



City of Hamilton

PLANNING COMMITTEE REVISED AGENDA

Meeting #: 24-001
Date: January 16, 2024
Time: 9:30 a.m.
Location: Council Chambers (Planning)
Hamilton City Hall
71 Main Street West

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

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15.1	Closed Session Minutes - December 5, 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 392, 398, 400, 402, 406 and 412 Wilson Street East & 15 Lorne Avenue for Lack of Decision on Site Plan Control Application (DA-23-011) (LS24002) (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

23-020

December 5, 2023

9:30 a.m.

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

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

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (City Wide) (PED23254) (Item 9.1)

(A. Wilson/Pauls)

That report PED23254 respecting Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications, be received.

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

YES – Ward 1 Councillor M. Wilson
YES – Ward 2 Councillor C. Kroetsch
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
YES – Ward 8 Councillor J.P. Danko
YES – Ward 10 Councillor J. Beattie
YES – Ward 11 Councillor M. Tadeson
NOT PRESENT – Ward 12 Councillor C. Cassar
YES – Ward 13 Councillor A. Wilson
YES – Ward 15 Councillor T. McMeekin

2. Application for a Zoning By-law Amendment for Lands Located at 1400 Limeridge Road East, Hamilton (PED23242) (Ward 6) (Item 10.2)

(Kroetsch/A. Wilson)

- (a) That Zoning By-law Amendment Application ZAC-22-065 by MHBC Planning Ltd. (c/o Dave Aston and Stephanie Mirtitsch) on behalf of Valstar (Red Hill) Inc., Owner, for a change in zoning from the “D/S-222” and “D/S-1822” (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified, to the “RT-20/S-1833” (Townhouse – Maisonette) District, Modified, to permit the lands to be developed for 10 additional maisonette dwellings on lands located at 1400 Limeridge Road East, as shown on Appendix “A” attached to Report PED23242, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED23242, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and complies with the Urban Hamilton Official Plan.

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

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 NOT PRESENT – 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
 NOT PRESENT – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

3. Increase to Building Permit Fees (PED23188) (City Wide) (Item 10.4)

(A. Wilson/Tadeson)

That the By-law, attached as Appendix “A” to Report PED23188 to amend City of Hamilton By-law No. 15-058, the Building By-law, which has been prepared in a form satisfactory to the City Solicitor, be enacted.

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

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 NOT PRESENT – 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
 NOT PRESENT – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

4. Farm 911 – Emergency Access Point Program (PED23209) (Wards 9, 10, 11, 12, 13 and 15) (Item 11.1)

(McMeekin/Beattie)

- (a) That the Farm 911 – Emergency Access Point Policy, attached as Appendix “A” to Report PED23209, be approved;
- (b) That the amendments to the City of Hamilton Municipal Addressing Policy to implement the Farm 911 – Emergency Access Point Policy, attached as Appendix “B” to Report PED23209, be approved; and,
- (c) That \$94,850 from the Economic Development Reserve Fund (Account # 112221) be approved through the 2024 capital budget process for the Farm 911 – Emergency Access Point program.

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

5. Staging of Development Report 2024 - 2026 (PED23257) (City Wide) (Item 11.2)**(Kroetsch/A. Wilson)**

That Report PED23257 respecting Staging of Development Report 2024 – 2026, be received.

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

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

6. Municipal Protected Areas Project (PED23260) (City Wide) (Item 11.3)**(A. Wilson/Cassar)**

- (a) That Planning and Economic Development Department and Public Works Department staff be authorized to provide the required data to Ontario Nature for their review and analysis as part of the Municipal Protected Areas Project, and provide additional support for the project through the data analysis stage as resources allow;
- (b) That the General Manager of Planning and Economic Development, or their designate, be granted the authority to provide consent on behalf of the City of Hamilton to Ontario Nature to release the findings of the Municipal Protected Areas Project to the Ministry of the Environment, Conservation and Parks for submission to the Canadian Protected and Conserved Areas Database, as it relates to the City's properties that were assessed, and to enter into any necessary agreements relating to release of the findings; and,
- (c) That Planning and Economic Development Department staff, in consultation with Public Works Department staff, be directed to provide a final report at the end of the project to summarize the results for Council.

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

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

7. Bill 150 - Planning Statute Law Amendment Act, 2023 (PED23261) (City Wide) (Item 11.4)

(Kroetsch/M. Wilson)

- (a) That Council adopt the submissions and recommendations, as attached in Appendix “A” to Report PED23261, regarding Bill 150 Planning Statute Law Amendment Act, 2023;
- (b) That Council confirm that the submission and recommendations, as attached in Appendix “A” to PED23261, are in addition to the City’s submissions and recommendations contained in Report PED23252; and,
- (c) That the Acting Director of Planning and Chief Planner and the City Solicitor be authorized to make the submission on Bill 150, Planning Statute Law Amendment Act, 2023, as attached in Appendix “A” to Report PED23261.

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

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

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

8. Taxi Industry Review Request (Item 12.1)

(Francis/Beattie)

WHEREAS, since the 2007 repeal and replacement of the City of Hamilton Licensing By-law, there have been 23 amendments to Schedule 25 (Taxi Schedule);

WHEREAS, each amendment to Schedule 25 was the result of ongoing collaborative engagement between City of Hamilton Licensing staff and members of the Taxi industry; and,

WHEREAS, no thorough review of Schedule 25 has occurred during this time and given the evolution of the taxi industry, a full review of Schedule 25 may be warranted and may also benefit from input from a broader range of stakeholders.

THEREFORE, BE IT RESOLVED:

That the appropriate City of Hamilton Licensing staff be requested to report back to the Planning Committee on the feasibility of reviewing Schedule 25 and whether a review, if deemed appropriate by staff, may benefit from including a broader range of stakeholders.

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

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

9. Annual Inactive Plate Rate (Item 12.2)**(Francis/Beattie)**

WHEREAS, during the Pandemic, the taxi industry was declared an essential service and continues to be relied upon as trusted community partners who regularly assist Hamilton Police Services and residents with accessible transport needs;

WHEREAS, there are 470 total taxi plates in the City of Hamilton and a recent staff review determined approximately 120 of those plates ~~that~~ are currently inactive;

WHEREAS, during the Pandemic, the City of Hamilton invoked an inactive plate rate (for taxis not on the road) of approximately \$120; and,

WHEREAS, the Municipal Act only mandates cost recovery as relates to the cost of by-law enforcement. Since no inspections are currently undertaken with inactive plates there may be an opportunity to reduce the inactive plate fee back to the pandemic fee structure.

THEREFORE, BE IT RESOLVED:

That the appropriate City of Hamilton Licensing Department staff who currently oversee the Schedule 25 report back to Planning Committee respecting the feasibility of restoring an annual inactive plate rate to approximately \$120.

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

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

10. Toys for Tickets Program (Item 12.3)

(Kroetsch/A. Wilson)

WHEREAS, some municipalities (Kingston and Orillia) have successfully implemented a holiday season “toys for tickets” program where parking penalties can be paid via toy donations;

WHEREAS, the implementation of such a program has potential public relations benefits for spreading goodwill for deserving community members at a time when they may be in need; and,

WHEREAS, providing an alternative payment method for a parking penalty can substitute a negative experience for an uplifting experience.

THEREFORE, BE IT RESOLVED:

That staff examine existing “toys for tickets” payment programs in applicable municipalities and report back in Q2 2024 with recommendations with a possible implementation of a similar program in Hamilton in 2024.

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

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

11. Demolition Control By-law Exemption for Affordable Housing Project at 1540 Upper Wentworth Avenue (Item 12.4)

(Pauls/Tadeson)

WHEREAS, Council at its meeting of July 22, 2022 approved Item 5 of the Planning Committee Report 22-011, regarding Report PED22149 to facilitate the development of 126 affordable housing units located at 1540 Upper Wentworth Street;

WHEREAS, Council at its meeting of June 21, 2023, approved Item 7 of the Emergency and Community Services Committee Report 23-008, regarding Report HSC2025(a) Canada-Ontario Community Housing Initiative and Ontario Priorities Housing Initiative Agreement 2023-2025;

WHEREAS, Council as a result of the approval of Canada-Ontario Community Housing Initiative and Ontario Priorities Housing Initiative (HSC22023(a)) authorized and directed the General Manager of the Healthy and Safe Communities Department (“GM”) to execute all ancillary agreements and documents as may be required to deliver the Canada-Ontario Community Housing Initiative and the Ontario Priorities Housing Initiative programs, with content satisfactory to the GM and in a form satisfactory to the City Solicitor;

WHEREAS, the City as Service Manager permitted the demolition of the 15 existing 15 units through Report HSC22038;

WHEREAS, the tenants of the exiting 15 units have been relocated by Kiwanis and the units are vacant which is creating security concerns and additional security costs to Hamilton East Kiwanis Non-Profit Homes Incorporated;

WHEREAS, Kiwanis has conditional site plan approval and is currently working through clearing of conditions with the anticipation of construction on the 126 affordable units will commence in the summer of 2024;

WHEREAS, the expediting of the demolition permit can provide for an expedited construction timeline.

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for the 15 townhouse units located at 1540 Upper Wentworth Street, in accordance with By-law 22-101, pursuant to Section 33 of the *Planning Act*, without having to comply with the conditions of section 6 (a) of Demolition Control By-law 22-101.

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
YES – Ward 5 Councillor M. Francis
YES – Ward 7 Councillor E. Pauls

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

12. Demolition Permit of 340 Weir Street North (Item 12.5)

(Hwang/M. Wilson)

WHEREAS, Municipal Law Enforcement has authority under the Property Standards By-law 10-221 to issue orders requiring the owner to carry out the repair or demolition within the time and in the manner specified in the order;

WHEREAS, Municipal Law Enforcement issued a Property Standards order to demolish or repair the building at 340 Weir Street North, in Hamilton Ontario, and the property owner did not comply with the City Order by the required date of April 23, 2023;

WHEREAS, the existing building is vacant, in a state of extreme disrepair, and has been made safe by temporary construction fencing to provide for a safe collapse;

WHEREAS, the cost to demolish has been received, and evaluated by staff;

WHEREAS, the cost to demolish the existing building exceeds the amount that can be approved by the Director of Licensing and By-law Services under section 30(7) of the Property Standards By-law 10-221 and requires Council approval; and,

WHEREAS, the need to demolish the building expeditiously prevents compliance with the City's Demolition Control Area By-law which require issuance of a building permit to re-build.

THEREFORE, BE IT RESOLVED:

- (a) That the Director of Licensing and By-law Services be authorized to contract POWER PROPERTY CONTRACTING INC., a onetime approval of \$48,191.00 for the demolition of 340 Weir St N, Hamilton, and that cost be added to the tax roll; and,
- (b) That the Chief Building Official be authorized to issue a demolition permit for 340 Weir St N, Hamilton, pursuant to Section 33 of the Planning Act as

amended, without having to comply with the conditions in Sub-Section 6(a) of Demolition Control Area By-law 22-101.

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

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

- 13. Appeal to the Ontario Land Tribunal (OLT) for lands located at 117 Jackson Street East, Hamilton, for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-23-009) and Zoning By-law Amendment Application (ZAC-23-024) (LS23037) (Ward 2) (Added Item 15.1)**

(Kroetsch/Hwang)

- (a) That the directions to staff in closed session respecting Confidential Report LS23037 be approved and released to the public, following approval by Council; and
- (b) That the balance of Confidential Report LS23037 remain confidential.

Result: Motion CARRIED by a vote of 10 to 1, as follows:

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

- 14. Appeal to the Ontario Land Tribunal for lands located at 1284 Main Street East, Hamilton, for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-23-006) and Zoning By-law Amendment Application (ZAC-23-012) (LS23039) (Ward 4) (Added Item 15.2)**

(Hwang/Tadeson)

- (a) That the directions to staff in closed session with respect to Report LS23039 be approved and released to the public, following approval by Council; and,
- (b) That the balance of Report LS23039 remain confidential.

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

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

- 15. Appeal to the Ontario Land Tribunal for lands located at 499 Mohawk Road East, Hamilton, for Lack of Decision on Official Plan Amendment Application (UHOPA-23-001) and Zoning By-law Amendment Application (ZAC-23-001) (LS23040) (Ward 7) (Added Item 15.3)**

(Pauls/Danko)

- (a) That the directions to staff in closed session respecting Report LS23040 be approved and released to the public, following approval by Council; and
- (b) That the balance of Report LS23040 remain confidential.

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

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

- 16. Appeal to the Ontario Land Tribunal (OLT) for Lands located at 262 McNeilly Road and 1036, 1038, 1054 and 1090 Barton Street, Stoney Creek, for Lack of Decision on Zoning By-law Amendment Application ZAC-20-043 and for Lack of Decision on Draft Plan of Subdivision Application (25T-202009) (OLT-21-001725) (LS22023(a)) (Ward 10) (Added Item 15.4)**

(Beattie/Hwang)

- (a) That the directions to staff in closed session be approved;
- (b) That closed session recommendations (a), (b) and (c) to Report LS22023(a) and Appendix “A” hereto, remain confidential until made public as the City’s position before the Ontario Land Tribunal; and,
- (c) That the balance of Report LS22023(a) remain confidential.

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

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

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

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

6. DELEGATION REQUESTS

- 6.6 Larry Roberge respecting Inactive License Fee for Inactive Taxi Plates (For today's meeting)

10. PUBLIC HEARINGS

- 10.2 Application for a Zoning By-law Amendment for Lands Located at 1400 Limeridge Road East, Hamilton (PED23242) (Ward 6)

(a) Added Written Submissions:

(i) Dennis Petis & Merike Laigna

(b) Added Staff Presentation

- 10.3 Application for a Zoning By-law Amendment for Lands Located at 81 and 87 Rymal Road East, Hamilton (PED23216) (Ward 8)

(a) Added Staff Presentation

11. DISCUSSION ITEMS

- 11.1 Farm 911 – Emergency Access Point Program (PED23209) (Wards 9, 10, 11, 12, 13 and 15)

(a) Added Staff Presentation

- 11.2 Staging of Development Report, 2024 - 2026 (PED23257) (City Wide)

(a) Added Staff Presentation

- 11.3 Municipal Protected Areas Project (PED23260) (City Wide)

(a) Added Written Submissions:

- (i) Irene and Bruce Thurston
- (ii) Peter Appleton
- (iii) Anne Washington
- (iv) Don Mclean
- (v) Lisa Cole
- (vi) Jan King
- (vii) Patricia Wilson
- (viii) Rose Janson
- (ix) Bird Friendly Hamilton Burlington
- (x) Susan Wortman
- (xi) John O'Connor
- (xii) Caroline Hill Smith
- (xiii) Margaret Tremblay
- (xiv) Gord McNulty

11.5 Hamilton Municipal Heritage Committee Report 23-011 –
WITHDRAWN

15. PRIVATE AND CONFIDENTIAL

- 15.1 Appeal to the Ontario Land Tribunal (OLT) for lands located at 117 Jackson Street East, Hamilton, for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-23-009) and Zoning By-law Amendment Application (ZAC-23-024) (LS23037) (Ward 2)
- 15.2 Appeal to the Ontario Land Tribunal for lands located at 1284 Main Street East, Hamilton, for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-23-006) and Zoning By-law Amendment Application (ZAC-23-012) (LS23039) (Ward 4)
- 15.3 Appeal to the Ontario Land Tribunal for lands located at 499 Mohawk Road East, Hamilton, for Lack of Decision on Official Plan Amendment Application (UHOPA-23-001) and Zoning By-law Amendment Application (ZAC-23-001) (LS23040) (Ward 7)
- 15.4 Appeal to the Ontario Land Tribunal (OLT) for Lands located at 262 McNeilly Road and 1036, 1038, 1054 and 1090 Barton Street, Stoney Creek, for Lack of Decision on Zoning By-law Amendment Application ZAC-20-043 and for Lack of Decision on Draft Plan of Subdivision Application (25T-202009) (OLT-21-001725) (LS22023(a)) (Ward 10)

CHANGE TO THE ORDER OF ITEMS:

Item 6.2, the delegation from Ron Vankleef is to be heard as the first delegation.

Items 12.1 respecting the Taxi Industry Review Request and 12.2 respecting Annual Inactive Taxi Plate Rate to be considered following the Delegations.

(Francis/M. Wilson)

That the agenda for the December 5, 2023 Planning Committee meeting be approved, as amended.

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

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

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) November 14, 2023 (Item 4.1)

(Tadeson/A. Wilson)

That the Minutes of the November 14, 2023 meetings be approved, as presented.

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

YES – Ward 1 Councillor M. Wilson

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

(d) DELEGATION REQUESTS (Item 6)

(i) Various Delegation Requests (Items 6.1 – 6.5 and Added Item 6.6)

(McMeekin/Tadeson)

That the following Delegation Requests Items 6.1 to 6.6, be approved as follows:

1. Jagtar Chahal respecting Reinstating Inactive License Fee for Inactive Taxi Plates (Item 12.2) (For today's meeting) (Item 6.1)
2. Ron Vankleef respecting Reinstating Inactive License Fee for Inactive Taxi Plates (Item 12.2) (For today's meeting) (Item 6.2)
3. Denrick Mushrave respecting Reinstating Inactive License Fee for Inactive Taxi Plates (Item 12.2) (For today's meeting) (Item 6.3)
4. Iftikhar Ahmed respecting Reinstating Inactive License Fee for Inactive Taxi Plates (Item 12.2) (For today's meeting) (Item 6.4)
5. Shannon Kyles, Architectural Conservancy of Ontario (Hamilton Region Branch), respecting 54 Hess Street (For the January 16, 2024 meeting) (Item 6.5)
6. Larry Roberge respecting Reinstating Inactive License Fee for Inactive Taxi Plates (Item 12.2) (For today's meeting) (Added Item 6.6)

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

YES – Ward 1 Councillor M. Wilson

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

(e) DELEGATIONS (Item 7)

(i) Delegation Requests respecting Taxi Licences (Item 7.1 and Added Items 7.2 to 7.6)

The Following delegations addressed the Committee respecting Reinstating Inactive License Fees for Inactive Taxi Plates (Item 12.2):

1. Ron Vankleef (Added Item 7.3)
2. Jagtar Chahal (Added Item 7.2)
3. Denrick Mushrave (Added Item 7.4)
4. Iftikhar Ahmed (Added Item 7.5)
5. Larry Roberge (Added Item 7.6) (Larry Roberge was unable to attend and his comments were read to the Committee by Larry Di Ianni)
6. Lloyd Ferguson (Item 7.1)

(McMeekin/Francis)

That the following Delegations respecting Reinstating Inactive License Fee for Inactive Taxi Plates, be received:

1. Ron Vankleef (Added Item 7.3)
2. Jagtar Chahal (Added Item 7.2)
3. Denrick Mushrave (Added Item 7.4)
4. Iftikhar Ahmed (Added Item 7.5)
5. Larry Roberge (Added Item 7.6) (Larry Roberge was unable to attend and his comments were read to the Committee by Larry Di Ianni)
6. Lloyd Ferguson (Added Item 7.1)

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

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

For disposition of this matter, refer to Item 9.

(f) PUBLIC HEARINGS (Item 10)

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

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

(i) Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13) (Deferred from the November 14th Meeting) (Item 10.1)

(A. Wilson/Kroetsch)

That Report PED23164, respecting Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13), be DEFERRED to a future meeting of the Planning Committee no later than Q1 2024.

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

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 NOT PRESENT – 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
 NOT PRESENT – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

**(ii) Application for a Zoning By-law Amendment for Lands Located at
1400 Limeridge Road East, Hamilton (PED23242) (Ward 6) (Item 10.2)**

(Kroetsch/Pauls)

That the staff presentation be waived.

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

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 NOT PRESENT – 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
 NOT PRESENT – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

Dave Aston, with MHBC Planning, was in attendance, and indicated support for the staff report.

(A. Wilson/Tadeson)

That the presentation from Dave Ashton, with MHBC Planning, be received.

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

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 NOT PRESENT – 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
 NOT PRESENT – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

Chair Danko called three times for any additional public delegations and no one came forward.

(Tadeson/Nann)

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

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

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

- (iii) **Application for a Zoning By-law Amendment for Lands Located at 81 and 87 Rymal Road East, Hamilton (PED23216) (Ward 8) (Item 10.3)**

(Tadeson/McMeekin)

That the staff presentation be waived.

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

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 NOT PRESENT – 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
 NOT PRESENT – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

Elizabeth Farrugia with GSP Group Inc., Ibtisam Safi with Elite Developments, and Steven Frankovich with S. Llewellyn & Associates Limited, were in attendance, and indicated support for the staff report.

(M. Wilson/Tadeson)

That the presentation from Elizabeth Farrugia with GSP Group Inc., Ibtisam Safi with Elite Developments, and Steven Frankovich with S. Llewellyn & Associates Limited, be received.

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

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 NOT PRESENT – 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
 NOT PRESENT – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson

YES – Ward 15 Councillor T. McMeekin

Chair Danko called three times for public delegations and no one came forward.

(A. Wilson/Danko)

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

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

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 NOT PRESENT – 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
 NOT PRESENT – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

Councillor Danko relinquished the Chair to Councillor M. Wilson.

(Danko/Kroetsch)

That Report PED23216, respecting Application for a Zoning By-law Amendment for Lands Located at 81 and 87 Rymal Road East, Hamilton (PED23216) (Ward 8) be DEFERRED to the January 16, 2024 Planning Committee meeting.

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

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 NOT PRESENT – 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
 NOT PRESENT – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

Councillor Danko assumed the Chair.

(iv) Increase to Building Permit Fees (PED23188) (City Wide) (Item 10.4)

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

(A. Wilson/Beattie)

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

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

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

(g) DISCUSSION ITEMS (Item 11)

(i) Staging of Development Report, 2024 - 2026 (PED23257) (City Wide) (Item 11.2)

Heather Travis, Manager Legislative Approvals/Staging Development, addressed the Committee with the aid of a PowerPoint presentation.

(A. Wilson/Kroetsch)

That the presentation from Heather Travis, Manager Legislative Approvals/Staging Development, be received.

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

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 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
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 NOT PRESENT – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 5.

(iii) Municipal Protected Areas Project (PED23260) (Item 11.3)

(A. Wilson/McMeekin)

That the following written submissions, be received:

1. Irene and Bruce Thurston (Added Item 11.3(a)(i))
2. Peter Appleton (Added Item 11.3(a)(ii))
3. Anne Washington (Added Item 11.3(a)(iii))
4. Don Mclean (Added Item 11.3(a)(iv))
5. Lisa Cole (Added Item 11.3(a)(v))
6. Jan King (Added Item 11.3(a)(vi))
7. Patricia Wilson (Added Item 11.3(a)(vii))
8. Rose Janson (Added Item 11.3(a)(viii))
9. Bird Friendly Hamilton Burlington (Added Item 11.3(a)(ix))
10. Susan Wortman (Added Item 11.3(a)(x))
11. John O'Connor (Added Item 11.3(a)(xi))
12. Caroline Hill Smith (Added Item 11.3(a)(xii))
13. Margaret Tremblay (Added Item 11.3(a)(xiii))
14. Gord McNulty (Added Item 11.3(a)(xiv))

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

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

For disposition of this matter, refer to Item 6.

(Kroetsch/Tadeson)

That the Committee recess from 12:15 p.m. to 12:45 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
 YES – Ward 3 Councillor N. Nann
 NOT PRESENT – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 NOT PRESENT – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

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

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

Steve Robichaud, Acting General Manager of Planning and Economic Development, asked Anita Fabac, Acting Director of Planning, to provide the yearly recap of the Planning Committee's activities. Anita Fabac advised Committee that 5,350 units had been approved, and 202 reports

had been brought to the Committee, with 58 of those being Statutory public meetings.

(A. Wilson/Tadeson)

That the Acting General Manager's update, be received.

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

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 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
 NOT PRESENT – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

(i) PRIVATE & CONFIDENTIAL (Item 15)

(Hwang/Tadeson)

That Committee move into Closed Session for Added Items 15.1, 15.2, 15.3 and 15.4, pursuant to Section 9.3, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Sub-sections (e), (f) and (k) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

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

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

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

- (i) **Appeal to the Ontario Land Tribunal (OLT) for lands located at 117 Jackson Street East, Hamilton, for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-23-009) and Zoning By-law Amendment Application (ZAC-23-024) (LS23037) (Ward 2) (Added Item 15.1)**

For disposition of this matter, refer to Item 13.

- (ii) **Appeal to the Ontario Land Tribunal for lands located at 1284 Main Street East, Hamilton, for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-23-006) and Zoning By-law Amendment Application (ZAC-23-012) (LS23039) (Ward 4) (Added Item 15.2)**

For disposition of this matter, refer to Item 14.

- (iii) **Appeal to the Ontario Land Tribunal for lands located at 499 Mohawk Road East, Hamilton, for Lack of Decision on Official Plan Amendment Application (UHOPA-23-001) and Zoning By-law Amendment Application (ZAC-23-001) (LS23040) (Ward 7) (Added Item 15.3)**

For disposition of this matter, refer to Item 15.

- (iv) **Appeal to the Ontario Land Tribunal (OLT) for Lands located at 262 McNeilly Road and 1036, 1038, 1054 and 1090 Barton Street, Stoney Creek, for Lack of Decision on Zoning By-law Amendment Application ZAC-20-043 and for Lack of Decision on Draft Plan of Subdivision Application (25T-202009) (OLT-21-001725) (LS22023(a)) (Ward 10) (Added Item 15.4)**

For disposition of this matter, refer to Item 16.

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

(Tadeson/Cassar)

That there being no further business, the Planning Committee be adjourned at 1:58 p.m.

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

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

Councillor J.P Danko, Chair
Planning Committee

Lisa Kelsey
Legislative Coordinator



Councillor Craig Cassar
Ward 12
City of Hamilton

January 3, 2024

By email

re: 392-412 Wilson St E and 15 Lorne Ave
Ontario Land Tribunal OLT 23-001076
January 25, 2024 Ontario Land Tribunal Merit Hearing

With the incredible events of the past few months regarding development and the behaviour of some developers, Ancaster Village Heritage Community (AVHC) respectfully requests Council to review the above upcoming matter carefully. It is our belief that Council is the only body that can protect the community from the inappropriate development behaviour exhibited in the last year.

AVHC believes the settlement for this property between the City and the developer at the Ontario Land Tribunal (OLT) in appeal OLT 22-003888 contains agreements for certain events to occur, and questions why the developer finds it necessary to file another OLT appeal that seems to negate its settlement agreement with the City.

If the Applicant is successful in this appeal AVHC believes one of the most significant heritage resources in the Ancaster Village core will be under threat of demolition.

For the reasons set out in Appendix A AVHC respectfully requests Council:

- To provide the most vigorous opposition possible at the January 25, 2024 OLT merit hearing into the above application; (Paragraph 1-7)
- To protect an important heritage asset. Determine the status of the 17 conditions this applicant agreed to prior to attempting to relocate Marr Philippo House and ensure the OLT is aware granting a building permit if conditions are not satisfied will likely result in the destruction of an important heritage building. (Paragraph 8-9)
- To ensure that all usual provisions of site planning required before a building permit is issued are completed given this development's potential negative impact on the Village Core. (Paragraph 10)

- To fully investigate if OLT will review its approval of this development. Deploy City legal resources to determine if OLT decision 22-03888 approving the settlement with the city can be reviewed and modified or rescinded given events of interference with the amendments to the Urban Hamilton Official Plan by the applicant. (Paragraph 11-15)

It appears there is a lot riding on the January 25, 2024 hearing. It can send a signal to all developers that the City will defend well thought through planning instruments.

AVHC respectfully requests the City to do what it takes to regain control of the planning process with this particular development, and across the city with all developments. Citizens have been left powerless by various provincial changes and it leaves only the city to vigorously defend well thought through planning instruments that shape our city for generations to come.

We thank you for consideration of these important matters and welcome any comments or questions.

Sincerely



Rowen Baker
Ancaster Village Heritage Community
admin@saveancaster.com

cc Mayor Andrea Horwath

Appendix A

1. AVHC understands the purpose of this Tribunal hearing is to force the City to issue a building permit to allow development to proceed.
2. There is no public participation possible in this OLT hearing so the community relies 100% on the City to defend our interests.
3. Given the events of the past year with regard to the rollback of the Urban Hamilton Official Plan, in particular the “cut and paste” changes that were imposed to the specific request of a representative of the applicant in this matter, AVHC asks Council to take every step possible to regain control of the planning process in our city.
4. AVHC finds it remarkable that such an OLT hearing is even possible given Ontario Bill 150, Planning Statute Law Amendment Act, 2023 which rolled back the changes to the Ancaster Wilson Street Secondary Plan imposed on the City by the Province. When the OLT appeal of the City decision not to approve the above development was heard by the OLT on August 1 and 22, 2023 it appeared to the OLT and the City that the development conformed with the Official Plan. Bill 150 rolled back the changes imposed on the Urban Hamilton Official Plan OLT relied on stating they were “deemed to have never been made” (Bill 150, Recission of Decisions, 1.1).

Thus, the decision of the OLT that the appeal of the Official Plan could be dismissed as the wording in August 2023 appeared to permit high density and 8 stories was based on wording that was “deemed to have never been made” and is now incorrect.

5. For the current appeal it appears the applicant is proceeding under Section 41.12 of the Planning Act which gives the City 30 days after submission of plans or drawings to approve them.

Applicant Agreed to Development Hold

6. However, among other agreements, there is a holding provision on the property resulting from the Settlement Agreement of July 26, 2023 between the applicant the City with regard to sewer capacity. If the OLT found for the applicant, that would negate the development hold agreed to by the applicant and the City. Unless the revised functional servicing report that the municipal sewer system has the capacity for this development has been completed and accepted by the City how can whatever has been submitted be deemed complete?

7. AVHC believes lack of sewer capacity is a significant community issue, a point both the City and the applicant agreed with in the settlement between the City and the applicant else there would be no need for the holding provision.

Protection of Marr Phillip House

8. While the Development Hold does not apply to work to move 398 Wilson St East allowing other construction around it prior to the fulsome assessment contemplated prior to attempting a move could be disastrous. An OLT decision for the applicant places the future of the heritage property Marr Phillip House in jeopardy. The applicant, in Paragraph 20 of the OLT decision on OLT-22-003888 accepting the settlement with the City in response to AVHC input to the Tribunal stated:

“Although there is no Ontario Heritage Act appeal currently before the Tribunal, Wilson St. Ancaster Inc. confirms that it will continue to work with the City of Hamilton to satisfy all conditions of its heritage permit.”

9. AVHC strongly requests Council to inquire as to the status of the work done on the 17 conditions it imposed on the Applicant to ensure any move of Marr Phillip House could be done without risk to the structure. If the applicant prevails at the current hearing AVHC fears issuance of a building permit while Marr Phillip House remains on the footprint of the approved structure with no approved plan to move it would simply ensure it will be demolished.

Negative Community Impact

10. There are many other issues such as access, impact of the development on an already choked road system, impact of increased traffic on adjoining heritage neighbourhoods that a normal site planning process could address. If OLT forces issuance of a building permit before these items are completed to the City's satisfaction it is a grave injustice to the community that has to live with an over-built structure.

Why Can't OLT Review Its Decision?

11. Section 23 of the Ontario Land Tribunal Act, 2021, SO 2021, c 4 Sched 6 gives the Tribunal wide latitude in reviewing or rescinding any of its decisions or orders:

“Review

23 Unless another Act specifies otherwise, the Tribunal may review, rescind or vary any order or decision made by it in accordance with the rules.”

12. AVHC has heard several times that an OLT decision is final and despite the malfeasance that occurred between developers and the province the approval of 8 stories for this development cannot be undone. It is AVHC's opinion that section 23 of the OLT Act gives the Tribunal the power to do this very thing.

13. Bill 150, Section 3.2 appears to AVHC to say that any decision of the OLT after the date Hamilton submitted its Official Plan for Approval (November 4, 2022) must conform to the Official Plan (which was wording prior to the infamous “cut and paste” amendment). OLT 22-00388 states the development is in conformance with the OP, but that was wording that Bill 150 states deemed to have not occurred. In AVHC’s view this decision is based on an OLT determination regarding the Official Plan that subsequent events rendered incorrect.

14. To AVHC it would appear the Tribunal, which has wide powers, could elect to rescind Decision OLT-22-00388 given the version of the Urban Hamilton Official Plan it relied on in its decision on has been rescinded.

The City has the legal resources to advocate for this change – resources which ordinary citizens simply do not have, so the community relies on the City.

15. AVHC asks why the Tribunal could not recognize that its decision was based on Official Plan wording that was put before it by the applicant and since rescinded and review the decision in that context?

54 Hess Street



Here is 54 Hess Street. It is a Second Empire residence, not only that, it is one of the most perfectly constructed stone Second Empire's in the country.



Belleville, brick



Belleville, brick



Paris, brick



Toronto, brick



Woodstock, brick

Hamilton is known for stone: 54 Hess is dressed Stone



Paris



Geneva

The global heritage tourism market size reached US\$ 564 Billion in 2022. Looking forward, IMARC Group expects the market to reach US\$ 714.4 Billion by 2028, exhibiting a growth rate (CAGR) of 4.10% during 2023-2028.

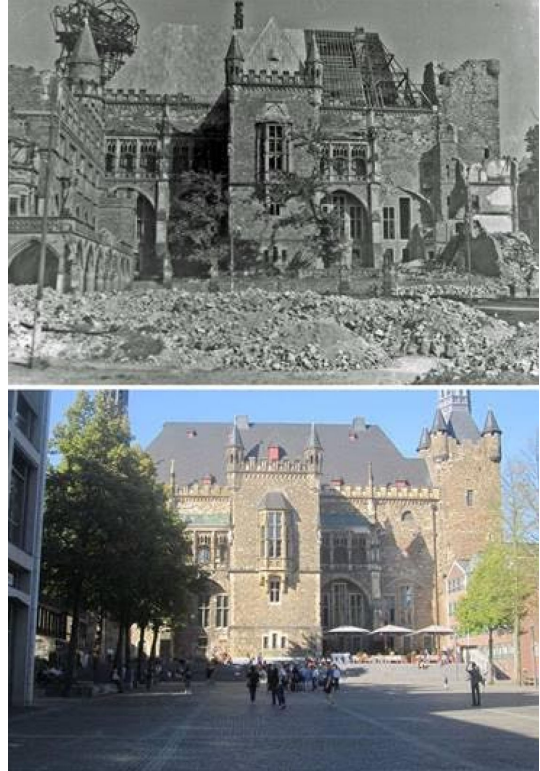
2.6 million Canadians identify themselves as heritage enthusiasts and are attracted Canada's unique historic places. In fact, 55% of this group ensure that they include Canada's historic places in their travel plans. Some historic places have, of course, figured this out!
https://www.historicplaces.ca/en/pages/15_heritage_tourism-tourisme_patrimonial-.aspx



Blois



Tallin



The three enemies of stone architecture are war, earthquakes, and prosperity.

54 Hess is worth saving. Let's just figure it out.



Frauenkirk Dresden, before and after



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 16, 2024
SUBJECT/REPORT NO:	Active Official Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED24008) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Shannah Evans (905) 546-2424 Ext. 1928
SUBMITTED BY:	Shannon McKie 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*.

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

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

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

SUBJECT: Active Official Plan (PED24008) (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 PED24008 is a table outlining the active Applications received prior to December 12, 2017, sorted by Ward, from oldest Application to newest. As of December 6, 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 December 6, 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 PED24008 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 December 6, 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 December 6, 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 PED24008 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 December 6, 2023, there were:

- 22 active Official Plan Amendment Applications;
- 42 active Zoning By-law Amendment Applications; and,
- 19 active Plan of Subdivision Applications.

SUBJECT: Active Official Plan (PED24008) (City Wide) - Page 3 of 3

As of December 6, 2023, three development proposals are approaching the 90 or 120 day statutory timeframe and will be eligible for appeal. Forty-five (45) development proposals have passed the 90 or 120 day statutory timeframe.

Planning Division Active Files

Combined to reflect property addresses, there are 60 active development proposals. Twenty (20) proposals are 2023 files (33%), 15 proposals are 2022 files (25%), and 25 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 PED24008 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 24 active appeals for non-decision of which one is a rezoning application, one is a subdivision application, five are a combined official plan and rezoning application, and 17 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 PED24008 - List of Active Development Applications (prior to December 12, 2017)
- Appendix "B" to PED24008 - List of Active Development Applications (after December 12, 2017, but before September 3, 2019)
- Appendix "C" to PED24008 - List of Active Development Applications (after September 3, 2019)
- Appendix "D" to PED24008 - *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 December 6, 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 December 6, 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.	2318
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.	2638
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.	2638
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.	3106

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective December 6, 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 December 6, 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	2932
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.	2349

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 December 6, 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 December 6, 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	1838
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	2002
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.	1941
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.	1884
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	1847

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective December 6, 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 December 6, 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	1983

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 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 December 6, 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 December 6, 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	1150
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	685
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	2225
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	348
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	1045

**Active Development Applications
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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 December 6, 2023
Ward 2 Continued								
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	351
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	347
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	347
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	355
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	504
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.	484

**Active Development Applications
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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.	588
25T-202305	75 Centennial Parkway North, Hamilton	23-Aug-23	n/a	6-Sep-23	n/a	21-Dec-23	Bousfields Inc.	104
ZAC-23-023	2481 Barton Street East, Hamilton	22-Dec-22	n/a	19-Jan-23	22-Mar-23	n/a	GSP Group Inc.	348
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.	347
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.	551
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.	356
Ward 7								
ZAC-22-016	48 Miles Road, Hamilton	25-Jan-22	n/a	10-Feb-22	25-Apr-22	n/a	IBI Group	663

**Active Development Applications
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(Effective December 6, 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.	1253
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	877
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	618
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	377
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	348
ZAC-23-050	164, 168 & 176 Rymal Road East, Hamilton	22-Nov-23	n/a	22-Nov-23	20-Feb-24	n/a	Metropolitan Consulting Inc.	15

**Active Development Applications
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Ward 9								
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	761
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	594
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	383
25T-202304	157 Upper Centennial Parkway, Stoney Creek	22-Dec-22	n/a	11-Apr-23	n/a	11-Aug-23	MHBC Planning Ltd.	348
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.	348
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	361

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective December 6, 2023)**

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Ward 10								
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.	1058
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	516
ZAC-23-004	48 Jenny Court	29-Nov-22	n/a	4-Jan-23	27-Feb-23	n/a	T. Johns Consulting Group	372
Ward 11								
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.	964
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	680
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	610
ZAC-22-055	2640 Binbrook Road, Glanbrook	16-Aug-22	n/a	18-Aug-22	14-Nov-22	n/a	IBI Group	477
25T-202203	9451 Dickenson Road West, Glanbrook	11-Nov-21	10-Dec21	20-Dec-21	n/a	11-Mar-22	Korsiuk Urban Planning	754

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective December 6, 2023)**

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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.	1300
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.	1110
25T-202105	700 Garner Road East, Ancaster	18-Jan-21	n/a	04-Feb-21	n/a	18-May-21	MHBC Planning Ltd.	1079
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	781
ZAC-23-010	299 Fiddlers Green Road, Ancaster	19-Dec-22	n/a	6-Jan-23	19-Mar-23	n/a	Wellings Planning Consultants	352
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	351
ZAC-23-048	459 & 465 Rymal Road West, Hamilton	17-Nov-23	n/a	20-Nov-23	15-Feb-23	n/a	MHBC Planning Ltd.	20

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective December 6, 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 December 6, 2023
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	1444
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.	1078
25T-201507R	74 Parkside Drive, Flamborough	11-Aug-22	n/a	18-Aug-22	n/a	17-Oct-22	IBI Group	482

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 December 6, 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
8	544 and 550 Rymal Road East, Hamilton	Rymal East Development Corp.	July 2023

**Planning Act Applications
Currently Appealed for Non-Decision to the
Ontario Land Tribunal (OLT)
(Effective December 6, 2023)**

	Address	Applicant /Agent	Date Appeal Received
Ward 9			
9	157 Upper Centennial Parkway, Stoney Creek	WEBB Planning Consultants Inc.	September 2017
Ward 10			
10	1036, 1038, 1054, 1090 Barton Street, and 262 McNeilly Road, Stoney Creek	Glen Schnarr & Associates Inc.	November 2021
11	1400 South Service Road, Stoney Creek	MHBC Planning Ltd.	November 2023
Ward 11			
12	526 Winona Road, Stoney Creek	Urban Solutions Planning & Land Development Consultants Inc.	June 2022
13	3160, 3168, 3180, and 3190 Regional Road 56, Binbrook	MHBC Planning Limited	November 2022
14	3064, 3070, 3078, 3084 Regional Road 56, Glanbrook	MHBC Planning Limited	November 2022
15	11, 19, 20, 21, 23, 27 & 30 Lakeside Drive, 81 Waterford Crescent, Stoney Creek	IBI Group	December 2022

**Planning Act Applications
Currently Appealed for Non-Decision to the
Ontario Land Tribunal (OLT)
(Effective December 6, 2023)**

	Address	Applicant /Agent	Date Appeal Received
Ward 12			
16	140 Garner Road, Ancaster	Urban Solutions Planning and Land Development Consultants Inc.	February 2022
17	1019 Wilson Street West, Ancaster	MHBC Planning Limited	July 2022
18	509 Southcote Road, Ancaster	Urban Solutions Planning and Land Development Consultants Inc.	June 2023
19	140 & 164 Sulphur Springs Road, Ancaster	Fothergill Planning & Development Inc.	July 2023
Ward 14			
20	801-870 Scenic Drive, Hamilton	Valery Developments Inc.	May 2021
Ward 15			
21	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

**Planning Act Applications
Currently Appealed for Non-Decision to the
Ontario Land Tribunal (OLT)
(Effective December 6, 2023)**

	Address	Applicant /Agent	Date Appeal Received
Ward 15 Continued			
22	111 Silverwood Drive (111 Parkside Drive, Flamborough (Waterdown))	Metropolitan Consulting Inc.	October 2017
23	30, 36 and 42 Dundas Street East, 50 Horseshoe Crescent, and 522 Highway 6, Flamborough	MHBC Planning	August 2021



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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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13) - Page 2 of 15

- (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

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13) - Page 3 of 15

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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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13) - Page 4 of 15

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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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13) - Page 5 of 15

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)

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13) - Page 6 of 15

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

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13) - Page 7 of 15

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

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13) - Page 8 of 15

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.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13) - Page 9 of 15

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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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13) - Page 10 of 15

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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	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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	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.

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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, 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

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

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

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

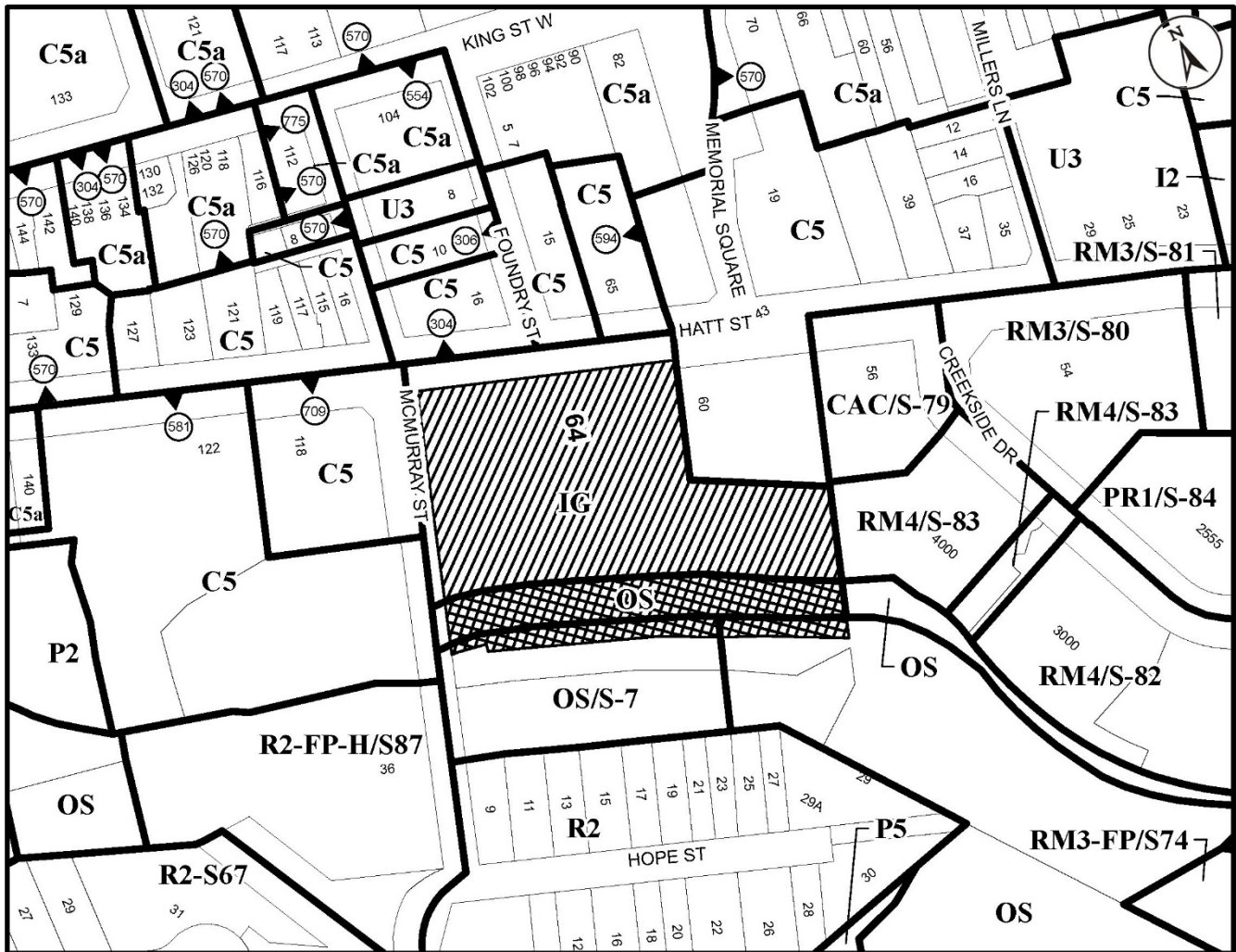
Should the application be denied, the subject lands could be utilized in accordance with the existing General Industrial (I.G) Zone, Open Space - Conservation Zone (OS), and Open Space - Conservation Zone (OS/S-7) within the Dundas Zoning By-law No. 3581-86. The General Industrial (I.G) Zone permits 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

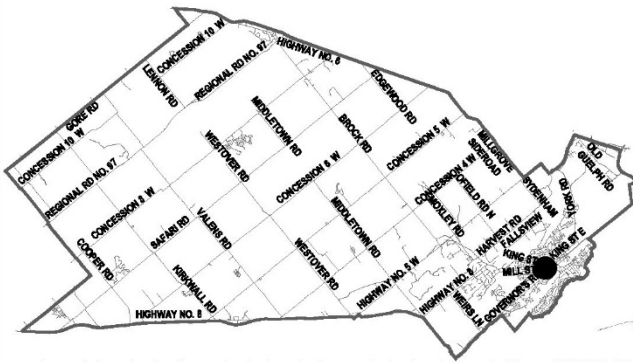
Appendix "A" to Report PED23164 – Location Map
 Appendix "B" to Report PED23164 – Draft Zoning By-law Amendment
 Appendix "C" to Report PED23164 – Concept Floor Plans
 Appendix "D" to Report PED23164 – Site Specific Modifications

SG:sd

Appendix "A" to Report PED23164
Page 1 of 1



● Site Location



Key Map - Ward 13

Location Map



Hamilton

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 "C" to Report PED23164
Page 1 of 2



2 Floor Plan-Office (Level 1)
1:200

1 Floor Plan-Office (Level 1)
1:200

Room No.	Room Name	Area	Color	Occupancy
101	Office	100	Blue	Office
102	Office	100	Blue	Office
103	Office	100	Blue	Office
104	Office	100	Blue	Office
105	Office	100	Blue	Office
106	Office	100	Blue	Office
107	Office	100	Blue	Office
108	Office	100	Blue	Office
109	Office	100	Blue	Office
110	Office	100	Blue	Office
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199	Office	100	Blue	Office
200	Office	100	Blue	Office

GENERAL NOTES

- The design is based on the information provided by the client. The client is responsible for providing accurate and complete information.
- The design is based on the information provided by the client. The client is responsible for providing accurate and complete information.
- The design is based on the information provided by the client. The client is responsible for providing accurate and complete information.



No.	Description	Date
1	REVISION	

TOMS + MCNALLY
DESIGN | ARCHITECTURE | INTERIORS | CONSTRUCTION

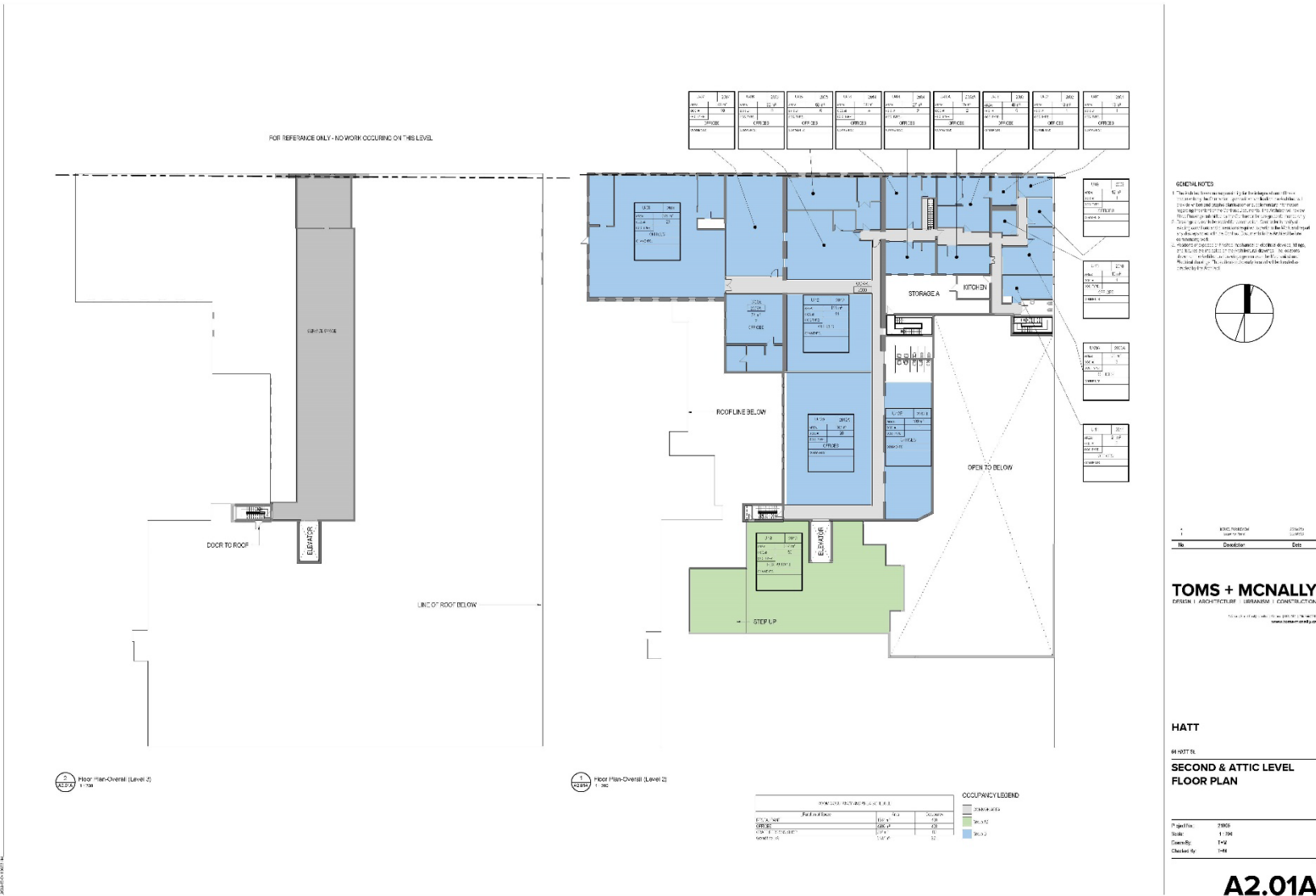
HATT

BASEMENT & GROUND LEVEL FLOOR PLAN

Project No: 2300
Scale: 1/200
Drawn By: TMM
Checked By: HMM

A2.01

Appendix "C" to Report PED23164 Page 2 of 2



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>



WELCOME TO THE CITY OF HAMILTON

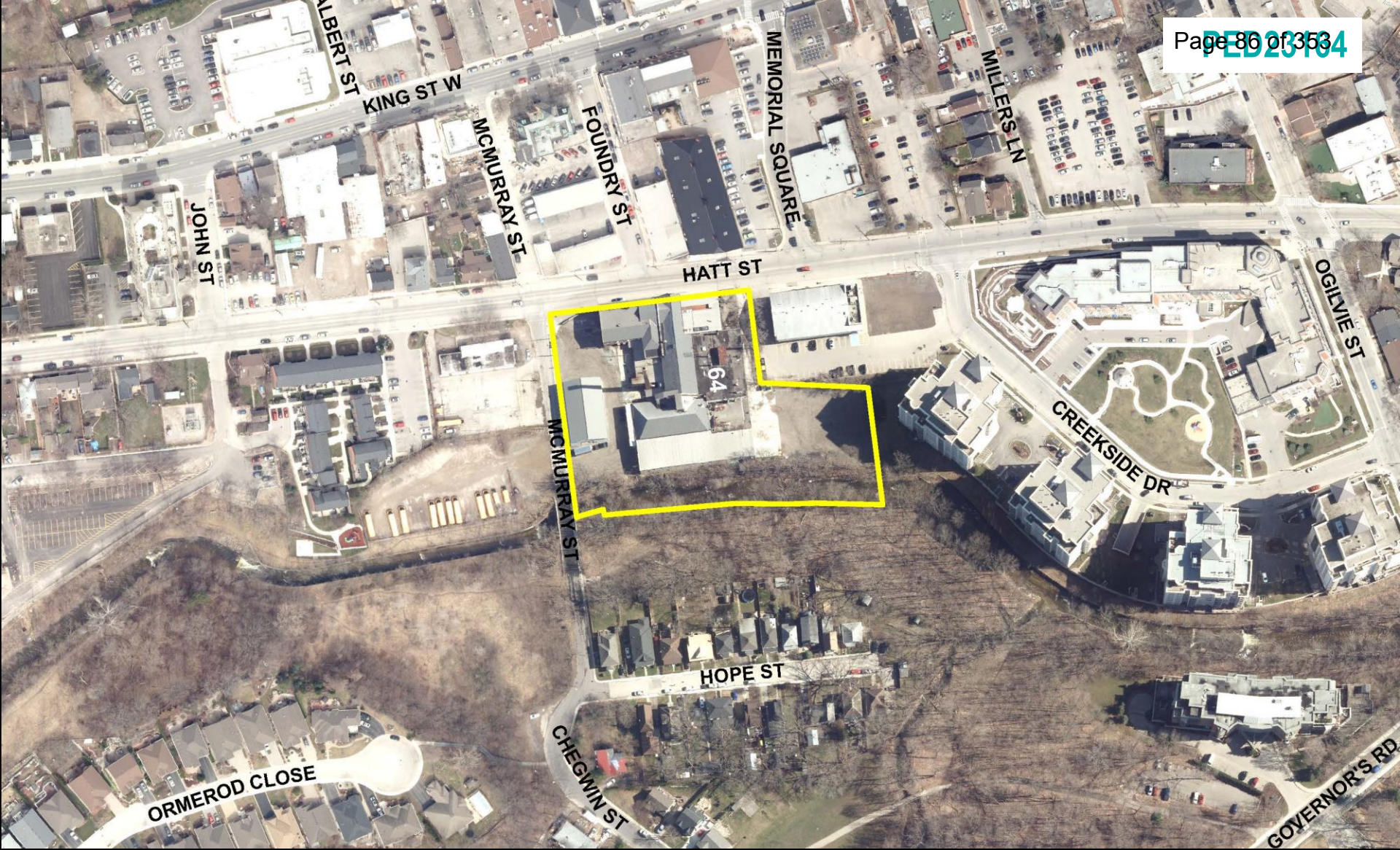
PLANNING COMMITTEE

November 14, 2023

PED23164 – (ZAC-22-044)

Application for a Zoning By-law Amendment for Lands Located at
64 Hatt Street, Dundas.

Presented by: Shaival Gajjar

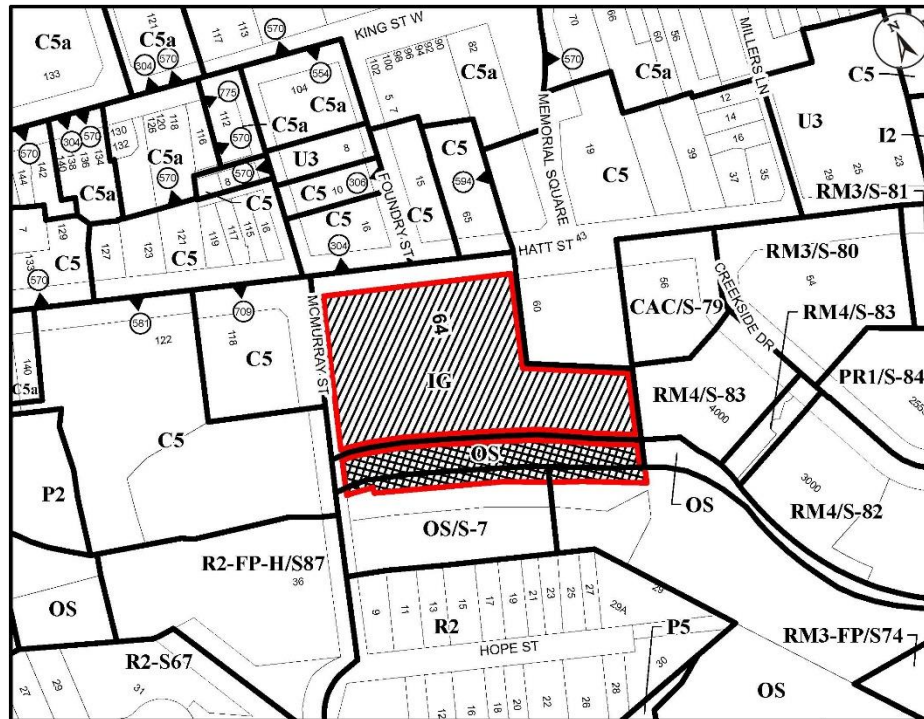


SUBJECT PROPERTY

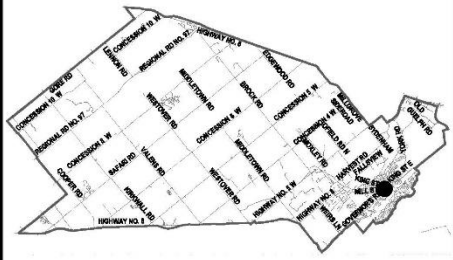


64 Hatt Street, Dundas





● 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"	Planner/Technician: SG/NB
Scale: N.T.S.	

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



A2.01





Looking south west at the subject property, from Hatt St



Looking south east at the subject property, from Hatt St



Looking West at the subject property, from McMurray St



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



Hamilton
Conservation
Authority

A Healthy Watershed for Everyone

BY E-MAIL

November 9, 2023

ZAC-22-044

Lisa Kelsey
Legislative Coordinator
Planning Committee
City of Hamilton
City Hall, 71 Main Street West, 1st Floor
Hamilton, ON L8P 4Y5

Dear Ms. Kelsey:

**Re: Notice of Public Meeting of the Planning Committee
Zoning By-law Amendment Application by 64 Hatt St Investments Inc. (c/o
Forge & Foster) for Lands Located at 64 Hatt Street, Dundas (Ward 13)**

The Hamilton Conservation Authority (HCA) is in receipt of the Notice of Public Meeting of the Planning Committee on November 14, 2023 in regards to the Zoning By-law Amendment (ZBA) application by 64 Hatt St Investments Inc. (c/o Forge & Foster) for Lands Located at 64 Hatt Street, Dundas. HCA understands the purpose of this application is to rezone the subject lands from the General Industrial (I.G) Zone to a modified Mixed Use Medium Density (C5, 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. The effect of this zoning change would allow the adaptive reuse of the existing building by permitting commercial uses within the existing industrial building.

HCA has provided earlier comments on the proposed ZBA application in a letter dated August 26, 2022. In those comments HCA identified concerns with the proposed change in land use given the property is affected by flooding and erosion hazards associated with Spencer Creek. Provincial policy (PPS) generally directs *development* to areas outside of hazardous lands, but does provide for flexibility in some cases, including where a Special Policy Area (SPA) has been approved. The subject property is located within the Dundas Two Zone Floodplain Area (UD-1) SPA. The policies of the SPA allow for limited development and redevelopment within the flood fringe portion of the floodplain subject to providing protection from flooding through the placement of fill and/or floodproofing.

In HCA staff's opinion the proposed development (change in land use) would have to meet the requirements of the SPA to be consistent with provincial policy related to natural hazards. Given no floodproofing of the existing building has been completed, HCA suggests the proposed change in land use to allow for commercial uses in the building would be inappropriate. The floodproofing requirements should be addressed now through the land use planning process to ensure compliance with the SPA policies of the City's Official Plan and the PPS. As such, HCA requests that consideration of the ZBA application for approval be deferred until such time as this issue has been resolved.

HCA kindly requests to be notified of the decision on the proposed ZBA application.

Yours truly,



Mike Stone MA, MCIP, RPP
Manager, Watershed Planning Services

Cc: Steve Robichaud, Chief Planner and Director of Planning, Planning & Economic Development
Jennifer Catarino, Area Planning Manager, West Team, Planning & Economic Development
Shaival Gajjar, Development Planner II, Planning & Economic Development

From: Anita Lauinger
Sent: November 21, 2023 9:42 AM
To: clerk@hamilton.ca
Subject: 64 hatt st /File ZAC-22-044

Good morning

My mother recently received your information regarding above location. It seemed very positive but my mother's first words after reading this notice was "What are the City planners going to be doing about parking???" I completely agreed with her and promised I'd send the City an email to ask the question.

We look forward to hearing from you on this matter.

Regards

A



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 5, 2023
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands Located at 81 and 87 Rymal Road East, Hamilton (PED23216) (Ward 8)
WARD(S) AFFECTED:	Ward 8
PREPARED BY:	Jennifer Catarino (905) 546-2424 Ext. 4748
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Zoning By-law Amendment Application ZAC-22-066 by GSP Group Inc. c/o Brenda Khes on behalf of Rymal Holding Ltd., owner**, for a change in zoning from the “AA” (Agricultural) District to the Transit Oriented Corridor Multiple Residential (TOC3, 874, H162) Zone, to permit an eight storey multiple dwelling containing 210 units and two, three storey multiple dwellings (townhouses) containing 10 dwelling units, on lands located at 81 and 87 Rymal Road East, as shown on Appendix “A” attached to Report PED23216, be **APPROVED**, on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED23216, 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 Transit Oriented Corridor Multiple Residential (TOC3, 874, H162) Zone;

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

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 81 and 87 Rymal Road East, Hamilton (PED23216) (Ward 8) - Page 2 of 12

- (i) That the properties municipally known as 81 and 87 Rymal Road East be merged in title, to the satisfaction of the Director of Planning and Chief Planner;
 - (ii) That the Owner submit a revised Functional Servicing Report to demonstrate 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, to the satisfaction of the Director of Development Engineering;
 - (iii) That the Owner submit a Stormwater Management Report and design to demonstrate there is a suitable storm outlet for the proposed development, to the satisfaction of the Director of Development Engineering;
 - (iv) That the Owner submit a Watermain Hydraulic Analysis identifying the modelled system pressures at pressure district level, under various boundary conditions and demand scenarios, to demonstrate that the municipal system can provide for required flows to support the proposed development, to the satisfaction of the Director of Development Engineering;
 - (v) That the Owner shall convey to the City, without cost and free of encumbrance, the road widening as shown on the DiCenzo Sobie Draft Plan of Subdivision 25T-87032 through a future Site Plan Control application, to the satisfaction of the Director of Development Engineering;
 - (vi) That the Owner enter into and register on title of the lands, an External Works Agreement with the City, in accordance with the Functional Servicing Report and Watermain Hydraulic Analysis, for the design and construction of any required improvements to the municipal infrastructure including the DiCenzo Drive extension, at the Owner's cost, as upgrades are required to the infrastructure to support the development, 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.

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

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

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 81 and 87 Rymal Road East, Hamilton (PED23216) (Ward 8) - Page 3 of 12

EXECUTIVE SUMMARY

The subject property is municipally known as 81 and 87 Rymal Road East and is located east of Upper James Street and north of Rymal Road East. The Owner has applied for an amendment to the City of Hamilton Zoning By-law No. 6593 to rezone the lands from the “AA” (Agricultural) District to the Transit Oriented Corridor Multiple Residential (TOC3, 874, H162) Zone. The effect of the Zoning By-law Amendment would permit the lands to be developed for a 210 unit, eight storey multiple dwelling with two levels of underground parking, and two, three storey multiple dwellings (townhouses) containing 10 dwelling units, as shown on Appendix “D” attached to Report PED23216. Site specific modifications to the Transit Oriented Corridor Multiple Residential (TOC3) Zone are required to facilitate the proposed development, which are discussed in detail in Appendix “C” attached to Report PED23216.

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

- It is consistent with the Provincial Policy Statement (2020);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the Urban Hamilton Official Plan, in particular, the function, scale and design of the “Neighbourhoods” designation, Residential Infill, and Urban Design policies; and,
- The proposal provides a built form that is compatible with the surrounding land uses in the immediate area, and represents good planning by, among other things, proposing an efficient urban form along an arterial road, increasing the supply of housing units, and makes efficient use of existing municipal infrastructure on an underutilized site.

Alternatives for Consideration – See Page 12

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.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 81 and 87 Rymal Road East, Hamilton (PED23216) (Ward 8) - Page 4 of 12

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	Rymal Holdings Ltd. (c/o Elite Developments).
Applicant:	GSP Group Inc. (c/o Brenda Khes).
File Number:	ZAC-22-066.
Type of Application:	Zoning By-law Amendment.
Proposal:	<p>To permit the development of an eight storey multiple dwelling with 210 dwelling units, two, three storey multiple dwellings (townhouses) containing 10 dwelling units, and 157 vehicle parking spaces consisting of 11 surface parking spaces and 146 underground parking spaces over two levels with access from Rymal Road East.</p> <p>A total of 1,024 square metres of outdoor amenity area is proposed, which includes 218 square metres of amenity space within the eight storey multiple dwelling on the fourth floor, a total of 308 square metres at grade for the two, three storey multiple dwellings (townhouses) and 183 square metres along the westerly property boundary.</p> <p>In addition, 24 short term bicycle parking spaces and 125 long term bicycle parking spaces are proposed.</p>
Property Details	
Municipal Address:	81 and 87 Rymal Road East.
Lot Area:	0.73 ha.
Servicing:	Existing full municipal services available.
Existing Use:	Single detached dwellings.
Proposed Use:	An eight storey multiple dwelling with 210 dwelling units and two, three storey multiple dwellings (townhouses) containing 10 dwelling units.

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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.

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 81 and 87 Rymal Road East, Hamilton (PED23216) (Ward 8) - Page 5 of 12

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:	“Secondary Corridor” and “Neighbourhoods” on Schedule “E” – Urban Structure and “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations.
Official Plan Proposed:	No amendment proposed.
Zoning Existing:	“AA” (Agricultural) District.
Zoning Proposed:	Transit Oriented Corridor Multiple Residential (TOC3, 874, H162) Zone.
Modifications Proposed:	<p>The following modifications have been requested by the Applicant:</p> <ul style="list-style-type: none"> • To reduce the finished floor elevation for any dwelling to 0.25 metres; • To increase the maximum building height to 26.5 metres for the eight storey multiple dwelling; • To reduce the minimum rear yard to 4.5 metres for the multiple dwellings (townhouses); and, • To reduce the minimum setback for mechanical and unitary equipment to 1.0 metre from the street line. <p>The following staff-initiated modifications are recommended:</p> <ul style="list-style-type: none"> • To increase the driveway width for site ingress and egress to 7.5 metres in width; • To reduce the minimum building height to 10.3 metres for the three storey multiple dwellings (townhouses); and, • To reduce the minimum interior side yard to 3.0 metres. <p>A complete analysis of the proposed modifications is attached as Appendix “C” to Report PED23216.</p>
Processing Details	
Received:	October 24, 2022.
Deemed complete:	November 24, 2022.

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 81 and 87 Rymal Road East, Hamilton (PED23216) (Ward 8) - Page 6 of 12

Processing Details	
Notice of Complete Application:	Sent to 54 property owners within 120 metres of the subject property on December 5, 2022.
Public Notice Sign:	Posted on December 9, 2022 and updated with public meeting date prior to November 27, 2023.
Notice of Public Meeting:	Sent to 54 property owners within 120 metres of the subject property on November 27, 2023.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix "F" attached to Report PED23216.
Public Consultation:	A Public Information Meeting was held on May 31, 2023 with invitations sent to residents within 250 metres of the subject lands on May 10, 2023. The applicant did not receive any feedback as a result of their consultation as no members of the public attended the meeting.
Public Comments:	No comments received.
Processing Time:	323 days from date of receipt of initial application. 92 days from receipt of the Traffic Impact Assessment.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Single detached dwellings.	"AA" (Agricultural) District.
Surrounding Land Uses:		
North	Vacant and woodlot.	"C-S/1822" (Urban Protected Residential, Etc.) District, Modified.
South	Single detached dwellings.	"B" (Suburban Agricultural and Residential, etc.) District.
East	Single detached dwelling and vacant.	"AA" (Agricultural) District.
West	Commercial (Auto Dealership).	Mixed Use Medium Density (C5, 318) Zone.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 81 and 87 Rymal Road East, Hamilton (PED23216) (Ward 8) - Page 7 of 12

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the Provincial Policy Statement (2020) and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

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

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

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

Urban Hamilton Official Plan

The subject lands are identified as “Secondary Corridor” and “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan. The subject lands are located at the southern edge of the Ryckmans Neighbourhood and immediately east of the Upper James Street commercial node.

Secondary Corridors are intended to provide opportunities for creating vibrant pedestrian and transit-oriented places through residential intensification, and investments in infrastructure to support higher densities. The proposal intends to achieve the planned function of Rymal Road East as a “Secondary Corridor” through intensification of the subject lands and the addition of a variety of dwelling types.

The proposal is located along Rymal Road East, which is identified as “Potential Higher Order Transit” in Appendix “B” attached to Report PED23216 – Major Transportation Facilities and Routes in the Urban Hamilton Official Plan. The proposal intends to

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 81 and 87 Rymal Road East, Hamilton (PED23216) (Ward 8) - Page 8 of 12

increase the supply of housing in the immediate area to support existing transit services and future higher order transit infrastructure.

“Neighbourhoods” designated areas are characterized as complete communities that include a range of residential dwelling types and supporting uses to serve local residents. The proposal for the development of an eight storey multiple dwelling containing 210 units and two, three storey multiple dwellings (townhouses) containing 10 dwelling units meets the intent of the “Neighbourhoods” designation.

The Applicant has submitted a Sun/Shadow Study prepared by SRM Architects Inc. dated September 26, 2022 that demonstrates how the proposal maintains a minimum of three hours of sun coverage as set out in the City’s Sun Shadow Guidelines. In addition, the proposal allows for a minimum of 50% sun coverage at all times of day on public open spaces, public sidewalks and private outdoor amenity areas.

The Applicant has committed to providing 220 dwelling units comprised of 56% one bedroom and studio units (123 units), 32% one bedroom plus den units (71 units), 7% two bedroom units and two bedroom plus den units (16 units) within the eight storey multiple dwelling, as well as 5% three bedroom units (10 units) within the multiple dwellings (townhouses). Staff are satisfied the proposal provides a mix of dwelling units to accommodate a range of household sizes.

The Applicant has submitted an Angular Plane drawing prepared by SRM Architects Inc. dated March 14, 2023, illustrating that a 45 degree angular plane is maintained for the eight storey multiple dwelling which will mitigate impacts to the low density residential uses to the east. The building has been designed with a stepback at the third and seventh storeys along the southern portion of the eastern building façade. The proposed multiple dwellings (townhouses) are consistent with the three storey maximum building height for low density residential areas and are consistent with the anticipated form of development for the surrounding neighbourhood.

In the Urban Design Brief, prepared by GSP Group dated September 2022, it was noted that approximately 29.6% of the landscaped area is proposed to provide permeable paving to assist with storm-water management. In addition, the building design scale proposes a balanced solid-to-glazing ratio anticipated to reduce the energy requirements for heating and cooling. The Planning Justification Report prepared by GSP Group and dated October 2022 notes that sustainable building design and principles will be further explored through the Site Plan Control stage.

The proposal is compatible with the existing and planned uses identified in the Ryckmans Neighbourhood Plan, which was intended to be developed as a low density residential area. A required road dedication along the northern property line of the

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 81 and 87 Rymal Road East, Hamilton (PED23216) (Ward 8) - Page 9 of 12

subject lands will facilitate the extension of DiCenzo Drive and connect the proposed development to the surrounding low density residential uses. DiCenzo Drive is anticipated to extend west and curve to the north behind the existing commercial uses along Upper James Street, ultimately connecting to the Stonegate Park development and DiCenzo Sobie subdivision (25T-87032).

The proposed multiple dwellings (townhouses) are rotated inward, towards an internal amenity space, which creates rear yards where interior side yards would be anticipated. The concept plan, attached as Appendix “D” to Report PED23216, indicates that planting and tree canopies will be provided along the rear of the three storey multiple dwellings (townhouses). These features will reduce the impact of future overlook concerns and mitigate against privacy concerns from the adjacent properties to the east. The orientation of the multiple dwellings (townhouses) provides a transition between the existing commercial uses, proposed eight storey multiple dwelling and the surrounding low density residential uses. Through the Site Plan Control process, staff will ensure the last unit of the proposed townhouses is designed to front onto DiCenzo Drive to maintain a connection to the broader neighbourhood.

The existing car dealership property that is adjacent to the subject lands and extends to the future DiCenzo Drive, is designated “Mixed Use – Medium Density” in the Urban Hamilton Official Plan and zoned Mixed Use Medium Density (C5) Zone. This change has precluded the adjacent lands from developing in accordance with the Ryckmans Neighbourhood Plan, which anticipated low density residential along DiCenzo Drive. There is an existing surface parking lot at the rear of the car dealership and the City is not aware of any plans to redevelop these lands.

The proposed three storey multiple dwellings (townhouses) provide an intervening land use between the proposed eight storey multiple dwelling and existing and proposed low density residential uses to the north. The lands along the north side of the planned DiCenzo Drive extension have not been included within the DiCenzo Sobie subdivision. This Zoning By-law amendment will not impact the orderly development of the lands along the planned DiCenzo Drive extension.

Staff are satisfied that the proposal achieves orderly development that meets the intent of the Ryckmans Neighbourhood Plan and the long term vision for DiCenzo Drive. The neighbourhood was envisioned as a residential area providing access to parks, institutional and commercial uses. The development proposal removes the envisioned cul-de-sac from the Neighbourhood Plan that intended to service low density residential lots, however, the proposed development provides additional density and an alternative built form that complements the existing low density residential uses. The multiple dwellings (townhouses) provide an adequate transition from the existing commercial uses, proposed eight storey multiple dwelling and surrounding low density residential

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 81 and 87 Rymal Road East, Hamilton (PED23216) (Ward 8) - Page 10 of 12

uses. Overlook and privacy concerns were considered, and the proposed setbacks and height are not anticipated to conflict with future low density residential development along DiCenzo Drive.

In addition, the proposal demonstrates that an increase in building height to eight storeys is appropriate by meeting the evaluation criteria (i.e. progressive building setbacks, reduced shadow impacts, mix of unit sizes and sustainable design principles, etc.) within the “Medium Density Residential” policies of the “Neighbourhoods” designation. The proposed development is providing a variety of unit sizes and dwelling types that complement the planned function of the area.

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

Zoning By-law No. 05-200

The proposed Zoning By-law Amendment is for a change in zoning from “AA” (Agricultural) District to Transit Oriented Corridor Multiple Residential (TOC3, 874, H162) Zone. The effect of this Zoning By-law Amendment will permit an eight storey multiple dwelling containing 210 units and two, three storey multiple dwellings (townhouses) containing 10 dwelling units. Modifications to the Transit Oriented Corridor Multiple Residential (TOC3) 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 PED23216.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (ii) It complies with the general intent and purpose of the Urban Hamilton Official Plan, in particular, the function, scale and design of the “Neighbourhoods” designation, and Residential Intensification, Urban Design and Secondary Corridor Policies; and,
 - (iii) It is considered to be a compatible built form with the existing urban landscape in the immediate area, and represents good planning by, among other things, providing a compact and efficient urban form along an existing transit route, adding to the range of housing types and supporting

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 81 and 87 Rymal Road East, Hamilton (PED23216) (Ward 8) - Page 11 of 12

the development of a complete community.

2. Zoning By-law Amendment

The subject lands are zoned “AA” (Agricultural) District in Zoning By-law No. 6593. The Zoning By-law Amendment proposes to change the zoning to the Transit Oriented Corridor Multiple Residential (TOC3, 874, H162) Zone.

The proposal complements the existing planned functions of the “Neighbourhoods” designation by intensifying an underutilized lot along an arterial road in proximity to a major transit route. The proposed height increase can be supported as the eight storey multiple dwelling meets the criteria for additional height set out in the “Neighbourhoods” designation of the Urban Hamilton Official Plan. Staff are satisfied that the proposal meets the intent of the “Neighbourhoods” designation policies and applicable intensification policies of the Urban Hamilton Official Plan, as outlined in Appendix “E” attached to Report PED23216.

Building step backs, setbacks and the inclusion of the three storey multiple dwellings as an intervening built form reduces the impact of the building height on the abutting low density residential uses. This proposed Zoning By-law Amendment will not impact the orderly development of the lands along the north and south sides of the planned DiCenzo Drive extension. As illustrated in the Angular Plan analysis submitted, stepbacks have been incorporated into the building design. Staff are satisfied that the proposed development is considered orderly development and meets the intent of what was envisioned for DiCenzo Drive and the Ryckmans Neighbourhood Plan.

Modifications to permit a reduced finished floor elevation, reduced setbacks (i.e. rear yard, side yard and mechanical and utility equipment) are considered minor in nature and meet the general intent of the Zoning By-law. It is staff’s opinion that the proposed amendments meet the general intent of Zoning By-law No. 05-200. An analysis of the requested modifications is provided in Appendix “C” attached to Report PED23216.

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

3. Holding Provision

A Holding “H” Provision is proposed to be added to the subject lands to ensure 81 and 87 Rymal Road East are merged in title to facilitate a comprehensively

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 81 and 87 Rymal Road East, Hamilton (PED23216) (Ward 8) - Page 12 of 12

planned development. The Owner or Applicant shall demonstrate through the submission of a Functional Servicing Report and Water Hydraulic Analysis that the proposal has adequate capacity in the existing municipal infrastructure system. The Owner is also required to dedicate the right-of-way width, as shown on the DiCenzo Sobie Draft Plan of Subdivision 25T-87032. Further, the applicant is required to pay their proportional share of the cost to complete the street. In addition, the Owner shall enter into and register on title an External Works Agreement with the City of Hamilton for any municipal infrastructure improvements. Upon submission and approval of the above noted information, the Holding Provision can be lifted.

Therefore, staff support the proposed Zoning By-law Amendment.

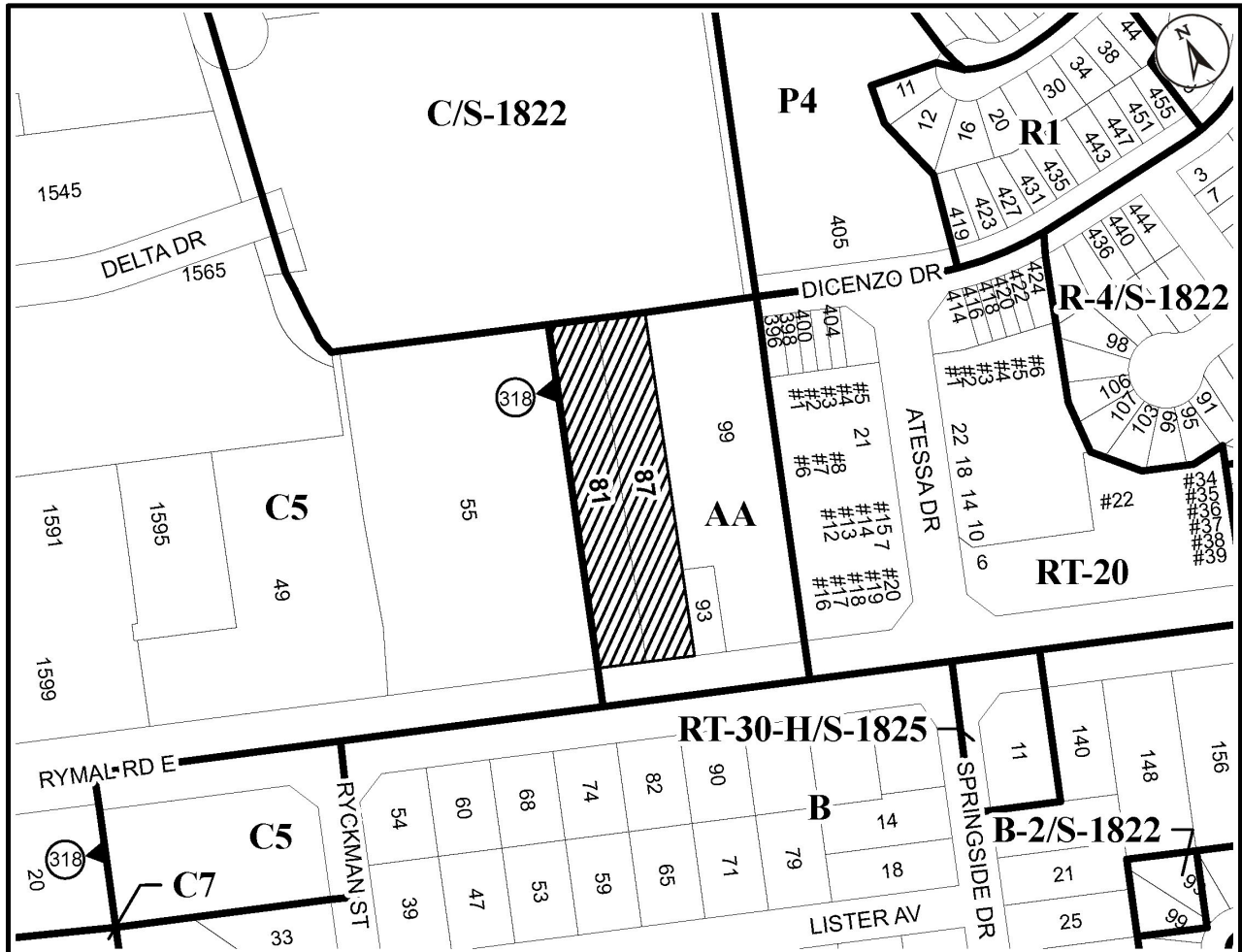
ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the subject property can be used in accordance with the "AA" (Agricultural) District in former City of Hamilton Zoning By-law No. 6593.

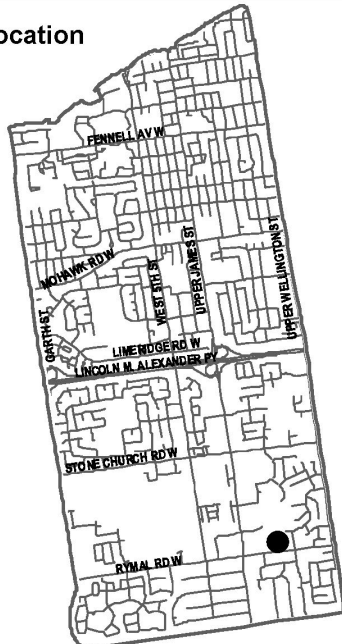
APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED23216 – Location Map
Appendix "B" to Report PED23216 – Amendment to Zoning By-law No. 05-200
Appendix "C" to Report PED23216 – Zoning Modification Table
Appendix "D" to Report PED23216 – Concept Plan and Elevation Drawings
Appendix "E" to Report PED23216 – Policy Review
Appendix "F" to Report PED23216 – Staff and Agency Comments

JC:sd



● Site Location



Key Map - Ward 8

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-22-066

Date:
August 4, 2023

Appendix "A"

Scale:
N.T.S

Planner/Technician:
AB/VS

Subject Property

81 & 87 Rymal Road East



Lands to be added to Zoning By-law No. 05-200 as Transit Oriented Corridor Multiple Residential (TOC3, 874, H162) Zone



Appendix “B” to Report PED23216**Page 1 of 5**

Authority: Item ,
Report
CM:
Ward: 8

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

**To Amend Zoning By-law No. 05-200
with respect to lands located at 81 and 87 Rymal Road East, Hamilton**

WHEREAS Council approved Item ___ of Report PED23216 of the Planning Committee, at its meeting held on December 5, 2023.

WHEREAS this By-law conforms to the Urban Hamilton Official Plan and,

NOW THEREFORE the Council of the City of Hamilton enacts Zoning By-law No. 05-200 as follows:

1. That Map No. 1395 of Schedule “A” – Zoning Maps is amended by adding the Transit Oriented Corridor Multiple Residential (TOC3, 874, H162) Zone for the lands known as 81 and 87 Rymal Road East as shown on Schedule “A” attached to this By-law.
2. The Schedule “C” – Special Exceptions is amended by adding the following new Special Exception:

“874. Within lands zoned Transit Oriented Corridor Multiple Residential (TOC3) Zone, identified on Map 1395 of Schedule “A” – Zoning Maps and described as 81 and 87 Rymal Road East, the following provisions shall apply:

- a) Notwithstanding Sections 11.3.1.1 i) 1., 11.3.2 e) ii), 11.3.2 e) iii), 11.3.2 f) v) and 4.9 a) the following regulations shall apply:

- | | | |
|-----|--|--|
| i) | Restriction of Uses
Within a Building | The finished floor elevation of any dwelling shall be a minimum 0.25 metres above grade. |
| ii) | Building Height | <ol style="list-style-type: none"> 1. Maximum 26.5 metres. 2. Minimum 10.3 metres. |

Appendix “B” to Report PED23216**Page 2 of 5**

3. Notwithstanding 1. above, any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum yard requirement established in subsection iii) and v) below, when abutting a Residential or Institutional Zone, to a maximum of 26.5 metres.
- | | | |
|------|----------------------------------|--|
| iii) | Minimum Interior Side Yard | <p>1. 3.0 metres.</p> <p>2. Notwithstanding 1. above, 7.5 metres shall be required for any building exceeding 11.0 metres in height.</p> <p>3. Notwithstanding 1. and 2. above, a Minimum Interior Side Yard shall not be required for any portion of a property line abutting a Mixed Use Medium Density (C5) Zone.</p> |
| iv) | Built Form for New Development | Maximum of one 7.5 metre wide driveway shall be permitted for ingress and egress. |
| v) | Rear Yard | Minimum 4.5 metres. |
| vi) | Mechanical and Unitary Equipment | Shall be located within a required front yard, provided such equipment shall have a minimum setback of 1.0 metre from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping.” |

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

“162” Notwithstanding Section 11.3 on lands zoned Transit Oriented Corridor Multiple Residential (TOC3, 874, H162) Zone, identified on Map 1395 of Schedule

Appendix “B” to Report PED23216**Page 3 of 5**

“A” – Zoning Maps and described as 81 and 87 Rymal Road East, no development shall be permitted until such time as:

- i) That the properties municipally known as 81 and 87 Rymal Road East be merged in title, to the satisfaction of the Director of Planning and Chief Planner.
 - ii) That the Owner submit a revised Functional Servicing Report to demonstrate 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, to the satisfaction of the Director of Development Engineering.
 - iii) That the Owner submit a Stormwater Management Report and design to demonstrate there is a suitable storm outlet for the proposed development, to the satisfaction of the Director of Development Engineering.
 - iv) That the Owner submit a Watermain Hydraulic Analysis identifying the modelled system pressures at pressure district level, under various boundary conditions and demand scenarios, to demonstrate that the municipal system can provide for required flows to support the proposed development, to the satisfaction of the Director of Development Engineering.
 - v) That That the Owner shall convey to the City, without cost and free of encumbrance, the road widening as shown on the DiCenzo Sobie Draft Plan of Subdivision 25T-87032 through a future Site Plan Control application, to the satisfaction of the Director of Development Engineering.
 - vi) That the Owner enter into and register on title of the lands, an External Works Agreement with the City, in accordance with the Functional Servicing Report and Watermain Hydraulic Analysis, for the design and construction of any required improvements to the municipal infrastructure including the DiCenzo Drive extension, at the Owner’s cost, as upgrades are required to the infrastructure to support the development, 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 Transit Oriented Corridor Multiple Residential (TOC3, 874, H162) Zone, subject to the special requirements referred to in Section Nos. 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*.

Appendix "B" to Report PED23216
Page 4 of 5

PASSED this _____ , _____

A. Horwath
Mayor

J. Pilon
Acting City Clerk

ZAC-22-066



<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 1395</p>	<p>Subject Property</p> <p>81 & 87 Rymal Road East</p> <p> Lands to be added to Zoning By-law No. 05-200 as Transit Oriented Corridor Multiple Residential (TOC3, 874, H162) Zone</p>
--	--

<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-22-066</p>	
<p>Date: August 4, 2023</p>	<p>Planner/Technician: AB/VS</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

Appendix “C” to Report PED23216
Page 1 of 4

Site Specific Modifications to the Transit Oriented Corridor Multiple Residential (TOC3, 874, H162) Zone

Regulation	Required	Modification	Analysis
Restriction of Uses Within a Building	The finished floor elevation of any dwelling shall be a minimum 0.9 metres above grade.	Minimum 0.25 metres above grade.	<p>A minimum 0.25 metre finished floor elevation is in keeping with the intent of the Zoning By-law as physical delineation between the public realm and the private space of the residential dwelling units are proposed to be maintained through interior facing building orientation and the use of landscaping to screen dwellings from public view along the streetscape. This regulation applies to both the eight storey multiple dwelling and the two, three storey multiple dwellings (townhouses).</p> <p>The proposed site grading design precludes the ability to provide a 0.9 metre finished floor elevation, as it would require access ramps and stairways at ingress/egress locations from the multiple dwelling. The units proposed at grade may also facilitate barrier free ground floor access.</p> <p>Therefore, staff supports this modification.</p>
Building Height	Minimum 11.0 metres for Emergency Shelter, Lodging House, Multiple Dwelling, Residential Care Facility, Retirement Home	Minimum 10.3 metres.	<p>The Transit Oriented Corridor Multiple Residential (TOC3) Zone requires a minimum height of 11.0 metres to ensure that a minimum of two storeys is developed to accommodate a mix of uses along transit corridors. The proposed reduction in minimum building height is intended to accommodate the two, three storey multiple dwellings. The reduction in building height is compatible with the surrounding neighbourhood context as it acts as a transition from the eight storey multiple dwelling to the surrounding low density residential uses of the neighbourhood. The height of the multiple dwellings (townhouses) will support the pedestrian oriented uses along DiCenzo Drive and the anticipated residential uses that will complete the Ryckmans Neighbourhood.</p>

Appendix “C” to Report PED23216

Page 2 of 4

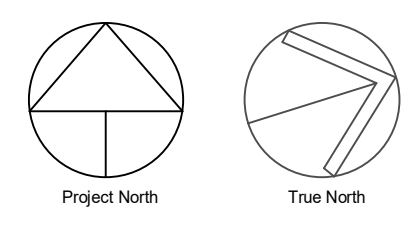
Regulation	Required	Modification	Analysis
Building Height	Minimum 11.0 metres for Emergency Shelter, Lodging House, Multiple Dwelling, Residential Care Facility, Retirement Home (Continued)		The Transit Oriented Corridor Multiple Residential (TOC3) Zone includes the requirement for greater setbacks as buildings become taller. If a taller building is proposed to replace the two, three storey multiple dwellings, a greater setback would be required, and development would be more aligned within the centre of the subject lands. Therefore, staff supports this modification.
Building Height	Maximum 22.0 metres for Emergency Shelter, Lodging House, Multiple Dwelling, Residential Care Facility, Retirement Home	Maximum 26.5 metres.	The proposed building height for the eight storey building is compatible with the surrounding neighbourhood through the design of building step backs at the third storey and seventh storey of the multiple dwelling to ensure that overlook and privacy impacts are minimized on the existing residential uses east and south. Therefore, staff supports this modification.
Building Height	Any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum yard requirement established in Section 11.3.2 b) and c) above, when abutting a Residential or Institutional Zone, a maximum of 22.0 metres.	Notwithstanding, any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum yard requirement established in when abutting a Residential or Institutional Zone, to a maximum of 26.5 metres.	To ensure that adequate transitions occur between the proposed development and adjacent uses, an incremental increase to the height will require increases to the yard setbacks to a maximum building height of 26.5 metres. Therefore, staff supports this modification.

Appendix “C” to Report PED23216
Page 3 of 4

Regulation	Required	Modification	Analysis
Minimum Interior Side Yard	7.5 metres for lots abutting a Single Detached Dwelling, Semi-detached Dwelling, and Street Townhouse.	3.0 metres.	<p>The proposed multiple dwellings (townhouses) are rotated inward, towards an internal amenity space, which creates rear yards where interior side yards would be anticipated. The concept plan, attached as Appendix “D” to Report PED23216, indicates that planting and tree canopies will be provided along the rear of the multiple dwellings (townhouses). These features will help to reduce the impact of future overlook concerns and mitigate against privacy concerns from the adjacent property to the east.</p> <p>Therefore, staff supports this modification.</p>
Minimum Interior Side Yard	None	7.5 metres shall be required for any building exceeding 11.0 metres.	<p>The adjacent property to the east is currently developed with a single detached dwelling and the planned function of the vacant lands to the east is residential. This modification ensures that development will maintain a 7.5 metre setback from the eastern property line, which will provide sufficient space between the existing single detached dwelling and any development on the subject lands.</p> <p>Therefore, staff supports this modification.</p>
Minimum Interior Side Yard	None	A Minimum Interior Side Yard shall not be required for any portion of a property line abutting a Mixed Use Medium Density (C5) Zone.	<p>The eight storey multiple dwelling is proposed along the western property line that abuts the Mixed Use Medium Density (C5) Zone, which currently does not require an additional setback. Staff are satisfied that through the review of the application an adequate setback from the commercial property has been provided and there is no privacy or overlook concerns.</p> <p>Therefore, staff supports this modification.</p>

Appendix “C” to Report PED23216
Page 4 of 4

Regulation	Required	Modification	Analysis
Built Form for New Development	Maximum one 6.0-metre-wide driveway shall be permitted for ingress and egress	Maximum one 7.5-metre-wide driveway shall be permitted for ingress and egress.	<p>The modification is minor in nature as the proposed 7.5 metre driveway width is proposed at the ingress/egress of Rymal Road East and tapers to a 6.0 metre driveway width throughout the remainder of the site.</p> <p>Therefore, staff supports this modification.</p>
Rear Yard	Minimum 7.5 metres.	Minimum 4.5 metres.	<p>Following completion of the future extension of DiCenzo Drive along the northern property line, the rear yard will be measured to DiCenzo Drive, despite functioning more as a side yard. The multiple dwellings (townhouses) would be perceived as having frontage onto DiCenzo Drive where a proposed setback of 4.5 metres is compatible with the front yards of the adjacent residential uses. Through the Site Plan Control process staff will ensure that the units adjacent to DiCenzo Drive will be designed to front onto DiCenzo Drive.</p> <p>Therefore, staff supports this modification.</p>
Mechanical and Unitary Equipment	Minimum setback of 3.0 metres from the street line (within a required front yard), and minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping.	Minimum setback of 1.0 metre from the street line (within a required front yard), a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping.	<p>The proposed mechanical equipment (i.e., transformer) is planned to be screened by a fence enclosure to limit views from the streetscape. The proposal has limited opportunities to maintain a 3.0 metre setback from the street as the proposed eight storey multiple dwelling is designed close to the Rymal Road East property line to facilitate a pedestrian oriented streetscape.</p> <p>Therefore, staff supports this modification.</p>



AMENITY / COMMERCIAL / RETAIL DATA	
DATA	PROVIDED
COMMERCIAL/RETAIL AREA (m ²)	N/A
AMENITY AREA (m ²)	13,775 ft ² (1,279 m ²)
REQUIRED	REQUIRED
82 (<50 m ²) @ 4(m ²)/unit = 328	12,443 ft ² (1,156 m ²)
128 (>50 m ²) @ 6(m ²)/unit = 768	
10 (>50 m ²) @ 6(m ²)/unit = 60 (TOWNS)	
INDOOR AMENITY AREA (m ²)	2,747 ft ² (255 m ²)
OUTDOOR AMENITY AREA (m ²) (Excl'd Balconies)	11,028 ft ² (1,024 m ²)

UNIT BREAKDOWN			
DATA	AMOUNT	%	AREA RANGE
STUDIO	12	5.5%	414 ft ² - 636 ft ²
1 BED	111	50.5%	448 ft ² - 617 ft ²
1 BED + D	71	32.3%	587 ft ² - 740 ft ²
2 BED	8	3.6%	752 ft ² - 793 ft ²
2 BED + D	8	3.6%	841 ft ² - 1143 ft ²
3 BED	10	4.5%	1770 ft ² - 1932 ft ² (3 storeys)
TOTAL	220	100%	

POTENTIAL UNIT BREAKDOWN (Combining units on L1-L3 to get larger units)			
DATA	AMOUNT	%	AREA RANGE
STUDIO	12	5.9%	414 ft ² - 636 ft ²
1 BED	88	42.9%	448 ft ² - 617 ft ²
1 BED + D	66	32.2%	587 ft ² - 740 ft ²
2 BED	6	2.9%	752 ft ² - 793 ft ²
2 BED + D	19	9.3%	841 ft ² - 1,145 ft ²
3 BED + D	4	2.0%	1,370 ft ² - 1,457 ft ²
3 BED TOWNHOUSES	10	4.9%	1770 ft ² - 1932 ft ² (3 storeys)
TOTAL	205	100%	

BUILDING DATA (Apartment & townhouses)	
DATA	PROVIDED
TOTAL DENSITY (# of units)	220 total units

APARTMENT	
DATA	PROVIDED
TOTAL DENSITY (# of units)	210 apartment units
BUILDING AREA (Excl'd Townhouses)	23,935 ft ² (2,224 m ²)
TOWER FOOTPRINT	N/A
GROSS FLOOR AREA (Excl'd Townhouses)	155,448 ft ² (14,442 m ²)
UNDERGROUND PARKING AREA	82,918 ft ² (7,703 m ²)
GROSS CONSTRUCTION FLOOR AREA (m ²) (INCLUDING UNDERGROUND, EXCLUDING TOWNHOUSES & MECH. PH)	238,366 ft ² (22,145 m ²) (INCLUDES RAMP)
1 TO 3 LEVELS	85 units
4 TO 8 LEVELS	125 units
NUMBER OF STOREYS	8 STOREYS
BUILDING HEIGHT (m) FROM AVG. GRADE	+/- 26.5 m

TOWNHOUSES	
DATA	PROVIDED
TOTAL DENSITY (# of units)	10 townhouse units
TOWNHOUSE BUILDING AREA (m ²) (PER BUILDING)	3,023 ft ² (281 m ²)
BUILDING AREA (Excl'd Apartment)	6,046 ft ² (562 m ²)
GROSS CONSTRUCTION FLOOR AREA (m ²) (PER BUILDING)	9,069 ft ² (843 m ²)
GROSS CONSTRUCTION FLOOR AREA (m ²) (TOTAL TOWNHOUSES)	18,138 ft ² (1,685 m ²)
NUMBER OF STOREYS (PER BUILDING)	3
NUMBER OF BUILDINGS	2
BUILDING HEIGHT FROM AVERAGE GRADE (m)	TOWNHOUSE A +/- 10.35 m TOWNHOUSE B +/- 10.46 m

SITE DATA	
81 & 87 RYMAL RD, HAMILTON	
DATA	PROVIDED
LOT AREA (m ²) (Excl'd 10m ROW)	78,826 ft ² (7,323 m ²)
SETBACKS	Building Setback from street line (m) (Rymal Road) 4.5 m - APARTMENT
INTERIOR SIDE YARD West (m)	6.1 m - APARTMENT
INTERIOR SIDE YARD East (m)	3.0 m - TOWNHOUSES
REAR YARD (m) Building Setback from street line (Dicenzo Drive)	19.1 m - APARTMENT 3.0 m - TOWNHOUSES
	4.5 m - TOWNHOUSES

LANDSCAPING DATA	
DATA	PROVIDED
LANDSCAPE AREA (m ²)	21,949 ft ² (2,039 m ²)
LANDSCAPE AREA (%) (not including planting strip / sidewalks)	27.8%

VEHICLE PARKING DATA		
DATA	REQUIRED	PROVIDED
PARKING NUMBER	154	157
PARKING BREAKDOWN	82 (<50 m ²) @ 0.3/unit = 25 14 (>50 m ²) @ 0.7/unit = 10 36 (>50 m ²) @ 0.85/unit = 31 78 (>50 m ²) @ 1.0/unit = 78 10 (>50 m ²) @ 1.0/unit = 10 (TOWNS)	SURFACE = 11 LEVEL P1 = 73 LEVEL P2 = 73
BARRIER FREE PARKING	6 (incl. in above)	10 (incl. in above)
ELECTRIC VEHICLE PARKING	-	16 (incl. in above)
TOTAL	154	157

BICYCLE PARKING DATA		
DATA	REQUIRED	PROVIDED
RESIDENTIAL BICYCLE PARKING	15 (5 EA. ENTRANCE)	24
SHORT TERM		
LONG TERM	0.5/UNIT (105)	125
TOTAL	TBD	

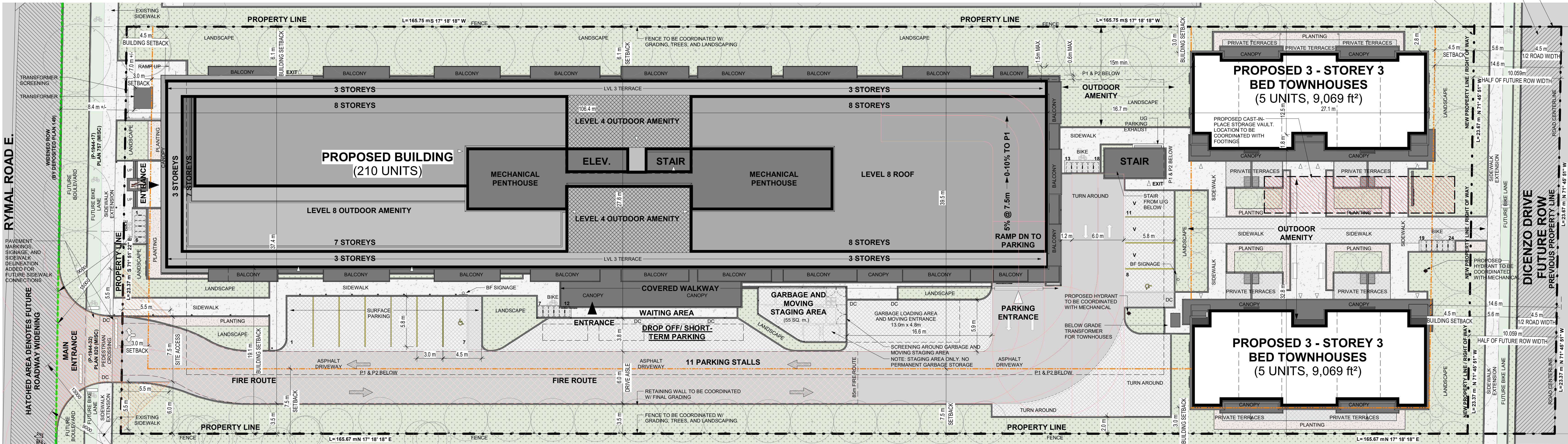


2 SITE PLAN
1:1500

NOTE: REFER TO LANDSCAPE AND TREE PROTECTION PLANS FOR LANDSCAPING, REMOVALS, PLANTINGS, AND TREE PROTECTION DETAILS

9m ROAD WIDTH TOTAL 4.5m OFFSET FROM EXISTING PROPERTY LINE
NEW PROPERTY LINE / ROW: 10m OFFSET FROM ROAD CENTERLINE
DICENZO DRIVE LOCATION, DESIGN, AND ROW SHOWN APPROX. AND TO BE CONFIRMED

EXISTING PROPERTY



SECURED BIKE / LOCKER STORAGE
LEVEL 1 = 26 (SINGLE USE)
LEVEL P1 = 34 (LOCKER/BIKE COMBO)
LEVEL P2 = 65 (LOCKER/BIKE COMBO)
TOTAL = 125

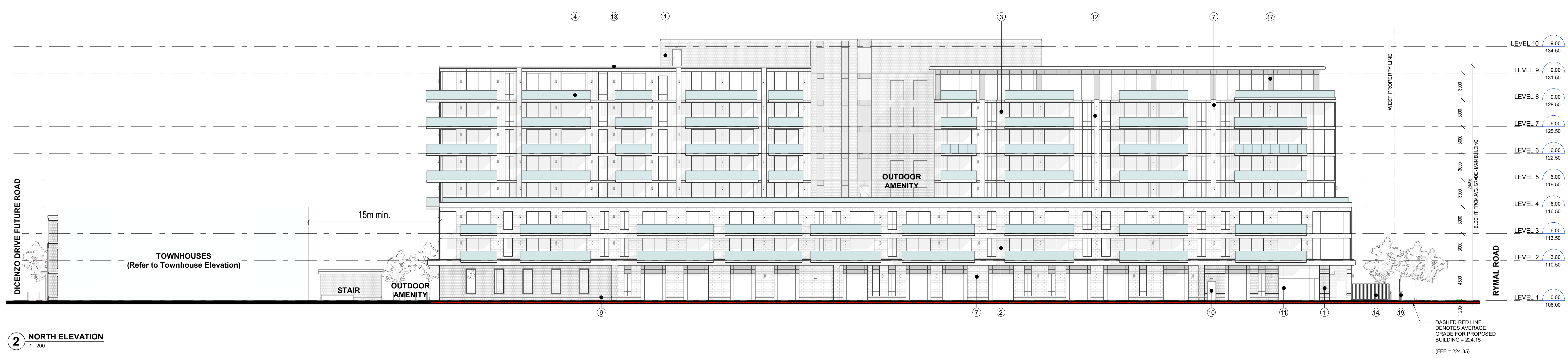
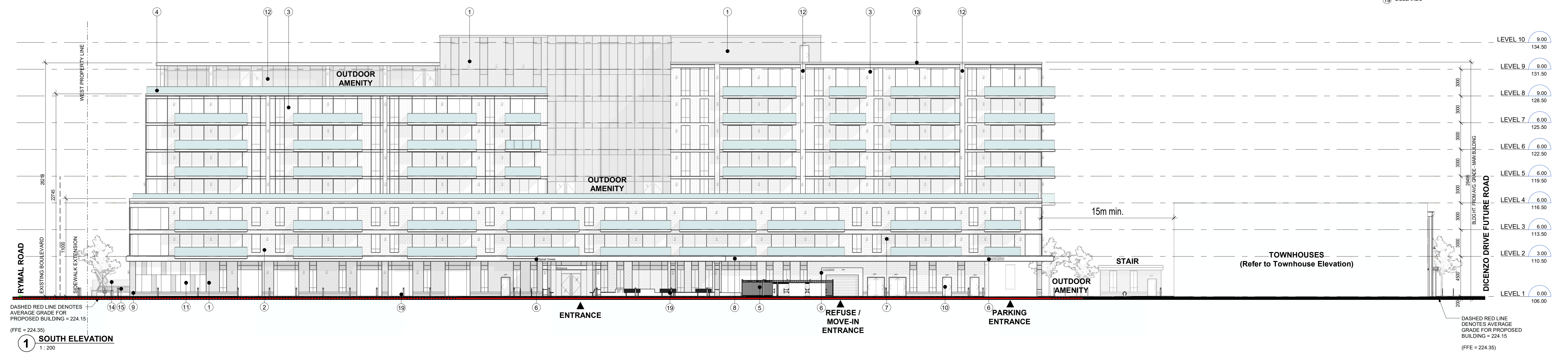
OPEN BIKE PARKING (ST)
LEVEL 1 = 24

EXISTING PROPERTY

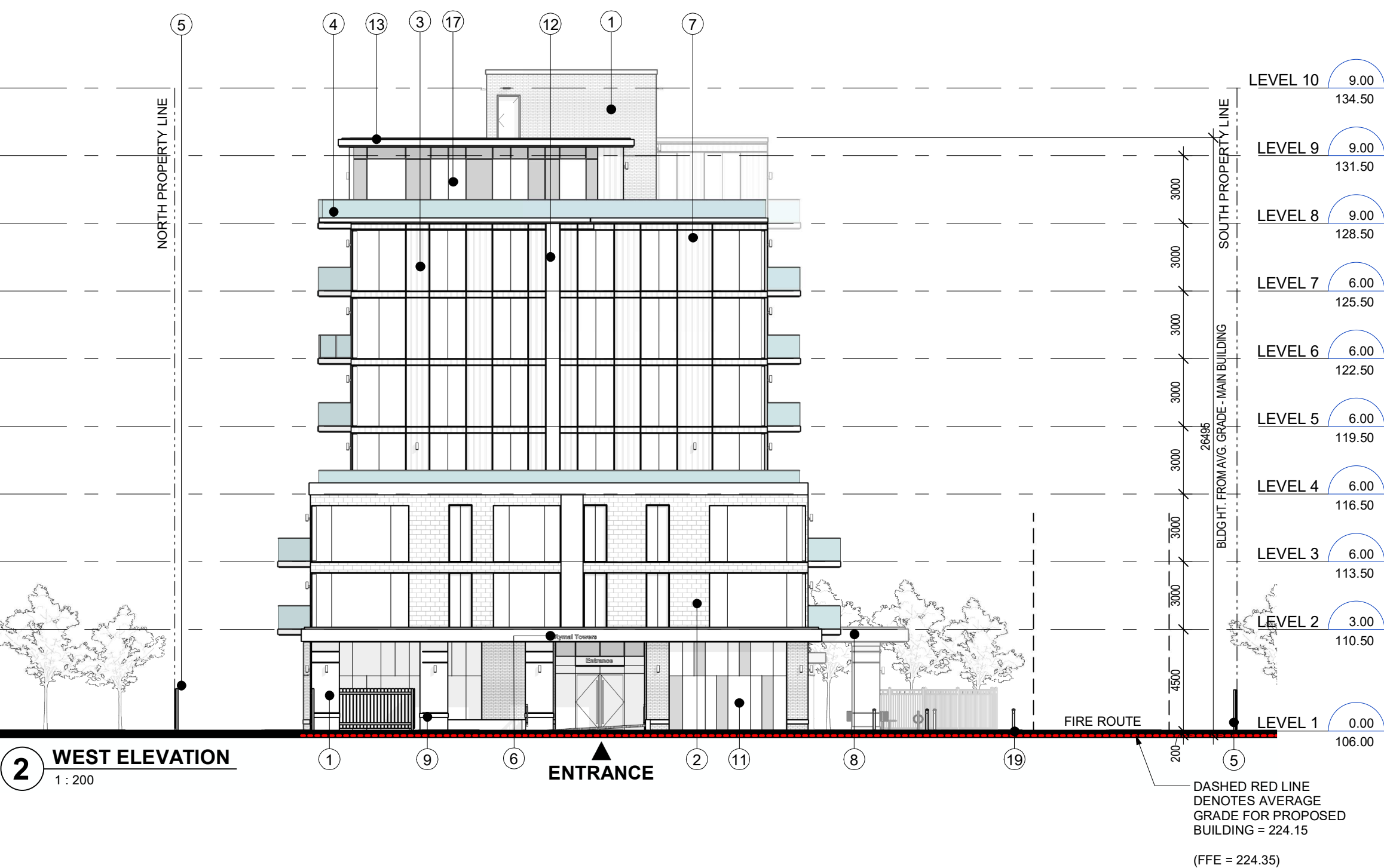
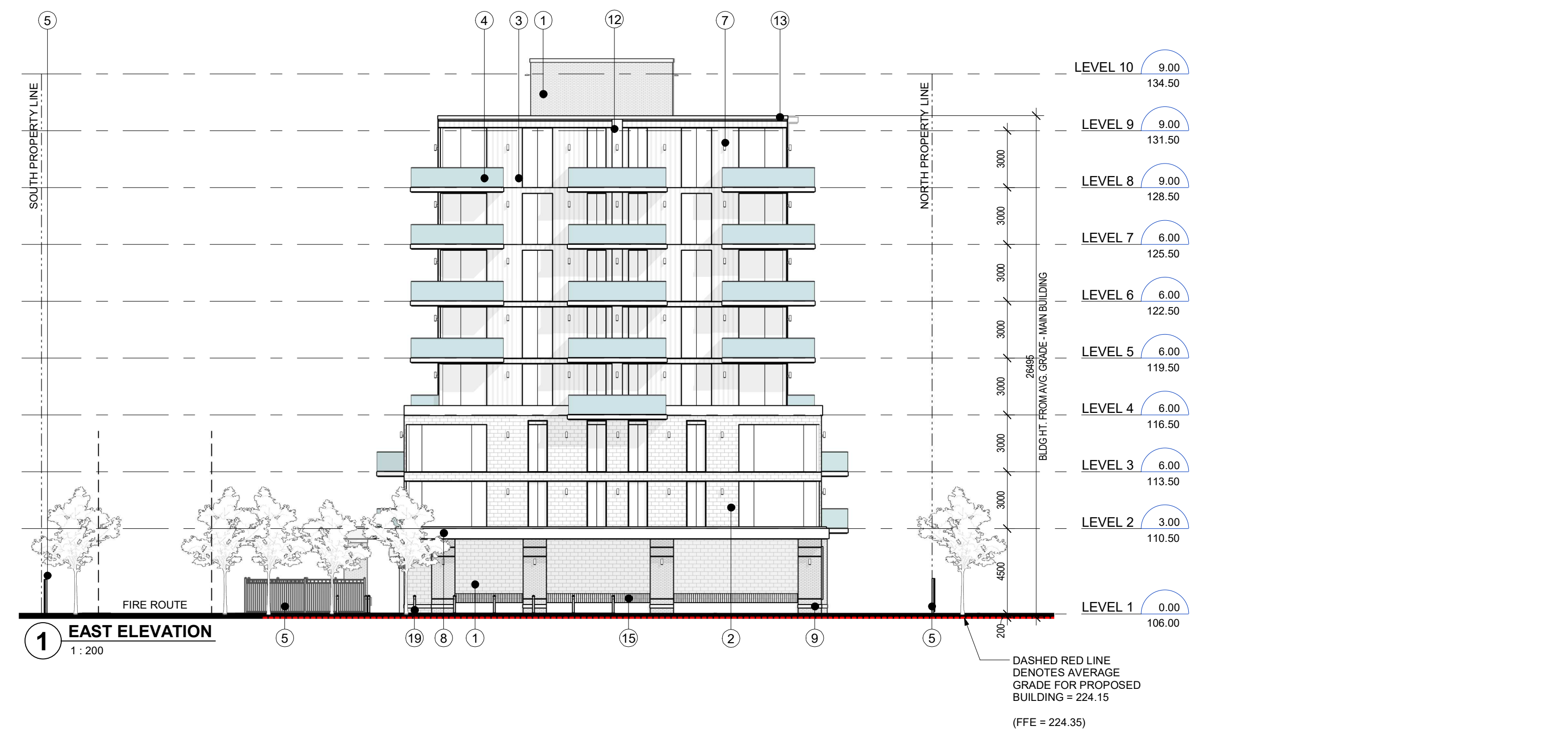
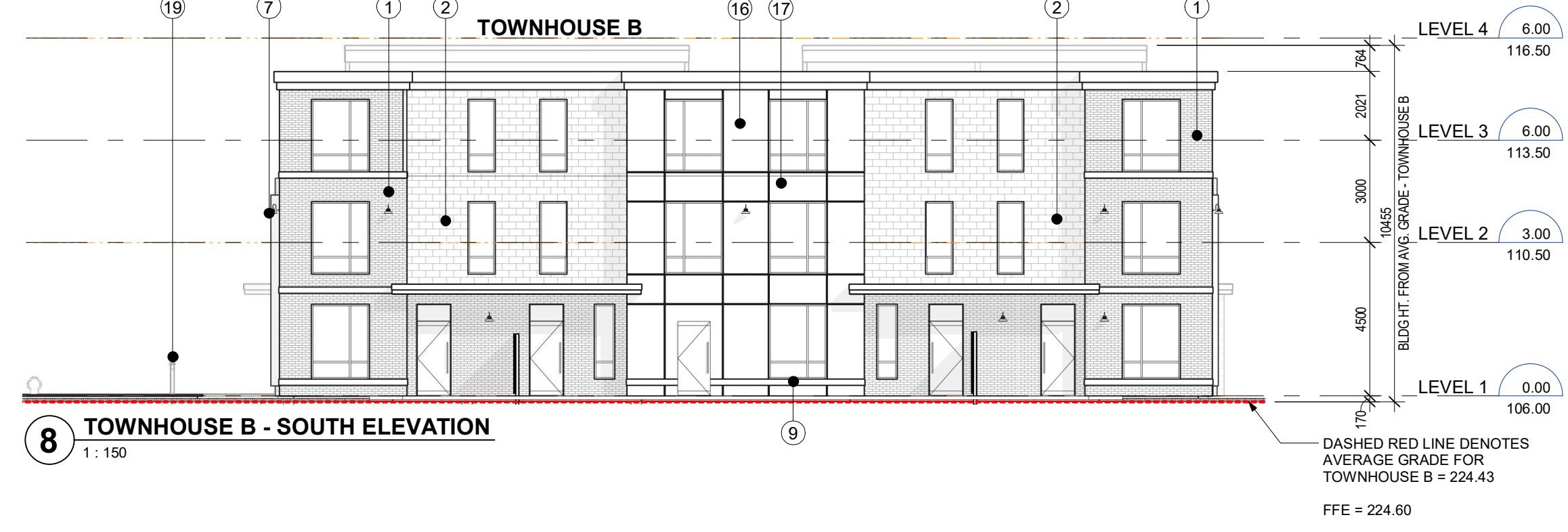
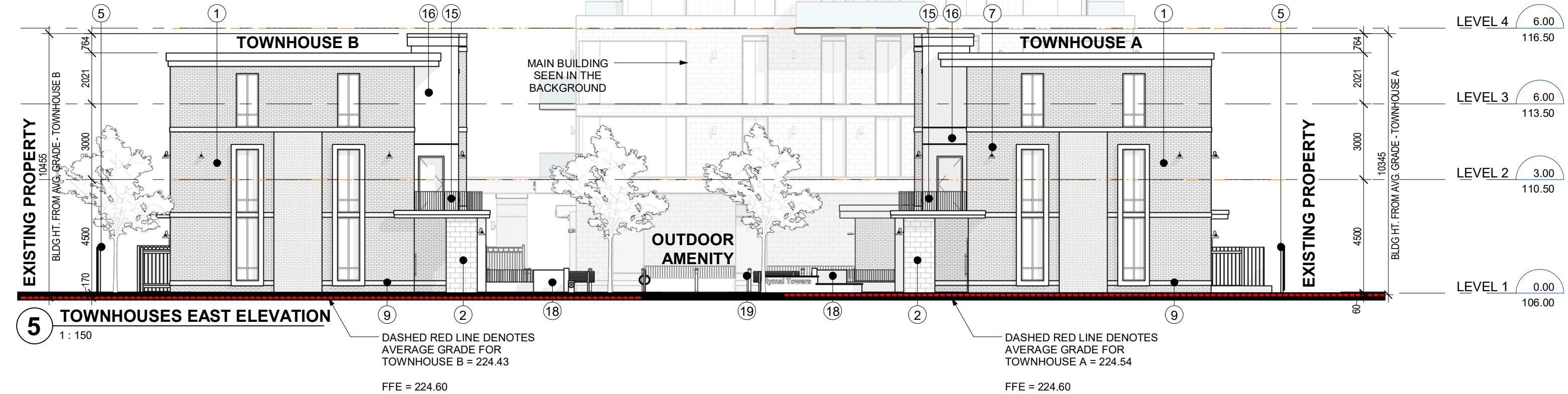
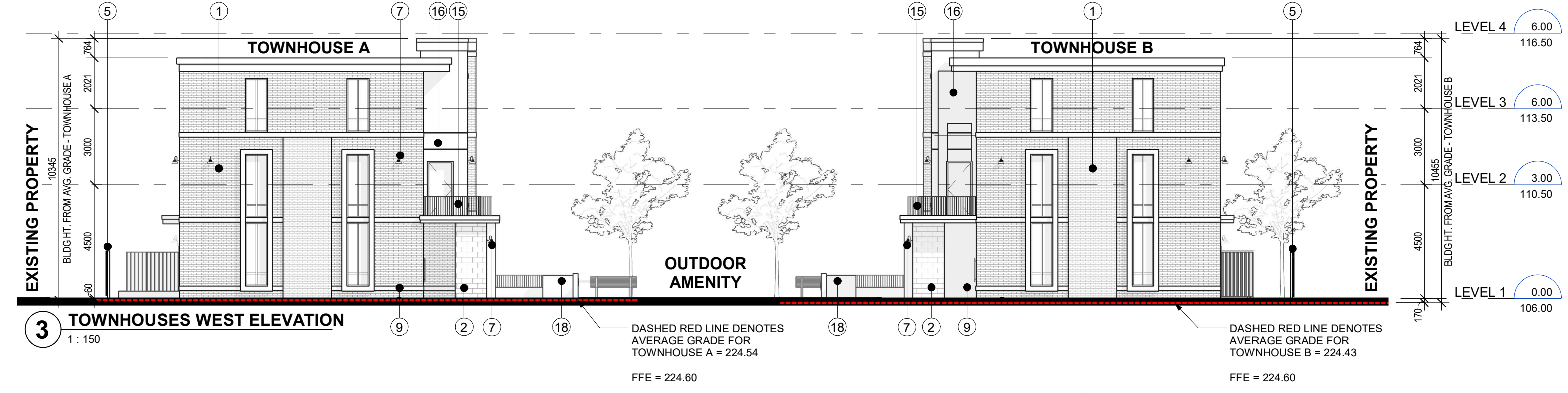
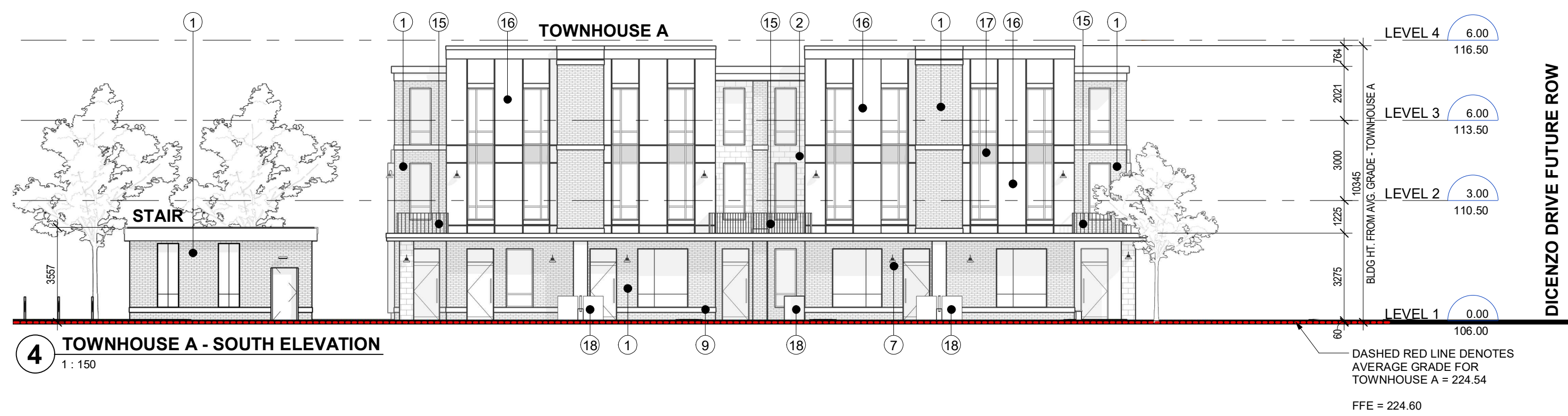
1 SITE PLAN
1:200

MATERIALS LEGEND

- ① BRICK VENEER (FINISH TYPE 1)
- ② SMOOTH FACED STONE MASONRY (FINISH TYPE 1)
- ③ PREFINISHED VERT. METAL SIDING C/W REVEALS
- ④ GLAZED RAILING SYSTEM
- ⑤ FENCING / SCREENING
- ⑥ SIGNAGE
- ⑦ TYPICAL LIGHT FIXTURE
- ⑧ CANOPY FRAMING
- ⑨ PRECAST SILL
- ⑩ PAINTED EXTERIOR DOOR
- ⑪ THERMALLY BROKEN GLAZING IN ANOD. ALUM. FRAME
- ⑫ ACCENT PANELS TYPE 1
- ⑬ PREFINISHED METAL CAP FLASHING
- ⑭ TRANSFORMER C/W SCREENING
- ⑮ FLAT BAR RAILING SYSTEM
- ⑯ EXPOSED CONCRETE FINISH
- ⑰ SEALED SPANDREL PANEL IN ANOD. ALUM. FRAME
- ⑱ GARBAGE ENCLOSURE
- ⑲ BOLLARDS



ELEVATIONS - NORTH & SOUTH
81 & 87 RYMAL RD, HAMILTON



MATERIALS LEGEND

- 1 BRICK VENEER (FINISH TYPE 1)
- 2 SMOOTH FACED STONE MASONRY (FINISH TYPE 1)
- 3 PREFINISHED VERT. METAL SIDING C/W REVEALS
- 4 GLAZED RAILING SYSTEM
- 5 FENCING / SCREENING
- 6 SIGNAGE
- 7 TYPICAL LIGHT FIXTURE
- 8 CANOPY FRAMING
- 9 PRECAST SILL
- 10 PAINTED EXTERIOR DOOR
- 11 THERMALLY BROKEN GLAZING IN ANOD. ALUM. FRAME
- 12 ACCENT PANELS TYPE 1
- 13 PREFINISHED METAL CAP FLASHING
- 14 TRANSFORMER C/W SCREENING
- 15 FLAT BAR RAILING SYSTEM
- 16 EXPOSED CONCRETE FINISH
- 17 SEALED SPANDREL PANEL IN ANOD. ALUM. FRAME
- 18 GARBAGE ENCLOSURE
- 19 BOLLARDS

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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
<p>Residential Intensification in the Neighbourhoods Designation</p> <p>Policy B.2.4.2.2</p>	<p>Residential intensification development within the “Neighbourhoods” designation shall consider matters such as, but not limited to, compatibility with adjacent land uses, relationship with nearby buildings, lot patterns, transitions in height/density, provision for amenity space, complement existing neighbourhood functions and infrastructure and transportation capacity and impacts.</p>	<p>The proposal complements the existing planned functions of the “Neighbourhoods” designation by intensifying an underutilized lot along an arterial road in proximity to a major transit route. The proposal considers transitions in height and density through the inclusion of three storey multiple dwellings (townhouses) as an intervening built form between the proposed eight storey multiple dwelling and the planned low density residential uses along the north and south side of the future DiCenzo Drive extension. The proposed eight storey multiple dwelling maintains a 45-degree angular plane from the northerly property line to establish a compatible integration of built form.</p> <p>The surrounding area is characterized by vehicle oriented commercial uses, and low density residential uses planned immediately north of the subject lands. The proposed eight storey multiple dwelling is designed to enhance the public realm by reducing the building setback to the street and landscaping surrounding the site entrance.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Residential Intensification in the Neighbourhoods Designation (Continued)</p> <p>Policy B.2.4.2.2</p>		<p>The proposal demonstrates the building scale is compatible with the adjacent uses by including three storey multiple dwellings (townhouses) as an intervening built form and utilizing progressive building step backs at the third and seventh storeys on the north portion of the building. In staff’s view the building scale is appropriate as the proposed building orientation and step back at the third storey minimize the perceived height and massing appearance of the building from Rymal Road East.</p>
<p>Urban Design Principles</p> <p>Policy B.3.3.2.3</p>	<p>Urban design should foster a sense of community pride and identity by respecting existing character, promoting quality design consistent with the surrounding context, streetscapes and recognize the cultural history of the City’s communities by conserving existing built heritage features, protect prominent views/sites and incorporation of public art into the design.</p>	<p>The Applicant submitted an Urban Design Brief prepared by GSP Group Inc. dated September 2022 in support of this application. It is staff’s opinion that the proposal represents good design and is an appropriate medium density residential built form that is compatible with the surrounding context and is in keeping with the urban design principles of the Urban Hamilton Official Plan, the City-Wide Corridor Design Guidelines and City’s Site Plan Guidelines.</p> <p>The proposed eight storey multiple dwelling maintains a 45-degree angular plane from the northerly property line to establish a compatible integration of built form. The proposal also includes a building step back at the third storey to reduce any massing impacts to the Rymal Road East streetscape.</p>
<p>Tree and Woodland Protection</p> <p>Policy C.2.10.1</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 (TPP) prepared by 7 Oaks Tree Care and Urban Forestry Consultants Inc. dated March 13, 2023 was submitted in support of this application.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Tree and Woodland Protection (Continued)</p> <p>Policy C.2.10.1</p>		<p>The Tree Preservation Plan inventoried a total of 129 trees, including 13 municipal trees. The condition of the trees ranged between very good and dead and included 39 trees in very good condition, 46 in good condition, 18 in fair condition, 12 in poor condition and 1 dead tree. The species inventoried included Manitoba Maple, White Cedar, White Sprue, Sycamore Maple, Black Walnut, Red Oak, Green Ash, European Ash, Trembling Aspen, Bur Oak, Hawthorn, Norway Maple, Basswood, Callery Pear; and, Honeylocust. The TPP proposes to retain 29 trees and remove 100 trees, including 91 privately owned trees and nine municipal trees, to facilitate the development and accommodate internal vehicular movements on the site.</p> <p>A Landscape Concept prepared OMC Landscape Architecture dated February 25, 2023 identifies private deciduous trees to be planted along the westerly and easterly property lines and six deciduous private trees proposed adjacent to DiCenzo Drive.</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). The Tree Preservation Plan shall be finalized at the Site Plan Control stage.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Noise, Vibration and Other Emissions</p> <p>Policy B.3.6.3.2 and B.3.6.3.10</p>	<p>Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.</p>	<p>The subject lands are adjacent to Rymal Road East, which is identified as a “Major Arterial” on Schedule “C” – Functional Road Classification in the Urban Hamilton Official Plan.</p> <p>A Noise Impact Study prepared by GTA Environmental dated November 7, 2021, identified that a 1.22 metre high noise barrier on the fourth and eighth floor outdoor amenity areas of the eight storey multiple dwelling are required, in addition to provisions for central air conditioning, windows/doors built to sound transmission (STC) requirements, and warning clauses incorporated into the future purchase and sale or lease agreements.</p> <p>Staff are generally satisfied with the findings of the noise study, subject to the recommended noise mitigation measures. Submission of a detailed noise study shall be required and will be implemented through the future Site Plan Control application.</p>
<p>Neighbourhoods Designation</p> <p>Policy E.3.2.1 E.3.2.3 and E.3.2.4</p>	<p>The existing character of the “Neighbourhoods” designated areas shall be maintained and be compatible with the scale and character of existing residential area. Neighbourhoods shall function as complete communities to include a full range of dwelling types and densities for purposes of servicing local residents.</p>	<p>The proposal contributes to a complete community by providing opportunities for a full range of dwelling types, tenures and densities that is in character with the existing commercial 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>Urban Corridors</p> <p>Policy E.2.4.10 and E.2.4.12</p>	<p>Secondary Corridors shall accommodate retail and mixed use forms in small clusters along corridors with medium density housing located between the clusters.</p> <p>Generally, consist of low to mid rise forms with some areas permitted to accommodate high rise built forms.</p>	<p>The proposal intends to achieve the planned function of the Rymal Road East Secondary Corridor through intensifying the subject lands through the development of an eight storey multiple dwelling and two, three storey multiple dwellings (townhouses) in between the cluster of existing retail and commercial uses along a major arterial road.</p> <p>The proposal represents an appropriate form of residential intensification and redevelopment along a Secondary Corridor. The proposal introduces a higher density that is well serviced by existing transit and planned to support the future higher order transit planned along Rymal Road East.</p> <p>Rymal Road East is intended as the primary site access (vehicular) for the multiple dwellings (townhouses) with underground parking shared between the eight storey multiple dwelling. The proposed underground parking is intended to limit direct vehicle access from collector roads (future DiCenzo Drive) in accordance with policy E.3.4.6 (a). The proposed multiple dwellings (townhouses) are designed to complement the public realm with building entrances overlooking a common outdoor amenity area.</p>
<p>Medium Density Residential</p> <p>Policy E.3.5.1, E.3.5.2, E.3.5.5 and E.3.5.6</p>	<p>Medium density residential uses are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads. Medium density residential built forms shall function as transition between high and low profile residential uses.</p>	<p>The proposed eight storey multiple dwelling is located on a major arterial road and on the neighbourhood periphery within convenient walking distance to existing community facilities, public transit and commercial uses.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Medium Density Residential (Continued)</p> <p>Policy E.3.5.1, E.3.5.2, E.3.5.5 and E.3.5.6</p>		<p>The proposal meets the planned neighbourhood function of the medium density residential area by providing a transitional building height (i.e. three storey multiple dwellings) between the proposed eight storey multiple dwelling and existing and proposed low density residential uses located within the neighbourhood interior.</p>
<p>Medium Density Residential (Continued)</p> <p>Policy E.3.5.8</p>	<p>Medium density residential uses shall be six storeys but may be increased to 12 storeys without an Official Plan Amendment provided the proposal demonstrates a mix of unit sizes, sustainable building and design principles, limits shadow impacts and the buildings are progressively stepped back from adjacent designated “Neighbourhood” areas.</p>	<p>Staff have evaluated the proposal to permit an eight storey building height, which achieves a balance of the criteria set out in policy E.3.5.8.</p> <p>Approximately 56% (123 units) of the total 220 dwelling units of the proposal are planned as studio and one bedroom units (123 units), 32% one bedroom plus den units (71 units), and 7% two bedroom units and two bedroom plus den units (16 units), in addition to 5% three bedroom units (10 units) within the multiple dwellings (townhouses). This represents a mix of small to large unit sizes to accommodate a range of household sizes and income levels.</p> <p>The proposal intends to incorporate sustainable building and site design principles that includes native and drought tolerant landscaping, electrical vehicle charging stations, underground parking, heat pumps and occupancy-controlled lighting sensors in underground parking areas and common areas. Further details of sustainable building and design features will be addressed at the Site Plan Control Stage.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p data-bbox="142 266 394 375">Medium Density Residential (Continued)</p> <p data-bbox="142 428 344 464">Policy E.3.5.8</p>		<p data-bbox="1108 266 1919 412">The Sun Shadow Study prepared by SRM Architects Inc. demonstrates the proposal will minimize shadowing onto adjacent residential uses at the spring and fall equinoxes (March 21 and September 21).</p> <p data-bbox="1108 451 1953 850">The sun shadow study concluded that the siting and design of the building allows for a minimum of 50% sun coverage at all times of day on public spaces as per the City’s Sun Shadow Guidelines. The proposal exceeds the three hour minimum sun coverage between 10:00 a.m. and 4:00 p.m. on public sidewalks and private amenity spaces as set out in the City-Wide Corridor Planning Principles and Design Guidelines (2012). Staff are satisfied with the study findings that determined minor shadow impacts (spring equinox) between 5:03 p.m. to 6:03 p.m. on the existing residential uses located east of the subject lands.</p> <p data-bbox="1108 889 1927 1068">Staff are satisfied that the height, orientation and massing of the proposed eight storey multiple dwelling has been designed to minimize the overall sun shadow impacts on the adjacent properties, public sidewalks and the existing commercial development to the west.</p> <p data-bbox="1108 1107 1957 1360">Staff have reviewed the Angular Plane drawing prepared by SRM Architects and Urban Designs dated March 14, 2023, which demonstrates the proposed eight storey multiple dwelling is setback more than 48 metres from the rear property line and satisfies the 45 degree angular plane to address potential overshadow impacts, and maintains sunlight onto residential uses and the public realm.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
Medium Density Residential (Continued) Policy E.3.5.8		The proposed eight storey multiple dwelling has been designed with progressive building step backs at the third and seventh storeys of the eastern façade for the southern portion of the building to ensure appropriate height transition and to reduce the appearance of the building massing from the adjacent Neighbourhood designated areas. The building design includes stepbacks at the third storey of the southerly façade to maintain appropriate height transition along Rymal Road East.

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CONSULTATION – DEPARTMENTS AND AGENCIES

	Comment	Staff Response
Canada Post Corporation; and, Commercial Districts and Small Business Section, Economic Development Division, Development, Planning and Economic Development Department	No Comment.	Noted.
Development Engineering Section, Growth Management Division, Planning and Economic Development Department	Development Engineering staff have no objections to approval of this Zoning By-law Amendment application subject to Holding Provisions requiring a revised Functional Servicing Report and Watermain Hydraulic Analysis, in addition to an External Works Agreement with the City for any municipal infrastructure improvements to accommodate the proposed development.	<p>The Applicant is required to submit a Functional Servicing Report and Watermain Hydraulic Analysis to the satisfaction of the City to facilitate lifting of the Holding Provision prior to final approval of any Site Plan Control application on the subject lands.</p> <p>The Owner is also required to dedicate the right-of-way width, as shown on the DiCenzo Sobie Draft Plan of Subdivision 25T-87032. The applicant is required to pay their proportional share of the cost to complete the street upon the City’s request.</p> <p>An External Works Agreement for any municipal infrastructure improvements to DiCenzo Drive shall be addressed during the future Site Plan Control stage.</p>

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	Comment	Staff Response
Legislative Approvals Section, Growth Management Division, Planning and Economic Development Department	<p>It should be confirmed if the proposed tenure is condominium and if so, whether the entire development will be under one Condominium.</p> <p>It should be determined if rear yard and / or side yard easements are required for multiple dwellings (townhouses) for access and maintenance purposes.</p> <p>Municipal addressing for the proposed development will be determined after conditional Site Plan approval is granted.</p>	<p>The Planning Justification Report, prepared by GSP Group Inc. dated October 2022, indicates the lands are proposed to be developed as one comprehensive condominium tenure accessed from Rymal Road East.</p> <p>A Holding Provision is recommended to require 81 and 87 Rymal Road East to be consolidated into one lot to facilitate a comprehensively planned condominium development.</p>
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	All trees on the Tree Preservation Plan dated September 19, 2022 shall clearly note the ownership as municipal, private (subject site) and boundary trees.	A Tree Preservation Plan and Landscape Plan will be addressed at the future Site Plan Control stage.
Landscape Architectural Services Section, Environmental Services Division, Public Works Department	Request cash in lieu of parkland dedication. Landscaped amenity areas shall not be credited as parkland dedication.	Cash in lieu of parkland dedication will be addressed at the Building Permit stage.
Infrastructure Renewal Section, Engineering Services Division, Public Works Department	<p>Rymal Road East is scheduled to be reconstructed and urbanized in 2026 along the frontage of the subject lands.</p> <p>Any surface or subsurface works proposed to connect to Rymal Road East should be completed in consideration of the projected Capital Project timelines. The Developers timing of any proposed roadworks should be</p>	Noted.

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	Comment	Staff Response
<p>Infrastructure Renewal Section, Engineering Services Division, Public Works Department (Continued)</p>	<p>coordinated with the Public Works Department if the roadworks are expected to occur within the 2026 horizon.</p>	
<p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department</p>	<p>Transportation Planning staff are supportive of the proposed development and approve the Traffic Impact Study prepared by Paradigm Transportation Solutions Limited, dated July 2023.</p> <p>Staff note that a \$10,000 Traffic Calming Fund is required to implement future traffic calming measures to be selected and installed by the City on DiCenzo Drive in the future once the roadway has been completed.</p> <p>The Urban Hamilton Official Plan – Schedule C-2 - Future Right-of-Way Dedications identifies that Rymal Road (Major Arterial Road) is to be 36.576 metres wide. Right-of-Way dedication of 10.059 metres shall be required along the northerly portion of the subject lands to facilitate the extension of DiCenzo Drive.</p> <p>The proposed site access from Rymal Road East may be restricted to right-in/right-out vehicle traffic movements.</p>	<p>Right-of-Way dedications, road infrastructure improvements and traffic calming measures will be addressed at the future Site Plan Control stage.</p>

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	Comment	Staff Response
Waste Policy and Planning Section, Waste Management Division, Public Works Department	<p>Staff require further information on the waste storage containers/staging locations for the multiple dwellings (townhouses) to clarify if the multiple dwellings (townhouses) units will place waste within the internal waste storage room of the eight storey multiple dwelling as common collection pads not permitted in new developments.</p> <p>The proposed eight storey multiple dwelling is ineligible for municipal waste collection as sufficiently sized indoor waste containers and waste collection staging areas are required to service all dwelling units. The proposal shall follow the requirements as per the City of Hamilton Solid Waste Management By-law No. 20-221.</p>	Details on the size and locations of waste storage containers/staging areas will be addressed at the Site Plan Control stage.
Alectra	The Developer shall contact the Alectra Layouts Department for residential/commercial electrical service requirements.	Noted.
Enbridge Gas	<p>A 2 metre by 6 metre gas meter size or larger will be required to accommodate gas loads of the proposed eight storey multiple dwelling. Gas mains shall require a minimum 10 feet clearance from any windows, door, vent intakes.</p> <p>A gas main extension into the subject property will be required to service the proposed multiple dwellings (townhouses).</p>	Noted.

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	Comment	Staff Response
Hamilton International Airport	No objection to the proposed change in zoning to facilitate the proposal. The subject property is situated within the John C. Munro Hamilton International Airport Zoning Regulations (AZR), particularly the Approach Surface for Runway 24 and subject to building/structure height restrictions, vegetation growth and wildlife hazard control and compliance with prohibition of interference with aircraft communications and navigational facilities.	Compliance with the Airport Zoning Regulations will be reviewed at the future Site Plan Control stage.



WELCOME TO THE CITY OF HAMILTON

PLANNING COMMITTEE

December 5, 2023

PED23216 – (ZAC-22-066)

Application for a Zoning By-law Amendment for Lands Located at
81 and 87 Rymal Road East, Hamilton.

Presented by: Jennifer Catarino



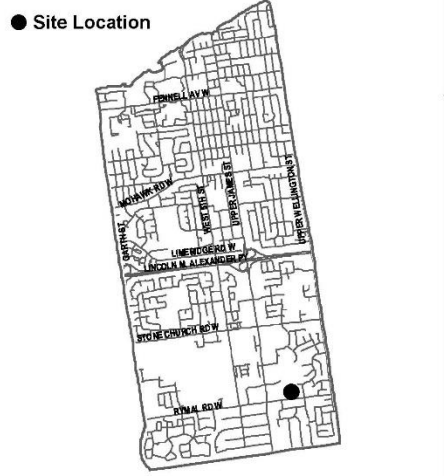
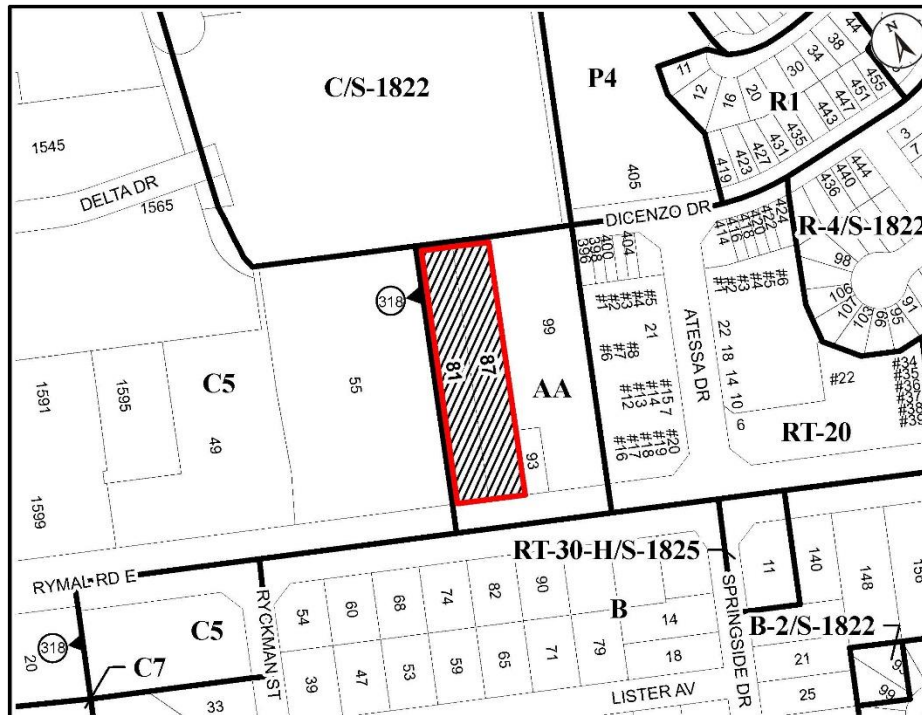
Hamilton Airphoto (2021)

SUBJECT PROPERTY



81 & 87 Rymal Road East, Hamilton





Key Map - Ward 8

Location Map



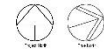
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	
File Name/Number: ZAC-22-066	Date: August 4, 2023
Appendix "A"	Scale: N.T.S
	Planner/Technician: AB/VS

Subject Property

81 & 87 Rymal Road East

- Lands to be added to Zoning By-law No. 05-200 as Transit Oriented Corridor Multiple Residential (TOC3, 874, H162) Zone

Appendix "D" to Report PE23216
 Page 1 of 3



AMENITY / COMMERCIAL / RETAIL DATA			
DATA	AMOUNT	%	AREA RANGE
COMMERCIAL RETAIL AREA (sq ft)	N/A		
AMENITY AREA (sq ft)	12,443 sq ft (279 sq m)		
REQUIREMENTS			
12 (450 m ²) @ 417 (sq m) = 5005			
75 (450 m ²) @ 617 (sq m) = 46275			
70 (450 m ²) @ 317 (sq m) = 22190			
INDOOR AMENITY AREA (sq ft)	2,747 sq ft (255 sq m)		
OUTDOOR AMENITY AREA (sq ft)	11,228 sq ft (1034 sq m)		

UNIT BREAKDOWN			
DATA	AMOUNT	%	AREA RANGE
STUDIO	2	5.5%	414 sq ft - 526 sq ft
1 BED	111	50.5%	418 sq ft - 571 sq ft
1 BED - 2	77	35.3%	387 sq ft - 745 sq ft
2 BED	4	3.0%	722 sq ft - 739 sq ft
2 BED - 2	8	3.6%	841 sq ft - 1143 sq ft
3 BED	3	4.0%	1107 sq ft - 1932 sq ft (3 bedrooms)
TOWNHOUSES	3		
TOTAL	220	100%	

POTENTIAL UNIT BREAKDOWN (2000sq sq ft @ L1 L3 TO G/F level only)			
DATA	AMOUNT	%	AREA RANGE
STUDIO	7	5.9%	414 sq ft - 526 sq ft
1 BED	99	42.9%	440 sq ft - 677 sq ft
1 BED - 2	59	25.2%	387 sq ft - 745 sq ft
2 BED	6	2.6%	722 sq ft - 739 sq ft
2 BED - 2	3	0.2%	841 sq ft - 1143 sq ft
3 BED	4	2.4%	1200 sq ft - 1457 sq ft
3 BED - 2	4	4.0%	775 sq ft - 1932 sq ft (3 bedrooms)
TOWNHOUSES	3		
TOTAL	266	100%	

BUILDING DATA (Apartment & townhouses)	
DATA	PROVIDED
TOTAL DENSITY (sq ft units)	220 total units
APARTMENT DATA	
TOTAL DENSITY (sq ft units)	110 apartment units
GROSS CONSTRUCTION FLOOR AREA (incl. 3 townhouses)	235,224 sq ft (22,222 m ²)
TOWN/FOOTPRINT	N/A
GROSS FLOOR AREA (incl. 3 townhouses)	165,449 sq ft (15,442 m ²)
UNDERGROUND PARKING AREA	50 sq ft (4.7 sq m)
GROSS CONSTRUCTION FLOOR AREA (sq ft)	234,504 sq ft (22,145 m ²)
INCLUDING UNDERGROUND EXCLUDING TOWNHOUSES & MCH. TH.	(incl. UNDER PARK/P)
TOWNHOUSES DATA	
TOTAL DENSITY (sq ft units)	10 townhouse units
GROSS CONSTRUCTION FLOOR AREA (sq ft)	1,020 sq ft (94 m ²)
BUILDING AREA (incl. 3 Apartments)	6,546 sq ft (602 m ²)
GROSS CONSTRUCTION FLOOR AREA (sq ft)	8,028 sq ft (744 m ²)
GROSS CONSTRUCTION FLOOR AREA (sq ft)	18,138 sq ft (1,685 m ²)
NUMBER OF STOREYS	3
NUMBER OF BUILDINGS	2
BUILDING HEIGHT FROM AVERAGE GRADE (m)	10 TOWNHOUSE A - 11.00 m TOWNHOUSE B - 11.00 m

SITE DATA	
DATA	PROVIDED
81 & 87 RYMAL RD, HAMILTON	
LOI AREA (sq ft) (Level 1 - 0th Floor)	78,829 sq ft (7,273 m ²)
Building setback from street line (Front Road)	4.8 m - APARTMENT
Interior Side Yard (Wall 1)	6.1 m - APARTMENT
Interior Side Yard (Wall 2)	3.0 m - TOWNHOUSES
Interior Side Yard (Wall 3)	16.1 m - APARTMENT
Interior Side Yard (Wall 4)	3.0 m - TOWNHOUSES
REAR YARD (sq ft)	4.8 m - TOWNHOUSES
Building setback from street line (Rear Road)	

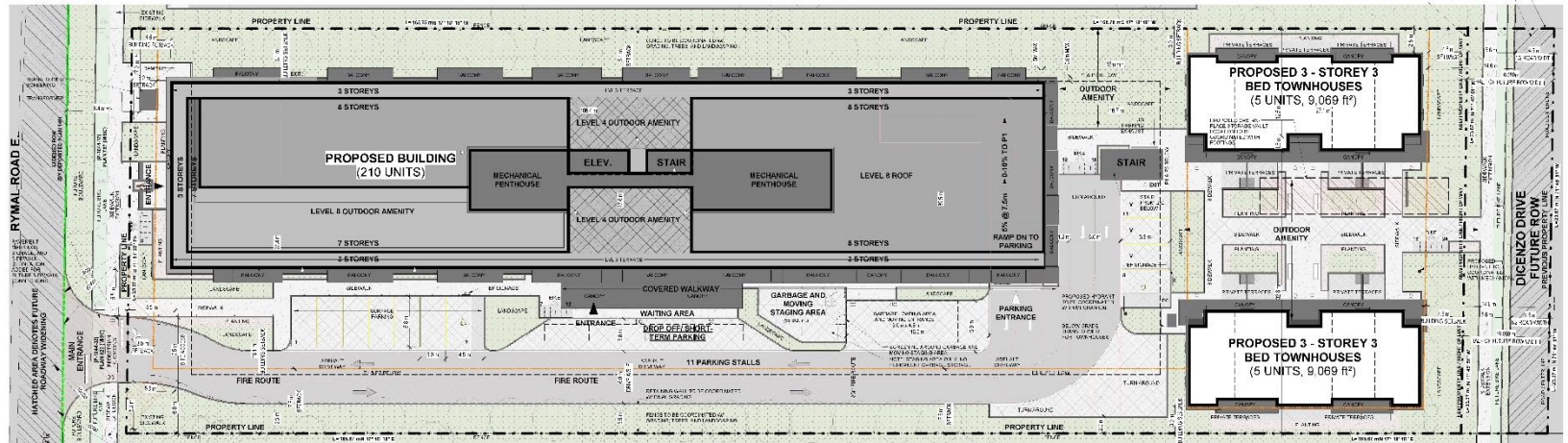
LANDSCAPE DATA			
DATA	REQUIRED	PROVIDED	
LANDSCAPE AREA (sq ft)		27,849 sq ft (2,579 m ²)	27.8%
LANDSCAPE AREA (sq ft)			
LANDSCAPE AREA (sq ft)			
VEHICLE PARKING DATA			
DATA	REQUIRED	PROVIDED	
PARKING NEARBY	154	157	
PARKING BREAKDOWN			
80 (140 m ²) @ 0.5 Suite = 25	SURFACE = 11		
4 (150 m ²) @ 0.5 Suite = 10	LEVEL P1 = 73		
26 (150 m ²) @ 0.5 Suite = 31	LEVEL P2 = 73		
78 (150 m ²) @ 1 Suite = 78			
10 (150 m ²) @ 1 Suite = 10			
BARRIER FREE PARKING			
3 (150 m ²) @ 0.5 Suite = 3	10 (incl. 8 in other)		
3 (150 m ²) @ 1 Suite = 3			
TOTAL	154	157	
BICYCLE PARKING DATA			
DATA	REQUIRED	PROVIDED	
BIKE STORAGE	24		
LONG TERM	6 (5 MIN T. 110)	126	
TOTAL	24	126	



2 SITE PLAN

NOTE: REFER TO LANDSCAPE AND TREE PROTECTION PLANS FOR LANDSCAPING, REMOVALS, PLANTINGS, AND TREE PROTECTION DETAILS

EXISTING PROPERTY



1 SITE PLAN

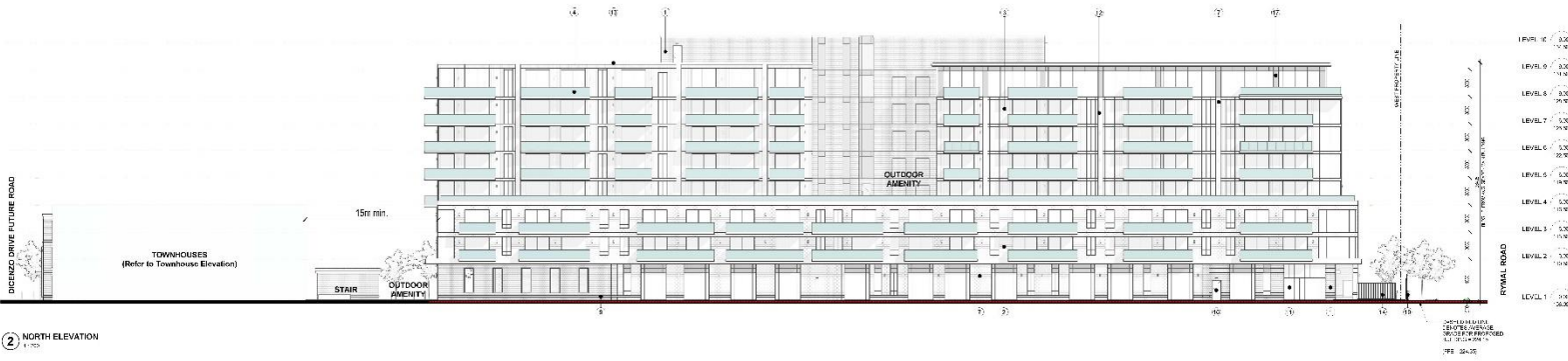
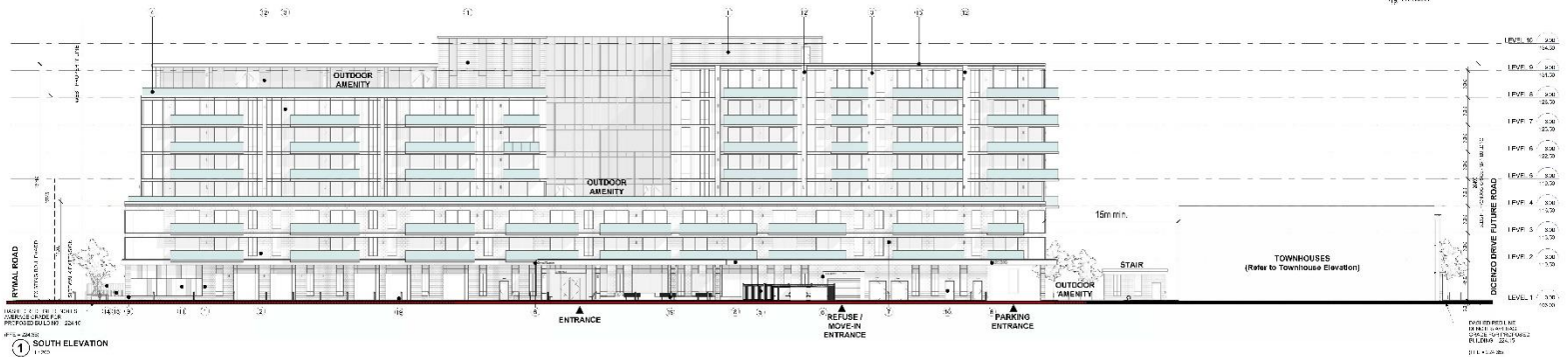
SITE PLAN
 81 & 87 RYMAL RD, HAMILTON

21001
 2023-05-14 SRM
 2023-05-14

Appendix "D" to Report PED23216
 Page 2 of 3

MATERIALS LEGEND

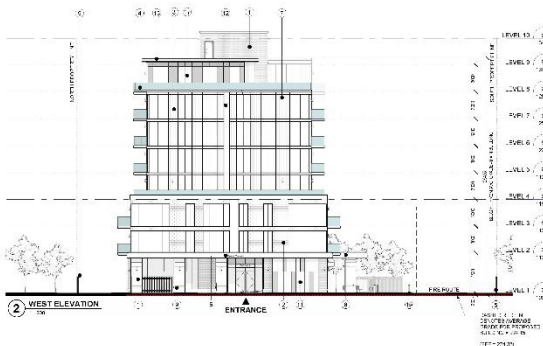
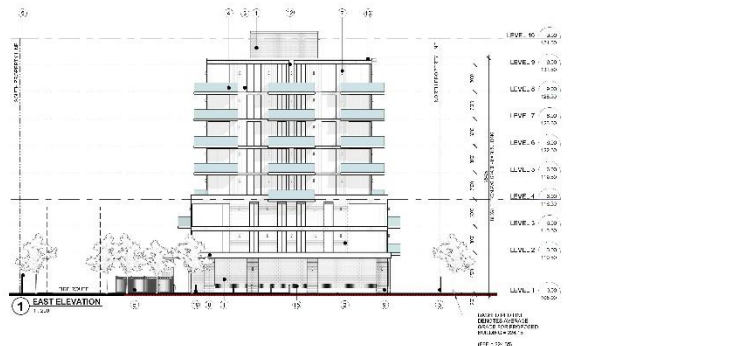
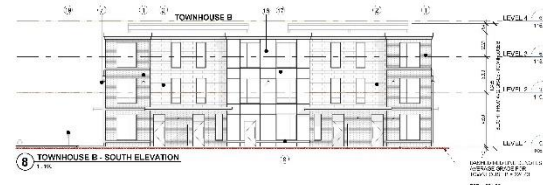
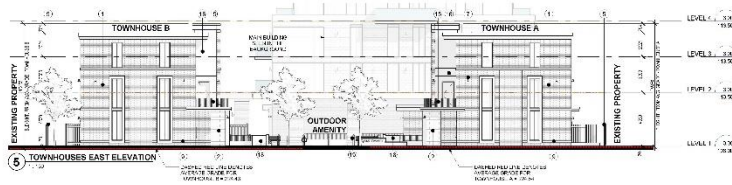
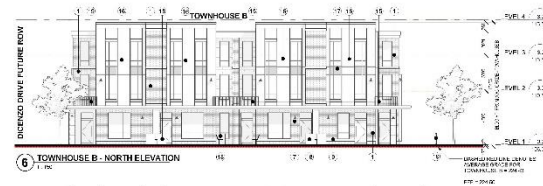
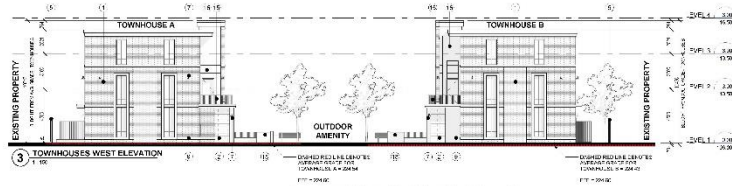
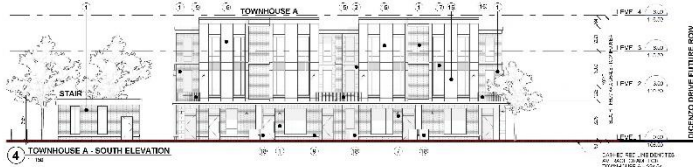
- (1) BRICK CONCRETE CLADDING
- (2) BRICK PANELS ON BRICK CONCRETE CLADDING
- (3) POLYMER CONCRETE CLADDING
- (4) BRICK CONCRETE CLADDING
- (5) BRICK CONCRETE CLADDING
- (6) BRICK CONCRETE CLADDING
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- (15) BRICK CONCRETE CLADDING
- (16) BRICK CONCRETE CLADDING
- (17) BRICK CONCRETE CLADDING
- (18) BRICK CONCRETE CLADDING



ELEVATIONS - NORTH & SOUTH
 81 & 87 RYMAL RD, HAMILTON

21001
 2023-03-14
SRM
 ARCHITECTS

Appendix 'D' to Report PED23216
 Page 3 of 3



MATERIALS LEGEND

- 1 BRICK WALL (REF. 104.1)
- 2 BRICK FACED CONCRETE BLOCK (REF. 104.1)
- 3 FINE BRICK (REF. 104.1)
- 4 ASPHALT (REF. 104.1)
- 5 FINISH TERRAZZO
- 6 FINISH
- 7 FINISHED PL. SL.
- 8 FINISH FINISH
- 9 FINISH FINISH
- 10 FINISH FINISH
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- 14 FINISH FINISH
- 15 FINISH FINISH
- 16 FINISH FINISH
- 17 FINISH FINISH
- 18 FINISH FINISH

ELEVATIONS - EAST & WEST, TOWNHOUSE
 81 & 87 RYMAL RD, HAMILTON

21001
 2023-03-14
SRM
 ARCHITECTS



81 & 87 Rymal Road East



81 Rymal Road East - rear of property looking north



87 Rymal Road East - rear of property looking east



DiCenzo Drive dead end - looking west



DiCenzo Drive extension - looking west



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 16, 2024
SUBJECT/REPORT NO:	Application for Zoning By-law Amendment for Lands Located at 83 and 85 Emerald Street South, Hamilton (PED24001) (Ward 3)
WARD(S) AFFECTED:	Ward 3
PREPARED BY:	Alaina Baldassarra (905) 546-2424 Ext. 7421
SUBMITTED BY:	Shannon McKie Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Amended Zoning By-law Amendment Application ZAC-22-053, by Gladki Planning Associates Inc. c/o John Gladki on behalf of Realty Holdings Group Ltd. c/o David Joy, owner**, for a change in zoning from the Community Institutional (I2) Zone to the “E/S-1834-H” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified, Holding, to permit the conversion of an existing three storey building, including a 555.59 square metre addition at the rear of the building, into a multiple dwelling with a maximum of 60 units and eight surface parking spaces, on lands located at 83 and 85 Emerald Street South, Hamilton, as shown on Appendix “A” attached to Report PED24001, be **APPROVED**, on the following basis:

- (a) That the draft By-laws, attached as Appendix “B” and Appendix “C” to Report PED24001, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding symbol ‘H’ to the proposed “E-3/S-1834-H” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified;

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SUBJECT: Application for Zoning By-law Amendment for Lands Located at 83 and 85 Emerald Street South, Hamilton (PED24001) (Ward 3) - Page 2 of 13

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

- (i) The Owner submitting and receiving approval of a watermain hydraulic analysis, identifying the modelled system pressures at pressure district level under various boundary conditions and demand scenarios, to demonstrate that the municipal system can support the proposed intensification, to the satisfaction of the Director of Development Engineering and the Director of Hamilton Water;
 - (ii) That the Owner enters into an External Works Agreement with the City to complete upgrades on the municipal infrastructure that has been identified through the Functional Servicing Report, submitted in support of the proposed intensification of the subject site, at 100% their costs, to the satisfaction of the Director of Development Engineering and the Director of Hamilton Water;
- (c) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The subject lands are municipally known as 83 and 85 Emerald Street South, Hamilton and are located on the east side of Emerald Street South between Main Street East and Hunter Street East. The application was received and deemed complete prior to Ministerial approval of Official Plan Amendment No. 167. As per *Bill 150*, any decision must conform to the Official Plan in effect on November 4, 2022.

The owner has applied for a Zoning By-law Amendment to remove the lands from Zoning By-law No. 05-200 by changing the zoning from Community Institutional (I2) Zone to the "E/S-1834-H" (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified, Holding, in the former City of Hamilton Zoning By-law No. 6593 to permit the conversion of an existing three storey building into a multiple dwelling with a maximum of 60 units (a mix of studio and one bedroom units) and eight surface parking spaces, as shown on Appendix "E" attached to Report PED24001. The last recognized use of the existing building is a residential care facility. Site-specific modifications to the "E" District are required to accommodate the proposed development, which are discussed in detail in Appendix "D" attached to Report PED24001.

SUBJECT: Application for Zoning By-law Amendment for Lands Located at 83 and 85 Emerald Street South, Hamilton (PED24001) (Ward 3) - Page 3 of 13

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

- It is consistent with the Provincial Policy Statement (2020);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the Urban Hamilton Official Plan, in particular, the function, scale and design of the “Neighbourhoods” designation as well as, the Residential Intensification and Urban Design policies; and,
- The development is compatible with the existing land uses in the immediate area, and represents good planning by, among other things, providing a compact and efficient urban form, adding to the range of housing types by introducing studio and one bedroom units into the area, is an adaptive reuse of an existing building which has been identified as having cultural heritage value (specifically the exterior façade features) and supporting the development of a complete community.

Alternatives for Consideration – See Page 13

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	Realty Holdings Group Ltd.
Applicant:	Gladki Planning Associates Inc.
File Number:	ZAC-22-053.
Type of Application:	Zoning By-law Amendment.

SUBJECT: Application for Zoning By-law Amendment for Lands Located at 83 and 85 Emerald Street South, Hamilton (PED24001) (Ward 3) - Page 4 of 13

Application Details	
Proposal:	To permit the conversion of a former residential care facility to a multiple dwelling with maximum of 60 units (56 studio units and four one bedroom units) and eight surface parking spaces located to the rear of the building. The applicant proposes to utilize the existing building and construct a three storey addition at the rear that maintains the heritage value of the building. The building is listed in the City's Inventory of Heritage Properties as a non-designated property. The surface parking spaces will be accessed from Emerald Street South.
Property Details	
Municipal Address:	83 and 85 Emerald Street South.
Lot Area:	1557.55 m ² .
Servicing:	Existing full municipal services.
Existing Use:	Vacant, previously a residential care facility.
Proposed Use:	Multiple 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.
Official Plan Proposed:	No amendment proposed.
Zoning Existing:	Community Institutional (I2) Zone.
Zoning Proposed:	"E/S-1834-H" (Multiple Dwellings, Lodges, Clubs, Etc.) District, Modified, Holding.
Modifications Proposed:	<ul style="list-style-type: none"> • To require a minimum front yard setback of 5.0 metres and remove the maximum setback; • To require a minimum rear yard setback of 13.0 metres and remove the maximum setback; and, • To reduce the minimum landscaped area from 25% to 12.5%.

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SUBJECT: Application for Zoning By-law Amendment for Lands Located at 83 and 85 Emerald Street South, Hamilton (PED24001) (Ward 3) - Page 5 of 13

Documents	
Modifications Proposed (Continued):	<ul style="list-style-type: none"> • To require a minimum of eight parking spaces for a multiple dwelling containing 60 units or less (including one barrier-free parking space); • To remove the minimum number of loading spaces for a multiple dwelling; • To require a minimum of four one bedroom units within the building; and, • To reduce the parking space setback adjacent to a residential district from 1.5 metres to 1.3 metres along the rear lot line and 0.9 metres along the southerly side lot line. <p>A complete analysis of the proposed modifications is attached as Appendix “D” to Report PED24001.</p>
Processing Details	
Received:	August 9, 2022.
Deemed Complete:	August 22, 2022.
Notice of Complete Application:	Sent to 237 property owners within 120 metres of the subject property on August 22, 2022.
Public Notice Sign:	Posted on August 29, 2022, and updated with the Public Meeting date on December 14, 2023.
Notice of Public Meeting:	Sent to 237 property owners within 120 metres of the subject property on December 22, 2023.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix “G” attached to Report PED24001.
Public Consultation:	<p>In addition to the <i>Planning Act</i> requirements, the Applicant has completed the following additional Public Consultation:</p> <ul style="list-style-type: none"> • A Public Open House was held at Central Memorial Recreation Centre in the afternoon on February 22, 2023; and, • A Public Open House was held at Central Memorial Recreation Centre in the evening on February 27, 2023.

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SUBJECT: Application for Zoning By-law Amendment for Lands Located at 83 and 85 Emerald Street South, Hamilton (PED24001) (Ward 3) - Page 6 of 13

Processing Details	
Public Consultation (Continued):	The Applicant advised that approximately 30 individuals attended the open houses. The Applicant advised that the attendees were generally supportive of the proposed development, however concerns were raised regarding the poor state of the existing building since it is frequently vandalized. In addition, it was stated that the possibility of outdoor amenity space may result in noise disruptions.
Public Comments:	The City received 17 letters in opposition to the proposed development. Overall, the issues identified in the written responses included concerns with the size and number of units proposed, the impact of the addition on the surrounding uses, overcrowding, the limited number of parking spaces provided, reduced property values, and concerns regarding the existing building being used as a housing support service (residential care facility). The letters and responses to the concerns are attached as Appendix "H" to Report PED24001.
Processing Time:	519 days from receipt of initial application, 230 days from receipt of the final submission.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Vacant, Residential Care Facility.	Community Institutional (I2) Zone.
Surrounding Lands:		
North	Medical Clinic.	Mixed Use Medium Density (C5) Zone.
South	Multiple dwelling.	"E" (Multiple Dwellings, Lodges, Clubs, Etc.) District.
East	Single detached dwelling.	Low Density Residential – Small Lot (R1a) Zone.

SUBJECT: Application for Zoning By-law Amendment for Lands Located at 83 and 85 Emerald Street South, Hamilton (PED24001) (Ward 3) - Page 7 of 13

Surrounding Lands (Continued):

West	Long Term Care Facility (Saint Patrick Lodge) and Single Detached Dwelling.	Community Institutional (I2) Zone and “E” (Multiple Dwellings, Lodges, Clubs, Etc.) District.
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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the Provincial Policy Statement (2020) and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal approval of the City of Hamilton Official 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 Zoning By-law Amendment complies with the Urban Hamilton Official Plan, it is staff’s opinion that the application is:

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

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan. Based on a policy review attached as Appendix “F” to Report PED24001, the proposed development is identified as Medium Density Residential in the “Neighbourhoods” designation.

SUBJECT: Application for Zoning By-law Amendment for Lands Located at 83 and 85 Emerald Street South, Hamilton (PED24001) (Ward 3) - Page 8 of 13

The intent of the “Neighbourhoods” designation in the Urban Hamilton Official Plan is to develop neighbourhoods as complete communities. The “Neighbourhoods” designation primarily consists of residential uses with complementary facilities to serve residents. As part of a complete community a full range of housing forms, types and tenures shall be encouraged for residential uses. For any development within the “Neighbourhoods” designation, the proposed development should be compatible with the character of the existing neighbourhood. The proposal meets the intent of the designation by adding to the range of residential dwelling types within the existing building stock while proposing minimal exterior modifications to the street façade of the existing building. Therefore, the proposed building will remain consistent with the neighbouring properties in terms of height, massing and setbacks.

The Urban Hamilton Official Plan identifies “Medium Density Residential” as areas where multiple dwellings are located on the periphery of neighbourhoods. Medium Density Residential uses should be in close proximity to major or minor arterial roads and within a safe and convenient walking distance of existing or planned community facilities and services. The community facilities and services can include, but are not limited to, public transit, schools, and active or passive recreational facilities while being in close proximity to local or district commercial uses.

The proposed development is located within a safe and convenient walking distance of a number of uses and facilities to support the proposed density including retail uses and recreational facilities, such as Bishop’s Park, Carter Memorial Recreation Centre and Carter Park. Hamilton Street Railway operated bus routes are located along both Main Street East and Victoria Avenue North. Bicycle lanes are located south of the subject lands along Stinson Street. The site is located within 500 metres of the Downtown Urban Growth Centre which permits a range of commercial uses.

The subject lands include an existing three storey building constructed circa 1900, which is currently included in the City’s Inventory of Heritage Properties and Non-Designated properties. As per Policies B.3.4.1.3 and B.3.4.2.6, Cultural Heritage staff identified cultural heritage value of the existing building and recommended retention of the exterior building features. The proposed retention of the building would also maintain the existing streetscape along Emerald Street South and overall character of the Stinson Neighbourhood. As per the review completed in Appendix “F” attached to Report PED24001, staff are satisfied that the existing heritage features on the subject lands are being maintained. If there are changes to the building retention plan, additional measures may be required through a future Site Plan Control application.

The Applicant is proposing to construct a three storey addition to the rear of the existing building and relocating the existing surface parking area, to accommodate the proposed multiple dwelling. Staff have reviewed the scale and massing of the proposed addition

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SUBJECT: Application for Zoning By-law Amendment for Lands Located at 83 and 85 Emerald Street South, Hamilton (PED24001) (Ward 3) - Page 9 of 13

and are satisfied that the development and parking area are compatible with the adjacent single detached dwellings to the rear. The proposed three storey addition is setback from the rear property line (minimum 13.0 metres) resulting in no concerns with privacy and overlook. The proposed surface parking area is appropriately screened with a proposed planting strip and visual barrier between the adjacent single detached dwellings and the future parking spaces at the rear. The visual barrier will limit the impacts of lights shining into the rear yards of the existing single detached dwellings along the rear property line of the subject lands which will be implemented through a future Site Plan Control application.

The proposed development fronts onto Emerald Street South, a local road, which provides access to the parking spaces at the rear of the property. As per the Urban Hamilton Official Plan policies, the proposed multiple dwelling meets the access policy by locating the development at the periphery of a residential neighbourhood.

The proposed breakdown of the unit type within the development is primarily made up of studio units and includes four, one bedroom units. The proposed development is in line with the intent of the policy to add a range of uses within the Neighbourhoods designation of the Urban Hamilton Official Plan. The proposed multiple dwelling will provide studio units and four, one bedroom units, that will add additional unit types within the neighbourhood. It should be noted that during the Building Permit stage the individual unit floor areas will be reviewed to ensure that they meet the minimum standard of the Ontario Building Code.

In addition, staff are satisfied that the proposal provides sufficient internal amenity space with attached communal balcony space (see Appendix "E" to Report PED24001). There will be opportunities for larger gatherings in the internal amenity space and private amenity space is provided by the balconies. The current concept plan shows a total of 20 square metres of amenity space internal to the site and approximately 31 square metres of communal balcony space.

The Applicant requested a reduction to the parking requirements. A Parking Justification Study was submitted in support of the application and was approved by the Transportation Planning Section. The Parking Justification Study confirmed that the number of parking spaces proposed can accommodate the parking need for the proposed maximum of 60 units, in conjunction with the Transportation Demand Management options proposed including: access to multiple transit routes, long term bicycling parking on-site and access to ridesharing programs. The proposed parking reduction to permit eight parking spaces for a 60 unit (maximum) multiple dwelling has merit based on the location of the subject property being adjacent to the Downtown Hamilton Secondary Plan area which has reduced parking requirements. In the Downtown Hamilton Secondary Plan area, no parking is required for the first 12 units of

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SUBJECT: Application for Zoning By-law Amendment for Lands Located at 83 and 85 Emerald Street South, Hamilton (PED24001) (Ward 3) - Page 10 of 13

a residential development. Furthermore, as part of the Residential Zoning Project, Planning and Transportation Planning staff are exploring and assessing options for lowered City-wide parking standards. While street parking is available in the neighbourhood, it should be noted that the residents of the proposed multiple dwelling would not be eligible to obtain street parking permits as more than three units are proposed.

Holding “H” Provisions are proposed to be added to the subject lands for the purpose of requiring a Watermain Hydraulic Analysis to demonstrate that the municipal system can support the proposed intensification and to ensure the Owner enters into an External Works Agreement with the City to complete upgrades to the municipal infrastructure at 100% of the Owner’s cost.

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

Neighbourhood Plan

The subject lands are located in the Stinson Neighbourhood Plan and are identified as medium density apartments. There are commercial uses located along Main Street East to the north of the subject lands. The subject site is adjacent to medium density uses. Low density residential uses are envisioned towards the Niagara Escarpment (specifically in proximity to the Sherman Access). The proposed development generally implements the vision within the neighbourhood plan.

Zoning By-law No. 05-200

The Zoning By-law Amendment proposes to remove the Community Institutional (I2) Zone from Schedule “A” of Zoning By-law No. 05-200 and add the lands to Zoning By-law No. 6593 as “E/S-1834-H” (Multiple Dwellings) District, Modified, Holding. The Zoning By-law Amendment is required as a multiple dwelling is not permitted in the Community Institutional (I2) Zone. The effect of this Zoning By-law Amendment will permit the development of a multiple dwelling containing a maximum of 60 units (including a requirement for a minimum of four one bedroom units) with eight surface parking spaces. Modifications to the “E” District are required to facilitate the development and are summarized in the report Fact Sheet above and further discussed in Appendix “D” attached to Report PED24001.

SUBJECT: Application for Zoning By-law Amendment for Lands Located at 83 and 85 Emerald Street South, Hamilton (PED24001) (Ward 3) - Page 11 of 13

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (ii) It complies with the general intent and purpose of the Urban Hamilton Official Plan, in particular, the function, scale and design of the “Neighbourhoods” designation, is an adaptive reuse of an existing building, supports residential intensification, protects an existing building which has been identified as having cultural heritage value (specifically exterior façade features) and is in keeping with the relevant Urban Design policies; and,
 - (iii) It is considered to be compatible with the existing development in the immediate area and, it represents good planning by, among other things, providing a compact and efficient urban form, adding additional housing types (studio and one bedroom units) within the existing neighbourhood, and supporting the development of a complete community.

2. Zoning By-law Amendment

The subject lands are zoned Community Institutional (I2) Zone in Zoning By-law No. 05-200. The Zoning By-law Amendment proposes to remove the lands from Zoning By-law No. 05-200 and add the lands into the former City of Hamilton Zoning By-law No. 6593 as “E/S-1834-H” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified, Holding.

Staff are satisfied that the proposal meets the intent of the “Neighbourhoods” designation policies and applicable intensification policies of the Urban Hamilton Official Plan as outlined in the attached Appendix “F” to Report PED24001. The proposed multiple dwelling is a permitted use in the “Neighbourhoods” designation.

The Applicant is proposing to adaptively reuse the existing building for a multiple dwelling, maintaining the heritage value of the building, and adding an addition to the rear of the subject lands. By adaptively reusing the existing building, the proposal maintains the streetscape along Emerald Street South and the rear addition is compatible with the single detached dwellings to the rear.

SUBJECT: Application for Zoning By-law Amendment for Lands Located at 83 and 85 Emerald Street South, Hamilton (PED24001) (Ward 3) - Page 12 of 13

The applicants are proposing a 1.5 metre planting strip along the rear of the property between the proposed relocated surface parking and the adjacent single detached dwellings. Additionally, the required landscaped area is proposed to be reduced from 25% to 12.5% to accommodate the proposed addition to the existing building. The proposed addition will be located on a paved portion of the existing lot and does not have the effect of further reducing landscaped area. The existing front yard landscaping will not be impacted by the proposed development. Any proposed landscaping provided as part of the proposal would be addressed through the future Formal Consultation and Site Plan Control processes. In addition, the proposed use adds another type of housing within the existing neighbourhood (studio and one bedroom units).

The Applicant is seeking a reduction in parking to provide a total of eight parking spaces for the proposed development and provided a Parking Justification Study in support of the application. A multiple dwelling containing a maximum of 60 units would require 75 parking spaces and 15 visitor spaces. Staff are satisfied with the proposed parking ratio as the subject lands are within 300 metres of a number of existing Hamilton Street Railway Bus Routes and the site is located within 300 metres of a bicycle lane on Stinson Street. In addition, the site is located within a safe walking distance from commercial and office uses on Main Street East and recreational facilities, such as Bishop's Park, Carter Memorial Recreation Centre and Carter Park.

The proposed amendments meet the general intent of the Zoning By-law. An analysis of the requested modifications is provided in Appendix "D" attached to Report PED24001.

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

3. Holding Provisions

Holding "H" Provisions are proposed to be added to the subject lands for the purpose of requiring the submission of a watermain hydraulic analysis report to demonstrate that the municipal system can support the proposed intensification. In addition, the Owner is required to enter into an External Works Agreement with the City to complete upgrades to the municipal infrastructure at 100% of the Owner's cost. Upon submission and approval of the above noted requirements, the Holding 'H' Provisions can be lifted.

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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.

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SUBJECT: Application for Zoning By-law Amendment for Lands Located at 83 and 85 Emerald Street South, Hamilton (PED24001) (Ward 3) - Page 13 of 13

ALTERNATIVES FOR CONSIDERATION

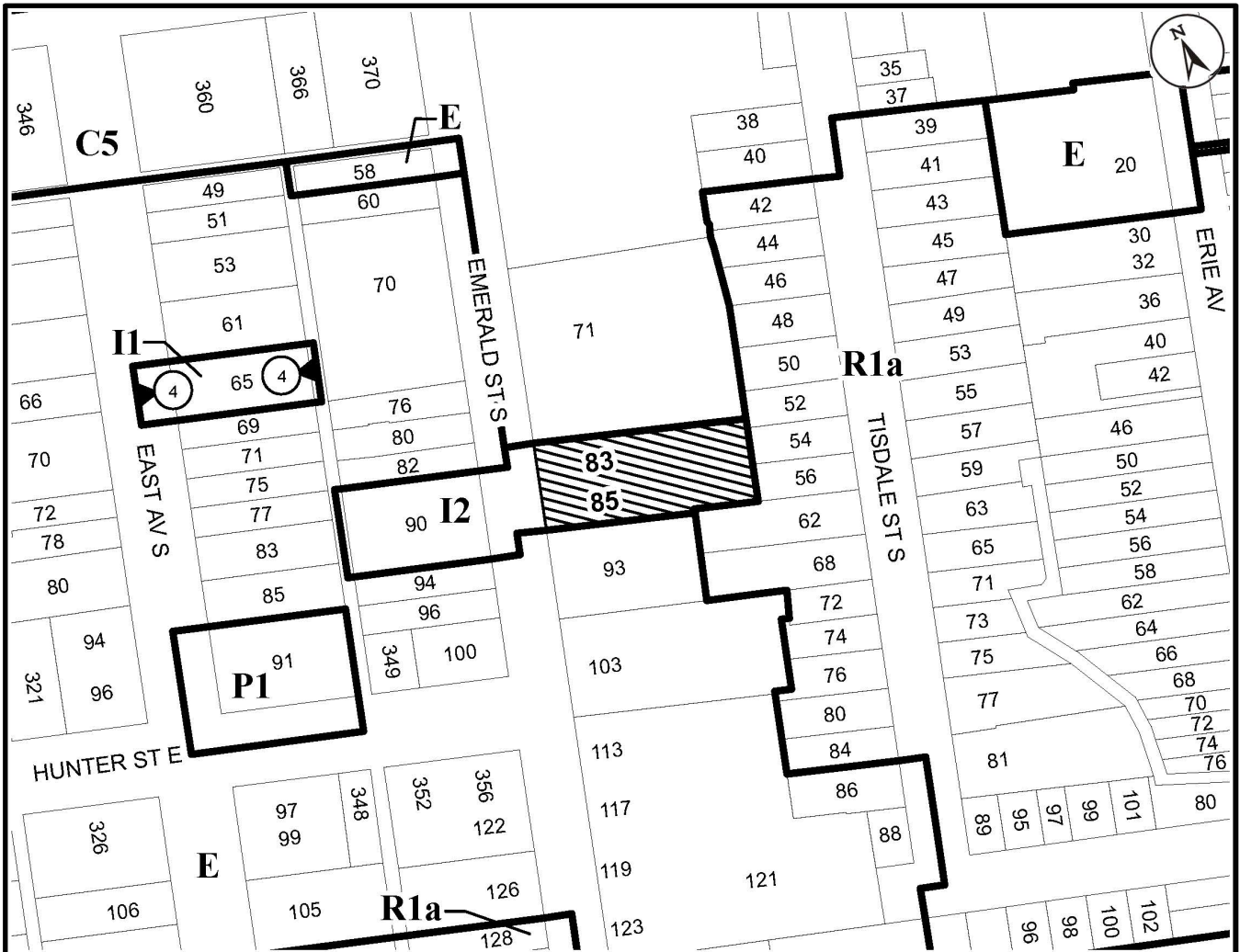
Should the application be denied, the subject property can be used in accordance with the Community Institutional (I2) Zone in Zoning By-law No. 05-200.

APPENDICES AND SCHEDULES ATTACHED

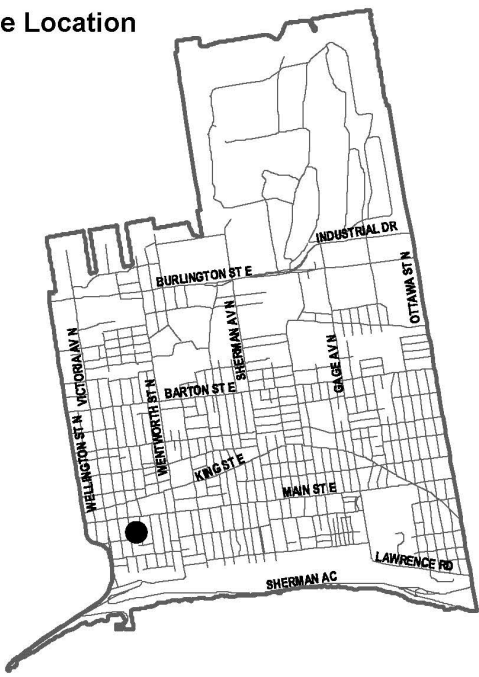
Appendix "A" to PED24001 – Location Map
Appendix "B" to PED24001 – Zoning By-law No. 05-200
Appendix "C" to PED24001 – Zoning By-law No. 6593
Appendix "D" to PED24001 – Zoning Modification Table
Appendix "E" to PED24001 – Concept Plan
Appendix "F" to PED24001 – Policy Review
Appendix "G" to PED24001 – Staff and Agency Comments
Appendix "H" to PED24001 – Public Comments and Responses

AB:sd

Appendix "A" to Report PED24001
Page 1 of 1



● Site Location



Key Map - Ward 3

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-23-053

Date:
November 13, 2023

Appendix "A"

Scale:
N.T.S

Planner/Technician:
AB/AL

Subject Property

83 & 85 Emerald Street South



Lands to be added as "E/S-1834-H" (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified, Holding

**Appendix “B” to Report PED24001
Page 1 of 2**

Authority: Item ,
Report (PED24XXX)
CM:
Ward: 2

Bill No.

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

**To Amend Hamilton Zoning By-law No. 05-200
Respecting Lands Located at 83 and 85 Emerald Street South**

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at its meeting held on January 16, 2024;

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

NOW THEREFORE Council of the City of Hamilton amends Zoning By-law No. 05-200 as follows:

1. That Map 996 of Schedule “A” – Zoning Maps is amended by removing the Community Institutional (I2) Zone for the lands identified as 83 and 85 Emerald Street South, Hamilton attached as Schedule “A” to this By-law.
2. 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 _____ , _____

A. Horwath
Mayor

J. Pilon
Acting City Clerk

Appendix "B" to Report PED24001
Page 2 of 2



<p>This is Schedule "A" to By-law No. 24-</p> <p>Passed the day of, 2024</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. 24-_____</p> <p>to Amend By-law No. 05-200 Map 996</p>	<p>Subject Property</p> <p>83 & 85 Emerald Street South</p> <p> Lands to be removed from Zoning By-law No. 05-200</p>
---	--

<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-23-053</p>	
<p>Date: December 13, 2023</p>	<p>Planner/Technician: AB/NB</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

Appendix “C” to Report PED24001

Page 1 of 4

Authority: Item ,
Report (PED24001)
CM:
Ward: 3

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

**To Amend Hamilton Zoning By-law No. 6593
Respecting Lands Located at 83 and 85 Emerald Street South, Hamilton**

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Schedule 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 and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951 (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item _____ of Report 24-_____ of the Planning Committee, at its meeting held on the 16th of January, 2024 recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

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

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

1. That Sheet No. E14 of the District Maps appended to and forming part of the Zoning By-law No. 6593 (Hamilton), is amended by adding the “E/S-1834-H” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified, Holding, on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.
2. That the “E” (Multiple Dwellings, Lodges, Clubs, etc.) District provisions, as contained in Section 11 of Zoning By-law No. 6593, be modified to include the following special requirements:

Appendix “C” to Report PED24001
Page 2 of 4

- a) Notwithstanding Subsection 11(3)(i)(b), a minimum front yard setback of 5.0 metres shall be required.
 - b) Notwithstanding Subsection 11(3)(iii)(b), a minimum rear yard depth of 13.0 metres shall be required.
 - c) Notwithstanding Subsection 11(6), not less than 12.5% of the area of the lot shall be provided as landscaped area.
 - d) In addition to Subsection 18A(1)(a), 18A(1)(b), 18A-Table 1 and 18A-Table 2, a minimum of 8 parking spaces is required for a multiple dwelling with 60 units or less.
 - e) Notwithstanding Subsection 18A(1)(c) and 18A-Table 3, no loading spaces shall be required for a multiple dwelling.
 - f) Notwithstanding Subsection 18A(11)(a), a minimum of 1.3 metre planting strip shall be required for any parking spaces abutting the rear lot line and a 0.9 metre planting strip shall be required for any parking spaces abutting the southerly side lot line.
 - g) In addition to Section 11, a minimum of four one bedroom units shall be required.
3. That the ‘H’ symbol applicable to the lands referred to in Section 1 of this By-law, shall be removed conditional upon:
- a) The Holding Provision “E/S-1834-H” (Multiple Dwellings) District, Modified, Holding be removed conditional upon:
 - i) The Owner submitting and receiving approval of a watermain hydraulic analysis (WHA), identifying the modelled system pressures at pressure district level under various boundary conditions and demand scenarios, to demonstrate that the municipal system can support the proposed intensification, to the satisfaction of the Director of Development Engineering and the Director of Hamilton Water.
 - iii) That the Owner enters into an External Works Agreement with the City to complete upgrades on the municipal infrastructure that has been identified through the Functional Servicing Report, submitted in support of the proposed intensification of the subject site, at 100% of the Owner’s costs, to the satisfaction of the Director of Development Engineering and the Director of Hamilton Water.
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 “E/S-1834-H” (Multiple Dwellings, Lodges, Clubs,

Appendix "C" to Report PED24001

Page 3 of 4

etc.) District, Modified, Holding subject to the special requirements referred to in Section 2 and 3 of this By-law.

5. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1834.
6. That Sheet No. E14 of the District Maps are amended by marking the lands referred to in Section 1 of this By-law as S-1834-H.
7. 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 _____ , _____

A. Horwath
Mayor

J. Pilon
Acting City Clerk

Appendix "C" to Report PED24001
Page 4 of 4



This is Schedule "A" to By-law No. 24-

Passed the day of, 2024

Mayor

Clerk


Schedule "A"

Map forming Part of
By-law No. 24-_____

to Amend By-law No. 6593

Subject Property

83 & 85 Emerald Street South

 Lands to be added as "E/S-1834-H" (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified, Holding

Scale:
N.T.S

File Name/Number:
ZAC-23-053

Date:
December 13, 2023

Planner/Technician:
AB/NB



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Specific Modifications to the “E” (Multiple Dwellings, Lodges, Clubs, etc.) District

Regulation	Required	Modification	Analysis
Front Yard Setback Section 11 (3)(i)(b)	A front yard of a depth of at least one one-hundred and twentieth part of the product obtained by multiplying the height of the building or structure by its width, but no such front yard shall have a depth of less than 3.0 metres (9.84 feet) and need not have a depth of more than 7.5 metres (24.61 feet), provided that with respect to said other buildings and structures, where a front yard abuts upon a street of a width of less than 20.0 metres (65.62 feet), the required depth shall be increased by half of the difference between the actual width of the street and 20.0 metres.	A minimum front yard setback of 5.0 metres shall be required.	<p>The proposed site specific modification is required to recognize the setback of the existing building. The proposed amendment requires a minimum setback of 5.0 metres. Staff are of the opinion that the proposed setback would be in character with the surrounding area and would protect landscaping in the front yard.</p> <p>Therefore, staff supports this modification.</p>
Maximum Rear Yard Setback Section 11 (3)(iii) (b)	For every other building or structure, a rear yard of a depth of at least one one-hundred and twentieth part of the product obtained by multiplying the height of the building or structure by its width, less 1.5 metres (4.92 feet) where no balcony, sunroom or any window of a habitable room overlooks the rear yard, but no such rear yard shall have a depth of less than 3.0 metres (9.84 feet) and need not have a depth of more than 13.5 metres (44.29 feet); plus 3.0 metres (9.84 feet) where any balcony, sunroom or any window of a habitable room does overlook such	A minimum rear yard depth of 13.0 metres shall be required.	<p>The applicant is proposing a rear yard addition to the existing building to support the proposed multiple dwelling. Staff have reviewed the scale and massing of the proposed addition and are satisfied that it is compatible with the existing single detached dwellings at the rear. The proposed three storey addition is setback from the rear property line (minimum of 13.0 metres) resulting in no concerns with privacy and overlook. The 13.0 metre setback allows for parking at the rear of the property and to accommodate the required drive aisle.</p>

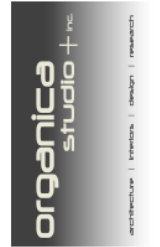
Regulation	Required	Modification	Analysis
Maximum Rear Yard Setback Section 11 (3) (iii) (b) Continued	rear yard, but no such rear yard need have a depth of more than 13.5 metres.		Therefore, staff supports this modification.
Minimum Landscaped Area Section 11 (6)	For every building or structure there shall be provided and maintained on the same lot within the district an amount not less than 25% of the area of the lot on which the building or structure is situate, as landscaped area.	For every building or structure, a minimum of 12.5% of landscape area shall be required.	The proposed reduction in landscaped area will allow for more efficient use of the subject lands without having negative impacts to storm water management, tree compensation planting area, or amenity space. The subject site has a large front yard landscaped area that provides previous land and will remain through the redevelopment. The proposed development includes a shared outdoor amenity area (in the form of a balcony), and the site is in close proximity to public parks (Bishop's Park and Carter Park). The development includes a planting strip as part of a visual barrier to screen the surface parking at the rear of the property. Therefore, staff supports this modification.
Parking Requirement Section 18A (1)(a)	1.25 spaces per unit.	A minimum of 8 parking spaces shall be required including one barrier free parking space for a multiple.	The proposal includes a reduction in the parking requirements as 75 parking spaces and 15 visitor parking spaces would be required to accommodate a 60 unit multiple dwelling. A Parking

Regulation	Required	Modification	Analysis
Visitor Parking Space Requirement Section 18A (1)(b) Continued	0.25 spaces per unit.	dwelling containing 60 units or less.	<p>Justification Study was submitted in support of the application and was approved by the Transportation Planning Section which stated that eight parking spaces proposed can accommodate the parking needs in conjunction with the Transportation Demand Management options which includes access to multiple transit routes, long term bicycling parking on-site and access to ridesharing programs. The subject lands are within 300 metres of existing HSR Bus Routes and the site is located within 300 metres of a bicycle lane on Stinson Street. In addition, the site is located within a safe walking distance from commercial and office uses on Main Street East and recreational facilities, such as Bishop's Park, Carter Memorial Recreation Centre and Carter Park.</p> <p>Therefore, staff supports this modification.</p>

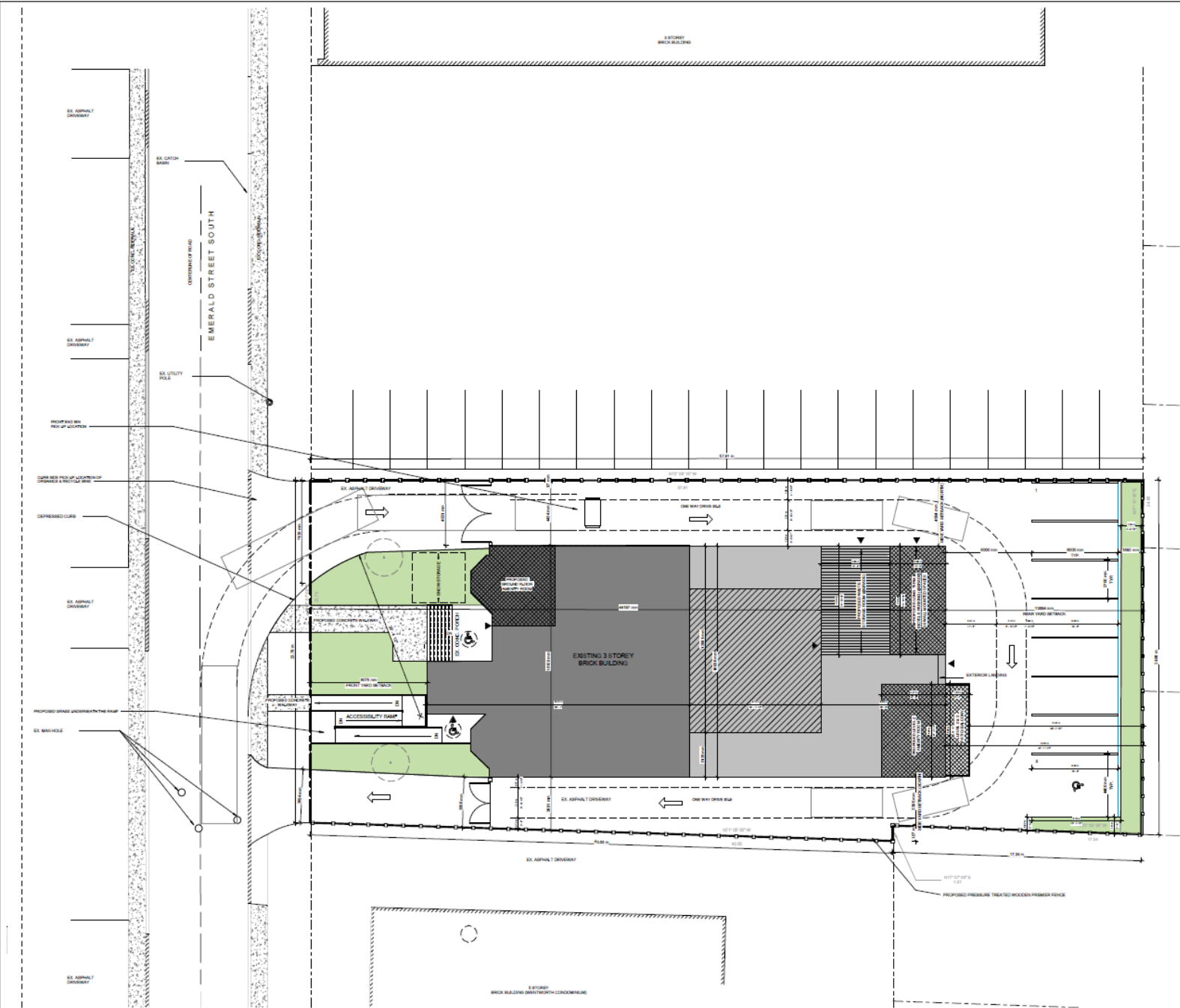
Regulation	Required	Modification	Analysis
Loading Space Requirement Section 18A (1)(c)	One space 3.7 metres wide, 18.0 metres long, and 4.3 metres high and one space 3.7 metres wide, 9.0 metres long, and 4.3 metres high.	No loading space is required for a multiple dwelling.	<p>The proposal to remove the requirement for a loading space meets the requirements within Zoning By-law No. 05-200. When the parking standards were written for Zoning By-law No. 05-200 regarding loading spaces it was determined that the size, location and appropriateness would be determined at a Site Plan Control stage. The proposed development is subject to a Site Plan Control application; therefore, a detailed review of the need for a loading space will be done at that time.</p> <p>Therefore, staff supports this modification.</p>
Minimum Setback for Every Parking Area abutting a Residential District Section 18A (11)	<p>The boundary of every parking area and loading space on a lot containing five or more parking spaces located on the surface of a lot adjoining a residential district shall be fixed,</p> <p>(a) not less than 1.5 metres from the adjoining residential district boundary; and</p>	<p>A minimum of 1.3 metre planting strip shall be required for any parking spaces abutting the rear lot line and a 0.9 metre planting strip shall be required for any parking spaces abutting the southerly side lot line.</p>	<p>An amendment is required for the setback for parking areas. Staff are satisfied that the proposed reduction is minor as the applicants are requesting a reduction of 0.2 metres from the required 1.5 metres for the majority of the site. Staff have scoped the most significant reduction to apply to only the area where there is a pinch point along the southerly property line as a result of the shape of the existing lot. Staff are satisfied that the proposed reduction is minor in nature and the applicants can provide a visual barrier within the reduced width.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
<p>Add a Minimum Number of One Bedroom Units</p> <p>Section 11</p>	N/A.	That a minimum of four one bedroom units be provided on the subject lands.	<p>The proposed amendment is being added to implement the intent of the Urban Hamilton Official Plan to add a range of uses within the neighbourhoods designation of the Urban Hamilton Official Plan. The proposed multiple dwelling will provide studio units and four one bedroom units that will add additional unit types within the neighbourhood. The modification proposed to indicate a minimum number of units was added as a Staff amendment to the draft zoning by-law.</p> <p>Therefore, staff supports the modification.</p>

Appendix "E" to Report PED24001
Page 1 of 6



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 100-1000 W. 10th Street, Suite 100
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 Fax: 604.681.1112
 Email: info@organicastudio.com
 Website: www.organicastudio.com



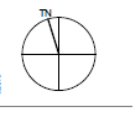
- LEGEND:
- [Symbol] EXISTING WALL/ACCESSORY STRUCTURE
 - [Symbol] EXISTING PROPOSED DEPRESSED CURB
 - [Symbol] PROPOSED ACCESSORY STRUCTURE
 - [Symbol] EXISTING STRUCTURE
 - [Symbol] PROPOSED LANDSCAPING
 - [Symbol] EXISTING PROPOSED ASPHALT DRIVE
 - [Symbol] EXISTING PROPOSED CONCRETE PARK
 - [Symbol] PROPOSED RAISED PLANK
 - [Symbol] PROPOSED ASBESTOS
 - [Symbol] PROPOSED ASBESTOS EXTRACTOR POINT
 - [Symbol] EXISTING PROPOSED DRIVE ALIEN
 - [Symbol] EXISTING PROPOSED DRIVE ELEVATION
 - [Symbol] CORNER CUT OR CONCRETE PLANK PAD
 - [Symbol] PROPERTY LINE
 - [Symbol] EXISTING BOUNDARY OR SECTION OF BOUNDARY
 - [Symbol] EXISTING PROPOSED CHAIN LINK FENCE
 - [Symbol] EXISTING PROPOSED WOOD FENCE
 - [Symbol] PROPOSED CONCRETE REINFORCED METAL FENCE
 - [Symbol] EXISTING PROPOSED TYPICAL DRIVEWAY AREA TO EXISTING STRUCTURE

SPS SECTION FROM SURVEY PREPARED BY
 15.01.2011 BY: [Name]

LOCAL DISSEMINATION
 SPS PLAN IS TO BE FILED IN
 MUNICIPALITY OF VANCOUVER - INFRASTRUCTURE
 DIVISION
 15.01.2011 BY: [Name]

EXISTING BUILDING METRICS

LOT AREA	14720.00	SQFT/14720
LOT COVERAGE	35.7%	7500
EXISTING FLOOR AREA	20000.00	20000.00
PROPOSED FLOOR AREA	20000.00	20000.00
EXISTING TOTAL FLOOR AREA	20000.00	20000.00
PROPOSED TOTAL FLOOR AREA	20000.00	20000.00
EXISTING HEIGHT	12.00	M 39'6"
PROPOSED HEIGHT	15.00	M 49'3"
EXISTING FLOOR LEVELS	1	
PROPOSED FLOOR LEVELS	4	
PROPOSED TOTAL NUMBER OF JUMPS	3	
PROPOSED FLOOR AREA	5000.00	5000.00
PROPOSED FLOOR AREA	5000.00	5000.00
PROPOSED FLOOR AREA	5000.00	5000.00
PROPOSED FLOOR AREA	5000.00	5000.00
PROPOSED HEIGHT	12.00	M 39'6"
PROPOSED HEIGHT	15.00	M 49'3"
PROPOSED FLOOR LEVELS	1	
PROPOSED FLOOR LEVELS	4	
PROPOSED TOTAL NUMBER OF JUMPS	3	
PROPOSED FLOOR AREA	5000.00	5000.00
PROPOSED FLOOR AREA	5000.00	5000.00
PROPOSED FLOOR AREA	5000.00	5000.00
PROPOSED FLOOR AREA	5000.00	5000.00
PROPOSED HEIGHT	12.00	M 39'6"
PROPOSED HEIGHT	15.00	M 49'3"



SITE PLAN
1:100

SITE PLAN
83 Emerald St S

DATE	15.01.2011
BY	[Name]
CHECKED BY	[Name]
PROJECT NUMBER	23014

A1.0

gladki planning associates

January 8, 2024

Alaina Baldassarra, B.E.S., R.P.P., MCIP
Planner I,
Development Planning, Heritage and Design
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Ms Baldassara:

Subject Rezoning application—83-85 Emerald Street S: Revised Unit Count

In response to your recent inquiry regarding unit sizes in the proposed development at 83-85 Emerald Street South, I am writing to confirm that unit count has been reduced from 62 to 60, in order to ensure that all units meet OBC requirements. Four units will be 1 bedroom units.

The architects have noted as follows:

As a result of our last review, we have detected four units with combined useable spaces for living below OBC requirements. Two of these units are on the basement level and the other two are on the third floor. Because these units are located adjacent to each other we will combine these two sets of units, without disturbing the location and layout of the remaining units.

As I mentioned in my previous correspondence, the units to be combined are 21 and 22 in the basement and 61 and 62 on the third floor.

Please let me know if you need anything else.

Yours sincerely



John Gladki RPP FCIP

CC Jennifer Catarino
David Joy
Kubra Karahan



1
SD5.0

NEW ELEVATION - NORTH

1" = 10'-0"



architecture | interiors | design | research

83 Emerald St S

REALTY HOLDINGS GROUP

| 7-145 Birmingham Street | Toronto ON | M8V3Z8 | 905 832 5758 | organicastudio.ca | info@organicastudio.ca

23014

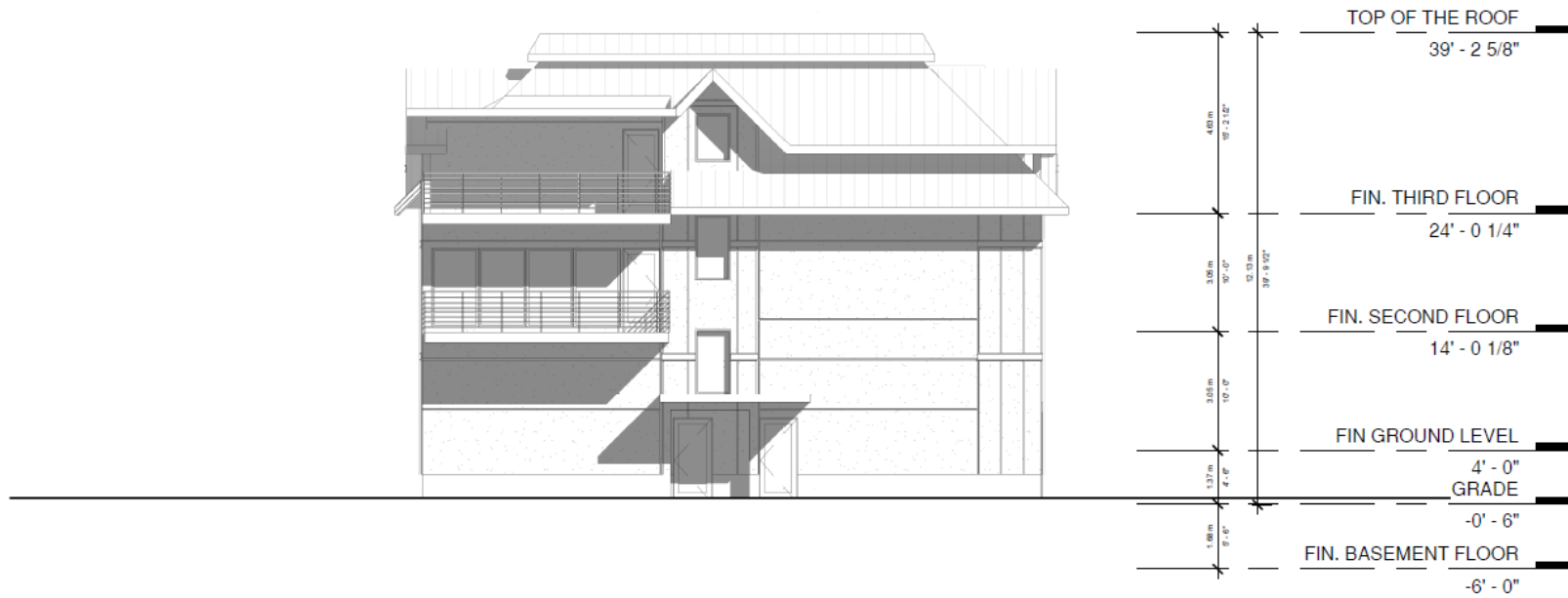
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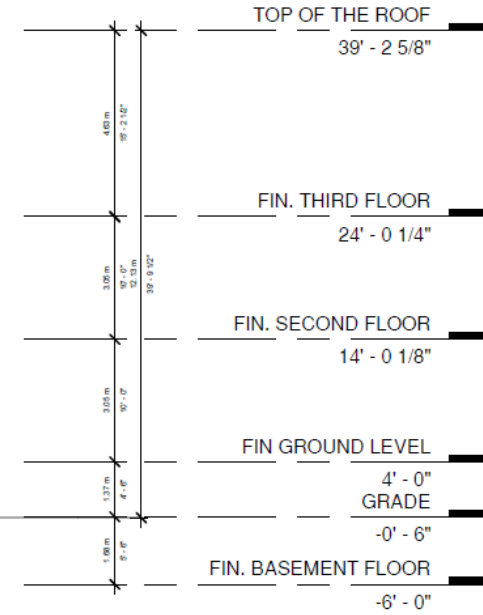
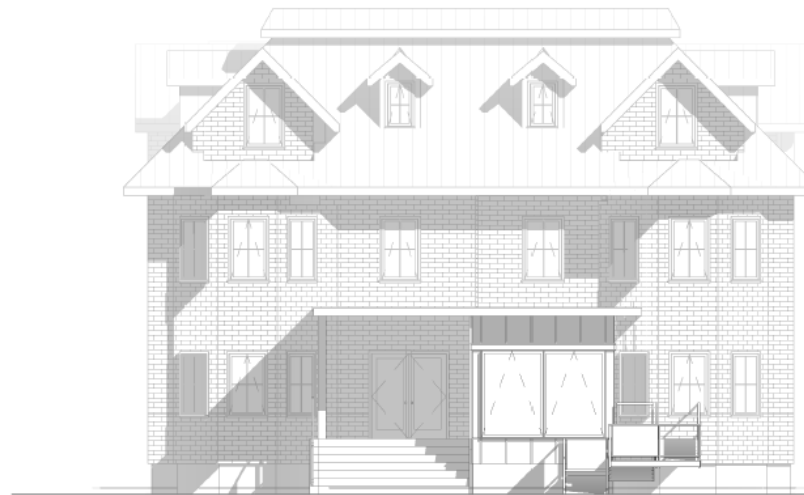
1 NEW ELEVATION - SOUTH
SD6.0 1" = 10'-0"

PREPARED BY: ORGANICA STUDIO + INC. 83 EMERALD ST S, TORONTO, ONTARIO M8V 3Z8
 DATE: 2023.06.01 11:55:04 AM



1 NEW ELEVATION - EAST
SD7.0 1" = 10'-0"

Project: V:\Client\144\2023\10\14\83 Emerald St S\Realty Holdings Group\2023\10\14\83 Emerald St S\Realty Holdings Group\Realty Holdings Group\05/17/23\144442.dwg
 Plot Date: 2023/05/17 14:45:02



1 NEW ELEVATION - WEST
SD8.0 1" = 10'-0"



architecture | interiors | design | research

83 Emerald St S

REALTY HOLDINGS GROUP

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23014

05/17/23

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SUMMARY OF POLICY REVIEW

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

Urban Hamilton Official Plan (Prior to Official Plan Amendment 167)		
Theme and Policy	Summary of Policy or Issue	Staff Response
Residential Intensification Policy B.2.4.1.1	Residential Intensification is encouraged throughout the entire built-up area.	The proposal complies with this policy as the subject lands are located within the built-up area.
Residential Intensification Criteria Policy: B.2.4.1.4 and B.2.4.2.2	Residential intensification in the built-up area shall be evaluated on: the relationship with existing neighbourhood character, contribution towards achieving a range of dwelling types, compatible integration with the surrounding area, contribution towards achieving the planned urban structure, existing infrastructure capacity, incorporation of sustainable design elements, contribution towards supporting active transportation, contribution towards supporting transit, availability of public community facilities and services, ability to retain natural attributes of the site, and compliance with all other applicable policies.	<p>The proposal complies with these policies.</p> <p>The proposed development represents a compatible form of infill development. It will contribute to the range of housing types within the neighbourhood and achieve the planned urban structure. The increased density will support the existing transit and commercial uses. It will also support active transportation as existing bicycle lanes are located within proximity to the subject lands (Stinson Street).</p> <p>The proposed development is designed to protect the existing cultural heritage feature on the subject site while considering the compatibility with the surrounding neighbourhood character. The proposed development is maintaining the existing streetscape along Emerald Street South since the development will adaptively reuse the existing two and a half storey building while adding an addition to the rear of the property. In addition, staff have reviewed the site plan drawing and elevations for the proposed three storey addition, with surface parking at the rear property line, and are satisfied that the proposed development does not create a privacy concern. The surface parking is</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Residential Intensification Criteria</p> <p>Policy: B.2.4.1.4 and B.2.4.2.2</p> <p>Continued</p>		<p>appropriately screened with a combination of landscaping and visual barriers and creates an appropriate transition to the existing single detached dwellings at the rear of the property.</p> <p>The proposed three storey addition and setbacks at the rear of the property are compatible with the existing single detached dwellings at the rear of the subject lands. Furthermore, a planting strip along the rear property line will provide an additional barrier for the surface parking spaces proposed along the rear property line.</p> <p>Staff are satisfied that the proposed internal amenity space with attached balconies is an adequate amount of amenity space for the site.</p> <p>Further design details, such as landscaping, lighting, and noise mitigation, will be addressed through the future Formal Consultation for Site Plan and Site Plan Control stage.</p>
<p>Urban Design Policies – General Policies and Principles</p> <p>Policy: B.3.3.2.2 - B.3.3.2.10</p>	<p>The principles in Policies B.3.3.2.3 through B.3.3.2.10 inclusive, shall apply to all development and redevelopment, where applicable. These principles include:</p> <ul style="list-style-type: none"> • Fostering a sense of community pride and identity; • Creating quality spaces; • Creating places that are safe, accessible, connected and easy to navigate; • Enhancing the character of the existing environment; • Creating places that are adaptable to future changes; 	<p>The proposal complies with these policies.</p> <p>Urban Design provided comments advising that there should be an accessible walkway to the sidewalk, a landscape buffer should be provided at the rear property line, provide fencing along the interior property line, and combine both internal common amenity and external common amenity. The applicants provided a concept plan and elevations addressing comments provided by staff in support of the proposed development.</p> <p>The proposed development is adaptively reusing the existing building on-site. As a result, the applicants are reducing some of the greenhouse gas emissions being generated by the development since it would not require the removal of the</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
Policy: B.3.3.2.2 - B.3.3.2.10 Continued	<ul style="list-style-type: none"> Promoting the reduction of greenhouse gas emissions and protecting and enhancing the natural environment; and, Enhancing physical and mental health; and, Designing streets as a transportation network and as a public space. 	material for the existing building. The proposed development includes planting strips to screen the parking from the low density residential to the rear of the property. The details regarding the planting strips will be addressed at the Site Plan Control Stage.
Tree Management Policy: 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.	The proposal complies with this policy. An Arborist Report and Tree Protection Plan prepared by Cohen and Master Tree and Shrub Services dated March 18, 2022 was submitted in support of the development. A total of 15 trees have been inventoried and one tree (a Norway Maple) is proposed to be removed as a result of the proposed drive aisle and rear yard parking spaces. The Norway Maple Tree was found to be in “poor” condition. The proposed tree to be removed has been identified as a Private Tree. As a condition of a future Formal Consultation for Site Plan and Site Plan Application, compensation will be required at a rate of 1:1 for any trees removed as part of the development application.
Cultural Heritage Resource Policies Policies: B.3.4.1.3 and B.3.4.2.6	The City recognizes the importance of Cultural Heritage Resources. As a result, any new development, site alterations, building alterations and additions are appropriate and maintain the integrity of all on-site resources. In addition, the city recognizes that not all cultural heritage properties are included in the registrar of property of cultural heritage value or interest or designated under the <i>Ontario Heritage Act</i> but are still of	The proposal complies with this policy. The subject property is included on the City’s Inventory of Heritage Properties as a non-designated property. The current proposal is to convert the existing building to a multi-residential use and involves mainly alterations to the interior and rear parking area. As per the Cultural Heritage comments, Staff identified an interest in preserving the key architectural details of the façades of the building including the red brick construction,

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Policies: B.3.4.1.3 and B.3.4.2.6</p> <p>Continued</p>	<p>cultural heritage value and are still worthy of conservation.</p>	<p>segmental window openings and buff brick arches with key stones and each projecting bay and gable and the buff brick quoins. The proposal is to maintain a portion of the building, including the front façade, and build a three storey addition at the rear of the property. Since the proposed development will adaptively reuse the existing building, it meets the intent of the Urban Hamilton Official Plan policies with regards to protecting Cultural Heritage features not on the registrar or designated under the <i>Ontario Heritage Act</i>. The proposed streetscape along Emerald Street South will be maintained and any trees in the front yard are proposed to be protected.</p>
<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>The proposal complies with this policy.</p> <p>Transportation Planning determined that through the site plan drawing, site plan details, and proposed floor plans, the existing surrounding road network and infrastructure can support this use and staff did not require a Transportation Impact Study as part of a complete application.</p>
<p>Infrastructure</p> <p>Policy: C.5.3.6, C.5.3.13, C.5.3.17, and C.5.4</p>	<p>All redevelopment within the urban area shall be connected to the City’s water and wastewater system.</p> <p>The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system. The City shall be satisfied that adequate infrastructure services can be provided prior to any development or intensification proceeding.</p> <p>The City shall ensure that appropriate storm water management facilities are built and maintained to provide a safe and secure system for storm water.</p>	<p>The proposal complies with this policy.</p> <p>Development Engineering does not have any objections to the approval of the application, subject to a Holding Provision. The recommended Zoning By-law includes a Holding ‘H’ Provision which is for the purpose of requiring a Watermain Hydraulic Analysis to demonstrate that the municipal system can support the proposed intensification and to ensure the Owner enters into an External Works Agreement with the City to complete upgrades to the municipal infrastructure at 100% of the Owner’s cost.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Noise</p> <p>Policy: B.3.6.3.1</p>	<p>Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.</p>	<p>The proposal complies with these policies.</p> <p>The subject lands front onto Emerald Street South, which is identified as a local road, and is located approximately 140 metres south of Main Street East, which is identified as a major arterial road on Schedule “C” – Functional Road Classification. The institutional building to the north of the site with roof-mounted heating, ventilation and rooftop HVAC units is the stationary noise source within close proximity to the subject lands.</p> <p>A Noise Impact Study, prepared by GHD Limited 735 dated July 18, 2022 and Response Letter dated May 9, 2023 were submitted. The study recommended that no mitigation measures were required for the proposed construction of a multiple dwelling. Staff are generally satisfied with the findings; however, staff request an addendum to the Noise Study be submitted, which would be required as part of the Formal Consultation for Site Plan and/or a condition at the Site Plan Control stage. The addendum is required to address outstanding items identified within comments provided at the Zoning stage in addition to confirming if any additional mitigation is required.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Neighbourhoods Designation – General Policies: Function</p> <p>Policy: E.3.2.1</p>	<p>Areas designated “Neighbourhood” shall include a full range of residential dwelling types and densities.</p>	<p>The proposal complies with this policy.</p> <p>The proposed development will include primarily studio units as well as four one-bedroom units within the building. The four one bedroom units have been included in the Zoning By-law in order to require a mix of unit types within the proposed development.</p>
<p>Neighbourhoods Designation – General Policies: Scale and Design</p> <p>Policy: E.3.2.15</p>	<p>The City shall encourage the adaptive reuse of the existing building stock for appropriate land uses. Rezoning applications for new uses shall be evaluated to ensure compatibility with surrounding land uses.</p>	<p>The proposal complies with this policy.</p> <p>The proposed development is reusing the existing two and a half storey brick building to create a multiple dwelling use. The proposed multiple dwelling is considered an appropriate use within the “Neighbourhoods” designation subject to compatibility with the surrounding area. Since the applicant is proposing to reuse the existing building, the proposed development would maintain the existing streetscape on Emerald Street South. The proposed development is compatible with the surrounding area because it does not create any privacy and overlook issues with the low density residential at the rear, while protecting the existing streetscape since the proposal includes retention of the existing building.</p>
<p>Medium Density Residential – Function</p> <p>Policy: E.3.5.1, E.3.5.2, E.3.5.5 and E.3.5.6</p>	<p>Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads.</p> <p>Medium density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities, public transit, schools, active or passive recreational facilities, and local or District Commercial uses.</p>	<p>The proposal complies with these policies.</p> <p>The proposed development is a multiple dwelling located within 200 metres of Main Street East and Victoria Avenue North which is identified as a major arterial road on Schedule “C” – Functional Road Classification.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Policy: E.3.5.1, E.3.5.2, E.3.5.5 and E.3.5.6</p> <p>Continued</p>	<p>Medium density residential built forms may function as transitions between high and low profile residential uses.</p>	<p>The proposed development is located within a safe and convenient walking distance of a number of services to support the proposed density including retail uses and recreational facilities (Bishop’s Park, Carter Memorial Recreation Centre and Carter Park). Hamilton Street Railway operated bus routes are located along both Main Street East and Victoria Avenue North. Bicycle lanes are located south of the subject lands along Stinson Street.</p> <p>The proposed three storey multiple dwelling functions as a transition between low density and higher density areas. The proposed area for the development is adjacent to the start of a low density neighbourhood to the east and the downtown Hamilton secondary area to the west. Therefore, the proposed three storey building is appropriate.</p>
<p>Medium Density Residential – Scale and Design</p> <p>Policy: E.3.5.8 and E.3.5.9</p>	<p>For a Medium Density area, the maximum height is six storeys. For a Medium Density Residential use a proposal shall be evaluated against the following policies:</p> <ul style="list-style-type: none"> • Development should have direct access to a collector road or arterial road. If direct access is not possible, the development may gain access to a collector road or local road from a local road only if a small number of low density residential dwellings are located on that portion of the local road; • Development shall be integrated with other lands in the neighbourhoods designation with respect to density, design, and physical and functional considerations; and, • Development shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, 	<p>The proposal complies with this policy.</p> <p>The proposed development is a total of three storeys in height which is less than the maximum amount permitted within the Medium Density Residential designation. Therefore, it meets the policy.</p> <p>The proposed development fronts onto Emerald Street South, a local road, which provides access to the parking spaces at the rear of the property. As per the Urban Hamilton Official Plan policies, the proposed multiple dwelling meets the access policy by locating the development at the periphery of a residential neighbourhood. The proposal maintains the existing two and a half storey building fronting Emerald Street South with a three storey addition and surface parking spaces at the rear. By adaptively reusing the existing two and a half storey building the proposal protects the existing streetscape along Emerald Street South which includes the existing landscaping. The proposed</p>

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	and buffering, if required. The height, massing, and arrangement of buildings and structures shall be compatible with the existing and future uses.	three storey addition is setback a minimum of 13 metres from the rear lot line of the subject lands, therefore staff are supportive of the proposal since there is no concern with overlook or shadowing for the existing single detached dwellings adjacent to the rear lot line. In addition, the applicant is proposing a landscaping area between the rear property line and the
Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Medium Density Residential – Scale and Design</p> <p>Policy: E.3.5.8 and E.3.5.9</p> <p>Continued</p>	<ul style="list-style-type: none"> • Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets; • The city may require studies, in accordance with Chapter F of the Urban Hamilton Official Plan to demonstrate the height, orientation, design and massing of the building or structure shall not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses; and, • The orientation, design, and massing of a building or structure higher than six storeys shall take into account the impact on public view corridors and general public views of the area through the submission of a Visual Impact Assessment. 	<p>proposed parking spaces in order to provide screening for the existing single detached dwellings at the rear property line. As well, the parking spaces are buffered from the public street by the existing building along Emerald Street South.</p> <p>Staff are satisfied that the proposal provides sufficient internal amenity space for larger gatherings with attached communal balcony space. The current concept plan shows a total of 20 square metres of amenity space internal to the site and approximately 31 square metres of communal balcony space.</p> <p>Since the building is less than six storeys in height a Visual Impact Assessment is not required to be submitted as part of a complete application.</p>

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CONSULTATION – DEPARTMENTS AND AGENCIES

Department/Agency	Comment	Staff Response
Real Estate Section, Economic Development Division, Planning and Economic Development Department; and, Landscape Architectural Services, Strategic Planning Division, Public Works Department.	No Comment.	Noted.
Development Engineering Section, Growth Management Division, Planning and Economic Development Department.	<p>Development Engineering does not have any objections to the approval of the application subject to the addition of a Holding Provision.</p> <p>The applicant needs to demonstrate the municipal system can support the proposed intensification through a Watermain Hydraulic Analysis which includes the modelled system pressures at pressure district levels for various boundary conditions and demand scenarios. In addition, the owner needs to enter into an External Works Agreement in order to complete upgrades to the municipal services at 100% the applicants cost.</p>	The recommended Zoning By-law includes a Holding ‘H’ Provision for the purpose of submitting a Watermain Hydraulic Analysis (WHA) to demonstrate that the municipal system can support the proposed intensification. The second Holding Provision requires the owners to enter into an External Works Agreement with the City to complete upgrades to the municipal infrastructure at 100% the Owner’s cost (see Appendix “C” attached to Report PED24001).
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department.	Transportation Planning support the proposed Zoning By-law Amendment as it has been shown that the existing surrounding road network and infrastructure can support the use. A Parking Justification Study by Trans-Plan dated May 2023 was reviewed and approved for the proposal in support of the eight parking spaces.	The detailed design concerns identified at the Zoning stage will be addressed through a Formal Consultation for Site Plan and Site Plan Control application.

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Department/Agency	Comment	Staff Response
<p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department.</p> <p>Continued</p>	<p>The existing right-of-way for Emerald Street South is approximately 15.9 metres. Some Local roads within the older downtown or older urban core areas are subject to policy 4.5.2.f) Local Roads iii). The City recognizes that in older urban built up areas there are existing road right-of-way widths significantly less than 20.117 metres. Notwithstanding the other road right-of-way widening policies of this Plan, it is the intent of the City to increase these existing road rights-of-ways to a minimum of 15.24 metres with daylighting triangles at intersections instead of the minimum required 20.117 metre road right-of-way width, provided all the required road facilities, municipal sidewalks and utilities can be accommodated in this reduced road right-of-way width. No right-of-way dedications are required as the right-of-way already exceeds 15.24 metres and is consistent with adjacent parcels.</p> <p>Transportation Planning did provide additional site plan comments related to the location of garbage bins, movement of the waste vehicle on-site (including turning movements), proposed concrete walkway, driveway signage and driveway radii.</p>	
<p>Waste Policy and Planning Section, Waste Management Division, Public Works Department</p>	<p>Waste Policy attempts to have all residential developments receive municipal waste collection unless there are extenuating circumstances and/or specific site constraints. The proposed multiple dwelling will require front end bin service for collection of garbage, recyclable containers, recyclable papers, and organic waste.</p>	<p>Specific design details will be addressed at the Formal Consultation for Site Plan and Site Plan Control stage.</p>

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Department/Agency	Comment	Staff Response
Waste Policy and Planning Section, Waste Management Division, Public Works Department Continued	Additional details have been provided in the comments to ensure the municipal requirements are met, which include the specifics regarding the size of the waste room, the number of bins, chute design for the building layout and the road base design along the access route.	
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	Forestry has requested a Landscape Plan prepared by a registered Landscape Architect, showing the placement of trees on internal and external city property be provided. As per Tree By-law No. 15-125 new developments are to provide a one time payment for each new tree proposed within the City Right-of-Way.	A Landscape Plan will be required to be submitted, reviewed, and approved by Forestry staff as part of a future Formal Consultation for Site Plan and Site Plan Control application.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	It should be determined if a Draft Plan of Condominium application will be required. Municipal addressing will be determined at a future Site Plan Control stage.	At the time of the Zoning By-law Amendment application, Staff were advised that the proposal is intended to provide rental units, therefore a Draft Plan of Condominium application is not required. Municipal addressing will be determined at a future Formal Consultation for Site Plan and Site Plan Control stage.

Summary of Public Comments Received

Comment Received	Staff Response
<p>Concerns regarding the size and number of dwelling units proposed within the building.</p>	<p>Staff have been in discussion with the applicants to request information confirming that the proposed unit sizes meet the minimum requirement of the Ontario Building Code.</p> <p>In terms of the number of units, the proposal complies with the policies of the Urban Hamilton Official Plan as all the technical studies required to confirm that the number of units can be supported, including but not limited to a Parking Justification Study and engineering servicing studies, have been approved by technical staff.</p>
<p>Concerns on the impact of the extension on the subject lands.</p>	<p>The proposal complies with the policies of the Urban Hamilton Official Plan regarding built form and scale of the neighbourhood. It is adequately setback from the existing single detached dwelling units to the rear. The proposed setbacks coupled with the required planting strip along the rear property line screen the surface parking area from the existing single detached dwellings, which meets the intent of the policies.</p>
<p>Concern regarding number of parking spaces provided.</p>	<p>The proposal complies with the policies of the Urban Hamilton Official Plan based on the findings of the Parking Justification Study submitted in support of the proposed development. Transportation Planning approved the study, and the proposed reduction can be supported. The site is also well served by multiple transit routes which provide additional modes of transportation. The proposed development is located within 500 metres of Hamilton Streetcar Railway Route 1 Westbound only, Route 1a Westbound only, 10 B-Line Express Westbound and Route 12 Southbound.</p> <p>While Street parking is available in the neighbourhood, it should be noted that the residents of the proposed multiple dwelling would not be eligible to obtain street parking permits as more than three units are proposed.</p>

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.
Concern with the demographic or section of the population that may occupy the building.	The Zoning By-law cannot “people zone” or exclude sections of the population from living in a residential unit. The Zoning By-law is intended to regulate land use and built form.
Concerns that the proposed use will transform into a housing support service (institutional uses).	Concerns that the proposed development will be a housing support use as there are a large number of existing institutional uses in the neighbourhood. As part of the application, the applicants have not indicated that the proposed development will accommodate an institutional use. At this time, the owner has indicated that the proposed development is a market rate rental residential building. A Residential Care Facility for the accommodation of not more than 20 residents is a permitted use in the Zoning By-law. A change in use permit would be required through the building department if a new use was proposed.

Baldassarra, Alaina

From:
Sent: Sunday, September 18, 2022 7:01 PM
To: Allen, Jennifer
Subject: Opposition to File: ZAC-22-053

To whom it may concern,

As residents of Ward 3 in Hamilton, residing in the vicinity of 83/85 Emerald St., we are very concerned about the Zoning Bylaw Amendment Application for said property.

The property in question has raised many concerns in the past regarding the quality of life of its residents and this new proposal does not address the previous issues and instead appears to be creating a situation where conditions will be worse. The number of units proposed is quite high for the size of the property and thus makes it seem that the quality of life of any resident of 83/85 Emerald St., in such cramped quarters, will be quite poor.

The current proposal also mentions a proposed extension without any details of how the existing property will be improved. There are also no details about how this extension will impact the neighbouring properties.

We are strongly opposed to any zoning changes or development of the property that don't improve the quality of life of future residents of the property and the current residents of the neighborhood.

Kind regards,
Residents of Tisdale St. South

Please note that we are happy to provide our personal information to the City upon request to verify that we are current residents of the neighbourhood, but we do not want any of our personal, identifying information to be a part of the public record.

Baldassarra, Alaina

From:
Sent: Tuesday, September 13, 2022 4:29 PM
To: Allen, Jennifer
Subject: 83-85 Emerald St. North

As you know the Stinson neighbour hood is saturated already with rooming houses, Lodges Etc. Hunter St. East and some of Emerald parking has been taken over by the employees from the Dental Place next door to the so called Lodge. They have a huge parking lot , but obviously can't handle all the Employees. Not sure where these 70 units will park. We are saturated now in the Stinson Hood with Lodges, rooming houses etc. Too much is too much.

Concerned Citizen

Baldassarra, Alaina

From:
Sent: Tuesday, September 13, 2022 5:00 PM
To: Allen, Jennifer
Subject: Regarding ZAC-22-053

Hello Jennifer,

I am writing in regards to the zoning proposal for ZAC-22-053.

As it stands, the proposal will not contribute to this community in any meaningful way. It will result in overcrowding, resulting in additional traffic congestion, services needs provided by the city including garbage collection for example, and will impact infrastructure including but not limited to things like parking and adequate waste storage. We are already in a densely populated area, with high crime rates and lack of sufficient resources available to accommodate the existing population.

Furthermore, the proposal will decrease the existing property value, essentially moving this neighbourhood more towards a slum than a prospering neighbour of mixed backgrounds. 300 square feet is not a livable space for most people, and I would be curious to understand the type of dweller this proposal would attract. We already deal with break ins, property damage and illegal access, and a high concentration of halfway houses. The land site this proposal sits on is not even addressing any of the infrastructure concerns, let alone the socioeconomic ones. It is void of any true investment in anything related to the needs of the community in which is it proposing to serve.

Critical information is missing from this proposal. Please consider the needs of the community over the needs of the developer.

Regards,

Baldassarra, Alaina

From:
Sent: Sunday, September 18, 2022 8:13 PM
To: Allen, Jennifer
Subject: ZAC-22-053

Re File ZAC-22-053 Zoning Change for 83 and 85 Emerald St. South

I have been a home owner in this area for the past 17 years and love living here. During this time we have experienced numerous changes with regards to Group Homes, Lodges, Shelter's and just recently being informed that Mission Services will be adding to this mix. All these changes are in a four block radius. This has created an over saturation of these facilities in our neighbourhood. Having witnessed these changes on a daily basis, I have some questions that I would like addressed. With the completion of St. Patrick's school and having in excess of 300 children attending the school I find this request for a by-law change very concerning.

- Just exactly what is this facility going to be?
- Who is the owner of this facility?
- Who will be managing this facility?
- Will there be washroom facilities in each unit?
- Will the renters be-able to lock their doors?
- Will this be rented by the day, week, month or are the owners going to be using this as a shelter and receiving government funds?
- Will wrap around services be provided 24/7?
- Will there be management on site 24 hours a day?
- Will there be inspections of the facility?
- Who are the stakeholders in this investment?

Wanting to change this property into 70 units is a very unreasonable request and this is before they are requesting an additional three stories. Not providing how many additional rooms they want to put in the addition.

Thanking You in advance for your time,

A concerned resident of Ward 3

Baldassarra, Alaina

From:
Sent: Sunday, September 18, 2022 1:38 PM
To: Allen, Jennifer
Subject: 83/85 Emerald St.

Hello Jennifer,

I am writing to you to express my concern over the zoning bylaw amendment application for 83/85 Emerald St. From my understanding, the developer has proposed expanding the property to 70 units that would be about 200-300 square feet each. With units this small, I feel that this would equate to a rooming house.

I have lived on Emerald St. for almost three years now. I love the neighborhood and there are many people living here that care deeply about the area. I understand that there is a need for housing and a need for services, but I strongly feel that this neighbourhood has more than its fair share of these services. I feel that concentrating so many services in one area goes against social cohesion principles. I will remind you that in our area, we have cathedral shelter, an overflow men's shelter, multiple halfway house and residential care facilities, two proposed safe injection sites, and a men's shelter with 108 beds moving in. I will also remind you that a brand new elementary school is almost finished being built. I do not have children, but I am concerned about what these children might be exposed to during their time in this school.

In our neighbourhood, it is not at all uncommon to be overwhelmed by garbage, needles, drug paraphernalia, open drug use, intimidation by drug users, etc. My partner and I are both teachers and make a good income. We want to make this area our home for the foreseeable future, along with many other young couples in the area. I have to admit, that when we have children, we might have to take a really hard look at our neighbourhood and whether or not we are interested in raising children in an area of such a high concentration of services. I can look past having to pick up needles and discarded methadone bottles out of my alleyway when it is just my partner and I living here, but I am not sure how much more I could handle after having children.

I recognise that I come from a place of privilege. I know that services and affordable housing are needed. I would just like the city to acknowledge that these things need to be spread out across the city. With my privilege comes the option of moving away from this neighbourhood if things get worse. I would like you to consider the many, many children who live in this neighbourhood whose family do not have the option of moving. Many of these children live in apartment buildings and our parks and public spaces are the only places they have to play. Please consider them when making decisions about the future of this neighbourhood.

Thank you for reading.

Ward 3 resident

Baldassarra, Alaina

From:
Sent: Thursday, September 15, 2022 3:42 PM
To: Allen, Jennifer
Subject: ZAC-22-053 comments

Hi Jennifer,

Please accept the below comments regarding the development plan ZAC-22-053.

The proposal for 70 units under 300sq ft at 83/85 Emerald St S would fly in the face of all the efforts made to make Hamilton a livable city. 300sq ft is small even by "tiny house" standards. It is nearly impossible to fit a full bathroom, kitchen, bed and living space in that square footage for a single person. It is absolutely not livable for a family. If the pandemic taught us anything, it's that people need space to live. **Micro units are not the answer to urban density: they are a race to the bottom.**

No apartment even for single occupancy should be less than double that size, and what we really need are units 3-4 times that size at affordable prices so families can live comfortably in the urban core for the long term.

If we don't think about the liveability of the housing we approve in our city, we are condemning our city to exclude families, to make community temporary, and to push people out if they want anything better. Think about that: "if you want better, leave downtown Hamilton" is a bleak message to be sending. But that's the message directions an approval of this project would send.

Build apartments! Build multi family homes! Build densely! But build long term liveable.

Thank you.

Baldassarra, Alaina

From:
Sent: Monday, September 12, 2022 11:15 AM
To: Allen, Jennifer
Subject: File ZAC-22-053

Ms Allen:

I am contacting you to formally file my concern regarding the proposed zoning changes and building plans for 83-85 Emerald Street.

The information provided by your department, is unclear whether the proposed 70 units to be included in the current building will be individual units with cooking and bathroom facilities included or whether these will be rooms only constituting a rooming house situation. It also does not state the size or proposed use for the proposed three story rear addition. It does not seem possible on the current site to add a rear building and still provide 10 surface parking spaces and 108 square meters of outdoor amenity space.

I called your number this morning in hopes of having these questions answered, prior to submitting a written response to this proposal.

I would appreciate a timely response so that the September 19th deadline can be met.

Thank you

Baldassarra, Alaina

From:
Sent: Monday, September 12, 2022 5:38 PM
To: Allen, Jennifer
Subject: Re: File ZAC-22-053

Thank you so much for your quick response to my questions. It clarifies that the rear addition is required to be able to fit 70 very small units within the property.

I am interested to know whether the garbage and recycling collection will be included in the "amenities" area to the south or out front to make it accessible for pickup.

I would very much appreciate viewing the submitted plans. If they cannot be emailed, I can pick them up at City Hall.

One last clarification... does an email constitute a written submission of concern or do I need to drop off paper copies once I formalize my final thoughts?

On Mon, Sep 12, 2022 at 3:30 PM Allen, Jennifer <Jennifer.Allen@hamilton.ca> wrote:

Good afternoon,

Thank you for your email.

The applicant is proposing a total of 70 dwelling units which include cooking and bathroom facilities within the existing building and the proposed three storey rear addition. The proposed dwelling units range from approximately 18 square metres (200 square feet) to 35 square metres (375 square feet) in size.

The proposed rear addition will maintain a 14 metre setback from the rear lot line. 8 parking spaces is proposed along the rear property line with two parking spaces proposed in the front yard. The amenity area is proposed to be located in the southerly side yard adjacent to the rear addition. If you would like to view the plans submitted by the applicant, please let me know.

Sorry I missed your call this morning. If you have any follow up questions, please feel free to call or email me.

Thank you,

Jennifer

Jennifer Allen

Planner II – Urban Team

Development Planning

Planning and Economic Development Department

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

Ph: 905.546.2424 ext. 4672

Sent: Monday, September 12, 2022 11:15 AM
To: Allen, Jennifer <Jennifer.Allen@hamilton.ca>
Subject: File ZAC-22-053

Ms Allen:

I am contacting you to formally file my concern regarding the proposed zoning changes and building plans for 83-85 Emerald Street.

The information provided by your department, is unclear whether the proposed 70 units to be included in the current building will be individual units with cooking and bathroom facilities included or whether these will be rooms only constituting a rooming house situation. It also does not state the size or proposed use for the proposed three story rear addition. It does not seem possible on the current site to add a rear building and still provide 10 surface parking spaces and 108 square meters of outdoor amenity space.

I called your number this morning in hopes of having these questions answered, prior to submitting a written response to this proposal.

I would appreciate a timely response so that the September 19th deadline can be met.

Thank you

Baldassarra, Alaina

From:
Sent: Thursday, September 15, 2022 10:48 AM
To: Allen, Jennifer
Subject: File ZAC-22-053

Ms Allen:

Please accept this email as my written submission of concern regarding the proposed changes to 83-85 Emerald Street South. Without the details of the plan, I may be making assumptions on some points.

1. The proposed plan of putting 70 units in the current building and proposed addition does not provide adequate, let alone quality accommodations for those renting a unit. A unit of 200 square feet is not conducive for social interactions with family or friends, but I am unaware of any proviso for a building meeting space/ common area to be available for this use.

2. The proposed plan does not provide adequate space for landscaping, parking and amenities. It is my understanding that the zoning by-law requires a minimum of .3 spaces per unit, so 70 units would need to have 21 parking spaces provided. This is also a requirement for lodging homes as per the bylaw. There does not appear to be any plan for any green space, visiting space, smoking areas in the current plan. Where will garbage and recycling be stored so that it is accessible for pickup. There will not be adequate room to get garbage trucks into the rear space, so garbage would have to be stored in the front of the building. This is unsightly in a residential neighbourhood.

The owners for this building appear to be proposing what would constitute a huge lodging home, without actually proposing to run such a facility. This is designed to accommodate as many people as possible in the least amount of space with no thought to the impact on the neighbourhood. I strongly oppose this change.

In accordance with the notice, please provide me with a copy of the staff report prior to the public meeting on this matter.

I have included my personal information, but request that it be removed prior to posting on the city's website.

Thank you

Baldassarra, Alaina

From:
Sent: Sunday, September 18, 2022 8:24 PM
To: Allen, Jennifer
Subject: 83-85 Emerald Street South

Jennifer Allen,

City of Hamilton Planning & Economic Development Department

Development Planning – Urban Team

71 Main Street West, 5th Floor, Hamilton, Ontario, L9P 4Y5

Ms. Allen:

Re: Zoning By-Law Amendment (File No. ZAC-22-053)

This letter is to share my concerns about the proposed plans regarding the property at 83 Emerald Street, Hamilton.

STRUCTURE AND INTRIGUIGTY

-Proposing a 70 micro-unit in the existing structure will change the look of a Victorian house. This style of housing will not adhere to the look of the neighborhood.

- the largest unit will be less than 300 sq feet, it will not provide sufficient room for anyone to have a dignified living.

- the proposal does not include the numbers of washrooms, living space and kitchen.

If it's shared, there must be a 4 to 1 ratio.

That is 17-18 private washrooms with toilet, sink and shower. The proposal does not indicate the number and size of the kitchens and living spaces.

A public style shared washroom should not be utilized to replace private washrooms. This is essential for health, safe and dignified living.

-Covid is still spreading all over the world. There must be at least 3 to 4 larger units with private washrooms, private living space and kitchen to quarantine.

- 70 micro-units must have a planned layout in place for covid outbreaks. It must be designed to prevent the spread of covid.

-10 parkings spaces for 70 units is not sufficient. Emerald Street, Hunter Street and East Ave are already at it's max capacity for parking.

- The plan does not indicate fire safety . Every floor must be built to have an easy flow to evaluate and ensure the safety of the residents.

COMMUNITY IMPACT

-The Stinson neighborhood already has dozens of lodging houses, residential care facilities, group homes and shelters. The community can not handle any more of these facilities. If 83 Emerald St S operates as a lodging home, it is poor planning to have so many of these homes in one area.

-70 micro-unit in one house will cause friction and aggressive tensions amongst the residents. Living in tiny spaces, so close together and without appropriate privacy will cause a negative impact to the residents. These aggressive tensions will impact the whole neighborhood.

-Stinson neighborhood already have suffered from over concentration of lodging homes, Residential Care Facilities, rooming houses and shelters.

70 micro-units at Emerald St S will negatively impact the neighborhood that is already dealing with over concentration of social housing.

Baldassarra, Alaina

From:
Sent: Sunday, September 11, 2022 7:15 PM
To: Allen, Jennifer; Nann, Nrinder
Subject: ZAC-22-053 Proposed development 83/85 Emerald St S

I am writing in regards to the proposed development of 83/85 Emerald St S.

I will get to the point and start with the Pros.

I am not opposed to the land being used in a professional, appropriate use that will see contributions of engaged residents in our community. See a standard of care and programs offered to benefit the residents of that address, and offer a quality of life that would improve the intended residents standing within the community. I am not opposed to a well staffed, secure location for future residents of that address.

I am opposed the current zone designation change and development proposal that exists on 83/85 Emerald by the applicant that would see 51-70 micro units.

To the point here is why:

1. The current designation would see an increase in the Stinson/Corktown resident density to group homes, lodging home residents and create an inequity of community engagement, support, planning and outreach in these neighbourhoods. As these neighbourhoods have struggled with since 2001 and the code red reports.

The facts, I am flanked by 4 group/mutli residential care facilities and am raising a family in this neighbourhood. There are an additional 3 care faculties towards Stinson and 2 group homes towards king Street. I live directly across the street from what was previously the Emerald Lodge and experienced property loitering, property damage, and my kids lived with the anxiety of someone yelling at all hours. There was no recourse for us at all in that situation for 15 years of this experience. We never knew of violent offenders, and never seemed to be able to advocate for change for the level of abuse, and unkept living conditions the residents suffered during their residency under the owners of the Emerald Lodge. Yet, we were subject to public nuisance behavior daily as their neighbour. We were subject to police, and paramedics at all hours responding to calls to 83/85 Emerald.

You can appreciate the concern we have when there is no evidence that the current development proposal offering 51-70 micro units, facility will offer security, safe housing and programs to improve the quality of life of the future occupant/residents of that address and that of their neighbours.

Second point, the development is unrealistic to the proposed size of the property with regards to occupancy, room sizes or is the proposal in keeping with the cohesion of the neighborhood. Especially, when this property is of historical significance to the residents as the Emerald tea room and beside a property like Cathedral which is currently being temporarily allocated as a women's shelter.

The amenity space and expectation of use or access has not been adequately outline and does not seem to provide attention to those details as it has not been properly addressed on the site plan.

There are additional concerns that I could add but the reality is Hamilton needs mutli residential group homes and Hamilton needs affordable housing but not like this. These are real people, who need a place to feel pride of home. Not

be packed into an infill solution that would see them no better ahead in the current situation. Proposed developments like these need to be fairly seeded into communities around Hamilton to foster community outreach, not disproportionately, densely pack into one neighborhood with no outreach, no support and not contributing to the surrounding business, school and infrastructure in an equitable way.

I hope that the points to why our household opposes the current zoning and development of 83/85 Emerald St S are clear and understood. I may be reached at this email address but do not wish for my personal information to be made public. Which includes my contact information or my address.

Thank you for the opportunity to share our concerns and do hope that this fosters clear dialogue on all sides with regards to current proposed use of this property.

ZAC-22-053

Phone Calls Received

August 30, 2022

- Concern with the size of the units and the type of tenants that would occupy those units

September 9, 2022 – Anonymous

- Concern with the size of the units and the management of the building as a result of the size of the units

Baldassarra, Alaina

From:
Sent: Wednesday, September 7, 2022 12:07 PM
To: Allen, Jennifer
Cc: Office of Ward 3 City Councillor Nrinder Nann; Nann, Nrinder; Weinberger, Alexandra
Subject: Re: 83/85 Emerald

Your quick response and action is greatly appreciated.

Will a new sign be put on the property as well as updated correspondence to residents to reflect changes in already scheduled deadlines etc given the length of time this sign has not met the requirement for public notice?

Thanks

From: Allen, Jennifer <Jennifer.Allen@hamilton.ca>
Sent: Wednesday, September 7, 2022 11:15 AM
To:
Cc: Office of Ward 3 City Councillor Nrinder Nann <ward3@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Weinberger, Alexandra <Alexandra.Weinberger@hamilton.ca>
Subject: RE: 83/85 Emerald

Good morning,

Thank you for your email. We have advised the applicant the sign will need to be relocated closer to the street in order to satisfy the *Planning Act* requirements for public notice.

If you have any questions, please let me know.

Thank you,
Jennifer

Jennifer Allen
Planner II – Urban Team
Development Planning
Planning and Economic Development Department
City of Hamilton, 71 Main St W, 5th Floor, L8P 4Y5
Ph: 905.546.2424 ext. 4672

From:
Sent: Friday, September 2, 2022 1:32 PM
To: Allen, Jennifer <Jennifer.Allen@hamilton.ca>
Cc: Office of Ward 3 City Councillor Nrinder Nann <ward3@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Weinberger, Alexandra <Alexandra.Weinberger@hamilton.ca>
Subject: 83/85 Emerald

Review my attached pictures. The zoning change sign CANNOT be read from the street and there is a PRIVATE PROPERTY NO TESSPASSING sign that is posted right beside the city sign so by law NO resident can walk on the property to read the sign.

How are people that didn't get the letter suppose to read the sign?

Also the sign is NOT visible until you are directly in front of the building. Why was the sign not posted on the front lawn for high visibility?

Jennifer Allen,
City of Hamilton
Planning & Economic Development Department
Development Planning – Urban Team
71 Main Street West, 5th Floor
Hamilton, Ontario, L9P 4Y5

12th September 2022

By email to Jennifer.Allen@Hamilton.ca

Ms. Allen:

Re: Zoning By-Law Amendment (File No. ZAC-22-053)

This letter is to make comment about the proposed plans regarding the property at 83 Emerald Street, Hamilton.

Please note that currently, per your communication, the zoning plans appear to be at best nebulous and do not fully explain what exactly the proposed re zoning will entail or include; therefore, we are opposed to any plans regarding the property proceeding pending disclosure of full and complete details of all intentions regarding size as well as immediate and future usage of the dwelling that the re-zoning covers.

As an instance, my and my family's concerns include, but are not restricted to the following:

We require information on:

- The type of residences the property will comprise
- Number of individuals the property will house, the letter states 70 units, please define 'unit'
- The proposed/intended demographic of the residents
- Clear definition of the expression 'dwellings' per your intended *usage*
- Quantity of unit/dwellings intended for the building as-is/as well as upon completion of a proposed extension
- The size of each 'unit'
- Transparency of other properties the companies operating as John Gladke / and / David Joy currently manage/own in the Hamilton area
- Information regarding Realty Holdings Group if this is the intended group who will be managing said property
- Well-defined plans as to the footprint/land space the new building extension will occupy and extend onto the existing lot, and therefore we need to be made fully aware how it will impact and potentially visibly encroach onto the rear of our property at 62 Tisdale Street South

To our knowledge, the re zoning verbiage includes a wide and varied gamut of potential uses; ie: Multiple Dwellings, Lodges, Clubs, etc. This requires a full, clear, transparent and complete explanation in layman's terms and the use of the verbiage 'etc' needs to be deleted and its intent more clearly defined.

Our interests regarding this property development as residents of this community, and as concern on a community level are thus:

- The application from the developer is not of a quality one would expect from a developer who wishes to integrate plans into and uplift or balance the community. It appears to lack a minimal respect for our community
- The current application does not address sufficient landscape/amenity space for 70 tenants
- The proposal of less than 300 square feet per unit does not provide quality housing and would therefore suggest the intention is to create a high-density 'rooming-house'
- Another rooming house/high density dwelling/half-way house/Community Lodge/Club (and-or various other tenuous and imprecise terms) is not in keeping with the cohesion of the neighbourhood and the sheer existing amount of these facilities in the immediate area is a distinct threat to alter the character of this neighbourhood and as historically proven almost certainly leads to further congestion of the area, crime and contributes to existing residents being pushed out of their comfort zone through threat and intimidation

Our personal interests regarding this property development are thus:

- Our concerns are not only limited to the ill-defined nature of the future proposal but on our past experiences with the tenants, usage and general mis-management of Emerald Lodge over the past twelve years since we have lived at this address. For the record, we feel it is notable at this time for us to make you aware of the stressors that we have had to endure and which are in part, are creating our immense anxiety that it will potentially be repeated by recreating a similar environment.
- Our family has endured a long list of traumatic incidents that have arisen because of the nature of the building, its use and its tenants. Some of those occurrences have presented potentially dangerous consequences to our family members and to our property.

For example:

We have endured:

- Loud and disturbing behaviour both during daytime hours and throughout the night
- Aggressive behaviour, fighting, and loud, offensive language
- Lewd behaviour including explicit, crass nudity
- Openly using the outdoor property as a toilet
- Tenants and non-tenants regularly using the outdoor space to engage in drinking/smoking parties and openly engaging in drug use and drug-deals
- We constantly dealt with the task of cleaning up debris which was thrown over the fence into our property, the debris included food packaging, beer bottles, and dangerous drug paraphernalia including used needles
- Experienced a worrisome building-blaze at the Emerald Lodge
- Dealing with an apathetic approach to our calls to the management company only resulted in a negative response including intimidating language and at times escalating into verbal abuse.
- In addition; we have suffered from property stolen from our garden and garden shed on several occasions. We found fire-starting materials which had been thrown over the fence to the areas behind our garden shed between our property and that of the Emerald Lodge. Our property was often used as a thoroughfare by visitors to, and residents of, Emerald Lodge.

This is just a small example of the many indignities we have experienced and hopefully it is an insight as to our trepidation over this new proposal.

In closing, we anxiously await your early notification of the upcoming date of the proposed Public Meeting.

Concerned Residents of the Stinson Community of Hamilton.

cc: Nrinder.Nann@hamilton.ca

Baldassarra, Alaina

From:
Sent: Sunday, September 18, 2022 10:07 PM
To: Allen, Jennifer
Subject: Concerns over Zoning By-Law Amendment on Emerald

Jennifer Allen, City of Hamilton

Planning and Economic Development Department

Development Planning - Urban Team
71 Main Street West, 5th Floor, Hamilton, ON, L8P 4Y5
905-546-2424 ext. 4672
E-mail: Jennifer.Allen@Hamilton.ca

September 19, 2022

ZAC-22-053

RE: Zoning Bylaw Amendment Application for 83/85 Emerald St: An extreme multi-unit dwelling in an overburdened neighbourhood.

We advocate for an orderly development of safe and healthy communities and the promotion of building methods that is well designed and encourages a sense of place for the residents of the building and for the neighborhood.

To Jennifer Allen and to whom this is c.c.:

We request that our names and contact information does not appear in public. If our name is legally necessary for the process, it is OK but we still request that the City and C.C recipients remove our personal information if they wish to use our text.

1: We adhere to the opinion & concerns as formulated by Ward 3, Councillor Nann and we present & submit them as our own in this document:

"Based on my review of this file and discussions with staff, I have a number of concerns about this application.

Firstly, the application itself is not of high quality and does not provide the attention to detail I would expect from a developer who is wishing to work with community on their plans.

The current application also does not provide sufficient landscape space, amenity space, nor enough allocated parking for the number of proposed units.

Additionally, the proposal lacks a range of unit sizes for quality housing, and 300 square feet as the largest unit size is very tiny.

Finally, packing in 70 micro units into the space, even with the proposed expansion, is out of character with the neighborhood cohesion.

2. We adhere to the concerns posted by neighbours and submitted them as our own:

(a) I walk this fine line between wanting everyone adequately and affordably housed, and being concerned that I'm falling into nimby territory, because I'm concerned about the number of rooming houses, assisted living, and shelter spaces within our neighbourhood.

(b) Healthy communities are ones of mixed income. From reviewing some of the recent census data there's an opportunity to diversify the neighbourhood as it leans more towards lower income levels. This section of Emerald deserves a fighting chance to be more than just another neglected area.

(c) I have nothing against lodging homes, as Stinson has several, but this is going way too far, the street can't handle what we have and there are very few amenities in our area, there is not even a proper Park.

(d) Last year a developer intended on 50 micro-units at the former Emerald lodge and Councillor Nann informed us that it was a "new fancy name for a rooming house without staff". Considering that in our neighborhood a room in a rooming house goes now for...\$800, 70 micro units without staff will make a nice profit. It depends of the "business plan" of the developer...Nothing wrong with profit, but not at our cost. At least, legally we have input on the change of this zoning. There was no community consultation for the new Mission Services, 400 King E, 101 men. Nor for the in-the-works 299 Main St (same block) "lodge" 58 men.

3. Other concerns:

(a) We have requested Councillor Nann to contact the owner-developer David Joy to obtain a precise "RENTAL MODEL" for the location. What segment of the population are these 70 units intended for? Will his tenants contribute to the balance of the neighbourhood? What impact in the community, positive or negative, is projected?

(b) I would be glad if the building is never used again as an "institution" and never again have another House of Horrors like Emerald Lodge. ... but I don't trust E/S-XXX and I am deeply disturbed and concerned by the vague information provided to date.

(b) Our neighbourhood has been historically over-burdened. We have a large number of rooming houses, assisted living, halfway houses and 2 shelters (Main & Emerald St, low barrier women shelter 100 beds; 45 West Ave, men shelter 28 beds) within our neighborhood. To this concentration it has been recently added Mission Services, NEW location 101 beds for men at 400 King St E [King & Victoria] and on the works is a lodge for 58 men at 299 Main St E [Main and Victoria]

(c) After the operation of Old Cathedral as a shelter began in the Fall of 2020 and the encampments that it attracted...the crime rate in our neighborhood has, according to Frank Bergen, Chief of the Hamilton Police Service, increased 111% [ONE HUNDRED AND ELEVEN PERCENT]. The situation improved the last few months, but the 2 years negative experience made us weary of the possibility of an increase of high acuity individuals without expert staff support may have a huge negative impact on the community.

(d) Parking: We have not been informed of Mr. Joy's rental model, so we don't know if his 70 tenants or what percentage of his tenants will own vehicles and the plan presents only 10 parking spots. At this precise moment, parking on our neighbourhood streets is SO SCARCE that lately there have being multiple incidents of "frustration" resulting in anti-social behaviors ("keying", breaking mirrors).

4. In order to inform our opinion, we also request Mr. Joy background as a developer and as a landlord and if his building/s present any negative impact on the community near by. Unfortunately, a person or organization may act with the best of intentions yet their oversight of reality manifest grave effects. For instance a well know and respected housing org , INDWELL:

2021: "A trial heard drug users frequently went between units in the building where Pilon was found dead":

<https://www.thespec.com/news/hamilton-region/2021/11/23/hamilton-murder-trial-george-opassinis-michel-pilon.html>

and 2022: "A look inside Indwell's Parkdale Landing, where drug-dealing visitors have posed such challenges the non-profit says it will never build another high-needs building so large"

<https://www.thespec.com/news/hamilton-region/opinion/2022/04/28/indwell-affordable-supportive-housing-hamilton.html>

We submit this document in a hurry not to lose the deadline Sept 19, 2022, but we reserve the right to present more concerns as we are given more information."

Please don't do this to our neighbour hood,

Baldassarra, Alaina

From:
Sent: Monday, September 19, 2022 8:11 AM
To: Allen, Jennifer
Cc: Nann, Nrinder
Subject: Emerald St lodging house

Hi Jennifer,

I'm writing to you with regards to 83/85 Emerald St application for 70 units.

We live in the area and are raising are 3 daughters here and attend the local public school, Queen Victoria.

Our community has a large amount of group homes and transitional housing, if I'm not mistaken. The highest concentration of any ward in the city. We are compassionate neighbors and want to see our marginalized neighbors housed. What concerns me is that we're not spreading out the supportive housing and concentrating them in one neighborhood. I don't want to get into the issues we have, as we knew Stinson had a lot of support housing when we bought here 8 years ago. We've done and do a lot to live with our neighbours that need additional support, it's time for other communities to step up as well.

Stinson deserves better then to have another 70 units in a spot that doesn't support that many people.

We hope you don't approve this application and consider the families that live here already.

- These changes have resulted in the reduction of the number of units from 70 in the original application to 62.

The goal of the application remains unchanged: to provide affordable market rental accommodation for singles and couples in furnished suites while retaining most of the existing building, particularly the front façade, and adding to the building at the rear without increasing height. The design retains the house-form appearance of the building from the street, including the front yard landscaped area and the mature trees, while adding significantly to the stock of affordable market rental housing in Hamilton.

To achieve this goal of increased housing supply, while retaining as much of the existing building as possible, requires a number of trade-offs, all of which are reasonable and supportable on planning grounds. These include reducing the number of vehicular parking spaces from the provisions of the by-law, while significantly increasing bicycle parking spaces (addressed in the revised transportation and parking analysis under separate cover), providing a hybrid of public and private garbage pick up with the garbage vehicles backing onto the street, and reducing the landscaped area at grade to accommodate servicing requirements.

Public Open House

The application was presented at two public open houses held at the Central Memorial Recreation Centre on the afternoon of February 22 and the evening of February 27, 2023. Flyers announcing the meeting were distributed to households from Victoria Avenue to Wentworth Street and the Escarpment to King William Street. The open houses were also advertised in the Councilor's newsletter and her social media feed.

The open houses were attended by more than 30 residents and interested parties, including the area Councilor. There was strong support for the application at the open houses. Participants were concerned about the poor state of the existing abandoned building, which has been frequently vandalized and were anxious to see the application move forward as quickly as possible. Residents did not wish to see outdoor amenity space due to noise and history of disruption in the area on similar outdoor spaces.

Updated Site Statistics

Lot area	1413.18 sq.m.
Lot frontage	23.79m
Existing gross floor area	979.98 sq m
Existing density	0.8 FSI
Existing lot coverage	24%

From: Laura Harrison
Sent: January 15, 2024 10:24 AM
To: clerk@hamilton.ca
Subject: File ZAC-22-053

I am in support of the proposal to amend the Zoning Bylaw to E/S-1834-H for the 83-85 Emerald Street property. The public meetings held by David Joy regarding the proposal, indicated a well thought out plan to bring much needed affordable housing to the city. The presence of a manager on site and security measures for tenants was a welcome relief after years of dealing with a poorly run institution that was a nightmare for tenants and negatively impacted its neighbours. I believe that the only issue will be lack of parking for any new tenants that work in areas underserved by public transit.

I am providing my personal information but would like it removed from anything posted publicly.

Thank You

Laura Harrison



WELCOME TO THE CITY OF HAMILTON

PLANNING COMMITTEE

January 16, 2024

PED24001 – (ZAC-23-053)

Application for Zoning By-law Amendment for Lands Located at 83 and 85 Emerald Street South, Hamilton.

Presented by: Alaina Baldassarra

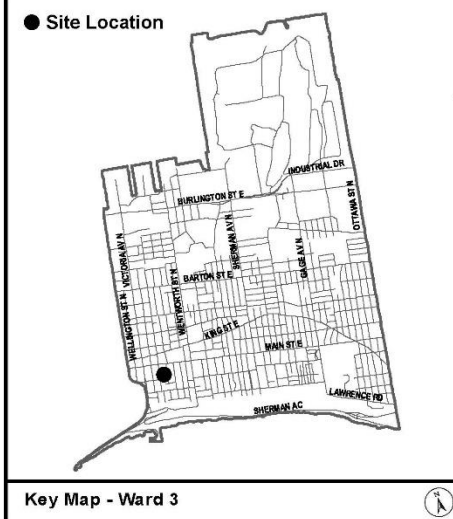
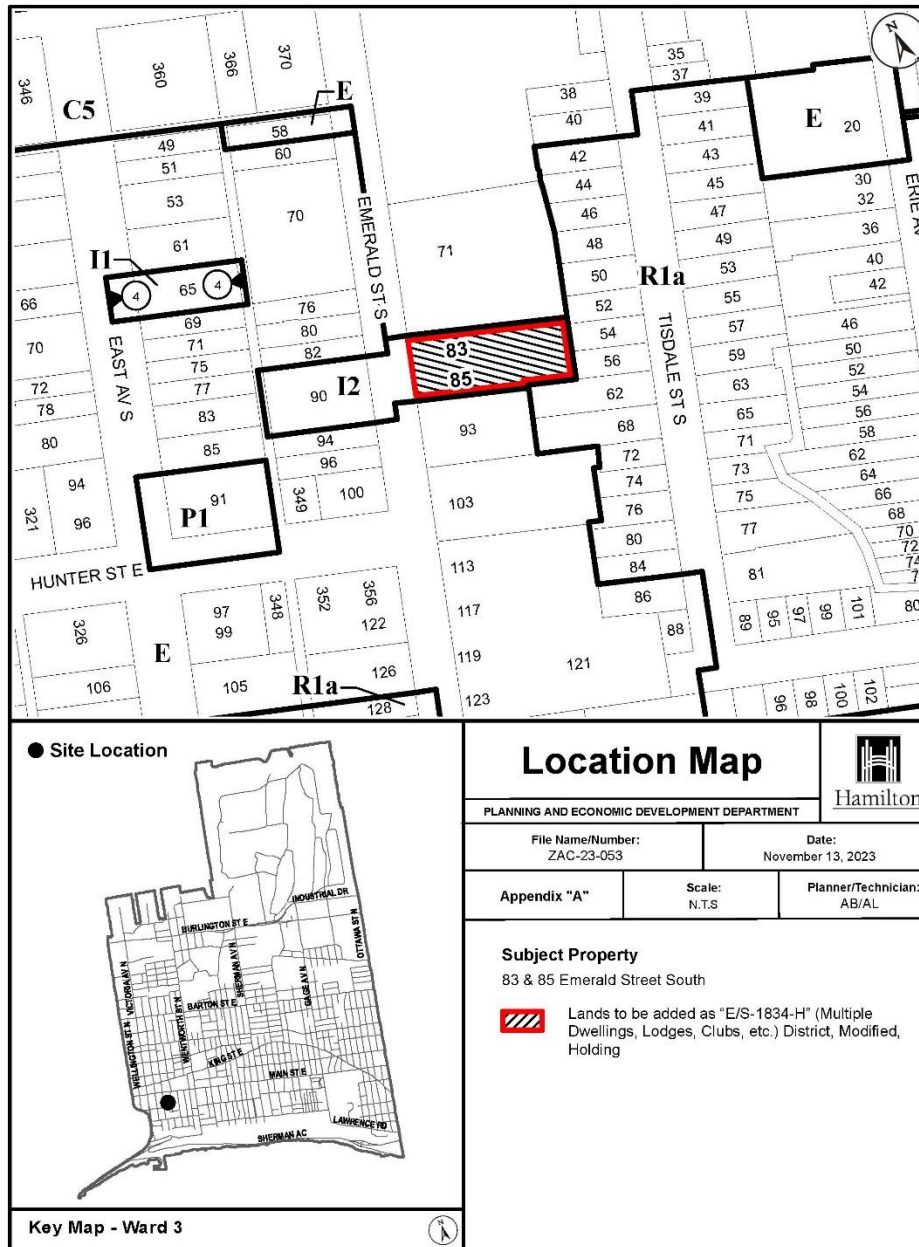


SUBJECT PROPERTY



83 & 85 Emerald Street South, Hamilton





Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	
File Name/Number: ZAC-23-053	Date: November 13, 2023
Appendix "A"	Planner/Technician: AB/AL

Subject Property
 83 & 85 Emerald Street South

Lands to be added as "E/S-1834-H" (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified Holding



1 NEW ELEVATION - NORTH
 SD5.0 1" = 10'-0"

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83 Emerald St S

REALTY HOLDINGS GROUP

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23014

06/28/20



1 NEW ELEVATION - SOUTH
 SD6.0 1" = 10'-0"

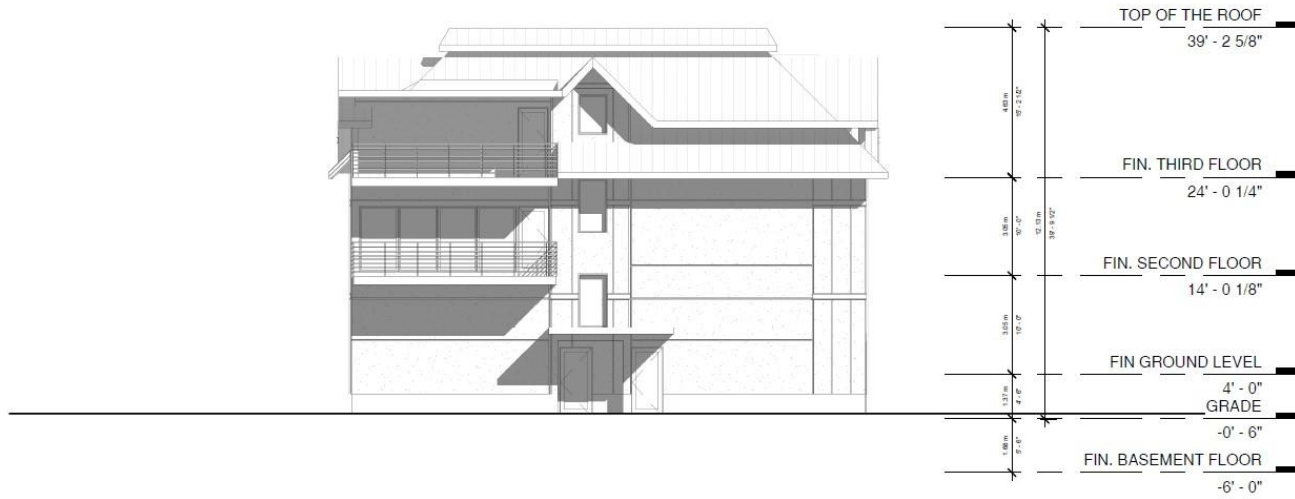
PROJECT: 83 Emerald St S, Toronto ON M8V3Z8 | DRAWING NO: PED24001 | SHEET NO: SOUTH ELEVATION
 DATE: 05/17/23

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23014

05/17/23



1 NEW ELEVATION - EAST
 SD7.0 1" = 10'-0"

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23014

05/17/23



1 NEW ELEVATION - WEST
 SD8.0 1" = 10'-0"

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23014
 05/17/23



Subject Lands



North east



South east



North west



South west



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 16, 2024
SUBJECT/REPORT NO:	Housekeeping Amendments to the Urban Hamilton Official Plan Regarding 3011 Homestead Drive, Glanbrook (PED24003) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Alana Fulford (905) 546-2424 Ext. 4771
SUBMITTED BY:	Shannon McKie Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That City Initiative CI-23-M – Housekeeping Amendments to the Urban Hamilton Official Plan, to create a Site Specific Policy Area for the District Commercial designation in the Mount Hope Secondary Plan for lands located at 3011 Homestead Drive, Glanbrook (see Appendix “A” attached to Report PED24003), be approved on the following basis:

- (a) That the draft Urban Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED24003, be adopted by Council;
- (b) That the draft Urban Hamilton Official Plan Amendment is consistent with the Provincial Policy Statement (PPS), 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

EXECUTIVE SUMMARY

The purpose of the Urban Hamilton Official Plan Amendment is to create a Site Specific Policy Area for the lands located at 3011 Homestead Drive, Glanbrook to allow the following uses in addition to the uses permitted in the District Commercial designation:

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: Housekeeping Amendments to the Urban Hamilton Official Plan
Regarding 3011 Homestead Drive, Glanbrook (PED24003) (Ward 11) -
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- Contractor's Establishment;
- Computer, Electronic and Data Processing Establishment;
- Planned Business Centre;
- Production Studio;
- Research and Development Establishment;
- Surveying, Engineering, Planning or Design Business;
- Trade School;
- Tradesperson's Shop; and,
- Self-Storage Facility.

The proposed Urban Hamilton Official Plan amendment facilitates an Oral Decision of the Ontario Land Tribunal on October 10, 2023, and subsequent Interim Order of the OLT on December 4, 2023, associated with the subject lands as a part of the outstanding Commercial and Mixed Use Zoning appeals (PED16100(c)).

Alternatives for Consideration – See Page 7

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 Official Plan Amendment to the Urban Hamilton Official Plan. Notice of this Amendment has been circulated to property owners within 120 metres of the subject lands, as required by the *Planning Act*.

HISTORICAL BACKGROUND

Zoning By-law No. 05-200 was first passed by Council in 2005 and represents the new comprehensive Zoning By-law for the City of Hamilton following amalgamation. Rather than replacing the zoning by-laws of the former municipalities at once, Zoning By-law No. 05-200 is a "living document" where new uses have been added over time to replace the former Community Zoning By-laws.

In November 2017, City Council approved By-law No. 17-240, a City-wide amendment to Zoning By-law No. 05-200 to bring forward the City's new Commercial and Mixed Use Zones. The By-law was accompanied by Urban Hamilton Official Plan Amendment No. 69, which allowed for the implementation of the new zoning. Official Plan Amendment No. 69 did not change the designation of 3011 Homestead Drive as the Mount Hope

**SUBJECT: Housekeeping Amendments to the Urban Hamilton Official Plan
Regarding 3011 Homestead Drive, Glanbrook (PED24003) (Ward 11) -
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Secondary Plan had established the District Commercial designation on the subject lands.

The Commercial and Mixed Use By-law No. 17-240 and Official Plan Amendment No. 69 were appealed by over 20 different parties to the Ontario Land Tribunal. The appeal associated with 3011 Homestead Drive was settled by Oral Decision of the Ontario Land Tribunal on October 10, 2023, and subsequent Interim Order of the Tribunal on December 4, 2023. As a result of the Ontario Land Tribunal Interim Decision, the District Commercial (C6, 580) Zone is to be modified to add the following uses:

- Contractor's Establishment;
- Computer, Electronic and Data Processing Establishment;
- Planned Business Centre;
- Production Studio;
- Research and Development Establishment;
- Surveying, Engineering, Planning or Design Business;
- Trade School;
- Tradesperson's Shop; and,
- Self-Storage Facility.

A housekeeping amendment is required to the Urban Hamilton Official Plan to align the District Commercial designation with the Ontario Land Tribunal Interim Decision.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Framework

The Provincial planning policy framework is established through the *Planning Act* (Section 3), the Provincial Policy Statement (PPS 2020), and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan, 2019, as amended). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the Provincial Policy Statement and conform to the Growth Plan.

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 Urban Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework.

Although there are no direct policies within the Provincial plans respecting Housekeeping Amendments, the proposed amendment is proposed to facilitate an Ontario Land Tribunal decision that has been determined to implement the Provincial

**SUBJECT: Housekeeping Amendments to the Urban Hamilton Official Plan
Regarding 3011 Homestead Drive, Glanbrook (PED24003) (Ward 11) -
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policy framework, and as such, the proposed amendments are consistent with Section 3 of the *Planning Act*, consistent with the Provincial Policy Statement, and conform to the Growth Plan.

Based on the foregoing, it is staff's opinion that these amendments:

- Are consistent with the Provincial Policy Statement (2020); and,
- Conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

Urban Hamilton Official Plan

The subject lands are designated "Neighbourhoods" on Schedule "E" – Urban Structure and designated "District Commercial" on Schedule "E-1" – Urban Land Use Designations of the Urban Hamilton Official Plan. The subject lands are also located within the Airport Influence Area on Schedule "F" – Airport Influence Area and identified at between 35 and 40 Noise Exposure Forecast as shown in Appendix "D" – Noise Exposure Forecast Contours and Primary Airport Zoning Regulation Area. Further, the lands are designated "District Commercial" on Map B.5.4-1 Land Use Plan of the Mount Hope Secondary Plan.

The District Commercial designation of Volume 1 of the Urban Hamilton Official Plan, and the equivalent policies of the Mount Hope Secondary Plan apply to the subject lands. A Site Specific Policy area is required to allow the following uses in addition to the uses permitted in the District Commercial designation in the Mount Hope Secondary Plan:

- Contractor's Establishment;
- Computer, Electronic and Data Processing Establishment;
- Planned Business Centre;
- Production Studio;
- Research and Development Establishment;
- Surveying, Engineering, Planning or Design Business;
- Trade School;
- Tradesperson's Shop; and,
- Self-Storage Facility.

The policies of the Urban Hamilton Official Plan, Volume 1, Chapter F – Implementation, provide direction for housekeeping amendments to the Plan, as follows:

**SUBJECT: Housekeeping Amendments to the Urban Hamilton Official Plan
Regarding 3011 Homestead Drive, Glanbrook (PED24003) (Ward 11) -
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“Official Plan Amendments

F.1.1.4 Amendments to this Plan shall be undertaken by the City:

- a) To update this Plan to reflect new provincial or municipal planning policies at the time of Official Plan Five year review or other appropriate time through a City initiative; or,
- b) To update and streamline administration or municipal planning policies.

F.1.1.5 When considering amendments to this Plan, including secondary plans, the City shall have regard to, among other things, the following criteria:

- a) The impact of the proposed change on the City’s vision for a sustainable community, as it relates to the objectives, policies and targets established in this Plan; and,
- b) The impact of the proposed change on the City’s communities, environment and economy and the effective administration of the public service.”

Pursuant to Policy F.1.1.4, staff are initiating an Official Plan Amendment to update municipal planning policies to implement the Ontario Land Tribunal Interim Order issued on December 4, 2023. The proposed changes meet the criteria set out in F.1.1.5 as they are minor in nature and improve policy interpretation.

Zoning By-law No. 05-200

The subject lands are to be zoned District Commercial (C6, 580, 871) Zone upon Final Order of the Ontario Land Tribunal. The proposed uses are to be included in Special Exception No. 871 and the Official Plan Amendment is necessary to have regard for the Ontario Land Tribunal interim order thereby eliminating a discrepancy between the Urban Hamilton Official Plan and the implementing Zoning By-law.

The Tribunal requires that the parties bring back a final form of the Zoning By-law Amendment, which is anticipated to be confirmed with the Tribunal pending the adoption of this draft Official Plan Amendment required to implement the Zoning By-law Amendment. Staff note that the draft Zoning By-law Amendment set out as Attachment 1 to the Tribunal’s Interim Order contains technical errors, which the parties will work to revise for final submission and approval by the Ontario Land Tribunal.

**SUBJECT: Housekeeping Amendments to the Urban Hamilton Official Plan
Regarding 3011 Homestead Drive, Glanbrook (PED24003) (Ward 11) -
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RELEVANT CONSULTATION

Consultation has been undertaken with staff in the Legal Services to confirm the implementation requirements as a result of the Ontario Land Tribunal Interim Order issued December 4, 2023. Notice of the amendment was circulated to adjacent property owners on December 22, 2023.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The purpose of the Official Plan Amendment is to add a Site Specific Policy Area in the Mount Hope Secondary Plan to the lands located at 3011 Homestead Drive, Glanbrook to allow the following additional commercial and prestige industrial uses in the District Commercial designation:

- Contractor's Establishment;
- Computer, Electronic and Data Processing Establishment;
- Planned Business Centre;
- Production Studio;
- Research and Development Establishment;
- Surveying, Engineering, Planning or Design Business;
- Trade School;
- Tradesperson's Shop; and,
- Self-Storage Facility.

The additional uses facilitate the Ontario Land Tribunal Interim Order issued on December 4, 2023. The effect of the Official Plan Amendment is that the applicable land use designation and implementing zoning will be aligned and permit a range of uses that are appropriate for the future development of the land.

The additional prestige industrial uses proposed to be added are consistent with business uses described within the Employment Area Designation of the Urban Hamilton Official Plan but share characteristics of form and function with the retail uses permitted in the District Commercial Designation. Additionally, the proposed commercial uses align with the intended development of the surrounding area. No new sensitive land uses are proposed by the amendments. Therefore, Planning staff are satisfied that the additional uses are appropriate as they do not conflict with or interfere with the planned function and development of the surrounding lands for general commercial uses permitted through the District Commercial designation and implementing Arterial Commercial (C7, 580, 871) Zone.

**SUBJECT: Housekeeping Amendments to the Urban Hamilton Official Plan
Regarding 3011 Homestead Drive, Glanbrook (PED24003) (Ward 11) -
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ALTERNATIVES FOR CONSIDERATION

Planning Committee may choose not to approve the proposed amendment which will result in a conflict between the zoning on the property which has been approved in principle by the Ontario Land Tribunal, and the land use designation permissions.

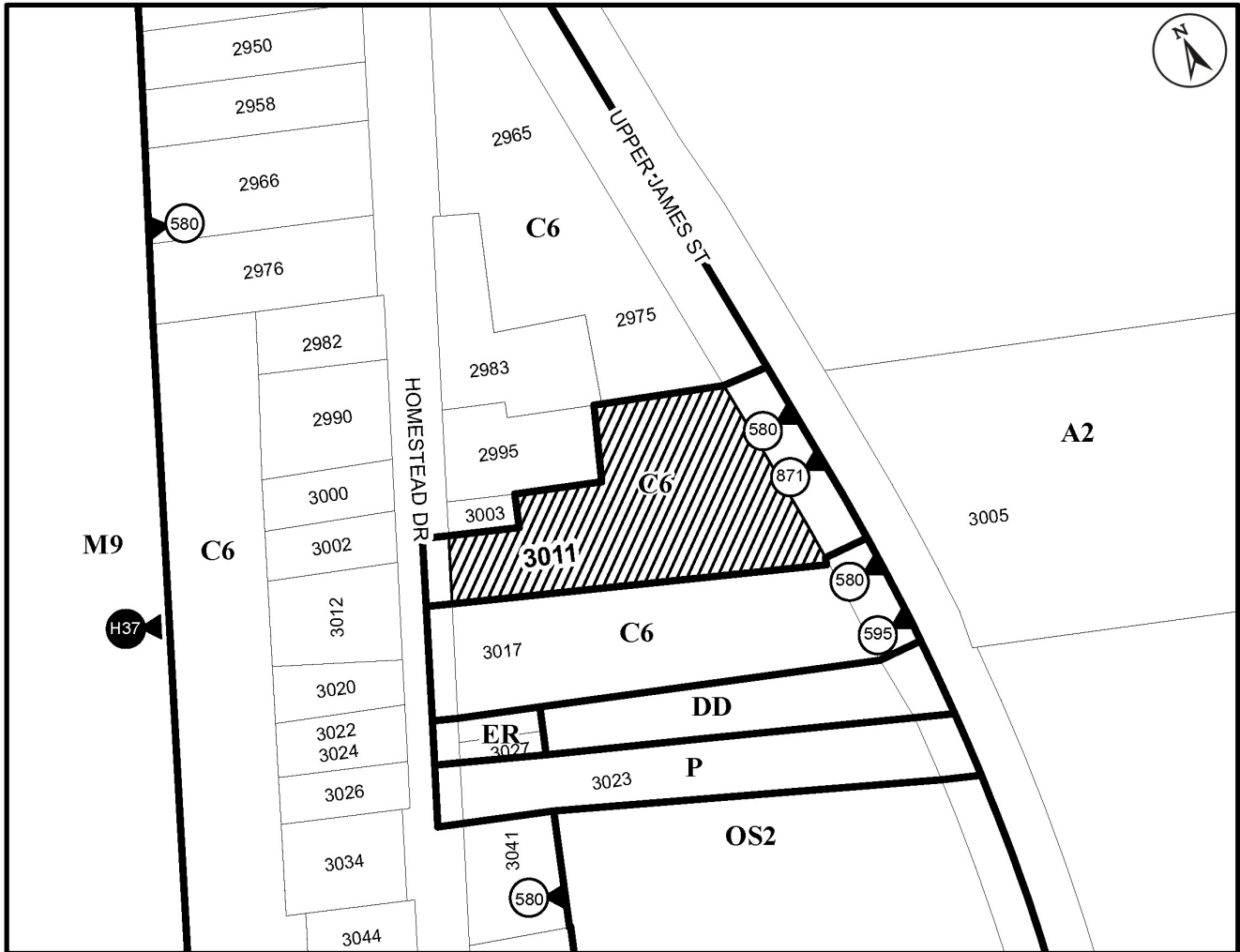
APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to PED24003 – Location Map

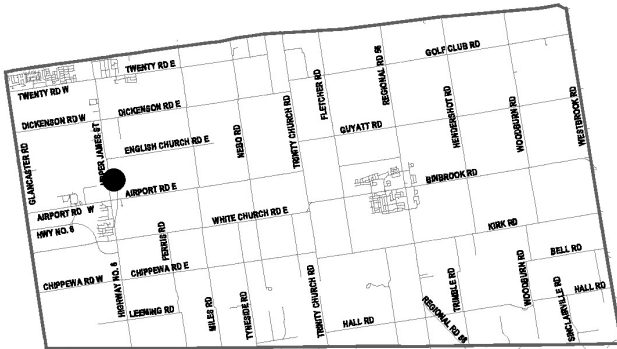
Appendix "B" to PED24003 – Draft Urban Hamilton Official Plan Amendment

Appendix "C" to PED24003 – Ontario Land Tribunal Interim Order No. OLT-21-001799

AF:sd



● Site Location



Key Map - Ward 11

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
CI-23-M

Date:
December 13, 2023

Appendix "A"

Scale:
N.T.S

Planner/Technician:
SM/NB

Subject Property



3011 Homestead Drive, Glanbrook
(Ward 11)

DRAFT Urban Hamilton Official Plan Amendment No. 197

The following text, together with:

Appendix “A”	Volume 2: Map B.5.4-1 – Mount Hope Secondary Plan – Mount Hope – Land Use Plan
--------------	--

attached hereto, constitutes Official Plan Amendment No. 197 to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to create a Site Specific Policy within the Mount Hope Secondary Plan to permit certain commercial and prestige industrial uses in addition to the permitted uses of the District Commercial Designation of the Urban Hamilton Official Plan.

2.0 Location:

The lands affected by this Amendment are known municipally as 3011 Homestead Drive, in the former Township of Glanbrook.

3.0 Basis:

The basis for permitting this Amendment is to facilitate the implementation of the Interim Order of the Ontario Land Tribunal issued on December 4, 2023.

4.0 Actual Changes:

4.2 Volume 2 – Secondary Plans

Text

4.2.1 Chapter B-5 – Glanbrook Secondary Plans – Section 5.4 – Mount Hope Secondary Plan

- a. That Volume 2: Chapter B-5 – Glanbrook Secondary Plans – Section 5.4 – Mount Hope Secondary Plan be amended by adding a new Site Specific Policy, as follows:

“Site Specific Policy – Area L

5.4.11.12 In addition to Policy 5.4.4.1 of the Mount Hope Secondary Plan, for the lands located at 3011 Homestead Drive and identified as Site Specific Policy – Area L, the following uses shall also be permitted:

- Contractor’s Establishment
- Computer, Electronic and Data Processing Establishment
- Planned Business Centre
- Production Studio
- Research and Development Establishment
- Self-Storage Facility
- Surveying, Engineering, Planning or Design Business
- Trade School
- Tradesperson’s Shop”

Maps and Appendices

4.2.2 Map

a. That Volume 2: Map B.5.4-1– Mount Hope Secondary Plan – Mount Hope – Land Use Plan be amended by:

i) identifying the subject lands as Site Specific Policy – Area “L”.

as shown on Appendix “A”, attached to this Amendment.

5.0 Implementation:

An implementing 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 ___, 2024.

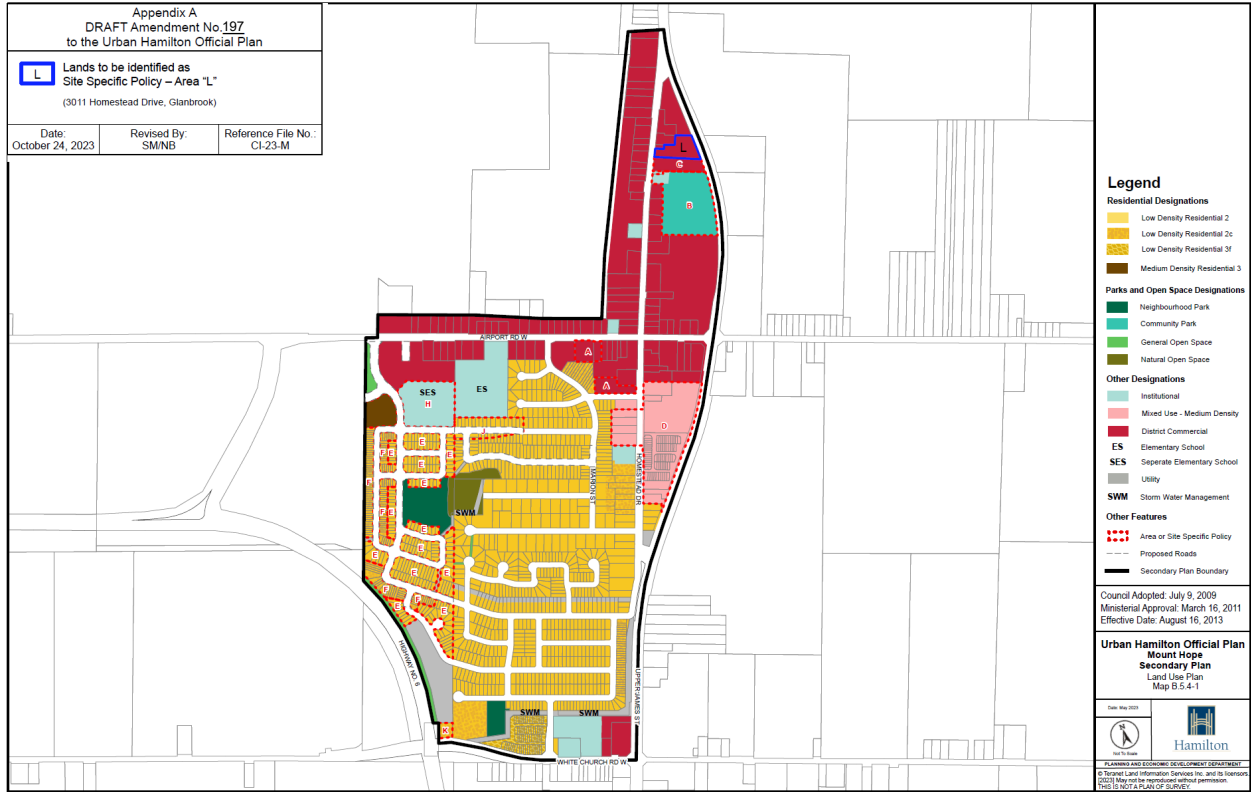
Appendix "B" to Report PED24003
Page 3 of 4

**The
City of Hamilton**

A. Horwath
MAYOR

J. Pilon
ACTING CITY CLERK

Appendix "B" to Report PED24003
Page 4 of 4



Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: December 04, 2023

CASE NO(S).: OLT-21-001799
(Formerly PL171450)

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	1826210 Ontario Inc.
Appellant:	Centurion (Dundas) Holdings Ltd
Appellant:	Marz Homes Holdings Inc
Appellant:	Ministry of Municipal Affairs; and others
Subject:	Proposed Official Plan Amendment No. 69
Description:	Official Plan Amendment to amend policies within the Commercial and Mixed Use Designations and update mapping within the Urban Hamilton Official Plan
Municipality:	City of Hamilton
Municipal Reference No.:	OP-69
OLT Case No.:	OLT-21-001799
Legacy Case No.:	PL171450
OLT Lead Case No.:	OLT-21-001799
Legacy Lead Case No.:	PL171450
OLT Case Name:	Centurion (Dundas) Holdings Ltd. v. Hamilton (City)

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	1804487 Ontario Inc.
Appellant:	1826210 Ontario Inc.
Appellant:	2294643 Ontario Inc.
Appellant:	2531083 Ontario Inc.; and others
Subject:	By-law No. 17-240
Description:	Zoning By-law Amendment is to introduce Commercial and Mixed Use Zones and a Utility Zone, to establish mapping and text within the City of Hamilton Zoning By-law No. 05-200

Municipality: City of Hamilton
Municipal Reference No.: 17-240
OLT Case No.: OLT-21-001806
Legacy Case No.: PL171451
OLT Lead Case No.: OLT-21-001799
Legacy Lead Case No.: PL171450

Heard: October 10, 2023 by Video Hearing

APPEARANCES:

Parties

Counsel

1826210 Ontario Inc.

Jennifer Meader

City of Hamilton

Peter Krysiak

**MEMORANDUM OF ORAL DECISION DELIVERED BY J. INNIS AND C. I. MOLINARI
ON OCTOBER 10, 2023 AND INTERIM ORDER OF THE TRIBUNAL**

[Link to Order](#)

INTRODUCTION

[1] The Tribunal had originally scheduled a six-day Merit Hearing of the appeals by 1826210 Ontario Inc. (“Appellant”), owner of the lands known municipally as 3011 Homestead Drive (“Subject Property”), concerning the City of Hamilton’s (“City”) adoption of Official Plan Amendment (“OPA”) No. 69 (“OPA 69”) and associated Zoning By-law Amendment No. 17-240 (“ZBA 17-240”), which amends the City’s comprehensive Zoning By-law No. 05-200 (“ZBL 05-200”). OPA 69 and ZBA 17-240 are in force and effect pursuant to previous Decisions of the Tribunal, except as they relate to remaining site-specific appeals, including the appeals related to the Subject Property.

[2] The City has an ongoing process to implement ZBL 05-200 in stages, which will eventually eliminate the individual Zoning By-laws of the former municipalities that now

constitute the City. The purpose of ZBA 17-240 is to create new Mixed-Use, Commercial and Utility zones, and to bring the land regulated by ZBA 17-240 into the ZBL-05-200 zoning area to create consistent zoning within the urban area.

[3] The purpose of OPA 69 is to add new policies and amend existing policies, maps and schedules so that the proposed Commercial and Mixed-Use zones under ZBA 17-240 conform to and implement the Urban Hamilton Official Plan ("UHOP").

[4] Prior to the commencement of the Hearing, the Tribunal received correspondence from the City advising that the Parties had reached a settlement on the issues on the basis of the implementation of a site-specific zoning by-law amendment ("Proposed ZBA") and requested that the Merit Hearing be converted to a Settlement Hearing.

[5] In accordance with Rule 12 of the Tribunal's *Rules of Practice and Procedure*, the Tribunal convened the proceedings as a Hearing on the terms of the settlement.

[6] As explained below in paragraphs [18] and [19], the Appellant advised the Tribunal that, at this hearing event, only the appeal related to ZBA 17-240 filed under s. 34(19) of the *Planning Act* ("Act") was being pursued, and not the appeal related to OPA 69 filed under s. 17(24) of the Act, however, the Appellant wished to maintain its appeal against OPA 69 at this time.

[7] As such, the Tribunal only turned its mind to the merits of the appeal against ZBA 17-240 and the Proposed ZBA, and not to the merits of the appeal against OPA 69.

[8] When considering an appeal filed pursuant to s. 34(19) of the Act, the Tribunal must have regard to the matters of provincial interest as set out in s. 2 of the Act. Section 3(5) of the Act requires decisions of the Tribunal affecting planning matters to be consistent with the Provincial Policy Statement, 2020 ("PPS") and, in this case, conform to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe ("Growth Plan") and to the UHOP.

[9] In consideration of the statutory requirements set out above, the Tribunal must be satisfied that the Proposed ZBA represents good planning and is in the public interest.

SITE AND SURROUNDING AREA

[10] The Subject Property is currently zoned DD – Deferred Development (“DD Zone”) under Zoning By-law No. 464 (“ZBL-464”), being the comprehensive Zoning By-law for the former Township of Glanbrook.

[11] The Subject Property is located on the east side of Homestead Drive, and west of Upper James Street North. It is an irregularly shaped through-lot of approximately 0.71 hectares, located north of Airport Road West within an area known as Mount Hope, with frontage of 26.4 metres (“m”) on Homestead Drive and frontage of 81 m on Upper James Street North. The property is vacant with some mature trees and vegetation around the perimeter.

[12] Surrounding land uses include a greenhouse and residence to the south, residential uses to the west and north, a motel to the north and Upper James Street North, a major arterial road, to the east. The property is in proximity to the Hamilton International Airport and Mount Hope Park.

SUBMISSIONS

[13] Prior to the commencement of the Hearing, the Tribunal received the Affidavit of Mike Crough, Principal Planner with the firm Arcadis Professional Services (Canada) Inc., and marked it as Exhibit 1.

[14] On consent of the Parties, the Appellant presented Mr. Crough, who was affirmed and deemed qualified to give expert opinion evidence in land use planning.

[15] Mr. Cough provided the Tribunal with details regarding the Proposed ZBA and provided planning evidence in support of the approval of the Proposed ZBA.

PLANNING EVIDENCE

[16] Mr. Crough testified that the Parties had agreed to settle the appeal by implementing the Proposed ZBA for the Subject Property and that the Parties acknowledge that a corresponding amendment to the UHOP ("OPA Amendment") is required to implement the Proposed ZBA.

[17] Mr. Crough advised that the Parties jointly agreed and acknowledged that the OPA Amendment would be approved as part of the next scheduled housekeeping update of the UHOP by the City ("Housekeeping OPA"), and not through the appeal process.

[18] Further, Mr. Crough advised that the Appellant wished to maintain its appeal against OPA 69 until the Housekeeping OPA is approved by the City, and in this respect, the OPA Amendment was submitted only to provide context and to inform the Tribunal. Mr. Crough advised that the OPA Amendment provides certainty regarding permitted uses and introduces a special policy area permitting uses that correspond with the Proposed ZBA to ensure that it conforms to, and implements, the UHOP.

[19] Mr. Crough testified that the purpose of the Proposed ZBA is to remove the Subject Property from ZBL-464 and bring the lands into ZBL 05-200, to rezone the lands from DD Zone to C6 – District Commercial Zone ("C6 Zone"), and to include the standard list of uses permitted under the C6 Zone, as well as the following:

- Contractor's Establishment
- Commercial School
- Computer, Electronic and Data Processing Establishment
- Planned Business Centre

- Production Studio
- Research and Development Establishment
- Surveying, Engineering, Planning or Design Business
- Trade School
- Tradesperson's Shop
- Warehouse

[20] Mr. Crough testified that the Proposed ZBA would include:

- A maximum setback of 8 m from the rear lot line (along Upper James Street North) and 6 m from the front lot line (along Homestead Drive), and that the maximum setback shall only apply to the nearest point of a building closest to the nearest adjacent street line, and in the case of a through-lot, shall not be required from any part of a building to the opposite street line;
- A minimum rear yard setback of 1.5 m, as measured from Upper James Street North;
- A minimum interior side yard setback of 2 m for a lot line abutting a residential or institutional zone, or a lot containing a residential use;
- The elimination of the requirement for internal parking landscape islands; and
- A standard parking ratio for a building containing multiple permitted uses at a rate of one space per 50 square metres ("m²") gross floor area ("GFA"), excepting any Warehouse use which shall require parking at a rate of one space per 30 m² of GFA, which accommodates the Office portion of such use. For any building containing a single permitted use,

the normal parking rates for individual uses in Section 5.6 c) of ZBL 05-200 shall apply.

Planning Act

[21] It was the opinion of Mr. Crough that the Proposed ZBA has regard to the relevant matters of provincial interest as set in s. 2 of the Act and more specifically subsections:

- (f) the adequate provision and efficient use of communications, transportation, sewage and water services and waste management systems;
- (h) the orderly development of safe and healthy communities;
- (k) the adequate provisions of employment opportunities;
- (n) the resolution of planning conflicts involving public and private interests;
- (o) the protection of public health and safety; and
- (p) the appropriate location of growth and development.

[22] Mr. Crough opined that the Proposed ZBA has regard for provincial interest because the Subject Property is located within the established UHOP urban boundary, is identified as greenfield lands, and is serviced by municipal water, sewage and waste collection. Further, he opined that the Subject Property is a suitable size and location for development, with no significant hazards or features, that the proposed mixed uses will support commercial and employment activities, and that compatibility with sensitive uses can be achieved through setbacks, landscape buffers and fencing. Further, he agreed that the settlement of the appeal resolves the planning conflicts between the City and the Appellant for the development of the Subject Property.

Provincial Policy Statement, 2020

[23] It was Mr. Crough's opinion that the Proposed ZBA is consistent with the PPS as the Subject Property is within the settlement boundary, is within a greenfield area and can be serviced by the City. Mr. Crough opined that the Proposed ZBA is further consistent with the PPS because it will slightly broaden the standard use permissions in the C6 Zone to allow for flexibility in uses suited to the location of the lands along a major arterial road, near the airport, thereby supporting economic development. He proffered that the use permissions and performance standards will permit appropriate and orderly development, will have consideration for adjacent lands and uses, and will allow for functional development of the Subject Property to proceed through other planning application stages (i.e. site plan approval).

A Place to Grow: Growth Plan for the Greater Golden Horseshoe

[24] It was Mr. Crough's opinion that the Proposed ZBA conforms with the Growth Plan as it will support the achievement of complete communities and support economic development. Further, Mr. Crough opined that the Proposed ZBA conforms with the Growth Plan as it will not compromise the City's ability to accommodate intensification and will allow for a mix of commercial uses on the Subject Property that are within a designated greenfield area.

Urban Hamilton Official Plan and Mount Hope Secondary Plan

[25] Mr. Crough testified that the Proposed ZBA is consistent with and conforms to the goals, objectives, and policies of the UHOP, including the policies for urban structure, urban corridors, neighbourhood structural elements, Commercial and Mixed Use designations, and the policies specific to the District Commercial Designation.

[26] It was Mr. Crough's opinion that the Proposed ZBA will enhance the planned commercial functions of the Subject Property and allow for broader permissions, while

maintaining the standard permitted uses, in combination with performance standards that restrict the size of any one use and control the height and location of the built form.

[27] The Mount Hope Secondary Plan ("MHSP") applies to the Subject Property and designates the property District Commercial. The MHSP will be further amended through the Proposed OPA. Mr. Crough opined that the Proposed ZBA conforms to and implements the policies of the MHSP, as to be amended, ensuring compatibility with existing residential uses on adjacent lands, and supporting the planned commercial function of the area, while supporting the airport and the planned employment lands.

Zoning By-law No. 05-200

[28] Mr. Crough testified that, except for the proposed site-specific modifications, the Proposed ZBA for the Subject Property will implement a range of other provisions within ZBL 05-200, including the General Provisions and that the proposed modifications will work with the standard requirements to provide a predictable framework for future development.

[29] Mr. Crough opined that the Proposed ZBA will allow for broader use permissions while maintaining the standard permitted uses, in combination with performance standards that restrict the size of any one use and control the height and location of the built form.

[30] Mr. Crough opined that the zoning provisions, including the limitations in the C6 Zone regulating maximum size, will balance the size and scale of permitted uses, in consideration of the other objectives and policies to ensure development is compatible with existing residential uses while maintaining an appropriate level of non-residential GFA.

ANALYSIS AND FINDINGS

[31] Based on the uncontroverted expert evidence in support of the settlement provided by Mr. Crough, the Tribunal finds that the Proposed ZBA has regard to the relevant matters of provincial interest set out in s. 2 of the Act.

[32] The Tribunal finds that the evidence provided demonstrates that the Proposed ZBA is consistent with the PPS, and conforms with the Growth Plan, the UHOP and the MHSP.

[33] The settlement proposal represents an efficient use of the Subject Property, represents good land use planning and is in the public interest.

[34] The Parties jointly requested the Tribunal to withhold its Final Order on the Proposed ZBA until the Housekeeping OPA, which will implement the OPA Amendment, is approved by the City and is in full force and effect. In this regard, the Appellant agreed to withdraw its appeal against OPA 69 within 15 days of the coming into force and effect of the Housekeeping OPA, if it implements the OPA Amendment.

[35] In this respect, and at the request of the Parties, the Tribunal is not ruling on the OPA appeal at this time.

INTERIM ORDER

[36] **THE TRIBUNAL ORDERS THAT** the Zoning By-law Amendment appeal is allowed in part, on an interim basis, contingent upon confirmation, satisfaction or receipt of the pre-requisite matter identified in paragraph [37] below, and the Zoning By-law Amendment set out in Attachment 1 to this Interim Order, is hereby approved in principle.

[37] The Tribunal will withhold the issuance of its Final Order contingent upon confirmation of the City Solicitor of the following pre-requisite matter:

- a) The Tribunal is advised that the Urban Hamilton Official Plan has been amended to bring the Zoning By-law Amendment into conformity therewith.

[38] The Panel Members will remain seized for the purposes of reviewing and approving the final draft of the Zoning By-Law Amendment and the issuance of the Final Order.

[39] The Tribunal may be spoken to should a matter arise in connection with the implementation of this Interim Order.

[40] If the Parties do not submit the final draft of the Zoning By-law Amendment, and provide confirmation that the contingent pre-requisite to the issuance of the Final Order set out in paragraph [37] above has been satisfied, and do not request the issuance of the Final Order, by **Wednesday, April 10, 2024**, the Appellant and the City shall provide a written status report to the Tribunal by that date, as to the timing of the expected confirmation and submission of the final form of the draft Zoning By-law Amendment and request for issuance of the Final Order by the Tribunal.

[41] The Tribunal may, as necessary, arrange the further attendance of the Parties by Telephone Conference Call to determine additional timelines and the deadline for the submission of the final form of the instrument, the satisfaction of the contingent prerequisite and the issuance of the Final Order.

"J. Innis"

J. INNIS
MEMBER

"C. I. Molinari"

C. I. MOLINARI
MEMBER

Ontario Land Tribunal

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT 1

SCHEDULE "B"

ZONING BY-LAW AMENDMENT

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To amend Zoning By-law No. 05-200 with respect to lands located at 3011 Homestead Drive, Glanbrook

WHEREAS the Ontario Land Tribunal, in its Decision/Order No. OLT-21-001799, dated the day of _____, 2023 approved the amendment to Zoning By-law No. 05-200, as herein provided;

AND WHEREAS this By-law conforms with the Urban Hamilton Official Plan upon adoption of Official Plan Amendment No. OPA ###;

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

1. That Schedule "A" – Zoning Maps, Map No. ### is amended by further amending the District Commercial (C6) Zone to the District Commercial (C6, XX,) Zone, for the lands known as 3011 Homestead Drive, 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:

"NO. Within the lands zoned District Commercial (C6, XX) Zone, identified on Map Number ### of Schedule "A" – Zoning Maps and described as 3011 Homestead Dr, Glanbrook, the following special provisions shall apply:

a) In addition to the uses permitted under Section 10.6.1, the following uses shall also be permitted:

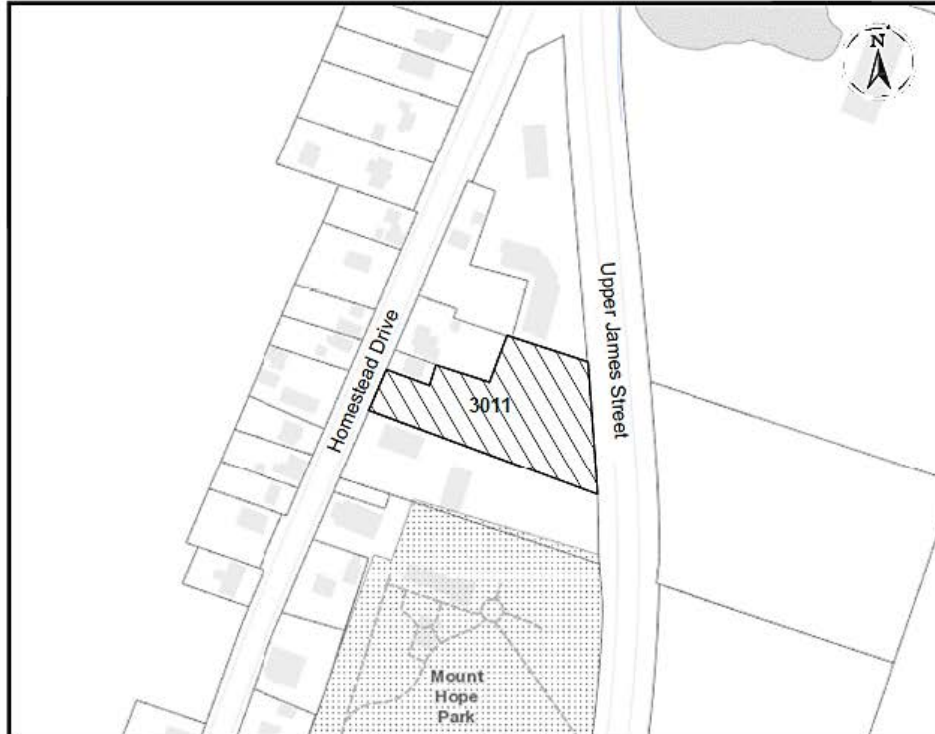
Contractor's Establishment
Commercial School
Computer, Electronic and Data Processing Establishment
Planned Business Centre
Production Studio
Research and Development Establishment
Surveying, Engineering, Planning or Design Business
Trade School
Tradesperson's Shop

Warehouse

- b) Notwithstanding Sections 10.6.3 a) ii), 10.6.3 b) i), and 10.6.3 c) ii), the following regulations shall apply:
- | | | |
|------|---|--|
| i) | Maximum setback from a streetline, except where a visibility triangle is required for a driveway access | 8 m to Rear Lot Line (Upper James St); 6.0 m to Front Lot Line (Homestead Dr). |
| | | The maximum setback shall only apply to the nearest point of a building closet to the nearest adjacent streetline, and in the case of a Through Lot shall not be required from any part of a building to the opposite street line. |
| ii) | Minimum Rear Yard setback (Upper James St) | 1.5 m |
| iii) | Minimum Interior Side Yard Abutting a Residential or Institutional Zone or lot containing a residential use | 1.5 m |
- c) Section 5.2 h) shall not apply
- d) Notwithstanding the parking requirements for individual uses of Section 5.6 c), required parking for any building containing multiple permitted uses shall be at a rate of 1 space per 50 m² gross floor area, excepting any Warehouse use which shall require parking at a rate of 1 space per 30 m² of gross floor area which accommodates the Office portion of such use. For any building containing a single permitted use, the normal parking rates for individual uses of Section 5.6 c) shall apply.

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, except in accordance with the provisions of the District Commercial (C6, XX) Zone, subject to the special requirements referred to in Section No.2 of this By-law.
4. That this By-law No. 23-XX-OLT shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the *Planning Act*, either upon date of passage of this By-law or as otherwise provided in the said Sub-section.

APPROVED this _____, 2023



This is Schedule "A" of By-law No. 19-
 Passed theday of2023

Clerk


 Mayor

SCHEDULE "A"

Map Forming Part of
 By-law No. 19- _____

to Amend By-law No. 05-200
 Map 4E2

3011 Homestead Drive, Glanbrook

 Change in zoning by removing the Lands from the Deferred Development (DD) Zone in Zoning By-Law No. 464 and adding the lands to the District Commercial (C6#) Zone in Zoning By-law 05 200)

Scale: N.T.S.	File Name/Number:
Date: MM/DD/2023	Planner/Technician:
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	





WELCOME TO THE CITY OF HAMILTON

PLANNING COMMITTEE

January 16, 2024

PED24003 – (CI-23-M)

Housekeeping Amendments to the Urban Hamilton Official Plan regarding lands located at 3011 Homestead Drive, Glanbrook.

Presented by: Alana Fulford

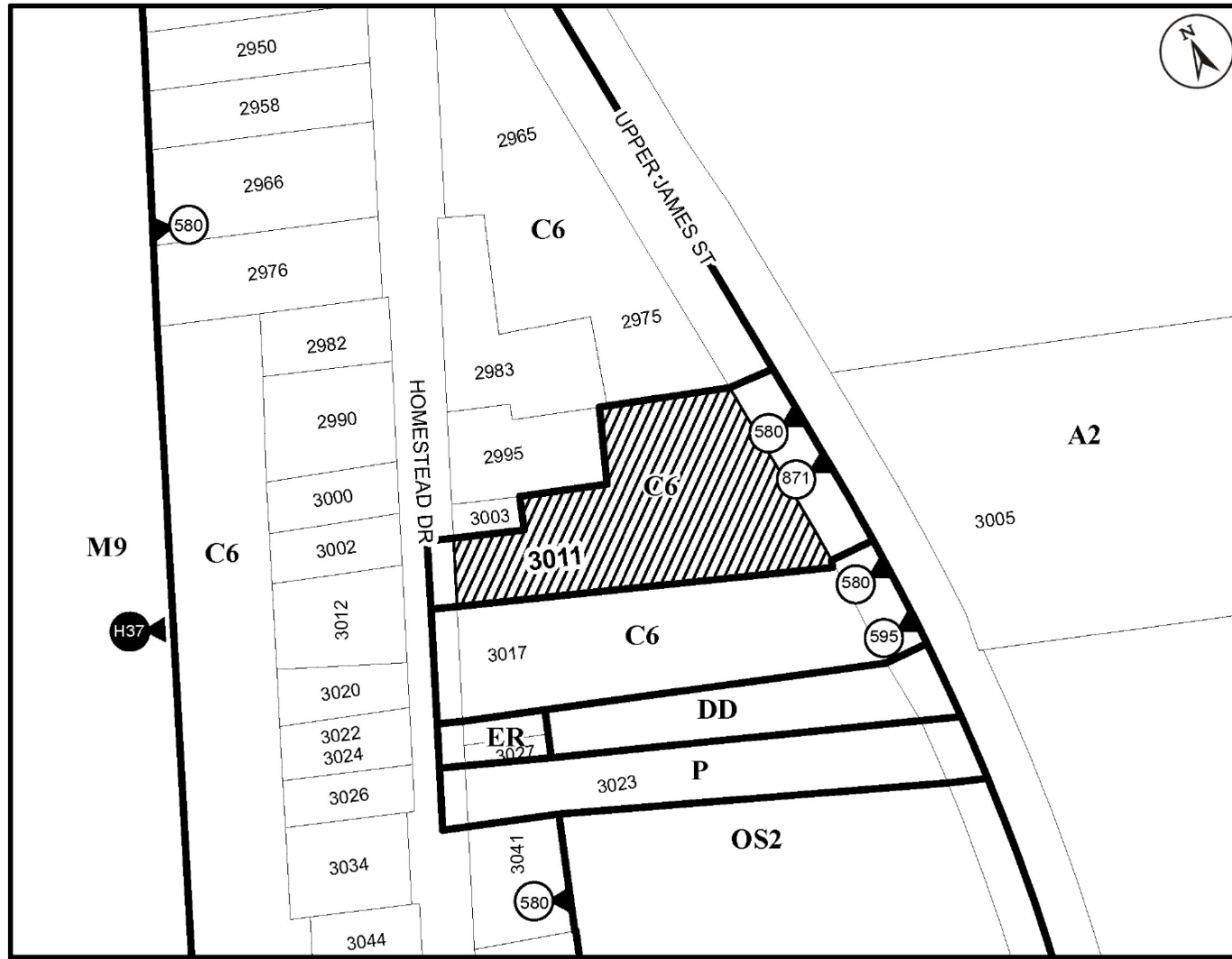


SUBJECT PROPERTY



3011 Homestead Drive, Glanbrook





SUBJECT PROPERTY

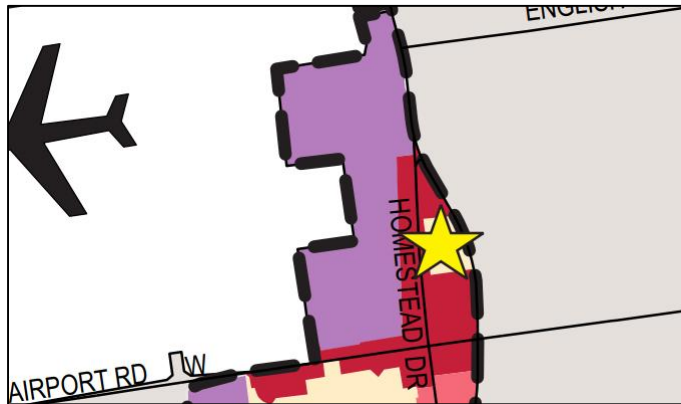


3011 Homestead Drive, Glanbrook

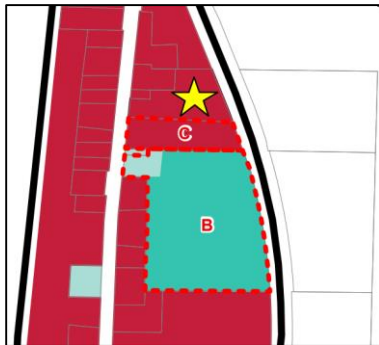




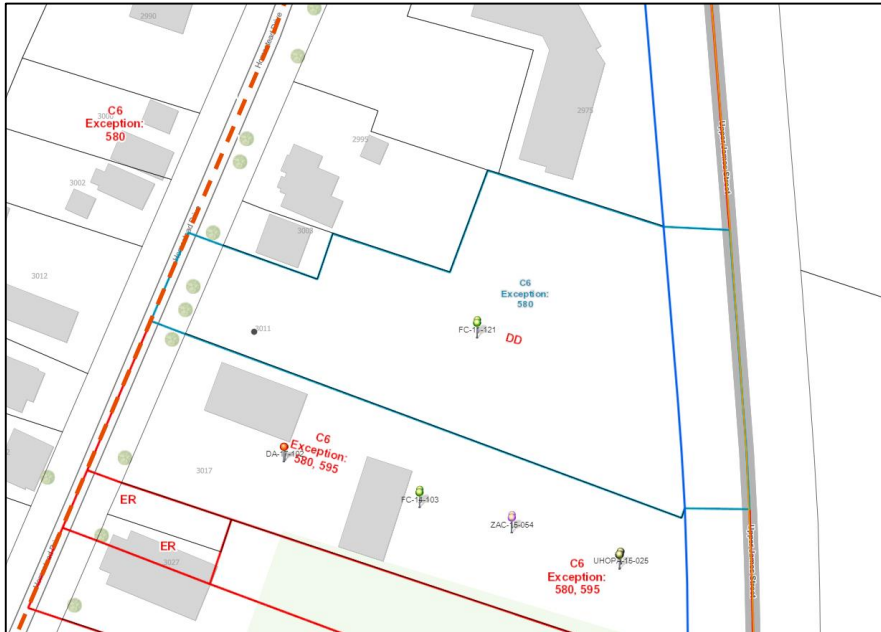
- Designated Neighbourhoods on Schedule E – Urban Structure



- Designated District Commercial on Schedule E-1 – Urban Land use Designations



- Designated District Commercial on Map B.5.4-1 Mount Hope Secondary Plan



- The subject lands were incorporated into the Commercial and Mixed Use Zoning Project as District Commercial (C6, 580) Zone in By-law 17-240.
- The owners appealed By-law No. 17-240 to the Ontario Land Tribunal.
- On December 4, 2023 the Ontario Land Tribunal issued an Interim Order based on the settlement to allow additional commercial and prestige industrial uses in the District Commercial (C6) Zone, subject to the City initiating a Housekeeping Amendment to the Urban Hamilton Official Plan and Mount Hope Secondary Plan to allow the uses.

- The proposed amendment facilitates the Interim Order of the Ontario Land Tribunal by adding the following additional commercial and prestige industrial uses through a Site Specific Policy Area in the District Commercial Designation in the Mount Hope Secondary Plan:
 - Contractor's Establishment;
 - Computer, Electronic and Data Processing Establishment;
 - Planned Business Centre;
 - Production Studio;
 - Research and Development Establishment;
 - Self-Storage Facility.
 - Surveying, Engineering, Planning or Design Business;
 - Trade School; and,
 - Tradesperson's Shop.

- The proposed amendment 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);
 - Represents good planning as it will allow for uses that are compatible and consistent with the surrounding area, does not have the effect of adding new sensitive land use permissions in proximity to the airport, and does not conflict or interfere with the planned function and development of the surrounding areas.



Hamilton

HAMILTON MUNICIPAL HERITAGE COMMITTEE

Report 23-011

12:00 p.m.

November 28, 2023

Roo 264, 2nd Floor, City Hall

Present: Councillor C. Kroetsch
 A. Denham-Robinson (Chair), G. Carroll (Vice-Chair), K. Burke, L. Lunsted, S. Spolnik, A. MacLaren and A. Douglas

THE FOLLOWING ITEMS WERE REFERRED TO THE PLANNING COMMITTEE FOR CONSIDERATION:

1. Appointment of Chair and Vice-Chair (Item 1)

That A. Denham-Robinson be appointed as Chair of the Hamilton Municipal Heritage Committee for the remainder of the term.

That G. Carroll be appointed as Vice-Chair of the Hamilton Municipal Heritage Committee for the remainder of the term.

2. Recommendation to Designate 176 Wilson Street East, Ancaster, known as Birch Lawn, under Part IV of the *Ontario Heritage Act* (PED23241) (Ward 12) (Item 8.2)

That the City Clerk be directed to give notice of Council's intention to designate 176 Wilson Street East, Ancaster, shown in Appendix "A" attached to Report PED23241, 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 "A" to Hamilton Municipal Heritage Committee Report 23-011, subject to the following:

- (a) 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;
- (b) 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.

3. Recommendation to Designate 241 Wilson Street East, Ancaster, former Ancaster Carriage Company Factory, under Part IV of the *Ontario Heritage Act* (PED23192) (Ward 12) (Item 8.3)

That the City Clerk be directed to give notice of Council's intention to designate 241 Wilson Street East, Ancaster, shown in Appendix "A" attached to Report PED23192, 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 Hamilton Municipal Heritage Committee Report 23-011, subject to the following:

- (a) 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;
- (b) 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.

4. Establishment of Working Group Memberships (Item 10.1)

That the working group membership be established as follows:

- (a) Education and Communications Working Group
 - (i) Alissa Denham-Robinson
 - (ii) Karen Burke
 - (iii) Stefan Spolnik
 - (iv) Councillor Cameron Kroestch
- (b) Inventory and Research Working Group
 - (i) Alissa Denham-Robinson
 - (ii) Lyn Lunsted
 - (iii) Andy MacLaren
- (c) Policy and Design Working Group
 - (i) Alissa Denham-Robinson
 - (ii) Andrew Douglas
 - (iii) Lyn Lunsted

5. Monthly Report on Recommended Proactive Listings for the Municipal Heritage Register, November 2023 (PED23235) (Ward 3) (Item 10.2)

That staff be directed to list the property located at 78 Stirton Street, Hamilton (Ward 3) on the Municipal Heritage Register as a non-designated property that Council believes to be of cultural heritage value or interest, as outlined in Report PED23235, in accordance with Section 27 of the *Ontario Heritage Act*.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

8. STAFF PRESENTATIONS

- 8.1 Introduction to Cultural Heritage Planning - Hamilton Municipal Heritage Committee Member Orientation
- 8.2 Recommendation to Designate 176 Wilson Street East, Ancaster, known as Birch Lawn, under Part IV of the *Ontario Heritage Act* (PED23241) (Ward 12)
- 8.3 Recommendation to Designate 241 Wilson Street East, Ancaster, former Ancaster Carriage Company Factory, under Part IV of the *Ontario Heritage Act* (PED23192) (Ward 12)

9. CONSENT ITEMS

- 9.3 Delegated Approval: Heritage Permit Applications
 - j. Heritage Permit Application HP2023-052: Installation of a Municipal Heritage Plaque at 289 Dundas Street East, Dundas (Ward 15) (By-law No. 22-139)

The agenda for November 28, 2023 Hamilton Municipal Heritage Committee, was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) October 20, 2023 (Item 4.1)

The Minutes of October 20, 2023 meeting of the Hamilton Municipal Heritage Committee, were approved, as presented.

(d) COMMUNICATIONS (Item 5)

- (i) The following Communication items were approved, as presented:
- (a) Correspondence to the Ontario Heritage Trust, Provincial Heritage Registrar, respecting Notice of Passing of By-law No. 23-200 to Designate 64 Hatt Street, Dundas under Part IV of the *Ontario Heritage Act* (Item 5.1)

Recommendation: Be received.
 - (b) Correspondence to Ontario Heritage Trust respecting Notice of Intention to Designate under Part IV of the *Ontario Heritage Act* 7 Ravenscliffe Avenue, Hamilton (Item 5.2)

Recommendation: Be received.
 - (c) Correspondence from Infrastructure Ontario respecting Cultural Heritage Evaluations - Infrastructure Ontario (IO) Projects (Item 5.3)

Recommendation: Be received.
 - (d) Correspondence from Infrastructure Ontario respecting Cultural Heritage Evaluation Report Questionnaire for John Sopinka Courthouse located at 45 Main Street East, City of Hamilton (Item 5.4)

Recommendation: Be received.
 - (e) Correspondence from Infrastructure Ontario respecting a Cultural Heritage Evaluation report of the Hamilton Superior Court Family Justice Courthouse, 55 Main Street West (Item 5.5)

Recommendation: Be received.
 - (f) Notice of Council Decision for Heritage Permit Application HP2023-042 for 1541 Fiddlers Green Road, Ancaster (Ward 12), Part IV Designation (By-law No. 84-55) (Item 5.6)

Recommendation: Be received.
 - (g) Notice of Council Decision for Heritage Permit Application HP2023-041 for 79 Markland Street, Hamilton (Ward 2), Durand-Markland Heritage Conservation District, Designated under Part V of the *Ontario Heritage Act* (By-law No. 94-184) (Item 5.7)

Recommendation: Be received.

(e) **DELEGATION REQUESTS (Item 6)**

- (i) **Kayla Jonas Galvin, Archaeological Research Associates Ltd., and Miranda Brunton, Infrastructure Ontario, respecting the Cultural Heritage Evaluation (CHE) - John Sopinka Courthouse and SCJ Family Courthouse (for a future meeting) (Item.6.1)**

That the delegation request from Kayla Jonas Galvin, Archaeological Research Associates Ltd., and Miranda Brunton, Infrastructure Ontario, respecting the Cultural Heritage Evaluation (CHE) - John Sopinka Courthouse and SCJ Family Courthouse, be approved for a future meeting.

(f) **STAFF PRESENTATIONS (Item 8)**

- (i) **Introduction to Cultural Heritage Planning - Hamilton Municipal Heritage Committee Member Orientation (Item 8.1)**

Alissa Golden, Program Lead, addressed Committee respecting an Introduction to Cultural Heritage Planning - Hamilton Municipal Heritage Committee Member Orientation, with the aid of a PowerPoint presentation.

The Presentation respecting an Introduction to Cultural Heritage Planning - Hamilton Municipal Heritage Committee Member Orientation, was received.

- (ii) **Recommendation to Designate 176 Wilson Street East, Ancaster, known as Birch Lawn, under Part IV of the *Ontario Heritage Act* (PED23241) (Ward 12) (Item 8.2)**

Scott Dickinson, Cultural Heritage Planner, addressed Committee respecting a Recommendation to Designate 176 Wilson Street East, Ancaster, known as Birch Lawn, under Part IV of the *Ontario Heritage Act*, with the aid of a PowerPoint presentation.

The Presentation respecting a Recommendation to Designate 176 Wilson Street East, Ancaster, known as Birch Lawn, under Part IV of the *Ontario Heritage Act*, was received.

For disposition of this matter, refer to Item 2.

- (iii) **Recommendation to Designate 241 Wilson Street East, Ancaster, former Ancaster Carriage Company Factory, under Part IV of the *Ontario Heritage Act* (PED23192) (Ward 12) (Item 8.3)**

Scott Dickinson, Cultural Heritage Planner, addressed Committee respecting a Recommendation to Designate 241 Wilson Street East,

Ancaster, former Ancaster Carriage Company Factory, under Part IV of the *Ontario Heritage Act*, with the aid of a PowerPoint presentation.

The Presentation respecting a Recommendation to Designate 176 Wilson Street East, Ancaster, known as Birch Lawn, under Part IV of the *Ontario Heritage Act*, was received.

For disposition of this matter, refer to Item 3.

(g) CONSENT ITEMS (Item 9)

That the following Consent Items, be received:

- (i) Bill 139, Schedule 14, Less Red Tape, More Common Sense Act, 2023, and Proposed Changes to the *Ontario Heritage Act* and the Heritage Permit Requirements for Alterations to Part IV Designated Properties with Buildings Used for Religious Practices (PED23253) (City Wide) (Item 9.1)**
- (ii) Heritage Permit Review Sub-Committee Minutes (October 17, 2023) (Item 9.2)**
- (iii) Delegated Approval: Heritage Permit Applications (Item 9.3)**
 - (a) Heritage Permit Application HP2023-038: Exterior Alterations at 21 Mill Street North, Flamborough (Ward 15) (By-law No. 96 34-H)
 - (b) Heritage Permit Application HP2023-043: Removal of the Existing Deck and Construction of a Pergola at 1000 Beach Boulevard, Hamilton (Ward 5) (By-law No. 00-135)
 - (c) Heritage Permit Application HP2023-046: Exterior Façade Alterations at 255-265 James Street North, Hamilton (Hamilton Brass Manufacturing Co. Building) (Ward 2) (By-law No. 87-176) [Extension of Previously - Approved Permit HP2021-042 with Minor Changes]
 - (d) Heritage Permit Application HP2023-047: Installation of a Finial Above the Front Gable at 262 MacNab Street North, Hamilton (MacNab Terrace) (Ward 2) (By-law N. 18-127)
 - (e) Heritage Permit Application HP2023-048: Repairs to the Contemporary Pedestrian Bridge at 77 King Street West, Stoney Creek (Battlefield NHS) (Ward 5) (By-law No. 3419-91)
 - (f) Heritage Permit Application HP2023-050: Station Rehabilitation and Upgrades at 36 Hunter Street East, Hamilton (Hamilton GO Centre) (Ward 2) (By-law No. 94-125)

- (g) Heritage Permit Application HP2023-051: Proposed Redevelopment of 18-28 King Street East, Hamilton (The Gore Buildings) (Ward 2) (By-law No. 18-321) [Extension of Previously-Approved Permit HP2021-037]
- (h) Heritage Permit Application HP2023-049: Construction of a Second Storey Addition at 52 Mill Street South, Flamborough (Ward 15) (By-law No. 96-34-H)
- (i) Heritage Permit Application HP2023-055: Installation of Hostile Vehicle Mitigation Barriers at 71 Main Street West, Hamilton (City Hall) (Ward 2) (By-law No. 06-011) [Extension of Previously-Approved Permit HP2021-051]
- (j) Heritage Permit Application HP2023-052: Installation of a Municipal Heritage Plaque at 289 Dundas Street East, Dundas (Ward 15) (By-law No. 22-139)

(h) GENERAL INFORMATION / OTHER BUSINESS (Item 13)

(i) Buildings and Landscapes (Item 13.1)

Committee members provided brief updates on properties of interest.

The following properties were deferred to a future meeting for consideration, and;

- (i) 1155-1157 Beach Boulevard, Beach Canal Lighthouse and Cottage (D)
- (ii) 50-54 Sanders Boulevard, Binkley Property (R)

The following properties be monitored by:

- (i) 80-92 Barton Street East, Former Hanrahan Hotel (R) – S.Spolnik
- (ii) 66-68 Charlton Avenue West (D) – C. Kroetsch
- (iii) 71 Claremont Drive, Auchmar Gate House / Claremont Lodge (R) – G. Carroll
- (iv) 127 Hughson Street North, Firth Brothers Building (D) – C. Kroetsch
- (v) 163 Jackson Street West, Pinehurst / Television City (D) – C. Kroetsch
- (vi) 108 James Street North, Tivoli (D) – C. Kroetsch
- (vii) 98 James Street South, Former James Street Baptist Church (D) – C. Kroetsch
- (viii) 18-22 King Street East, Gore Buildings (D) – C. Kroetsch
- (ix) 24-28 King Street East, Gore Buildings (D) – C. Kroetsch

- (x) 378 Main Street East, Cathedral Boys School (R) – S. Spolnik
- (xi) 120 Park Street North (R) – C. Kroetsch
- (xii) 574 Northcliffe Avenue, St. Joseph's Motherhouse (R) – L. Lunsted
- (xiii) 1 Balfour Drive, Chedoke Estate / Balfour House, (R) – G. Carroll
- (xiv) 134 Cannon Street East, Cannon Knitting Mill (R) – C. Kroetsch
- (xv) 52 Charlton Avenue West, Former Charlton Hall (D) – C. Kroetsch
- (xvi) 54-56 Hess Street South (NOID) – C. Kroetsch
- (xvii) 4 Turner Avenue, Hamilton (R) – C. Kroetsch
- (xxiii) 420 King St E, St. Patrick Roman Catholic Church (I) – S. Spolnik
- (xxiv) 88 Fennell Avenue West, Auchmar (D) – A. Douglas
- (iv) 125 King Street East, Norwich Apartments (R) – C. Kroetsch
- (v) 206 Main Street West, Arlo House (R) – C. Kroetsch

The property located at 340 Dundas Street East, Eager House (R), was added to the Heritage Properties Update (GREEN) listing; and

That L. Lunsted monitor the property; and

The property located at 206-210 King Street East, Former Bremner Grocery (I), was added to the Heritage Properties Update (YELLOW) listing; and

That G. Carroll monitor the property.

The property located at 384 Barton Street East, St. Paul's Ecumenical Church (D), was removed from the Buildings and Landscapes of Interest (YELLOW) listing; and

The property located at 1 Main Street West, Former BMO / Gowlings (D), was removed from the Buildings and Landscapes of Interest (YELLOW) listing.

The following updates, were received:

- (a) Endangered Buildings and Landscapes (RED):
(Red = Properties where there is a perceived immediate threat to heritage resources through: demolition; neglect; vacancy; alterations, and/or, redevelopment)

Ancaster

- (i) 372 Butter Road West, Andrew Sloss House (D) – K. Burke
- (ii) 1021 Garner Road East, Lampman House (D) – K. Burke

(iii) 398 Wilson Street East, Marr House (D) – K. Burke

Dundas

- (iv) 2 Hatt Street (R) – K. Burke
- (v) 216 Hatt Street (I) – K. Burke
- (vi) 215 King Street West (R) – K. Burke
- (vii) 219 King Street West (R) – K. Burke

Glanbrook

(viii) 2235 Upper James Street (R) – G. Carroll

Hamilton

- (ix) 80-92 Barton Street East, Former Hanrahan Hotel (R) – S. Spolnik
- (x) 1155-1157 Beach Boulevard, Beach Canal Lighthouse and Cottage (D) –
- (xi) 66-68 Charlton Avenue West (D) – C. Kroetsch
- (xii) 71 Claremont Drive, Auchmar Gate House / Claremont Lodge (R) – G. Carroll
- (xiii) 711 Concession Street, Former Mount Hamilton Hospital, 1932 Wing (R) – G. Carroll
- (xiv) 127 Hughson Street North, Firth Brothers Building (D) – C. Kroetsch
- (xv) 163 Jackson Street West, Pinehurst / Television City (D) – C. Kroetsch
- (xvi) 108 James Street North, Tivoli (D) – C. Kroetsch
- (xvii) 98 James Street South, Former James Street Baptist Church (D) – C. Kroetsch
- (xviii) 18-22 King Street East, Gore Buildings (D) – C. Kroetsch
- (xix) 24-28 King Street East, Gore Buildings (D) – C. Kroetsch
- (xx) 537 King Street East, Rebel's Rock (R) – G. Carroll
- (xxi) 378 Main Street East, Cathedral Boys School (R) – S. Spolnik
- (xxii) 679 Main Street East / 85 Holton Street South, Former St. Giles Church (I) – G. Carroll
- (xxiii) 120 Park Street North (R) – C. Kroetsch
- (xxiv) 828 Sanatorium Road, Long and Bisby Building (D) – G. Carroll
- (xxv) 100 West 5th Street, Century Manor (D) – G. Carroll

- (b) Buildings and Landscapes of Interest (YELLOW):
(Yellow = Properties that are undergoing some type of change, such as a change in ownership or use, but are not perceived as being immediately threatened)

Dundas

- (i) 64 Hatt Street, Former Valley City Manufacturing (D) – K. Burke
- (ii) 24 King Street West, Former Majestic Theatre (I) – K. Burke
- (iii) 3 Main Street, Former Masonic Lodge (D) – K. Burke
- (iv) 23 Melville Street, Knox Presbyterian Church (D) – K. Burke
- (v) 574 Northcliffe Avenue, St. Joseph's Motherhouse (R) – L. Lunsted

Flamborough

- (vi) 283 Brock Road, WF Township Hall (D) – L. Lunsted
- (vii) 62 6th Concession East, Hewick House (I) – L. Lunsted

Hamilton

- (viii) 1 Balfour Drive, Chedoke Estate / Balfour House, (R) – G. Carroll
- (ix) 134 Cannon Street East, Cannon Knitting Mill (R) – C. Kroetsch
- (x) 52 Charlton Avenue West, Former Charlton Hall (D) – C. Kroetsch
- (xi) 2 Dartnall Road, Rymal Road Station Silos (R) – G. Carroll
- (xii) 54-56 Hess Street South (NOID) – C. Kroetsch
- (xiii) 1000 Main Street East, Dunington-Grubb Gardens / Gage Park (R) – G. Carroll
- (xiv) 1284 Main Street East, Delta High School (D) – G. Carroll
- (xv) 311 Rymal Road East (R) – G. Carroll
- (xvi) St. Clair Boulevard Heritage Conservation District (D) – G. Carroll
- (xvii) 56 York Boulevard / 63-76 MacNab Street North, Copley Building (D) – G. Carroll
- (xviii) 84 York Boulevard, Philpott Church (R) – G. Carroll
- (xix) 175 Lawrence Road, Hamilton Pressed / Century Brick (R) – G. Carroll
- (xx) 65 Charlton Avenue East, Church of Ascension (D, NHS), Hamilton – G. Carroll
- (xxi) 4 Turner Avenue, Hamilton (R) – C. Kroetsch
- (xxii) 420 King St E, St. Patrick Roman Catholic Church (I) – S. Spolnik
- (xxiii) 206-210 King Street East, Former Bremner Grocery (I) – G. Carroll

Stoney Creek

- (xxiv) 2251 Rymal Road East, Former Elfrida Church (R) – G. Carroll

- (c) Heritage Properties Update (GREEN):
(Green = Properties whose status is stable)

Dundas

- (i) 104 King Street West, Former Post Office (R) – K. Burke

Hamilton

- (ii) 46 Forest Avenue, Rastrick House (D) – G. Carroll
(iii) 88 Fennell Avenue West, Auchmar (D) – A. Douglas
(iv) 125 King Street East, Norwich Apartments (R) – C. Kroetsch
(v) 206 Main Street West, Arlo House (R) – C. Kroetsch
(vi) 50-54 Sanders Boulevard, Binkley Property (R) –

Flamborough

- (vii) 40 Dundas Street East, Eager House (R) – L. Lunsted

- (d) Heritage Properties Update (BLACK):
(Black = Properties that HMHC have no control over and may be demolished)

Ancaster

- (i) 442, 450 and 452 Wilson Street East (R) – K. Burke

Heritage Status: (I) Inventoried, (R) Registered, (D) Designated,
(NHS) National Historic Site

(i) **ADJOURNMENT (Item 15)**

That there being no further business, the Hamilton Municipal Heritage Committee adjourned at 1:39 p.m.

Respectfully submitted,

Alissa Denham-Robinson, Chair
Hamilton Municipal Heritage Committee

Aleah Whalen
Legislative Coordinator
Office of the City Clerk

**Appendix “A” to Item 2 of HMHC Report 23-011
Page 1 of 2**

**STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST AND
DESCRIPTION OF HERITAGE ATTRIBUTES**

Description of Property

The 0.125-hectare property municipally-addressed as 176 Wilson Street East is comprised of a two-storey brick dwelling constructed circa 1881. The property is located on the southeastern side of Wilson Street East, opposite the intersection of Wilson Street East and Dalley Drive, in the community of Ancaster in the City of Hamilton.

Statement of Cultural Heritage Value or Interest

The two-storey brick dwelling located at 176 Wilson Street East, Ancaster, known historically as ‘Birch Lawn’, was constructed circa 1881. A small sympathetic addition was constructed on the southern side by the mid-to-late-twentieth century. The property has design or physical value as it is a representative example of the Italianate style of architecture as applied to a private dwelling, displaying a high degree of craftsmanship in its construction. Contextually, the property is important in supporting the character of the historic village of Ancaster and is historically linked to its surroundings. It is located on the historic Wilson Street transportation corridor and still marks the western entrance into the core, though now surrounded by modern construction.

Description of Heritage Attributes:

Key attributes that embody the design/physical value of the property as being representative of the Italianate style or architecture and demonstrating a high degree of craftsmanship, include:

- The front (north) and side (east and west) elevations and roofline of the two-storey brick building, including its:
 - Truncated hip roof with wide projecting eaves and paired decorative wooden brackets;
 - Single stack corbelled brick chimney to the east;
 - Projecting three-sided two-storey bays to the front (north) and side (east) with polygonal roofs;
 - Segmentally-arched window openings with decorative buff brick broken pediment hoods, stone lug sills and one-over-one hung wood windows with storms;
 - Front door with segmentally-arched opening with buff brick voussoirs and transom; and,
 - Dichromatic brick work including buff brick quoining, paneling under the projecting eaves and chimney detailing.

Appendix “A” to Item 2 of HMHC Report 23-011
Page 2 of 2

Key attributes that embody the contextual value of the property as a supporting feature of the historical character of Wilson Street East include its:

- Location fronting onto Wilson Street East at the eastern entrance into Ancaster Village.

STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST AND DESCRIPTION OF HERITAGE ATTRIBUTES

Description of Property

The 0.5 hectare property municipally-addressed as 241 Wilson Street East is comprised of a circa 1885 two-storey stone building of a vernacular style. The property is also comprised of a modern building constructed in 2007 in a sympathetic style, municipally-addressed as 253 Wilson Street East. The property is located on the northwestern side of Wilson Street East, at the intersection of Wilson Street East and Halston Street, in the community of Ancaster in the City of Hamilton.

Statement of Cultural Heritage Value or Interest

The circa 1885 two-storey stone structure located at 241 Wilson Street East has physical value as it is a representative example of a vernacular stone nineteenth-century industrial building. The historical value of the property lies in its association with nineteenth-century industry in Ancaster and the Ancaster Carriage Company, who originally constructed it in 1885. The Ancaster Carriage Company was owned by Edward Kenrick (1850-1925), prominent Ancaster lawyer. The property is also connected to the Egleston Brothers, who were responsible for much of Ancaster's nineteenth-century industry.

This property defines the historic former industrial character of this section of Wilson Street East in the core of the village of Ancaster and is visually and historically linked to its surroundings. The sympathetic new structures on either side of the property enhance for the viewer the sense that this was an industrial space, that Ancaster was once home to a variety of manufacturers and enterprises.

Description of Heritage Attributes:

Key attributes that embody the physical value of the property as a representative vernacular nineteenth-century stone industrial building and its association with early Ancaster industry, including the Ancaster Carriage Company, include:

- The front (south) and side (west and east) elevations and roofline of the two-storey circa 1885 stone building, including its:
 - L-shaped plan;
 - Cross-gable roof with projecting eaves;
 - Single stack corbelled red brick chimneys;
 - Broken-coursed rubble stone walls with corner cut-stone quoins;
 - Segmentally-arched window and door openings with stone voussoirs and stone lug sills;
 - Side (east) entrance with transom; and,
 - Stone foundation.

Appendix “B” to Item 3 of HMHC Report 23-011
Page 2 of 2

Key attributes that embody the contextual value of the property as a defining feature of the historical character of Wilson Street East in the core of the village of Ancaster include its:

- Location fronting onto Wilson Street East; and,
- Visibility of three exterior walls from the public right of way.



Hamilton

Agriculture and Rural Affairs Sub-Committee

REPORT 23-003

Thursday, November 30, 2023

7:00 p.m.

Room 264, 2nd Floor Hamilton City Hall
71 Main Street West

Present: Councillors C. Cassar, T. McMeekin, M. Tadeson, A. Wilson, A. Spoelstra (Chair), D. Smith (Vice-Chair), C. McMaster, N. Mills, A. Payne, C. Roberts, R. Shuker, G. Smuk, and M. Switzer

Absent with Regrets: Councillor B. Clark - Personal
J. Mantel and R. Pearce

THE FOLLOWING ITEMS WERE REFERRED TO THE PLANNING COMMITTEE FOR CONSIDERATION:

1. Stormwater Fee Information & Incentive Program Consultation (Item 8.1)

That staff be directed to look at alternative options to the proposed stormwater fee for agricultural properties and report back to the Agriculture and Rural Affairs Sub-Committee with alternatives that are fair, affordable, justifiable, reasonable, and simple.

2. Rural Zones (Farm Labour Residences and Additional Dwelling Units – Detached) (Item 8.3)

That staff be directed to include additional flexibility for Farm Labour Residences on size and permanence on justified farm situations.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

8. PRESENTATIONS

Planning Committee – January 16, 2024

**8.3(a) Farm Labour Residence & Additional Dwelling Unit – Detach - Rural
Area Zoning Changes**

The agenda for the November 30, 2023 meeting of the Agriculture and Rural Affairs Sub-Committee, was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**(i) June 29, 2023 (Item 4.1)**

The Minutes of the June 29, 2023 meeting of the Agriculture and Rural Affairs Advisory Committee were approved, as presented.

(d) COMMUNICATIONS (Item 5)

(i) The following Communication Item, be received:

(a) Correspondence from the Minister of Agriculture, Food and Rural Affairs (Item 5.1)

(e) DELEGATION REQUESTS (Item 6)

(i) The rules of procedure were waived to allow the following Delegations to delegate at today's meeting:

(a) Jan Vander Hout respecting Item 8.1, Stormwater Fee Information & Incentive Program Consultation and Item 8.3, Rural Zones (Farm Labour Residences and Additional Dwelling Units – Detached) (Added Item 6.1)

(b) Clint Burrows respecting Item 8.1, Stormwater Fee Information & Incentive Program Consultation (Added Item 6.2)

(f) DELEGATIONS (Item 7)

(i) The Delegates addressed the Committee, as follows:

(a) Jan Vander Hout respecting Item 8.1, Stormwater Fee Information & Incentive Program Consultation and Item 8.3, Rural Zones (Farm Labour Residences and Additional Dwelling Units – Detached) (Added Item 7.1)

(b) Clint Burrows respecting Item 8.1, Stormwater Fee Information & Incentive Program Consultation (Added Item 7.2)

- (ii) The following Delegations were received:
- (a) Jan Vander Hout respecting Item 8.1, Stormwater Fee Information & Incentive Program Consultation and Item 8.3, Rural Zones (Farm Labour Residences and Additional Dwelling Units – Detached) (Added Item 7.1)
 - (b) Clint Burrows respecting Item 8.1, Stormwater Fee Information & Incentive Program Consultation (Added Item 7.2)
- (g) **PRESENTATIONS (Item 8)**
- (i) **Stormwater Fee Information & Incentive Program Consultation (Item 8.1)**
- Nancy Hill, AECOM, addressed the Committee respecting the Stormwater Fee Information & Incentive Program Consultation, with the aid of a PowerPoint presentation.
- The presentation from Nancy Hill, AECOM, respecting the Stormwater Fee Information & Incentive Program Consultation, was received.
- For disposition of this matter, refer to Item 1.
- (ii) **Farm 911 Program Update (Item 8.2)**
- Heather Travis, Manager, Staging of Development and Legislative Approvals, addressed the Committee respecting the Farm 911 Program Update, with the aid of a PowerPoint presentation.
- The presentation from Heather Travis, Manager, Staging of Development and Legislative Approvals, respecting the Farm 911 Program Update, was received.
- (iii) **Rural Zones (Farm Labour Residences and Additional Dwelling Units – Detached) (Item 8.3)**
- (a) **Farm Labour Residences and Additional Dwelling Units – Detached – Rural Area Zoning Changes**
- Lucas Mascotto-Carbone, Planner II, and Shannon McKie, Director - Planning/Chief Planner, addressed the Committee respecting the (Farm Labour Residences and Additional Dwelling Units – Detached) – Rural Area Zoning Changes with the aid of a PowerPoint presentation.

The presentation from Lucas Mascotto-Carbone, Planner II and Shannon McKie, Director - Planning/Chief Planner, respecting the (Farm Labour Residences and Additional Dwelling Units – Detached) – Rural Area Zoning Changes, was received.

For disposition of this matter, refer to Item 2.

(h) ADJOURNMENT (Item 16)

The meeting of the Agriculture and Rural Affairs Sub-Committee adjourned at 9:23 p.m.

Respectfully submitted,

Andrew Spoelstra, Chair
Agriculture and Rural Affairs Sub-Committee

Carrie McIntosh
Legislative Coordinator
Office of the City Clerk



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 16, 2024
SUBJECT/REPORT NO:	Notice of Objection to the Notice of Intention to Designate 54 Hess Street South, Hamilton, under Part IV of the <i>Ontario Heritage Act</i> (PED24002) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Meg Oldfield (905) 546-2424 Ext. 7163 Alissa Golden (905) 546-2423 Ext. 1202
SUBMITTED BY:	Shannon McKie Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the Notice of Objection to the Notice of Intention to Designate 54 Hess Street South, Hamilton, under Part IV of the *Ontario Heritage Act*, attached as Appendix "A" to Report PED24002, be received;
- (b) That Council does not withdraw the Notice of Intention to Designate 54 Hess Street South, Hamilton, under Part IV of the *Ontario Heritage Act*;
- (c) That the draft By-law to designate 54 and 56 Hess Street South, Hamilton under Part IV of the *Ontario Heritage Act*, attached as Appendix "B" to Report PED24002, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

EXECUTIVE SUMMARY

This Report notifies Council of the objection from the owner of 54 Hess Street South, Hamilton, to the Notice of Intention to Designate the property and recommends that Council proceed with enacting the by-law to designate both 54 and 56 Hess Street South, Hamilton, under Part IV of the *Ontario Heritage Act*.

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

SUBJECT: Notice of Objection to the Notice of Intention to Designate 54 Hess Street South, Hamilton, under Part IV of the *Ontario Heritage Act* (PED24002) (Ward 2) - Page 2 of 7

On October 26, 2023, the City Clerk received an objection to the Notice of Intention to Designate 54 and 56 Hess Street South, Hamilton from legal counsel representing the owners of 54 Hess Street South, the northern half of the two-and-one-half storey semi-detached stone Second Empire style building constructed circa 1852 (see photographs attached as Appendix “C” to Report PED24002). No objections were received regarding the designation of 56 Hess Street South.

Under Section 29(6) of the *Ontario Heritage Act*, any objections must be considered by Council, who may choose whether or not to withdraw its Notice of Intention to Designate. The objection, attached as Appendix “A” to Report PED24002, does not dispute the heritage value of 54 Hess Street South and is instead based on the physical condition of the building. Therefore, staff recommend that Council receive the Notice of Objection and reaffirm its decision to designate the property by enacting the draft By-law to designate 54 and 56 Hess Street South, attached as Appendix “B” to Report PED24002.

Alternatives for Consideration – See Page 7

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: Under Section 29(5) of the *Ontario Heritage Act*, a person who objects to a proposed designation shall, within thirty days after the date of publication of the notice of intention, serve on the clerk of the municipality a notice of objection setting out the reason for the objection and all relevant facts.

Under Section 29(6) of the Act, Council shall consider the objection and decide whether or not to withdraw the Notice of Intention to Designate the property within 90 days after the end of the 30-day objection period. Section 29(7) requires that a notice of withdrawal be issued should Council decide to withdraw the Notice of Intention to Designate the property in response to the objection. Section 29(8) of the Act requires Council to pass a by-law within 120 days from the date of the Notice of Intention to Designate. Once a designation by-law has been passed, any further objection would be heard before the Ontario Land Tribunal.

Designation under Part IV of the *Ontario Heritage Act* allows municipalities to recognize a property’s cultural heritage value or interest, and to conserve and manage the property through the Heritage Permit process enabled under Sections 33 (alterations) and 34 (demolition or removal) of the Act.

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SUBJECT: Notice of Objection to the Notice of Intention to Designate 54 Hess Street South, Hamilton, under Part IV of the *Ontario Heritage Act* (PED24002) (Ward 2) - Page 3 of 7

Where alterations to designated properties are contemplated, a property owner is required to apply for, obtain, and comply with a Heritage Permit, for any alteration that “is likely to affect the property’s heritage attributes, as set out in the description of the property’s heritage attributes in the by-law” (Sub-section 33(1)).

BACKGROUND

On October 11, 2023, Council approved the recommendation to issue a Notice of Intention to Designate the properties located at 54 and 56 Hess Street South, Hamilton, comprised of a semi-detached two-and-one-half storey stone Second Empire style building constructed circa 1852, in accordance with Part IV of the *Ontario Heritage Act* (see Report PED23218, Hamilton Municipal Heritage Committee Report 23-009 and Planning Committee Report 23-016).

The Notice of Intention to Designate was published in the Hamilton Spectator on October 13, 2023 and served on the registered owners of 54 and 56 Hess Street South and the Ontario Heritage Trust. On October 26, 2023, the City Clerk received a Notice of Objection from legal counsel representing the registered owners of 54 Hess Street South, Hamilton. No further Notices of Objection were received for 54 or 56 Hess Street South and the legislated objection period ended on November 13, 2023.

Property Standards and Building Safety

On August 10, 2023, Building staff issued an Order to Comply for 54 Hess Street South to address the unsafe condition of the vacant building, which required the owner to take immediate action to make the building safe and for the owner to commission a professional engineers report on the structural integrity of the stone foundation, exterior walls, chimneys, supporting structure interior and exterior floor and wall systems and the remaining roofing and structure. A professional engineer’s letter dated August 25, 2023, was received by the Building Division that indicated that there was a high probability that the building could collapse onto the adjacent sidewalk and traffic lanes and recommended that it be demolished.

Given the heritage value and pending recommendation to designate the subject properties, Building staff engaged a professional engineer with demonstrated experience with historic masonry structures from Category 36 – Heritage Architectural and Engineering, of the City’s Professional and Consultant Services Roster, to conduct a peer review of the structural integrity of the building. The owner of 54 Hess Street South granted access to the City-retained professional engineer on August 30, 2023, who determined, in their professional opinion, that the building could be made safe and address the Order to Comply without demolition.

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SUBJECT: Notice of Objection to the Notice of Intention to Designate 54 Hess Street South, Hamilton, under Part IV of the *Ontario Heritage Act* (PED24002) (Ward 2) - Page 4 of 7

On September 1, 2023, Building staff issued an Order to Comply for 54 Hess Street South to address the unsafe condition of the building, requiring the owner to take action to make the building safe by September 15, 2023. As part of this Order to Comply, safety fencing was erected to prevent access to northside of the building and adjacent sidewalk, one lane of traffic on Main Street West was closed and jersey barriers and fencing were installed to protect against debris, the northwest and northeast chimneys were removed to the soffit line, and the front entrance slab was shored (see photographs attached as Appendix “C” to Report PED24002).

On November 10, 2023, Licensing and By-law Services staff served a Property Standards Order requiring the owner of 54 Hess Street South to address remaining concerns regarding the state of the roof, north wall and eastern bay window, in an attempt to prevent further deterioration of the significant built heritage resource through water infiltration and freeze-thaw cycles of the upcoming winter. The City received a Notice of Appeal of the Property Standards Order on November 20, 2023.

On December 6, 2023, Cultural Heritage Planning Staff notified the owners of 54 Hess Street South and their legal counsel of the timing of this Report and Council’s consideration of their Notice of Objection to the designation.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Recommendations of this Report are consistent with Provincial and Municipal legislation, policy and direction, including:

- Ensuring significant built heritage resources are conserved (*Provincial Policy Statement*, 2020, Sub-section 2.6.1);
- Designating properties of cultural heritage value under Part IV of the *Ontario Heritage Act* (Urban Hamilton Official Plan, Section B.3.4.2.3);
- Encourage the rehabilitation, renovation and restoration of built heritage resources so that they remain in active use (Urban Hamilton Official Plan, Section B.3.4.1.5); and,
- Use all relevant provincial legislation and all related plans and strategies to appropriately manage, conserve and protect Hamilton’s cultural heritage resources (Urban Hamilton Official Plan, Section B.3.4.2.1(i)).

RELEVANT CONSULTATION

External

- Property Owners and their legal counsel.

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SUBJECT: Notice of Objection to the Notice of Intention to Designate 54 Hess Street South, Hamilton, under Part IV of the *Ontario Heritage Act* (PED24002) (Ward 2) - Page 5 of 7

Internal

- Planning and Economic Development Department, Building Division, Building Inspections;
- Planning and Economic Development Department, Licensing and By-law Services Division, Municipal Law Enforcement; and,
- Corporate Services Department, Legal and Risk Management Division, Legal Services.

In addition, Planning staff have emailed the Ward Councillor (Councillor C. Kroetsch) for Ward 2 and provided an overview of the Notice of Objection to designate 54 Hess Street South and the recommendations of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The intent of municipal designation, under Part IV of the *Ontario Heritage Act*, is to enable a process for the management and conservation of significant cultural heritage resources. Once a property is designated, the municipality can manage change to a property through the Heritage Permit process to ensure that the significant features of the property are maintained.

Notice of Objection for 54 Hess Street South

The Notice of Objection letter dated October 26, 2023, received from the legal counsel of the owners of 54 Hess Street South, attached as Appendix “A” to Report PED24002, states that Council erred in its decision to designate the property as they believe it does not possess the requisite qualities under Section 29 of the *Ontario Heritage Act* to warrant designation. Additionally, the letter notes the physical deterioration of the building, indicating that the consulting engineer for the owner advised that the building should be demolished due to its physical deterioration. The letter cites the consulting engineer’s advice that there is a high probability that the building could collapse on the adjacent sidewalk and traffic lanes due to the rapid deterioration of the structure elements of the building, including bulging of the exterior walls, possibly caused by vibration impacts. Documentation from the consulting engineer was not attached to the objection letter but has been provided separately to the City’s Building Division as part of the Order to Comply process and reviewed by Cultural Heritage Planning staff.

Staff Comments on Objection

Staff determined that 54 and 56 Hess Street South meet six of the nine criteria contained in *Ontario Regulation 9/06*, as amended by *Ontario Regulation 569/22*, and are therefore worthy of designation under Part IV of the *Ontario Heritage Act* (see Report PED23218). While the objection letter states that the owners of 54 Hess Street

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SUBJECT: Notice of Objection to the Notice of Intention to Designate 54 Hess Street South, Hamilton, under Part IV of the *Ontario Heritage Act* (PED24002) (Ward 2) - Page 6 of 7

South believe the property does not possess sufficient heritage value, the objection does not specifically dispute any of the criteria or provide any documentation to support this claim.

The objection appears to be primarily based around the deteriorated state of the vacant building. The immediate safety concerns for the building were addressed by the most recent Order to Comply from the Building staff, and the continued deterioration of the building is intended to be addressed by the Property Standards Order recently issued by Municipal Law Enforcement staff. Further, designation is proposed for both 54 and 56 Hess Street South, which are comprised of a semi-detached stone building, and 56 Hess Street South is an occupied building with no identified safety concerns.

Should Council reaffirm its decision to designate the properties and enact the designation by-law, any future appeals of the designation by-law would be heard by the Ontario Land Tribunal. The Ontario Land Tribunal considers a number of matters, such as the proposed designation of a property as having cultural heritage value or interest, however, according to the Ontario Land Tribunal Appeal Guide:

“The OLT does not hear matters on costs of physical maintenance, repairs, or any proposed work related to the actual condition of the property (or structure), as these are outside the scope of the evaluation of cultural heritage value or interest.”

Therefore, any concerns regarding the cost of physical repairs to the building are not relevant to the objection of whether the property is worthy of designation under the *Ontario Heritage Act*. However, it is important to note that designated properties are eligible for financial incentives, such as development charge exemption for adaptive reuse within the building envelope, as well as grant and loan programs. The Hamilton Heritage Property Grant Program is intended to provide financial assistance in the form of a grant for structural / stability work required to: conserve and restore heritage features of properties used for commercial, institutional, industrial or multi-residential purposes; the conservation and restoration of heritage features of properties; and for heritage studies/reports/assessments for properties that are designated under the *Ontario Heritage Act*.

Therefore, staff recommend that the notice of objection to the designation of 54 Hess Street South, attached as Appendix “A” to Report PED24002, be received, that Council not withdraw its Notice of Intention to Designate, and that the draft by-law to designate 54 and 56 Hess Street South, attached as Appendix “B” to Report PED24002, be enacted.

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SUBJECT: Notice of Objection to the Notice of Intention to Designate 54 Hess Street South, Hamilton, under Part IV of the *Ontario Heritage Act* (PED24002) (Ward 2) - Page 7 of 7

ALTERNATIVES FOR CONSIDERATION

Under Section 29 (6) of the *Ontario Heritage Act*, City Council may decide whether or not to withdraw the Notice of Intention to Designate the property.

Notice of Withdrawal

Notices of Intention to Designate were served on both 54 and 56 Hess Street South and the proposed Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes attached as Appendix “B” to Report PED24002 would protect both 54 and 56 Hess Street South, a semi-detached stone structure. If Council decides to withdraw its Notice of Intention to Designate 54 Hess Street South, staff recommend that the notices for both 54 and 56 Hess Street South be withdrawn as they are interconnected. By withdrawing the Notice of Intention to Designate, a Notice of Withdrawal would be served, and the municipality would be unable to provide long-term, legal protection to these significant cultural heritage resources (designation provides protection against inappropriate alterations and demolition) and would not fulfil the expectations established by existing municipal and provincial policies.

Without designation, the properties would not be eligible for the City’s financial incentives for heritage properties, including development charge exemption and grant and loan programs.

Designation alone does not restrict the legal use of property, prohibit alterations and additions, nor does it restrict the sale of a property, or been demonstrated to affect its resale value. However, designation does allow the municipality to manage change to the heritage attributes of a property through the Heritage Permit process.

Staff does not consider withdrawing the Notice of Intention to Designate either of the properties to be an appropriate conservation alternative.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A” to PED24002 – Notice of Objection to the Notice of Intention to Designate 54 Hess Street South, Hamilton, dated October 26, 2023
- Appendix “B” to PED24002 – Draft By-law to Designate 54 and 56 Hess Street South, Hamilton under Part IV of the *Ontario Heritage Act*
- Appendix “C” to PED24002 – Photographs of 54 Hess Street South, Hamilton, taken November 14, 2023

MO/AG/sd

October 26, 2023

VIA EMAIL

Ms. Janet Pilon
City Clerk
Corporation of the City of Hamilton
71 Main St. W., 1st Fl
Hamilton, ON L8P 4Y5

Dear Ms. Pilon:

Re: Notice of Objection to Decision of Town Council of its Intention to Designate pursuant to Section 29(5) of the *Ontario Heritage Act*, R.S.O. 1990, c. O. 18, as amended, in respect of the premises known municipally as 54 Hess Street, Hamilton and legally described as PT LT 4 S/S MAIN ST SURVEY G.S. TIFFANY (UNREGISTERED) HAMILTON BTN QUEEN & HESS STS, AS CONFIRMED BY 62BA778; PT LT 5 S/S MAIN ST SURVEY

We are solicitors for Brown's Wharf Development Corp, the owner of the property known municipally as 54 Hess Street South (the "**Subject Property**").

Our client received notice on October 13, 2023, that Hamilton City Council resolved to pass a Notice of Intention to Designate the building on the Subject Property as a property of cultural heritage value and interest under s.29 of the *Ontario Heritage Act*, R.S.O. 1990, c.O. 18, as amended (the "**Decision**").

This letter will serve as our client's Notice of Objection of the above-referenced Decision pursuant to s.29(5) of the *Ontario Heritage Act*.

Our client is of the opinion that the Council erred in its decision in respect of the intent to designate the Subject Property. The property does not possess the requisite qualities under s.29 of the *Act* to justify its protection as a property of cultural heritage value and interest.

We wrote a letter to the Municipal Heritage Committee dated September 26, 2023, advising that our client's consulting engineer had advised that the building should be demolished due to its physical deterioration. In particular, they noted that there has been a rapid deterioration of all structural elements in the building, including wall bulging on the exterior walls, possibly caused by the vibration of heavy traffic close to the walls. They believe that there is a high

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



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

probability that the building could collapse onto the adjacent sidewalk and traffic lanes. The City Building Department is well aware of its current state as well.

We trust the foregoing is clear and we hope to receive the decision of Council shortly. If you have any questions or require further information or clarification, please do not hesitate to contact the undersigned.

Yours very truly,

A handwritten signature in black ink that reads "R. D. Cheeseman". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Russell D. Cheeseman

RDC/saf

Cc: S. Fleming
S. Pocrnic

Appendix “B” to Report PED24002**Page 1 of 8**

Authority: Item 9(b), Planning Committee
Report 23-016 (PED23218)
CM: October 11, 2023
Ward: 2

Bill No.**CITY OF HAMILTON
BY-LAW NO. 24-XXX****To Designate Properties Located at 54 and 56 Hess Street South, City of
Hamilton as Properties of Cultural Heritage Value**

WHEREAS section 29 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18 authorizes Council of the municipality to enact by-laws to designate property, including all buildings and structures thereon, to be of cultural heritage value or interest;

AND WHEREAS Council of the City of Hamilton has received and considered the recommendations of its Hamilton Municipal Heritage Committee pertaining to this by-law, arising from the meeting of the Hamilton Municipal Heritage Committee held on September 26, 2023;

AND WHEREAS the Council of the City of Hamilton, at its meeting held on October 11, 2023, resolved to direct the City Clerk to take appropriate action to designate the properties described as 54 and 56 Hess Street South in the City of Hamilton, and more particularly described in Schedule “A” hereto (the “Property”), as properties of cultural heritage value or interest, which resolution was confirmed by By-law No. 23-111;

AND WHEREAS in accordance with subsection 29(3) of the *Ontario Heritage Act*, Council of the City of Hamilton has caused to be served on the owner of the Property and upon the Ontario Heritage Trust, a Notice of Intention to Designate the Property as being of cultural heritage value or interest, and has caused a Notice of Intention to Designate to be published in a newspaper having general circulation in the municipality, a copy of which is attached hereto as Schedule “B”;

AND WHEREAS a notice of objection to the notice of intention to designate 54 Hess Street South was served upon the Clerk of the municipality in accordance with subsection 29(5) of the *Ontario Heritage Act*, and the objection was considered by Council in accordance with subsection 29(6) of the *Ontario Heritage Act*;

AND WHEREAS Council has decided to designate the Property in accordance with subsection 29(8) of the *Ontario Heritage Act*;

Appendix “B” to Report PED24002
Page 2 of 8

To Designate Property Located at 54 and 56 Hess Street South, City of Hamilton as Property
of Cultural Heritage Value

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

1. A statement explaining the cultural heritage value or interest of the Property, and a description of the heritage attributes of the Property are set out in Schedule “C” hereto.
2. The Property, together with its heritage attributes listed in Schedule “C” hereto, is hereby designated as property of cultural heritage value or interest.
3. The City Clerk is hereby authorized and directed,
 - a. to cause a copy of this By-law, together with the statement of cultural heritage value or interest and description of heritage attributes of the Property, to be served on the Ontario Heritage Trust, the owner of the Property, and any person who served an objection to the Notice of Intention to Designate, by a method permitted by the *Ontario Heritage Act*; and,
 - b. to publish a notice of passing of this By-law in a newspaper having general circulation in the City of Hamilton. Once this By-law comes into force and effect in accordance with the applicable provisions of the *Ontario Heritage Act*, the City Solicitor is hereby authorized and directed to cause a copy of this By-law, together with its Schedules, to be registered against the whole of the Property described in Schedule “A” hereto in the proper registry office.

PASSED this XX day of January, 2024.

A. Horwath
Mayor

J. Pilon
Acting City Clerk

**Appendix “B” to Report PED24002
Page 3 of 8**

To Designate Property Located at 54 and 56 Hess Street South, City of Hamilton as Property
of Cultural Heritage Value

Schedule “A”

To

By-law No. 24-XXX

**54 and 56 Hess Street South
Hamilton, Ontario**

54 Hess Street South, Hamilton:

PIN: 17136-0006 (LT)

Legal Description:

PT LT 4 S/S MAIN ST SURVEY G.S.TIFFANY(UNREGISTERED) HAMILTON BTN
QUEEN & HESS STS, AS CONFIRMED BY 62BA778; PT LT 5 S/S MAIN ST
SURVEY G.S.TIFFANY(UNREGISTERED) HAMILTON BTN QUEEN & HESS STS,
AS CONFIRMED BY 62BA778; PT LT 6 S/S MAIN ST SURVEY
G.S.TIFFANY(UNREGISTERED) HAMILTON BTN QUEEN & HESS STS, AS
CONFIRMED BY 62BA778 & 62BA654, AS IN VM126130; T/W VM126130;
HAMILTON

56 Hess Street South, Hamilton:

PIN: 17136-0007 (LT)

Legal Description:

PT LT 4 S/S MAIN ST SURVEY G.S. TIFFANY (UNREGISTERED) HAMILTON; PT
LT 5 S/S MAIN ST SURVEY G.S. TIFFANY (UNREGISTERED) HAMILTON; PT LT 6
S/S MAIN ST SURVEY G.S. TIFFANY (UNREGISTERED) HAMILTON BTN QUEEN
& HESS STS, AS CONFIRMED BY 62BA654, PTS 1 & 2 62R2931; T/W VM101062;
HAMILTON

**Appendix “B” to Report PED24002
Page 4 of 8**

To Designate Property Located at 54 and 56 Hess Street South, City of Hamilton as Property
of Cultural Heritage Value

Schedule “B”

To

By-law No. 24-XXX

**54 and 56 Hess Street South,
Hamilton, Ontario**

Appendix “B” to Report PED24002
Page 5 of 8

To Designate Property Located at 54 and 56 Hess Street South, City of Hamilton as Property
of Cultural Heritage Value

CITY OF HAMILTON
Notice of Intention to Designate
54 and 56 Hess Street South, Hamilton

The City of Hamilton intends to designate 54 and 56 Hess Street South, Hamilton, under Section 29 of the *Ontario Heritage Act*, as being properties of cultural heritage value.

Statement of Cultural Heritage Value or Interest

The properties comprise a semi-detached circa 1852 stone building and are early and representative examples of the Second Empire style of architecture, displaying a high degree of craftsmanship. The properties are associated with their first owner, former alderman and mayor of Hamilton Robert McElroy. The properties help define the character of Hess Street South, are visually and historically linked to their surroundings and are considered to be local landmarks.

The Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes may be found online via www.hamilton.ca or viewed at the Office of the City Clerk, 71 Main Street West, 1st Floor, Hamilton, Ontario, L8P 4Y5, during regular business hours.

Any person may, within 30 days after the date of the publication of the Notice, serve written notice of their objections to the proposed designation, together with a statement for the objection and relevant facts, on the City Clerk at the Office of the City Clerk.

Dated at Hamilton, this 13th day of October, 2023.



Janet Pilon
Acting City Clerk
Hamilton, Ontario

CONTACT: Meg Oldfield, Planning Technician II – Cultural
Heritage, Phone: (905) 546-2424 ext. 7163,
E-mail: Meg.Oldfield@hamilton.ca

www.hamilton.ca/heritageplanning



Appendix “B” to Report PED24002
Page 6 of 8

To Designate Property Located at 54 and 56 Hess Street South, City of Hamilton as Property
of Cultural Heritage Value

Schedule “C”

To

By-law No. 24-XXX

**54 and 56 Hess Street South,
Hamilton, Ontario**

**STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST, AND
DESCRIPTION OF HERITAGE ATTRIBUTES**

Description of Property

The properties located at 54 and 56 Hess Street South are comprised of a semi-detached two-and-one-half-storey stone building constructed circa 1852, located at the southwest corner of Hess and Main Streets in the Durand Neighbourhood, within the City of Hamilton.

Statement of Cultural Heritage Value or Interest

The cultural heritage value of the semi-detached stone building lies in its design value as an early and representative example of the Second Empire architectural style in Hamilton, displaying a high degree of craftsmanship, as demonstrated by its concave Mansard roof with octagonal dichromatic slate tiles, pressed metal window hoods and keystones, wood cornice with dentils, decorative brackets and moulded frieze.

The historical value of the properties lie in their direct association with prominent Hamiltonian, Robert McElroy (1810-1881), the original owner. McElroy, a contractor by trade, owned a stone quarry on the Mountain and in the 1850s was awarded a contract to construct a section of the Great Western Railway. McElroy served as an alderman in the mid-nineteenth century and as mayor of Hamilton between 1862 and 1864, and resided in the southern half of the semi-detached dwelling during that time. The properties remained in the family for 70 years until 1929. This continuous ownership is significant and has played a part in maintaining the historic integrity of the building over time.

The contextual value of the properties lie in their role in defining the historic character of Hess Street South, standing out from the surrounding mid-twentieth century mixed

Appendix “B” to Report PED24002
Page 7 of 8

To Designate Property Located at 54 and 56 Hess Street South, City of Hamilton as Property
of Cultural Heritage Value

use streetscape. The semi-detached building is visually and historically linked to its surroundings as part of the surviving mid-nineteenth to early-twentieth century residential streetscape that was redeveloped for commercial purposes in the late-twentieth century. The properties are considered to be local landmarks due to their prominent location on the corner of Hess Street South and Main Street West, with a shallow setback and at the high point of Main Street.

Description of Heritage Attributes

The key attributes that embody the cultural heritage value of the properties as early and representative examples of the Second Empire style of architecture with a high degree of craftsmanship, and their historical association with prominent Hamiltonian, former Mayor Robert McElroy include:

- The front (east), side (north and south), and rear (west) elevations and roofline of the semi-detached two-and-one-half-storey stone building, including its:
 - Concave Mansard roof with its:
 - Dichromatic octagonal slate tiles;
 - Corbelled brick chimneys;
 - Brick parapet with decorative stone end bracket;
 - Segmental dormers with pressed metal window hoods and keystones;
 - Wood cornices with dentils, decorative brackets and moulded frieze;
 - Cut-stone even-course facades;
 - Flat-headed window openings with one-over-one hung wood windows, stained glass transoms and plain lug sills;
 - Belt course between the first and second storeys;
 - Symmetrical four-bay front (east) elevation with its:

Appendix “B” to Report PED24002
Page 8 of 8

To Designate Property Located at 54 and 56 Hess Street South, City of Hamilton as Property
of Cultural Heritage Value

- Flanking two-storey window bays with wood trim, second-storey stained glass transom and first-storey casement windows;
- Flanking entrances with shared porch, double-leaf doors with glass and decorative wood panels, and decorative glass transom;
- One-and-a-half storey rear (north) stone addition with its:
 - Mansard roof;
 - Shed roof dormers with hung windows;
 - Gabled stone end parapet;
 - Rear rubble-stone façade; and,
- Stone foundation.

The key attributes that embody the contextual value of the properties as defining features of the historical character of Hess Street South, and as local landmarks include their:

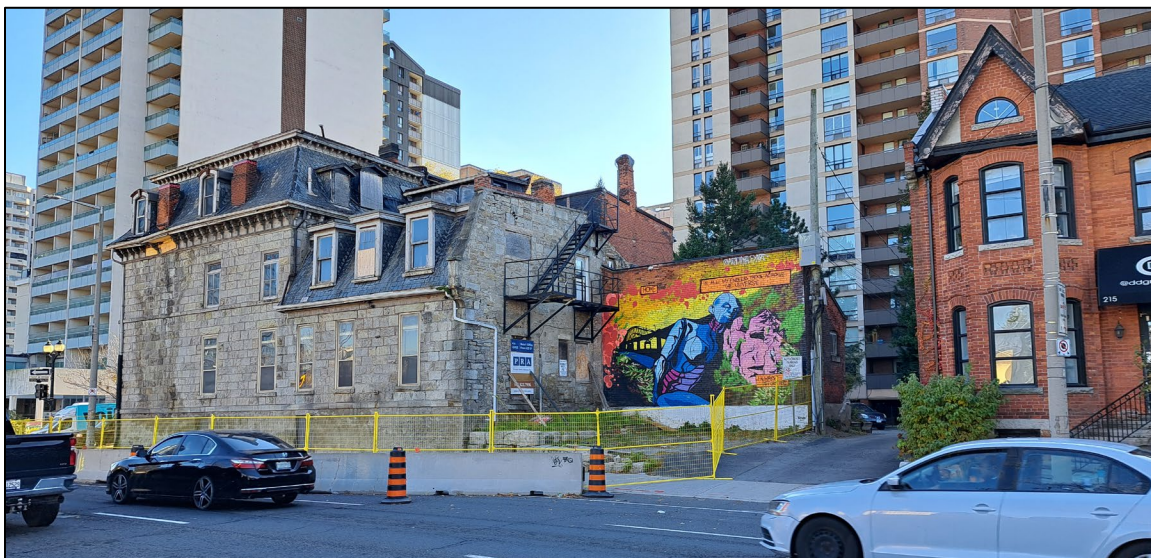
- Location at the southwest corner of Hess and Main Streets; and
- Shallow setback from Hess Street South.

Photographs

(all images taken November 14, 2023 by City of Hamilton)



Front (east) elevation of 54 Hess Street South (right) and 56 Hess Street South (left)



Side (north) elevation of 54 Hess Street South with safety fencing and jersey barriers in place along Main Street West

Appendix "C" to Report PED24002
Page 2 of 3



Front (east) elevation of 54 Hess Street South showing the safety fencing in place

Appendix "C" to Report PED24002
Page 3 of 3



Closure of adjacent sidewalk and one lane of Main Street West



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 16, 2024
SUBJECT/REPORT NO:	Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Consent Application FL/B-23:61 for Lands Located at 169 and 193 Weirs Lane, Flamborough (PED24029) (Ward 13)
WARD AFFECTED:	Ward 13
PREPARED BY:	Joe Buordolone (905) 546-2424 Ext. 7856
SUBMITTED BY:	Shannon McKie Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That Council gives approval to the following actions, as detailed in Report PED24029, respecting Committee of Adjustment Consent application FL/B-23:61 by Franco Romano, on behalf of Robert Eric Bernstein (owner), for the lands located at 169 and 193 Weirs Lane, Flamborough, as shown on Appendix "A" attached to Report PED24029, granted by the Committee of Adjustment but recommended for denial by the Planning and Economic Development Department:

- (a) That Council of the City of Hamilton proceed with the appeal to the Ontario Land Tribunal against the decision of the Committee of Adjustment to approve Consent application FL/B-23:61.
- (b) That Council directs appropriate Legal Services and Planning staff to attend the future Ontario Land Tribunal hearing in opposition to the decision of the Committee of Adjustment to approve Consent application FL/B-23:61.

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SUBJECT: Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Consent Application FL/B-23:61, for Lands Located at 169 and 193 Weirs Lane, Flamborough (PED24029) (Ward 13) – Page 2 of 8

EXECUTIVE SUMMARY

The applicant, Franco Romano, on behalf of Robert Eric Bernstein (owner), submitted Consent application FL/B-23:61 to permit the severance of a parcel of land to re-establish two lots which were inadvertently merged in title in the early 2000's. The severed lands have an area of 0.61 hectares while the retained lands have an area of 14.03 hectares. The existing and proposed uses of the land are residential and no changes to either severed or retained lands was proposed.

Consent application FL/B-23:61 was considered by the Committee of Adjustment on October 19, 2023. Planning staff recommended the Consent application to sever the lands into two parcels be denied, as the proposal did not meet the criteria under Section 51(24) of the *Planning Act*, and the Lot Creation policies of the Rural Hamilton Official Plan (see Appendix "B" attached to Report PED24029). The Committee of Adjustment granted the application without the recommended conditions from staff that were included in the staff comments to the Committee of Adjustment if they were to grant the Consent application (see Appendices "C" and "E" attached to Report PED24029).

Under the *Planning Act*, appeals must be filed within 20 days of the date of giving notice of the decision. As such on November 14, 2023, Planning and Economic Development staff submitted an appeal letter, and the required fee to the Secretary-Treasurer of the Committee of Adjustment to initiate the appeal process, subject to Council's approval/ratification. Staff recommend proceeding with the appeal. A hearing date has been not yet been set.

Alternatives for Consideration – See Page 8

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Planning has submitted the required fee of \$400.00 to the Minister of Finance to begin the appeal process. Other than this one-time fee, the costs for the Hearing are covered by the respective Departmental Work Programs/Budgets.

Staffing: One representative from Legal Services, one representative from the Planning Division and one representative from Source Water Protection would be required for the preparation and attendance at the Ontario Land Tribunal hearing.

Legal: No legal implications are expected.

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BACKGROUND

Consent Application

The subject property is located at 169 and 193 Weirs Lane in Flamborough (see Appendix “A” attached to Report PED24029). In September 2023, the applicant submitted a Consent application to permit the conveyance of a parcel of land to re-establish two parcels that were inadvertently merged in title. The applicants noted the parcels merged in the early 2000’s due to estate circumstances.

The subject property is located south of Highway 6, on the west side of Weirs Lane at 169 and 193 Weirs Lane in Flamborough (see Appendix “A” attached to Report PED24029).

Staff comments recommended the Consent application be denied as the proposal did not meet Section 51(24) of the *Planning Act* and did not comply with the policies of the Rural Hamilton Official Plan (see Appendix “B” attached to Report PED24029). The Committee of Adjustment granted approval of Consent Application FL/B-23:61 on October 19, 2023, without the necessary conditions identified by staff in the staff comments.

On November 14, 2023, Development Planning staff appealed the decision of the Committee of Adjustment to the Ontario Land Tribunal.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENT

Planning Act

The application has been reviewed with respect to the criteria of the *Planning Act*.

Powers of Committee

“44(1) If a municipality has passed a by-law under section 34 or a predecessor of such section, the council of the municipality may by by-law constitute and appoint a committee of adjustment for the municipality composed of such persons, not fewer than three, as the council considers advisable. R.S.O. 1990, c. P.13, s. 44 (1).

51(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

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- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
 - (i) the adequacy of utilities and municipal services.

53(1) An owner, chargee or purchaser of land, or such owner's, chargee's or purchaser's agent duly authorized in writing, may apply for a consent as defined in subsection 50(1) and the council or the Minister, as the case may be, may, subject to this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. 2021, c. 25, Sched. 24, s. 4 (1).

53(12) A council or the Minister in determining whether a provisional consent is to be given shall have regard to the matters under subsection 51 (24) and has the same powers as the approval authority has under subsection 51 (25) with respect to the approval of a plan of subdivision and subsections 51 (26) and (27) and section 51.1 apply with necessary modifications to the granting of a provisional consent. 1994, c. 23, s. 32.”

Staff are of the opinion that the effect of the application to sever a parcel of land for the purposes of residential uses does not comply with the policies of the Rural Hamilton Official Plan. Through the review of the Consent application, staff determined the proposed severed parcel would not be an appropriate size to support typical daily sewage flows from a residential dwelling as it is proposed to be serviced by private water and wastewater services. Based on the foregoing, the Consent application does not have regard for the criteria for the subdivision of land under the *Planning Act* and should be denied.

Provincial 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).

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

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Rural Hamilton Official Plan

The subject site is designated “Rural” and “Open Space” within Schedule D – Rural Land Use Designation. The following policies, amongst others, apply to the proposal.

- “F.1.14.2.1 The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agriculture, Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D – Rural Land Use Designations: (OPA 18)
- a) Severances that create a new lot for the following purposes shall be prohibited:
 - i) Residential uses except in accordance with:
 - 1) Policies F.1.14.2.1 b) iii) and F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation; and,
 - 2) Policies F.1.14.2.1 b) iv) and F.1.14.2.4, where a dwelling within a designated Rural Settlement Area may be severed;
 - b) Severances that create a new lot(s) may be permitted for only the following purposes:
 - vii) In the Rural designation only, non-agricultural uses which may only be permitted in accordance with Sections D.4.1, F.1.14.2.1, and F.1.14.2.3;
- F.1.14.2.3 In the Rural designation, severances that create a new lot, except surplus farm dwelling severances, may be considered only for agricultural uses, agriculture-related uses, existing rural resource-based commercial uses, existing rural resource-based industrial uses, and existing rural institutional uses, provided all of the relevant conditions of Section D.4.1 and the following conditions are met.
- a) New lots for agricultural uses and agriculture-related uses shall demonstrate by a report prepared by an accredited professional knowledgeable in farm economics, such as an agrologist or

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SUBJECT: Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Consent Application FL/B-23:61, for Lands Located at 169 and 193 Weirs Lane, Flamborough (PED24029) (Ward 13) – Page 6 of 8

agronomist, that the proposed agricultural lot(s) is(are) of sufficient size and nature to be reasonably expected to:

- i) Sustain a commercially viable farm operation;
- ii) Allow farm operators the flexibility to change the existing and proposed farm operation in the event of business failure; and,
- iii) Allow farm operators the flexibility to diversify and intensify the production of agricultural commodities in response to changing economic conditions and trends in agriculture;

- b) The City may request comments on the report required in F.1.14.2.3 a) from the Province or an independent peer reviewer, at the expense of the applicant, prior to consideration of the new lot for severance approval.

C.5.1.1 No draft, conditional, or final approval of development proposals shall be granted by the City for any development in Rural Hamilton that could impact existing private services or involves proposed private services until the development proposal has complied with all of the following: (OPA 23)(OPA 26)

- c) The minimum size for a new lot proposed in an application for a severance, lot addition or draft plan of subdivision with an existing or proposed private water system and/or existing or proposed private sewage disposal system shall:
 - i) be the size required to accommodate the water system and sewage disposal system with acceptable on-site and off-site impacts;
 - ii) shall include sufficient land for a reserve discharge site or leaching bed, as determined by the requirements in Policies C.5.1.1 a) and b); and,
 - iii) not be less than 0.4 hectare (one acre) in size. The maximum lot size shall be in accordance with Policy F.1.14.2.1 f). (OPA 26)”

Staff note that the proposal is for a consent to re-establish two parcels of land that were inadvertently merged in title in the early 2000's. Staff note that the Rural Hamilton Official Plan does not contain a policy that speaks to the inadvertent merging of lands within the rural area of the City of Hamilton other than in the case of a farm dwelling made surplus as a result of merging in title. Due to the length of time passed since the

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merging of the lands, staff have reviewed the consent through the existing policy framework of the “Rural” and “Open Space” land use designations. In addition to Development Planning comments provided for the Consent application, Source Protection Planning were also not in support. Noting Policy C.5.1 of the Rural Hamilton Official Plan, Source Protection Planning deemed the proposed lot area of 0.61 hectares to not be large enough to attenuate nitrate effluent from the septic system to levels below the drinking water standards at the property boundary, and in-turn prevent offsite impacts. Source Protection Planning staff determined that the appropriate minimum lot area would be one hectare.

Staff further note that the applicant had received a conditionally approved Niagara Escarpment Commission Development Permit to permit the proposed consent application, dated September 28, 2021, which included a note that the City of Hamilton Rural Hamilton Official Plan policies also apply to the subject site and, therefore, the Niagara Escarpment Commission conditional approval did not guarantee approval by the City of Hamilton.

Comments submitted by the Niagara Escarpment Commission for Consent application FL/B-23:61 noted that the conditionally approved permit had since expired, and that Niagara Escarpment Commission staff object to the proposal until the owner obtains a permit.

As such, staff are of the opinion that the consent does not maintain the general intent of the Rural Hamilton Official Plan policies that prohibit the creation of a new lot for residential purposes in the Rural designation except when a dwelling may be severed as a result of a farm consolidation or within a Rural Settlement Area. The proposed consent does not meet the criteria.

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

The subject lands are zoned Rural (A2) Zone and Conservation / Hazard Land - Rural (P6) Zone. Staff note that the required lot area for a single detached dwelling within the Rural (A2) and Conservation / Hazard Land - Rural (P6) Zones is 0.4 hectares with a minimum lot width of 30.0 metres. Staff note that the proposed severed and retained parcels both meet the zoning for the minimum lot area and lot width. Staff further note that the condition, if approved, to provide confirmation of the existing uses on the lands to be retained/conveyed, in order to determine compliance with the permitted uses of the Rural (A2) Zone, was not included in the final decision.

RELEVANT CONSULTATION

- Corporate Services Department, Legal Services Division;

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SUBJECT: Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Consent Application FL/B-23:61, for Lands Located at 169 and 193 Weirs Lane, Flamborough (PED24029) (Ward 13) – Page 8 of 8

- Niagara Escarpment Commission; and,
- Source Protection Planning.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The proposed Consent application to permit the conveyance of two parcels of land for residential purposes does not meet the criteria of Section 51(24) of the *Planning Act* on the basis that it does not comply with the policies of the Rural Hamilton Official Plan.

Staff note that the Consent application to create a new parcel of land for residential purposes, not resulting in a surplus farm dwelling from a farm consolidation, is prohibited on lands designated Rural within the Rural Hamilton Official Plan. Furthermore, conditions that were requested by staff to be added to the approval of the application, in the case that the application was approved, were not included by the Committee of Adjustment.

Therefore, it is appropriate for the City to appeal the Committee of Adjustment's approval of Consent application FL/B-23:61 to the Ontario Land Tribunal.

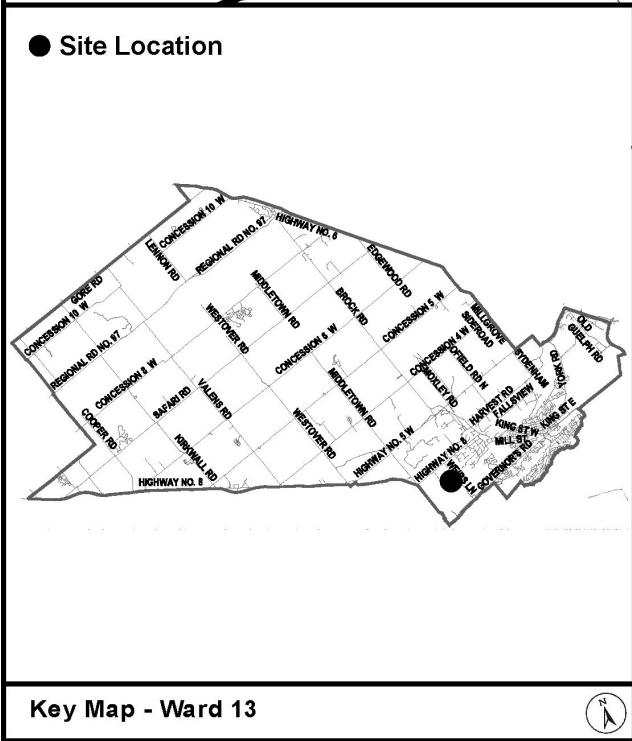
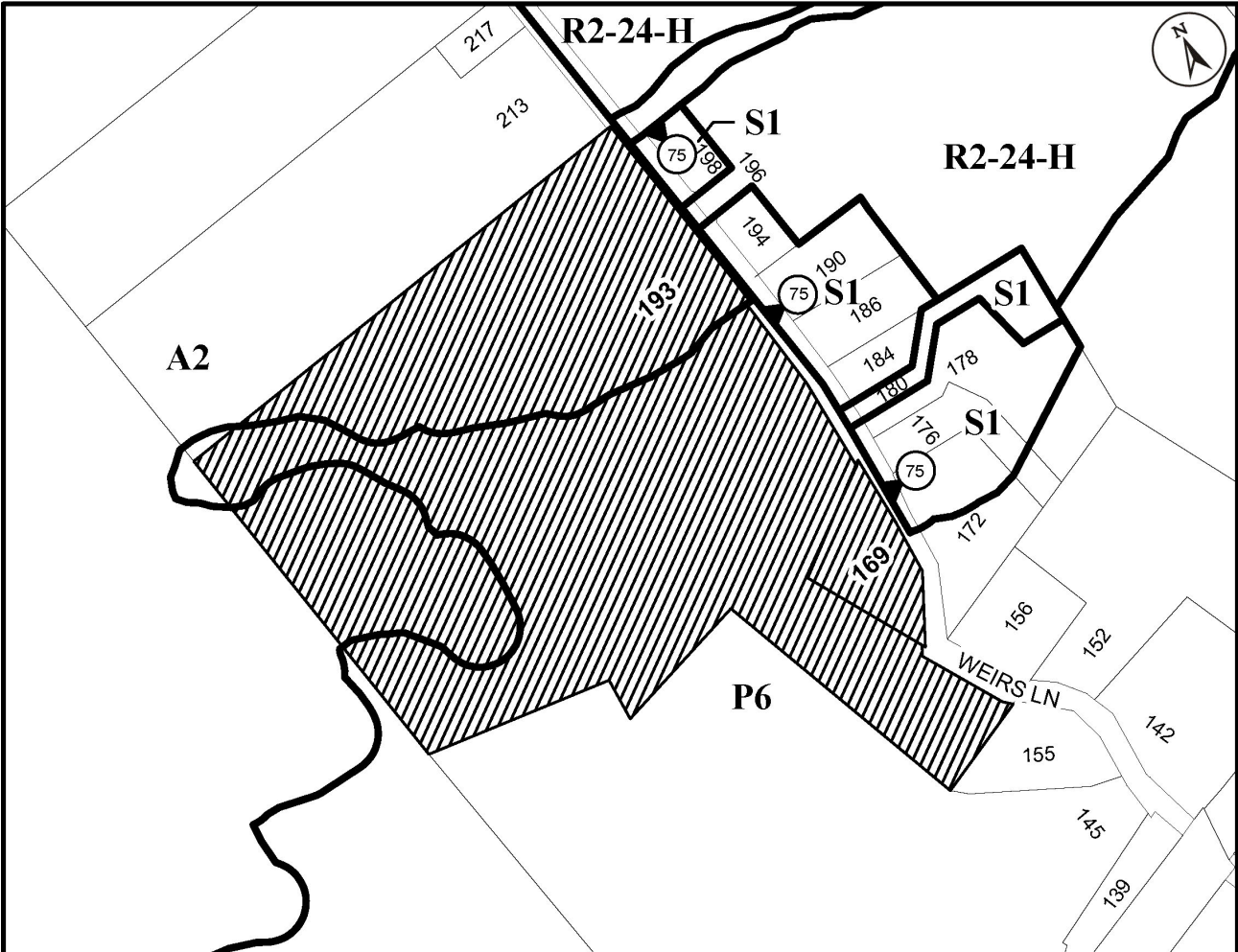
ALTERNATIVES FOR CONSIDERATION

Council may direct staff to withdraw the appeal letter, which was filed by staff against the decision of the Committee of Adjustment to the Ontario Land Tribunal. Provided that no further appeals are filed; this option would allow the Committee of Adjustment's decision to permit the Consent application.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to PED24029 – Location Map
 Appendix "B" to PED24029 – Staff Comments for FL/B-23:61
 Appendix "C" to PED24029 – FL/B-23:61 Committee of Adjustment Decision
 Appendix "D" to PED24029 – FL/B-23:61 Committee of Adjustment Application

JB/sd



Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
169 & 193 Weirs Lane

Date:
October 31, 2023

Appendix "A"

Scale:
N.T.S

Planner/Technician:
JB/VS

Subject Property

169 & 193 Weirs Lane, Flamborough

FL/B-23:61 – 169 & 193 Weirs Lane, Flamborough

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee grant the severance, an approval should be subject to the following condition(s):

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The applicant shall provide confirmation of the existing uses on the lands to be retained/conveyed in order to determine compliance with the permitted uses of the A2 or alternatively apply for and receive final approval of the appropriate Planning Act application in order to permit the intended use (Planning Division – Zoning Review Section).
4. The owner shall submit survey evidence that the lands to be severed and/or the lands to be retained, including the location of any existing structure(s), conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
5. That the applicant submit a Hydrogeological Report that focuses on the sustainability of the applicant's private water supply, wastewater disposal, and associated potential impacts (To the satisfaction of Director, Hamilton Water,).
6. The Owner is to convey to the City an approximate ± 3.0 metre Right-of-Way dedication on Weir's Lane to meet the 20.117 metre Right-of-Way required on Weir's Lane between Highway 8 and the boundary of Dundas as per the Rural Hamilton Official Plan Schedule C-1 – Future Right-of-Way Dedications. The exact dimension of Right-of-Way to be dedicated is to be confirmed by staff with Geomatics & Corridor Management (corrplan@hamilton.ca) and the condition cleared by Transportation Planning (tplanning@hamilton.ca) subject to the satisfaction and approval of the Manager, Transportation Planning.

Notes:

- A. The above dedication is to be required only on the northernmost portion of the property known as 193 Weir's Lane, as demonstrated below in Figure 1, in order to create a uniform Right-of-Way.
- B. Without setting precedent, a ± 3.0 metre dedication (as confirmed by staff upon approval) will be considered sufficient where the total resulting Right-of-Way would be under the required 20.117 metres. Future Right-of-Way will be taken from the eastern properties to meet the requirement in these cases.
- C. Without setting precedent, no dedication is required for the property known as 169 Weir's Lane. Existing infrastructure make dedication unfeasible and the required Right-of-Way is waived for this portion of the property.

Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.

Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archaeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MCM.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).

FL/B-23:61 – 169 & 193 Weirs Lane, Flamborough

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – West Development

To sever the existing residential lot into two parcels, the severed lands will be a residential lot with a house to remain and the retained lands will contain the existing dwelling which is intended to remain. These properties inadvertently merged in title and the owner wishes to recreate the two original lots.

	Frontage	Depth	Area
Severed Lands	123.4 m	82.3 m	0.61 ha
Retained Lands	322.5 m	392.9 m	14.03 ha

Rural Hamilton Official Plan

The subject site is designated “Rural” and “Open Space” within Schedule D – Rural Land Use Designation.

“F.1.14.2.1 The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agriculture, Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D – Rural Land Use Designations: (OPA 18)

a) Severances that create a new lot for the following purposes shall be prohibited:

i) Residential uses except in accordance with:

1) Policies F.1.14.2.1 b) iii) and F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation; and,

2) Policies F.1.14.2.1 b) iv) and F.1.14.2.4, where a dwelling within a designated Rural Settlement Area may be severed;

b) Severances that create a new lot(s) may be permitted for only the following purposes:

vii) In the Rural designation only, non-agricultural uses which may only be permitted in accordance with Sections D.4.1, F.1.14.2.1, and F.1.14.2.3;

F.1.14.2.3 In the Rural designation, severances that create a new lot, except surplus farm dwelling severances, may be considered only for agricultural uses, agriculture-related uses, existing rural resource-based commercial uses, existing rural resource-based industrial uses, and existing rural institutional

uses, provided all of the relevant conditions of Section D.4.1 and the following conditions are met:

Staff note that the proposal is for a consent to re-establish two parcels of land that were inadvertently merged on title. Staff note that the applicant has indicated that the two parcels of land inadvertently merged in the early 2000s. Staff further note that the applicant has received a NEC permit dated September 28, 2021, which has a note added that the City of Hamilton Official Plan policies also apply to the subject site and therefore, the NEC development approval does not guarantee approval. Staff note that there is no Rural Official Plan policy that speaks to inadvertently merging of lands within the rural area of the City of Hamilton. Due to the length of time passing since the merging of lands, staff have reviewed the consent through the existing policy framework of the rural and open space land use designations. As such, as per the policy noted above, staff are of the opinion that the consent does not maintain the general intent of the Official Plan as the proposal is for the severance to create a new lot for residential purposes.”

Archaeology

No comment.

Cultural Heritage

No comment.

Recommendation:

In conclusion, Staff recommends that the application be **denied** as it does not conform to the Rural Hamilton Official Plan policies noted above.

Zoning:

1. The appropriate Planning Act approvals for lot area may be required for zoning compliance of the lands to be retained; Be advised, a minimum of 40.4 hectares is required for an Agriculture use within the A2 Zone.
2. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.

If the application is approved, we request the following condition(s):

1. The applicant shall provide confirmation of the existing uses on the lands to be retained/conveyed in order to determine compliance with the permitted uses of the A2 or alternatively apply for and receive final approval of the appropriate Planning

Act application in order to permit the intended use (Planning Division – Zoning Review Section).

2. The owner shall submit survey evidence that the lands to be severed and/or the lands to be retained, including the location of any existing structure(s), conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).

Source Protection Planning:

Source Protection Planning understands that the applicant wishes to sever the existing residential lot into two parcels, with parcel 1 (169 Weirs Lane) being 0.61 ha in size and parcel 2 (193 Weirs Lane) being 14.03 ha in size. We understand that the application does not include the construction of any additional new dwellings or increasing the size of the existing dwelling such that there would be an increase in septic sewage flows and water supply needs.

Our previous comments from NEC File No.: W/R/2020-2021/689 has not been addressed, and are re-iterated below as follows:

Based on our desktop review of local soils and typical daily sewage flows from a residential dwelling, 1.0 ha represents the minimum sustainable lot size. Given the proposed severance is for 0.61 ha, Hamilton Water cannot support the NEC application at this time. It is understood that a 0.61 ha severance was approved previously. However, since that time of approval, the City's Guidelines for Hydrogeological Studies and Technical Standards for Private Services have been approved by Council and in use since 2014. This recommendation for a 1.0 ha lot size (or greater) is based on the principles originating from these guidelines.

Notes for Committee of Adjustment:

Should the Committee grant the approval as currently proposed, as a condition of approval to the satisfaction of Director, Hamilton Water, we would require a Hydrogeological Report that focuses on the sustainability of the applicant's private water supply, wastewater disposal, and associated potential impacts.

Transportation Planning:

1. Transportation Planning has no objection to the proposed severance, as long as the following conditions are met:
 - a. The Owner is to convey to the City an approximate ± 3.0 metre Right-of-Way dedication on Weir's Lane to meet the 20.117 metre Right-of-Way required on Weir's Lane between Highway 8 and the boundary of Dundas as per the Rural Hamilton Official Plan Schedule C-1 – Future Right-of-Way

Dedications. The exact dimension of Right-of-Way to be dedicated is to be confirmed by staff with Geomatics & Corridor Management (corrplan@hamilton.ca) and the condition cleared by Transportation Planning (tplanning@hamilton.ca) subject to the satisfaction and approval of the Manager, Transportation Planning.

2. The above condition is subject to the following notes:
 - A. The above dedication is to be required only on the northernmost portion of the property known as 193 Weir's Lane, as demonstrated below in Figure 1, in order to create a uniform Right-of-Way.
 - B. Without setting precedent, a ± 3.0 metre dedication (as confirmed by staff upon approval) will be considered sufficient where the total resulting Right-of-Way would be under the required 20.117 metres. Future Right-of-Way will be taken from the eastern properties to meet the requirement in these cases.
 - C. Without setting precedent, no dedication is required for the property known as 169 Weir's Lane. Existing infrastructure make dedication unfeasible and the required Right-of-Way is waived for this portion of the property.

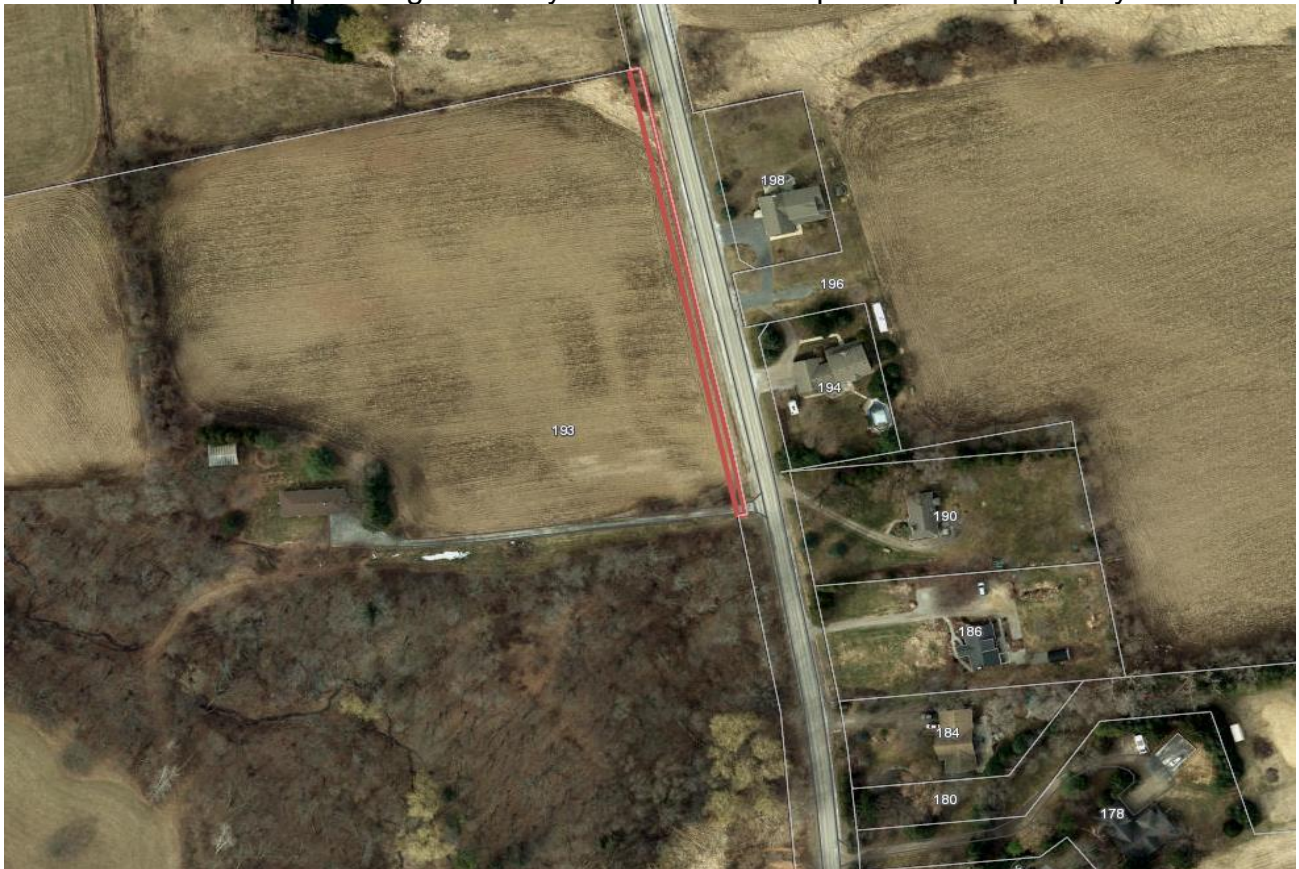


Figure 1: Area of required dedication

Development Engineering:

Provided there are no proposed alterations or additions with respect to servicing, buildings / structures or foundations and the existing drainage patterns are maintained with no adverse impacts to the adjacent lands, then Development Engineering has no comments regarding the Consent Application as proposed.

See attached for additional comments.



Sam Brush, Urban Forest Health Technician
100 King Street West, 14th Floor
Hamilton, ON L8P 1A2
urbanforest@hamilton.ca

Hamilton

Environmental Services Division
Public Works Department

Date: October 13, 2023

To: Jamila Sheffield, Committee of Adjustment Secretary/Treasurer
Development Planning
City Hall – 71 Main Street West – 5th Floor

From: Sam Brush – Urban Forestry Health Technician

Subject: 169 & 193 Weirs Lane, Flamborough
File: FL/B-23:61

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, October 19, 2023, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

There are municipal tree assets on site although it is determined that no impacts are anticipated through this application; therefore, no Tree Management Plan is required.

Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director. Email urbanforest@hamilton.ca for questions or public tree permit application.

TREE MANAGEMENT

Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades & Residential Improvements.

LANDSCAPE PLAN

No new Landscape Strips are shown on the submission and none are requested by the Forestry and Horticulture Section.

SUMMARY

- There are Municipal Tree Assets on site, although no impacts are anticipated therefore no Tree Management Plan or Landscape plan is required.
- Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.

We encourage you to forward a complete copy of our comments to the applicant and should you or the Applicant require clarification or technical assistance, please do not hesitate to contact me at (905) 546- 2424 Ext. 7375.

Regards,

A handwritten signature in black ink, appearing to read "Sam Brush". The signature is written in a cursive, somewhat stylized font.

Sam Brush
Urban Forest Health Technician

From: [Obradovic, Andrej \(MNRF\)](#)
To: [Committee of adjustment](#)
Subject: RE: October 19th, 2023 - COA Agenda Available
Date: Wednesday, October 11, 2023 4:51:00 PM
Attachments: [image001.png](#)

Hello,

Thank you for the opportunity to comment on the October 19, 2023 COA agenda. The property at 169 & 193 Weirs Lane, Flamborough is located within the Niagara Escarpment Plan (NEP) area and within the Niagara Escarpment Commission's (NEC) area of Development Control. Any proposed development, land alteration or change in use requires a Development Permit from the NEC. The NEC conditionally approved an application to re-create a lot resulting in a 0.61 hectare severed lot and a 14.03 hectare retained lot on September 16, 2021. The applicant did not fulfill the conditions of approval and the conditional approval lapsed on April 17, 2023. Section 24(3) of the Niagara Escarpment Planning and Development Act (NEPDA) restricts the issuance of building permits, consents and any other decision that relates to development within the NEC's area of Development Control unless the development is exempt or a Development Permit has been issued under the act. NEC staff object to the approval of this application and advise the property owner to obtain a NEC Development Permit prior to acquiring any municipal approvals.

Feel free to reach out to me if you have any questions.

Best,

Andrej Obradovic

Senior Planner | Niagara Escarpment Commission
232 Guelph Street, Georgetown, Ontario, L7G 4B1
289-924-1166 | www.escarpment.org



Niagara Escarpment Commission

An agency of the Government of Ontario

As part of providing [accessible customer service](#), please let me know if you have any accommodation needs or require communication supports or alternate formats.

The NEC offices are now open to the public in a limited capacity. In order to ensure a safe and secure environment for staff and clients, the NEC **requires** that you make an appointment to meet with staff in person. Alternatively, the NEC will continue to provide services via telephone and email. Updates can be found on our website: <https://escarpment.org/appointments>

From: [Jeff Tweedle](#)
To: [Committee of adjustment](#)
Cc: francodromano@rogers.ca
Subject: October 19th 2023 - COA - HCA Comments for FL/B-23:61 for 169 & 193 Weirs Ln
Date: Friday, October 13, 2023 9:34:49 AM
Attachments: [image002.png](#)

Good afternoon,

The Hamilton Conservation Authority (HCA) has reviewed the Committee of Adjustment Agenda for October 19th, 2023 in accordance with HCA's responsibilities under the *Conservation Authorities Act* relating to provincial interests for natural hazards and offer the following comments for FL/B-23:61 for 169 & 193 Weirs Lane, Flamborough. HCA has cc'd the applicant's agent on this email for their information.

FL/B-23:61 – 169 & 193 Weirs Lane, Flamborough

The subject properties are approximately 13.97 ha (34.51 ac) and 0.61 ha (1.50 ac) in size, located with the Spencer Creek watershed and within the Spring Creek sub-watershed. A tributary of Spring Creek is located within a portion of both 169 and 193 Weirs Ln. The properties are regulated by HCA pursuant to *Ontario Regulation 161/06* (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) made under the *Conservation Authorities Act, R.S.O. 1990*. The regulated area is associated with the erosion hazards produced by the tributary of Spring Creek noted above and surrounding valley slope system. Written permission from HCA is required for any construction, site alteration, or grading completed within the regulated portion of the subject site. The application states the intent of the proposed severance is to re-establish the properties which were inadvertently merged on title. Further, the existing dwellings are to remain and no additional development is proposed through this application. As such, HCA staff do not have any concerns with the proposed technical severance and have no objections to the granting of the requested consent. HCA is satisfied that the application is consistent with the natural hazard policies of the PPS.

HCA staff would note that the majority of the severed lands (169 Weirs Ln) are within HCA's regulated area, including the existing dwelling and driveway, and any future development or site alteration proposed on the severed lands will require written permission from HCA and must comply with HCA Planning & Regulation Policies and Guidelines. If any future development or site alteration is considered, it is recommended the applicant contact HCA staff for review.

Please contact the undersigned if there are any questions regarding the provided comments.

There will be no fee for HCA's review of this application.

Regards,

Jeff Tweedle

Conservation Planner
Hamilton Conservation Authority
838 Mineral Springs Road, P.O. Box 81067
Ancaster, ON L9G 4X1
Phone: 905-525-2181 Ext. 164
Email: jtweedle@conservationhamilton.ca
www.conservationhamilton.ca



A Healthy Watershed for Everyone

The contents of this e-mail and any attachments are intended for the named recipient(s). This e-mail may contain information that is privileged and confidential. If you have received this message in error or are not the named recipient(s), please notify the sender and permanently delete this message without reviewing, copying, forwarding, disclosing or otherwise using it or any part of it in any form whatsoever.

From: [ARABIA Gabriel](#)
To: [Committee of adjustment](#)
Subject: City of Hamilton - 169 and 193 Weirs Lane - B-23-61
Date: Monday, October 16, 2023 11:19:03 AM
Attachments: [image001.png](#)

Hello,

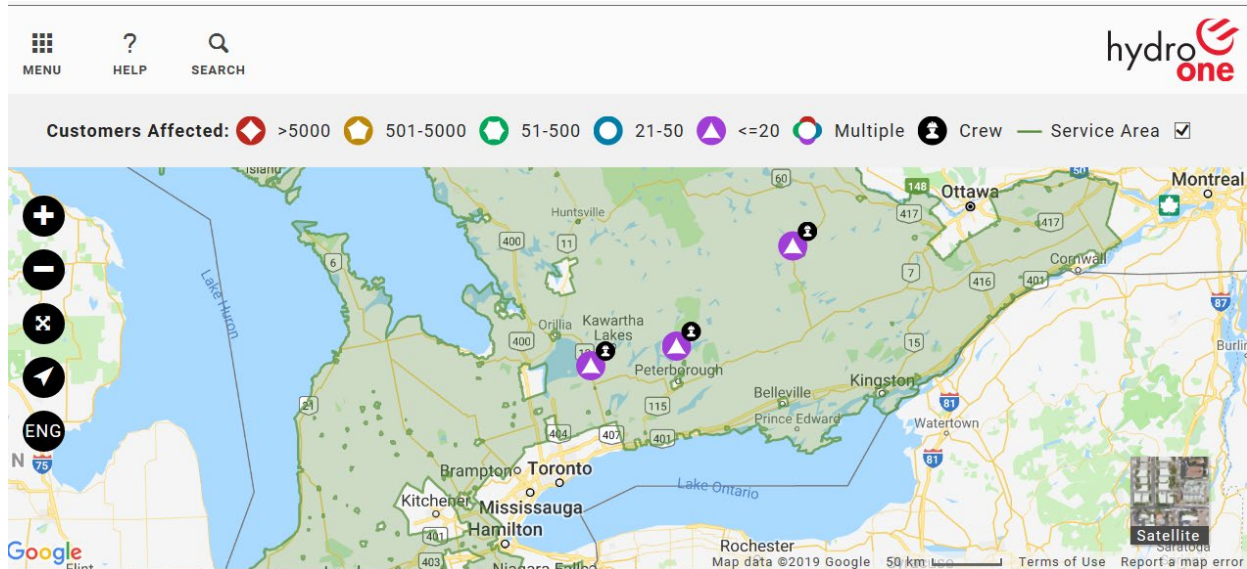
We are in receipt of your Application for Consent, B-23-61 dated October 3rd, 2023. We have reviewed the documents concerning the noted Application and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:

[HydroOne_Map](#)

Please select "Search" and locate address in question by entering the address or by zooming in and out of the map



If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

Please let me know if you have any questions or concerns.

Thank you,

Dennis De Rango

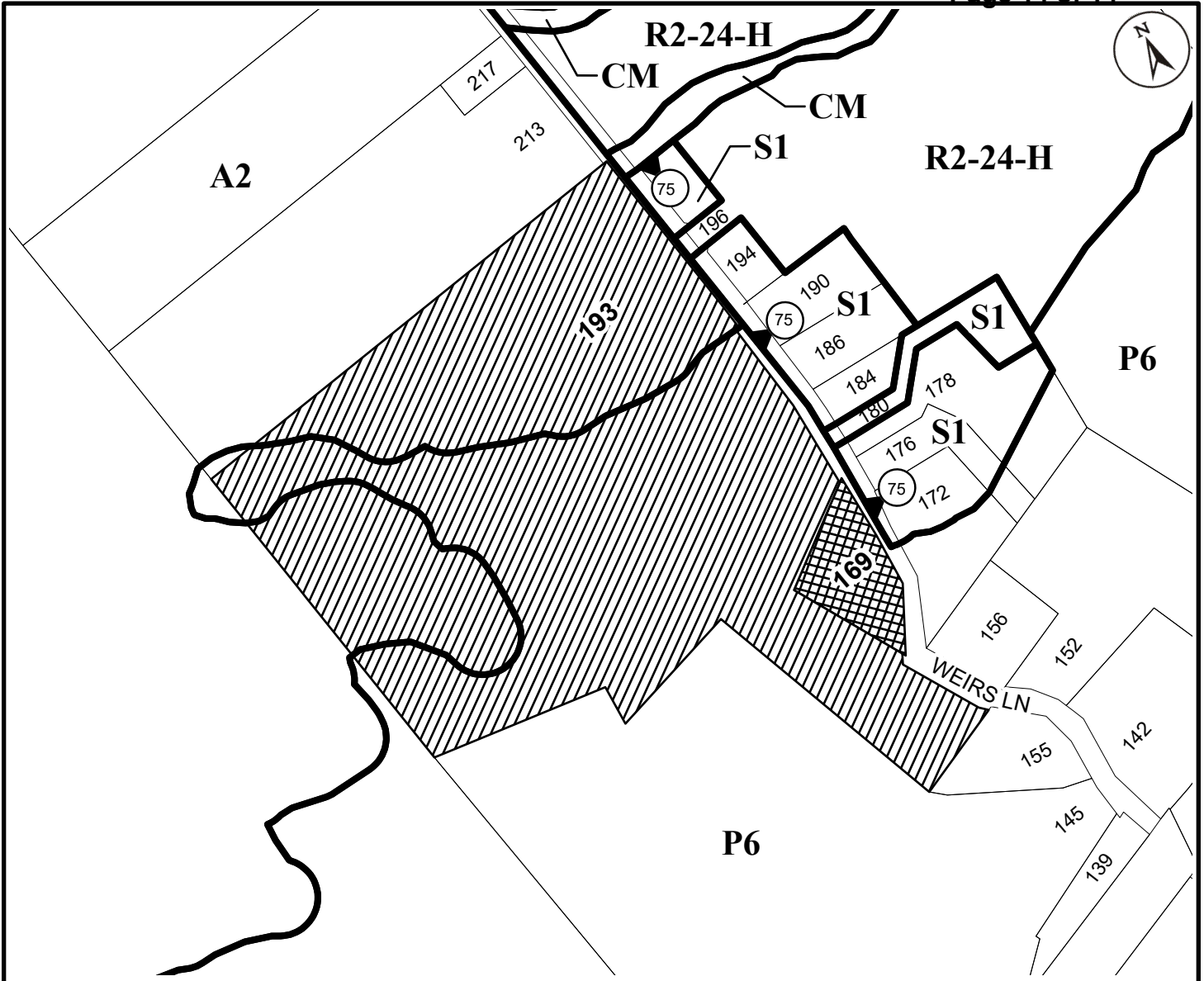
Specialized Services Team Lead, Real Estate Department

Hydro One Networks Inc.

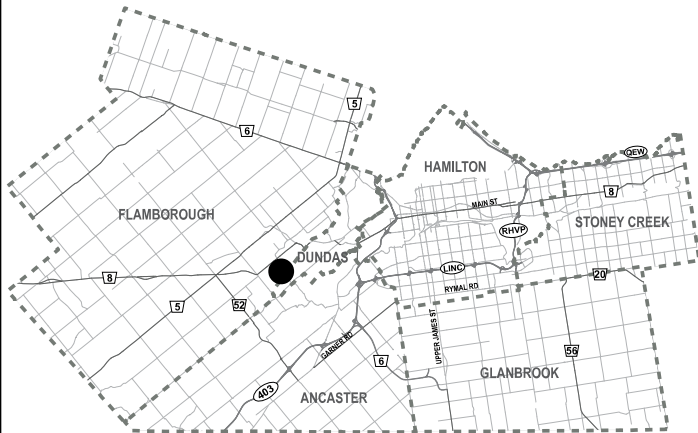
Tel: (905)946-6237

Email: Dennis.DeRango@HydroOne.com

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● Site Location





City of Hamilton

Committee of Adjustment

Subject Property

169 & 193 Weirs Lane, Flamborough
 (Ward 13)

 Lands to be Retained

 Lands to be Severed

File Name/Number:

FL/B-23:61

Date:

October 10, 2023

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF DECISION
Consent/Land Severance

APPLICATION NO.:	FL/B-23:61	SUBJECT PROPERTY:	169 & 193 WEIRS LANE, FLAMBOROUGH
-------------------------	-------------------	--------------------------	--------------------------------------

APPLICANTS: **Owner:** ROBERT BERNSTEIN
 Agent: FRANCO ROMANO

PURPOSE & EFFECT: To sever the existing residential lot into two parcels, the severed lands will be a residential lot with a house to remain and the retained lands will contain the existing dwelling which is intended to remain.

	Frontage	Depth	Area
SEVERED LANDS (Parcel 1 – 169 Weirs Lane):	123.4 m [±]	82.3 m [±]	0.61 ha [±]
RETAINED LANDS (Parcel 2 – 193 Weirs Lane):	322.5 m [±]	392.9 m [±]	14.03 ha [±]

Associated Planning Act File(s): N/A

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out above, Approved, for the following reasons:

1. The proposal does not conflict with the intent of the Urban/Rural Hamilton Official Plan.
2. The proposal does not contravene Zoning By-law requirements.
3. The Committee considers the proposal to be in keeping with development in the area.
4. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
5. The submissions made regarding this matter affected the decision by supporting the granting of the application.

FL/B-23:61

DATED AT HAMILTON, October 19, 2023.

D. Smith (Chairman)	M. Dudzic
B. Charters	T. Lofchik
N. Mleczko	D. Serwatuk

The date of the giving of this Notice of Decision is **October 26, 2023**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (October 26, 2025) or the application shall be deemed to be REFUSED (Planning Act, 53(41)).

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **November 15, 2023** A Notice of Appeal must be filed with the Secretary-treasurer of the Committee of Adjustment, must set out the reasons for the appeal and must be accompanied by the applicable fee. See Appeal Information Consents/Severances for more information.
2. **This Decision is not final and binding unless otherwise noted and must not be acted upon until the period of appeal has expired.**
3. The Decision does not release any persons from the necessity of observing the requirements of building regulations, the license by-law, or any other by-law of the City of Hamilton.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

APPEAL INFORMATION – CONSENTS/SEVERANCES

1. Who may file an appeal of the Decision of the Committee of Adjustment or Consent Authority?

Please note neighbours and other interested parties not defined are no longer eligible to file Planning Act Section 53(19) appeals. See [Bill 23, More Homes Built Faster Act, 2022](#) for more information.

Planning Act Section 53(19) appeals may be filed by the applicant, the Minister of Municipal Affairs and Housing, a “specified person” (as defined by Planning Act 1(1)), and any “public body” (as defined by Planning Act 1(1)).

2. When must an appeal be received to be considered?

Planning Act Section 53(19) appeals must be received no later than the end of business on the last date of appeal listed on the Notice of Decision. The last date of appeal is 20 days from the date of the giving of Notice of the Decision. Please see Notice of Decision for exact date.

3. Where must the appeal be filed to be considered?

Planning Act Section 53(19) appeals must be received either by hardcopy or electronic copy. Please see below for more information:

Hardcopy: at City Hall and addressed to the Secretary-Treasurer of the Committee of Adjustment, Hamilton City Hall, 5th Floor, 71 Main Street West, Hamilton, ON, L8P 4Y5. Do not address appeals to any other departments or locations. Appeals received by the office of the Committee of Adjustment after the last date of appeal as a result of second-hand mailing will be time barred and of no effect.

Electronic copy: by email delivered to cofa@hamilton.ca. Do not address appeals to any other departments or locations. Appeals received by the office of the Committee of Adjustment after the last date of appeal as a result of incorrectly addressed emails will be time barred and of no effect. If the information submitted will include large file sizes not able to be sent in one email, please contact cofa@hamilton.ca in advance to request a file sharing link.

4. What information must be submitted for the appeal to be considered?

Planning Act Section 53(19) appeals must include:

- Notice of appeal, the Ontario Land Tribunal (OLT) Appeal Form, this can be found by contacting Committee of Adjustment staff at the 5th floor of City Hall or at the OLT website <https://olt.gov.on.ca/appeals-process/forms/>, a cover letter, etc. may also be submitted if there is not sufficient room in the form;

- Filing fee, the fee is currently \$400 (subject to change) and must be paid as outlined on the OLT Appeal Form;
- All other information as required by the Appeal Form.

Questions or Information:
Contact Committee of Adjustment Staff (cofa@hamilton.ca)

Committee of Adjustment
 City Hall, 5th Floor,
 71 Main St. W.,
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221
 Email: cofa@hamilton.ca



**APPLICATION FOR CONSENT TO SEVER LAND
 and VALIDATION OF TITLE
 UNDER SECTION 53 & 57 OF THE PLANNING ACT**

Please see additional information regarding how to submit an application, requirements for the required sketch and general information in the Submission Requirements and Information.

1. APPLICANT INFORMATION

	NAME
Purchaser*	
Registered Owners(s)	Robert Eric Bernstein
Applicant(s)**	Robert Eric Bernstein
Agent or Solicitor	Franco Romano

*Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application.

** Owner's authorisation required if the applicant is not the owner or purchaser.

1.2 All correspondence should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.3 Sign should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.4 Request for digital copy of sign Yes*
 If YES, provide email address where sign is to be sent

1.5 All correspondence may be sent by email
 If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	169 Weirs Lane and 193 Weirs Lane		
Assessment Roll Number	302110108000000 and 302110104000000		
Former Municipality	Town of Dundas		
Lot	Part Lot 4 FW FLM	Concession	1
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

2.2 Are there any easements or restrictive covenants affecting the subject land?

Yes No

If YES, describe the easement or covenant and its effect:

3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

- | | |
|--|---|
| <input checked="" type="checkbox"/> creation of a new lot(s)
<input type="checkbox"/> addition to a lot
<input type="checkbox"/> an easement
<input type="checkbox"/> validation of title (must also complete section 8)
<input type="checkbox"/> cancellation (must also complete section 9)
<input type="checkbox"/> creation of a new non-farm parcel (must also complete section 10)
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | <input type="checkbox"/> concurrent new lot(s)
<input type="checkbox"/> a lease
<input type="checkbox"/> a correction of title
<input type="checkbox"/> a charge |
|--|---|

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

unknown

3.3 If a lot addition, identify the lands to which the parcel will be added:

n/a

3.4 Certificate Request for Retained Lands: Yes*

* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (O. Reg. 786/21)

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

All dimensions to be provided in metric (m, m² or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
--	-------------------------	----------	----------	-----------	-----------

Identified on Sketch as:	Parcel 2 (193 W	Parcel 1 (169 W			
Type of Transfer	N/A				
Frontage	322.5m	123.4m			
Depth	392.9m	82.3m			
Area	14.03ha	0.61ha			
Existing Use	residential	residential			
Proposed Use	residential	residential			
Existing Buildings/ Structures	house and shed	house			
Proposed Buildings/ Structures	maintain existing	maintain existing			
Buildings/ Structures to be Removed	not applicable	not applicable			

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

- | | |
|---|--|
| <input type="checkbox"/> provincial highway | <input type="checkbox"/> right of way |
| <input type="checkbox"/> municipal road, seasonally maintained | <input type="checkbox"/> other public road |
| <input checked="" type="checkbox"/> municipal road, maintained all year | _____ |

b) Type of water supply proposed: (check appropriate box)

- | | |
|--|---|
| <input type="checkbox"/> publicly owned and operated piped water system | <input type="checkbox"/> lake or other water body |
| <input checked="" type="checkbox"/> privately owned and operated individual well | <input type="checkbox"/> other means (specify) |
| | _____ |

c) Type of sewage disposal proposed: (check appropriate box)

- | |
|---|
| <input type="checkbox"/> publicly owned and operated sanitary sewage system |
| <input checked="" type="checkbox"/> privately owned and operated individual septic system |
| <input type="checkbox"/> other means (specify) _____ |

4.3 Other Services: (check if the service is available)

- electricity telephone school bussing garbage collection

5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): Rural and Open Space

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) _____

Please provide an explanation of how the application conforms with a City of Hamilton Official Plan.

The severance is to re-create the two parcels. The two parcels inadvertently merged in title.

5.2 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval?

- Yes No Unknown

If YES, and known, provide the appropriate file number and status of the application.

5.3 What is the existing zoning of the subject land? A2, P6

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?
 no

5.4 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?

- Yes No Unknown

If YES, and known, provide the appropriate file number and status of the application.

5.5 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	10-600m
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	350m
A municipal or federal airport	<input type="checkbox"/>	

6 HISTORY OF THE SUBJECT LAND

- 6.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?
 Yes No Unknown

If YES, and known, provide the appropriate application file number and the decision made on the application.

- 6.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.
-

- 6.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land?
 Yes No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of the transferee and the land use.

- 6.4 How long has the applicant owned the subject land?

Since October 2022

- 6.5 Does the applicant own any other land in the City? Yes No
If YES, describe the lands below or attach a separate page.

230 Hunter Street; 1106-81 Robinson Street; 415 Springbrook Ave; 434-460 Dundas St. East

7 PROVINCIAL POLICY

- 7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?
 Yes No (Provide explanation)
-

- 7.2 Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)

refer to cover letter

- 7.3 Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

refer to cover letter

- 7.4 Are the subject lands subject to the Niagara Escarpment Plan?
 Yes No (Provide explanation)

refer to cover letter

7.5 Are the subject lands subject to the Parkway Belt West Plan?

Yes No (Provide explanation)

7.6 Are the subject lands subject to the Greenbelt Plan?

Yes No (Provide explanation)

7.7 Are the subject lands within an area of land designated under any other provincial plan or plans?

Yes No (Provide explanation)

8 ADDITIONAL INFORMATION - VALIDATION

8.1 Did the previous owner retain any interest in the subject land?

Yes No (Provide explanation)

8.2 Does the current owner have any interest in any abutting land?

Yes No (Provide explanation and details on plan)

8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)

9 ADDITIONAL INFORMATION - CANCELLATION

9.1 Did the previous owner retain any interest in the subject land?

Yes No (Provide explanation)

9.2 Does the current owner have any interest in any abutting land?

Yes No (Provide explanation and details on plan)

9.3 Why do you require cancellation of a previous consent? (attach additional sheets as necessary)

10 ADDITIONAL INFORMATION - FARM CONSOLIDATION

10.1 Purpose of the Application (Farm Consolidation)

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate if the consolidation is for:

- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation

10.2 Location of farm consolidation property:

Municipal Address			
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

10.3

Rural Hamilton Official Plan Designation(s)
 If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm consolidation property.

10.4

Description of farm consolidation property:

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

10.5

Description of abutting consolidated farm (excluding lands intended to be severed for the surplus dwelling)

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

10.6

Existing Land Use: _____ Proposed Land Use: _____

10.7

Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: _____

a) Date of construction:

- Prior to December 16, 2004
- After December 16, 2004

b) Condition:

- Habitable
- Non-Habitable

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application Form
- Signatures Sheet

11.2 Validation of Title

- All information documents in Section 11.1
- Detailed history of why a Validation of Title is required
- All supporting materials indicating the contravention of the Planning Act, including PIN documents and other items deemed necessary.

11.3 Cancellation

- All information documents in Section 11.1
- Detailed history of when the previous consent took place.
- All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including PIN documents and other items deemed necessary.

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study



WELCOME TO THE CITY OF HAMILTON

PLANNING COMMITTEE

January 16, 2024

PED24029 – (FL/B-23:61)

Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Consent Application FL/B-23:61 for Lands Located at 169 and 193 Weirs Lane, Flamborough.

Presented by: Joe Buordolone

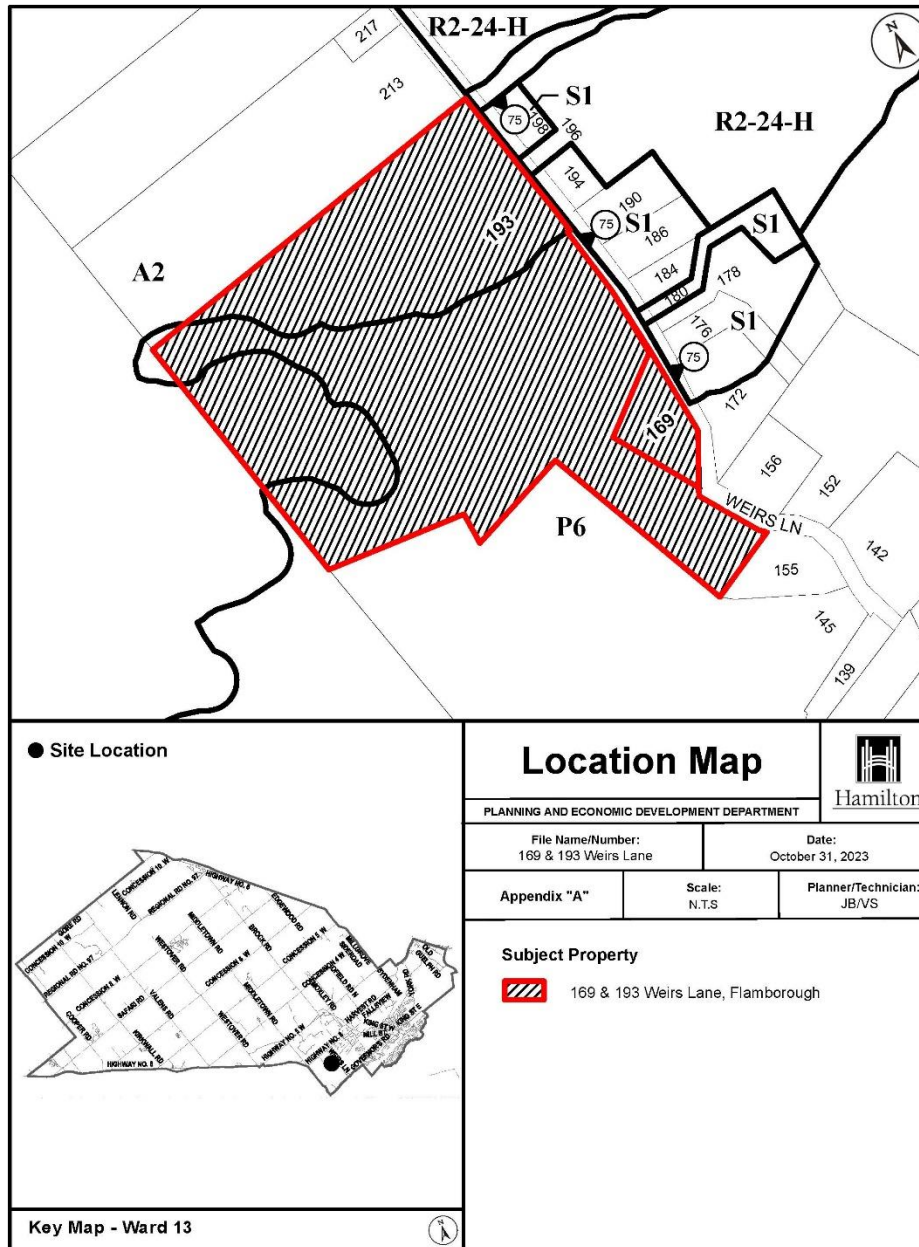


SUBJECT PROPERTY

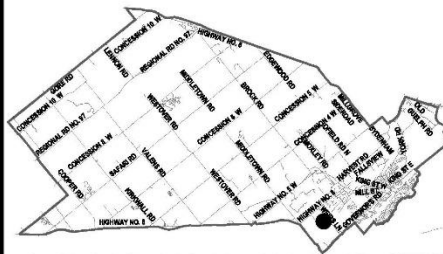


169 & 193 Weirs Lane, Flamborough





● Site Location



Key Map - Ward 13

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	
File Name/Number: 169 & 193 Weirs Lane	Date: October 31, 2023
Appendix "A"	Planner/Technician: JB/VS
Scale: N.T.S	

Subject Property
 169 & 193 Weirs Lane, Flamborough



169 Weirs Lane - looking east



169 Weirs Lane - looking west



169 Weirs Lane



193 Weirs Lane - looking east



Looking east at the northern property line of the Subject Lands



193 Weirs Lane



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

CITY OF HAMILTON

NOTICE OF MOTION

Planning Committee Date: January 16, 2024

MOVED BY COUNCILLOR J.P. Danko

1065 Paramount Drive Non-Statutory Public Meeting

WHEREAS, Urban Hamilton Official Plan Amendment Application UHOPA-23-005 and Zoning By-law Amendment Application ZAC-23-006 for Lands Located at 1065 Paramount Drive, Stoney Creek were received on November 18, 2022 and were deemed to be complete on December 13, 2022;

WHEREAS, an appeal of these applications by the proponent for non-decision was received by the City Clerk's Office on January 3, 2024, 411 days after the receipt of the applications;

WHEREAS, the City of Hamilton adopted Council's Procedures for Appeals on February 28, 2018;

- (i) Where an appellant has agreed to postpone the scheduling of any hearing event until such time as Planning Committee has had an opportunity to consider the matter and that agreement has been communicated to the Ontario Municipal Board or its successor, that Planning staff be directed to process those matters accordingly and bring those matters to Planning Committee at a non-statutory public meeting for consideration and for direction to be given to the City Solicitor;
- (ii) Where an appellant does not agree as described in (i), that Planning and Legal Services be directed to report back on the specific matter for further instructions or direction;
- (iii) That the City Solicitor be instructed to oppose these appeals until such time as further instruction is given on any specific appeal.

THEREFORE BE IT RESOLVED:

That staff be directed to schedule a non-statutory public meeting and give notice in accordance with the notice requirements of the Planning Act for Urban Hamilton Official Plan Amendment Application UHOPA-23-005 and Zoning By-law Amendment Application ZAC-23-006 for Lands Located at 1065 Paramount Drive, Stoney Creek.