Official Plan Amendments 167 and 34 which represented the completion of Phase 1 of the City's Official Plan Review and the GRIDS 2 / Municipal Comprehensive Review processes. The Province approved the Official Plans with 77 modifications to the Urban Hamilton Official Plan and 25 modifications to the Rural Hamilton Official Plan. A significant modification was the addition of approximately 2,200 gross ha of urban expansion area to the City's urban boundary, as well as other significant changes as outlined in the Analysis and Rationale Section of Report PED23252.

November 4, 2022: The Province also posted the ERO posting for the removal of lands from the Greenbelt Plan area. Discussion of the Greenbelt removals is provided in Report PED23244.

November 29, 2022: Planning Division staff presented Report PED21067(c) to Planning Committee, outlining the details of the Provincial modifications to Official Plan Amendments 167 and 34 and are discussed further in the Analysis and Rationale Section.

As a result of the modification to add land to the Urban Boundary by the Province, Planning Division staff began receiving inquiries for meetings with landowner groups in the expansion area lands about moving forward with secondary planning and development.

February 14, 2023: Recommendations on the Municipal Housing Pledge were presented to Planning Committee through Report PED23056. The Housing Pledge requires a commitment from municipalities across the Province to do their part in meeting the Provincial goal of 1.5 million new homes by 2031. For Hamilton, a commitment to facilitate the construction of 47,000 new units by 2031 is requested by the Province, representing an 11,400 unit increase

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to the 2031 allocations assigned through the Growth Plan. These units would be accommodated through intensification opportunities within the urban boundary, prior to the Provincial urban boundary expansion areas added through Official Plan Amendment 167 modifications. The Mayor signed the Housing Pledge on March 17, 2023.

March 2023: Report PED21067(d) sought direction on how to move forward with secondary planning work for the Urban Expansion Areas. Planning staff were directed to prepare a draft policy framework to guide City-led Secondary Planning and privately initiated Secondary Plan applications in the Urban Expansion Areas. In May 2023, the City undertook consultation with the public and stakeholders on the draft policy framework and development guidelines.

While planning staff were in the process of preparing Official Plan Amendment 185, there were several landowner groups who made Formal Consultation submissions for a privately initiated Secondary Planning policy amendment.

July 11, 2023: Report PED23144 presented the findings of the engagement activities undertaken and recommended the approval of an Official Plan Amendment to implement the Urban Expansion Areas secondary planning policy framework, as well as the Secondary Planning Guidelines for Urban Expansion Areas. Urban Hamilton Official Plan Amendment 185 was adopted without appeals and came into effect on August 16, 2023.

Since the approval of Official Plan Amendment 185 staff have been involved in reviewing a term of reference for one privately initiated Secondary Plan and discussions for one potential hybrid (joint private/city) Secondary Plan within the urban expansion area. A substantial amount of staff time was dedicated to meeting with landowner groups and review of materials.

September 21, 2023: The Ontario Premier announced that all lands removed from the Greenbelt Plan in December 2022 would be reinstated. On October 16, 2023, the Government of Ontario introduced Bill 136, *Greenbelt Statute Law Amendment Act, 2023* on its Environment Registry of Ontario website which if passed would return these lands to the Greenbelt Area.

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- October 23, 2023: The Minister of Municipal Affairs and Housing announced its intention to reverse Provincial changes to official plans and official plan amendments, except in circumstances where construction has begun or where doing so would contravene existing Provincial legislation and regulation.
- November 2, 2023: A letter from the Province, attached as Appendix “D” to Report PED23252 was received clarifying matters related to Provincial decisions on Municipal Official Plans and Official Plan Amendments.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Urban Hamilton Official Plan and Rural Hamilton Official Plan were approved by the Ontario Municipal Board and came into effect on March 7, 2012 and August 16, 2013, respectively, except for portions which remain subject to outstanding appeals including the southern portion of the urban boundary. Section 26 of the *Planning Act* requires that municipalities undertake a review of their Official Plan at least every 10 years and make the necessary amendments to ensure that local policies conform, or do not conflict, with current provincial plans, matters of provincial interest and the Provincial Policy Statement.

A Municipal Comprehensive Review is a requirement of the Growth Plan for the Greater Golden Horseshoe and the Provincial Policy Statement, to ensure conformity with the applicable provincial plans and policies. The City’s Municipal Comprehensive Review was undertaken as the first phase on City of Hamilton’s Official Plan review and resulted in Official Plan Amendment 167 to the Urban Hamilton Official Plan, and Official Plan Amendment 34 to the Rural Hamilton Official Plan. As previously indicated, these Official Plan Amendments are subject to Provincial review and approval and were approved with Modifications on November 4, 2022.

RELEVANT CONSULTATION

A request for comments was circulated to internal staff following the Provincial announcement on the reversal of Official Plan changes. Circulation included staff within the Planning, Growth Management, Economic Development, Building, Transportation Planning and Climate Change Initiatives Divisions of the Planning and Economic Development Department, as well as staff within the Public Works Department, the Healthy and Safe Communities Department, Finance and Legal Services.

Since this is a Provincial initiative which requires a response within a limited timeframe, no additional consultation has taken place. Once formal legislation is introduced by the

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Province, there would be an opportunity for the public to provide comments directly to the Province via the Environmental Registry of Ontario.

Previous City Consultation on Municipal Comprehensive Review

The City has undertaken extensive public and stakeholder engagement as part of the Municipal Comprehensive Review and Growth-Related Integrated Development Strategy workplan to allocate forecasted population and employment growth to 2051 which culminated in the adoption of Official Plan Amendments 167 and 34:

May – June 2018: Six public open houses were held to introduce the public to the Municipal Comprehensive Review and Growth-Related Integrated Development Strategy and provide information about existing development conditions and trends, an explanation about the City's Urban Structure to guide growth and present the concept of Major Transit Station Area planning. A complete summary of the engagement is provided in Report PED17010(c).

November - December 2019: Eight public open houses were held to inform and consult on the Directions to Guide Development, options for Residential Intensification and Designated Greenfield Area density targets, potential Employment Area conversions, and evaluation criteria for future growth areas. A complete summary of the engagement is provided in Report PED17010(g).

January – February 2021: Two virtual public information meetings were held to consult on the draft Land Needs Assessment and potential growth scenarios. Information and commenting opportunities were also available through the project web page and the Engage Hamilton platform. A complete summary of the engagement is provided in Report PED17010(i).

City Wide Survey on Growth Scenarios

In response to Council direction to staff in March 2021 following the presentation of the draft Land Needs Assessment Report PED17010(n) in June 2021, a City-wide mail survey was created which asked residents to choose their preferred option for how Hamilton should grow to the year 2051. In total, the City received 18,387 survey responses through both mail and email combined between June 22 and July 23, 2021

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(survey end date). The No Urban Boundary Expansion option (Option 2) was selected by the majority of respondents (90.4% of all responses). The results from the City wide survey were submitted to Planning Committee on November 9, 2021 through Report PED17010(m).

Indigenous Engagement

Through the City's Growth Related Integrated Development Strategy and Municipal Comprehensive Review work, staff had circulated the proposed Cultural Heritage Topic Area updates to 11 Indigenous community contacts, including the Mississaugas of the Credit First Nation, Six Nations Haudenosaunee Confederacy Chiefs Council, Haudenosaunee Development Institute, Six Nations of the Grand River Territory, Huron-Wendat, and Metis Nation of Ontario. The circulation was expanded to an additional 15 Indigenous communities based on advice from the Province. In addition, local Hamilton organizations serving the Indigenous community were also circulated. The feedback received from the Indigenous community was submitted to Planning Committee on May 17, 2022 through Report PED21067(b)).

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Review of Modifications

When the Provincial approval of Official Plan Amendments 167 and 34 occurred in November 2022, it included 77 modifications to the Urban Hamilton Official Plan and 25 modifications to the Rural Hamilton Official Plan. The Province has indicated that a full reversal of all the modifications is intended, unless municipalities identify changes they would like to see made to the official plan, based on the modifications that the Province had previously made. Information about changes and updates, including information on projects that are already underway, was requested within 45 days of the provincial announcement, by December 7, 2023.

In response to this request, staff have completed a review of all modifications that occurred in 2022 in the tables attached as Appendices "A" and "B" to Report PED23252 and have identified changes that do not conflict with Council's directions for the MCR and growth strategy (GRIDS). The tables also provide further details and comments on implications of the modifications. A total of 26 modifications are identified as modifications that should be maintained. Many of these changes are minor administrative items and include corrections and added definitions that provide clarification and are required for interpretive conformity with provincial policies. Some of the changes facilitate residential intensification and clarify language around residential intensification which is consistent with Council's position.

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Staff note that these amendments are based on conformity with existing Provincial policies. However, a draft Provincial Planning Statement was released by the Province in April 2023 which, if approved, would replace the Growth Plan and the Provincial Policy Statement, and could alter applicable provincial policy. The timing for a Provincial decision on a new Provincial Planning Statement is not known at this time. If new changes are pending, the Ministry should ensure that any modifications being carried forward will also conform to and align with the policies of this new document so as not to require the initiation of further City Official Plan Amendments to achieve conformity.

Major areas of policy changes and key implications of a reversal to the Provincial modifications for Official Plan Amendments 167 and 34 are discussed below. To implement Council's direction, staff have no objections with the reversal of these major areas of changes.

Urban Expansion Areas

The Provincial modifications to the City's Urban Boundary added 2,202 gross hectares of land as "Urban Expansion Area – Neighbourhoods" and "Urban Expansion Area – Employment Areas". These areas include lands along Twenty Road West, Twenty Road East, the Elfrida area and the White Church Road lands. Policy was added through the modifications to direct that secondary planning for these areas was needed before development could occur. The Council adopted built-up area intensification target (80%) and designated greenfield area density targets (60 people and jobs per hectare) were removed and replaced with policy to require staff to submit a revised amendment in the future that considered the implications of the new urban expansion area lands. Reference to a "firm urban boundary" was removed from policies in the Urban Hamilton Official Plan, and the Council adopted amendment to not permit expansions to the urban boundary of 40 hectares or less in advance of a Municipal Comprehensive Review was modified so that these applications could be permitted.

Key implications: The reversal of the Province's decision results in the City's growth strategy going back to the no urban boundary expansion scenario endorsed by Council. This is a growth strategy that relies on an aggressive intensification target of 80% within the built boundary (built up area), and 20% of growth occurring within designated greenfield areas already within the urban boundary. It will require the City to use a wide variety of tools to achieve intensification targets and deliver 47,000 housing units by 2031, as outlined in the City's Housing Pledge. Achieving the housing pledge is not a land supply issue but mostly a housing unit production issue. The City has already taken a number of actions to support intensification, however housing unit production will still need to increase substantially to remain on track to meet targets.

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Key strategies and actions to increase intensification that are already planned or underway include:

1. Completing additional phases of the Municipal Comprehensive Review including the Local Official Plan review and updating policies within the Urban Hamilton Official Plan to identify additional areas to support intensification through increased height and built form permissions, in accordance with policies already approved through Phase 1 of the Municipal Comprehensive Review;
2. Delineating Major Transit Station Area boundaries and planning for densities to support the B-Line LRT;
3. Updating Secondary Plans and associated zoning to allow for more intensification in appropriate locations;
4. Amending low density zoning city-wide to remove exclusionary zoning and allow a wider range of low density uses in addition to single detached dwellings, such as semi-detached units, triplexes, fourplexes and street townhouses;
5. Applying flexible mixed use zoning to areas with commercial uses so that commercial properties can redevelop with residential units;
6. Implementing inclusionary zoning requirements to facilitate the delivery of affordable housing, and considering the incorporation of larger unit requirements within an inclusionary zoning framework, to ensure the delivery of larger residential units to meet demand;
7. Taking various actions to streamline and expedite development approvals by increasing development planning staff levels, improving intake processes, creating guidelines and terms of references for application materials, and amending review and report timeframes to meet Bill 109 timelines for applications;
8. Continuing to review the City's portfolio of city-owned lands to identify opportunities for building a variety of housing types or for sale with proceeds to support affordable housing development;
9. Continuing to plan for and build the necessary infrastructure to support intensification;
10. Continuing with the implementation of the Housing Sustainability and Investment Roadmap to deliver on affordable housing goals;
11. Continuing the work that the Municipal Land Development Office is doing to collaborate and work with community partners to leverage municipally-owned lands or surplus lands for the development of housing;
12. Continuing to work collaboratively with the development industry to bring housing to Hamilton; and,
13. Continuing to engage and work with Federal and Provincial partners towards the shared goal of building housing and creating housing opportunities through funding programs and other housing initiatives or pilot projects. The City participated in the Province's Streamlining Development Approvals Fund to

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advance policy and process improvements and is also participating in the Housing Accelerator Fund and the Building Faster Fund to advance additional actions designed to increase housing starts.

Other strategies which may need to be pursued that have been identified include:

1. Providing financial and other incentives to homeowners to increase the supply of secondary dwelling units and multi-plex conversions across the City;
2. Providing outreach and public consultation on the implications of the no urban boundary expansion option, including the scale and amount of new development required and the high level of change that will need to occur within existing communities;
3. Developing a “How-to” guide to gentle densification to assist home owners and applicants in understanding the process and looking at the potential for partnerships between small scale developers and homeowners to share risks and financial benefits;
4. Considering requiring minimum proportions of two and three bedroom units in new large residential buildings, to meet the demand for larger units; and,
5. Identifying opportunities to purchase land to meet the need for parkland and exploring the implications of maintaining standards for associated recreational facilities and amenities under the no urban boundary expansion option.

All of the above strategies allow the City to plan for opportunities to systematically increase density and align this density with existing and planned transit within the municipality.

To ensure housing targets are met, the City will need to monitor and report on progress. The need to monitor progress recognizes that the Official Plan is a fluid document that changes over time. If targets are not being met Council could consider adjustments to the growth strategy reflected in the Official Plan by amendment at a future date if it is needed.

A Council motion approved on November 19, 2021 directed staff to “report to the Planning Committee annually on residential development activity including, but not limited to, the City’s residential intensification rate; construction activity in terms of housing mix; the City’s supply of vacant land to accommodate forecasted growth; and, a comparison of actual versus forecasted growth, as per the land needs assessment, to allow for adjustment, as needed, due to any negative or positive impacts of the adopted City of Hamilton urban boundary and growth strategy”. Staff are preparing the reporting framework for annual monitoring and will be providing the first annual report to Planning Committee in the second quarter of 2024.

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Private Urban Boundary Expansion Requests

The Council adopted Official Plan Amendment 167 included policy language prohibiting urban boundary expansions outside of a Municipal Comprehensive Review process. A Provincial decision to reverse this modification as recommended by Report PED23252 would reinstate this policy language. However, the Growth Plan still permits applications for urban boundary expansions under 40 hectares outside of a Municipal Comprehensive Review, where a specific set of policies in the Growth Plan are met. Based on the current Growth Plan policies, applications for urban boundary expansions under 40 hectares might still be submitted to the City, even with the reversal of the Province's decision.

Employment Land Conversions

In addition to the 59 hectares of Employment Area land approved by Council for conversion to non-employment uses through Official Plan Amendment 167, the Provincial modifications included two additional conversion sites: 1400 South Service Road, Stoney Creek (7 hectares) to the "Mixed Use-High Density" designation, and 128 Tope Crescent, Hamilton (0.1 hectare) to the "Neighbourhoods" designation on Schedule E-1 – Urban Land Use Designations and "Low Density Residential 3" within the Ainslie Wood Westdale Secondary Plan.

Key implications: With respect to 1400 South Service Road, Stoney Creek, these lands were evaluated by staff through the Employment Land Review process and were ultimately recommended for deferral through Report PED17010(r) to allow for a land use study to be completed for the area. The land use study was required to determine the risks to other employment lands in the area resulting from a conversion of the 1400 South Service Road lands. The change in designation to "Mixed Use-High Density" through the Provincial modifications posed the risk of having unknown impacts on the surrounding employment lands, and the locating of a high number of residential units in an area that was not identified in the Official Plan Urban Structure as being a strategic growth area. A Provincial decision to reverse this modification as recommended by Report PED23252 would remove this risk and ensure the City has sufficient employment lands for the long term under a no expansion growth scenario. The property located at 128 Tope Crescent was not evaluated for conversion through the Employment Land Review process. The Provincial modification changed the designation of the lands to a residential designation which does not exist within the Ainslie Wood Westdale Secondary Plan and has no associated policies. This would have required correction through a future Official Plan Amendment. As the lands were not previously evaluated through the Employment Land Review process, staff support the reversal of this modification. The reversal also eliminates the need for a future amendment to correct the Secondary Plan land use designation and also ensures the

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City has sufficient employment lands for the long term under a no expansion growth scenario.

Although the Employment Land Review indicated that there was a sufficient supply of employment land for the long term, there is no excess of employment lands and therefore any future conversions within the context of a No Urban Boundary Expansion scenario, particularly of larger sites, could put the City in a deficit. As a result, the City will need to continue monitoring the supply of employment lands over time to confirm that it remains adequate.

Removal of Neighbourhood Plan Policies

The Provincial modifications included amendments to pre-existing implementation policies that addressed the role of Neighbourhood Plan documents by indicating that they no longer reflect municipal or provincial policies, and no longer require Council approval for amendment. Council adopted Official Plan Amendment 167 did not amend the Neighbourhood Plan policies.

Key implications: Neighbourhood Plans are land use planning policies and mapping adopted by City Council to provide greater direction on land use planning matters for certain areas of the City. They include land use plans and policies relating to land use and densities, cultural heritage, urban design, natural heritage, etc., at the neighbourhood scale, and while they do not form part of the Official Plan, they inform the review of development applications, notably applications for intensification with respect to compatibility and neighbourhood level planned road networks. Removal of their status through the Minister's modifications provides less guidance to staff when reviewing development applications and undermines the local planning work that was done to establish these plans to guide long term development. The Province's reversal of these modifications will allow staff to continue to use these plans for guidance to inform the review of development applications.

It is noted that many of the Neighbourhood Plans were created prior to amalgamation and some of the policies and mapping do not align with current policy directions. Where there is a conflict, Official Plan policy would prevail. Notwithstanding this, the plans continue to provide helpful guidance in the review of development applications.

Community Node Policy

A modification was made to replace a Council adopted policy related to development densities in Community Nodes, specifically the Ancaster Community Node which was originally approved for a density range of 50 persons and jobs per hectare. The modification identifies that, notwithstanding Secondary Plan policies, lands designated

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“Mixed Use-Medium Density” in a Community Node area are permitted additional density above 150 units per hectare and building heights up to eight storeys if they meet certain design criteria.

Key implications: This policy is contrary to the intent and vision of Secondary Plans developed in consultation with the community, with respect to directions for heights and densities contained within Secondary Plans. This modification also conflicts with the Council adopted amendments to the Official Plan for “Mixed Use-Medium Density” designated lands which were permitted additional heights up to 12 storeys. While the intent may have been to increase permissions in certain Secondary Plan areas with height caps below 8 storeys, it also caps heights in Community Nodes across the City at 6-8 storeys that may have otherwise been permitted 12 storeys. The modification has the effect of overriding site specific policy permissions in Secondary Plans in Community Nodes that may have permitted heights above 8 storeys, creating an inoperable policy framework for development approvals. The prescription of densities in the “Mixed Use-Medium Density” designation is counter to the current policy framework for these areas which does not utilize a density metric, but rather built form.

As it relates to the Ancaster Community Node, the density target that previously applied was based on specific constraints related to transportation, infrastructure and compatibility with surrounding land uses, and there may be unintended consequences for increasing the density permissions in this area. A Provincial decision to reverse this modification as recommended by Report PED23252 would remove the policy conflicts and enable the City to apply specific height policies contained within existing Secondary Plans. The reversal would also reinstate the reduced density target for the Ancaster Community Node which would assist the City in ensuring that new development in the area is built to an appropriate scale and density and can be adequately served by existing and planned infrastructure. There may be opportunities to review height permissions within Secondary Plan areas in the future through a fulsome and public secondary planning process that would ensure that increases in height are appropriate and can be supported by the necessary infrastructure.

Removal of Height Limit in High Density Areas of Neighbourhoods

The Ministry modifications removed the 30 storey height limits for high density residential areas in the “Neighbourhoods” designation included in the Council adopted Official Plan Amendment 167. This height limit was originally added to the Neighbourhoods “High Density Residential” designation to be consistent with the height limitations in the Downtown Hamilton Secondary Plan, which was established after extensive public consultations. The Ministry modifications did not remove any policies that address compatibility for higher profile buildings, however.

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Key implications: The Provincial modification to remove the height limits in the “High Density Residential” areas of the Neighbourhoods designation create a disconnect between the policies that apply to the Downtown Urban Growth Centre with respect to building height limits and the visual prominence of the Niagara Escarpment. The modification creates a scenario where building heights could be greater outside of the Downtown, which is intended to be a focal area for strategic growth and intensification. Taller building heights are not required to achieve residential intensification and growth required by the Council adopted growth strategy. A Provincial decision to reverse this modification as recommended by Report PED23252 would support that new buildings in the lower city maintain heights lesser than the escarpment to mitigate visual impacts to this dominant landmark feature.

Potential Changes to Growth Plan and Provincial Policy Statement

In April 2023, the Province posted a proposed new policy document on the Environmental Registry of Ontario, the “Provincial Planning Statement, 2023”. This proposed Provincial Planning Statement, 2023 was intended to replace the Growth Plan, 2019 and the Provincial Policy Statement, 2020 with a single consolidated document. No legislation has been passed to enact the new document at this time, however, if the proposed document is approved it could have significant implications for the City’s Official Plan and conformity with provincial policies. Staff provided comment on the draft Provincial Planning Statement in Report PED23145 in June 2023. Some of the significant concerns with the proposed policies are noted below.

The proposed Provincial Planning Statement would allow private landowners to submit an Official Plan Amendment to expand the urban boundary, whereas currently a Municipal Comprehensive Review must be municipally initiated if the proposed expansion is greater than 40 hectares. In place of these requirements, the proposed Provincial Planning Statement, 2023 establishes criteria that municipalities should consider before expanding its urban boundaries.

Another significant concern is that the proposed Provincial Planning Statement does not carry forward specific policies and requirements of the Growth Plan including minimum intensification targets, employment land protections, enhanced settlement boundary expansion requirements as well as detailed policies that support urban growth centres, public infrastructure, natural heritage systems and transit planning among others.

There is a need to continue to communicate with the Province to understand how these future changes may impact the reversal of the Province’s decision on Official Plan Amendments 167 and 34 and the Council adopted No Urban Boundary Expansion growth option.

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Impact on Development Applications and Official Plan Amendments

There are multiple *Planning Act* applications which were in progress at the time of the Ministerial approval of the Official Plans or that have been submitted since that time. Numerous applications were impacted by Official Plan Amendment 167, including seven that are directly impacted by the Provincial modifications which are listed in Appendix “C” to Report PED23252.

As noted previously, an Official Plan Amendment was also enacted in July 2023 to establish a detailed policy framework for Secondary Planning in Urban Expansion Areas (Official Plan Amendment 185). A reversal of the urban boundary expansions would require staff to review these policies and pass a new official plan amendment to amend or delete this policy framework.

Potential Impacts on Development Charges By-laws

Based on the forthcoming expiration of the City’s current Development Charges By-law, a new Development Charges By-law is required to be in place by mid-June 2024. As a result of the November 2022 Provincial decision on Official Plan Amendment 167, the City was required to reassess the master plans to be used within the City’s Development Charges Background Study. Due to the extent of the changes to the City’s Urban Boundary, it was not feasible to undergo a full 2051 planning horizon master plan process based on the Provincial changes to the urban boundary. Therefore, the City is moving forward with 2031 planning horizon master plans in its 2024 Development Charges Background Study. However, had the City been able to move forward with the urban boundary adopted by Council in June 2022, then the City would have been able to utilize 2051 planning horizon master plans in the 2024 Development Charges Background Study.

The City will need to complete master plans with a 2051 planning horizon using the ultimate urban boundary approved by the Province. Section 5(8) of the *Development Charges Act, 1997*, as amended, requires that municipalities phase in Development Charges when a new Development Charges by-law is adopted. This required phase-in means that the City is not collecting the amount required to fund the growth portion of infrastructure for the first four years that a Development Charges By-law is in place. Since the City will consider adopting new service specific Development Charges By-laws once the 2051 master plans are complete, and the City would not have needed to pass new Development Charges by-laws had the Province not initially expanded the urban boundary, Recommendation (b)(v) requests the removal of the requirement to phase-in Development Charges for the initial service specific Development Charges by-laws which utilize the 2051 planning horizon master plans.

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Cost Recovery

The November 2022 decision on Official Plan Amendments 167 and 34 resulted in a significant amount of staff resources being needed to review and implement the decision. Consultant costs were also incurred. Key matters that incurred costs included:

General Official Plan Work

- Review of implications and preparation of staff report to Planning Committee;
- Updating policies and maps to incorporate modifications into the Official Plans;
- Identification of issues and conflicts requiring future amendments to correct;
- Additional analysis to determine revised greenfield density and intensification targets, which included external consultant costs related to updating the Land Needs Assessment; and,
- Additional analysis to assess potential impacts of the 1400 South Service Road employment land conversion, which included external consultant costs related to reviewing the Employment Land Needs Assessment.

Urban Expansion Areas

- Reviewing approaches to Secondary Planning and preparing a staff report to Planning Committee;
- Developing a draft policy framework and guideline document for Secondary Planning within Urban Expansion Areas;
- Public engagement on a policy framework and guidelines for Secondary Planning within Urban Expansion Areas, which included advertising and outreach, a project website, a survey, a virtual public meeting and two in-person open houses. External facilitator costs were also incurred for engagement and engagement reporting;
- A second report to Council on policy framework and guidelines and passing of Official Plan Amendment 185;
- Preparation of cost estimates for fee development;
- Legal staff review and input on processes, fees and hybrid secondary plan approaches;
- Review and processing of Formal Consultation FC-23-040 for the White Church urban expansion area;
- Review and processing of Formal Consultation FC-23-049 for the Twenty Road West urban expansion area;
- Facilitation of meetings between staff and landowner groups to confirm terms of reference requirements for supporting studies required for secondary planning;

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- Detailed staff review of a draft Terms of Reference for a privately initiated Secondary Plan for the Twenty Road West urban expansion area; and,
- Meetings with the Elfrida landowners group (Elfrida Community Builders Group) to discuss the potential for a hybrid approach to Secondary Planning, and subsequent review of materials submitted by the Elfrida landowners group related to a hybrid approach.

Development Charges Study and Master Plans

- Preparation of staff report to provide direction to master plan teams and development charges consultant;
- Additional work by Corporate Strategic Growth Initiatives and Development Charges Team to adjust to a phased approach, which includes an interim Development Charges By-law update in time for the 2024 Development Charges By-law deadline, and a future updated Development Charges By-law; and,
- Some additional work incurred by the Transportation Master Plan Team and the Water, Wastewater and Stormwater Management Master Plan Team to assess two different growth models.

Staff will be preparing estimates of costs incurred on these tasks, to enable discussions with the Province about receiving assistance for these costs.

Effective Date of Legislation

The Province has not provided an effective date of the legislation in any information provided to staff and are open to receiving input on this matter. Options include the effective date being:

- The date of the Ministry's approval with modifications of the adopted Official Plan Amendments on November 4, 2022;
- The date of the provincial announcement on October 23, 2023; or,
- The date legislation is approved by the Province "rolling back" modifications to Official Plan Amendments 167 and 34.

Staff recommend that the earlier date of the Ministry's approval with modifications of the adopted Official Plan Amendments on November 4, 2022 apply as the effective date for Official Plan Amendments 167 and 34. Staff further recommend that clear language be provided in the legislation that policies apply retroactively.

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Transitional Matters

Staff note there is a lack of clarity on how the Province intends to address the transition of reversing the Minister's decision to modify Official Plan Amendments 167 and 34 on November 4, 2022. Staff are therefore recommending that the City request the Ministry of Municipal Affairs and Housing to include clear legislative language in the transition provisions of the implementing legislation to address potential complexities and reduce the burden on municipalities arising from the reversal of the Minister's decision to modify official plans.

The table below indicates staff's recommendation for the preferred approach to transitional matters. For clarity, the following terminology is relied on when referring to transitional matters:

- "Modified Official Plans", means municipal Official Plans as modified by the Minister on November 4, 2022;
- "Reverted Official Plans", means municipal Official Plans as approved by the Province following the October 23, 2023 announcement, that will come into effect on a date to be determined; and,
- "Implementing legislation", means the legislation that will reverse the Modified Official Plans and implement the Reverted Official Plans.

Effective Date for Official Plan Amendments 167 and 34	Retroactive to November 4, 2022
Between November 4, 2022 to the date on which the implementing legislation comes into effect.	Development applications received by municipalities between November 4, 2022 and the date on which the implementing legislation comes into effect shall be subject to and assessed based on the policies of the Reverted Official Plans.
Between November 4, 2022 to the date on which the implementing legislation comes into effect.	For any by-law passed by Council under Section 34 of the <i>Planning Act</i> on or after November 4, 2022, where within the time limited for appeal no appeal is taken, the by-law shall be conclusively deemed to be in conformity with the in-effect official plan on and after the day the by-law was passed.

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Between November 4, 2022 to the date on which the implementing legislation comes into effect.	Any fees required to be refunded under the <i>Planning Act</i> are paused until the implementing legislation is in full force and effect, and further that the applicable refund timeline be extended by no less than 120 days to provide municipalities with sufficient time to re-process planning applications under the Reverted Official Plans as needed.
Between November 4, 2022 to the date on which the implementing legislation comes into effect.	Provisions of the <i>Planning Act</i> that provide a right-of-appeal to the Ontario Land Tribunal for the failure of the municipality to make a decision be paused until the implementing legislation is in full force and effect, and further that that statutory timeline to make a decision be extended by no-less than 120 days to provide municipalities with sufficient time to re-process planning applications under the Reverted Official Plans as needed.
Between October 23, 2023 to the date on which the implementing legislation comes into effect.	Development applications received on or after the date of the Minister's announcement on October 23, 2023, are frozen from municipal processing and exempt from statutory timelines under the <i>Planning Act</i> until the Reverted Official Plans come into effect.

Limitation of Legal Action and Remedies

The Minister of Municipal Affairs and Housing has indicated that the proposed legislation to reverse recent official plan decisions would include indemnification provisions to limit legal action from being pursued against the Province in relation to lands impacted by the reversal. Staff anticipate that the Province will introduce indemnification provisions similar to those included in *Bill 136, Greenbelt Statute Law Amendment Act, 2023* which, if passed, would significantly limit legal action from being pursued in relation to lands being added to or removed from the Greenbelt Area.

The City's comments to the Province on Bill 136 (see Report PED23244) requested that the proposed limitations with respect to legal action and remedies be clarified to specify that these protections extend to municipalities. Similarly, staff are recommending that the City request that the Ministry of Municipal Affairs and Housing include clear language in the implementing legislation that would bar legal proceedings and remedies

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being brought against municipalities in relation to the reversal of the Minister's modified official plans.

ALTERNATIVES FOR CONSIDERATION

1. Council may amend any of the comments and changes contained within Appendices "A" and "B" to Report PED23252 on modifications which the City is requesting to be maintained. This could include requesting additional policy modifications to be carried forward.
2. Regarding the issue of urban boundary expansions, Council has the option of approving in whole or in part the boundary expansion outlined in the staff recommended "Ambitious Density" growth scenario that provided for 1,310 ha of urban expansion area.
3. Council could direct staff to look into the feasibility of using other planning tools provided for in the *Planning Act*, for example a Minister's Zoning Order, for matters such as:
 - Specific properties impacted by modifications, for applications in process or where decisions have been made, should Council want to ensure that the intent of the Council adopted Official Plan Amendment 167 is maintained; and/or,
 - On lands within the 2,202 ha urban expansion area originally created by modification during the Provincial approval of Official Plan Amendment 167 to ensure the City will not receive urban boundary expansion requests for a specified period of time.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED23252 – Comment Table for Official Plan Amendment 167 Modifications

Appendix "B" to Report PED23252 – Comment Table for Official Plan Amendment 34 Modifications

Appendix "C" to Report PED23252 – Development Applications Impacted by Minister's Decision

Appendix "D" to Report PED23252 – November 2, 2023 Letter from the Honourable Paul Calandra Minister of Municipal Affairs and Housing

MP/CT/LV:sd

Modifications to the Urban Hamilton Official Plan implemented through OPA 167.

Volume 1: Text Modifications

Council Adopted	MMAH Modification	Comments	Acceptance of November 4, 2022 Provincial modification shown with a "Yes"
Chapter A Modifications			
<p>A.1.2 Hamilton's Future – A Time for Change Over the next 30 years By 2051, the City is expected to grow to achieve a population of 660,000820,000 and 300,000360,000 jobs. The shape, look and feel of the City will change - influenced not only by physical growth but by economic, and demographic and climate change, as well. An aging population, a declining number of people per household, the effects of the global economy on local companies, increasing pressures on community services, the impacts of a changing climate, and urban pressure on rural resources will result in change – physical, economic and social. The City will experience many changes over the lifetime of this Plan. Change brings energy and opportunities. To effect positive change the City must harness that energy, take advantage of the</p>	<p>A.1.2 Hamilton's Future – A Time for Change By 2051, the City is expected to grow to achieve a minimum population of at least 820,000 and at least 360,000 jobs. The shape, look and feel of the City will change - influenced not only by physical growth but by economic, demographic and climate change, as well. An aging population, a declining number of people per household, the effects of the global economy on local companies, increasing pressures on community services, <i>the impacts of a changing climate</i>, and urban pressure on rural resources will result in change – physical, economic and social. The City will experience many changes over the lifetime of this Plan. Change brings energy and opportunities. To effect positive change the City must harness that energy, take advantage of the opportunities, and manage any undesirable impacts.</p>	<p>Creates uncertainty in planning for future growth by not establishing a definitive growth forecast.</p> <p>The Growth Plan states in Policy 2.2.1 that the growth forecasts will be used for planning and managing growth to the horizon of the Plan.</p> <p>Policy 5.2.4.2 of the Growth Plan allows for municipalities to plan for growth beyond the growth forecasts but does not require it.</p>	

<p>opportunities, and manage any undesirable impacts.</p> <p>Responding to the impacts of a changing climate is an urgent challenge the City must face now and over the next 30 years. The City has declared a Climate Emergency and established a goal to achieve net zero carbon emissions by 2050. The implications of not responding to the Climate Emergency are dire. It is predicted that the number of very hot days per year (above 30 degree Celsius) will increase from an average of 16 between 1976 – 2005 to an average of 37 per year. In a high emissions scenario, the Province of Ontario would be anticipated to see an average annual temperature rise of 5.1 degrees Celsius, and Hamilton would be anticipated to see an average annual precipitation increase of 66.7 mm in the 2050s. These potentially severe consequences of climate change reinforce that actions to reduce and respond to the impacts of a changing climate will be required across all City departments and will include both corporate and community initiatives. A climate change lens must be applied to all planning decisions going forward as per the City’s Corporate Goals and Areas of Focus for Climate Change Mitigation and Adaptation,</p>	<p>Responding to the <i>impacts of a changing climate</i> is an urgent challenge the City must face now and over the next 30 years. The City has declared a Climate Emergency and established a goal to achieve net zero carbon emissions by 2050. The implications of not responding to the Climate Emergency are dire. It is predicted that the number of very hot days per year (above 30 degree Celsius) will increase from an average of 16 between 1976 – 2005 to an average of 37 per year. In a high emissions scenario, the Province of Ontario would be anticipated to see an average annual temperature rise of 5.1 degrees Celsius, and Hamilton would be anticipated to see an average annual precipitation increase of 66.7 mm in the 2050s. These potentially severe consequences of climate change reinforce that actions to reduce and respond to the <i>impacts of a changing climate</i> will be required across all City departments and will include both corporate and community initiatives. A climate change lens must be applied to all planning decisions going forward, as per the City's Corporate Goals and Areas of Focus for Climate Change Mitigation and Adaptation, to plan for a City that is resilient to the <i>impacts of a changing climate</i>.</p>		
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<p>to plan for a City that is resilient to the impacts of a changing climate. Our location in the Golden Horseshoe, as well as the City's strengthening relationship with the Greater Toronto Area (GTA) municipalities, provide both benefits and challenges. Hamilton has become an attractive place to live because of its the amenities and reasonable housing prices relative to other cities in the region. However, many of our residents are commuting commute to jobs outside Hamilton. One of the City's key priorities is to increase employment opportunities within our boundaries. Another challenge is that our strong social service network serves populations both within and outside the City who require assistance and reside both within and outside the City.</p>	<p>Our location in the Golden Horseshoe, as well as the City's strengthening relationship with the Greater Toronto Area (GTA) municipalities, provide both benefits and challenges. Hamilton has become an attractive place to live because of its amenities and reasonable housing prices relative to other cities in the region. However, many of our residents' commute to jobs outside Hamilton. One of the City's key priorities is to increase employment opportunities within our boundaries. Another challenge is that our strong social service network serves populations who require assistance and reside both within and outside the City. (MMAH Mod. 1)</p>		
<p>A.1.4 Principles of the Official Plan The Official Plan plays a major role in setting a framework of actions that will lead to the sustainable, healthy future envisioned by Vision 2020 Our Future Hamilton and the City's Strategic Plan. The framework of the Official Plan is centred on the following principles:</p> <ul style="list-style-type: none"> • compact and healthy urban communities that provide opportunities to live, work, play, and learn; 	<p>A.1.4 Principles of the Official Plan The Official Plan plays a major role in setting a framework of actions that will lead to the sustainable, healthy future envisioned by Our Future Hamilton and the City's Strategic Plan. The framework of the Official Plan is centred on the following principles:</p> <ul style="list-style-type: none"> • compact and healthy urban communities that provide opportunities to live, work, play, and learn; • a strong rural community protected by firm urban boundaries; 	<p>Text deletion reduces importance of the principle of a firm urban boundary.</p>	

<ul style="list-style-type: none"> • a strong rural community protected by firm urban boundaries; • environmental systems – land, air and water – that are protected and enhanced; • balanced transportation networks that offer choice so people can walk, cycle, take transit, or drive, and recognize the importance of goods movement to our local economy; • reducing Greenhouse Gas (GHG) emissions and adapting to the impacts of a changing climate; • a growing, strong, prosperous and diverse economy; • a wide range and healthy supply of housing options for current and future residents; • planning for a City that is equitable and inclusive, and which meets the evolving needs of Hamilton’s diverse population; • financial stability; and, • strategic and wise use of infrastructure services and existing built environment. 	<ul style="list-style-type: none"> • environmental systems – land, air and water – that are protected and enhanced; • balanced transportation networks that offer choice so people can walk, cycle, take transit, or drive, and recognize the importance of goods movement to our local economy; • reducing Greenhouse Gas (GHG) emissions and adapting to the <i>impacts of a changing climate</i>; • a growing, strong, prosperous and diverse economy; • a wide range and healthy supply of housing options for current and future residents; • planning for a City that is equitable and inclusive, and which meets the evolving needs of Hamilton’s diverse population; • financial stability; and, strategic and wise use of infrastructure services and existing built environment. <i>(MMAH Mod. 2)</i> 		
<p>A.1.6 Supporting Plans and Strategies This Official Plan relies on legislation, strategies, plans and guidelines as implementation tools to move the City’s communities forward to meet, not only City directions, but also provincial requirements. Examples include:</p>	<p>A.1.6 Supporting Plans and Strategies This Official Plan relies on legislation, strategies, plans and guidelines as implementation tools to move the City’s communities forward to meet, not only City directions, but also provincial requirements. Examples include:</p> <ul style="list-style-type: none"> • Growth Related Integrated Development Strategy (GRIDS 2) - The 	<p>Text deletion eliminates language about requiring sustainability and limits the referenced plans to incentivizing and encouraging. This reduces the policy support for stronger mandatory requirements for sustainability.</p>	

<ul style="list-style-type: none"> • Growth Related Integrated Development Strategy (GRIDS 2) - The purpose of GRIDS 2 is to integrate growth management for land use and community services to achieve the City's Vision through the long-term <i>development</i> of land uses and services based on environmental priorities, social issues, economic opportunities and population studies. • Other Initiatives – The City has developed a Corporate Energy and Sustainability Policy, a Community Climate Change Action Plan, and developed Corporate Goals and Areas of Focus for Climate Mitigation and Adaptation to provide a comprehensive, coordinated and multidisciplinary approach to climate change mitigation and adaptation. These plans will require, where possible, incentivize and encourage environmental sustainability including reducing GHG emissions and improving climate resiliency. 	<p>purpose of GRIDS 2 is to integrate growth management for land use and community services to achieve the City's Vision through the long-term <i>development</i> of land uses and services based on environmental priorities, social issues, economic opportunities and population studies.</p> <p>...</p> <ul style="list-style-type: none"> • Other Initiatives – The City has developed a Corporate Energy and Sustainability Policy, a Community Climate Change Action Plan, and developed Corporate Goals and Areas of Focus for Climate Mitigation and Adaptation to provide a comprehensive, coordinated and multidisciplinary approach to climate change mitigation and adaptation. These plans will require, where possible, incentivize and encourage environmental sustainability including reducing GHG emissions and improving climate resiliency. (MMAH Mod. 3) 		
<p>A.2.3 Growth Management – Provincial The Province of Ontario's A Places to Grow: Growth Plan for the Greater Golden Horseshoe (2006-2019) (Growth Plan), as amended, sets out a vision to 2031-2051 for how and how much growth should occur in the Greater</p>	<p>A.2.3 Growth Management – Provincial The Province of Ontario's <i>A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (Growth Plan)</i>, as amended, sets out a vision to 2051 for how and how much growth should occur in the Greater Golden Horseshoe (GGH). This area is</p>	<p>Creates uncertainty in planning for future growth by not establishing a definitive growth forecast.</p> <p>The Growth Plan states in Policy 2.2.1 that the growth forecasts will be used for planning and managing</p>	

<p>Golden Horseshoe (GGH). This area is expected to grow by 3.74.6 million people by 20312051 with Hamilton projecting to take a 1.75.1% share of the GGH growth.</p>	<p>expected to grow by a minimum of 4.6 million people by 2051 with Hamilton projecting to take a minimum 5.1% share of the GGH growth. (MMAH Mod 4)</p>	<p>growth to the horizon of the Plan. Policy 5.2.4.2 of the Growth Plan allows for municipalities to plan for growth beyond the growth forecasts but does not require it.</p>	
<p>Greenfield Density Target A.2.3.34.32 <i>Greenfield areas shall be planned to achieve an overall minimum density of 50 60 people and jobs per hectare. The greenfield density target shall be measured over the entirety of Hamilton's greenfield area, excluding natural heritage features designated in this Plan, right-of-way for electrical transmission lines, energy transmission pipelines, roads classified as freeways, as defined and mapped as part of the Ontario Road Network, as well as railways, employment areas, and cemeteries. The greenfield area includes designated employment areas. On employment lands, the City shall plan to meet a density target of 37 people and jobs per hectare. On non-employment lands, densities will need to achieve a minimum average density of 70 persons and jobs per hectare to meet the overall density target.</i></p>	<p>Greenfield Density Target A.2.3.4.2 The minimum density target for greenfield areas shall be established through a future Amendment to this Plan as part of this municipal comprehensive review. Greenfield areas shall be planned to achieve an overall minimum density of 60 people and jobs per hectare. The greenfield density target shall be measured over the entirety of Hamilton's greenfield area, excluding natural heritage features designated in this Plan, right-of-way for electrical transmission lines, energy transmission pipelines, roads classified as freeways, as defined and mapped as part of the Ontario Road Network, as well as railways, employment areas, and cemeteries. (MMAH Mod 5)</p>	<p>Text change required revisiting greenfield density target because of impacts from added Urban Boundary Expansion Areas. The target of 60 persons and jobs per hectare was intended to apply only to greenfield areas already within Hamilton's urban boundary prior to OPA 167 and reflected the planned density of the City's designated greenfield area lands as identified in the Vacant Land Inventory. This was reviewed and confirmed through GRIDS 2 / MCR and the Existing Designated Greenfield Area Density Analysis dated March 2021 which was received by Council without amendments. Modification does not align with Council approved growth strategy.</p>	

<p>A.2.3.34.4 Hamilton is required to The City shall plan to achieve a minimum of 4080% of all residential development occurring annually within its <i>built-up area</i> by 2015. A total of 26,50088,280 units are to be accommodated within the <i>built-up area</i> between 20012021 and 20312051. The <i>built-up area</i> for Hamilton is identified on Appendix G.</p>	<p>A.2.3.4.4 The residential intensification target shall be established through a future Amendment to this Plan as part of this municipal comprehensive review. The residential intensification target is a minimum percentage The City shall plan to achieve a minimum of 80% of all residential development occurring annually within its <i>built-up area</i>. A total of 88,280 units are to be accommodated within the built-up area between 2021 and 2051. The <i>built-up area</i> for Hamilton is identified on Appendix G. (MMAH Mod 6)</p>	<p>Revisiting of intensification target was required due to impacts from added Urban Boundary Expansion Areas.</p> <p>Original target reflects no urban boundary expansion.</p> <p>Modification does not align with Council approved growth strategy.</p>	
<p>A.2.4 Growth Management - Hamilton In May 2006, City Council adopted the City's first Growth Management Strategy. The Growth Related Integrated Development Strategy (GRIDS) identified the broad land use structure, associated infrastructure and major transportation networks to be in place for Hamilton by 2031. The recommended growth options were developed in accordance with the provincial growth forecasts. The land use recommendations from GRIDS form the basis of many policies within this Plan. In November 2021, through the update to GRIDS known as GRIDS 2, City Council endorsed a No Urban Boundary Expansion growth scenario to plan for the</p>	<p>A.2.4 Growth Management - Hamilton The urban boundary is expanded to accommodate growth to 2051 by adding Urban Expansion Area – Neighbourhoods and Urban Expansion Area – Employment Areas as shown on all Schedules to this Plan. Development of Urban Expansion Areas shall not proceed until detailed secondary planning has been completed and incorporated through a future Amendment to this Plan, Secondary planning will be based on detailed assessment and consideration of applicable provincial policies. In May 2006, City Council adopted the City's first Growth Management Strategy. The Growth Related Integrated Development Strategy (GRIDS) identified the broad land use structure, associated infrastructure</p>	<p>See comments in Analysis and Rationale Section of staff report.</p> <p>Added urban expansion areas significantly changed growth strategy and required additional work to create framework for future detailed Secondary Planning.</p> <p>Modification does not align with Council approved growth strategy and also exceeds the amount of land that had been recommended previously by staff through the How Should Hamilton Grow analysis.</p>	

<p>City's growth to 2051. The No Urban Boundary Expansion scenario accommodates the City's growth to 2051 within the existing Urban Area through intensification and development of existing designated greenfield lands, and a limited amount of infill development within <i>Rural Hamilton</i>. The City will be required to accommodate 109,880 new housing units within the existing Urban Area, of which 88,280 will be within the <i>built-up area</i> and 21,600 will be within the <i>greenfield area</i>. An additional 440 housing units will be developed through limited infill within <i>Rural Hamilton</i>.</p>	<p>and major transportation networks to be in place for Hamilton by 2031. In November 2021, through the update to GRIDS known as GRIDS 2, City Council endorsed a No Urban Boundary Expansion growth scenario to plan for the City's growth to 2051. The No Urban Boundary Expansion scenario accommodates the City's growth to 2051 within the existing Urban Area through intensification and development of existing designated greenfield lands, and a limited amount of infill development within <i>Rural Hamilton</i>. The City will be required to accommodate 109,880 new housing units within the existing Urban Area, of which 88,280 will be within the <i>built-up area</i> and 21,600 will be within the <i>greenfield area</i>. An additional 440 housing units will be developed through limited infill within <i>Rural Hamilton</i>. (MMAH Mod 7)</p>		
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Chapter B Modifications			
<p>B.2.1.1 The <i>urban boundary</i> defines the area where all urban <i>development</i> occurs. Lands within the <i>urban boundary</i> are already serviced or planned to be serviced with major roads, transit and full municipal services. The land within the <i>urban boundary</i> includes both the area within the <i>built-up area</i> and <i>greenfield area</i>. Lands within the existing <i>urban boundary</i> represent a 2030 year supply of designated urban land and are intended to accommodate the majority all of the City's projected urban growth.</p>	<p>B.2.1.1 The <i>urban boundary</i> defines the area where all urban <i>development</i> occurs. Lands within the urban boundary are already serviced or planned to be serviced with major roads, transit and full municipal services. The land within the <i>urban boundary</i> includes both the area within the <i>built-up area</i> and <i>greenfield area</i>. Lands within the existing urban boundary represent a 30-year supply of designated urban land and are intended to accommodate all of the City's projected urban growth. (MMAH Mod 8)</p>	<p>Changes do not align with Council approved growth strategy.</p>	
<p>Delete existing B.2.2.1 policy in its entirety and replace with new policy, as follows: B.2.2.1 Hamilton's Growth Strategy (GRIDS) identified the following two areas for future <i>urban boundary</i> expansion to accommodate the population and employment growth targets for 2031: a) Future Airport Employment Growth District, identified as Special Policy Area C in the Rural Hamilton Official Plan, is generally bounded by the existing <i>urban boundary</i> adjacent to Upper James Street to the east, White Church and Fiddler's Green Roads on the south, Garner Road on the west and Glancaster Road, and Twenty Road West on the north.</p>	<p>B.2.2.1 The City's urban boundary is firm and expansion to accommodate growth to the year 2051 is not required. All planned growth to 2051 shall be accommodated through development of the City's existing designated greenfield area and intensification throughout the <i>Urban Area</i>, development of the City's designated greenfield area, and a limited amount of infill development within <i>Rural Hamilton</i>. (MMAH Mod 9)</p>	<p>Changes do not align with Council approved growth strategy.</p>	

<p>b) Future Urban Growth District is generally bounded by Mud Street, Second Road and Hendershot Road on the east, Golf Club Road on the south, Trinity Church Road on the west, and the existing urban boundary (west side of Centennial Parkway) on the north. Future Urban Growth District in the vicinity of Elfrida, located generally in the area of Upper Centennial Parkway, Rymal Road East, Highway 20 and Highway 56.</p> <p>The City's urban boundary is firm and expansion to accommodate growth to the year 2051 is not required. All planned growth to 2051 shall be accommodated through development of the City's existing designated greenfield area and intensification throughout the Urban Area, and a limited amount of infill development within Rural Hamilton.</p>			
<p>Delete existing B.2.2.2 policy in its entirety and replace with new policy, as follows: B.2.2.2.2.1 The exact limits of the lands to be included as part of the urban boundary expansion shall be determined as part of a municipally initiated comprehensive review and secondary plan.</p> <p>B.2.2.2 Notwithstanding Policy B.2.2.1, adjustments to the urban boundary may be permitted</p>	<p>B.2.2.2 Notwithstanding Policy B.2.2.1, adjustments to the <i>urban boundary</i> may be permitted through a municipal comprehensive review provided:</p> <p>a) there is no net increase in land within the <i>urban area</i>;</p> <p>b) the adjustment would support the City's ability to meet <i>intensification</i> and <i>redevelopment</i> targets provided in Section A.2.3 – Growth Management – Provincial;</p> <p>c) <i>prime agricultural areas</i> are avoided where possible. Alternative</p>	<p>Modifications reflect existing policies in Section 2.2.8 Settlement Area Boundary Expansions of the Growth Plan.</p> <p>Changes add value but are not critical to conformity or administration of the plan.</p>	<p>Yes</p>

<p>through a municipal comprehensive review provided:</p> <p>a) there is no net increase in land within the <i>urban area</i>;</p> <p>b) the adjustment would support the City's ability to meet <i>intensification and redevelopment</i> targets provided in Section A.2.3 – Growth Management – Provincial;</p> <p>c) <i>prime agricultural areas</i> are avoided where possible. Alternative locations will be evaluated, prioritized and determined based on avoiding, minimizing and mitigating impacts on the Agricultural System;</p> <p>d) the lands are not located within the <i>Greenbelt Area</i>;</p> <p>e) for lands within the <i>Niagara Escarpment Plan</i> area, the lands are designated Urban Area in the <i>Niagara Escarpment Plan</i>; and,</p> <p>f) there is sufficient reserve <i>infrastructure</i> capacity to service the lands.</p>	<p>locations across the City will be evaluated, prioritized and determined based on avoiding, minimizing and mitigating impacts on the Agricultural System and in accordance with the following;</p> <p>i) an adjustment into speciality crop areas is prohibited;</p> <p>ii) reasonable alternatives that avoid prime agricultural areas are evaluated, and;</p> <p>iii) where prime agricultural areas cannot be avoided, lower priority agricultural lands are used;</p> <p>d) the lands are not located within the <i>Greenbelt Area</i>;</p> <p>e) for lands within the <i>Niagara Escarpment Plan</i> area, the lands are designated Urban Area in the <i>Niagara Escarpment Plan</i>; and,</p> <p>f) there is sufficient reserve <i>infrastructure</i> capacity to service the lands.</p> <p>g) the location of any lands added to the urban boundary will comply with the minimum distance separation formulae;</p> <p>h) any adverse impacts on the agri-food network, including agricultural operations, will be avoided, or if avoidance is not possible, minimized and mitigated as determined through an agricultural impact assessment; and,</p>		
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	<p>i) key hydrologic areas and natural heritage system should be avoided where possible. (MMAH Mod 10)</p>		
<p>Delete existing policy B.2.2.3 in its entirety and replace with new policy, as follows. B.2.2.3 2.2.2 No urban boundary expansion shall occur until a municipally initiated comprehensive review and secondary plan have been completed. B.2.2.3 Expansions of the Urban Area of 40 hectares or less in accordance with policy 2.2.8.5 and 2.2.8.6 of the A Place to Grow: Growth Plan shall not be permitted in advance of a municipal comprehensive review.</p>	<p>B.2.2.3 Expansions of the Urban Area of 40 hectares or less in accordance with policy 2.2.8.5 and 2.2.8.6 of the A Place to Grow: Growth Plan shall not be permitted in advance of a municipal comprehensive review. (MMAH Mod 11)</p>	<p>See comments in Analysis and Rationale Section of staff report.</p> <p>Urban boundary expansions should only take place through a municipal comprehensive review exercise and not through individual 40 ha expansions.</p> <p>Modification allowed applications for expansion of the urban boundary in advance of a Municipal Comprehensive Review, whereas the original Council-approved Official Plan Amendment was intended to be more restrictive than the Growth Plan. The reversal of the modification will support Council's direction for OPA 167, but applications to amend this policy in conjunction with applications for boundary expansion under 40 hectares may still be received on the basis that the Growth Plan permits it.</p>	

<p>B.2.4.1.3 The residential intensification target of 80% or 88,280 housing units, specified in Policy A.2.3.3.4 shall generally be distributed through the built-up area as follows:</p> <p>a) The Downtown Urban Growth Centre shall be planned to accommodate approximately 2630% of the intensification target.</p> <p>b) The Urban Nodes and Urban Corridors identified in Section E.2.0 - Urban Structure, excluding the Downtown Urban Growth Centre, shall be planned to accommodate approximately 40% of the residential intensification target.</p> <p>c) 4030% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure. The City will review and update its Zoning By-law to facilitate the planned 27,000 housing units to be developed within the Neighbourhoods through intensification.</p>	<p>B.2.4.1.3 The residential intensification target shall be established through a future Amendment to this Plan as part of this municipal comprehensive review. of 80% or 88,280The housing units, specified in Policy A.2.3.24 shall generally be distributed through the built-up area as follows:</p> <p>a) The Downtown Urban Growth Centre shall be planned to accommodate approximately 30% of the intensification target.</p> <p>b) The Urban Nodes and Urban Corridors identified in Section E.2.0 - Urban Structure, excluding the Downtown Urban Growth Centre, shall be planned to accommodate approximately 40% of the residential intensification target.</p> <p>c) 30% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure. The City will review and update its Zoning By-law to facilitate the planned 27,000 housing units to be developed within the Neighbourhoods through intensification. <i>(MMAH Mod 12)</i></p>	<p>Changes do not align with Council approved growth strategy.</p>	
	<p>B.3.1.1 The City shall strengthen its economy by:</p> <p>a) directing business activity to suitable locations as identified on Schedules E Urban Structure and E-1 – Urban Land Use Designations;</p> <p>b) preparing a new comprehensive Zoning By-law to implement the policies of the Official Plan; and,</p>	<p>Added Policy d) reflects the same language of Policy 3.2.1(2)(c) in the Growth Plan.</p> <p>Added policy e) reflects similar language to Policy 2.2.5(10)(b) of the Growth Plan.</p>	<p>Yes, the modification could be maintained if part (e) is revised to clarify intent.</p>

	<p>c) encouraging improved urban design and quality architecture, as well as improving the urban design elements of the public realm; d) supporting growth through planning for infrastructure by considering the full life cycle costs of these assets and developing options to pay for these costs over the long-term; and, e) consider establishing development criteria, outside of Employment Areas, to ensure that the redevelopment of any employment lands will retain space for a similar number of jobs to remain accommodated on site. (MMAH Mod 13)</p>	<p>Added policy (d) is positive in accounting for lifecycle costs of infrastructure.</p> <p>Staff note that the intent of policy e) is unclear and could be difficult to implement. The establishment of development criteria to maintain a significant number of jobs is already required by the Growth Plan as part of the review of an application for conversion of employment lands outside of a Municipal Comprehensive Review. It is not an optional matter for consideration.</p>	
<p>3.1.2 The City shall: a) protect the supply of Employment Areas, as designated on Schedule E-1 – Urban Land Use Designations, for employment uses by minimizing the establishment of non-employment lands uses, in accordance with the policies of this Plan; b) increase the supply of market-ready ready employment sites through various initiatives; c) complete the Airport Employment Growth District Secondary Plan, associated Class Environmental Assessments, financial analysis and any other required studies; and,</p>	<p>3.1.2 The City shall: a) protect the supply of Employment Areas, as designated on Schedule E-1 – Urban Land Use Designations, for employment uses by minimizing the establishment of non-employment lands uses, in accordance with the policies of this Plan; b) increase the supply of market-ready ready employment sites through various initiatives; c) complete the Airport Employment Growth District Secondary Plan, associated Class Environmental Assessments, financial analysis and any other required studies; and, d) endeavour to provide for and plan for a range of lot sizes throughout the designated Employment Areas; and,</p>	<p>Added text reflects Policy 2.2.5(16) of Growth Plan.</p> <p>Changes add value but are not critical to conformity or administration of the plan.</p>	<p>Yes</p>

<p>d) endeavour to provide for and plan for a range of lot sizes throughout the designated Employment Areas</p>	<p>e) support existing office parks, including improving connectivity with transit and active transportation networks, in accordance with the Growth Plan for the Greater Golden Horseshoe and the policies of this Plan. (MMAH Mod. 14)</p>		
	<p>B.3.1.5 The City will support the retail sector by promoting compact urban form and intensification of retail and service uses and areas and encouraging the integration of those uses with other land uses to support the achievement of complete communities. (MMAH Mod. 15)</p>	<p>Added text reflects Policy 2.2.5(15) of Growth Plan. Changes add value but are not critical to conformity or administration of the plan.</p>	<p>Yes</p>
<p>Insert new Policy B.3.2.3.7, as follows: B.3.2.3.7 The City shall study the feasibility of implementing an inclusionary zoning framework to provide opportunities for affordable housing units within the City's identified Protected Major Transit Station Areas.</p>	<p>B.3.2.3.7—The City shall study the feasibility of implementing an inclusionary zoning framework to provide opportunities for affordable housing units within the City's identified Protected Major Transit Station Areas. (MMAH Mod. 16)</p>	<p>Deleted policy indicates a commitment by the City of Hamilton to study Inclusionary Zoning. This study is already ongoing.</p>	

	<p>B.3.2.4.4 A secondary dwelling unit and a secondary dwelling unit-detached shall be permitted on a single, semi-detached or townhouse lot in all Institutional, Neighbourhoods, Commercial and Mixed Use designations, as shown on Schedule E-1 – Urban Land Use Designations, provided it complies with all applicable policies and Zoning By-law regulations. (MMAH Mod. 17)</p>	<p>Wording adds missing reference to detached secondary dwelling units, as permitted by the Planning Act.</p>	<p>Yes, modification should be maintained to ensure conformity with Planning Act. Reversal would create a non-conformity with Provincial standards.</p>
<p>B.3.4.4.11 Where a marked or unmarked cemetery or burial place is found, the nearest First Nation Indigenous community shall be notified.</p>	<p>B.3.4.4.11 Where a marked or unmarked cemetery or burial place is found, the nearest Indigenous community lies with a known interest in the area shall be notified. (MMAH Mod. 18)</p>	<p>Wording provides additional clarification and corrects policy to ensure that all indigenous communities with an interest are notified.</p>	<p>Yes, modification should be maintained to ensure conformity. Reversal would create a non-conformity with Provincial standards.</p>
<p>B.3.6.1.1 The City shall require proponents of development or redevelopment proposal to document previous uses of the property(s) affected by the proposal for lands currently or previously used for; a) employment (industrial), commercial, community, transportation, or utility purposes; b) activities involving the elimination or disposal of waste and other residues, including landfill sites or waste disposal facilities; c) any activities involving the storage or use of hazardous substances, including fuels, oils, chemicals, paints, or solvents; and,</p>	<p>B.3.6.1.1 The City shall require proponents of development or redevelopment proposal to document previous uses of the property(s) affected by the proposal for lands currently or previously used for; a) employment (industrial), commercial, community, transportation, or utility purposes; b) activities involving the elimination or disposal of waste and other residues, including landfill sites or waste disposal facilities; c) any activities involving the storage or use of hazardous substances, including fuels, oils, chemicals, paints, or solvents; and,</p>	<p>These policies provided the City with the ability to ensure site's with known potential for environmental contamination could be subject to the requirements for remediation and Record of Site Condition filing in circumstances where the Province's requirements for RSC filing were not otherwise triggered. Provincial RSC requirements are not triggered where a proposed development will not result in a change to a more sensitive use.</p>	

d) any use with the potential for site contamination, such as dry cleaning facilities, and gas stations.	d) any use with the potential for site contamination, such as dry cleaning facilities, and gas stations. (MMAH Mod. 19)	However, there are many instances where despite the provincial RSC requirement not being triggered, there is a known environmental impact on a site arising from a historical land	
B.3.6.1.3 The City shall continue to identify other circumstances pertaining to specific development or redevelopment proposals where the filing of a Record of Site Condition may be required beyond those circumstances contemplated in Policy B.6.1.2. These circumstances may include the age of a building proposed for redevelopment, historic land use, and potential off-site sources of contamination.	B.3.6.1.3 The City shall continue to identify other circumstances pertaining to specific development or redevelopment proposals where the filing of a Record of Site Condition may be required beyond those circumstances contemplated in Policy B.6.1.2. These circumstances may include the age of a building proposed for redevelopment, historic land use, and potential off-site sources of contamination. (MMAH Mod. 20)	use/development activity that should be corrected/mitigated as part of any new development for the safety of the community and the environment. These policies allowed the City to be better informed as to where there could be potential environmental impacts unbeknownst to the City of Hamilton (B.3.6.1.1),	
B.3.6.1.4 Where there is potential for site contamination due to a previous use or uses on lands subject to development or redevelopment proposals, and a mandatory filing of a Record of Site Condition is triggered, the City shall.	B.3.6.1.4 Where there is potential for site contamination due to a previous use or uses on lands subject to development or redevelopment proposals, and a mandatory filing of a Record of Site Condition is triggered, the City shall. (MMAH Mod. 21)	provided additional parameters for consideration of where an RSC may be required beyond the provinces' requirements (B3.6.1.3) and allowed for the City to exercise RSC requirements as a condition of a development to ensure issues are rectified (B.3.6.1.4)	
B.3.6.5 Hazard Lands <i>Hazard lands</i> are lands that have an inherent risk to life or property due to a variety of natural hazards such as flooding, fire , erosion, or unexpected collapse of land.	B.3.6.5 Hazard Lands <i>Hazard lands</i> are lands that have an inherent risk to life or property due to a variety of natural hazards such as flooding, fire, erosion, or unexpected collapse of land. <i>Hazard lands</i> are	Amendment removes specific title of Ministry that provides mapping for hazardous forest types.	Yes

<p><i>Hazard lands</i> are areas particularly susceptible to the impacts of a changing climate, such as flooding, fire, erosion, slope failure, or other physical conditions which are severe enough to pose a risk to residents, loss of life, property damage, and social disruption either at a specific location or to upstream or downstream lands within the watershed, if these lands were to be developed. ... In the City of Hamilton, <i>hazard lands</i> are defined, mapped, and regulated by the Conservation Authorities in accordance with the <u>Conservation Authorities Act</u>. The Niagara Escarpment Commission regulates lands that also have inherent hazards through the <u>Niagara Escarpment Planning and Development Act</u>. The Ministry of Northern Development, Mines, Natural Resources and Forestry maintains mapping of hazardous forest types for wildland fire. Due to the dynamic nature of hazard lands and forested areas, the condition for hazard lands, including hazardous forest types for wildland fire, is not static and mapping must be updated on an ongoing basis.</p>	<p>areas particularly susceptible to the <i>impacts of a changing climate</i>, such as flooding, fire, erosion, slope failure, or other physical conditions which are severe enough to pose a risk to residents, loss of life, property damage, and social disruption either at a specific location or to upstream or downstream lands within the watershed, if these lands were to be developed. ...</p> <p>In the City of Hamilton, <i>hazard lands</i> are defined, mapped, and regulated by the Conservation Authorities in accordance with the <u>Conservation Authorities Act</u>. The Niagara Escarpment Commission regulates lands that also have inherent hazards through the <u>Niagara Escarpment Planning and Development Act</u>.</p> <p>Generalized fire mapping provided by the Province helps to identify potentially hazardous forest types. The Ministry of Northern Development, Mines, Natural Resources and Forestry maintains mapping of hazardous forest types for wildland fire. Due to the dynamic nature of <i>hazard lands</i> and forested areas, the condition for <i>hazard lands</i>, including <i>hazardous forest types for wildland fire</i>, is not static and mapping must be updated on an ongoing basis.</p> <p>(MMAH Mod. 22)</p>	<p>Change is minor and not critical to conformity and does not change the application of the Official Plan policy.</p>	
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<p>B.3.6.5.9 Notwithstanding Policy B.3.6.5.6, B.3.6.5.7, and B.3.6.5.8, <i>development and site alteration</i> may be permitted on <i>hazard lands</i>: a) in those exceptional situations where a Special Policy Area, under Section 3.1.4 a) of the Provincial Policy Statement has been approved by the Province. ...</p>	<p>B.3.6.5.9 Notwithstanding Policy B.3.6.5.6, B.3.6.5.7, and B.3.6.5.8, <i>development and site alteration</i> may be permitted on <i>hazard lands</i>: a) in those exceptional situations where a Special Policy Area, under Section 3.1.4 a) of the Provincial Policy Statement has been approved by the Province. Such special policy areas permitted development and site alteration on hazard lands shall be included as Area Specific Policies in Volume 3. The designation of a floodplain Special Policy Area, and any change or modification to the site specific official plan policies, land use designations or boundaries applying to a floodplain Special Policy Area, must be approved by the Province prior to the City approving such changes or modifications. (MMAH Mod. 23)</p>	<p>Change provides additional clarification. Change is minor and not critical to conformity and does not change the application of the Official Plan policy.</p>	<p>Yes</p>
<p>Insert new Policy B.3.6.5.16, as follows: B.3.6.5.16 Hazardous forest types for wildland fire are identified and mapped by the Ministry of Northern Development, Mines, Natural Resources and Forestry. The City shall maintain mapping of hazardous forest types for wildland fire to assist in the screening and assessment of development proposals.</p>	<p>B.3.6.5.16 Hazardous forest types for wildland fire are identified and mapped by the Ministry of Northern Development, Mines, Natural Resources and Forestry. The City shall maintain mapping of <i>hazardous forest types for wildland fire</i> to assist in the screening and assessment of development proposals. (MMAH Mod. 24)</p>	<p>Amendment removes specific title of Ministry that provides mapping for hazardous forest types. Change is minor and not critical to conformity and does not change the application of the Official Plan policy.</p>	<p>Yes</p>

Chapter C Modifications			
<p>C.1.0 The Official Plan must be consistent with the Provincial Policy Statement and conform to the Growth Plan, the Greenbelt Plan and the Niagara Escarpment Plan. However, in some areas of provincial policy, the municipality can be more restrictive than the provincial directions. Where land use designations exist, this section details the interrelationship between the various provincial documents and this Plan.</p>	<p>C.1.0 The Official Plan must be consistent with the Provincial Policy Statement and conform to the Growth Plan, the Greenbelt Plan and the Niagara Escarpment Plan. However, in some areas of provincial policy, the municipality can be more restrictive than the provincial directions unless doing so would conflict with any provincial policy. Where land use designations exist, this section details the interrelationship between the various provincial documents and this Plan. (MMAH Mod. 25)</p>	<p>Amendment provides additional clarification.</p> <p>Change is minor and not critical to conformity and does not change the application of the Official Plan policy.</p>	<p>Yes</p>
	<p>C.3.2.4 Land use compatibility between sensitive land uses, major facilities, major retail uses and major office uses in all land use designations shall be in accordance with policy E.5.2.7.1. (MMAH Mod. 26)</p>	<p>Policy E.5.2.7.1 language was designed to address employment uses and compatibility with other uses. Modification expands policies to require consideration of major facilities, major retail uses and major office uses.</p> <p>The intent of the policy aligns with Official Plan objectives of ensuring compatibility between sensitive land uses and other major facilities.</p> <p>Reflects Policy 2.2.5(8) of A Place to Grow: Growth Plan.</p> <p>Changes add value and ensures conformity with new terms and policies in the</p>	<p>Yes, modification should be maintained to ensure conformity. Reversal may create a non-conformity with Provincial standards.</p>

		Growth Plan for major facilities, major retail uses, and major office uses.	
	<p>C.4.2.11 Corridors along the entire BLAST Network shall be supported by transit-oriented communities and the City shall encourage higher density development on all frequent transit corridors.</p> <p>(MMAH Mod. 27)</p>	Change may have unanticipated impacts for growth planning as this is a departure from focusing higher density development on primary and secondary corridors within the City's urban structure plan. Some areas that have frequent transit service may not align with primary and secondary corridors.	
<p>C.4.2.16 18 Additional transportation corridors may be added to the integrated transportation network in Hamilton in the future. Recognizing the need to plan proactively for future infrastructure requirements and sustainable transportation solutions, the City supports active participation with provincial, inter-provincial and federal transportation planning studies such as the ongoing Niagara to Greater Toronto Area (NGTA) corridor planning Greater Golden Horseshoe Transportation Plan and Environmental Assessment study and the Ontario-Quebec Continental Gateway and Trade Corridor Study.</p> <p>a) The NGTA study will address congestion, economic growth, and better gauge a long term land use</p>	<p>C.4.2.18 Additional transportation corridors may be added to the integrated transportation network in Hamilton in the future. Recognizing the need to plan proactively for future infrastructure requirements and sustainable transportation solutions, the City supports active participation with provincial, inter-provincial and federal transportation planning studies such as the Greater Golden Horseshoe Transportation Plan and the Ontario-Quebec Continental Gateway and Trade Corridor Study.</p> <p>(MMAH Mod. 28)</p>	Change is minor and not critical to conformity or application of the Official Plan policy.	Yes

<p>and transportation framework extending from the Niagara Peninsula to the Greater Toronto Area.</p> <p>b) The Ontario-Quebec Continental Gateway and Trade Corridor Study will develop a multi-modal strategy to improve goods movement and trade.</p>			
<p>C.4.6 Goods Movement Network</p> <p>An important component of Hamilton's transportation network is an efficient system of goods and services movement, which helps attract and retain industries and business, thus contributing to the City's economy. The major goods movement network facilities and corridors in Hamilton consists of provincial highways, the road network, rail, the John C. Munro Hamilton International Airport and the Port of Hamilton. The local goods movement network links to the wider inter-regional, inter-provincial, and inter-national goods movement network as detailed in the Growth Plan for the Greater Golden Horseshoe. Hamilton has access to a wide range of major goods movement facilities and corridors. These facilities and corridors form a network which contributes to making the City an ideal location for a "goods movement gateway".</p>	<p>C.4.6 Goods Movement Network</p> <p>An important component of Hamilton's transportation network is an efficient system of goods and services movement, which helps attract and retain industries and business, thus contributing to the City's economy. The <i>major goods movement facilities and corridors</i> in Hamilton consists of provincial highways, the road network, rail, the John C. Munro Hamilton International Airport and the Port of Hamilton. The local goods movement network links to the wider inter-regional, inter-provincial, and inter-national goods movement network as detailed in the Growth Plan for the Greater Golden Horseshoe and further detailed in the GGH Transportation Plan's Strategic Goods Movement Network and associated policy directions. Hamilton has access to a wide range of <i>major goods movement facilities and corridors</i>. These facilities and corridors form a network which contributes to making the City an ideal location for a "goods movement gateway". (MMAH Mod. 29)</p>	<p>Change adds additional clarification.</p> <p>Change is minor and not critical to conformity and does not impact application of the Official Plan policy.</p>	<p>Yes</p>

<p>Insert new Policy C.5.3.11 and renumber subsequent policies accordingly.</p> <p>C.5.3.11 The City shall maintain and update a Water and Wastewater Master Plan which is supported by the policies of this Plan, providing direction for:</p> <ul style="list-style-type: none"> a) planning and staging of improvements to the City’s water and sewer facilities; b) guidance on the operation of the City’s day-to-day water and sewer programs; c) ensuring that the City’s water and sewer systems are prepared for the <i>impacts of a changing climate</i> including increased flooding, extreme temperatures and weather events; d) demonstrates that the effluent discharges and water takings associated with the system will not negatively impact the quality and quantity of water; and, e) protection of human health and safety and the natural environment. 	<p>C.5.3.11 The City shall maintain and update a Water and Wastewater Master Plan, informed by watershed planning or equivalent, which is supported by the policies of this Plan, providing direction for:</p> <ul style="list-style-type: none"> a) planning and staging of improvements to the City’s water and sewer facilities; b) guidance on the operation of the City’s day-to-day water and sewer programs; c) ensuring that the City’s water and sewer systems are prepared for the <i>impacts of a changing climate</i> including increased flooding, extreme temperatures and weather events; d) demonstrates that the effluent discharges and water takings associated with the system will not negatively impact the quality and quantity of water; and, e) protection of human health and safety and the natural environment. <p>(MMAH Mod. 30)</p>	<p>Change provides additional clarification.</p> <p>Change is minor and not critical to conformity and does not change the application of the Official Plan policy.</p>	<p>Yes</p>
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Chapter E Modifications			
	<p>E.2.1 b) Major office and appropriate major institutional development will be directed to Urban Nodes, Urban Corridors and Delineated Major Transit Station Areas. (MMAH Mod. 31)</p>	<p>Reflects Policy 2.2.5(2) of the Growth Plan.</p> <p>This policy conflicts with OPA 167 amendments to Policy E.2.3.1.4 which states that major office uses shall be directed to the Downtown Urban Growth Centre Node specifically.</p>	
<p>E.2.3.3.12 Notwithstanding Policy E.2.3.3.7, some through the preparation of a Secondary plan, a lower density target for a Community Nodes may be established where the Secondary Plan process determines it is developed as lower intensity nodes appropriate to based on the character of their adjacent Neighbourhoods, other infrastructure, or transportation constraints as follows: a) For the Ancaster Community Node, a target density in the range of 50 persons and jobs per hectare shall apply. Due due to transportation constraints and the existing character of the adjacent neighbourhoods, a target density in the range 50 persons and jobs per hectare shall apply to the Ancaster Community Node. This target may be adjusted through the development of a secondary plan.</p>	<p>E.2.3.3.12 Notwithstanding any secondary plans, and notwithstanding policy B.1.2 of Volume 1, Chapter B of the Urban Hamilton Official Plan, lands designated Mixed Use Medium Density in Community Nodes shall contain a range of densities and buildings heights to a maximum of six storeys. Additional density above 150 units per hectare and additional height up to a total of eight storeys may be permitted without an amendment to this Plan, provided the applicant demonstrates: a) there are no adverse shadow impacts created on existing residential uses within adjacent lands designated Neighbourhoods; buildings are progressively stepped back from adjacent areas designated Neighbourhoods. The Zoning by-law may include an angular plane requirement to set out an appropriate transition and stepping back of heights; and,</p>	<p>See comments in Analysis and Rationale Section of staff report.</p> <p>Policy directly conflicts with other policies in the Official Plan and creates major problems for implementation. No justification is provided to override Secondary Plans.</p> <p>Policy conflicts with Mixed Use - Medium Density Policy E.4.6.8 which allows heights between 6 and 12 storeys to be permitted without an Official Plan Amendment, subject to a different set of criteria.</p> <p>The policy effectively caps heights in community nodes at 6-8 storeys, whereas other areas of the City within the Mixed Use – Medium Density</p>	

<p>b) Intensification shall not be permitted in the Waterdown Community Node until infrastructure and transportation constraints have been alleviated.</p>	<p>c) buildings are stepped back from the street to minimize the height appearance from the street, where necessary. Notwithstanding Policy E.2.3.3.7, through the preparation of a Secondary plan, a lower density target for a Community Node may be established where the Secondary Plan process determines it is appropriate based on to the character of the adjacent Neighbourhood, other infrastructure, or transportation constraints as follows: a) For the Ancaster Community Node, a target density in the range of 50 persons and jobs per hectare shall apply due to transportation constraints and the existing character of the adjacent neighbourhoods. (MMAH Mod. 32)</p>	<p>Designation can permit up to 12 storeys.</p> <p>The policy also overrides height caps in the Ancaster Wilson Street Secondary Plan and a portion of the Waterdown Community Node Secondary Plan which were developed through detailed planning processes and reflect the vision for these Secondary Plans.</p> <p>Since the policy overrides anything written in a Secondary Plan, all Site Specifics permitting heights above eight storeys within Secondary Plans that apply to Community Nodes become inoperable. New Site Specific Policies for heights above 8 storeys cannot be approved within Secondary Plans because they will be inoperable.</p> <p>The policy references a density maximum for the Mixed Use – Medium Density designations, which conflicts with the policies for this designation, as the Mixed Use – Medium Density designation is regulated through building heights and built form, not residential</p>	
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		<p>densities. As sites and buildings can contain a mix of uses, residential densities are not an accurate measure of the intensity of a use on a site within the Mixed Use – Medium Density Designation.</p> <p>In addition to issues with the amended text, the modification also deletes a specific target density of 50 persons and jobs per hectare for the Ancaster Community Node, which was based on transportation constraints and compatibility with the character of the lands around the Node. There may be implications for transportation infrastructure and other infrastructure as a result of the modification.</p>	
<p>Insert new Section E.2.5 and renumber subsequent Sections accordingly.</p> <p>E.2.5 Major Transit Station Areas A Major Transit Station Area is the area including and around any existing or planned higher order transit station or stop. Within the City, Major Transit Station Areas will include the Hamilton Centre and West Harbour GO Stations, the future Centennial GO Station and future</p>	<p>E.2.5 Major Transit Station Areas A Major Transit Station Area is the area including and around any existing or planned higher order transit station or stop. Within the City, Major Transit Station Areas will include the Hamilton Centre and West Harbour GO Stations, the future Confederation Centennial GO Station and future higher order transit station areas along the priority transit corridor. (MMAH Mod. 33)</p>	<p>Name correction.</p> <p>Change is minor and not critical to conformity and does not change the application of the Official Plan policy.</p>	<p>Yes</p>

higher order transit station areas along the priority transit corridor.			
<p>Insert new Policy E.3.6.7 and renumber subsequent policies.</p> <p>E.3.6.7 For high density residential uses, the maximum height shall be 30 storeys. For high density residential uses below the Niagara Escarpment, building height shall not exceed the height of the top of the Niagara Escarpment, nearest to the development site. Applicants shall demonstrate that the proposed development shall not exceed the height of the top of the Niagara Escarpment through the submission of a height elevation survey depicting the proposed building in profile to the height of the top of the escarpment located nearest to the development site, to the satisfaction of the City.</p>	<p>E.3.6.7 For high density residential uses, the maximum height shall be 30 storeys. For high density residential uses below the Niagara Escarpment, building height shall not exceed the height of the top of the Niagara Escarpment, nearest to the development site. Applicants shall demonstrate that the proposed development shall not exceed the height of the top of the Niagara Escarpment through the submission of a height elevation survey depicting the proposed building in profile to the height of the top of the escarpment located nearest to the development site, to the satisfaction of the City. (MMAH Mod. 34)</p>	<p>See comments in Analysis and Rationale Section of staff report.</p> <p>Policy reflects City's objective to mitigate visual impacts of buildings on the Niagara Escarpment and is also consistent with the height limit in the Downtown Hamilton Secondary Plan.</p>	
<p>E.5.2.7.1 b) <i>Sensitive land uses</i> within the Neighbourhoods, Institutional or Commercial and Mixed Use designations shall be protected from the potential adverse impacts of heavy industrial uses within the lands designated Employment Area, and industrial uses shall be protected from <i>sensitive land uses</i> as follows:</p> <p>i) The City shall have regard for provincial guidelines concerning land use compatibility between industrial facilities and <i>sensitive land</i></p>	<p>E.5.2.7.1 b) <i>Sensitive land uses</i> within the Neighbourhoods, Institutional or Commercial and Mixed Use designations shall be protected from the potential adverse impacts of heavy industrial uses major facilities within the lands designated Employment Area, and industrial uses major facilities shall be protected from <i>sensitive land uses</i> as follows:</p> <p>i) The City shall have regard for follow provincial guidelines concerning land use compatibility between industrial facilities and <i>sensitive land uses</i>. Major</p>	<p>Relates to modification 26.</p> <p>Changes add value and ensures conformity with new terms and policies in the Growth Plan for major facilities, major retail uses, and major office uses.</p>	<p>Yes, modification should be maintained to ensure conformity. Reversal may create a non-conformity with Provincial standards.</p>

<p>uses, and in mitigating the potential adverse impacts not addressed by the guidelines. Heavy industrial uses and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety, to ensure the long-term viability of heavy industrial uses in accordance with provincial guidelines, standards and procedures.</p> <p>ii) Where avoidance of impacts is not possible, in accordance with Policy E.5.2.7.1 b) i), the City shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the development proponent submits a Land Use Compatibility Study to the satisfaction of the City detailing that following are demonstrated in accordance with provincial guidelines, standards and procedures:</p> <ol style="list-style-type: none"> 1. there is an identified need for the proposed use; 2. alternative locations for the proposed use have been evaluated and there are no 	<p>facilities, Heavy industrial uses and sensitive land uses, major retail uses and major office uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety, to ensure the long-term viability of major facilities heavy industrial uses in accordance with provincial guidelines, standards and procedures.</p> <p>ii) Where avoidance of impacts is not possible, in accordance with Policy E.5.2.7.1 b) i), the City shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses, major retail uses and major office uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:</p> <ol style="list-style-type: none"> 1. there is an identified need for the proposed use; 2. alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations; 3. adverse effects to the proposed sensitive land use are minimized and mitigated; and, 		
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<p>reasonable alternative locations; 3. adverse effects to the proposed sensitive land use are minimized and mitigated; and, 4. potential impacts to industrial, manufacturing or other uses are minimized and mitigated.</p>	<p>4. potential impacts to industrial, manufacturing or other uses are minimized and mitigated. (MMAH Mod. 36)</p>		
<p>Insert new subsection g) to Policy E.5.2.7.1 and renumber subsequent subsections accordingly: E.5.2.7.1 The following provisions apply to all lands designated Employment Area – Industrial Land, Employment Area – Business Park, Employment Area – Airport Employment Growth District, and Employment Area – Shipping and Navigation on Schedule E-1 – Urban Land Use Designations: g) Freight-intensive land uses shall be located in areas well served by major highways, airports, rail facilities and marine facilities.</p>	<p>E.5.2.7.1 The following provisions apply to all land use designations, as specified: lands designated Employment Area – Industrial Land, Employment Area – Business Park, Employment Area – Airport Employment Growth District, and Employment Area – Shipping and Navigation on Schedule E-1 – Urban Land Use Designations: g) Freight-intensive land uses shall be located in areas well served by major highways, airports, rail facilities and marine facilities. (MMAH Mod. 35)</p>	<p>Related to Modifications 26 and 36. Working in conjunction with modifications 26 and 36, changes ensure conformity with new terms and policies in the Growth Plan for major facilities, major retail uses, and major office uses.</p>	<p>Yes, modification should be maintained to ensure conformity. Reversal may create a non-conformity with Provincial policy with regards to major facilities, major office and major retail.</p>
Chapter F Modifications			
	<p>F.1.2.7 Neighbourhood plans are were policies adopted by council resolution and do not form part of the Official Plan, Any proposal for development or redevelopment must conform to the designations, and policies in the Neighbourhood Plan, and no longer reflect either municipal or provincial policy. (MMAH Mod. 37)</p>	<p>See comments in Analysis and Rationale Section of staff report. Modification removes the requirement for development to conform to neighbourhood plans.</p>	

	<p>F.1.2.8 Any amendment to the Neighbourhood Plan must be evaluated using the provisions of Policies F.1.1.3 and F.1.1.4 and shall require a formal Council decision to enact the amendment. (MMAH Mod. 38)</p>	<p>See comments in Analysis and Rationale Section of staff report.</p> <p>Modification removes the requirement for development to conform to neighbourhood plans.</p>	
	<p>F.1.14.3.1 Consents for new lot creation, for both the severed and retained lands, for residential uses in the Neighbourhood designations shown on Map E-1 – Urban Land Use Designation, shall be permitted provided the following conditions are met:</p> <p>a) The lots comply with the policies of this Plan, including secondary plans, where one exists;</p> <p>b) The lots comply with existing Neighbourhood Plans;</p> <p>e) b) The lots are in conformity with the Zoning By-law or a minor variance is approved;</p> <p>e) e) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;</p> <p>e) c) The lots are fully services by municipal water and wastewater systems; and,</p> <p>f) e) The lots have frontage on a public road. (MMAH Mod. 39)</p>	<p>See comments in Analysis and Rationale Section of staff report.</p> <p>Modification removes Neighbourhood Plan conformity from list of criteria to consider for consents to create new lots.</p>	

Chapter G Modifications			
	<p>Agricultural impact assessment: A study that evaluates the potential impacts of non-agricultural development on agricultural operations and the Agricultural System and recommends ways to avoid or, if avoidance is not possible, minimize and mitigate adverse impacts (Greenbelt Plan, 2017).</p> <p>(MMAH Mod. 40)</p>	<p>Definition is added as per definition in Greenbelt Plan.</p>	<p>Yes, to ensure conformity with language in Provincial Plans.</p>
	<p>Major facilities: Means facilities which may require separation from sensitive land uses, including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.</p> <p>(MMAH Mod. 41)</p>	<p>Definition is added as per definition in the Provincial Policy Statement.</p>	<p>Yes, to ensure conformity with language in Provincial Plans.</p>
	<p>Office parks: Employment areas or areas where there are significant concentrations of offices with high employment densities.</p> <p>(MMAH Mod. 42)</p>	<p>Definition is added as per definition in the Growth Plan.</p>	<p>Yes, to ensure conformity with language in Provincial Plans.</p>

	<p>Prime agricultural areas: An area where prime agricultural lands predominate. This includes areas of prime agricultural lands and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas are to be identified by the Ontario Ministry of Agriculture, Food and Rural Affairs using guidelines developed by the Province, as amended from time to time (Greenbelt Plan, 2017).</p> <p>(MMAH Mod. 43)</p>	Definition is added as per definition in Greenbelt Plan.	Yes, to ensure conformity with language in Provincial Plans.
	<p>Prime agricultural land: Speciality crop areas and/or Canada Land Inventory Class 1,2, and 3 lands, as amended from time to time, in this order of priority for protection (PPS, 2020).</p> <p>(MMAH Mod. 44)</p>	Definition is added as per definition in Provincial Policy Statement.	Yes, to ensure conformity with language in Provincial Plans.
	<p>Rail facilities: means rail corridors, rail sidings, train stations, inter-modal facilities, rail yards and associated uses, including designated lands for future rail facilities.</p> <p>(MMAH Mod. 45)</p>	Definition is added as per definition in the Provincial Policy Statement	Yes, to ensure conformity with language in Provincial Plans.
Significant Habitat of Threatened or Endangered Species: means that habitat, as approved by the	Significant Habitat of Threatened or Endangered Species: means that habitat, as approved by the Ministry of	Ministry reference is being corrected and reference to	Yes, to ensure correct Ministry references.

<p>Ministry of Northern Development, Mines, Natural Resources and Forestry, that is necessary for the maintenance survival and/or recovery of naturally occurring or reintroduced populations of species at risk and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle. To identify which species are threatened or endangered, the City will refer to the Species at Risk in Ontario list that is prepared and updated by the Ministry of Northern Development, Mines, Natural Resources and Forestry. The City may collaborate with the Province during the early stages of the planning process, to ensure that the significant habitat of threatened or endangered species on lands affected by or contiguous to any proposed <i>development</i> or <i>site alteration</i> is properly evaluated and identified.</p>	<p>Northern Development, Mines, Natural Resources and Forestry, the Environment, Conservation and Parks that is necessary for the maintenance survival and/or recovery of naturally occurring or reintroduced populations of species at risk and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle. To identify which species are threatened or endangered, the City will refer to the Species at Risk in Ontario list O. Reg 230/08: SPECIES AT RISK IN ONTARIO LIST that is prepared and updated by the Ministry of Northern Development, Mines, Natural Resources and Forestry Environment, Conservation and Parks. The City may collaborate with the Province during the early stages of the planning process, to ensure that the significant habitat of threatened or endangered species on lands affected by or contiguous to any proposed <i>development</i> or <i>site alteration</i> is properly evaluated and identified. (MMAH Mod. 46)</p>	<p>Ontario Regulation has been added for clarity.</p>	
	<p>Specialty crop areas: Specialty crop areas: Areas designated using guidelines developed by the Province, as amended from time to time. In these areas, speciality crops are predominantly grown such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops</p>	<p>Definition is added as per definition in the Provincial Policy Statement.</p>	<p>Yes, to ensure conformity with language in Provincial Plans.</p>

	<p>from agriculturally developed organic soil usually resulting from:</p> <ul style="list-style-type: none">a) soils that have suitability to produce speciality crops, or lands that are subject to special climatic conditions, or a combination of both;b) farmers skilled in the production of speciality crops; andc) a long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities and services to produce, store or process speciality crops (PPS, 2020). <p>(MMAH Mod. 47)</p>		
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Volume 1 – Modifications to Schedules and Appendices

Council Adopted	MMAH Modification	Comments	Acceptance of November 4, 2022 Provincial modification shown with a “Yes”
Volume 1: Schedule A to H and Appendix A to G	<p>Modify all Schedules and Appendices of Volume 1 of the Urban Hamilton Official Plan by adding the lands shown as Urban Expansion Area – Neighbourhoods and Urban Expansion Area – Employment Areas to the Urban Boundary, as shown on Appendix A attached.</p> <p>(MMAH Modifications 48 to 58, 61, 64 to 73)</p>	<p>See comments in Analysis and Rationale Section of staff report.</p> <p>Modification does not align with Council approved growth strategy.</p>	
Volume 1: Schedule E and Schedule E-1	<p>Volume 1: Schedule E – Urban Structure is modified by redesignating 128 Tope Crescent, as shown on Appendix B attached hereto, from “Employment Areas” to “Neighbourhoods” (MMAH Mod 59)</p> <p>Volume 1: Schedule E-1 – Urban Land Use designations is modified by redesignating 128 Tope Crescent, as shown on Appendix B attached hereto, from “Industrial Land” to “Neighbourhoods”</p>	<p>See comments in Analysis and Rationale Section of staff report.</p> <p>Conversion has not been evaluated by the Employment Land Review.</p>	

	(MMAH Mod 62)		
<p>Volume 1: Schedule E and Schedule E-1</p>	<p>Volume 1: Schedule E – Urban Structure is modified by redesignating 1400 South Service Road, as shown on Appendix C attached hereto, from “Employment Areas” to “Neighbourhoods” (MMAH Mod 60)</p> <p>Volume 1: Schedule E – Urban Structure is modified by redesignating 1400 South Service Road, as shown on Appendix C attached hereto, from “Business Park” to “Mixed Use – High Density”. (MMAH Mod 63)</p>	<p>See comments in Analysis and Rationale Section of staff report.</p> <p>Through the employment land review which took place as part of the Municipal Comprehensive Review (MCR), a conversion request was considered for 1400 South Service Road. The conversion request was not supported by staff and was deferred to a later phase of the MCR until a land use assessment for the south-east quadrant of the Queen Elizabeth Way (QEW) and Fifty Road area could be completed.</p> <p>There are significant concerns with these modifications as they have the potential to sterilize the ability of adjacent lands to be used for employment and could result in a shortage of employment land to meet needs to 2051.</p>	

Volume 2: Text Modifications

Council Adopted	MMAH Modification	Comments	Acceptance of November 4, 2022 Provincial modification shown with a "Yes"
B.2.8.6.1 g) The overall density for the Ancaster Community Node shall be 50 people and jobs per hectare	B.2.8.6.1 g) The overall density for the Ancaster Community Node shall be 50 people and jobs per hectare (MMAH Mod. 74)	See comments in Analysis and Rationale Section of staff report. Density limitations reflect transportation and infrastructure constraints for the Ancaster Community Node. There is no justification for this removal.	

Volume 2: Modifications to Schedules and Appendices

Council Adopted	MMAH Modification	Comments	Acceptance of November 4, 2022 Provincial modification shown with a "Yes"
Map B.2.8-1: Ancaster Street Secondary Plan Land Use Plan	Map B.2.8-1: Ancaster Street Secondary Plan Land Use Plan of the Urban Hamilton Official Plan, Volume 2 is modified by redesignating 15 Lorne Avenue, as shown on Appendix D attached hereto, from "Low Density Residential 1" to "Mixed-Use Medium Density" (MMAH Mod 75)	Change relates to a private development application appealed to the Ontario Land Tribunal. Change should not be made outside of development application process.	
Map B.6.2-1: Ainslie Wood Westdale Secondary Plan Land Use Plan	Map B.6.2-1: Ainslie Wood Westdale Secondary Plan Land Use Plan of the Urban Hamilton Official Plan, Volume 2 is modified by redesignating 128 Tope Crescent, as shown on Appendix B attached hereto, from "Employment Area – Industrial Lands" to "Low Density Residential 3". (MMAH Mod 76)	Aligns with Schedule E and E-1 designation changes for the same property in Modifications 59 and 62. The Low Density Residential 3 designation implemented through the modification does not exist in the Secondary Plan.	

Volume 3: Text Modifications

Council Adopted	MMAH Modification	Comments	Acceptance of November 4, 2022 Provincial modification shown with a "Yes"
<p>Add new Flamborough Site Specific Policy, as follows:</p> <p>UFN-5 Lands Located on a portion of 329 and 345 Parkside Drive, Flamborough</p> <p>1.0 Notwithstanding Policy E.3.2.3 of Volume 1, permitted uses shall be limited to the following:</p> <p>a) Multiple dwelling;</p> <p>b) Retirement home; and,</p> <p>c) Long term care facility.</p> <p>2.0 A maximum of 50% of the area of the expansion lands shall be used for residential purposes limited to a multiple dwelling and / or retirement home.</p> <p>3.0 Prior to any future development of the subject lands, the following studies shall be required to the satisfaction of the City to demonstrate appropriateness of the proposed development:</p> <p>a) Planning Justification Report;</p> <p>b) Functional Servicing Study;</p> <p>c) Environmental Impact Study;</p> <p>d) Karst / Geotechnical Study;</p> <p>e) Water Resources Assessment;</p>	<p>UFN-5 Lands Located on a portion of 329 and 345 Parkside Drive, Flamborough</p> <p>1.0 Notwithstanding Policy E.3.2.3 of Volume 1, permitted uses shall be limited to the following:</p> <p>a) <i>Multiple dwelling</i>;</p> <p>b) Retirement home; and,</p> <p>c) Long term care facility.</p> <p>2.0 A maximum of 50% of the area of the expansion lands shall be used for residential purposes limited to a <i>multiple dwelling</i> and / or retirement home.</p> <p>3.0 Prior to any future development of the subject lands, the following studies shall be required to the satisfaction of the City to demonstrate appropriateness of the proposed development:</p> <p>a) Planning Justification Report;</p> <p>b) Functional Servicing Study;</p> <p>c) Environmental Impact Study;</p> <p>d) Karst / Geotechnical Study;</p> <p>e) Water Resources Assessment;</p> <p>f) Archaeological Assessment;</p> <p>g) Traffic Impact Study; and,</p> <p>h) Visual Impact Assessment.</p>	<p>Change adds value but does not impact the general effect of the policy.</p>	<p>Yes</p>

<p>f) Archaeological Assessment; g) Traffic Impact Study; and, h) Visual Impact Assessment. Other studies may be required and will be identified at the Formal Consultation stage.</p>	<p>Other studies may be required and will be identified at the Formal Consultation stage. 4.0 Through future development of the subject lands, if potential adverse impacts on any nearby agricultural operations are identified and cannot be avoided, they will be minimized and mitigated to the extent feasible. (MMAH Mod. 77)</p>		
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Modifications to the Rural Hamilton Official Plan implemented through OPA 34.

Text Modifications

Council Adopted	MMAH Modification	Comments	Acceptance of November 4, 2022 Provincial modification shown with a "Yes"
Chapter B Modifications			
<p>2.1 Communities in the rural area of the City of Hamilton can be defined in multiple ways. Land use definitions of communities include:</p> <p>a) the urban boundary which delineates the urban area from the rural area. The urban boundary is delineated through the Urban Hamilton Official Plan. It is the intent of the City of Hamilton to maintain a firm urban boundary. Lands shall not be removed from the boundaries of Rural Hamilton and added to the Urban Area; and,</p> <p>b) rural settlement area boundaries which set the limits for residential, non-farm, and non-resource-based growth. Rural settlement area boundaries shall not be expanded.</p>	<p>2.1 Communities in the rural area of the City of Hamilton can be defined in multiple ways. Land use definitions of communities include:</p> <p>a) the urban boundary which delineates the urban area from the rural area. The urban boundary is delineated through the Urban Hamilton Official Plan. It is the intent of the City of Hamilton to maintain a firm urban boundary. Lands shall not be removed from the boundaries of Rural Hamilton and added to the Urban Area; and,</p> <p>b) rural settlement area boundaries which set the limits for residential, non-farm, and non-resource-based growth. Rural settlement area boundaries shall not be expanded.</p> <p>(MMAH Mod 1)</p>	<p>Text deletion weakens policy direction for a firm urban boundary.</p> <p>The original Council-approved Official Plan Amendment is more restrictive than the Growth Plan policies 2.2.8.5 and 2.2.8.6. The reversal of the modification will support Council's direction for OPA 167, but applications to amend this policy in conjunction with applications for boundary expansion under 40 hectares may still be received on the basis that the Growth Plan permits it.</p>	

Chapter D Modifications			
New	<p>D.2.2.1 Lands designated Agriculture shall not be redesignated for non-agricultural uses, except for expansions to the urban boundary through a municipal comprehensive review in accordance with the Growth Plan for the Greater Golden Horseshoe.</p> <p>(MMAH Mod 2)</p>	<p>Change establishes a more permissive policy framework for redesignation of Agricultural areas to urban designations as part of a future expansion to the urban area.</p> <p>Modification does not align with Council approved growth strategy.</p>	
	<p>D.3.2.1 Lands designated Specialty Crop shall not be redesignated for non-agricultural uses, except for to the urban boundary through a municipal comprehensive review in accordance with the Growth Plan for the Greater Golden Horseshoe.</p> <p>(MMAH Mod 3)</p>	<p>Change establishes a more permissive policy framework for redesignation of Specialty Crop areas to urban designations as part of a future expansion to the urban area.</p> <p>Modification does not align with Council approved growth strategy.</p>	
	<p>D.4.2.1 Lands designated Rural shall not be redesignated for uses not permitted by the policies of this Plan, except for expansions to the urban boundary through a municipal comprehensive review in accordance with the Growth Plan for the Greater Golden Horseshoe.</p> <p>(MMAH Mod 4)</p>	<p>Change establishes a more permissive policy framework for redesignation of Rural areas to urban designations as part of a future expansion to the urban area.</p> <p>Modification does not align with Council approved growth strategy.</p>	

Volume 1 – Modifications to Schedules and Appendices

Council Adopted	MMAH Modification	Comments	Acceptance of November 4, 2022 Provincial modification shown with a “Yes”
Volume 1: Schedule A to G and Appendix A to F-2	Urban Boundary Expansion - Modify all Schedules and Appendices of Volume 1 of the Rural Hamilton Official Plan by adding the lands shown as Urban Expansion Area – Neighbourhoods and Urban Expansion Area – Employment Areas to the Urban Boundary, as shown on Appendix A attached. (MMAH Modifications 5 to 25)	Changes do not align with Council approved growth strategy.	

Application	Address	Ward	Date Deemed Complete	Purpose of Application	Application Status	Impact of Provincial OP Modification and Reversal
Official Plan Amendment UHOPA-21-018 Zoning By-law Amendment ZAC-21-039	1400 South Service Road	10	16-Sep-21	Redesignate from “Business Park” to “Mixed-Use High Density”; and, to amend the Fruitland-Winona Secondary Plan by redesignating the subject lands from “Employment Area - Business Park” to “High Density Residential” and to add site specific High Density Residential policies, to permit two, eight storey and two 16 storey multiple dwellings for a total of 986 dwelling units, a three storey office building, and two, one storey commercial buildings	Under Review	<p>Employment Lands Conversion</p> <p>Provincial modification 60 redesignated the lands from “Employment Area” to “Neighbourhoods” which support residential uses on these lands however an amendment to the Fruitland-Winona Secondary Plan is still required and the application remains open.</p> <p>Reversal of the Provincial modification would return the property to Employment Lands. As discussed through Report PED17010(r), staff had recommended a land use study be undertaken for the area to determine the implications of the conversion.</p>
Official Plan Amendment UHOPA-20-011	555 Glancaster Rd	11	22-May-20	To add policies to the UHOP respecting urban boundary expansions and to identify lands as a ‘candidate area’ for future urban boundary expansion.	Withdrawn by the Applicant on March 10, 2023	<p>Urban Boundary Expansion</p> <p>Provincial modification to expand the urban boundary included these lands. As a result, the Official Plan Amendment application to consider it as a candidate area for urban boundary expansion was withdrawn by the applicant.</p> <p>Reversal of the Provincial modification would require the landowner(s) to submit a new Official Plan application to identify the lands as a ‘candidate area’ for future urban boundary expansion.</p>

Official Plan Amendments RHOPA-20-022 - 024 and UHOPA-20-018 - 020	9285, 9445, 9511, 9625 & 9751 Twenty Rd W & 555 Glancaster Rd	11	15-Sep-20	To remove lands from the rural area and add the lands into the urban boundary to allow the development of the lands for future residential uses	Under Review	<p>Urban Boundary Expansion</p> <p>Provincial modifications to expand the urban boundary included these lands. This meant that the application was no longer necessary.</p> <p>The application has not been withdrawn by the applicant.</p>
Official Plan Amendment UHOPA-21-023 Zoning By-law Amendment ZAC-21-049	442-462 Wilson St E	12	29-Oct-21	To establish a Site Specific Policy Area in the Ancaster Wilson Street Secondary Plan to permit a seven storey retirement home with 211 beds and four commercial units, or permit a six storey, 161 unit mixed use building with seven commercial units	<p>City Council refused the application on July 8, 2022.</p> <p>Application was appealed to the OLT by the applicant.</p> <p>The City and the applicant reached a settlement which was presented to the Tribunal for approval.</p> <p>On September 26, 2023 the OLT issued a decision approving an Official Plan</p>	<p>Community Node Policies</p> <p>The subject lands are located within the Ancaster Community Node and Provincial modifications had the effect of increasing the height and density permitted within the node.</p> <p>Reversal of the Provincial modifications to the Community Node policies would not impact the proposed development as the Zoning By-law Amendment is final and binding.</p> <p>The proposal is subject to Site Plan Control prior to the issuance of a Building Permit. To date no Site Plan application has been submitted and no construction has begun.</p>

					and Zoning By-law Amendment.	
Official Plan Amendment UHOPA-22-004 Zoning By-law Amendment ZAC-22-011	392-412 Wilson St E & 15 Lorne Ave	12	11-Jan-22	To amend the Ancaster Wilson Street Secondary Plan to redesignate lands from “Low Density Residential 1” designation to “Mixed Use - Medium Density” designation with a “Pedestrian Focus”; and, to establish a Site Specific Policy, and rezoning, to permit an eight storey mixed use development	<p>City Council refused the application on May 11, 2022.</p> <p>The decision was appealed to the OLT by the applicant.</p> <p>An Official Plan Amendment was no longer required as a result of OPA 167</p> <p>The City and the applicant reached a settlement which was presented to the Tribunal for approval.</p> <p>On September 19, 2023 the</p>	<p>Community Node Policies</p> <p>The subject lands are located within the Ancaster Community Node and Provincial modifications had the effect of increasing the height and density permitted within the node. The modifications also amended the Ancaster Wilson Street Secondary Plan to change the designation of 15 Lorne Avenue from “Low Density Residential 1” to “Mixed-Use Medium Density”</p> <p>Reversal of the Provincial modifications to the Community Node policies would not impact the proposed development as the Zoning By-law Amendment is final and binding.</p> <p>The proposal is subject to Site Plan Control and in December 2022 a Site Plan Application was submitted (DA-23-011). The applicant appealed the Site Plan application to the OLT on October 25, 2023 for the City’s failure to make a decision within 60 days. No Building Permits have been issued.</p>

					OLT issued a decision approving a Zoning By-law Amendment	
Consent Application HM/B-21:79	727 Rymal Road East	6	N/A	To permit the creation of three (3) lots to allow for the future construction of single detached residential dwelling uses.	The Committee of Adjustment approved the application with conditions on February 2, 2023	<p>Removal of Neighbourhood Plan policies</p> <p>The application was located within the Eleanor Neighbourhood Plan which identified a future road connection through the subject lands. The provincial modification to remove the status of Neighbourhood Plans in part enabled the approve of the application.</p> <p>The Consent application is approved, and the Applicant is currently clearing conditions.</p>

**Ministry of
Municipal Affairs
and Housing**

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234-2023-5307

November 2, 2023

**Re: Announcement Impacting Provincial Decisions on Municipal Official Plans/
Official Plan Amendments**

Dear Sir, Madam:

Since becoming the Minister of Municipal Affairs and Housing, I have made it a priority to review past decisions related to land use planning, including official plans and minister's zoning orders, to ensure that these earlier decisions support our goal of building at least 1.5 million homes in a manner that maintains and reinforces public trust.

In November 2022 and April 2023, the ministry issued decisions on official plans impacting the cities of Barrie, Belleville, Guelph, Hamilton, Ottawa and Peterborough, the regional municipalities of Halton, Niagara, Peel, Waterloo and York, and Wellington County. As a result of my review of these decisions, on October 23, 2023, I announced my intent to introduce legislation as soon as possible that would reverse the province's changes to these plans.

For clarity, the proposed legislation will, if passed, bring into effect the official plans or official plan amendments as adopted by municipal council without provincial modifications, except for any modifications that are necessary to protect matters of public health and safety, or which are required to align with legislation or regulations.

The ministry appreciates that the decisions that were made in November 2022 and April 2023 are currently in effect, and I understand that many municipalities are working to actively implement the decisions. I also appreciate that productive collaboration and coordination between the ministry and your municipality is going to be needed to ensure clarity going forward.

As stated in my announcement on October 23, 2023, we are providing 45 days for municipalities to submit information about the modifications to the official plans that were originally submitted to the Ministry, including:

1. Circumstances or projects where construction has already begun in relation to the official plan or official plan amendment decisions, particularly those projects that are directly reliant on the modifications made to the plan through the ministry's decision; and

2. If there are changes that the municipality would like to see made to the official plan, based on the modifications that the province had previously made, and which you support. Municipal feedback on the original official plan submitted to the province will be important to supporting its implementation.

We are asking mayors of impacted single and lower tier municipalities to submit this feedback, including proposed changes and updates to the official plans/official plan amendments, to ministry staff **by December 7, 2023**. Please submit feedback to the following email address: MMAHOfficialPlans@Ontario.ca.

To ensure the province receives the necessary feedback within the 45-day window, we will accept changes directly from heads of council of single and lower-tier municipalities, including to official plans that were originally submitted with council endorsements from upper tier municipalities. Heads of council may choose to seek a council endorsement of their proposed changes, but that is not required.

While I intend to introduce legislation prior to the conclusion of the 45-day period, please rest assured that municipal feedback received during the 45-day window, and through consultation on the legislation, will be carefully considered to determine the best approach for moving forward, including if further legislative steps or the use of other provincial tools are required.

We are also interested in receiving information and supporting documentation that outlines related planning costs that may have been incurred by your municipality arising out of the provincial decisions. This information can be submitted to the ministry outside of the 45-day window through municipal staff.

Official plans are an important tool for addressing Ontario's shortage of housing. To that end, as you prepare your feedback, I encourage you to ensure your proposed approach to meet your housing targets is ambitious and reflective of the serious need to get more homes built quickly. In particular, I encourage you to look for opportunities to systematically increase density and align this density with existing and planned transit within your municipality. Getting more homes built faster will help more people in your municipality find a home that meets their needs and budget and help municipalities access funding under Ontario's all-new \$1.2 billion Building Faster Fund.

If your staff have questions or concerns, ministry staff are available to discuss this matter further. Please have municipal staff contact the ministry at the email address above and we will connect you with the relevant staff in my ministry.

Thank you,



Hon. Paul Calandra
Minister of Municipal Affairs and Housing



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 14, 2023
SUBJECT/REPORT NO:	<i>Bill 136, Greenbelt Statute Law Amendment Act, 2023 - Reinstatement of Greenbelt Lands (PED23244) (City Wide)</i>
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Charlie Toman (905) 546-2424 Ext. 5863
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the proposed reinstatement of all 15 sites removed from the Greenbelt Area by the Government of Ontario, be supported;
- (b) That Council adopt the submissions and recommendations, as attached in Appendix "A" to Report PED23244, regarding *Bill 136, Greenbelt Statute Law Amendment Act, 2023*;
- (c) That the Acting Director of Planning and Chief Planner and the City Solicitor be authorized to make the submissions and recommendations on *Bill 136, Greenbelt Statute Law Amendment Act, 2023*, as attached in Appendix "A" to Report PED23244.

EXECUTIVE SUMMARY

On October 16, 2023, the Government of Ontario introduced *Bill 136, Greenbelt Statute Law Amendment Act, 2023* on its Environment Registry of Ontario website (ERO 019-7739), requesting public comments by November 30, 2023. If passed, the legislation would add all 15 sites back to the Greenbelt that were removed in December 2022 by incorporating the description of the Greenbelt Area and Oak Ridges Moraine Area

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SUBJECT: *Bill 136, Greenbelt Statute Law Amendment Act, 2023 - Reinstatement of Greenbelt Lands (PED23244) (City Wide) - Page 2 of 6*

boundaries directly into the proposed legislation. This includes the three sites removed from the Greenbelt Area in Hamilton.

The legislation would also eliminate Provincial authority to remove lands from the Greenbelt Area and Oak Ridges Moraine Area by regulation, meaning that the Government of Ontario would have to pass new legislation to make future amendments to boundaries. The legislation would maintain the 3,804 hectares of land added to the Greenbelt Plan area in 2022 in Wellington County.

In the Environmental Registry of Ontario posting, the Government of Ontario acknowledges that the process for the 2022 Greenbelt removals was too fast and not sufficiently transparent, stating that the legislation is in response to feedback from Indigenous communities, the public, municipalities and stakeholders.

Staff recommends that the City of Hamilton provide comments to the Province supporting the reinstatement of all 15 sites to the Greenbelt Area. Detailed staff comments on the proposed legislation are contained in Appendix "A" attached to Report PED23244. As discussed through Report PED23046(d) which was received by Planning Committee on October 31, 2023, the City's consultation respecting these lands received significant public interest with the majority of residents who provided input opposed the Provincial decision to remove lands from the Greenbelt.

Alternatives for Consideration – See Page 5

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: Bill 136 completed First Reading on October 16, 2023 and debated at Second Reading on October 30, 2023. Legal staff will continue to monitor the status and progression of Bill 136 before the Legislature.

HISTORICAL BACKGROUND

In December 2022, the Government of Ontario made amendments to the Greenbelt Plan which included the removal of three sites within the City of Hamilton totalling 795 hectares of land. The Government of Ontario had stated the lands they removed from the Greenbelt Plan were intended for residential use to support the goal of building 1.5 million homes over the next 10 years.

SUBJECT: *Bill 136, Greenbelt Statute Law Amendment Act, 2023 - Reinstatement of Greenbelt Lands (PED23244) (City Wide) - Page 3 of 6*

City Council had previously adopted several motions respecting the December 21, 2022 removal of lands from the Greenbelt Area. On February 8, 2023, Council adopted the motion that:

“That the Minister’s decision to remove 795 hectares of land from the Greenbelt Plan is unnecessary and is not supported by the City of Hamilton.”

On August 18, 2023, Council adopted the motion that:

“That the City of Hamilton requests the Province of Ontario abandon its plan to develop the Greenbelt and that all lands within the City of Hamilton removed from the Greenbelt be reinstated.”

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Greenbelt Plan

The Greenbelt Plan is a Provincial Plan approved in 2005 that covers approximately 810,000 hectares of land around the Greater Golden Horseshoe area. The Greenbelt Plan is established under the *Greenbelt Act, 2005*. The Greenbelt Plan provides regulatory protection from urban development and establishes policies to:

- Prevent further loss of farmland and natural heritage;
- Restrict urban sprawl; and,
- Work with the Growth Plan to develop vibrant communities where people can live, work, and play.

The Greenbelt Plan includes lands within and builds upon the ecological protections provided by the Niagara Escarpment Plan and the Oak Ridges Moraine Conservation Plan. Within the City of Hamilton, the Greenbelt Plan covers 88,505 hectares of land equaling approximately 78% of the City’s total land mass and approximately 91% of the rural area.

Section 5.5 of the Greenbelt Plan establishes a 10-year review to ensure that the Plan will remain relevant over time and states that “The purpose of the review is to assess the effectiveness of the policies contained in the Plan (using information gathered through the monitoring program and conducted through a public process) and make amendments, if appropriate, to update or include new information or improve the effectiveness and relevance of the policies”.

The last 10-year review of the Greenbelt Plan began in 2015 with amendments to the Greenbelt Plan coming into effect in 2017. At this time the Government of Ontario has not confirmed the specific timing and scope of the next 10-year review.

SUBJECT: *Bill 136, Greenbelt Statute Law Amendment Act, 2023 - Reinstatement of Greenbelt Lands (PED23244) (City Wide) - Page 4 of 6*

RELEVANT CONSULTATION

Staff from Legal Services were consulted in the drafting of this report, recommendations and appendices.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Detailed staff comments on the proposed *Bill 136, Greenbelt Statute Law Amendment Act, 2023* are attached in Appendix "A" to Report PED23244.

Reinstatement of Greenbelt Lands

If passed, the proposed legislation would result in the 15 sites removed from the Greenbelt Area by the Government of Ontario on December 21, 2022 being reinstated. This includes the 795 hectares of land removed from the Greenbelt Area by the Province in the City of Hamilton within three sites.

Staff fully support the reinstatement of these lands to the Greenbelt Area. There was no supporting information or justification provided that the lands are needed to accommodate Hamilton's future housing needs. As detailed in Report PED22213, Staff also had significant concerns with the removals related to, among other matters, natural heritage preservation, agricultural land preservation, climate change, land use compatibility, infrastructure and financial sustainability associated with development of these lands.

Amendments to the *Greenbelt Act, 2005* Impacting Future Modifications to the Greenbelt Area Boundary

The Province is proposing that future amendments to the Greenbelt Area would require legislation to be passed to amend the *Greenbelt Act, 2005*. Currently the *Act* allows the Government of Ontario to make modifications to the boundaries through regulations provided that the minimum consultation requirements under the *Act* are undertaken and the modification will not have the effect of reducing the total land area within the Greenbelt Plan.

Staff support any amendments to legislation that has the effect of increasing transparency and consultation respecting amendments to the Greenbelt Plan. However, it is not clear from this legislation if this amendment would remove the requirements under Sections 11, 12 and 13 of the *Greenbelt Act, 2005* respecting minimum consultation prior to the Minister considering amendments to the Greenbelt Area. While specifying lands within the Greenbelt Area would require new legislation to be enacted to make future boundary amendments, the legislative process does not necessarily result in increased transparency or consultation.

SUBJECT: Bill 136, Greenbelt Statute Law Amendment Act, 2023 - Reinstatement of Greenbelt Lands (PED23244) (City Wide) - Page 5 of 6

As an alternative, staff recommends that the *Greenbelt Act, 2005* be amended to legislate increased requirements for consultation prior to considering future boundary adjustments, including acknowledging the Province's "duty to consult and accommodate" with Indigenous communities. It is staff's opinion that this approach would ensure that increased public, stakeholder and Indigenous consultation requirements related to changes to the Greenbelt Plan are clarified and adhered to moving forward.

Limitation of Legal Action and Remedies

The legislation proposes amendments to the *Greenbelt Act, 2005*, and the *Ministry of Municipal Affairs and Housing Act*, that, if passed, would significantly limit legal action from being pursued in relation to lands being added to or removed from the Greenbelt Area.

In particular, the proposed amendments to Section 19 of the *Greenbelt Act, 2005*, expand on the type of legal proceedings and remedies that are barred from being pursued in relation to the Greenbelt. This list includes, but is not limited to, any claim related to the enactment, amendment or repeal of any provisions of the *Greenbelt Act*; any representations or other conduct by current or former employees of the Crown or Executive Council; any acquisition, disposal or development of lands; and any potential or actual issuance of an approval, permit, order or other instrument in respect of any land removed from the Greenbelt Area under Ontario Regulation 567/22. The legislation clarifies that applications for Judicial Review are not barred.

The amendments to limit legal action apply retroactively, meaning that any cause of action listed under Section 19(1) that arose prior to and after the passing of Bill 136 would be barred.

Staff note that the Bill proposes limitations with respect to legal action and remedies and requests that clarification be provided that these protections extend to municipalities, and that there is clear language in the legislation that reflects that that this protection applies to municipalities. Staff also recommend that an exception be provided to Section 19(2) that would permit municipalities to request compensation from the Province to account for costs incurred in relation to the removal of lands from the Greenbelt and engagement with the Office of the Provincial Land and Development Facilitator.

ALTERNATIVES FOR CONSIDERATION

Council may direct staff to not submit comments to the Province however Staff do not recommend this option as Council has passed previous motions supporting a reinstatement of the Greenbelt lands.

SUBJECT: *Bill 136, Greenbelt Statute Law Amendment Act, 2023 - Reinstatement of Greenbelt Lands (PED23244) (City Wide) - Page 6 of 6*

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED23244 – City of Hamilton Staff Submission on *Bill 136, Greenbelt Statute Law Amendment Act, 2023*

CT:sd

**Appendix “A” to Report PED23244
Page 1 of 4**

City of Hamilton Comments on

Bill 136, Greenbelt Statute Law Amendment Act, 2023

Specific Changes:

Summary of Proposed Change	Comments
Schedule 1 – <i>Duffins Rouge Agricultural Preserve Act, 2023</i>	
The Schedule enacts the <i>Duffins Rouge Agricultural Preserve Act, 2023</i> and repeals the <i>Duffins Rouge Agricultural Preserve Repeal Act, 2022</i> .	The <i>Duffins Rouge Agricultural Preserve Act, 2023</i> applies to lands outside of the City of Hamilton. The City has no comment.
Schedule 2 – <i>Greenbelt Act, 2005</i>	
Currently, Section 2 of the Act provides for the regulations to designate an area of land as the Greenbelt Area. The Greenbelt Area is currently set out in Ontario Regulation 59/05 (Designation of Greenbelt Area). Section 2 of the Act is re-enacted to set out the designated Greenbelt Area, which reflects the Area designated by Ontario Regulation 59/05 but also includes the area of land that was removed from that Regulation on December 14, 2022.	<p>The effect of this change is that the 15 sites removed from the Greenbelt Area by the Government of Ontario on December 21, 2022 will be reinstated.</p> <p>The City of Hamilton fully supports the reinstatement of these lands to the Greenbelt Area.</p> <p>The City’s consultation respecting these lands received significant public interest and input with over 1,000 residents attending the City’s Open House and special meeting of Planning Committee together with hundreds of written submissions and survey responses.</p> <p>Of the public submissions made through the online survey, open house comment sheets, Planning Committee oral and written submissions and separate e-mail submissions, 684 (77.4%) voiced objections or concerns to the Provincial decision to remove these lands from the Greenbelt Plan. The City has submitted a Greenbelt Plan Engagement 2023 Summary Report to the Province containing all input received through this consultation.</p>
New section 14.1 of the Act provides that the Greenbelt Plan is deemed to provide that specified lands are designated or otherwise identified in the same manner as they were so designated or otherwise identified by the Plan on December 13, 2022.	<p>The effect of this amendment is that future amendments to the Greenbelt Area would require legislation to be passed to amend the <i>Greenbelt Act, 2005</i>; whereas, currently the Act allows the Government of Ontario to make modifications to the boundaries through regulations provided that the minimum consultation requirements under the Act are undertaken and the modification will not have the effect of reducing the total land area within the Greenbelt Plan.</p> <p>The City of Hamilton supports any amendments to the legislation that has the effect of increasing transparency</p>

Appendix “A” to Report PED23244
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Summary of Proposed Change	Comments
	<p>and consultation respecting amendments to the Greenbelt Plan.</p> <p>It is not clear from this legislation if this amendment would remove the requirements under Sections 11, 12 and 13 of the <i>Greenbelt Act, 2005</i> respecting minimum consultation prior to the Minister considering amendments to the Greenbelt Area. While specifying lands within the Greenbelt Area would require new legislation to be enacted to make future boundary amendments, the legislative process does not necessarily result in increased transparency or consultation.</p> <p>As an alternative, the City of Hamilton recommends that the <i>Greenbelt Act, 2005</i> be amended to legislate increased requirements for consultation prior to considering boundary adjustments, including acknowledging the Province’s “duty to consult and accommodate” with Indigenous communities.</p>
<p>Section 19 of the Act, which currently sets out various limitations on remedies, is re-enacted. Among other things, new section 19 provides that no cause of action arises as a result of amendments to the Act or to regulations made under the Act or any representation or other conduct by current or former employees, officers or agents of the Crown in right of Ontario or current or former members of the Executive Council that is related to specified actions.</p>	<p>Broadly speaking, the effect of this amendment is to bar certain legal proceedings and remedies from being sought or awarded in relation to the Act, including but not limited to, the addition or removal of lands from the Greenbelt Area, amendments to the Act, representations, negotiations, agreements, and development approvals.</p> <p>The City of Hamilton notes that the Bill offers limitations with respect to legal action and remedies, and requests that clarification be provided that these protections extend to municipalities, and that there is clear language in the legislation that reflects that this protection extends to municipalities.</p> <p>Staff also recommend that an exception be provided to Section 19(2) that would permit municipalities to request compensation from the Province to account for costs incurred in relation to the removal of lands from the Greenbelt Area and engagement with the Office of the Provincial Land and Development Facilitator.</p>
<p>New section 19.1 of the Act provides for the termination of an agreement between a specified company and His Majesty the King in Right of Ontario respecting the settlement of a court proceeding.</p>	<p>The City of Hamilton has no comment.</p>

Appendix “A” to Report PED23244
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Summary of Proposed Change	Comments
Ontario Regulation 59/05 (Designation of Greenbelt Area) is revoked.	<p>This regulation established which lands are designated as the Greenbelt Area. As the legislation proposes to include the description of lands into the <i>Greenbelt Act, 2005</i>, this regulation is no longer necessary.</p> <p>The City of Hamilton has no objection.</p>
Schedule 3 – Ministry of Municipal Affairs and Housing Act	
Currently, subsection 7 (1) of the <i>Ministry of Municipal Affairs and Housing Act</i> provides for protection from personal liability for acts done in good faith by the Deputy Minister, any employee of the Ministry or anyone acting under the Deputy Minister’s authority. The subsection is amended to also apply to acts done in good faith by Facilitators and Deputy Facilitators appointed under subsection 12 (2) of the Act.	<p>This change explicitly extends the protection of personal liability to the Facilitator, Deputy Facilitator, or any employees of the Office of the Provincial Land and Development Facilitator.</p> <p>The City of Hamilton has no comment.</p>
Schedule 4 – Oak Ridges Moraine Conservation Act, 2001	
Currently, section 2 of the Act provides for the regulations to designate an area of land as the Oak Ridges Moraine Area. The Oak Ridges Moraine Area is currently set out in Ontario Regulation 1/02 (Designation of Oak Ridges Moraine Area). Section 2 of the Act is re-enacted to set out the designated Oak Ridges Moraine Area, which reflects the Area designated by Ontario Regulation 1/02. A complementary amendment is made to section 22 of the Act.	<p>The <i>Oak Ridges Moraine Conservation Act, 2001</i> applies to lands outside of the City of Hamilton. The City of Hamilton has no comment.</p>
Section 20 of the Act, which currently sets out various limitations on remedies, is re-enacted. Among other things, new section 20 provides that no cause of action arises as a result of amendments to the Act or to the regulations made under the Act or any representation or other conduct by current or former employees, officers or agents of the Crown in right of Ontario or current or former members of the Executive	<p>The City of Hamilton has no comment.</p>

Appendix “A” to Report PED23244
Page 4 of 4

Summary of Proposed Change	Comments
Council that is related to specified actions.	
New section 26 of the Act provides that Ontario Regulation 140/02 (Oak Ridges Moraine Conservation Plan) is deemed to apply as though the amendments made by Ontario Regulation 568/22 had not been made.	The City of Hamilton has no comment.
Ontario Regulation 1/02 (Designation of Oak Ridges Moraine Area) is revoked.	The City of Hamilton has no comment.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Planning Committee
COMMITTEE DATE:	November 14, 2023
SUBJECT/REPORT NO:	Ontario Regulatory Registry Posting 23-MOI004, Proposed <i>GO Transit Station Funding Act, 2023</i> (PED23245) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Dave Heyworth (905) 546-2424, Ext. 1279
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That staff be directed to advise the Province that the cost of designing and constructing Government of Ontario GO Stations continue to be funded by the Province;
- (b) That Council endorse the submissions and recommendations as attached in Appendix "A" to Report PED23245 regarding the proposed Bill 134, *Affordable Homes and Good Jobs Act, 2023*;
- (c) That the Acting Director of Planning and Chief Planner be authorized and directed to confirm the submissions and recommendations made to the Province resulting from Council's review and decisions on Report PED23245;
- (d) That staff report back to Council should Bill 131, proposed *GO Transit Station Funding Act, 2023* be proclaimed on any required process, fee and By-law changes necessary to implement the proposed changes.

EXECUTIVE SUMMARY

On September 25, 2023 the Province posted Bill 131 to seek comments on the *GO Transit Station Funding Act, 2023*. Comments had to be submitted by October 25, 2023. Bill 131 has received second reading in the Ontario Legislature. If enacted Bill 131 would allow municipalities to fund the design and construction of new GO Stations and

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SUBJECT: Ontario Regulatory Registry Posting 23-MOI004, Proposed GO Transit Station Funding Act, 2023 (PED23245) (City Wide) - Page 2 of 5

recoup the costs through a charge on new development within specified areas surrounding those new stations.

The use of the tool, known as the station contribution fee, will only be permitted in municipalities where the Province has determined a new GO Station is warranted. Municipalities will be required to provide a background study and pass a by-law, which clearly identifies the area to which the station contribution fee will apply, to be forwarded to the Province for approval. Municipalities given approval to use the station contribution fee will be prescribed in a regulation.

The Government of Ontario requested comments on the proposed legislation with a deadline of October 25, 2023. Given the commenting deadline, staff-level comments contained in Appendix “A” attached to Report PED23245 have been submitted to the Province.

The Province has historically been responsible for all costs associated with the construction of new GO Stations. Staff would like this to continue and has concerns with the potential downloading of the cost of designing and constructing GO Stations to municipalities. Staff have also identified financial, timeline, and administration concerns and concerns with affordability in that this levy would be a significant charge per dwelling unit, eroding affordability.

Staff have also noted uncertainties regarding the calculation methodology, implementation procedures, and financial implications of the charge based on what is currently available for review. Full regulations are required to provide a detailed assessment.

While not specifically stated in the draft legislation, it is understood that it is intended to be high level at this time, and there will be further follow-up and consultation with municipalities. Additionally, it is understood that it is intended for new GO Stations only. At present, the City of Hamilton has two existing GO Stations and one under construction, and there are no formal plans for additional Regional Rail stations in the City.

Alternatives for Consideration – See Page 5

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The legislation states that the fee would be for “costs related to the construction of a GO Transit station that the municipality has agreed to pay” (s. 3 (1)). The statement that the Municipality has agreed to pay appears to be a larger matter of downloading Provincial Infrastructure costs onto municipalities. If the collections under a by-law are insufficient to cover the “costs related to the construction of a GO Transit station that

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SUBJECT: Ontario Regulatory Registry Posting 23-MOI004, Proposed GO Transit Station Funding Act, 2023 (PED23245) (City Wide) - Page 3 of 5

the municipality has agreed to pay” (s. 3 (1)), municipalities would have to cover the shortfall.

Transit oriented developments can take years and even decades to be planned and constructed. This means that it could take 20+ years for the City to fully collect the anticipated levy, resulting in increased borrowing costs and financial risk to municipalities if the development is not realized.

Staffing: City staff will have extra administrative responsibilities in preparing the background study and by-law, consultation around the preparation of these documents and ultimately collection of fees.

Legal: Legal staff will need to review the Background Study and be involved in the preparation of the required by-law. It will be important for the by-law to be explicit on situations where the fee will be charged and how it will be collected.

HISTORICAL BACKGROUND;

Historically, the direct cost for design and construction of GO Stations in Hamilton, and elsewhere, has been funded by senior levels of government. However, the City does collect development charges for GO Transit which are submitted to the Province annually.

The West Harbour GO Station, which was completed in phases starting in 2015, was funded by the Province and similarly the Confederation GO Station is funded by the Province with the Province announcing in 2022 that it was investing \$50 million to complete construction. Aside from the existing three GO Stations, there are no other new GO Stations that have been identified for the City.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Under Bill 131 the council of a municipality may, by by-law, impose transit station charges on development to pay for costs related to the construction of a new GO Station. A transit station charge by-law must include a map of the area where charges may be imposed and rules for determining if a charge is payable and the amount of the charge (Section 4). Before passing a transit station charge by-law, the council of a municipality must complete a background study, give notice of and consult on the study and proposed by-law, pass a resolution requesting the Minister’s consent and obtain such consent (Section 6).

A transit station charge is payable when a building permit is issued. Some exceptions are provided for including agreements with the municipality for charges to be payable at

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SUBJECT: Ontario Regulatory Registry Posting 23-MOI004, Proposed GO Transit Station Funding Act, 2023 (PED23245) (City Wide) - Page 4 of 5

a different time. A municipality may charge interest on unpaid charges and an unpaid charge may be collected in the same manner as taxes (Sections 7 to 11). Transit station charges may be used to pay only the costs the charges were imposed for, interest on amounts a municipality borrows to pay such costs and any other amounts provided for in the transit station charge by-law (Section 12).

Under the proposed legislation, a transit station charge may be imposed only for development that requires:

- (a) The passing of a zoning by-law or of an amendment to a zoning by-law under Section 34 of the *Planning Act*;
- (b) The approval of a minor variance under Section 45 of the *Planning Act*;
- (c) A conveyance of land to which a by-law passed under Subsection 50 (7) of the *Planning Act* applies;
- (d) The approval of a plan of subdivision under Section 51 of the *Planning Act*;
- (e) A consent under Section 53 of the *Planning Act*;
- (f) The approval of a description under Section 9 of the *Condominium Act, 1998*; or,
- (g) The issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure.

RELEVANT CONSULTATION

Staff from the Transportation Planning and Parking Division and Financial Planning, Administration and Policy Division were consulted in the drafting of this report and appendix.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Staff have concerns with the proposed legislation. As indicated the Province has historically been responsible for all costs associated with the construction of new GO Stations and staff are concerned with the potential downloading of the cost of designing and constructing GO Stations to municipalities. Given the current structure of the legislation, there are significant concerns the City would not recoup all costs necessary in a timely fashion.

Staff are concerned with how this levy would impact the City's ability to enact Inclusionary Zoning around new GO Stations through a Protected Major Transit Station Area. Ontario Regulation 232/18 requires the City to complete an Assessment Report to determine the market feasibility of implementing Inclusionary Zoning. The inclusion of a new levy that increases the cost of residential developments could negatively impact market feasibility. Further, staff are concerned that this levy would be a significant charge per dwelling unit, eroding affordability. The City is also undertaking policy planning for Major Transit Station Areas. The "on ground" fruition of such

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planning is dependent in part on the timely construction of transit, including GO Transit stations.

There are substantial uncertainties regarding the calculation methodology, implementation procedures, and financial implications of the charge based on what is currently available for review. Full regulations are required to provide a detailed assessment.

Passing a transit station charge by-law is less predictable than the Development Charges equivalent. There is no right of appeal for developers, and for municipalities there is no certainty or timeframe for Ministerial approval.

For more detailed comments refer to Appendix “A” attached to Report PED23245 which identifies all the areas of concern or where clarification is needed within the proposed legislation.

ALTERNATIVES FOR CONSIDERATION

Council may amend the staff-level comments attached as Appendix “A” to Report PED23256 or supplement the staff-level comments with additional comments.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED23245 - Staff comments on Ontario Regulatory Registry Posting 23-MOI004, Bill 131, *Transportation for the Future Act, 2023, Proposed GO Transit Station Funding Act, 2023*

DH/mb



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Planning and Economic Development Department
Planning Division
71 Main Street West, 5th Floor, Hamilton ON L8P 4Y5
Phone: 905-546-2424, Ext. 1258 Fax: 905-540-5611

October 25, 2023

Ministry of Infrastructure
Transit Oriented Communities Policy and Delivery Branch
College Park
777 Bay Street
4th Floor, Suite 425
Toronto ON
M5G 2E5

Sent VIA Ontario Regulatory Registry (ORR) Posting

RE: ORR Posting 23-MOI004, Proposed GO Transit Station Funding Act, 2023

The intent of this letter is to provide the City of Hamilton's comments on ORR Posting 23-MOI004, Proposed GO Transit Station Funding Act, 2023. We respectfully request that you receive the staff comments to have on record as comments respecting ORR Posting 23-MOI004, Proposed GO Transit Station Funding Act, 2023, on behalf of the City of Hamilton.

City staff will be taking a report to Planning Committee on November 14, 2023 and to Council on November 22, 2023 outlining our submission. Council's position will be forwarded to the Province once it has been ratified.

Proposed Intent of ORR Posting 23-MOI004

The Province is consulting on the GO Transit Station Funding Act, 2023, that would, if passed, allow municipalities to fund the design and construction of new GO stations and recoup the costs through a charge on new development within specified areas surrounding those new stations.

The use of the tool, known as the station contribution fee, will only be permitted in municipalities where the Province has determined a new GO station is warranted. Municipalities will be required to provide a background study and pass a by-law which clearly identifies the area to which the station contribution fee will apply, to be forwarded to the Province for approval. Municipalities given approval to use the station contribution fee will be prescribed in a regulation.

City of Hamilton Comments

The following comments represent concerns or requests for clarification the City of Hamilton has on the proposed legislation:

- The Province has historically been responsible for all costs associated with the construction of new GO Stations. The City of Hamilton would like this to continue and has concerns with the potential downloading of the cost of designing and constructing GO Station to municipalities.
- The legislation states that the fee would be for “costs related to the construction of a GO Transit station that the municipality has agreed to pay” (s. 3 (1)). The statement that the Municipality has agreed to pay appears to be a larger matter of downloading Provincial Infrastructure costs onto municipalities. If the collections under a by-law are insufficient to cover the “costs related to the construction of a GO Transit station that the municipality has agreed to pay” (s. 3 (1)) how are municipalities expected to cover the shortfall?
- The Minister has stated that the charge is structured around a “land value capture” approach. This approach could apply to station areas not yet rezoned for higher density uses however some areas may have less land value to capture. As a rezoning triggers an increase in land value, municipalities may not be able to raise sufficient funds.
- The legislation could facilitate front-ending agreements between developers and municipalities, allowing developers to pay for station construction costs “up front” in order to advance their development and be compensated using transit station charge revenue raised from adjacent development. Clarification is needed how these agreements differ from those already permitted under the Development Charges Act.
- The legislation suggests that municipalities implementing a transit station charge will be expected to reduce “other development costs” to offset the charge. These “offsetting costs” could potentially reduce or cancel the financial benefit of the new charge which would not be supported by the City.
- Passing a transit station charge by-law is less predictable than the Development Charges equivalent. There is no right of appeal for developers, and for municipalities there is no certainty or timeframe for Ministerial approval.
- The City has concerns over implementation timelines given that a by-law must be passed prior to beginning station construction and the potential timeframe for completing the background study, which cannot be conducted until the study requirements are prescribed by regulation.
- The legislation imposes very few restrictions on eligible costs other than to state that they must be “costs related to the construction of a GO Transit station that the municipality has agreed to pay” (s. 3 (1)). The legislation should clarify eligible costs can cover studies, other pre-construction capital (and operating?) costs, as well as off-site capital works that connect to the station.
- It should be specified if this new funding model is being introduced to support specific GO Stations in Metrolinx’s future capital plans.
- The funding tool specifies that it requires the preparation of a background study, adoption of a By-law, specified collection methods and ongoing monitoring / reporting. The City of Hamilton recommends that 100% of the administrative costs of preparing and implementing this funding tool, including staffing and consultant costs, be provided by the Government of Ontario.
- The City is concerned with how this levy would impact its ability to enact Inclusionary Zoning around new GO Stations through a Protected Major Transit Station Area. Ontario Regulation 232/18 requires the City to complete an Assessment Report to determine the market feasibility of implementing

Inclusionary Zoning. The inclusion of a new levy that increases the cost of residential developments could negatively impact market feasibility.

- There are substantial uncertainties regarding the calculation methodology, implementation procedures, and financial implications of the charge based on what is currently available for review. Full regulations are required to provide a detailed assessment.
- The City is concerned that this levy would be a significant charge per dwelling unit, eroding affordability.
- Transit oriented developments can take years and even decades to be planned and constructed. This means that it could take 20+ years for the City to fully collect the anticipated levy, resulting in increased borrowing costs and financial risk to municipalities if the development is not realized.
- City staff have reviewed the legislation and have identified several areas in which clarification is required:
 - How does the proposed legislation relate to existing funding commitments made by Metrolinx for Capital Projects? The City of Hamilton expects all existing funding commitments to be honoured.
 - What municipalities are “prescribed municipalities” under the legislation?
 - What consists of a Metrolinx Service Area? Are there geographic limits? There does not appear to be a mechanism, through legislation, to restrict the area.
 - How does this legislation relate to GO Transit Development Charges? The City has concerns about potential ‘double dipping’ where new developments are charged both the GO Transit Development Charge and this new levy.
 - Is this legislation only applied to new GO Stations or could it be also applied to improvements to existing GO Stations to increase station capacity and/or level of service?
 - What percentage of the total capital costs to construct a GO Station would be recoverable through this levy?
 - What is the geographic area around the Go Station the charge can apply to?

Should you have questions or comments, please contact me at Anita.Fabac@hamilton.ca 905-546-2424, ext. 1258 or Dave.Heyworth@hamilton.ca or at 905-546-2424 ext. 1279.

Regards,



Anita Fabac
Acting Director of Planning and Chief Planner
Planning and Economic Development Department
City of Hamilton

cc:

Steve Robichaud, Acting General Manager of Planning and Economic Development
Dave Heyworth, Manager, Sustainable Communities
Brian McMullen, Director, Financial Planning, Administration and Policy
Brian Hollingworth, Director, Transportation Planning and Parking Division
Lindsay Gillies, Supervisor, Development Charges, Programs and Policies



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 14, 2023
SUBJECT/REPORT NO:	Bill 134, Proposed <i>Affordable Homes and Good Jobs Act, 2023</i> (PED23256) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Jennifer Allen (905) 546-2424 Ext. 4672
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That Council endorse the submissions and recommendations attached in Appendix "A" to Report PED23256 regarding the proposed Bill 134, *Affordable Homes and Good Jobs Act, 2023*;
- (b) That the Acting Director of Planning and Chief Planner be authorized and directed to confirm the submissions and recommendations made to the Province resulting from Council's review and decisions on Report PED23256;
- (c) That staff report back to Council should Bill 134, *Affordable Homes and Good Jobs Act, 2023* be proclaimed on any required process, fee and By-law changes necessary to implement the proposed changes.

EXECUTIVE SUMMARY

On September 28, 2023, Bill 134, *Affordable Homes and Good Jobs Act, 2023* was introduced at the Ontario Legislature which has received second reading. If enacted, this Bill would amend the definition of an affordable residential unit in the *Development Charges Act, 1997* to increase the threshold of average market rent and average market purchase price considered affordable and broaden the criteria to also consider average household income. In accordance with the proposed definition, an affordable

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**SUBJECT: Bill 134, Proposed Affordable Homes and Good Jobs Act, 2023
(PED23256) (City Wide) - Page 2 of 5**

residential unit will be the lesser of the average market and the income-based affordable rent / purchase price. The changes to the definition of an affordable residential unit include:

- Increasing the threshold for affordable rent from 80% average market rent to 100% average market rent;
- Adding income-based rent as an alternative criterion for affordable determined where the household income is in the 60th percentile of gross annual incomes for rental households and rent is 30% of that household income;
- Increasing the threshold for affordable purchase price from 80% average market price to 90% average market price; and,
- Adding income-based affordable purchase price as an alternative criterion for affordable determined where the household income is in the 60th percentile of gross annual incomes for households and rent is 30% of that household income.

The Government of Ontario requested comments on the proposed changes through the Environmental Registry of Ontario (ERO 019-7669) with a deadline of October 28, 2023. Given the commenting deadline, staff-level comments contained in Appendix "A" attached to Report PED23256 have been submitted to the Province.

In summary, staff have concerns that increasing the income and affordability thresholds has the effect of increasing the number of new dwellings that would qualify for a development charge exemption. This in turn decreases the amount of development charge revenue for municipalities, negatively impacting its ability to fund infrastructure required to support growth. Staff also have concerns with the ability to effectively implement exemptions and the cost of the ongoing administration to ensure compliance given the absence of tools / measures in the legislation.

Recent legislative changes have failed to address, amongst others, housing affordability and effectively promoting the provision of a range and mix of unit types. The proposed definition utilizes singular numerical data points and income percentiles for all unit types to determine affordability city-wide. This may encourage smaller unit types that are not truly affordable which does not support a mix of affordable housing types. A more equitable measure of affordability would be to establish a separate average market rate for each unit type and create a gradation of affordability levels scaled relative to unit sizes.

If the recommendations of this Report are approved by Council, the Acting Director of Planning and Chief Planner will notify the Province that the submissions made have been adopted by Council and of any changes to staff comments as a result of Council's consideration of the matter.

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Alternatives for Consideration – See Page 5

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Bill 134 will have financial implications on the City. The degree and magnitude of the financial implications are not fully known at the time of preparation of this report. Staff will continue to monitor, analyze and report back to Council as necessary.

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

Over the last number of years, the Provincial Government has introduced various legislative changes. Recent changes to the *Development Charges Act, 1997* include:

- Bill 108 (*More Homes, More Choice Act, 2019*);
- Bill 23 (*More Homes Built Faster Act, 2022*); and,
- Bill 97 (*Helping Homebuyers, Protecting Tenants Act, 2023*).

Of particular note, Bill 23 introduced exemptions for affordable and attainable residential units.

Bill 134 passed its first reading on September 28, 2023 and its second reading on October 4, 2023.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS). It provides municipal governments with the direction and authority to guide development and land use planning through official plans, secondary plans and zoning by-laws. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with policy statements and plans issued by the Province.

The Provincial Policy Statement promotes the accommodation of a range and mix of housing types including affordable housing and establishes minimum targets for affordable housing to low and moderate income households. The proposes changes will align the definition of an affordable residential unit in the *Development Charges Act, 1997* with the definition of affordable and low to moderate income households in the Provincial Policy Statement, 2020.

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RELEVANT CONSULTATION

Staff from within the Planning Division, Building Division, Growth Management Division, Transportation Planning and Parking Division, Strategic Growth Division, Housing Services Division, Financial Planning, Administration and Policy Division, Housing Secretariat Division, Economic Development Division and Legal and Risk Management Services Division were consulted in the drafting of this report and appendices.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

It is understood recent legislative changes have been intended to help streamline approvals and reduce barriers to development to support the Province's goal of facilitating the construction of 1.5 million homes over the next 10 years across Ontario. The legislative changes have failed to address, amongst others, housing affordability and effectively promoting the provision of a range and mix of unit types.

The proposed definition does not separate average market rates based on unit types and sizes or distinguish income-based affordability levels relative to unit types and sizes. Utilizing one numerical data point for average market rates for all unit types and a set income percentile for gross annual incomes will tend to favour smaller rental or condominium units, which would more likely meet the affordability threshold, in contrast to larger affordable family sized units which are needed to meet the City's housing needs. A more equitable measure of affordability would be to establish a separate average market rate for each unit type and creating a gradation of affordability levels scaled relative to unit sizes.

The City has used the Provincial Policy Statement Affordable House Prices and Rents Tables, 2022, to analyse the proposed changes to the definition of an affordable residential unit. Based on this information, it is apparent the average market rent is significantly less than 30 percent of the 60th percentile's gross income. With the threshold for affordably increasing from 80 percent average market rent to 100 percent, the maximum rent that can be charged and qualify for development related exemptions will also increase.

Table 1: Comparison of Average Market Rent in City of Hamilton based on Provincial Policy Statement Affordable House Prices and Rents Tables

Unit Type	100% AMR (new definition)	80% AMR (current definition)	Difference between 80 and 100%
Studio	\$919	\$735.20	\$183.20
1 Bedroom	\$1,142	\$913.60	\$228.40
2 Bedroom	\$1,334	\$1067.20	\$266.80
3 Bedroom	\$1,486	\$1,188.80	\$297.20

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Municipalities have long advocated that growth should pay for growth. This philosophy allows municipalities to grow without undue burden on existing tax and rate payors. With insufficient Provincial funding opportunities to offset the costs of the Development Charges exemptions, the cost of the additional developments qualifying for development charge exemptions will fall to tax and rate payors. The ability to effectively implement exemptions and the cost of the ongoing administration to ensure compliance is a concern given the absence of tools / measures in the legislation.

Staff question whether the proposed changes will help achieve the Province's goal of increasing housing affordability to meet the City's housing needs. Without well-structured agreements and ongoing monitoring for developments which qualify for development charge exemptions, there is no reassurance the units will remain affordable or the savings from the development charge exemptions are passed on to the intended party. Additionally, potential consequences of the proposed changes include redirecting the cost of development charge exemptions to tax payers that are already affected by the affordability crisis and discouraging the development of larger affordable family sized units that are needed in the City.

For more detail, Council can refer to Appendix "A" to Report PED23256 representing staff comments, including concerns and requested clarifications, submitted to the Environmental Registry on this matter.

ALTERNATIVES FOR CONSIDERATION

Council may amend the staff-level comments attached as Appendix "A" to Report PED23256 or supplement the staff-level comments with additional comments.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED23256 - City of Hamilton Staff Submission of Bill 134 –
Affordable Homes and Good Jobs Act, 2023

JA:sd



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Planning and Economic Development Department
Planning Division
71 Main Street West, 5th Floor, Hamilton ON L8P 4Y5
Phone: 905-546-2424, Ext. 1258 Fax: 905-540-5611

October 27, 2023

Sent VIA ERO Posting

RE: ERO Posting 019-7669, Bill 134, *Affordable Homes and Good Jobs Act, 2023*

The intent of this letter is to provide the City of Hamilton's comments on ERO Posting 019-7669, Bill 134, *Affordable Homes and Good Jobs Act, 2023*.

City staff will be taking a report to Planning Committee on November 14, 2023 and to Council on November 22, 2023 outlining our submission. Council's position will be forwarded to the Province once it has been ratified.

Overview of Changes

The proposed changes to the definition of an affordable residential unit in the *Development Charges Act* suggest there may be more of a focus on the ability for households to pay instead of only looking at the market. The proposed definition considers the lesser of the average market rent / 90 percent of the average purchase price or the income-based affordable rent / purchase price (in the 60th percentile of the applicable gross annual household income and rent equal to 30 percent of the household income) as an "affordable residential unit".

Currently, an affordable residential unit is 80 percent of average market rent or average market purchase price. The proposed changes raise the average purchase price threshold from 80 percent to 90 percent and the average market rent threshold from 80 percent to 100 percent. This suggests the intent of the proposed changes may be to increase the number of units considered as affordable residential units. Developments which meet the new definitions of affordable residential unit will have exemptions from development charges therefore this change will increase the cost to municipal tax and rate payors.

Definition of Affordable Residential Unit – Rental Dwellings

The City of Hamilton has the following concerns and/or requests for clarification respecting the proposed definition of affordable residential unit for rental dwellings:

- Average market rents do not necessarily equate to affordable rents.
- Using the Provincial Affordable House Prices and Rents Tables, 2022, it is apparent that 100 percent of average market rent is less than 30 percent of the 60th percentile's gross income. However, the proposed change in definition is a

RE: ERO Posting 019-7669, Bill 134, *Affordable Homes and Good Jobs Act*, 2023 - Page 2 of 6

significant increase in rent from the previous definition requiring 80 percent of average market rent. Specifically, the increase to rents ranges from \$183 to nearly \$300 per month depending on the unit size based on 2022 data from MMAH, as shown in Table 1 below (difference between 80% and 100%). The City of Hamilton does not support this amendment which increases the maximum rent that can be charged to qualify for municipal development-related charges.

Table 1 - Average Market Rent

Unit Type	100% AMR (new definition)	80% AMR (current definition)	Difference between 80 and 100%
Studio	\$919	\$735.20	\$183.20
1 Bedroom	\$1,142	\$913.60	\$228.40
2 Bedroom	\$1,334	\$1067.20	\$266.8
3 Bedroom	\$1,486	\$1,188.8	\$297.20

- The average market rent for a two-bedroom unit in the City of Hamilton is \$1,334 which requires an annual household income of \$53,400 to be considered “affordable” (30% of income). This does not align with the 60th percentile income identified in Table 2. Based on 2021 census data, in the City of Hamilton there are 58,136 households with an annual income below this threshold which is equal to approximately 26 percent of households in Hamilton. The PPS Affordable House Prices and Rents Tables, 2022, indicates an income of \$53,400 is between the 40th and 50th percentile.

Table 2 - Income Based Rent

Percentile	Income	Rent as 30% of Income
60%	\$69,800	\$1,750

- The City reiterates its comments provided in response to Bill 23 through ERO 019-6172 regarding the Minister’s Bulletin respecting how the average market rent /purchase price metric will be localized (i.e. by municipality, larger portions of Ontario, subgroups within a municipality).
- Using a single numerical data point set at the 60th percentile of gross renter incomes to determine affordability would result in many smaller units being considered affordable when they are not truly affordable in comparison with market rents for similar sized units, or the average incomes of renters occupying smaller units.
- Having one market rate metric vs separating based on unit type could lead to an unintended amount of units being exempted, example, all one bedroom units may be required to be exempted in one area of the City if the average market rent is not differentiated between unit types and a citywide measure is used.

**RE: ERO Posting 019-7669, Bill 134, *Affordable Homes and Good Jobs Act*,
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- A more equitable measure of income-based affordability would be to establish a gradation of affordability levels scaled relative to unit sizes, such as:
 - For studio units, a rent equal to 30 percent of an income in the 30th percentile of gross annual renter income;
 - For one bedroom units, a rent equal to 30 percent of an income in the 40th percentile of gross annual renter incomes;
 - For two bedroom units, a rent equal to 30 percent of an income in the 50th percentile of gross annual renter incomes; and,
 - For three bedroom or larger units, a rent equal to 30 percent of an income in the 60th percentile of gross annual renter incomes
- Clarification is requested on why clause (a) respecting the 60th percentile of gross annual income under the Residential Units Bulletin is “in the Minister’s opinion”.
- Clarification is also requested on whether ‘rental housing’ includes condominium dwellings that are rented on the secondary market. If condominium dwellings are included, how would unknown variables such as condominium fees be factored into the accommodation costs so that they are equal to 30% of income for the 60th percentile. Will there be further regulations governing condominium fees to ensure the accommodation costs remain equal to 30% of the income for the 60th percentile?
- There is no timeframe associated with the definitions, which could indicate that affordability will be indefinite. Clarification from the Province on the affordability timeframe is needed.
- The data for the household income used to determine clause (a) must be published regularly to allow for easy access and calculations by the local municipality. The City is supportive that this metric is proposed to be based on “renter households” instead of all households (ownership and rental) for rental housing.

Definition of Affordable Residential Unit – Ownership Dwellings

The City of Hamilton has the following comments respecting the proposed definition of affordable residential unit for ownership dwellings:

- The City of Hamilton continues to question whether exemption for affordable ownership units will have an impact on the purchase price and therefore the ability of such to achieve the Province’s goal of increasing housing affordability.
- Using a single numerical data point set at the 60th percentile of gross annual incomes to determine affordability would result in many smaller units being considered affordable when they are not truly affordable in comparison with

**RE: ERO Posting 019-7669, Bill 134, *Affordable Homes and Good Jobs Act*,
2023 - Page 4 of 6**

market prices for similar sized units, or the average incomes of owners occupying smaller units.

- A more equitable measure of income-based affordability would be to establish a gradation of affordability levels scaled relative to unit sizes, such as:
 - For studio units, a purchase price equal to 30 percent of an income in the 30th percentile of gross annual incomes;
 - For one bedroom units, a purchase price equal to 30 percent of an income in the 40th percentile of gross annual incomes;
 - For two bedroom units, a purchase price equal to 30 percent of an income in the 50th percentile of gross annual incomes; and,
 - For three bedroom or larger units, a purchase price equal to 30 percent of an income in the 60th percentile of gross annual incomes.

- Similarly, if an affordability level set at 90 percent of the average purchase price for a residential unit is being used, further clarification should be provided on what types of units are part of the average purchase price calculation.

- The average purchase price should not be based on a single aggregate average of all units, as this will again create a disconnect between specific unit sizes and their average price levels. Separate average market purchase prices should be considered for each unit type. This includes:
 - Studio units;
 - One bedroom units;
 - Two bedroom units; and,
 - Units with three bedrooms or more.

- The City has completed its own calculations based on the proposed definition. The average purchase price of a detached dwelling was \$831,540 in June 2023, representing an increase of 33 percent over the last three years. Based on a down payment of 20 percent for a household with a purchase price of 90 percent of the average purchase price (\$748,386), the resulting mortgage would be approximately \$4,000 per month which requires an annual income of \$160,000 to be affordable (30% of income). Based on 2021 Census data, there are only 46,500 households in Hamilton with incomes at this level meaning only 21 percent of households could afford a single detached dwelling which meets the criteria for an affordable residential unit defined by (ii) (based on average purchase price). Based on the PPS Affordable House Prices and Rents Tables, 2022, an income of \$160,000 is over the 90th percentile. This analysis reinforces the City's comment that this approach would tend to favour smaller condominium units, which would more likely meet the affordability threshold, in contrast to larger affordable family sized units which are needed to meet the City's housing needs.

RE: ERO Posting 019-7669, Bill 134, *Affordable Homes and Good Jobs Act, 2023* - Page 5 of 6

Implementation of Exemption

The City has the following comments related to the implementation of exemptions on municipal development-related charges.

- The City seeks clarification on the resell requirements for homes that have benefited from a reduction in price resulting from DC exemptions and if the savings will be passed onto subsequent homeowners or if it will only benefit the initial homeowner. Will ongoing monitoring of properties that received a DC exemption be necessary?
- The City reiterates the comments in response to Bill 23 through ERO 019-6172 identifying concerns and challenges with the implementation of this exemption particularly covering the cost of administration. While un-proclaimed, changes to the DC Act made by Bill 23 suggests that the Ministry will provide standard forms of agreement that municipalities can use to enter into agreements with developers who would qualify for the DC exemption. The status of these standard forms of agreement is unknown.
- The exemption applies based on when DCs are due. For rental developments, this is the date the building is approved for occupancy (Sec 26.1 of the DC Act) and for ownership developments this is the date of the building permit issuance (Sec 26 (1) of the DC Act). The first challenge will be obtaining a copy of all rental agreements and purchase and sale agreements which may not be available at this time. Consideration should be given to the additional staff hours needed to prepare and execute agreements, along with the ongoing tracking/monitoring of projects.
- It is noted that average market rate threshold has been raised from 80% to 100%. This change will increase the cost to municipal tax and rate payors. To date, despite general statements from the Province that municipalities should not suffer financial loss as a result of Bill 23, no Provincial funding program has been announced to offset the costs of the DC exemptions. Without such a program, the cost of these and all other statutory exemptions in the DC Act will fall to tax and rate payors who are all dealing with the cost of living crisis. The City notes that while the recent Building Faster Fund program does create a new funding opportunity, it is not expected to offset the DC exemption costs as that program has a limited timeframe, is conditional upon certain targets being met and is not directly tied to municipal revenue lost through a DC exemption.
- The City is concerned about the ability to effectively implement the exemption and that the ongoing administration to ensure compliance may be costly and difficult given the absence of tools/measures in the legislation. The City requests that the Province indicate what specific steps it is taking to ensure compliance with the affordability requirements of this new incentive.

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- The City has previously advised that without an agreement and ongoing monitoring of the agreements/projects receiving DC exemptions, there is no reassurance that the units will remain affordable. The Province must be prudent in the drafting of the template agreement to ensure that the cost of the exempted DCs falls onto the intended accountable party should the unit no longer be considered affordable. The agreement should also consider whether purchasers and sellers are permitted to have separate agreements for upgrades selected to the house vs the base unit price to ensure that purchase and sale agreements are not being structured to abuse the system.
- The following information is requested by the City in order to provide full comment:
 - A draft of the agreement which municipalities shall enter into (Section 4.1 (8), (9) & (12)); and,
 - A draft of the Provincial Bulletin format (Section 4.1(5)).
- The proposed definitions, instead of a more equitable scaled approach, would result in a larger number of units being considered "Affordable" as per the *Development Charges Act*, which may result in a greater amount of legislated Development Charge exemptions and a greater financial impact for the City of Hamilton. It may also have the effect of encouraging additional smaller units that are not truly affordable.

Should you have questions or comments, please contact me at
Anita.Fabac@hamilton.ca 905-546-2424, ext. 1258 or Dave.Heyworth@hamilton.ca or
at 905-546-2424 ext. 1279.

Regards,



Anita Fabac
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