



**City of Hamilton
PLANNING COMMITTEE
AGENDA**

Meeting #: 21-019
Date: December 7, 2021
Time: 9:30 a.m.
Location: Due to the COVID-19 and the Closure of City Hall (CC)

All electronic meetings can be viewed at:

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

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

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

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- 10.2 Amendment to the Off-Road Vehicles By-law 21-121 (PED21110(b)) (City Wide) 670

11. MOTIONS

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13. GENERAL INFORMATION / OTHER BUSINESS

- 13.1 Outstanding Business List
 - 13.1.a Items to be Removed:
 - 20F - Paul Valeri, Valery Homes, requesting Deferral of Decision on the Designation of 828 Sanitorium Road (addressed as Item 9.1 on the November 17, 2020 agenda)
 - 21S - Interim Control By-law Extension - Pleasantview Area (Item 9.1 on the November 16, 2021 agenda)
 - 21U - Feasibility Report for a Biodiversity Action Plan (1(d)) (Item 7.1 on the November 16, 2021 agenda)
 - 21V - Feasibility Report for a Biodiversity Action Plan (1(g)) (Item 7.1 on the November 16, 2021 agenda)

14. PRIVATE AND CONFIDENTIAL

- 14.1 Closed Session Minutes November 16, 2021

- 14.2 Instructions - Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application UHOPA-20-003 and Zoning By-law Amendment Application ZAC-20-008 for Lands Located at 354 King Street West, Hamilton (LS21046/PED21178(a)) (Ward 1)

Pursuant to Section 9.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021; 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.

15. ADJOURNMENT



PLANNING COMMITTEE MINUTES

21-018

November 16, 2021

9:30 a.m.

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

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

Also in Attendance: Councillor A. VanderBeek

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

**1. Biodiversity Action Plan – Six-Month Update (PED21065(b)) (City Wide)
(Item 7.1)**

(Farr/Pearson)

- (a) That Report PED21065(a) Biodiversity Action Plan – Six-Month update, be received;
- (b) That Item 21V respecting a six-month update report on the progress of the Biodiversity Action Plan be considered complete and removed from the Planning Committee’s Outstanding Business List;
- (c) That Item 21U respecting the presentation of a draft funding Agreement between the City and the lead environmental organization be considered complete as per Report PED21065(a) presented in August of 2021 and be removed from the Planning Committee’s Outstanding Business List.

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

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

2. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21186) (City Wide) (Item 7.2)

(Ferguson/Partridge)

That Report PED21186 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

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

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

3. To Incorporate City Lands into Osprey Drive by By-law (PED21192) (Ward 12) (Added Item 7.3)

(Ferguson/Johnson)

- (a) That the following City lands designated as Block 20 on Plan 62M-637, Parts 7, 8, 9, 10, 11, 13 and 16 on Plan 62R-21497, and Part 3 on Plan 62R-21780 be established as a public highway to form part of Osprey Drive;
- (b) That the By-law to incorporate the City lands to form part of Osprey Drive, be prepared to the satisfaction of the City Solicitor and be enacted by Council;
- (c) That the General Manager of Public Works be authorized and directed to register the By-law.

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

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

4. Adjustments to School Crossing Guard Locations (City Wide) (Item 7.4)

(Pearson/Farr)

- (a) That the revised list of school crossing guard locations resulting from school closures, openings, construction projects, walking patterns, and lunch program changes in Wards 5, 7 and 9, as outlined in Appendix "A" attached to Report PED21213, be approved;
- (b) That staff be authorized and directed to consult with the affected Ward Councillors and to use delegated authority for adding and/or removing school crossing guards prior to City Council approval for any proposed changes by the Hamilton Wentworth District School Board (HWDSB) and the Hamilton-Wentworth Catholic District School Board (HWCDSB) for the 2022/2023 school year.

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

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

5. Pleasantview Area Land Use Study and Associated Rural Hamilton Official Plan and Zoning By-law 05-200 Amendments (PED21206) (Ward 13) (Outstanding Business List Item) (Item 9.1)

(Partridge/Pearson)

- (a) That "Pleasantview Area Land Use Study – October 2021" attached as Appendix "A" to Report PED21206 be received;
- (b) That City Initiative CI-21-C, to amend the Rural Hamilton Official Plan for the lands located in Dundas and shown on Appendix "B" attached to Report PED21206, to modify the text and maps of Special Policy Area A – Pleasantview in Volume 3 and to amend the schedules of Volume 1 for the implementation of the recommendations of the Pleasantview Area Land Use Study, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment attached as Appendix "C" to Report PED21206, prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the draft Official Plan Amendment is consistent with the Provincial Policy Statement 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as

amended), the Greenbelt Plan (2017), and the Niagara Escarpment Plan (2017);

- (c) That City Initiative CI-21-C, to rezone the lands located in Dundas and shown on Appendix “B” attached to Report PED21206, to add the Pleasantview Area to Zoning By-law 05-200 and add a special exception, holding provision, and temporary use of the By-law to implement the recommendations of the Pleasantview Area Land Use Study, be APPROVED on the following basis:
- (i) That the Draft Zoning By-law Amendment attached as Appendix “D” to Report PED21206, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning will be in conformity with the Rural Hamilton Official Plan (RHOP) upon approval of Rural Hamilton Official Plan Amendment (RHOPA) No. XX;
 - (iii) That the proposed amendment is consistent with the Provincial Policy Statement 2020 and conforms to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), the Greenbelt Plan (2017), and the Niagara Escarpment Plan (2017).
- (d) That Item 21S be identified as complete and removed from the Planning Committee Outstanding Business List.
- (e) ***That the public submissions were received and considered by the Committee in approving the application.***

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

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

6. City Initiative CI-21-B to Amend the Urban Hamilton Official Plan and Zoning By-law for a Portion of the Lands Located at 1086 West Fifth Street, Hamilton and Revisions to the Draft Plan of Subdivision 25T-200721 for Lands Located at 193 Alessio Drive, Hamilton (PED21207) (Ward 8) (Item 9.2)

(Danko/Partridge)

- (a) That City Initiative CI-21-B, to amend the Urban Hamilton Official Plan to change the designation from “Open Space” to “Neighbourhoods” on Schedule “E-1”; to remove the “Parks and General Open Space” and “Streams” designation from the subject lands on from Schedule “B” and the “Key Hydrologic Feature” from Schedule “B-8”; and to remove “City Wide” park classification on Appendix “A” for a portion of the lands located at 1086 West Fifth Street, as shown on Appendix “A” attached to report PED21207, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED21207, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the draft Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That City Initiative CI-21-B, to rezone the lands from City-Wide Park (P3) Zone in Zoning By-law No. 05-200 to the “R-4/S-1301a” (Small Lot Single Family Dwelling) District, Modified in the Former City of Hamilton Zoning By-law No. 6593 in order to permit the development of four single detached dwellings on a portion of the lands known as 1086 West Fifth Street, Hamilton, as shown on Appendix “A” attached to Report PED21207, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED21207, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the draft By-law, attached as Appendix “D” to Report PED21207, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iv) That the By-laws will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX;

- (c) That City Initiated Revisions to Draft Approved Plan of Subdivision 25T200721R owned by Spallacci and Sons Ltd. (Owner) to reconfigure residential blocks (Blocks 18 and 47) and provide an extension of a public road as shown on Appendix “E” attached to Report PED21207, subject to the following:
- (i) That this approval apply to the Draft Plan of Subdivision “Eden Park” 25T200721R, prepared by Urban Solutions, and certified by H. Kalantzakos, O.L.S., dated September 17, 2021, consisting of three reconfigured residential blocks for single detached dwellings (Blocks 18, 38 and 49), and the extension of a public road (Shady Oaks Trail), subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with Special Conditions attached as Appendix “F” to Report PED21207, **as amended**, by adding the following Condition #60:
- (60) That prior to issuance of building permits, the Owner shall provide building permit drawings for all dwellings within Eden Park – Phase 2 (25T-200721) that demonstrates that the future installation of electric vehicle charging stations can be accommodated in garages.**
- (ii) In accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual (2017) there will be no cost sharing for this subdivision;
- (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, with the calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-laws, as approved by Council;
- (d) That Revisions to Draft Approved Plan of Subdivision 25T-200721R by Spallacci and Sons Ltd. (Owner) to establish an extension of the subdivision known as “Eden Park” for an additional 0.049 ha site located north of 264 Rymal Road West (Block 38), known as part of 193 Alessio Drive, as shown as Block A2 on Appendix “A” attached to Report PED21207, to be developed for future residential lots and a public road as shown on Appendix “E” attached to Report PED21207, subject to the following:
- (i) That this approval apply to the Draft Plan of Subdivision “Eden Park” 25T200721R, prepared by Urban Solutions, and certified by H. Kalantzakos, O.L.S., dated September 17, 2021, consisting of

additional lands added to Block 38 for purposes of residential lots and the extension of a public road, subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with Special Conditions attached as Appendix "F" to Report PED21207;

- (ii) In accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2017) there will be no cost sharing for this subdivision;
- (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, with the calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-laws, as approved by Council;
- (e) That upon finalization of the amending Zoning By-laws, the subject lands be changed from "Utilities" to "Single & Double" and the road pattern be revised in the Sheldon Neighbourhood Plan;
- (f) That upon finalization of the amending by-laws, Real Estate staff be authorized to proceed with the disposition of the City-owned lands known as part of 1086 West Fifth Street, as shown as Parts 1, 2, 5 and 6 on Appendix "G" to Report PED21207 in accordance with the Sale of Land Policy, By-law No. 14-204, and that the proceeds will be added to the Parkland Reserve Fund.
- (g) *That the public submissions were received and considered by the Committee in approving the application.***

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

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

**7. Bill 13, Proposed Supporting People and Businesses Act, 2021 (PED21220)
(City Wide) (Item 10.1)**

(Pearson/Ferguson)

- (a) That Council adopt the submission regarding Bill 13, the proposed Supporting People and Businesses Act, 2021, as provided in Report PED21220;
- (b) That the Director of Planning and Chief Planner be authorized and directed to confirm the submission made to the Province, attached as Appendix "A" to Report PED21220;
- (c) That upon proclamation of the proposed changes to the Planning Act in Bill 13, that staff be directed and authorized to schedule a public meeting of the Planning Committee to consider an Official Plan Amendment, and any recommended policies and procedures, to give effect to the proposed changes.

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

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

**8. Residential Care Facility - Inspection Log Report (PED21168) (City Wide)
(Item 10.2)**

(Ferguson/Farr)

- (a) That the draft By-law, attached as Appendix "A" to Report PED21168 to amend Schedule 20 – Residential Care Facilities of Licensing By-law 07 170, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (b) That the official inspection log, attached as Appendix "B" to Report PED21168 to be used by City staff and posted in Residential Care Facilities in accordance with the licensing requirements, be approved.

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

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge

YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

9. Appointment of Chair and Vice-Chairs for 2022 (Added Item 13.2)

(Partridge/Pearson)

- (a) That Councillor Johnson be appointed Chair of the Planning Committee for 2022;
- (b) That Councillor Ferguson be appointed 1st Vice Chair of the Planning Committee for 2022; and,
- (c) That Councillor Wilson be appointed 2nd Vice Chair of the Planning Committee for 2022.

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

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

10. Instructions - Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Zoning By-law Amendment Application (ZAC-14-003) for Lands Located at 195 Wellington Street South, Hamilton (LS21038/PED18054(a)) (Ward 2) (Item 14.1)

(Farr/Wilson)

- (a) That recommendations (a), (b), (c), and (d) to Confidential Report LS21038/PED18054(a) and Appendices "A", "B", "C", **as amended**, and "D" attached to Confidential Report LS21038/PED18054(a), be approved and remain confidential until made public as the City's position before the Ontario Land Tribunal;
- (b) That Confidential Report LS21038/PED18054(a) regarding the appeal to the Ontario Land Tribunal (PL171389) from the non-decision of the application to amend Zoning By-law No. 6593 for the lands located at 195 Wellington Street south, including Appendices "A", "B", "C", and "D" attached thereto, remain confidential.

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

YES - Ward 1 Councillor Maureen Wilson

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

11. Ontario Land Tribunal Appeals of the Commercial and Mixed Use Zones (UHOPA 69 and Zoning By-law No. 17-240) and Transit Oriented Development Zones (Zoning By-law No. 16-265) (LS18008(c)/PED18050(b)) (City Wide) (Item 14.2)

(Partridge/Pearson)

- (a) That recommendations (a), (b), (c), (d), (e), and (f) to Confidential Report LS18008(c)/PED18050(b) and Appendices "A" and "B" hereto, be approved and remain confidential until made public as the City's position before the Ontario Land Tribunal; and,
- (b) That the balance of Confidential Report LS18008(c)/PED18050(b) regarding the appeals to the Ontario Land Tribunal of the passing of City of Hamilton By-law Nos. 17-240 (Commercial and Mixed Use Zones) and 16-265 (Transit Oriented Corridor Zones) to amend Zoning By-law No. 05-200, including Appendix "C" attached thereto, remain confidential.

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

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

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. DELEGATION REQUESTS (Item 6)

- 6.2 Delegations respecting Encampment Enforcement
- (ii) Steacy Easton – WITHDRAWN

2. PUBLIC HEARINGS / DELEGATIONS (Item 9)

9.1 Pleasantview Area Land Use Study and Associated Rural Hamilton Official Plan and Zoning By-law 05-200 Amendments (PED21206) (Ward 13) (Outstanding Business List Item)

(a) Virtual Delegation:

(i) Jeff Marshall - WITHDRAWN

9.2 City Initiative CI-21-B to Amend the Urban Hamilton Official Plan and Zoning By-law for a Portion of the Lands Located at 1086 West Fifth Street Hamilton and Revisions to the Draft Plan of Subdivision 25T200721 for Lands Located at 193 Alessio Drive, Hamilton (PED21207) (Ward 8)

(a) Added Written Submissions

(i) Les Petch

(ii) Lynda Petch

3. GENERAL INFORMATION / OTHER BUSINESS

13.2 Appointment of Chair and Vice-Chairs for 2022

(Johnson/Farr)

That the agenda for the November 16, 2021 meeting be approved, as amended.

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

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

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor Pearson declared an interest with Item 5.1 respecting Wellington Tenants Committee respecting 195 Wellington Street South (Item 14.1) and Item 14.1 respecting Instructions - Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Zoning By-law Amendment Application (ZAC-14-003) for Lands Located at 195 Wellington Street South, Hamilton (LS21038/PED18054(a)) (Ward 2), as she is a landlord of rental properties.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**(i) November 2, 2021 (Item 4.1)****(Johnson/Partridge)**

That the Minutes of the November 2, 2021 meeting be approved, as presented.

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

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

(d) COMMUNICATIONS (Item 5)**(i) Wellington Tenants Committee respecting 195 Wellington Street South (Item 14.1) (Item 5.1)****(Ferguson/Farr)**

That the correspondence from Wellington Tenants Committee respecting 195 Wellington Street South (Item 14.1), be received and referred to the consideration of Instructions - Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Zoning By-law Amendment Application (ZAC-14-003) for Lands Located at 195 Wellington Street South, Hamilton (LS21038/PED18054(a)) (Ward 2) (Item 14.1).

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

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

For disposition of this matter, refer to Item 10.

(ii) Ontario Land Tribunal Decisions (Item 5.2)

(Farr/Johnson)

That the following Ontario Land Tribunal Decisions be DEFERRED to the December 7, 2021 Planning Committee meeting:

- (a) PL190517/PL190518 - 468-476 James St. North - By-law No. 19-151 and 19-152; and,
- (b) PL210073 - 2121 and 2187 Regional Road 56 - By-law 20-063

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

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

(e) DELEGATION REQUESTS (Item 6)

(i) Delegation Requests (Items 6.1 - 6.3)

(Partridge/Pearson)

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

- 6.1 Delegation respecting the Biodiversity Action Plan (To be heard before Item 7.1):
 - (a) Virtual Delegation:
 - (i) Jen Baker, Hamilton Naturalist's Club
- 6.2 Delegation respecting Encampment Enforcement:
 - (i) James Lambert
- 6.3 Delegation respecting Public Consultation Strategy and Planning Protocols:
 - (i) John Ross

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

YES - Ward 1 Councillor Maureen Wilson

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

(f) PUBLIC HEARINGS / DELEGATIONS (Item 9)

(i) Delegation respecting the Biodiversity Action Plan (Item 7.1) (Item 9.3)

Jen Baker, Hamilton Naturalist's Club, addressed the Committee respecting the Biodiversity Action Plan (Item 7.1).

(Farr/Wilson)

That the Delegation from Jen Baker, Hamilton Naturalist's Club, respecting the Biodiversity Action Plan (Item 7.1), be received.

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

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

For disposition of this matter, refer to Item 1.

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

In accordance with the provisions of the *Planning Act*, Chair Danko advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Official Plan, Zoning By-law and Draft Plan of Subdivision Amendments 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.

- (ii) **Pleasantview Area Land Use Study and Associated Rural Hamilton Official Plan and Zoning By-law 05-200 Amendments (PED21206) (Ward 13) (Outstanding Business List Item) (Item 9.1)**

(Ferguson/Pearson)

That the staff presentation be waived.

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

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

John Ariens with IBI Group was in attendance and indicated he was not in support of the staff report.

(Pearson/Partridge)

That the delegation from John Ariens with IBI Group, be received.

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

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

(Partridge/Pearson)

That the public meeting be closed.

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

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

(Partridge/Pearson)

- (a) That “Pleasantview Area Land Use Study – October 2021” attached as Appendix “A” to Report PED21206 be received;

- (b) That City Initiative CI-21-C, to amend the Rural Hamilton Official Plan for the lands located in Dundas and shown on Appendix “B” attached to Report PED21206, to modify the text and maps of Special Policy Area A – Pleasantview in Volume 3 and to amend the schedules of Volume 1 for the implementation of the recommendations of the Pleasantview Area Land Use Study, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment attached as Appendix “C” to Report PED21206, prepared in a form satisfactory to the City Solicitor, be enacted by Council;

 - (ii) That the draft Official Plan Amendment is consistent with the Provincial Policy Statement 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), the Greenbelt Plan (2017), and the Niagara Escarpment Plan (2017);

- (c) That City Initiative CI-21-C, to rezone the lands located in Dundas and shown on Appendix “B” attached to Report PED21206, to add the Pleasantview Area to Zoning By-law 05-200 and add a special exception, holding provision, and temporary use of the By-law to implement the recommendations of the Pleasantview Area Land Use Study, be APPROVED on the following basis:
 - (i) That the Draft Zoning By-law Amendment attached as Appendix “D” to Report PED21206, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

 - (ii) That the proposed changes in zoning will be in conformity with the Rural Hamilton Official Plan (RHOP) upon approval of Rural Hamilton Official Plan Amendment (RHOPA) No. XX;

 - (iii) That the proposed amendment is consistent with the Provincial Policy Statement 2020 and conforms to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), the Greenbelt Plan (2017), and the Niagara Escarpment Plan (2017).

- (d) That Item 21S be identified as complete and removed from the Planning Committee Outstanding Business List.

(Partridge/Pearson)

That the recommendations in Report PED21206 be **amended** by adding the following sub-section (e):

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

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

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

For disposition of this matter, refer to Item 5.

- (iii) **City Initiative CI-21-B to Amend the Urban Hamilton Official Plan and Zoning By-law for a Portion of the Lands Located at 1086 West Fifth Street, Hamilton and Revisions to the Draft Plan of Subdivision 25T-200721 for Lands Located at 193 Alessio Drive, Hamilton (PED21207) (Ward 8) (Item 9.2)**

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

Councillor Danko relinquished the Chair to Councillor Johnson to move the following motions.

(Danko/Ferguson)

That the staff presentation be received.

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

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

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

(Danko/Pearson)

That the delegation from Matt Johnston with GSP Group Inc., be received.

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

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

(Danko/Pearson)

That the following written submissions be received:

- (a)(i) Les Petch
- (a)(ii) Lynda Petch

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

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

(Danko/Farr)

That the public meeting be closed.

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

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

(Danko/Wilson)

- (a) That City Initiative CI-21-B, to amend the Urban Hamilton Official Plan to change the designation from "Open Space" to "Neighbourhoods" on Schedule "E-1"; to remove the "Parks and General Open Space" and "Streams" designation from the subject

lands on from Schedule “B” and the “Key Hydrologic Feature” from Schedule “B-8”; and to remove “CityWide” park classification on Appendix “A” for a portion of the lands located at 1086 West Fifth Street, as shown on Appendix “A” attached to report PED21207, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED21207, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the draft Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That City Initiative CI-21-B, to rezone the lands from City-Wide Park (P3) Zone in Zoning By-law No. 05-200 to the “R-4/S-1301a” (Small Lot Single Family Dwelling) District, Modified in the Former City of Hamilton Zoning By-law No. 6593 in order to permit the development of four single detached dwellings on a portion of the lands known as 1086 West Fifth Street, Hamilton, as shown on Appendix “A” attached to Report PED21207, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED21207, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the draft By-law, attached as Appendix “D” to Report PED21207, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iv) That the By-laws will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX;
- (c) That City Initiated Revisions to Draft Approved Plan of Subdivision 25T200721R owned by Spallacci and Sons Ltd. (Owner) to reconfigure residential blocks (Blocks 18 and 47) and provide an extension of a public road as shown on Appendix “E” attached to Report PED21207, subject to the following:

- (i) That this approval apply to the Draft Plan of Subdivision “Eden Park” 25T200721R, prepared by Urban Solutions, and certified by H. Kalantzakos, O.L.S., dated September 17, 2021, consisting of three reconfigured residential blocks for single detached dwellings (Blocks 18, 38 and 49), and the extension of a public road (Shady Oaks Trail), subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with Special Conditions attached as Appendix “F” to Report PED21207;
 - (ii) In accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual (2017) there will be no cost sharing for this subdivision;
 - (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, with the calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-laws, as approved by Council;
- (d) That Revisions to Draft Approved Plan of Subdivision 25T-200721R by Spallacci and Sons Ltd. (Owner) to establish an extension of the subdivision known as “Eden Park” for an additional 0.049 ha site located north of 264 Rymal Road West (Block 38), known as part of 193 Alessio Drive, as shown as Block A2 on Appendix “A” attached to Report PED21207, to be developed for future residential lots and a public road as shown on Appendix “E” attached to Report PED21207, subject to the following:
- (i) That this approval apply to the Draft Plan of Subdivision “Eden Park” 25T200721R, prepared by Urban Solutions, and certified by H. Kalantzakos, O.L.S., dated September 17, 2021, consisting of additional lands added to Block 38 for purposes of residential lots and the extension of a public road, subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with Special Conditions attached as Appendix “F” to Report PED21207;
 - (ii) In accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual (2017) there will be no cost sharing for this subdivision;
 - (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, with the

calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-laws, as approved by Council;

- (e) That upon finalization of the amending Zoning By-laws, the subject lands be changed from "Utilities" to "Single & Double" and the road pattern be revised in the Sheldon Neighbourhood Plan;
- (f) That upon finalization of the amending by-laws, Real Estate staff be authorized to proceed with the disposition of the City-owned lands known as part of 1086 West Fifth Street, as shown as Parts 1, 2, 5 and 6 on Appendix "G" to Report PED21207 in accordance with the Sale of Land Policy, By-law No. 14-204, and that the proceeds will be added to the Parkland Reserve Fund.

(Danko/Partridge)

That the recommendations in Report PED21207, sub-section (c)(i) be **amended** by adding the following Condition #60:

- (60) ***That prior to issuance of building permits, the Owner shall provide building permit drawings for all dwellings within Eden Park – Phase 2 (25T-200721) that demonstrates that the future installation of electric vehicle charging stations can be accommodated in garages.***

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

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

(Danko/Wilson)

That the recommendations in Report PED21203 be **amended** by adding the following sub-section (g):

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

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

YES - Ward 1 Councillor Maureen Wilson

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

For disposition of this matter, refer to Item 6.

Councillor Danko assumed the Chair for the remainder of the meeting.

(iv) Delegation respecting Encampment Enforcement (Item 9.4)

The following delegation was not in attendance when called upon to speak:

(i) James Lambert

(v) Delegation respecting Public Consultation Strategy and Planning Protocols (Item 9.5)

John Ross addressed the Committee respecting Public Consultation Strategy and Planning Protocols.

(Wilson/Pearson)

That the delegation from John Ross respecting Public Consultation Strategy and Planning Protocols, be received.

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

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

(g) GENERAL INFORMATION / OTHER BUSINESS (Item 13)

(i) Outstanding Business List (Item 13.1)

(Partridge/Johnson)

That the following change to the Outstanding Business List, be approved:

(a) Items to be Removed:

20F - Paul Valeri, Valery Homes, requesting Deferral of Decision on the Designation of 828 Sanitorium Road (addressed as Item 9.1 on the November 17, 2020 agenda)

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

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

(ii) General Manager's Update (Added Item 13.3)

Jason Thorne, General Manager of Planning and Economic Development addressed the Committee respecting the return to work plan for staff.

(Pearson/Ferguson)

That the General Manager's Update, be received.

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

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

(h) PRIVATE AND CONFIDENTIAL (Item 14)

(Farr/Johnson)

That Committee move into Closed Session Pursuant to Section 9.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021; 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 7 to 0, as follows:

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

- (i) **Instructions - Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Zoning By-law Amendment Application (ZAC-14-003) for Lands Located at 195 Wellington Street South, Hamilton (LS21038/PED18054(a)) (Ward 2) (Item 14.1)**

For disposition of this matter, refer to Item 10.

- (ii) **Ontario Land Tribunal Appeals of the Commercial and Mixed Use Zones (UHOPA 69 and Zoning By-law No. 17-240) and Transit Oriented Development Zones (Zoning By-law No. 16-265) (LS18008(c)/PED18050(b)) (City Wide) (Item 14.2)**

For disposition of this matter, refer to Item 11.

- (i) **ADJOURNMENT (Item 15)**

(Wilson/Partridge)

That there being no further business, the Planning Committee be adjourned at 12:48 p.m.

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

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

Councillor J.P. Danko
Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: August 03, 2021

CASE NO(S): PL190359

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

Appellant:	Harbour West Neighbours Inc.
Appellant:	Herman Turkstra
Subject:	Proposed Official Plan Amendment No. 242
Municipality:	City of Hamilton
LPAT Case No.:	PL190359
LPAT File No.:	PL190359
LPAT Case Name:	Turkstra v. Hamilton (City)

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

Appellant:	Harbour West Neighbours Inc.
Appellant:	Herman Turkstra
Subject:	By-law No. 19-151
Municipality:	City of Hamilton
LPAT Case No.:	PL190359
LPAT File No.:	PL190360

Heard: June 18, 2021 by video hearing and July 16, 2021 in writing

APPEARANCES:

Parties

Counsel*/Representative

Herman Turkstra

Self-represented

Harbour West Neighbours Inc.

Bryan Ritskes

City of Hamilton

Patrick MacDonald*

476 James Inc.

Aaron Platt* and Zachary Fleischer*

**MEMORANDUM OF ORAL DECISION DELIVERED BY HUGH S. WILKINS ON
JUNE 18, 2021 AND ORDER OF THE TRIBUNAL**

[1] Herman Turkstra and Harbour West Neighbours Inc. ("Appellants") appealed both the passage of an Official Plan Amendment by the City of Hamilton ("City") and the City's approval of a Zoning By-law Amendment. These instruments facilitate a proposed development at 468-476 James Street North ("subject lands").

[2] The appeals were filed after the *Building Better Communities and Conserving Watersheds Act* ("Bill 139") was brought into effect, which set out procedural and substantive requirements for proceedings. In September 2019, the *More Homes, More Choice Act, 2019* ("Bill 108") was passed. Bill 108 and its regulations resulted in the procedural requirements for these proceedings being governed by Bill 139 and the substantive aspects of the proceedings being governed by Bill 108. The applicable Bill 139 procedural requirements include the filing of records and case synopses and, if ordered by the Tribunal, final written or oral submissions. The applicable Bill 108 substantive aspects allowed appellants to expand their grounds for appeal and widens the policy and other considerations that the Tribunal applies.

[3] At a Case Management Conference, held on October 14, 2020, the Tribunal granted Party status to Parcel Developments Inc. ("Applicant"), which was the proponent behind the proposed amendments. The subject property was subsequently sold and the Applicant is now TINS Corporation Inc.

[4] On May 11, 2021, the Tribunal was informed by the Parties that they had reached a proposed settlement of the appeal and, on June 18, 2021, the Tribunal held a settlement hearing to address the proposed settlement.

ISSUES

[5] The Bill 108 version of the *Planning Act* applies to the substantive issues to be adjudicated. In making a decision on Official Plan and Zoning By-law Amendments under s. 17(24) and 34(19) of the Bill 108 version of the *Planning Act*, the Tribunal must determine whether the proposed instruments:

1. are consistent with the Provincial Policy Statement, 2020 (“PPS”);
2. conform with applicable provincial plans; and,
3. represent good planning.

The applicable provincial plan in this case is the *Places to Grow: A Growth Plan for the Greater Golden Horseshoe* (“Growth Plan”). In addition, for the proposed Zoning By-law Amendment appeal, the Tribunal must determine whether the proposed amendment conforms with applicable Official Plans. The Tribunal also must have regard to the matters of provincial interest set out in s. 2 of the *Planning Act* and it must have regard to the decision of the City and the information considered by it under s. 2.1(1) of the *Planning Act*.

EVIDENCE AND SUBMISSIONS

[6] Prior to the settlement hearing, the Applicant filed an affidavit affirmed by Edward Sajecki, dated June 17, 2021. Mr. Sajecki is a land use planner retained by the Applicant. At the settlement hearing, the Tribunal heard evidence from Mr. Sajecki. Subsequent to the settlement hearing, the Applicant filed a supplementary affidavit affirmed by Mr. Sajecki on July 16, 2021 regarding minor additional changes to the proposed Zoning By-law Amendment.

[7] The Tribunal qualified Mr. Sajecki to provide opinion evidence as an expert in land-use planning matters.

[8] Mr. Sajecki stated that the proposed development would consist of a seven-storey retirement home with a maximum of 120 units along with a pharmacy on the ground floor. The maximum height of the proposed building would be 20.5 metres ("m"). He stated that the proposed Official Plan Amendment would introduce a new Special Policy Area for the subject lands to permit the proposed building and include revisions to the mapping of the City's West Harbour (Setting Sail) Secondary Plan ("Secondary Plan"). Mr. Sajecki stated that the proposed Zoning By-law Amendment would permit a retirement home (with 120 units) and a minimum of 0.28 parking spaces per unit or 37 parking spaces (whichever is greater) with a minimum of two residential visitor parking spaces and one space exclusively for car-sharing vehicles. It would also require setbacks that implement a 15 m street wall and a 45-degree angular plane and set out the maximum seven storey height (excluding a mechanical penthouse and rooftop amenity area).

[9] Mr. Sajecki opined that the proposed Official Plan and Zoning By-law Amendments are consistent with the PPS. He stated that they would facilitate residential and employment uses in an existing settlement area. He stated that they would facilitate efficient and resilient development that provides appropriate density and a mix of uses in a transit accessible location, contribute to the range and mix of housing types and tenures in the area, make efficient use of existing infrastructure, and constitute compact built form.

[10] Mr. Sajecki stated that the proposed Official Plan and Zoning By-law Amendments conform with the Growth Plan. He stated that they would facilitate the intensification of development within a built-up area served by higher order transit. He stated that they would provide a mix of housing options and foster a complete community by providing a residence for seniors.

[11] Mr. Sajecki stated that the proposed Zoning By-law Amendment conforms with the Hamilton-Wentworth Official Plan, the City's Official Plan, and the Secondary Plan. He stated that it facilitates development in an established transit corridor within the Urban Area through intensification with compact form. He stated that it conforms with the Secondary Plan's objectives of having James Street evolve as a mixed-use corridor with an active pedestrian realm and provides a mixed-use building with strong connections between public and private spaces contributing to an active public realm. He said it respects the surrounding neighbourhood by providing appropriate transitions in massing and scale and maintains a pedestrian-scaled street wall with upper level step backs facilitating transition to adjacent areas. He opined that it facilitates a development that is compatible with nearby existing land uses.

[12] Mr. Sajecki stated that the proposed Official Plan and Zoning By-law Amendments have regard to the matters of provincial interest set out in s. 2 of the *Planning Act*. He stated that they provide for a mix of housing types that are close to public transit and reflect the orderly development of a safe and healthy community.

[13] Subsequent to the settlement hearing, the Applicant filed a supplementary affidavit affirmed by Mr. Sajecki on July 16, 2021. It addresses changes to the proposed Zoning By-law Amendment requested by the City's zoning examiner. In his supplementary affidavit, Mr. Sajecki stated that the proposed revisions to the proposed Zoning By-law Amendment are minor and do not impact his previously provided evidence. He opined that the revised proposed Zoning By-law Amendment is consistent with the PPS and conforms with the Growth Plan, the Hamilton-Wentworth Official Plan, the City's Official Plan, and the Secondary Plan.

[14] In their submissions, the Appellants advised the Tribunal that the basis of their agreement to the proposed settlement is that the maximum building height of 20.5 m will be a minor compromise of the Appellants' position that the maximum height should be 20 m.

FINDINGS

[15] Based on Mr. Sajecki's uncontested opinion evidence, the Tribunal finds that the proposed Official Plan and Zoning By-law Amendments are consistent with the PPS and conform with the Growth Plan. It also finds that the proposed Zoning By-law Amendment conforms with the Hamilton-Wentworth Official Plan, the City's Official Plan, and the Secondary Plan. The Tribunal has had regard to the matters of provincial interest in s. 2 of the *Planning Act* and the decision made by City Council. The Tribunal finds that the proposed Official Plan and Zoning By-law Amendments represent good planning and are in the public interest.

ORDER

[16] The Tribunal allows the appeals in part and approves the Official Plan Amendment as set in Schedule 1 attached to this Order and Decision and the Zoning By-law Amendment as set in Schedule 2 attached to this Order and Decision.

"Hugh S. Wilkins"

HUGH S. WILKINS
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.

Amendment No. 242**to the****Official Plan of the City of Hamilton**

The following text, together with Appendix "A", attached hereto, constitutes Official Plan Amendment No. 242 to the City of Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to amend the West Harbour (Setting Sail) Secondary Plan by increasing the building height of the subject lands to permit the development of a mixed use building.

2.0 Location:

The lands affected by this Amendment are located at 468, 470, 474, and 476 James Street North in the City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is as follows:

- The proposed development efficiently utilizes the existing infrastructure, positively contributes to the streetscape and makes use of an underutilized lot;
- The proposed development implements the vision of the West Harbour (Setting Sail) Secondary Plan in maintaining James Street North as a mixed use area, while providing intensification at a form and scale that Council has determined is in keeping with the character of the surrounding neighbourhood and is in proximity to existing transit;
- The Amendment is consistent with the Provincial Policy Statement, 2014 and the Growth Plan for the Greater Golden Horseshoe, 2019.

4.0 Changes:

4.1 Text Changes:

4.1.1 That a new Special Policy Area be added, to read as follows:

“A.6.3.3.1.17.2 Notwithstanding Policy A.6.3.3.1.17 iv), for the lands known municipally as 468, 470, 474, and 476 James Street North, designated Mixed Use and identified as Special Policy Area 10 on Schedule “M -2”: General Land Use Map of West Harbour Secondary Plan, a seven-storey mixed use building shall be permitted in accordance with the implementing Zoning By-law Amendment.”

4.2 Mapping Changes:

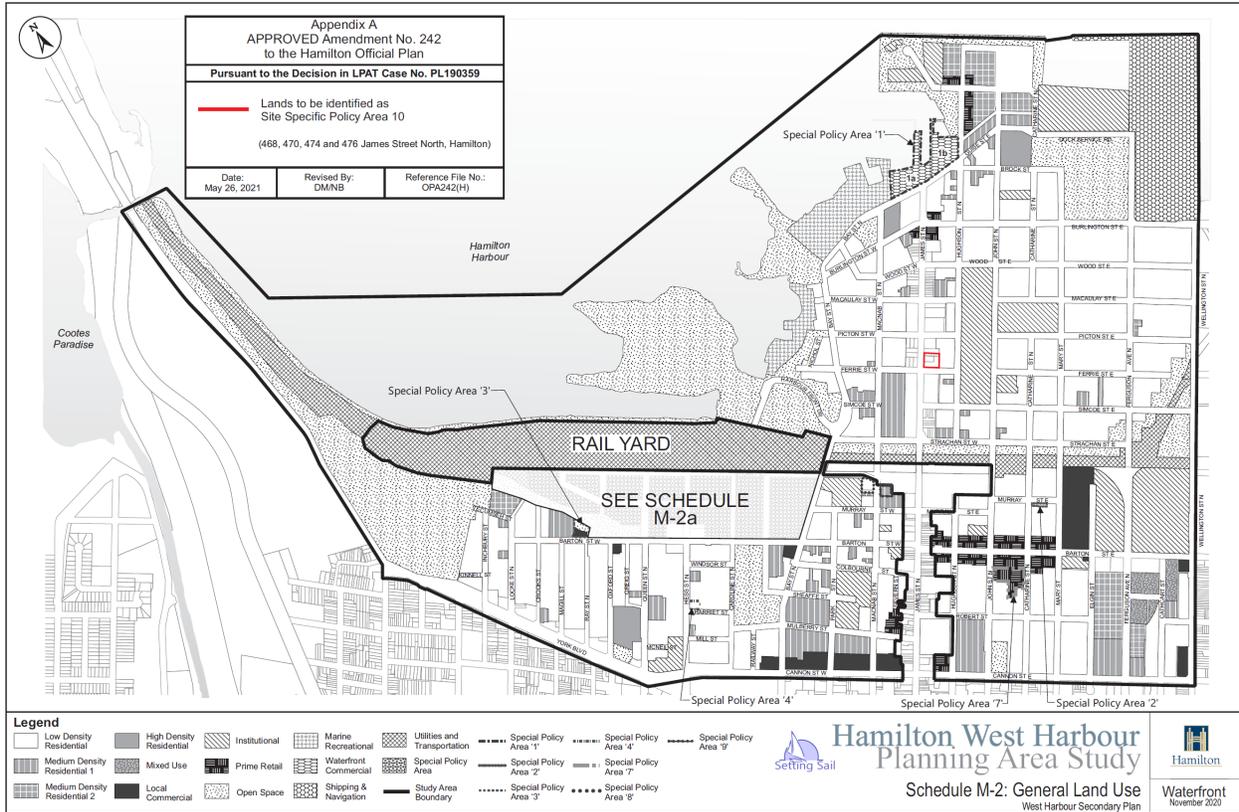
4.2.1 That Schedule “M-2”: General Land Use, of the West Harbour (Setting Sail) Secondary Plan is amended by identifying the lands as Special Policy Area 10, as shown on Appendix “A” to this Amendment.

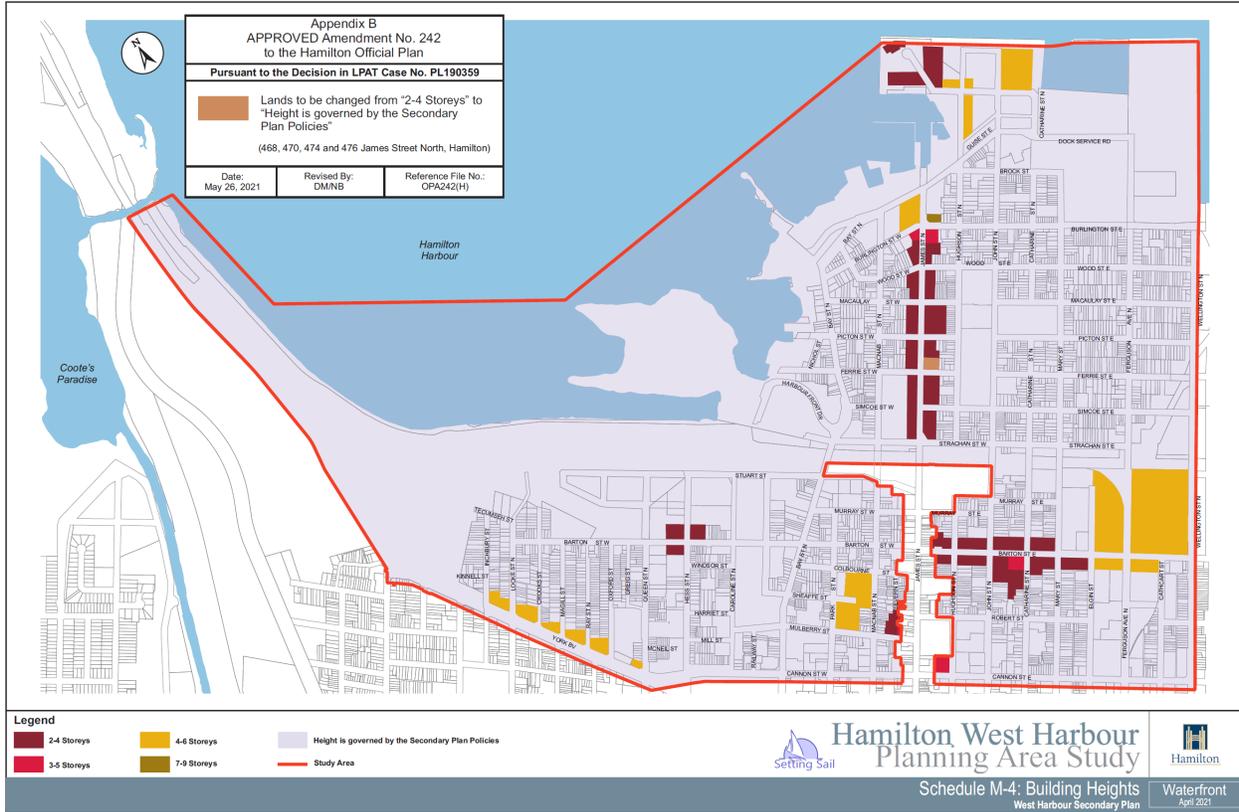
4.2.2 That Schedule M-4: General Land Use Map of the West Harbour (Setting Sail) Secondary Plan is amended by changing the building height category from “2-4 storeys” to “Height is governed by the Secondary Plan policies”, as shown on Appendix “B” of this Amendment.

5.0 Implementation:

An implementing Zoning By-law Amendment and Site Plan Control will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule “1” to By-law No. ____, pursuant to Decision / Order of the Local Planning Appeal Tribunal issued in Case No. PL190359.





SCHEDULE 2

Authority: Item
Report (PED)
CM:
Ward: 2

Bill No. 151

CITY OF HAMILTON

BY-LAW NO. 19-151

**To Amend Zoning By-law no. 6593 (Hamilton)
Respecting Lands Located at 468, 470, 474 and 476 James Street North, in the
City of Hamilton**

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

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Hamilton" and is successor to the former Regional Municipality, namely, the regional Municipality of Hamilton-Wentworth;

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

AND WHEREAS 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 ___ of the Planning Committee, at its meeting held on the_____, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this By-law conforms with the City of Hamilton Official Plan upon adoption of Official Plan Amendment No. 242;

NOW THEREFORE the Local Planning Appeal Tribunal, pursuant to the Order/Decision Issued on _____ under Tribunal File No. PL190359, enacts as follows:

CITY OF HAMILTON
BY-LAW NO.
To Amend Zoning By-law No. 6593
Respecting Lands Located at 468, 470, 474 and 476 James Street North, Hamilton

1. That Sheet No. E2 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton) is further modify the "H/S-978" (Community Shopping and Commercial, Etc.) District, Modified, to the "H/S-978a" (Community Shopping and Commercial, etc.) District, Holding, Modified, on lands the extent and boundaries of which are shown on plan hereto annexed as Schedule "A".
2. That Section 2 of By-law No. 87-117 (Hamilton) be deleted and replaced with "H/S978a", as follows:

"H/S-978a"

That the "H" (Community Shopping and Commercial, Etc.) District provisions as contained in Section 14 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following requirements:

- a) Notwithstanding Section 14 (1) (iiid), a retirement home shall be permitted for the accommodation of not greater than 120 units.
- b) Notwithstanding Section 2(2)A(xiiiaaa), for the lands identified in this exception, the definition of Retirement Home shall be amended as follows:
 - i. "Retirement Home" means a building or part thereof for the accommodation of seniors at least 60 years of age and older, in single or double rooms and have communal facilities such as kitchen/dining facilities, laundry facilities, lounges and where the residents are supervised in their daily living activities. Rooms may contain kitchenettes, including a sink, fridge, and cooking facilities limited to small appliances such as microwave ovens and toaster ovens, but shall not contain a kitchen that includes gas, propane, or electric ranges and stoves. A retirement home may be licensed by the municipality and shall not be considered a long term care facility, emergency shelter, lodging home, residential care facility or any other facility which is licensed, approved or regulated under any general or special Act.
- c) Notwithstanding Section 14 (1), a frosted food locker plant, a motion picture studio, automobile service station or other public garage, theatre and car wash, shall be prohibited.
- d) Notwithstanding Section 14(2)(i) and (ii), no building or structure shall exceed 20.5 metres in height.

CITY OF HAMILTON
BY-LAW NO.
To Amend Zoning By-law No. 6593
Respecting Lands Located at 468, 470, 474 and 476 James Street North, Hamilton

- e) Notwithstanding Section 2(2)H.(ia), the definition of Amenity Area shall be amended to permit amenity area to be provided on the rooftop.
- f) Notwithstanding Section 2(2)J.(ix), the definition of Height shall be amended to permit any wholly enclosed or partially enclosed amenity area, or any portion of a building designed to provide access to a rooftop amenity area including all associated features, in addition to the list features found in section 2(2)J(ix), to project above the uppermost point of the building, provided the wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area is setback a minimum of 9.5 metres from the westerly lot line, 8.5 metres from the southerly lot line, 19.8 metres from the easterly lot line and 0.5 metres from the northerly lot line.
- g) Notwithstanding Section 2(2)J.(viii), the definition of Grade as it applies to the height of a building or structure on a corner lot, shall be amended to mean the mean elevation of all the ground adjoining the building or structure.
- h) Notwithstanding Section 2(2)J.(xb), the definition of Landscaped Area shall be amended to allow for raised planter beds, planter boxes and green roof area to be included in the minimum landscaped area calculation.
- i) Notwithstanding Section 14(3)(i), a front yard having a depth of not less than 0.495 metres.
- j) Notwithstanding Section 14(3)(ii), a side yard having a width of not less than 0 metres.
- k) Notwithstanding Section 14(3)(iii), a rear yard of not less than 7.5 metres.
- l) In addition to Section 14 (3), the following yards shall be provided and maintained:
 - i. Where the yard abuts the westerly lot line a yard having a depth of not less than 3.5 metres where the building or structure exceeds 15.0 metres in height but does not exceed 17.7 metres in height, 5.5 metres where the building or structure exceeds 17.7 metres in height, and 9.5 metres for the mechanical penthouse.
 - ii. Where the yard abuts the southerly lot line a yard having a depth of not less than 2.5 metres where the building or structure exceeds 15.0 metres but does not exceed 17.7 metres in height, 4.5 metres where the building or structure exceeds 17.7 metres in height, and 8.5 metres for the mechanical penthouse.

CITY OF HAMILTON
BY-LAW NO.
To Amend Zoning By-law No. 6593
Respecting Lands Located at 468, 470, 474 and 476 James Street North, Hamilton

- iii. Where the yard abuts the easterly lot line a yard having a width of not less than 10.5 metres where the building or structure exceeds 12.0 metres but does not exceed 15.0 metres in height, 13.2 metres where the building or structure exceeds 15.0 metres in height but does not exceed 17.7 metres in height, 16.0 metres where the building or structure exceeds 17.7 metres in height, and 19.8 metres for the mechanical penthouse.
- iv. Where the yard abuts the northerly lot line a yard having a width or depth of not less than 0.75 metres for the mechanical penthouse.
- m) Notwithstanding Section 14 (5), a gross floor area up to 8,234 square metres shall be permitted, with a minimum of 112 square metres of commercial space.
- n) Notwithstanding Section 14 (9) (i), a planting strip of not less than 0.5 metres in width shall be provided and maintained, which may include raised planter beds, along the rear lot line, and no planting strip shall be provided along the northerly side lot line.
- o) Notwithstanding Section 2(2)H(via), the definition of planting strip shall be amended to include raised planter beds, in addition to items listed in section 2(2)H(via).
- p) A minimum of 4 square metres of amenity space per unit shall be provided or 519 square metres of amenity space whichever is greater.
- q) A minimum landscaped area of not less than 4.25% of the area of the lot on which the building or structure is situate, which may include raised planter beds, planter boxes, and green roof area, shall be provided and maintained.
- r) Notwithstanding Section 18(3)(vi)(a), a chimney, sill, belt course, leader, pilaster, lintel or ornamental projection may project up to 0.5 metres into the required front (west) and rear (east) yards.
- s) Notwithstanding Section 18(3)(vi)(b)(i) and (iii), a canopy, cornice, eave or gutter may project to within 0 metres of a front or side lot line.
- t) Notwithstanding Section 18(3)(vi)(cc)(i), a balcony may project into a required front (west) yard up to the extent of the floor immediately below.
- u) Notwithstanding Section 18(3)(vi)(cc)(ii), a balcony may project into a required rear (east) yard up to the extent of the floor immediately below.

CITY OF HAMILTON
BY-LAW NO.
To Amend Zoning By-law No. 6593
Respecting Lands Located at 468, 470, 474 and 476 James Street North, Hamilton

- v) Notwithstanding Section 18(3)(vi)(cc)(iii), a balcony may project into a required side (north and south) yard up to the extent of the floor immediately below.
- w) Notwithstanding Section 18A (1) (a) and (b), a minimum of 0.30 parking spaces per Retirement Home unit shall be provided or 37 car parking spaces whichever is greater, of which a minimum of 2 are barrier free parking spaces, a minimum of 2 are for visitor parking spaces and 1 parking space shall be for the exclusive purpose of accommodating car sharing vehicles.
- x) A minimum of 0.05 short term and 0.41 secure long term bicycle parking spaces per unit shall be provided or 6 short term and 50 secure long term bicycle parking spaces whichever is greater.
- y) Notwithstanding Section 18(A)(1)(f) and Table 6, for 90° parking a minimum manoeuvring space of 6 metres is required, except for the following:
 - i. A minimum manoeuvring space of 5.28 metres shall be permitted for a maximum of four parking spaces.
- z) Notwithstanding Section 18(A)(7), every required parking space, other than a parallel parking space, shall have dimensions not less than 2.8 metres wide and 5.8 metres long; provided that:
 - i. 10% of required parking spaces may be not less than 2.6 metres wide 5.5 metres long, with such parking spaces clearly identified as being reserved for the parking of small cars only.
 - ii. One parking space, in addition to the aforementioned permitted small car parking spaces for small cars, may be 3.0metres wide and 4.5 metres long provided such parking space is identified as, and reserved for shared vehicle parking only.
- aa)Notwithstanding Section 18(A)(9), every parallel parking space shall have dimensions not less than 2.5 metres wide and 6.7 metres long.
- bb)Notwithstanding Section 18(A)(10), a wall, column or any other obstruction may project up to 0.15 metres into the width of the parking space.
- cc) Notwithstanding Section 18A (26), where a use other than a residential use is adjacent to a residential district, every access driveway providing access to or egress from or both access to and egress from the non-residential use shall be located not less than 0.5 metres from the common boundary with the

**CITY OF HAMILTON
BY-LAW NO.
To Amend Zoning By-law No. 6593
Respecting Lands Located at 468, 470, 474 and 476 James Street North, Hamilton**

residential district to the east and a minimum of 0.1 metres from the common boundary with the residential district to the north.

- dd) For any portion of the building that has a step-back of less than 10.5 metres from the easterly lot line, with the exception of the first floor, no windows shall be permitted facing the easterly lot line except where the bottom 1.1 metres of such windows are rendered translucent rather than clear; and
- ee) Any balcony railing for balconies facing the easterly lot line shall be non-transparent or translucent.
3. That By-law No. 6593 (City of Hamilton) is amended by adding this By-law to Section 19B as Schedule S-978a.
 4. That Sheet No. E2 of the District maps is amended by making the lands referred to in Section 1 of this By-law as Schedule S-978a.
 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*.

Pursuant to the Order/Decision of the Local Planning Appeal Tribunal Issued on

_____.

**CITY OF HAMILTON
BY-LAW NO.
To Amend Zoning By-law No. 6593
Respecting Lands Located at 468, 470, 474 and 476 James Street North, Hamilton**



<p style="text-align: center;">This is Schedule "A" to By-law No. 21-</p> <p style="text-align: center;">Passed the day of, 2021</p>	<p style="text-align: center;">-----</p> <p style="text-align: center;">Mayor</p> <p style="text-align: center;">-----</p> <p style="text-align: center;">Clerk</p>
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map forming Part of By-law No. 21-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 6593</p>	<p>Subject Property 468, 470, 474 and 476 James Street North, Hamilton</p> <p> To further modify the "H/S-978" (Community Shopping and Commercial Etc.) District, Modified, to the "H/S-978a" (Community Shopping and Commercial, Etc.) District, Modified</p>
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<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-18-020/UHOPA-18-007</p>		<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>
<p>Date: May 26, 2021</p>	<p>Planner/Technician: JM/NB</p>		

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: September 15, 2021

CASE NO(S): PL210073

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

Appellant:	Coleman Robinson
Subject:	Proposed Official Plan Amendment No. By-law 20-263
Municipality:	City of Hamilton
OLT Case No.:	PL210073
OLT File No.:	PL210073
OLT Case Name:	Robinson v. Hamilton (City)

Heard: September 3, 2021 by video hearing

APPEARANCES:

Parties

Counsel

City of Hamilton ("City")	B. Duxbury
Coleman Robinson, John Bruce Robinson Construction Limited ("Appellant")	J. Meader N. Smith (<i>in absentia</i>)
Marshall Real Estate Holdings Ltd. ("Applicant")	B. Duxbury
Hamilton-Wentworth District School Board ("Applicant")	B. Duxbury

MEMORANDUM OF ORAL DECISION DELIVERED BY M. RUSSO ON SEPTEMBER 3, 2021 AND ORDER OF THE TRIBUNAL

[1] An application was submitted to the City to amend the Rural Hamilton Official Plan (the “RHOP”) and add a Site Specific Policy Area to permit a 300 metre extension of lake-based municipal water services from the Binbrook Urban Area to the subject lands and a connection to the sanitary line that exists along the west side of Regional Road 56 to service existing and proposed uses (the “Proposal”) on two Rural properties located at 2121 and 2187 Regional Road 56, Glanbrook (the “Subject Lands”).

[2] City Planning Staff had provided recommendations to deny the Proposal to the City Planning Committee Chair and Members in advance of their November 17, 2020 meeting.

[3] At their November 17, 2020 meeting, the City Planning committee chose to support the Proposal and carried a motion to amend RHOP.

[4] On December 16, 2020, the City passed By-law No. 20-263 adopting and approving Official Plan Amendment No. 25 to the RHOP (“RHOPA 25”).

[5] The Appellant appealed the decision of City Council to the Tribunal pursuant to s. 17(24) of the *Planning Act* (the “Act”).

THE CASE MANAGEMENT CONFERENCE (the “CMC”)

[6] The Tribunal held this first Case Management Conference (“CMC”) in accordance with s. 15 of the *Ontario Land Tribunal Act, 2021*, S.O. 2021, c. 4. The Tribunal noted Counsel for the City had provided the Affidavit of Service by registered mail and electronically dated July 30, 2021 to all names and addresses on the mailing list provided. The Tribunal marked the Affidavit of Service as Exhibit 1.

[7] Mr. Duxbury, Counsel for the City, informed the Tribunal that his firm has been retained by the City and both Applicants, as their interests are in line with one another. The Applicants have a direct interest in this matter and have been added as parties to this appeal.

[8] The Member canvassed the virtual hearing room if anyone else present was seeking participant or party status for these proceedings. With none being present and no written requests provided to the Tribunal, the Parties for these proceedings were established.

ISSUES LIST, DRAFT PROCEDURAL ORDER AND HEARING

[9] A Draft Procedural Order (“DPO”) was provided to the Tribunal in advance of the CMC with dates to be inserted and other details to be provided pending a hearing date being set.

[10] The Parties were agreeable to the DPO provided in principle. However, the Issues List was not provided as the Parties were still in the midst of narrowing and refining issues.

[11] Jointly the Parties preferred to have the hearing date set to adequately provide dates for their final submission of the DPO and through ongoing discussions as well as anticipated witnesses to be called, the Parties believed that a four-day hearing would be required to hear the merits of this matter.

MEDIATION

[12] The Tribunal asked the Parties if mediation had been explored or settlement discussions had occurred.

[13] The Parties indicated they have had positive and amicable discussions thus far, however, they agreed at this time, mediation was not likely. The Tribunal reminded the Parties of Tribunal-led mediation and further reminded the Parties to share any progress and changes, if and when they may occur, with the Tribunal’s Case Coordinator.

CONCLUSION

[14] Having considered the discussion during the CMC regarding the issues, potential mediation and finalizing the DPO, the Tribunal has determined that it would be reasonable to schedule the hearing for four days.

[15] The Tribunal has provided the Parties three weeks to revise and finalize the DPO and submit to the Tribunal for final approval.

ORDER

[16] The Tribunal orders a hearing by video scheduled to commence at **10 a.m.** on **Tuesday, April 19, 2022** for **four (4) days**, as follows:

<https://global.gotomeeting.com/join/483635189>

Access Code: 483-635-189

[17] Parties and participants are asked to log into the video hearing at least **15 minutes** before the start of the event to test their video and audio connections.

[18] Parties and participants are asked to access and set up the application well in advance of the event to avoid unnecessary delay. The desktop application can be downloaded at [GoToMeeting](#) or a web application is available:

<https://app.gotomeeting.com/home.html>.

[19] Persons who experience technical difficulties accessing the GoToMeeting application or who only wish to listen to the event can connect to the event by calling into an audio-only telephone line: **Toll-Free 1-888-455-1389 or +1 (647) 497-9391**. The access code is **483-635-189**.

[20] Individuals are directed to connect to the event on the assigned date at the correct time. It is the responsibility of the persons participating in the hearing by video to ensure that they are properly connected to the event at the correct time. Questions prior to the hearing event may be directed to the Tribunal's Case Coordinator having carriage of this case.

[21] **Three weeks from issuance** of this decision, the Parties shall provide, on or before that date, a joint DPO and Issues List to the assigned Case Coordinator for final review and approval of the Member, highlighting any items that may require the Tribunal's assistance to finalize.

[22] The Parties shall provide at least ten (10) days' notice to the Tribunal prior to the hearing date in the event if fewer hearing dates are agreed upon by the Parties or if settlement has been entered into by the Parties.

[23] If any issues arise, the Member may be spoken to, if required, through correspondence received through the Case Coordinator.

[24] The Member is not seized for the purposes of the hearing of the appeal.

[25] No further notice of the hearing is required.

"M. Russo"

M. RUSSO
MEMBER

Ontario Land Tribunal

Website: 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.

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: October 19, 2021

CASE NO(S): LC200004

PROCEEDING COMMENCED UNDER subsection 26(b) of the *Expropriations Act*, R.S.O. 1990, c. E.26, as amended

Claimant:	White Star Group of Companies
Respondent:	City of Hamilton
Subject:	Land Compensation
Property Address/Description:	271 Bay St. N, 107 Stuart St. & 34-36 Tiffany St.
Municipality:	City of Hamilton
LPAT Case No.:	LC200004
LPAT File No.:	LC200004
LPAT Case Name:	White Star Group of Companies v. Hamilton (City)

PROCEEDING COMMENCED UNDER subsection 12(1) of the *Local Planning Appeal Tribunal Act, 2017*, S.O. 2017, c. 23, Sched. 1, and the Tribunal's Rules of Practice and Procedure

Request by:	City of Hamilton
Request for:	Motion for Directions

Heard: Heard in writing

APPEARANCES:

Parties

Counsel*/Representative

City of Hamilton

Patrick MacDonald*

White Star Group of Companies

Daniel Richter* and Marino Rakovac

DECISION DELIVERED BY R.G.M. MAKUCH AND ORDER OF THE TRIBUNAL

MOTION

[1] The City of Hamilton (“City”) brings a Motion for an award for costs in favour of the City on a substantial indemnity basis pursuant to the Tribunal’s Rule 23 in the amount of \$21,310.65 plus HST, payable by the White Star Group of Companies (“White Star”) and its principal Marino Rakovac, jointly and severally, pursuant to s. 20 of the *Ontario Land Tribunal Act*. The request for costs arises from the Tribunal’s decision in this matter dated April 14, 2021 granting the City’s Motion to dismiss White Star’s claim. The Tribunal directed that this Motion be considered and disposed of in writing in accordance with the Tribunal’s direction dated May 14, 2021 and the Tribunal’s Rule 23.

[2] The materials before the Tribunal on this Motion are the following:

- 1) The City’s Motion Record dated June 15, 2021, including the Affidavit of Jillian Manser, sworn June 14, 2021;
- 2) White Star’s Response to the City’s Motion dated July 1, 2021, including the Affidavit of Marino Rakovac, sworn July 1, 2021; and
- 3) The City’s Reply to White Star’s Response dated July 7, 2021.

[3] The Tribunal’s Rule 23.9 states that the Tribunal may only order costs against a party if the conduct or course of conduct of a party has been unreasonable, frivolous, vexatious or if the party has acted in bad faith. Rule 23.9 also sets out some circumstances where a costs order may be made.

CITY GROUNDS FOR THE MOTION

[4] The City submits that the following grounds for such conduct under Rule 23.9 are met in this matter:

- i. (b) failing to give notice without adequate explanation, lack of cooperation with other parties during the proceedings, changing a position without notice to the parties, or introducing an issue or evidence not previously mentioned or included in a procedural order;
- ii. (d) a course of conduct necessitating unnecessary adjournments or delays or failing to prepare adequately for hearing events;
- iii. (g) acting disrespectfully or maligning the character of another party;
- iv. (h) knowingly presenting false or misleading evidence;

[5] Specifically, the City alleges that White Star, its Principal Mr. Rakovac, and/or its representatives conducted themselves as described below following the filing of the City's Notice of Motion to dismiss on June 18, 2020:

- a) In submissions to the Tribunal, repeatedly and without basis, attacked the City's legal counsel's professionalism without basis, and demanded that the City's counsel be removed from the file.
- b) Tried to circumvent the City's legal counsel by trying to put questions directly related to this litigation to the City Clerk's office without informing the City's legal counsel. When legal counsel objected, White Star used that objection to baselessly claim on a separate motion that the City's legal counsel was exerting influence on City staff and coaching witnesses.
- c) Threatened to bring a complaint against the City's legal counsel to the Law Society of Ontario if the City did not agree to either adjournment of the motion to dismiss or settlement of White Star's claim by way of compensation.
- d) Conducted examinations for discovery of a sitting City Councillor and former mayor in secret without informing the City's legal representative or

giving its legal counsel an opportunity to participate as is the City's right, and have admitted that they deliberately excluded the City from those examinations in contravention of the Rules of Civil Procedure.

- e) Refused to hold a cross-examination on a two-page affidavit by way of videoconference in the middle of the pandemic (despite the Superior Court's direction that in-person appearances be avoided wherever possible), and forced the City to bring a motion to prevent an in-person appearance rather than consent to this reasonable request. When the Tribunal granted the City's request to convert the examination to one by videoconference, White Star opted to proceed by written questions instead of a videoconference examination, rendering the entire motion a moot point and waste of time and effort.
- f) Despite the Tribunal's prior direction on July 6, 2020 for the parties to try and scope the issues and evidence on the City's motion to dismiss, White Star instead attempted to introduce a raft of new evidence ahead of the oral argument of the motion on September 28, 2020, the vast majority of which the Tribunal refused to admit as evidence on the motion.
- g) Requested a last-minute adjournment of the oral argument of the motion on September 28, 2020 due to circumstances entirely of their own making, which necessitated significant last-minute work by the City to respond and ultimately caused the motion to be unable to be heard on September 28, 2020 and to be converted into a motion in writing.
- h) Retained a lawyer who was no longer permitted to practice law to represent them on this Motion, and when the City's legal counsel exercised valid professional obligations by raising issues with that lawyer's participation, White Star and its representatives characterized that action as threats or harassment.

[6] The particulars of the alleged objectionable misconduct is set out in the Affidavit of Jillian Manser, sworn, June 14, 2021.

[7] The City maintains that the conduct of White Star, Marino Rakovac, and their representatives in this matter is well outside the normal range of conduct that is to be expected between parties in a contested matter before the Tribunal. The City further maintains that the level of misconduct has not only caused unnecessary delay, additional work, and frustration for the City and the Tribunal, but has seen White Star, Mr. Rakovac, and their representatives repeatedly engaged in reprehensible, scandalous and outrageous conduct, which merits censure from the Tribunal by way of an award of costs on a full or substantial indemnity basis.

[8] The evidence of this misconduct according to the City is also found in written communications from White Star or its representatives, frequently provided directly to the Tribunal or case coordinator for this matter.

[9] Mr. Rakovac made repeated requests to the City Clerk's office for information related to the matter before the Tribunal, copying other representatives from his company in this matter (Mr. Winkelmann and Mr. Richter), but neglected to copy the City's legal counsel. The inclusion of his two representatives on these communications demonstrates that these communications were undoubtedly related to this matter before the Tribunal according to counsel for the City. The City's legal counsel responded to these requests by informing White Star's representatives that as these inquiries were related to active and ongoing litigation, they should be directed to the City's legal counsel for response. The City maintained that the requests for documents were premature at that time, as discovery for this matter would occur at a later date, pursuant to the *Rules of Civil Procedure*, which govern expropriation proceedings before the Tribunal. Despite this request, Mr. Rakovac followed up with another email to the City Clerks' office (again copying his own representative but not the City's legal counsel), the City's legal counsel again reiterated the request that all communication related to this litigation be directed to legal counsel and not directly to City staff.

[10] The City had brought a motion to dismiss the matter without a hearing on June 18, 2020 ahead of the first scheduled Case Management Conference (“CMC”) on July 6, 2020. At this CMC, the Tribunal directed that the matter be adjourned to hold the Motion by videoconference, which was scheduled for September 28, 2020. The City maintains that White Star’s conduct since the CMC on July 6, 2021 merits an award of costs.

[11] As another example of White Star’s unreasonable conduct, counsel for the City refers to White Star’s request to examine the City’s affiant (Darlene Cole) on its Motion to Dismiss, as is its right and to which the City consented. White Star however, refused to hold the examination electronically or in writing despite the ongoing COVID-19 pandemic. White Star informed the City that it would only hold the examination virtually if a motion was brought forcing it to do so. When the City brought that Motion, White Star filed responding submissions that baselessly accused the City’s legal counsel of severe and ongoing misconduct, in addition to raising highly inappropriate and offensive issues regarding Ms. Cole’s confidential health information. Counsel for the City argues that White Star took what should have been a very reasonable request and turned it into an unnecessary motion to the Tribunal and made repeated personal attacks upon the City’s legal counsel’s character and conduct with no basis for doing so.

[12] On August 20, 2020, White Star served the City with a Notice of Examination for Darlene Cole to be held in person on September 8, 2020. The City had not previously been canvassed for availability on that date. The City soon thereafter requested that the date for the examination be moved to September 9, 2020 due to a scheduling conflict and that the examination be converted to an examination by videoconference in accordance with current practices due to the COVID-19 pandemic. The City made multiple attempts to obtain White Star’s consent to have the examination proceed by video, including pointing out current best practices in the profession to deal with the pandemic and the direction of the Superior Court. Notwithstanding this, White Star’s counsel indicated his client would not consent to an examination by video unless specifically directed to do so by the Tribunal forcing the City to bring a motion to convert

the examination of Ms. Cole to an examination by videoconference. The City subsequently made the request by Written Motion, which was granted by the Tribunal.

[13] The City states in its submission that White Star had filed a Response, but instead of merely responding to the substance of the City's Motion to convert the examination, it raised allegations of misconduct by the City's legal counsel and made highly unusual submissions regarding Ms. Cole's health information including inappropriate and baseless accusations, that White Star "suspects coaching and heavy-handed tactics are being used by the City's legal department against City of Hamilton employees in order to cover up the City's liability in this matter," an allegation supported by an Affidavit from Mr. Rakovac. White Star claimed that an in-person examination was necessary to "avoid any possibility of coaching occurring," a submission also supported by an Affidavit from Mr. Rakovac. White Star also claimed that "it is commonly known that people who have recently undergone cancer treatment or been diagnosed as HIV positive have immune systems that are compromised and must take special precautions that the general population need not take." They claimed that the City was exaggerating the risk of COVID-19 to Ms. Cole as the City had produced no evidence that she had such a health condition that would prevent an in-person examination.

[14] The City's materials on that successful Motion, noted that due to the ongoing COVID-19 pandemic, most City Legal staff were working remotely at that time (and continue to do so at the time of this Motion), and the Superior Court had directed counsel to conduct as much work remotely as possible and urged cooperation between opposing counsel in doing so. Notwithstanding this direction, White Star refused to consent to an examination on a two-page Affidavit to be conducted electronically or by interrogatories. Very shortly after the Tribunal issued its decision directing that the examination of Ms. Cole should be conducted by video, White Star's counsel notified the Tribunal and the City that it did not wish to proceed with the rescheduled video examination but to proceed instead by written interrogatories, notwithstanding that the City had previously offered this as an alternative course of action to avoid a motion.

[15] The City states that White Star subsequently filed more than 80 written questions on Ms. Cole's two-page Affidavit. A significant number of these questions were an attempt to restate White Star's arguments without engaging Ms. Cole on the narrow substance of her Affidavit. The City argues that this unnecessary and vexatious conduct by White Star on written interrogatories necessitated significantly more time and effort in preparing a response from the City than had an electronic cross-examination been conducted, which would have allowed for questions to be reworded rather than outright refused. Further, White Star's decision to proceed by written interrogatories immediately following its unsuccessful opposition to the Motion to convert Ms. Cole's examination rendered moot that entire motion and time spent by the City and Tribunal responding.

[16] In another example of White Star's unreasonable conduct, the City refers to White Star having conducted examinations for discovery of a sitting City Councillor (Terry Whitehead) and former Mayor (Larry Di Ianni) in secret without informing the City or giving its legal counsel an opportunity to participate as is the City's right under the *Rules of Civil Procedure*. White Star has admitted to the Tribunal that they deliberately excluded the City due to groundless claims that the City's legal counsel would intimidate witnesses from his own client. The City later received transcripts of the examination of these two witnesses.

[17] The City notes in its submission that these examinations were held in-person on September 8, 2020, on the same date and at the same location where White Star initially advised the City it would be holding the examination of Ms. Cole before the Motion for Conversion described above. Mr. Richter had previously advised that the September 10, 2020 examination date for Ms. Cole had been cancelled, but made no mention of the September 8, 2020 date at that time or prior to sending copies of the transcripts to the City. The City received no prior notification that these examinations were taking place and was not given an opportunity to participate. The City argues that is not a minor issue given that the *Rules of Civil Procedure* (which apply to this matter pursuant to the Tribunal's Rule 26.16) require that every party in a matter be provided

notice of an examination and an opportunity to participate. White Star deliberately withheld that notice from the City, by its own admission. The City maintains that this was a deliberate abuse of process by White Star and notes that the Tribunal struck the transcripts from its record on this basis.

[18] The City's submissions refer to further allegations by the representative for White Star at the time, Axel Winkelmann, who wrote to the City with a summary of "highlights" from the transcript of these examinations including allegations of a "massive cover-up", which purportedly exposed "the conduct of the City legal department to some scrutiny with respect to the suppression of evidence.", and a claim that the City's legal counsel must withdraw from the matter because they were an unsworn witness when filing the City's reply on the Motion to Convert Ms. Cole's examination as described above, demanding that the City's legal staff needed to "update and refer matters to Council before things literally go where no one wants them to go." Of particular note according to counsel for the City is a passage, wherein Mr. Winkelmann threatened to report the City's legal counsel to the Law Society of Ontario if the City did not agree to adjourn the September 28, 2020 Motion or engage in settlement discussions regarding White Star's claim:

At this Juncture, Mr. Rakovac and White Star just want to be made whole again. They lost their business for which they need to be compensated and they have suffered greatly financially. White Star started in 2005 with \$39,000 of debt, which now exceeds \$10 million not including the loss of their business. Should the matter not settle now, White Star will have no option but to go for full compensation, the implications being a significantly higher risk and financial exposure for the City.

It is our intent that, failing resolution of any adjournment and/or settlement initiative, White Star will file a complaint with the Law Society of Ontario and will request an inquiry into the City's conduct.

[19] Furthermore, the City argues that transcripts of the examinations of Mr. Di Ianni and Mr. Whitehead show that a substantial part of the examinations were conducted by Mr. Rakovac, despite White Star's lawyer Mr. Richter being in attendance and that this is improper as Mr. Rakovac is already a witness on this same motion and therefore is not permitted to conduct an examination of another witness.

[20] The City also argues that White Star's refusal to narrow the issues in advance of the hearing of the City's Motion to dismiss despite the Tribunal's direction to do so is further evidence of White Star's unreasonable conduct throughout this proceeding. White Star, according to counsel for the City, also attempted ahead of the September 28, 2020 Motion, to introduce a raft of new evidence and issues in an effort to litigate the entire history of the matter before the Tribunal, rather than addressing the narrow jurisdictional question that was the basis of the City's motion to dismiss. The Tribunal adjourned the September 28, 2020 Motion to a later date as a result of White star's lack of preparedness resulting in a waste of time and effort on the part of the City. The Tribunal, in its October 1, 2020 Decision, directed that the City's motion would be conducted in writing.

WHITE STAR RESPONSE TO CITY MOTION

[21] White Star's Response to the City's Motion for Cost is a continuation of its previous submissions against the City's Motion to dismiss and is an attempt to relitigate that motion, which resulted in the Tribunal Decision dated April 14, 2021. White Star's submissions do not address the issues raised by the City as to its conduct other than to state generally that the conduct complained of was not frivolous or vexatious.

[22] The submissions do continue the pattern of making unfounded allegations of bad faith and bias against the City and its counsel. The submissions were not particularly useful in the context of this Motion other than to confirm the City's allegations and arguments on this Motion for Costs.

[23] The submissions do not refute or provide any explanation for several of the instances of misconduct raised in the City's Motion, including:

- a. attacks on the City's legal counsel's professionalism, including groundless accusations of harassment and intimidation; and
- b. threatening to bring a complaint to the Law Society of Ontario against the City's legal counsel if an adjournment or settlement was not reached;

[24] White Star's Response is a continuation of the very conduct forming the basis for the City's Motion for Costs including but not limited to continuing to groundlessly accuse the City's legal counsel of coaching witnesses, intimidation, or suppressing evidence. The submissions also confirms that the examinations of Mr. Whitehead and Mr. Di Ianni were conducted without the City present, and that this was done deliberately, in flagrant violation of the *Rules of Civil Procedure*.

[25] The Response requests that White Star be awarded costs against the City but does not provide grounds under the Tribunal's Rules upon which the Tribunal could make such an award.

FINDINGS

[26] The Tribunal has carefully considered the evidence before it as well as the submissions of counsel as well as representative for White Star and finds that it should exercise its discretion to make an award of costs in favour of the City. The Tribunal's decisions in this proceeding have consistently found that White Star's conduct was unreasonable, unnecessary, and in most cases without legal basis. Despite these consistent findings by the Tribunal, White Star did not redress or change its pattern of behaviour but rather actively took steps to further complicate the issues, contrary to the Tribunal's directions.

[27] The Tribunal finds that White Star has engaged in a repeated and deliberate pattern of unreasonable, vexatious, and bad faith conduct over an extended period of time in this case and was simply attempting to relitigate the entirety of the history of the matter instead of dealing with the substance of the actual Motion before the Tribunal.

[28] Tribunal jurisprudence on the issue of costs has consistently found that the test used for awarding costs is summarized as follows in *Malcolm v. Scugog (Township)*, 2020 CarswellOnt 2161 (LPAT), at paragraph 10 :

...would a reasonable person, having looked at all of the circumstances of the case, the conduct or course of conduct of a party proven at the hearing, and the extent of his or her familiarity with the Board's procedure, exclaim "that's not right; that's not fair; that person ought to be obligated to another in some way for that kind of conduct.

[29] The Tribunal finds that not only was the conduct of White Star and Mr. Rakovac consistently vexatious and inappropriate, it also regularly resulted in significant time spent by the City and the Tribunal, including forcing the City to file unnecessary motion materials by taking unnecessary steps, and attempting to introduce large numbers of irrelevant documents into the record at the last minute prior to hearing of the Motion to Dismiss. The record before the Tribunal is quite clear that White Star does not refute or provide any explanation for several of the instances of misconduct raised in the City's motion, including:

- attacks on the City's legal counsel's professionalism, including groundless accusations of harassment and intimidation;
- threatening to bring a complaint to the Law Society of Ontario against the City's legal counsel if an adjournment or settlement was not reached;
- continuing to groundlessly accuse the City's legal counsel of coaching witnesses, intimidation, or suppressing evidence.

[30] White Star has confirmed that the examinations of Mr. Whitehead and Mr. Di Ianni were conducted without the City present, and that this was done deliberately, in flagrant violation of the *Rules of Civil Procedure*.

[31] It is clear from the evidence that Mr. Rakovac's conduct throughout this proceeding has been both as a witness and an advocate, which demonstrates that Mr. Rakovac is the "true litigant" in this matter and that therefore any award for costs should be made against him personally, jointly and severally with White Star. In fact, in his Affidavit sworn June 25, 2021 included as part of White Star's response to Motion to this Motion for Costs, he refers to himself as the "primary initiator" of White Star's claim

against the City.

[32] White Star's Response raises a number of matters that have no connection to the grounds of the City's request for costs and are again a clear attempt to relitigate its arguments on the City's Motion to Dismiss.

[33] With respect to White Star's request for its costs of the City's Motion to Dismiss the claim which resulted in the Tribunal's decision dated April 14, 2021, Tribunal Rule 23.1 provides that any request for costs must be made within 30 days after the Written Decision is issued. The Tribunal's decision on the City's Motion to dismiss was issued on April 14, 2021, and it is again clear that White Star's request made in its Response Record dated July 2, 2021 does meet the 30 day deadline imposed by the above referred to Rule 23.1. White Star's request is therefore denied.

[34] The Tribunal finds that the consistent pattern of behaviour demonstrated by White Star, Mr. Rakovac, and their representatives amounts to a course of conduct that is unreasonable, vexatious, and bad faith as described in the City's Motion. The Tribunal agrees with the City's submission that this conduct was reprehensible, scandalous, and outrageous, which merits an award of costs on a full or substantial indemnity basis. Of particular note is the repeated attacks on the City's counsel in this matter, making allegations without any basis whatsoever of coaching witnesses, suppressing evidence, intimidating City staff, and threatening or harassing opposing counsel, as well as threatening to report the City's legal counsel to the Law Society of Ontario for professional misconduct solely as part of an attempt to gain leverage in this matter.

[35] The Tribunal has previously found that an individual (even where a non-party) can be jointly or severally liable for their conduct that contributed to an award for costs where they are the "true litigant" in a matter.

[36] The Tribunal finds that while Mr. Rakovac is not personally the registered owner of any of the lands in question, there can be no doubt that he is the true owner and

controlling mind of the White Star group of companies. The Tribunal's Record shows that on the Appellant form included with the original Notice of Arbitration and Statement of Claim issued in January, 2020, under "Appellant Information", Mr. Rakovac is listed as an Appellant in addition to the White Star group of companies and on that same form, despite listing a Cliff Lloyd as a lawyer and representative, the Declaration section of the form includes Mr. Rakovac's name under "Appellant/Representative."

Furthermore, there have been no other officer or director of White Star tendered in these proceedings to provide evidence other than Mr. Rakovac. In his Affidavit sworn June 29, 2020 in support of White Star's initial response to the City's Motion to Dismiss, Mr. Rakovac refers to himself as "the officer and director of the White Star Group of Companies".

[37] The Tribunal therefore finds that Mr. Rakovac should be responsible jointly and severally for the payment of the City's costs in this matter.

ORDER

[38] The Tribunal hereby orders that the White Star Group of Companies ("White Star") and its principal Mr. Rakovac, jointly and severally pay the amount of \$21,310.65 plus HST, to the City of Hamilton pursuant to s. 20 of the *Ontario Land Tribunal Act*

"R.G.M. Makuch"

R.G.M. MAKUCH
VICE-CHAIR

Ontario Land Tribunal

Website: 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.

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: November 08, 2021

CASE NO(S):

PL200274

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	LIV Developments Ltd.
Subject:	Request to amend the Official Plan - Failure of the City of Hamilton to adopt the requested amendment
Existing Designation:	Neighbourhoods
Proposed Designated:	Site-specific – To be determined
Purpose:	To permit the development of 123 stacked Townhouses with a reduction in minimum density requirements
Property Address/Description:	157 Parkside Drive
Municipality:	City of Hamilton
Approval Authority File No.:	UHOPA-17-006
OLT Case No.:	PL200274
OLT File No.:	PL200274
OLT Case Name:	LIV Developments Ltd. V. Hamilton (City)

PROCEEDING COMMENCED UNDER subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Referred by:	LIV Developments Ltd.
Subject:	Site Plan
Property Address/Description:	157 Parkside Drive
Municipality:	City of Hamilton
OLT Case No.:	PL200274
OLT File No.:	PL210079

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	LIV Developments Ltd.
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Subject: Application to amend Zoning By-law No. 05-200 and 90-145-Z - Neglect of City of Hamilton to make a decision

Existing Zoning: Agriculture (A)

Proposed Zoning: Medium Density Residential (R6), Modified and Conservation / Hazard Land (P5) Zone

Purpose: To permit the development of 123 stacked Townhouses with a reduction in minimum density requirements

Property Address/Description: 157 Parkside Drive

Municipality: City of Hamilton

Municipality File No.: ZAC-17-016

OLT Case No.: PL200274

OLT File No.: PL200275

Heard: September 27 to October 6, 2021 by video hearing

APPEARANCES:

Parties

LIV Developments Ltd.

City of Hamilton

Counsel

Russell Cheeseman
Stephanie Fleming

Patrick MacDonald

DECISION DELIVERED BY BRYAN W. TUCKEY AND ORDER OF THE TRIBUNAL

[1] LIV Developments Ltd. (“Appellant”) filed appeals regarding the failure of the City of Hamilton (“City”) to make a decision on an Official Plan Amendment (“OPA”) pursuant to s. 22(7), a Zoning By-law Amendment (“ZBA”) pursuant to s. 34(11) and a Site Plan Application (“SPA”) pursuant to s. 41(12) of the *Planning Act* (“Act”). These applications are to facilitate the development of the subject lands legally identified as Part of Lot 10, Concession 4 in the former Township of East Flamborough now in the City and are located within the Community of Waterdown. The subject lands are municipally known as 909 North Waterdown Drive (formerly 157 Parkside Drive).

PRELIMINARY MATTERS

[2] Prior to the commencement of the hearing, counsel on consent requested the Tribunal to adjourn the SPA portion of this appeal pursuant to s. 41(12) of the Act until the Tribunal issues a decision on the requested OPA and ZBA. This would allow for greater certainty on the details of the subject lands zoning should the implementation of the site plan be required because of the Tribunal's decision. The Tribunal agrees as the suggestion offers "the best opportunity for a fair, just, expeditious and cost-effective resolution of the merits of the proceedings" (s. 1.3 of the Tribunal's *Rules of Practice and Procedure*).

[3] The effect of this ruling is that Issues 18 – 20 found in the Issues List of the Procedural Order ("PO") are not dealt with in this hearing. Parties committed to advise the Tribunal within 60 days of its decision regarding the OPA and ZBA whether a contested hearing is required on the remaining site plan related issues or could the matter be resolved either through a settlement hearing or a withdrawal of the s. 41(12) appeal. Should a contested hearing be required, parties agree that revised or supplementary evidence may then be provided on these issues as required.

[4] Counsel also advised the Tribunal that expert witnesses have come to a consensus on a considerable number of the issues found in the PO's Issues List. Issues where consensus has been found and not requiring the Tribunal's adjudication are: Natural Heritage – Issue 10; Engineering – Issues 11 – 15; and Traffic/Transportation Issue 16.

[5] The Tribunal commenced the hearing agreeing, to and in keeping with, these Counsel requests.

KEY ISSUE

[6] The Tribunal heard from the outset of the hearing that the subject lands are appropriate for residential development, but it is abundantly clear that the key issue is:

1. Is a stacked townhome development, in keeping with the statutory policy objectives of the relevant Provincial and City planning policies, thereby making a redesignation of the subject lands from a High Density Residential 1 with a minimum density of 100 units per gross residential hectare (“u/ha”) to a Medium Density Residential 3 with a minimum density of 60 u/ha, appropriate?

THE WITNESSES

[7] The Tribunal has the benefit of testimony from six witnesses. This decision includes oral testimony and material found in the various expert witness statements (“WS”) and reply witness statements (“RWS”). The witnesses are as follows:

1. Land Use Planning – John Corbett for the Appellant (WS, Exhibit 3, Tab 52) and David Sajecki for the City (WS, Exhibit 3, Tab 55 and RWS Tab 60). Both are qualified to give expert evidence in the discipline of Land Use Planning.
2. Urban Design – John Richard for the Appellant (WS, Exhibit 3, Tab 54 and RWS Tab 59) and Antonio Gomez-Palacio for the City (WS, Exhibit 3, Tab 56 and RWS Tab 61). Both are qualified to give expert evidence in the discipline of Urban Design.
3. Transportation and Traffic Planning – David Argue for the Appellant (WS, Exhibit 3, Tab 53) and for the City Steve Molloy (WS, Exhibit 3, Tab 57 and RWS Tab 32). Both are qualified to give evidence in the discipline of Transportation and Traffic Planning.

SITE AREA AND CONTEXT

[8] The subject lands are in the Community of Waterdown (former Town of Flamborough) at the corner of Mosaic Drive and the newly constructed North Waterdown Drive. The total area of the subject lands is approximately 17 hectares (“ha”) in size but the net developable area is 1.85 ha because of a significant natural heritage system surrounding the subject lands, required buffers to protect the natural heritage features and takings to construct North Waterdown Drive. The remainder of the subject lands will continue to be protected within the natural heritage system which includes the Borer’s Creek.

[9] The subject lands are within the Waterdown North Neighbourhood that has a mix of land uses including residential, commercial, industrial, and institutional. Existing housing is predominately single detached dwellings but includes semi-detached, duplex dwellings and townhomes. Immediately south is a neighbourhood that has been recently developed and is known as “Kaleidoscope Phase 2”. Within a kilometre are several community related facilities including an elementary and high school, the Flamborough Family YMCA and access to trails and open space.

[10] The newly constructed North Waterdown Drive and Mosaic Drive are minor arterial roads. Transit services are operated by the Hamilton Street Railway and a bus stop is located at the corner of Parkside Drive and Duncan Avenue, approximately 550 metres from the subject lands.

[11] Surrounding the site are the following:

1. North – rural consisting of a large natural heritage system. These lands are within the Protected Countryside of the Greenbelt Plan.

2. East – a natural heritage system, Borer’s Creek, and former agricultural lands.
3. South – residential dwellings in the form of block and street townhomes (Kaleidoscope Phase 2).
4. West – currently vacant and will be the subject of future residential development at some point in the future.

THE PROPOSAL

[12] The Appellant is proposing to develop 123 stacked townhouse units with a density of 66.4 units per ha on the subject lands. The development is made up of a series of nine townhouse blocks with 9 – 18 units in each block. Individual townhouse units are proposed to range in size from approximately 48 to 68 square metres and will include both two and three-bedroom units. There are two amenity areas totalling approximately 729.9 square metres. There will be a total of 246 resident and 31 visitor parking spaces provided with each unit having a driveway. Access to units is accommodated by a 6.0-metre internal private road network.

[13] Environmental considerations are incorporated into the development’s design. An Environmental Impact Study was completed to determine the top of bank, recommended Environmental Site Assessment buffers and a 30.0-metre setback, all of which are incorporated into the site plan.

PLANNING INSTRUMENTS

[14] The subject lands are presently:

1. within the built boundary in the Urban Hamilton Official Plan (“UHOP”) and identified as “Neighbourhoods” on Schedule E-1: Urban Land Use Designations. The designation is further defined as High Density

Residential 1, Natural Open Space and Low Density Residential 2 in the Waterdown North Secondary Plan (“WNSP”); and

2. zoned as Agricultural “A” in the former Town of Flamborough Zoning By-law No. 90-145-Z.

[15] With respect to the subject lands, the Appellant seeks to:

1. amend the WNSP to a Medium Density Residential 3 designation by establishing a site specific policy to permit a minimum density of 60 dwelling u/ha, a series of required technical amendments resulting from the construction of North Waterdown Drive and refinements to the Natural Open Space Designation resulting from the detail environmental studies (Exhibit 2, Tab 50);
2. rezone to a Medium Density Residential “R6” – XXX Zone permitting Stacked Townhouses and a series of zone provisions to implement the proposal (Exhibit 2, Tab 50). The ZBA includes several technical amendments regarding the surrounding natural heritage system and the exact location of the newly constructed North Waterdown Drive; and
3. a site plan (Exhibit 2, Tab 44) which by consent is not being adjudicated at this hearing as it is considered by all parties to be premature until the final determination of the Tribunal regarding the appropriateness of the OPA and ZBA.

[16] A Standard Draft Plan of Condominium application was submitted to the City in January 2020.

BACKGROUND

[17] Suffice to say the matter has an extensive history. A brief review is as follows:

1. applications for an OPA and ZBA were submitted in December 2016 and deemed a complete application in February 2017. The original submission was based on a November 2016 concept plan;
2. between April 2019 and January 2020, four alternative concept plans were prepared and discussed with City officials as the Appellant tried to find an alternative that was acceptable. All of the concept plans consisted of either traditional or stacked townhomes, save an except the fifth submission. That submission included an eight storey apartment building on the northerly portion of the site with a series of conditions incorporated into the necessary planning instruments, should further detailed studies determine that site conditions made the construction of an apartment building not economically feasible because of potential geotechnical constraints; and
3. an appeal to the Tribunal was made in March 2020 resulting from the failure of the City to make a decision on the application.

[18] City staff have been consistent in issues identified as relevant regarding all submissions, including the proposal before the Tribunal. Issues that have been largely resolved relate to Natural Heritage Features, Cultural Heritage, and Transportation. The remaining substantive issues relate to:

1. the proposal does not conform to the current minimum density requirements of the WNSP (greater than 100 units to a maximum of 125 u/ha) and the City does not support a reduction of the density requirements;
2. with the entirety of the subject lands being developed with stacked townhouses built form, the proposal does not meet the minimum density requirements; and

3. compliance with relevant urban design policies and guidelines were noted by staff. Specific issues spoke to a land intensive development resulting in a high lot coverage, the location and design of common amenity areas, parking, and sidewalks along with missed opportunities for connection to surrounding natural features.

[19] The position of the City is supported in the evidence and analysis of Mr. Sajecki who is retained on this matter.

LAND USE PLANNING POLICY

[20] The proposal is subject to several relevant Provincial and City planning policies found in various statutory planning documents. The planning structure in Ontario is Provincially led and the Tribunal must be satisfied with all aspects of relevant planning documents in the formulation of its decision. The OPA and ZBA is before the Tribunal and their existence must be recognized. Hence, when one returns to the key issue of this hearing, much turns on whether it has appropriate regard for, is consistent with or conforms to Provincial and Municipal planning policy thereby making a redesignation of the subject lands from a High Density Residential 1 to a Medium Density Residential 3 and a reduction in the planned density for the subject property appropriate under the OPA. Only then will the consideration of the ZBA and urban design issues evaluated during the hearing will be assessed in any detail in this decision.

[21] Through the considerable planning evidence, the Tribunal is advised that the municipal planning framework, which includes and surrounds the subject site, is the result of a very robust, comprehensive, integrated, and iterative planning process. The City has been insistent from the outset that the subject lands should remain in keeping with all the relevant policies of the WNSP and its defined Urban Structure. The effect of approving the planning instruments before the Tribunal is to 'stray' from the established Urban Structure. Municipal documents that are presented to the Tribunal include the:

1. UHOP (adopted by Council in July 2009).
2. WNSP (as found in Volume 2, Part B).
3. Waterdown North Urban Design Guidelines (dated January 2007).

[22] The Tribunal had the benefit of considerable evidence from two very competent and articulate land use planners evaluating relevant planning documents and drawing from review their opinion. All nine planning issues in the PO's Issues List are thoroughly adjudicated save and except Issue 4 respecting the prematurity of the ZBA. North Waterdown Drive has been constructed which would have been the condition of removing a holding provision in an approved Zoning By-law.

PROVINCIAL POLICY

The Planning Act

[23] Mr. Sajecki in his evidence noted that the Act establishes the basis for planning in Ontario. This legislation requires that all planning matters must have regard to provincial interests and be consistent with Provincial Policy Statement 2020 ("PPS"). He made special note of provincial interests in s. 2 a), j), p) and g) of the Act. His opinion is that the proposal does not have appropriate regard for key elements of the Act including 'the provision of a full range of housing' and 'the appropriate location for growth and development'. He made note that the directions of both the PPS 2020 and A Place to Grow – Growth Plan for the Greater Golden Horseshoe ("Growth Plan") are implemented in the UHOP and the WNSP and it is inappropriate to vary these critical and comprehensive implementation tools on a site-by-site basis.

[24] Mr. Corbett did not speak to s. 2 of the Act in his testimony.

Provincial Policy Statement 2020

[25] The PPS 2020 serves to provide a framework and general direction with respect to matters of provincial interest and is a key foundational component of the Provincially led planning system. Analysis in this section deals with Issue 1 in the Issues list: “Does the proposal comply with policies 2.2.1, 2.2.2 and 2.2.6 of the Provincial Policy Statement?” Both witnesses went beyond these defined sections in their evidence including s. 1.1.1 – Healthy, livable, and safe communities; s. 1.1.3 – Settlement Areas; s. 1.4.1 and 1.4.3 – Housing; s. 1.5.1 – Public Spaces, Recreation, Parks, Trails and Open Spaces; and 2.1 – Natural Heritage.

[26] Mr. Corbett is of the opinion that the proposal is consistent with the PPS for the following reasons:

1. the subject lands are identified as an intensification area;
2. the net site area is reduced in keeping with the Environmental parameters determined by a comprehensive Environmental Impact Assessment;
3. can be supported by available City infrastructure;
4. is a compact built form and is designed to efficiently meet the needs of future residents; and
5. provides an appropriate range of housing options to meet the projected market-based housing of current and future residents. Is a mix and density better suited to the existing community and market trends and is it more compatible with the existing residential community as no other apartment buildings exist in the WNSP area.

[27] Mr. Sajecki’s opinion is the proposal is not consistent with the PPS largely based on how the City has implemented Provincial policy and directions in the creation and subsequent approval of both the UHOP and the WNSP. Changes on a site-by-site

basis may erode the integrity of the defined planning framework and therefore must be thoroughly evaluated. Important tenets of the City's planning framework are as follows:

1. planning authorities are directed to identify appropriate locations for development to accommodate a significant supply and range of housing through intensification and redevelopment. This was achieved through the Provincially approved UHOP and WNSP that determined the subject lands are appropriate to provide high density residential housing to add both to the supply and range of housing;
2. policy is constructed to ensure that: Settlement Areas are the focus of growth; growth areas that are adjacent to existing built up areas are in a compact form, have a mix of densities to ensure the efficient use of land, infrastructure and public service facilities; and promote appropriate development standards to facilitate intensification in a compact form;
3. adopted policies provide direction on the provision of an appropriate range and mix of housing unit types and densities of projected needs of current and future residents of the regional market by: permitting and facilitating housing options, having residential intensification in appropriate locations and promoting densities for new housing in locations that make efficient use of land, resources, infrastructure and public service facilities; and
4. to reduce the density at a location that is planned and deemed to be an appropriate location for high density development runs counter to the policy direction of the PPS 2020 and reduces the ability of the City to meet the requirements of current and future residents and make efficient use of land deemed appropriate for a higher level of intensification.

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

[28] Evidence illustrated that the Growth Plan serves to establish a land use planning framework designed to achieve complete communities, a thriving economy, and a clean

and healthy environment. The Growth Plan builds on the principles of the PPS and provides an overarching framework with respect to where and how growth should occur in the Greater Golden Horseshoe. Analysis in this section deals with Issue 2 in the Issues list: “Does the proposal comply with A Place to Grow: A Growth Plan for the Greater Golden Horseshoe Policies 2.2.1, 2.2.2 and 2.2.6?”

[29] Both witnesses went beyond these defined sections in their evidence including s. 1.2.1 – Guiding Principles; s. 2.2.1 – Managing Growth; s. 2.2.6 – Housing; and s. 2.2.7 – Designated Greenfield Areas. As the Growth Plan is one of the main documents implementing the PPS, themes of the land use planning evidence given to the Tribunal are generally consistent with witnesses’ evaluation of the PPS.

[30] Mr. Corbett is of the opinion that the proposed development conforms to the policies of the Growth Plan for the following reasons:

1. the subject lands are not located within the built-up area but within the settlement area defined by the WNSP;
2. the proposed development optimizes existing infrastructure as it can be serviced by existing municipal water and waste-water systems;
3. the proposal contributes to a complete community as stacked townhouses will provide more affordable homes and be part of the City’s housing portfolio in an effort to meet the needs of residents during all phases of their life;
4. there are several community service facilities in the area including a YMCA recreational facility and existing elementary and secondary schools;
5. transit services are available nearby at the intersection of Parkside Drive and Mosaic Drive;

6. the development supports housing choice by achieving minimum intensification and density targets and ensuring a diverse range and mix of housing options and densities;
7. the addition of a medium density designation within the WNSP the proposal will add to the mix of housing in the community and assist the City in maintaining a three-year supply of residential units; and
8. will assist the City in meeting minimum density target as it exceeds the minimum density targets of 50 residents and jobs combined per ha in Designated Greenfield Areas. The proposal represents a compatible mix of housing options and will yield approximately the same population as the existing High Density Residential designation.

[31] Mr. Sajecki is of the opinion that the proposal does not conform to the Growth Plan. At the outset of his testimony, he took the Tribunal to the definition of Complete Communities as the policy framework of the WNSP is designed with this intent in mind. The definition is:

Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities of daily living, including an appropriate mix of jobs, local stores, and services, full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts.

[32] The reasons why reducing the planned density on the subject lands, results in a lack of conformity to the Growth Plan are described in Mr. Sajecki's evidence and WS as follows:

1. the guiding principles include: prioritize intensification at higher densities in strategic growth areas to make efficient use of land and infrastructure, support transit viability and support a range and mix of housing options in

particular higher density housing options that can accommodate a range of household sizes;

2. optimizing the use of the existing urban land supply represents an intensification first approach to City-building as it focuses on making better use of existing infrastructure and public service facilities, rather than continuously expanding the urban area;
3. the City recognized required population and employment targets and they were allocated in a comprehensive way. Most of the growth is directed to settlement areas and developed policies in both the UHOP and the WNSP to support the achievement of complete communities;
4. the City supports housing choice and intends to achieve minimum intensification and density targets and provide a diverse range and mix of housing options to meet the projected needs of current and future residents;
5. in the City's efforts to support the achievement of complete communities, the UHOP accommodates forecasted growth; achieves minimum intensification and density targets; has a range and mix of housing options and densities and is planning to diversify the municipalities overall housing stock. It has considered all the available tools to require multi-unit residential areas to have a mix of unit sizes to accommodate a diverse range of household sizes and incomes; and
6. the City intends to meet the minimum density target not less than 50 residents and jobs per combined ha. High Density Residential designations are considered pivotal in the achievement of these minimum targets. By reducing the density on a portion of the high density areas in the WNSP, there is a risk (albeit small) that the statutory density targets of the Growth Plan may not be met.

MUNICIPAL POLICY

[33] Analysis in the Municipal Policy section of this decision addressed Issues 3, 5, 7 and 8 in the Issues list. Issue 3 – “Would the approval of the proposed OPA and Zoning By-law Amendment conform to the UHOP or the North Waterdown (*sic*) Secondary Plan?”; Issue 5 – “Is it good planning and appropriate to reduce the density identified in the Waterdown North Secondary Plan B.4.2.7 (c)?”; Issue 7 – “Does the proposal meet the intent of policy F.1.1.5 in the City of Hamilton Official Plan?” and Issue 8 – “Does the proposal comply with policy B.4.2.4.2 (b) in the North Waterdown (*sic*) Secondary Plan in terms of providing a broad range of housing with in the North Waterdown (*sic*) Secondary Plan?”

Urban Hamilton Official Plan (2013)

[34] The UHOP was adopted by City Council in July 2009 and provides a policy basis and vision for the City with respect to the designation of land use and complementary city building policies related to such matters as natural environment, transportation, infrastructure, and cultural heritage.

[35] The subject lands are designated as Neighbourhoods and Open Space on Schedule E-1 – Urban Land Use Designations in the UHOP. A portion of the lands are designated Core Area and Stream on Schedule B – Natural Heritage System. They are located within the City’s Urban Area but are outside the built-up urban area and therefore considered as Greenfield Lands. Chapter A of this plan establishes strategic directions and principles for the urban parts of the City and Section B speaks to achieving complete communities.

[36] In evidence from the planning witnesses, the Tribunal was led to the following policy sections: s. 2.3.3.3 – Greenfield Density Targets; s. 2.2.1.4 – Communities; and s. 3.2.1, 3.2.6, 3.2.7, 3.7.5 – Quality of Life and Complete Communities.

[37] Mr. Corbett is of the opinion that the proposed development conforms to the policies of the UHOP for the following reasons:

1. the Neighbourhood designation states that proposed development shall be evaluated against its compatibility with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking, and landscaping. The proposal “will provide a supportive scale and height based on the existing residential development...there will be sufficient parking for residents and appropriate setbacks based on the completed Environmental Impact Assessment...” The OPA and ZBA will provide an appropriate density for the subject lands which are not conducive to a higher built form;
2. the proposal has access to a minor arterial road;
3. appropriate buffering and landscaping will be provided to help shape a residential streetscape;
4. The lands are classified as ‘Greenfield Area’ as they are outside the City’s built-up area. Growth Plan targets anticipate a minimum of 50 percent of the residential development shall occur annually within the City and other selective surrounding cities or regions;
5. Greenfield Areas are to achieve an overall minimum density of 50 people and jobs per ha. On non-employment lands, densities must achieve a minimum average density of 70 persons and jobs per ha to meet the overall density target. The OPA and ZBA will meet the Province’s and City’s minimum density requirements in a building form that better fits into the existing neighbourhood character; and
6. the proposed OPA implements the intent of the UHOP by correctly aligning the location of the North Waterdown Drive and correctly illustrates its connection to Mosaic Drive.

[38] The reasons why reducing the planned density on the subject lands results in a lack of conformity to the UHOP are described in Mr. Sajecki's evidence and WS as follows:

1. the City took great care in the implementation of Provincial Policy with respect to density targets for Greenfield Areas. Established targets are: 50 people and jobs per ha with a greater target of 70 persons and jobs per ha for non-employment lands across all of the City's Greenfield areas. Section 2.3.3.3 establishes Greenfield targets as follows:

Greenfield areas shall be planned to achieve an overall minimum density of 50 people and jobs per hectare. The greenfield density target shall be measured over Hamilton's greenfield area, excluding natural heritage features designated in this Plan. The greenfield area includes designated employment areas. On employment lands, the City shall plan to meet a density target of 37 people and jobs per hectare. on non-employment lands densities will need to achieve a minimum average density of 70 persons and jobs per hectare.

2. If density targets are not met within individual neighbourhoods or communities, there are additional pressures placed on other areas of the City to make up the difference or the need for additional unnecessary boundary expansions. The UHOP requires areas for high density residential development to accommodate between 100 and 200 units per ha and the subject lands are appropriate to be in the lower end of this continuum;
3. "minimum density targets" are a tool utilised by the Province and municipalities to achieve a range of goals that together constitute "good planning";
4. strategic directions and principles are intended to create a compact and health community providing the opportunity to live, work and play thereby achieving complete communities. Policy goes on to state that a full range of housing types, forms, and densities to meet the social, health and well-being requirements of all current and future residents throughout the

urban areas of the City. The subject lands are part of the only high density designated lands in Waterdown North and should be preserved for higher density development to allow for a greater range of housing options in the community;

5. providing affordable housing is an important consideration of the UHOP and apartment style residential development tend to be more affordable;
6. Neighbourhood policy states that “High Density residential areas are characterised by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads”. The subject lands appropriately designated meets this criteria as they are located on the periphery of the neighbourhood and have access to a minor arterial road. The proposal of entirely stacked townhomes does not meet the principle of multiple dwelling forms;
7. reducing the planned densities within the urban area may result in unnecessary boundary expansions into rural areas and a less efficient use of infrastructure and services;
8. Plan Implementation is found in Chapter F where policy related to the consideration of amendments to the UHOP is located. A series of criteria is established and the one that directly relates to the proposed OPA is: “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”. The proposal negatively impacts the City’s vision for a sustainable community as defined in Plan policies; and
9. the City recognizes the need for growth and change reflected in its planned Urban Structure which considered a variety of factors that contribute to economic and physical changes that are occurring. The UHOP is designed to effect positive change by taking advantage of opportunities to become a more sustainable community in the future. Proper implementation of this Plan directs a concentration of growth within

a firm urban boundary to protect the viability of rural areas, agricultural resources, and defined sustainability outcomes. A reduction in a planned high density area, and by not maximizing the use of undeveloped lands, one potentially contributes to compromising the achievement of the City's vision to be a more sustainable community while having potential impacts on the rural areas of the City.

Waterdown North Secondary Plan

[39] Mr. Sajecki in his evidence described the process used to develop the Urban Structure and policies of the WNSP. This plan-making process is important to the Tribunal's consideration of the OPA and ZBA.

[40] The subject lands were part of an urban expansion initiated in 1991, which required that a secondary plan for Waterdown North along with a Transportation Master Plan be completed for the entire Waterdown Community prior to the development of lands within North Waterdown. The Transportation Master Plan was finalized in 2008 and informed the WNSP.

[41] Other studies that informed the construct of the WNSP included a comprehensive background study, an issues and opportunities paper and a study to determine the existing condition of the Borer's Creek Watershed. To ensure the planning process was fully integrated, three municipal Environmental Assessments were completed relating to Municipal Collector Roads, Water/Wastewater, and a Master Drainage Plan. Finally, the Waterdown North Urban Design Guidelines were adopted by Council in support of the WNSP.

[42] With the consideration of all the background studies, City Council adopted the WNSP in March 2007. The WNSP is designed to guide the development of Waterdown North for a period of 20 years as it established land uses, a transportation network, community facilities, infrastructure, and standards for the community. The Secondary

Plan area is planned to accommodate approximately 2,000 dwelling units and 5,000 residents along with employment, institutional and commercial uses. The two high density areas on the north side of North Waterdown Drive were planned in keeping with the policies of the UHOP.

[43] Evidence demonstrated that development within the boundaries of the WNSP to date has been in keeping with planning policy and principles found in the Urban Design Guidelines.

[44] Evidence from the planning witnesses took the Tribunal through the following policy sections: s. 4.2.1 – Principles, s. 4.2.2.1 – Residential Objectives, s. 4.2.4 – Residential Designations, s. 4.2.4.2 – General Residential Policies, and s. 4.2.4.7 – High Density Residential 1 Designation.

[45] The subject lands are designated in the WNSP as “High Density Residential 1”, “Natural Open Space” and “Low Density Residential 2. North Waterdown Drive is located south of the subject lands. The proposed OPA would designate all of the subject lands “Medium Density Residential 3”.

[46] Mr. Corbett is of the opinion that the proposal conforms to the WNSP for the following reasons:

1. it will create a safe functional and attractive residential neighbourhood and a continuous built form consistent with the character of the community that exists to the south;
2. a mix of ground related housing types will be provided in a compact urban form with an appropriate density and help deliver a complete community;
3. both the existing “High Density Residential 1” and proposed “Medium Density Residential 3” designations support townhomes as well as other forms of multiple dwellings;

4. a 15-storey height does not conform to the existing built form and remaining in a High Density designation may not provide immediate housing opportunities, whereas the proposal is more congruent with the area and provides different unit types and housing opportunities;
5. the development area is reduced to meet Provincial and City policies related to the maintenance and enhancement of a Provincially Significant Wetland and existing wildlife habitats. Therefore, it is more conducive to a medium density rather than a high-rise built form. The subject lands are not physically appropriate for high density development and will provide a mix of housing types that are more compatible to the character of the existing community; and
6. the “High Density Residential 1” designation permits townhouse dwellings. Hence, the OPA only makes a modification to the density provisions to be in keeping with the proposal. Mr. Corbett’s evidence demonstrated that the proposed townhouse development will accommodate almost the same residential population when compared with the construction of a multi-storey building. Both are significantly higher than “the City’s minimum density target of 70 persons and jobs per hectare”.

[47] Mr. Sajecki opined that the proposal does not conform to the WNSP for the following reasons:

1. a hierarchy of residential densities was established in a comprehensive manner with high density developments being expected to achieve between 100 – 125 units per net residential hectare. Most of the low and medium density areas have been developed consistent with the Secondary Plan. There are only two designated high density areas identified in the WNSP. Amending the subject lands to medium density presents a risk that the overall density targets of the UHOP may not be met and the remaining high density areas in the WNSP may not be able to

meet the minimum density target requirements across the Secondary Plan area;

2. a key principle is the “achievement of residential and employment densities that meet provincial policy requirements and support future transit networks”. The Secondary Plan is designed to meet the minimum density targets in, and support housing choice policies of, the Growth Plan, UHOP and the WNSP. By lowering the minimum densities, the proposal does not conform to either of these policy documents. Proposed developments need to meet the minimum density targets;
3. most of the WNSP has been developed with single and semi-detached dwellings and townhomes. Adding stacked townhomes to the mix does not provide the range and mix of housing that could be achieved with a building form consistent with high density development. Hence the proposal compromises the goal of achieving complete communities;
4. High density housing forms are often more suited to single person households, seniors, people with disabilities, and those that cannot afford a larger dwelling. Complete community objectives are compromised when an apartment housing form is not provided; and
5. Provincial planning documents direct the City to establish minimum density targets within built up areas. The City implemented this policy direction on a comprehensive basis with the adoption of the WNSP. Making site specific changes to this urban structure results in: not providing a housing alternative that serves a segment of the current and future population; risks to the provision of much needed affordable housing; the inefficient use of existing and planned infrastructure; and fewer housing options which may constrain the ability of segment of the population to reside in the City at certain stages of their life.

URBAN DESIGN OFFICIAL PLAN RELATED POLICY

[48] The Tribunal heard detailed urban design evidence from Mr. Richard for the Appellant and Mr. Gomez-Palacio for the City regarding the adequacy of the proposal's design when evaluated against relevant planning policy. It proved a challenge not to stray into those matters related to a more detailed Site Plan Control level of analysis not being adjudicated as part of this proceeding. The evidence of both urban designers is generally related to the UHOP and the WNSP. It is worthy of note that the Mr. Richard's firm, NAK Design Strategies, had completed the Urban Design Guidelines for both previous Kaleidoscope Phases and prepared a comprehensive series of design guidelines for Kaleidoscope Phase 3 in support of the application.

[49] Policy evaluation by the witnesses relates to s. 3.3 Chapter B – Urban Design Policies of the UHOP and s. 4.2.9 – Urban Design Policies of the WNSP, both of which recognized the importance of urban design as an essential component of city building. Waterdown North Urban Design Guidelines are intended to provide a more detailed implementation framework.

[50] Suffice to say, the City has detailed policies in place to guide built form and the public realm. The design principles that the witnesses took the Tribunal to in their testimony specifically related to the following design and built form principles arising from the proposed design:

1. policies encourage a wide range and mix of housing types and whether the proposed stacked townhouse development met this objective;
2. is surface parking throughout the subject land's desirable from an urban design perspective;
3. does the proposal adequately incorporate important existing natural heritage features and thereby enhance the access to and the visual views of, residents and the public in general;

4. is the street pattern adequate to ensure continuous and direct movement throughout the subject lands in an effort to safely integrate and facilitate pedestrian, cycling and vehicular movements throughout the subject lands;
5. policy attempts to de-emphasize the car and garages but the proposal illustrates that parking and garages are found along most of the internal roads;
6. the side elevations of flankage lots do not show entrance doors nor utility screening and therefore the design may not be adequate;
7. the design of the streetscape with respect to street trees, furniture, signage, and landscaping needs to be developed in more detail;
8. policy states that the corner of Mosaic and North Waterdown Drive is considered a “Gateway” and should an architectural entrance feature and enhanced landscaping need to be incorporated into the design;
9. design to enhance the public safety as it relates to ‘eyes on the street’ is required to improve visibility and informal surveillance; and
10. there are a series of ‘differences of opinion’ between the witnesses that could be easily addressed at the site plan stage should the proposal be accepted by the Tribunal.

[51] Mr. Richard is of the opinion is that “the proposed development reflects an appropriate response for achieving key urban design principles within the context, constraints, opportunities and area configuration, that is balanced with an efficient layout of land uses. It does so in general compliance with the Waterdown North Urban Design Guidelines”.

[52] Mr. Gomez-Palacio concluded that based on his extensive analysis of relevant planning policy related to his extensive review of appropriate ‘urban design

considerations', he does not recommend the approval of the propose OPA and ZBA by the Tribunal.

TRIBUANL ANALYSIS OF THE LAND USE PLANNING EVIDENCE

[53] The outcome of this matter depends on the planning evidence presented at this hearing with respect to Provincial and municipal planning policy and the appropriateness of the proposed OPA. All other matters (ZBA and Site Plan) before the Tribunal are dependent on this finding.

[54] To this end, the Tribunal prefers the evidence of Mr. Sajecki and finds the proposal as reflected in the OPA and ZBA does not have appropriate regard to the s. 2 of the Act; is not consistent with the PPS 2020, does not conform to the policies of the Growth Plan or the UHOP. It does not conform with the WNSP as it is not in keeping with a comprehensively developed and well-defined Urban Structure for the community.

[55] The Tribunal finds that the City has well established planning policy for the area surrounding the subject lands and followed a careful, comprehensive, and complete process to come to the land use designations found in the WNSP. The proposed OPA and ZBA by reducing the density on the subject lands results in an outcome that does not align with, nor continue a contribution to, the City's vision for the Waterdown North Community nor is it in keeping with Provincial or municipal policy.

[56] The Tribunal notes that both the UHOP and the WNSP were written and approved in keeping with the Provincially led planning system and therefore are deemed to be in conformity with all relevant Provincial Planning policy. Changes to the approved WNSP's approved structure, no matter how minor, merit a very close and careful consideration. Evidence presented to the Tribunal must be extremely compelling for a change to the planned Urban Structure to be deemed appropriate. Although well presented, the Appellants expert planning evidence was not sufficiently compelling to have it preferred by the Tribunal.

[57] It is noted by the Tribunal that it did not see a planning report to City Council on this proposal nor hear from any City planning staff regarding its deliberations on the matter. City Council therefore did not make a decision on any option put forth by the Appellant and assessed by planning staff but did consider that it somehow had sufficient information before it to provide authority to its Counsel to oppose the OPA and ZBA at this hearing. The Tribunal has, in its determination of these Appeals, had regard to matters as outlined in s. 2.1 (2) of the Act, which states:

When the Tribunal makes a decision under this Act that relates to a planning matter that is appealed because of the failure of a municipal council or approval authority to make a decision, the Tribunal shall have regard to any information and material that the municipal council or approval authority received in relation to the matter.

[58] The Tribunal notes that the urban design evidence has little impact on the fundamental Provincial and municipal planning policy related findings in this matter. The structure of the proposal is sound and most of the issues could be addressed with further detailed design and minor modifications to the site plan found in Exhibit 2, Tab 44. Since the proposal however fails on the more germane and fundamental planning policy issues, urban design principles are not evaluated in detail and therefore have little relevance in the Tribunal's decision.

[59] The Tribunal finds that the proposal gives rise to the following concerns and matters of non-conformity:

1. It reduces the planned density in a portion of the two high density areas designated in the WNSP and may present a risk that the overall density targets of the UHOP may not be met and the remaining high density areas in the WNSP may not be able to meet the minimum density target requirements across the Secondary Plan area;
2. It limits the range and mix of housing options by reducing potential apartments type units thereby simply not providing a housing alternative

that would serve an important segment of the current and future population and thereby risks the provision of much needed affordable housing in the Waterdown North Community;

3. It makes inefficient use of existing and planned infrastructure and community services that was properly planned for in a comprehensive and integrated manner;
4. It may result in unnecessary boundary expansions into rural areas;
5. The evidence is clear that the WNSP has worked very well in guiding the development of Waterdown North Community for the last 20 years in keeping with the designated land uses, the establishment of a transportation network, the provision of many important community facilities, ensuring infrastructure is available for the residents when they arrive, and implementing a high standard of built form for the community. The Secondary Plan area is well on its way to accommodating the approximately 2,000 dwelling units and 5,000 residents along with complementary employment, institutional and commercial uses. The two high density areas on the north side of North Waterdown Drive are important components of the planned Urban Structure and should be maintained as planned in keeping with the policies of the UHOP and WNSP;
6. A reduction in a planned high density area and failing to optimize the use of undeveloped lands, potentially compromises the achievement of the City's vision to be a more sustainable community while having potential impacts on the rural areas of the City. As such, the proposal negatively impacts the City's vision as determined by its sustainable community policies. Density targets not met within individual neighbourhoods or communities will result in additional pressures being placed on other areas of the City to make up the difference or the need for additional unnecessary boundary expansions;

7. The UHOP is clear in its high level strategic directions to create a compact and healthy community providing the opportunity to live, work and play to achieve complete communities. Policy goes on to state that a full range of housing types, forms, and densities to meet the social, health and well being requirements of all current and future residents must be accommodated throughout the urban areas of the City. The provision of affordable housing is an important consideration of the UHOP and apartment style residential tends to be more affordable. The subject lands are part of the only high density designated lands in Waterdown North and therefore merit preservation for higher density development thereby allowing for a greater range of housing options in the WNSP; and
8. high density development on the subject site will create a safe functional and attractive residential neighbourhood that is in keeping with, and complements, the character of the community that exists to the south. A height of 15-storey in no way offends the existing built form of the North Waterdown Community. Transition policies in municipal plans are more than sufficient to manage this interface.

OTHER CONSIDERATIONS

Transportation and Traffic Engineering

[60] The Tribunal heard transportation and traffic evidence from Mr. Argue for the Appellant and Mr. Molloy for the City. With the completion of North Waterdown Drive, it is agreed by the parties that Issue 16 which asked, “is the proposal premature without a holding provision”, has been satisfied. Other than a pedestrian crossing of North Waterdown Drive at Mosaic Drive, most of the evidence focused on transportation and parking related issues relating to the proposed site plan within the subject lands.

[61] Circulation, parking configuration, locations where visibility is challenged by proposed dwelling units and the adequacy of pedestrian crossings are the major points of the witness's evidence. The proposal is a very 'urban' development that is common today in Ontario City's and the result is a series of private roads and visitor parking areas that, as Mr. Argue opined, adequately address the challenges of both vehicular and pedestrian movements within the proposed site plan (Exhibit 2, Tab 44).

[62] Mr. Argue stated in evidence that agreement could be found with the City for an appropriate form of pedestrian crossing of North Waterdown Drive.

[63] The Tribunal finds that all site related transportation, parking and pedestrian issues brought forward in expert evidence could be adequately managed through further detailed review. Since the proposal fails on the more germane and fundamental planning policy issues, these issues are not evaluated in detail and therefore have little relevance in the Tribunal's decision. All would have been appropriately dealt with at the Site Plan Control stage.

Potential Constraint on the Subject Property

[64] The Appellants brought forward the potential of possible subsurface constraints to the construction of underground parking for high density residential development because of bedrock formations being very close to the surface.

[65] The Tribunal heard no direct qualified geotechnical expert evidence on this potential constraint nor its direct impact on achieving the High Density designation of the WNSP on the subject site. Planning witnesses were questioned in cross-examination but for obvious reasons had no expert opinion on this subject matter. There are two reports found in the joint document book that speak specifically to subsurface conditions. These reports are:

1. Hydrogeologic Investigations of Kaleidoscope Phase 3 Lands completed by Terraprobe Inc. prepared as part of the complete application requirements of the City (Exhibit 2, Tab 40).
2. Geological Investigation Proposed Residential Development Kaleidoscope – Phase 2 completed by Soil-Mat Engineers and Consultants Ltd. (Exhibit 2, Tab 26).

[66] The Tribunal finds in the absence of qualified professional evidence, it can assign little weight to potential bedrock constraints that may be found on the subject lands and the potential challenges they present to any High Density proposal that may conform to the policies of the WNSP.

CONCLUSIONS

[67] With s. 2.1 (2) of the Act in mind, it is incumbent on the Tribunal to have regard for the City's position and maintain the existing High Density designation on the subject lands in the face of differing immediate market conditions effectively argued by the Appellant's Counsel.

[68] The Tribunal notes that UHOP and the WNSP were completed and approved in the Growth Plan era and if anything, the policies, and targets of subsequent versions of the Provincial documents have become more stringent. The risk of non-conformity on any single site may be small but it may result in an assault on the 2007 WNSP's Urban Structure as approved by City Council and the Province.

[69] The Tribunal also notes that the UHOP has a well established policy basis to implement relevant Provincial policy. It's defined Urban Structure is reinforced within detailed Secondary Plans tailored to a specific part of the City. Secondary Plans like the WNSP followed an integrated, comprehensive planning review process which led to a careful and considered planning policy framework for the area.

[70] The Tribunal is of the opinion that in the face of a careful, complete, and comprehensive plan making exercises for both the UHOP and the WNSP, very compelling planning reasons must be presented in evidence to change the density provisions of the WNSP. The onus is clearly on the Appellant and while evidence was well presented, it is not compelling enough to reduce the WNSP's comprehensively established Urban Structure and overall density framework on what is, in effect, a 'one off basis'.

[71] The City is continually faced with the challenges of maintaining the intent of both its and Provincial policy that as time goes on becomes increasingly challenging. City Council in the matter has directed Counsel to maintain the High Density Residential Designation on the subject lands and for the reasons outlined previously in the decision, the Tribunal agrees.

[72] The Tribunal notes that if it was not for the policies that resulted from a comprehensive, complete, and integrated planning process to create the WNSP urban structure, the proposal represents a high quality residential development. It is 'urban' in its design with many amenities both on an off the subject lands and is in a location with easy access to several existing community facilities thereby making it an attractive residential project; but for the Tribunal to come to a conclusion to approve the proposal in effect would be ignoring well established City policies.

[73] With this Tribunal finding, the appeal against the Site Plan cannot continue as it will not conform to the WNSP and therefore is appropriately dealt with in the Tribunal Order.

[74] The Tribunal prefers Mr. Sajecki's opinion and finds the proposal as reflected in the OPA and ZBA does not have appropriate regard to the s. 2 of the Act; is not consistent with the PPS 2020, does not conform to the policies of the Growth Plan or the UHOP. It does not conform the WNSP as it is not in keeping with a

comprehensively developed and well defined Urban Structure for the community. The proposal does not represent good planning, nor it is in the public interest.

[75] For these reasons, the Tribunal dismisses the appeals because of the City's failure to make a decision and does not settle or approve the site plan as presented.

ORDER

[76] Accordingly, the Tribunal Orders.

[77] **THAT** the appeal pursuant to s. 22(7) of the *Planning Act* is dismissed and the requested amendment to the Urban Hamilton Official Plan and Waterdown North Secondary Plan is hereby refused.

[78] **THAT** the appeal pursuant to s. 34(11) of the *Planning Act* is also dismissed and the requested amendment to the City of Hamilton (Flamborough) By-law No. 90-145-Z is refused.

[79] The Tribunal makes no Order at this time with respect to the Site Plan Appeal pursuant to s. 41(12) of the *Planning Act*.

"Bryan W. Tuckey"

BRYAN W. TUCKEY
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.

Ontario Land Tribunal
 Tribunal ontarien de l'aménagement
 du territoire



ISSUE DATE: November 18, 2021

CASE NO(S): CRB2101
 CRB2102
 CRB2103
 CRB2104
 CRB2105
 CRB2106
 CRB2107

PROCEEDINGS COMMENCED UNDER subsection 29(5) of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended

Owner/Objectors: Trevor Copp, Kristina Schmuttermeier, Lynda Zugec

Owners: Wentworth Standard Condominium Corporation No. 566, Wentworth Standard Condominium Corporation No. 573, Royal Connaught Inc., and all residential condominium unit owners

Subject: Notice of Intention to Designate (former Royal Connaught Hotel)

Property Address: 110-122 King Street East

Legal Description: All units and common elements comprising of the property included in Wentworth Standard Condominium Plan No. 566, City of Hamilton, being property identifier numbers 18566-0001 (LT) to 18566-0510 (LT), Land Titles Division of Wentworth (No. 62)
 All units and common elements comprising of the property included in Wentworth Standard Condominium Plan No. 573, City of Hamilton, being property identifier numbers 18753-0001 (LT) to 18753-0162 (LT), Land Titles Division of Wentworth (No. 62)
 Part of Lot 8, Plan 1431 being Part 3 on 62R20616; City of Hamilton, being property

identifier number 17167-0250 (LT), Land Titles Division of Wentworth (No. 62).
 Part Lots 6, 7 and 8, Plan 1431, being Parts 4, 5, 6, 8 and 9 on Plan 62R20616; being part of property identifier number 17167-0254 (LT), Land Titles Division of Wentworth (No. 62)
 Municipality: City of Hamilton
 OLT Case No(s).: CRB2101, CRB2102, CRB2103, CRB2104, CRB2105, CRB2106 and CRB2107
 OLT Case Name: Copp v. Hamilton (City)

Heard: In writing

APPEARANCES:

Parties

City of Hamilton

Lynda Zugec

Trevor Copp

Kristina Schmuttermeier

Counsel

Patrick MacDonald

Self-represented

Self-represented

Self-represented

DECISION DELIVERED BY S. TOUSAW AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] The City of Hamilton (“City”) proposes to designate 110 – 122 King Street East (“site” or “property”), being the former Royal Connaught Hotel, under s. 29 of the *Ontario Heritage Act* (“OHA”).

[2] In response to the City’s Notice of Intention to Designate (“NOID”), objections were filed by Lynda Zugec, Trevor Copp, and Kristina Schmuttermeier (“Objectors”), being three separate owners of residential condominium units on the site.

[3] The Conservation Review Board, now the Ontario Land Tribunal (“Tribunal”), advised the Parties of its intention to dismiss the proceedings without a hearing if the objections fall outside its jurisdiction, being limited to considerations of cultural heritage value or interest (“CHVI”) under Ontario Regulation 9/06 (“O. Reg. 9/06”). As invited by the Tribunal, the Objectors and the City filed submissions upon which this Decision is founded.

[4] Each Objector’s submission has been considered as a separate preliminary proceeding in arriving at this Decision. However, given that the Objectors’ submissions are virtually identical, save for signatures, this single Decision applies collectively and singularly to the objections for purposes of expediency and fairness. Any issues unique to a particular objector are noted accordingly in this Decision.

LEGISLATIVE PROCESS

[5] The City’s authority to pass a by-law designating a property for its CHVI arises from OHA s. 29 based on meeting prescribed criteria and following the prescribed process:

- 29(1) The council of a municipality may, by by-law, designate a property within the municipality to be of cultural heritage value or interest if,
 - (a) where criteria for determining whether property is of cultural heritage value or interest have been prescribed, the property meets the prescribed criteria; and
 - (b) the designation is made in accordance with the process set out in this section.

[6] Per OHA s. 29(2) to s. 29(4.1), the City must consult with its municipal heritage committee and provide notice to affected owners and the broader community by serving the NOID on the affected owners and publishing the NOID in the local newspaper.

[7] Objectors are required by OHA s. 29(5) to set out the reason for the objection and all relevant facts (underscore added):

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.

[8] Also applicable here is s. 4.6(1) of the *Statutory Powers Procedure Act* (“SPPA”) enabling the Tribunal to dismiss a proceeding without a hearing under certain circumstances:

- 4.6(1) Subject to subsections (5) and (6), a tribunal may dismiss a proceeding without a hearing if,
- (a) the proceeding is frivolous, vexatious or is commenced in bad faith;
 - (b) the proceeding relates to matters that are outside the jurisdiction of the tribunal; or
 - (c) some aspect of the statutory requirements for bringing the proceeding has not been met.

[9] In accordance with the subsections (5) and (6) referred to above, Rule 15.4 of the Tribunal’s *Rules of Practice and Procedure* (“Rules”) repeats the provisions of SPPA s. 4.6(1) and requires notice of its intention to dismiss, and consideration of any submissions received.

[10] O. Reg. 9/06 sets out the criteria for determining CHVI based on one or more criteria under the categories of design or physical value, historical or associative value, or contextual value.

SUBMISSIONS AND FINDINGS

Process

[11] On the legislative process outlined above, the Tribunal is satisfied that all process requirements have been met. The City Clerk’s sworn affidavit confirms that the

City's committee process and issuance of the NOID complied in all respects. The Objectors served their notices of objection setting out their reasons for opposition to the NOID. The Tribunal then advised of its intention to dismiss the proceedings without a full hearing, leading to the written submissions upon which this Decision is based.

[12] On the above facts, the Tribunal finds that the process followed by the City satisfies the requirements of OHA s. 29(1)(b). On this finding, the Tribunal will not accept as an issue, Mmes. Zeguc and Schmuttermeier's contention in their notices of appeal that the City did not provide suitable notice or properly hear from affected owners. Similarly, the Tribunal will not consider the allegations presented by Ms. Schmuttermeier related to the role of a municipal councillor. The Tribunal's jurisdiction relates to the rationale for a potential designation and does not tread into the "relative quality of a municipality's approach to satisfying a pre-condition" (*WAM Montez C & W Inc. v. Toronto (City)*, 2019 LNONCRB 13, Case No. CRB1906, para. 14).

Ownership

[13] The primary concern of the Objectors is their apparent dispute with the condominium builder over the ownership of the main lobby. The Objectors advise that this fundamental issue has led to legal, financial and safety issues among the various owners within the building. The Objectors ask for the designation to be delayed until their building issues are resolved.

[14] Using the terminology of the OHA, the NOID refers to "a property of cultural heritage value" ... "known as the Royal Connaught Hotel" and describes its CHVI as including its place in the City's history, its example of evolving architecture, and its contribution to downtown Hamilton. The Tribunal finds that these CHVI characteristics are related to "property" which the Tribunal interprets as the physical structure on a parcel of land to which the NOID applies, here known as the Royal Connaught Hotel. Whether such property is owned or used by two or three legal owners, two of which are

condominium corporations, is not a matter related to the reasons for designation. The ownership or use of the lobby or other parts of the property, if at issue among the owners, is not a heritage consideration and is outside the Tribunal's jurisdiction to hear.

New Issues

[15] In their submissions, the Objectors add to their reasons for objection, submitting that the studies relied upon by the City in support of CHVI predate the extensive overhaul and redevelopment of the building. They submit that the removal of heritage features and additional building height affect the site's heritage value.

[16] The City responds that such issue was not raised on appeal, but that the heritage attributes noted in the NOID remain present on the property. The City's Cultural Heritage Planner's report advises that the site's overall heritage value has been preserved and that its CHVI are sufficiently present to warrant designation.

[17] To the question of allowable additional issues, the Tribunal notes that OHA s. 29(5) requires an objector to set out the reason for the objection and all relevant facts. On initial filing, the Objectors noted only ownership issues found here to lie outside the Tribunal's jurisdiction as explained above. When reviewing requested additional submissions, the Tribunal would certainly consider the further explanation or elaboration of an issue included in the original objection as potential grounds for continuation of the appeal process. In rare cases, even a new ground may be considered for the appeal where the circumstances of the case warrant. However, the Tribunal finds here that neither elaboration nor new ground apply here.

[18] First, for the reasons provided earlier, the submissions' extensive elaboration of ownership or legal issues confronting the Objectors are not relevant to the Tribunal's role in assessing the validity of CHVI.

[19] Second, while a specific fact-based challenge to the CHVI may warrant careful consideration for a full hearing, such is not found to be the case here. It is clear and obvious that the City is aware of, and has accounted for, the recent modifications to the building in its NOID. The City required a heritage impact assessment through its site plan control process when the property was being repurposed. The City does not intend, nor would it be likely, to designate a property based on an absent CHVI. The alleged removal of certain heritage elements from the building in the past, while perhaps unfortunate, does not derogate from the intended heritage designation contained in the NOID.

[20] The Objectors raise only the absence of features resulting from changes to the building, and fail to address as issues, the intended CHVI contained in the NOID. The Tribunal agrees with the City's submission that O. Reg. 9/06 enables a property to be designated if it meets only one of the criteria for CHVI. Simply put, the Royal Connaught Hotel 'is what it is' today and that is what is intended to support and reflect its heritage designation. As such, the Tribunal finds that the Objectors' raising of this new issue of absent features does not warrant a hearing on the merits.

[21] The Objectors raised several other minor matters in the course of making their submissions on the major issues reviewed above, including: signage on the property; other buildings in the City of similar historical significance; challenges to statements in certain professional reports; correctness of the property description; or the alleged absence of return communications from City staff. The Tribunal finds that these issues are either unsubstantiated or fail to address the reasons for CHVI that lie within the Tribunal's jurisdiction.

SUMMARY

[22] The Tribunal's jurisdiction on objections to a NOID focusses on the reasons for CHVI. Under the SPPA and the Tribunal's Rules, a proceeding may be dismissed

without a hearing if, among other options, the proceeding is frivolous or relates to matters outside its jurisdiction. The Tribunal finds that all matters raised by the Objectors fall within one or both of these categories. Accordingly, the proceeding will be dismissed.

ORDER

[23] The Tribunal Orders that this proceeding is dismissed.

“S. Tousaw”

S. TOUSAW
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.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
DATE:	December 7, 2021
SUBJECT/REPORT NO:	Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21234) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Shannah Evans (905) 546-2424 Ext. 1928
SUBMITTED BY:	Steve Robichaud Director of Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

Council Direction:

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

Background:

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

Policy Implications and Legislative Requirements – Pre Bill 108

In accordance with the *Planning Act*, prior to September 3, 2019, an Applicant had the right to appeal to the Ontario Land Tribunal an Official Plan Amendment Application after 210 days (Subsection 17 (40)), Zoning By-law Amendment Application after 150

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21234) (City Wide) - Page 2 of 5

days (Subsection 34 (11)) and a Plan of Subdivision after 180 days (Subsection 51 (34)).

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

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

Policy Implications and Legislative Requirements – Post Bill 108

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

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

Information:

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

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

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21234) (City Wide) - Page 3 of 5

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

Attached as Appendix “A” to Report PED21234 is a table outlining the active applications received prior to December 12, 2017 sorted by Ward, from oldest application to newest. As of November 15, 2021, there were:

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

Within 60 to 90 days of November 15, 2021, all nine 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 PED21234 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 November 15, 2021, there were:

- 5 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;
- 10 active Zoning By-law Amendment Applications; and,
- 5 active Plan of Subdivision Applications.

Within 60 to 90 days of November 15, 2021, all 11 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 PED21234 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 November 15, 2021, there were:

SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21234) (City Wide) - Page 4 of 5

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

As of November 15, 2021, eight development proposals are approaching the 90 or 120 day statutory timeframe and will be eligible for appeal. Forty-seven (47) development proposals have passed the 90 or 120 day statutory timeframe.

Planning Division Active Files

Combined to reflect property addresses, there are 75 active development proposals. One proposal is a 2022 file (1%), 33 proposals are 2021 files (44%), 18 proposals are 2020 files (24%) and 23 proposals are pre-2020 files (31%).

A table comparing the number of projects by application type by month for 2020 (Figure 1) and 2021 (Figure 2) is attached as Appendix “D” to Report PED21234. This demonstrates that the number of active projects has remained consistent with an average of 73 in 2020, and 70 in 2021. However, 24 of the active projects are pre-2020 files which have had limited activity in the past 18 months. Accordingly, a more accurate number of active projects by Application type by month is approximately 48. It is noted that Planning staff monitor the activities associated with a file and if a file is considered to be inactive for more than six months, staff contact the Applicant and request if the Applicant wishes to withdraw the Application and if not, request clarification of the Applicants intention with respect to proceeding. If no response is received, staff will proceed to close the file.

Staff continue to work with the AMANDA Implementation Team to add enhancements to the database that will allow for the creation of more detailed reporting. As a result, future tables will include a qualitative analysis of the status of active Applications. It is anticipated that these enhancements will be available in Q1 2022, and this information will be incorporated into the monthly report to Council. Furthermore, the long-term goal of the Planning Division is to make this information available on an interactive map accessed through the City of Hamilton website.

Current Non-Decision Appeals to the Ontario Land Tribunal

At the February 2, 2021 Planning Committee meeting, Planning Committee requested that information be reported relating to development Applications that have been appealed for non-decision to the Ontario Land Tribunal. Attached as Appendix “E” to Report PED21234 is a table outlining Development Applications, along with the applicant/agent, that have been appealed for non-decision to the Ontario Land Tribunal.

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21234) (City Wide) - Page 5 of 5

There are currently 14 active appeals for non-decision. Third party appeals are not included in this information as Council has made a decision on the Application.

Appendices and Schedules Attached:

Appendix "A" to Report PED21234 - List of Active Development Applications (prior to December 12, 2017)

Appendix "B" to Report PED21234 - List of Active Development Applications (after December 12, 2017)

Appendix "C" to Report PED21234 - List of Active Development Applications (after September 3, 2019)

Appendix "D" to Report PED21234 - Number of Active Projects by Application Type by Month (2020 and 2021)

Appendix "E" to Report PED21234 - *Planning Act* Applications Currently Appealed for Non-Decision to the Ontario Land Tribunal

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**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective November 15, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of November 15, 2021
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.	1538
Ward 9									
UHOPA-16-26 ZAC-16-065 25T-201611	478 & 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.	1888
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	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	1888
UHOPA-17-01 ZAC-17-001 25T-201701	15 Ridgeview Drive, Stoney Creek	02-Dec-16	n/a	16-Dec-16	01-Apr-17	31-May-17	29-Aug-17	A.J. Clarke & Associates Ltd.	1837
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.	2356

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective November 15, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of November 15, 2021
Ward 10 Cont'd									
UHOPA-17-05 ZAC-17-015 25T-201703	1, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent, Stoney Creek	23-Dec-16	n/a	17-Jan-17	22-Apr-17	21-Jun-17	19-Sep-17	IBI Group	1816
Ward 12									
ZAC-16-006 25T-201602	285, 293 Fiddlers Green Road, Ancaster	23-Dec-15	n/a	06-Jan-16	21-Apr-16	20-Jun-16	n/a	Liam Doherty	2182
ZAC-17-062	45 Secinaro Avenue, Ancaster	28-Jul-17	n/a	01-Aug-17	25-Nov-17	n/a	n/a	T. Johns Consultants Inc.	1599
Ward 13									
ZAC-17-064 25T-201710	655 Cramer Road, Flamborough	09-Aug-17	n/a	17-Aug-17	07-Dec-17	05-Feb-18	n/a	A.J. Clarke & Associates Ltd.	1627

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective November 15, 2021)**

Active Development Applications

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

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective November 15, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of November 15, 2021
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	1088
Ward 6									
ZAC-19-035	694 Pritchard Road, Stoney Creek	08-May-19	n/a	21-May-19	05-Oct-19	n/a	n/a	Urban in Mind Planning Consultants	950
Ward 8									
ZAC-19-017	1020 Upper James Street, Hamilton	28-Feb-19	n/a	11-Mar-19	28-Jul-19	n/a	n/a	Wellings Planning Consultants Inc.	1019
UHOPA-19-003* ZAC-19-007 25T-2019001	238 Barton Street, Stoney Creek	19-Dec-18	n/a	02-Jan-19	n/a	17-Jun-19	15-Oct-19*	A.J. Clarke & Associates Ltd.	1090

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective November 15, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of November 15, 2021
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	1252
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.	1191
25T-2018006	140 Garner Road, Ancaster	05-Jul-18	n/a	08-Nov-18	n/a	01-Jan-19	n/a	MHBC Planning Limited	1131
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.	1134

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective November 15, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of November 15, 2021
Ward 12 Cont'd									
UHOPA-18-024* ZAC-18-058	154 Wilson Street East, Ancaster	28-Nov-18	n/a	10-Dec-18	n/a	n/a	24-Sep-19*	Urban Solutions Planning & Land Development	1111
Ward 14									
ZAC-19-011	1933 Old Mohawk Road, Ancaster	12-Dec-18	n/a	10-Jan-19	11-May-19	n/a	n/a	Urban Solutions Planning & Land Development	1097
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	1239

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective November 15, 2021)**

Active Development Applications

1. When an Application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 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 Amendments, will be extended to 210 days.
- * In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment Applications by 90 days from 210 days to 300 days. However, Applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 210 statutory timeframe.

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective November 15, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of November 15, 2021
Ward 1								
UHOPA-20-012 ZAC-20-016	1107 Main Street West, Hamilton	13-Feb-20	n/a	13-Mar-20	n/a	12-Jun-20	Bousfields Inc.	669
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	400
Ward 2								
UHOPA-20-001 ZAR-20-001	383 and 383 1/2 Hughson Street North, Hamilton	29-Nov-19	n/a	29-Dec-19	n/a	28-Mar-20	T. Johns Consulting Group	745
UHOPA-20-008 ZAR-20-013	222-228 Barton Street East and 255 - 265 Wellington Street North, Hamilton	20-Dec-19	n/a	17-Jan-20	n/a	18-Apr-20	Urban Solutions Planning and Land Development	724
UHOPA-20-025 ZAC-20-038	115 George Street and 220-222 Main Street West, Hamilton	04-Sep-20	n/a	28-Sep-20	n/a	02-Jan-21	GSP Group	465
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	265

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective November 15, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of November 15, 2021
Ward 2 Cont'd								
ZAC-21-020	221 Charlton Avenue East, Hamilton	26-Apr-21	n/a	06-May-21	25-Jul-21	n/a	T. Johns Consulting Group	231
UHOPA-21-014 ZAC-21-031	405 James Street North, Hamilton	07-July-21	n/a	19-July-2021	n/a	03-Nov-2021	Jamesville Redevelopment Ltd. CityHousing Hamilton	148
Ward 3								
UHOPA-21-013 ZAC-21-028	315 Robert Street and 219, 225, 247 East Avenue North	05-July-21	n/a	08-Jul-21	n/a	2-Nov-21	T. Johns Consulting Group	154
Ward 4								
UHOPA-21-009 ZAC-21-021	1842 King Street East, Hamilton	07-May-21	n/a	13-May-21	n/a	04-Sep-21	Urban Solutions Planning and Land Development	220
ZAR-21-034	20 Reid Avenue North	03-Aug-21	25-Aug-21	30-Aug-21	03-Nov-21	n/a	Roxborough Park Inc.	105

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective November 15, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of November 15, 2021
Ward 5								
UHOPA-21-019 ZAC-21-041	510 Centennial Parkway, Stoney Creek	22-Sep-21	n/a	22-Sep-21	n/a	20-Jan-22	Smart Centres REIT	82
ZAC-21-043	300 Albright Road, Hamilton	29-Sep-21	n/a	30-Sep-21	04-Jan-22	n/a	MHBC Planning Ltd.	75
Ward 7								
UHOPA-20-021 ZAC-20-037 25T-202006	544 and 550 Rymal Road East, Hamilton	11-Sep-20	n/a	11-Oct-20	n/a	09-Jan-20	Rymal East Development Corp.	458
UHOPA-21-005 ZAC-21-009 25T-202104	311 and 313 Stone Church Road East, Hamilton	14-Dec-20	n/a	22-Jan-21	n/a	13-Apr-21	Urban Solutions Planning and Land Development	364
ZAC-21-023	1540 Upper Wentworth Street	14-Jun-21	n/a	21-Jun-21	12-Sep-21	n/a	T. Johns Consulting Group	175
UHOPA-21-012 ZAC-21-026	705-713 Rymal Road East, Hamilton	2-July-21	n/a	27-July-21	n/a	30-Oct-21	Wellings Planning Consultants Inc.	140

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective November 15, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of November 15, 2021
Ward 8								
ZAC-19-056	11 Springside Crescent, Hamilton	26-Nov-19	n/a	06-Dec-19	25-Mar-20	n/a	Urban in Mind Planning Consultants	748
ZAC-20-018	212 and 220 Rymal Road West, Hamilton	20-Feb-20	n/a	16-Mar-20	19-Jun-20	n/a	T. Johns Consulting Group	662
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.	511
UHOPA-21-011 ZAC-21-025	60 Caledon Avenue, Hamilton	02-Jul-21	n/a	08-Jul-21	n/a	05-Nov-21	GSP Group Inc.	159
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	127
ZAC-21-036	866 West 5 th Street, Hamilton	11-Aug-21	n/a	03-Sep-21	09-Nov-21	n/a	Urban Solutions Planning and Land Development	100

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective November 15, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of November 15, 2021
Ward 9								
ZAC-20-004	329 Highland Road West, Stoney Creek	20-Dec-19	n/a	16-Jan-20	18-Apr-20	n/a	WEBB Planning Consultants Inc.	724
UHOPA-20-010 ZAC-20-015 25T-200303R	2080 Rymal Road East, Glanbrook	20-Dec-19	20-Jan-20	31-Jan-20	n/a	19-May-20	A.J. Clarke & Associates Ltd.	682
ZAC-20-026	250 First Road West, Stoney Creek	20-Jul-20	n/a	24-Jul-20	30-Sep-20	n/a	Urban Solutions Planning and Land Development	529
UHOPA-21-016 ZAC-21-033	136 and 144 Upper Mount Albion Road, Stoney Creek	15-Jul-21	n/a	n/a	n/a	12-Nov-21	Bousfields Inc.	151
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	11

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective November 15, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of November 15, 2021
Ward 10								
ZAC-19-036	564 Fifty Road, Stoney Creek	08-May-19	28-May-19	16-Mar-20	n/a	n/a	DeFilippis Design	637
UHOPA-21-004 ZAC-21-008	1290 South Service Road, Stoney Creek	25-Dec-20	n/a	21-Jan-21	n/a	24-Apr-21	IBI Group	353
UHOPA-21-018 ZAC-21-039	1400 South Service Road, Stoney Creek	10-Sep-21	n/a	16-Sep-21	n/a	14-Jan-22	MHBC Planning Ltd.	88
Ward 11								
ZAC-20-019	9255 Airport Road, Glanbrook	25-Feb-20	n/a	16-Mar-20	25-May-20	n/a	The MBTW Group	657
25T-202002	9326 and 9322 Dickenson Road, Glanbrook	16-May-20	n/a	09-Apr-20	n/a	07-Aug-20	WEBB Planning Consultants Inc.	640

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective November 15, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of November 15, 2021
Ward 11 Cont'd								
UHOPA-21-001 ZAC-21-001 25T-202101	3169 Fletcher Road, Glanbrook	14-Dec-20	n/a	12-Jan-21	n/a	12-May-21	A.J. Clarke & Associates Ltd.	364
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.	308
ZAC-21-024	3435 Binbrook Road, Glanbrook	21-Jun-21	n/a	06-Jul-21	19-Sep-21	n/a	Armstrong Planning	160
UHOPA-21-015 ZAC-21-032	5020 Tyneside Road, Stoney Creek	05-July-21	n/a	30-July-21	n/a	02-Nov-21	LandPro Planning Solutions	137
ZAC-21-045	541 and 545 Fifty Road, Stoney Creek	04-Oct-21	n/a	12-Oct-21	02-Jan-22	n/a	IBI Group	62

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective November 15, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of November 15, 2021
Ward 12								
25T-200720R (2019 File)	1020 Osprey Drive, Ancaster	15-Apr-19	30-Aug-19	11-Dec-19	n/a	02-Apr-20	Coltara Development / 1892757 Ontario INC.	733
UHOPA-20-009 ZAC-20-014	281 Hamilton Drive, Ancaster	20-Dec-19	n/a	22-Jan-20	n/a	18-Apr-20	A.J. Clarke & Associates Ltd.	724
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.	550
ZAC-20-024	140 Wilson Street West, Ancaster	15-Jun-20	n/a	02-Jul-20	13-Sep-20	n/a	A.J. Clarke & Associates Ltd.	546
ZAR-20-040	1552 Concession 2 West, Flamborough	15-Oct-20	n/a	29-Oct-20	13-Jan-21	n/a	Urban in Mind	700
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.	360
UHOPA-21-002 ZAC-21-002	327 and 335 Wilson Street East, Ancaster	23-Dec-20	n/a	15-Jan-21	n/a	22-Apr-21	T. Johns Consulting Group	355

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective November 15, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of November 15, 2021
Ward 12 Cont'd								
25T-202105	700 Garner Road East, Ancaster	18-Jan-21	n/a	04-Feb-21	n/a	18-May-21	MHBC Planning Ltd.	329
ZAC-21-027	140 and 164 Sulphur Springs Road, Ancaster	05-Jul-21	n/a	16-July-21	02-Oct-21	n/a	Fothergill Planning & Development Inc.	151
ZAC-21-030	1040 Garner Road West, Ancaster	05-Jul-21	n/a	29-Jul-21	02-Oct-21	n/a	Urban Solutions Planning & Land Development	138
RHOPA-21-017 ZAC-21-040	173 Highway 52, Flamborough	14-Sep-21	n/a	20-Sep-21	n/a	18-Jan-22	Don Robertson	84
25T-202110	179 Wilson Street West, Ancaster	28-Sep-21	n/a	07-Oct-21	n/a	26-Jan-22	T. Johns Consulting	67
UHOPA-21-023 ZAC-21-049	442 and 454 Wilson Street East, Ancaster	29-Oct-21	n/a	29-Oct-21	n/a	26-Feb-22	GSP Group Inc.	17

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective November 15, 2021)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of November 15, 2021
Ward 13								
ZAC-21-003	125 Pirie Drive Dundas	23-Dec-20	n/a	22-Jan-21	23-Mar-21	n/a	Wellings Planning Consultants	328
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	694
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.	328
ZAC-21-017	265 Mill Street South, Flamborough	8-Apr-21	n/a	12-Apr-21	7-Jul-21	n/a	IBI Group	222

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.

**Number of Active Development Project by Application Type by Month
(2020 and 2021)**

Figure 1 - Number of Active Projects by Application Type, as Reported to Planning Committee - 2020

Application Type	Jan	Feb	Mar*	Apr*	May*	Jun*	Jul	Aug	Sep	Oct	Nov	Dec
Zoning By-law Amendment	22	19	24	-	-	-	25	25	25	24	26	25
Official Plan and Zoning By-law Amendment	27	25	29	-	-	-	29	31	31	32	31	28
Official Plan and Zoning By-law Amendment and Plan of Subdivision	10	10	10	-	-	-	10	10	10	10	10	11
Zoning By-law Amendment / Plan of Subdivision	4	4	4	-	-	-	4	4	3	3	3	3
Official Plan Amendment	1	2	2	-	-	-	2	2	1	1	1	1
Plan of Subdivision	4	6	6	-	-	-	6	6	5	5	5	7
Total	68	66	75	-	-	-	76	78	75	75	76	75

*Planning Committee Meetings Cancelled

Figure 2 - Number of Active Projects by Application Type, as Reported to Planning Committee - 2021

Application Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Zoning By-law Amendment	24	24	24	23	24	24	23	21	24	25	26	24
Official Plan and Zoning By-law Amendment	25	23	24	23	21	22	21	19	24	22	24	27
Official Plan and Zoning By-law Amendment and Plan of Subdivision	10	11	13	14	14	14	12	14	14	13	13	13
Zoning By-law Amendment / Plan of Subdivision	3	3	3	3	3	3	3	3	4	4	4	3
Official Plan Amendment	0	0	0	0	0	0	0	0	0	0	0	0
Plan of Subdivision	7	7	8	9	9	7	6	6	5	5	6	6
Total	69	68	72	72	71	70	65	63	71	69	73	73

**Planning Act Applications
Currently Appealed for Non-Decision to the
Ontario Land Tribunal (OLT)
(Effective November 15, 2021)**

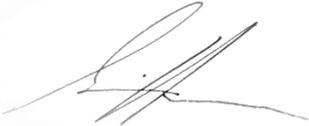
Ward	Address	Applicant /Agent	Date Appeal Received
Ward 1			
1	69 Sanders Boulevard and 1630 Main Street West, Hamilton	Urban Solutions Planning & Land Development Consultants Inc.	October 2020
1	1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue South, 75, 77, 81, 83, 99, 103, 107, 111, 115 Traymore Avenue and 50 Dalewood Avenue, Hamilton	Bousfields Inc.	March 2018
1	354 King Street West, Hamilton	GSP Group	July 2021
Ward 2			
2	195 Wellington Street South, Hamilton	Bousfields Inc.	November 2017
2	299-307 John Street South, Hamilton	Urban Solutions Planning & Land Development Consultants Inc.	November 2021
Ward 8			
8	801-870 Scenic Drive, Hamilton	Valery Developments Inc.	May 2021
Ward 9			
9	157 Upper Centennial Parkway, Stoney Creek	WEBB Planning Consultants Inc.	September 2017
Ward 10			
10	1036, 1038, 1054, 1090 Barton Street, and 262 McNeilly Road, Stoney Creek	Glen Schnarr & Associates Inc.	November 2021

**Planning Act Applications
Currently Appealed for Non-Decision to the
Ontario Land Tribunal (OLT)
(Effective November 15, 2021)**

Ward	Address	Applicant /Agent	Date Appeal Received
Ward 11			
11	3033, 3047, 3055 & 3063 Binbrook Road, Glanbrook (Binbrook)and	GSP Group	August 2017
11	3355 Golf Club Road, Glanbrook	Corbett Land Strategies Inc.	June 2021
Ward 13			
13	73-89 Stone Church Road West and 1029 West 5 th Street, Hamilton	Urban Solutions Planning and Land Development Consultants Inc.	July 2020
Ward 15			
15	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
15	111 Silverwood Drive (111 Parkside Drive, Flamborough (Waterdown)	Metropolitan Consulting Inc.	October 2017
15	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
Growth Management Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 7, 2021
SUBJECT/REPORT NO:	To Incorporate City Lands into Clappison Avenue by By-law (PED21231) (Ward 15)
WARD(S) AFFECTED:	Ward 15
PREPARED BY:	Sally Yong-Lee (905) 546-2424 Ext. 1428
SUBMITTED BY:	Gavin Norman Acting Director, Growth Management Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the following City lands designated as Part 1 on Plan 62R-21786 and Block 6 on Plan 62M-1081 be established as a public highway to form Clappison Avenue;
- (b) That the By-law to incorporate the City lands to form part of Clappison Avenue be prepared to the satisfaction of the City Solicitor and be enacted by Council;
- (c) That the General Manager of Public Works be authorized and directed to register the By-law.

EXECUTIVE SUMMARY

The Borer's Creek channel block identified as Part 5 on Plan 62M-1081 was transferred to the City as a condition of approval for the Plan of Subdivision "Flamborough Power Centre (25T200404)".

In 2020, Clappison Avenue was extended from its terminus south of Borer's Creek northerly to connect to Parkside Drive including the crossing of Borer's Creek. Clappison Avenue extension was constructed under a Subdivision Agreement between the Developer for the "Flamborough Power Centre North (25T201507)" and the City.

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

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

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

**SUBJECT: To Incorporate City lands into Clappison Avenue by By-law
(PED21231) (Ward 15) - Page 2 of 3**

Part 1 on Plan 62R-21786 and Block 6 on Plan 62M-1081 is where Clappison Avenue crosses Borer's Creek and it is necessary to incorporate these lands into the road allowance for the purpose of establishing Clappison Avenue as a public highway.

Alternatives for Consideration – See Page 3

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

The Borer's Creek channel block identified as Part 5 on Plan 62M-1081 was transferred to the City as a condition of approval for the Plan of Subdivision "Flamborough Power Centre" (25T200404)".

In 2020, Clappison Avenue was extended from its terminus south of Borer's Creek northerly to connect to Parkside Drive including the crossing of Borer's Creek. Clappison Avenue extension was constructed under a Subdivision Agreement between the Developer for the "Flamborough Power Centre North (25T201507)" and the City.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

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

RELEVANT CONSULTATION

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

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Part 1 on Plan 62R-21786 and Block 6 on Plan 62M-1081 is where Clappison Avenue crosses Borer's Creek and it is necessary to incorporate these lands into the road allowance for the purpose of establishing Clappison Avenue as a public highway.

**SUBJECT: To Incorporate City lands into Clappison Avenue by By-law
(PED21231) (Ward 15) - Page 3 of 3**

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

ALTERNATIVES FOR CONSIDERATION

Not incorporating the lands into a public highway to form part of Clappison Avenue would bar legal access across the creek.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**Economic Prosperity and Growth**

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

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

Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED21231 – Key Location Map

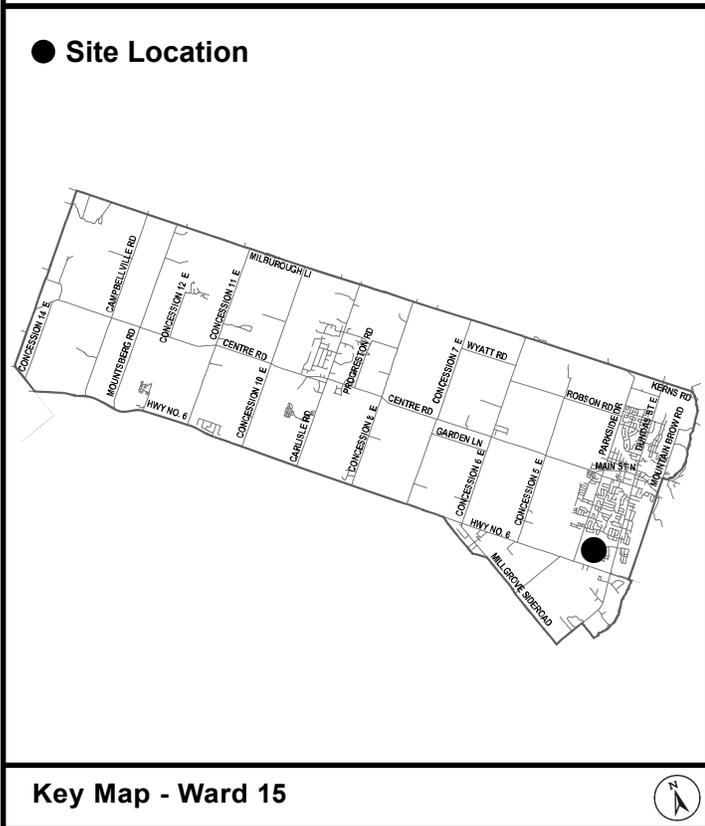
Appendix “B” to Report PED21231 – By-law No. XX – That the following City lands designated as Part 1 on Plan 62R-21786 and Block 6 on Plan 62M-1081 be established as a public highway to form part of Clappison Avenue

SYL:sf

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

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<h1>Location Map</h1>		 Hamilton
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		
File Name/Number: Clappison Av	Date: November 12, 2021	
Appendix "A"	Scale: N.T.S	Planner/Technician: SY/AL
<p>Subject Property</p> <p> Part 1 of Plan 62R-21786 and Block 6 on Plan 62M-1081</p>		

Bill No.

CITY OF HAMILTON

BY-LAW NO. 21-XX

**To Establish City of Hamilton Land
Described as Part 1 on Plan 62R-21786 and Block 6 on Plan 62M-1081
as Part of Clappison Avenue**

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

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

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

1. The land, owned by and located in the City of Hamilton, described as Part 1 on Plan 62R-21786 and Block 6 on Plan 62M-1081, is established as a public highway, forming part of Clappison Avenue.
2. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of , 2021.

Fred Eisenberger
Mayor

Andrea Holland
City Clerk



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Building Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 7, 2021
SUBJECT/REPORT NO:	Increase to Building Permit Fees (PED21222) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Jorge M. Caetano (905) 546-2424 Ext. 3931
SUBMITTED BY:	Ed VanderWindt Director, Building and Chief Building Official Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the By-law, attached as Appendix "A" to Report PED21222, 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;
- (b) That the fees prescribed in the By-law, attached as Appendix "A" to Report PED21222, be included in the User Fees and Charges By-law, replacing the fees listed under the heading "Classes of Permits and Fees under the Hamilton Building By-law".

EXECUTIVE SUMMARY

On May 18, 2010, (Report PED10050(a)), Council directed the Building Division to adjust permit fees in January of every year to reflect budgetary increases. This Report explains the rationale for increasing the permit fees to cover the reasonable and necessary cost increases associated with budgetary increases expected in 2022. Based on projected expenses, the Building Division is proposing an increase of 2.5% for all permit fees.

Alternatives for Consideration – See Page 3

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

SUBJECT: Increase to Building Permit Fees (PED21222) (City Wide) - Page 2 of 4**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: Approval of the revised Building Permit Fees will ensure that all direct and indirect costs associated with delivering services related to the administration and enforcement of the *Building Code Act, 1992* are fully recovered.

Staffing: Not Applicable.

Legal: The recommendations have no legal implications.

HISTORICAL BACKGROUND

On May 18, 2010, (Report PED10050(a)), Council directed the Building Division to adjust permit fees in January of every year to reflect budgetary increases.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Ontario Building Code and *Building Code Act, 1992*.

RELEVANT CONSULTATION

Legal Services Division has been consulted.

Finance, Administration and Revenue Generation Division has been consulted.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Table 1 below provides a summary of the budgeted expenses under the Building Enterprise Model associated with the administration and enforcement of the *Building Code Act, 1992* for 2021 and 2022.

Building Division		
Statement of Expenses for the Building Enterprise Model		
(Budget)		
	2021 Budget	2022 Draft Budget
Expenses		
Direct Costs	\$12,155,141	\$12,458,529
Indirect Costs	<u>\$ 1,789,433</u>	<u>\$ 1,830,179</u>
Total Expenses	<u>\$13,944,574</u>	<u>\$14,288,708</u>

SUBJECT: Increase to Building Permit Fees (PED21222) (City Wide) - Page 3 of 4

Based on budget figures, the Building Division's expenditures for 2022 are expected to increase to \$14.29 M from the 2021 Budget expenditures of \$13.94 M. This increase is mainly due to inflationary/cost of living increases from labour and administrative costs including pension and other employee benefits which our Division will incur in 2022. Based on the figures noted in Table 1, the Division's projected increase in expenses from 2021 to 2022 is 2.5%. Accordingly, to meet this expected increase, the Building Division is proposing to increase permit fees by 2.5% (see Appendix "B"). This will ensure that fees cover the expected cost increases associated with budgetary increases in the cost of operations incurred in 2022.

Please note that, in order to simplify fees, the proposed 2.5% permit fee increase shown on the attached Appendices have been rounded off to the nearest full cent for all fees under \$100 and to the nearest full dollar for all fees over \$100.

As additional information, staff undertook a survey of the current permit fees of six Ontario municipalities for several different classifications of permits as shown in Appendix "C". The proposed 2022 permit fees for the City of Hamilton in these classifications, with the exception of Group B Institutional are all below the average of the sampled municipalities. For clarification, the permit fees provided for the six municipalities are based on their current 2021 rates and do not reflect any proposed fee increase for 2022. All of our current 2021 permit fees are below the 2021 average of the six municipalities surveyed.

Increasing the permit fees to cover the reasonable and necessary costs associated with the expected rise in expenses from 2021 to 2022 will ensure these costs, associated with the administration and enforcement of the *Building Code Act, 1992*, are covered by the users of the system with no reliance placed on the general levy for its operation.

ALTERNATIVES FOR CONSIDERATION

The alternative would be to maintain the current fees, however, this could result in having to transfer additional funds from the Building Stabilization Fund which would go against the Building Division's mandate of administering and enforcing the *Building Code Act, 1992* as a fully cost-recovered and self-funded program within the City. Maintaining the current fees would also go against Council's direction given on May 18, 2010, (Report PED10050(a)) to the Building Division to adjust permit fees in January of every year to reflect budgetary increases in the cost of operations.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**Community Engagement and Participation**

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

SUBJECT: Increase to Building Permit Fees (PED21222) (City Wide) - Page 4 of 4

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED21222 - Proposed Building By-law Amendment

Appendix "B" to Report PED21222 – Existing and Proposed Fees for 2022

Appendix "C" to Report PED21222 – Permit Fee Comparison

JMC:ll

Appendix "A" to Report PED21222
Page 1 of 10

Authority: Item , Planning and
Economic Development
Committee
Report
CM:

Bill No.

CITY OF HAMILTON

BY LAW NO. 21-

To Amend By-law No. 15-058

A By-law Respecting Building Permits and Related Matters

WHEREAS Council of the City of Hamilton desires to amend By-law No. 15-058, the Building By-law, to change Building Permit Fees;

AND WHEREAS public notice has been given and a public meeting held as required for this By-law;

AND WHEREAS section 7 of the *Building Code Act, 1992* authorizes Council of the City of Hamilton to pass by-laws concerning the issuance of permits and related matters;

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

1. Schedule "A" of By-law No. 15-058 is deleted and replaced with Schedule "A" attached to and forming part of this By-law;
2. That in all other respects, By-law 15-058 is confirmed; and
3. This By-law comes into force on January 1, 2022.

PASSED this day of , 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

Appendix “A” to Report PED21222
Page 2 of 10

SCHEDULE “A” TO BUILDING BY-LAW NO. 15-058
RESPECTING CLASSES OF PERMITS AND FEES

PERMIT FEES

1. Permit fees shall be calculated based on the formula given below, unless otherwise specified in this schedule:

$$\text{Permit Fee} = \text{SI} \times \text{A}$$

Where SI = Service Index for the applicable Classification under Section 3 below of the work proposed, and A = floor area in m² of work involved.

2. (a) Permit fees shall be rounded off to the nearest full dollar.
- (b) Where the permit fee is in excess of \$50,000 an applicant may elect to pay 55% of the full permit fee at the time of building permit application and the balance at the time of permit issuance.
- (c) Fees noted in this Schedule are subject to Harmonized Sales Tax (H.S.T.) where applicable.

CLASSES OF PERMITS AND FEES

3. Permit fees shall be calculated using the following table:

TABLE 1 – CLASSES OF PERMITS AND FEES

Minimum Fee	
Minimum fee for processing and issuance of permits, except where specifically noted otherwise in this By-law	\$265
Group A (Assembly Occupancies)	Service Index (SI) \$/m ² unless otherwise indicated
All Recreation Facilities, Elementary Schools, Daycare Facilities, Libraries, Places of Worship, Restaurants, Theatres, Arenas, Gymnasiums, Indoor Pools, Secondary Schools and all other Group A Buildings	\$24.78
Portable Classrooms	\$396 (flat fee)
Shell only	\$21.51
Finishing only	\$5.63
Non-Residential – Outdoor Patio	\$199 (flat fee)

Appendix "A" to Report PED21222
Page 3 of 10

Group B (Institutional Occupancies)	Service Index (SI) \$/m ² unless otherwise indicated
Institutional, Hospitals, Medical Care Facilities, Nursing Homes, and other Group B Buildings	\$29.62
Shell only	\$23.70
Finishing only	\$6.55
Group C (Residential Occupancies)	Service Index (SI) \$/m ² unless otherwise indicated
Single Family Dwelling, semi, duplex, row house, townhouse	\$16.69
Apartment buildings	\$16.69
Hotels, Motels	\$22.07
Group D (Business and Personal Services)	Service Index (SI) \$/m ² unless otherwise indicated
Office Buildings (up to 10 storeys) (Shell only)	\$16.66
Office Buildings (up to 10 storeys) (Finishing only)	\$5.33
Office Buildings (up to 10 storeys) (Finished)	\$21.99
Office Buildings (more than 10 storeys) (Shell only)	\$20.14
Office Buildings (more than 10 storeys) (Finishing only)	\$5.66
Office Buildings (more than 10 storeys) (Finished)	\$25.79
Group E (Mercantile)	Service Index (SI) \$/m ² unless otherwise indicated
Retail (Shell only)	\$13.66
Retail (Finishing only)	\$4.61
Retail (Finished)	\$18.29
Group F (Industrial)	Service Index (SI) \$/m ² unless otherwise indicated
Industrial (Shell only)	\$8.28
Industrial (Finishing only)	\$4.53
Industrial (Finished)	\$12.83

Appendix “A” to Report PED21222
Page 4 of 10

Group F (Industrial) (continued)	Service Index (SI) \$/m² unless otherwise indicated
Parking Garages	\$7.56
Gas Stations	\$13.80
Subsurface Works (in addition to the regular permit fee)	Flat Fee Unless otherwise indicated
Foundation Permits	
Residential under Part 9 of Division B of the Building Code	\$412
Residential/Commercial/Industrial/Institutional under Part 3 of Division B of the Building Code (up to 1200 m ²)	\$1,025
Residential/Commercial/Industrial/Institutional under Part 3 of Division B of the Building Code (greater than 1200 m ²)	\$3,077
Excavation and Shoring	\$11.38 per linear metre
New water service (low density residential only)	\$170
New water service when included with a complete building permit application for a new building (low density residential only)	\$153
New sewer service (low density residential only)	\$170
New sewer service when included with a complete building permit application for a new building (low density residential only)	\$153
Designated Structures	Flat Fee
Communication Tower, Crane Runway, Retaining Wall, Silos	\$477
Exterior Storage Tanks – Above and below ground (except for fire fighting water reservoirs)	\$477
Pedestrian Bridge/Walkway	\$477
Satellite Dish (face area equal to or greater than 5 m ²)	\$477
Outdoor Public Spa	\$976
Outdoor Public Swimming Pool	\$1,932

Appendix "A" to Report PED21222
Page 5 of 10

Fire Protection Systems (stand alone – excludes relocation of components for existing system)	Service Index (SI) \$/m ² unless otherwise indicated
Electromagnetic Locks/Electric Strikes	\$226 each (maximum \$675)
Fire Alarm System	\$396 (flat fee)
Emergency Lighting/Exit Signs	\$396 (flat fee)
Sprinkler System	\$0.66
Standpipe System	\$396 (flat fee)
Combined Sprinkler and Standpipe System	\$0.66 (minimum \$396)
Mechanical Systems (stand alone)	Flat Fee
Commercial Cooking Exhaust System	\$396
Demolition (complete or partial building – not issued under Demolition Control By-law)	Service Index (SI) \$/m ² unless otherwise indicated
Residential – single/two family dwelling and townhouses	\$0.49
Accessory structures to a residential use or partial demolition of a single/two family dwelling and townhouses	\$0.49 (\$170 minimum)
Non-residential and multi residential	\$0.49 (\$422 minimum)
Plumbing Devices (stand alone)	Flat Fee
Backflow Preventer	
For first premise or zone device	\$265
For each additional premise or zone device	\$170
Backwater Valve	\$265
Grease/Oil Interceptor	\$265

Appendix "A" to Report PED21222
Page 6 of 10

Renewable (Green) Energy Systems	Flat Fee
Geothermal System for a Single/Two Family Dwelling	\$477
Geothermal System for all other Buildings	\$639
Solar Collector for a Single/Two Family Dwelling	\$265
Solar Collector for all other Buildings	\$477
Wind Turbine	\$477
Sewage Systems	Flat Fee
To construct a sewage system pursuant to the provisions of the Act	\$921
To construct a Class 5 sewage systems or to repair a sewage system pursuant to the provisions of the Act	\$564
Sewage System Maintenance Inspection Program	\$258
Signs	Flat Fee
Ground Sign with a sign area of less than or equal to 2.5 m ²	\$237
Ground Sign with a sign area of greater than 2.5 m ² and up to 4.0 m ²	\$417
Ground Sign with a sign area greater than 4.0 m ²	\$835
Awning, Canopy, Marquee, Parapet, Projecting and Wall Signs	\$417
Billboard	\$835
Other Classifications (not previously listed)	Service Index (SI) \$/m² unless otherwise indicated
Accessory structures, garage, storage shed, new basement, cold cellar, unenclosed canopies, air supported structures	\$5.99
Farm Buildings	\$3.06
Greenhouses	\$1.83 (Maximum \$6030)

Appendix "A" to Report PED21222
Page 7 of 10

Other Classifications (not previously listed) (continued)	Service Index (SI) \$/m ² unless otherwise indicated
Tents	\$1.99 (Maximum \$422)
Temporary Structures	
Sales Offices	\$16.31
Construction Trailers	\$12.90
Stages	\$265 (flat fee)
Other Structures (intended to be used for less than 6 months)	\$265 (flat fee)
Residential greenhouses, deck, balcony, open porch, exterior stair, ramp, open carport	\$4.88
Alterations/partitioning/renovations to existing finished areas (where no building systems are being installed or altered), relocation/moving permits, finishing a basement in a single family dwelling	\$3.69
Exterior barrier free access in existing single and two family dwellings	\$0.00
Re-roofing without any structural changes (except for buildings containing less than 4 dwelling units or townhouses)	\$0.32
Administrative Fees	Flat Fee
Additional Plan Review (Resubmission) Where a non-compliant resubmission is submitted above and beyond the first resubmission	\$170 (per hour of review time)
Additional Permit Fee (Revision) Where an applicant makes a material change to a plan, specification, document, or other information, following the issuance of a building permit (includes first hour of review time)	\$170
For each additional hour, or part thereof, of review time	\$170
Alternative Solution Application for an Alternative Solution under Section 2.1, of Division C, of the Building Code (up to 4 hours review time)	\$616
For each additional hour, or part thereof, of review time	\$170
Applicable Law Review Review and consultation for Applicable Law requirements	\$260

Appendix “A” to Report PED21222
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Administrative Fees (continued)	Flat Fee
Building Code Compliance Letters Written requests for information concerning a building's compliance with the current Building Code	\$170 (per hour of review time)
Change of Use Permit Change of use Permit with no construction	\$265
Conditional Permit Fee Review and approval of Conditional Permit Agreements/Undertakings	10% of permit fee (minimum \$1,110, maximum \$3,887)
Fire Watch/Fire Plan Review and approval of Fire Watch/Fire Plans during construction	\$556
Limiting Distance Agreements For Review and approval of Limiting Distance Agreements under the Ontario Building Code	\$601
Occupancy Permit of an Unfinished Building Occupancy inspection prior to completion as per Subsection 1.3.3 of Division C of the Building Code	\$170 (per unit)
Permit or Application Extensions Extension of a building permit or permit application where no revisions are required	\$170
Pre-Consultation Building Code preliminary design consultation/review for proposed designs prior to a complete permit application being submitted	\$170 (per hour of review time)
Premature/Additional Inspections Where an inspection request is premature and the inspector must re-attend the site to complete the necessary inspection, or an additional inspection is requested or required	\$226 (per inspection)
Stock Plans Review of stock plans for new single family dwellings in a Plan of Subdivision prior to a complete permit application being submitted	\$432
Suspended Permit Where an inspection is requested for a Permit that has been suspended	\$226 (per inspection)

Appendix “A” to Report PED21222
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Administrative Fees (continued)	Flat Fee
Transfer of Permit Where ownership changes on a property and there are no other changes to the project or the professional services required.	\$170

4. Where no new floor area is created, or where materials, systems or equipment regulated by the Building Code render it impossible to determine the permit fee on the basis of the classifications noted in this Schedule, the permit fee payable shall be 1% of the prescribed value as determined by the Chief Building Official under Subsection 6.1 of this By-law, subject to a minimum fee as per Section 3 of this Schedule.
5. The total fees under this Schedule and Schedule “C” shall be paid prior to the issuance of a permit.
6. **INTERPRETATION**

In addition to referring to the Act and the Building Code in determining the fees under this By-law, the Chief Building Official may have regard to the following explanatory notes as may be needed in the calculation of permit fees:

- (a) Floor area of the proposed work is to be measured to the outer face of exterior walls and to the centre line of party walls or demising walls (but excluding residential garages);
- (b) In the case of interior alterations or renovations, area of proposed work is the actual space receiving the work (e.g. tenant space);
- (c) Mechanical penthouses and floors, mezzanines, lofts, habitable attics and interior balconies are to be included in all floor area calculations;
- (d) Except for interconnected floor spaces, no deduction is made for openings within the floor area (e.g. stairs, elevators, escalators, shafts, ducts, and similar openings);
- (e) Unfinished basements for single family dwellings, semis, duplexes and townhouses are not included in the floor area;
- (f) Attached garages and fireplaces are included in the permit fee for individual dwelling units;
- (g) Where interior alterations and renovations require relocation of sprinkler heads or fire alarm components, no additional charge is applicable;

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- (h) Corridors, lobbies, washrooms, lounges, and similar areas are to be included and classified according to the major classification for the floor area on which they are located;
- (i) The occupancy categories in the Schedule correspond with the major occupancy classifications in the Building Code. For mixed occupancy floor areas, the Service Index for each of the applicable occupancy categories shall be used and the floor area associated with the major occupancy;
- (j) For Rack Storage use apply the square footage charge for industrial for the building;
- (k) A temporary building is considered to be a building that will be erected for not more than one year; and,
- (l) Where a change of use permit is subject to a fee based on floor area, “floor area” shall mean the total floor space of all storeys subject to the change of use.

Existing and Proposed Fees for 2022
(\$ per square metre unless otherwise noted)

Classes of Permits and Fees	Existing 2021 Fee	Proposed 2022 Fee (2.5% Increase)
Minimum Fee	\$259	\$265
Group A (Assembly Occupancies)		
All Recreation Facilities, Elementary Schools, Daycare Facilities, Libraries, Places of Worship, Restaurants, Theatres, Arenas, Gymnasiums, Indoor Pools, Secondary Schools and all other Group A Buildings	\$24.18	\$24.78
Portable Classrooms	\$386 (flat fee)	\$396 (flat fee)
Shell Only	\$20.99	\$21.51
Finishing Only	\$5.49	\$5.63
Non-Residential - Outdoor Patio	\$194 (flat fee)	\$199 (flat fee)
Group B (Institutional Occupancies)		
Institutional, Hospitals, Medical Care Facilities, Nursing Homes, and other Group B Buildings	\$28.90	\$29.62
Shell Only	\$23.12	\$23.70
Finishing Only	\$6.39	\$6.55
Group C (Residential Occupancies)		
Single Family Dwelling, Semi, duplex, row house, townhouse	\$16.28	\$16.69
Apartment Buildings	\$16.28	\$16.69
Hotels, Motels	\$21.53	\$22.07
Group D (Business and Personal Services)		
Office buildings (up to 10 storeys) (Shell only)	\$16.25	\$16.66
Office Buildings (up to 10 storeys) (finishing only)	\$5.20	\$5.33
Office Buildings (up to 10 storeys) (finished)	\$21.45	\$21.99
Office Buildings (more than 10 storeys) (shell only)	\$19.65	\$20.14
Office Buildings (more than 10 storeys) (finishing only)	\$5.52	\$5.66
Office Buildings (more than 10 storeys) (finished)	\$25.16	\$25.80

Classes of Permits and Fees	Existing 2021 Fee	Proposed 2022 Fee (2.5% Increase)
Group E (Mercantile)		
Retail (Shell only)	\$13.33	\$13.66
Retail (finishing only)	\$4.50	\$4.61
Retail (finished)	\$17.84	\$18.27
Group F (Industrial)		
Industrial (Shell Only)	\$8.08	\$8.28
Industrial (Finishing Only)	\$4.42	\$4.53
Industrial (Finished)	\$12.52	\$12.81
Parking Garages	\$7.38	\$7.56
Gas Stations	\$13.46	\$13.80
Subsurface Works (in addition to the regular permit fee)	Flat Fee	Flat Fee
Foundation Permits		
Residential under Part 9 of Division B of the Building Code	\$402	\$412
Residential/Commercial/Industrial/Institutional under Part 3 of Division B of the Building Code (up to 1 200 m ²)	\$1,000	\$1,025
Residential/Commercial/Industrial/Institutional under Part 3 of Division B of the Building Code (greater than 1 200 m ²)	\$3,002	\$3,077
Excavation and Shoring	\$11.10 per linear metre	\$11.38 per linear metre
New water service (low density residential only)	\$166	\$170
New water service when included with a complete building permit application for a new building (low density residential only)	\$149	\$153
New Sewer Service (low density residential only)	\$166	\$170
New sewer service when included with a complete building permit application for a new building (low density residential only)	\$149	\$153

Classes of Permits and Fees	Existing 2021 Fee	Proposed 2022 Fee (2.5% Increase)
Designated Structures	Flat Fee	Flat Fee
Communication Tower, Crane Runway, Retaining Wall, Silos	\$465	\$477
Exterior Storage Tanks – Above and below ground (except for fire fighting water reservoirs)	\$465	\$477
Pedestrian Bridge/Walkway	\$465	\$477
Satellite Dish (face area equal to or greater than 5 m ²)	\$465	\$477
Outdoor Public Spa	\$952	\$976
Outdoor Public Swimming Pool	\$1,885	\$1,932
Fire Protection Systems (Stand Alone - excludes relocation of components for an existing system)		
Electromagnetic Locks/Electric Strikes	\$220 each (maximum \$659)	\$226 each (maximum \$675)
Fire Alarm System	\$386 (Flat Fee)	\$396 (Flat Fee)
Emergency Lighting/Exit Signs	\$386 (Flat Fee)	\$396 (Flat Fee)
Sprinkler System	\$0.64	\$0.66
Standpipe System	\$386 (Flat Fee)	\$396 (Flat Fee)
Combined Sprinkler and Standpipe System	\$0.64 (minimum \$386)	\$0.66 (minimum \$396)
Mechanical Systems (Stand Alone)	Flat Fee	Flat Fee
Commercial Cooking Exhaust System	\$386	\$396
Demolition (complete or partial building - not issued under Demolition Control By-law)		
Residential - Single/Two Family Dwelling and Townhouses	\$0.48	\$0.49
Accessory structures to a residential use or partial demolition of a single/two family dwelling and townhouses	\$0.48 (\$166 minimum)	\$0.49 (\$170 minimum)
Non-Residential and Multi-Residential	\$0.48 (\$412 minimum)	\$0.49 (\$422 minimum)

Classes of Permits and Fees	Existing 2021 Fee	Proposed 2022 Fee (2.5% Increase)
Plumbing Devices (Stand Alone)	Flat Fee	Flat Fee
Backflow Preventer		
For First premise or zone device	\$259	\$265
For each additional premise or zone device	\$166	\$170
Backwater Valve	\$259	\$265
Grease/Oil Interceptor	\$259	\$265
Renewable (Green) Energy Systems	Flat Fee	Flat Fee
Geothermal System for a Single/Two Family Dwelling	\$465	\$477
Geothermal System for all other buildings	\$623	\$639
Solar Collector for a Single/Two Family Dwelling	\$259	\$265
Solar Collector for all other buildings	\$465	\$477
Wind Turbine	\$465	\$477
Sewage Systems	Flat Fee	Flat Fee
To construct a sewage system pursuant to the provisions of the Act	\$899	\$921
To construct a Class 5 sewage system or to repair a sewage system pursuant to the provisions of the Act	\$550	\$564
Sewage System Maintenance Inspection Program	\$252	\$258
Signs	Flat Fee	Flat Fee
Ground Sign with a sign area of less than or equal to 2.5 m ²	\$231	\$237
Ground Sign with a sign area greater than 2.5 m ² and up to 4.0 m ²	\$407	\$417
Ground Sign with a sign area greater than 4.0 m ²	\$815	\$835
Awning, Canopy, Marquee, Parapet, Projecting and Wall Signs	\$407	\$417
Billboard	\$815	\$835

Classes of Permits and Fees	Existing 2021 Fee	Proposed 2022 Fee (2.5% Increase)
Other Classifications (not previously listed)		
Accessory structures, garage, storage shed, new basement, cold cellar, silo, unenclosed canopies, air supported structures	\$5.84	\$5.99
Farm Buildings	\$2.99	\$3.06
Greenhouses	\$1.79 (maximum \$5,883)	\$1.83 (maximum \$6,030)
Tents	\$1.94 (maximum \$412)	\$1.99 (maximum \$422)
Temporary Structures		
Sales Offices	\$15.91	\$16.31
Construction Trailers	\$12.59	\$12.90
Stages	\$259 (flat fee)	\$265 (flat fee)
Other Structures (intended to be used for less than 6 months)	\$259 (flat fee)	\$265 (flat fee)
Residential Greenhouses, deck, balcony, open porch, exterior stair, ramp, open carport	\$4.76	\$4.88
Alterations/partitioning/renovations to existing finished areas (where no building systems are being installed or altered), relocation/moving permits, finishing a basement in a single family dwelling	\$3.60	\$3.69
Exterior barrier free access in existing single and two family dwellings	\$0.00	\$0.00
Re-roofing without any structural changes	\$0.31	\$0.32

Classes of Permits and Fees	Existing 2021 Fee	Proposed 2022 Fee (2.5% Increase)
Administrative Fees	Flat Fee	Flat Fee
Additional Plan Review (Resubmission) Where a non-compliant resubmission is submitted above and beyond the first resubmission	\$166 (per hour of review time)	\$170 (per hour of review time)
Additional Permit Fee (Revision) Where an applicant makes a material change to a plan, specification, document, or other information, following the issuance of a building permit (includes first hour of review time) For each additional hour or part thereof of review time	\$166	\$170
Alternative Solution Application for an Alternative Solution under Section 2.1, of Division C, of the Building Code (up to 4 hours review time) For each additional hour or part thereof of review time	\$601	\$616
Applicable Law Review Review and consultation for applicable law requirements	\$254	\$260
Building Code Compliance Letters Written requests for information concerning a building's compliance with the current Building Code	\$166 (per hour of review time)	\$170 (per hour of review time)
Change of Use Permit Change of use Permit with no construction	\$259	\$265
Conditional Permit Agreement/Undertaking Review and approval of Conditional Permit Agreement/Undertaking	10% of permit fee (Minimum \$1,083, Maximum \$3,792)	10% of permit fee (Minimum \$1,110, Maximum \$3,887)
Fire Watch/Fire Plan Review Review and approval of Fire Watch/Fire Plans during construction	\$542	\$556

Classes of Permits and Fees	Existing 2021 Fee	Proposed 2022 Fee (2.5% Increase)
Administrative Fees (continued)	Flat Fee	Flat Fee
Limiting Distance Agreements		
For review and approval of Limiting Distance Agreements under Sentence 3.2.3.1.(8), 9.10.14.2.(4) or 9.10.15.2.(4), of Division B, of the Building Code	\$586	\$601
Occupancy Permit of an Unfinished Building		
Occupancy Inspection prior to completion as per Subsection 1.3.3, Division C of the Building Code	\$166 (per unit)	\$170 (per unit)
Permit or Application Extensions		
Extension of building permit or permit application where no revisions are required	\$166	\$170
Pre-Consultation		
Building Code preliminary design consultation/review for proposed designs prior to a complete permit application being submitted	\$166 (per hour of review time)	\$170 (per hour of review time)
Premature/Additional Inspections		
Where an inspection request is premature and the inspector must re-attend the site to complete the necessary inspection, or an additional inspection is requested or required	\$220 (per inspection)	\$226 (per inspection)
Stock Plans		
Review of stock plans for new single family dwellings in a Plan of Subdivision prior to a complete permit application being submitted	\$421	\$432
Suspended Permit		
Where an inspection is requested for a permit that has been suspended	\$220 (per inspection)	\$226 (per inspection)
Transfer of Permit		
Where ownership changes on a property and there are no other changes to the project or the professional services required	\$166	\$170

Permit Fee Comparison

Municipality ¹	Group A Restaurant	Group B Institutional	Group C Residential House	Group D Offices (2 Storeys)	Group E Retail (Finished)	Group F Industrial Building (3000 m ²) (Finished)
Brampton (2021)	\$17.56	\$22.27	\$15.61	\$16.98	\$16.98	\$11.14
Burlington (2021)	\$25.00	\$28.34	\$17.66	\$24.57	\$24.57	\$13.67
Cambridge (2021)	\$29.06	\$31.00	\$15.72	\$24.43	\$17.33	\$10.87
Mississauga (2021)	\$25.23	\$28.03	\$17.90	\$22.48	\$18.76	\$14.02
Oakville (2021)	\$36.40	\$33.65	\$17.45	\$24.25	\$26.40	\$18.85
Toronto (2021)	\$28.61	\$30.44	\$17.16	\$22.62	\$19.20	\$15.73
Average (2021 Fees)	\$26.98	\$28.96	\$16.92	\$22.56	\$20.54	\$14.05
Hamilton (Existing 2021 Fees)	\$24.18	\$28.90	\$16.28	\$21.45	\$17.84	\$12.52
Hamilton (Proposed 2022 Fees)	\$24.79	\$29.62	\$16.69	\$21.99	\$18.29	\$12.83

Notes:

1. The permit fees provided for the above noted municipalities are based on 2021 rates and do not reflect any proposed fee increase for 2022.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division
 and
CORPORATE SERVICES DEPARTMENT
 Financial Planning, Administration and Policy Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 7, 2021
SUBJECT/REPORT NO:	Water and Wastewater Infrastructure Support Community Improvement Plan Amendment (PED21214/FCS21097) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Christine Newbold (905) 546-2424 Ext. 1279 John Savoia (905) 546-2424 Ext. 7298
SUBMITTED BY: SIGNATURE:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SUBMITTED BY: SIGNATURE:	Brian McMullen Director, Financial Planning, Administration and Policy Corporate Services Department

RECOMMENDATION

That an amendment to the Water and Wastewater Infrastructure Support Community Improvement Plan (2020) to add the revised Water Leak Adjustment Program described in Report PED21214/FCS21097 be **APPROVED** on the following basis:

- (i) That the draft By-law attached as Appendix "A" to Report PED21214/FCS21097 which has been prepared in a form satisfactory to the City Solicitor be enacted by City Council;

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: Water and Wastewater Infrastructure Support Community Improvement Plan Amendment (PED21214/FCS21097) (City Wide) - Page 2 of 8

- (ii) That the amended Water and Wastewater Infrastructure Support Community Improvement Plan is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow Plan (2019, as amended), conforms to the Greenbelt Plan (2017), and complies with the Urban and Rural Hamilton Official Plans.

EXECUTIVE SUMMARY

The purpose of this Report is to amend the 2020 Water Wastewater Infrastructure Support Community Improvement Plan (WWW CIP) to add the City's approved Water Leak Adjustment Policy as a financial assistance program under the CIP. Addition of this program under the WWW CIP enables the City to provide limited financial relief to all eligible residential water customers to address abnormally high water and wastewater / storm bills associated with plumbing failures for all forms of property ownership and tenure.

City Council at their October 13, 2021 meeting considered Report FCS21087/LS21037- Revised Water Leak Adjustment Policy and approved the following recommendation:

- “(e) That staff be directed to undertake an amendment to the Water and Wastewater Infrastructure Support Community Improvement Plan so the revised Water Leak Adjustment Policy attached as Appendix “A” to Report FCS21087/LS21037 can be incorporated in the Community Improvement Plan to extend water leak adjustments for residential rental properties and report back at a future Planning Committee meeting.”

The 2020 WWW CIP was approved by Council on August 13, 2020 (refer to Report PED20120/FCS20055/PW20047). The 2020 WWW CIP Project Area was also amended to include the entire City of Hamilton and permit owners of rental residential properties who are on municipal services to access two financial assistance programs:

- 1) Grants and/or loans under the Residential Protective Plumbing Subsidy Program (3P). This program provided funding to homeowners to modify private plumbing systems to prevent sewer back-up into basements and release of untreated effluent during extreme weather events.
- 2) Loans under the Lead Water Service Replacement Loan Program (LWSRLP). This program provided funding to homeowners to replace private lead water service lines to reduce the potential risk of exposure to lead in tap water.

A formal amendment to the WWW CIP is required to introduce any new financial incentive programs under the CIP. The amendment recommended through this Report establishes Council's Water Leak Adjustment Policy as a program under the WWW CIP, allowing owners of rental residential properties to access the Program.

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Alternatives for Consideration – See Page 8

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: Amending the Community Improvement Project Area follows legal advice previously given to Council in the Revised Water Leak Adjustment Policy report (FCS21087/LS21037).

The *Planning Act* (Section 28) allows a municipality that has provisions in their Official Plan relating to community improvement, to designate, by By-law, a Community Improvement Project Area, and then prepare a Community Improvement Plan for the Project Area.

As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider the establishment of or an amendment to a Community Improvement Project Area and Plan.

HISTORICAL BACKGROUND

The purpose of the WWW CIP is to facilitate Hamilton's adaptation to climate change and protection of the health of Hamilton's citizens through specific infrastructure incentive programs.

In 2020, the Council passed By-laws 20-171 (Project Area) and By-law 20-172 (CIP) to designate the project area and adopt an updated WWW CIP which enabled established programs to provide grants/loans to owners of rental properties in addition to owner-occupied residential dwellings.

The approval of the 2020 WWW CIP permitted the Residential Protective Plumbing Program (3P) to be extended to owners of residential rental properties within the City. This incentive program provided money to homeowners for specific modifications to private plumbing systems to prevent sewer back-up into basements and release of untreated effluent in extreme weather events.

Additionally, the updated WWW CIP permitted the Lead Water Service Replacement Loan Program (LWSRLP) be extended to owners of residential rental properties within the City. This program provided funding to encourage homeowners to replace private lead water service lines to reduce the potential risk of exposure to lead in tap water.

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Water Leak Adjustment Policy

In 2007, the City established the Water Leak Adjustment Policy. The purpose of the Policy is to provide limited financial relief to eligible water customers to address abnormally high water and wastewater / storm bills associated with plumbing failures. City Council, at its meeting of October 13, 2021, through Report FCS21087/LS21037, approved a revised Water leak Adjustment Policy to be effective January 1, 2022. The Policy was revised to extend qualifying leak adjustments to property owners of rental properties.

Through the approval of Report FCS21087/LS21037, City Council also approved the following recommendation:

- “(e) That staff be directed to undertake an amendment to the Water and Wastewater Infrastructure Support Community Improvement Plan so the revised Water Leak Adjustment Policy attached as Appendix “A” to Report FCS21087/LS21037 can be incorporated into the Community Improvement Plan to extend water leak adjustments to residential rental properties and report back at a future Planning Committee meeting.”

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Municipal Act, 2001

Subsections 106(1) and (2) of the *Municipal Act, 2001* states: "*a municipality shall not assist directly or indirectly any manufacturing business or other industrial or commercial enterprise through the granting of bonuses for that purpose.*" Providing financial or other assistance, often referred to as bonusing, is normally prohibited.

Community improvement initiatives are an exception to the rule against bonusing provided the City adopts a Community Improvement Project Area and Plan to prescribe specific financial incentives.

Planning Act

The *Planning Act* (Section 28) allows municipalities that have provisions in their Official Plan relating to community improvement to designate, by By-law, a community improvement project area.

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A municipality may engage in certain actions within a designated community improvement project area, including:

- *Make grants or loans, in conformity with the approved Community Improvement Plan, to the registered owners, assessed owners, and tenants of lands and buildings, and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan, to pay for the whole or part of the eligible costs of the Community Improvement Plan (Section 28(7)).*

Section 28(7.1) defines eligible costs as "*costs related to environmental site assessment, environmental remediation, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes, or for the provision of energy efficient uses, buildings, structures, works, improvements, or facilities.*"

Provincial Policy

The Growth Plan for the Greater Golden Horseshoe (2019, as amended)

The Growth Plan for the Greater Golden Horseshoe (2019, as amended) provides Provincial growth management policy direction to municipalities within the Greater Golden Horseshoe, including Hamilton. It also provides a framework for infrastructure investments and planning.

Greenbelt Plan (2017)

The Vision of the Greenbelt Plan speaks to the protection of water resource systems and building resilience to and mitigating climate change. The Plan recognizes that infrastructure is important to human health, quality of life and economic well-being. There are no specific policies in the Greenbelt Plan that address housing stock but the Plan also recognizes that existing infrastructure must be maintained. Section 1.2.2 Protected Countryside Goals in the Plan includes a Climate Change Goal for integrating climate change considerations into planning and managing the Water Resource System (which includes discharge areas) to improve resilience.

Provincial Policy Statement (2020)

The Provincial Policy Statement supports infrastructure planning, particularly sewage and water services, for health, safety, and environmental reasons. This CIP promotes improvements of infrastructure planning, promotes efficient use of infrastructure, reduces the potential for environmental contamination, and promotes improved health and safety.

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Existing programs with the WWW CIP that support installation of backflow valves and sump pumps and the replacement of lead water service lines promotes health and safety. Similarly, addition of the Water Leak Adjustment Program supports plumbing repairs, promote the efficient use of potable water, and safeguards the health of Hamilton residents.

The amendment to the WWW CIP is consistent with the Provincial Policy Statement (2020), conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended) and the Green Belt Plan (2017).

Urban and Rural Hamilton Official Plans

Both the Urban and Rural Hamilton Official Plans (UHOP and RHOP respectively), provide support of this Community Improvement Plan's goals, objectives, and programs. The promotion of healthy and safe communities is a core principle of the Official Plan that is seen in several policies, for example, B.1 - Communities, Introduction states:

“Health and safety in our communities is essential. Policies ensure that our communities are safe and healthy. A broad interpretation of health recognizes the inter-relationships between all aspects of our environment and the impacts on the health of citizens. Policies in this section enable healthy lifestyles, promote a healthy and safe community, and promote a high quality of life”.

Policy B.3.2.4.6 (UHOP) and B.3.2.2.2 (RHOP) identify that existing housing stock “shall be retained, wherever possible and kept in a safe and adequate condition through the use of the City Demolition Control By-law, Property Standards By-law, and incentive programs financed by the City or by senior levels of government.”

The addition of the Water Leak Adjustment Program to the WWW CIP promotes the health of those living in rental and owner-occupied dwellings and helps to maintain the quality of the City’s housing stock, including rental housing units.

Section F.1.15 - Community Improvement Plans of Volume 1 in both Official Plans provide the authority to prepare CIPs.

The proposed amendment complies with the Urban and Rural Hamilton Official Plans.

RELEVANT CONSULTATION

Notice of the Public Meeting was given by way of a newspaper advertisement in the Hamilton Spectator, in accordance with the requirements of the *Planning Act*, on November 19, 2021.

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ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

The purpose of this Report is to amend the 2020 Water and Waste Water Infrastructure Support Community Improvement Plan (WWW CIP) to incorporate the City's approved Water Leak Adjustment Policy as a program in the CIP. Adding the program to the WWW CIP extends the program to rental residential properties. The Water Leak Adjustment Program will be the third program of WWW CIP, joining the Residential Protective Plumbing Program (3P) and Lead Water Service Replacement Loan Program (LWSRLP).

The Water Leak Adjustment Program is attached as Appendix "B" to By-law 21-XXX (attached as Appendix "A" to Report PED21214/FCS21097).

Community Improvement Plans (CIPs)

A Community Improvement Plan is a Plan, adopted under the *Planning Act*, that authorizes municipalities to provide grants or loans to commercial enterprises for a variety of rejuvenation / rehabilitation purposes, without contravening the *Municipal Act, 2001* prohibition against bonusing.

The City may have multiple CIP's to address certain programs within certain geographic areas of the City. To enable the extension of this financial assistance to owners of rental properties, the Water Leak Adjustment Program must be included within the WWW CIP.

Water Wastewater Infrastructure Support CIP and the Water Leak Adjustment Program

The addition of the Water Leak Adjustment Program into the WWW CIP expands the programs offered to residential rental properties. Joining the Residential Protective Plumbing Subsidy Program (3P) and the Lead Water Service Replacement Loan Program (LWSRLP) already contained within the WWW CIP, Hamilton is building a suite of programs to address aging infrastructure and sustain existing building stock, including rental buildings.

The Water Leak Adjustment Program can assist home owners, and potentially tenants through passing on of financial relief, with housing affordability challenges when faced with unusually high water bills. The water bill adjustments of up to \$2,500 in a 24-month rolling period assists to pay suddenly large water bills resulting from plumbing leaks. The Program ensures that leaks are fixed as claims must be accompanied by proof that the leak has been repaired before an adjustment will be made.

By ensuring that water leaks are repaired, the Water Leak Adjustment Program helps conserve water through the repair of leaks and the replacement of leaking plumbing fixtures to avoid unnecessary flow from residential plumbing leaks into the municipal

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sanitary storm system. Reducing flows into the wastewater system frees up capacity to hold flows from storm events and avoiding discharges to the environment. Thus, this program can assist in adapting to the impacts larger storm flows due to climate change.

Repairing leaks helps maintain the quality of the housing stock and supports the health and safety of residents by avoiding water damage to existing structures and potential exposure to mould that can develop in consistently wet areas and impact indoor air quality.

ALTERNATIVES FOR CONSIDERATION

Council could choose to not incorporate the financial assistance program under the Water Leak Adjustment Policy into the CIP. This option is not recommended as City Council at their October 13, 2021, meeting approved a recommendation to extend the Water Leak Adjustment Policy to rental residential properties. If the Policy is not included as a program in the WWW CIP, the Water Leak Adjustment Policy cannot be offered to rental residential properties as it may constitute a bonusing situation under the *Municipal Act*.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

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

Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED21214/FCS21097 - By-law to Amend the Water and Wastewater Infrastructure Support Community Improvement Plan

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Authority: Item [REDACTED]
Planning Committee
Report 21-[REDACTED]
(PED21212/FCS21097)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

- DRAFT -

BY-LAW NO. 21-[REDACTED]

**To Amend the
Water and Wastewater Infrastructure Support Community Improvement Plan**

WHEREAS on October 13, 2021, Council approved the Water Leak Adjustment Policy to provide financial relief for residents for high water bills due to leaks and facilitate the repair of leaks;

AND WHEREAS under the *Planning Act* (Section 28) "community improvement" means "the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, reconstruction and rehabilitation, improvement or energy efficiency, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefore, as may be appropriate or necessary";

AND WHEREAS Council of the City of Hamilton passed By-law No. 20-172 to adopt Water and Wastewater Infrastructure Support Community Improvement Plan, in accordance with the *Planning Act*, to facilitate community improvement in the urban and rural area to promote Hamilton's adaptation to climate change and protection of the health of Hamilton's citizens through municipal initiatives, such as the residential plumbing improvements, as set out in the Community Improvement Plan (CIP);

AND WHEREAS an objective of the Water Wastewater CIP is to facilitate ongoing rehabilitation and upgrading of Hamilton's aging infrastructure and housing stock;

AND WHEREAS Section 28(7) of the *Planning Act* allows a municipality to make grants or loans for the purpose of carrying out the municipality's community improvement plan;

AND WHEREAS an amendment to the Water Wastewater Infrastructure Support CIP is required to establish the Water Leak Adjustment Policy as a program of the CIP;

Appendix "A" to Report PED21214/FCS21097

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

1. That the Water and Wastewater Infrastructure Support Community Improvement Plan, is amended by:
 - (a) Adding a description of the the Water Leak Adjustment Program to Section 8.0 of the CIP and additional language and technical modification to enable the addition of the Program to the CIP; and,
 - (b) Appending the Program Guidelines for the Water Leak Adjustment Program as Appendix "C" to the CIP.

As shown on Schedules "A" and "B" to this By-law.

2. That this By-law comes into force on the day it is passed.

PASSED this [REDACTED] day of [REDACTED], 2021

F. Eisenberger
Mayor

A.Holland
Clerk

Schedule "A" to By-law 21-XXX

Water and Wastewater Infrastructure Support Community Improvement Plan

1. INTRODUCTION

The Water and Wastewater Infrastructure Support Community Improvement Plan provides the basis for water and wastewater improvement programs and initiatives within the designated Water and Wastewater Infrastructure Support Community Project Area of the City of Hamilton. It targets certain properties within the City, as designated in the Water and Wastewater Infrastructure Support Community Improvement Project Area.

The Water and Wastewater Infrastructure Support Community Improvement Plan contains the following sections:

1. Introduction
2. Purpose
3. Legislative Authority
4. Previous Plans, Programs and Initiatives
5. Supporting Policy and Strategies
6. Community Improvement Project Area(s)
7. Goals and Objectives
8. Programs and Initiatives
9. Monitoring
10. Approval and Amendment Process

This 2020 Plan repeals and replaces the Water and Wastewater Infrastructure Support Community Improvement Plan, originally adopted and approved by Hamilton City Council on March 27, 2013 (By-law 13-080).

2.0 PURPOSE

Community Improvement Plans are intended to facilitate the improvement of lands and buildings in the City that result in a benefit to the community within the Water and Wastewater Infrastructure Support Community Project Area. In turn, these improvements have positive impacts on the City and its residents by reducing environmental impacts from climate change and protecting human health, among other benefits.

The Water and Wastewater Infrastructure Support Community Project Area includes all land within the City's municipal boundary.

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The purpose of this updated Community Improvement Plan (CIP) is to promote Hamilton’s adaptation to climate change and protection of the health of Hamilton’s citizens through specific initiatives and programs for residents to upgrade or replace water and wastewater infrastructure.

More specifically, the CIP:

- Provides a structured framework for City programs and initiatives within the Water and Wastewater Infrastructure Support Community Project Area that meets the legislative requirements of the *Planning Act* and the *Municipal Act*. These requirements allow the municipality to provide financial assistance to private enterprise (see section 3 of this Plan);
- Outlines a set of financial incentive programs designed to improve the health of citizens and mitigate impacts from climate change; and,
- Focuses and coordinates municipal action and investment aimed at reducing impacts from climate change, improving and protecting the health of Hamilton’s citizens.

This Plan functions as an implementation tool. It builds on the City’s past efforts to improve water and waste water infrastructure within the City including the prevention of sewer backs ups into basements, the release of untreated effluent in extreme weather events and reducing lead exposure through the replacement of lead water service lines. The programs and initiatives identified in Section 8 implement the City’s Corporate Strategic Plan, Corporate Goals and Areas of Focus for Climate Change Adaptation and Mitigation, and Health Protection. These documents are reviewed in Section 5 to provide rationale for the Community Improvement Project Area described in Section 6.

Monitoring the Plan’s implementation is undertaken through the City’s performance measurement reporting, as noted in Section 9. This CIP may be amended from time-to-time, in accordance with Section 10.

3. LEGISLATIVE AUTHORITY

The legislative framework for Community Improvement Planning in Ontario is established in the *Planning Act* and the *Municipal Act, 2001*. This legislation governs how municipalities prepare Community Improvement Plans and programs, providing financial incentives that would otherwise be prohibited.

3.1 Municipal Act, 2001

Subsections 106(1) and (2) of the *Municipal Act, 2001* states: “a municipality shall not assist directly or indirectly any manufacturing business or other industrial or commercial enterprise through the granting of bonuses for that purpose.” Providing financial or

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other assistance, often referred to as bonusing, is normally prohibited, including the following actions:

- Giving or lending money or municipal property;
- Guaranteeing borrowing;
- Leasing or selling municipal property below fair market value; or,
- Giving a total or partial exemption from any levy, charge or fee.

Community improvement initiatives are an exception to the rule against bonusing. This exception is found in Section 106(3) of the *Municipal Act, 2001* for municipalities exercising powers under Section 28(6), (7) or (7.2) of the *Planning Act*, and under Section 365.1 of the *Municipal Act, 2001*. This exception provides the legislative basis for the financial incentive programs described in Section 8.1 of this Plan.

Rental properties are considered as "commercial enterprises".

3.2 Planning Act

The *Planning Act* (Section 28) allows municipalities that have provisions in their Official Plan relating to community improvement to designate, by By-law, a community improvement project area. Under Section 28(1) of the *Planning Act*:

- A community improvement project area is defined as "*a municipality or an area within a municipality, the community improvement of which, in the opinion of the Council, is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings, or for any other environmental, social, or community economic development reason;*"
- Community improvement is defined as "*the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement or energy efficiency, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefore, as may be appropriate or necessary.*"

A municipality may engage in the following actions within a designated community improvement project area:

- *Acquire, hold, clear, grade, or otherwise prepare land for community improvement (Section 28(3));*
- *Prepare a Community Improvement Plan for the project area (Section 28(4));*

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- *Construct, repair, rehabilitate, or improve buildings on land acquired or held by it in conformity with the approved Community Improvement Plan (Section 28(6));*
- *Sell, lease, or otherwise dispose of any land and buildings acquired or held by it in conformity with the approved Community Improvement Plan (Section 28(6)); and,*
- *Make grants or loans, in conformity with the approved Community Improvement Plan, to the registered owners, assessed owners, and tenants of lands and buildings, and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan, to pay for the whole or part of the eligible costs of the Community Improvement Plan (Section 28(7)).*

Section 28(7.1) defines eligible costs as "*costs related to environmental site assessment, environmental remediation, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes, or for the provision of energy efficient uses, buildings, structures, works, improvements, or facilities.*"

The maximum amount of financial assistance a municipality may offer is limited by Section 28(7.3) of the *Planning Act*. The total of the grants, loans and tax assistance provided to particular lands and buildings under the *Planning Act* (Section 28) and the *Municipal Act, 2001* (Section 365.1) shall not exceed the eligible cost of the Community Improvement Plan with respect to those lands and buildings. The financial incentive programs provided in Section 8.1 of this Plan, therefore, contain eligibility criteria and financial assistance maximum limits to ensure assistance does not exceed eligible costs.

3.3 Municipal Official Plan Authorization

Municipal authority is granted by the community improvement policies in the Rural and Urban Hamilton Official Plans. As noted in Section 3.1 of this CIP, municipalities must have provisions in their Official Plans to designate a community improvement project area and prepare a Community Improvement Plan.

3.3.1 Urban Hamilton Official Plan

The following policies enable the City to establish a Community Improvement Project Area and prepare and implement Community Improvement Plans:

- “F.1.15.1 Community Improvement shall be carried out through the designation, by Council, of Community Improvement Project Areas and through the preparation and implementation of Community Improvement Plans pursuant to the *Planning Act*, R.S.O., 1990 c. P.13. It is the intent of Council that the entire urban area or any part of the urban area as defined in this Plan, and as subsequently amended, may by by-law be designated as a Community Improvement Project Area.

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- F.1.15.3 Community Improvement Plans shall provide direction regarding the application of one or more of the following:
- a) allocation of public funds such as grants, loans or other financial instruments for the physical rehabilitation, redevelopment or improvement of land and/buildings.”

3.3.2 Rural Hamilton Official Plan

The following policies enable the City to establish a Community Improvement Project Area and prepare and implement Community Improvement Plans:

“F.1.15.1 Community Improvement shall be carried out through the designation, by Council, of Community Improvement Project Areas and through the preparation and implementation of Community Improvement Plans pursuant to the *Planning Act*. It is the intent of Council that the entire Rural Area or any part of the Rural Area as defined in this Plan, and as subsequently amended, may by By-law be designated as a Community Improvement Project Area. (OPA 5)

- F.1.15.3 Community Improvement Plans shall provide direction regarding the application of one or more of the following:
- a) allocation of public funds such as grants, loans or other financial instruments for the physical rehabilitation, redevelopment or improvement of land and/buildings.”

4. PREVIOUS PLANS, PROGRAMS, AND INITIATIVES

This 2020 Plan repeals and replaces the Water and Wastewater Infrastructure Support Community Improvement Plan, originally adopted and approved by Hamilton City Council on March 27, 2013 (By-law 13-080).

The 2013 Water and Wastewater Infrastructure Support Community Improvement Plan was adopted to support the Residential Protective Plumbing Program, which was initially adopted by Council on September 30, 2009 Council (Report PW09082) and has been reviewed and revised several times since, most recently February 20, 2020 (Report PW11056(c)). The Residential Protective Plumbing Subsidy Program provides guidance and financial assistance to existing residential property owners in the urban area undertaking improvements to their eligible properties to reduce the potential for basement flooding due to sewer surcharge.

In October 2008, Council established a city-wide program that provided home owners of owner-occupied dwellings with the opportunity to access an interest-bearing loan to replace their private lead water service line. This program is titled Lead Water Service

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Replacement Loan Program. On May 13, 2020, City Council approved extending this loan program to homeowners who owned rental properties throughout the City.

As a result, the 2013 Water and Wastewater Infrastructure Support Community Improvement Plan is being deleted and replaced. The 2020 Water and Wastewater Infrastructure Support Community Improvement Plan is broadened to include both the Residential Protective Plumbing Program and the Lead Water Service Replacement Loan Program.

5. SUPPORTING POLICIES AND STRATEGIES

The documents reviewed in this Section provide the direction and policy basis for this Plan's goals, objectives (see Section 7) and programs (see Section 8).

5.1 Provincial Policy

5.1.1 The Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan for the Greater Golden Horseshoe (2019) provides Provincial growth management policy direction to municipalities within the Greater Golden Horseshoe, including Hamilton. It also provides a framework for infrastructure investments and planning.

5.1.2 Greenbelt Plan

There are no specific policies in the Greenbelt Plan that address housing stock or municipal infrastructure. Planning and design of sewage and water in the Greenbelt Plan area is to be carried out in accordance with the policies of the Growth Plan.

5.1.3 Provincial Policy Statement 2020

The Provincial Policy Statement (2020) sets the policy foundation for regulating the development and use of land in Ontario. Overall the Provincial Policy Statement promotes “strong, liveable, and healthy communities, protect the environment and public health and safety, and facilitate economic growth”. It also promotes efficient use of infrastructure. While not directly a planning matter, the Water and Wastewater Infrastructure Support Community Improvement Plan will be adopted under the *Planning Act* and must, therefore, be consistent with the Provincial Policy Statement.

The Water and Wastewater Infrastructure Support Community Improvement Plan is consistent with the following Provincial Policy Statement policies:

- The goal of “1.1.1 c) *avoiding development and land use patterns which may cause environmental or public health and safety concerns*”;

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- “1.6.6.1 b) 4) *Planning for sewage and water services shall: b) ensure that these systems are provided in a manner that protects human health and safety, and the natural environment.*”

The Provincial Policy Statement supports infrastructure planning, particularly sewage and water services, for health, safety, and environmental reasons. This CIP promotes improvements of infrastructure planning, promotes efficient use of infrastructure, reduces the potential for environmental contamination, and promotes improved health and safety. Installation of backflow valves and sump pumps promotes health and safety. Similarly, the replacement of lead water service lines and ensuring residential plumbing systems are maintained improves the health of Hamilton residents.

5.3 Official Plans

5.3.1 Urban Hamilton Official Plan

The Urban Hamilton Official Plan provides support of this Community Improvement Plan's goals, objectives, and programs. The promotion of healthy and safe communities is a core principle of the Official Plan . B.1 - Communities, Introduction states:

“Health and safety in our communities is essential. Policies ensure that our communities are safe and healthy. A broad interpretation of health recognizes the inter-relationships between all aspects of our environment and the impacts on the health of citizens. Policies in this section enable healthy lifestyles, promote a healthy and safe community, and promote a high quality of life.

- B.3.2.4.6** *The existing stock of housing shall be retained, wherever possible, and kept in a safe and adequate condition through use of the City’s Demolition Control By-law, Property Standards By-law, and incentive programs financed by the City or by senior levels of government.”*

The preamble to Section B.3.2.5 states:

“It is important to maintain a balance of primary rental and ownership housing stock. ... The intent of the policies in Section 3.2.5 - Rental Housing Protection Policies is to minimize the loss of primary rental housing, particularly affordable rental housing, while permitting opportunities for neighbourhood revitalization, residential intensification, and affordable home ownership when the rental housing market is strong.”

Extending the Residential Protective Plumbing Program, the Lead Water Service Replacement Loan Program (LWSRLP) and the Water Leak Adjustment Program to residential rental properties promotes the health of those living in rental dwellings and helps to maintain the quality of the City’s limited rental housing units.

5.3.2 Rural Hamilton Official Plan

The Rural Hamilton Official Plan provides support of this Community Improvement Plan's goals, objectives, and programs. The promotion of healthy and safe communities is a core principle of the Official Plan that is seen in several policies, including:

- The same B.1 policy at the Urban Hamilton Official Plan; and,
- Policy B.3.2.2.2

“3.2.2.2 The existing stock of housing in the rural area shall be retained wherever possible and kept in a safe and adequate condition through use of the City’s Property Standards by-law and incentive programs financed by the City or by senior levels of government.”

Extending the Residential Protective Plumbing Program and the Lead Water Service Replacement Loan Program (LWSRLP) and the Water Leak Adjustment Program to residential rental properties promotes the health of those living in rental dwellings and helps to maintain the quality of the City’s limited rental housing units.

5.4 Corporate Goals and Areas of Focus for Climate Change Mitigation and Adaptation

In December 2019, City Council approved the “Corporate Goals and Areas of Focus for Climate Change Mitigation and Adaptation”

The purpose of Corporate Goals and Areas of Focus for Climate Change Mitigation and Adaptation “is to lay the foundation for the first corporate-wide climate change reporting framework and areas of focus to empower City staff and enable the community to take action on climate change.” (Source: “Corporate Goals and Areas of Focus for Climate Change Mitigation and Adaptation” p. 9)

There are nine Goals. Two goals apply to this CIP.

Goal 4 – Building: identifies a specific action to “ensure future land use and development supports climate change mitigation and resiliency”. One of the methods is applying Low Impact Development guidelines within the City’s Comprehensive Engineering Guidelines, Site Plan guidelines and zoning standards.

Goal 7 – Climate Change Adaptation: aims “to improve Hamilton’s climate resiliency by decreasing our vulnerability to extreme weather, minimizing future damages, take advantage of opportunities, and better recover from future damages.

These goals, among other City Initiatives, are intended to reduce the impact of extreme weather.

5.5 Our Future Hamilton Community Vision (2016)

Our Future Hamilton Community Vision, adopted in 2016, articulates six community priorities, two of which are based on environmental responsibility and built infrastructure.

Under the priority of Built Environment and Infrastructure, two of the key directions under Modern Infrastructure include:

- Build and adapt public infrastructure and buildings to withstand extreme weather events; and,
- Construct and renovate buildings to meet environmental standards.

5.6 City of Hamilton Corporate Strategic Plan 2016 - 2025

The Corporate Strategic Plan developed by Council identifies strategic priorities for 2016 to 2025, that include the following themes and focus areas:

Our Mission

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

Priority - Built Environment and Infrastructure

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

This priority means the City contributes to achieving the Our Future Hamilton vision by providing services that ensure its infrastructure assets (roads, sewers, municipal buildings, etc.) and overall built form are planned, constructed, rehabilitated and maintained in a manner that incorporates best practices, innovative features and are designed to be resilient to the effects of climate change. One of the focus areas for this priority is water, wastewater and stormwater systems.

5.7 The Public Works Business Plan, Innovate Now and the Water and Wastewater Strategic Business Plan for 2010 - 2012

The documents reviewed in this Section provide the direction and policy basis for this Plan's goals. Implementing the recommendations of this report will assist the City in meeting the following priorities contained within the Corporate Strategic Plan 2016-2025:

Our Mission

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

Built Environment and Infrastructure

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

This priority means the City contributes to achieving the Our Future Hamilton vision by providing services that ensure its infrastructure assets (roads, sewers, municipal buildings, etc.) and overall built form are planned, constructed, rehabilitated and maintained in a manner that incorporates best practices, innovative features and are designed to be resilient to the effects of climate change.

The actions of this Community Improvement Plan support the corporate strategic goals of “*clean and green*” and “*healthy and safe communities*,” through the provision of the Residential Protective Plumbing Program and Substandard Water Service Replacement Program.

Clean and Green

The extension of the Residential Protective Plumbing Program to owners of residential rental properties has improved access to the program and helped maintain the quality of the City’s valuable rental housing stock. The Residential Protective Plumbing Program continues to be a key element of the City’s climate change adaptation strategy. The City has taken further action to improve climate change adaption by working with Planning and Economic Development to mandate that all homes built after January 1, 2012 require a backwater valve.

Healthy and Safe Communities

The lead service line replacement component of the Substandard Water Service Replacement Program reduces exposure of vulnerable populations to the potential for adverse health impacts due to the presence of lead within private plumbing. This particular function of the Water and Wastewater Infrastructure Support Community Improvement Plan is in direct alignment with the City’s desired outcome of making Hamilton a safe and supportive city where people are active, healthy, and have a high quality of life.

6. WATER AND WASTEWATER INFRASTRUCTURE SUPPORT COMMUNITY IMPROVEMENT PROJECT AREA

This Water and Wastewater Infrastructure Support Community Improvement Plan applies to all lands, which includes the urban and rural areas, in the City of Hamilton. The project area is designated by By-law 20-171, approved by Council on August 21, 2020.

7. GOALS AND OBJECTIVES

With consideration of the broader policy context outlined in Section 5 of this Plan, the goals of the Water and Wastewater Infrastructure Support Community Improvement Plan are to:

- Improve the quality of life for Hamilton residents;
- Improve Hamilton's image as a good place to live;
- Improve the health and safety of citizens through such programs that
 - Reduce basement sewer back-ups as a result of extreme storms;
 - Reduce exposure to lead or other environmental hazards; and,
 - Promote maintenance of residential plumbing systems;
- Facilitate ongoing rehabilitation and upgrading of Hamilton's aging infrastructure and housing stock;
- Improve Hamilton's ability to adapt to the extreme weather patterns that are the result of climate change; and,
- Protect the environment by reducing the release of untreated effluent as a result of extreme storms.

8. PROGRAMS AND INITIATIVES

This section outlines programs and initiatives that may foster and support climate change adaptation and mitigation and the protection of human health within the designated Community Improvement Project Area.

8.1 Provision of Loans and Grants

Through its financial incentive programs, the City of Hamilton will provide grants and/or loans to registered/assessed owners of residential land and buildings including rental properties, to pay for the whole or part of the eligible costs of a project, as described in this Community Improvement Plan to mitigate and/or adapt to the impacts of climate change and to improve the health of City residents.

Approval of all loan or grant program applications is at the absolute discretion of the City, and subject to the availability of funds.

Project costs that may be eligible for financial assistance relate to:

- Assessment of a building's drainage system, including a closed-circuit television (CCTV) inspection;

Appendix "A" to Report PED21214/FCS21097

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- Installation of an approved backwater valve (replacement of existing sump pumps is not eligible);
- Disconnection of downspouts;
- Replacement of a private water service line that is confirmed by the City to be substantially composed of lead; and,
- Unusually high water bills due to failure of residential plumbing systems.

Projects will contribute to the achievement of this Plan's goals and objectives as described in Section 7.

In addition to the following program summaries, Council shall adopt, by resolution, implementation measures and procedures to allow for the efficient administration of each financial incentive program. The details of the programs are contained in ~~Appendix '1' and Appendix '2'~~ appendices to this Plan, Program Guidelines for the ~~Residential Protective Plumbing Subsidy Program and Lead Water Service Replacement Loan Program~~ respectively, which provides detailed program descriptions, terms, and administration processes.

8.1.1 Residential Protective Plumbing Program

The Residential Protective Plumbing Subsidy Program was initially adopted by Council on September 30, 2009, (Report PW09082), and has been reviewed and revised several times, most recently July 4, 2016 (Report PW11056(i)). The Residential Protective Plumbing Subsidy Program provides guidance and financial assistance to existing residential property owners in the urban area seeking to undertake improvements to their eligible properties that will reduce the potential for basement flooding due to sewer surcharge. Residential properties that are owner-occupied or rented and attached to the municipal sewer system are eligible for the program provided the proposed works conform to the Ontario Building Code. The Program provides grants of up to \$2 K, and an additional loan of up to \$2 K for works that exceed the grant amount. The Program covers the following works:

- Works which are eligible for the grant under this Program are limited to the following items:
 - Assessment of the building's drainage system, including a closed-circuit television (CCTV) inspection;
 - Installation of a new approved backwater valve (replacements are not eligible);
 - Installation of a new sump pit and pump when installed in conjunction with an approved backwater valve (replacement of existing sump pumps is not eligible); and,

Appendix “A” to Report PED21214/FCS21097**Page 16 of 20**

- Disconnection of downspouts.

This Program is a key element of the City’s climate change adaptation strategy and applies to basement flooding caused by sewer surcharge only. It does not provide relief or assistance for flooding due to any other condition such as overland flooding. Appendix “A” to this Plan, formally adopted through a resolution of City Council and amended from time to time, provides the detailed program description, terms, and administration processes for the Residential Protective Plumbing Subsidy Program.

The purpose of including this program in this CIP is to extend the \$2.5 K interest bearing loan, currently available to owner-occupied residential properties, to owners of rental residential properties. The objective is to provide owners of rental residential properties with the financial support to replace their lead water service line to reduce exposure to lead for their tenants.

8.1.2 Lead Water Service Replacement Loan Program

The City’s Lead Water Service Replacement Loan Program was approved by Council in October 2008 as an ongoing program following its inception as a pilot program in October 2007 (refer to Report FCS07087(a)/PW07121(a)). The purpose of the Program is to provide homeowners with the continued opportunity to access funding, through an interest-bearing loan from the City, to assist homeowners to reduce their potential risk of exposure to lead in tap water that could be coming from their private lead water service line.

Works which are eligible for the loan under this Program are limited to the replacement of a private water service line that is confirmed by the City to be substantially composed of lead.

This Program is a significant component of the City’s multi-pronged proactive approach to minimize customers’ exposure to lead. Appendix “B” to this Plan, formally adopted through a resolution of City Council and amended from time to time, provides the detailed program description, terms, and administration processes for the Lead Water Service Replacement Loan Program.

The purpose of including this Program in this CIP is to allow owners of rental residential properties, as well as owner-occupied residential properties, to access an interest-bearing loan further promoting the replacement of lead service lines with the potential to reduce the total lead exposure to residents of the City of Hamilton.

8.1.3 Water Leak Adjustment Program

The City’s Water Leak Protection Policy was approved by Council in October 13, 2021 (refer to Report FCS21087/LS21037). The purpose of the Program is to provide limited financial relief to owners of metered rental and owner-occupied residential properties to address abnormally high water bills associated with water

Appendix “A” to Report PED21214/FCS21097**Page 17 of 20**

leaks due to plumbing failures. This program supports this Plan’s objective of promotion of health and safety of citizens, and it facilitates on-going rehabilitation and upgrading of water and wastewater infrastructure.

This Program supports the City’s climate change mitigation and adaptation efforts by conserving water and reducing unanticipated flows to wastewater treatment system due to leaks. Appendix “C” to this Plan provides the detailed program description, terms, and administration processes for the Water Leak Adjustment Program.

The purpose of including this Program in this CIP is to allow owners of rental residential properties, as well as owner-occupied residential properties, to access financial assistance up to \$2.5 K once every twenty-four months to pay unexpected high water bills due to plumbing leaks and to ensure those leaks are fixed. Providing assistance also supports housing affordability challenges that arise due to unexpected repair and sudden water bill increases.

9. MONITORING

Weekly monitoring of the Residential Protective Plumbing Subsidy Program is conducted by the Public Works Department. This monitoring includes weekly reports on the number and costs of:

- Backwater valve installations;
- Downspout disconnections;
- Installations of new sump pumps; and,
- Building Permit fee reimbursements.

Compassionate Grants, given through the Residential Municipal Disaster Relief Assistance Program, are also tracked, providing a very rough estimate of the reduction of basement sewer back-ups. Overall program reports are presented to Council annually as part of the Water, Wastewater and Storm Rate Budget review process.

10. APPROVAL AND AMENDMENT PROCESS

This Community Improvement Plan will be reviewed from time-to-time to ensure that it is current and adequately reflects existing City policies and priorities, as well as Provincial policies. Monitoring and applicant feedback regarding the Community Improvement Plan and its programs may also lead to amendments and/or minor revisions to the financial incentive program descriptions and terms, included as Appendices to this Plan.

10.1 Formal Amendments

A formal amendment to this Community Improvement Plan is required in the following instances:

- To introduce any new financial incentive programs, to be added to Section 8;

Appendix “A” to Report PED21214/FCS21097**Page 18 of 20**

- To increase the amount of financial assistance that may be provided to registered owners and assessed owners of residential properties, as described in Section 8;
- To change who may receive the financial assistance under existing or any new financial incentive programs, such as tenants and any person to whom a registered owner, assessed owner or tenant has assigned the right to receive a grant or loan, to be added to Section 8; or,
- To change the boundaries of the Community Improvement Project Area, as described in Section 6.

Formal amendments shall require approval by Council and shall be undertaken in accordance with Section 28 of the *Planning Act* and the City's Public Participation and Notification Policies contained in the Official Plans. Notification of the required Public Meeting for Community Improvement Plan Amendments shall be given at least 17 days prior to the date of the meeting. The notice shall be given in accordance with the applicable requirements of the *Planning Act* regulations.

10.2 Other Changes

Council has adopted, by resolution, detailed implementation measures to allow for the efficient administration of the financial incentive program. These administration procedures are contained in the program guidelines provided in appendices to this Community Improvement Plan. Council may discontinue the programs contained in this Plan without amendment to the Plan. Formal amendments, in accordance with Section 10.1 of this Plan, shall not be required for minor administrative amendments to this Plan such as format changes, typographical errors, grammatical errors, and policy number changes. Changes to the program guidelines not requiring a formal amendment will be adopted by City Council by resolution.

10.3 Transition

Program applications will be processed under the terms of the program in effect at the time the application was approved by Council. When program terms are revised, applications submitted and approved under the former terms of the program will be processed under the former terms unless the City receives a formal cancellation of the application.

11. APPENDICES

Appendix “A” - Residential Protective Plumbing Program Guidelines.

Appendix “B” - Lead Water Service Replacement Loan Program Guidelines

Appendix “C” - Water Leak Adjustment Program Guidelines

Schedule "B" to By-Law 21-XXX

Appendix "C" to Water and Wastewater Infrastructure Support Community Improvement Plan

Water Leak Adjustment Program Guidelines

1.0 Purpose

- 1.1 The following description provides details relating to eligibility for Program participation, scope of eligible works, maximum protection details and other requirements related to the Water Leak Adjustment Program (WLAP). The financial assistance available under the WLAP promotes the timely repair of house piping that has failed resulting in increased water and wastewater bills for property owners.

Water leaks can lead to serious damages to properties and can have large impacts on the environment. Water leaks typically contribute to increased wastewater directed to treatment plants, overburdening of the sanitary storm system, and contribute to increased direct discharge to the environment. Therefore, it is imperative to repair leaks as soon as possible.

2.0 City and Residential Customers Responsibilities

As outlined by the City of Hamilton (City) Waterworks By-law, the City's ownership and maintenance obligations for the water distribution system includes the public water mains and the portion of the water service line up to and including the water curb valve located at the property line. The water meter is owned and maintained by the City.

The property owner is responsible for the water service line from the water curb valve to the structure, as well as the premise plumbing and fixtures. It is the customer's responsibility to keep their water lines and plumbing system in good working order. However, water leaks do occur from time to time resulting in unexpectedly high water and wastewater bills.

3.0 Eligibility

- 3.1 All residential customers who have an individual water meter up to 50mm in size are eligible for the coverage that provides payment of unexpectedly high water and wastewater bills due to qualifying leaks. A leak is defined as an unintentional water loss caused by broken plumbing fixtures and/or pipes within a residence or building. Evidence of plumbing repair(s) must be provided for payment to occur.

The following conditions, provisions and limitations apply:

Appendix "A" to Report PED21214/FCS21097**Page 20 of 20****(a) Qualifying Leaks**

Any leak, other than those non-qualifying leaks listed below, that generates a minimum additional charge resulting in a City water utility bill that is twice the average water bill of that customer calculated over a 12-month period, up to a maximum amount of \$2.5 K during any 24-month period. For water customers who have been on the City's water system for less than 12 months, a water leak adjustment payment will not be made until at least three months of average usage has been established.

(b) Non-Qualifying Leaks or Usage

The following leaks or use of water do not qualify for a water leak adjustment under this Program:

1. Residential customers who do not have an individual water meter and / or the meter is greater than 50mm in size;
2. Main-metered Multi-habitational;
3. Industrial, Commercial and Institutional customers;
4. Leaks associated with structures that have been left or abandoned without reasonable care for the plumbing system (i.e. unattended homes that have not had the building control water valve turned off inside the structure and water drained from plumbing system or homes that have been left for any period of time without heat);
5. Leaks on water service lines, irrigation systems or irrigation lines;
6. Filling of water features, fountains or fish ponds or leaks associated with water features;
7. Filling of, leaks associated with, and / or general water usage associated with outdoor recreational activities such as, but not limited to, hot tubs, pools, slip-n-slides and sprinklers;
8. Watering of lawns or gardens and washing or pressure-washing driveways, cars, windows or siding of any structure;
9. Negligent or intentional acts such as leaving water running (i.e. failing to winterize outside water faucets, leaving the outside faucet on, interior faucets left running, and / or any other water left on in the home without a faulty plumbing issue), meaning there must be an actual break and repair for leak reimbursement, neglect of private property;
10. Leaks in any structure other than the primary residential structure, such as, but not limited to, detached garages or storage buildings;
11. Water loss due to theft, vandalism or construction damage; and,
12. Leaks associated with water using equipment prohibited by the City's Waterworks By-law (for example, municipal water-powered backup sump pumps).

4.0 Water Leak Adjustment Protection Details

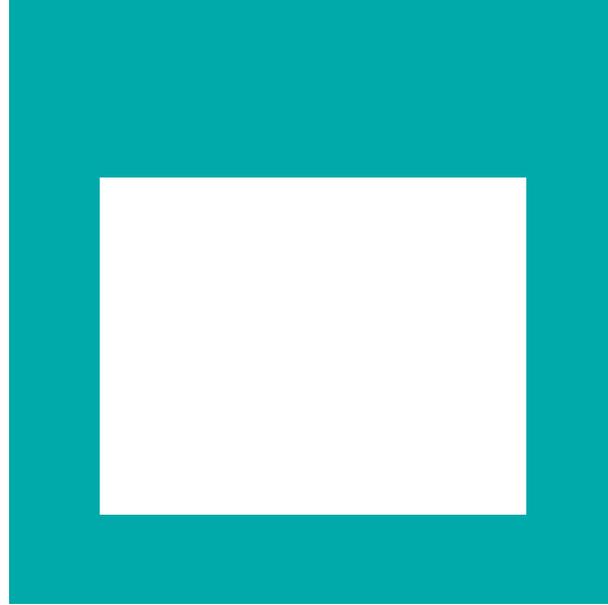
As of January 1, 2022, ServLine by HomeServe (ServLine) administers the City's Water Leak Adjustment Program. Residential water customers may claim one adjustment of up to \$2.5 K for eligible leaks on the customer's premises during any 24-month rolling period.

5.0 Submission of Claims

- 5.1 Claims must be submitted to the City's Program administrator, ServLine within 60 days from the billing date.
- 5.2 Claims must be accompanied by proof that the leak has been repaired before an adjustment will be made (i.e. copy of invoice for materials, bill from plumber, receipt for repair parts utilized by the homeowner for repair).

6.0 Limitations

- 6.1 A leak adjustment can encompass no more than four billing cycles. No customer shall receive more than one leak adjustment during any 24-month period.
- 6.2 Water leak adjustment coverage assists with the payment of high water bills due to qualifying water leaks but does not provide any reimbursement for the repair or replacement of water lines or plumbing fixtures.
- 6.3 Customers who qualify for leak adjustments will be responsible for paying their four-month average bill. ServLine will pay up to \$2.5 K of an excess water bill resulting from a qualifying leak. Amounts in excess of \$2.5 K will continue to be the responsibility of the Customer.



WELCOME TO THE CITY OF HAMILTON

Water and Wastewater Infrastructure Support Community Improvement Plan Amendment

December 7, 2021 – Planning Committee Meeting

Background

- City Council, at its meeting of October 13, 2021 approved extending the Water Leak Adjustment Policy (WLAP) to rental residential properties.
- City Council approved a recommendation directing staff to prepare an amendment to the Water Wastewater Infrastructure Support Community Improvement Plan in order to implement the program for rental properties.

Background (cont'd)

- Water Leak Adjustment Policy (WLAP)
 - provides limited financial relief to eligible water customers to address abnormally high water and wastewater / storm bills associated with plumbing failures
 - Assists water customers with housing affordability challenges, promotes water conservation, supports the maintenance of existing housing stock, and protects the health of citizens

Background (cont'd)

- Municipal Act (Section 106) - Bonusing Provisions
- Planning Act (Section 28) – creation of CIPs, authorizing municipalities to provide financial assistance to commercial enterprises
- An amendment to the Water and Wastewater Infrastructure Support Community Improvement (WWW CIP) is required to extend the WLAP to rental residential properties
- Adding the program to the WWW CIP will allow bill adjustments to owners of rental properties since they are considered as commercial enterprises

2020 Water and Wastewater Infrastructure Support Community Improvement Plan

- WWW CIP was created to allow the City to provide specific infrastructure incentive programs to assist with climate change mitigation/adaptation and health protection.
- Existing Programs in the WWW CIP:
 - Protective Plumbing Program
 - Lead Water Service Replacement Loan Program

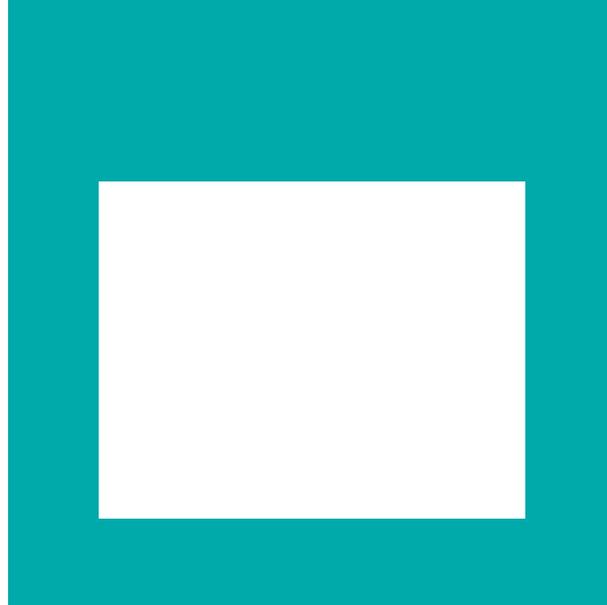
Amendment to 2020 WWW CIP

Amendment - Appendix “A” to Report

- 1) adds the WLAP Program to the CIP
- 2) Appends the WLAP Guidelines to the CIP
- 3) Adds minor technical language to the CIP to support the addition of the Program.

Amendment to 2020 WWW CIP

- Planning Act (Section 28) requires formal amendment to follow similar notice requirements for notice and circulation as for an official plan amendment
- Notice was published in Hamilton Spectator on November 19, 2021
- No comments received on the amendment as of December 3rd.



THANK YOU

THE CITY OF HAMILTON PLANNING COMMITTEE



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 7, 2021
SUBJECT/REPORT NO:	Application for Zoning By-law Amendment for Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue, Hamilton (PED21216) (Ward 4)
WARD(S) AFFECTED:	Ward 4
PREPARED BY:	Mark Kehler (905) 546-2424 Ext. 4148
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Amended Zoning By-law Amendment Application ZAR-21-034, by Roxborough Park Inc., Owner**, to further modify the Downtown Multiple Residential (D6, 696) Zone, for a change in zoning from the Downtown Multiple Residential (D6, 696) Zone to the Downtown Multiple Residential (D6, 696, H74) Zone, and to add the Conservation / Hazard Land (P5) Zone to portions of the lands located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue, Hamilton, as shown on Appendix “A” attached to Report PED21216, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED21216, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That Schedule “D” – Holding Provisions be amended by adding the following Holding Provision:

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: Application for Zoning By-law Amendment for Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue, Hamilton (PED21216) (Ward 4) - Page 2 of 16

“74. Notwithstanding Section 6.6 and Special Exception No. 696 of this By-law, within the lands zoned Downtown Multiple Residential (D6, 696) Zone identified on Map Nos. 1092 and 1141 of Schedule “A” – Zoning Maps and described as 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue, development shall be restricted in accordance with the following:

- (a) For such time as the Holding Provision is in place no development exceeding the maximum height of 12.0 metres shall be permitted;
- (b) Conditions for Holding Provision Removal:
 - (a) The Holding Provision shall, upon application by the landowner, be removed by way of an amending Zoning By-law, from the lands when the following conditions have been satisfied:
 - (i) The Owner/Applicant submits and implements the following studies demonstrating that a 41.5 metre multiple dwelling complies and implements the Urban Design, Energy and Environmental Design and Health and Public Safety Policies of the Urban Hamilton Official Plan, amongst others, to the satisfaction of the Director of Planning and Chief Planner:
 - (a) Urban Design Brief;
 - (b) Visual Impact Assessment;
 - (c) Shadow Impact Study; and,
 - (d) Noise Study;
 - (ii) That the Owner demonstrate that the proposed development does not exceed the maximum density of 165 units per hectare in accordance with Site Specific Policy Area UHN-25 in Volume 3 of the Urban Hamilton Official Plan and does not exceed 840 units for the lands zoned Downtown Multiple Residential (D6, 696) Zone, to the satisfaction of the Director of Planning and Chief Planner;”
- (c) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with the Urban Hamilton Official Plan.

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: Application for Zoning By-law Amendment for Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue, Hamilton (PED21216) (Ward 4) - Page 3 of 16

EXECUTIVE SUMMARY

The Owner, Roxborough Park Inc., has applied for a Zoning By-law Amendment to modify zoning boundaries, development standards and permitted uses on lands located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue, Hamilton. The subject lands are located on the east side of Reid Avenue North, south of Ayr Avenue and west of the Red Hill Valley Parkway (see Appendix "A" attached to Report PED21216).

The lands were subject to Draft Plan of Subdivision Application 25T-201802, Urban Hamilton Official Plan (UHOP) Amendment Application UHOPA-18-006, and Zoning By-law Amendment Application ZAC-18-010 that were approved by City Council on July 13, 2018. Council's approval established seven Development Blocks that permit a range of housing types including street townhouses, block townhouses, maisonettes, stacked townhouses and multiple dwellings, with different dwelling types being permitted within each Block (see Appendix "C" attached to Report PED21216). The purpose of this Zoning By-Law Amendment is to further modify the zoning boundaries for Blocks 5, 6 and 7a on Figure 20 to Schedule F – Special Figures of Zoning By-law No. 05-200 (see Appendix "D" to Report PED21216). The revised boundaries are required to facilitate a revised development concept that is currently being reviewed as a part of Site Plan Application (DA-21-044) and the revised Draft Plan of Subdivision proposed by the Owner. In addition, the Owner proposes to modify development standards applicable to Block 5 and to permit multiple dwellings at a height of 41.5 metres on Block 6 on Figure 20 to Schedule F – Special Figures of Zoning By-law No. 05-200.

Staff have amended the Application to permit a reduced side yard setback and an increase in the number of back-to-back dwelling units for one block of maisonette dwellings. In addition, staff have included a Holding Provision that will restrict any development on Block 6 exceeding 12.0 metres until such time as an Urban Design Brief, Visual Impact Assessment, Shadow Impact Study and Noise Study have been submitted to the satisfaction of the Director of Planning and Chief Planner to demonstrate conformity with the UHOP. The Holding Provision will allow for additional review at the detailed design stage to ensure that any development exceeding 12.0 metres, to a maximum of 41.5 metres, is appropriately designed to mitigate against any potential adverse impacts on the surrounding lands.

The 2018 Staff Report (PED18158) for Zoning By-law Amendment Application ZAC-18-010 recommended that the portions of the subject lands identified as Block 8 on Figure 20 to Schedule F – Special Figures of Zoning By-law No. 05-200 (see Appendix "D" attached to Report PED21216) be zoned Conservation / Hazard Lands (P5) Zone. Due to a mapping error in the preparation of the amending By-law, this change in zoning did not occur. To correct the error and recognize the intent of the previous approval, Staff

SUBJECT: Application for Zoning By-law Amendment for Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue, Hamilton (PED21216) (Ward 4) - Page 4 of 16

have included a change in zoning for the lands identified as Block 8 on Figure 20 to Schedule F – Special Figures of Zoning By-law No. 05-200 from the Downtown Multiple Residential (D6, 696) Zone to the Conservation / Hazard Land (P5) Zone.

The Application, as amended, has merit and can be supported as it is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow Plan, 2019, as amended, and complies with the UHOP. The revised zoning boundaries, development standards and use permissions result in a redistribution of dwelling types across the development area that continues to provide for a range of housing types as required in the UHOP.

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 at least one Public Meeting to consider an application for an amendment to the Zoning By-law.

HISTORICAL BACKGROUND

The subject lands consist of the former Roxborough Park Elementary School site and lands previously owned by CityHousing Hamilton that contained 90 block townhouse dwelling units (now vacant or demolished). On July 13, 2018, Council adopted By-law Nos. 18-202 and 18-203 that amended the UHOP and Zoning By-law No. 05-200 and approved a Draft Plan of Subdivision to permit a residential development consisting of seven blocks of land with a mix of townhouses, maisonettes, stacked townhouses and multiple dwellings and a new public road. The UHOP Amendment and Zoning By-law Amendment approvals provided for flexible zoning permissions based on a range of dwelling types being permitted on each Block (see Appendix “C” attached to Report PED21216) and a permitted density of development for the entire site ranging from 115 units per hectare to a maximum of 165 units per hectare.

Following the adoption of the Draft Plan of Subdivision, UHOP Amendment, and Zoning By-law Amendment, the Owner has submitted the following Site Plan Control Applications:

SUBJECT: Application for Zoning By-law Amendment for Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue, Hamilton (PED21216) (Ward 4) - Page 5 of 16

Application Number	Zoning Block Number(s)	Proposal	Total Units	Conditional Approval Date
DA-20-056	1, 2, 3, and 4	76 townhouse dwellings and 88 back-to-back townhouse dwellings.	164	October 20, 2020
DA-21-044	5	74 maisonette dwellings.	74	Conditional approval pending
DA-20-089	7a	Two, 12 storey multiple dwellings with a total of 297 dwelling units.	297	April 19, 2021

To date, the Owner has not submitted a Site Plan Control Application for Block 6. In addition, CityHousing Hamilton has retained ownership of Block 7 (41 Reid Avenue South) and submitted the following Site Plan Control Application:

Application Number	Zoning Block Number	Proposal	Units	Conditional Approval Date
DA-19-064	7	10 storey, 103 unit multiple dwelling.	103	September 11, 2019

Report Fact Sheet

Application Details	
Applicant/Owner:	Roxborough Park Inc.
File Number:	ZAR-21-034
Type of Application:	Zoning By-law Amendment

SUBJECT: Application for Zoning By-law Amendment for Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue, Hamilton (PED21216) (Ward 4) - Page 6 of 16

Proposal:	<p>To further modify the Downtown Multiple Residential (D6, 696) Zone, to change the zoning for portions of the lands from the Downtown Multiple Residential (D6, 696) Zone to the Downtown Multiple Residential (D6, 696, H74) Zone and to add the Conservation / Hazard Land (P5) Zone to portions of the lands located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue to permit the following:</p> <ul style="list-style-type: none"> • Re-aligning the boundary between Block 5 and Block 6 on Figure 20 to Schedule F – Special Figures of Zoning By-law No. 05-200 so that it divides the portion of the site east of the future Roxanne Drive into a northerly block (Block 5) and a southerly block (Block 6), with Block 6 maintaining frontage on Hayes Avenue at the easterly portion of the site; • Adjusting the easterly boundary of Block 7a westward so that portions of the former Block 7a are incorporated in the revised Blocks 5 and 6; • Revising the location of Area “1” and deleting Areas “2” and “3” which relate to minimum side yard setback requirements for Block 5; • Modifications to the development standards applicable to the revised Block 5 to facilitate the proposed development of 74 maisonette dwellings submitted through Site Plan Control application DA-21-044 (see Appendix “F” to Report PED21216); and, • Adding multiple dwellings as a permitted use on Block 6 with a maximum building height of 41.5 metres.
Property Details	
Municipal Address:	20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue.
Lot Area:	5.2 hectares (52,000 square metres).
Servicing:	Existing municipal services.
Existing Use:	Block townhouse dwellings (vacant).
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS.
A Place to Grow:	The proposal conforms with the Growth Plan.
Official Plan:	<ul style="list-style-type: none"> • Schedule “E”: Neighbourhoods; • Schedule “E-1”: Neighbourhoods; and, • Urban Site-Specific Policy: UHN-25.

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: Application for Zoning By-law Amendment for Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue, Hamilton (PED21216) (Ward 4) - Page 7 of 16

Property Details	
Zoning:	Downtown Multiple Residential (D6, 696) Zone.
Modifications Proposed:	<p>Applicant requested modifications:</p> <ul style="list-style-type: none"> • Revised boundaries for Blocks 5, 6 and 7a on Figure 20 to Schedule F – Special Figures of Zoning By-law No. 05-200; • Block 5: <ul style="list-style-type: none"> ○ To permit a maximum of 20 back-to-back dwelling units for all maisonette dwellings, instead of 16 back-to-back units; ○ To permit a minimum side yard of 0.0 metres, instead of 3.0 metres; ○ To permit a minimum flankage yard of 1.0 metres, instead of 3.0 metres; ○ To permit a minimum setback to a condominium road of 1.5 metres, instead of 4.5 metres to the front of the dwelling unit; ○ To require no planting strip instead of a 2.0 metre planting strip to a front lot line and a 3.0 metre planting strip to a flankage lot line; and, ○ To require no setback or screening for a transformer box, instead of a required 3.0 metre setback from a front lot line and 0.6 metre setback to a side lot line with screening from the street by an enclosure or landscaping. • Block 6: <ul style="list-style-type: none"> ○ To permit multiple dwellings with a maximum building height of 41.5 metres on Block 6, whereas multiple dwellings are not a permitted use for Block 6 and therefore there are no applicable zoning regulations. <p>Staff proposed modifications:</p> <ul style="list-style-type: none"> • To permit a maximum of 20 back-to-back dwelling units for one maisonette dwelling. All other maisonette dwellings will have a maximum of 16 back-to-back units; • To permit a minimum side yard of 0.0 metres only to the easterly lot line adjacent to a proposed access driveway (Area “1” on Schedule “B” to Appendix “B” attached to Report PED21216), with all other side yards requiring a minimum setback of 1.2 metres; • To include a Holding Provision restricting any development exceeding 12.0 metres, to a maximum of 41.5 metres, until such time as an Urban Design Brief, Visual Impact Assessment, Shadow Impact Study, and Noise Study have been submitted and implemented to the satisfaction of the Director of Planning and Chief Planner; and,

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SUBJECT: Application for Zoning By-law Amendment for Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue, Hamilton (PED21216) (Ward 4) - Page 8 of 16

	<ul style="list-style-type: none"> To correct the zoning for the lands identified as Block 8 on Figure 20 to Schedule F – Special Figures to the Conservation / Hazard Lands (P5) Zone.
Processing Details	
Received:	July 26, 2021
Deemed Incomplete:	August 25, 2021
Deemed Complete:	August 30, 2021
Notice of Complete Application:	Sent to 198 property owners within 120 metres of the subject property on September 14, 2021.
Public Notice Sign:	Sign posted: September 8, 2021 Sign updated: November 10, 2021
Notice of Public Meeting:	Sent to 198 property owners within 120 metres of the subject property on November 19, 2021.
Public Comments:	No public comments were received.
Processing Time:	99 days

Existing Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Property:	Vacant block townhouse dwellings.	Downtown Multiple Residential (D6, 696) Zone.

Surrounding Land Uses:

North	Public park (Roxborough Park) and low density residential uses.	Neighbourhood Park (P1) Zone and “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District.
East	Single detached dwellings and the Red Hill Valley Parkway.	“B” (Suburban Agriculture and Residential, Etc.) District and “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District.

SUBJECT: Application for Zoning By-law Amendment for Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue, Hamilton (PED21216) (Ward 4) - Page 9 of 16

Surrounding Land Uses:

South	Six storey multiple dwelling.	“E” (Multiple Dwellings, Lodges, Clubs, Etc.) District.
West	Single detached dwellings.	“C” (Urban Protected Residential, Etc.) District.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning 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, 2019, as amended. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The *Places to Grow Act* requires that all municipal land use decisions made under the *Planning Act* 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 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 are reviewed and discussed in the UHOP analysis below.

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

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

Urban Hamilton Official Plan

The subject property is identified as “Neighbourhoods” on Schedule “E” – Urban Structure and is designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations of the UHOP. The redevelopment of the subject lands was reviewed comprehensively through Official Plan Amendment Application UHOPA-18-006, Zoning By-law Amendment Application ZAC-18-010 and Draft Plan of Subdivision Application

SUBJECT: Application for Zoning By-law Amendment for Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue, Hamilton (PED21216) (Ward 4) - Page 10 of 16

25T-201802 that were approved by City Council on July 13, 2018. Council's approval provided for flexibility to permit a mix of housing types on site and a design that evolves over time. Staff are satisfied that the proposed zoning boundary changes, development standard modifications and use permissions constitute a minor revision to the previous approval that continues to comply with the UHOP as outlined in Report PED18158.

The lands are subject to Urban Site Specific Policy UHN-25, which includes the following policies:

- "1.0 For the lands located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, and 24 Hayes Street, former City of Hamilton, designated Neighbourhoods, and identified as Site Specific Policy Area UHN-25, the following policies shall apply:
- a) In accordance with Section B.2.3.2 – Affordable Housing Policies and Section E.3.3 – Residential Uses – General Policies of Volume 1, the lands are intended to be redeveloped with a full range of housing types and tenures, including street townhouse dwellings, Maisonette dwellings, stacked townhouses dwellings, block townhouse dwellings and multiple dwellings, as well as an affordable housing component; and,
 - b) Notwithstanding Policies E.3.4.4, E.3.5.7, and E.3.6.6 b) of Volume 1, the net residential density shall be between 115 and 165 units per hectare."

As per Site Specific Policy 1.0 a), the intended redevelopment of the lands continues to provide for a range of housing types including block townhouse and back-to-back townhouses on Blocks 1, 2, 3 and 4 on Figure 20 to Schedule F – Special Figures of Zoning By-law No. 05-200 and multiple dwellings, including a 103 unit CityHousing Hamilton building, on Block 7. The proposed zoning boundary change will result in a redistribution of unit types on the site, with maisonettes dwellings being permitted within portions of the former Blocks 6 and 7 where they were not previously permitted (see Appendix "C" attached to Report PED21216) and multiple dwellings being added as a permitted use on Block 6. Staff are satisfied that the boundary and use permission changes are minor and meet the intent of the Site Specific Policy to provide for flexibility while ensuring a mix of dwelling types is achieved.

Site Specific Policy 1.0 b) permits a maximum net residential density of 165 units per hectare for the entire development area subject to Site Specific Policy UHN-25. The seven development Blocks have a combined area of approximately 5.14 ha (excluding the future public road), resulting in a maximum of approximately 848 units. Staff note that the CityHousing Hamilton development at 41 Reid Avenue South, while proposed to be excluded from the Draft Plan of Subdivision, is included in the density calculation

SUBJECT: Application for Zoning By-law Amendment for Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue, Hamilton (PED21216) (Ward 4) - Page 11 of 16

for Site Specific Policy Area UHN-25. Based on the active Site Plan Applications submitted by the Owner and CityHousing Hamilton, a total of 638 units have been proposed. A Site Plan Application for Block 6 has not been submitted, however, should the future Block 6 development propose more than 210 dwelling units further approvals in the form of a UHOP Amendment and Zoning By-law Amendment will be required. Staff note that the Downtown Multiple Residential (D6, 696) Zone applicable to the subject lands permits a maximum of 840 dwelling units for the development area. Therefore, should the number of dwelling units meet the density requirements of Site Specific Policy Area UHN-25 but exceed a total of 840 dwelling units, approval of a minor variance would be required.

The proposed increase to the maximum building height on Block 6 from 12 metres to 41.5 metres could result in one or more taller buildings being erected on portions of the site where they were not contemplated in the previous approval. Therefore, the following policies, amongst others apply to the proposal.

“B.2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

- b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings; and,
- d) the consideration of transitions in height and density to adjacent residential buildings;

B.3.6.3.7 A noise feasibility study, or detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations:

- d) 400 metres of an existing or proposed parkway or provincial highway (controlled access), as identified on Schedule C – Functional Road Classification;”

The Owner’s request to permit a maximum 41.5 metre building height is to accommodate a 12 storey multiple dwelling on the revised Block 6 on Figure 20 to Schedule F – Special Figures of Zoning By-law No. 05-200. The multiple dwellings are

SUBJECT: Application for Zoning By-law Amendment for Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue, Hamilton (PED21216) (Ward 4) - Page 12 of 16

anticipated to have condominium tenure and a design that has taller ground floor and penthouse levels resulting in the requested building height being taller than the maximum 38.0 metres permitted for the proposed 12 storey multiple dwellings on Block 7. Staff recognize that the addition of multiple dwellings with condominium tenure to Block 6 would add to the range of dwelling types and tenures within the development area. The revised Block 6 has the potential to accommodate taller buildings due to its location to the rear of the site away from the existing low-rise residential neighbourhood to the north and east. To date, staff have not received a detailed concept plan or studies to fully assess the impact of additional building height on the surrounding neighbourhood as is required under Policies B.2.4.2.2 b), c) and d). In addition, a noise feasibility study is required to assess the impact of noise from the Red Hill Valley Parkway on units within the multiple dwellings (Policy B.6.3.7 d). Therefore, staff are recommending a Holding Provision be added to Block 6, requiring an Urban Design Brief, Visual Impact Study, Shadow Impact Study and Noise Study for any development exceeding the existing height permission of 12 metres to a maximum of 41.5 metres.

Based on the foregoing, the proposed zoning By-law Amendment complies with the UHOP.

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

The subject property is currently zoned Downtown Multiple Residential (D6, 696) Zone in Zoning By-law No. 05-200 which permits a mix of dwelling types across seven development blocks.

The proposed Zoning By-law Amendment is for a change in zoning from the Downtown Multiple Residential (D6, 696) Zone to the Downtown Multiple Residential (D6, 696, H74) Zone and to add the Conservation / Hazard Land (P5) Zone for portions of the lands. Modifications to the zoning boundaries and site specific requirements of the Downtown Multiple Residential (D6, 696) Zone are also requested and are summarized in the Report Fact Sheet above and discussed in greater detail in Appendix "E" attached to Report PED21216.

RELEVANT CONSULTATION

The proposed amendments to the Zoning By-law are minor and therefore a circulation to internal departments and external agencies was not required. Relevant departments will be consulted through Site Plan Control Applications DA-21-044 (Block 5), DA-20-89 (Block 7a) and a future Site Plan Control Application and Zoning By-law Amendment to remove the Holding Provision for Block 6 will be required to ensure technical requirements related to transportation, servicing, and urban design are addressed.

SUBJECT: Application for Zoning By-law Amendment for Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue, Hamilton (PED21216) (Ward 4) - Page 13 of 16

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to residents within 120 metres of the subject lands on September 14, 2021. A Public Notice sign was posted on the property on September 8, 2021 and updated with the Public Meeting date on November 10, 2021. A Notice of Public Meeting was sent to property owners within 120 metres of the site on November 19, 2021, in accordance with the requirements of the *Planning Act*.

Based on the technical and administrative nature of the application, additional consultation beyond the requirements of the *Planning Act* was not required. Staff acknowledge that the proposed amendments to the Zoning By-law are minor and therefore have not required additional consultation in advance of the statutory public meeting.

To date, no public submissions have been received in response to the Public Notice.

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

1. The proposed Zoning By-law Amendment has merit and can be supported for the following reasons:
 - (i) It is consistent with the PPS (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended;
 - (ii) It complies with the UHOP as it provides for a range of housing types within the development area as required in Urban Site Specific Policy UHN-25; and,
 - (iii) The proposal represents good planning by providing for the development of a complete community, making efficient use of existing infrastructure and supporting public transit.
2. Zoning By-law Amendment

The subject lands are zoned Downtown Multiple Residential (D6, 696) Zone in Zoning By-law No. 05-200 which permits a mix of dwelling types across seven development blocks, including street townhouse dwellings, block townhouse dwellings, maisonette dwellings, stacked townhouse dwellings and multiple dwellings. Modifications to the Downtown Multiple Residential (D6, 696) Zone are proposed, including:

SUBJECT: Application for Zoning By-law Amendment for Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue, Hamilton (PED21216) (Ward 4) - Page 14 of 16

- Revised zoning boundaries for Blocks 5, 6 and 7a on Figure 20 to Schedule F – Special Figures;
- Modifications to the development standards applicable to Block 5, including:
 - To permit a maximum of 20 back-to-back dwelling units for one maisonette dwelling block, instead of 16 back-to-back units;
 - To permit a minimum side yard of 1.2 metres and 0.0 metres, instead of 3.0 metres;
 - To permit a minimum flankage yard of 1.0 metres, instead of 3.0 metres;
 - To permit a minimum setback to a condominium road of 1.5 metres, instead of 4.5 metres to the front of the dwelling unit;
 - To require no planting strip instead of a 2.0 metre planting strip to a front lot line and a 3.0 metre planting strip to a flankage lot line; and,
 - To require no setback or screening for a transformer box, instead of a required 3.0 metre setback from a front lot line and 0.6 metre setback to a side lot line with screening from the street by an enclosure or landscaping.
- To permit multiple dwellings with a maximum building height of 41.5 metres on Block 6.

To ensure the impact of the proposed height increase on Block 6 on the adjacent neighbourhood is properly assessed, staff recommend a Holding Provision be added to require an Urban Design Brief, Visual Impact Assessment, Shadow Impact Report and Noise Study for any development exceeding the existing height permission of 12.0 metres to a maximum of 41.5 metres demonstrating that the proposed building complies with the applicable policies of the UHOP.

In addition, staff recommend the zoning for the lands identified as Block 8 be rezoned to the Conservation / Hazard Lands (P5) Zone to reflect the intent of the previous zoning approval.

Staff are satisfied that the proposed amendments are minor and meet the intent of the Zoning By-law and UHOP to provide flexible zoning permissions while ensuring a variety of unit types are built. An analysis of the requested modifications is provided in Appendix “E” attached to Report PED21216.

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

SUBJECT: Application for Zoning By-law Amendment for Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue, Hamilton (PED21216) (Ward 4) - Page 15 of 16

3. Plan of Subdivision Application 25T-201802

A revision to the Draft Plan of Subdivision for the subject lands has been submitted to the Growth Management Division by the Owner which is being reviewed concurrently with this proposed Zoning By-law Amendment. The revision proposes to realign the Block boundaries consistent with the zoning boundaries on the revised Figure 20 to Schedule F – Special Figures (see Schedule “B” to Appendix “B” attached to Report PED21216); and,

Approval of the minor revisions to the Draft Plan of Subdivision is delegated to the Senior Director of Growth Management.

4. Site Plan Control

The proposed zoning boundary and development standard modifications are required to facilitate Site Plan Control Application DA-21-044 for Block 5. A revision to the Site Plan application for Block 5 will be required that reflects the Block boundary and zoning boundary changes proposed by the Owner. A circulation to relevant departments / agencies will occur through the Site Plan Application to ensure the technical requirements associated with the development are addressed. The future development of Block 6 will also be subject to Site Plan Control.

ALTERNATIVES FOR CONSIDERATION

Should the Zoning By-law Amendment Application be denied, development could proceed in accordance with the existing development standards and use permission of the Downtown Multiple Residential (D6, 696) Zone and in accordance with the existing block boundaries established in Figure 20 of Schedule “F” – Special Figures.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

SUBJECT: Application for Zoning By-law Amendment for Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue, Hamilton (PED21216) (Ward 4) - Page 16 of 16

Healthy and Safe Communities

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

Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED21216 – Location Map

Appendix "B" to Report PED21216 – Amendment to Zoning By-law No. 05-200

Appendix "C" to Report PED21216 – Permitted Uses by Block

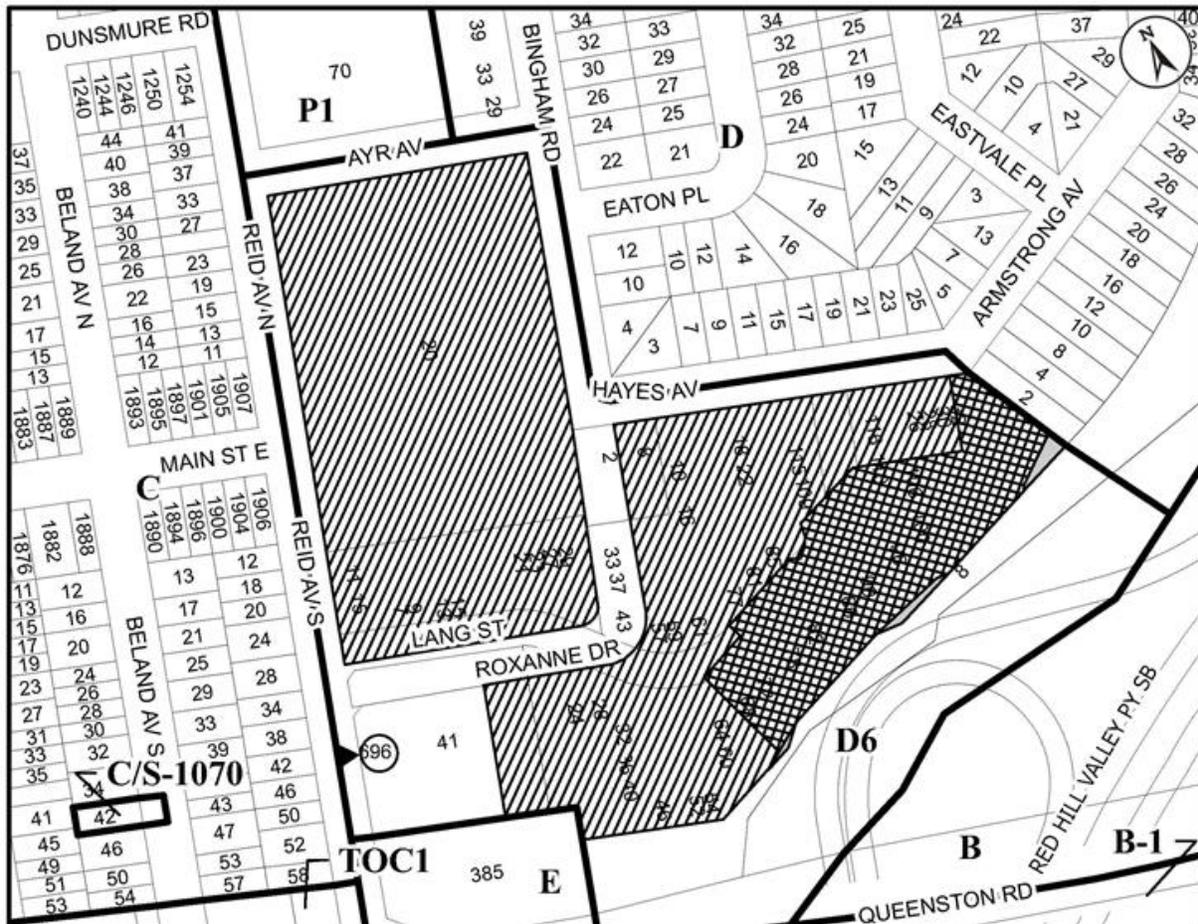
Appendix "D" to Report PED21216 – Existing Zoning Boundaries

Appendix "E" to Report PED21216 – Zoning Modification Table

Appendix "F" to Report PED21216 – Block 5 Concept Plan

MK:sd

Appendix "A" to Report PED21216



● Site Location



Key Map - Ward 4

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAR-21-034

Date:
October 27, 2021

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
SM/AL

Subject Property

20 Reid Avenue North, 11-17 Reid Avenue South,
22-116 Lang Street, and 2-24 Hayes Avenue

-  Block 1 - Change in zoning from the Downtown Multiple Residential (D6, 696) Zone to the Downtown Multiple Residential (D6, 696, H74) Zone
-  Block 2 - Change in zoning from the Downtown Multiple Residential (D6, 696) Zone to the Conservation/Hazard Land (P5) Zone
-  Block 3 - Additional lands owned by owner

**Appendix “B” to Report PED21216
Page 1 of 6**

Authority: Item ,
Report (PED21216)
CM:
Ward: 4

Bill No.

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

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-
116 Lang Street and 2-24 Hayes Avenue, Hamilton**

WHEREAS Council approved Item _____ of Report PED21 _____ of the Planning Committee at its meeting held on the _____th day of _____, 2021;

AND WHEREAS this By-law conforms with the Urban Hamilton Official Plan.

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

1. That the Downtown Multiple Residential (D6, 696) Zone is further amended and that Map Nos. 1092 and 1141 of Schedule “A” – Zoning Maps of Zoning By-law No. 05-200 are amended by changing the zoning for portions of the subject lands from the Downtown Multiple Residential (D6, 696) Zone to the Downtown Multiple Residential (D6, 696, H74) Zone and the Conservation / Hazard Land (P5) Zone, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” to the By-law.
2. That Special Exception No. 696 in Schedule “C” – Special Exceptions of Zoning By-law No. 05-200 is further amended as follows:
 - i) Adding new clauses h) iv) and v) and renumbering existing clauses h) iv), v) and vi) to h) vi), vii) and viii):
 - “iv) Notwithstanding the Definition of “Maisonette Dwelling” in Section a) ii) above, as it relates to the maximum number of back-to back Dwelling Units, a maximum of one Maisonette Dwelling may have a maximum of 20 back-to-back Dwelling Units, with all other Maisonette Dwellings having a maximum of 16 back-to-back Dwelling Units; and,
 - v) That Section 4.9 of this By-law shall not apply to Transformer Boxes.”
 - ii) That existing clauses h) iv) B), C) and E) be deleted and replaced with the following exceptions:
 - “B) Minimum Flankage Yard 1.0 metres

**Appendix “B” to Report PED21216
Page 2 of 6**

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South,
22-116 Lang Street and 2-24 Hayes Avenue, Hamilton**

- C) Minimum Side Yard
1. 1.2 metres
 2. Notwithstanding subsection C) 1. above, no side yard setback is required to Area “1” as shown on Figure 20 of Schedule “F” – Special Figures.
- E) Minimum Setback to a Condominium Road 1.5 metres”

- iii) That existing clause h) iv) H) be deleted and clause h) iv) I) be renumbered to h) iv) H);
- iv) That clause i) i) be amended by adding the words “and Multiple Dwelling” between the words “Block Townhouse Dwelling” and “Units;”
- v) That clause i) iv) be amended by adding the words “and Multiple Dwellings” after the words “Block Townhouse Dwellings; and,
- vi) That clause i) iv) E) 2. be deleted and replaced with the following regulation:
2. Maximum 41.5 metres.”
3. That Schedule “D” – Holding Provisions be amended by adding the following Holding Provision:
- “74. Notwithstanding Section 6.6 and Special Exception No. 696 of this By-law, within the lands zoned Downtown Multiple Residential (D6, 696) Zone identified on Map Nos. 1092 and 1141 of Schedule “A” – Zoning Maps and described as 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue, development shall be restricted in accordance with the following:
- a) For such time as the Holding Provision is in place no development exceeding the maximum height of 12.0 metres shall be permitted;
 - b) Conditions for Holding Provision Removal:
 - a. The Holding Provision shall, upon application by the landowner, be removed by way of an amending Zoning By-law, from the lands when the following conditions have been satisfied:
 - i) The Owner/Applicant submits and implements the following studies demonstrating that a 41.5 metre multiple dwelling

Appendix “B” to Report PED21216

Page 3 of 6

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South,
22-116 Lang Street and 2-24 Hayes Avenue, Hamilton**

complies and implements the Urban Design, Energy and Environmental Design and Health and Public Safety Policies of the Urban Hamilton Official Plan, amongst others, prior to the development to the satisfaction of the Director of Planning and Chief Planner:

- a. Urban Design Brief;
 - b. Visual Impact Assessment;
 - c. Shadow Impact Study; and,
 - d. Noise Study.
- ii) That the Owner demonstrate that the proposed development does not exceed the maximum density of 165 units per hectare in accordance with Site Specific Policy Area UHN-25 in Volume 3 of the Urban Hamilton Official Plan and does not exceed 840 units for the lands zoned Downtown Multiple Residential (D6, 696) Zone, to the satisfaction of the Director of Planning and Chief Planner.
4. That Schedule “F” – Special Figures be amended by replacing Special Figure 20 with the Figure 20 attached as Schedule “B” to this By-law; and,
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 _____, 2021

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAR-21-034

Appendix “B” to Report PED21216

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South,
22-116 Lang Street and 2-24 Hayes Avenue, Hamilton**

For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Planning Committee Report No.: PED21216 Date:

Ward(s) or City Wide: Ward 4 (XX/XX/2021)

Prepared by: Mark Kehler, Senior Planner Phone No: 905-546-2424 ext. 4148

For Office Use Only, this doesn't appear in the by-law

Appendix "B" to Report PED21216
Page 5 of 6

To Amend Zoning By-law No. 05-200
Respecting Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South,
22-116 Lang Street and 2-24 Hayes Avenue, Hamilton



<p>This is Schedule "A" to By-law No. 21-</p> <p>Passed the day of, 2021</p>		<p>-----</p> <p>Mayor</p> <p>-----</p> <p>Clerk</p>
<p>Schedule "A"</p> <p>Map forming Part of</p> <p>By-law No. 21-_____</p> <p>to Amend By-law No. 05-200</p> <p>Map 1092 and 1141</p>		<p>Subject Property</p> <p>20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street, and 2-24 Hayes Avenue</p> <p> Block 1 - Change in zoning from the Downtown Multiple Residential (D6, 696) Zone to the Downtown Multiple Residential (D6, 696, H74) Zone</p> <p> Block 2 - Change in zoning from the Downtown Multiple Residential (D6, 696) Zone to the Conservation/Hazard Land (P5) Zone</p> <p> Block 3 - Additional lands owned by owner</p>
<p>Scale: N.T.S</p>	<p>File Name/Number: ZAR-21-034</p>	 Hamilton
<p>Date: October 27, 2021</p>	<p>Planner/Technician: SM/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

To Amend Zoning By-law No. 05-200
 Respecting Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South,
 22-116 Lang Street and 2-24 Hayes Avenue, Hamilton



<p>Figure 20 to Schedule F - Special Figures</p>			<p>Date: September 16, 2021</p>												
<p>Legend</p> <table border="0"> <tr> <td> Block 1</td> <td> Block 4</td> <td> Block 6</td> <td> Block 8</td> </tr> <tr> <td> Block 2</td> <td> Block 4a</td> <td> Block 7</td> <td> Area "1"</td> </tr> <tr> <td> Block 3</td> <td> Block 5</td> <td> Block 7a</td> <td></td> </tr> </table>				Block 1	Block 4	Block 6	Block 8	Block 2	Block 4a	Block 7	Area "1"	Block 3	Block 5	Block 7a	
Block 1	Block 4	Block 6	Block 8												
Block 2	Block 4a	Block 7	Area "1"												
Block 3	Block 5	Block 7a													
<p>Hamilton PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>															

Appendix “C” to Report PED21216
Page 1 of 1

Permitted Uses

Use (Dwelling)	Block						
	1	2	3	4	5	6	7
Street Townhouse	X		X				
Block Townhouse		X		X	X	X	
Maisonette				X	X		
Stacked Townhouse					X		
Multiple Dwelling						X*	X
Community Garden	X	X	X	X	X	X	X

*Proposed Multiple Dwelling use to be added to Block 6



Figure 20 to Schedule F - Special Figures

Date:
June 22, 2018

Legend

- | | | | |
|---|--|--|--|
|  Block 1 |  Block 4 |  Block 6 |  Block 8 |
|  Block 2 |  Block 4a |  Block 7 |  Area "1" |
|  Block 3 |  Block 5 |  Block 7a |  Area "2" |
| | | |  Area "3" |



Site Specific Modifications to the Downtown Multiple Residential (D6, 696) Zone

Proposed Modifications to the regulations applicable to Block 5 on Figure 20 to Schedule F			
Regulation	Required	Modification	Analysis
Maximum number of back-to-back dwelling units in a maisonette dwelling.	16.	20 for one maisonette dwelling block; and, 16 for all other maisonette dwellings.	<p>The intent of the By-law is to break up long buildings by allowing a maximum of eight dwellings in a row facing a street or condominium road, providing for variation and articulation in built form. The proposed Block 5 development includes one maisonette dwelling (Building D), located internal to the site on the east side of the future public street, that contains 20 back-to-back units instead of the maximum 16 back-to-back units in the Zoning By-law. Staff are satisfied that appropriate variation and articulation of built form has been proposed within the Block 5 development, including a 10 unit maisonette dwelling, a 12 unit maisonette dwelling and two, 16 unit maisonette dwellings. Staff note that the three maisonette dwellings facing the existing detached dwellings along Hayes Avenue comply with the existing maximum number of dwelling units, maintaining the intended articulation in built form adjacent to the existing neighbourhood. The design of all maisonette dwellings will have to comply with the Ontario Building Code and Fire Code and this will be further addressed at Site Plan Control and Building Permit stage.</p> <p>Therefore, staff support the proposed modification.</p>
Regulation	Required	Modification	Analysis
Minimum side yard.	3.0 metres.	1.2 metres; and, No setback to the eastern boundary between Blocks 5 and 6 (Area "1").	<p>The intent of the By-law is to provide a buffer to adjacent properties and provide space for maintenance access. As a result of the proposed block boundary modifications to the Draft Plan of Subdivision, the side yards for the Block 5 development are between the south side of Building D and the boundary with Block 7 and between the east side of Building E and the boundary with Block 6. Staff are satisfied that a</p>

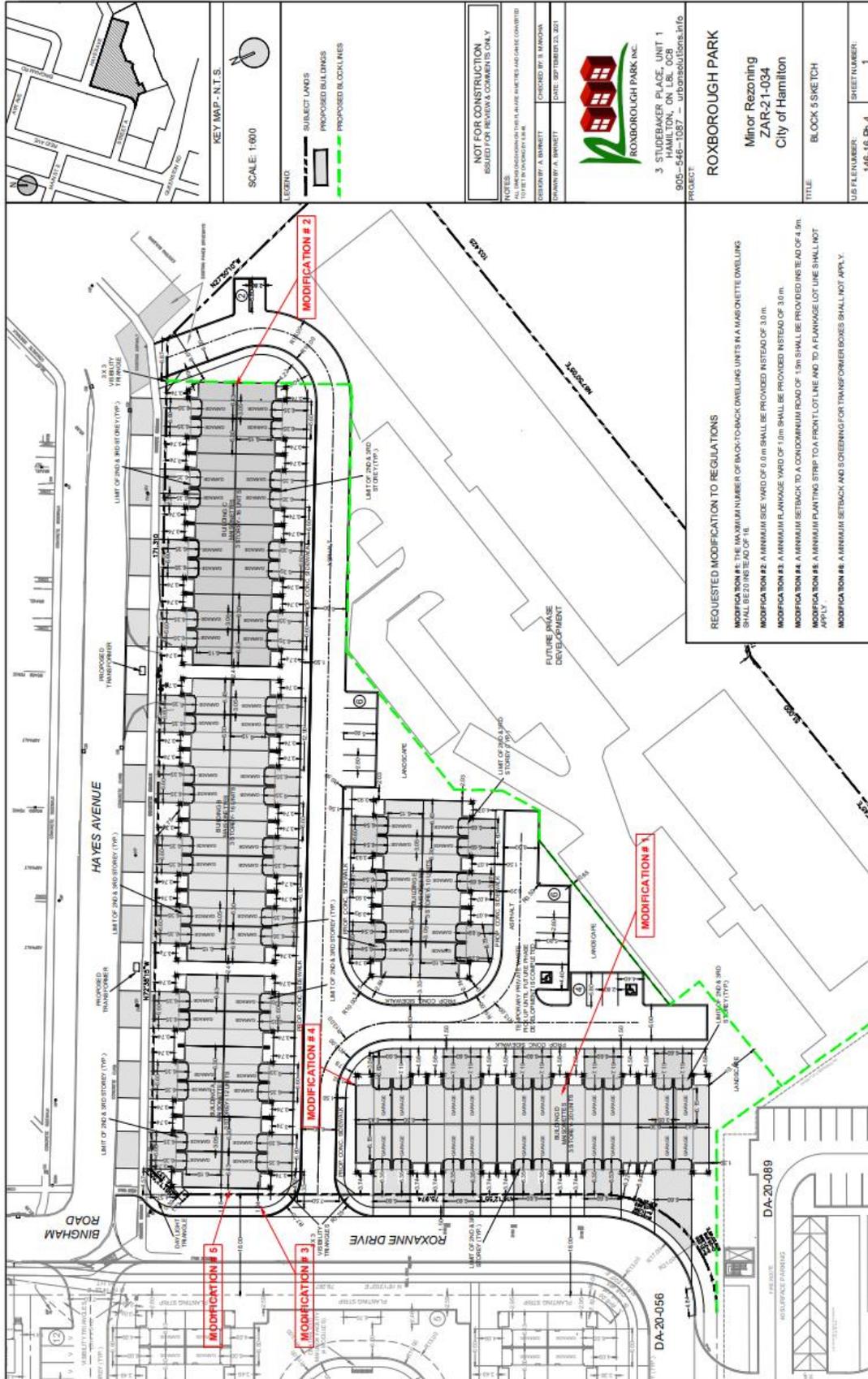
Proposed Modifications to the regulations applicable to Block 5 on Figure 20 to Schedule F			
Regulation	Required	Modification	Analysis
			<p>minimum 1.2 metre setback at these locations is appropriate as they are internal to the overall development site.</p> <p>A 0.0 metre side yard setback is proposed between the eastern side of Building C and the boundary with Block 6. Staff note that this setback is adjacent to a proposed access driveway, sidewalk and boulevard area and are satisfied that appropriate separation between Building C and the driveway is provided on the Block 6 lands. Through the Site Plan Control application for Block 5, the Owner will be required to demonstrate that maintenance access to the easterly main wall of Building C is secured through an easement or other agreement.</p> <p>Therefore, staff support the proposed modifications.</p>
Minimum flankage yard	3.0 metres.	1.0 metres.	<p>The intent of the By-law is to provide space between a building and a public street for streetscaping and to buffer residential uses from the street. Based on the proposed Block 5 development, the flankage yard requirement applies to the west side of Building A facing the future public street. Staff are satisfied that adequate space is provided within the future right of way to allow for adequate streetscaping and buffering to accommodate the reduced flankage yard setback.</p> <p>Therefore, staff support the proposed modification.</p>

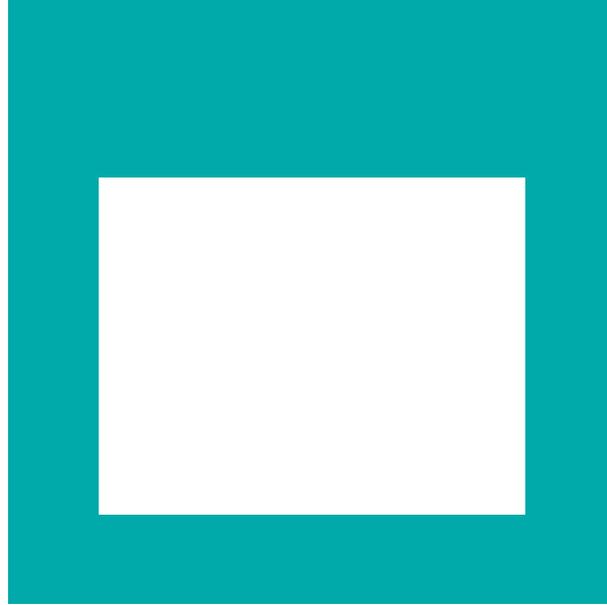
Proposed Modifications to the regulations applicable to Block 5 on Figure 20 to Schedule F			
Regulation	Required	Modification	Analysis
Minimum setback to a Condominium Road.	4.5 metres to the front of the dwelling unit.	1.5 metres.	<p>The intent of the By-law is to ensure appropriate front yards are provided adjacent to a condominium road to provide for a consistent streetscape and adequate maneuvering for vehicles. A reduction to the minimum setback is required at pinch points where there is a curve in the proposed condominium road adjacent to the front main wall of the proposed maisonette dwellings. Staff are satisfied that the Block 5 development provides appropriate front yards with space for parking and streetscaping.</p> <p>Therefore, staff support the proposed modification.</p>
Minimum planting strip.	2.0 metres to a front lot line; and, 3.0 metres to a flankage lot line.	No minimum planting strip required.	<p>The intent of the By-law is to ensure an adequate landscape buffer is provided along public streets. The existing planting strip requirements are based on a previous development concept that did not include any driveways facing Hayes Avenue (front lot line) or the future public street (flankage lot line). The proposed Block 5 development includes maisonette dwellings that are oriented to both Hayes Avenue and the future public street resulting in landscaping being provided within the front yards for the proposed buildings.</p> <p>Staff are satisfied that the existing planting strip requirements are not required based on the revised Block 5 development concept and support the proposed modification.</p>
Setback and screening for transformer boxes.	Within a required front yard, 3.0 metres from the street line and 0.6 metres from a side lot line and is screened from the	No minimum required setback or screening for transformer boxes.	<p>The proposed Block 5 development includes maisonette dwellings with front entrances and access driveways facing public streets making it difficult to comply with the required setback for transformer boxes. The final location of the transformer boxes has not been determined by the Owner, but they have requested that the setback requirements of the Zoning By-law not apply to allow for greater flexibility in finding suitable transformer locations. Staff are satisfied that transformer location and</p>

Proposed Modifications to the regulations applicable to Block 5 on Figure 20 to Schedule F			
Regulation	Required	Modification	Analysis
	<p>street by an enclosure or landscaping; and,</p> <p>Within a required side yard or rear yard, a minimum 0.6 metres from the side or rear lot line.</p>		<p>screening can be dealt with through the Block 5 Site Plan application (DA-21-044) without applying the minimum setback requirements from the Zoning By-law.</p> <p>Therefore, staff support the proposed modification.</p>
Proposed Modifications to the regulations applicable to Block 6 on Figure 20 to Schedule F			
Regulation	Required	Modification	Analysis
Permitted uses.	Block townhouses are permitted.	To permit block townhouses and multiple dwellings.	<p>The Owner has requested that multiple dwellings be added as a permitted use to Block 6. Staff note that the intent of the By-law is to provide for flexibility to allow the final development to be different than the original development concept. The existing Block 6 development standards that apply to block townhouses would also apply to multiple dwellings ensuring that the built form would be the same. Should the development of multiple dwellings on Block 6 result in a density of development greater than what is permitted in the UHOP and Zoning By-law, a UHOP Amendment and Zoning By-law Amendment would be required.</p> <p>Therefore, staff support the proposed modification.</p>

Proposed Modifications to the regulations applicable to Block 6 on Figure 20 to Schedule F			
Regulation	Required	Modification	Analysis
Maximum Building Height.	12.0 metres.	41.5 metres.	<p>The Owner has requested that the height be increased to accommodate the future development of multiple dwellings. The existing site specific Downtown Residential (D6, 696) Zone permits multiple dwellings at a height up to 38.0 metres on Block 7a of Figure 20 of Schedule “F” – Special Figures.</p> <p>The Site Specific Policy Area UHN-25 of the UHOP limits the density in this area to 165 units per hectare with an implementing regulation limiting development to 840 units. While the height is increased by the proposed modification, the development will be limited to a total of 210 units. An Official Plan Amendment will be required for any development proposed that increases the density beyond 165 units per hectare or the unit count beyond 840 units. Additionally, as the Owner does not have detailed design for the proposed multiple dwelling, staff have amended the application to include a Holding Provision restricting any development beyond 12.0 metres, to a maximum of 41.5 metres in height until an Urban Design Brief, Visual Impact Assessment, Shadow Impact Assessment and Noise Study have been submitted and implemented demonstrating that the proposed building design complies with the applicable urban design and related policies, to the satisfaction of the Director of Planning and Chief Planner. These studies will determine if the proposed development is compatible with the surrounding areas and will identify mitigation measures to be incorporated into the detailed design and a future Site Plan Control application.</p> <p>Therefore, staff support the proposed modification.</p>

Appendix "F" to Report PED21216





WELCOME TO THE CITY OF HAMILTON

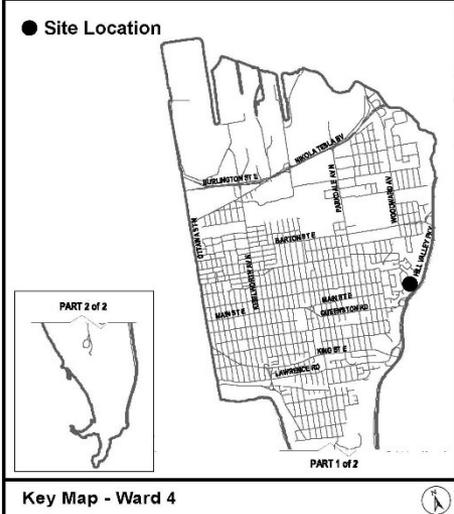
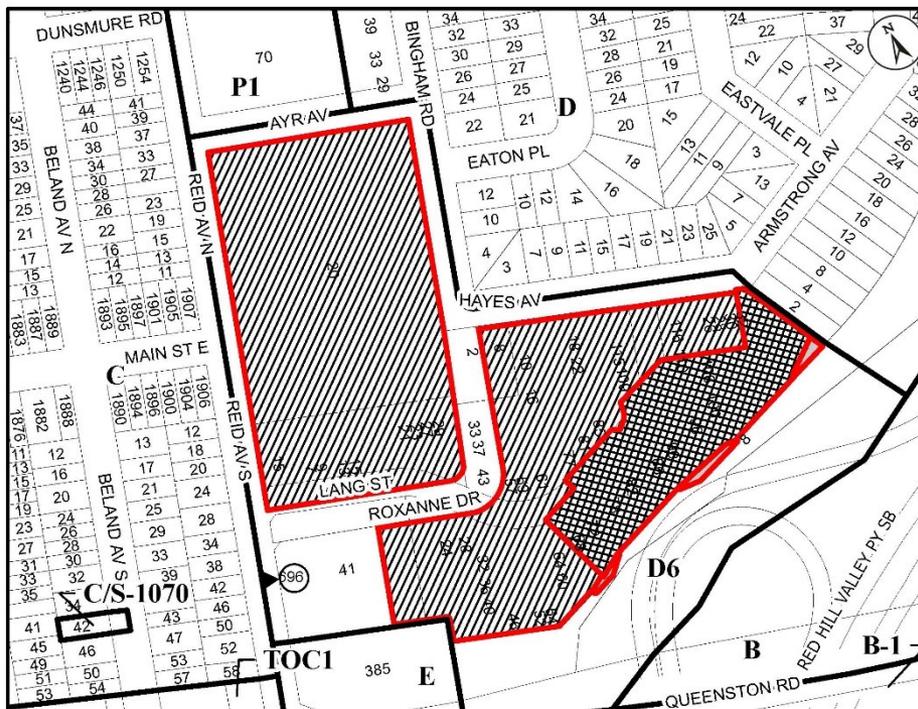
PLANNING COMMITTEE

December 7, 2021

PED21216– (ZAR-21-034)

Application for Zoning By-law Amendment for Lands Located at 20 Reid Avenue North, 11–17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue, Hamilton

Presented by: Mark Kehler



Location Map

Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ZAR-21-034	Date: October 27, 2021	
Appendix "A"	Scale: N.T.S.	Planner/Technician: SM/AL

Subject Property

20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street, and 2-24 Hayes Avenue

- Block 1 - Change in zoning from the Downtown Multiple Residential (D6, 696) Zone to the Downtown Multiple Residential (D6, 696, H74) Zone
- Block 2 - Change in zoning from the Downtown Multiple Residential (D6, 696) Zone to the Conservation/Hazard Land (P5) Zone
- Block 3 - Additional lands owned by owner



SUBJECT PROPERTY



20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue, Hamilton

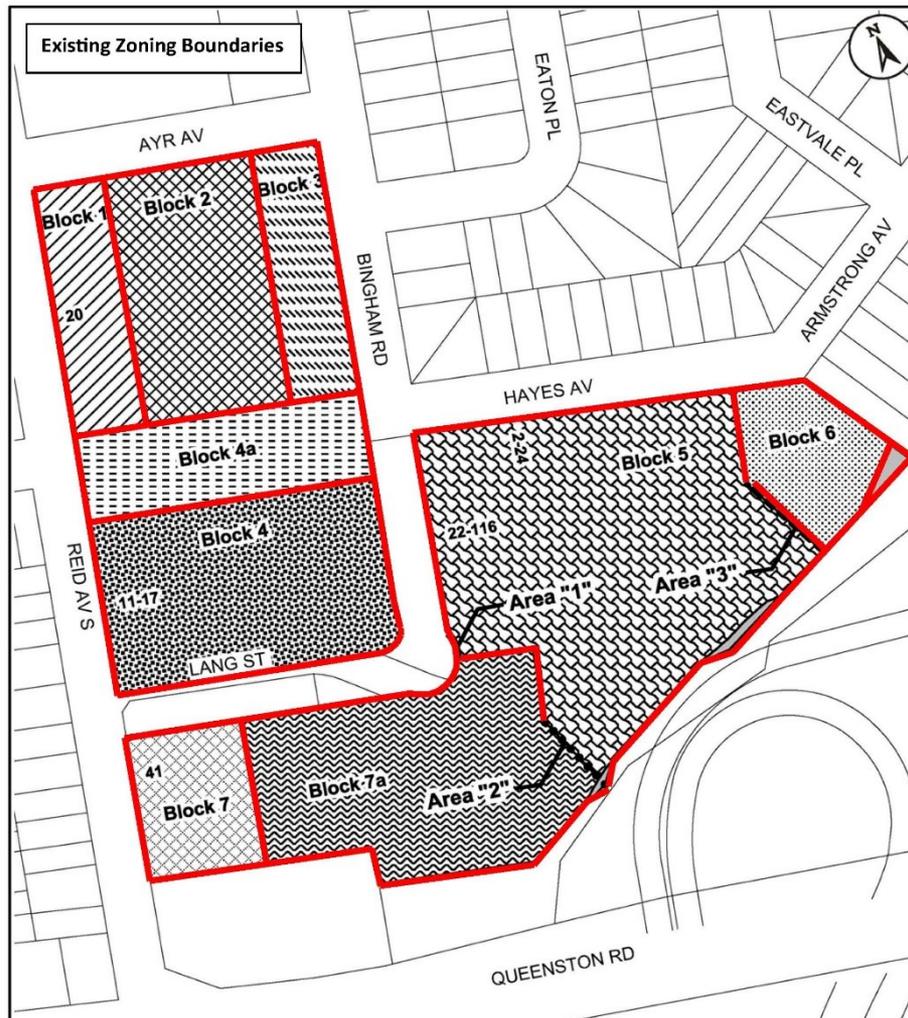


Figure 20 to Schedule F - Special Figures Date:
June 22, 2018

Legend			
	Block 1		Block 4
	Block 2		Block 4a
	Block 3		Block 5
	Block 6		Block 7
	Block 7a		Block 8
	Area "1"		Area "2"
	Area "3"		Area "3"

Hamilton
 PLANNING AND ECONOMIC
 DEVELOPMENT DEPARTMENT



Figure 20 to Schedule F - Special Figures

Date:
 September 16, 2021

Legend

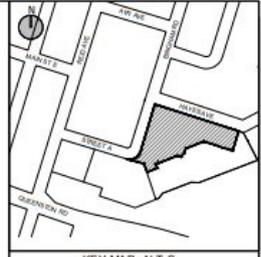
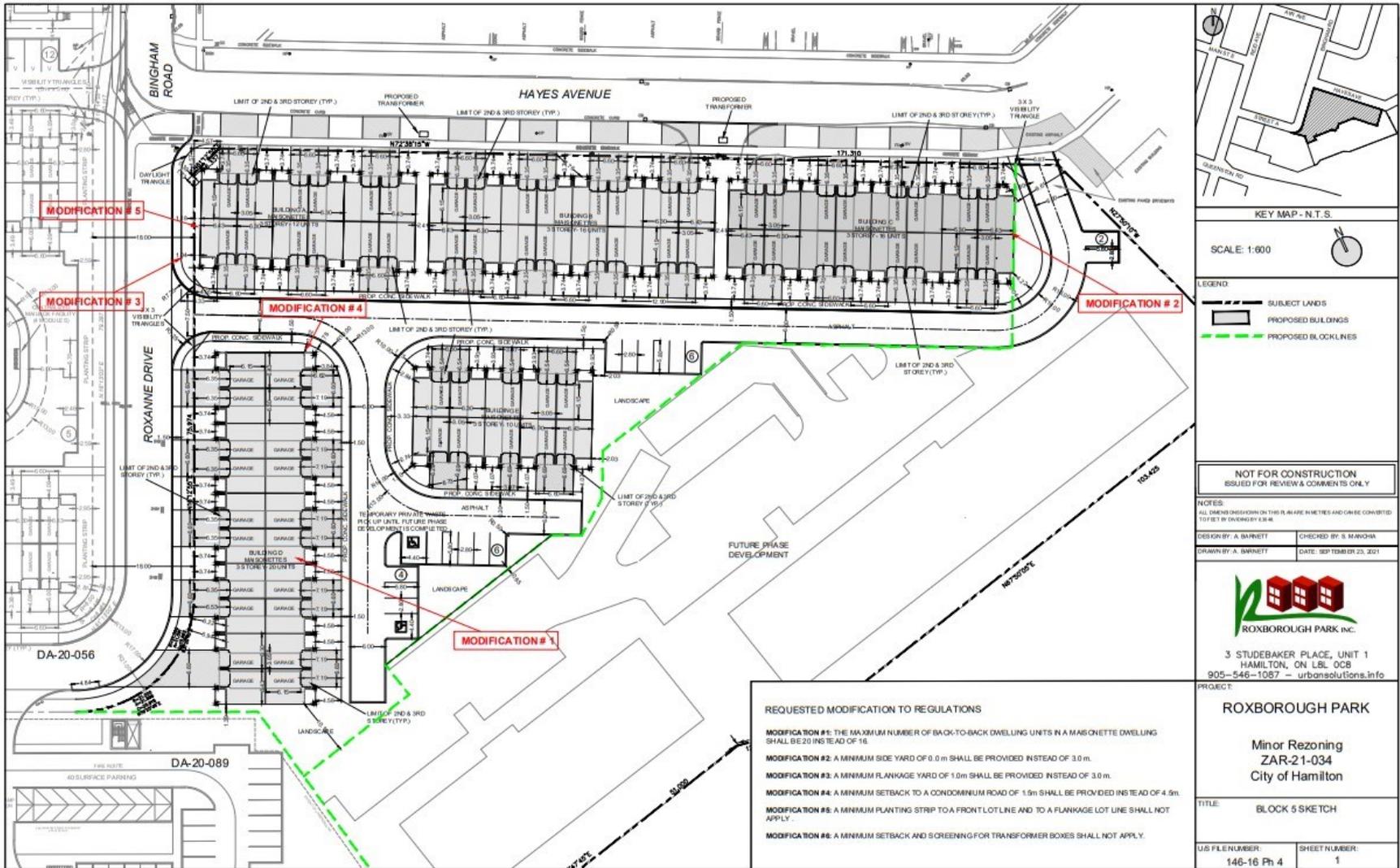
- | | | | |
|---------|----------|----------|----------|
| Block 1 | Block 4 | Block 6 | Block 8 |
| Block 2 | Block 4a | Block 7 | Area "1" |
| Block 3 | Block 5 | Block 7a | |



Permitted Uses

Use (Dwelling)	Block						
	1	2	3	4	5	6	7
Street Townhouse	X		X				
Block Townhouse		X		X	X	X	
Maisonette				X	X		
Stacked Townhouse					X		
Multiple Dwelling						X*	X
Community Garden	X	X	X	X	X	X	X

*Proposed Multiple Dwelling use to be added to Block 6

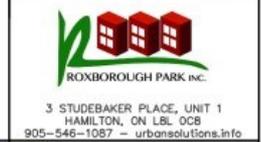


KEY MAP - N.T.S.
 SCALE: 1:600

LEGEND:
 [Symbol] SUBJECT LANDS
 [Symbol] PROPOSED BUILDINGS
 [Symbol] PROPOSED BLOCK LINES

NOT FOR CONSTRUCTION
 ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:
 ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
 DESIGN BY: A. BARNETT CHECKED BY: S. MANOHA
 DRAWN BY: A. BARNETT DATE: SEPTEMBER 23, 2011



REQUESTED MODIFICATION TO REGULATIONS

MODIFICATION #1: THE MAXIMUM NUMBER OF BACK-TO-BACK DWELLING UNITS IN A MANSIONETTE DWELLING SHALL BE 20 INSTEAD OF 18.

MODIFICATION #2: A MINIMUM SIDE YARD OF 0.0 m SHALL BE PROVIDED INSTEAD OF 3.0 m.

MODIFICATION #3: A MINIMUM FLANKAGE YARD OF 1.0m SHALL BE PROVIDED INSTEAD OF 3.0 m.

MODIFICATION #4: A MINIMUM SETBACK TO A CONDOMINIUM ROAD OF 1.5m SHALL BE PROVIDED INSTEAD OF 4.5m.

MODIFICATION #5: A MINIMUM PLANTING STRIP TO A FRONT LOT LINE AND TO A FLANKAGE LOT LINE SHALL NOT APPLY.

MODIFICATION #6: A MINIMUM SETBACK AND SCREENING FOR TRANSFORMER BOXES SHALL NOT APPLY.

PROJECT:
ROXBOROUGH PARK

Minor Rezoning
ZAR-21-034
 City of Hamilton

TITLE:
BLOCK 5 SKETCH

U.S. FILE NUMBER: 146-16 Ph 4 SHEET NUMBER: 1



Subject property, as seen from Hayes Avenue looking southwest



Subject property as seen from the intersection of Hayes Avenue and Bingham Road looking southwest



Subject property as seen from Reid Avenue South looking east



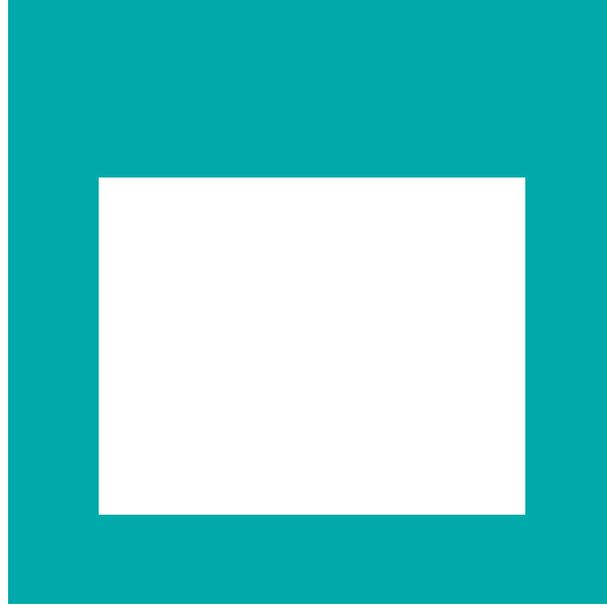
Subject property as seen from Highway 8 looking north



Adjacent lands to the east along Hayes Avenue



Adjacent lands to the north along Hayes Avenue



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:	December 7, 2021
SUBJECT/REPORT NO:	Applications for Amendments to the Urban Hamilton Official Plan, City of Hamilton Zoning By-law No. 6593, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 311 and 313 Stone Church Road East (Hamilton) (PED21221) (Ward 7)
WARD(S) AFFECTED:	Ward 7
PREPARED BY:	E. Tim Vrooman (905) 546-2424 Ext. 5277
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-21-005, by UrbanSolutions Planning & Land Development Consultants Inc. (c/o Matt Johnston, Applicant) on behalf of DiCenzo Construction Company Ltd. (c/o Anthony DiCenzo, Owner)** to redesignate a portion of the subject lands from “Open Space” to “Neighbourhoods” and to establish an Urban Site Specific Policy to reduce daylighting triangle requirements, to permit a minimum net residential density of 55 units per hectare, and to permit the dedication of a woodlot to the City of Hamilton as parkland dedication, on lands located at 311 and 313 Stone Church Road East, as shown on Appendix “A” attached to Report PED21221, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED21221, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);

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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: Applications for Amendments to the Urban Hamilton Official Plan, City of Hamilton Zoning By-law No. 6593, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 311 and 313 Stone Church Road East (Hamilton) (PED21221) (Ward 7) – Page 2 of 38

- (b) That **Zoning By-law Amendment Application ZAC-21-009, by UrbanSolutions Planning & Land Development Consultants Inc. (c/o Matt Johnston, Applicant) on behalf of DiCenzo Construction Company Ltd. (c/o Anthony DiCenzo, Owner)** for a change in zoning from the “AA” (Agricultural) District to the “C/S-1811” (Urban Protected Residential, Etc.) District, Modified (Block 1); from the “AA” (Agricultural) District to the “RT-20/S-1811” (Townhouse - Maisonette) District, Modified (Block 2); from the “AA” (Agricultural) District and the “C” (Urban Protected Residential, Etc.) District to the “RT-30/S-1811” (Street - Townhouse) District, Modified (Blocks 3 and 4); and, from the “AA” (Agricultural) District and the “C” (Urban Protected Residential, Etc.) District to the “C/S-1811” (Urban Protected Residential, Etc.) District, Modified (Blocks 5 and 6), to permit a maximum of 221 residential dwelling units consisting of a maximum of 112 block townhouse units, 80 maisonette units, 12 single detached dwellings on a private road (condominium road), five single detached dwellings on a public road, and 12 street townhouse units, on lands located at 311 and 313 Stone Church Road East, as shown on Appendix “A” attached to Report PED21221, be **APPROVED** on the following basis:
- (i) That the draft By-law attached as Appendix “C” to Report PED21221, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (c) That **Zoning By-law Amendment Application ZAC-21-009, by UrbanSolutions Planning & Land Development Consultants Inc. (c/o Matt Johnston, Applicant) on behalf of DiCenzo Construction Company Ltd. (c/o Anthony DiCenzo, Owner)** for a change in zoning from the “AA” (Agricultural) District to the Conservation / Hazard Land (P5) Zone, in order to protect a significant woodland on lands located at 313 Stone Church Road East, as shown on Appendix “A” attached to Report PED21221, be **APPROVED** on the following basis:
- (i) That the draft By-law attached as Appendix “D” to Report PED21221, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

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SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, City of Hamilton Zoning By-law No. 6593, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 311 and 313 Stone Church Road East (Hamilton) (PED21221) (Ward 7) – Page 3 of 38

- (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (d) That **Draft Plan of Subdivision Application 25T-202104 by UrbanSolutions Planning & Land Development Consultants Inc. (c/o Matt Johnston, Applicant) on behalf of DiCenzo Construction Company Ltd. (c/o Anthony DiCenzo, Owner)** on lands located at 311 and 313 Stone Church Road East, as shown on Appendix “A” attached to Report PED21221, be **APPROVED**, subject to the following:
- (i) That this approval apply to the Draft Plan of Subdivision “Lavita Estates” 25T-202104, prepared by UrbanSolutions Planning & Land Development Consultants Inc., and certified by Robert McLaren, O.L.S., dated November 24, 2021, consisting of one Natural Heritage/Park block (Block 1); one block for a maximum of 12 single detached dwellings on a private condominium road (Block 2); one block for a maximum of 112 block townhouse units and 80 maisonette units (Block 3); one block for a maximum of 12 street townhouse units (Block 4); one road widening block (Block 5); one future residential block (Block 6); four 0.3 m reserve blocks (Blocks 7-10); five lots for single detached dwellings (Lots 11-15); and, three public roads (Street ‘A’ and the extensions of Crerar Drive and Cyprus Drive), attached as Appendix “G” to Report PED21221, subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with Special Conditions attached as Appendix “H” to Report PED21221;
 - (ii) Acknowledgement by the City of Hamilton of its responsibility for cost sharing with respect to this development shall be in accordance with the City’s Financial Policies and will be determined at the time of development. However, the traffic signal costs at the intersections of Stone Church Road/Crerar Drive/Brigade Drive shall be one-third (1/3rd) owner’s responsibility/share.
 - (iii) That there will be no payment of Cash-in-Lieu of Parkland required upon the dedication of the Natural Heritage/Park block (Block 1) to the City of Hamilton to satisfy parkland dedication requirements for this subdivision; and, that upon the dedication of the Natural Heritage/Park block (Block 1) to the City of

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SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, City of Hamilton Zoning By-law No. 6593, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 311 and 313 Stone Church Road East (Hamilton) (PED21221) (Ward 7) – Page 4 of 38

Hamilton there will be no parkland balance credited in favour of the owner from this subdivision;

- (e) That upon approval of Urban Hamilton Official Plan Amendment Application UHOPA-21-005, Zoning By-law Amendment Application ZAC-21-009, and Draft Plan of Subdivision Application 25T-202104, that a portion of the subject lands identified as Block 1 on the Draft Plan of Subdivision attached as Appendix “G” to Report PED21221 be re-designated from “Single and Double” to “Park and Recreation” and that a portion of the subject lands identified as Blocks 3 and 4 on the Draft Plan of Subdivision attached as Appendix “G” to Report PED21221 be re-designated from “Single and Double” to “Attached Housing” in the Crerar Neighbourhood Plan;
- (f) That the Statutory Declarations for the Official Plan Amendment and Zoning By-law Amendments not be issued until the Ontario Land Tribunal issues its decision regarding the Urban Hamilton Official Plan appeal by DiCenzo Construction Company Ltd. as it affects the lands at 311 and 313 Stone Church Road East.

EXECUTIVE SUMMARY

The Applicant has applied for an Urban Hamilton Official Plan Amendment, a Zoning By-law Amendment, and a Draft Plan of Subdivision to permit the development of a maximum of 221 residential dwelling units consisting of a maximum of 112 block townhouse units, 80 maisonette units, 12 single detached dwellings on a private road (condominium road), five single detached dwellings on a public road, and 12 street townhouse units, as well as long term protection of an existing woodlot through a dedication to the City.

The owner has a site-specific appeal against the adoption of the Urban Hamilton Official Plan (UHOP). This appeal is subject to a separate process and negotiations to address the appeal.

The purpose of the Official Plan Amendment Application is to redesignate a portion of the subject lands from “Open Space” to “Neighbourhoods” and to establish an Urban Site Specific Policy to reduce daylighting triangle requirements, to permit a minimum net residential density of 55 units per hectare within a medium density residential area of the Neighbourhoods Designation, and to permit the dedication of a woodlot to the City of Hamilton as parkland dedication.

The Zoning By-law Amendment Application is to rezone the subject lands from the “AA” (Agricultural) District and the “C” (Urban Protected Residential, Etc.) District to the “C/S-

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SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, City of Hamilton Zoning By-law No. 6593, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 311 and 313 Stone Church Road East (Hamilton) (PED21221) (Ward 7) – Page 5 of 38

1811” (Urban Protected Residential, Etc.) District, Modified (Block 1), the “RT-20/S-1811” (Townhouse - Maisonette) District, Modified (Block 2), the “RT-30/S-1811” (Street - Townhouse) District, Modified (Blocks 3 and 4), the “C/S-1811” (Urban Protected Residential, Etc.) District, Modified (Blocks 5 and 6), and the Conservation / Hazard Land (P5) Zone. Staff are supportive of the requested modifications except for the removal of privacy area requirements for townhouse dwellings.

The proposed Draft Plan of Subdivision will create a Natural Heritage/Park block, a block for a maximum of 12 single detached dwellings on a private condominium road, a block for a maximum of 112 block townhouse units and 80 maisonette units, a block for a maximum of 12 street townhouse units, a road widening block, a future residential block, four 0.3 m reserve blocks, five lots for single detached dwellings, and three public roads. Approval would be subject to the owner entering into a Standard Form Subdivision Agreement with Special Conditions, as outlined in Appendix “H” attached to Report PED21221.

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the general intent and purpose of the UHOP, in particular the function, scale and design of the Low and Medium Density Residential policies as they relate to residential greenfield development and complete communities in the Neighbourhoods designation.

The development supports a range of UHOP objectives including providing long term protection to a natural heritage feature and providing a range of housing types and densities. The proposed maximum of 221 residential dwelling units consisting of street townhouse, block townhouse, maisonette, and single detached dwellings are supportable, as they provide a built form that is compatible with the character of the area and the proposed development represents good planning by, among other things, providing a compact and efficient urban form.

Alternatives for Consideration – See Page 37

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an Application for an Official Plan Amendment,

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Zoning By-law Amendment, and Draft Plan of Subdivision. The proposed Official Plan Amendment and Zoning By-law Amendments are to amend the land use designations that are currently under appeal to the Ontario Land Tribunal (OLT). Therefore, Council's approval of the Official Plan Amendment and Zoning By-law Amendments will not take effect until the OLT issues its decision regarding the UHOP appeal.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	DiCenzo Construction Company Ltd. (c/o Anthony DiCenzo).
Applicant/Agent:	UrbanSolutions Planning & Land Development Consultants Inc. (c/o Matt Johnston).
File Numbers:	UHOPA-21-005 ZAC-21-009 25T-202104
Type of Applications:	Urban Hamilton Official Plan Amendment. Zoning By-law Amendment. Draft Plan of Subdivision.
Proposal:	<ul style="list-style-type: none"> • One 1.15 ha Natural Heritage/Park block (Block 1); • One block for a maximum of 12 single detached dwellings on a private condominium road (Block 2); • One block for a maximum of 112 block townhouse units and 80 maisonette units (Block 3); • One block for a maximum of 12 street townhouse units (Block 4); • One road widening block (Block 5); • One future residential block (Block 6); • Four 0.3 m reserve blocks (Blocks 7-10); • Five lots for single detached dwellings (Lots 11-15); and, • Three public roads (Street 'A' and the extensions of Crerar Drive and Cyprus Drive). <p>As shown on the Concept Plan attached as Appendix "F" to Report PED21221.</p>

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Property Details	
Municipal Address:	311 and 313 Stone Church Road East.
Lot Area:	±6.13 ha.
Servicing:	Full municipal services.
Existing Use:	Agricultural and Natural Open Space.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (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” and “Open Space” on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	<ul style="list-style-type: none"> • To redesignate a portion of the subject lands from “Open Space” to “Neighbourhoods”; • To reduce daylighting triangle requirements; • To permit a minimum net residential density of 55 units per hectare within a medium density residential area of the Neighbourhoods Designation; and, • To permit the dedication of a woodlot as parkland dedication.
Neighbourhood Plan:	Crerar – Single and Double.
Zoning Existing:	“AA” (Agricultural) District; and, “C” (Urban Protected Residential, Etc.) District.
Zoning Proposed:	<ul style="list-style-type: none"> • “C/S-1811” (Urban Protected Residential, Etc.) District, Modified (Block 1); • “RT-20/S-1811” (Townhouse - Maisonette) District, Modified (Block 2); • “RT-30/S-1811” (Street - Townhouse) District, Modified (Blocks 3 and 4); • “C/S-1811” (Urban Protected Residential, Etc.) District, Modified (Blocks 5 and 6); and, • Conservation / Hazard Land (P5) Zone.

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Documents	
Modifications Proposed:	<p>“C/S-1811” District (Block 1):</p> <ul style="list-style-type: none"> • To deem the private road as a street; • Definition and regulation of Swales; • Maximum Height; • Minimum Yards; and, • Minimum Parking Ratio. <p>“RT-20/S-1811” District (Block 2):</p> <ul style="list-style-type: none"> • Definition and regulation of Swales; • Maximum Height; • Minimum Required Setbacks; • Minimum Distance Between Buildings; • Minimum Lot Area; • Removal of Privacy Area requirements; however, staff do not support this request for the townhouse units; • Minimum Landscaped Area; • Minimum Parking Ratio; and, • Minimum Parking Space Length. <p>“RT-30/S-1811” District (Blocks 3 and 4):</p> <ul style="list-style-type: none"> • Maximum Height; • Minimum Front and Side Yards; • Minimum Distance Between Buildings; and, • Minimum Lot Area. <p>“C/S-1811” District (Blocks 5 and 6):</p> <ul style="list-style-type: none"> • Maximum Height; • Minimum Front Yard; and, • Removal of Manoeuvring Space for Parking Areas. <p>(See Appendix “E” attached to Report PED21221.)</p>
Processing Details	
Received:	December 23, 2020.
Deemed Complete:	January 22, 2021.
Notice of Complete Application:	Sent to 131 property owners within 120 m of the subject lands on February 19, 2021.
Public Notice Sign:	Posted February 26, 2021 and updated with Public Meeting date November 9, 2021.

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Processing Details	
Notice of Public Meeting:	Sent to 141 property owners within 120 m of the subject lands and other interested persons on November 19, 2021.
Public Comments:	33 letters / emails expressing concerns about various aspects of the proposed development (see Appendix “J” attached to Report PED21221).
Processing Time:	349 days.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Agricultural and Natural Open Space	“AA” (Agricultural) District; and, “C” (Urban Protected Residential, Etc.) District.
Surrounding Land Uses:		
North	Natural Open Space; and, Single Detached Dwellings.	Conservation / Hazard Land (P5) Zone; and, “C” (Urban Protected Residential, Etc.) District.
South	Single Detached Dwellings.	“C” (Urban Protected Residential, Etc.) District.
East	Single Detached Dwellings; Vacant Institutional Lands; Educational Establishment; and, Multiple Dwelling.	“R-4” (Small Lot Single Family Detached) District; “AA” (Agricultural) District; Community Institutional (I2) Zone; “C” (Urban Protected Residential, Etc.) District; and, “DE/S-787” and “DE/S-787a” (Low Density Multiple Dwellings) Districts, Modified.
West	Place of Worship; Natural Open Space; Agricultural; and, Single Detached Dwellings.	Major Institutional (I3, 8) Zone; “AA” (Agricultural) District; and, “C” (Urban Protected Residential, Etc.) District.

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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020)

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

- “1.1.1 Healthy, liveable and safe communities are sustained by:
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
 - e) promoting the integration of land use planning, growth management, *transit-supportive* development, *intensification* and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.”

Further, the PPS states that:

- “1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.
- 1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:
- a) Efficiently use land and resources;
 - b) Are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and / or uneconomical expansion;
 - e) Support *active transportation*;

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

Land use patterns within *settlement areas* shall also be based on a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

- 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *transit-supportive* development, accommodating a significant supply and range of *housing options* through *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.”

The proposed development is located within a settlement area. The development of a mix of single detached and townhouse dwellings is an efficient use of land and represents an appropriate development of the site which is located close to an arterial road and public transit, amenities, and open spaces. The subject lands are well serviced by a comprehensive street network with nearby transit routes, which will encourage active transportation and transit usage.

Noise

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

The lands front Stone Church Road East and are located ±348.5 m from the Lincoln M. Alexander Parkway, which are identified as a minor arterial road and a parkway, respectively, on Schedule C – Functional Road Classification in the UHOP. Staff have reviewed the environmental noise impact study titled “Lavita Estates Residential Development”, prepared by dBA Acoustical Consultants Inc. and dated February 2021. The study identified the acoustic mitigation requirements for this development with respect to road noise from Stone Church Road East, Upper Wellington Street, and Upper Wentworth Street. Staff concur with the recommendations of the study that a noise barrier, noise warning clauses and specific ventilation will be required. These

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matters are addressed as Condition Nos. 18 and 19 of Appendix “H” attached to Report PED21221.

Natural Heritage

“2.1.5 *Development and site alteration* shall not be permitted in:

- b) *Significant woodlands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Mary’s River);

unless it has been demonstrated that there will be no *negative impacts* on the natural features or their *ecological functions*.”

The policies of the PPS (2020) seek to provide for the long-term protection of significant woodlands. The delineation and identification of significant woodlands within settlement areas is the responsibility of the City of Hamilton, the local planning authority. The Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision (attached as Appendices “B”, “D”, and “G” to Report PED21221, respectively), would result in the long term protection of 1.15 hectares of the woodland. The long term protection of the woodland and a viable housing development will support the creation of complete communities. Therefore, the proposed development is consistent with the PPS (2020).

Archaeology

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

The subject property meets five of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 250 metres of known archaeological sites;
- 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 3) In the vicinity of distinctive or unusual landforms;
- 4) In areas of pioneer EuroCanadian settlement; and,
- 5) Along historic transportation routes.

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These criteria define the property as having archaeological potential. Stage 1-2 archaeological reports (P389-0484-2020 for 311 Stone Church Road East) and (P017-195-2011 for 313 Stone Church Road East) have been submitted to the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries. Staff concur with the recommendations made in the reports, and the archaeology requirements for the subject lands has been met to the satisfaction of staff.

Hazardous Lands

“3.1.7 ... *development* and *site alteration* may be permitted in those portions of *hazardous lands* and *hazardous sites* where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

- a) *Development and site alteration* is carried out in accordance with *floodproofing standards, protection works standards, and access standards*;
- b) Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- c) New hazards are not created and existing hazards are not aggravated; and,
- d) No adverse environmental impacts will result.”

Lands that could be unsafe for development and site alteration due to naturally occurring hazards, including unstable bedrock (karst topography), are deemed to be “hazard lands” in the PPS. The Natural Heritage Characterization Report, prepared by Colville Consulting and dated February 2018, has noted karst features on the subject lands and surrounding area. Also, staff have noted karst features within the City-owned woodland to the north (Crerar Natural Open Space). A karst assessment has not been completed. Therefore, Note No. 2 on the conditions of Draft Plan of Subdivision approval attached as Appendix “H” to Report PED21221 is included to advise the proponent that additional information pertaining to the karst inventory may be required.

Based on the foregoing, the proposal is consistent with the PPS (2020).

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

The policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) apply to any planning decision.

The proposal conforms with the Guiding Principles stated in Section 1.2.1 of A Place to Grow (2019), as it supports a range and mix of housing options, supports transit viability, and improves the integration of land use planning with planning and investment in infrastructure. The following policies, amongst others, apply to this proposal.

“2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:

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

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

- a. Feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*; and,

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- c. Provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.”

The subject lands are within the Urban Boundary in a settlement area where it will provide opportunity to build a compact urban form that includes a mix of single detached and townhouse dwellings, with existing and planned municipal services. The proposed development provides an efficient use of land with appropriate densities near a minor arterial road (Stone Church Road East) with available transit services.

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

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure, shown outside of the Built Boundary on Appendix “G” – Boundaries Map, and designated “Neighbourhoods” and “Open Space” on Schedule E-1 – Urban Land Use Designations. The following policies, amongst others, apply to the proposal.

Tree Protection

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

Planning and Hamilton Conservation Authority staff have reviewed the Tree Protection Plan (TPP), Landscape Plan, and Homeowner’s Stewardship Guide, prepared by Adesso Design and dated August 13, 2021. Staff have noted that there are opportunities to preserve the existing mature healthy native trees, especially those around the periphery of the site. The trees along the eastern boundary of the site are on City-owned property and part of a Linkage mapped on Schedule B – Natural Heritage System of the UHOP. These should be retained and integrated with the natural features of the site. Other technical revisions to the TPP that are required are included as Condition No. 20 of Appendix “H” attached to Report PED21221.

The TPP has identified Tree #132 as a pure Butternut which is regulated under the *Endangered Species Act* (2007). The TPP requires that this tree will be assessed by a qualified Butternut health assessor to determine its health and whether it should be removed or alternatively preserved. This recommended assessment must be

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completed and submitted to the Ministry of Environment, Conservation, and Parks (MOECP) as detailed in Condition No. 21 of Appendix “H” attached to Report PED21221.

Staff note that the preliminary grading plan, prepared by S. Llewellyn & Associates and dated August 2021, proposed grading and drainage features, which include a retaining wall and trapezoidal swale within the rear yards of condominium Lots 4-8 (within Block 2 on the Concept Plan attached as Appendix “F” to Report PED21221) to reconcile grading along the boundary of the Significant Woodland (Block 1) and address external drainage into the lands. A projecting dolostone / limestone rock face and several trees, including a Butternut, have been identified within these yards. Staff will be seeking the detailed design of environmental features, including but not limited to the projecting dolostone / limestone rock face, Butternut and other significant trees, be preserved. These edge conditions, including boundary landscaping and fencing, will be addressed through an Edge Management Plan, which is required as Condition No. 22 of Appendix “H” attached to Report PED21221.

The Landscape Plan discusses the removal of invasive species and mentions that Japanese Knotweed is present on the site, but the methods for removal are not stated in the Landscape Plan. As the City is assuming ownership of Block 1, invasive species management will be the responsibility of the City. Proposed habitat restoration plantings will be shown on the Landscape Plan as required by Condition No. 23 of Appendix “H” attached to Report PED21221.

The Landscape Plan will incorporate native species as encouraged by the HCA due to the proximity of the site to a significant natural area. As the TPP identifies approximately 121 private trees are to be removed, compensation will be required at a 1:1 ratio for all private trees to be removed. Final compensation will be determined once the TPP is approved, which shall be identified on the Landscape Plan to be reviewed at the detailed design stage, which is required as Condition No. 23 of Appendix “H” attached to Report PED21221.

Planning and HCA staff are generally satisfied with the Homeowner’s Stewardship Guide, prepared by Adesso Design, subject to some edits/corrections as addressed in Condition No. 24 of Appendix “H” attached to Report PED21221.

Neighbourhoods Designation

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

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- E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
- a) Residential dwellings, including second dwelling units and *housing with supports*; and,
 - b) Open space and parks;
- E.3.3.1 Lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas with higher density dwelling forms and supporting uses located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads; and,
- E.3.3.2 *Development or redevelopment* adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are *compatible* with existing and future uses in the surrounding area.”

The proposed mix of single detached dwellings, street and block townhouses and maisonette dwelling units are permitted uses in the Neighbourhoods designation. The policies of the Neighbourhoods designation seek to establish a full range of residential types and densities. The proposed greenfield development contributes to the establishment of a full range of housing forms, types and densities in the area.

While the subject lands are generally located in the interior the Crerar Neighbourhood, the medium density residential lands (Block 3 on the Concept Plan and Proposed Draft Plan of Subdivision (attached as Appendices “F” and “G”, respectively, to Report PED21221) gain access to a collector road (Crerar Drive) and a minor arterial road (Stone Church Road East) via local roads (Crerar Drive and Street ‘A’) with a small number of low density residential dwellings located on that portion of the roads.

The proposed development is adjacent to lower density residential uses to the north. In particular, the rear yards of the single detached dwellings along Dolphin Place back onto the 12 single detached dwellings in the proposed common element condominium (Block 2 on the Concept Plan attached as Appendix “F” to Report PED21221). It is noted that while Lots 1-3 are arranged with a rear-to-rear yard configuration, Lot 4 is oriented such that the side yard is adjacent to the rear yards of the adjacent lands. Accordingly, the Applicant has proposed an increased setback of 2.4 metres, instead of the typical 1.2 metres, for this boundary condition, which has been reflected in the proposed Zoning By-law Amendment attached as Appendix “C” to Report PED21221. In addition, 1.8 metre high wood privacy perimeter fencing is proposed, as shown on the Landscape Plan, prepared by Adesso Design and dated August 13, 2021, which would be further reviewed at the future Site Plan Control stage.

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Other matters concerning compatibility as a result of the proposed development, such as shadowing, overlook, noise, traffic, and other nuisance effects, would be negligible given the density of the proposed development on Block 2. Lighting would be reviewed in the future at the Site Plan Control stage.

Medium Density Residential

- “E.3.5.1 Medium density residential areas are characterized by *multiple dwelling* forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads;
- E.3.5.2 Uses permitted in medium density residential areas include *multiple dwellings* except street townhouses;
- E.3.5.5 Medium density residential uses shall be located within safe and convenient walking distance of existing or planned *community facilities*, public transit, schools, active or passive recreational facilities, and local or District Commercial uses;
- E.3.5.7 For medium density residential uses, the *net residential density* shall be greater than 60 units per hectare and not greater than 100 units per hectare;
- E.3.5.8 For medium density residential uses, the maximum height shall be six storeys; and,
- E.3.5.9 *Development* within the medium density residential category shall be evaluated on the basis of the following criteria:
- a) Developments should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may gain access to the collector or major or minor arterial roads from a local road only if a small number of low density residential dwellings are located on that portion of the local road;
 - b) *Development* shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations;

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- c) *Development* shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures shall be *compatible* with existing and future uses in the surrounding area; and,
- d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.”

The neighbourhood contains a mixture of low and medium density developments and community facilities/services with a network of safe and convenient pedestrian connections. The proposed maisonette and block townhouse dwellings are forms of multiple dwellings. The medium density residential lands (Block 3 on the Concept Plan and Proposed Draft Plan of Subdivision (attached as Appendices “F” and “G”, respectively, to Report PED21221) gain access to a collector road (Crerar Drive) and a minor arterial road (Stone Church Road East) via local roads (Crerar Drive and Street ‘A’) with a small number of low density residential dwellings located on that portion of the roads. As there is no existing development located in the vicinity of the two proposed accesses to the development, they do not present any conflict between traffic and pedestrians on surrounding streets. The design of the accesses will be further reviewed at the future Site Plan Control stage. The proposed medium density development respects and is compatible with adjacent developments.

The proposed height of three storeys for the maisonette and block townhouse dwellings conforms to the maximum height for medium density residential uses in Neighbourhoods. However, the proposed 57.2 units per hectare falls below the permitted net residential density range for medium density residential uses. Staff are supportive of a modification to the density range as it maintains the intent of the Medium Density Residential policies of the UHOP and is compatible with the existing surrounding dwelling form of generally 1.5 to two storey heights. A minimum of 55 units per hectare is included in the Draft Official Plan Amendment attached as Appendix “B” to Report PED21221 to provide added flexibility.

Low Density Residential

- “E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods;
- E.3.4.2 Low density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade;

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- E.3.4.3 Uses permitted in low density residential areas include single-detached, semidetached, duplex, triplex, and street townhouse dwellings;
- E.3.4.4 For low density residential areas the maximum *net residential density* shall be 60 units per hectare; and,
- E.3.4.5 For low density residential areas, the maximum height shall be three storeys.”

The proposed single detached dwellings (12 units on a private condominium road in Block 2 and five units on Lots 11-15) and 12 street townhouse dwellings on Block 4 (as shown on the Concept Plan and Proposed Draft Plan of Subdivision (attached as Appendices “F” and “G”, respectively, to Report PED21221) are permitted uses in the Low Density Residential areas. The proposed density of the 12 single detached dwelling units in Block 2 is ± 17.4 units per hectare, the density of the 12 street townhouse dwellings on Block 4 is ± 50 units per hectare, and the density of the five lots (Lots 11-15) is ± 25 units per hectare. However, these proposed densities may be adjusted slightly as a result of revisions to the Concept Plan with respect to right-of-way requirements, which is discussed in detail below in the Transportation Network and Right-of-Ways section. These revisions and adjustments would not be substantial to increase the net residential density to above 60 units per hectare, therefore the proposed development complies with the maximum net residential density permitted in Low Density Residential areas. The building heights will be a maximum of 11.5 metres, as per the Draft Amendment to Zoning By-law No. 6593 attached as Appendix “C” to Report PED21221, which is representative of a maximum of three storeys.

Residential Greenfield Design

- “E.3.7.1 New greenfield communities shall be designed with a unique and cohesive character. Buildings, streetscapes, street patterns, landscaping, open spaces, and infrastructure shall be designed to contribute to this character;
- E.3.7.2 New greenfield communities shall be designed to include a focal point. All elements of the design of the community including the layout of streets, trails, pedestrian connections, and transit routes as well as the location of land uses and transit stops, shall contribute to creation of the community focal point;
- E.3.7.3 The configuration of streets, trails, and open spaces shall ensure clear and convenient pedestrian, cycling, and vehicular connections from within the greenfield community to the focal point and adjacent neighbourhoods;

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E.3.7.5 New residential development in greenfield areas shall generally be designed and planned to:

- a) Minimize changes to existing topography; and,
- b) Preserve existing trees and natural features;

E.3.7.6 New *development* or *redevelopment* adjacent to open spaces shall:

- a) Minimize the impacts on natural heritage features;
- b) Maintain or enhance public access to trails, bikeways, and parks within these features;
- c) Preserve or enhance public views to these features; and,
- d) Use native plant material adjacent to these features.”

The subject site is located on a future Collector road (Crerar Drive), as well as in close proximity to a Minor Arterial (Stone Church Road East). The existing neighbourhood is comprised of single detached dwellings, with natural open spaces, vacant institutional and agricultural lands, a neighbourhood park, educational establishments, multiple dwellings, and places of worship surrounding the subject lands.

The subject lands constitute a greenfield development as the lands are within the Urban Boundary but outside of the Built-Up Area and are considered a greenfield area. The subject lands are located in a settlement area where full municipal services are available and will contribute to the provision of a range and mix of housing types.

The proposed maximum of 221 residential dwelling units consisting of street townhouse, block townhouse, maisonette, and single detached dwellings will be of a size, density and scale that respects the existing and proposed scale of development in the area. At proposed building heights of two to three storeys (11.5 to 13.5 metres), the proposed development is appropriate with respect to the scale of the neighbouring buildings, which range in height from one and a half to two storeys, and massing that respects the existing street proportions and lot patterns. The subject proposal is appropriately designed and constitutes an evolving built form that is in harmony with the existing architectural massing of the area.

Visitor parking is proposed within the future condominium blocks of the development (Blocks 2 and 3) and sufficient amenity area by way of private yards and landscaped

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areas will also contribute to the integration of this new development into the existing neighbourhood. The proposed development will provide landscaping and visual barriers that will buffer neighbouring properties, consistent with the amount of landscaping on other properties in the neighbourhood to eliminate potential privacy concerns for adjoining residents. The proposed development will have direct vehicular and pedestrian routes throughout the site connecting to existing and planned sidewalks along Cyprus Drive, Crerar Drive, and Street 'A', establishing direct pedestrian routes to the existing transit services (see the Concept Plan attached as Appendix "F" to Report PED21221).

Scale and Design

"E.3.2.7 The City shall require quality urban and architectural design. *Development* of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:

- a) New *development* on large sites shall support a grid system of streets of pedestrian scale, short blocks, street oriented structures, and a safe and attractive public realm;
- b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized;
- c) Adequate and direct pedestrian access and linkages to *community facilities/services* and local commercial uses shall be provided; and,
- d) *Development* shall improve existing landscape features and overall landscape character of the surrounding area;

B.3.3.2.3 Urban design should foster a sense of community pride and identity by:

- a) Respecting existing character, development patterns, built form, and landscape;
- b) Promoting quality design consistent with the locale and surrounding environment; and,
- e) Conserving, maintaining, and enhancing the natural heritage and topographic features of the City and its communities;

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- B.3.3.2.5 Places that are safe, accessible, connected and easy to navigate shall be created by using the following design Applications, where appropriate:
- a) Connecting buildings and spaces through an efficient, intuitive, and safe network of streets, roads, alleys, lanes, sidewalks, and pathways;
- B.3.3.2.8 Urban design should promote environmental sustainability by:
- a) Achieving compact development and resulting built forms; and,
 - b) Integrating, protecting, and enhancing environmental features and landscapes, including existing topography, forest and vegetative cover, green spaces and corridors through building and site design;
- B.3.3.3.5 Built form shall create comfortable pedestrian environments by:
- a) Locating principal façades and primary building entrances parallel to and as close to the street as possible; and,
 - d) Locating surface parking to the sides or rear of sites or buildings, where appropriate.”

The proposed development will provide a pedestrian scale street network aligned to the general intent of the Crerar Neighbourhood Plan with the extension of Crerar Drive to Stone Church Road East. It is noted that while the Neighbourhood Plan shows a network of public roads connecting Cyprus Drive in the north to Crerar Drive in the south, private condominium roads are proposed within Blocks 2 and 3 of the proposed development (see the Concept Plan attached as Appendix “F” to Report PED21221). The Neighbourhood Plan identifies the entirety of the subject lands, including the woodland and municipal tree assets located within municipal rights-of-way, for residential development and public roads. For orderly development to proceed, in lieu of a public roadway to complete the public road connection through the neighbourhood, a walkway is proposed through the City-owned strip of land adjacent to the northeast portion of the site from the sidewalk along Cyprus Drive to the internal sidewalk through the medium density residential lands. An easement will be established along the internal sidewalk to grant public access through Block 3 to Crerar Drive. These are addressed as Condition Nos. 25 and 28 of Appendix “H” attached to Report PED21221.

With respect to integrating, conserving, protecting, maintaining, improving and enhancing existing environmental features and landscape features and the overall

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landscape character of the surrounding area, including existing topography, forest and vegetative cover, through building and site design, Block 1 (woodland) will be dedicated to the City for long term protection and stewardship. Staff note that the preliminary grading plan, prepared by S. Llewellyn & Associates and dated August 2021, proposed grading and drainage features, including a retaining wall and trapezoidal swale, within the rear yards of condominium Lots 4-8 (within Block 2 on the Concept Plan attached as Appendix “F” to Report PED21221) to reconcile grading along the boundary of Block 1 and address external drainage into the lands. A projecting dolostone / limestone rock face and several trees, including a Butternut, have been identified within these yards and are identified for removal. Staff recommend that through the detailed design additional environmental features, including but not limited to the projecting dolostone / limestone rock face, Butternut and other significant trees, should be preserved. Accordingly, a Tree Preservation / Management / Enhancement Plan, Edge Management Plan, Landscape Plan, and a Homeowner’s Stewardship Guide will be required and are addressed by Condition Nos. 20 - 24 of Appendix “H” attached to Report PED21221.

The proposed dwellings will address the public and private internal roadways with garages recessed from the principal entrances of the dwellings with most visitor parking areas located away from the public street. Where visitor parking areas are located next to a public street they will be screened from view with landscaping. This requirement will be further addressed at the future Site Plan Control stage.

Matters regarding access and linkages to surrounding supporting uses and respecting the existing character, development patterns, built form, and landscape consistent with the surrounding neighbourhood through compact development have been discussed in greater detail above.

Transportation Network and Right-of-Ways

- “C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way-widths:
- d) Minor arterial roads, subject to the following policies:
 - iii) The basic maximum right-of-way widths for major arterial roads shall be [as] described in Schedule C-2 – Future Right-of-Way Dedications;
 - e) Collector roads, subject to the following policies:

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- ii) The basic maximum right-of-way widths for urban collector roads shall be ... 26.213 metres ...; and,
- iv) Short connecting link-roads which generally connect local internal neighbourhood ring road networks to external arterial roads shall be classified as collector roads. Several connecting link-roads are located in between arterial roads and function as mid block collector roads;
- f) Local roads, subject to the following policies:
 - ii) The basic maximum right-of-way widths for local roads shall be ... 20.117 metres ...;

C.4.5.6.1 The City shall require, as a condition of site plan approval, subdivision approval, condominium approval and land severance consent, that sufficient lands are conveyed to provide for a road right-of-way dedication in accordance with the designated widths as set out in Section C.4.5.2 or Schedule C-2 – Future Right-of-Way Dedications;

C.4.5.6.5 Notwithstanding Policies C.4.5.6, C.4.5.6.1, C.4.5.6.3, and C.4.5.7, and in addition to Policy C.4.5.3, the City may waive or accept less lands to be dedicated than the maximum right-of-way dedication and/or daylighting triangle requirements where, in the opinion of the City:

- a) It is determined through a development planning approval process that due to significant adverse impacts on:
 - i) Existing built form;
 - ii) Natural heritage features;
 - iii) An existing streetscape; or,
 - iv) A known *cultural heritage resource*;

it is not feasible or desirable to widen an existing right-of-way to the maximum right-of-way width or provide the full daylight triangle as set in Section C.4.5.2, Schedule C-2 – Future Right-of-Way Dedications, or Section C.4.5.7, and that the City's

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objectives for sustainable *infrastructure*, complete streets and mobility can be achieved; or,

- b) An alternative right-of-way width or daylighting triangle size has been deemed appropriate through a City initiated environmental assessment, streetscape master plan, area master plan, secondary planning study, or other transportation or planning study approved by Council, and provided it does not affect the safe and planned operation of the roadway;

C.4.5.7 The City shall require the conveyance of property for appropriate daylighting triangles and corner rounding on existing roads at such times as the property is to be developed or redeveloped, as a condition of site plan approval, consent, or plan of subdivision approval, in accordance with City standards based on the intersecting roadways of the functional road classification detailed in Section C.4.5.2. Daylighting triangles at intersections shall generally be as follows:

- a) Local to local roads: 4.57 m triangle or radius;
- b) Collector to local or collector Roads: 9.14 m x 9.14 m triangle; and,
- c) Arterial to collector or arterial (Urban): 12.19 m x 12.19 m triangle;

C.4.5.8.3 Private access to arterial and collector roads shall be designed to minimize the number of driveways and to consolidate driveways for adjacent sites where possible; and,

C.4.5.10 Traffic calming devices shall only be installed where warranted in accordance with current City traffic standards.”

Stone Church Road East is classified as a Minor Arterial with a future right-of-way width of 30.048 metres from Golf Links Road to Upper Mount Albion Road, as specified in Schedule C-2 of the UHOP. A road widening of approximately 5.18 m to provide a right-of-way width of 15.024 m from the road centreline has been provided on the Draft Plan as Block 5 and will be dedicated to the City (see Appendix “G” attached to Report PED21221). This has been secured through Condition No. 29 of Appendix “H” attached to Report PED21221.

Crerar Drive at the intersection of Stone Church Road East functions as a midblock collector road connecting the local internal neighbourhood road network to the external

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arterial road, with a right-of-way width of 26.213 metres. The remainder of Crerar Drive is classified as a local road and shall match the existing width of Crerar Drive (± 20.12 metres). The Concept Plan and Proposed Draft Plan of Subdivision (attached as Appendices “F” and “G”, respectively, to Report PED21221) identify a proposed ± 9.6 metre x ± 9.6 metre daylighting triangle at the northwest corner of Stone Church Road East and Crerar Drive. In consultation with Transportation Planning staff, notwithstanding the daylighting triangle requirements and criteria for alternative size, the ± 9.6 metre x ± 9.6 metre daylighting triangle can be supported as it will be a consistent in size with the existing daylighting triangle at the northeast corner of Stone Church Road East and Crerar Drive. A maximum 9.60 metre x 9.60 metre daylighting triangle requirement is included in the Draft Official Plan Amendment attached as Appendix “B” to Report PED21221 and will be secured through Condition No. 30 of Appendix “H” attached to Report PED21221.

It is noted that the transition from a collector road to a local road right-of-way width has not been determined. The right-of-way of Street ‘A’ is approximately 70 metres from the ultimate right-of-way of Stone Church Road East, and there may be a pinch point if the 26.213 metre right-of-way width is not provided for the entire length from Stone Church Road East to Street ‘A’. The 26.213 metre right-of-way width of a collector road is to ensure, amongst other infrastructure need, that sufficient width for turning lanes is provided (i.e. taper and storage lengths). It will not be feasible to align the centreline of the right-of-way of the Crerar Drive extension with the centreline of Brigade Drive on the opposite side of Stone Church Road East. The new road, boulevard and sidewalk will be shifted westerly off-centre of the Crerar Drive right-of-way in order that the travel path centrelines of Crerar Drive and Brigade Drive are aligned. A southbound left turn lane and taper needs to be accommodated. Transportation Planning cannot support a reduced right-of-way for the section of Crerar Drive required to be classified as a collector road unless the Applicant can demonstrate there will be sufficient room to accommodate the infrastructure needs within the right-of-way prior to Street ‘A’, as is currently shown on the Draft Plan of Subdivision attached as Appendix “G” to Report PED21221.

Street ‘A’ is classified as a local road with a right-of-way width of 20.12 metres. 4.57 metre x 4.57 metre daylighting triangles at the northwest and southwest corners of the intersection of Crerar Drive (section classified as local road) and Street ‘A’ are required (Condition Nos. 29 and 30 of Appendix “H” attached to Report PED21221). A temporary turnaround required at the west end of Street ‘A’ and 0.3m reserve block around the perimeter are addressed as Condition No. 14 of Appendix “H” attached to Report PED21221. Revisions to the proposed cul-de-sac at the south end of Cyprus Drive to include the acquisition of a portion of City owned lands and the necessary boulevard for sidewalks and the installation of utilities is further discussed in Appendix

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“L” attached to Report PED21221 and is addressed as Condition Nos. 10 - 12 of Appendix “H” attached to Report PED21221.

A revised Transportation Impact Study, traffic signal design and installation for the Stone Church Road East and Brigade Drive/Crear Drive extension intersection, and plans showing the ultimate right-of-way and daylighting limits, roadways, medians, pavement markings including left-turn storage and taper lengths, sidewalks, traffic calming and transportation management measures, sightline analysis and advisory statements to prospective purchasers, as further detailed in the Relevant Consultation attached as Appendix “L” to Report PED21221, are required as Condition Nos. 31 - 38 of Appendix “H” attached to Report PED21221. All required infrastructure improvements identified through an approved Transportation Impact Study will be addressed at the detailed design stage.

Approval of the Transportation Impact Study is required prior to approval of the on-street parking plan to address sightline issues and separation from intersections. In accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual, the minimum number of parking spaces shall be a ratio of 0.4 parallel on-street parking spaces per dwelling unit within reasonable walking distance for each phase of development. A revised on-street parking plan is addressed as Condition No. 4 of Appendix “H” attached to Report PED21221.

Infrastructure and Servicing

“C.5.3.11 The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system; and,

C.5.4.2 Any new *development* that occurs shall be responsible for submitting a detailed storm water management plan prior to *development* to properly address on site drainage and to ensure that new *development* has no negative impact on off site drainage.”

Development Engineering Approvals have identified several concerns with respect to the proposed grading and drainage plans, particularly the significant regrading proposed on the subject and adjacent lands, retaining wall, and trapezoidal swale along the north side and rear yards of Lots 4 to 8 on Block 2 and the west rear yards of Block 3, and overland flow routes, as further detailed in the Relevant Consultation attached as Appendix “L” to Report PED21221. The concerns are that the proposed drainage concept may not adequately contain, and redirect, stormwater flows from external lands away from the proposed development lots. As discussed above, the revisions provide an opportunity for staff to encourage, through the detailed grading design, that any

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additional environmental features be preserved. The Applicant is to confirm that the adjacent landowners for the lands located at 289 Stone Church Road East have reviewed and understand the scope and impact of the proposed grading and drainage measures, as well as the temporary cul-de-sac at the terminus of Street 'A', being proposed on their lands. This matter has been addressed as Condition No. 17 of Appendix "H" attached to Report PED21221.

Development Engineering Approvals has also identified potential issues with the proposal to replace a section of the existing sanitary sewer on Crerar Drive with larger diameter sewers. Multiple existing sewer services lack adequate minimum separations to the water services, which may present issues under the required MECP ECA Application for the new sewer.

Hamilton Conservation Authority have advised that the revised Functional Servicing Report, prepared by S. Llewellyn & Associates and dated August 2021, has not proposed sufficient quality control for the lands. They further recommend separate erosion and sediment control plans for pre-grading and initial construction stages and the plans provide additional measures and details. The above servicing, stormwater management, external drainage and grading, detailed engineering design, and sewer replacement have been addressed as Condition Nos. 1, 2, 6, 7, and 17 of Appendix "H" attached to Report PED21221.

Plan of Subdivision

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

- a) the plan of subdivision conforms to the policies and land use designations of this Plan;
- b) the plan of subdivision implements the City's staging of development program;
- c) the plan of subdivision can be supplied with adequate services and community facilities;
- d) the plan of subdivision shall not adversely impact upon the transportation system and the natural environment;
- e) the plan of subdivision can be integrated with adjacent lands and roadways;

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- f) the plan of subdivision shall not adversely impact municipal finances; and,
- g) the plan of subdivision meets all requirements of the *Planning Act*.”

The proposed Draft Plan of Subdivision, attached as Appendix “G” to Report PED21221, consists of one Natural Heritage/Park block (Block 1); one block for a maximum of 12 single detached dwellings on a private condominium road (Block 2); one block for a maximum of 112 block townhouse units and 80 maisonette units (Block 3); one block for a maximum of 12 street townhouse units (Block 4); one road widening block (Block 5); one future residential block (Block 6); four 0.3 m reserve blocks (Blocks 7-10); five lots for single detached dwellings (Lots 11-15); and, three public roads (Street ‘A’ and the extensions of Crerar Drive and Cyprus Drive).

Block 1 will be dedicated to the City for long term protection and stewardship of the woodland. Block 2 will allow for a future Condominium development having private roads and freehold lots, and Block 3 will allow for a future Condominium development having private roads and standard condominium units. Block 4 will allow for street townhouse dwellings, which may be divided through future Part Lot Control Applications. Block 5 dedicates the necessary road widening along Stone Church Road East and respective daylighting triangle. Two of the 0.3 m reserve blocks (Blocks 7 and 8) preclude access to lands not currently under the ownership or control of the subject Owner/Applicant, which can be lifted with future development of those lands and including Block 6 (future residential block). The other two 0.3 m reserve blocks (Blocks 9 and 10) will ensure driveway access from Cyprus Drive and Stone Church Road East, respectively, will not be permitted to the adjacent land.

The proposal complies with the applicable policies of the UHOP, subject to approval of the proposed Official Plan Amendment. It is consistent with the Criteria for Staging of Development as the site can be serviced using existing and planned infrastructure and will not adversely impact upon the transportation system and the natural environment, subject to the proposed Draft Plan conditions. The proposed development will integrate well with the existing development in the Crerar Neighbourhood, will not adversely impact municipal finances, and meets all requirements of the *Planning Act*.

Based on the foregoing, the proposal complies with the applicable policies of the UHOP, subject to approval of the proposed Official Plan Amendment.

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Crerar Neighbourhood Plan

The subject site is located within the boundaries of the Crerar Neighbourhood Plan. The neighbourhood plan was originally approved by Council in March of 1979 which established an overall framework for the neighbourhood design, including locations for park blocks and open spaces, to serve the future development of the broader area for the lands bounded by Upper Wellington Street, Lincoln M. Alexander Parkway, Upper Wentworth Street and Stone Church Road East.

The specific land use permissions and design details for individual development blocks in the neighbourhood have been, and continue to be, implemented through Zoning By-law Amendment Applications and Draft Plans of Subdivision. The site is designated “Single and Double” in the Neighbourhood Plan, which contemplates the development of single detached and semi-detached dwellings. The Block Townhouse and Street Townhouse blocks (Blocks 3 and 4, respectively, as shown on the Draft Plan of Subdivision attached as Appendix “G” to Report PED21221) would be categorized as “Attached Housing” in the Crerar Neighbourhood Plan. Portions of the subject lands are also identified for “Proposed Roads”. The woodland is not identified for protection by the Neighbourhood Plan.

An amendment to the Crerar Neighbourhood Plan is required to adjust the planned local road network and change the designations of:

- The Natural Heritage/Park block (Block 1 as shown on the Draft Plan of Subdivision attached as Appendix “G” to Report PED21221) from “Single and Double” to “Park and Recreational”; and,
- The Block Townhouse and Street Townhouse blocks (Blocks 3 and 4, respectively, as shown on the Draft Plan of Subdivision attached as Appendix “G” to Report PED21221) from “Single and Double” to “Attached Housing”.

Given:

1. The dedication of 1.15 hectares of woodland to the City;
2. The site’s frontage on a collector road (Crerar Drive) as a prominent entrance to the neighbourhood from a minor arterial (Stone Church Road East); and,
3. That the development will comply with the Urban Hamilton Official Plan upon approval of the proposed Urban Hamilton Official Plan Amendment.

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The above redesignations to “Park and Recreational” and “Attached Housing” can be supported.

Hamilton Zoning By-law Nos. 6593 and 05-200

The subject property is currently zoned “AA” (Agricultural) District and “C” (Urban Protected Residential, Etc.) District, in Hamilton Zoning By-law No. 6593, as shown on Appendix “A” attached to Report PED21221. In order to permit the proposed development, the Zoning By-law Amendment Application proposes to rezone the subject property to the:

- “C/S-1811-H” (Urban Protected Residential, Etc.) District, Modified (Block 1);
- “RT-20/S-1811-H” (Townhouse - Maisonette) District, Modified (Block 2);
- “RT-30/S-1811” (Street - Townhouse) District, Modified (Blocks 3 and 4);
- “C/S-1811” (Urban Protected Residential, Etc.) District, Modified (Blocks 5 and 6), all under Hamilton Zoning By-law No. 6593; and,
- Conservation / Hazard Land (P5) Zone under City of Hamilton By-law No. 05-200.

The proposed zoning will be discussed in the Analysis and Rationale section of this Report, and an evaluation of the proposed modifications to the “C”, “RT-20”, and “RT-30” Districts are included in Appendix “E” attached to Report PED21221.

RELEVANT CONSULTATION

Refer to Appendix “L” attached to Report PED21221 for a summary of Department and Agency comments and public input received.

Public Consultation

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 131 property owners within 120 m of the subject lands on February 19, 2021.

A Public Notice Sign was posted on the property on February 26, 2021, and updated on November 9, 2021, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on November 19, 2021.

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, City of Hamilton Zoning By-law No. 6593, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 311 and 313 Stone Church Road East (Hamilton) (PED21221) (Ward 7) – Page 33 of 38

Public Consultation Strategy

Pursuant to the City’s Public Consultation Strategy Guidelines, the Applicant launched a project website providing the complete Application documents and key project status dates. Further, the Applicant prepared a Public Consultation Strategy which included a neighbourhood information meeting held on June 7, 2021 and hosted by the Applicant virtually using the Microsoft Teams platform. The Applicant presented the proposal and addressed questions and concerns associated with the Applications. A notice advising of the neighbourhood information meeting was sent by the Applicant to all residents within 120 m of the subject lands. Members of the public, staff from the City and the Ward Councillor’s office, and the Applicant and their agent, attended the meeting. The meeting comments are included in Appendix “K” attached to Report PED21221.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed development 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 UHOP, in particular, the function, scale and design of the Low and Medium Density Residential policies as they relate to residential greenfield development and complete communities in the Neighbourhoods designation; and,
 - iii) The proposed maximum of 221 residential dwelling units consisting of street townhouse, block townhouse, maisonette, and single detached dwellings are supportable, as they provide a built form that is compatible with the character of the area and the proposed development represents good planning by, among other things, providing a compact and efficient urban form;
2. The proposed Urban Hamilton Official Plan Amendment is required to redesignate a portion of the subject lands from “Open Space” to “Neighbourhoods” and to establish an Urban Site Specific Policy to reduce daylighting triangle requirements, to permit a minimum net residential density of 55 units per hectare within a medium density residential area of the Neighbourhoods Designation, and to permit the dedication of a woodlot to the City of Hamilton as parkland dedication.

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SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, City of Hamilton Zoning By-law No. 6593, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 311 and 313 Stone Church Road East (Hamilton) (PED21221) (Ward 7) – Page 34 of 38

As per the UHOP policies identified above, the proposed Official Plan Amendment can be supported given that the Crerar Neighbourhood Plan identifies the entirety of the site for residential development and supporting infrastructure including public streets, and that the 1.15 hectare woodland is being protected through dedication to the City of Hamilton.

The Concept Plan supports a range of UHOP objectives including planning and designating lands for a range of housing types and densities and securing the woodland and the development of housing and public street connections as envisioned by the Crerar Neighbourhood Plan. Therefore, staff support the proposed Official Plan Amendment.

The proposed 57.2 units per hectare falls below the permitted net residential density range for medium density residential uses. With the type of housing form proposed, located on internal private roads, there are no public lands to exclude from the calculation and thus the result is a lower overall density number. Staff support the modification to the density range as it maintains the intent of the Medium Density Residential policies of the UHOP by proposing a development which is a compatible with the existing surrounding dwelling form and massing. A minimum of 55 units per hectare is included in the Draft Official Plan Amendment attached as Appendix “B” to Report PED21221 to provide added flexibility.

The proposed ± 9.6 metre x ± 9.6 metre daylighting triangle at the northwest corner of Stone Church Road East and Crerar Drive is less than the required 12.19 metre x 12.19 metre daylighting triangle. In consultation with Transportation Planning staff, notwithstanding the daylighting triangle requirements and criteria for alternative size, this daylighting triangle can be supported as it will be a consistent in size with the existing daylighting triangle at the northeast corner of Stone Church Road East and Crerar Drive. A maximum 9.60 metre x 9.60 metre daylighting triangle requirement is included in the Draft Official Plan Amendment attached as Appendix “B” to Report PED21221.

3. The proposed Zoning By-law Amendments are to change the zoning:
 - From the “AA” (Agricultural) District to the “C/S-1811” (Urban Protected Residential, Etc.) District, Modified (Block 1);
 - From the “AA” (Agricultural) District to the “RT-20/S-1811” (Townhouse - Maisonette) District, Modified (Block 2);

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- From the “AA” (Agricultural) District and the “C” (Urban Protected Residential, Etc.) District to the “RT-30/S-1811” (Street - Townhouse) District, Modified (Blocks 3 and 4);
- From the “AA” (Agricultural) District and the “C” (Urban Protected Residential, Etc.) District to the “C/S-1811” (Urban Protected Residential, Etc.) District, Modified (Blocks 5 and 6); and,
- From the “AA” (Agricultural) District to the Conservation / Hazard Land (P5) Zone.

This zoning amendment will permit a maximum of 221 residential dwelling units consisting of a maximum of 112 block townhouse units, 80 maisonette units, 12 single detached dwellings on a private road (condominium road), five single detached dwellings on a public road, and 12 street townhouse units, and to protect a 1.15 hectare significant woodland.

Given that the proposed development will complement, through a compact design that includes a diverse range and mix of housing types, the existing and planned surrounding neighbourhood, will provide a mixture of lot widths and block sizes compatible with existing and planned development in the area, will be consistent with the character of the surrounding area, and will provide long term protection to a woodland, staff are supportive of the proposed Zoning By-law Amendment.

The implementing by-law proposes modifications to the “C” (Urban Protected Residential, Etc.) District, the “RT-20” (Townhouse - Maisonette) District, and the “RT-30” (Street - Townhouse) District. These are discussed in Appendix “E” attached to Report PED21221.

4. The proposed Draft Plan of Subdivision will consist of one Natural Heritage/Park block (Block 1); one block for a maximum of 12 single detached dwellings on a private condominium road (Block 2); one block for a maximum of 112 block townhouse units and 80 maisonette units (Block 3); one block for a maximum of 12 street townhouse units (Block 4); one road widening block (Block 5); one future residential block (Block 6); four 0.3 m reserve blocks (Blocks 7-10); five lots for single detached dwellings (Lots 11-15); and, three public roads (Street ‘A’ and the extensions of Crerar Drive and Cyprus Drive).

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In review of Sub-section 51(24) of the *Planning Act*, to assess the appropriateness of the proposed subdivision, staff advise that:

- (a) It is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) The proposal represents a logical and timely extension of existing development and services and is in the public interest;
- (c) It will comply with the applicable policies of the Urban Hamilton Official Plan upon approval of the Urban Hamilton Official Plan Amendment;
- (d) The proposed roads will adequately service the proposed subdivision and can connect with the current road system;
- (e) The dimensions and shape of the lots and blocks are appropriate;
- (f) Restrictions and regulations for the development of the subdivision are included in the implementing Zoning By-law Amendment, conditions of draft plan approval and Subdivision Agreement;
- (g) The subject lands can be appropriately used for the purposes for which it is to be subdivided and will not negatively impact natural heritage features, and flood control will be addressed through stormwater management plans that will be required as standard conditions of draft plan approval;
- (h) Adequate municipal services will be available, the particulars of which will be determined as part of the conditions of draft plan approval and Subdivision Agreement; and,
- (i) Public land will be conveyed to create road rights-of-way, the particulars of which will be determined as part of the Standard Subdivision Agreement and final registration of the Plan of Subdivision.

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

5. Applications for a Draft Plan of Condominium (Common Element) (25CDM-202105) for a maximum of 12 single detached dwellings on a private condominium road for Block 2, a Draft Plan of Condominium (Phased – Standard) (25CDM-202106) for a maximum of 112 block townhouse units and 80 maisonette units for Block 3, and Site Plan Control Application (DA-21-012) for the aforementioned

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condominium blocks are required for the proposed development of the subject blocks, and will be further considered at later stages in the development process. It is noted that until such time as the applicant has submitted and received approval of the engineering submissions relating to storm water management, overland flow routes and grading, submission of a site plan application or an application for a model home permit is considered to be premature and would not be supported by staff.

ALTERNATIVES FOR CONSIDERATION

Should the Application be denied, the lands could be developed in accordance with the “AA” (Agricultural) District and the “C” (Urban Protected Residential, Etc.) District, which permits uses including, but not limited to, agricultural use and single detached dwellings.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Healthy and Safe Communities

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

Clean and Green

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

Built Environment and Infrastructure

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED21221 - Location Map

Appendix “B” to Report PED21221 - Draft Official Plan Amendment

Appendix “C” to Report PED21221 - Draft Amendment to Zoning By-law No. 6593

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, City of Hamilton Zoning By-law No. 6593, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 311 and 313 Stone Church Road East (Hamilton) (PED21221) (Ward 7) – Page 38 of 38

Appendix “D” to Report PED21221 - Draft Amendment to Zoning By-law No. 05-200

Appendix “E” to Report PED21221 - Zoning Modification Chart

Appendix “F” to Report PED21221 - Concept Plan

Appendix “G” to Report PED21221 - Proposed Draft Plan of Subdivision

Appendix “H” to Report PED21221 - Draft Plan of Subdivision Special Conditions

Appendix “I” to Report PED21221 - Ontario Land Tribunal (Formerly OMB/LPAT) Case Nos. PL110331 et al

Appendix “J” to Report PED21221 - Public Submissions

Appendix “K” to Report PED21221 - Open House Materials

Appendix “L” to Report PED21221 - Relevant Consultation

TV:sd

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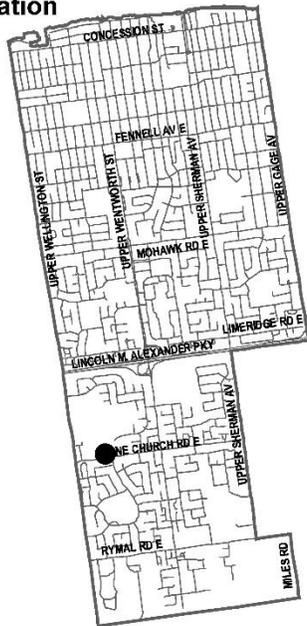
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Appendix "A" to Report PED21221



● Site Location



Key Map - Ward 7

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-21-009, 25T-202104, 25CDM-2021005,
25CDM-2021006 & UHOPA-21-005

Date:
December 2, 2021

Appendix "A"

Scale:
N.T.S

Planner/Technician:
TV/NB

Subject Property

311 and 313 Stone Church Road East

-  Block 1 – Change in zoning from the "AA" (Agricultural) District to the "C/S-1811" (Urban Protected Residential, Etc.) District, Modified
-  Block 2 – Change in zoning from the "AA" (Agricultural) District to the "RT-20/S-1811" (Townhouse - Maisonette) District, Modified
-  Block 3 – Change in zoning from the "AA" (Agricultural) District to the "RT-30/S-1811" (Street - Townhouse) District, Modified
-  Block 4 – Change in zoning from the "C" (Urban Protected Residential, Etc.) District to the "RT-30/S-1811" (Street - Townhouse) District, Modified
-  Block 5 – Change in zoning from the "AA" (Agricultural) District to the "C/S-1811" (Urban Protected Residential, Etc.) District, Modified
-  Block 6 – Change in zoning from the "C" (Urban Protected Residential, Etc.) District to the "C/S-1811" (Urban Protected Residential, Etc.) District, Modified
-  Lands to be zoned Conservation/Hazard Land (P5) Zone

Schedule “1”

DRAFT Urban Hamilton Official Plan Amendment No. X

The following text, together with:

Appendix “A”	Volume 1: Schedule E-1 – Urban Land Use Designations
Appendix “B”	Volume 1: Appendix A – Parks Classification Map
Appendix “C”	Volume 3: Map 2 – Urban Site Specific Key Map

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

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to redesignate a portion of the subject lands from “Open Space” to “Neighbourhoods”, to establish an Urban Site Specific Policy to reduce daylighting triangle requirements, to permit a minimum net residential density of 55 units per hectare within a medium density residential area of the Neighbourhoods Designation, and to permit the dedication of a woodlot to the City of Hamilton as parkland dedication.

2.0 Location:

The lands affected by this Amendment are known municipally as 311 and 313 Stone Church Road East, in the former City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed development is consistent with the Neighbourhoods policies of the Urban Hamilton Official Plan, save and except the scale policies for net residential density for Medium Density Residential areas;
- The proposed development is compatible with existing and planned development in the immediate area, implements the Residential Greenfield Design policies of the Urban Hamilton Official Plan, and contributes to the development of a range of

housing forms;

- The proposed development is consistent with the Parkland Dedication policies of the Urban Hamilton Official Plan for the dedication of land as parkland for residential proposals, save and except lands identified as woodlots are not considered eligible to satisfy parkland dedication requirements; and,
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 Actual Changes:

4.1 Volume 1 – Parent Plan

Schedules and Appendices

4.1.1 Schedule

- a. That Volume 1: Schedule E-1 – Urban Land Use Designations be amended by redesignating a portion of the subject lands from "Open Space" to "Neighbourhoods", as shown on Appendix "A", attached to this Amendment.
- b. That Volume 1: Appendix A – Parks Classification Map be amended by identifying a portion of the subject lands as "Natural Open Space", as shown on Appendix "B", attached to this Amendment.

4.2 Volume 3 – Special Policy Areas, Area Specific Policies, and Site Specific Policies

Text

4.2.1 Chapter C – Urban Site Specific Policies

- a. That Volume 3, Chapter C – Urban Site Specific Policies – Hamilton Neighbourhoods be amended by adding a new Site Specific Policy, as follows:

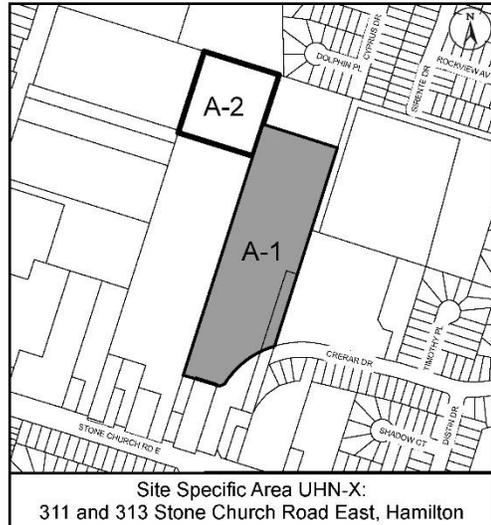
"UHN-X 311 and 313 Stone Church Road East, former City of Hamilton

- 1.0 Notwithstanding Policies C.4.5.6.5 and C.4.5.7 c), for lands located at 311 Stone Church Road East, the daylighting triangle at the northwest corner of the

intersection the arterial road (Stone Church Road East) and the collector road (Crerar Drive) shall be 9.60 metres x 9.60 metres.

2.0 Notwithstanding Policy E.3.5.7 of Volume 1, for lands located at 311 and 313 Stone Church Road East, identified as Area A-1, for medium density residential uses, the *net residential density* shall be between 55 and 100 units per hectare.

3.0 Notwithstanding Policy F.1.18.3 of Volume 1, for the lands located at 313 Stone Church Road East, identified as Area A-2, the existing woodlot shall be considered acceptable lands eligible to satisfy parkland dedication."



Maps and Appendices

4.2.2 Map

a. That Volume 3: Map 2 – Urban Site Specific Key Map be amended by identifying the subject lands as UHN-X, as shown on Appendix "C", attached to this Amendment.

5.0 Implementation:

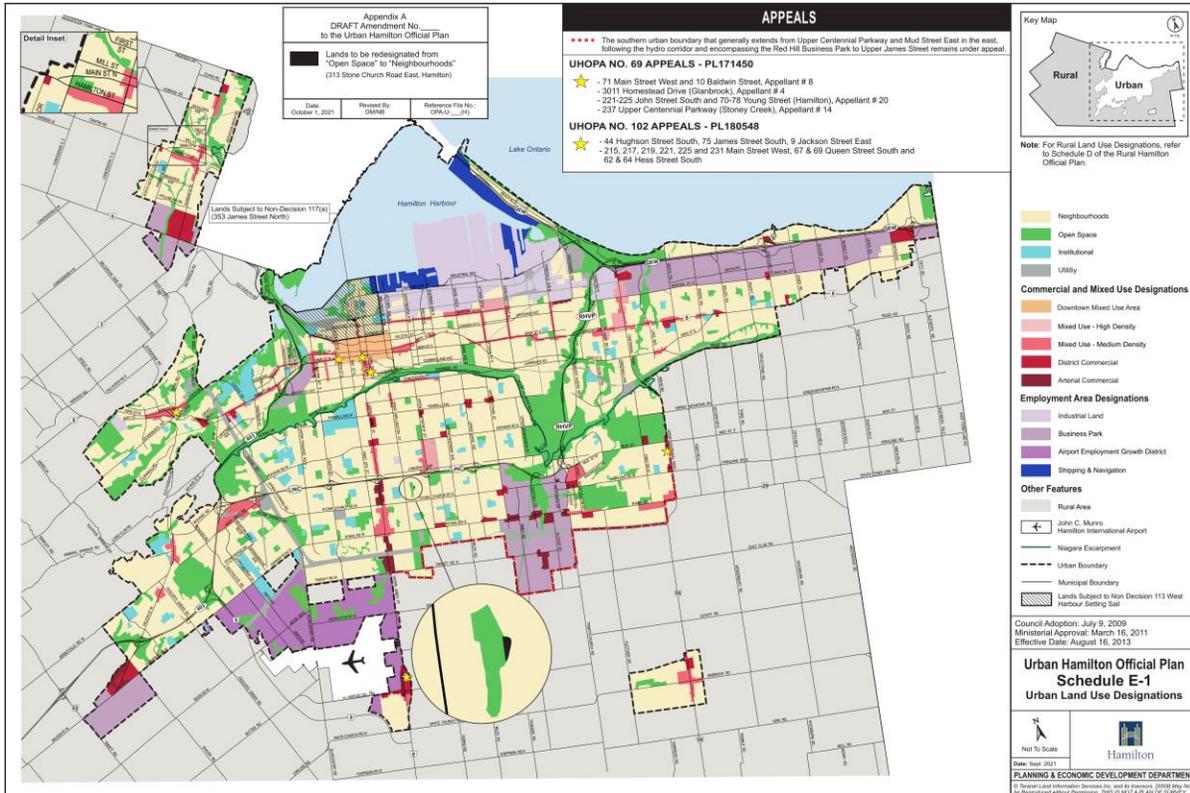
An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

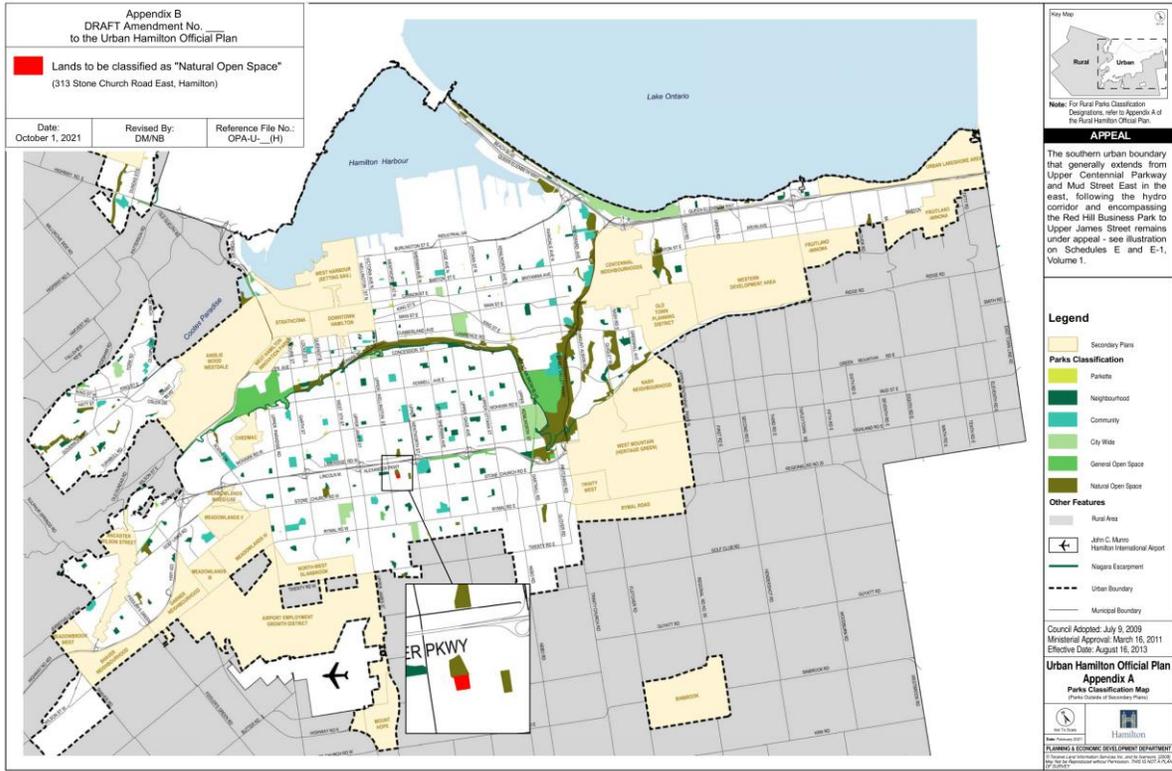
This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the ___th day of ___, 2021.

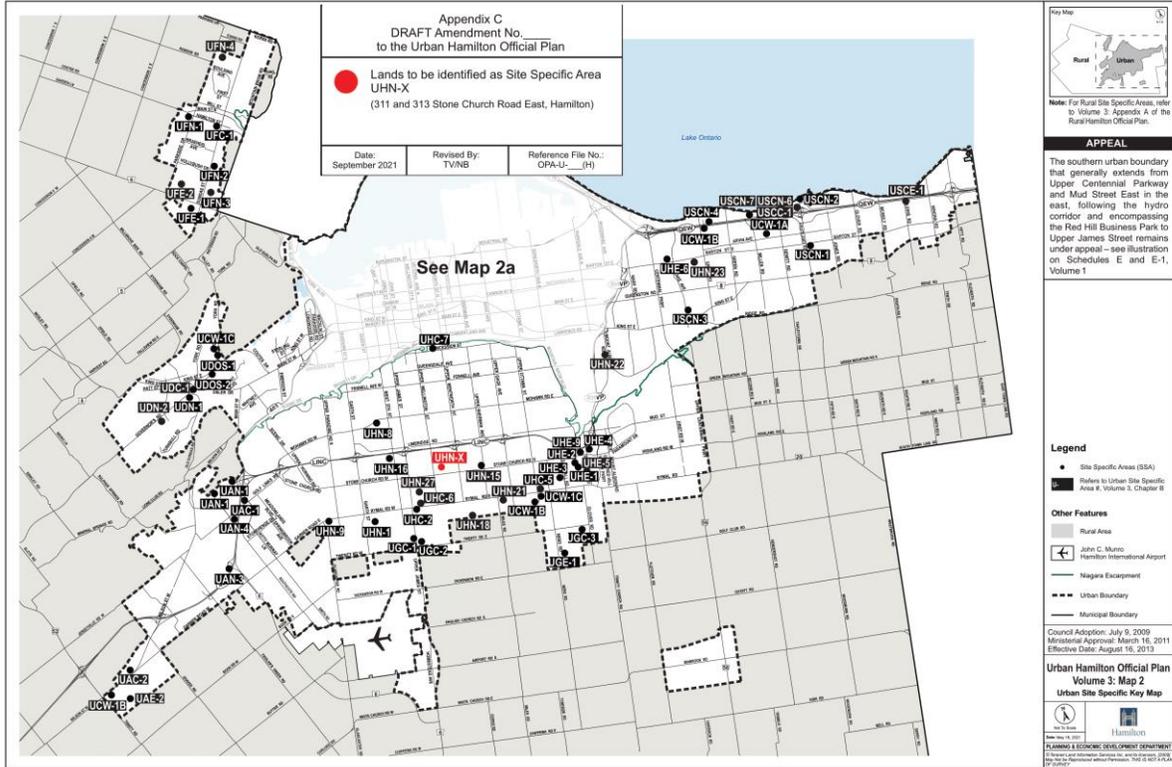
**The
 City of Hamilton**

F. Eisenberger
MAYOR

A. Holland
CITY CLERK







**Appendix “C” to Report PED21221
Page 1 of 7**

Authority: Item _____, Planning Committee
Report PED21221
CM:
Ward: 7

Bill No.

CITY OF HAMILTON

BY-LAW NO. 21-_____

**To Amend Zoning By-law No. 6593, Respecting Lands Located at 311 and 313
Stone Church Road East**

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 X of Report 21XXX of the Planning Committee at its meeting held on the ____ day of _____, 2021, which recommended that Zoning By-law No. 6593, be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. XX;

AND WHEREAS this By-law shall not come into effect until the Ontario Land Tribunal issues its decision regarding the Urban Hamilton Official Plan appeal by DiCenzo Construction Company Ltd as it effects the lands at 311 and 313 Stone Church Road East.

Appendix “C” to Report PED21221
Page 2 of 7

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

1. That Sheet Nos. E18b and E18c of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), are amended:
 - a) by changing the zoning from the “AA” (Agricultural) District to the “C/S-1811” (Urban Protected Residential, Etc.) District, Modified; the lands comprised of Block 1;
 - b) by changing the zoning from the “AA” (Agricultural) District to the “RT-20/S-1811” (Townhouse - Maisonette) District, Modified; the lands comprised of Block 2;
 - c) by changing the zoning from the “AA” (Agricultural) District to the “RT-30/S-1811” (Street - Townhouse) District, Modified; the lands comprised of Block 3;
 - d) by changing the zoning from the “C” (Urban Protected Residential, Etc.) District to the “RT-30/S-1811” (Street - Townhouse) District, Modified; the lands comprised of Block 4;
 - e) by changing the zoning from the “AA” (Agricultural) District to the “C/S-1811” (Urban Protected Residential, Etc.) District, Modified; the lands comprised of Block 5; and,
 - f) by changing the zoning from the “C” (Urban Protected Residential, Etc.) District to the “C/S-1811” (Urban Protected Residential, Etc.) District, Modified; the lands comprised of Block 6;

the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That the “C” (Urban Protected Residential, Etc.) District provisions, as contained in Section 9 of Zoning By-law No. 6593, applicable to Block 1, be modified to include the following special requirements:
 - a) For the purpose of this By-law, a private road shall be deemed to be a street, and visitor parking areas, sidewalks, landscaping including architectural feature walls, columns and gates, and outdoor amenity spaces are permitted uses within the private roads;
 - b) In addition to Section 2 Interpretation and Definitions, the following definition shall apply:

Appendix "C" to Report PED21221

Page 3 of 7

"Swale" shall mean a graded or engineered landscape feature, appearing as a linear, shallow, open channel for the purpose of conveying surface stormwater drainage, and includes an emergency overland flow route, as shown on the drainage plan for the lot approved by the Director, Growth Management Division;

- c) Notwithstanding any other provision of this By-law, no building or structure shall be located within a swale;
 - d) Notwithstanding Subsection 9 (2), no building shall exceed two and a half storeys, and no structure shall exceed 11.5 metres in height;
 - e) Notwithstanding Subsection 9 (3) (i), a front yard depth to a garage of at least 6.0 metres and to a dwelling of at least 4.5 metres;
 - f) Notwithstanding Subsection 9 (3) (ii), a side yard depth along each lot line of a width of at least 1.2 metres, except the side yard depth along the northern boundary of Block 1, which shall be of a width of at least 2.4 metres;
 - g) Notwithstanding subsections (e) and (f) above, and in addition to Subsection 9(3)(iii), where a swale is located within a yard provided for in Subsections (e) and (f) above, the setback shall be deemed to be the distance which is the greater of:
 - i) Such setback as provided in Subsections (e) and (f) above; or,
 - ii) The measurement calculated by adding 0.6 metres to the width of the swale within such setback;
 - h) Notwithstanding Subsections 18A. (1) (a) & (b), the minimum parking ratio required for a single detached dwelling shall be 2.0 spaces per unit and the minimum visitor parking shall be 0.4 spaces per unit.
3. That the "RT-20" (Townhouse - Maisonette) District provisions, as contained in Section 10E of Zoning By-law No. 6593, applicable to Block 2, be modified to include the following special requirements:
- a) In addition to Section 2 Interpretation and Definitions, the following definition shall apply:

"Swale" shall mean a graded or engineered landscape feature, appearing as a linear, shallow, open channel for the purpose of conveying surface stormwater drainage, and includes an emergency overland flow route, as shown on the drainage plan for the lot approved by the Director, Growth Management Division;

Appendix "C" to Report PED21221**Page 4 of 7**

- b) Notwithstanding any other provision of this By-law, no building or structure shall be located within a swale;
- c) Notwithstanding Subsection 10E (3), no building shall exceed three storeys, and no structure shall exceed 13.5 metres in height;
- d) Notwithstanding Subsection 10E (4):
 - i) A yard of a depth of not less than 3.0 metres from the north property line;
 - ii) A yard of a depth of not less than 3.0 metres from the south property line;
 - iii) A yard of a depth of not less than 7.0 metres from the east property line;
 - iv) A yard of a depth of not less than 7.0 metres from the southeast property line; and,
 - v) A yard of a depth of not less than 7.0 metres from the west property line;
- e) Notwithstanding Subsection 10E (5), the distance between two end walls shall not be less than 3.0 metres;
- f) Subsections 10E (8) and (9) shall not apply to a Maisonette Dwelling;
- g) Notwithstanding Subsection 10E (10), there shall be provided and maintained on the same lot an amount not less than 28% of the area of the lot on which buildings or structures are situated, as landscaped area;
- h) Notwithstanding subsection d) above, and in addition to Subsection 9(3)(iii), where a swale is located within a yard provided for in subsection d) above, the setback shall be deemed to be the distance which is the greater of:
 - i) Such setback as provided in subsection d) above; or,
 - ii) The measurement calculated by adding 0.6 metres to the width of the swale within such setback;
- i) Notwithstanding Subsections 18A. (1) (a) & (b), the parking ratio required for townhouse dwelling with garage parking space enclosed or attached to each dwelling unit or Townhouse Dwelling and Maisonette Dwelling shall be at least 1.25 spaces per unit and the minimum visitor parking shall be at least 0.25 spaces per unit; and,

Appendix “C” to Report PED21221
Page 5 of 7

- j) Notwithstanding Subsections 18A. (7), every required parking space, other than a parallel parking space, shall have dimensions not less than 2.7 metres wide and 5.8 metres long;
4. That the “RT-30” (Street - Townhouse) District provisions, as contained in Section 10F of Zoning By-law No. 6593, applicable to Blocks 3 and 4, be modified to include the following special requirements:
- a) Notwithstanding Subsection 10F (3), no building shall exceed two and a half storeys, and no structure shall exceed 11.5 metres in height;
 - b) Notwithstanding Subsection 10F (4) (a), a front yard depth to a garage of at least 6.0 metres and to a dwelling of at least 4.5 metres;
 - c) Notwithstanding Subsections 10F (4) (c) (i), (ii) and (iii) and (d), the side yard depth and setback from a daylighting triangle shall be at least 1.2 metres, except for a side yard abutting Stone Church Road East the depth shall be at least 6.0 metres;
 - d) Subsection 10F (5) shall not apply; and,
 - e) Notwithstanding Subsection 10F (6), there shall be provided a lot area of not less than 165.0 square metres;
5. That the “C” (Urban Protected Residential, Etc.) District provisions, as contained in Section 9 of Zoning By-law No. 6593, applicable to Blocks 5 and 6, be modified to include the following special requirements:
- a) Notwithstanding Subsection 9 (2), no building shall exceed two and a half storeys, and no structure shall exceed 11.5 metres in height;
 - b) Notwithstanding Subsection 9 (3) (i), a front yard depth to a garage of at least 6.0 metres and to a dwelling of at least 4.5 metres; and,
 - c) Subsections 18A. (1) (f), (9) and (10) shall not apply;
6. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the “C” (Urban Protected Residential, Etc.) District, the “RT-20” (Townhouse - Maisonette) District, or the “RT-30” (Street - Townhouse) District provisions, as applicable, subject to the special requirements referred to in Sections 2 through 5 of this By-law;
7. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedules S-1811;

Appendix "C" to Report PED21221
Page 6 of 7

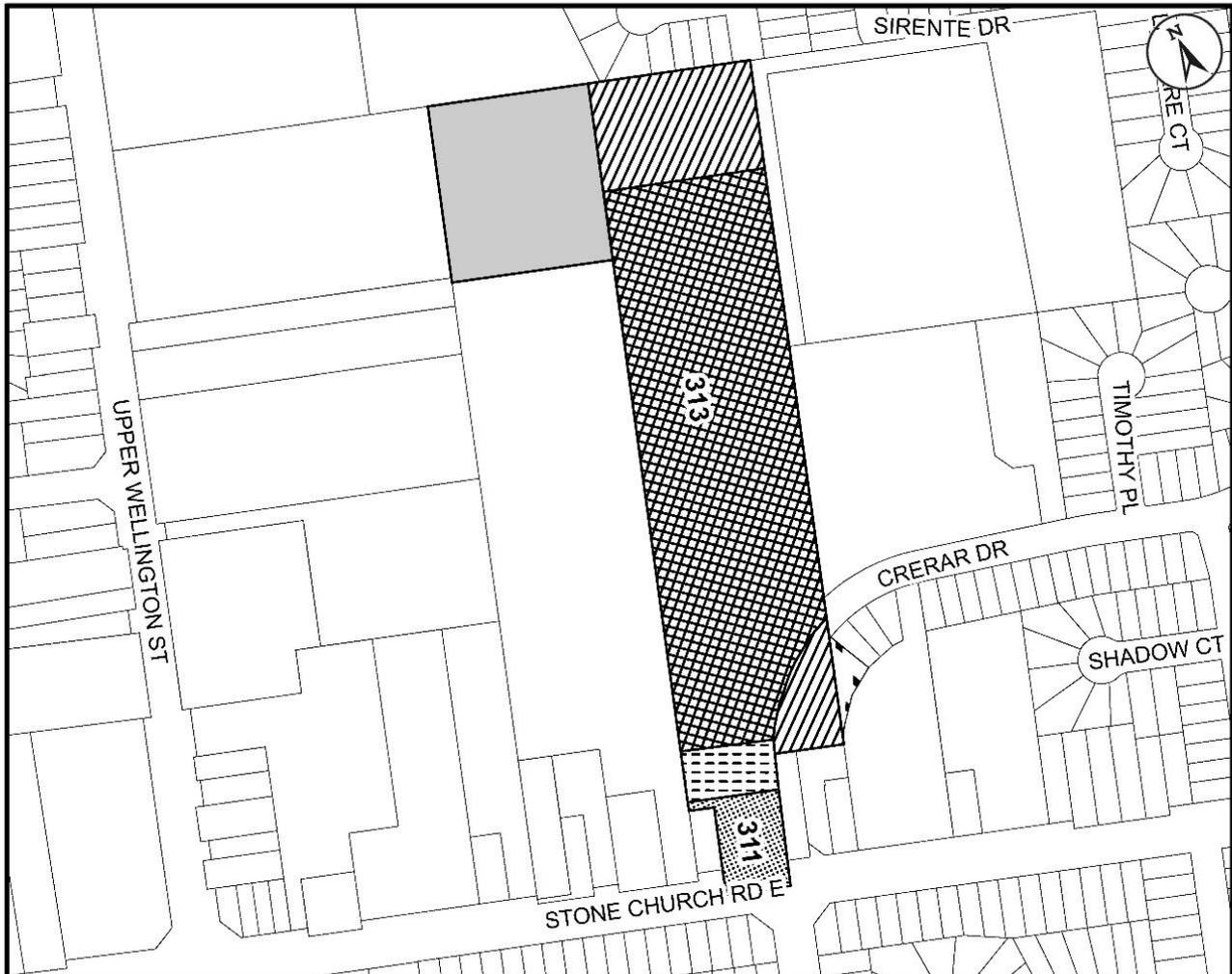
8. That Sheet Nos. E18b and E 18c of the District Maps are amended by marking the lands referred to in Section 1 of this By-law as S-1811; and,
9. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED and ENACTED this __ day of __, 2021.

Fred Eisenberger
Mayor

A. Holland
City Clerk

ZAC-21-009
UHOPA-21-005



This is Schedule "A" to By-law No. 21-
Passed the day of, 2021

Mayor

Clerk

Schedule "A"
Map forming Part of
By-law No. 21-_____
to Amend By-law No. 6593

- Subject Property**
311 and 313 Stone Church Road East
-  Block 1 – Change in zoning from the "AA" (Agricultural) District to the "C/S-1811" (Urban Protected Residential, Etc.) District, Modified
 -  Block 2 – Change in zoning from the "AA" (Agricultural) District to the "RT-20/S-1811" (Townhouse - Maisonette) District, Modified
 -  Block 3 – Change in zoning from the "AA" (Agricultural) District to the "RT-30/S-1811" (Street - Townhouse) District, Modified
 -  Block 4 – Change in zoning from the "C" (Urban Protected Residential, Etc.) District to the "RT-30/S-1811" (Street - Townhouse) District, Modified
 -  Block 5 – Change in zoning from the "AA" (Agricultural) District to the "C/S-1811" (Urban Protected Residential, Etc.) District, Modified
 -  Block 6 – Change in zoning from the "C" (Urban Protected Residential, Etc.) District to the "C/S-1811" (Urban Protected Residential, Etc.) District, Modified
 -  Refer to By-law No. 05-200

Scale: N.T.S.	File Name/Number: ZAC-21-009, 25T-202104, 25CDM-2021005, 25CDM-2021006 & UHOPA-21-005	 Hamilton
Date: December 2, 2021	Planner/Technician: TV/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

**Appendix “D” to Report PED21221
Page 1 of 3**

Authority: Item _____, Planning Committee
Report PED21221
CM:
Ward: 7

Bill No.

CITY OF HAMILTON

BY-LAW NO. 21-_____

**To Amend Zoning By-law No. 05-200, Respecting Lands Located at 311 and 313
Stone Church Road East**

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at the meeting held on the ___ day of _____, 2021;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. XX; and,

AND WHEREAS this By-law shall not come into effect until the Ontario Land Tribunal issues its decision regarding the Urban Hamilton Official Plan appeal by DiCenzo Construction Company Ltd as it effects the lands at 311 and 313 Stone Church Road East.

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

1. That Map Nos. 1291 and 1344 of Schedule “A” – Zoning Maps is amended by adding the Conservation/Hazard Land (P5) Zone to the lands 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*.

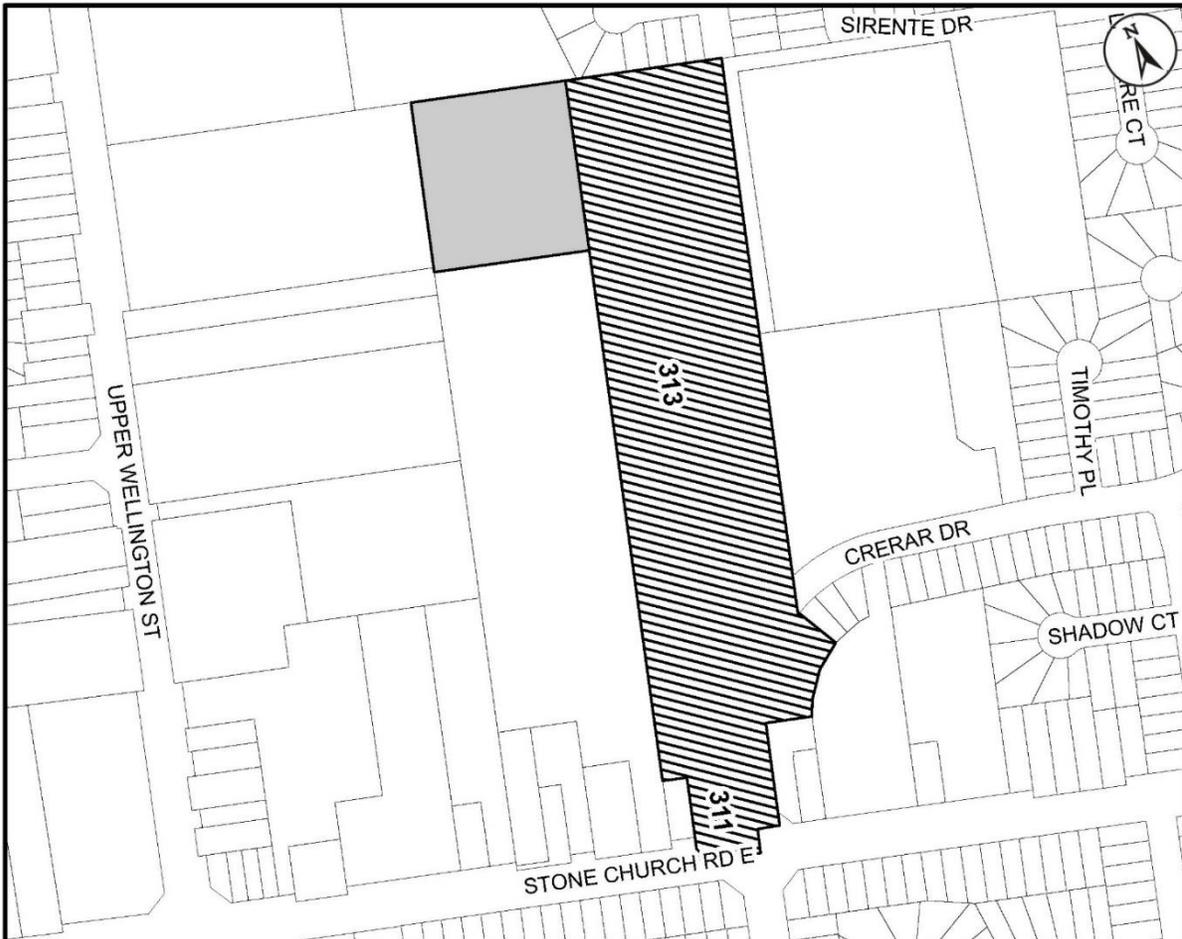
Appendix "D" to Report PED21221
Page 2 of 3

PASSED and ENACTED this ___ day of ___, 2021.

Fred Eisenberger
Mayor

A. Holland
City Clerk

ZAC-21-009



<p>This is Schedule "A" to By-law No. 21-</p> <p>Passed the day of, 2021</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2>Schedule "A"</h2> <p>Map forming Part of By-law No. 21-_____</p> <p>to Amend By-law No. 05-200 Maps 1291 & 1344</p>	<p>Subject Property</p> <p>311 and 313 Stone Church Road East</p> <p> Lands to be zoned Conservation / Hazard Land (P5) Zone</p> <p> Refer to By-law No. 6593</p>
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<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-21-009, 25T-202104, 25CDM-2021005, 25CDM-2021006 & UHOPA-21-005</p>	 Hamilton
<p>Date: September 21, 2021</p>	<p>Planner/Technician: TV/VS</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

Site Specific Modifications to Block 1, Block 2, Block 3, Block 4, Block 5 and Block 6

Regulation	Required	Modification	Analysis
Maximum Height	All Blocks: 11.0 metres.	Blocks 1, 2, 5 and 6: 11.5 metres.	<p>The proposed increase in height is minor (an increase of 0.5 metres), which the Applicant has requested to provide flexibility to the development during the construction process, to ensure the buildings do not exceed the maximum height once finished grades, to be determined during the detailed design stage, are established.</p> <p>Therefore, staff supports this modification.</p>
		Blocks 3 and 4: 13.5 metres.	<p>The proposed increase in height will support a compact built form up to three storeys in height with 2.74 m (9 ft.) floor to ceiling heights per storey and roof pitches compatible with the surrounding context of the neighbourhood. The Applicant requested additional height to provide flexibility to the development during the construction process, to ensure the buildings do not exceed the maximum height once finished grades, to be determined during the detailed design stage, are established. The subject blocks are separated from existing dwellings by other forms of existing and proposed developments, providing sufficient transition in building height.</p> <p>Therefore, staff supports this modification.</p>
Front Yard Setbacks	Blocks 1, 3, 4, 5 and 6: 6.0 metres.	<p>Blocks 1, 3, 4, 5 and 6:</p> <ul style="list-style-type: none"> • 6.0 metres to a garage; and, • 4.5 metres to a dwelling 	<p>The proposed modification to minimum front yards allows for active frontages along the street line with recessed garages, decreasing the prominence of the garage adjacent to the public realm to achieve urban design principles for an attractive, safe and pedestrian oriented environment, while maintaining sufficient area for a parking space.</p> <p>Therefore, staff supports this modification.</p>

Setbacks	<p>Block 2:</p> <ul style="list-style-type: none"> 6.0 metres from a street line; and, 3.0 metres abutting any other lot; except 6.0 metres where there are windows to a habitable room facing the yard. 	<p>Block 2:</p> <ul style="list-style-type: none"> 3.0 metres to the north and south property lines; 7.0 metres to the east, southeast, and west property lines; and, 0.6 metres from a swale. 	<p>The proposed modifications allow for a more compact built form along the street line to achieve urban design principles for an attractive, safe and pedestrian oriented environment, while also providing increased setbacks for rear yards to each of the units to accommodate increased landscaped areas. The existing window regulations are intended to address privacy matters between end units. The number and size of windows facing an adjacent dwelling is regulated by the Ontario Building Code, and privacy matters between end units will be further reviewed at the future Site Plan Control stage.</p> <p>Therefore, staff supports these modifications.</p>
Side Yard Setbacks	<p>Block 1: Side: 1.2 metres.</p>	<p>Block 1:</p> <ul style="list-style-type: none"> Side: 1.2 metres except 2.4 metres along the northern zoning boundary. 	<p>There are no modifications to minimum side yards except to increase the setback to the northern boundary in order to respect the orientation to the adjacent rear yards along Dolphin Place.</p> <p>Therefore, staff supports this modification.</p>
	<p>Blocks 3 and 4: Side:</p> <ul style="list-style-type: none"> 1.2 metres, not exceeding one storey in height; 2.0 metres, not exceeding two storeys in height; and; 2.5 metres, not exceeding three storeys in height; and, 3.0 metres where a garage or carport is not provided. 	<p>Blocks 3 and 4: Side:</p> <ul style="list-style-type: none"> 1.2 metres, except 6.0 metres for a side yard abutting Stone Church Road East (including daylighting triangles). 	<p>The proposed modification to the side yard setback maintains the minimum side yard of 1.2 metres necessary to accommodate separation at grade for drainage, access, and maintenance purposes. The proposed modification will promote a more compact built form to achieve urban design principles for an attractive, safe and pedestrian oriented environment, regardless of building height.</p> <p>A 6.0 m setback from Stone Church Road East is proposed to maintain a consistent street edge with adjacent developments fronting onto the roadway.</p> <p>Therefore, staff supports this modification as revised.</p>

Definition and Regulation of Swales	<p>Blocks 1 and 2: n/a</p>	<p>Blocks 1 and 2: “Swale” shall mean a graded or engineered landscape feature, appearing as a linear, shallow, open channel for the purpose of conveying surface stormwater drainage, and includes an emergency overland flow route. Notwithstanding any other provision of this By-law, no building or structure shall be located within a swale. Where a swale is provided in a yard, the required yard shall be at least 0.6 metres from the uppermost interior edge of the swale’s slope.</p>	<p>Swales are not defined in the zoning by-law. To match the grading of the proposed development with existing grades of adjacent properties and ensure adequate stormwater drainage, increased yards and drainage swales may be required for stormwater management. To ensure positive drainage, the swales are not to be obstructed within the side or rear yards of the subject properties.</p> <p>On lots where a swale is provided, the width of swales required for stormwater drainage is yet to be determined; therefore, the setback is proposed from the inside edge of the swale to ensure the necessary swale width is provided while maintaining a 0.6 m setback from the top edge to allow for ancillary structures such as air conditioning units to be located within the yard and not block the swale.</p> <p>Therefore, staff supports these modifications.</p>
Minimum Distance Between Buildings	<p>Block 2:</p> <ul style="list-style-type: none"> • 3.5 metres between two exterior walls containing no window or windows; • 9.0 metres between two exterior walls, one of which contains at least one window to a habitable room; and, 	<p>Block 2: 3.0 metres between two end walls.</p>	<p>The existing regulations are intended to address privacy matters between end units. The proposed modification will establish a consistent minimum distance between buildings in all cases. The number and size of windows facing an adjacent dwelling is regulated by the Ontario Building Code, and privacy matters between end units will be further reviewed at the future Site Plan Control stage.</p> <p>Therefore, staff supports this modification.</p>

Minimum Distance Between Buildings Continued	<ul style="list-style-type: none"> • 15.0 metres between two exterior walls each of which contains at least one window to a habitable room. 		
	Block 3: <ul style="list-style-type: none"> • 2.5 metres, not exceeding one storey in height; • 3.5 metres, not exceeding two storeys in height; and, • 5.0 metres, not exceeding three storeys in height. 	Block 3: Shall not apply.	<p>As the street townhouses will be developed on separate lots, regulations regarding distance between buildings are not applicable.</p> <p>Therefore, staff supports this modification.</p>
Minimum Lot Area	Blocks 3 and 4: 180.0 square metres per dwelling unit.	Blocks 3 and 4: 165.0 square metres per dwelling unit.	<p>The Applicant has proposed a minor reduction to minimum lot area to accommodate the proposed street townhouse dwellings. The dwelling footprints are typical; however, as a result of the modifications to the front and side yard setbacks to provide a more compact built form, the area of the typical interior lot is slightly less than what is currently required.</p> <p>Therefore, staff supports this modification.</p>

Privacy Areas	<p>Block 2: Screening on two sides between 1.2 and 2.0 metres in height, with a minimum depth of 2.5 metres, for each dwelling unit. Where a privacy area is comprised of a required yard and/or landscaped area, those areas may be reduced by the privacy area.</p>	<p>Block 2: Applicant requested to delete entirely. Staff revised the Application to require that privacy areas not apply to maisonettes only.</p>	<p>The Concept Plan, attached as Appendix “F” to Report PED21221, provides for maisonettes (back to back townhouses) with front attached garages and driveways through the centre of the proposed development. This dwelling form does not typically accommodate at grade amenity area. Therefore, staff supports the proposed modification as it applies to maisonettes. However, the remaining townhouse blocks are afforded rear yard space which is to be landscaped and which can readily accommodate screening to satisfy privacy area requirements.</p> <p>Therefore, staff supports this modification as revised.</p>
Minimum Landscaped Area	<p>Block 2: 40% of the lot on which buildings are situated.</p>	<p>Block 2: 28% of the lot on which buildings are situated.</p>	<p>The intent of the landscaped area is to promote the inclusion of open spaces and provide privacy areas that enhance the proposed development, ensuring that there is an adequate balance between built form, hard surface and open space areas on a property. The request to reduce the landscaped area will permit the establishment of a compact housing form while still providing adequate private amenity areas, common landscaped strips, and permeable areas. Further, fencing is proposed along the property lines abutting adjacent residential uses to enhance privacy and screening between adjacent developments.</p> <p>A landscape plan will be required at the Site Plan Control stage and reviewed by staff to ensure high quality landscape is provided. At this stage, the Applicant will be encouraged to incorporate Low Impact Development (LID) measures within the hardscaped areas to further improve permeability on the site.</p> <p>Therefore, staff supports this modification.</p>

Common Element Condominium Roads	n/a	Block 1: A private road shall be deemed to be a street, and visitor parking areas, sidewalks, landscaping including architectural feature walls, columns and gates, and outdoor amenity spaces are permitted uses within the private roads.	The private road functions as and fulfills the intent of a public road for the intent of this development and is required to be deemed a street for the purposes of the proposed development as each future parcel of tied land (POTL) fronts onto the private road. Therefore, staff supports this modification.
Minimum Parking Ratio	Block 1: 2 parking spaces for the first 8 habitable rooms plus 0.5 parking space for each additional habitable room.	Block 1: 2.0 parking spaces and 0.4 visitor parking spaces per dwelling unit.	The Transportation Impact Study - Addendum, prepared by NexTrans Consulting Engineering and dated August 2021, concludes that the proposed development will meet the requirements for both resident and visitor parking. The proposed parking ratio is sufficient to meet the needs of future residents and visitors. Therefore, staff supports these modifications.
	Block 2: 1.3 spaces per dwelling unit of which 1 space shall be covered and attached to or enclosed within each dwelling unit; and, 0.3 visitor parking spaces per dwelling unit.	Block 2: 1.25 parking spaces and 0.25 visitor parking spaces per dwelling unit.	
Minimum Parking Space Length	Block 2: 2.7 x 6.0 metres.	Block 2: 2.7 x 5.8 metres.	The parking space design standards in the comprehensive Hamilton Zoning By-law No. 05-200 have established a minimum length of 5.8 metres, which is intended to modernize and update the zoning by-laws of the former communities. Therefore, staff supports this modification.

<p>Manoeuvring Space for Parking Areas</p>	<p>Blocks 5 and 6: Manoeuvring space abutting upon and accessory to each required parking space, having an aisle width mentioned in column 2 of Table 6 for each parking space having a parking angle mentioned in column 1. Required parking space, loading space and manoeuvring space shall be provided and maintained only on the lot on which the principle use, building or structure is located. Sufficient space additional to required parking space shall be provided and maintained on the same lot on which the parking space is located, in such a manner as to enable each and every parking space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space.</p>	<p>Blocks 5 and 6: Shall not apply.</p>	<p>As the proposed single detached dwellings with front attached garages and driveways, each with a single dwelling unit (and provisions which may permit secondary dwelling units) front onto and have direct access to the proposed Crerar Drive extension (a public road), on site manoeuvring spaces are not required. However, to increase sightlines of oncoming vehicles a statement is required in all offers of purchase and sale or lease agreements for these lots advising motorists to reverse into the driveways and exit the driveways in a forward motion, required as Condition No. 38 of Appendix "H" attached to Report PED21221.</p> <p>Therefore, staff supports this modification.</p>
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Appendix “H” to Report PED21221
Page 1 of 11

Special Conditions for Draft Plan of Subdivision Approval for 25T-202104

That this approval for the Draft Plan of Subdivision, 25T-202104, prepared by UrbanSolutions Planning & Land Development Consultants Inc., and certified by Robert McLaren, O.L.S., dated November 24, 2021, consisting of one Natural Heritage/Park block (Block 1); one block for a maximum of 12 single detached dwellings on a private condominium road (Block 2); one block for a maximum of 112 block townhouse units and 80 maisonette units (Block 3); one block for a maximum of 12 street townhouse units (Block 4); one road widening block (Block 5); one future residential block (Block 6); four 0.3 m reserve blocks (Blocks 7-10); five lots for single detached dwellings (Lots 11-15); and, three public roads (Street ‘A’ and the extensions of Crerar Drive and Cyprus Drive), be received and endorsed by City Council with the following special conditions:

Development Engineering:

1. That, **prior to registration**, the Owner agrees to include in the engineering design for the subject lands, the following:
 - a. Adequate storm water conveyance to convey all pre and post development external drainage areas to the west of the subject lands for all ranges of storm events including the Regional storm event to Crerar Drive via Street;
 - b. In the absence of a continuous overland flow route for external drainage through 289 Stone Church Road East to Street “A”, the provision for adequate minor and major conveyance through the subject lands for the post development condition for all external drainage;
 - c. A self-contained overland flow route for Block 2 directed towards Street” A” or Crerar Drive, bypassing the City’s Park land save and except for the Cyprus Drive cul-de-sac; and,
 - d. An adequate major system overland flow route through Block 2 and Block 3 to convey drainage from Block 1 towards Street “A” or Crerar Drive, bypassing the City’s Park land;

all to the satisfaction of the Director, Growth Management Division;
2. That, **prior to preliminary grading**, the Owner shall submit a detailed Stormwater Management Report prepared by a qualified Professional Engineer, in accordance with the City of Hamilton Drainage Policies, City of Hamilton’s Storm Drainage Policy, Comprehensive Development Guidelines, an approved Functional Servicing Report, and the MECP’s storm design criteria outlined in the City’s Consolidated Linear Infrastructure ECA and current Stormwater Management Planning and Design Manual, including Level 1 (Enhanced) quality treatment. Additionally, the following shall be required:

Appendix "H" to Report PED21221

Page 2 of 11

- a. The outflows from the stormwater management (SWM) facilities on Block 3 shall not exceed the interim and ultimate outflow rates proposed in Tables 2.4 and Table 2.8 respectively of Functional Servicing Report dated August 2021, prepared by S. Llewellyn & Associates Limited. Allowable flow and required flood control storage must be identified for each external drainage areas 201 & 202; and,
- b. The on-site and off-site SWM proposal should be verified by the West Central Mountain Drainage study model to demonstrate that the proposed offsite and onsite SWM criteria outlined in the Functional Servicing Report dated August 2021 prepared by S. Llewellyn & Associates Limited for the subject development is appropriate and that there is no impact in the downstream system;

all to the satisfaction of the Director, Growth Management Division;

3. That, **prior to registration**, the Owner shall agree to enter into a Joint Use Agreement between Block 2 and Block 3 for the maintenance of easements, services (watermain, storm, sanitary), overland flow routes, stormwater management system including tanks and associated appurtenances, catch basins, retaining walls, etc., to the satisfaction of the Director, Growth Management Division;
4. That, **prior to servicing**, the Owner prepares and submits a driveway location/on street parking plan showing:
 - a. The location of driveways based on the premise of achieving on-street parking for 40% of the total dwelling units;
 - b. The driveways ramps and curb openings for all lots;
 - c. The pairing of driveways;
 - d. Where lots in the subdivision abut a park entrance or a public walkway, as the case may be; and,
 - e. The location of transit pads, community mailbox pads and fire hydrants, where the location has been determined by the appropriate authorities;

to the satisfaction of the Director, Growth Management Division;

5. That, **prior to servicing**, the Owner shall indicate all driveway locations on the engineering plans for all lots, and that no driveway shall be located within a daylight triangle. Further, all driveway locations at bends and corners shall be

Appendix "H" to Report PED21221

Page 3 of 11

situated to ensure that the driveways are within their own frontages, to the satisfaction of the Director, Growth Management Division;

6. That, **prior to preliminary grading**, the Owner shall submit an updated Functional Servicing Report to address all outstanding comments and requirements of draft plan conditions, for City approval, prior to their first submission of engineering plans, to the satisfaction of the Director, Growth Management Division;
7. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimates for the replacement of existing sanitary sewer sections on Crerar Drive from approximately 30 metres north of Elk Court to the existing south terminus of Crerar Drive, in accordance with the Functional Servicing Report dated August 2021 prepared by S. Llewellyn & Associates and also in accordance with the City's Financial Policies, to the satisfaction of the Director, Growth Management Division;
8. That, **prior to servicing**, the Owner agrees to provide a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision, including homes. This document will also include, first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be used, the source of water, and the contractor or agent to be used to undertake the works as well as the contractor/agent contact information so that the City can direct works be completed as necessary, to the satisfaction of the Director, Growth Management Division;
9. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimates the installation of a 1.5 metre concrete sidewalk along both sides of Crerar Drive, and a 1.5 metre concrete sidewalk on both sides of Street "A" including a 1.5 metre concrete sidewalk around the proposed temporary turnaround at the west limit of Street "A", to the satisfaction of the Director, Growth Management Division;
10. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimates the installation of a 1.5 metre concrete sidewalk around the Cyprus Drive cul-de-sac within a minimum 2.75 metre boulevard (inclusive of curb and sidewalk), provided that no additional boulevard outside of the limit of sidewalk will be required in the location of the lands municipally known as 234 Sirente Drive and owned by the Hamilton-Wentworth District School Board, to the satisfaction of the Director, Growth Management Division and the Manager of Transportation Planning;
11. That, **prior to registration**, the Owner agrees to prepare and register a reference plan establishing the parcel to be acquired from the City of Hamilton, municipally

Appendix "H" to Report PED21221

Page 4 of 11

known as 260 Sirente Drive forming part of the Cyprus Drive cul-de-sac, to the satisfaction of the Director, Growth Management Division;

12. That, **prior to registration**, the Owner shall acquire the necessary portions of the City owned lands municipally known as 260 Sirente Drive from the City of Hamilton for the nominal consideration of \$2.00 to accommodate the Cyprus Drive cul-de-sac to the satisfaction of the Director, Growth Management Division;
13. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimates the installation of a 1.5 metre high black vinyl coated heavy duty chain link fence along the east property limit of the subdivision (Blocks 2 and 3), to the satisfaction of the Director, Growth Management Division;
14. That, **prior to servicing**, the Owner include in the engineering design and cost estimates the construction of a temporary turning circle at the west limit of Street "A" or alternatively on lands located outside the plan. If the temporary turning circle is located outside the subject lands the Owner will be responsible to provide confirmation from the adjacent land owner that they have permission to construct the temporary turning circle and provide the City with all necessary legal documents to transfer the required lands to the City, all at 100% of the Owner's cost; and, the 0.3 metre reserve Block 8 shall be revised to extend around the exterior perimeter of the temporary turning circle, all to the satisfaction of the Director, Growth Management Division;
15. That, **prior to servicing**, the Owner include in the engineering design and cost estimates the extension of Crerar Drive from the existing terminus to Stone Church Road including the removal of the existing temporary turning circle, utility relocates, restoration of the roads and boulevards and the extension of sidewalk to blend with the proposed sidewalks on Crerar Drive, in accordance with the City's Financial Policies, to the satisfaction of the Director, Growth Management Division;
16. That, **prior to servicing**, the Owner include in the engineering design and cost estimates, the reconstruction of driveways for the dwellings located at 445 and 449 Crerar Drive associated with the removal of the temporary turning circle to realign and generally connect perpendicular to the proposed Crerar Road curb. This shall include works on private lands and new asphalt driveway reconstruction extending to the garage, subject to the Owner obtaining permission from the homeowners to perform works on private property. All costs associated with the driveway realignments and new driveway reconstruction will be at 100% Owner's cost, to the satisfaction of the Director, Growth Management Division;
17. That, **prior to registration**, the Owner agrees to obtain an appropriate storm water conveyance easement from the owner of the lands located at 289 Stone Church Road East as shown on the grading plan included in the Functional Servicing Report dated August 2021 prepared by S. Llewellyn & Associates, and

the easement(s) shall be registered on title. Alternatively, in the event the Owner cannot obtain permission from the owner of 289 Stone Church Road East the storm water conveyance easement must be provided within the limits of the subject lands located outside the minimum rear yard setbacks as required by the zoning by-law, to the satisfaction of the Director, Growth Management Division;

Development Planning:

18. That, **prior to servicing**, the Owner shall include in the engineering design for the subject lands, the inclusion of a noise barrier, located on Lot 17 as shown on Figure 4 of the environmental noise impact study titled “*Lavita Estates Residential Development*” dated February 2021, prepared by dBA Acoustical Consultants Inc., with a recommended height of 2.0 metres and shall be constructed of solid material with no gaps, having a minimum surface density of 20 kg/m². The wall shall be shown on the final grading plan, to the satisfaction of the Director of Planning and Chief Planner and the Manager of Engineering Design and Construction. The final height of the noise barrier may change from those shown on Figure 2 based on final grading information once it becomes available;
19. That, **prior to registration**, the Owner agrees to include the following clauses, for all lots, in all purchase and sale and / or lease and rental agreements, and registered on title to the satisfaction of the Director of Planning and Chief Planner:

Lot 17

Warning Clause “B”

“Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building unit, sound levels due to increasing road traffic may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the City of Hamilton and the Ministry of Environment, Conservation and Parks’ noise criteria.”

“This dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air conditioning. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality’s and the Ministry of Environment Conservation and Parks’ noise criteria. (Note: the location and installation of the outdoor air conditioning device should be done so as to comply with the noise criteria of the MECP Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property.)”

Lot 16*Warning Clause "A"*

"Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the City of Hamilton's and the Ministry of Environment, Conservation and Parks' noise criteria."

20. That, **prior to preliminary grading**, the Owner shall submit a revised Tree Preservation / Management / Enhancement Plan, showing the location of drip lines, edges and existing plantings, the location of all existing trees, including trees within the City owned rights-of-way, and the method to be employed in retaining trees required to be protected; and to implement all approved tree savings measures. The implementation of the Plan shall include a Verification of Tree Protection Letter, prepared by a qualified professional, all to the satisfaction of the Director of Planning and Chief Planner and the Manager of Forestry and Horticulture;
21. That, **prior to preliminary grading**, the Owner shall submit to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP) a Butternut Health Assessment prepared by a certified Butternut Health Assessor and address the *Endangered Species Act*, to the satisfaction of the Director of Planning and Chief Planner, including a letter of acknowledgement from the MOECP;
22. That, **prior to preliminary grading**, the Owner shall prepare an Edge Management Plan, to be prepared by a qualified ecologist or forester, in accordance with a Terms of Reference agreed to both by the Owner and the City, including treatment of fencing, and/or implementation of a visual barrier having a combination of fencing and/or landscaping adjacent to Block 1, to the satisfaction of the Director of Planning and Chief Planner;
23. That, **prior to preliminary grading**, the Owner shall provide a Landscape Plan prepared by a certified Landscape Architect, to the satisfaction of the Director of Planning and Chief Planner and the Hamilton Conservation Authority. The Landscape Plan is to show the placement of compensation trees required for any tree removals completed in accordance with the approved Tree Protection Plan. The minimum size of trees required for compensation are to be in accordance with the City's Tree Protection Guidelines (revised October 2010). In the event that the owner cannot provide for all trees on site, the owner shall provide cash-in-lieu for the remaining trees;
24. That, **prior to occupancy**, the Owner shall submit a revised Stewardship Brochure, to the satisfaction of the Director of Planning and Chief Planner and the

Hamilton Conservation Authority. The Stewardship Brochure shall be distributed to all future homeowners adjacent to the Crerar Woodland and shall describe the importance of the natural feature and its functions and how the homeowner can minimize their impact on this feature;

25. That, **prior to registration**, the Owner shall agree in writing to:
- a. Dedicate Block 1 to the City of Hamilton in full satisfaction of the parkland dedication requirements for the subdivision and that there will be no parkland balance credited in favour of the Owner for this subdivision; and,
 - b. To establish a public access easement along a designated path across common elements of Block 3 granting public access through the lands from Crerar Drive and/or Street 'A' to both Block 1 and to the new pedestrian path to be constructed pursuant to Condition 28 below, to the satisfaction of the Director of Planning and Chief Planner;

Growth Planning:

26. That, **prior to the registration of the plan of subdivision**, the Owner shall work with Growth Planning staff to name the proposed Street 'A' and finalize municipal addressing for the individual Blocks and Lots, to the satisfaction of the Director of Growth Management;

Hamilton Conservation Authority:

27. That, **prior to preliminary grading**, the Owner shall submit a Stormwater Management Report and associated engineering drawings (i.e. erosion and sediment control, grading, drainage, and servicing), to the satisfaction of the Hamilton Conservation Authority;

Landscape Architectural Services:

28. That, **prior to preliminary grading**, the Owner shall include, on the engineering drawings, landscaping plans and cost estimate schedules, a continuous and barrier free 2.0 metre wide limestone screening walkway through the City owned lands municipally known as 260 Sirente Drive, connecting the required municipal sidewalk along the extension of Cyprus Drive to a private sidewalk within Block 3, complete with bollards and/or barricades to restrict motorized vehicle access, to the satisfaction of the Manager of Landscape Architectural Services;

Transportation Planning:

29. That, **prior to preliminary grading**, the Owner shall provide on the draft plan of subdivision road right-of-way dedications as follows:

Appendix "H" to Report PED21221

Page 8 of 11

- a. ±5.18 metres right-of-way widening at 311 Stone Church Road East to bring the width of Stone Church Road East to 30.480 metres;
 - b. The Crerar Drive right-of-way width from Stone Church Road East northerly shall be 26.0 metres for a length to be determined through a traffic signal installation plan, but in no event north of Street 'A', to the satisfaction of the Manager of Transportation Planning and provided further that the Owner shall not be responsible for any more than one third of the all costs of traffic signalization of this intersection;
 - c. The remainder of the Crerar Drive right-of-way width from the length referred to in b. above to the alignment of the existing Crerar Drive shall match the existing width of Crerar Drive; and,
 - d. Street 'A' right-of-way width shall be 20.12 metres;
- all to the satisfaction of the Manager of Transportation Planning;
30. That, **prior to preliminary grading**, the Owner shall provide on the draft plan of subdivision daylighting triangle dedications as follows:
- a. 9.60 metre x 9.60 metre daylighting triangle at the northwest corner of Stone Church Road East and Crerar Drive; and,
 - b. 4.57 metre x 4.57 metre daylighting triangles at the northwest and southwest corners of the intersection of Crerar Drive and Street 'A';
- to the satisfaction of the Manager of Transportation Planning;
31. That, **prior to preliminary grading**, the Owner shall provide plans showing:
- a. the ultimate right-of-way limits of the four quadrants of the intersection of Stone Church Road East at Brigade Drive at Crerar Drive; and,
 - b. the right-of-way limits and dedications of the Cyprus Drive cul-de-sac;
- to the satisfaction of the Manager of Transportation Planning;
32. That, **prior to preliminary grading**, the Owner shall submit a revised Transportation Impact Study, to the satisfaction of the Manager of Transportation Planning;
33. That, **prior to preliminary grading**, the Owner shall provide sightline analysis, for the proposed driveways along the east side of Crerar Drive (Lots 11, 12, 13, 14

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and 15) under the scenario the proposed on-street parking spaces as referenced in Condition #4 are fully occupied and trees located as per landscape plan, to the satisfaction of the Manager of Transportation Planning;

34. That, **prior to servicing**, the Owner shall provide detailed pavement markings, traffic signs and traffic signal plans:
 - a. The concepts shall be to the satisfaction and approval of the Manager of Transportation Planning; and,
 - b. The final drawings shall be to the satisfaction and approval of the Manager of Transportation Operations;
35. That, **prior to servicing**, the Owner shall provide funds in the amount of \$12 K for future installation of traffic calming devices, to the satisfaction of the Manager of Transportation Planning;
36. That, **prior to servicing**, the Owner shall provide payment for installation of an appropriately placed City of Hamilton school crossing guard crosswalk, to the satisfaction of the Manager of Transportation Planning;
37. That **prior to registration of the plan of subdivision**, the Owner shall include, in all offers of purchase and sale or lease agreements for all street townhouse dwelling units fronting Crerar Drive within Block 4, a statement advising that driveway access may be restricted, at the discretion of the City; if/when a centre median island is constructed along Crerar Drive, to the satisfaction of the Manager of Transportation Planning;
38. That **prior to registration of the plan of subdivision**, the Owner shall include, in all offers of purchase and sale or lease agreements for Lots 11, 12, 13, 14 and 15, a statement advising that motorists are advised to reverse into the driveways and exit the driveways in a forward motion to increase sightlines of oncoming vehicles, to the satisfaction of the Manager of Transportation Planning;

Alectra Utilities:

39. That **prior to registration of the plan of subdivision**, the Owner shall agree, in words satisfactory to Alectra Utilities Corporation, to grant to Alectra Utilities Corporation any easements that may be required for electrical services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Alectra Utilities Corporation facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements;

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Canada Post:

40. That **prior to registration of the plan of subdivision**, the Owner shall complete the following to the satisfaction of Canada Post and the Director of Growth Management:
- (a) Include in all offers of purchase and sale or lease agreements, a statement that advises the prospective purchaser:
 - i) That the home / business mail delivery will be from a designated Centralized Mail Box; and,
 - ii) That the developers / owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales;
 - (b) The owner further agrees to:
 - i) Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision;
 - ii) Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes;
 - iii) Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and / or curb installation within each phase of the plan of subdivision;
 - iv) Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations; and,
 - v) Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations;

Canadian Radio and Telecommunication Commission and Bell Canada:

41. That **prior to registration of the plan of subdivision**, the Owner provide the Manager of Development Approvals with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication service

provider approved by the Canadian Radio and Telecommunication Commission (CRTC) that adequate telecommunication service will be provided to the subdivision including 9-1-1 emergency calling service that identifies, at a minimum, the callers name and location information;

42. That **prior to registration of the plan of subdivision**, the Owner shall agree in the Subdivision Approval Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the Owner / Developer shall be responsible for the relocation of such facilities or easements; and,
43. That **prior to registration of the plan of subdivision**, the Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

NOTES TO DRAFT PLAN APPROVAL

1. Pursuant to Section 51 (32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received two months before the draft approval lapses;
2. The owner is advised that a karst inventory was not conducted as part of the Natural Heritage Characterization Report completed by Colville Consulting Inc. dated February 2018 although this was identified in the Terms of Reference attached as Appendix A to the Natural Heritage Characterization Report completed by Colville Consulting Inc. dated February 2018 and the owner is further advised that at the implementation stage the Conservation Authority may require additional information pertaining to the karst inventory; and,

Recycling and Waste Disposal:

3. This property is eligible for municipal waste collection service subject to meeting the City's requirements indicated by the Public Works Department and subject to compliance with the City's Solid Waste Management By-law 09-067, as amended. The property owner must contact the City by email wastemanagement@hamilton.ca or by telephone 905-546-CITY (2489) to request waste collection service. Waste Management staff will complete a site visit to determine if the property complies with the City's waste collection requirements.

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Ontario Municipal Board
 Commission des affaires municipales
 de l'Ontario

16-072
Attachment 1



ISSUE DATE: January 20, 2016

CASE NO(S): PL110331
 PL090779
 PL101381
 PL120574
 PL131287

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellants: See Schedule "1"
Subject: Official Plan Amendment No. 35 to the Region of Hamilton-Wentworth Official Plan
Municipality: City of Hamilton
OMB Case No.: PL090779
OMB File No.: PL090779 (See Schedule "1")
OMB Case Name: Artstone Holdings Limited v. Hamilton (City)

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellants: See Schedule "1"
Subject: Official Plan Amendment No. 128 to the Town of Ancaster Official Plan (PL090780);
 Official Plan Amendment No. 18 to the Town of Dundas Official Plan (PL090781);
 Official Plan Amendment No. 118 to the Town of Flamborough Official Plan (PL090782);
 Official Plan Amendment No. 75 to the Township of Glanbrook Official Plan (PL090783);
 Official Plan Amendment No. 220 to the City of Hamilton Official Plan (PL090784);
 Official Plan Amendment No. 149 to the City of Stoney Creek Official Plan (PL090785)
Municipality: City of Hamilton
OMB Case No.: PL090779

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OMB File Nos.: PL090780-PL090785 (See Schedule "1")

PROCEEDING COMMENCED UNDER subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: See Schedule "2"
 Subject: Failure of the Minister of Municipal Affairs and Housing to announce a decision respecting the City of Hamilton Urban Official Plan
 Municipality: City of Hamilton
 OMB Case No.: PL101381
 OMB File No.: PL101381 (See Schedule "2")

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellants: See Schedule "3"
 Subject: The new City of Hamilton Urban Official Plan
 Municipality: City of Hamilton
 OMB Case No.: PL110331
 OMB File No.: PL110331 (See Schedule "3")

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Auburn Developments Inc.
 Subject: Application to amend Zoning By-law 6593 – Refusal of application by the City of Hamilton
 Existing Zoning: "J" (Light and Limited Heavy Industrial, etc.) District
 Proposed Zoning: "E-3" (High Density Multiple Dwellings) District
 Purpose: To permit a 10 storey student residential building
 Property Address/Description: 17 Ewen Road
 Municipality: City of Hamilton
 Municipal File No.: ZAC-07-062
 OMB Case No.: PL120574
 OMB File No.: PL120574

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Auburn Developments Inc.
 Subject: Request to amend the Official Plan – Refusal of request by the City of Hamilton
 Existing Designation: "Industrial"

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PL110331 et al

Proposed Designation:	"High Density Residential"
Purpose:	To permit a 10 storey student residential building
Property Address/Description:	17 Ewen Road
Municipality:	City of Hamilton
Approval Authority File No.:	OPA-07-016
OMB Case No.:	PL120574
OMB File No.:	PL120575

PROCEEDING COMMENCED UNDER subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	City of Hamilton
Subject:	Failure of Ministry of Municipal Affairs and Housing to announce a decision respecting Proposed Official Plan Amendment No. 25-OP-2009
Municipality:	City of Hamilton
OMB Case No.:	PL131287
OMB File No.:	PL131287

Schedule "1"

Appellants to the amendments to the in-force Official Plans of the former Region of Hamilton-Wentworth, Towns of Ancaster, Dundas and Flamborough, Township of Glanbrook and Cities of Hamilton and Stoney Creek (OMB Case No. PL090779)

OMB FILE NO.	APPELLANT NAME
PL090784	Shawcor Ltd.

Schedule "2"

Appellants to the failure of the Minister of Municipal Affairs and Housing to announce a decision respecting the City of Hamilton Urban Official Plan (OMB Case No. PL101381)

OMB FILE NO.	APPELLANT NAME
PL101381	A. DeSantis Developments Ltd. LIUNA Group Corp. St. Joseph's Villa

Schedule "3"

Appellants to the new City of Hamilton Urban Official Plan (OMB Case No. PL110331)

OMB FILE NO.	APPELLANT NAME
PL110331	2000963 Ontario Inc.

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PL110331 et al

2051206 Ontario Inc.
 2084696 Ontario Inc.
 2188410 Ontario Inc.
 456941 Ontario Ltd., 1263339 Ontario Ltd.,
 and Lea Silvestri
 909940 Ontario Inc.
 Artstone Holdings Limited
 Carmen Chiaravelle, 1694408 Ontario Ltd.,
 John Edward Demik, Peter Demik, Demik
 Brothers Hamilton Ltd., and Elaine Vyn
 City of Hamilton
 Corpveil Holdings Limited
 Flamborough Power Centre Inc., Flamborough
 South Centre Inc., Clappison Five Six
 Properties Inc.
 Freeland Developments Limited
 Gino and Olindo DalBello
 Lynmount Developments Limited
 Mondelēz Canada Inc. (formerly Kraft Canada
 Inc.)
 Mud and First Inc.
 Multi-Area Developments Inc.
 Norman Vartanian
 Paletta International Corporation
 Paletta International Corporation (re: Elfrida)
 Spallacci & Sons Limited
 Sullstar Twenty Limited
 Twenty Road Developments Inc.
 Upper Centennial Developments Ltd.
 Waterdown Bay Ltd.

Heard:

December 7, 2015 in Hamilton, Ontario

APPEARANCES:**Parties**

City of Hamilton

DiCenzo Construction Company
Limited**Counsel**

M. Kovacevic

S. Zakem
L. Dean

**MEMORANDUM OF ORAL DECISION DELIVERED BY SUSAN de AVELLAR
SCHILLER ON DECEMBER 7, 2015 AND ORDER OF THE BOARD**

INTRODUCTION

[1] This case is composed of several appeals of various instruments that all relate in some fashion to the City of Hamilton ("City") Urban Hamilton Official Plan ("UHOP").

[2] At the parties' request, the Board agreed to divide the hearing into several segments. Each hearing segment deals with one or more specific topic areas. Pre-hearing conferences to deal with motions, settlements, procedural orders for various hearing segments, and so on, have been interspersed between hearing segments to move matters along in an efficient manner. Decisions issued at the close of each segment set out the specific matters dealt with at that segment.

[3] The matters before the Board in this appearance deal with the appeals by DiCenzo Construction Company Limited ("DCCL") regarding the remaining Natural Heritage System matters. Two DCCL properties are affected: 313 Stone Church Road East and 305 Stone Church Road West.

[4] The parties have been in discussion for some time in an attempt to resolve their difference. The Board was advised that the parties have been unable to resolve their differences regarding 313 Stone Church Road East but have been able to resolve their differences regarding 305 Stone Church Road West.

ISSUES, ANALYSIS AND FINDINGS**313 Stone Church Road East**

[5] In its decision and order issued April 9, 2015, the Board, at the request of the parties, set out the scope of the hearing for 313 Stone Church Road East with four, very focussed, issues:

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PL110331 et al

313 Stone Church Rd. E.

1. Should the Core Area (Schedule B) and Significant Woodlands (Schedule B-2) overlays be revised to reflect the actual location of significant woodlands (if any) on and adjacent to 313 Stone Church Rd. E.?
2. Is a vegetation protection zone required for future development on 313 Stone Church Rd. E.? If so, what size of vegetation protection zone should be prescribed for this site?
3. Should an Environmental Impact Study be required to proceed with future development on 313 Stone Church Rd. E.? If so, what should be the scope of any such Environmental Impact Study?
4. Does Policy C.3.2.1(a) impose additional obligations on private landowners to actively maintain/conservate any forest, wildlife and/or wetland features on their lands? If the answer is "yes", what are the limits of such obligations and are they appropriate?

[6] The City brought a motion, returnable at today's appearance, to:

1. exclude a witness and his witness statement,
2. challenge the qualifications of an expert witness to provide an opinion on certain matters, and
3. exclude part of the evidence two expert witnesses intend to give, as suggested in their expert witness statements that were filed.

[7] The City also sought its costs of this motion.

[8] In summary, the City's motion asserts that the basis for the motion is that the witnesses were dealing with matters that were outside of the scope of the hearing and, therefore, not relevant. In the case of the challenge to qualifications, the City asserts that the expert witness is not qualified to provide opinion evidence on certain matters.

[9] In support of its motion, the City cited the agreement between the parties that resulted in the four focussed issues in the procedural order issued by the Board. The parties had also agreed that certain matters would not be before the Board in this

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proceeding. Finally, the City cited the fact that the Board had disposed previously of certain matters that the City asserts were now being raised again.

[10] The dispute between the parties regarding 313 Stone Church Road East is one that is hard fought.

[11] In the end, the Board did not hear the motion because the parties reached an agreement on next steps. Specifically, the parties asked the Board to adjourn the hearing of 313 Stone Church Road East to enable an Environmental Impact Study ("EIS") to be undertaken of the subject site.

[12] The terms of reference for the EIS are to be prepared by the City and the results of the study are to be peer reviewed by the City's expert, who is to have appropriate and reasonable access to the subject site.

[13] The parties have agreed that the adjacent City property is no longer part of the DCCL appeal and DCCL has agreed to withdraw its appeal as it applies to the adjacent City property.

[14] DCCL has also agreed to withdraw its appeal with regard to the requirement for a Vegetation Protection Zone, noted in issue 2 above, and has agreed that the policies regarding the provision of a Vegetation Protection Zone in the UHOP would apply. The Board amends the issues list accordingly.

[15] The agreement between the parties sets out their agreed terms of the requested adjournment and was filed as Exhibit 82 in these proceedings. Exhibit 82 is notable for its detailed requirements that have been accepted by DCCL.

[16] The Board agreed to adjourn the hearing regarding 313 Stone Church Road East but declined to set any specific date at this time. The parties are to advise the Board when they are ready to proceed in this matter, at which time the Board will search for an appropriate date for the hearing.

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PL110331 et al

[17] DCCL had provided hard copies of the witness statements and reply witness statements, as appropriate, for Allan Buist, Ian Barrett and John Ghent.

[18] DCCL agreed that it would not call Mr. Buist but Messrs. Barrett and Ghent remain on the witness list for DCCL.

[19] DCCL withdrew the witness statements and reply witness statements, if any, of all three and the Board returned the hard copies of all of these to DCCL.

[20] With the exception of Mr. Buist, whom DCCL will not call, the witness list for DCCL is now set.

[21] The City had also filed hard copies of witness statements and reply witness statements by Catherine Poloz, Christine Newbold and James Dougan regarding 313 Stone Church Road East.

[22] The City also withdrew these witness statements and reply witness statements and the Board returned the hard copies of all of these to the City.

[23] The witness list for the City remains and is set.

[24] If the parties are unable to settle their differences following the completion and peer review of the EIS, the parties have agreed that a new set of witness statements and reply witness statements, if any, will be exchanged and filed within the same periods of time prior to the hearing date as have been set out in the current procedural order.

[25] Finally regarding 313 Stone Church Road East, the Board highlights two key paragraphs here that have been agreed to by the parties, have been submitted to the Board on consent, and which the Board, pursuant to s. 37(c) of the *Ontario Municipal Board Act*, R.S.O. 1990, c. O.28, has agreed to order:

7. DiCenzo (or any related companies or any entity/person to which Mr.

Anthony DiCenzo has any type of interest or is related to, (this provision to be interpreted in the broadest sense) will not file any development applications in respect of the property until its UHOP appeal is decided upon by the Board or it is settled and the settlement approved by the Board...

12. DiCenzo or any representative or agents of DiCenzo shall take no actions (even if they are permitted by law) to alter its property that is subject to the appeal, this includes without limitation tree cutting; vegetation removal or removal of any plant or animal organisms, except alterations or actions required by law or required to complete the EIS and effective until issuance of the OMB Decision on this UHOP Appeal.

305 Stone Church Road West

[26] DCCL undertook an extensive EIS for 305 Stone Church Road West. This study included an analysis of amphibians, plants, vegetative habitat, breeding birds, wildlife observations, species at risk screening and a stream assessment.

[27] The study was reviewed by the City and by the Hamilton Conservation Authority.

[28] The result is that the DCCL, the City and the Hamilton Conservation Authority all agree that certain mapping changes are appropriate to reflect properly the natural heritage elements on the subject site.

[29] The Board is satisfied that a full and proper evaluation has been done and that the changes to the schedules are appropriate.

[30] The proposed changes were filed in these proceedings as Exhibit 82.

[31] Schedule B, Natural Heritage System, is amended by deleting part of an area designated as Core Area.

[32] Schedule B-2, Detailed Natural Heritage Features – Key Natural Heritage Features Significant Woodlands, is amended by deleting the same Core Area that on this Schedule B-2 is designated as woodlands.

[33] Schedule B-4, Detailed Natural Heritage Features – Key Natural Heritage Feature and Key Hydrologic Features Wetlands, is amended by deleting a small area previously designated as a wetland.

[34] Schedule B-8, Detailed Natural Heritage Features – Key Hydrologic Features Streams, is amended by deleting a small area previously designated as streams.

ORDER

[35] With regard to 313 Stone Church Road East, the Board orders that:

1. The hearing of the appeal by DiCenzo Construction Company Limited regarding the application of Natural Heritage System policies to 313 Stone Church Road East is adjourned.
2. The City of Hamilton and DiCenzo Construction Company Limited are to advise the Board when they are ready to proceed.
3. DiCenzo Construction Company Limited is to undertake an Environmental Impact Study whose terms of reference are to be set by City of Hamilton.
4. The Environmental Impact Study is to be peer reviewed by the City of Hamilton's expert consultant who is to have appropriate and reasonable access to the 313 Stone Church Road East on 24 hours' notice and at his own risk.
5. The costs of the Environmental Impact Study and the peer review are to be borne by DiCenzo Construction Company Limited.
6. The issues list for the hearing is amended as set out in paragraph 14 above.
7. Alan Buist will not be called by DiCenzo Construction Company Limited in this matter. The witness list for the hearing of the merits is otherwise now set.

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8. Expert witness statements and reply witness statements, if any, will be filed anew as set out in paragraph 24 above.
9. Restrictions on the actions of DiCenzo Construction Company Limited, and interests related thereto, are as agreed to by the parties and are as set out in paragraph 25 of this decision, above.

[36] With regard to 305 Stone Church Road West, the Board orders that the appeal by DiCenzo Construction Company Limited regarding the application of Natural Heritage System policies is allowed in part and Schedules B, B-2, B-4 and B-8 are amended as shown in Attachment 1 to this decision.

"Susan de Avellar Schiller"

SUSAN de AVELLAR SCHILLER
VICE-CHAIR

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT 1

PL110331: Exhibit 83

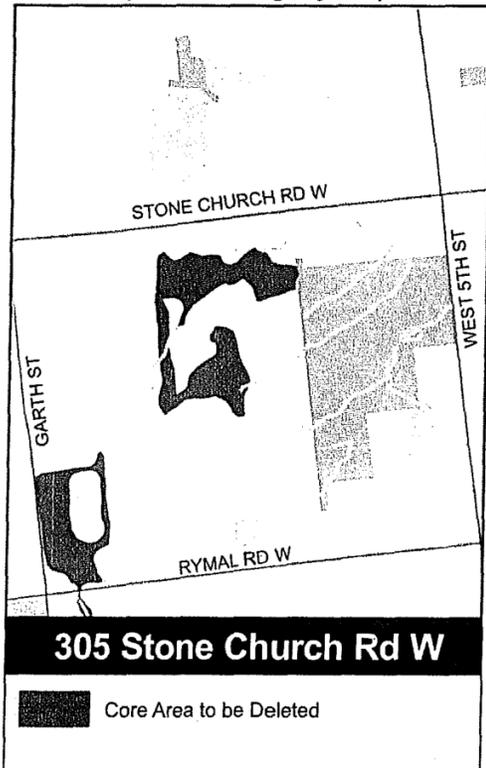
Settlement with DiCenzo Construction Company Limited

305 Stone Church Road West

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December 7, 2015

Clip of Urban Hamilton Official Plan Schedule B
(Natural Heritage System)



Clip of Urban Hamilton Official Plan
Schedule B-2 (Detailed Natural Heritage
Features - Key Natural Heritage Features
Significant Woodlands)



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PL110331: Exhibit 83

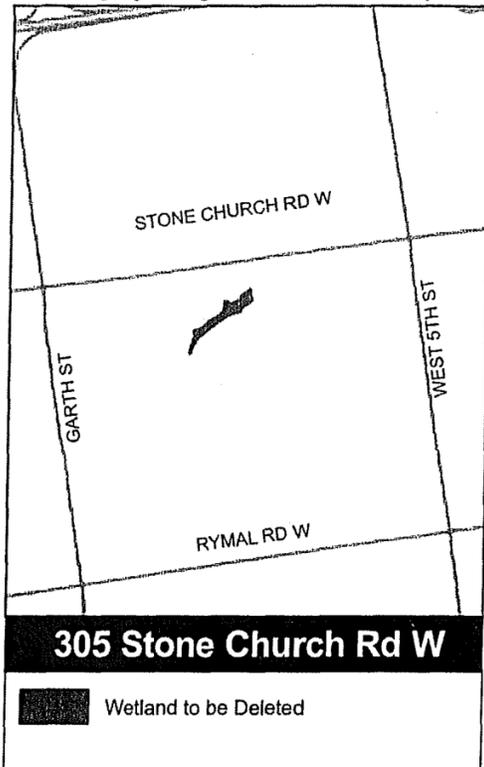
Settlement with DiCenzo Construction Company Limited

305 Stone Church Road West

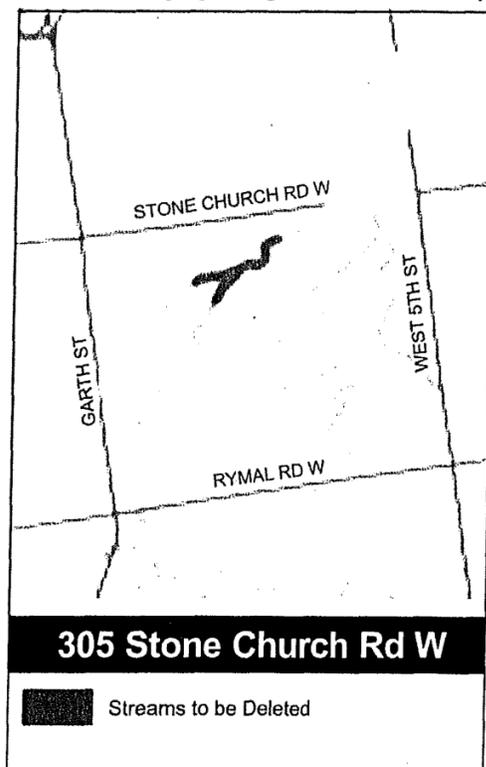
Page 2 of 2

December 7, 2015

Clip of Urban Hamilton Official Plan
Schedule B-4 (Detailed Natural Heritage
Features - Key Natural Heritage Feature and
Key Hydrologic Features Wetlands)



Clip of Urban Hamilton Official Plan
Schedule B-8 (Detailed Natural Heritage
Features - Key Hydrologic Features Streams)



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Local Planning Appeal Tribunal
 Tribunal d’appel de l’aménagement
 local



ISSUE DATE: August 14, 2020

CASE NO.: PL110331

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellants:	See Schedule “1”
Subject:	Official Plan Amendment No. 35 to the Region of Hamilton-Wentworth Official Plan
Municipality:	City of Hamilton
OMB Case No.:	PL090779
OMB File No.:	PL090779 (See Schedule “1”)
OMB Case Name:	Artstone Holdings Limited v. Hamilton (City)

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellants:	See Schedule “1”
Subject:	Official Plan Amendment No. 128 to the Town of Ancaster Official Plan (PL090780); Official Plan Amendment No. 18 to the Town of Dundas Official Plan (PL090781); Official Plan Amendment No. 118 to the Town of Flamborough Official Plan (PL090782); Official Plan Amendment No. 75 to the Township of Glanbrook Official Plan (PL090783); Official Plan Amendment No. 220 to the City of Hamilton Official Plan (PL090784); Official Plan Amendment No. 149 to the City of Stoney Creek Official Plan (PL090785)
Municipality:	City of Hamilton
OMB Case No.:	PL090779

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OMB File Nos.: PL090780-PL090785 (See Schedule “1”)

PROCEEDING COMMENCED UNDER subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: See Schedule “2”
 Subject: Failure of the Minister of Municipal Affairs and Housing to announce a decision respecting the City of Hamilton Urban Official Plan
 Municipality: City of Hamilton
 OMB Case No.: PL101381
 OMB File No.: PL101381 (See Schedule “2”)

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellants: See Schedule “3”
 Subject: The new City of Hamilton Urban Official Plan
 Municipality: City of Hamilton
 OMB Case No.: PL110331
 OMB File No.: PL110331 (See Schedule “3”)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Auburn Developments Inc.
 Subject: Application to amend Zoning By-law 6593 – Refusal of application by the City of Hamilton
 Existing Zoning: “J” (Light and Limited Heavy Industrial, etc.) District
 Proposed Zoning: “E-3” (High Density Multiple Dwellings) District
 Purpose: To permit a 10 storey student residential building
 Property Address/Description: 17 Ewen Road
 Municipality: City of Hamilton
 Municipal File No.: ZAC-07-062
 OMB Case No.: PL120574
 OMB File No.: PL120574

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Auburn Developments Inc.
 Subject: Request to amend the Official Plan – Refusal of request by the City of Hamilton
 Existing Designation: “Industrial”

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Proposed Designation:	“High Density Residential”
Purpose:	To permit a 10 storey student residential building
Property Address/Description:	17 Ewen Road
Municipality:	City of Hamilton
Approval Authority File No.:	OPA-07-016
OMB Case No.:	PL120574
OMB File No.:	PL120575

PROCEEDING COMMENCED UNDER subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	City of Hamilton
Subject:	Failure of Ministry of Municipal Affairs and Housing to announce a decision respecting Proposed Official Plan Amendment No. 25-OP-2009
Municipality:	City of Hamilton
OMB Case No.:	PL131287
OMB File No.:	PL131287

Schedule “1”

Appellants to the amendments to the in-force Official Plans of the former Region of Hamilton-Wentworth, Towns of Ancaster, Dundas and Flamborough, Township of Glanbrook and Cities of Hamilton and Stoney Creek (OMB Case No. PL090779)

OMB FILE NO.	APPELLANT NAME
PL090784	Shawcor Ltd.

Schedule “2”

Appellants to the failure of the Minister of Municipal Affairs and Housing to announce a decision respecting the City of Hamilton Urban Official Plan (OMB Case No. PL101381)

OMB FILE NO.	APPELLANT NAME
PL101381	A. DeSantis Developments Ltd. LIUNA Group Corp. St. Joseph’s Villa

Schedule “3”

Appellants to the new City of Hamilton Urban Official Plan (OMB Case No. PL110331)

OMB FILE NO.	APPELLANT NAME
PL110331	2000963 Ontario Inc.

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2051206 Ontario Inc.
2084696 Ontario Inc.
2188410 Ontario Inc.
456941 Ontario Ltd., 1263339 Ontario Ltd., and
Lea Silvestri
909940 Ontario Inc. Artstone
Holdings Limited
Carmen Chiaravelle, 1694408 Ontario Ltd.,
John Edward Demik, Peter Demik, Demik
Brothers Hamilton Ltd., and Elaine Vyn City of
Hamilton
Corpveil Holdings Limited
Flamborough Power Centre Inc., Flamborough
South Centre Inc., Clappison Five Six Properties
Inc.
Freeland Developments Limited
Gino and Olindo DalBello Lynmount
Developments Limited
Mondelēz Canada Inc. (formerly Kraft Canada
Inc.)
Mud and First Inc.
Multi-Area Developments Inc.
Norman Vartanian
Paletta International Corporation
Paletta International Corporation (re: Elfrida)
Spallacci & Sons Limited
Sullstar Twenty Limited
Twenty Road Developments Inc. Upper
Centennial Developments Ltd.
Waterdown Bay Ltd.

BEFORE:

SUSAN de AVELLAR SCHILLER)
VICE-CHAIR)
Friday, the 14th)
day of August, 2020)

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THIS MATTER having come before the Tribunal for a hearing on December 7, 2015, with a Decision and Order issued on January 20, 2016 regarding appeals related to 305 Stone Church Road West and 313 Stone Church Road East;

AND THE TRIBUNAL having included quoted paragraphs 7 and 12 in paragraph 25 of the Decision at the joint request of the City of Hamilton and DiCenzo Construction Company Limited (“DCCL”).

AND THE TRIBUNAL having received a joint request from the City and DCCL that settlement discussion have taken place and in order to further advance these discussions, the City and DCCL jointly request that paragraph [25] of the Tribunal’s Decision of January 20, 2016 be amended to delete quoted paragraph 7 so as to allow DCCL (or any related entities) to file development applications in respect of the property at 313 Stone Church Road East. The parties also request that the Decision be amended to modify quoted paragraph 12 to read as follows:

DiCenzo or any representative or agents of DiCenzo shall take no actions (even if they are permitted by law) to alter its property that is subject to the appeal; this includes, without limitation, tree cutting and vegetation removal or removal of any plant or animal organisms; except alterations or actions required by law or as necessary to complete the required studies or other materials required to be filed with the development applications, provided in each and every case DCCL first obtains concurrence from the City prior to undertaking any alteration to its property or permits as required, and effective until issuance of the final decision on the UHOP appeal with respect to 313.

THE TRIBUNAL ORDERS that the requested amendments as set out above to the Tribunal’s Decision issued on January 20, 2016 are approved and the Decision of January 20, 2016 is so amended.

“Evelyn Dawes”

EVELYN DAWES
DEPUTY REGISTRAR

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Tribunals Ontario – Environment and Land Division
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

Appendix "J" to Report PED21221
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From: Anita
Sent: February 22, 2021 3:40 PM
To: Davis, Michael <Michael.Davis@hamilton.ca>
Subject: [****POSSIBLE SPAM]311 and 313 Stone Church Road East Concept Plan

Hello Michael,

I've just received the Notice of Complete Applications by UrbanSolutions on behalf of DiCenzo and would like to know where we can find a legible copy of the "311 and 313 Stone Church Road East Concept Plan" from the back page. What we have is very poor resolution and missing dots to be able to read properly.

Files:
UHOPA-21-005
ZAC-21-009
25T-202104
25CDM-2021005
25CDM-2021006
Folder:
2021 102876 00 PLAN (1020649)

Also, what can we do to ensure that those of us in the Dolphin Place, Durrell Court, and Cyprus Drive area will be impacted the least amount by construction vehicles. We all had to endure about five years of constant dust and mud, so much so that we couldn't even wash our vehicles in our own driveways because it was that excessive. After washing our vehicles, we'd then have to spend as much time and money again washing the driveways to clear the mud. Then that's all going down our storm drains. We couldn't have clean vehicles for five years.

On top of that, the number of flat tires we all had on our vehicles: cars, pickup trucks and motorcycles and the HUGE expense, inconvenience, and danger that entailed. All from careless contractors and their nails.

I implore you to find a way to route the trucks from this new development out of this area via Stonechurch rather than Cyprus. For all of us at this end of the development to have to deal with these financial hardships AGAIN and the inconvenience is difficult and impacts our enjoyment of house and home.

Thanks,
Anita

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From: Mark M
Sent: Tuesday, February 23, 2021, 10:24 PM
To: Davis, Michael <Michael.Davis@hamilton.ca>
Subject: Lavita Estates

Michael,

I'm writing regarding the proposal for Lavita Estates, I live on Cyprus Drive a couple houses away from the dead end. I had a chance to look at a few of the plans posted on Urban Solutions website and overall the proposed plan looks interesting. It is nice to see a sizable portion of land being dedicated as a naturalized area, as it was sad to see so many larger trees taken down in that exact area 8 or 9 years ago, so hopefully over time it regenerates well. The area forms part of the Eramosa karst and the exposed rock and overall forested landscape is rare to see in an urban setting and makes Crerar Neighbourhood so unique.

It is also good to see that Cyprus Drive will not be a through street, and only gain 12 more single family homes in the private road section off of the court bulb. This should help maintain the quiet traffic volumes all of the nearby residents are used to. Will there be public foot access to the trail leading to the new natural area block?

One of the best parts of our street is the amazing view of all the large Oaks in the City park lands that tower over the Houses. There are also 6 or 8 majestic Oaks located straight off the end of Cyprus Drive, and according to the plans they appear to be on neighbouring lands and not part of the subject lands. This is great news as you can immediately see these trees the moment you turn onto our street all the way from the Sirente Drive intersection. For that reason, why does the landscape plan mark all the largest trees (in good health) that do not even grow on the subject lands as "to be removed"? Shouldn't the neighbouring land owner have a say about that? More importantly, what measures can be taken to avoid their removal all together, as these trees seem far enough away from proposed building lots to negatively affect the number of developable lots. There are numerous examples across the City where purposeful design has sidewalks bend out around some of the largest trees, thus preserving for generations to come. As these trees do not appear located in proposed rights of way either, we look forward to seeing updated plans that preserve the largest of these specific trees in this situation as well.

Will there be opportunities for public input of the proposed subdivision?

We look forward to your response to our questions, and thank you for your time.

Mark and Karen Mitchell

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From: Carlo Silvestri
Sent: March 2, 2021 6:24 PM
To: Davis, Michael <Michael.Davis@hamilton.ca>
Cc: Pauls, Esther <Esther.Pauls@hamilton.ca>; Milovanov, Zora <Zora.Milovanov@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Scally, Maureen <Maureen.Scally@hamilton.ca>
Subject: RE: UHOPA-21-005, ZAC-21-009,25T-202104, 25CDM-20210005, 25CDM-20210006

Dear Mr. Davis,

I object to the following applications:

UHOPA-21-005, ZAC-21-009,25T-202104, 25CDM-20210005, 25CDM-20210006.

I wish to receive a complete copy of the staff report.

I wish to be present and make an oral presentation at the public meeting.

1. As per our previous conversation, I would like to notify you that as of Thursday, February 25, 2021

that the required sign was still not installed, thus making the applications incomplete. See attached photos above.

I respectfully request that the current deadline, for public comments be extended accordingly to allow neighbours to be notified.

The current circulation area of 120 meters is woefully inadequate as the entire Crerar Neighbourhood is affected.

The deadline is currently prior to March 26, 2021.

2. I strongly object to design of the proposal.

The approved neighbourhood plan called for the completion of Crerar Drive as a municipal loop road for the neighbourhood.

This would allow access to Crerar Park and Crerar Forest by the southern section of Crerar Neighbourhood by municipal roads and sidewalks.

The attached proposal consists of mostly private roads which essentially cut off the southern part of the Crerar neighbourhood from the northern part of the neighbourhood.

I have lived on Crerar Drive for more than 20 years with my family.

One of the most important reasons for choosing Crerar Dr. was to accommodate the accessible needs of my daughter who uses a wheelchair. The promised future Crerar Park was created after we moved in. We have to drive to the Pak entrance as it is too far to travel by wheelchair. The promise of the future extension of Crerar Drive as a municipal road with sidewalks to access Crerar Park was most appealing.

3. The approved neighbourhood plan would allow development of 30 to 40 single family dwellings on municipal roads.

The current proposal is for 221 new residential dwellings on 4.29 hectares.

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This is excessive density. It is 5 to 7 times what is allowed under the current Official Plan. Furthermore, it is on private roads with inadequate parking. Traffic and parking in the neighbourhood is already inadequate and strained. Several streets including sections of Crerar Drive have been designated for alternate side of road parking or no parking areas.

4. The entry streets to Crerar neighbourhood are already a traffic nightmare. i.e . rarely passable by 2 cars simultaneously because of road parking in good weather and further exacerbated by snow. The neighbourhood entry streets particularly affected are: Sirente, Pescara, and Distin.

5. This proposal would make new the Crerar Drive entrance from Stone Church Rd. East the main entrance for the proposed largely private and condominium roads .

6. The private high school on Crerar Drive causes its own parking and traffic issues as few students are from the neighbourhood. The students are largely bussed. Others drive their own vehicles or dropped off. The staff of the high school and the staff and adult students of the private teachers college on Crerar Drive create additional traffic.

7. There are no public or private schools in this neighbourhood. The students are all bussed to schools in other neighbourhoods.

8. The lot coverage of the proposed residences and private streets are excessive. There is very little landscape and green area as a percentage of the proposed development. The previous contentious tree cutting in the neighbourhood is well documented. The proposed development further eliminates vegetation from Crerar Neighbourhood. The neighbourhood already has its periphery developed with many Churches, townhomes, apartment buildings and senior residences. Crerar neighbourhood is also home to Bob Kemp Hospice and the future Shalom Village Long Term Care.(7 storey) on Upper Wellington. These are all developments on the periphery of the neighbourhood with direct access to the main streets, Stone Church Rd. East, Upper Wentworth Street and Upper Wellington St. This proposal is in the centre of the neighbourhood.

Thank you for considering this letter.

Yours truly,
Lucy Silvestri,
Carlo Silvestri,
Alisa Silvestri,
Victoria Silvestri

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Hamilton

Mailing Address:
71 Main Street West, 5th Floor
Hamilton, Ontario
Canada L8P 4Y5
www.hamilton.ca

Planning and Economic Development Department
Development Planning, Heritage and Design
71 Main Street West, 5th Floor, Hamilton ON L8P 4Y5
Phone: 905-546-2424 Fax: 905-546-4202

February 19, 2021



Dear neighbour, you might not have received this notice, please object to Michael Davis & Councillor Park.

Files: UHOPA-21-005
ZAC-21-009
25T-202104
25CDM-2021005
25CDM-2021006
Folder: 2021 102876 00 PLAN (1020649)

Dear Sir / Madam:

THANK YOU

Re: Notice of Complete Applications by UrbanSolutions Planning & Land Development Consultants Inc. on behalf of DiCenzo Construction Company Ltd. for Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium for Lands Located at 311 & 313 Stone Church Road East, Hamilton (Ward 7)

In accordance with the provisions of the *Planning Act*, this letter is to advise that complete applications have been received by Hamilton's Planning and Economic Development Department for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium for Lands Located at 311 and 313 Stone Church Road East (please see attached Location Plan).

Purpose and Effect of Applications

221 UNITS PROPOSED

These applications are intended to allow for the development of a range of new housing forms; new public and private streets; and, the preservation of a 1.15 hectare woodland. Specifically, the applications propose the development of 221 new residential dwelling units consisting of 112 block townhouse units, 80 maisonette units, 17 single detached dwellings and 12 street townhouse units. The proposed subdivision involves an extension of Crerar Drive to connect with Stone Church Road East and the creation of a new Street 'A' to serve the new planned residential development blocks.

Urban Hamilton Official Plan Amendment (File No. UHOPA-21-005)

The purpose and effect of this proposed Urban Hamilton Official Plan Amendment is to allow for a site-specific reduction to the minimum density requirements for Medium Density Residential uses in order to permit a block townhouse and maisonette development on a portion of the proposed Draft Plan of Subdivision. The proposed Official Plan Amendment will also allow for the dedication of a 1.15 hectare woodlot to the City of Hamilton as a parkland dedication.

The proposed Official Plan Amendment, and information and material related to it, will be available in the staff report for public inspection.

P.S. please talk to your neighbours as the City only sent notices to homeowners within 120m of application address.

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- ii If a person or public body does not make oral submissions at a public meeting, if one is held, or make written submissions to the City of Hamilton in respect of the proposed plan of subdivision before the approval authority gives or refuses to give approval to the draft plan of subdivision, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal (LPAT) unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Condominium Applications 25CDM-2021005 and 25CDM-2021006

- i If a person or public body does not make oral submissions at a public meeting, if one is held, or make written submissions to the City of Hamilton in respect of the proposed Draft Plans of Condominium before the approval authority gives or refuses to give approval to the Draft Plans of Condominium, the person or public body is not entitled to appeal the decision of the City of Hamilton to the Local Planning Appeal Tribunal (LPAT).
- ii If a person or public body does not make oral submissions at a public meeting, if one is held, or make written submissions to the City of Hamilton in respect of the proposed plans of condominium before the approval authority gives or refuses to give approval to the draft plans of condominium, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal (LPAT) unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Public Input

Before we prepare a staff report for Council consideration, we are extending an opportunity to you to make comments. Any written comments received by the Department prior to **March 26, 2021**, will be published as part of the report made available to the general public and will appear on the City's website unless you expressly request within your communication that the City remove your personal information. Those persons who respond to the Department will be provided with a copy of the staff report prior to the public meeting to be held by the Planning Committee of City Council. Please forward your comments, quoting UHOPA-21-005, ZAC-21-009, 25T-202104, 25CDM-2021005 and 25CDM-2021006 to:

★ PLEASE EMAIL TO REGISTER YOUR COMPLAINTS BEFORE

① Michael Davis, City of Hamilton
 Planning and Economic Development Department
 Development Planning, Heritage and Design - Suburban Team
 71 Main Street West, 5th Floor, Hamilton, ON, L8P 4Y5
 Fax: 905-546-4202 - E-Mail: Michael.Davis@Hamilton.ca

MARCH 26, 2021

②



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Please feel free cut and paste the following email or choose or make your own comments.

To: michael.davis@hamilton.ca
 Cc: esther.pauls@hamilton.ca

Dear Mr. Davis,

I object to the following applications:

UHOPA-21-005, ZAC-21-009, 25T-202104, 25CDM-20210005, 25CDM-20210006.

I wish to receive a complete copy of the staff report.

I wish to be present and make an oral presentation at the public meeting.

1. As per our previous conversation, I would like to notify you that as of Thursday, February 25, 2021 that the required sign was still not installed, thus making the applications incomplete. See attached photos above.

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The attached proposal consists of mostly private roads which essentially cut off the southern part of the Crerar neighbourhood from the northern part of the neighbourhood.

I am a concerned homeowner in the Crerar Neighbourhood.

Crerar Park was created for the entire neighbourhood to use.

The promise of the future extension of Crerar Drive as a municipal road with sidewalks to access Crerar Park was most appealing.

The current proposal will cut off access to the park, as planned for in the neighbourhood plan.

3. The approved neighbourhood plan would allow development of 30 to 40 single family dwellings on municipal roads.

The current proposal is for 221 new residential dwellings on 4.29 hectares.

This is excessive density. It is 5 to 7 times what is allowed under the current Official Plan.

Furthermore, it is on private roads with inadequate parking.

Traffic and parking in the neighbourhood is already inadequate and strained.

Several streets including sections of Crerar Drive have been designated for alternate side of road parking or no parking areas.

4. The entry streets to Crerar neighbourhood are already a traffic nightmare. i.e. rarely passable by 2 cars simultaneously because of road parking in good weather and further exacerbated by snow. The

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neighbourhood entry streets particularly affected are: Sirente, Pescara, and Distin.

5. This proposal would make new the Crerar Drive entrance from Stone Church Rd. East the main entrance for the proposed largely private and condominium roads .

6. The private high school on Crerar Drive causes its own parking and traffic issues as few students are from the neighbourhood.

The students are largely bussed. Others drive their own vehicles or dropped off. The staff of the high school and the staff and adult students of the private teachers college on Crerar Drive create additional traffic. The students are all bussed to schools in other neighbourhoods.

7. There are no public or separate schools in this neighbourhood. The City purchased lands previously owned by the school board and made it part of Cerear Park.

The City retained a portion of land on the west side to allow for a public road to access Crerar Park. This development proposal eliminates that road.

8. The lot coverage of the proposed residences and private streets are excessive.

There is very little landscape and green area as a percentage of the proposed development.

The previous contentious tree cutting in the neighbourhood is well documented.

The proposed development further eliminates vegetation from Crerar Neighbourhood.

The neighbourhood already has its periphery developed with many Churches, townhomes, apartment buildings (rental and conominium) and senior residences.

Crerar neighbourhood is also home to Bob Kemp Hospice and the proposed future Shalom Village Long Term Care.(7 storey) on Upper Wellington.

These are all developments on the periphery of the neighbourhood with direct access to the main streets, Stone Church Rd. East, Upper Wentworth Street and Upper Wellington St. The neighbourhood has more than contributed to the Provincial Policy statements of 2020 with regards to "Encourage an increase in the mix and supply of housing." The other statement with regards to "protect the environment and public safety" is beyond questionable.

This proposal is in the centre of the neighbourhood and largely deviates from the current neighbourhood plan by creating private roads to increase density and prevent access to roads and parklands in the neighbourhood.

Thank you for considering this letter.

NAME:

Address:

Email:

Phone: (optional)

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**Appendix "J" to Report PED21221
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From: John Themeles
Sent: March 13, 2021 5:58 PM
To: Davis, Michael <Michael.Davis@hamilton.ca>
Subject: Re subdivision ward 7 lands located 311 and 313 stone church rd east

Dear Mr.Davis

File:UHOPA-21-005
ZAC-21-009
25T-2021005
25CDM-2021006
Folder:2021 102876 00 PLAN (1020649)

I've read the letter on the proposal of 210 homes to be built behind my home.Thus this letter of deep concern.

I'm concerned on the amount of homes being squeezed into such a small plot of land.

I'm concerned for the blasting of rock bed behind me as I'm aware of the geological makeup of the land.

With so many homes we will be enduring a minimum of 400 cars going in and out from the street next to me.

The other concern is the amount of traffic that will be generated and the noise.Thats just way too many people jammed into a small area.

I can see a proposal of 30-50 homes since they bought the land close to 40 some odd years ago.This is just greedy and unfair.

I am also concerned of the dust that will be generated in the area of land that surrounds me and the dust that will come into my home and the exterior fascia.

Who will be responsible in keeping the dust,mud and the cleaning my exterior once construction is up and running?

How long and when it the construction work to begin?

I'd like to be kept in the loop on this serious matter and the disruption of 210 homes stacked like sardines behind me.

Sincerely
John Themeles

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From: Mark Wozniak
Sent: March 14, 2021 7:13 PM
To: Davis, Michael <Michael.Davis@hamilton.ca>
Cc: Mama Wozniak
Subject: UHOPA-21-005 complaint

Please feel free cut and paste the following email or choose or make your own comments.

To: michael.davis@hamilton.ca
Cc: esther.pauls@hamilton.ca

Dear Mr. Davis,

I object to the following applications:

UHOPA-21-005, ZAC-21-009, 25T-202104, 25CDM-20210005, 25CDM-20210006.

I wish to receive a complete copy of the staff report.

I wish to be present and make an oral presentation at the public meeting.

1. As per our previous conversation, I would like to notify you that as of Thursday, February 25, 2021 that the required sign was still not installed, thus making the applications incomplete. See attached photos above.
I respectfully request that the current deadline, for public comments be extended accordingly to allow neighbours to be notified.
The current circulation area of 120 meters is woefully inadequate as the entire Crerar Neighbourhood is affected.
The deadline is currently prior to March 26, 2021.
2. I strongly object to design of the proposal.
The approved neighbourhood plan called for the completion of Crerar Drive as a municipal loop road for the neighbourhood.
This would allow access to Crerar Park and Crerar Forest by the southern section of Crerar Neighbourhood by municipal roads and sidewalks.
The attached proposal consists of mostly private roads which essentially cut off the southern part of the Crerar neighbourhood from the northern part of the neighbourhood.
I am a concerned homeowner in the Crerar Neighbourhood.
Crerar Park was created for the entire neighbourhood to use.
The promise of the future extension of Crerar Drive as a municipal road with sidewalks to access Crerar Park was most appealing.
The current proposal will cut off access to the park, as planned for in the neighbourhood plan.
3. The approved neighbourhood plan would allow development of 30 to 40 single family dwellings on municipal roads.
The current proposal is for 221 new residential dwellings on 4.29 hectares.
This is excessive density. It is 5 to 7 times what is allowed under the current Official Plan.
Furthermore, it is on private roads with inadequate parking.
Traffic and parking in the neighbourhood is already inadequate and strained.
Several streets including sections of Crerar Drive have been designated for alternate side of road parking or no parking areas.
4. The entry streets to Crerar neighbourhood are already a traffic nightmare. i.e. rarely passable by 2 cars simultaneously because of road parking in good weather and further exacerbated by snow. The

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neighbourhood entry streets particularly affected are: Sirente, Pescara, and Distin.

5. This proposal would make new the Crerar Drive entrance from Stone Church Rd. East the main entrance for the proposed largely private and condominium roads .
6. The private high school on Crerar Drive causes its own parking and traffic issues as few students are from the neighbourhood.
The students are largely bussed. Others drive their own vehicles or dropped off. The staff of the high school and the staff and adult students of the private teachers college on Crerar Drive create additional traffic. The students are all bussed to schools in other neighbourhoods.
7. There are no public or separate schools in this neighbourhood. The City purchased lands previously owned by the school board and made it part of Cererar Park.
The City retained a portion of land on the west side to allow for a public road to access Crerar Park. This development proposal eliminates that road.
8. The lot coverage of the proposed residences and private streets are excessive.
There is very little landscape and green area as a percentage of the proposed development.
The previous contentious tree cutting in the neighbourhood is well documented.
The proposed development further eliminates vegetation from Crerar Neighbourhood.
The neighbourhood already has its periphery developed with many Churches, townhomes, apartment buildings (rental and condominium) and senior residences.
Crerar neighbourhood is also home to Bob Kemp Hospice and the proposed future Shalom Village Long Term Care.(7 storey) on Upper Wellington.
These are all developments on the periphery of the neighbourhood with direct access to the main streets, Stone Church Rd. East, Upper Wentworth Street and Upper Wellington St. The neighbourhood has more than contributed to the Provincial Policy statements of 2020 with regards to "Encourage an increase in the mix and supply of housing." The other statement with regards to "protect the environment and public safety" is beyond questionable.

This proposal is in the centre of the neighbourhood and largely deviates from the current neighbourhood plan by creating private roads to increase density and prevent access to roads and parklands in the neighbourhood.

Thank you for considering this letter.

NAME: [REDACTED]
Address: [REDACTED]
Email: [REDACTED]
Phone: [REDACTED]

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From: Nahren Gorgis
Sent: March 14, 2021 7:15 PM
To: Davis, Michael <Michael.Davis@hamilton.ca>
Subject: Neighbor complaints

As a resident of [REDACTED], we are against to build the new houses on Crerar drive.

Thank you.

Sent from my iPhone

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Please feel free cut and paste the following email or choose or make your own comments.

To: michael.davis@hamilton.ca
Cc: esther.pauls@hamilton.ca

Dear Mr. Davis,

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I wish to receive a complete copy of the staff report.

I wish to be present and make an oral presentation at the public meeting.

If called upon I can express my concerns based on what we currently see now!

1. As per our previous conversation, I would like to notify you that as of Thursday, February 25, 2021 that the required sign was still not installed, thus making the applications incomplete. See attached photos above.

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6. The private high school on Crerar Drive causes its own parking and traffic issues as few students are from the neighbourhood.

The students are largely bussed. Others drive their own vehicles or dropped off. The staff of the high school and the staff and adult students of the private teachers college on Crerar Drive create additional traffic. The students are all bussed to schools in other neighbourhoods.

7. There are no public or separate schools in this neighbourhood. The City purchased lands previously owned by the school board and made it part of Crerar Park.

The City retained a portion of land on the west side to allow for a public road to access Crerar Park. This development proposal eliminates that road.

8. The lot coverage of the proposed residences and private streets are excessive.

There is very little landscape and green area as a percentage of the proposed development.

The previous contentious tree cutting in the neighbourhood is well documented.

The proposed development further eliminates vegetation from Crerar Neighbourhood.

The neighbourhood already has its periphery developed with many Churches, townhomes, apartment buildings (rental and condominium) and senior residences.

Crerar neighbourhood is also home to Bob Kemp Hospice and the proposed future Shalom Village Long Term Care. (7 storey) on Upper Wellington.

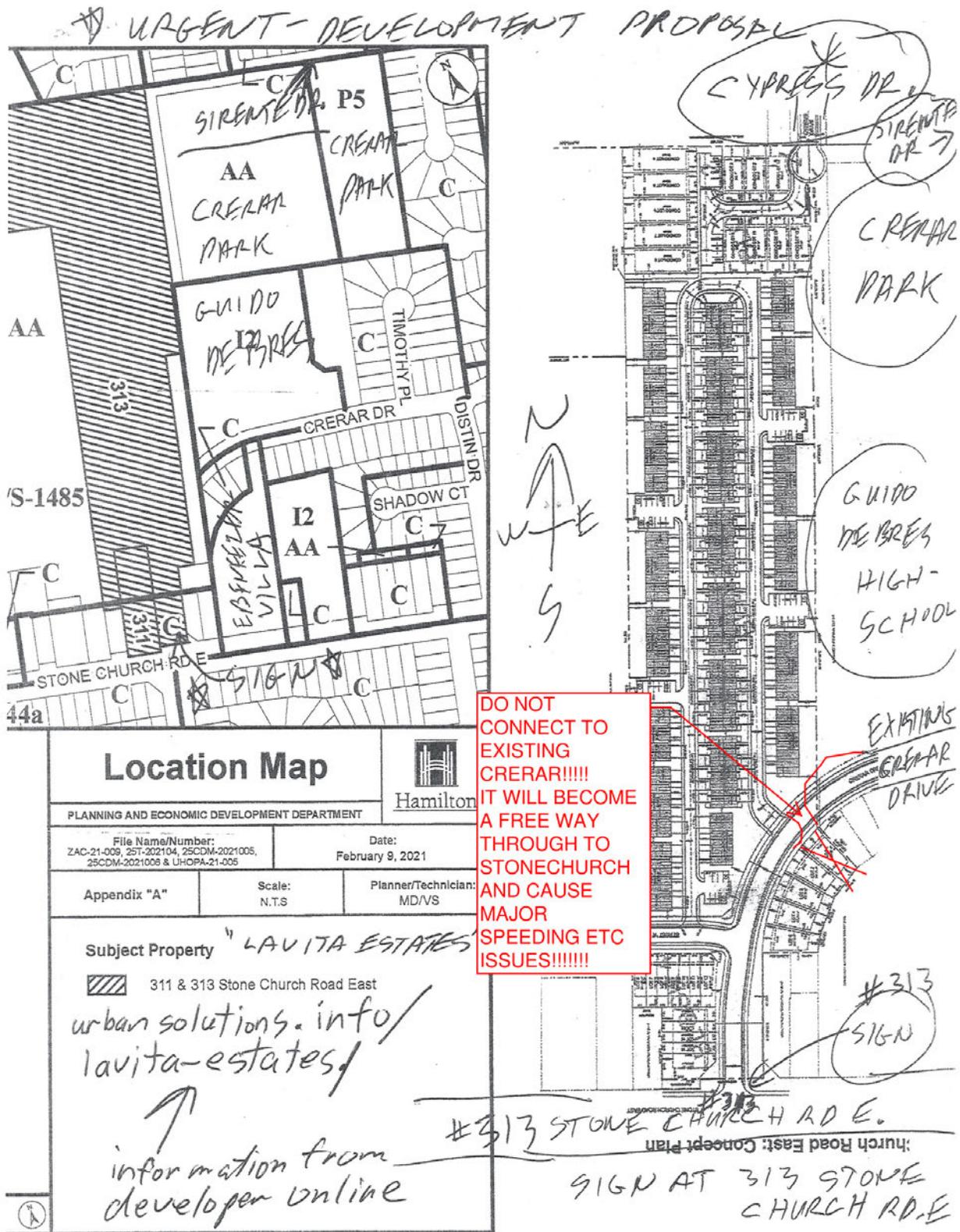
These are all developments on the periphery of the neighbourhood with direct access to the main streets, Stone Church Rd. East, Upper Wentworth Street and Upper Wellington St. The neighbourhood has more than contributed to the Provincial Policy statements of 2020 with regards to "Encourage an increase in the mix and supply of housing." The other statement with regards to "protect the environment and public safety" is beyond questionable.

This proposal is in the centre of the neighbourhood and largely deviates from the current neighbourhood plan by creating private roads to increase density and prevent access to roads and parklands in the neighbourhood.

Thank you for considering this letter.

NAME: Davide Castellana





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From: Brandon Toy
Sent: March 24, 2021 6:26 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Re: Objection to zoning change and land development

On Fri, Mar 19, 2021 at 5:20 PM Brandon Toy <[REDACTED]> wrote:

March 19, 2021

City of Hamilton
Attention: Michael Davis
Main Street West, 5th Floor
Hamilton, Ontario
L8P 4Y5

Dear Mr. Davis:

I have a few concerns I would like to bring to your attention regarding the proposed zoning change and subdivision plans.

Firstly, I am just hearing about the proposed development recently, and have begun looking into it. The proposed subdivision plans are fluctuating and my neighbours understanding differs from my own. I would like to pose the questions, why would our accounts differ? How often and heavily are the plans changing? What steps has the City taken to inform local residents?

Secondly, what has remained constant about what I have been hearing is that the proposed subdivision is going to be high density housing. The streets here are very narrow and would be insufficient to handle such a population surge. Furthermore, traffic in the area is already a concern, as we are in such close proximity to Limeridge Mall, and have already had more housing added a few years prior.

Additionally, the agricultural land serves both a living space and a moveable space for a fair amount of wildlife. There are forests on both sides of the agricultural land, and I have personally seen many animals, consisting of foxes, birds, squirrels, coyotes, raccoons and skunks. Many of the animals commonly end up as road kill in other parts of the city, yet not so often here. This suggests the land may serve as a sort of sanctuary to the wildlife. It would be unsightly to see so many displaced and potentially end up as road kill.

Furthermore, my neighbours are having concerns about the property value of our homes. How will the change affect this?

To summarize, I see the proposed changes in a mostly negative light, and wish to object to the zoning change and plans for development.

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- The streets are narrow and poorly equipped to handle existing traffic.
- We recently had a population surge in the area
- This is the only agricultural land in Hamilton, Ward 7.
- It will displace wildlife
- It will not be pleasing to existing residents.

In Conclusion, I have lived here my entire life of twenty-one years and heavily oppose the current plans to change zoning and the subdivision that will follow.

I should note that night-sky view from my backyard is quite nice, perhaps the best view in all of Hamilton proper adding the houses will have adverse effects such as light pollution which would be detrimental to that.

Regards,

Brandon Toy

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From: Carol
Sent: March 21, 2021 2:14 PM
To: Davis, Michael <Michael.Davis@hamilton.ca>
Cc: Pauls, Esther <esther.pauls@hamilton.ca>
Subject: Objection to applications as stated in the email.

Dear Mr Davis

I object to the following applications:
UHOPA-21-005, ZAC-21-009, 25T-202104, 25CDM-20210005, 25CDM-20210006

I wish to receive a complete copy of the staff report.

I respectfully request that the current deadline for public comments be extended accordingly to allow neighbours to be notified as the required signage was not put up thus making the applications incomplete.

The current circulation area of 120 meters is less than adequate as the entire Crerar Neighbourhood is affected.

I strongly object to the design of the proposal. The approved neighbourhood plan called for the completion of Crerar Drive as a municipal loop road for the neighbourhood. This would allow access to Crerar Park and Crerar Forest by the southern section of Crerar Neighbourhood by municipal roads and sidewalks.

The proposal consists of mostly private roads which essentially cut off the southern part of the Crerar neighbourhood from the northern part of the neighbourhood. I am a concerned homeowner of the Crerar Neighbourhood and the Crerar Park was created for the entire neighbourhood to use. The promise of the future extension of Crerar Drive as a municipal road with sidewalks to access the Park was most appealing. The current proposal will cut off access to the park, as originally planned.

The original approved neighbourhood plan would of allowed development of 30 to 40 single family dwellings on municipal roads.

The current proposal is for 221 new residential dwellings on 4.29 hectares. This is excessive density. It is 5 to 7 times what is allowed under the current official plan.

Furthermore, it is on private roads with inadequate parking.

Traffic and parking in the neighbourhood is already inadequate and strained. Several streets including sections of

Crerar Dr has been designated for alternate side of road parking or no parking zones.

The entry streets to Crerar neighbourhood are already a traffic nightmare. For example it is rarely passable by 2 cars simultaneously because of road parking in good weather and is worsened by snow. The neighbourhood entry streets particularly affected are Sirente, Pescara and Distin.

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The new proposal would make the new Crerar Drive entrance off Stone Church Rd the main entrance for the proposed largely private and condominium roads.

The private high school on Crerar Dr causes its own parking and traffic issues as few students are from the neighbourhood.

The students are largely bussed in and others drive their own vehicles or are dropped off. The staff of the school and the staff and adults students of the private teachers college on Crerar Dr create additional traffic.

There are no public or separate schools in this neighbourhood. The city purchased lands previously owed by the school board and made it part of Crerar Park. The City retained a portion of the land on the west side to allow for the public road to access Crerar Park. This development proposal eliminates that road.

The lot coverage of the proposed residences and private streets are excessive. There is very little landscape and green area as a percentage of the proposed development. The previous contentious tree cutting in the neighbourhood is well documented. The proposed development further eliminates vegetation from Crerar Neighbourhood. The neighbourhood already has its periphery developed with many churches, townhomes, apartment buildings (rental and condo) and senior residences.

Crerar neighbourhood is also home to Bob Kemp Hospice and the proposed future Shalom Village Long Term Care on Upper Wellington.

These are all developments on the periphery of the neighbourhood with direct access to the main streets, Stone Church Rd E., Upper Wentworth and Upper Wellington Sts. The neighbourhood has more than contributed the Provincial Policy statements of 2020 with regards to "encourage an increase in the mix and supply of housing." The other statement with regards to "protect the environment and public safety" is beyond questionable.

This proposal is in the centre of the neighbourhood and largely deviates from the current neighbourhood plan by creating private roads to increase density and prevent access to roads and parklands in the neighbourhood.

Thank you for considering these issues.

Carol Bard

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From: **Carlo & Carol**

Date: Mon, Mar 22, 2021 at 8:43 PM

Subject: Re: 311 and 313 Stone Church Road East, Hamilton (Ward 7) - Notice of Complete Application

To: Davis, Michael <Michael.Davis@hamilton.ca>

Cc: <esther.pauls@hamilton.ca>, <zora.milovanov@hamilton.ca>

Hi Mike - I am writing to you to express my concerns regarding the proposed development at 311 & 313 Stone Church Road East - Lavita Estates (Ward 7). Please consider my attached comments as part of your review of this application. In general my concerns are the following:

- proposed setback abutting rear property line of 10 Dolphin Place
- potential property damage caused by blasting and/or other forms of rock removal in Block 2 (lands directly abutting 10 Dolphin Place)

Regarding the above, please confirm the following:

- Would the proposed setback be considered compatible development under the current Urban Hamilton Official Plan (UHOP) policies?
- Will a pre-blast / rock removal survey be completed prior to any rock removal activities being conducted? At whose cost? How much notice will be provided?

Kindly add me to the notification list for this application. I would like to be notified of any future submissions, public meetings, decisions, etc.

Thank you for your time and consideration. I can be contacted at [REDACTED] or [REDACTED]

Sincerely, Carol McKenna

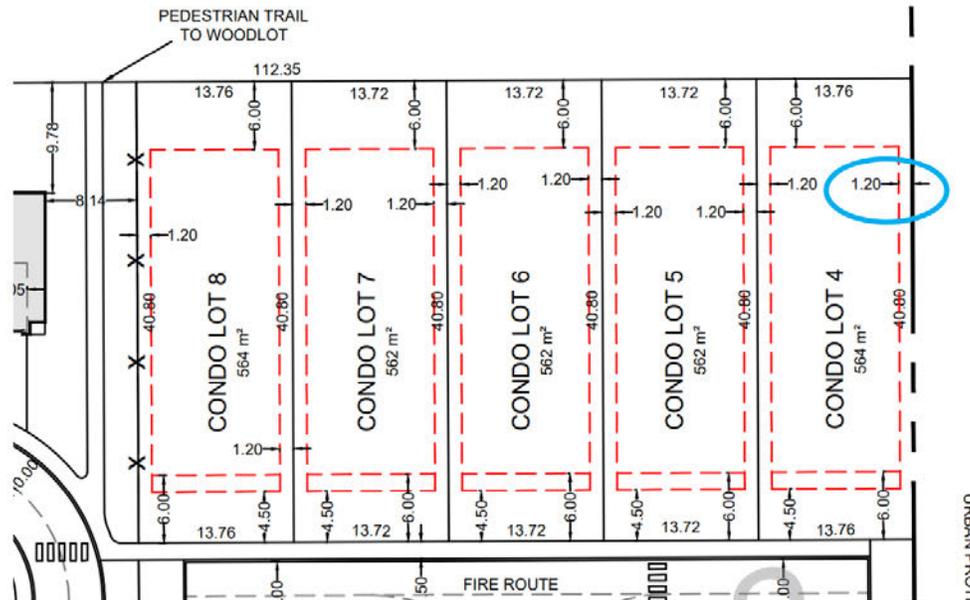
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To: Michael Davis, Senior Planner
Planning and Economic Development Department
Development Planning, Heritage and Design
City of Hamilton

Date: March 22, 2021

RE: Proposed Development at 311 & 313 Stone Church Road East (Lavita Estates)

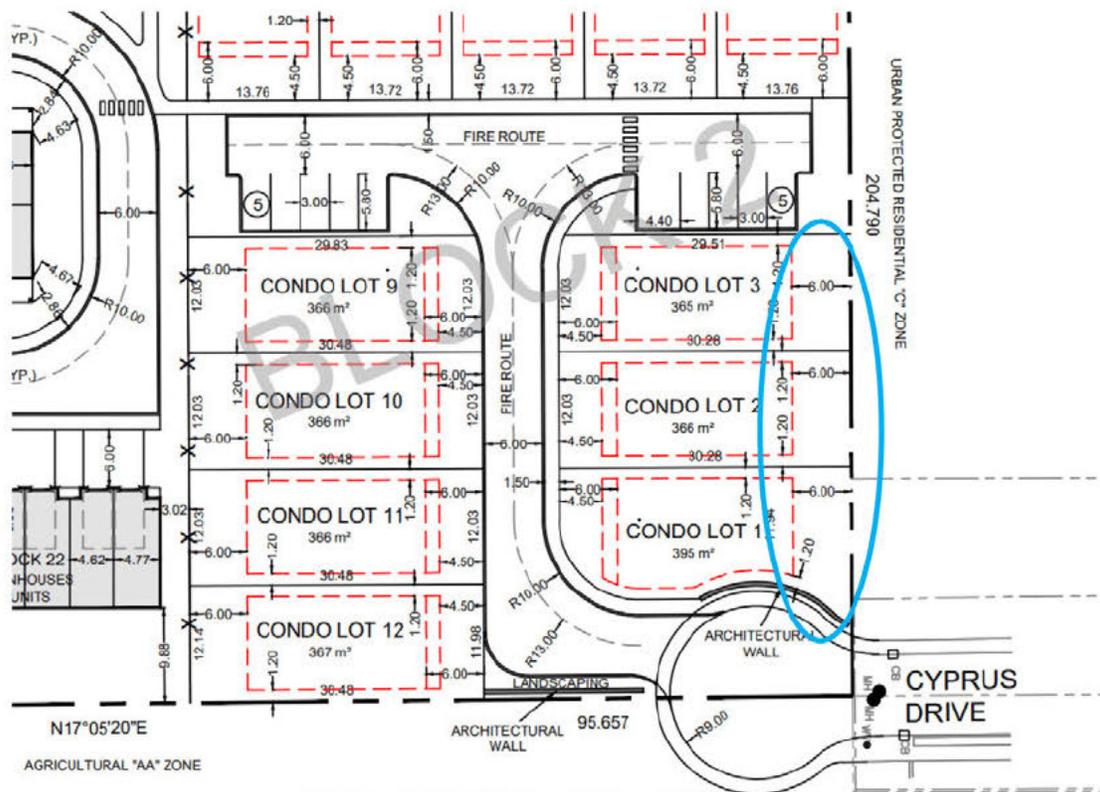
Thank you for the opportunity to comment on the proposed development at 311 and 313 Stone Church Road East. I would like to express my concerns with the setback along the northern property line, where it abuts my property at 10 Dolphin Place. The applicant is proposing an interior side yard setback of 1.2m between Condo Lot #4 and the shared property line with existing residential (see below image).



I understand that 1.2m is generally considered an appropriate interior side yard setback for developments of this nature. However, I believe the applicant has not adequately considered the context of the site. The proposed building (Condo 4) is abutting the rear yard of the existing home located at 10 Dolphin Place, not the side yard of an existing home. As a result, the proposed building as currently shown on the provided plans would create a 2-storey, 40m wall that is 1.2m from the shared property line. This will cause an undue adverse impact on my household, by greatly limiting our ability to use and enjoy our property due to lack of privacy and shadowing.

It is noted in Chapter E.3.3.2.8.a of the UHOP that proposed developments within the Neighbourhoods designation are to be evaluated, in part, based on "compatibility with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking, and landscaping". Therefore, I request that the plans be revised to remove Lot 4 from the plans or at a minimum to appropriately address the existing rear yard condition in this location. An appropriate setback of 6.0m should be provided between the proposed building and the shared property line, as is being provided between the proposed buildings (Condo Lots 1-3) and existing Dolphin Place homes to the south (see below).

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We would also like to raise concerns regarding the potential removal of the large, elevated cave / grotto rock formation directly behind our rear yard property line. The engineering report indicated that this is primarily limestone. This rock formation is included in the 12-unit block development behind our property. We are concerned that the removal process, which could involve very heavy equipment, extensive vibrations and even blasting may cause damage to our home and property.

Thank you for taking the time to hear my concerns. Please add me to the notification list for this application. I would like to be notified of any future submissions, public meetings, and decisions regarding this application.

Sincerely,
 Carol McKenna



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From: Thomas Kromka
Sent: March 23, 2021 11:19 AM
To: Davis, Michael <Michael.Davis@hamilton.ca>
Cc: Pauls, Esther <esther.pauls@hamilton.ca>
Subject: Crerar Development

Re: Applications UHOPA-21-005, ZAC-21-009, 25T-202104, 25CDM-2021005, 25CDM-2021006

Mr David and Councillor Pauls,

First, I would like to express my disappointment with the decision to only circulate application notifications within 120m of the development. I expect the city to reasonably inform those who will be affected by such proposals. Residents shouldn't have to rely on their neighbours to notify them of potentially invasive developments. The city did not do its due diligence with these applications.

Next, I agree with my neighbours' concerns of inadequate access to the community park after this development. It is already difficult enough to get around the neighbourhood on foot, as Crerar Dr is the only street that connects the north and south areas. This lack of mobility, increased traffic, and foreseeable congested parking concerns myself and my neighbours. The applications should be amended to allow for proper connections through the neighbourhood and to the neighbourhood park.

Lastly, I am concerned with the density of these proposed developments. The south-east corner of Sirente and Upper Wellington already sees very overcrowded housing that provides minimal additional green space. I ask the planning committee to consider the effect of very-high density housing on a neighbourhood with a planned density at much lower levels.

Please send me a copy of the complete staff report regarding these applications.

Thank you,
Thomas Kromka

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From: Sam DeRosa
Sent: March 24, 2021 1:03 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>; ester.pauls@hamilton.ca
Subject: Fwd: Crerar Neighborhood Development

----- Forwarded message -----

From: Sam DeRosa <[REDACTED]>
Date: Tue., Mar. 23, 2021, 9:25 p.m.
Subject: Crerar Neighborhood Development
To: <Michael.Davis@hamilton.ca>
Cc: <ester.pauls@hamilton.ca>

Hello

My name is Sam DeRosa and live near a proposed development in the Crerar Neighborhood. I am complaining about a new proposal for the development of high density condominiums . There is already problems accessing the Neighborhood. School busses and extra traffic will create unsafe conditions for students and Neighborhood pedestrians.please stick with the original municipal plan. There is no room for all them unit's in such a small area and will devalue the Neighborhood if allowed. Thanks

Sam DeRosa

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From: Anita
Sent: March 24, 2021 1:40 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Cc: Pauls, Esther <Esther.Pauls@hamilton.ca>
Subject: Lavita Estates, 311-313 Stone Church Road East, Hamilton

Dear Mr. Vrooman,

RE:

Lavita Estates

311-313 Stone Church Road East, Hamilton Official Plan & zoning By-law Amendment, Draft Plan of Subdivision, Site Plan and Draft Plan of Standard and Common Element Condominium Applications.

I strongly object to the excessive density planned for the Lavita development site. Densification of this type will have a significant impact on our neighbourhood in many ways and is a polar opposite of the originally approved neighbourhood plan of 30 to 40 single family dwellings. There is no balance in this plan with blocks and blocks of townhouses and condos, book-ended by the houses on Dolphin Place and the new proposed 17 single family dwellings on the Stone Church end.

Our concerns are as follows:

1. Housing market performance

* Our area is already loaded with, or surrounded by, many townhouse units and other non-single-family detached housing: Stone Church/Upper Wentworth, Stone Church/Upper Wellington, Sirente/Upper Wellington, Towercrest/Upper Wellington, north side of the Linc/Upper Wellington, Pescara/Upper Wentworth, and Upper Wentworth north of Pescara. Now to cram in 221 units in this area for the Lavita development is over the top.

2. Parking

* Most houses, especially in a more suburban setting such as this, have two or more cars per household. The area is already overloaded with cars parking on the streets making it difficult or impossible for two cars in opposite directions of travel to pass one another.

* This problem is exasperated by the plowing of snow in the winter. Even without parked cars, the design of the neighbourhood with its sidewalks directly abutting the roadways rather than having boulevards as a buffer to load the snow onto means the snow has to be piled on the roadways, eliminating more parking for the overflow of cars and making these quiet neighbourhood streets dangerous for drivers, bicyclists, and pedestrians. Add to that situation the accumulated frustration drivers face living with this daily can have very unfortunate outcomes.

* While it seems the plans have taken into consideration parking for the units by allowing for two spots per unit and a garage, a very large percentage of people use their garages for storage and I can see this being very likely in the case of this development due to there being no basements for storage. In spite of

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parking being available for the other townhouse units that already exist in our neighborhood, we still see an overflow on the streets.

3. Traffic

* It is already very difficult to make a left turn northbound on to Upper Wellington from eastbound Stone Church, adding potentially 442 or more cars to this area will be a nightmare for traffic.

* Trying to get out to Upper Wentworth from Pescara is also already a big problem in the morning. Cars line the entire length of Pescara and are backed up in either direction on Crerar as they wait at the three-way stop to make the turn onto Pescara but are unable to because of the backup waiting to turn left on Upper Wentworth from this small street. This makes it impossible even for those who wish to turn right on Upper Wentworth from Pescara.

4. Pollution

* More people equals more cars equals more pollution and certainly with the additional congestion we will have. There is environmental fallback with that which affects the residents, the school, the old-age homes, the forest and its ecosystem and this important habitat to wildlife in the area.

5. Crime

* More people equals more crime bringing both threats to person and property. That is simply a reality with numbers. Dense population growth is a known liability and the quality of life of those who have already invested years in maintaining and contributing to their neighbourhoods and this city will be diminished by those high numbers and the problems it can bring.

No matter how traffic is routed, the root of the problem is too many units for the neighbourhood, and certainly too many units for that space. I realize we are mandated to increase density, however, a balance needs to be struck and this is excessive for one small area, excessive for one neighbourhood. I have seen other new neighbourhoods recently built up in what were once fields and they have not seen the same degree of intensification. It is not right to make up for whatever lost opportunities you had there by overloading our area and putting further strain and hardship on the current tax-paying home owners.

Thank you for your time.

Anita Thomas and Patrick Maillé

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From: caroline reynolds
Sent: March 24, 2021 2:58 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Re: Lands located at 311 an 313 Stonechurch road East

March 24, 2021 We object to the following applications: UHOPA-21-005, ZAC-21-009, 257-202104, 25CDM-20210005,25CDM-20210006 There would be impairment to access to driving and parking (snow removal) on streets. Excessive density on available land with concerns for safety and decreased quality of life for those concerned. Land values may decrease resulting from challenging lifestyle conditions. Thank you, Gloria and Tony Milanovici
ccester.pauls@hamilton.ca

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To: michael.davis@hamilton.ca

Cc: esther.pauls@hamilton.ca

Dear Mr. Davis,

I object to the following applications:

UHOPA-21-005, ZAC-21-009, 25T-202104, 25CDM-20210005, 25CDM-20210006.

I wish to receive a complete copy of the staff report.

I wish to be present and make an oral presentation at the public meeting.

1. As per our previous conversation, I would like to notify you that as of Thursday, February 25, 2021 that the required sign was still not installed, thus making the applications incomplete. See attached photos above.

I respectfully request that the current deadline, for public comments be extended accordingly to allow neighbours to be notified.

The current circulation area of 120 meters is woefully inadequate as the entire Crerar Neighbourhood is affected.

The deadline is currently prior to March 26, 2021.

2. I strongly object to design of the proposal.

The approved neighbourhood plan called for the completion of Crerar Drive as a municipal loop road for the neighbourhood.

This would allow access to Crerar Park and Crerar Forest by the southern section of Crerar Neighbourhood by municipal roads and sidewalks.

The attached proposal consists of mostly private roads which essentially cut off the southern part of the Crerar neighbourhood from the northern part of the neighbourhood.

I am a concerned homeowner in the Crerar Neighbourhood.

Crerar Park was created for the entire neighbourhood to use.

The promise of the future extension of Crerar Drive as a municipal road with sidewalks to access Crerar Park was most appealing.

The current proposal will cut off access to the park, as planned for in the neighbourhood plan.

3. The approved neighbourhood plan would allow development of 30 to 40 single family dwellings on municipal roads.

The current proposal is for 221 new residential dwellings on 4.29 hectares.

This is excessive density. It is 5 to 7 times what is allowed under the current Official Plan.

Furthermore, it is on private roads with inadequate parking.

Traffic and parking in the neighbourhood is already inadequate and strained.

Several streets including sections of Crerar Drive have been designated for alternate side of road parking or no parking areas.

4. The entry streets to Crerar neighbourhood are already a traffic nightmare. i.e. rarely passable by 2 cars simultaneously because of road parking in good weather and further exacerbated by snow. The

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neighbourhood entry streets particularly affected are: Sirente, Pescara, and Distin.

5. This proposal would make new the Crerar Drive entrance from Stone Church Rd. East the main entrance for the proposed largely private and condominium roads .

6. The private high school on Crerar Drive causes its own parking and traffic issues as few students are from the neighbourhood.
The students are largely bussed. Others drive their own vehicles or dropped off. The staff of the high school and the staff and adult students of the private teachers college on Crerar Drive create additional traffic. The students are all bussed to schools in other neighbourhoods.

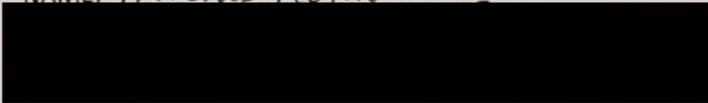
7. There are no public or separate schools in this neighbourhood. The City purchased lands previously owned by the school board and made it part of Cererar Park.
The City retained a portion of land on the west side to allow for a public road to access Cererar Park.
This development proposal eliminates that road.

8. The lot coverage of the proposed residences and private streets are excessive.
There is very little landscape and green area as a percentage of the proposed development.
The previous contentious tree cutting in the neighbourhood is well documented.
The proposed development further eliminates vegetation from Crerar Neighbourhood.
The neighbourhood already has its periphery developed with many Churches, townhomes, apartment buildings (rental and conominium) and senior residences.
Cererar neighbourhood is also home to Bob Kemp Hospice and the proposed future Shalom Village Long Term Care. (7 storey) on Upper Wellington.
These are all developments on the periphery of the neighbourhood with direct access to the main streets, Stone Church Rd. East, Upper Wentworth Street and Upper Wellington St. The neighbourhood has more than contributed to the Provincial Policy statements of 2020 with regards to "Encourage an increase in the mix and supply of housing." The other statement with regards to "protect the environment and public safety" is beyond questionable.

This proposal is in the centre of the neighbourhood and largely deviates from the current neighbourhood plan by creating private roads to increase density and prevent access to roads and parklands in the neighbourhood.

Thank you for considering this letter.

NAME: ANGUS MORRISON



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From: [REDACTED]
Sent: March 24, 2021 11:52 PM
To: michael.davis@hamilton.ca <michael.davis@hamilton.ca>
Cc: esther.pauls@hamilton.ca <esther.pauls@hamilton.ca>
Subject: Urgent - Development Proposal - Lavita Estates

Michael,

I object to the following applications:

UHOPA-21-005, ZAC-21-009, 25T-202104, 25CDM-20210005, 25CDM-20210006

I wish to receive a complete copy of the staff report. I also wish to be present and make an oral presentation at the public meeting.

1. I would like to notify you that as of Thursday, February 25, 2021, the required sign was still not installed, thus making the applications incomplete. See attached photos above.

I request that the current deadline, for public comments be extended accordingly to allow neighbours to be notified.

The current circulation area of 120 meters is woefully inadequate as the entire Crerar Neighbourhood is affected.

The deadline is currently prior to March 26, 2021.

2. I strongly object to design of the proposal.

The approved neighbourhood plan called for the completion of Crerar Drive as a municipal loop road for the neighbourhood.

This would allow access to Crerar Park and Crerar Forest by the southern section of Crerar Neighbourhood by municipal roads and sidewalks.

The attached proposal consists of mostly private roads which essentially cut off the southern part of the Crerar neighbourhood from the northern part of the neighbourhood.

I am a concerned resident in the Crerar Neighbourhood. Crerar Park was created for the entire neighbourhood to use.

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The promise of the future extension of Crerar Drive as a municipal road with sidewalks to access Crerar Park was most appealing.

The current proposal will cut off access to the park, as planned for in the neighbourhood plan. The proposed development should have its own entrance and should not be connected to the existing Crerar neighbourhood.

3. The approved neighbourhood plan would allow the development of 30 to 40 single family dwellings on municipal roads.

The current proposal is for 221 new residential dwellings on 4.29 hectares. This is excessive density. It is 5 to 7 times what is allowed under the current Official Plan. Only single-family detached homes (on large lots) should be built in the area. The increased density of the proposal will not add value to lives of Crerar residents.

Furthermore, the development is on private roads with inadequate parking. Traffic and parking in the neighbourhood is already inadequate and strained. Several streets including sections of Crerar Drive have been designated for alternate side of road parking or no parking areas. The developer should at least add roundabouts to the development as a traffic calming measure.

4. The entry streets to Crerar neighbourhood are already a traffic nightmare. i.e . rarely passable by 2 cars simultaneously because of road parking in good weather and further exacerbated by snow. The neighbourhood entry streets particularly affected are: Sirente Drive, Pescara Drive and Distin Drive.

5. This proposal would make new the Crerar Drive entrance from Stone Church Road East the main entrance for the proposed largely private and condominium roads. The intersection would need to be signalized to ensure public safety.

6. The private high school on Crerar Drive causes its own parking and traffic issues as few students are from the neighbourhood. The students are largely bussed. Others drive their own vehicles or are dropped off. The staff of the high school and adult students of the private teachers college on Crerar Drive create additional traffic. The students are all bussed to schools in other neighbourhoods. Although the high school leads to an increase in traffic, the students are really well natured. However, I am concerned about the noise a new potential public school would cause when the neighbourhood is expanded.

7. The City purchased lands previously owned by the school board and made it part of Crerar Park. The City retained a portion of land on the west side to allow for a public road to access Crerar Park. This development proposal eliminates that road.

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8. The lot coverage of the proposed residences and private streets are excessive. There is very little landscape and green area as a percentage of the proposed development. There will be an increase in impervious areas and grey infrastructure. As a result, there will be excess runoff, drainage and infiltration issues. The development also doesn't include any green infrastructure. Grey infrastructure experiences 55% runoff while green infrastructure has only 10% runoff. The development will have a large impact on wildlife in the area as they experience a loss of habitat. The footprint of the homes is land that will be taken away from native species. This development will lead a loss of biodiversity in wildlife. Therefore, all the homes built should have large lots to reduce the impact. Wildlife crossings and passageways also need to be created to protect native animals and vulnerable species. Since this is a family friendly neighbourhood, the design should include several parks, hiking trails and forested areas. Crerar residents have a great appreciation for community and nature. The developer should ensure that the proposed development will be valued by existing Crerar residents. The previous contentious tree cutting in the neighbourhood is well documented. The proposed development further eliminates vegetation from Crerar Neighbourhood. The neighbourhood already has its periphery developed with many Churches, townhomes, apartment buildings (rental and condominium) and senior residences. The rental apartment buildings in the area have already raised many environmental and safety concerns in the area. Areas with a high population density have higher crime rates and attract questionable characters. This is a family friendly neighbourhood and only low-density housing should be built in the vicinity. The townhomes and maisonettes are inappropriate for this neighbourhood.

Crerar neighbourhood is also home to Bob Kemp Hospice and the proposed future Shalom Village Long Term Care (7 storeys) on Upper Wellington. These are all developments on the periphery of the neighbourhood with direct access to the main streets, Stone Church Rd. East, Upper Wentworth Street and Upper Wellington St. The neighbourhood has more than contributed to the Provincial Policy statements of 2A2A with regards to "Encourage an increase in the mix and supply of housing." Crerar residents are already overwhelmed by the noises and smells of the local commercial units. Many people experience health problems such as headaches from noise pollution. Having a lot of green spaces and forests in the development can alleviate this issue. The other statement with regards to "protect the environment and public safety" is beyond questionable. The Crerar neighbourhood used to be quiet and peaceful area. Now the density is increasing at a high rate and there are major noise, safety and traffic concerns.

This proposal is in the centre of the neighbourhood and largely deviates from the current neighbourhood plan by creating private roads to increase density and prevent access to roads and parklands in the neighbourhood.

I would like all of my personal information removed, including my name. I have had the worst experiences with the City of Hamilton and am especially concerned about staff members seeing my personal information. I will not tolerate any harassment.

Thank you for considering this letter.

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[REDACTED]

Address: [REDACTED]

Email: [REDACTED]

WITHOUT PREJUDICE

City of Hamilton
 Planning and Economic Development Department
 Development Planning, Heritage and Design – Suburban Team
 71 Main Street West, 5th Floor,
 Hamilton, ON, L8P 4Y5

March 24, 2021

Dear Mr. Michael Davis,

RE: UHOPA-21-005, ZAC-21-009, 25T-202104, 25CDM-2021005 and 25CDM-2021006

I object to the application. Lavita Estates 311 – 313 Stone Church Road East, Hamilton Project No. 281-18 proposal to build high density housing submitted to the City of Hamilton for approval.

The proposal identifies a protected Butternut (tree #132) in good condition situated in block 2 of the proposal, growing on edge of escarpment, **tagged 9600**, that is in conflict with the building envelope which the plan recommends to remove *upon approval from the MNRF. **Butternuts are endangered species protected under Ontario’s Endangered Species Act that rely on authorities empowered to protect them.** <https://www.ontario.ca/page/butternut-trees-your-property#section-5>

A Bur Oak 114cm DBH; approximately 275 years old (tree #12) in good condition situated on the boundary of adjacent Crerar Neighbourhood Park land interferes with a proposed retaining wall due to it’s root zone therefore the plan recommends it be removed, along with other trees on the park land. Neighbouring regions of Halton and Niagara respect trees of this age, nature and magnitude. The City of Hamilton also has the authority to preserve these monuments of living history. PLEASE do not allow the removal of this tree to erect a retaining wall when manageable alternatives are available.

<https://urbansolutions.info/wp-content/uploads/2021/01/Planning-Justification-Report.pdf>
<https://urbansolutions.info/wp-content/uploads/2021/01/Landscape-Tree-Protection-Plans.pdf>

Page 36 of the Planning Justification Report states “there are no significant trees on the subject lands”. As stated above, their “Landscape Tree Protection plan” recommends the removal of a protected Butternut tree #132, the 275 year old Bur Oak tree #12, as well as several other trees on the adjacent Crerar Neighbourhood Park land. This negates the plans compliance of sufficient distance and adversely impacts surrounding lands, threatens park land and protected trees. This disregards section E.3.7.5 of UHOP - New residential development in greenfield areas shall generally be designed and planned to: a) Minimize changes to existing topography; b) Preserve existing trees and natural features.

The plan’s aim is to prioritize intensification with high density housing. Even if the plan falls in line with the UHOP guidelines, it does not justify approval, especially when surrounding area trees and parks are jeopardized. Using land efficiently should not require “force fitting” homes to meet a density mandate. The amending by-law seeks to reduce the required landscape open space from 40% to 28% of the total lot area of the standard condominium to accommodate the proposed development. This brings attention to the several by-laws requiring variances in order to accommodate this proposal which seeks to increase permitted building heights by 2 metres (6.56 feet), to reduce front yard setback by 1.5 metres, to reduce rear yard setback by 1.5 metres, etc.

The Planning Justification Report states there is sufficient distance between existing and proposed dwellings which will be of similar height and compatible built forms. The proposed plan is to build primarily 3 storey condo block town homes. This is in conflict with the illustration of the surrounding lands which are primarily 1.5 and 2-storey single-detached homes. Section B.3.3.3.2 UHOP - New development shall be designed to minimize impact on neighbourhood buildings and public spaces by: a) creating transitions in scale to neighbouring buildings; b) ensuring adequate privacy and sunlight to neighbouring properties. The land parcel is insufficient and requires multiple changes to the current by-laws and would otherwise be in non-compliance. Adequate privacy to neighbouring properties was not addressed and is non-existent.

Local wildlife includes Rabbits, Coyotes, Possums, Raccoons, Skunks, Squirrels, Chipmunks, Bats, several avian species including Blue Jays, Cardinals, Finches, Juncos, Flickers, Woodpeckers, Nuthatches, Red-winged Blackbirds, Grackles, Oriole, Chickadees, Nightingales, Wood Thrush, Canadian Geese, Crows, Hawks, Owls and more, as well as migratory birds, insects, amphibians and other potentially endangered species.

Historically 80% of Southern Ontario's Carolinian Region was covered with forest but now only 11% remains. Canadian forests and fields have an important role to play in supporting our communities, our economy and our wildlife. Loss and alteration of habitat, toxic pollutants such the widespread use of pesticides and herbicides and climate change threaten Canada's wildlife in our forests and farmlands. Therefore it is crucial that we support the protection and enhancement of wildlife habitat.

I appeal to the Hamilton City Council Planning Committee to please consider and preserve the endangered Butternut, Bur Oak and the other mature Park land boundary trees for their historical significance, essential beauty and habitat they provide. This may require revision or rejection of the proposed project.

I request that any personal information with regard to this letter or my communication with the city is removed and will not be made available to the general public or appear on the City's website.

I understand that I will be provided with a copy of the staff report prior to the public meeting to be held by the Planning Committee of City Council.

Thank-you for considering this letter.

Sincere Regards,
Area Resident

cc: Esther Pauls, Ward 7 Councillor Hamilton Mountain, City of Hamilton
cc: Lisa Burnside, Chief Administrative Officer, Hamilton Conservation Authority
cc: Chris Motherwell, President, The Hamilton Naturalists' Club
cc: Jennifer Harvard, Lands & Waters Technical Specialist, Ministry of Natural Resources and Forestry
cc: Rob Hare and Dan Elliott, Provincial Directors, Canadian Wildlife Federation of Ontario
cc: Peter Kelly, Great Lakes West Regional Director, Nature Guelph , Ontario Nature
cc: RBG Board of Directors, Royal Botanical Gardens

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From: Lina Toy
Sent: March 25, 2021 6:05 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>
Subject: Objection to Folder 2021 102876 00 PLAN (1020649) Files: UHOPA-21-005, ZAC-21-009, 25T-202104, 25CDM2021005, 25CDM-2021006

March 25, 2021

City of Hamilton

71 Main St, West 5th Floor

Hamilton, ON L8P 4Y8\

Lina Toy

Attention: Mr. Tim Vrooman:

RE: Notice of Complete Applications by UrbanSolutions Planning & Land Development Consultants Inc. on behalf of DiCenzo Construction Company Ltd. for Urban Hamilton Official Plan Amendment,(File No. UHOPA-21-005), Zoning By-law Amendment (File No. ZAC-21-009), Draft Plan of Subdivision (File No. 25T-202104) and Draft Plan of Condominium (File No's. 25CDM-2021005, 25CDM-2021006) for Lands Located at 311 & 313 Stone Church Road East, Hamilton (Ward 7)

Dear Mr. Vrooman:

I strongly object to the proposed subdivision Plan and changes to existing UHOP as this will have a significant negative impact on our neighbourhood in many ways. This intensification of this new proposed plan from the original plan of 30 to 40 single family dwellings is excessive and detrimental to this small neighbourhood.

The current proposal for 221 new residential dwellings on 3.14 hectares is beyond excessive, and will greatly affect this neighbourhood and increase traffic to an unreasonable point. The roads are already filled with vehicles, that it is difficult for two vehicles to simultaneously drive through these streets, not to mention the delays crossing the intersection at Pescara and Upper Wentworth.

The submitted Justification Report is also questionable, it does not provide the data for their conclusions, and in my opinion falls short of a true representation of the impact of the development. Their conclusion that this development will not cause any operational issues or add significant delays or congestions are simple not accurate. Traffic and parking in the neighbourhood is already inadequate and strained, now imagine 442 new vehicles added to this already congested small neighbourhood! The

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further recommendations to add 2 speed cushions on Crerar is simply not warranted as should they be successful in adding this many dwellings, there would be no need to slow down vehicles as they would already be no movement due to congestion, and no possible way that speeding would be a factor.

The neighbourhood already has its periphery developed with many Churches, townhomes, apartment buildings and senior residences, as well as the Bob Kemp Hospice and the future Shalom Village Long Term Care home on Upper Wellington, which is slated to be a 7 storey building.

To propose adding another 221 dwellings to this area is more than 4 times the density per hectare as outlined in the UHOP and is way too dense for this already dense area.

The proposed amendment to the zoning by-law from “C” to modified “C” is not appropriate for this neighbourhood, as previous construction has addressed those issues, and there is more than adequate diverse dwellings in the area, to add even more would be beyond a proportionate density for this area, and will adversely affect the existing residential community.

In my opinion the Zoning should remain as “C” Urban protected residential, as per the original Urban Hamilton Official Plan.

Other issues with the proposed development as an aesthetic is that the lot coverage of the proposed residences and private streets are excessive, leading to overcrowding, the lack of landscape and green space as a percentage of the proposed development is inadequate.

The proposed plan is too dense and therefore, detrimental to an already dense area. Other developments on Hamilton mountain that are underway have no where near the intensification of dwellings. It does not seem appropriate to concentrate this many dwellings in the centre of an already diversely populated neighbourhood, surrounded by townhomes, condominiums and an apartment building, there needs to be a balance, and this community already has more than it's fair share of diversity. There are other very recent developments that have not seen the same degree of intensification, it will only cause further degradation of this one quiet neighbourhood, and putting unneeded strain on the current taxpaying residents.

In addition to the above objections, a development of this density, with little regard for green space and landscape will detrimentally affect the enjoyment of the all the existing residents of the neighbourhood. It will also affect an immense amount of wildlife that currently use this space as their home, displacing them to roam the streets of the neighbourhood.

This neighbourhood used to be a quite oasis in the middle of the busy City of Hamilton, and slowly with each additional development it is changing to one of overpopulation and fostering an unwelcoming atmosphere.

Thank you for your time, and I hope you take these points into consideration and stop the over-densification of this once serene area, and support the previous neighbourhood plan of 30 to 40 single family residences.

Regards,

Lina Toy

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From: [REDACTED]
Sent: March 25, 2021 8:37 PM
To: Davis, Michael ; Pauls, Esther
Subject: Files:UHOPA-21-005, ZAC-21-009, 25T-202104, 25CDM-2021005,25CDM-2021006, FOLDER:
2021 102876 00 PLAN (1020649)

Dear Mr Davis:

We are concerned citizens who live in the Crearer Dr and Stonechurch Rd E proposed development subdivision.

Our concerns are:

- 1.The influx of traffic onto Stonechurch from the proposed subdivision. is there consideration for a traffic light at the intersection.
2. On reviewing the site plan another concern is the availability of parking on city streets and private roads. we believe the planned parking is inadequate.
3. We would like to request a copy of the staff report and are asking that our personal information not be posted on the city website.

Respectfully [REDACTED], [REDACTED], [REDACTED]

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From: [REDACTED]
Sent: March 25, 2021 9:27 PM
To: Davis, Michael ; Pauls, Esther
Subject: UHOPA-21-005, ZAC-21-009, 25T-202104, 25CDM-2021005, 25CDM-2021006

Dear Mr. Davis,

I object to the aforementioned subject applications.

I have been a resident of the the Crerar Neighbourhood for the past 18 years. I did not receive notice of these applications from the City of Hamilton as I do not reside within 120 metres of the proposed development. My wife learned of the applications as she walked along Stonechurch Rd. E. and as luck would have it, viewed the public notice signage. I later received a written copy of the notice of the applications from a concerned neighbour who resided within the 120 metre boundary. These applications will have a direct impact on all residents of the Crerar Neighbourhood not just those who reside within 120 metres of the prospective development.

My primary objection with the applications is the density level of the proposed housing. We are a neighbourhood of primarily single detached family dwellings. I believe I would have difficulty arguing against these applications if they proposed the construction of single detached family homes on the lands in question. The requested amendment to the Urban Hamilton Official Plan, however, proposes to significantly increase the housing density on this relatively narrow tract of land. The proposal calls for the creation of 221 residential dwellings. The vast majority of which consist of block townhouse and maisonette units. The construction of ONLY 17 single detached dwellings is proposed. The townhome and maisonette development is to be primarily accessed through the creation of private roads.

The proposed level of housing density is unacceptable. It will create traffic and parking difficulties for those residents who live closest to the development and for those of us who reside on the the north side of the Crerar Neighbourhood near the entrance to Crerar Park. The development of the Toscani multi unit monstrosity at the corner of Sirente Dr. and Upper Wellington St. has increased traffic in our neighbourhood noticeably. Sirente Dr. is used to access Upper Wentworth St. and the Lincoln Alexander Expressway. Sirente Dr. has become a thoroughfare and speeding is an issue on the straight away section of Sirente Dr. that fronts Crerar Park. The Toscani development has private roads within its boundaries. As a result, tenants in the Toscani complex utilize both sides of Sirente Dr. (east of Wellington) for parking, which creates havoc with traffic as Sirente Dr. is often reduced to one lane especially in the winter with snow removal issues. It is this residents opinion the approval of the applications in question would create similar, potentially dangerous, disruption to the flow of traffic and parking in what should be a quiet residential neighbourhood with many children. The use of Crerar Park has grown as housing development has increased in the neighbourhood. This is not a bad thing, except for the fact that many people do not access the park on foot from the other portions of the neighborhood. Vehicles are often used to access the park and as a result, on many a warm night parking on Sirente Dr. in the area of the park can be heavy. This combined with increased vehicular travel creates an unsafe situation for children and adults when crossing Sirente Dr. The construction of an additional high density development in this neighborhood would only exacerbate the situation.

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I am opposed to the high density housing levels of these applications. The proposals as written would result in an excessive amount of housing units and vehicular traffic in our neighbourhood.

I REQUEST THE CITY OF HAMILTON REMOVE MY PERSONAL INFORMATION FROM THESE COMMENTS

Respectfully,



Sent from my iPad

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March 25, 2021

To: tim.vrooman@hamilton.caCc: esther.pauls@hamilton.ca

Dear Mr. Vrooman

This letter is to inform you and the city that I object to the following applications:

UHOPA-21-005, ZAC-21-009, 25T-2021005, 25CDM-20210006.

I live in the Crerar neighbourhood and would like to receive a complete copy of the staff report concerning these applications.

1. I would like to point out that the sign notification of the applications was not installed until the end of the first week in March. This actually makes the applications incomplete and nullifies the date of March 26, 2021 as the final date for public comments and objections. I am requesting that this deadline be extended. We have already started to notify neighbours of the intentions of the city but the deadline needs to be extended to allow that all neighbours be notified and allowed to make their objections if required.
2. The current notification of within 120 metres is not adequate as it affects a greater number of homes outside this area.
3. I strongly object to the design of the proposal. At the time I purchased my house the approved neighbourhood plan called for the completion of Crerar Drive as a municipal loop road for the neighbourhood. The approved neighbourhood plan would allow for development of 30-40 single family dwellings on municipal roads which is low density housing. The current proposal is for 221 units on 4.29 hectares. This is excessive density which is 5-7 times the approved and current Official Plan.
4. Traffic and parking in the area is already inadequate and strained. The entry streets can be a nightmare that is rarely passable by 2 cars made more difficult by parking and snow. The neighbourhood streets particularly affected are Distin, Pescara, Resolute and Sirente. Access to Stone Church Road from our neighbourhood is difficult as all of the mountain neighbourhoods use this road to travel east, west across the mountain and therefore often becomes a parking lot of traffic. Adding more intensification of housing will just exacerbate this issue. We already deal with the inadequate structure of Lincoln Alexander Parkway (should be 3 lanes) which causes more traffic to be directed into our neighbourhoods. By adding high density housing there will be even more traffic. In other words, our present infrastructure does not allow for increasing the housing density.
5. The infrastructure is also inadequate for water drainage. During rainstorms our streets often are flooded due to overflow in the storm drains. We are not allowed to drain our property directly into the storm drains because our storm drains cannot handle it so the intensification of the housing will increase problems we already have. With intensification there will not be adequate green space so where will the excess water go to.
6. The private high school on Crerar presents its own issues as most of the students are bussed or driven by parents. The situation with the number of buses in the AM and PM along with the increased number of cars presents a very dangerous situation which will be made worse by increased traffic in this area. There are no public or catholic schools in this area so if housing intensity is allowed there would be increased bus and road traffic.

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7. The proposed change would eliminate green space and would not allow for adequate green space for the new units. The previous contentious tree cutting in the neighbourhood is well documented.
8. The neighbourhood already is home to many churches, townhomes, apartment buildings (both rental and condominiums) and senior residences. Crerar is also home to the Bob Kemp Hospice, Rygiel Group Home and the proposed future home of Shalom Village Long Term Care (7 storeys) on Upper Wellington. These developments are on the periphery of the neighbourhood with direct access to the main streets, Stone Church Rd, Upper Wellington Street and Upper Wentworth Street. The neighbourhood has more than contributed to the Provincial Policy Statements of 2020 with regards to “Encourage an increase in the mix and supply of housing.” The other statement with regards to “protect the environment and public safety” is beyond question. This is not an NIMB objection.

In conclusion I would just like to express a personal opinion on a change to the zoning. In looking at this it is my opinion that the city would consider this in order to increase its tax base. Hamiltonians do need housing but they probably will not access these units but our neighbours from Toronto will. They will supply units that can be used for personal and investment use. This new influx of non-Hamiltonians are arriving and driving up the prices of our homes due to the pandemic and proximity to Toronto. The city wants to take advantage of every tiny space it can find to increase its taxes. Our area has always paid excessive taxes especially compared to the lower city. We should not be ignored because of where we live.

The proposal is in the centre of the neighborhood and largely deviates from the current neighbourhood plan by creating private roads to increase density and private access to roads and parklands in the neighbourhood. At the very least this should be a mixture of buildings with the majority being single family dwellings. A consideration should be given to make west Crerar Drive beyond the school a court thus limiting through traffic past the school.

Thank you for considering this letter

Nancy Wakefield



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March 26, 2021

To: Tim.Vrooman@hamilton.caCc: esther.pauls@hamilton.ca

Dear Mr. Vrooman

This letter is to inform you and the city that I object to the following applications:

UHOPA-21-005, ZAC-21-009, 25T-2021005, 25CDM-20210006.

I have lived in the Crerar neighbourhood for almost 20 years and would like to receive a complete copy of the staff report concerning these applications.

I would also like to be present and make an oral presentation at the public meeting.

1. I would like to point out that the sign notification of the applications was not installed until the end of the first week in March. This actually makes the applications incomplete and nullifies the date of March 26, 2021 as the final date for public comments and objections. I am requesting that this deadline be extended. The current notification of within 120 metres is not adequate as it affects a greater number of homes outside this area.
2. I strongly object to the design of the proposal. At the time I purchased my house the approved neighbourhood plan called for the completion of Crerar Drive as a municipal loop road for the neighbourhood which was a critical component of my decision to build a house on Crerar Drive. The approved neighbourhood plan would allow for development of 30-40 single family dwellings on municipal roads which is low density housing. The current proposal is for 221 units on 4.29 hectares. This is excessive density which is 5-7 times the approved and current Official Plan. It is on private roads with inadequate parking.
3. The private high school on Crerar presents its own issues as most of the students are bused or driven by parents. The situation with the number of buses in the AM and PM along with the increased number of cars presents a very dangerous situation which will be made worse by increased traffic in this area. There are no public or catholic schools in this area so if housing intensity is allowed there would be increased bus and road traffic. As you can see from the proposal there is only “one” new point of egress to gain access to a main thru fare, this will put traffic on all adjoining roadways during busy periods in the day.
4. Traffic and parking in the area is already inadequate and strained. The entry streets can be a nightmare that is rarely passable by 2 cars exacerbated by snow. The affected neighbourhood streets particularly affected are Distin, Pescara, Resolute and Sirente. Access to Stone Church Road from the neighbourhood is difficult as all neighbourhoods use this road and can be a parking lot of traffic. Adding more intensification of housing will just exacerbate this issue. We already deal with the inadequate structure of Lincoln Alexander Parkway which causes even more traffic issues in our area. In other words, our present infrastructure is not conducive for increasing the housing density.
5. The neighbourhood already has its periphery developed with many churches, townhomes, apartment buildings (both rental and condominiums) and senior residences. Crerar is also home to the Bob Kemp Hospice, Rygiel Group Home and the proposed future Shalom Village Long Term Care (7 storeys) on Upper Wellington. These developments are on the periphery of the neighbourhood with direct access to the main streets, Stone Church Rd, Upper Wellington Street

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and Upper Wentworth Street. The neighbourhood has more than contributed to the Provincial Policy Statements of 2020 with regards to "Encourage an increase in the mix and supply of housing." The other statement with regards to "protect the environment and public safety" is beyond questionable.

6. The proposed change would eliminate green space and would not allow for adequate green space for the new units. The previous contentious tree cutting in the neighbourhood is well documented.

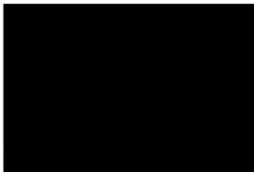
In conclusion I would just like to express a personal opinion on a change to the zoning. In looking at this it is my opinion that the city is considering this in order to increase its tax base and the builder's greed to maximize profits over the community's desires. Hamiltonians do need housing but they probably will not access these units but our neighbours from Toronto will, not necessarily for putting up roots in Hamilton but for profit. This new influx of non-Hamiltonians are arriving and driving up the prices of our homes due to the pandemic and proximity to Toronto. The city wants to take advantage of every tiny space it can find to increase its tax base. We are in a city with very poor management that requires more money to pay impending lawsuits and mismanagement of our current tax dollars. Our area has always paid excessive taxes especially compared to the lower city. We should not be ignored because of where we live.

The proposal is in the centre of the neighborhood and largely deviates from the current neighbourhood plan by creating private roads to increase density and private access to roads and parklands in the neighbourhood.

I think a slight increase from the 30-40 homes that was designed for maybe in play. As an example is Crofton Developments Ltd. v. Borough of Scarborough, the Board considered this housing shortage and rising rents. There the Board stated: "Developers are to be discouraged from constantly trying to increase their density in the expectation that if they fail they can ultimately appeal to this Board to rescue them from their difficulties." 71 In this case, the developer was allowed a bonus density of fourteen units if the proposed development provided units for senior citizens. This was considered appropriate because of the minimal demand for municipal services made by senior citizens.

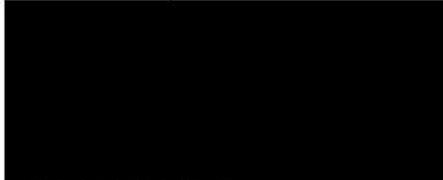
Thank you for considering this letter

David R. Kurceba



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Clementina, Rosanna and Ivana Filice



March 20th, 2021

Michael Davis
City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design – Suburban Team
71 Main Street West, 5th Floor
Hamilton, ON
L8P 4Y5

Dear Mr. Davis,

We are writing this letter to voice our objections to the following applications:

UHOPA-21-005

ZAC-21-009

25T-202104

25CDM-2021005

25CDM-2021006

We would like to receive a complete copy of the staff report.

I (Rosanna Filice) would also like to attend the public meeting and make a brief oral presentation.

Having lived here for almost 50 years now, ever since there was only farmland (Comley Farm) on the south side of Stone Church Road East, we have always been aware that eventually the land around us would be developed. When we read through the proposed Draft Plan dated February 19th, 2021, we were quite shocked, to put it mildly.

We strongly object to the design outlined in the proposal because the original plan, going back to the 1970's, involved the following:

- the creation of a road (Crerar Drive) that would connect Stone Church Rd to Guido de Brès High School (that was built in the late 1970's) and eventually any homes that were built in that neighbourhood
- the development of 30-40 single family homes on municipal roads including a park accessible to the entire neighbourhood

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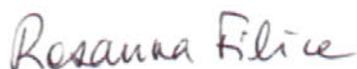
The proposed development of 221 new residential dwellings on solely private roads/condominium roads represents a significant deviation from the original/current neighbourhood plan. It is unacceptable in that it will

- drastically increase the population density of the neighbourhood
- directly affect the amount of traffic that will flow onto Stone Church Road East which is already a dangerous and high-traffic road as it is
- decrease the amount of "green space" at a time when we should be more environmentally conscious

While some sort of development is welcome, the proposed plan is not compatible with the existing community. Certainly, there must be a way to move forward with a development plan that respects the wishes of those of us that have lived here for almost 50 years. Changes to the proposed plan that are an absolute must are a decrease in the number of dwellings and providing additional access roads other than Crerar and Stone Church Road East.

Thank you for your understanding and cooperation.

Sincerely,



Rosanna Filice

cc. Esther Pauls, Ward 7 Councillor

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From: Jason M
Sent: March 25, 2021 10:58 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Cc: Pauls, Esther <Esther.Pauls@hamilton.ca>
Subject: Objections to Applications UHOPA-21-005, ZAC-21-009, 25T-2021005, 25CDM-2021006

To: Tim.Vrooman@hamilton.ca

Cc: esther.pauls@hamilton.ca

Dear Mr. Vrooman,

This letter is to inform you and the city that I object to the following applications:

UHOPA-21-005, ZAC-21-009, 25T-2021005, 25CDM-2021006.

I have lived in the Crerar neighbourhood for almost 12 years and would like to receive a complete copy of the staff report concerning these applications.

I would also like to be present at the public meeting. My comments may be made public but I do not wish to have my name and address shared publicly.

1. I would like to point out that the sign notification of the applications was not installed until the end of the first week in March. This actually makes the applications incomplete and nullifies the date of March 26, 2021 as the final date for public comments and objections. I am requesting that this deadline be extended. The current notification of within 120 metres is not adequate as it affects a greater number of homes outside this area.
2. I strongly object to the design of the proposal. At the time I purchased my house the approved neighborhood plan called for the completion of Crerar Drive as a municipal loop road for the neighbourhood which was a critical component of my decision to build a house on Crerar Drive. The approved neighbourhood plan would allow for development of 30-40 single family dwellings on municipal roads which is low density housing. The current proposal is for 221 units on 4.29 hectares. This is excessive density which is 5-7 times the approved and current Official Plan. It is on private roads with inadequate parking.
3. The private high school on Crerar presents its own issues as most of the students are bused or driven by parents. The situation with the number of buses in the AM and PM along with the increased number of cars presents a very dangerous situation which will be made worse by increased traffic in this area. There are no public or catholic schools in this area so if housing intensity is allowed there would be increased bus and road traffic. As you can see from the proposal there is only “one” new point of egress to gain access to a main thru fare, this will put traffic on all adjoining roadways during busy periods in the day.
4. Traffic and parking in the area is already inadequate and strained. The entry streets can be a nightmare that is rarely passable by 2 cars exacerbated by snow. The affected neighbourhood streets particularly affected are Distin, Pescara, Resolute and Sirente. Access to Stone Church Road from the neighbourhood is difficult as all neighbourhoods use this road and can be a parking lot of traffic. Adding more intensification of housing will just exacerbate this issue. We already deal with the inadequate structure of Lincoln Alexander Parkway which causes even more traffic issues in our area. In other words, our present infrastructure is not conducive for increasing the housing density.

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5. The neighbourhood already has its periphery developed with many churches, townhomes, apartment buildings (both rental and condominiums) and senior residences. Crerar is also home to the Bob Kemp Hospice and the proposed future Shalom Village Lon Term Care (7 storeys) on Upper Wellington. These developments are on the periphery of the neighbourhood with direct access to the main streets, Stone Church Rd, Upper Wellington Street and Upper Wentworth Street. The neighbourhood has more than contributed to the Provincial Policy Statements of 2020 with regards to “Encourage an increase in the mix and supply of housing.” The other statement with regards to” protect the environment and public safety” is beyond questionable.

The proposed change would eliminate green space and would not allow for adequate green space for the new units. The previous contentious tree cutting in the neighbourhood is well documented.

In conclusion I would just like to express a personal opinion in regards to what this will do to traffic on our street. We live directly across the street from Guido De Bres School. The mornings are chaotic due to the amount of students being bussed into this private school. On top of this, the neighbourhood children are students who attend Catholic and Public schools that have to be bussed based on the boundaries. Once Crerar is opened up and connected to the new development, it will serve as the main route for people looking to get onto the Lincoln Alexander Expressway on Upper Wentworth. Stonechurch is already backed up every day due to the fact that it is only one lane. This will force many of these residents to use Crerar Drive. We are not opposed to extending our neighbourhood to additional housing. We are however, very much opposed to the number of units being squeezed into such a small area, as doing so will have negative effects on the amount of traffic our child friendly neighbourhood will experience.

Thank you for considering this letter.

Jason Mladen

Francesca Mladen

From: Quilter Bee
Sent: March 26, 2021 7:19 AM
To: Pauls, Esther
Subject: 313 Stonechurch Rd., East

*Ester Pauls
Ward 7 Councillor
Hamilton, Mountain*

*We are objecting to the development at Lavita Estates.
At 313 Stonechurch Rd., E. For the following reasons*

*221 units is too excessive for this neighborhood.
Assuming that most families own two vehicles or more.
This would add 400 or more automobiles to our roads.
I count five small parking lots in the development with a total of 55
spaces, I assume it is visitor parking.
Residents in the other townhouse complexes in our neighborhood
park on area streets rather than be bothered juggling cars in their
driveways.
Driving past the townhouse complex at Sirente Dr. and Upper
Wellington is Hazardous Especially during the winter because of
parking, especially where the streets narrow. These complexes are
nowhere near 200 units.
The city is advertising for people to plant trees on their properties to
enhance tree canopy. How many trees will be lost to this
development.*

Mr. & Mrs. James McMurrich

**Appendix “J” to Report PED21221
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From: Lina
Sent: March 26, 2021 9:55 AM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Cc: Pauls, Esther <Esther.Pauls@hamilton.ca>
Subject: 311-313 Stone Church Rd E., Hamilton applications

Good morning Mr Vrooman:

I sent a letter of objection with regard to the Hamilton applications submitted for 311-313 Stonechurch Rd E. but would like add another point. The submitted plans do not allow for access to the green space to current residents Originally, there was to be access behind dolphin place leading to the forested green space as a walkway, but that is not shown in these new plans and I know myself and my neighbours strongly object to that. We feel as the existing residents we should have access to the green space as we have had for the last 26 years.

If this could kindly be added to my objections it would be greatly appreciated.

Thank you for your time.

Regards,

Lina Toy

**Appendix "J" to Report PED21221
Page 57 of 71**

Please feel free cut and paste the following email or choose or make your own comments.

To: michael.davis@hamilton.ca
Cc: esther.pauls@hamilton.ca

Dear Mr. Davis,

I object to the following applications:

UHOPA-21-005, ZAC-21-009, 25T-202104, 25CDM-20210005, 25CDM-20210006.

I wish to receive a complete copy of the staff report.

I wish to be present and make an oral presentation at the public meeting.

1. As per our previous conversation, I would like to notify you that as of Thursday, February 25, 2021 that the required sign was still not installed, thus making the applications incomplete. See attached photos above.

I respectfully request that the current deadline, for public comments be extended accordingly to allow neighbours to be notified.

The current circulation area of 120 meters is woefully inadequate as the entire Crerar Neighbourhood is affected.

The deadline is currently prior to March 26, 2021.

2. I strongly object to design of the proposal.

The approved neighbourhood plan called for the completion of Crerar Drive as a municipal loop road for the neighbourhood.

This would allow access to Crerar Park and Crerar Forest by the southern section of Crerar Neighbourhood by municipal roads and sidewalks.

The attached proposal consists of mostly private roads which essentially cut off the southern part of the Crerar neighbourhood from the northern part of the neighbourhood.

I am a concerned homeowner in the Crerar Neighbourhood.

Crerar Park was created for the entire neighbourhood to use.

The promise of the future extension of Crerar Drive as a municipal road with sidewalks to access Crerar Park was most appealing.

The current proposal will cut off access to the park, as planned for in the neighbourhood plan.

3. The approved neighbourhood plan would allow development of 30 to 40 single family dwellings on municipal roads.

The current proposal is for 221 new residential dwellings on 4.29 hectares.

This is excessive density. It is 5 to 7 times what is allowed under the current Official Plan.

Furthermore, it is on private roads with inadequate parking.

Traffic and parking in the neighbourhood is already inadequate and strained.

Several streets including sections of Crerar Drive have been designated for alternate side of road parking or no parking areas.

4. The entry streets to Crerar neighbourhood are already a traffic nightmare. i.e. rarely passable by 2 cars simultaneously because of road parking in good weather and further exacerbated by snow. The

Appendix "J" to Report PED21221
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neighbourhood entry streets particularly affected are: Sirente, Pescara, and Distin.

5. This proposal would make new the Crerar Drive entrance from Stone Church Rd. East the main entrance for the proposed largely private and condominium roads .

6. The private high school on Crerar Drive causes its own parking and traffic issues as few students are from the neighbourhood.

The students are largely bussed. Others drive their own vehicles or dropped off. The staff of the high school and the staff and adult students of the private teachers college on Crerar Drive create additional traffic. The students are all bussed to schools in other neighbourhoods.

7. There are no public or separate schools in this neighbourhood. The City purchased lands previously owned by the school board and made it part of Crerar Park.

The City retained a portion of land on the west side to allow for a public road to access Crerar Park. This development proposal eliminates that road.

8. The lot coverage of the proposed residences and private streets are excessive.

There is very little landscape and green area as a percentage of the proposed development.

The previous contentious tree cutting in the neighbourhood is well documented.

The proposed development further eliminates vegetation from Crerar Neighbourhood.

The neighbourhood already has its periphery developed with many Churches, townhomes, apartment buildings (rental and conominium) and senior residences.

Crerar neighbourhood is also home to Bob Kemp Hospice and the proposed future Shalom Village Long Term Care. (7 storey) on Upper Wellington.

These are all developments on the periphery of the neighbourhood with direct access to the main streets, Stone Church Rd. East, Upper Wentworth Street and Upper Wellington St. The neighbourhood has more than contributed to the Provincial Policy statements of 2020 with regards to "Encourage an increase in the mix and supply of housing." The other statement with regards to "protect the environment and public safety" is beyond questionable.

This proposal is in the centre of the neighbourhood and largely deviates from the current neighbourhood plan by creating private roads to increase density and prevent access to roads and parklands in the neighbourhood.

Thank you for considering this letter.

NAME: *Joe Gallo*



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From: Anita

Sent: March 26, 2021 3:20 PM

To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>

Subject: Objection to Folder 2021 102876 00 PLAN (1020649) Files: UHOPA-21-005, ZAC-21-009, 25T-202104, 25CDM2021005, 25CDM-2021006

Hello,

I wanted to add of things to my objection the the 311-314 Stone Church development.

1. I have read the letter submitted by Lina Toy and I completely support and agree with each and every one of her points.

2. I was in error misunderstanding one point in the plans, I had thought the parking for all units, aside from the houses, allowed for a garage plus two driveway spots and see that it actually just the garage and ONE driveway spot. With none of those units having basements for storage, it is an absolute certainty that people will be using their garages for storage and NOT for their cars, therefore with most families having more than one car, most townhouse developments having narrow private roads with no parking, this is a serious problem and one that I can't even understand how this type of planning could be permitted in a suburban setting where it is typically a 1 KM walk to the nearest bus stop making it not very pedestrian-friendly environment.

3. In the UHOP Section E.3, it states "Development shall improve existing landscape features and overall landscape character of the surrounding area". Cramming in 221 units and all those cars does not improve the area, it further degrades an area that is already overloaded with high density.

4. On the submitted Urban-Design-Brief.pdf, page 19, it shows a "proposed pedestrian gate" in an area that I had always understood, based on original approved plans, that it would be left open as 50-foot leeway from the back fences of the Dolphin Place existing residences. Now it will be smaller, just 19-feet and closed off with a proposed gate and will there be a lock on that gate preventing the community from being able pass through?

Thank you for your time.

Anita Thomas

**Appendix “J” to Report PED21221
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From: Lori Wright

Sent: March 26, 2021 7:18 PM

To: Pauls, Esther <Esther.Pauls@hamilton.ca>; Vrooman, Tim <Tim.Vrooman@hamilton.ca>

Subject: lavita_estates_letter_to_neighbours.pdf

Dear Ms Pauls and Mr Vrooman,

As per attached PDF, I am writing to inform you of my objections to the following applications located @ 311 & 313 Stone Church Rd E, Hamilton.

- UHOPA-21-005
- ZAC-21-009
- 25T-202104
- 25CDM-2021005
- 25CDM-2021006

I have lived in this community for over 24 years & have major concerns with the attached proposal.

Four of my major concerns:

- this is NOT the original plans of “single family dwellings ONLY”
- too much traffic congestion
- over population in our area that already has our community surrounded by townhouses & condominiums at every entrance
- loss of MORE TREES & nature.

Thanking you in advance, please feel free to contact me with any questions or concerns.

Sincerely,
Lori Wright



Hamilton

Mailing Address:
71 Main Street West, 5th Floor
Hamilton, Ontario
Canada L8P 4Y5
www.hamilton.ca

Planning and Economic Development Department
Development Planning, Heritage and Design
71 Main Street West, 5th Floor, Hamilton ON L8P 4Y5
Phone: 905-546-2424 Fax: 905-546-4202

February 19, 2021



Dear neighbour, you might not have received this notice, please object to Michael Davis & Councillor Park.

Files:UHOPA-21-005
ZAC-21-009
25T-202104
25CDM-2021005
25CDM-2021006
Folder: 2021 102876 00 PLAN (1020649)

Dear Sir / Madam:

THANK YOU

Re: Notice of Complete Applications by UrbanSolutions Planning & Land Development Consultants Inc. on behalf of DiCenzo Construction Company Ltd. for Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium for Lands Located at 311 & 313 Stone Church Road East, Hamilton (Ward 7)

In accordance with the provisions of the *Planning Act*, this letter is to advise that complete applications have been received by Hamilton's Planning and Economic Development Department for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium for Lands Located at 311 and 313 Stone Church Road East (please see attached Location Plan).

Purpose and Effect of Applications

221 UNITS PROPOSED

These applications are intended to allow for the development of a range of new housing forms; new public and private streets; and, the preservation of a 1.15 hectare woodland. Specifically, the applications propose the development of 221 new residential dwelling units consisting of 112 block townhouse units, 80 maisonette units, 17 single detached dwellings and 12 street townhouse units. The proposed subdivision involves an extension of Crerar Drive to connect with Stone Church Road East and the creation of a new Street 'A' to serve the new planned residential development blocks.

Urban Hamilton Official Plan Amendment (File No. UHOPA-21-005)

The purpose and effect of this proposed Urban Hamilton Official Plan Amendment is to allow for a site-specific reduction to the minimum density requirements for Medium Density Residential uses in order to permit a block townhouse and maisonette development on a portion of the proposed Draft Plan of Subdivision. The proposed Official Plan Amendment will also allow for the dedication of a 1.15 hectare woodlot to the City of Hamilton as a parkland dedication.

The proposed Official Plan Amendment, and information and material related to it, will be available in the staff report for public inspection.

P.S. please talk to your neighbours as the City only sent notices to homeowners within 120m of application address.

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- ii If a person or public body does not make oral submissions at a public meeting, if one is held, or make written submissions to the City of Hamilton in respect of the proposed plan of subdivision before the approval authority gives or refuses to give approval to the draft plan of subdivision, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal (LPAT) unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Condominium Applications 25CDM-2021005 and 25CDM-2021006

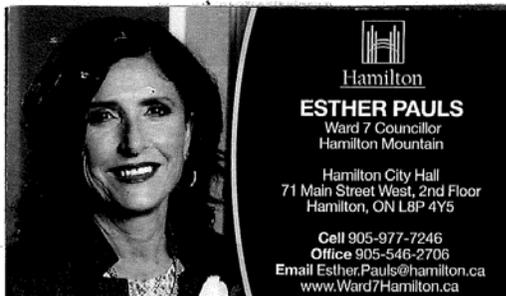
- i If a person or public body does not make oral submissions at a public meeting, if one is held, or make written submissions to the City of Hamilton in respect of the proposed Draft Plans of Condominium before the approval authority gives or refuses to give approval to the Draft Plans of Condominium, the person or public body is not entitled to appeal the decision of the City of Hamilton to the Local Planning Appeal Tribunal (LPAT).
- ii If a person or public body does not make oral submissions at a public meeting, if one is held, or make written submissions to the City of Hamilton in respect of the proposed plans of condominium before the approval authority gives or refuses to give approval to the draft plans of condominium, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal (LPAT) unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

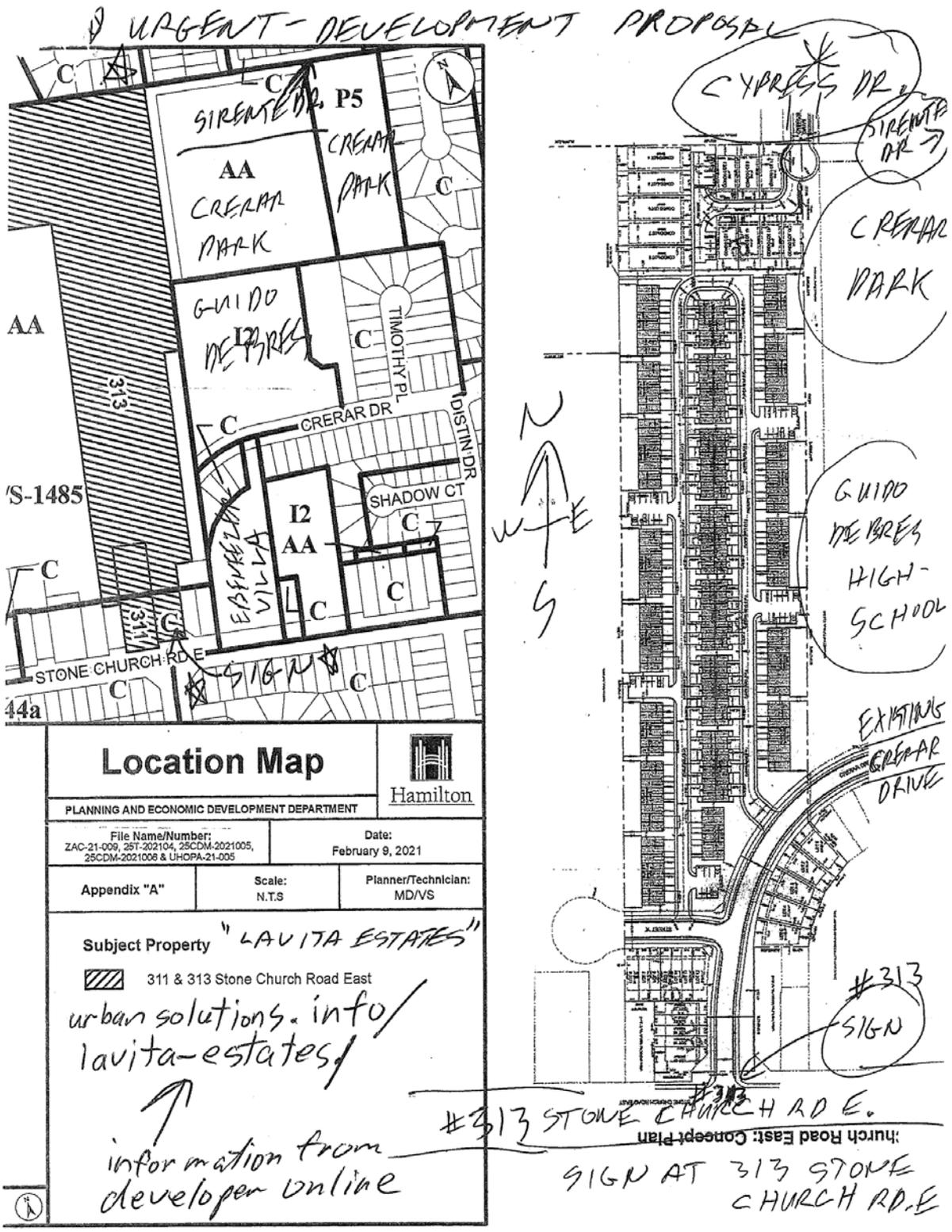
Public Input

Before we prepare a staff report for Council consideration, we are extending an opportunity to you to make comments. Any written comments received by the Department prior to **March 26, 2021**, will be published as part of the report made available to the general public and will appear on the City's website unless you expressly request within your communication that the City remove your personal information. Those persons who respond to the Department will be provided with a copy of the staff report prior to the public meeting to be held by the Planning Committee of City Council. Please forward your comments, quoting UHOPA-21-005, ZAC-21-009, 25T-202104, 25CDM-2021005 and 25CDM-2021006 to:

★ PLEASE EMAIL TO REGISTER YOUR COMPLAINTS BEFORE
 ① Michael Davis, City of Hamilton
 Planning and Economic Development Department
 Development Planning, Heritage and Design - Suburban Team
 71 Main Street West, 5th Floor, Hamilton, ON, L8P 4Y5
 Fax: 905-546-4202 - E-Mail: Michael.Davis@Hamilton.ca
 MARCH 26, 2021

②





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Page 64 of 71**

Please feel free cut and paste the following email or choose or make your own comments.

To: michael.davis@hamilton.ca
Cc: esther.pauls@hamilton.ca

Dear Mr. Davis,

I object to the following applications:

UHOPA-21-005, ZAC-21-009, 25T-202104, 25CDM-20210005, 25CDM-20210006.

I wish to receive a complete copy of the staff report.

I wish to be present and make an oral presentation at the public meeting.

1. As per our previous conversation, I would like to notify you that as of Thursday, February 25, 2021 that the required sign was still not installed, thus making the applications incomplete. See attached photos above.

I respectfully request that the current deadline, for public comments be extended accordingly to allow neighbours to be notified.

The current circulation area of 120 meters is woefully inadequate as the entire Crerar Neighbourhood is affected.

The deadline is currently prior to March 26, 2021.

2. I strongly object to design of the proposal.

The approved neighbourhood plan called for the completion of Crerar Drive as a municipal loop road for the neighbourhood.

This would allow access to Crerar Park and Crerar Forest by the southern section of Crerar Neighbourhood by municipal roads and sidewalks.

The attached proposal consists of mostly private roads which essentially cut off the southern part of the Crerar neighbourhood from the northern part of the neighbourhood.

I am a concerned homeowner in the Crerar Neighbourhood.

Crerar Park was created for the entire neighbourhood to use.

The promise of the future extension of Crerar Drive as a municipal road with sidewalks to access Crerar Park was most appealing.

The current proposal will cut off access to the park, as planned for in the neighbourhood plan.

3. The approved neighbourhood plan would allow development of 30 to 40 single family dwellings on municipal roads.

The current proposal is for 221 new residential dwellings on 4.29 hectares.

This is excessive density. It is 5 to 7 times what is allowed under the current Official Plan.

Furthermore, it is on private roads with inadequate parking.

Traffic and parking in the neighbourhood is already inadequate and strained.

Several streets including sections of Crerar Drive have been designated for alternate side of road parking or no parking areas.

4. The entry streets to Crerar neighbourhood are already a traffic nightmare. i.e. rarely passable by 2 cars simultaneously because of road parking in good weather and further exacerbated by snow. The

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neighbourhood entry streets particularly affected are: Sirente, Pescara, and Distin.

5. This proposal would make new the Crerar Drive entrance from Stone Church Rd. East the main entrance for the proposed largely private and condominium roads .

6. The private high school on Crerar Drive causes its own parking and traffic issues as few students are from the neighbourhood.

The students are largely bussed. Others drive their own vehicles or dropped off. The staff of the high school and the staff and adult students of the private teachers college on Crerar Drive create additional traffic. The students are all bussed to schools in other neighbourhoods.

7. There are no public or separate schools in this neighbourhood. The City purchased lands previously owned by the school board and made it part of Cerear Park.

The City retained a portion of land on the west side to allow for a public road to access Crerar Park. This development proposal eliminates that road.

8. The lot coverage of the proposed residences and private streets are excessive.

There is very little landscape and green area as a percentage of the proposed development.

The previous contentious tree cutting in the neighbourhood is well documented.

The proposed development further eliminates vegetation from Crerar Neighbourhood.

The neighbourhood already has its periphery developed with many Churches, townhomes, apartment buildings (rental and conominium) and senior residences.

Crerar neighbourhood is also home to Bob Kemp Hospice and the proposed future Shalom Village Long Term Care.(7 storey) on Upper Wellington.

These are all developments on the periphery of the neighbourhood with direct access to the main streets, Stone Church Rd. East, Upper Wentworth Street and Upper Wellington St. The neighbourhood has more than contributed to the Provincial Policy statements of 2020 with regards to "Encourage an increase in the mix and supply of housing." The other statement with regards to "protect the environment and public safety" is beyond questionable.

This proposal is in the centre of the neighbourhood and largely deviates from the current neighbourhood plan by creating private roads to increase density and prevent access to roads and parklands in the neighbourhood.

Thank you for considering this letter.

NAME:

Address:

Email:

Phone: (optional)

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From: Leanne Sinclair
Sent: April 9, 2021 10:25 PM
To: Pauls, Esther <Esther.Pauls@hamilton.ca>
Subject: Fwd: Proposed development on 311 and 313 stonechurch rd and the extension of crerar dr

Leanne's phone

Begin forwarded message:

From: Leanne Sinclair [REDACTED]
Date: March 29, 2021 at 9:51:21 AM EDT
To: Esther.Pauls@hamilton.ca
Subject: Proposed development on 311 and 313 stonechurch rd and the extension of crerar dr

Good morning Esther I sent an email to Michael Davis and cc'd you. His email bounced back saying no email exists ,my neighbour's the same thing happened . So what do we do now. We really do not want over 220 block homes they will be not nice looking and will bring down the value of our properties. These will most likely be rental or Hamilton housing they have no backyards and no road access to upper wellington so only stonechurch and crerar are the only options to get out of survey. We live on a small street with limited parking on street with a school that has about 20 busses that arrives 2x a day there is always congestion at these times. We really need to look into street parking in the area. On Distin which is off crerar going onto stonechurch is always congested everyone parks on the street eventhough they have driveways . On garbage day you can't get by and have to back up to get onto crerar and go another way. They should have signed parking for half the month on one side and switch . I would appreciate an email back to discuss these issues and what do we do about the proposed development. Thank you

Leanne Sinclair
[REDACTED]

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From: Carlo & Carol

Sent: June 8, 2021 4:28 PM

To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Milovanov, Zora <Zora.Milovanov@hamilton.ca>

Subject: Lavita Estates (311 & 313 Stone Church Road East, Hamilton Ward 7))

Hi Tim & Esther - I am writing to you in follow up to the Community Information Meeting regarding the proposed Lavita Estates Development hosted by the applicant last evening. It was helpful to hear more information and to see concept renderings of the proposed project. However, I still remain very concerned and opposed to the current design of the Enclave (12 Single Family Condos) portion of the application. The impact to our property at 10 Dolphin Place is not acceptable and cannot be considered to be adhering to reasonable planning standards for integrating this project with our existing property and street. Our biggest concern remains with the interior side yard setback of 1.2m proposed to be adjacent to our existing rear yard property line. I received an email yesterday from Allan Buist from Dicenzo Group (I am not sure if he is a Planner - he did not indicate). In the email, he stated that the 1.2m (**3.94ft**) setback indicated the entire buildable area of lot #4 and that the actual building would be 1.65m (**5.41ft**) from my rear yard property line. This is ludicrous! They are proposing to build a 2.5 story, large luxury home, sideways, as a large brick structure 3 to 5 feet from my rear yard fence spanning almost the entire length of my rear property line. My existing rear yard property line must be treated as such and not as a side yard. I am hoping that the City of Hamilton would not support this particular component of the [design.as](#) it does not adequately address the planning context of our existing property. I believe that a 6m (19.69ft) rear yard setback, which is being provided between the proposed buildings on Enclave Lots 1 - 3 and existing Dolphin Place properties, should be honoured for our property at 10 Dolphin Place, as well.

I believe that the " T " street configuration proposed in the Enclave is not workable to be directly adjacent to the back of the properties along Dolphin Place. First of all, it is the " T " configuration that is causing the positioning of a side lot against our rear lot. It is also the " T " configuration that is placing a Visitor Parking Lot against the rear yard of our next door neighbour, which does not respect their rear yard property condition, nor our and our other neighbours rear yard views. I believe that the best way to resolve this is to make the Enclave road an " L " shape (curved away from Dolphin Place to the south) vs a " T ". This way all of our existing properties on Dolphin Place, impacted by the Enclave development, will have rear yards to rear yards. The Enclave could then move all of their Visitor Parking to the far south end of the curved " L " road adjacent to the walking path. They may have to alter the widths of some lots to make this work or go from 12 lots to 11 lots.

I also remain concerned about the cliff-like rock formations currently in the forested space directly behind our lot. I would like verification about how much of this rock formation is included in the Enclave Development and if so, will it be left intact or blasted away. I have attached pictures of this rock formation that is only 20 feet or so from my rear property line. I also noticed in one report that there will be a retaining wall constructed along my rear property line. I am concerned that this may impact my rear fence. Please advise if it would be the responsibility of the developer to repair, replace and/or provide compensation for any fence damage resulting from construction activities.

Sincerely, Carol McKenna

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Appendix “K” to Report PED21221

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Minutes

281-18

To: DiCenzo Construction Company Limited
Date: June 8, 2021
From: UrbanSolutions Planning & Land Development Consultants Inc.
Re: 311 & 313 Stone Church Road East, Hamilton
 Neighbourhood Information Meeting - Lavita Estates
 UHOPA-21-005, ZAC-21-009, 25T-202104, 25CDM-2021005, 25CDM-2021006 & DA-21-012

The virtual meeting was held via Microsoft Teams and hosted by Urban Solutions on June 7, 2021 between 6:00pm to 7:30pm. The purpose of the meeting was to provide an opportunity for the surrounding neighbours to learn about the proposal details, learn details of the *Planning Act* application process and receive answers to any questions.

There were 287 invitations circulated to all property owners within 120 metres of the subject lands. There was a total of 20 participants in the virtual meeting of which 12 were area residents while the balance included representatives from DiCenzo Construction Company and the City of Hamilton, including Councillor Esther Pauls and Tim Vrooman, the planner having carriage of the file.

The meeting began with a presentation by Matt Johnston, UrbanSolutions with a detailed review of the proposed development, site statistics, planning applications submitted and the presentation concluded with direction on how to formally participate in the *Planning Act* process and where to view the microsite to access all submission materials.

Following the presentation, attendees were invited to ask questions, where common themes included:

- Traffic Concerns & Safety
 - Increased congestion and traffic along Stone Church Road.
 - Quantity of visitor parking and potential overflow onto surrounding streets.
 - Desire for additional road connections from development to external road network.
- Public Access
 - Public sidewalk connections through the subject lands to access Crerar Neighbourhood Park and the proposed open space block.
- Density & Compatibility
 - Concerns with the change to neighbourhood character and built form.
 - Density greater compared to surrounding lands.
 - Implications of density.
 - Interest in achieving more affordable housing.

Appendix “K” to Report PED21221
Page 2 of 5

- Construction disruptions to the larger neighbourhood
 - Potential blasting of rock.
 - General construction disturbances.
- Preserving of greenspace/landscapes
 - Pleased with open space block dedication.
 - No large concerns regarding landscaped space.
- Privacy
 - Concerns with the interface between the proposed side yard to existing rear yard
 - Setback of visitor parking and headlight impact to existing dwellings.

Circulation:

Councillor Esther Pauls, Ward 7
Tim Vrooman, City of Hamilton
DiCenzo Construction Company

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281-18

NEIGHBOURHOOD INFORMATION MEETING COMMENT RESPONSE LETTER

Applicant: UrbanSolutions Planning & Land Development Consultants Inc.
 Date: September 9, 2021
 Location: 311 – 313 Stone Church Road East, Hamilton, Ontario
 Owner: Lavita Estates

RE: (UHOPA-21-005, ZAC-21-009, 25T-202104, 25CDM-2021005 & 25CDM-2021006)

In support of the subject planning applications, a virtual Neighbourhood Information Meeting was held via Microsoft Teams and hosted by Urban Solutions on June 7, 2021 between 6:00pm to 7:30pm. The purpose of the meeting was to provide an opportunity for the surrounding neighbours to learn about the proposal details, learn details of the *Planning Act* application process and receive answers to any questions.

There were 287 invitations circulated to all property owners within 120 metres of the subject lands. There was a total of 20 participants in the virtual meeting of which 12 were area residents while the balance included representatives from DiCenzo Construction Company and the City of Hamilton, including Councillor Esther Pauls and Tim Vrooman, the planner having carriage of the file.

UrbanSolutions has prepared comment responses to the common themes raised during the Neighbourhood Information Meeting below:

Traffic Concerns & Safety

- Increased congestion and traffic along Stone Church Road.
- Quantity of visitor parking and potential overflow onto surrounding streets.
- Desire for additional road connections from development to external road network.

Comment Response: A Transportation Impact Study has been prepared to evaluate the traffic impacts of the proposed development on the surrounding street network. The Transportation Impact Study concluded that the proposal does not present any adverse traffic impacts to the local roads and has made infrastructure recommendations to appropriately accommodate the increase in traffic flows. The concept was intentionally designed without connection from Stone Church Road East to Cyprus Drive in order to prevent individuals from outside the local neighbourhood ‘short-cutting’ through the development to the northern roads. A total of 221 resident parking spaces and 64 visitor parking spaces are being provided through surface parking lots internal to the site, mitigating the potential for overflow of parking onto adjacent streets.

Public Access

- Public sidewalk connections through the subject lands to access Crerar Neighbourhood Park and the proposed open space block.

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Comment Response: The subject lands are separated from the Crerar Neighbourhood Park by a strip of land which is not under the ownership of the applicant. As such, no connections can be accommodated to the Crerar Neighbourhood Park. The proposed open space park will be physically accessible by the surrounding neighbourhood via sidewalk connections through the site.

Density & Compatibility

- Concerns with the change to neighbourhood character and built form.
- Density greater compared to surrounding lands.
- Implications of density.
- Interest in achieving more affordable housing.

Comment Response: The concept design has been carefully considered to locate the dwelling forms of higher density internal to the site, with a buffer of lower density single detached dwellings on the perimeter of the site. This distribution of dwelling forms maintains compatibility with the surrounding built form and represents an appropriate build out of the subject lands to contribute to a complete community. The proposed Zoning By-law Amendment requests a decrease in required density by 5 units per hectare and maintains the intent of the Urban Hamilton Official Plan with regards to medium density residential area designation policies. As such, it can be determined that the proposed density captures what was intended for the area.

Construction disruptions to the larger neighbourhood

- Potential blasting of rock.
- General construction disturbances.

Comment Response: The Construction Management Plan to be completed will ensure that all blasting of rock and other construction activities will avoid adverse impacts to the surrounding community with regards to noise, dust, and other disturbances.

Privacy

- Concerns with the interface between the proposed side yard to existing rear yard
- Setback of visitor parking and headlight impact to existing dwellings.

Comment Response: The proposed side yard setback to the existing rear yards of the existing dwellings on Dolphin Place has been doubled from 1.2 metres to 2.4 metres to address concerns of privacy felt by residents. Further, appropriate landscape screening and fencing will be provided along the northern lot line to mitigate any potential headlight and privacy impacts to the abutting neighbours.

Appendix “K” to Report PED21221
Page 5 of 5

If there are any questions or comments, do not hesitate to contact the undersigned.

Regards,
UrbanSolutions Planning & Land Development Consultants Inc.



Matt Johnston, MCIP, RPP
Principal



Scott Beedie, BURPI
Planner

RELEVANT CONSULTATION

Departments and Agencies		
<ul style="list-style-type: none"> • Asset Management Section, Engineering Services Division, Public Works Department; • Construction Section, Engineering Services Division, Public Works Department; and, • Hydro One Networks Inc. 		No Comment
	Comment	Staff Response
<p>Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department</p>	<p>Roadways and Sidewalks</p> <ul style="list-style-type: none"> • All cul-de-sacs, permanent and temporary, are to be constructed to the City’s permanent standard and require 1.5 metre sidewalks around the bulbs; • There are existing sidewalks on both sides of existing Cyprus Drive that need to be extended around the proposed Cyprus Drive cul-de-sac to provide access to the Block 2 Condominium and Park lands (as shown on the Concept Plan attached as Appendix “F” attached to Report PED21221). Staff will permit a non-standard pavement radius on the proposed cul-de-sac of 9 metre vs. the 13 metre standard which matches the existing Dolphin Place cul-de-sac, complete with a 2.75 metre wide boulevard for the installation of curbing, a 1.5 metre wide sidewalk, and to accommodate snow storage and utilities. The Applicant will need acquire a portion of the City owned lands for nominal consideration for the easterly portion of the proposed Cyprus Drive cul-de-sac; • The temporary turning circle proposed on the lands located at 289 Stone Church Road East shall be dedicated to the City as a public highway prior to registration of the subdivision plan. In addition, the 0.3 metre reserve will need to be around the perimeter of the temporary turning circle right-of-way (ROW). The Applicant shall provide a reference plan and supporting 	<ul style="list-style-type: none"> • Sidewalks, the Cyprus Drive cul-de-sac, the temporary turning circle at the terminus of Street “A”, and the extension of Crerar Drive are addressed as Condition Nos. 9 - 12 and 14 - 16 of Appendix “H” attached to Report PED21221; • Parking and driveway location plans are required as Condition Nos. 4 and 5 of Appendix “H” attached to Report PED21221; • The walkway from Block 3 to Block 1 will be reviewed at the future Site Plan Control stage; • Servicing, stormwater management, external drainage and grading, detailed engineering design, and sewer replacement are addressed as Condition Nos. 1, 2, 6, 7, and 17 of Appendix “H” attached to Report PED21221; • The zoning by-law amendment (attached as Appendix “C” to Report PED21221) has incorporated a definition and regulations for swales to address grading along exterior yards; • No modifications to the parent zoning districts with respect to rear yard setbacks along Crerar Drive and Street ‘A’ are proposed;

	<p>information from the adjacent landowners (i.e. signed documentation as proof they have agreed to the temporary turning circle being located on their lands and that they understand that the temporary turning circle will be dedicated to the City and remain until development of their lands);</p> <ul style="list-style-type: none"> • There are concerns that there could be on street parking deficiencies and more information is required to determine whether the 40% minimum on-street parking requirement can be met; and, • The private pathway to the woodlot (on Block 3 and adjacent to Condo Lot 8 as shown on the Concept Plan attached as Appendix “F” to Report PED21221) has been proposed with stairs to overcome the existing 1:1 and 2:1 slopes that would limit the usefulness of the woodlot access, which could create accessibility and maintenance issues. All pathways must be a hard surface (asphalt or concrete) and gravel paths are not supported. <p>Grading and Drainage</p> <ul style="list-style-type: none"> • The overland flow route being proposed from the end of Cyprus Drive to the ROW block and Park, as shown on the preliminary grading plan, prepared by S. Llewellyn & Associated and dated August 2021, does not provide sufficient detail to demonstrate whether this is a suitable outlet for the existing and proposed road/ROW. The Applicant is to provide a revised preliminary design that demonstrates a suitable outlet for the proposed and existing Cyprus Drive ROW drainage; • The proposed preliminary grading design depicts on Lots 4 to 8 (Block 2 on the Concept Plan attached as Appendix “F” to Report PED21221) that the rear yards will have a significant retaining wall (+3.5 metres) and that there will be significant regrading within the rear 7-8 metres. At the top of the retaining wall there is a proposed 0.3 metre 	<ul style="list-style-type: none"> • Joint use agreements are addressed as Condition No. 3 of Appendix “H” attached to Report PED21221’ • A dust control plan is addressed as Condition No. 8 of Appendix “H” attached to Report PED21221; • Perimeter fencing is addressed as Condition No. 13 of Appendix “H” attached to Report PED21221; • A note advising the proponent that additional information pertaining to the karst inventory may be required is included as Note No. 2 on the conditions of Draft Plan of Subdivision approval attached Appendix “H” attached to Report PED21221; and, • Site Plan agreements will be addressed at the future Site Plan Control stages.
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	<p>deep trapezoidal swale (0.6% slope). The proposed 0.6% slope is well below the minimum 1.5% slope permitted. Development Engineering is also concerned that the existing drainage being directed to the swale, flowing generally west to east from the woodlot down a steep slope ($\pm 33\%$) may continue east jumping or overtopping the wall rather than be contained and be redirected to flow north or south. The Applicant is required to demonstrate how the flows from the external lands will be contained within the intercepting swale and avoid overtopping onto the lots below;</p> <ul style="list-style-type: none">• The retaining wall, ditch inlet manholes (DIMHs), and intercepting swale in the rear of Condo Lots 4 to 8 will need to be contained within a block to be part of the common element and maintained by the condominium corporation;• The proposed trapezoidal intercepting swale along the rear of Lots 4-8 (Block 2) is directing drainage to the north, a DIMH (#5), and south, to a 3:1 slope and swale on Block 3 which will direct the external drainage to the east to the private roadway. The drainage directed south and east will flow from the proposed Condominium on Block 2 to the lands of the adjacent proposed condominium on Block 3. There needs to be a block of suitable width to convey the drainage from the rear intercepting swale to the private road. The Owner is to provide a proposal for how the rear intercepting swales along the rear of Lots 4-8 will be maintained. There will need to be a joint use agreement between the two different condominiums on Blocks 2 and 3;• Concerned with the potential for the DIMH (#5) to become blocked and therefore we require that there be a suitable emergency overland flow route. Based on the current design it appears that the drainage may overtop the retaining wall and drain between Condo Lots 4 and 5. A	
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	<p>block with a suitable width would be required to accommodate an emergency overland flow route for the external drainage between two dwelling structures. The overtopping of any retaining wall is not a suitable drainage solution and alternative solutions should be thoroughly explored;</p> <ul style="list-style-type: none">• The slope of the trapezoidal intercepting swale is too low (0.6%) and well below the minimum 1.5% slope permitted. Review and revise;• The proposed trapezoidal swale transitions from the rear of Block 3's 'Townhouse Block 8' to 289 Stone Church Road East roughly 115 metres south of the north limit of the site. Aerial mapping depicts the woodlot area extending approximately 140 metres south of the north limit of the site. The transition point for the trapezoidal swale should be revised to be further to the south, beyond the existing woodlot;• The proposed intercepting swale on lands located at 289 Stone Church Road East along the west limit of Block 3 will require that a permanent easement be obtained from the adjacent Owner (Bethel Gospel Tabernacle Church) in favour of the Condominium;• The revised preliminary grading plans depict there being significant regrading on 289 Stone Church Road East with grading extending approximately 14-16 metres of the property line. The Applicant is to confirm that the adjacent landowners have reviewed and thoroughly understand the scope and impact of the proposed grading and drainage measures being proposed on their lands. As part of the proof of permission, in addition to any signed documentation, there shall also be plans, showing the grading elevations and maximum limits, that are also to be signed by the adjacent landowners. The preliminary grading should depict some future conceptual grading on 289 Stone Church Road East to identify any opportunities	
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to perhaps raise (or lower) the shared property line with Block 3 so that there are not extensive retaining walls required when 289 Stone Church Road East is developed in the future. It is suspected that raising of the rear yards would help mitigate the need for future walls;

- Where there is external drainage proposed to be directed between dwellings (overland flow/emergency overland flow) there shall be a block of suitable width as demonstrated through the preliminary grading design;
- A recommendation for the minimum rear yard setbacks for Lots 4 to 8 and the north side yard of Lot 4 (Block 2) is required to demonstrate that the grading required to reconcile with the properties to the west and north can be achieved within the proposed yards based on the two swales (upper and lower) and the proposed retaining wall; and,
- Request that Lots 1-17 on Crerar Drive and Street 'A' have a minimum rear yard setback of 7.5 metres to ensure that the minimum rear yard amenity area is provided, and grading can be reconciled with the existing properties.

Servicing

- The sections of existing sanitary sewer on Crerar Drive that are proposed to be replaced with larger diameter sewers, as shown on the preliminary servicing plans, prepared by S. Llewellyn & Associated and dated August 2021, there appears to be multiple existing sewer services which lack adequate minimum separations to the water services. The Applicant is to provide clarification where the location information has been obtained for these services and laterals. If there are issues with achieving minimum separation this may present issues under the required MECP ECA Application for the new sewer.

	<p>Other</p> <ul style="list-style-type: none"> • Agreements for joint use between the proposed condominium blocks are required; • Perimeter fencing along adjacent developed lands is required; • Karst features have been identified in the vicinity of the property, however a karst assessment has not been provided. Development Engineering defers this matter to Natural Heritage Planning staff; and, • Site Plan agreements will be required for each of Block 2 and Block 3. 	
<p>Forestry and Horticulture Section, Environmental Services Division, Public Works Department</p>	<ul style="list-style-type: none"> • The Tree Management Plan, prepared by Adesso Design and dated August 13, 2021, is not approved requiring revisions to clarify on the plan and table whether Tree #14 is being retained or removed. Forestry staff assume Tree #14 is being retained and the table shall be updated accordingly; • It is noted that the appraised value of Trees #1 through #13 and #166, located along the City-owned strip of land adjacent to the northeast portion of the site and proposed to be removed, is \$173,663.01; • Public trees within the Crerar Natural Space northwest of the subject lands are not impacted by the proposed development; and, • A revised Landscape Plan, prepared and signed by a certified Landscape Architect, is required. 	<ul style="list-style-type: none"> • A revised Tree Management Plan is addressed as Condition No. 20 of Appendix “H” attached to Report PED21221; and, • A Landscape Plan is addressed as Condition 2.8 of the City’s Standard Conditions of Subdivision Approval. The condition of Street Tree Planting will be cleared upon receipt of a plan depicting new trees and payment of permit, loss of tree canopy, and street tree planting fees.
<p>Growth Planning Section, Growth Management Division, Planning and Economic Development Department</p>	<ul style="list-style-type: none"> • Easements for access to the rear yards may be required; • Street naming and municipal addressing for the lots and blocks within the proposed subdivision will be determined after Draft Plan approval is granted, and for the condominium blocks will be determined when a Site Plan Control Application is submitted; and, • Requested that a note be included in the draft plan conditions indicating that draft plan approval shall lapse if 	<ul style="list-style-type: none"> • Easements will be addressed through future Draft Plan of Condominium and Part Lot Control Application(s) required to create individual lots for each unit; • Addressing of the lots/blocks within the subdivision is addressed as Condition No. 26 of Appendix “H” attached to Report PED21221;

	<p>the plan is not given final approval within three years or an extension has been granted.</p>	<ul style="list-style-type: none"> • Lot/Unit addressing within the condominium blocks will be addressed at the future Site Plan Control stages; and, • Approval limitation has been added as Note No. 1 on the conditions of Draft Plan of Subdivision approval (See Appendix “H” attached to Report PED21221) and will be included as a note to the conditions of Draft Plan of Condominium approvals.
<p>Hamilton Conservation Authority (HCA)</p>	<p>Natural Heritage</p> <ul style="list-style-type: none"> • There are few native species included in the plan, and HCA encourages greater use of native species appropriate to the area due to the proximity to a significant natural area; • The landscape plan discusses the removal of invasive species and mentions that Japanese Knotweed is present on site, but methods for removal are not given and should be included. A detailed and comprehensive invasive species control program is recommended to be implemented for the site; and, • The homeowner stewardship guide, prepared by Adesso Design, should correct the reference to Hill’s Oak, which is not an endangered species as indicated in the brochure, include information to discourage the dumping of yard waste into the forest and avoid planting highly invasive species. <p>Grading and Drainage</p> <ul style="list-style-type: none"> • HCA is concerned that the quality control concept in the revised Functional Servicing Report, prepared by S. Llewellyn & Associated and dated August 2021, proposes two oil-grit separator (OGS) units in parallel covering the northerly portion of the site with no quality control of the southerly portion and external areas discharging to the southerly lands, which has not addressed the HCA 	<ul style="list-style-type: none"> • Revisions to the landscape plan and stewardship brochure are addressed as Condition Nos. 23 and 24 of Appendix “H” attached to Report PED21221; • As the City is assuming ownership of Block 1, invasive species management will be the responsibility of the City; and, • A detailed stormwater management (SWM) report and related grading, servicing and erosion and sediment control plans to address quality control is addressed as Condition No. 27 of Appendix “H” attached to Report PED21221.

	<p>recommendation that a true treatment train approach be adopted for the site. OGS calculations need to be reviewed / revised accordingly; and,</p> <ul style="list-style-type: none"> • HCA suggests erosion and sediment control plans supporting pre-grading and initial construction stages are separated and that the pre-grading plan includes sediment trapping within blocks exceeding 2 ha in area. A mud mat and revised siltation control fencing details should be provided. 	
<p>Landscape Architectural Services (LAS), Strategic Planning Division, Public Works Department</p>	<ul style="list-style-type: none"> • Trails are not permitted to be developed through an area identified as a Core Area (Significant Woodland). LAS requests that a privately owned fence along this property line be provided as well as chain link fencing along the edges of Block 1 prior to it being dedicated to the City. The access walkway from Block 3 (block townhouse and maisonette dwellings) to the Natural Heritage/Park block (Block 1) is recommended to be removed; and, • LAS circulated comments to the Parkland Advisory Review Committee (PARC) and received no contrary comments. 	<ul style="list-style-type: none"> • Fencing is addressed through the Edge Management Plan required as Condition No. 22 of Appendix “H” attached to Report PED21221. The walkway from Block 3 to Block 1 will be reviewed at the future Site Plan Control stage; and, • A walkway is proposed through the City-owned strip of land adjacent to the northeast portion of the site from the sidewalk along Cyprus Drive to the internal sidewalk through the medium density residential lands (Block 3 on the Concept Plan attached as Appendix “F” attached to Report PED21221). An easement will be established along the internal sidewalk to grant public access through Block 3 to Crerar Drive to complete the public connection through the west side of the neighbourhood. These are addressed as Condition Nos. 25 and 28 of Appendix “H” attached to Report PED21221.
<p>Recycling and Waste Disposal Section, Environmental Services Division, Public Works Department</p>	<ul style="list-style-type: none"> • This development is eligible for municipal waste collection service subject to meeting the City’s requirements. The property owner must contact the City to request waste collection service to complete a site visit to determine if the property complies with the City’s waste collection requirements; 	<ul style="list-style-type: none"> • Waste collection requirements are addressed as Note No. 3 on the conditions of Draft Plan of Subdivision approval (see Appendix “H” attached to Report PED21221); • Should any Block within the proposed development be unserviceable for municipal waste collection, such as Block 2, a private waste

	<ul style="list-style-type: none"> • As currently designed, Block 2 on the Concept Plan (attached as Appendix “F” to Report PED21221) is not serviceable as it does not allow for continuous forward motion for the waste vehicles in front of Lots 4 through 8 and the length in front of these lots exceeds the maximum length per the City’s Solid Waste Collection Design Guidelines for Developments; and, • Common piles for waste collection are not permitted in new developments. 	<p>hauler must be arranged for the removal of all waste materials; and,</p> <ul style="list-style-type: none"> • These matters will be addressed at future Site Plan Control and Draft Plan of Condominium stages.
<p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department</p>	<ul style="list-style-type: none"> • Transportation Planning conducted traffic signal analyses and have determined a traffic signal is warranted at the intersection of Stone Church Road East and Brigade Drive/Crerar Drive extension, which shall be designed and constructed at one third of the Owner’s expense. This intersection has good spacing from other traffic signals and is a suitable location for installation. The entire Crerar neighbourhood will benefit from an additional and safe access to Stone Church Road East as was envisioned through the Crerar Neighbourhood Plan; • Revisions to the Transportation Impact Study, prepared by NexTrans Consulting Engineers and dated August 2021, are required to address the extension of Crerar Drive to Stone Church Road East, traffic signal design and installation, and turning lanes; • It is not feasible to align the centreline of the right-of-way of Crerar Drive extension with the centreline of Brigade Drive on the opposite side of Stone Church Road East. Accordingly, a plan is required to show the ultimate right-of-way and daylighting limits of the four quadrants of the intersection and the existing road and sidewalk limits. The plan shall demonstrate that the paved roadways, travel paths, and pavement markings are aligned to ensure safe movements within the intersection, with different boulevard widths on either side of Crerar Drive; 	<ul style="list-style-type: none"> • A revised Transportation Impact Study is addressed as Condition No. 32 of Appendix “H” attached to Report PED21221, with all required infrastructure improvements to be addressed at the detailed design stage; • Right-of-way alignment plans for Crerar Drive and Cyprus Drive and right-of-way and daylighting triangle dedications have been discussed above and are addressed as Condition Nos. 29 - 31 of Appendix “H” attached to Report PED21221; • The temporary turnaround at the west end of Street ‘A’ is addressed as Condition No. 14 of Appendix “H” attached to Report PED21221; • Sightline analysis, detailed pavement markings, traffic signs, traffic signal plans, funding for speed cushions, signage, and crosswalks, and driveway advisories are addressed as Condition Nos. 33 - 38 of Appendix “H” attached to Report PED21221; • A revised on-street parking plan is addressed as Condition No. 4 of Appendix “H” attached to Report PED21221; • The extension of the Cyprus Drive cul-de-sac is addressed as Condition Nos. 10 - 12 of Appendix “H” attached to Report PED21221; and,

	<ul style="list-style-type: none"> • Approximately 5.0 metres are to be dedicated to the right-of-way at 311 Stone Church Road East, per Schedule C-2 – Future Right-of-Way Dedications of the Urban Hamilton Official Plan (UHOP); • Crerar Drive at the intersection of Stone Church Road East functions as a midblock collector road connecting the local internal neighbourhood road network to the external arterial road, with a right-of-way width of 26.213 metres up to Street ‘A’. The remainder of Crerar Drive is classified as a local road and shall match the existing width of Crerar Drive (± 20.12 metres). A reduced 9.60 metre x 9.60 metre daylighting triangle at the northwest corner of Stone Church Road East and Crerar Drive is supported; • Street ‘A’ is classified as a local road with a right-of-way width of 20.12 metres. Confirmation that the proposed temporary turnaround will be constructed at the west end of Street ‘A’ is required. 4.57 metre x 4.57 metre daylighting triangles at the northwest and southwest corners of the intersection of Crerar Drive and Street ‘A’ is required; • Several traffic calming and transportation management measures are required: <ul style="list-style-type: none"> ○ The Traffic Calming section of the TIS identified placement of two speed cushions along Crerar Drive. The owner is required to contribute \$6 K per speed cushion; and, ○ Detailed pavement markings, traffic signs and traffic signal plans are required for bicycle lanes and transit stops along Stone Church Road East, southbound and northbound left turn lanes on Brigade Drive and Crerar Drive, centre median islands, and school crossing guard crosswalks. The ultimate crosswalk location(s) shall be confirmed once the Crerar Drive extension is open and children’s walking patterns are determined; 	<ul style="list-style-type: none"> • Detailed design of the condominium blocks (Blocks 2 and 3 on the Concept Plan attached as Appendix “F” attached to Report PED21221) will be addressed at the future Draft Plan of Condominium and Site Plan Control stages.
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	<ul style="list-style-type: none"> • Sightline analysis and advisory statements to prospective purchasers are required for driveways proposed along Crerar Drive. TIS approval is required prior to approval of the on-street parking plan to address sightline issues and separation from intersections; and, • The proposed cul-de-sac at the south end of Cyprus Drive does not meet current City standards; however, a modified cul-de-sac with carriageway dimensions of the existing Dolphin Court, complete with a 1.5 metre clear width municipal sidewalk, can be supported. 	
Alectra Utilities Corporation	<ul style="list-style-type: none"> • Advised that the Developer needs to contact their Engineering Design Department to facilitate development. The developer shall be responsible for the cost of installation, relocation, modification, or removal of hydro facilities. In order to prepare a design and procure the materials required to service this site in a timely manner, a minimum of six months notification is required. 	<ul style="list-style-type: none"> • This requirement is addressed as Condition No. 39 of Appendix “H” attached to Report PED21221.
Canada Post	<ul style="list-style-type: none"> • Owners / developers are required to notify purchasers of Centralized Mailbox locations; and, • Provided their requirements for the Centralized Mailbox locations. 	<ul style="list-style-type: none"> • This requirement is addressed as Condition No. 40 of Appendix “H” attached to Report PED21221.
Canadian Radio & Telecommunication Commission (CRTC) and Bell Canada	<ul style="list-style-type: none"> • Requested that as a condition of final approval, the owner agrees that should any conflict arise with existing facilities, the Owner shall be responsible for the relocation of such facilities or easements at their own cost. 	<ul style="list-style-type: none"> • This requirement and standard conditions from CRTC are addressed as Condition Nos. 41 - 43 of Appendix “H” attached to Report PED21221.
Enbridge Gas Inc.	<ul style="list-style-type: none"> • Requested that as a condition of final approval, the owner is required to provide the necessary easements and/or agreements required for the provision of gas services for this project, in a form satisfactory to them. 	<ul style="list-style-type: none"> • This requirement is a Standard Condition of Draft Approval.

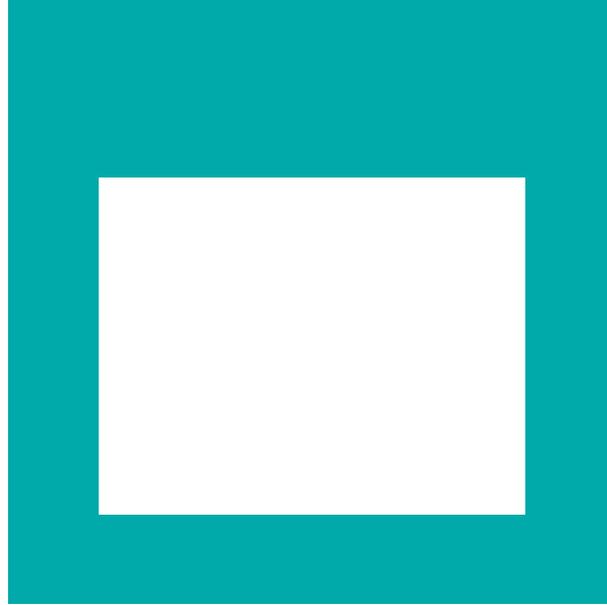
Public Consultation		
	Comment	Staff Response
Development Layout and Approved Crerar Neighbourhood Plan Road Network	<ul style="list-style-type: none"> • The Neighbourhood Plan identifies the completion of Crerar Drive as a ring road with connection to Cyprus Drive to provide access to Crerar Neighbourhood Park and Crerar Natural Open Space. The proposal consists of private condominium roads which essentially cut off the northern and southern parts of the Crerar Neighbourhood; and, • One area resident appreciates that Cyprus Drive will not be a through street, to help maintain low traffic volumes. 	<ul style="list-style-type: none"> • In lieu of a public roadway to complete the public connection through the west side of the neighbourhood, a walkway is proposed through the City-owned strip of land adjacent to the northeast portion of the site from the sidewalk along Cyprus Drive to the internal sidewalk through the medium density residential lands (Block 3 on the Concept Plan attached as Appendix “F” to Report PED21221), and an easement will be established along the internal sidewalk to grant public access through Block 3 to Crerar Drive, which are addressed as Condition Nos. 25 and 28 of Appendix “H” attached to Report PED21221.
Built Form and Density	<ul style="list-style-type: none"> • The Neighbourhood Plan designates the subject lands as “Single and Double”, which would allow development of 30 to 40 single detached dwellings along public roads. The proposal is for 221 new dwelling units, which is excessive density in a neighbourhood consisting of predominantly single detached dwellings; • The lot coverage of the proposed dwellings and private streets, along with the proposed zoning modifications for setbacks, is excessive, with little landscape and green area to allow for stormwater infiltration, or to minimize impacts on adjacent properties; and, • The perimeter of Crerar Neighbourhood is developed with several higher density residential uses and community facilities/services with direct access to arterial roads. 	<ul style="list-style-type: none"> • The neighbourhood contains a mixture of low and medium density developments and community facilities/services. The medium density residential lands (Block 3 on the Concept Plan attached as Appendix “F” to Report PED21221) gain access to a collector road (Crerar Drive) and a minor arterial road (Stone Church Road East) via local roads (Crerar Drive and Street ‘A’) with a small number of low density residential dwellings located on that portion of the roads. The proposed development would not be out of character with the existing context. The proposed zoning modifications are discussed in Appendix “E” attached to Report PED21221, focusing on compatibility of the proposed development with surrounding uses and the general intent and purpose of the Zoning By-law.

<p>Setbacks Abutting Dolphin Place Rear Lot Lines</p>	<ul style="list-style-type: none"> • There are concerns with the proposed interior side yard setback of 1.2 metres abutting the rear property lines of Dolphin Place and whether this is considered compatible development. Requested that a minimum 6.0 metre setback be provided, and that the “T” configuration of common element condominium enclave (Block 2 on the Concept Plan attached as Appendix “F” to Report PED21221) be reconfigured. 	<ul style="list-style-type: none"> • The initial proposal had provided a minimum side yard of 1.2 metres. In response to these concerns, the Applicant has agreed to increase the proposed setback to 2.4 metres, as included in the proposed Zoning By-law Amendment attached as Appendix “C” to Report PED21221. Compatibility has been discussed in greater detail above.
<p>Traffic and Parking</p>	<ul style="list-style-type: none"> • There are concerns that the existing neighbourhood streets are narrow and insufficient to accommodate existing traffic, and there is existing traffic congestion in the surrounding road network; • The new Crerar Drive connection from Stone Church Road East will benefit the proposed private development and will exacerbate existing traffic and parking issues along the entrance roads to the neighbourhood and with bussing and student population around the existing school and the accumulation of snow windrows; • There are concerns with connecting Crerar Drive to Stone Church Road East inviting through traffic into this area of the neighbourhood; • There are concerns that parking from the proposed development will overflow onto the adjacent roadways, as the development provides two tandem parking spaces per unit (garage and driveway). Residents are concerned that garages will be used for storage instead of the parking of vehicles; and, • There is concern that more vehicles will generate more pollution. 	<ul style="list-style-type: none"> • Revisions to the Transportation Impact Study, prepared by NexTrans Consulting Engineers and dated August 2021, will provide for signalization of the Crerar Drive and Stone Church Road East intersection. Traffic calming and transportation management measures will be provided along the extension of Crerar Drive to improve overall traffic operations within the neighbourhood. These revisions are addressed as Condition No. 35 of Appendix “H” attached to Report PED21221; • The new Crerar Drive connection from Stone Church Road East will benefit the entire Crerar Neighbourhood by providing an additional and safe access to Stone Church Road East as was envisioned through the Crerar Neighbourhood Plan; and, • The proposed zoning by-law regulations require 1.25 parking spaces plus 0.25 visitor parking spaces per unit. The current requirement is for 1.3 parking spaces and 0.3 visitor parking spaces per dwelling unit. The Transportation Impact Study - Addendum, prepared by NexTrans Consulting Engineering and dated August 2021, concludes that the proposed development will meet the requirements for both resident and visitor parking. The proposed parking ratio is sufficient to meet the needs of future residents and visitors. Warning clauses regarding the use of garages for the parking of vehicles will be addressed through conditions of the future Draft Plan of Condominium approvals. Opportunities to support alternative modes of transportation through development is encouraged.

<p>Significant Woodland and Surrounding Trees, Agricultural Lands, and Wildlife</p>	<ul style="list-style-type: none"> • One area resident appreciates that a sizable portion of land being dedicated as a naturalized area, noting that area forms part of the Eramosa karst and the exposed rock and overall forested landscape is rare to see in an urban setting and makes Crerar Neighbourhood unique; • Residents have inquired if pedestrian access will be provided to the wooded area; • The proposed development will remove existing vegetation from Crerar Neighbourhood, and there is concern with blasting or other forms of rock removal within the bedrock; • A Butternut (tree #132) in good condition is located within the building envelope and is identified for removal upon approval from MNRF. Butternuts are endangered species protected under the <i>Endangered Species Act</i>; • Several significantly large Bur Oaks, including one (tree #12) that is 114 cm DBH and approximately 275 years old in good condition, are located straight off the end of Cyprus Drive, and residents wonder why they are proposed to be removed and further measures aren't being taken to protect them; and, • The woodlot and surrounding agricultural lands support wildlife habitat. 	<ul style="list-style-type: none"> • A 1.15 ha portion of the existing woodlot is being preserved as Significant Woodland and will be dedicated to the City. As the remaining woodlot will be preserved in its natural state, pedestrian access will be discouraged. The woodlot being maintained is contiguous with the existing Crerar Natural Open Space and will support habitat for wildlife. Opportunities to further preserve any existing natural features will be explored during the detailed design stage; • Butternut is regulated under the <i>Endangered Species Act</i> (2007), which is under the jurisdiction of the Ministry of Environment, Conservation, and Parks (MOECP), and requires to be assessed by a qualified Butternut Health assessor which is addressed as Condition No. 21 of Appendix “H” attached to Report PED21221; • The Geotechnical Investigation, prepared by Landtek Limited and dated September 4, 2020, notes that the dolostone / limestone bedrock will require the use of more unconventional, heavier excavation equipment such as a rock chisel/breaker or a rock-ripping (tiger teeth-fitted) excavator bucket, particularly as the competence of dolostone / limestone bedrock tends to improve very quickly with depth. The dolostone / limestone bedrock is expected to remain relatively stable at near vertical slopes for short periods of time. Blasting has not been proposed; and, • As shown in the Tree Management Plan, prepared by Adesso Design and dated August 13, 2021, the Bur Oaks are on City owned lands and are proposed to be removed as a retaining wall is proposed within the root zone. The Forestry and Horticulture Section is in a position to approve the Tree Management Plan, subject to minor revisions.
<p>Schools</p>	<ul style="list-style-type: none"> • There are no public or private schools in this neighbourhood. 	<ul style="list-style-type: none"> • This matter is under school board jurisdiction. It is noted Guido de Brès Christian High School is located east of the subject lands.

Perceived Loss of Property Values	<ul style="list-style-type: none"> The proposed development will lower the value of homes in the area. 	<ul style="list-style-type: none"> The City is not aware of any empirical evidence to support this claim.
Safety and Crime	<ul style="list-style-type: none"> An increase in population will result in an increase in crime. 	<ul style="list-style-type: none"> It is important that development be properly designed to create safe conditions, and to note that increases in population density does not directly correlate to an increase in crime. Effectively reducing opportunities for crime is achieved through implementing Crime Prevention Through Environmental Design (CPTED) principles. The proposed development achieves these principles by providing opportunities for natural surveillance and visually legible and intuitive means of access as well as defined distinctive public and private property. In this regard, it is important that access to the Significant Woodland be discouraged by means of fencing.
Light Pollution	<ul style="list-style-type: none"> Concerns that the proposed development would create light pollution detrimental to night sky views. 	<ul style="list-style-type: none"> Site Lighting Plans will be required as conditions of Site Plan Control and shall be prepared in accordance with Section 3.9 of the City of Hamilton’s Site Plan Guidelines, which applies standards to ensure minimum light spill over onto adjacent properties.
Public Notice Sign and Circulation Area	<ul style="list-style-type: none"> Residents were concerned that as of February 25, 2021, the public notice sign hadn’t been posted on the subject lands; and, Residents were concerned that the notification radius is insufficient to provide notice to all affected property owners of the Crerar Neighbourhood. 	<ul style="list-style-type: none"> In accordance with the requirements of the <i>Planning Act</i> and the Council Approved Public Participation Policy, notice is sent within a 120 m radius of the site and a Public Notice Sign was posted on the property on February 26, 2021 notifying that a complete Application had been received.
Gated Condominium Property	<ul style="list-style-type: none"> An entrance gate is proposed across the driveway to the proposed common element condominium enclave (Block 2 on the Concept Plan attached as Appendix “F” to Report PED21221) to restrict public access to the property. 	<ul style="list-style-type: none"> The proposed common element condominium will be developed as private property. The proposed access gate will be reviewed during the future Draft Plan of Condominium and Site Plan Control stages to address any public safety issues.

<p>Construction Activities</p>	<ul style="list-style-type: none">• Residents in the area of Dolphin Place, Durrell Court, and Cyprus Drive have endured construction (i.e. mud and debris on the roadways) for several years and request construction vehicles access this development area via Stone Church Road East; and,• There are also concerns that grading activities may cause damage to adjacent fences and dwellings or their foundations.	<ul style="list-style-type: none">• To mitigate impacts of construction activities during development of the site, plans or procedures for dealing with issues concerning dust control is addressed as Condition No. 8 of Appendix "H" attached to Report PED21221 and will be further reviewed at the Site Plan Control stage; and,• The Geotechnical Investigation, prepared by Landtek Limited and dated September 4, 2020, notes that the dolostone / limestone bedrock will require the use of more unconventional, heavier excavation equipment such as a rock chisel/breaker or a rock-ripping (tiger teeth-fitted) excavator bucket, particularly as the competence of dolostone / limestone bedrock tends to improve very quickly with depth. The dolostone / limestone bedrock is expected to remain relatively stable at near vertical slopes for short periods of time. Blasting has not been proposed.
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WELCOME TO THE CITY OF HAMILTON

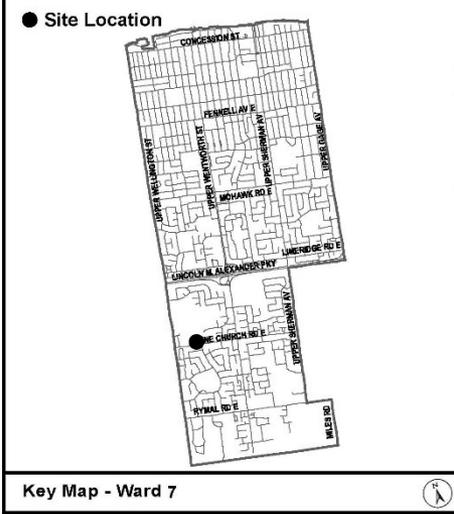
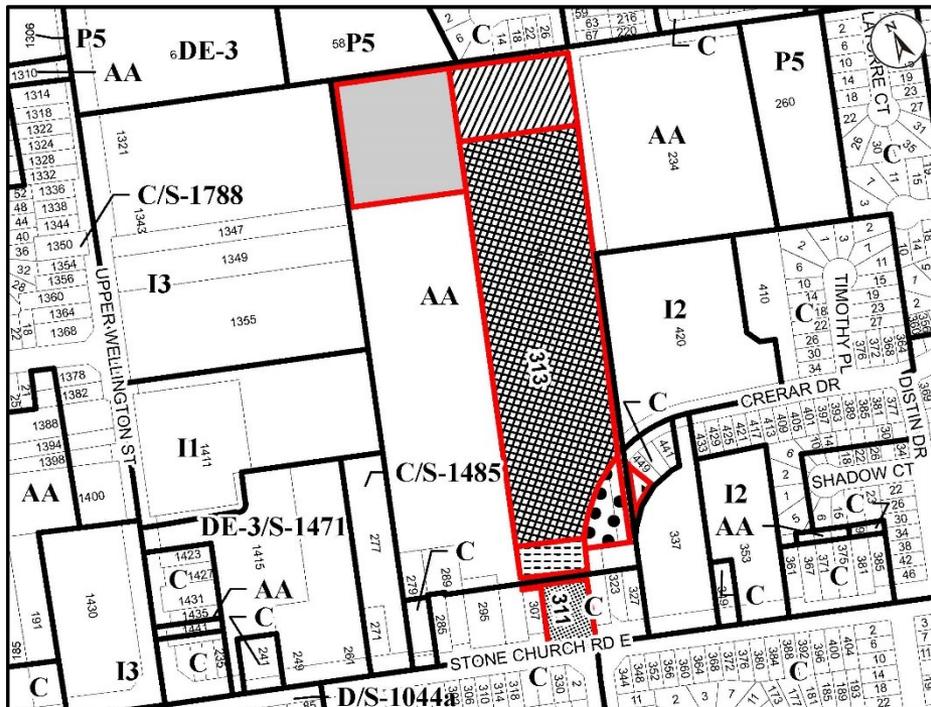
PLANNING COMMITTEE

December 7, 2021

PED21221– (ZAC-21-009 & 25T-202104 & 25CDM-2021005 & 25CDM-2021006 & UHOPA-21-005)

Applications for Amendments to the Urban Hamilton Official Plan, City of Hamilton Zoning By-law No. 6593, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 311 and 313 Stone Church Road East, Hamilton

Presented by: Tim Vrooman



Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Hamilton

File Name/Number: ZAC-21-000, 25T-202104, 25SCDM-2021005, 25CDM-2021006 & UHOPA-21-005		Date: December 2, 2021
Appendix "A"	Scale: N.T.S	Planner/Technician: TV/NB

Subject Property

311 and 313 Stone Church Road East

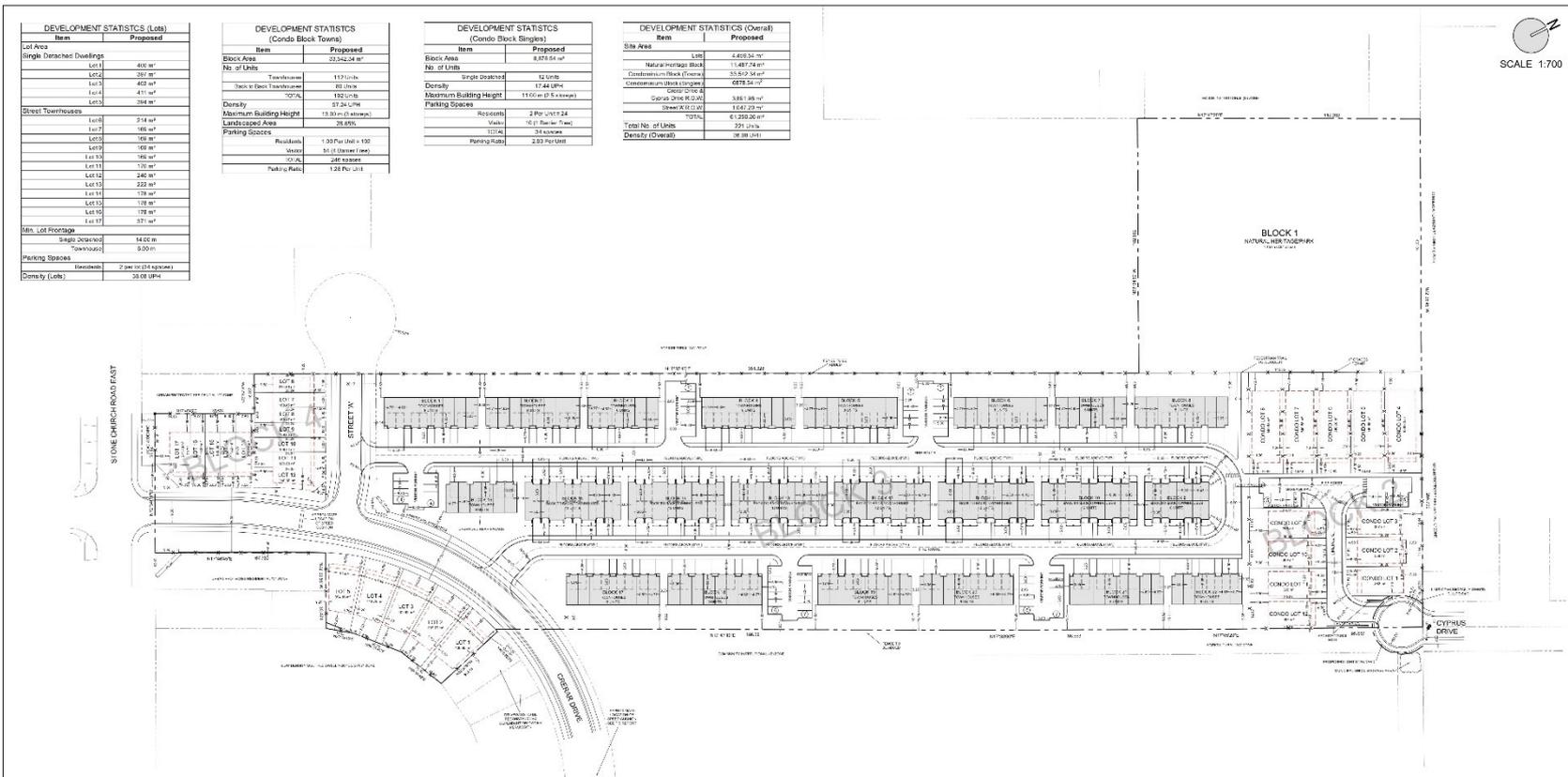
- Block 1 – Change in zoning from the "AA" (Agricultural) District to the "C/S-1811" (Urban Protected Residential, Etc.) District, Modified
- Block 2 – Change in zoning from the "AA" (Agricultural) District to the "RT-20/S-1811" (Townhouse - Masonette) District, Modified
- Block 3 – Change in zoning from the "AA" (Agricultural) District to the "RT-30/S-1811" (Street - Townhouse) District, Modified
- Block 4 – Change in zoning from the "C" (Urban Protected Residential, Etc.) District to the "RT-30/S-1811" (Street - Townhouse) District, Modified
- Block 5 – Change in zoning from the "AA" (Agricultural) District to the "C/S-1811" (Urban Protected Residential, Etc.) District, Modified
- Block 6 – Change in zoning from the "C" (Urban Protected Residential, Etc.) District to the "C/S-1811" (Urban Protected Residential, Etc.) District, Modified
- Lands to be zoned Conservation/Hazard Land (P5) Zone



SUBJECT PROPERTY



311 & 313 Stone Church Road East, Hamilton

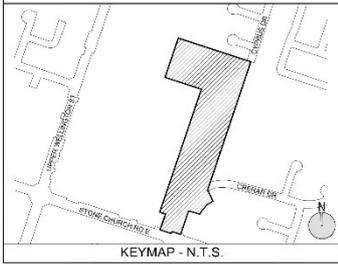


DEVELOPMENT STATISTICS (Lots)	
Item	Proposed
Lot Area	
Single Detached Dwellings	
Lot 1	406 m ²
Lot 2	267 m ²
Lot 3	406 m ²
Lot 4	411 m ²
Lot 5	384 m ²
Street Townhouses	
Lot 6	214 m ²
Lot 7	166 m ²
Lot 8	166 m ²
Lot 9	166 m ²
Lot 10	166 m ²
Lot 11	178 m ²
Lot 12	246 m ²
Lot 13	222 m ²
Lot 14	178 m ²
Lot 15	178 m ²
Lot 16	178 m ²
Lot 17	321 m ²
Min. Lot Frontage	
Single Detached	14.00 m
Townhouses	9.00 m
Parking Spaces	
Residential	2 per lot (24 spaces)
Density (Lots)	20.00 units

DEVELOPMENT STATISTICS (Condo Block Town)	
Item	Proposed
Block Area	22,542.24 m ²
No. of Units	
Townhouses	117 units
Back & Back Townhouses	83 units
Density	57.24 U/LM
Maximum Building Height	13.90 m (45.60 ft)
Landscaped Area	26,895 m ²
Parking Spaces	
Residential	130 Per Unit + 150
Visitor	54 (100m) + 100
Public	250
Parking Ratio	1.25 Per Unit

DEVELOPMENT STATISTICS (Condo Block Single)	
Item	Proposed
Block Area	8,877.64 m ²
No. of Units	
Single Detached	14 units
Density	17.46 U/LM
Maximum Building Height	11.00 m (36.10 ft)
Parking Spaces	
Residential	2 Per Unit + 24
Visitor	10 (100m) + 100
Public	250
Parking Ratio	2.00 Per Unit

DEVELOPMENT STATISTICS (Overall)	
Item	Proposed
Site Area	8,822.55 m ²
Natural Heritage Block	1,487.74 m ²
Condominium Block (Town)	13,502.34 m ²
Condominium Block (Single)	4,772.50 m ²
Street Townhouse	3,361.98 m ²
Street Townhouse	1,642.23 m ²
TOTAL	41,239.30 m ²
Total No. of Units	279 units
Density (Overall)	38.38 U/LM



CONCEPT PLAN

LEGAL DESCRIPTION:
 PARTS OF LOTS 11 AND 12
 CONCESSION 7
 GEORGIC TOWNSHIP OF BAYTON
 IN THE CITY OF HAMILTON
BLOCK 43 PLAN 62M-848

SCALE 1:700

LEGEND:

- SUBJECT LANDS
- PROPOSED PROPERTY LINES
- EXISTING PROPERTY LINES
- PROPOSED BUILDING
- PROPOSED BUILDING ENVELOPES

NOTES: ALL SURFACES ARE ASPHALT OR CONCRETE FOR THE PARKING OR MOVEMENT OF VEHICLES.

PREPARED BY:

URBAN SOLUTIONS
 PLANNING & LAND DEVELOPMENT

3 Studebaker Place, Unit 1
 Hamilton, ON L8L 0C8
 905-546-1087 - UrbanSolutions.info

PROJECT: **LAVITA ESTATES**
 313 STONE CHURCH ROAD EAST
 CITY OF HAMILTON

CLIENT: **DICENZO CONSTRUCTION COMPANY LIMITED**

JOB FILE NUMBER: 281-18 SHEET NUMBER: 1

NOT FOR CONSTRUCTION

DESIGN BY: S. MUKAY	CHECKED BY: S. MANOCHA		
13 NOV 15	US PRELIMINARY COMMENTS		
6 SEPT 21	US PRELIMINARY COMMENTS		
6 AUG 21	US PRELIMINARY COMMENTS		
6 JUN 21	US FOR INFRASTRUCTURE SUBMISSION		
6 NOV 20	US FOR INFRASTRUCTURE SUBMISSION		
5 MAY 22	US PRELIMINARY COMMENTS		
4 JAN 20	US PRELIMINARY COMMENTS		
NO.	DATE	BY	DESCRIPTION
			DRAWING ISSUED REVISIONS



South side of subject site from the south along Brigade Drive



Southwest corner of subject site from Stone Church Road East



Subject site from Crerar Drive to the east



South end of subject site from Crerar Drive terminus



West end of subject site from Crerar Drive terminus



North end of subject site from Crerar Drive terminus



North side of subject site from Cyprus Drive



North interior of subject site from Cyprus Drive terminus



Northwest corner of subject site from Cyprus Drive terminus



View of southeast side of subject site from Crerar Neighbourhood Park



View towards northeast side of subject site from Crerar Neighbourhood Park



View of properties southeast of subject site along Stone Church Road East



View to the east along Stone Church Road East from the south side



View to the east along Stone Church Road East from the north side



View to the west along Stone Church Road East from the south side



View to the west along Stone Church Road East from the north side



Guido de Brès Christian High School east of subject site along Crerar Drive



View along Crerar Drive to the east from the subject site



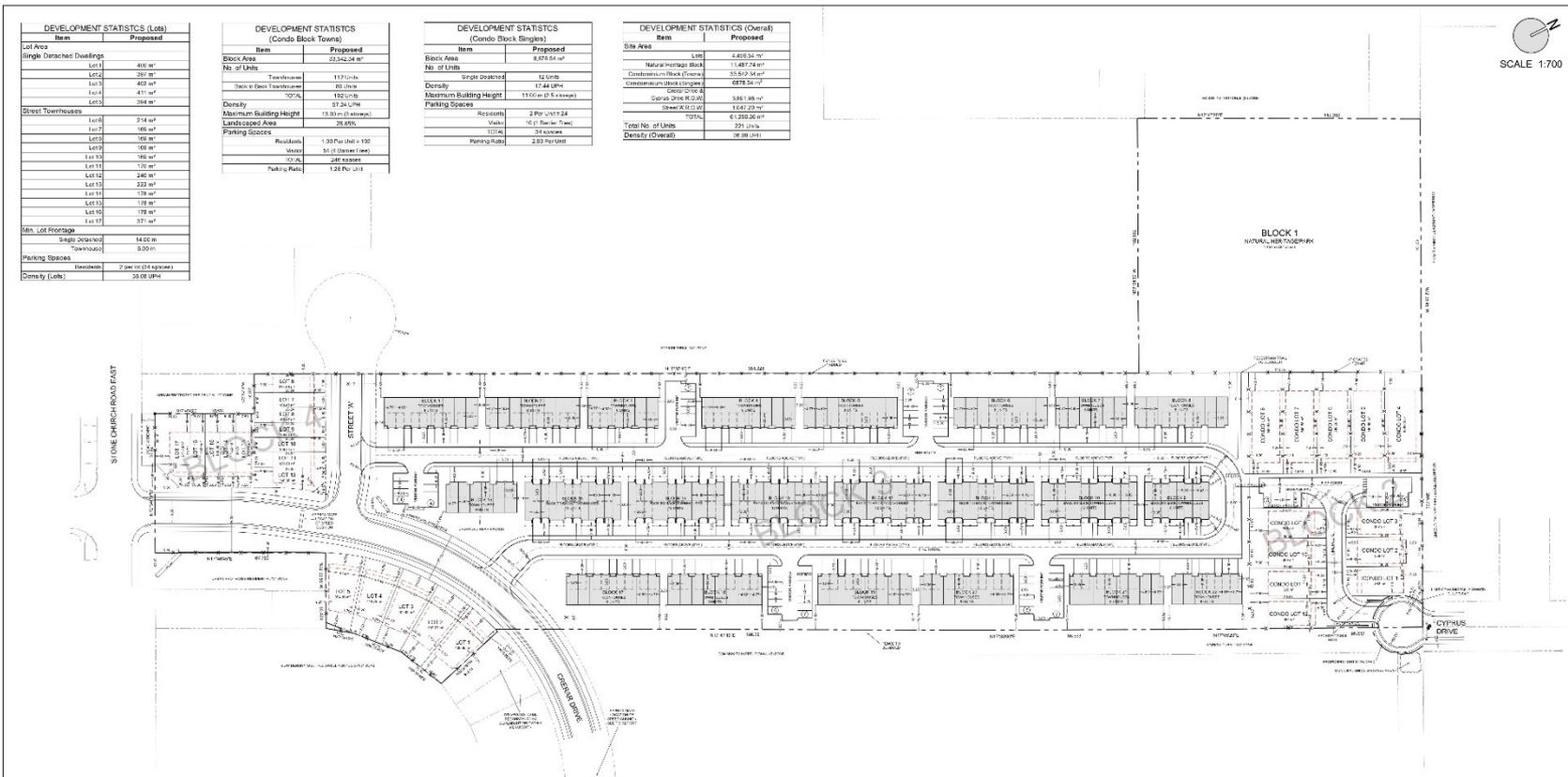
View of east side of Cyprus Drive from the subject site



View of Dolphin Place from Cyprus Drive



SCALE 1:700

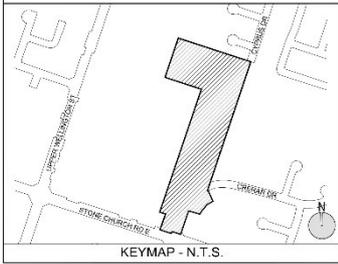


DEVELOPMENT STATISTICS (Lots)	
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Lot6	214 m ²
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Townhouses	117 units
Back & Back Townhouses	83 units
Density	5.24 U/LM
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Landscaped Area	26,895 m ²
Parking Spaces	
Residential	130 Per Unit + 150
Visitor	54 (100m) + 100
Public	250
Parking Ratio	1.25 Per Unit

DEVELOPMENT STATISTICS (Condo Block Single)	
Item	Proposed
Block Area	8,877.64 m ²
No. of Units	
Single Detached	14 units
Density	1.74 U/LM
Maximum Building Height	11.00 m (36.10 ft)
Parking Spaces	
Residential	2 Per Unit (24)
Visitor	10 (100m) + 100
Public	250
Parking Ratio	2.00 Per Unit

DEVELOPMENT STATISTICS (Overall)	
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Site Area	8,802.55 m ²
Natural Heritage Block	1,487.74 m ²
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CONCEPT PLAN

LEGAL DESCRIPTION:
 PARTS OF LOTS 11 AND 12
 CONCESSION 7
 GEORGIC TOWNSHIP OF BAYTON
 IN THE CITY OF HAMILTON
BLOCK 43 PLAN 62M-848

SCALE 1:700

LEGEND:

- SUBJECT LANDS
- PROPOSED PROPERTY LINES
- EXISTING PROPERTY LINES
- PROPOSED BUILDING
- PROPOSED BUILDING ENVELOPES

NOTES: ALL SURFACES ARE ASPHALT OR CONCRETE FOR THE PARKING OR MOVEMENT OF VEHICLES.

PREPARED BY:

URBAN SOLUTIONS
 PLANNING & LAND DEVELOPMENT

3 Studebaker Place, Unit 1
 Hamilton, ON L8L 0C8
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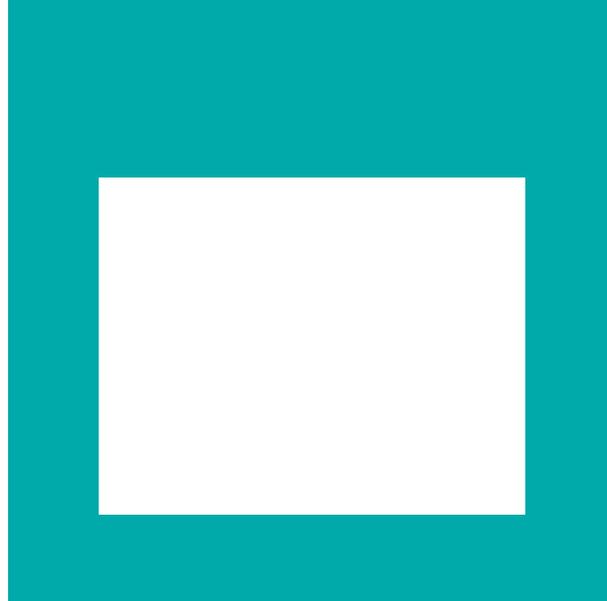
PROJECT: **LAVITA ESTATES**
 313 STONE CHURCH ROAD EAST
 CITY OF HAMILTON

CLIENT: **DICENZO CONSTRUCTION COMPANY LIMITED**

JOB FILE NUMBER: 281-18 SHEET NUMBER: 1

NOT FOR CONSTRUCTION

DESIGN BY: S. MUKAY	CHECKED BY: S. MANCHA		
13 NOV 19 US	PREPARE COMMENTS		
6 SEPT 21 US	PUR CITY COMMENT 3		
6 AUG 21 US	PUR CITY COMMENT 2		
5 JUN 21 US	FOR INCIPAZA SUBMISSION		
6 NOV 20 US	FOR INCIPAZA SUBMISSION		
5 MAY 22 US	PRO CONSULTING COMMENTS		
4 JAN 20 US	PREPARE COMMENTS		
NO.	DATE	BY	DESCRIPTION
			DRAWING ISSUED REVISIONS



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:	December 7, 2021
SUBJECT/REPORT NO:	Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200 for Lands Located at 1290 South Service Road and 5 and 23 Vince Mazza Way (Stoney Creek) (PED21223) (Ward 10)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	Ohi Izirein (905) 546-2424 Ext. 5134
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Urban Hamilton Official Plan Amendment Application UHOPA-21-004, by IBI Group (c/o Jared Marcus, Applicant) on behalf of Winona Point Joint Venture Inc (c/o Fernando Puga, Owner)** to re-designate the subject lands from “District Commercial” to “Neighbourhoods” within the Urban Hamilton Official Plan, and to re-designate the subject lands from “District Commercial” to “Medium Density Residential 2”, remove the subject lands from Area Specific Policy – Area E, and add a new Site Specific Policy within the Fruitland-Winona Secondary Plan; to permit a commercial / residential mixed use development comprised of stacked townhouse dwellings, ground floor commercial space with dwelling units above, and one single storey commercial building, for a total of 454 residential units and 2,475 m² of commercial space, on lands located at 1290 South Service Road and 5 and 23 Vince Mazza Way, as shown on Appendix “A” attached to Report PED21223, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED21223, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

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

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200 for Lands Located at 1290 South Service Road and 5 and 23 Vince Mazza Way (Stoney Creek) (PED21223) (Ward 10) – Page 2 of 48

- (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
- (b) That **Amended Zoning By-law Amendment Application ZAC-21-008, by IBI Group (c/o Jared Marcus, Applicant) on behalf of Winona Point Joint Venture Inc (c/o Fernando Puga, Owner)** to change the zoning from the Community Shopping Centre “SC2-8(H)” Zone, Modified, Holding to the Mixed Use Medium Density (C5, 562) Zone (Block 1) and from the District Commercial (C6, 562) Zone to the Mixed Use Medium Density (C5, 562) Zone (Block 2) to permit a mixed use development with a one-storey commercial building, five, three-storey mixed use buildings with ground floor commercial and 50 stacked townhouse units above, and 12, four-storey stacked townhouse dwellings with 404 units, for a total of 454 residential units and 2,475 m² of commercial space, with surface and underground parking and landscaped amenity areas, on lands located at 1290 South Service Road and 5 and 23 Vince Mazza Way, as shown on Appendix “A” attached to Report PED21223, be **APPROVED** on the following basis:
- (i) That the draft By-law attached as Appendix “C” to Report PED21223, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (i) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX.

EXECUTIVE SUMMARY

The Applicant has applied for an Urban Hamilton Official Plan Amendment and a Zoning By-law Amendment to permit a mixed use development with a one-storey commercial building, five, three-storey mixed use buildings with ground floor commercial and 50 stacked townhouse units above, and 12, four-storey stacked townhouse dwellings with 404 units, for a total of 454 residential units and 2,475 m² of commercial space, with 68 surface and 553 underground parking spaces and landscaped amenity areas.

The Official Plan Amendment proposes to re-designate the subject lands from “District Commercial” to “Neighbourhoods” within the Urban Hamilton Official Plan (UHOP) and to “Medium Density Residential 2” and remove the subject lands from Area Specific

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200 for Lands Located at 1290 South Service Road and 5 and 23 Vince Mazza Way (Stoney Creek) (PED21223) (Ward 10) – Page 3 of 48

Policy – Area E and add a new Site Specific Policy within the Fruitland-Winona Secondary Plan.

The Zoning By-law Amendment proposes to change the zoning from the Community Shopping Centre “SC2-8(H)” Zone, Modified, Holding and the District Commercial (C6, 562) Zone to the Mixed Use Medium Density (C5, 562) Zone. A number of site specific modifications to the Mixed Use Medium Density (C5) Zone are proposed to accommodate the proposed development.

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the general intent and purpose of the UHOP and Fruitland-Winona Secondary Plan. In particular, the proposed development complements the existing function of the neighbourhood by expanding the range of retail and commercial services in addition to providing a range of housing. The proposal provides for residential intensification in a strategic location, ensuring land, municipal services, and transportation systems are used and expanded efficiently and contributes to a full range of residential dwelling types. This proposal will contribute additional density that will strengthen the viability of extending local transit service and sustain the commercial uses in the area.

Alternatives for Consideration – See Page 47

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an Application for an Official Plan Amendment and Zoning By-law Amendment. The proposed Zoning By-law Amendment is to amend a Zoning By-law that remains under appeal to the Ontario Land Tribunal (OLT). Therefore, Council’s approval of the Zoning By-law Amendment will not take effect until either the appeal is withdrawn by the Applicant, a negotiated settlement is reached and approved by the OLT, or alternatively the OLT dismisses the appeal. The staff recommended approval of the zoning application is in effect a negotiated settlement that will be implemented through adoption of a site specific Official Plan Amendment and Zoning By-law Amendment. As of the writing of this report, the Applicant has confirmed their intent to withdraw their appeal

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200 for Lands Located at 1290 South Service Road and 5 and 23 Vince Mazza Way (Stoney Creek) (PED21223) (Ward 10) – Page 4 of 48

upon the proposed Zoning By-law Amendment being passed by Council and becomes final and binding.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	Winona Point Joint Venture Inc (c/o Fernando Puga).
Applicant/Agent:	IBI Group (c/o Jared Marcus).
File Number:	UHOPA-21-004. ZAC-21-008.
Type of Application:	Urban Hamilton Official Plan Amendment. Zoning By-law Amendment.
Original Proposal:	<p>A one-storey commercial building, seven, three-storey mixed use buildings with ground floor commercial space and 54 stacked townhouse units above, 12, four-storey stacked townhouse dwellings with 304 units, and a 28 storey multiple dwelling containing 266 units, for a total of 624 residential units and 2,630 m² of commercial space, with surface, at grade and underground parking, and landscaped amenity areas.</p> <p>As a result of comments and feedback from staff and the public, a revised submission was made, which included the removal of the 28 storey multiple dwelling containing 266 units.</p>
Revised Proposal:	<p>A mixed use development with a one-storey commercial building, five, three-storey mixed use buildings with ground floor commercial and 50 stacked townhouse units above, and 12, four-storey stacked townhouse dwellings with 404 units, for a total of 454 residential units and 2,475 m² of commercial space, with 68 surface and 553 underground parking spaces with two accesses from Vince Mazza Way, and landscaped amenity areas including a woonerf inspired parkette with a covered seating area, community garden, children's play structure, and a multipurpose spray pad / skating rink, interior courtyards with raised planter beds between dwellings, and a stroll garden along the north portion of the site (see the Preliminary Site Plan and Building Elevations attached as Appendix "F" to Report PED21223).</p>

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SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200 for Lands Located at 1290 South Service Road and 5 and 23 Vince Mazza Way (Stoney Creek) (PED21223) (Ward 10) – Page 5 of 48

Property Details	
Municipal Address:	1290 South Service Road and 5 and 23 Vince Mazza Way (see Location Map attached as Appendix “A” to Report PED21223).
Lot Area:	±3.5 ha (rectangular).
Servicing:	Full municipal services.
Existing Use:	Vacant.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	“Neighbourhoods” on Schedule E – Urban Structure and “District Commercial” on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	“Neighbourhoods” designation.
Secondary Plan Existing:	“District Commercial” and within “Area Specific Policy E” area in the Fruitland-Winona Secondary Plan.
Secondary Plan Proposed:	“Medium Density Residential 2” Designation, remove the lands from “Area Specific Policy – Area E”, and add a new Site Specific Policy to the Fruitland-Winona Secondary Plan.
Zoning Existing:	<ul style="list-style-type: none"> • 1290 South Service Road: Community Shopping Centre “SC2-8(H)” Zone, Modified, Holding (in effect); and, District Commercial (C6, 562) Zone (under appeal); and, • 5 and 23 Vince Mazza Way: District Commercial (C6, 562) Zone. (Refer to the Location Map attached as Appendix “A” to Report PED21223).
Zoning Proposed:	Mixed Use Medium Density (C5, 562) Zone.
Modifications Proposed:	<p>The Applicant proposed the following modifications:</p> <ul style="list-style-type: none"> • Surfaces of Parking Spaces and Parking Lots to include exhaust and intake vents provided at grade; and, • Minimum Barrier Free Parking Space Sizes from 4.4 metres to 2.4 metres (AODA Type A) or 3.4 metres (AODA Type B) accompanied by a 1.5 metre shared painted aisle. Staff revised the modification to 2.8 metres in width accompanied by a 1.5 metre shared painted aisle.

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<p>Modifications Proposed Continued:</p>	<ul style="list-style-type: none"> • Landscaped Area(s) or Landscaped Parking Island(s) Within a Parking Lot from 10% to 7% of the area of the parking lot; • Minimum Number of Barrier Free Parking Spaces from a proportion of the total required parking provided to a fixed number; • Number of Parking Spaces for Multiple Dwellings and Commercial Uses from a range based on use, unit sizes and numbers, to a minimum 1.25 and maximum 1.5 parking spaces per dwelling unit and a specific per gross floor area per commercial unit; and, • Bicycle Parking Requirements from a range based on use and unit sizes to 94 for Multiple Dwellings and to extend none required for certain commercial uses under 450 m² to apply to all commercial uses. • Building Setback from a Street Line from a minimum of 3.0 metres and maximum of 4.5 metres to varied setbacks based on use and street frontage, including 0.0 metres from the Vince Mazza Way street line. Staff revised the modification to a minimum of 0.9 metres for commercial uses, 3.0 metres for dwelling units, and 0.6 metres from a daylighting triangle or curve consistent with the proposed development; • Exclusion of Minimum Rear Yard requirements as the site fronts a street on all sides; • Building Height from a minimum of 7.5 metres and maximum of 22.0 metres to a minimum of 5.0 metres and a maximum of 16.0 metres; and, • Built form for New Development for the orientation of principal building entrances towards the street to only apply to commercial uses. <p>The Applicant also requested that Permitted Yard Encroachment regulations not apply. As a result of the above noted revisions to minimum Building Setback from a Street Line, these regulations remain applicable to the proposed development, and therefore these modifications have not been included within the proposed Zoning By-law Amendment.</p>
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Modifications Proposed Continued:	In addition, staff have included the following modifications: <ul style="list-style-type: none"> • Additional Prohibited Uses (i.e. large scale, institutional, and automobile-oriented uses); • Adding a Minimum Gross Floor Area for Retail and Service Commercial Uses of 1,900 m²; • Built form for New Development for existing regulations that are not yet final and binding; and, • Limiting Minimum Amenity Area for Dwelling Units and Multiple Dwellings for balcony or rooftop amenity areas to less than 4.0 metres in depth. • (See Appendix “D” attached to Report PED21223).
Processing Details	
Received:	December 22, 2020.
Deemed Complete:	January 21, 2021.
Notice of Complete Application:	Sent to 17 property owners within 120 m of the subject lands on February 5, 2021.
Public Notice Sign:	Posted February 3, 2021, updated with revised project description on June 11, 2021, and updated with Public Meeting date November 10, 2021.
Notice of Public Meeting:	Sent to 339 addresses including those within 120 m of the subject lands. Council directed that the circulation be increased to include the area north of the Queen Elizabeth Way Highway in the area of Baseline Road and Riviera Ridge, and other interested persons requesting to be notified on November 19, 2021.
Public Comments:	37 letters / emails: 32 expressing concern and five requesting information (see Appendix “G” attached to Report PED21223). The comments received by the City are summarized on page 38.
Revised Concepts:	June 6, 2021.
Processing Time:	350 days, 184 days from receipt of amended Application.

Background

On October 29, 2003, Council adopted Amendment No. 14 to the Hamilton-Wentworth Official Plan and Amendment No. 99 to the City of Stoney Creek Official Plan to expand the “Urban Area” boundary in lower Stoney Creek, better known as the Stoney Creek Urban Boundary Expansion (SCUBE). The amendments were approved, with modifications to Amendment No. 99, on April 30, 2007 by the OLT (known as the Ontario Municipal Board at the time). Amendment No. 99 incorporated “Special Policy

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Area F” into the Stoney Creek Official Plan, requiring a general land use concept based on housing, population, schools, commercial, and employment lands for several areas including the subject lands and surrounding area. Amendment No. 99 also required the municipality to evaluate the appropriateness of commercial development in and around the subject lands.

On June 23, 2008, the Committee of the Whole considered a staff report on the Municipal Comprehensive Review and Conversion Analysis for Employment Lands Study, and adopted the following resolution with respect to the subject lands and surrounding area:

- “(b) That in addition to the recommended conversions sites contained in Appendix “B” to Report PED08066(a), the following areas be identified as Council exceptions:
- (iv) The site at the southwest quadrant of QEW and Fifty Road from the City’s employment lands study and employment land bank, and that the site be deemed to permit a mix of land uses, including commercial uses;”

This resolution was confirmed by Council at its meeting of June 25, 2008.

On August 13, 2009, Council approved By-law No. 09-183 for Official Plan Amendment No. 36 to the Official Plan of the former Regional Municipality of Hamilton-Wentworth; and, Official Plan Amendment No. 150 to the Official Plan of the former City of Stoney Creek regarding the subject lands and surrounding area.

- Official Plan Amendment No. 36 (Hamilton-Wentworth Regional Official Plan, “HWROPA”) added the following:

“Notwithstanding Policy C.3.1.3.1, recognize the City of Stoney Creek’s plans to develop a portion of their business park (lands located from Winona Road to Fifty Road in-between the QEW and CN Railway) as a Mixed Use Centre, which could include a department store, grocery store, and inter-regional, multi modal transportation terminal utilizing special location aspects of exposure and access to the QEW. The Stoney Creek Official Plan will contain detailed policies to ensure development of the areas as a Mixed Use Centre.”
- Official Plan Amendment No. 150 (Stoney Creek Official Plan, “SCOPA”) added the following to “Special Policy Area F”:

“12.6.2 In addition to Policy 12.6.1, the lands located at the southwest corner of Queen Elizabeth Way and Fifty Road, east of Winona Road, identified as Parcel B1 on Schedule A - General Land Use Plan, shall be developed

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as a mixed use centre including a range of retail uses and an inter-regional, multi modal transportation terminal.

12.6.2.1 Permitted Uses

- c) No residential uses shall be permitted.”

Within Report PED09157 and supporting materials for lands located at 1310 South Service Road, references were made to ‘a mix of commercial and employment uses’ that implemented the above Council resolution by expanding the range of uses of the “SC2” Zone and retaining the employment intent of the existing designation. The above policy framework was carried forward into the Fruitland-Winona Secondary Plan (FWSP), as discussed in the FWSP Summary Report (2013); particularly through Area Specific Policy – Area E and Area Specific Policy – Area G.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Vacant.	Community Shopping Centre “SC2-8(H)” Zone, Modified, Holding and District Commercial (C6, 562, H64) Zone (under appeal as it relates to lands known as 1290 South Service Road).

Surrounding Land Uses:

North	QEW Highway and Block Townhouses.	Multiple Residential “RM3” Zone and Multiple Residential “RM3-62” Zone, Modified.
South	Vacant Land, Motor Vehicle Gas Bar, and Large Format Retail Warehouse.	District Commercial (C6, 301) Zone.
East	Vacant Land and Commercial Uses.	District Commercial (C6, 301, H112) Zone and District Commercial (C6, 301) Zone.

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West Industrial Building with office space, manufacturing, and warehousing, Warehousing, and Single Detached Dwellings. Prestige Business Park (M3) Zone.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020)

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

- “1.1.1 Healthy, liveable and safe communities are sustained by:
- a) Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
 - b) Accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs; and,
 - e) Promoting the integration of land use planning, growth management, *transit-supportive* development, *intensification* and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- 1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted;

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1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:

- a) Efficiently use land and resources;
- b) Are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and / or uneconomical expansion;
- e) Support *active transportation*; and,
- f) Are *transit-supportive*, where transit is planned, exists or may be developed;

Land use patterns within *settlement areas* shall also be based on a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *transit-supportive* development, accommodating a significant supply and range of *housing options* through *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs;

1.7.1 Long-term economic prosperity should be supported by:

- b) Encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of *housing options* for a diverse workforce; and,
- e) Encouraging a sense of place, by promoting well-designed built form...”

The proposed development is located within the settlement area and proposes residential intensification on underutilized lands. The subject lands are well serviced by a comprehensive street network being located along minor arterial and collector road corridors, where intensification is to be directed, and has municipal infrastructure and services available to support the proposed development with planned improvements to the area road network. The subject lands are appropriate for residential intensification to address housing needs, which would support active transportation, and is transit

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supportive. The development of a mixed use commercial and residential community is an efficient use of land, an appropriate development for the site, which will complement the existing surrounding area.

The development of a higher order multi-modal transportation terminal conceptually identified on the BLAST network, as shown on Appendix “B” of Volume 1 of the UHOP, within the vicinity of the intersection of Fifty Road and South Service Road is pending the extension of Light Rail Transit (LRT) service and a combination LRT / Government of Ontario (GO) Transit rail station hub. Until formal planning for a local fixed transit route extension to the area is implemented, the area will be serviced by Trans Cab, linking the subject lands to the existing local transit route terminus at the Municipal Service Centre on Highway No. 8. The addition of 454 residential units supports existing and future transit in the area.

Noise

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

The lands front the QEW, a Provincial Highway, South Service Road, a minor arterial, and Winona Road, a collector road, as identified on Schedule C – Functional Road Classification in the UHOP. The proposed development is a sensitive land use (residential) in the vicinity of significant employment (industrial) areas and road network. Staff have reviewed the updated environmental noise impact study titled “*Environmental Noise and Vibration Assessment*”, prepared by SLR Consulting (Canada) Ltd. and dated June 2, 2021 for the proposed development. The aforementioned study has reviewed potential road and stationary noise impacts on the proposed development.

In accordance with Ministry of Environment, Conservation and Parks (MOECP) guidelines, sound level limits are specified for outdoor living areas (OLAs) which include balconies and rooftop amenity areas with a minimum depth of 4.0 metres. All proposed balconies and rooftop amenity areas are less than 4.0 metres in depth and therefore are not considered OLAs. To ensure conformance, this matter is addressed through the implementing Zoning By-law (attached as Appendix “C” to Report PED21223) and will be further reviewed in the future at the Site Plan Control stage.

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In addition, the proposed play area at grade is accessible to the general public and is not considered a dedicated OLA. Based on the results of the study, no noise barriers are required to support the development.

The revised study has also confirmed that a Vibration Study is not required due to the physical separation from the CN tracks to the south. However, the report does not indicate what the mitigated sound levels for noise-sensitive indoor living areas (i.e. living rooms and sleeping quarters) would be once the recommended building components have been incorporated into the development.

Staff are generally satisfied with the findings of the study, subject to the submission of a detailed noise study to identify the specific building materials, confirm grading information, address potential noise from the parkade ramp, and confirm the location of any unitary equipment on site. This issue will be further addressed at the future Site Plan Control stage when warning clauses are to be identified and implemented through acknowledgments and undertakings in all offers of purchase and sale or lease agreements. Further, should the proposed development be subject to a future Draft Plan of Condominium application, the necessary noise warning clauses will be included within the registerable portion of the Condominium Agreement.

Archaeology

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

As part of a previous Application (ZAC-14-040) related to the subject lands, a Stage 1 and 2 Archaeological Report (P064-288-2009) was submitted to the City of Hamilton and the Ministry of Heritage, Sport, Tourism and Culture Industries. The Ministry of Heritage, Sport, Tourism and Culture Industries provided a clearance letter dated August 9, 2011 regarding the Stage 1 and 2 Archaeological Assessment. Staff reviewed the assessment and concur with the recommendations made in the Report, and the archaeology condition for the subject Application has been met to the satisfaction of staff.

Based on the foregoing, the proposal is consistent with the PPS (2020).

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

The policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) apply to any Planning decision. The proposal conforms to the Guiding

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Principles, Section 1.2.1 of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended). The following policies, amongst others, apply to this proposal.

“2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:

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

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

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

The subject lands are within the Urban Boundary and Built-up Area in a settlement area, with existing and planned municipal services. The proposed commercial / residential mixed use development, will complement existing surrounding development, ensuring

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that new residential development with appropriate densities, a full range of housing options, and commercial uses support the achievement of complete communities.

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

Urban Hamilton Official Plan (UHOP) and Fruitland-Winona Secondary Plan

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “District Commercial” on Schedule E-1 – Urban Land Use Designations. The lands are also designated “District Commercial” and located within “Area Specific Policy Area E” on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan. The following policies, amongst others, apply to the proposal:

Urban Structure and Commercial and Mixed Use and Neighbourhoods Designations
“Volume 1:

- E.2.6.2 Neighbourhoods shall primarily consist of residential uses and complementary facilities and services intended to serve the residents. These facilities and services may include parks, schools, trails, recreation centres, places of worship, small retail stores, offices, restaurants, and personal and government services;
- E.2.6.5 The Neighbourhoods element of the urban structure shall permit a range of commercial uses including retail stores and services. These commercial uses may be clustered into plaza forms or in main street configurations. Over time, some of these commercial areas may evolve into a mixed use form, where appropriate;
- E.2.6.7 Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes *compatible* with the existing character or function of the neighbourhood shall be permitted. Applications for *development* and *residential intensification* within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Sections B.2.4 – Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 – Commercial and Mixed Use Designations, and, E.6.0 – Institutional Designation;
- E.4.2.4 The majority of retail and service commercial uses shall be directed to the Mixed Use designations in the *Urban Nodes* and *Urban Corridors*. The

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Mixed Use designations also apply to smaller mixed use areas outside the *Urban Nodes* and *Urban Corridors*. These smaller mixed use areas are intended to serve the needs of the surrounding neighbourhoods;

- E.4.2.5 A more limited range of retail uses shall be permitted in the District Commercial designation to serve the day-to-day and weekly shopping needs of residents in the surrounding neighbourhood but in a primarily non-mixed use environment;
- E.4.2.9 Notwithstanding Policies E.4.2.3 and E.4.2.6, four major commercial areas currently exist in the City of Hamilton that exceed 25,000 square metres of retail and commercial service space, but are not anticipated to evolve into mixed use areas during the life of this Plan. These four areas are not identified as *Urban Nodes* or *Urban Corridors*, are within the Neighbourhood element of the Urban Structure on Schedule E – Urban Structure, are designated District Commercial on Schedule E-1 – Urban Land Use Designations and have area or site specific requirements contained in Volume 2 or Volume 3. The amount or type of retail uses in these locations shall not be expanded without an amendment to the Urban Structure. The four major commercial areas are located:
- c) In the area, south of the QEW, west of Fifty Road, north of the CN Railway and east of Winona Road;
- E.4.7.2 The following uses shall be permitted on lands designated District Commercial on Schedule E-1 – Urban Land Use Designations:
- a) Commercial uses including retail stores, personal services, financial establishments, live work units, restaurants, including gas bars, car washes, and service stations;
- b) Medical clinics and offices provided they are located above the first storey; (OPA 64)
- c) Residential uses provided they are located above the first storey of a mixed use building; and,
- d) Accessory uses;

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- E.4.7.4 The specific permitted heights and densities shall depend on the area and may be further refined through detailed secondary plans or the Zoning By-law;
- E.4.7.5 The built form may include stand-alone stores, multiple unit commercial buildings or live-work buildings;
- E.4.7.9 Although residential development is permitted and encouraged, it is not the intent of the Plan for the District Commercial designated areas to lose the planned retail and service commercial function set out in this Plan;

Volume 2:

- B.7.4.5.4 District Commercial Designation Section E.4.7 – District Commercial Designation of Volume 1 shall apply to lands designated District Commercial on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan; and,
- B.7.4.18.5 For the lands located south of the South Service Road and on the east side of Winona Road, as shown as Area Specific Policy – Area E on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan, the following policies shall apply:
- a) In addition to Policy E.4.7.2 – District Commercial of Volume 1, the following uses shall be permitted:
 - i) Arts and cultural uses;
 - ii) Entertainment uses; and,
 - iii) Free standing offices;
 - b) Notwithstanding Policy E.4.7.2 (a) and (c), residential and live work units shall not be permitted.”

With reference to the above policies, particularly E.4.2.5, the intent of E.4.7.2 (c) along with Volume 2, and E.4.7.9 of the UHOP, an Official Plan Amendment is necessary to re-designate the subject lands to facilitate the proposed mixed use development. The subject lands are located within the Neighbourhoods element and not within an Urban Node or Urban Corridor. While Policy E.4.2.9 states that the subject lands are not anticipated to evolve into mixed use areas during the life of this Official Plan, the applicant has noted in their Planning Justification Report, prepared by IBI Group and dated December 18, 2020, that previous marketing strategies to develop the lands

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under the current designation has not been successful, and confirming the conclusion reached in the Fruitland-Winona Secondary Plan Summary Report (2013) that there is a surplus of commercial lands within the secondary plan area.

The Official Plan Amendment application proposes to re-designate the subject lands to “Mixed Use - Medium Density” in both the UHOP and the Fruitland-Winona Secondary Plan (FWSP). The proposed Official Plan Amendment, attached as Appendix “B” to Report PED21223, was amended by staff to re-designate the subject lands to the “Neighbourhoods” designation within the UHOP and to the “Medium Density Residential 2” designation within the FWSP. The proposed “Medium Density Residential 2” designation is presently incorporated within the FWSP. Along with the site specific policies, the proposed “Medium Density Residential 2” designation is the most appropriate of the current FWSP designations for the proposed development.

The function of the Neighbourhoods and Medium Density Residential 2 Designations is as follows:

“Volume 1:

- E.3.2.1 Areas designated Neighbourhoods shall function as *complete communities*, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents;
- E.3.2.2 The Neighbourhoods designation applies to lands generally greater than 4 hectares in size designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations;
- E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
 - a) Residential dwellings, including second dwelling units and *housing with supports*.; ...and,
 - d) Local commercial uses;
- E.3.5.1 Medium density residential areas are characterized by *multiple dwelling* forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads;

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- E.3.5.2 Uses permitted in medium density residential areas include *multiple dwellings* except street townhouses;
- E.3.5.4 Local commercial uses may be permitted on the ground floor of buildings containing *multiple dwellings*, provided the provisions of Section E.3.8 – Local Commercial are satisfied;
- E.3.5.5 Medium density residential uses shall be located within safe and convenient walking distance of existing or planned *community facilities*, public transit, schools, active or passive recreational facilities, and local or District Commercial uses;
- E.3.8.4 Local commercial uses may be permitted in the following built forms:
- a) small single-use buildings such as those occupied by a convenience store or a medical office;
 - b) a plaza form at varying scales containing multiple commercial uses;
 - c) a main street configuration with multiple commercial uses; or,
 - d) multiple storey buildings with the local commercial uses on the ground floor and residential units above;

Volume 2:

B.7.4.4.6 Medium Density Residential 2 Designation

In addition to Section E.3.5 - Medium Density Residential Policies of Volume 1, for lands designated Medium Density Residential 2 on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan, the following policies shall apply:

- b) Notwithstanding Policy E.3.5.7 of Volume 1, the net residential density shall be greater than 60 units per hectare and shall not exceed 75 units per hectare; and,
- c) Notwithstanding Policy E.3.5.8 of Volume 1, the maximum height shall be 3.5 storeys.”

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As per the policies above, the Neighbourhoods element of Schedule E – Urban Structure primarily consists of residential uses, and a range of commercial uses including retail stores and services. These commercial uses may be clustered into plaza forms or in main street configurations, and may evolve into a mixed use form, where appropriate. In considering the proposed redesignations from “District Commercial” to “Neighbourhoods” and “Medium Density Residential 2”, it is noted that the UHOP policies support, encourage, and promote residential intensification throughout the built-up area, including lands within the Neighbourhoods element. The proposed development achieves the functions of the Neighbourhoods element and meets an objective of the Fruitland-Winona Secondary Plan to ensure new development maintains a balance of residential uses, commercial uses, open space, and community facilities/services that interface well with the existing communities.

The proposed development of multiple storey buildings with the local commercial uses on the ground floor and residential units above, and stacked townhouse dwellings (a form of multiple dwelling) are permitted uses and built forms within the proposed “Neighbourhoods” and “Medium Density Residential 2” Designations. In order to comply with the policies of the “Medium Density Residential 2” designation, the following Site Specific policies are proposed:

- To permit the Neighbourhoods designation to apply to the subject lands with a size of ± 3.5 hectares, whereas generally greater than four hectares in size is required;
- To permit a single use commercial building for retail and service commercial uses;
- To permit a maximum net residential density of 132 units per hectare, whereas a maximum density of 75 units per hectare is permitted; and,
- To permit a maximum building height of four storeys, whereas a maximum building height of 3.5 storeys is permitted.

When considering appropriate locations for mixed use forms, Policy E.3.5.5 states that medium density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities/services, including public transit, schools, and active or passive recreational facilities. The subject lands are separated from existing residential neighbourhoods by the QEW Highway and the hydro/railway corridors to the north and south. Lands to the east and west of the subject lands are developed with employment uses and District Commercial uses. However, there are a range of commercial, institutional, and recreational uses found both within the proposed development and within proximity to the subject lands to meet the long-term needs of future residents.

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While some pedestrian connections to nearby residential neighbourhoods currently exist in the form of sidewalks and bicycle routes along Winona Road, the development of the subject lands for residential mixed use would provide an opportunity to connect the residential neighbourhoods to the north and south. As noted in the Planning Justification Report, prepared by IBI Group and dated December 18, 2020, the population growth associated with the proposed development would present opportunities for greater investment by the City to improve pedestrian and cycling connections along Winona Road and to expand transit service to this area.

The proposed residential uses will complement the surrounding and proposed commercial uses, which permit a range of entertainment, service, and retail uses to meet the needs of future residents. Growth in residential population is expected to support the need for future transit services to the area. It is staff's opinion that the subject lands are an appropriate location for residential intensification given the site's location adjacent to major transportation routes and proximity to employment and commercial lands.

Residential Intensification and Compatibility

"Volume 1:

"B.2.4.1.4 *Residential intensification* developments shall be evaluated based on the following criteria:

- a) A balanced evaluation of the criteria in b) through g), as follows;
- b) The relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) The development's contribution to maintaining and achieving a range of dwelling types and tenures;
- d) The compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- e) The development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) Infrastructure and transportation capacity; and,

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g) The ability of the development to comply with all applicable policies;

B.2.4.2.2 When considering an application for a residential intensification *development* within the Neighbourhoods designation, the following matters shall be evaluated:

- a) The matters listed in Policy B.2.4.1.4;
- b) *Compatibility* with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) The relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) The consideration of transitions in height and density to adjacent residential buildings;
- f) The provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) The ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) The ability to complement the existing functions of the neighbourhood; and,
- j) Infrastructure and transportation capacity and impacts;

Volume 2:

B.7.4.3 The Fruitland-Winona Secondary Plan has been developed to guide development within the Secondary Plan area. The following policies address land uses and other matters common to all parts of the Fruitland-Winona Secondary Plan area:

- d) When reviewing an application for development within the Fruitland Winona Secondary Plan area, the following matters shall be evaluated:

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- i) Compatibility with adjacent land uses including matters such as shadowing, grading, overlook, noise, lighting, traffic and other nuisance effects;
- ii) Transition in height and density to adjacent and existing residential development;
- iii) The relationship of the proposed lot(s) with adjacent and existing lot pattern and configuration; and,
- iv) The policies in Section 7.4.14 – Block Servicing Strategy and all other applicable policies of this Secondary Plan.”

The proposed development increases the amount of housing options in the City to accommodate anticipated residential growth through residential intensification and contributes to a mix and range of dwelling types and tenures available in the Fruitland - Winona community. The proposed mixed use community has incorporated unique publicly accessible landscape features such as a woonerf inspired parkette with a covered seating area, community garden, children’s play structure, and a multipurpose spray pad / skating rink, interior courtyards with raised planter beds between dwellings, a commercial plaza along Vince Mazza Way, and a stroll garden along the north portion of the site. This mixture of uses and the unique landscaping features will provide opportunities for connections to other residential lands, open spaces and amenities within the surrounding neighbourhoods.

One of the objectives of the Fruitland-Winona Secondary Plan is to ensure that new development respects and enhances the character of existing neighbourhoods. Fifty Road is currently identified as an Urban Corridor, and is located approximately 850 metres from Fifty Road, and is located along an arterial road (South Service Road). The proposed development would be well integrated with the Secondary Corridor along Fifty Road and the lands to the east directly fronting these roadways. The development of a mixed use commercial and residential community would maintain, enhance, and build upon the desirable established patterns and built form to achieve a planned urban structure.

The proposed development represents residential intensification that will be developed with no privacy, overlook, sun shadow, or other negative impacts on adjacent land uses as a result of its location in that it is bounded by roads on all four sides and is surrounded by employment and commercial uses.

The area is well serviced by municipal infrastructure and no road improvements are required as sufficient transportation capacity exists within the road network.

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Urban Design

“Volume 1:

- B.3.3.1.5 Ensure that new *development* is *compatible* with and enhances the character of the existing environment and locale;
- B.3.3.1.8 Promote intensification that makes appropriate and innovative use of buildings and sites and is compatible in form and function to the character of existing communities and neighbourhoods;
- B.3.3.2.3 Urban design should foster a sense of community pride and identity by:
- a) Respecting existing character, development patterns, built form, and landscape;
 - b) Promoting quality design consistent with the locale and surrounding environment;
 - f) Demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;
 - g) Contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;
 - h) Respecting prominent sites, views, and vistas in the City; and,
 - i) Incorporating public art installations as an integral part of urban design;
- B.3.3.2.4 Quality spaces physically and visually connect the public and private realms. Public and private *development* and *redevelopment* should create quality spaces by:
- e) Creating a continuous animated street edge in urban environments;
 - f) Including transitional areas between the public and private spaces where possible through use of features such as landscaping, planters, porches, canopies, and/or stairs; and,

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- g) Creating public spaces that are human-scale, comfortable, and publicly visible with ample building openings and glazing;
- B.3.3.2.10 Streets shall be designed not only as a transportation network but also as important public spaces and shall include, where appropriate:
- a) Adequate and accessible space for pedestrians, bicycles as well as transit, other vehicles, and utilities;
 - b) Continuous sidewalks;
 - c) Landscaping such as street trees and landscaped boulevards;
 - f) Public art; and,
 - g) Amenities and spaces that encourage pedestrian activity and animate the streetscape such as public gathering places, patios and sidewalk cafés.”

As indicated previously, the proposal is compatible with the adjacent land uses in that the site is bounded on all four sides by streets and there are no shadow, overlook or privacy issues. The proposal also includes a private woonerf inspired parkette with a covered seating area, community garden, children’s play structure, and a multipurpose spray pad / skating rink, interior courtyards with raised planter beds between dwellings, and a stroll garden along the north portion of the site. These spaces will encourage pedestrian activity and create publicly accessible amenities. It is noted that a future art installation is proposed in the plaza located in the southwest corner of the development, in the public right-of-way along the bend of Vince Mazza Way. Further to Policy B.3.3.12.4, art installations would be subject to the City’s Art in Public Places Policy (2020).

The interface along the perimeter of the site, such as establishing setbacks in front of building entrances for pedestrian movement, bicycle parking on private property, and to accommodate decorative landscaping or other use-specific facilities, reserving adequate space in the public right-of-way for sidewalks, planted buffers and street trees to establish visual screening and transition from the adjacent roadways, are relevant at this rezoning stage. These matters have been addressed through in the proposed Zoning By-law Amendment attached as Appendix “C” to Report PED21223 and are discussed in greater detail in Appendix “D” attached to Report PED21223. These items will be addressed at the future Site Plan Control stage.

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Integrated Transportation Network

“Volume 1:

- C.4.2.3 All land use planning and design decisions shall be coordinated with, and consider, the integrated transportation network goals and policies of Section C.4.0 – Integrated Transportation Network;
- C.4.2.3.1 The timing of new *developments* shall be coordinated with the availability of adequate, matched transportation network capacity;
- C.4.4.8 The City shall evaluate the potential to establish *rapid transit* within the Primary and Secondary Corridors identified on Schedule E – Urban Structure, and the proposed corridors identified as Potential Rapid Transit Lines on Appendix B – Major Transportation Facilities and Routes; and,
- C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way widths:
- a) Provincial highways, subject to the following general policies:
 - ii) New entrances or the upgrading of entrances within the Ministry of Transportation’s permit control area of a provincial highway shall be subject to the approval of the Ministry of Transportation; and,
 - iii) The City and the Ministry of Transportation shall work cooperatively with respect to the planning of land development and associated access connections within the Ministry of Transportation’s permit control area adjacent to all provincial highways and interchanges within the City, to protect the future capacity and operation of both the provincial highway network and the City’s transportation facilities;
 - d) Minor arterial roads, subject to the following policies:
 - iii) The basic maximum right-of-way widths for minor arterial roads shall be 36.576 metres...;”

The updated Traffic Impact Study (TIS), prepared by Crozier Consulting Engineers and dated September 2021, demonstrates the surrounding road network can accommodate

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the proposed development. The traffic generated by this development is consistent with uses that are permitted under the current commercial zoning.

The proposed development is anticipated to increase the volume of traffic which will result in queuing and delay to the surrounding road network (particularly Fifty Road at South Service Road and the QEW) however, the TIS has adequately demonstrated how these deficiencies can be mitigated through future roadway improvements, including:

- A traffic signal at the intersection of South Service Road at Vince Mazza Way to reduce delay and queuing under 2023 background traffic conditions. The installation of traffic signals is planned for 2023 and currently undergoing detailed design by City staff. Once the planned area road improvements are completed, which include a widening of Fifty Road (per the Barton Street and Fifty Road Improvements Municipal Class Environmental Assessment), the signalization of South Service Road at Vince Mazza Way, and improvements along Winona Road and Vince Mazza Way (as detailed in the Transportation Planning comments in the Relevant Consultation section below), the road network will operate at acceptable levels;
- Improvements to the surrounding pedestrian realm and cycling infrastructure will meet objectives of the Fruitland-Winona Secondary Plan, allowing residents to walk and bike safely to and from existing and proposed schools and parks; and,
- The QEW ramp terminals should be signalized to improve overall operations. Detailed comments from the Ministry of Transportation (MTO) are provided in the Relevant Consultation section below. The MTO has advised that there are no plans to signalize the ramp terminal intersections within the next five years. The TIS will be revised to address these concerns at the future Site Plan Control stage.

South Service Road is classified as a Minor Arterial on Schedule C – Urban Road Classification of the UHOP. The right-of-way alignment along the north side is not defined as it is contiguous with the QEW corridor. Accordingly, a tapered section of land up to approximately 3.5 metres in width is required to be dedicated to the right-of-way along the south side of South Service Road to provide a right-of-way width of 18.288 metres from the centreline. The Applicant has illustrated on the Concept Plan (attached as Appendix “F” to Report PED21223) the required right-of-way dedications. The applicant will be required to dedicate the lands at the Site Plan Control stage.

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Natural Heritage

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

Trees have been identified on the subject property, and staff have reviewed and are satisfied with the submitted Tree Protection Plan, prepared by Adesso Design Inc. (Scott Henderson, landscape architect) and dated June 3, 2021. The Tree Protection Plan surveyed eight trees. To facilitate the proposed development, these trees will need to be removed. Many of the trees on site are Ash species impacted by the Emerald Ash Borer and it is recognized that there are limited opportunities to retain more trees on site. The City requires one for one compensation for any tree (10 cm diameter at breast height (DBH) or greater) that is proposed to be removed from a private property, with said compensation to be identified on the Landscape Plan which will be required at the future Site Plan Control stage. Since one tree is dead, compensation would be required for seven trees.

Infrastructure and Servicing

“C.5.3.11 The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system; and,

C.5.4.2 Any new *development* that occurs shall be responsible for submitting a detailed storm water management plan prior to *development* to properly address on site drainage and to ensure that new *development* has no negative impact on off site drainage.”

The subject lands are serviced by water, storm and sanitary sewer. The Applicant will provide detailed design at the Site Plan Control stage to determine water demand and fire flow calculations.

The subject lands are located within the Stoney Creek Watercourse 9.1 subwatershed which drains to Lake Ontario, which is regulated by the Hamilton Conservation Authority. The site contributes flow to municipal roadside ditches and to a culvert traversing the QEW immediately north of the site. There are no municipal concerns with the subject applications from a stormwater quantity control perspective. To address stormwater quality controls.

Based on the foregoing, the proposal complies with the applicable policies of the UHOP and the FWSP subject to the proposed Official Plan Amendment.

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Stoney Creek Zoning Bylaw No. 3692-92 and Hamilton Zoning By-law No. 05-200

The lands located at 1290 South Service Road are currently zoned Community Shopping Centre “SC2-8(H)” Zone, Modified, Holding in Stoney Creek Zoning By-law No. 3692-92, as shown on Appendix “A” attached to Report PED21223. Rezoning of this property to the District Commercial (C6, 562) Zone under Zoning By-law No. 05-200 was approved by Council on November 8, 2017 through the adoption of new Commercial and Mixed Use Zones. The Applicant has appealed the Council approved zone change to the OLT and, as of the writing of this report, the Applicant has confirmed their intent to withdraw their appeal upon the proposed Zoning By-law Amendment being passed by Council and becoming final and binding.

The lands located at 5 and 23 Vince Mazza Way are currently zoned District Commercial (C6, 562) Zone in Hamilton Zoning By-law No. 05-200, as shown on Appendix “A” attached to Report PED21223.

The Applicant is proposing to add 1290 South Service Road to Hamilton Zoning By-law No. 05-200 and rezone the subject lands to a modified Mixed Use Medium Density (C5) Zone. Site specific modifications to the C5 Zone are required to implement the subject proposal and are discussed in greater detail in Appendix “D” attached to Report PED21223.

Relevant Consultation

Departments and Agencies	
<ul style="list-style-type: none"> • Asset Management, Strategic Planning Division, Public Works Department; • Construction, Strategic Planning Division, Public Works Department; • Landscape Architectural Services, Strategic Planning Division, Public Works Department; • Canada Post Corporation; • Conseil Scolaire Viamonde; and, • Ministry of Environment, Conservation and Parks. 	No Comment.

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Departments and Agencies		
	Comment	Staff Response
Budgets and Fiscal Policy Section, Financial Planning and Policy Division, Corporate Services Department.	<ul style="list-style-type: none"> The owner must pay the outstanding sanitary sewer and connection charges under By-law No. 19-230 and storm sewer, watermain, and connection charges under By-law No. 19-231. 	<ul style="list-style-type: none"> These matters will be addressed at the Site Plan Control stage.
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department.	<ul style="list-style-type: none"> Existing municipal watermain, storm sewer, and sanitary sewer infrastructure is located along the frontages of the subject lands. The property is subject to cost recoveries for the road, sanitary sewer and connections, storm sewer, watermain, and connections; There is currently no sidewalk on Vince Mazza Way along the frontage of the subject lands; Confirmation of the maximum daily dewatering rate is required. Permanent dewatering is not permitted. Detailed design of the building foundation shall be provided and reviewed at the Site Plan Control stage; and, No further comments on stormwater management, sanitary servicing, minor storm servicing, and water servicing at the official plan and zoning by-law amendment stage. These matters will be reviewed at the Site Plan Control stage. 	<ul style="list-style-type: none"> Matters including installation of sidewalk, curb, and street lighting, and detailed foundation, grading and servicing plans will be addressed at the future Site Plan Control stage.

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Departments and Agencies		
	Comment	Staff Response
Forestry and Horticulture Section, Environmental Services Division, Public Works Department.	<ul style="list-style-type: none"> • There are no impacts to municipal tree assets, and a Forestry permit is not required; and, • Approved the Landscape Plan, subject to receipt of applicable fees. 	<ul style="list-style-type: none"> • Fees will be addressed at the future Site Plan Control stage.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department.	<ul style="list-style-type: none"> • Determine if the proposed development will be condominium tenure; and, • Municipal addresses based on Vince Mazza Way will be assigned to each building at the Site Plan Control stage. The address of 1290 South Service Road will eventually be retired. 	<ul style="list-style-type: none"> • These matters will be addressed at the future Site Plan Control stage and the Draft Plan of Condominium, if condominium tenure is considered.
Transit Planning and Infrastructure, Transit Operations Division, Public Works Department.	<ul style="list-style-type: none"> • Although a higher order transit future extension to the Winona Gateway is shown on the BLAST network, the timing and routing for this transit enhancement has not been decided upon and is currently not included within the Ten Year Local Transit Strategy. In addition, formal planning for a local fixed route extension has not taken place; and, • TransCab service continues to be provided, linking the subject lands to the existing local transit route terminus at the Municipal Service Centre on Highway No. 8. TransCab ridership levels are monitored on an on-going basis. 	<ul style="list-style-type: none"> • Noted.

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Departments and Agencies		
	Comment	Staff Response
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department.	<ul style="list-style-type: none"> • The updated Traffic Impact Study (TIS), prepared by Crozier Consulting Engineers and dated September 2021, demonstrates the surrounding road network can accommodate the reduced scale of the proposed development from the original application (which included the proposed 28 storey multiple dwelling); • Traffic generated by the proposed development is in line with uses that are permitted under the current approved commercial zoning; and, • The intersection of South Service Road at Vince Mazza Way is recommended for traffic signals according to the TIS in order to reduce delay and queuing under 2023 background traffic conditions. The installation of traffic signals is planned for 2023 and currently undergoing detailed design by City staff. 	<ul style="list-style-type: none"> • Planned area road improvements to ensure the road network will operate acceptably are noted; and, • The functional and detailed design for all intersection and roadway improvements, traffic calming measures, underground parking ramp design, right-of-way dedication, and site plan details (for large vehicle turning movements, layby design, bicycle parking, etc.) will be addressed at the future Site Plan Control stage.

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Departments and Agencies		
	Comment	Staff Response
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department Continued.	<ul style="list-style-type: none"> • Once the planned area road improvements are completed, which include a widening of Fifty Road (per the Barton Street and Fifty Road Improvements Municipal Class Environmental Assessment) and the signalization of South Service Road at Vince Mazza Way, as well as minor improvements along Vince Mazza Way to facilitate the site, the road network will operate acceptably; • The Transportation Demand Management Report is approved; however, the development must meet the minimum short-term and long-term bicycle parking requirements of the Zoning By-law; and, • To protect the existing and future pedestrian realm, cycling infrastructure and road network, the following are required to implement the recommendations of the TIS and other safety and operational matters at the future Site Plan Control stage: <ul style="list-style-type: none"> ○ The intersection of Winona Road and Vince Mazza Way converted to an all-way stop, at the Applicant's expense. 	

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Departments and Agencies		
	Comment	Staff Response
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department Continued.	<ul style="list-style-type: none"> ○ A functional design and pavement marking and signing plan for the east/west section of Vince Mazza Way including a continuous centre left-turn lane and all-way stop control at Winona Road. ○ This functional design will determine if a minor widening of Vince Mazza Way is required to implement a continuous center left-turn lane or whether the change can be implemented as a road repainting exercise; ○ A letter of credit to cover the proportionate costs of future signalization, if deemed necessary based on future studies, for the bend in Vince Mazza Way and private driveways to adjacent developments; ○ Funds for future traffic calming measures along Winona Road; ○ If the underground parking ramp does not conform to City Standards, a letter signed by a qualified professional certifying the design of the ramp; ○ Right-of-way dedication to South Service Road to achieve a width of 26.213 metres; and, ○ Details regarding on site loading and garbage collection areas and vehicle maneuvering. 	

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Departments and Agencies		
	Comment	Staff Response
Waste Management Operations Section, Environmental Services Division, Public Works Department.	<ul style="list-style-type: none"> As currently designed the development is not serviceable for municipal waste collection; The site plan indicates that the proposed development will have private waste management services; however, the intended waste collection method, waste storage locations, and waste collection staging area(s) should be illustrated; and, The developer/owner must disclose in writing to prospective buyers/tenants that the property is not serviceable for municipal waste collection in all agreements of purchase and sale and/or lease. 	<ul style="list-style-type: none"> These matters will be addressed at the future Site Plan Control stage and the Draft Plan of Condominium stage, if condominium tenure is considered.
Canadian National Railway (CN).	<ul style="list-style-type: none"> The subject lands are located adjacent to CN's Main Line. CN has concerns with developing / densifying residential uses abutting their right-of-way. CN's guidelines reinforce the safety and well-being of any existing and future occupants of the area; Recommends a warning clause be included in all development agreements and agreements of purchase and sale and/or lease that the possibility of future expansion of railway operations may affect the living environment, despite any noise and vibration attenuating measures, and that CN will not be liable for the use and operation of their facilities. 	<ul style="list-style-type: none"> The updated Environmental Noise and Vibration Assessment, prepared by SLR Consulting (Canada) Ltd. and dated June 2, 2021, confirmed that no significant sources of vibration have the potential to impact the development due to the physical separation from the CN tracks to the south; and, Warning clauses and easements will be addressed at the future Site Plan Control stage and the Draft Plan of Condominium stage, if condominium tenure is considered.

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Departments and Agencies		
	Comment	Staff Response
Canadian National Railway (CN) Continued.	<ul style="list-style-type: none"> Requires that future owners be required to grant CN an environmental easement for operational noise and vibration easements. 	
Enbridge Gas Inc.	<ul style="list-style-type: none"> A gas main extension will likely be required to service this development. Gas load requirements will be required; and, Ensure the architect/builder considers the space requirements for gas meters when designing the site plan which must be outside of buildings and fully within private property. 	<ul style="list-style-type: none"> Applicant to contact Enbridge Gas for gas facilities service requirements.
Hamilton Conservation Authority (HCA).	<ul style="list-style-type: none"> The subject lands are located within the Stoney Creek Watercourse 9.1 subwatershed which drains to Lake Ontario. The site contributes flow to municipal roadside ditches and to a culvert traversing the QEW immediately north of the site; Stormwater quantity control is not required in the regulated area downstream of the QEW. Quantity release from the subject lands and on external flows entering the ditches are reviewed by the City and MTO; Additional measures to provide Level 2 quality control requirements at both outlets from the site are required and remain outstanding; and, The subject lands are not regulated by HCA and are not affected by flooding or erosion hazards. 	<ul style="list-style-type: none"> Matters related to the requirements of HCA will be address at the Site Plan Control stage.

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Departments and Agencies		
	Comment	Staff Response
Ministry of Transportation (MTO)	<ul style="list-style-type: none"> • Rooftop and unconventional underground storage are not permitted by MTO. Only manhole accessible underground storage is permitted for storage up to a 100-year storm event to confirm that the proposed development will not impact the MTO's drainage system; • Turning movement and traffic control signal justification counts need to be based on pre-COVID projections using an eight-hour count; • Unmitigated future total traffic queues at the Hamilton-bound offramp exceeds storage (139 metres), which is a safety issue. Future site traffic cannot be accommodated at the QEW ramp terminals without improvements; and, • Signalization of one or both off ramp terminals would improve overall operations, but the Fifty Road and South Service Road intersection also needs to be considered. MTO does not have plans to signalize the ramp terminal intersections within the next five years. In addition to signals, the split offramps will need combining. The TIS assumes signals are in place for the 2023 and 2028 horizons. 	<ul style="list-style-type: none"> • MTO permits, drainage, lighting, and a revised TIS will be further reviewed at the future Site Plan Control stage, with particular focus on improvements to mitigate both future background and total traffic at the QEW interchanges; and, • Only landscaping is proposed within the 14.0 m setback. The proposed landscaping includes a stroll garden with pedestrian walkway, but these features would not be essential to maintain the ongoing function of the development.

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Departments and Agencies		
	Comment	Staff Response
Ministry of Transportation (MTO) Continued.	<ul style="list-style-type: none"> The TIS concludes that the proposed development traffic added to the background traffic doesn't change LOS (F to F), however delay increases eight-29% and v/c worsens. The inclusion of site traffic worsens an already degraded situation. The site is within the MTO Permit Control Area. Applicant is required to obtain MTO Building and Land Use permits prior to any grading / construction. Nothing except at grade surplus parking can be located within the 14.0 m setback from the highway. A detailed site plan, engineering plans, stormwater management plan, traffic impact study, landscape plans, and lighting plan will be required at the Site Plan Control stage. 	

Public Consultation		
	Comment	Staff Response
Proposed 28 Storey Multiple Dwelling	<ul style="list-style-type: none"> Area residents expressed concern that the proposed 28 storey tower was not visually appealing and would impede views of the Niagara Escarpment; and, The proposal presented the tower as a landmark and gateway feature, something which the community hadn't previously requested. 	<ul style="list-style-type: none"> The revised proposal has removed the proposed 28 storey multiple dwelling.

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Public Consultation		
	Comment	Staff Response
Proposed 28 Storey Multiple Dwelling Continued.	<ul style="list-style-type: none"> Residents requested that the applicant adhere to existing maximum building height and noted that removal of the tower would improve overall visual, density, and traffic for the proposed development. 	
Appropriateness of Residential Uses	<ul style="list-style-type: none"> A resident expressed interest that the 28 storey tower was removed alleging this was intentional as a tactic to misdirect attention from the inappropriateness of the development. The lands would be better suited for other commercial uses or convert back to Employment Lands. This is not an appropriate location for multiple dwellings and townhouses; There is concern that the proposal is an over-intensification and overdevelopment of the site, it does not suit the existing character of the Winona neighbourhood, with the resulting population and traffic generation oversaturating the neighbourhood; and, The community would benefit from more shops, not homes, and the loss of commercial lands deters from the shopping experience in other locations in Hamilton or Grimsby. 	<ul style="list-style-type: none"> The proposed development maintains a commercial focus with the provision of 2,475 m² of ground floor commercial units fronting onto Vince Mazza Way, which can provide a variety of commercial uses to enhance the shopping experience within the surrounding commercial area; and, For the reasons discussed in greater detail above, the proposed mixed use development is compatible with the surrounding neighbourhood, and the traffic generated by this development is comparable with what would be generated by the uses currently permitted.

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Public Consultation		
	Comment	Staff Response
Existing Neighbourhood Character, Density and Built Form.	<ul style="list-style-type: none"> The proposed development would negatively impact the character of the Winona neighbourhood, i.e. the quiet, pastoral small town feel and historical character; and, There is a general sentiment that there are already too many new developments in the area. 	<ul style="list-style-type: none"> The Fruitland-Winona Secondary Plan was adopted by Council in 2014 to accommodate commercial and other higher density housing at appropriate locations, to ensure new development respects and enhances the character of existing neighbourhoods, and to provide a balance between a forward-looking community and a small town place to live.
Traffic Volumes, Safety, and Associated Noise	<ul style="list-style-type: none"> There are concerns about increased traffic along South Service Road, Vince Mazza Way, Winona Road, and the QEW; There is concern about how and when the Traffic Impact Study was prepared; and, There are also road safety issues along Winona Road, including a lack of street lights and sidewalks, and increasing traffic, which is noted as exceptionally unsafe for cyclists and children. The roadway provides a key link between the Lakeside and Escarpment side of the Winona Community, and there is a desire for improved sidewalk and trail connections. Questions regarding the possible need for grade separation of Winona Road and the CN Rail crossing were also posed. 	<ul style="list-style-type: none"> The revised Traffic Impact Study (TIS) demonstrates the surrounding road network can accommodate the reduced scale of the proposed development; and, The TIS has been reviewed by Transportation Planning and Ministry of Transportation staff. All Traffic Impact Studies are to be prepared in accordance with the City's Traffic Impact Study Guidelines, July 2009. Turning movement counts were conducted between October and November 2020. Due to changing traffic patterns as a result of the COVID-19 pandemic, City staff compared this data to 2019 data and found the data acceptable.

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Public Consultation		
	Comment	Staff Response
Traffic Volumes, Safety, and Associated Noise Continued.	<ul style="list-style-type: none"> Concerns regarding traffic noise in the proposed development were also expressed; and, A question was raised whether local or higher order transit service will be extended to the area. 	<ul style="list-style-type: none"> To mitigate concerns with traffic infiltration along Winona Road, the intersection at Vince Mazza Way will be converted to an all-way stop and future traffic calming measures along Winona Road will be developed; Staff are satisfied with the findings of the updated Environmental Noise and Vibration Assessment, prepared by SLR Consulting (Canada) Ltd. and dated June 2, 2021, subject to the submission of a detailed noise study at the future Site Plan Control stage; and, TransCab service continues to be provided, linking the subject lands to the existing local transit route terminus at the Municipal Service Centre on Highway No. 8. Ridership levels are monitored on an on-going basis.
Existing Lack of Sufficient Infrastructure	<ul style="list-style-type: none"> There is concern that there is an overall lack of municipal infrastructure in the Winona area, including but not limited to appropriate roads, sidewalks, public transit, institutional, and recreational facilities; and, Residents are concerned that the schools in the area are filled to capacity and cannot support additional student population. 	<ul style="list-style-type: none"> The proposal is for development and intensification of land use within a built-up area, which will support efficient and cost-effective improvements to infrastructure and services over the long term; and, The school boards were circulated the subject applications and no concerns were received.

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Public Consultation		
	Comment	Staff Response
Revenue Generated from Development.	<ul style="list-style-type: none"> Recurring sentiment that the City is driven by revenues generated by the proposed development. 	<ul style="list-style-type: none"> All planning applications are considered on their own merits against all relevant provincial and local planning policies.
Environmental Impacts.	<ul style="list-style-type: none"> There is concern that more population and vehicles will generate more pollution and waste; and, The property is a known habitat for monarch butterflies, which is heading to the endangered species list. 	<ul style="list-style-type: none"> Opportunities to support alternative modes of transportation through development is encouraged; The City actively encourages waste diversion programs including recycling collection and organic waste collection; and, No Core Areas or Linkages have been identified within or adjacent to the subject lands to support wildlife habitat. Further, as part of the Stoney Creek Urban Boundary Expansion (SCUBE) East Subwatershed Study, prepared by Aquafor Beech Limited and dated May 15, 2013, a Species at Risk (SAR) survey was prepared by Stantec in 2012. No SAR were identified on the subject property.

Design Review Panel

The proposed development was reviewed by the Design Review Panel (DRP) on November 12, 2020. The concept reviewed was the original proposal with a one-storey commercial building, seven, three-storey mixed use buildings with ground floor commercial space and 54 stacked townhouse units above, 12, four-storey stacked townhouse dwellings with 304 units, and a 28 storey multiple dwelling containing 266 units, for a total of 624 residential units and 2,630 m² of commercial space, with surface, at grade and underground parking, and landscaped amenity areas.

The panel advised that the proponent should carry out a planning exercise to establish a future node as the site is surrounded by commercial and an employment area that

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does not connect to other residential lands or amenities. The panel noted that the development treats Vince Mazza Way as a buffer cutting off the development from the surrounding uses. The panel suggested a centralized open space and a variety of built forms including mid-rise buildings. The panel also noted that the appropriateness of a 28 storey tower at this location should be considered.

Staff note that the revised proposal has removed the proposed 28 storey multiple dwelling and that the submitted development applications have provided the appropriate planning exercise to consider the merits of the proposed mixed use development.

DRP comments will be further addressed at the future Site Plan Control stage and will be presented to the DRP at that stage.

Public Consultation

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Applications and Preliminary Circulation was sent to 17 property owners within 120 m of the subject lands on February 5, 2021. Upon receipt of revised applications and as per Planning Committee's motion dated March 23, 2021, a Notice of Revised Applications was sent to 312 property owners within 120 m of the subject lands on June 18, 2021 based on an increased circulation area which extends north of the Queen Elizabeth Way Highway in the area of Baseline Road and Riviera Ridge.

A Public Notice Sign was posted on the property on February 3, 2021, updated with the revised project description on June 11, 2021, and updated on November 10, 2021, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on November 19, 2021. A total of 37 letters / emails, with 32 expressing concern and five requesting information, were received by the City at the time of writing this Report and discussed beginning on page 38 of this Report (see Appendix "G" attached to Report PED21223).

Public Consultation Strategy

Pursuant to the City's Public Consultation Strategy Guidelines, the Applicant prepared a Public Consultation Strategy which included a public open house held on March 25, 2021 and hosted by the Applicant virtually using the Zoom platform. The Applicant presented the proposal and addressed questions and concerns associated with the Application. A notice advising of the public open house was sent from the Applicant in consultation with the Ward Councillor's office to all residents within 120 m of the subject lands and the increased circulation area north of the QEW described above on March 4,

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2021. The Applicant and their agent, the Ward Councillor, City staff, and 54 members of the public attended the meeting. Meeting comments are included in Appendix “H” attached to Report PED21223.

The Applicant hosted a second virtual public open house on June 29, 2021 via Zoom. The Applicant presented the changes to the proposal and addressed any further questions and concerns. A notice advising of the public open house was sent using the circulation area described above on June 9, 2021. The Applicant and their agent, the Ward Councillor, City staff, and members of the public (with one voicing concerns) attended the meeting. The meeting comments are included in Appendix “H” attached to Report PED21223.

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 UHOP and FWSP, in particular the function, scale and design policies for the “Neighbourhoods” and “Medium Density Residential 2” Designations as they relate to residential intensification and providing a mix of land use and a range of housing; and,
 - iii) The proposed development complements the existing function of the neighbourhood by expanding the range of retail and commercial services and proposing residential to support the commercial uses. In addition, it provides for residential intensification in a strategic location, ensuring land, municipal services, and transportation systems are used and expanded efficiently.
2. Urban Hamilton Official Plan Amendment

The proposed UHOP Amendment is required to re-designate the subject lands from “District Commercial” to “Neighbourhoods” within the Urban Hamilton Official Plan; and, to re-designate the subject lands from “District Commercial” to “Medium Density Residential 2”, remove the subject lands from Area Specific Policy – Area E, and add a new Site Specific Policy within the Fruitland-Winona Secondary Plan, to permit a commercial / residential mixed use development comprised of residential uses in the form of stacked townhouse dwellings, ground floor

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commercial space with dwelling units above, and one single storey commercial building, for a total of 454 residential units and 2,475 m² of commercial space.

Site Specific policies have been incorporated into the proposed Official Plan Amendment as follows:

- The subject lands, at approximately 3.5 hectares in size, are less than the minimum area requirement for the “Neighbourhoods” designation of 4.0 hectares. Staff support this modification as the subject lands will be integrated with the commercial lands to the east and will have opportunities for improved connections to the adjacent Neighbourhoods designations to the north and south;
- The Local Commercial designation permits a range of commercial uses, including automotive related uses. Staff support this modification to restrict automotive related uses as the commercial units are oriented towards the pedestrian realm and built close to the street to encourage an active transit supportive pedestrian environment and such uses would not be appropriate on the subject lands;
- The “Medium Density Residential 2” designation does not require commercial uses with each development. Staff support a modification to require commercial uses be incorporated into the proposed mixed use development to maintain the intended function of the site with the surrounding commercial area;
- The current designations only permit local commercial uses on the ground floor of buildings containing multiple dwellings. Staff support a modification to permit one single storey commercial building at the southeast corner of the subject lands due to its prominent location at the intersection;
- The current designation permits a maximum density of 75 units per hectare. Staff support a modification to increase the density to a maximum of 132 units per hectare as the site is located on the periphery of the neighbourhood in proximity to potential future local transit service and fronts onto minor arterial and collector roads, as higher densities to support residential intensification make efficient use of land and infrastructure and support transit viability; and,

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- The current designation permits a maximum building height of 3.5 storeys. Staff support a modification to permit a maximum height of four storeys as this is consistent and compatible with the scale and height of the existing District Commercial designation which remains on the surrounding commercial lands.

As per the UHOP and FWSP policies identified above, the proposed Official Plan Amendment can be supported given that the site is located on the periphery of the neighbourhood in proximity to potential future local transit service and fronts onto minor arterial and collector roads. Given the size and context of the subject lands and surrounding area, the respective redesignations from “District Commercial” to “Neighbourhoods” and “Medium Density Residential 2” along with the amendment to permit residential uses on the subject lands can be supported. The proposed development represents a form of residential intensification that is compatible with the surrounding area in terms of use, scale, form and character with no privacy, overlook, sun shadow, or other negative impacts. The proposed development will sustain and further contribute to providing a range of housing through intensification and retail and commercial services within the neighbourhood.

3. Zoning By-law Amendment

The proposed Zoning By-law Amendment is to change the zoning from the Community Shopping Centre “SC2-8(H)” Zone, Modified, Holding (Stoney Creek Zoning By-law No. 3692-92) and the District Commercial (C6, 562) Zone to the Mixed Use Medium Density (C5, 562) Zone.

On November 8, 2017, Council approved a change in zoning for the site to a District Commercial (C6) Zone under Zoning By-law No. 05-200 through the adoption of new Commercial and Mixed Use zones. The Applicant has appealed this Council approved zone change as it relates to the lands known as 1290 South Service Road (zoned Community Shopping Centre “SC2-8(H)” Zone, Modified, Holding) to the OLT and, as of the writing of this report, the Applicant has confirmed their intent to withdraw their appeal upon the proposed Zoning By-law Amendment being passed by Council and becomes final and binding.

The proposed Zoning By-law Amendment is to permit a mixed use development with a one-storey commercial building, five, three-storey mixed use buildings with ground floor commercial and 50 stacked townhouse units above, and 12, four-storey stacked townhouse dwellings with 404 units, for a total of 454 residential units and 2,475 m² of commercial space, with surface and underground parking and landscaped amenity areas.

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The proposed Zoning By-law Amendment can be supported given that the proposed development will accommodate an appropriate mix of commercial and residential uses. The proposal supports and enhances the character of the neighbourhood which through intensification, can establish an active and vibrant public realm and streetscape.

The implementing by-law proposes modifications to the Mixed Use Medium Density (C5) Zone as outlined in the table on page 7 and which are further discussed in Appendix “D” attached to PED21223.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the lands could be developed in accordance with the Community Shopping Centre “SC2-8(H)” Zone, Modified, Holding and the District Commercial (C6, 562, H64) Zone (under appeal as it relates to lands known as 1290 South Service Road), which permits commercial uses including, but not limited to, a full range of retail stores, automotive gas bars, car washes, service stations, rental establishments, and parking facilities, free standing offices, personal services, financial establishments, restaurants, and arts, cultural, entertainment, and recreational uses.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

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

Built Environment and Infrastructure

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Our People and Performance

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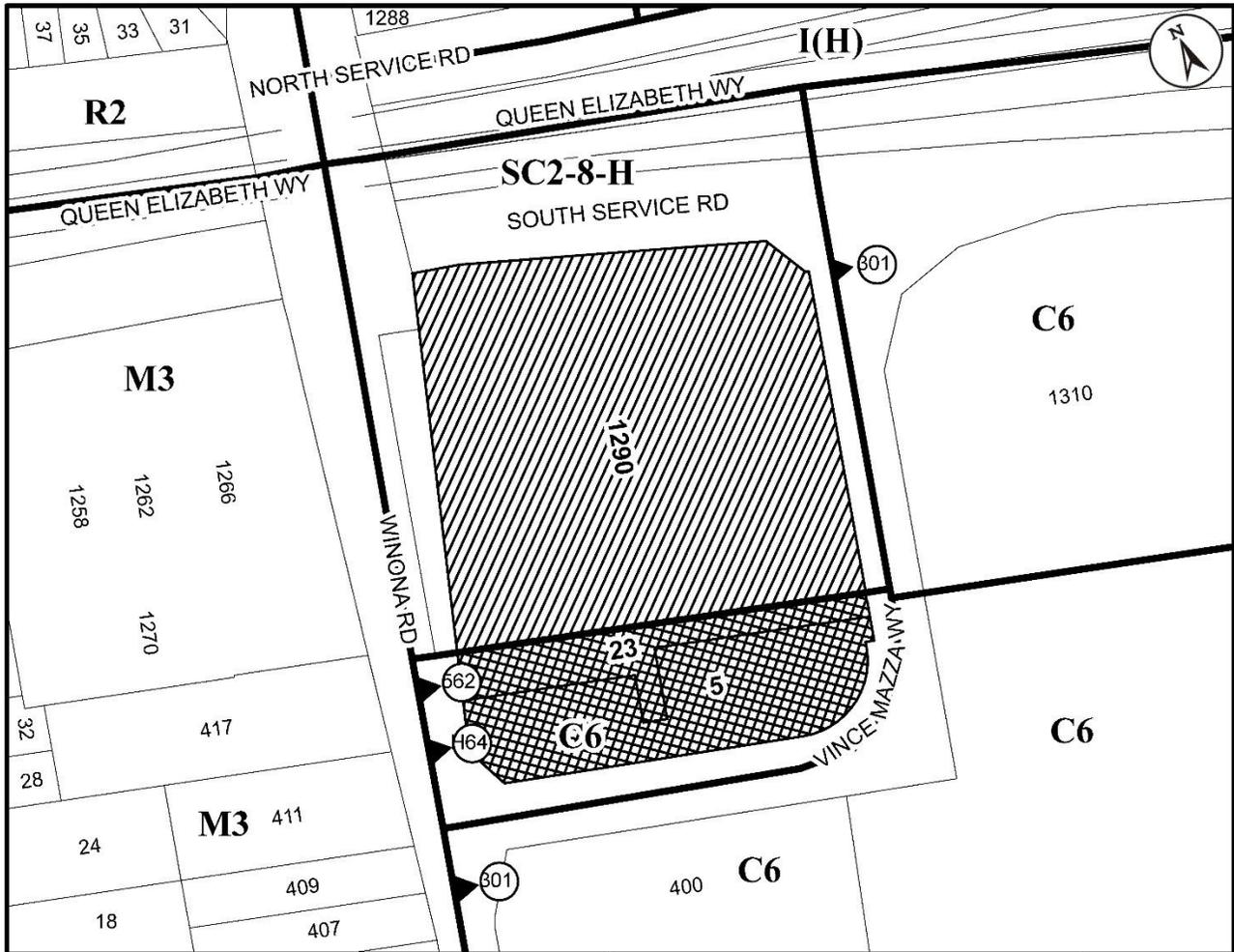
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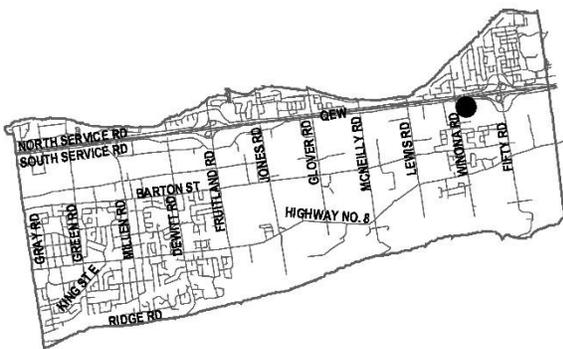
APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED21223 – Location Map
Appendix “B” to Report PED21223 – Draft Official Plan Amendment
Appendix “C” to Report PED21223 – Draft Zoning By-law Amendment
Appendix “D” to Report PED21223 – Zoning Modification Chart
Appendix “E” to Report PED21223 – Preliminary Site Plan and Building Elevations
Appendix “F” to Report PED21223 – Public Submissions
Appendix “G” to Report PED21223 – Neighbourhood Open House Materials

Appendix "A" to Report PED21223
Page 1 of 1



● Site Location



Key Map - Ward 10

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-21-008 & UHOPA-21-004

Date:
December 2, 2021

Appendix "A"

Scale:
N.T.S

Planner/Technician:
TV/NB

Subject Property

1290 South Service Road and 5 & 23 Vince Mazza Way

 Block 1 - Lands to be added to By-law No. 05-200 and zoned Mixed Use Medium Density (C5, 562) Zone

 Block 2 - Change in Zoning from the District Commercial (C6, 562, H64) Zone to the Mixed Use Medium Density (C5, 562) Zone

Schedule “1”

**DRAFT Urban Hamilton Official Plan
 Amendment No. X**

The following text, together with:

Appendix “A”	Volume 1: Schedule E-1 – Urban Land Use Designations
Appendix “B”	Volume 2: Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan

attached hereto, constitutes Official Plan Amendment No. “X” to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to redesignate the subject lands, remove the subject lands from Area Specific Policy – Area E, and add a new Site Specific Policy within the Fruitland-Winona Secondary Plan, to permit a mixed use development comprised of 16 stacked townhouse dwellings, five multiple dwellings containing ground floor commercial uses, and one commercial building.

2.0 Location:

The lands affected by this Amendment are known municipally as 1290 South Service Road and 5 & 23 Vince Mazza Way, in the former City of Stoney Creek.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed development complies with the function, scale and design policies for the Neighbourhoods Designation of the Urban Hamilton Official Plan and the Medium Density Residential 2 Designation of the Fruitland-Winona Secondary Plan;
- The proposed development implements the Residential Intensification policies of the Urban Hamilton Official Plan; and,
- The Amendment is consistent with the Provincial Policy Statement, 2020 and

conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 Actual Changes:

4.1 Volume 1 – Parent Plan

Text

4.1.1 Chapter E – Urban Systems and Designations

- a. That Volume 1: Chapter E – Urban Systems and Designations, Section 4.2 – Commercial and Mixed Use Designations – General Policies, Policy E.4.2.9 c) be amended by replacing the text as follows:

"c) in the area south of the QEW, west of Fifty Road, north of the CNR Railway, east of Winona Road, and east and south of Vince Mazza Way; and,"

Schedules and Appendices

4.1.2 Schedule

- a. That Volume 1: Schedule E-1 – Urban Land Use Designations be amended by re-designating the subject lands from "District Commercial" to "Neighbourhoods", as shown on Appendix "A", attached to this Amendment.

4.2 Volume 2 – Secondary Plans

Text

4.2.1 Chapter B.7.0 – Stoney Creek Secondary Plans – Section B.7.4 – Fruitland- Winona Secondary Plan

- a. That Volume 2: Chapter B.7.0 – Stoney Creek Secondary Plans, Section B.7.4.18.5 – Area Specific Policy – Area E be amended by replacing the words "as shown as" with the words "designated District Commercial and identified as", so that the policy reads, as follows:

"B.7.4.18.8 Area Specific Policy – Area E

For the lands located south of South Service Road, west and north of Vince Mazza Way, and east of Winona Road, designated District Commercial, and identified as Area Specific Policy – Area E on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan, the following policies shall apply: ...”

- b. That Volume 2: Chapter B.7.0 – Stoney Creek Secondary Plans, Section B.7.4.18 – Area and Site Specific Policies be amended by adding a new Site Specific Policy, as follows:

“Site Specific Policy – Area “X”

B.7.4.18.X For the lands located at 1290 South Service Road and 5 & 23 Vince Mazza Way and designated Medium Density Residential 2, and identified as Site Specific Policy – Area X on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan, the following policies shall apply:

- a) Notwithstanding Policy E.3.2.2 of Volume 1, the Neighbourhoods designation on Schedule E-1 shall apply to lands approximately 3.5 hectares in size;
- b) Notwithstanding Policy E.3.8.2 a) of Volume 1, automotive related uses shall not be permitted;
- c) In addition to Policy B.7.4.4.6 of Volume 2, a minimum of 1,900 square metres of retail and service commercial space shall be required;
- d) In addition to Policy B.7.4.4.6 a) of Volume 2, and Policy E.3.5.2 of Volume 1, one single use building for retail and service commercial uses shall be permitted, provided the provisions of Section E.3.8 – Local Commercial are satisfied;
- e) Notwithstanding Policy B.7.4.4.6 b) of Volume 2 and Policy E.3.5.7 of Volume 1, the *net residential density* shall be greater than 60 units per hectare and shall not exceed 132 units per hectare; and,
- f) Notwithstanding Policy B.7.4.4.6 c) of Volume 2 and Policy E.3.5.8 of Volume 1, the maximum height shall be four storeys.”

Maps

4.2.2 Map

- a. That Volume 2: Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan be amended by:
- i) redesignating lands from "District Commercial" to "Medium Density Residential 2";
 - ii) removing the lands from "Area Specific Policy – Area E"; and,
 - iii) identifying the lands as Site Specific Policy – Area "X",
- as shown on Appendix "B", attached to this Amendment.

5.0 Implementation:

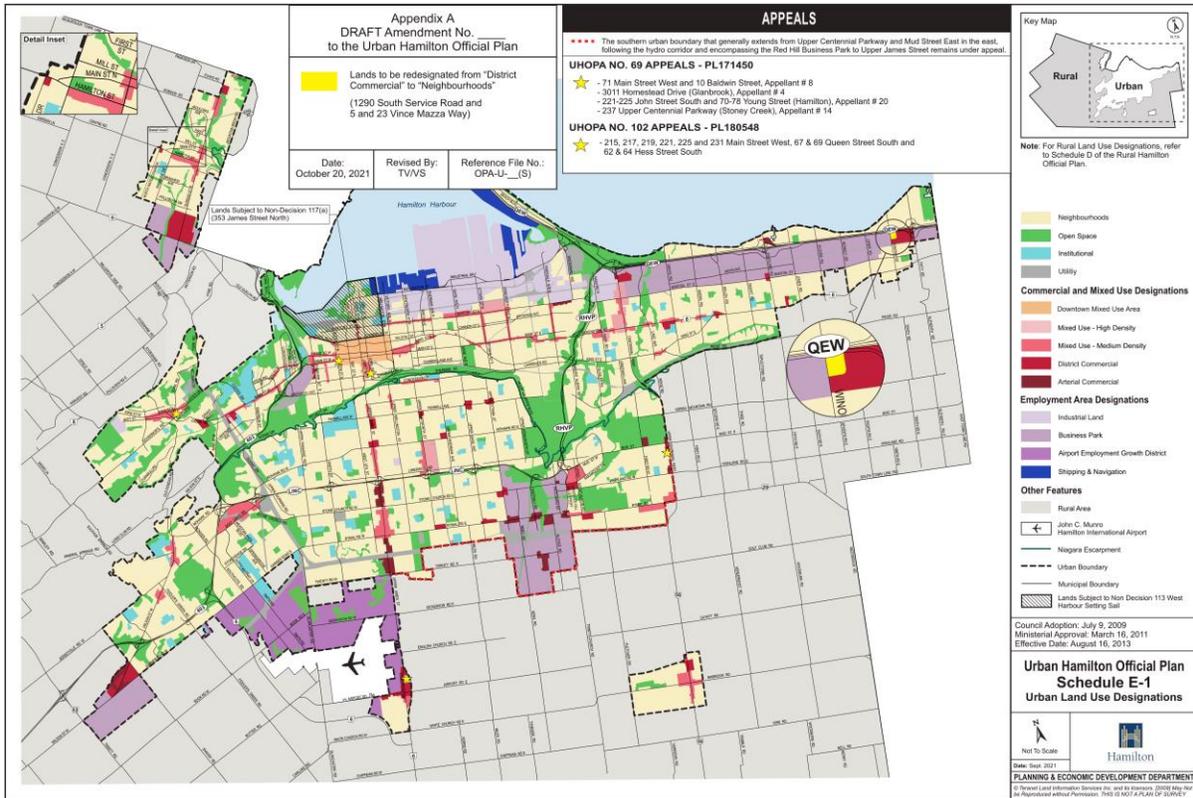
An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

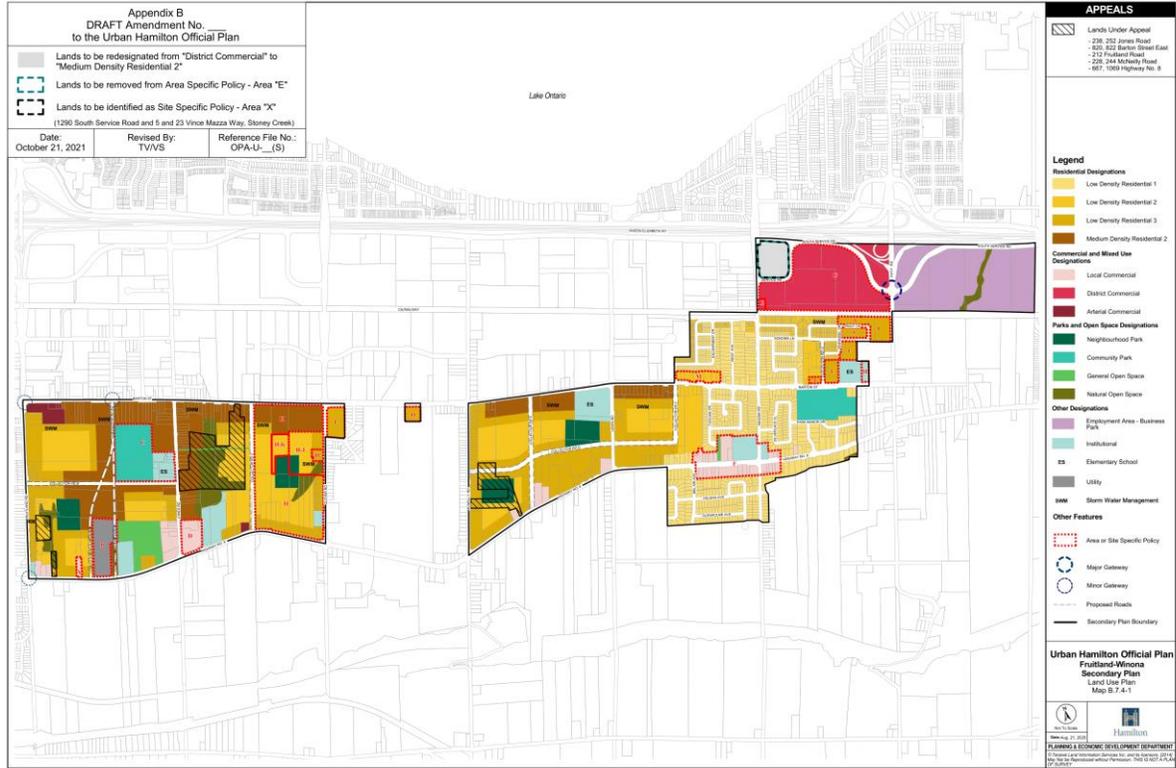
This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the ___th day of __, 2021.

**The
City of Hamilton**

F. Eisenberger
MAYOR

A. Holland
CITY CLERK





**Appendix “C” to Report PED21223
Page 1 of 7**

Authority: Item _____, Planning Committee
Report PED21223
CM:
Ward: 10

Bill No.

CITY OF HAMILTON

BY-LAW NO. 22-_____

To Amend Zoning By-law No. 05-200, Respecting Lands Located at 1290 South Service Road and 5 and 23 Vince Mazza Way, Stoney Creek

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at the meeting held on the ___ day of _____, 2021;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. XX.

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

1. That Map Nos. 1258 and 1259 of Schedule “A” – Zoning Maps and boundaries of which are shown on Schedule “A” are amended by:
 - a) Adding the Mixed Use Medium Density (C5, 562) Zone to lands described as Block 1; and,
 - b) Changing the zoning from the District Commercial (C6, 562) Zone to the Mixed Use Medium Density (C5, 562) Zone to lands described as Block 2.
2. That Schedule “C” – Special Exceptions is amended by deleting Special Exception 562 and replacing with the following new section:

“562. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Map Nos. 1258 and 1259 of Schedule “A” – Zoning Maps and described as 1290 South Service Road and 5 and 23 Vince Mazza Way, the following special provisions shall apply:

 - a) In addition to Section 5.2 e) and notwithstanding Sections 5.2 f) and h), 5.5 a), 5.6 c), and 5.7 c) and d), the following regulations shall apply:

Appendix "C" to Report PED21223**Page 2 of 7**

- | | | |
|------|---|---|
| i) | Surfaces of Parking Spaces and Parking Lots | May include exhaust and intake vents provided at grade. |
| ii) | Barrier Free Parking Space Sizes | Notwithstanding Section 5.2 b), barrier free parking spaces shall be a minimum of 2.8 metres in width and 5.8 metres in length, accompanied by a painted aisle of not less than 1.5 metres in width. |
| iii) | Landscaped Area(s) or Landscaped Parking Island(s) Within a Parking Lot | Landscaped Area(s) or Landscaped Parking Island(s) with a minimum combined area of 7% of the area of the parking lot and associated access driveway and maneuvering areas shall be provided and maintained. |
| iv) | Minimum Number of Barrier Free Parking Spaces | 11 spaces. |
| v) | Number of Parking Spaces for a Multiple Dwelling | <p>a) Minimum 1.25 parking spaces per dwelling unit; and,</p> <p>b) Maximum 1.5 parking spaces per dwelling unit.</p> |
| vi) | Number of Parking Spaces for Commercial Uses | <p>a) 0 where a commercial unit is less than 450.0 square metres in gross floor area per commercial unit; and,</p> <p>b) 1 for each 17.0 square metres of any gross floor area between 450.0 square metres and 4,000.0 square metres per commercial unit.</p> |
| vii) | Bicycle Parking Requirements | a) A minimum of 94 short-term bicycle parking spaces shall be provided for all Multiple Dwellings; and, |

Appendix "C" to Report PED21223**Page 3 of 7**

- b) For any Commercial unit less than 450.0 square metres no short-term bicycle parking space(s) shall be required.

- b) Notwithstanding Section 10.5.1 and in addition to Section 10.5.2, the following uses shall also be prohibited:

Commercial Entertainment;
 Commercial Parking Facility;
 Commercial Recreation;
 Conference or Convention Centre;
 Educational Establishment;
 Emergency Shelter;
 Funeral Home;
 Hotel;
 Laboratory;
 Lodging House;
 Motor Vehicle Gas Bar;
 Motor Vehicle Service Station;
 Motor Vehicle Washing Establishment;
 Performing Arts Theatre;
 Place of Assembly;
 Place of Worship;
 Residential Care Facility;
 Retirement Home; and,
 Transportation Depot.

- c) Notwithstanding Sections 10.5.3 a), b), d), and g) and in addition to Section 10.5.3 h), the following regulations shall apply:

- i) Building Setback from a Street Line
- From Vince Mazza Way:
- a) Minimum 0.9 metres and maximum 4.5 metres to a ground floor commercial use; and,
 b) Minimum 3.0 metres and maximum 5.5 metres to a ground floor dwelling unit.

From Winona Road:

- a) Minimum 7.0 metres from a front façade;

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Page 4 of 7

- b) Minimum 3.0 metres from an end façade; and,
- c) No maximum.

From South Service Road:

- a) Minimum 17.8 metres; and,
- b) No maximum.

From a daylighting triangle or curve:

- a) Minimum 0.6 metres.

ii) Building Height

- a) Minimum 5.0 metre façade height for any portion of a building along a street line located less than 3.0 metres from the street line;

- b) Minimum 7.5 metre façade height for any portion of a building along a street line located at or more than 3.0 metres from the street line; and,

- c) Maximum 16.0 metres.

iii) Minimum Gross Floor Area for Retail and Service Commercial Uses

1,900 square metres.

v) Built form for New Development

In the case of new buildings constructed after the effective date of this by-law or additions to buildings existing as of the effective date of this by-law:

- a) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street;

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- b) For an interior lot or a through lot the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 40% of the measurement of the front lot line;
- c) For a corner lot the minimum combined width of the ground floor façade facing the front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines abutting a street;
- d) In addition to Subsections a), b) and c) above, the minimum width of the ground floor façade facing the front and flankage lot lines shall exclude access driveways and any required yards within a lot line abutting a street;
- e) No parking, stacking lanes, or aisles shall be located between the required building façade and the front lot line and flankage lot line;
- f) A minimum of one principal entrance to a building containing commercial uses shall be provided:
 - 1. Within the ground floor façade that is set back is closest to a street; and,
 - 2. Shall be accessible from the building façade with direct access from the public sidewalk.

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- g) A walkway shall be permitted in a Planting Strip where required by the By-law.
 - vi) Minimum Amenity Area for Dwelling Units and Multiple Dwellings In addition to the Minimum Amenity Area requirements, any balcony or rooftop amenity area shall be less than 4.0 metres in depth.
- 3. That Schedule “D” – Holding Provisions is amended by deleting Holding Provision H64.
- 4. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.
- 5. That notwithstanding Section 34(21) of the Planning Act, this By-law shall come into force upon the coming into force of By-law No. 17-240 for the subject lands through the resolution of its appeal in OLT File No. PL171450.

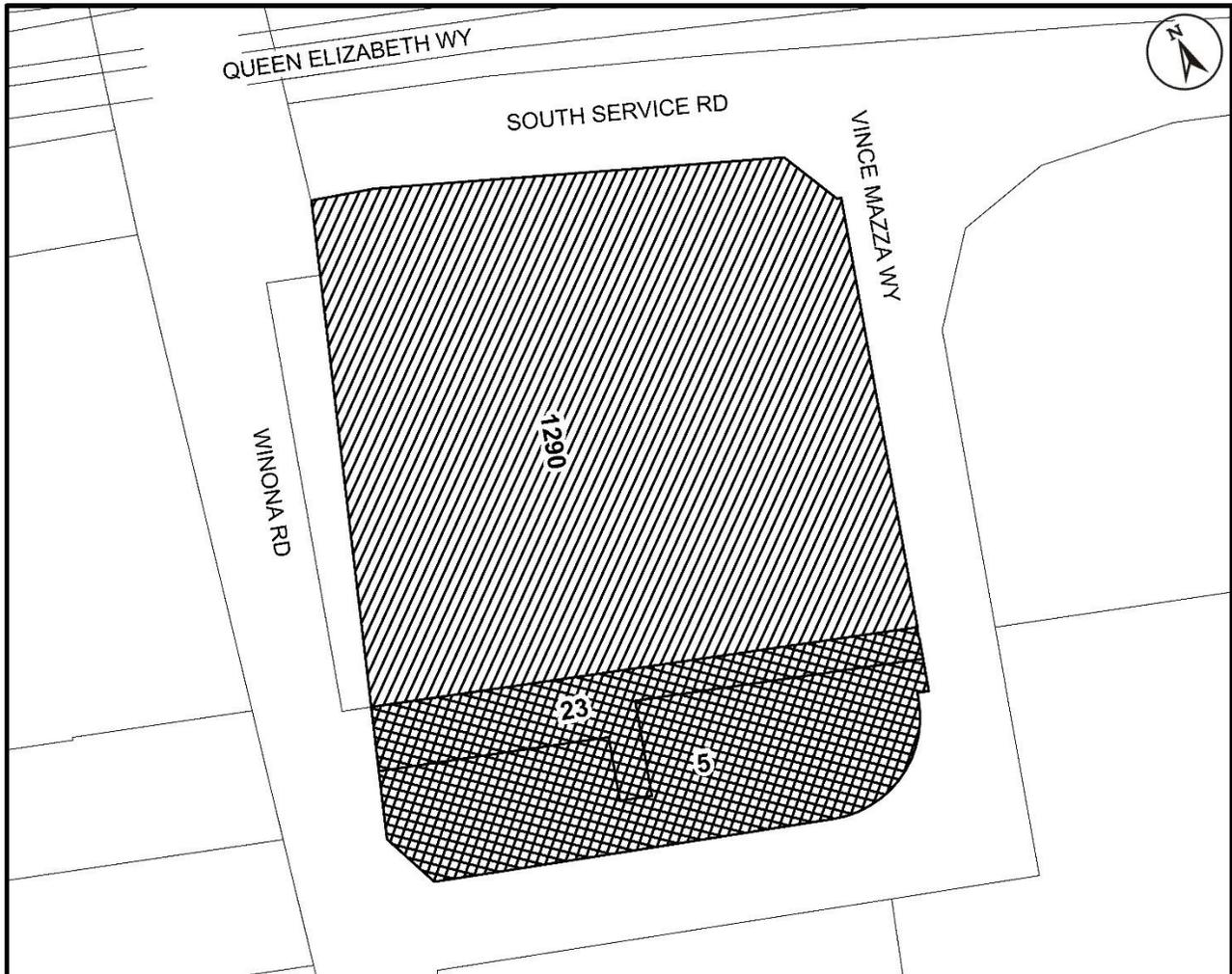
PASSED and ENACTED this ___ day of ___, 2021.

Fred Eisenberger
Mayor

A. Holland
City Clerk

ZAC-21-008

Appendix "C" to Report PED21223
Page 7 of 7



This is Schedule "A" to By-law No. 21-
 Passed the day of, 2021

 Mayor

 Clerk

Schedule "A"
 Map forming Part of
 By-law No. 21-_____
 to Amend By-law No. 05-200
 Maps 1258 & 1259

Subject Property
 1290 South Service Road and 5 & 23 Vince Mazza Way

-  Block 1 - Lands to be added to By-law No. 05-200 and zoned Mixed Use Medium Density (C5, 562) Zone
-  Block 2 - Change in Zoning from the District Commercial (C6, 562, H64) Zone to the Mixed Use Medium Density (C5, 562) Zone

Scale:
 N.T.S

Date:
 December 2, 2021

File Name/Number:
 ZAC-21-008 & UHOPA-21-004

Planner/Technician:
 TV/VS



Site Specific Modifications to the Mixed Use Medium Density (C5) Zone

Regulation	Required	Modification	Analysis
Surfaces of Parking Spaces and Parking Lots	Parking lots in all zones, except the Rural Classification Zones, shall be designed and maintained with stable surfaces such as asphalt, concrete or other hard-surfaced material.	May include exhaust and intake vents provided at grade.	All of the parking spaces are provided with stable surfaces such as asphalt and concrete. There are two vents from the underground parking structure within the driveways. The vents would be of stable construction and are at grade so as not to restrict the passage of vehicles. Therefore, staff supports this modification.
Barrier Free Parking Space Sizes	Notwithstanding [Section 5.2 b)], in the case of a barrier free parking, each parking space shall have a minimum width of 4.4 metres and a minimum length of 5.8 metres.	Notwithstanding Section 5.2 b), barrier free parking spaces shall be a minimum of 2.8 metres in width and 5.8 metres in length, accompanied by a painted aisle of not less than 1.5 metres in width.	The proposed barrier free parking spaces are designed in accordance with AODA guidelines, and particularly allows for the painted aisle to be shared between two adjacent spaces. The width of the parking stalls is sufficient for vehicles in a mixed use development. Therefore, staff supports this modification.
Landscaped Area(s) or Landscaped Parking Island(s) Within a Parking Lot	Landscaped Area(s) or Landscaped Parking Island(s) with a minimum combined area of 10% of the area of the parking lot and associated access driveway and Maneuvering areas shall be provided and maintained;	Landscaped Area(s) or Landscaped Parking Island(s) with a minimum combined area of 7% of the area of the parking lot and associated access driveway and Maneuvering areas shall be provided and maintained.	In addition to 3.0 metre wide planting strip requirements between parking areas and street lines, landscaped areas / parking islands are required where 50 or more parking spaces are provided on a lot and are required to be adjacent to parking spaces. The intent of this regulation is to ensure that large parking areas are adequately landscaped to mitigate negative microclimate impacts or to create the urban heat island effect. As shown on the Preliminary Site Plan (attached as Appendix "F" to Report PED21223), surface parking spaces are separated into four separate areas, with the southeast lot containing 50 spaces. This area contains ±147.1 m ² of landscaped areas, representing over 10% of this parking area. However, the aggregate area of the parking lot

Regulation	Required			Modification	Analysis		
Landscaped Area(s) or Landscaped Parking Island(s) Within a Parking Lot Continued					and associated access driveway and maneuvering areas and qualifying landscaped areas represents an area of $\pm 7.2\%$. The proposed parking arrangement and overall landscaped areas meet the intent of the by-law. Therefore, staff supports this modification.		
Minimum Number of Barrier Free Parking Spaces	201 - 1000 spaces: Minimum 2 spaces + 2% of the total number of required parking spaces.			11 spaces.	As per the proposed modifications to the total number of required parking spaces below, the total number would be 567 spaces which would require 13 barrier free parking spaces. However, the current total parking requirement per dwelling unit is 1.0 spaces, for a total of 454 parking spaces, or 11 barrier free parking spaces. Thus, the reduction is a result of an increase in total parking requirements and remains reflective of the proportion of the number of dwelling units and gross floor areas. Therefore, staff supports this modification.		
Number of Parking Spaces for a Multiple Dwelling		Min.	Max.	a) Minimum 1.25 parking spaces per dwelling unit; and, b) Maximum 1.5 parking spaces per dwelling unit.	The standard of parking spaces for the Commercial Mixed Use Zones are anticipated for a more urban context, with different modes of transportation available to offset potential automobile usage. There is limited transit available in the surrounding area, which warrants an increased minimum number of parking spaces. A maximum number of parking spaces is included to ensure there would be no oversupply of parking. Therefore, staff supports this modification.		
<50 m ²	0.3/unit	1.0/unit	>50 m ²				
1-14 units	0.7/unit	1.25/unit	15-50 units			0.85/unit	1.25/unit
51+ units	1.0/unit	1.25/unit					

Regulation	Required	Modification	Analysis
Number of Parking Spaces for Commercial Uses	<i>Varies.</i>	a) 0 where a commercial unit is less than 450.0 square metres in gross floor area per commercial unit; and, b) 1 for each 17.0 square metres of any gross floor area between 450.0 square metres and 4,000.0 square metres per commercial unit.	Based on the Preliminary Site Plan (attached as Appendix “F” to Report PED21223), there are 31 commercial units designed with approximately 77 m ² of gross floor area; however, specific uses have not been determined at this stage and tenancies may be subject to change and may occupy multiple units occupying greater than 450 m ² . Therefore, the parking regulations for a Shopping Centre (within a Commercial and Mixed Use Zone) for areas less than 4,000.0 square metres is being applied to provide clarity for the future range of tenancies. Therefore, staff supports this modification.
Bicycle Parking Requirements	Multiple Dwelling: Minimum of 5 per dwelling. Commercial Uses: Minimum of 5 per building (<i>some use exceptions apply</i>). Notwithstanding [Section 5.7 c)], for any Office, Personal Services, Restaurant, or Retail use less than 450.0 square metres no short-term bicycle parking space(s) shall be required.	<ul style="list-style-type: none"> • A minimum of 94 short-term bicycle parking spaces shall be provided for all Multiple Dwellings. • Notwithstanding Section 5.7 c), for any Commercial unit less than 450.0 square metres no short-term bicycle parking space(s) shall be required. 	The proposed development includes 22 buildings, with one standalone commercial building, five commercial use buildings with dwelling units above, and 16 Multiple Dwellings. The 16 Multiple Dwellings would require 80 short-term bicycle parking spaces and 94 are proposed, representing a 17.5% increase. As commercial uses are not specified it is unclear how many bicycle parking space may be required but it could range between 0 and 30 spaces. As per the notwithstanding clause for Office, Personal Services, Restaurant, or Retail uses, and that no commercial unit is intended to be greater than 450 m ² in gross floor area, it can be assumed that no additional short-term bicycle parking spaces would be required. Thus, the additional 14 spaces above the minimum requirement for Multiple Dwellings, which is nearly in the middle of the potential

Regulation	Required	Modification	Analysis
Bicycle Parking Requirements Continued			<p>range for commercial uses under the existing regulations, would provide adequate minimum short-term bicycle parking spaces for the proposed development.</p> <p>Therefore, staff supports this modification.</p>
Additional Prohibited Uses	n/a	<ul style="list-style-type: none"> • Commercial Entertainment; • Commercial Parking Facility; • Commercial Recreation; • Conference or Convention Centre; • Educational Establishment; • Emergency Shelter; • Funeral Home; • Hotel; • Laboratory; • Lodging House; • Motor Vehicle Gas Bar; • Motor Vehicle Service Station; • Motor Vehicle Washing Establishment; • Performing Arts Theatre; • Place of Assembly; • Place of Worship; • Residential Care Facility; • Retirement Home; and, • Transportation Depot. 	<p>The C5 Zone permits a wide range of retail, service, commercial, entertainment, and residential uses serving the surrounding community. Given the proposed built form ranges from a small one storey commercial building to mixed use buildings with ground floor commercial space with each building between being 300 and 550 m² of commercial space, large scale, institutional, and automobile-oriented uses would not be appropriate on the subject lands.</p> <p>Therefore, staff supports this modification.</p>

<p>Building Setback from a Street Line</p>	<ul style="list-style-type: none"> • Minimum 3.0 metres. • Maximum 4.5 metres. 	<p>From Vince Mazza Way:</p> <ol style="list-style-type: none"> a) Minimum 0.9 metres and maximum 4.5 metres to a ground floor commercial use; and, b) Minimum 3.0 metres and maximum 5.5 metres to a ground floor dwelling unit. <p>From Winona Road:</p> <ol style="list-style-type: none"> a) Minimum 7.0 metres from a front façade; b) Minimum 3.0 metres from an end façade; and, c) No maximum. <p>From South Service Road:</p> <ol style="list-style-type: none"> a) Minimum 17.8 metres; and, b) No maximum. <p>From a daylighting triangle or curve:</p> <ol style="list-style-type: none"> a) Minimum 0.6 metres. 	<p>The requirement for a minimum setback along street lines is to ensure that there is sufficient room to allow for opening doors, to respect the relationship and transition between the private and public realms, and accommodate decorative landscaping or other use-specific facilities such as bicycle parking; and the requirement for a maximum setback along street lines is to ensure buildings address and enclose the street while allowing for space for pedestrian amenities, variation in building façades, etc.</p> <p>The above applies to the pedestrian oriented street along Vince Mazza Way to maintain a strong relationship between the proposed buildings and the pedestrian realm and streetscape (see the Preliminary Site Plan attached as Appendix “F” to Report PED21223), while ensuring that, at a minimum, commercial storefront door swings will not encroach into the public sidewalk.</p> <p>The interface with Winona Road requires an increase to the setback due to proximity to overhead hydro lines and the significant slope and required retaining wall along the Winona Road overpass. To be able to incorporate landscaped buffer strips with tree plantings, sidewalk, porches and basement terraces within setback, staff recommend the front façade setback be increased from 6.35 metres to 7.0 metres, which will affect Buildings 1I, 1J, and 1K.</p> <p>South Service Road is an auto-oriented minor arterial roadway where a close urban streetscape is not appropriate. Further, the</p>
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<p>Building Setback from a Street Line Continued</p>			<p>MTO requires a minimum setback of 14.0 metres in this area. The proposed minimum setback of 17.8 metres affords a 3.8 metre setback from the MTO setback to allow space for private sidewalks, landscaped areas, porches, and stairs.</p> <p>The setbacks from daylighting triangles are intended to be reflective of providing consistent street lines with the above setbacks. Further, the reduced setback along a curve applies to the bend in Vince Mazza Way, for the location of the building at the prominent intersection. There is sufficient space to provide a small plaza and widened sidewalk in the boulevard at this intersection, which would mitigate any minimal encroachment of commercial storefront door swings.</p> <p>Therefore, staff supports these modifications.</p>
<p>Minimum Rear Yard</p>	<p>7.5 metres</p>	<p>Shall not apply.</p>	<p>The subject lands are bounded by roads on all sides, therefore this regulation does not apply. All other applicable setback regulations remain in effect.</p> <p>Therefore, staff supports this modification.</p>
<p>Building Height</p>	<p>a) Minimum 7.5 metre façade height for any portion of a building along a street line;</p> <p>b) Maximum 22.0 metres; and,</p> <p>c) In addition to <i>[a) above]</i> and notwithstanding <i>[b) above]</i>, any building height above 11.0 metres may be</p>	<ul style="list-style-type: none"> • Minimum 5.0 metre façade height for any portion of a building along a street line located less than 3.0 metres from the street line; • Minimum 7.5 metre façade height for any portion of a building along a street line located at or 	<p>As discussed above, building setbacks and height ensure a positive relationship between the pedestrian public realm and the adjacent building massing. Accordingly, as the building located at the curve along Vince Mazza Way is proposed to be setback closer to the street, a reduced minimum height is warranted. The remaining three storey mixed use buildings are approximately 10 metres in height.</p>

<p>Building Height Continued</p>	<p>equivalently increased as the yard increases beyond the minimum yard requirement established in Section 10.5.3 b) and c) when abutting a Residential or Institutional Zone to a maximum of 22.0 metres.</p> <p>d) <i>[regulations for rooftop amenity area]</i></p>	<p>more than 3.0 metres from the street line; and,</p> <ul style="list-style-type: none"> • Maximum 16.0 metres. 	<p>The maximum height has been reduced to reflect the height of the proposed four storey multiple dwellings to ensure compatibility in scale with the surrounding area.</p> <p>Therefore, staff supports these modifications.</p>
<p>Minimum Gross Floor Area for Retail and Service Commercial Uses</p>	<ul style="list-style-type: none"> • n/a 	<ul style="list-style-type: none"> • 1,900 square metres. 	<p>To ensure compliance with the proposed Official Plan Amendment (attached as Appendix “B” to Report PED21223), a minimum commercial gross floor area shall be required. The applicant has proposed a total of 2,475 m² of commercial space and confirmed the commercial Gross Floor Area within the ground floor will be 1,900 m² which excludes space occupied by stairs leading up to the residential units, but does include space occupied by stairs that lead to the underground storage for the commercial units.</p> <p>Therefore, staff supports this modification.</p>

<p>Built form for New Development</p>	<p>In the case of new buildings constructed after the effective date of this by-law or additions to buildings existing as of the effective date of this by-law:</p> <ul style="list-style-type: none"> i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street; ii) For an interior lot or a through lot the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 40% of the measurement of the front lot line; iii) For a corner lot the minimum combined width of the ground floor façade facing the front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines abutting a street; iv) In addition to Section i), ii) and iii) [above], the minimum width of the ground floor façade facing the front and flankage lot lines shall 	<p>In the case of new buildings constructed after the effective date of this by-law or additions to buildings existing as of the effective date of this by-law:</p> <ul style="list-style-type: none"> a) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street; b) For an interior lot or a through lot the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 40% of the measurement of the front lot line; c) For a corner lot the minimum combined width of the ground floor façade facing the front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines abutting a street; d) In addition to Subsections a), b) and c) above, the minimum width of the ground floor 	<p>As a result of the OLT appeal, as the existing regulations are not yet final and binding, they have been included in the amending by-law.</p> <p>With respect to Subsections i), ii), iii), iv), vi), and viii), these regulations have been carried forward in the site specific by-law without any modifications.</p> <p>With respect to Subsection vii), this regulation has been modified as Subsection f) to only apply to the commercial uses. The principal residential entrances are located within the interior of the subject lands or oriented towards South Service Road or Winona Road and public sidewalks or access to future public sidewalks would not be available. The intent of this regulation is to locate primary building entrances parallel to and as close to the street as possible to create comfortable pedestrian environments. The principal commercial entrances are within the ground floor façade that is set back closest to a street. The principal residential entrances are accessible from the building façade with direct access from the public sidewalk.</p> <p>Therefore, staff supports these modifications.</p>
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<p>Built form for New Development Continued</p>	<p>exclude access driveways and any required yards within a lot line abutting a street;</p> <p>v) For commercial development existing at the time of the passing of the By-law, the Section 10.5.3 g) ii) and iii) shall not apply to new commercial buildings subject to the following:</p> <ol style="list-style-type: none"> 1. The maximum Gross Floor Area of each building shall be 650 square metres; and, 2. Notwithstanding Section 10.5.3d)i), the minimum building height shall be 6.0 metres. <p>vi) No parking, stacking lanes, or aisles shall be located between the required building façade and the front lot line and flankage lot line;</p> <p>vii) A minimum of one principal entrance shall be provided:</p> <ol style="list-style-type: none"> 1. within the ground floor façade that is set back 	<p>façade facing the front and flankage lot lines shall exclude access driveways and any required yards within a lot line abutting a street;</p> <p>e) No parking, stacking lanes, or aisles shall be located between the required building façade and the front lot line and flankage lot line;</p> <p>f) A minimum of one principal entrance to a building containing commercial uses shall be provided:</p> <ol style="list-style-type: none"> 1. within the ground floor façade that is set back is closest to a street; and, 2. shall be accessible from the building façade with direct access from the public sidewalk. <p>g) A walkway shall be permitted in a Planting Strip where required by the By-law;</p>	
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<p>Built form for New Development Continued</p>	<p>is closest to a street; and,</p> <p>2. shall be accessible from the building façade with direct access from the public sidewalk.</p> <p>viii) A walkway shall be permitted in a Planting Strip where required by the By-law;</p> <p>ix) Notwithstanding Section 10.5.3, for properties designated under the Ontario Heritage Act, any alternative building design or building materials approved through the issuance of a Heritage Permit shall be deemed to comply with this Section;</p>		
<p>Minimum Amenity Area for Dwelling Units and Multiple Dwellings</p>	<p>On a lot containing 10 dwelling units or more, the following Minimum Amenity Area requirements be provided:</p> <p>i) An area of 4.0 square metres for each dwelling unit less than or equal to 50 square metres of gross floor area;</p>	<p>In addition to the Minimum Amenity Area requirements, any balcony or rooftop amenity area shall be less than 4.0 metres in depth.</p>	<p>In accordance with MOECP guidelines, sound level limits are specified for outdoor living areas (OLAs) which include balconies and rooftop amenity areas with a minimum depth of 4 m. These areas will be restricted to less than 4 m for each dwelling unit to ensure they do not qualify as OLA or require noise mitigation measures.</p> <p>Therefore, staff supports this modification.</p>

<p>Minimum Amenity Area for Dwelling Units and Multiple Dwellings Continued</p>	<p>ii) An area of 6.0 square metres for each dwelling unit greater than 50 square metres of gross floor area; and,</p> <p>iii) In addition to the definition of Amenity Area in Section 3: Definitions, an Amenity Area located outdoors shall be unobstructed and shall be at or above the surface, and exposed to light and air.</p>		
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FRONT

REAR

DRAWING SET ISSUED: NO. 02/04/2019 BY: [Redacted] PRELIMINARY REVIEW: 03/06/2019 BY: [Redacted] PERMITTED REVIEW: 03/06/2019 BY: [Redacted] FINISHED DRAWING: 03/06/2019 BY: [Redacted] LOGS/REVISED PLANS: 03/06/2019 BY: [Redacted] ALL ELEVATIONS DRAWN: 03/06/2019 BY: [Redacted] WORKING DRAWINGS: 03/06/2019 BY: [Redacted] ISSUED FOR TENDER: 03/06/2019 BY: [Redacted] ISSUED FOR PERMITS: 03/06/2019 BY: [Redacted]	
ALL TECHNICAL ISSUES OF THE DRAWING ARE EXPRESSED REVISIONS TO DRAWING: NO. [Redacted] DATE: [Redacted]	

1 SOUTH ELEVATION
A405 / 1:100

2 EAST ELEVATION
A406 / 1:100

3 NORTH ELEVATION
A407 / 1:100

4 WEST ELEVATION
A408 / 1:100

ELEVATIONS

WINONA POINT
HAMILTON, ONTARIO

PROJECT NUMBER: 20019
DRAWING SCALE: AS INDICATED
DRAWING DATE: 03/06/2019
DRAWING VERSION: PM
PROJECT DATE: May 18, 2019

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PROFESSIONAL LANDSCAPE ARCHITECT
PROFESSIONAL PLANNING
PROFESSIONAL PHOTOGRAPHER

COMMERCIAL STACK BUILDING 1A

LEGEND

□	GLASS
□	CLADDING
□	CONCRETE
□	WOOD
□	BRICK
□	ROOF
□	FOUNDATION
□	LANDSCAPE
□	MECHANICAL
□	ELECTRICAL
□	PLUMBING
□	MECHANICAL
□	ELECTRICAL
□	PLUMBING

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From: Bird, Darryl <[REDACTED]>
Sent: February 9, 2021 11:11 AM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Lands Located at 1290 South Service Road and 5 & 23 Vince Mazza Way

Good morning Tim,

My client Costco Wholesale, received the attached notice for a proposed development NW of their existing site.

Would you be able to provide me with the following for review:

- A copy of the Site Plan
- A copy of the Traffic Impact Study
- A copy of the Noise Study

Thanks and happy to discuss if you have any questions or comments.

Regards,

Darryl Bird, M.Pl., MCIP, RPP
Manager, Planning - Thornhill
Planning, Landscape Architecture and Urban Design



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Thornhill, Ontario
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February 26, 2021

Mr. Tim Vrooman
City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design – Suburban Team
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Mr. Vrooman:

**RE: ZONING BY-LAW AMENDMENT AND OFFICIAL PLAN AMENDMENT
1290 SOUTH SERVICE ROAD AND 5 & 23 VINCE MAZZA WAY, STONEY CREEK
OUR FILE 101795 CITY FILE NO.: ZAC-21-008/UHOPA-21-004**

On behalf of our clients, Penady (Stoney Creek) Ltd. and Crestpoint Real Estate (Winona Ph. 1) Inc., who are the owners of the Winona Crossing shopping centre lands (excluding the Costco), we are requesting the following personnel be included on any notifications for any matters pertaining to the above noted applications and site.

Oz Kemal – okemal@mhbcpplan.com
Gerry Tchisler – gtchisler@mhbcpplan.com

Without limiting the foregoing, this includes, public notices for community meetings, public meetings, Planning Committee, and Council as well as any decisions thereto.

Thank you.

Yours truly,

MHBC

Oz Kemal, BES, MCIP, RPP
Partner

cc. J.Lumsden

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From: Nitsa Diakouloukas Farenick <[REDACTED]>
Sent: March 12, 2021 10:48 AM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Winona Point

Good morning,

I am new to the neighbourhood and just read the letter regarding Winona Point.

I am against this development and would like my comments recorded. If given the opportunity to vote, I will vote against this project.

Here are the reasons why I am against the development of Winona Point:

- it will impede the view of the escarpment
- a don't think a community there is visually pleasing
- it goes against the small town feel of Winona
- ruins the character of historical Winona
- we would benefit from more shops, not homes
- it will deter residents form going to Grimsby or Hamilton to shop
- it will create too a much traffic in the plaza and south service road, which has already become an issue
- the highway will have more traffic
- it will add extra traffic to Winona road which is an access route to Winona south
- it will create a safety issue as many people walkalong Winona road to get to the stores and there are no sidewalks and low lightning, thus extra cars could be unsafe for the residents
- the schools in the area are not equipped to manage all these new kids
- there are too many new developments in this area already
- the noise from the highway, south service and north service road is already becoming disruptive to the residents and makes it hard to sleep and talk to each other on the sidewalks and in our driveways
- increased pollution as well

We moved here from Oakville because we wanted a small town feel and a community that is less busy. We like the open space and farm land.

This new development goes against this. I was also tired of all the traffic on the QEW in Oakville and moved here because the highway over here has less traffic, however with all these new homes being built, the traffic will be bad over here too. This new development is a disappointment. New stores should be built there instead.

Please confirm receipt.
Thank you

Sent from my iPhone
Thank you
Enjoy your day,
Nitsa Diakouloukas Farenick

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From: John Larmond <[REDACTED]>
Sent: April 5, 2021 10:16 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Fw: Winona point open house

Hello Tim,

Would you please add me to the Winona Point distribution list.

Thank you,

JL

From: Jared Marcus
Sent: March 29, 2021 6:12 PM
To: John Larmond
Subject: RE: Winona point open house

Hi John,

Thanks for your involvement.

If you are looking to be on a formal notification list for the project you should follow up directly with the City Planner, Tim Vrooman (Tim.Vrooman@hamilton.ca), that will ensure you receive notification of the future Public Meeting and Council Meeting. As we noted on Thursday night, the Planning Act requires a minimum statutory circulation radius is 120m from the property, so if your property falls outside of that circulation radius you should contact the City to ensure you receive notification.

Regards,

Jared

From: John Larmond
Sent: Friday, March 26, 2021 12:12 PM
To: Jared Marcus
Subject: Winona point open house

Jared,

Enjoyed the presentation Thursday night. Would you please add me to the distribution list.

Thank you,

JL

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From: [REDACTED] <[REDACTED]>
Sent: April 20, 2021 3:58 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Re: Winona- Proposed 28 storey building

Good afternoon,

This email is regarding:

The proposed 28 story building at
1290 South Service Road and Vince Mazza Way, Stoney Creek

File Nos. ZAC-21-008 / UHOPA-21-004

Thank you for providing me with the information on how to submit concerns and comments regarding the above proposed building.

A lot of people in our community are not in favour of the 28 storey proposed building on this lot. This building will be an eyesore, it does not suit the area, and it will cause further problems with over saturation.

During the virtual meeting it was said that the building height allows for it to be a "landmark tower and gateway feature". I do not believe I have heard of anyone asking for a gateway/landmark feature for our small town.

Is there consideration to build to suit a community? Reducing the height of this building would help the aesthetic of the area and wouldn't stand out like a sore thumb.

Reducing the overall number of units in that area (by reducing the building height) would also help with the inevitable traffic problems this community will cause.

Maria Pearson wrote in an email to me that staff are supportive of this building, but what about the residents who live in this area? Who moved here to get away from a city feel. Does it matter what we would like to see in our community? I know I speak for many other people as well as myself when I ask that the height of this building be reduced to better suit the area.

I wish to not have my name, address and other personal information included in public records with regards to this.

Thank you for your time,

[REDACTED]

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From: Mike Stankovic <[REDACTED]>
Sent: April 20, 2021 5:47 PM
To: Pearson, Maria <Maria.Pearson@hamilton.ca>; Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Re: Proposed building at 1290 South Service Road and 5 & 23 Vince Mazza Way, Stoney Creek

I am writing this letter to express my concern regarding the proposed development at 1290 South Service Road and 5 & 23 Vince Mazza Way, Stoney Creek.

File Nos. ZAC-21-008 / UHOPA-21-004

I hereby state my opposition to the proposed development in that:

- The proposed development is over-intensification of the site. It will increase traffic to unacceptable levels once complete.
- The proposed development is not "sensitive to the surrounding housing character". I'd like to propose a reduced height building, more in line with current buildings in the area.
- The proposed development does not respect or protect "the small-town character and feel of Winona". High rise towers certainly do not fit into this classification.
- The proposed development does not respect or "maintain the existing streetscape character of Stoney Creek".

I respectfully request that this Council not permit the development as proposed and require the developer to scale down the mass of the proposal, respect the existing streetscape character, and adhere to the maximum allowable building height.

I would ask that my comments be presented for consideration at the public meeting.

Respectfully,

Mike Stankovic,

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From: Alison Nicks <[REDACTED]>
Sent: April 20, 2021 6:42 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Concerns regarding new building by Costco.

Hi there,.

The community has shared your contact information regarding the new development beside Costco.

I am emailing my concerns regarding the planning of density as a concerned resident. That road is a key link for linking the lakeside and escapement side of the community.

Please accept these comments with respect to the applications for Urban Hamilton Official Plan and Zoning By-law Amendments for lands located at 1290 South Service Road and 5 & 23 Vince Mazza Way, Stoney Creek, written comments may be forwarded to myself prior to a Public Meeting on this matter, quoting File Nos. ZAC-21-008 / UHOPA-21-004:

Attention: Tim Vrooman, City of Hamilton

As mentioned Winona road is currently the safest way for the community to link the lakeside and escapement side of the community. This application creates a high density area that will make that connection/link unsafe for cyclists and kids. It will destroy the connection of the community and cause unnecessary driving.

I ask that if this application moves forward that it is planned for a proper and safe (not just for adults) link/pathway to be created for cyclists as well as walkers. Currently our community has already lacked good planning when they put a school of almost 900 (Winona) without sidewalks. If you want to increase density, it needs to be thoughtful on making the community safe and easy to move around for all. You will lose the quality of our area and create issues if you don't create safe ways for the community to connect with the Bruce trail as well as the Waterfront trail. I want to be able to continue to take my young kids for a bike ride to the water but I sadly see that there does not appear to be thoughtful planning.

We live in such a beautiful community. Let's build pedestrian and bike only safe ways. Check out Burlington for thoughtful planning on that front. So many examples through their community. I implore you not put this as secondary planning or not as part of the requirement for this application. Winona school still doesn't have good planning around it how many years later. It will cost too much to retrofit.

In summary, as a concerned citizen, either additional planning and development needs to be added as a requirement to the application to develop a safe link (existing is not sufficient) or I oppose this application as creating unsafe and divided community by putting too much high density in a special travel zone. Don't underestimate how much connecting the community and use of both or waterfront/Bruce trails matter. Linking the community and bringing more people to our trails will only improve local business and draw others to either visit or live here. Pretty sure the pandemic has highlighted the importance of this.

I welcome the opportunity to discuss and you are welcome to contact me. Please confirm receipt of my comments.

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Cheers,
Alison Nicks

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From: Selma Brisebois <[REDACTED]>
Sent: April 20, 2021 6:53 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>
Subject: Fils Nos: ZAC-21-008/UHOPA-21-004

Dear Mr. Tim

I am writing this letter to express my concern regarding the proposed development at 1290 South Service Road and 5 & 23 Vince Mazza Way, Stoney Creek.

File Nos. ZAC-21-008 / UHOPA-21-004

I hereby state my opposition to the proposed development in that:

The proposed development is over-intensification of the site. It will increase traffic to unacceptable levels once complete.

The proposed development is not "sensitive to the surrounding housing character". I'd like to propose a reduced height building, more in line with current buildings in the area.

The proposed development does not respect or protect "the small-town character and feel of Winona". High rise towers certainly do not fit into this classification.

The proposed development does not respect or "maintain the existing streetscape character of Stoney Creek".

I respectfully request that this Council not permit the development as proposed and require the developer to scale down the mass of the proposal, respect the existing streetscape character, and adhere to the maximum allowable building height.

I would ask that my comments be presented for consideration at the public meeting.

Respectfully,

Selma Brisebois

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From: gradysmama <[REDACTED]>

Sent: April 20, 2021 7:56 PM

To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>; Mahood, Alissa <Alissa.Mahood@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Office of the Mayor <mayor@hamilton.ca>; Ceric, Maryana <Maryana.Ceric@hamilton.ca>; Stefanie Howard <[REDACTED]>

Subject: South Service Rd and Mazza Way development

I am writing this letter to express my concern regarding the proposed development at 1290 South Service Rd and 5 & 23 Vince Mazza Way, Stoney Creek.

File Now. ZAC-21-008/UHOPA-21-004

I hereby state my opposition to the proposed development in that:

The proposed development is over-intensification of the site. It will increase traffic to unacceptable levels once complete.

The proposed development is not sensitive to the surrounding housing character. I'd like to propose a reduced height building, more in line with current buildings in the area. The proposed development does not respect or protect the small town character or feel of Winona. High rise towers certainly do not fit into this classification.

The proposed development does not respect or maintain the existing streetscape character of Stoney Creek.

I respectfully request that the council not permit the development as proposed and require the developer to scale down the mass of the proposal, respect the existing streetscape character, and adhere to the maximum allowable building height.

I would also appreciate adding the environmental impact to the area. The property in question is a known habitat for the monarch butterfly that is currently heading to the endangered species list.

I would ask that my comments be presented for consideration at the public meeting.

Respectfully,

Stefanie Howard
[REDACTED]

Sent from my Bell Samsung device over Canada's largest network.

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From: Gillian ryan <[REDACTED]>
Sent: April 20, 2021 8:07 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Winona- 28 storey building

I am writing this letter to express my concern regarding the proposed development at 1290 South Service Road and 5 & 23 Vince Mazza Way, Stoney Creek.

File Nos. ZAC-21-008 / UHOPA-21-004

I hereby state my opposition to the proposed development in that:

The proposed development is over-intensification of the site. It will increase traffic to unacceptable levels once complete.

The proposed development is not "sensitive to the surrounding housing character". I'd like to propose a reduced height building, more in line with current buildings in the area.

The proposed development does not respect or protect "the small-town character and feel of Winona". High rise towers certainly do not fit into this classification.

The proposed development does not respect or "maintain the existing streetscape character of Stoney Creek".

I respectfully request that this Council not permit the development as proposed and require the developer to scale down the mass of the proposal, respect the existing streetscape character, and adhere to the maximum allowable building height.

I would ask that my comments be presented for consideration at the public meeting.

Respectfully,

Gillian Ryan and Josh Pieters

Sent from my iPhone

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From: Lakewood Beach Community Council <[REDACTED]>
Sent: April 20, 2021 8:33 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: 1290 South service road opa and zba 28 storey

Hi Tim,

Can you please provide us access to the complete planning file, inclusive of formal consultation docs and all internal and external comments at your earliest opportunity?

Thank you,

Viv

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From: Marianna Clayton <[REDACTED]>
Sent: April 20, 2021 9:06 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Keep Winona great

Tim Vrooman,

I am writing this letter to express my concern regarding the proposed development at 1290 South Service Road and 5 & 23 Vince Mazza Way, Stoney Creek.

File Nos. ZAC-21-008 / UHOPA-21-004

I hereby state my opposition to the proposed development in that:

The proposed development is over-intensification of the site. It will increase traffic to unacceptable levels once complete.

Winona road has been significantly busier since the plaza was built and this large building with the hugely increased amount of residents, most likely with a car each, will make it a nightmare. There are no sidewalks on Winona road and we currently almost get hit by the current volume of cars on a regular basis. There are two other new developments being built on winona road that will already impact the volume, adding a third with this dramatic increase is something we cannot handle.

The proposed development is not "sensitive to the surrounding housing character". I'd like to propose a reduced height building, more in line with current buildings in the area.

The proposed development does not respect or protect "the small-town character and feel of Winona". High rise towers certainly do not fit into this classification. I understand small towns need to grow, but we need to consider keeping a certain look and charm, a high rise definitely doesn't fit.

The proposed development does not respect or "maintain the existing streetscape character of Stoney Creek".

I respectfully request that this Council not permit the development as proposed and require the developer to scale down the mass of the proposal, respect the existing streetscape character, and adhere to the maximum allowable building height.

I would ask that my comments be presented for consideration at the public meeting.

Respectfully,

Marianna Clayton

Sent from my BlackBerry — the most secure mobile device — via the Bell Network

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From: Moritz Kahlke <[REDACTED]>
Sent: April 20, 2021 9:39 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: File Nos. ZAC-21-008 / UHOPA-21-004

Dear Mr. Vrooman,

I am writing this letter to express my concern regarding the proposed development at 1290 South Service Road and 5 & 23 Vince Mazza Way, Stoney Creek.

File Nos. ZAC-21-008 / UHOPA-21-004

I hereby state my opposition to the proposed development in that:
The proposed development is over-intensification of the site. It will increase traffic to unacceptable levels once complete.

The proposed development is not "sensitive to the surrounding housing character". I'd like to propose a reduced height building, more in line with current buildings in the area.

The proposed development does not respect or protect "the small-town character and feel of Winona". High rise towers certainly do not fit into this classification.

The proposed development does not respect or "maintain the existing streetscape character of Stoney Creek".

I respectfully request that this Council not permit the development as proposed and require the developer to scale down the mass of the proposal, respect the existing streetscape character, and adhere to the maximum allowable building height.

I would ask that my comments be presented for consideration at the public meeting.

Respectfully,
Moritz Kahlke

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From: Donna Klisuric <[REDACTED]>
Sent: April 20, 2021 11:53 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: 28 Storey Building Beside Costco

Hello Tim,

I am a concerned citizen who lives in the area and as such I feel it necessary to voice my discontent and dismay at the proposal of a large apartment building in and around Winona Crossing. I do NOT feel that a building of that size and magnitude belongs in a community predominantly comprised of stand alone homes and townhomes. I don't understand how a plan is approved, particularly at a time when many Hamiltonians are preoccupied with issues relating to COVID. Don't get me wrong, I fully believe that Hamilton should provide a variety of home choices and options that are inclusive, accessible and diverse but come on logically, do you really believe that this type of structure suits this area? On the contrary this type of dwelling only aids to further undermine the small town feel of this community. Areas are being built up without oversight and without direct knowledge of who it is impacted and to what extent. Come on Tim, you and your team, that includes Maria Pearson, I know can come up with a more feasible, positive and less controversial alternative to that parcel of land rather than approving an idea that quite frankly is simply concerned with the bottom line.

Regards,
Donna Klisuric

Sent from my iPhone

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From: Cheryl B <[REDACTED]>
Sent: April 21, 2021 8:17 AM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Public Meeting on this matter, quoting File Nos. ZAC-21-008 / UHOPA-21-004

Dear Tim,

Thank you for the opportunity to be heard with respect to the applications for Urban Hamilton Official Plan and Zoning By-law Amendments for lands located at 1290 South Service Road and 5 & 23 Vince Mazza Way, Stoney Creek.

I am a fan of progression and moving forward. It serves us all well. Progression is in the eye of the beholder. For me it is moving forward in a way that progresses and favors all those involved, which including the community members who are the ones whose daily lives will be affected. Sometimes their voices are small and not heard and their faces shadowed over the loudness of a development group or the brightness of financial success.

I lived in an area in Toronto for 13 years on the waterfront. The tall and large condo and office towers started to fill in quickly after the first one went up. It created an overburdened community. One where these situations arose.

Infrastructure failures almost weekly for years Power outages where city power boards needed upgrading \$\$\$\$. Sewer backups in buildings where lawsuits are still on going with the City\$\$\$\$. Police patrolling due to higher crime rate \$\$\$. My drive to downtown Toronto went from 20 minutes to 35 minutes. My 5 minute drive to a grocery store turned into a 15 minute drive. These were longer if there was a traffic issue or during the summertime. Noise pollution also rose due to the increase in construction, population, stores and traffic. Construction vehicles showed up at 6a and sat on the streets with engines running until the construction gates opened at 6:30a which were illegal start times. The community went through many meetings and we put our community leaders through a lot of petitions to change this.

Winona plaza area has increased significantly over the past 5 years and some of the above noted issues have arisen in the area. In the summertime it is a favored shopping place for cottages and travelers. Sometimes I need to drive into Stoney creek to get groceries forcing me out of my neighborhood. With new subdivisions being approved and on their way the 28 story building will be a destructive force to the community for a lifetime. The construction, height of building will destroy our well preserved skyline and the population density.

There are many technical reports that support what I have lived such as:

"Abstract. High-rise apartment houses have technical and economic advantages in areas with dense population. Their placement in the central part of the city allows increasing the number of living space in the limited territory, to bring population to the place of employment and reduce pendular migration. But increase in population density leads to psychological problems: level of a stress, fatigue increases, the number of phobias grows, infectious diseases extend quicker. These problems can be solved at resettlement of inhabitants to the suburb. However such decision leads to aggravation of a transport problem and the pulsing increase in population density in the downtown and on its suburb. To solve a transport problem, it is necessary not to increase the square of the cities. Therefore in the suburbs is

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also used high-rise construction. But high-rise residential districts on the suburb of the city get own social problems which are capable to destroy all advantages of high-rise construction."

I'd be happy to discuss this further with you in hopes that a more suitable and progressive resolution for our community is created.

Gratitude.

Cheryl Brightman and John Doyle.



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From: [REDACTED] <[REDACTED]>
Sent: April 21, 2021 8:31 AM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Fwd: 28 story building in winoa

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]
Date: April 21, 2021 at 8:23:27 AM EDT
To: tim.vroom@hamilton.ca
Subject: 28 story building in winoa

Mr vroom

Is this some kind of joke? Us here in winona already have issues with traffic and congestion and the city wants to put this here? I guess as long the city gets it revenue. Who cares about safety

Pat ciarmoli

Sent from my iPhone

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From: mike and amy <[REDACTED]>
Sent: April 21, 2021 8:46 AM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Winona

I am writing this letter to express my concern regarding the proposed development at 1290 South Service Road and 5 & 23 Vince Mazza Way, Stoney Creek.

File Nos. ZAC-21-008 / UHOPA-21-004

I hereby state my opposition to the proposed development in that:

I am a 30 year resident of Winona.

Winona still lacks from much needed infrastructure improvements such as appropriate roads and sidewalks and public transit. School are filled to capacity! There is no more room yet the city continues to allow housing developments.

The proposed development is over-intensification of the site. It will increase traffic to unacceptable levels once complete. Winona Road can barely handle the increased traffic created by the growing retail development, let alone a housing development. Please feel free to sit in my driveway to study the traffic which is still heavy during a mandatory stay at home order.

The proposed development does not respect or protect "the small-town character and feel of Winona". High rise towers certainly do not fit into this.

I respectfully request that this Council not permit the development as proposed and require the developer to scale down the mass of the proposal, respect the existing streetscape character, and adhere to the maximum allowable building height.

I would ask that my comments be presented for consideration at the public meeting.

Respectfully,

Amy Eleftheriou
Sent from my iPhone

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From: Dana Ivancevic <[REDACTED]>
Sent: April 21, 2021 8:47 AM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: File Nos. ZAC-21-008 / UHOPA-21-004

Tim Vrooman, City of Hamilton

Planning and Economic Development Department

E-Mail: Tim.Vrooman@Hamilton.ca

I am writing this letter to express my concern regarding the proposed development at 1290 South Service Road and 5 & 23 Vince Mazza Way, Stoney Creek.

File Nos. ZAC-21-008 / UHOPA-21-004

I hereby state my opposition to the proposed development in that:

The proposed development is over-intensification of the site. It will increase traffic to unacceptable levels once complete.

The proposed development is not "sensitive to the surrounding housing character". I'd like to propose a reduced height building, more in line with current buildings in the area.

The proposed development does not respect or protect "the small-town character and feel of Winona". High rise towers certainly do not fit into this classification.

The proposed development does not respect or "maintain the existing streetscape character of Stoney Creek".

I respectfully request that this Council not permit the development as proposed and require the developer to scale down the mass of the proposal, respect the existing streetscape character, and adhere to the maximum allowable building height.

I would ask that my comments be presented for consideration at the public meeting.

Respectfully,

Dana Ivancevic

Sent from my iPhone

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From: Maria Kealy <[REDACTED]>
Sent: April 21, 2021 9:29 AM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: 28 storey building next to Costco

I would like to have my concerns included at that meeting. I live at 142 Escarpment Drive just a stone throw from the proposed site.

This building would increase the traffic already generated by the plaza and a building that size does not fit the neighbourhood.

If the land has to be developed maybe a few more stores that aren't food stores such as a hardware store, clothing store for men and women or even better a movie theatre but not an apartment building or townhome or anymore homes it is just not the spot for this type of dwelling.

As for Maria Pearson she never shows her face in winona and couldn't give a hoot about the people that live in Winona hopefully the people of Winona will remember that at election time.

So count me in on your discussions.

My name is Maria Kealy and I live at [REDACTED] Maybe Maria Pearson should look into the fact that Pettis ave needs a sidewalk but as she indicated to me a couple of years ago it was not a priority I guess someone has to be hit by a car for it to become a priority.

Thank you.

Sent from my Samsung Galaxy smartphone.

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From: Daria Oliveira <[REDACTED]>
Sent: April 21, 2021 11:22 AM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: File Nos. ZAC-21-008 / UHOPA-21-004

Hello Tim,

I am writing this letter to express my concern regarding the proposed development at 1290 South Service Road and 5 & 23 Vince Mazza Way, Stoney Creek.

File Nos. ZAC-21-008 / UHOPA-21-004

I hereby state my opposition to the proposed development in that:

The proposed development is over-intensification of the site. It will increase traffic to unacceptable levels once complete.

The proposed development is not "sensitive to the surrounding housing character". I'd like to propose a reduced height building, more in line with current buildings in the area.

The proposed development does not respect or protect "the small-town character and feel of Winona". High rise towers certainly do not fit into this classification.

The proposed development does not respect or "maintain the existing streetscape character of Stoney Creek".

I respectfully request that this Council not permit the development as proposed and require the developer to scale down the mass of the proposal, respect the existing streetscape character, and adhere to the maximum allowable building height.

I would ask that my comments be presented for consideration at the public meeting.

Respectfully,

The Oliveira Family
Winona, on
[REDACTED]

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From: Angela Biljan <[REDACTED]>
Sent: April 21, 2021 1:53 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Highrise Winona file nos ZAC-21-008/UHOPA-21-004

To whom it may concern

I am strongly opposing a 28 story building in the area of Winona beside Costco.

This will be a non conforming building to this area .

When citizens build homes we have to abide by building codes and conformity.

I would suspect the same to apply to Developers and city council members.

The street width will not support extra thousands of residents.

There are no parks or parking allowances on the street Winona Rd.

Not enough schools for these children.

No daycare facilities .

This definitely does not support green Friendly Zone. Much more waste infrastructures necessary much more pollution from vehicles.

Traffic back up will be significant as there already is an influx of population built up in this super city you're trying to create!

We are a small community here ,being swallowed up by urbanization without proper planning for the infrastructure surrounding.

There is not ONE !! Building that is that tall !! The other condo structures had to alter their heights and amounts of floor levels. Please have same guidelines in place in order to maintain conformity.

Please Think! Money can't be the guiding force behind these plans.

Therefore a low-rise building would be better suited. If at All.

Regards

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From: [REDACTED] <[REDACTED]>

Sent: April 21, 2021 6:06 PM

To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>

Subject: proposed development of 1290 South Service Road and 5 & 23 Vince Mazza Way, Stoney Creek.

Good evening

I am writing this letter to express my concern regarding the proposed development of [1290 South Service Road](#) and 5 & 23 Vince Mazza Way, Stoney Creek.

File Nos. ZAC-21-008 / UHOPA-21-004

I hereby state my opposition to the proposed development in that:

The proposed development is over-intensification of the site. It will increase traffic to unacceptable levels once complete.

The proposed development is not "sensitive to the surrounding housing character". I'd like to propose a reduced height building, more in line with current buildings in the area.

The proposed development does not respect or protect "the small-town character and feel of Winona". High rise towers certainly do not fit into this classification.

The proposed development does not respect or "maintain the existing streetscape character of Stoney Creek". I respectfully request that this Council not permit the development as proposed and require the developer to scale down the mass of the proposal, respect the existing streetscape character, and adhere to the maximum allowable building height.

I would ask that my comments be presented for consideration at the public meeting but wish to redact my personal information.

Kind regards,

[REDACTED]

Stoney Creek
Ontario

Kind regards,

[REDACTED]

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From: [REDACTED] <[REDACTED]>
Sent: April 21, 2021 9:01 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Subject: Proposed Development of 1290 South Service Road and 5 & 23 Vince Mazza Way, Stoney Creek

Good Evening Tim,

I am writing this letter to express my concern regarding the proposed development of [1290 South Service Road](#) and 5 & 23 Vince Mazza Way, Stoney Creek.

File Nos. ZAC-21-008 / UHOPA-21-004

I hereby state my opposition to the proposed development in that:

The proposed development is over-intensification of the site. It will increase traffic to unacceptable levels once complete.

The proposed development is not "sensitive to the surrounding housing character". I'd like to propose a reduced height building, more in line with current buildings in the area.

The proposed development does not respect or protect "the small-town character and feel of Winona". High rise towers certainly do not fit into this classification.

The proposed development does not respect or "maintain the existing streetscape character of Stoney Creek". I respectfully request that this Council not permit the development as proposed and require the developer to scale down the mass of the proposal, respect the existing streetscape character, and adhere to the maximum allowable building height.

I would ask that my comments be presented for consideration at the public meeting but wish to redact my personal information.

Kind regards,

[REDACTED]

Stoney Creek ON

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From: N.M. Dutton <[REDACTED]>
Sent: April 22, 2021 8:52 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Opposition of development

Hello Tim,

I am writing this letter to express my concern regarding the proposed development at 1290 South Service Road and 5 & 23 Vince Mazza Way, Stoney Creek.

File Nos. ZAC-21-008 / UHOPA-21-004

I hereby state my opposition to the proposed development in that:

The proposed development is over-intensification of the site. It will increase traffic to unacceptable levels once complete.

The proposed development is not "sensitive to the surrounding housing character". I'd like to propose a reduced height building, more in line with current buildings in the area.

The proposed development does not respect or protect "the small-town character and feel of Winona". High rise towers certainly do not fit into this classification.

The proposed development does not respect or "maintain the existing streetscape character of Stoney Creek".

I respectfully request that this Council not permit the development as proposed and require the developer to scale down the mass of the proposal, respect the existing streetscape character, and adhere to the maximum allowable building height.

I would ask that my comments be presented for consideration at the public meeting.

Respectfully,
Maria Dutton

Sent from my iPhone

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From: Lindsay Fennema <[REDACTED]>
Sent: April 25, 2021 6:37 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Proposed 28 Story Development

I am writing this letter to express my concern regarding the proposed development at 1290 South Service Road and 5 & 23 Vince Mazza Way, Stoney Creek.

File Nos. ZAC-21-008 / UHOPA-21-004

I hereby state my opposition to the proposed development in that:

The proposed development is over-intensification of the site. It will increase traffic to unacceptable levels once complete.

The proposed development is not "sensitive to the surrounding housing character". I'd like to propose a reduced height building, more in line with current buildings in the area.

The proposed development does not respect or protect "the small-town character and feel of Winona". High rise towers certainly do not fit into this classification.

The proposed development does not respect or "maintain the existing streetscape character of Stoney Creek".

I respectfully request that this Council not permit the development as proposed and require the developer to scale down the mass of the proposal, respect the existing streetscape character, and adhere to the maximum allowable building height.

I would ask that my comments be presented for consideration at the public meeting.

Respectfully,

Lindsay Fennema

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From: Mike Fennema <[REDACTED]>
Sent: April 25, 2021 6:40 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Proposed Development - Winona 28 Story

I am writing this letter to express my concern regarding the proposed development at 1290 South Service Road and 5 & 23 Vince Mazza Way, Stoney Creek.
File Nos. ZAC-21-008 / UHOPA-21-004

I hereby state my opposition to the proposed development in that:

The proposed development is over-intensification of the site. It will increase traffic to unacceptable levels once complete.

The proposed development is not "sensitive to the surrounding housing character". I'd like to propose a reduced height building, more in line with current buildings in the area.

The proposed development does not respect or protect "the small-town character and feel of Winona". High rise towers certainly do not fit into this classification.

The proposed development does not respect or "maintain the existing streetscape character of Stoney Creek".

I respectfully request that this Council not permit the development as proposed and require the developer to scale down the mass of the proposal, respect the existing streetscape character, and adhere to the maximum allowable building height.

I would ask that my comments be presented for consideration at the public meeting.

Respectfully,

Michael Fennema

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From: Jo-Ann Spetch <[REDACTED]>

Sent: April 25, 2021 7:49 PM

To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>

Subject: Proposed 28 story building beside Costco file#'s ZAC-21-008/UHOPA-21-004

This building should not be allowed as it does not fit the Winona Community. It would stand out like a sore thumb. Really, shame on you planning people thinking it is okay to have a monstrosity like that put into our community. It is obvious neither of you live in or near Winona or you would not propose such a thing. Winona still lacks infrastructure improvements such as roads and sidewalks in many areas. There is much too many new developments in Winona and none of it addresses ONE floor townhouses for the elderly or disabled who would rather enjoy having a bit of a yard or front porch to sit on.....many do not like apartment life. If builders come to you for development approval, how come this issue isn't raised?

There should be a limit to how many stories high a building can be especially in a community such as ours.....I would think even 14 stories is too high but would be better than 28.

Jo-Ann Spetch

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From: Karen Lee <[REDACTED]>
Sent: April 15, 2021 12:18 PM
To: Planning Division General Inquiries <pd.generalinquiry@hamilton.ca>
Subject: 1290 South Service Road

Hi there,

I hope you are well!

I'm currently researching the 1290 South Service Road development. The application developments are UHOPA-21-004 and ZAC-21-008.

Is it possible if you could send me a copy of the site plan or a staff report if available? And can you confirm if the application is still in circulation or has it been approved?

Thanks in advance for any info you can provide!

Karen Lee

Market Analyst, Data Solutions
Altus Analytics, Altus Group

[REDACTED] | www.altusgroup.com

D: 416.204.2156 | T: 416.596.7676 ext.2921
33 Yonge Street, Suite 500
Toronto, Ontario, M5E 1G4



Altus Group is a leading provider of commercial real estate advisory services, software and data solutions.

This message, and the documents attached hereto, are intended only for the addressee and may contain privileged or confidential information. Any unauthorized disclosure is strictly prohibited. If you have received this message in error, please notify us immediately so that we may correct our internal records. Please then delete the original message. Thank you.

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From: Connie M <[REDACTED]>
Sent: May 1, 2021 5:40 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Costco Building

Good afternoon,

Is there a 28 story building going up near Winona Costco?

If so, were/are residents able to dispute this? Who in their right mind thinks this is the appropriate neighbourhood for that?

We lack side walks, and parking lots, and proper roads for this. It's incredible what is allowed in order for some people to make a dollar on residential.

What was once Winona a beautiful town is turning into an overly concentrated town. Do you care about this whatsoever?

Regards,

Connie Macaluso
Winona Resident

Sent from my iPhone

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From: [REDACTED] <[REDACTED]>
Sent: May 15, 2021 10:35 AM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Fw: Proposed 28 Storey Building!

From: [REDACTED]
Sent: Saturday, May 15, 2021 10:06 AM
Subject: Proposed 28 Storey Building!

Good Morning Tim, File No.'s ZAC-21-008/UHOPA-21-004; I am Objecting to putting a Proposed 28 Storey Condo Building Up, its Too Large; It does not suit the area & it totally changes the Landscape of a very peaceful area of Stoney Creek/Winona; All we seem to be doing is filling the land with more cement! The Building Height should be reduced & why is City Council not consulting with Residents First, it appears that tax revenue is first, & residents are 2nd! Is Hamilton that strapped for money, I Wonder?
From: Jack Bidinost, A resident of Stoney Creek,

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From: Deborah Smith <[REDACTED]>
Sent: May 31, 2021 12:25 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: RE: South Service Rd and Vince Mazza way 28 story building

Hello Tim,
Thank you for responding so quickly to my inquiry. My main concern is the 28th story building. There are no buildings in this area that are that high and it would seem out of place.
I would like to be notified of future notices and decisions on these applications. My mailing address is...
Deborah Smith

Thank you.
Deborah Smith

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From: Nick Radonicich <[REDACTED]>
Sent: June 1, 2021 8:01 AM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: 1290 SSR and Vince Mazza Rezoning and development

Hi Mr. Vrooman, I live in Winona at around Winona Rd and Barton and am concerned about the amount of unit planned in this space, as well as the eyesore of a single 28 storey building that does not match the area at all. I'm sure there is not many people in our area that are actually in favor of this development because of that building specifically.

What course of action can we as citizens of the area do to fight this development and let the city understand that Winona is not a neighborhood befitting of a giant tower because of infrastructure of all sorts that the city just doesn't seem to want to invest in us (bus service), but also electrical with constant flashes, water pressure issues, roadways and lack of pedestrian pathways and no plan on expanding them for cross highway foot traffic.

Nick Radonicich

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From: Mark North <[REDACTED]>
Sent: June 1, 2021 2:00 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Zoning By-law amendment 1290 South Service Road and Vince Mazza Way

Dear Mr. Vrooman,

I have reviewed the details of the plan application (1020123) as stated in your email of February 5, 2021 for the rezoning of the lands located at 1290 South Service Road and 5 & 23 Vince Mazza Way.

While land development progress in the area is inevitable, I have one major concern regarding the plan. A 28 storey building in the area is far too high and does not conform to the building styles due to the height in our area. I would ask that none of the buildings in the new development exceed 8 storeys to be in better keeping with the general appearance in the area.

Furthermore the density in the area will be greatly increased in this plan and a 28 storey building will exacerbate the traffic in the area that much more.

Thanks you

Mark North

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From: Kathy muldoon <[REDACTED]>
Sent: June 2, 2021 9:12 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Zoning

Dear Mr. Vrooman

I am writing with concern over the proposed plans for 1290 North Service Rd. and 5 and 23 Vince Mazza Way. The plan for a 28 story building will not fit into our community. We have a nice small town area here. With the development of the Costco and other stores, our area has become quite busy. I live on Winona Rd. and we sometime have a hard time getting out of our driveway with the added traffic. A much smaller building or a small group of townhouses perhaps would work better for our area. I would like to be kept informed of any updates or changes to plans if possible.

Thank you.

George and Kathy Muldoon
email- [REDACTED]

Kathy

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From: Donna Klisuric <[REDACTED]>
Sent: June 10, 2021 1:04 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Re: 28 Storey Building Beside Costco

Hi Tim,

Yes I would please. Address is: 7 Benziger Lane, Stoney Creek ON, L8E 6B5.

I am hopeful that something positive will come out of these discussions and that the overwhelming voices of the residents will be listened to and respected. No one wants this type of development concentrated in such a small area, period. Folks are moving out of Mississauga and Toronto for precisely this reason. The integrity of our neighborhoods need to be preserved and protected.

Thank you,
Donna Klisuric

Sent from my iPhone

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From: JC JC <[REDACTED]>

Sent: June 24, 2021 9:16 AM

To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>

Subject: Elimination of 28 storey tower 1290 Vince South Service Rd.

I find it somewhat curious that a developer would with a stroke of a pen eliminate what they themselves described as the cornerstone of the development without even lowering the height to try and make it look like they are compromising. I personally told my neighbour that this was going to be a throw away building something that was put in to take the attention away from the fact that this land was designated commercial not residential . It's a misdirection," look at reduction in units and how accommodating we are " all the while focusing our attention away from the fact that this land should not change from commercial to residential albeit it has a limited amount of commercial space to appease the politicians. But let me be clear I am not in favour of this development because there will be constant traffic at all hours of the day and night on not only Winona Rd. and Fifty Rd but it will also affect the side roads in the area. This was one of the main arguments presented at the original meetings for the shopping centre itself , and that is that when the stores closed there would be no more traffic in the area except for the restaurant traffic. What happened to the fact part of the shopping development land was to be set aside as Employment Lands ,which was the original zoning of the property exactly for the fact that traffic on these lands would end when the workday ended. What happened to the Employment Lands which were to be part of this development? This looks like another backroom deal that this council has become to be known for and shows the lengths developers will go to get their way.I for one am against this development and ask that you turn down this zoning change and for once listen to the residence that put you in office. This piece of property needs to either stay commercial or my preference is to change it back to Employment Lands for the quality of life of the people that live in the area.

Aldo Castelli

Winona

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From: Nancy Shuker <[REDACTED]>
Sent: July 8, 2021 9:32 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Zoning bi-law amendment application ZAC-21-008 / UHOPA-21-004

My concern is that Winona is not being developed as a community. I want to bring to your attention the lack of social, spiritual, and recreational development in this area.

For example our closest arena is approximately 6.3 kilometres (from this proposed site) for public skating in Grimsby, Saltfleet arena is 7.9 kilometres for hockey. The ice is good but, bring an umbrella and heater if you want to watch a game.

The closest Tennis court is 7.4 kilometres in Grimsby,

The closest skate park is 7.0 kilometres in Grimsby,

The Library is a distance of 6.2 kilometres, which requires a taxi fare,

The closest off leash dog park is 2.3 kilometres in Grimsby,

The nearest outside pool is 7.7 kilometres in Grimsby,

The nearest indoor pool is not Orchard Park but the Niagara West Y.W.C.A., at 9.4 kilometres,

Our Y.W.C.A. is 14 kilometres, for a young adult to get there it requires a taxi cab and two bus transfers.

Lawn bowling 7.4 kilometres in Grimsby,

Bocci ball court 7.6 kilometres,

We have a Senior's Club building, but I don't see any planning for one story low income homes.

The Winona Community centre offer programs for small children, unfortunately travel to and from is not safe.

I now understand why my internet service is so slow, EVERYONE PERSON IN EAST STONEY CREEK IS ON THEIR SCREENS.

I was once told if you bring a problem forward you should also provide some answers. The Royal Bank building is vacant, and the lot having service, is big enough for 2 double tennis courts. Perhaps they might donate as RBC is the only bank servicing this area. We live with the beautiful Niagara escarpment and Bruce trail. In Beamsville the Kinsmen built a beautiful set of steps, perhaps this could be a project for the Winona Mens Club. The lot at the Winona community centre is big enough for a skate park / outside arena, a great opportunity for the builders to send some money back into the community (great P.R.) We live along the shore of Lake Ontario, from Grays road to Winona there is 10 kilometres of shore line, two benches at Fifty Road North, a short walkway at Jones Road North, a walkway and one bench at Dewitt Road North, and a bike trail at Millen Road to Green Road around in and out the apartment complex. Why did we lose public access to the shoreline?, because a 100 years ago the people of

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Winona, Fruitland and Vinemout were too busy picking fruit, loading the train to feed the rest of Canada, Now! We know the importance of urban planning.

The Stoney Creek East communities deserve better. We do not pay our taxes to Grimsby, but to Hamilton. We need a large multi complex similar to Valley Park but wheelchair accessible. In the mean time, small projects could be built, and plans developed for the future before land is used for more housing.

A community of homes without social, spiritual, and recreational development, is not a community. It is just a bunch of houses and lots of traffic.

Nancy Shuker, resident 70 plus years.

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IBI GROUP
200 East Wing–360 James Street North
Hamilton ON L8L 1H5 Canada
tel 905 546 1010 fax 905 546 1011
ibigroup.com

March 4, 2021

Dear Resident:

**NOTICE OF NEIGHBOURHOOD OPEN HOUSE TO PRESENT THE MIXED-USE
DEVELOPMENT AT 1290 SOUTH SERVICE ROAD AND 5 & 23 VINCE MAZZA WAY**

On behalf of Winona Point Joint Venture Inc., we are pleased to present a mixed-use residential and commercial community known as “Winona Point”. The proposed community would feature approximately 624 new residential units, of which 266 units will be contained within a 28-storey apartment tower, 304 units will be contained within 12 four-storey stacked townhouse buildings, and 54 units will be contained within 7 three-storey mixed-use buildings. The development would also provide approximately 2,630m² of new commercial space contained within the 7 three-storey mixed-use buildings and one one-storey commercial building. These commercial spaces would focus on small local shops and business that cater to the daily needs of this new development, as well as the broader Winona community.

Formal applications to amend the Urban Hamilton Official Plan (“UHOPA”) and to amend the City of Hamilton Zoning By-law No. 05-200 (“ZBLA”) to permit this development have been submitted to the City of Hamilton and have recently been circulated for review.

In addition to the recent circulation notice that you may have received from the City of Hamilton, Winona Point Joint Venture Inc. will be holding their own independent Neighbourhood Information Open House to introduce the proposed development and gain valuable feedback from the community.

Given the current Covid-19 related restrictions on maximum gathering sizes this Open House meeting will be held virtually on:

Thursday March 25, 2021

Presentation starts at 6:00 pm with Q & A session to follow until 8:00 pm

Participate On-Line via Zoom: <https://zoom.us/j/91421418617>

Webinar ID: 914 2141 8617

Participate by iPhone one-tap:

Canada: +1 438 809 7799, 91421418617#, or +1 587 328 1099, 91421418617#

Participate by Telephone:

Canada: +1 438 809 7799, or +1 587 328 1099, or +1 647 374 4685, or +1 647 558 0588, or
+1 778 907 2071, or +1 204 272 7920

For further information concerning this development project, please contact
jared.marcus@ibigroup.com.

Yours truly,
IBI Group – Hamilton

Winona Point

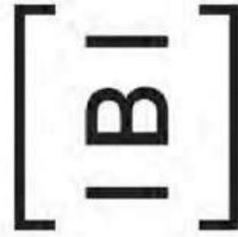


1290 SOUTH SERVICE ROAD
Presentation to Hamilton Design Review Panel

October 2020



Scott Henderson
OALA, CSLA
Landscape Architect



Jared Marcus
Associate Manager,
Planner



Przemyslaw Myszkowski
OAA, MRAIC
Architect



Fernando Puga
Land Development Manager

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Instructions for using Zoom Webinar

For ~~maximum sound quality~~, using earbuds or a headset is recommended. Verify the sound on your earbuds/headset by playing a sample video/audio file.

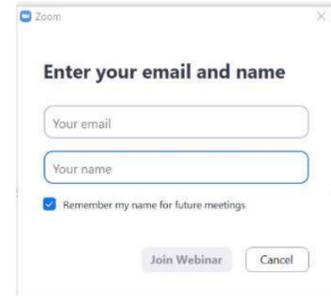
~~At least thirty (30) minutes prior to~~ the meeting start time:

- a. **by computer** - click on the Zoom meeting link or paste it in the address bar of your browser. Download the Zoom application and run it.
- b. **by smartphone/tablet** (download the Zoom app in advance) – open the app, select “Join a Meeting”, and enter the meeting ID. Select if you would like to join with or without video.

~~by telephone – call the telephone~~ number provided to you and follow the prompts for the meeting ID. To toggle mute/unmute by telephone, press *6. To ‘Raise your Hand’ using your phone, press *9.

~~If using computer or smartphone~~, enter your name, email address or Webinar ID #.

~~Zoom Panelists / Participants are~~ Attendees – When you join the meeting, you will be added into the Audience as an ‘Attendee’ which restricts your audio / video capabilities. The diagram below shows the 2 categories (i.e. Panelists & Attendees) that will be used for Pre-Application Community Meetings.

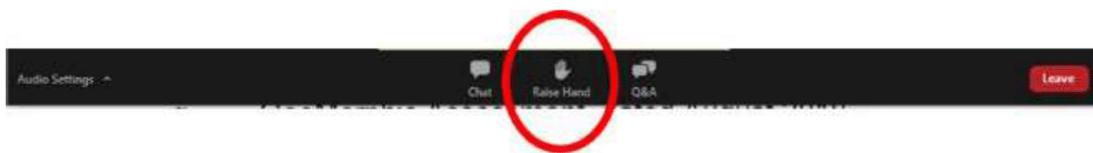
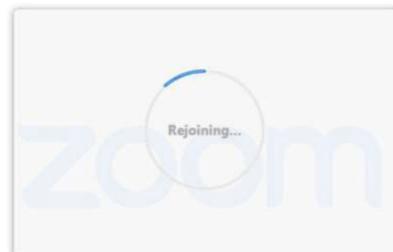


Appendix “G” to Report PED21223

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Instructions for using Zoom Webinar – Page 2

~~Raising Your Hand~~ - You are able to virtually ‘Raise Your Hand’ by clicking the ‘Raise Hand’ button at the bottom of the screen (see picture below) which would prompt the host to allow you to become a ‘Participant’. Once the host moves you from an ‘Attendee’ to a ‘Participant’, you will receive a prompt window (similar to the picture to the right) before rejoining the meeting as a ‘Participant’.



~~Becoming a Participant~~ - When it's your turn to participate, you will be moved from an ‘Attendee’ to a ‘Participant’. Once you become a ‘Participant’, you can turn on your audio / video using the buttons in the bottom left of your screen (shown in red below).



You will also have the ability to join with or without video. It is preferred that you join with video, but not required. Note:

- having your video on allows for better communication and interaction between you and the panelists; and
- you have the ability to stop the video at any time.

~~Losing Connection~~ - If you lose connection to the meeting at any time, please reconnect using the Zoom links. Once you are let back into the meeting, you will be added as an ‘Attendee’. If you were in the middle of speaking when you lost connection, the host will move on to the next participant and will try to call upon you again after the next participant. You may also try phoning in if you are experiencing connection issues.

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From: [REDACTED]
To: [Jared Marcus](#)
Subject: WINONA POINT DEVELOPMENT
Date: Sunday, March 14, 2021 1:19:30 PM

Thank you for the invite to the zoom meeting on March 25th however I will not be able to attend but did want you to know my initial thoughts on the project.

I believe there is not enough green space in the development as currently outlined. Have you considered two 32 storey apartment towers plus the 7 three-story mixed-use buildings and one 1 story commercial building? There would I believe be much more green space while still allowing for the number of units as originally proposed. As a potential owner of a unit in one of the towers I would be looking at the green space as a huge selling point in moving there. Also, with two towers positioned to have maximum view of the lake there would be many more people attracted to that aspect of the project.

Thanks for allowing for the input.

Regards,

[REDACTED]

Appendix "G" to Report PED21223
Page 7 of 18

From: [REDACTED]
To: [Jared Marcus](#)
Subject: Winona Point
Date: Friday, March 12, 2021 9:58:52 AM

As a resident of Winona north, I appreciate being notified about the proposal to build Winona Point.

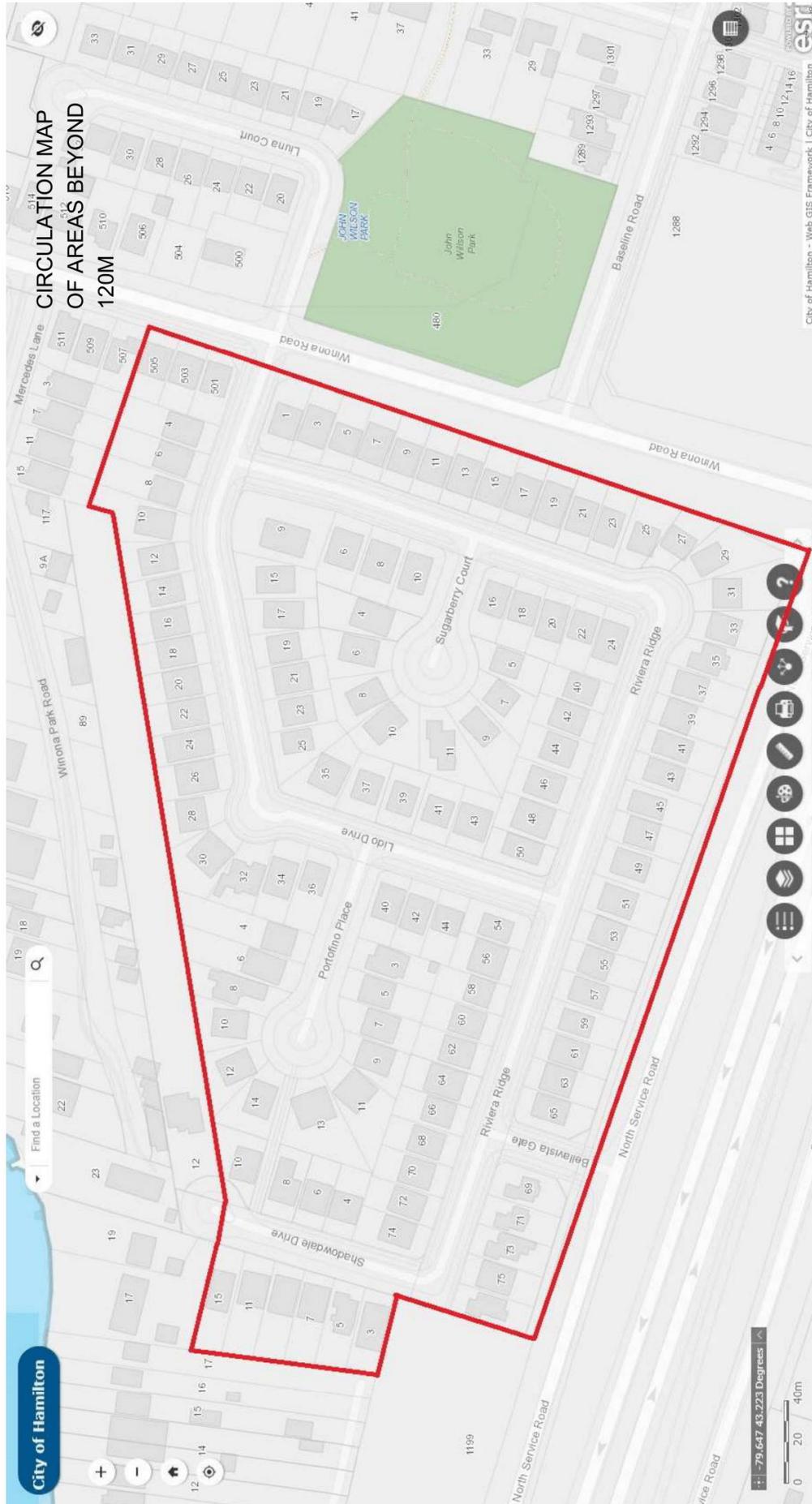
I am against building this development.
This lane should be for stores, not for homes.

If, and how, will I have the opportunity to vote against this development ?

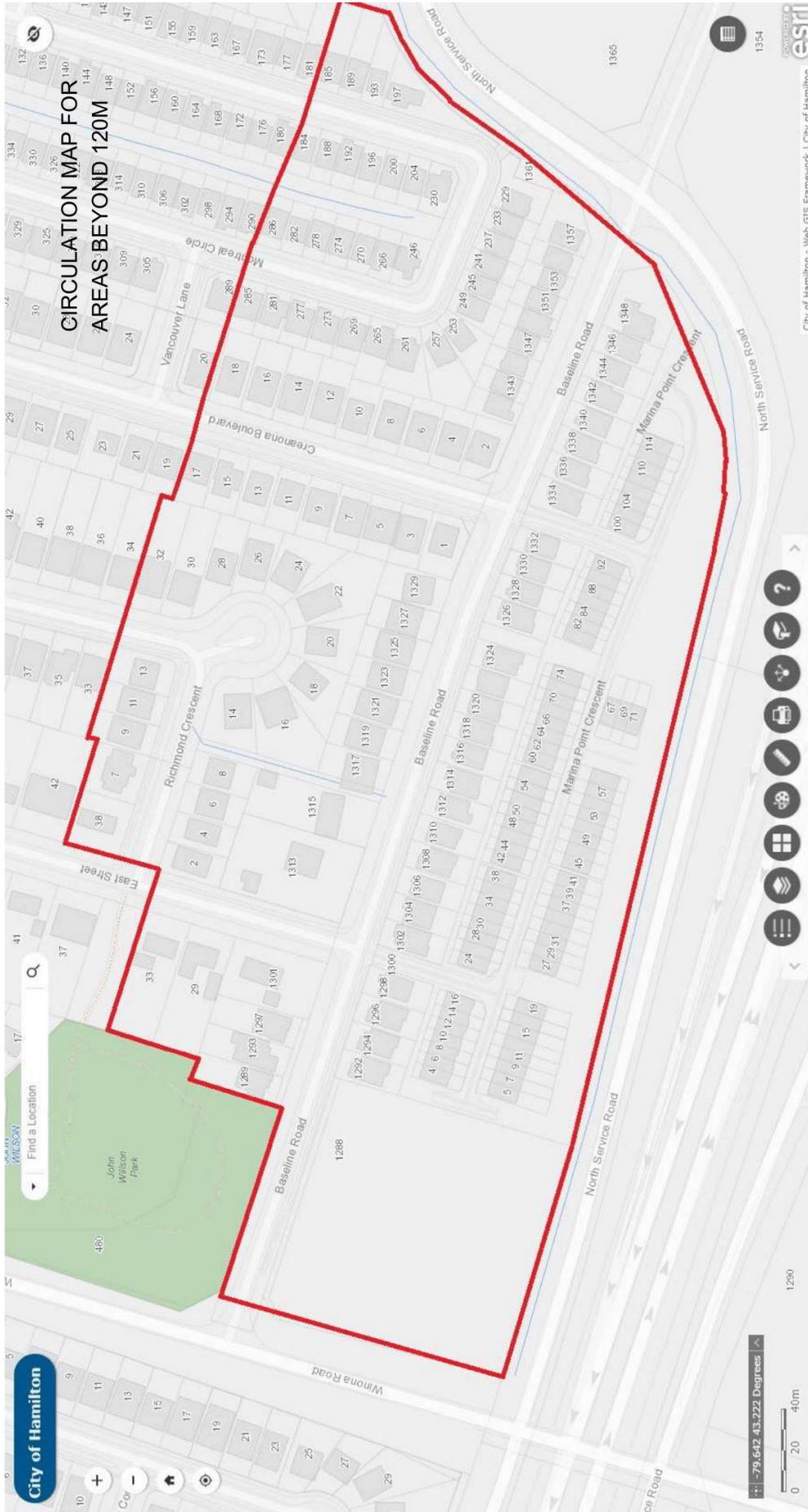
Thank you.

Sent from my iPhone
Thank you
Enjoy your day,
[REDACTED]

Appendix "G" to Report PED21223
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Appendix "G" to Report PED21223
Page 9 of 18





IBI GROUP
200 East Wing – 360 James Street North
Hamilton ON L8L 1H5 Canada
tel 905 546 1010 fax 905 546 1011
ibigroup.com

Neighbourhood Open Houses Comments

To/Attention Notes to File **Date** April 29, 2021

From Jared Marcus **Project No** 126584

Subject Winona Point Neighbourhood Open House
1290 South Service Road and 5 & 23 Vince Mazza Way
Zoom Virtual Meeting
March 25, 2021 @ 6:00pm

Present *See attached sheet

- Circulation Notice
 - Why was circulation not given to residents south of the CN tracks.
 - General question about obtaining more information and being notified about future meetings.
- Traffic Concern
 - General concern about how traffic will be managed.
 - Concern about existing traffic volumes and safety.
 - Concern about existing disjointed pedestrian facilities.
 - Will there be active transportation upgrades on Winona Road?
 - Concern about new traffic utilizing neighbourhoods as cut through.
 - General concern about how and when the TIS was prepared.
 - General concern about road capacity.
 - Has there been any study regarding the need for a grade separation at the train tracks?
- Transit
 - General interest in transit availability in Winona area.
 - Will transit be expanded to the area?
 - General questions about timing of GO Transit services.
- Public Services
 - Will there be school upgrades associated with development?
 - Will there be upgrades to existing infrastructure to support development?
 - Concern about state of existing services.
 - Concern about existing servicing capacity.
 - Concern about lack of amenities/community facilities in neighbourhood.
- Development Concerns
 - Could the tower be split into smaller buildings.
 - Concern about privacy overview from tall building on existing residences.
 - Why was a 28-storey tower chosen.

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Winona Point Neighbourhood Open House
1290 South Service Road and 5 & 23 Vince Mazza Way
Zoom Virtual Meeting
March 25, 2021 @ 6:00pm

Page 2 of 2

- General comments/concern about tall building design.
- Concern that there are not enough amenities/services to sustain density.
- Will there be a noise barrier along the highway frontage?
- Will the apartment building be ownership or rental?
- Will the proposed amenities be private or public?
- General distaste for tall building in this area.
- General questions about project timelines.
- General concern about height.
- Concern that more commercial services aren't needed.
- Concern about lack of parkland.
- Concern about land reclamation(?) and impact to watershed.
- Will there be any affordable housing?
- Question about price.

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IBI GROUP PLANNING JUSTIFICATION ADDENDUM REPORT
WINONA POINT, STONEY CREEK
Prepared for Winona Point Joint Venture Inc.

6 Public Consultation Strategy and Open House Comments

As previously discussed, a Public Information Open House was held as a ZOOM virtual meeting on March 26, 2021. The following public comments were provided either to the City through email, over the phone or virtually at the meeting. IBI Group provided responses for questions brought up during the virtual meeting, resident comments were categorized by subject then by specific. Comments and the corresponding responses are provided in **Table 6-1** below:

RECEIVED AT THE VIRTUAL PUBLIC MEETING:		
SUBJECT	SPECIFIC CONCERN	IBI GROUP RESPONSE
Circulation for Notice	Why was circulation not given to residents south of the CN tracks?	<p>The circulation followed the requirements under the Planning Act which establishes that notice be given to all properties within 120m from the proposed development. In response to a specific request, the circulation went beyond the statutory requirement to include the residential neighbourhoods to the north. This was primarily done in anticipation of concerns from residents north of the QEW regarding the proposed apartment tower. No similar concerns were expected from residents south of the tracks as those lands are farther removed from the proposed tower.</p> <p>The Public Open House meeting has collected a list of interested parties that will be used for future notices for this development. As a part of the application process, there will be further opportunity for public review and consultation.</p>

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IBI GROUP PLANNING JUSTIFICATION ADDENDUM REPORT
WINONA POINT, STONEY CREEK
Prepared for Winona Point Joint Venture Inc.

Traffic	<ul style="list-style-type: none"> ▪ How will traffic be managed? ▪ Concerns about how and when the TIS was prepared. ▪ Concerns about road capacity. ▪ Concerns about existing traffic volumes and safety. ▪ Concern about new traffic cutting through neighbourhoods. 	<p>As discussed at the Public Open House, the City had approved a term of reference for the TIS that was prepared in support of the development. As required, the TIS used pre-COVID traffic counts and a year over year growth factor to review the traffic impacts of the proposed development.</p> <p>The results of the traffic counts to date show that the majority of travel will head towards the Fifty Road access to the Q.E.W. A revised TIS will be submitted to the City and peer reviewed by the City’s consulting engineer. The TIS and any revisions are also circulated to the Ministry of Transportation (MTO) for their comments. The MTO monitors the service levels for the on and off ramps servicing the Q.E.W. therefore any upgrades to these roads as a result of this development will be addressed in the MTO correspondence.</p> <p>A revised TIS has been completed in response to staff comments and included in this submission.</p>
Active Transportation	<ul style="list-style-type: none"> ▪ Concerns about disjointed Pedestrian facilities. ▪ Inquires about active transportation upgrades on Winona Road? ▪ Has an at-grade crossing over the CN track been considered? 	<p>The proposed development provides for an extension of the pedestrian sidewalks that link Winona Road to the commercial centre.</p> <p>It was noted at the meeting that overall upgrades on Winona Road will be a City initiative however, the proposed development of Winona Point will collect a significant amount development charges that the City can allocate towards improvements to the overall area to improved bike lanes, sidewalks and pedestrian connections.</p> <p>There was no requirement to review an at-grade crossing over the CN rail track to the south as a part of this application.</p>
Transit	<ul style="list-style-type: none"> ▪ General interest in transit availability in Winona Area. ▪ Will transit be expanded to the area? 	<p>A parcel of land approximately one acre in size has been identified in Winona Crossings development reserving this site for a future multi-modal transit hub.</p>

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IBI GROUP PLANNING JUSTIFICATION ADDENDUM REPORT
WINONA POINT, STONEY CREEK
Prepared for Winona Point Joint Venture Inc.

	<ul style="list-style-type: none"> ▪ General questions about GO Transit services. 	<p>The province and the federal government have recently announced the approval for funding to bring the LRT to the west of Stoney Creek as the first step towards providing higher order transit to the area.</p> <p>Councillor Pearson who was in attendance at the meeting advised that that City staff are reviewing the transit opportunities for Winona area especially for connections between the north and south sides of the community. She further advised that the intent is that the GO train would connect to the Hamilton Go Station.</p> <p>The Ten Year Local Transit study due for review and City staff has been investigating options for smaller bus service the area as a part of the City's Transit strategy update.</p>
Public Services - Services	<ul style="list-style-type: none"> ▪ Will there be upgrades to the existing infrastructure to support the development? ▪ Concern about the state of existing services. ▪ Concerns about the existing servicing capacity. 	<p>A FSR has been completed which demonstrate that the sanitary, water servicing is adequate including water pressure. City staff will review the report and confirm findings. In most cases development improves existing services through the fees collected as well as through the improvements made to service the proposed development.</p>
Public Services- Schools	<ul style="list-style-type: none"> ▪ Will there be school upgrades associated with development? 	<p>The applications have been circulated to the applicable School Boards for their comments.</p>
Public Services- Community Facilities	<ul style="list-style-type: none"> ▪ Concern about lack of amenities/community facilities in neighbourhood. ▪ Concern that there are not amenities to sustain the density. ▪ Will the proposed amenities be private or public? ▪ Concern about the lack of parkland. 	<p>Amenities spaces may be open to the public but the decision to do so has not been determined. This is something that will be considered at the condominium application stage.</p> <p>A woonerf plaza and 4 outdoor courtyards have been proposed as outdoor amenity space and to service the development. Roof top patios and balconies have also been proposed to provide units with private outdoor amenity spaces.</p> <p>From the intersection of Vince Mazza Way and Winona Rd to John Wilson Park north of the QEW is only 465m</p>

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IBI GROUP PLANNING JUSTIFICATION ADDENDUM REPORT
 WINONA POINT, STONEY CREEK
 Prepared for Winona Point Joint Venture Inc.

		away. The same intersection is only 850 m from Winona Park and 1100m from St Gabriel Catholic Elementary School.
Development Concerns – Built Form	<ul style="list-style-type: none"> ▪ Could the Tower be split into smaller buildings? ▪ Concern about privacy overview from the tall building on existing residents. ▪ Why was a 28-storey tower chosen? ▪ Concern about tall building design. ▪ Will there be a noise barrier along the highway frontage? ▪ Will the apartment building be ownership or rental? ▪ General distaste for a tall building in this area. ▪ General concern about proposed height. ▪ Inquiry if there will be any affordable housing? 	<p>There are no existing sensitive land uses that are in close proximity to the proposed development.</p> <p>However, in response to concerns voiced at the meeting as well as comments received from the City, the proposed tall building has been replaced with 4 storey stacked townhouses in place of the former tower.</p>
Development Concern- Parking	<ul style="list-style-type: none"> ▪ Concern that there is not enough parking 	<p>The proposed development allocates more parking than required to accommodate the development.</p> <p>The City's zoning by-law requires 1 space per residential unit which equates to 454 parking spaces for this development.</p> <p>As shown on the revised site plan 621 parking spaces have been provided which 167 more spaces than is required. In addition, 227 long term and 94 short term bicycle parking spaces have been included to promote active transportation.</p> <p>Of the 621 spaces being provided, 11 are barrier free.</p>
Development Concerns- Proposed uses	<ul style="list-style-type: none"> ▪ General concern that more commercial services are not needed as Costco Plaza already provides 	<p>The current site plan proposes a reduction in commercial space and proposes smaller commercial units than what is found at Winona Crossing.</p>

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IBI GROUP PLANNING JUSTIFICATION ADDENDUM REPORT
WINONA POINT, STONEY CREEK
Prepared for Winona Point Joint Venture Inc.

		The applications propose a change in the retail allocation which is responsive to the marketplace and the changing needs of the retail market.
Built form comments	<ul style="list-style-type: none"> ▪ General comments in favor of the smaller units being proposed that lend opportunities for affordable housing ▪ General comments related in favor of the proposed pedestrian walking connections ▪ General wishes to have surrounding active transportation routes improved ▪ Comments in favor of the proposed amenity areas ▪ Appreciation for the tower design maintaining views and air patterns for the area 	<p>Winona point provides for units that will increase and diversify the existing housing market currently available in the area creating opportunities for affordable housing options meeting goals of the Growth Plan.</p> <p>Pedestrian walking connections were provided throughout the development and builds on the connections to the neighbouring uses and residential areas. Opportunities for improvements to existing active transportation routes will be City initiatives which could be supported through the development charges that will be generated as a result of the approval of this development.</p> <p>The outdoor amenity spaces have been planned to ensure that future residents will be afforded a high level of recreation services within their community. Public spaces proposed at the commercial interface will provide a pedestrian focused environment that will accommodate the immediate neighbourhood and greater community.</p> <p>Although the members of the public have stated appreciation for the tall building, the building has been removed from the proposal.</p>

Table 6-1: Comments received at the Public Open House categorized by subject.

Comments received via email after Public Open House are provided in **Table 6-2** below:

RESIDENT COMMENTS RECEIVED VIA EMAIL	
CONCERNS	RESPONSE
<p>Correspondence dated March 14, 2021</p> <p>Concern that there is not enough greenspace provided and consideration be made to develop two 32 storey tower, 3 storey mixed-use buildings and a 1 storey commercial building. The increased heights would</p>	<p>The proposed development has removed the tall building from the proposal. Views to the lake have been removed although views to the Niagara Escarpment are maintained which is a focus of the policies contained</p>

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IBI GROUP PLANNING JUSTIFICATION ADDENDUM REPORT
 WINONA POINT, STONEY CREEK
 Prepared for Winona Point Joint Venture Inc.

<p>provide for more greenspace and allow maximum views of the lake.</p>	<p>within the FWSP. The revised site plan increases landscaped areas and in addition to the proposed woonerf park, provides shared communal garden spaces and seating areas between proposed buildings.</p>
<p>Correspondence dated March 12, 2021 Resident is against the development as proposed and believes that the land should be used for stores not homes.</p>	<p>The lands have been part of a long leasing program that resulted with no viable commercial tenants that would make the Subject Lands a successful commercial centre.</p>

Table 6-2: Correspondence Received following the Public Open House

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IBI GROUP
 200 East Wing – 360 James Street North
 Hamilton ON L8L 1H5 Canada
 tel 905 546 1010 fax 905 546 1011
 ibigroup.com

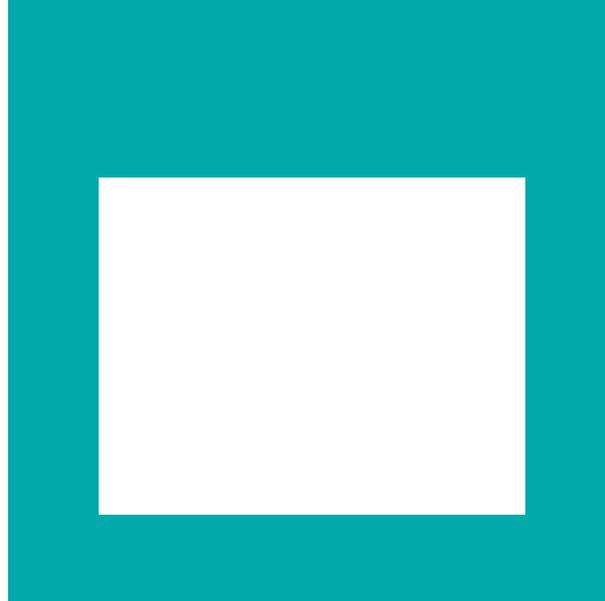
Neighbourhood Open Houses Comments

To/Attention	Notes to File	Date	August 17, 2021
From	Jared Marcus	Project No	126584

Subject Winona Point Second Neighbourhood Open House
 1290 South Service Road and 5 & 23 Vince Mazza Way
 Zoom Virtual Meeting
 June 29, 2021 @ 6:00pm

Present *See attached sheet

- Parking
 - General question about the unit type allocation and concern about the number of parking spaces available, i.e., two-bedroom units will require 2 cars, not 1.
 - Concern about amount of available visitor parking and suggestion that lack of existing transit will exasperate the situation.
- Transportation
 - Question of whether intersection signalization will be at developer’s cost or a DC item.
- Schools
 - Concern that local school children won’t be bussed and suggestion that there is a lack of safe pedestrian infrastructure.
 - Councillor responded that there were some upgrades happening in association with Barton EA and promenade work in Secondary Plan.



WELCOME TO THE CITY OF HAMILTON

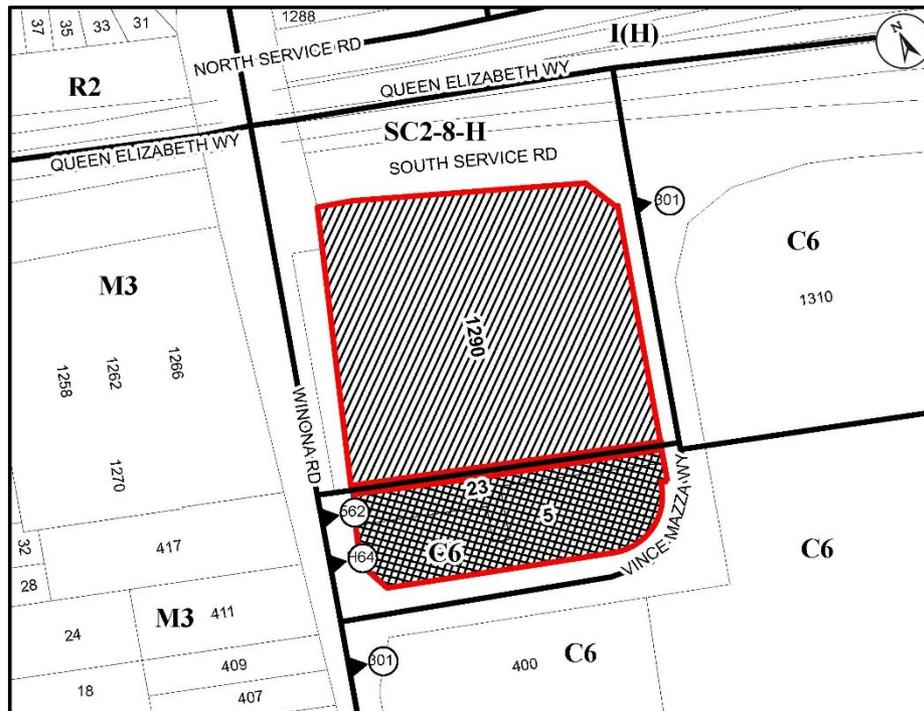
PLANNING COMMITTEE

December 7, 2021

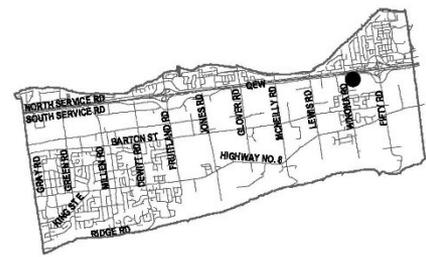
PED21223 – (ZAC-21-008 & UHOPA-21-004)

Application for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200 for Lands Located at 1290 South Service Road and 5 and 23 Vince Mazza Way, Stoney Creek

Presented by: Ohi Izirein



● Site Location



Key Map - Ward 10

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
 ZAC-21-008 & UHOPA-21-004

Date:
 December 2, 2021

Appendix "A"

Scale:
 N.T.S.

Planner/Technician:
 TV/NB

Subject Property

1290 South Service Road and 5 & 23 Vince Mazza Way

- Block 1 - Lands to be added to By-law No. 05-200 and zoned Mixed Use Medium Density (C5, 562) Zone
- Block 2 - Change in Zoning from the District Commercial (C6, 562, H64) Zone to the Mixed Use Medium Density (C5, 562) Zone



SUBJECT PROPERTY



1290 South Service Road and 5 and 23 Vince Mazza Way, Stoney Creek





GENERAL NOTES:
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CANADIAN NATIONAL BUILDING CODE (NBC) AND ALL APPLICABLE REGULATIONS.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
 3. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL AUTHORITY.
 4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 5. ALL UTILITIES SHALL BE PROTECTED AND MARKED PRIOR TO CONSTRUCTION.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL UTILITIES.
 7. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 8. THE CONTRACTOR SHALL MAINTAIN A NEAT AND CLEAN WORK SITE AT ALL TIMES.
 9. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL ADJACENT PROPERTIES.
 11. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 12. THE CONTRACTOR SHALL MAINTAIN A NEAT AND CLEAN WORK SITE AT ALL TIMES.
 13. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.
 14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL ADJACENT PROPERTIES.
 15. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 16. THE CONTRACTOR SHALL MAINTAIN A NEAT AND CLEAN WORK SITE AT ALL TIMES.
 17. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.
 18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL ADJACENT PROPERTIES.
 19. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 20. THE CONTRACTOR SHALL MAINTAIN A NEAT AND CLEAN WORK SITE AT ALL TIMES.
 21. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.
 22. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL ADJACENT PROPERTIES.
 23. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 24. THE CONTRACTOR SHALL MAINTAIN A NEAT AND CLEAN WORK SITE AT ALL TIMES.
 25. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.
 26. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL ADJACENT PROPERTIES.
 27. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 28. THE CONTRACTOR SHALL MAINTAIN A NEAT AND CLEAN WORK SITE AT ALL TIMES.
 29. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.
 30. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL ADJACENT PROPERTIES.

KEY TO SYMBOLS:
 No. OF MATERIALS
 OF MATERIALS PERMITTED

CONCRETE CODES	DATE
1	12/15/2022
2	12/15/2022
3	12/15/2022
4	12/15/2022
5	12/15/2022
6	12/15/2022
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16	12/15/2022
17	12/15/2022
18	12/15/2022
19	12/15/2022
20	12/15/2022

ALL PERMITS SHALL BE OBTAINED PRIOR TO CONSTRUCTION.
 TO BE SUBMITTED TO THE LOCAL AUTHORITY.

NOT FOR CONSTRUCTION

FOR INFORMATION ONLY
 NOT FOR CONSTRUCTION WITHOUT PERMIT

KNYMH
 ARCHITECTURE + SOLUTIONS

800-361-1111
 1000 BAYVIEW AVE. SUITE 100
 SCARBOROUGH, ONTARIO M1B 2Y9
 CANADA
 WWW.KNYMH.COM

MEMBER ASSOCIATION
 OF ARCHITECTS

COMMERCIAL STACK BUILDING 1A

WINONA POINT
 HAMILTON, ONTARIO

ELEVATIONS

PROJECT NO.	20019
PROJECT NAME	A401
DATE	12/15/2022
DESIGNER	KNYMH
PROJECT NO.	20019
PROJECT NAME	A401
DATE	12/15/2022
DESIGNER	KNYMH



Subject site from the southeast bend along Vince Mazza Way with view across QEW to the north



South side of the subject site along Vince Mazza Way to the west



South side of the subject site along Vince Mazza Way to the east



East side of the subject site along Vince Mazza Way to the south



North side of the subject site along South Service Road to the west



North side of the subject site along South Service Road to the east



Subject site from Winona Road / QEW overpass with view to south



View of the commercial plaza across Vince Mazza Way to the east



View to the gas bar across Vince Mazza Way to the south



View along Vince Mazza Way to the employment lands to the west



View to the south along Winona Road with existing dwellings in employment zoned lands



View to the north along Winona Road and QEW overpass

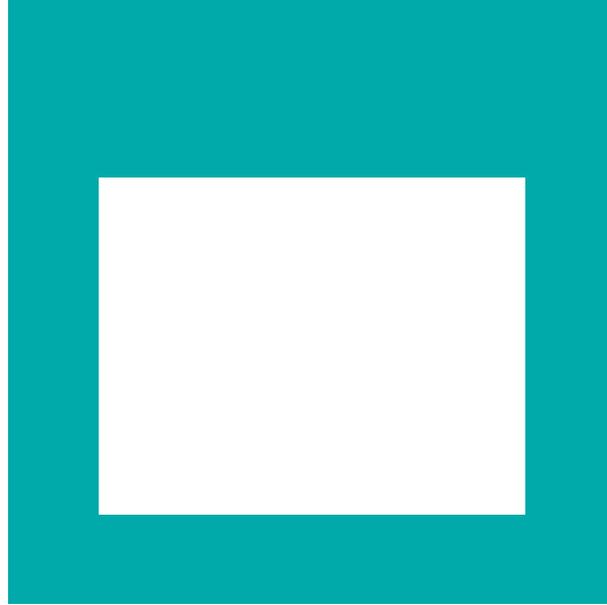


View of the commercial plaza across Vince Mazza Way to the east from South Service Road



View of the employment lands to the west along South Service Road





THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



Public Meeting

Winona Point Joint Venture Inc.

1290 South Service Road and 5 & 23 Vince
Mazza Way, Stoney Creek

December 7, 2021



Winona Point



DeSantis Homes Communities



Myst Towns



CoMo Condos



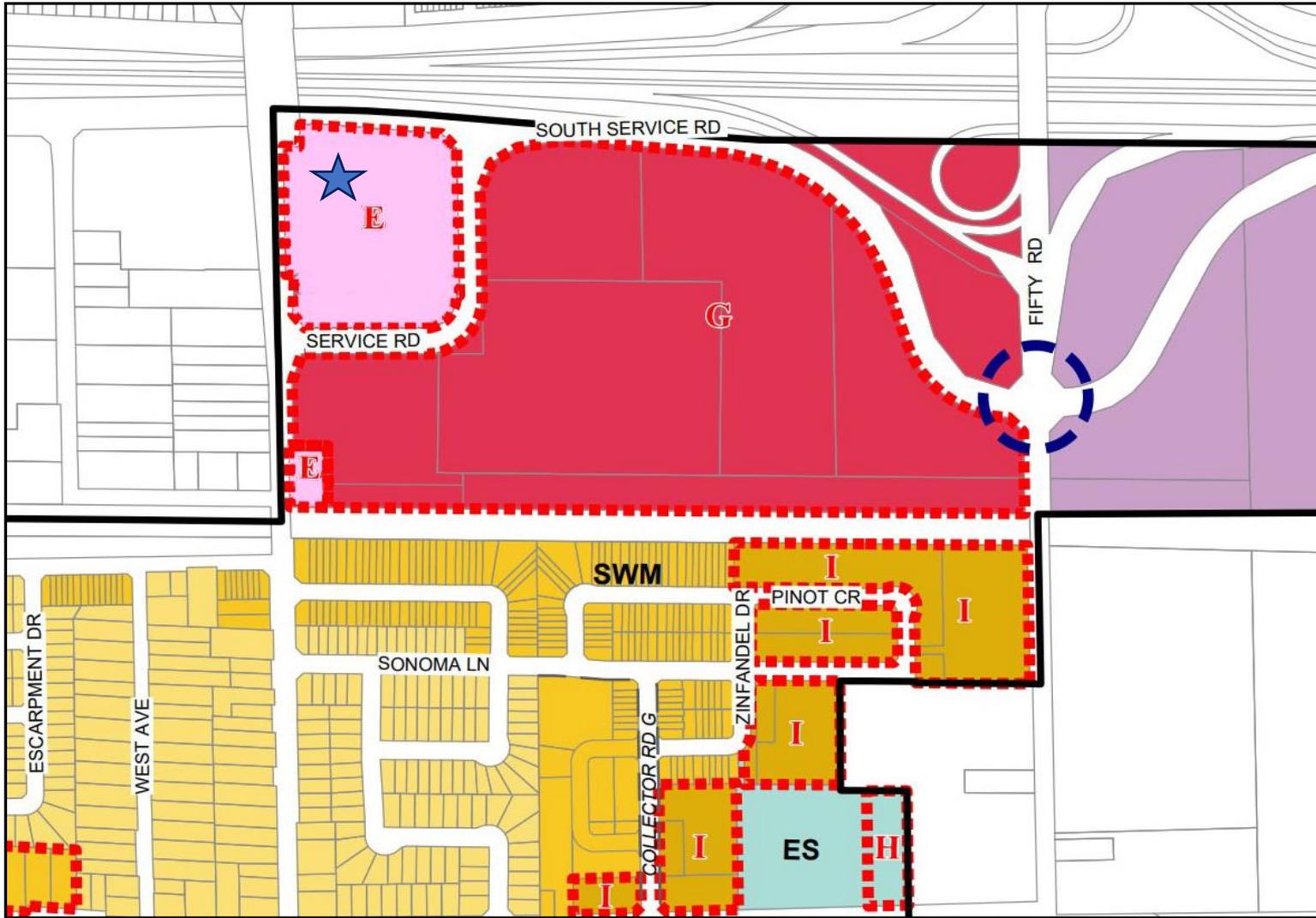
AquaBlu & AquaZul

Lake Pointe –
Rosehaven/DeSantis/Melrose

KiWi – Rosehaven/Melrose

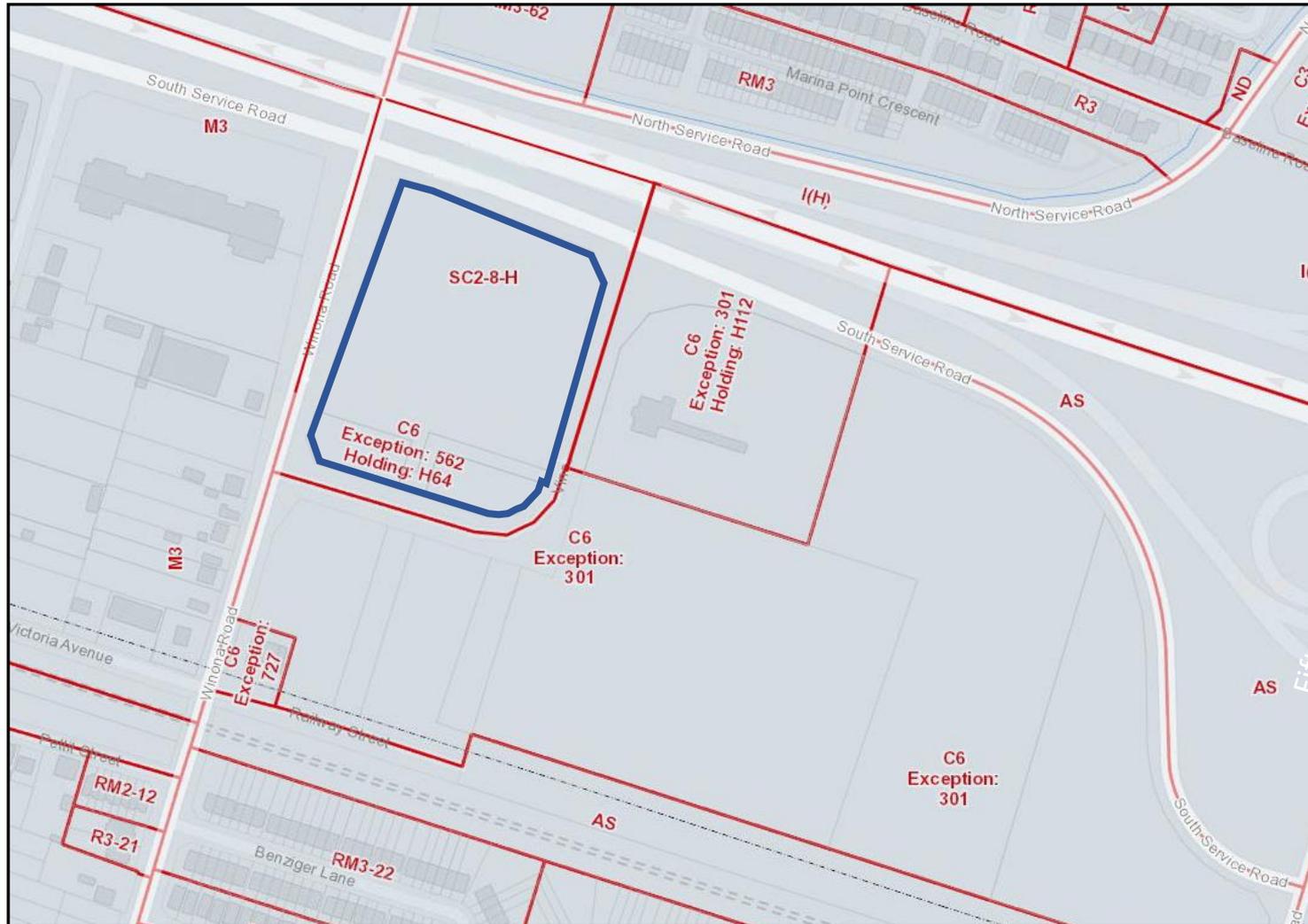


Fruitland-Winona Secondary Plan



Land Use Plan - Map B.7.4-1 – District Commercial Designation – Site Specific Policy Area E

Existing Zoning



Zoning – Community Shopping Centre (SC2) and District Commercial (C6)

Planning Status

- Currently designated District Commercial in UHOP
- Currently zoned Community Shopping Centre (SC2-8-H) and District Commercial (C6, 562, H64);
- Development requires amendments to both Official Plan and Zoning By-law to deal with proposed land uses and built form;
- Change Official Plan designation to Medium Density Residential 2, with site specific policies;
- Change Zoning to Mixed Use Medium Density (C5) zone, with site specific regulations;
- Future Site Plan Control application will deal with detailed technical design, best efforts and community improvement contributions.

What we heard from the community at the neighbourhood information meetings:

- Traffic Safety;
- Active Transportation Options;
- Transit Availability;
- Public Services;
- Community Services;
- Development Built Form;
- Community Benefit.

Developer's Concept – March 2021



Community Concept – July 2021



Concept Comparison

Developer's Concept

- 28-storey Tower
- 12 4-storey Stacked Townhouse Blocks
- 624 Total Residential Units
- 5 3-storey Mixed-Use Blocks
- 33 Commercial Units
- 2630m² GFA Commercial
- 971 Parking Spaces

Community Concept

- 28-storey Tower Removed
- 16 4-storey Stacked Townhouse Blocks
- 454 Total Residential Units
- 5 3-storey Mixed-Use Blocks
- 31 Commercial Units
- 1900m² GFA Commercial
- 621 Parking Spaces

Modified Development Proposal



- 454 Residential Units
- 4-storey Stacked Townhouses buildings, 16 blocks with 404 units
- 3-storey Mixed-Use buildings, 5 blocks with 50 residential units
- $\pm 2,475\text{m}^2$ (26,640ft²) Commercial GFA in 5 Mixed-use blocks and 1 standalone Commercial building (31 units)
- 444 parking spaces required, 621 provided.
- 2 acres of Open Space (23%)

Perspectives/Elevations – Mixed Use



- Smaller commercial units offer space that focuses on local commercial service uses that are not available in adjacent plaza, or community at large.
- Reflective of current market demand.



Perspectives/ Elevations – Stacked Townhouses



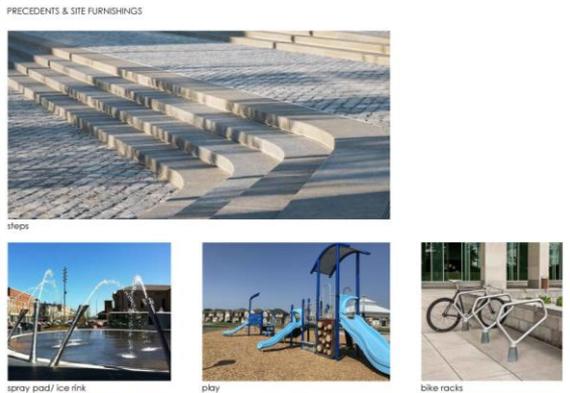
Landscape Components



Living Street – “Woonerf”

Woonerf inspired park space

- Proposed multi-use park is 1 acre in size.
- Creates an efficient use of space.
- Additional open space between new buildings.
- Increases socialization through physical activities.
- Creates a more attractive pedestrian open space.
- Increases safety through natural surveillance - “eyes on the street”.
- Accessible amenities for young and old fosters a sense of community.
- Improves the quality of urban space.



Living Street – “Woonerf”



Multi-use Pad



Multi-use Pad



Pedestrian Walkway



Conclusions

- Development will generate approximately 1300 skilled labour jobs over the life of the project.
- Over 100 full & part time jobs created in the newly formed small business community encircling the site – local business means local jobs!
- Integrated commercial and open space design encourages local economy, reduces car travel, and promotes neighbourhood interaction and active recreation.
- Increased density encourages Provincial investment in transit initiatives such as GO Trains and Municipal investment in regular Bus Service.
- Variety of product and price points provides opportunities for those looking to stay in the local Winona area but are excluded by high single family housing prices / or an alternative for those looking to downsize but remain in the region.
- Adds “missing middle” housing option and helps to meet City’s intensification targets.
- We heard the community and responded – demonstrating the value of input during these informal meetings.

Community Concept





CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Growth Management Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 7, 2021
SUBJECT/REPORT NO:	Application to Deem Lands to the Rear of 65 Seabreeze Crescent, being Blocks 11 and 12, of Registered Plan No. 62M-1042, "Seabreeze Estates, Phase 2" not to be Part of a Registered Plan of Subdivision, for the Purposes of Subsection 50(3) of the <i>Planning Act</i> (Stoney Creek) (Ward 11) (PED21230)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Alvin Chan (905) 546-2424 Ext 2978
SUBMITTED BY:	Gavin Norman Acting Senior Director, Growth Management Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That approval be given to deem lands to the rear of 65 Seabreeze Crescent (Stoney Creek), being Blocks 11 and 12, inclusive, of Registered Plan No. 62M-1042, "Seabreeze Estates, Phase 2" not to be part of a Registered Plan of Subdivision for the purposes of Subsection 50(3) of the *Planning Act*, as shown on Appendix "A" to Report PED21230, on the following basis:

- (a) That the draft By-law, attached as Appendix "C" to Report PED21230, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the application to deem Blocks 11 and 12, of "Seabreeze Estates, Phase 2" Registered Plan 62M-1042, not to be part of a registered plan of subdivision, for lands to the rear of 65 Seabreeze Crescent, is consistent with the Provincial Policy Statement (2021) and complies with the Urban Hamilton Official Plan.

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SUBJECT: Application to Deem Lands to the Rear of 65 Seabreeze Crescent, being Blocks 11 and 12, of Registered Plan No. 62M-1042, “Seabreeze Estates, Phase 2” not to be Part of a Registered Plan of Subdivision, for the Purposes of Subsection 50(3) of the *Planning Act* (Stoney Creek) (Ward 11) (PED21230) – Page 2 of 7

EXECUTIVE SUMMARY

The Owner / Applicant has submitted an application to deem to the rear of 65 Seabreeze Crescent, being Blocks 11 and 12, of Registered Plan No. 62M-1042, “Seabreeze Estates, Phase 2” not to be part of a Registered Plan of Subdivision, for the purposes of Subsection 50(3) of the *Planning Act*.

The purpose and effect of the application is to allow Blocks 11 and 12 to merge with 65 Seabreeze Crescent in order to establish four single detached residential lots per Condition #4 of Committee of Adjustment Consent to Sever application SC/B-21:29 (See Appendix “B” to Report PED21230).

As prescribed under Subsection 50(4) of the *Planning Act*, the Council of a Municipality may, by By-law, designate any Plan of Subdivision, or part thereof, that has been registered for eight (8) years or more, and deem it not to be a Registered Plan of Subdivision for the purpose of the subdivision control provisions of Subsection 50(3) of the *Planning Act*. The Plan of Subdivision “Seabreeze Estates, Phase 2” was registered on October 27, 2005, being more than the required eight (8) years.

Pursuant to the Planning Act Subsection 50(4), a By-law is required to merge Blocks 11 and 12 on 62M-1250 with the retained lands under the above-referenced consent application.

Staff supports the proposal as it:

- (i) facilitates completion of the neighbourhood;
- (ii) is consistent with the Provincial Policy Statement (2021);
- (iii) complies with the policies of the Urban Hamilton Official Plan; and,
- (iv) will permit the continued use of the parcels for residential purposes which are compatible with existing land uses in the immediate area and represents good planning.

Alternatives for Consideration – See Page 7

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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SUBJECT: Application to Deem Lands to the Rear of 65 Seabreeze Crescent, being Blocks 11 and 12, of Registered Plan No. 62M-1042, “Seabreeze Estates, Phase 2” not to be Part of a Registered Plan of Subdivision, for the Purposes of Subsection 50(3) of the *Planning Act* (Stoney Creek) (Ward 11) (PED21230) – Page 3 of 7

Legal: Per the *Planning Act*, a Public Meeting is not required to consider a By-law to designate any Plan of Subdivision, or part thereof, that has been registered for eight (8) years or more and deem it not to be a Registered Plan of Subdivision for the purpose of the subdivision control provisions of Subsection 50(3) of the *Planning Act*.

A copy of the By-law will be lodged with the Minister of Municipal Affairs and Housing.

Additionally, a certified copy or duplicate copy of the deeming By-law will be registered against the title to the subject lands in the proper registry office and shall not take effect until this requirement has been complied with along with final approval of SC/B-21:29 by issuance of a certificate under s. 53(42) of the *Planning Act*.

That notwithstanding s. 50(27) of the *Planning Act*, that the by-law passed under subsection (4) is not effective until a certified copy or duplicate of every by-law passed under this section is registered by the clerk of the municipality in the proper land registry office, it is intended that this By-law shall come into force and take effect when registered in the Land Registry Office by the Clerk of the municipality; and upon final approval of SC/B-21:29 by issuance of a certificate under s. 53(42) of the *Planning Act*.

Lastly, notice of passing of this By-law will be given within thirty (30) days of the date of passing, to each person appearing by the last revised assessment roll to be the owner of land to which this By-law applies, which notice shall be sent to the last known address of each such person, by registered mail.

HISTORICAL BACKGROUND

Proposal

The Owner / Applicant for 65 Seabreeze Crescent has submitted an application pursuant to Subsection 50(4) of the *Planning Act*, for approval of a By-law to deem Blocks 11 and 12 of Registered Plan No. 62M-1042, “Seabreeze Estates, Phase 2” not to be part of a Registered Plan of Subdivision for the purposes of Subsection 50(3) of the *Planning Act*.

Blocks 11 and 12, to the rear of 65 Seabreeze Crescent are vacant, totalling 0.087976 hectares, and front onto the north side of Whitefish Crescent, as identified on Appendix “A” to Report PED21230.

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SUBJECT: Application to Deem Lands to the Rear of 65 Seabreeze Crescent, being Blocks 11 and 12, of Registered Plan No. 62M-1042, “Seabreeze Estates, Phase 2” not to be Part of a Registered Plan of Subdivision, for the Purposes of Subsection 50(3) of the *Planning Act* (Stoney Creek) (Ward 11) (PED21230) – Page 4 of 7

The purpose and effect of the application is to allow Blocks 11 and 12 to merge with 65 Seabreeze Crescent in order to establish four single detached residential lots per Condition #4 of Committee of Adjustment Consent to Sever Application SC/B-21:29 (See Appendix “B” to Report PED21230).

As prescribed under Subsection 50(4) of the *Planning Act*, the Council of a Municipality may, by By-law, designate any Plan of Subdivision, or part thereof, that has been registered for eight (8) years or more, and deem it not to be a Registered Plan of Subdivision for the purpose of the subdivision control provisions of Subsection 50(3) of the *Planning Act*.

In review, the Plan of Subdivision “Seabreeze Estates, Phase 2” was registered on October 27, 2005, being more than the required eight years under Subsection 50(4) of the *Planning Act*.

Chronology:

August 5, 2021: Application to deem Blocks 11 and 12, inclusive, of Registered Plan No. 62M-1042, “Seabreeze Estates, Phase 2,” not to be part of a Registered Plan of Subdivision for the purposes of Subsection 50(3) of the *Planning Act* submitted and deemed complete.

Details of Submitted Application:

Location: Lands to the rear of 65 Seabreeze Crescent
Blocks 11 & 12, inclusive, of Registered Plan No. 62M-1042
(See Appendix “A” to Report PED21230)

Owner/Applicant: Peter DeSantis Inc.

Agent: Urban Solutions Planning and Land Development
Consultants Inc. (c/o Brandon Petter)

Property Description:

<u>Lot Frontage:</u>	Block 11	– 10.97 m
	Block 12	– 12.75 m
<u>Lot Depth:</u>	Irregular	
	Block 11	– 34.82 m
	Block 12	– 34.82 m

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SUBJECT: Application to Deem Lands to the Rear of 65 Seabreeze Crescent, being Blocks 11 and 12, of Registered Plan No. 62M-1042, “Seabreeze Estates, Phase 2” not to be Part of a Registered Plan of Subdivision, for the Purposes of Subsection 50(3) of the *Planning Act* (Stoney Creek) (Ward 11) (PED21230) – Page 5 of 7

<u>Lot Area:</u>	Block 11	– 373.44 m ²
	Block 12	– 506.32 m ²
	Total	– 0.087976 Ha

Servicing: Existing Full Municipal Services

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	Single Residential "R3" Zone
<u>Surrounding Land Uses:</u>		
North	Residential	Rural Residential "RR" Zone
South	Residential	Multiple Residential "RM2" Zone
East	Residential	Multiple Residential "RM2-9" Zone
West	Residential	Single Residential "R3" Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2021)

The proposal to deem the subject lands (Blocks 11 and 12 of Registered Plan No. 62M-1042, “Seabreeze Estates, Phase 2”) not to be part of a Registered Plan for the purposes of Subsection 50(3) of the *Planning Act*, and merge with 65 Seabreeze Crescent to establish four single detached residential lots is consistent with the Provincial Policy Statement as it provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

Urban Hamilton Official Plan

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

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SUBJECT: Application to Deem Lands to the Rear of 65 Seabreeze Crescent, being Blocks 11 and 12, of Registered Plan No. 62M-1042, “Seabreeze Estates, Phase 2” not to be Part of a Registered Plan of Subdivision, for the Purposes of Subsection 50(3) of the *Planning Act* (Stoney Creek) (Ward 11) (PED21230) – Page 6 of 7

In addition, the lands are designated as “Low Density Residential 3c” on Map B.7.3-1 – Urban Lakeshore Area Secondary Plan – Trillium Neighbourhood.

As it relates to the proposal, Policy F.1.14.1.5 of Volume 1 of the Urban Hamilton Official Plan states:

“If a plan of subdivision or part thereof has been registered for eight years or more and does not conform to the policies of this Plan, the City may use its authority under the *Planning Act* to deem it not be a registered plan of subdivision.”

Registered Plan No. 62M-1042, “Seabreeze Estates, Phase 2,” was registered on October 27, 2005 and therefore conforms to the requirement of eight years or more of the plan having been registered.

Therefore, the application to deem the subject lands (Blocks 11 and 12, inclusive, of Registered Plan No. 62M-1042, “Seabreeze Estates, Phase 2”), not to be part of a Registered Plan for the purposes of Subsection 50(3) of the *Planning Act*, in order to accommodate the merger and proper land titles for these parcels with corresponding ownership details, conforms with the Urban Hamilton Official Plan.

RELEVANT CONSULTATION

Due to the nature of the application, Legal Services Division and the Planning Division were consulted.

PUBLIC CONSULTATION

Due to the nature of the application and per the *Planning Act*, public notice is not required for the subject application. Notice of the By-law is to be given to the Owner within thirty (30) days of the passing thereof by registered mail as prescribed in the proposed By-law attached as Appendix “C” to Report PED21230. Of note, the By-law will come into force and effect upon registration on title; and, final approval of SC/B-21:29 by issuance of a certificate under s. 53(42) of the *Planning Act*.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The purpose and effect of the application is to allow for Blocks 11 and 12, inclusive, of Registered Plan No. 62M-1042, “Seabreeze Estates, Phase 2”, to merge with 65 Seabreeze Crescent in order to establish four single detached residential lots and facilitate completion of the neighbourhood.

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SUBJECT: Application to Deem Lands to the Rear of 65 Seabreeze Crescent, being Blocks 11 and 12, of Registered Plan No. 62M-1042, “Seabreeze Estates, Phase 2” not to be Part of a Registered Plan of Subdivision, for the Purposes of Subsection 50(3) of the *Planning Act* (Stoney Creek) (Ward 11) (PED21230) – Page 7 of 7

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

- (i) It is consistent with the Provincial Policy Statement (2021);
- (ii) It complies with the policies of the Urban Hamilton Official Plan; and,
- (iii) The proposed By-law will permit the continued use of the parcels for residential purposes which are compatible with existing land uses in the immediate area and represents good planning.

ALTERNATIVES FOR CONSIDERATION

If the application is denied, the blocks would remain within the existing Registered Plan of Subdivision 62M-1042, “Seabreeze Estates, Phase 2” and would not facilitate completion of the neighbourhood.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Clean and Green

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

Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED21230 – Location Map

Appendix “B” to Report PED21230 – Committee of Adjustment Decision SC/B-21:29

Appendix “C” to Report PED21230 – By-law

AC/sf

**Appendix "B" to Report PED21230
Page 1 of 4**



Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th floor
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424
ext. 4221, 3935
Fax (905) 546-4202

**COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION**

APPLICATION FOR CONSENT/LAND SEVERANCE

**APPLICATION NO. SC/B-21:29
SUBMISSION NO. B-29/21**

APPLICATION NUMBER: SC/B-21:29

SUBJECT PROPERTY: 65 Seabreeze Crt., Stoney Creek

APPLICANT(S): Agent Urban Solutions
Owner Seabreeze Estates Inc. c/o P. DeSantis

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land and to retain a parcel of land for residential purposes.

Severed lands:
24.0m[±] x 45.98m[±] and an area of 949.40m^{2±}

Retained lands:
Having a depth of 15.11 - 23.52m[±] and an area of 439.32m^{2±}

**This application was heard in conjunction with
Severance Applications SC/B-21:30, SC/B-21:31
and Minor Variance Application SC/A-21:142**

That the said application, as set out above, **IS APPROVED**, for the following reasons:

1. The proposal does not conflict with the intent of the Urban 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, with amendments.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall 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)

Appendix “B” to Report PED21230
Page 2 of 4

SC/B-21:29
PAGE 2

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 owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. The owner shall de-register the plan of subdivision over Blocks 11 and 12 on 62M-1042 by deeming by-law to ensure that the retained portion can be merged with the existing Blocks 11 and 12. The de-registration by-law shall not come into force until this application (SC/B-21:29) is completed to the satisfaction of the Manger of Development Planning Heritage and Design.
5. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$5,060.00 (2021 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change. (Development Engineering)
6. That the Owner pays their share of urbanization fees across the entire frontage of their site along Seabreeze Crescent as per the City of Hamilton “New Roads Servicing Rates” as a condition of approval. (Development Engineering)

DATED AT HAMILTON this 20th day of May, 2021.

D. Smith (Chairman)

D. Serwatak

M. Dudzic

M. Switzer

N. Mleczko

L. Gaddy

B. Charters

T. Lofchik

M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS May 27th, 2021.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (May 27th, 2022) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **June 16th, 2021**

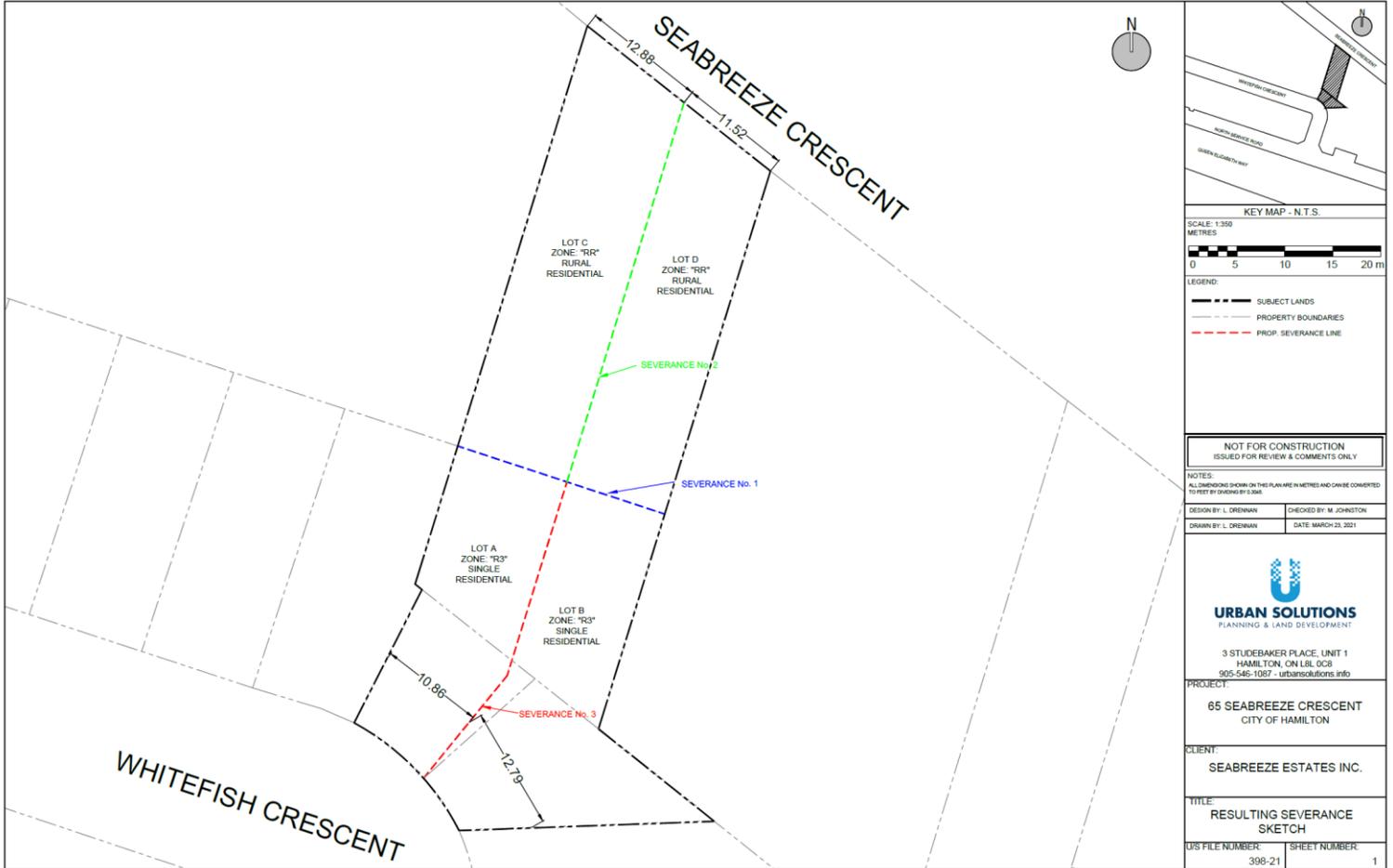
NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

SC/B-21:29

PAGE 3

1. Based on this application being approved and all conditions being met, the owner /applicant should be made aware that the lands identified as Lot A will be assigned the address of **117 Whitefish Crescent (Stoney Creek)**, the lands identified as Lot B will be assigned the address of **121 Whitefish Crescent (Stoney Creek)**, the lands identified as Lot C will be assigned the address of **65A Seabreeze Crescent (Stoney Creek)**, and the lands identified as Lot D will remain as **65 Seabreeze Crescent (Stoney Creek)**. (Growth Planning)
2. That the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road. (Growth Planning)

Appendix "B" to Report PED21230
Page 4 of 4



NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:
ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND HAVE BEEN CONVERTED TO FEET BY DIVISION OF 3.281.

DESIGN BY: L. DRENNAN CHECKED BY: M. JOHNSTON
DRAWN BY: L. DRENNAN DATE: MARCH 23, 2021

URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT
3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ON L8L 6C8
905-546-1057 - urban@urbansolutions.info

PROJECT:
65 SEABREEZE CRESCENT
CITY OF HAMILTON

CLIENT:
SEABREEZE ESTATES INC.

TITLE:
RESULTING SEVERANCE
SKETCH

US FILE NUMBER: 398-21 SHEET NUMBER: 1

Appendix "C" to Report PED21230
Page 1 of 2

Authority: Item [REDACTED], Planning Committee
 Report: 21-[REDACTED] (PED21____)
 CM: [REDACTED]

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

**A By-law to Deem a Part of a Subdivision Not To Be Registered
 Blocks 11 & 12, Inclusive, of Registered Plan No. 62M-1042**

WHEREAS Subsection 50(4) of the *Planning Act* R.S.O. 1190, Chapter 13, as amended, provides that the Council of a Municipality may, by By-law, designate any Plan of Subdivision, or part thereof, that has been registered for eight (8) years or more, and deem it not to be a Registered Plan of Subdivision for the purpose of the subdivision control provisions of Subsection 50(3) of the *Planning Act*;

AND WHEREAS Registered Plan 62M-1042 was registered in the Land Registry Office on the 27th day of October 2005;

AND WHEREAS Blocks 11 and 12, inclusive, Registered Plan 62M-1042, City of Hamilton are within a Plan of Subdivision registered for more than eight (8) years;

AND WHEREAS it is desirable to deem Blocks 11 and 12, inclusive, of Registered Plan 62M-1042 not be part of a Registered Plan of Subdivision;

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

1. That the following lands are designated and deemed not to be a Registered Plan of Subdivision for the purpose of Subsection 50(3) of the Planning Act:

Blocks 11 and 12, inclusive, Registered Plan 62M-1240, "Seabreeze Estates, Phase 2," City of Hamilton

2. The City Clerk is hereby authorized and directed to:
 - (a) lodge a copy of this By-law with the Minister of Municipal Affairs and Housing;
 - (b) register a certified copy or duplicate copy of this deeming By-law against the title to the lands in the proper registry office, and this By-law shall not take effect until this requirement has been complied with; and,

Appendix "C" to Report PED21230
Page 2 of 2

- (c) send by registered mail, notice of passing of this By-law to be given within thirty (30) days of the date of passing, to each person appearing by the last revised assessment roll to be the owner of land to which this By-law applies, which notice shall be sent to the last known address of each such person.

- 3. That notwithstanding S.50(27) of the Planning Act, this By-law No. _____ shall come into force and take effect when registered in the Land Registry Office by the Clerk of the municipality; and upon final approval of SC/B-21:29 by issuance of a certificate under s. 53(42) of the Planning Act.

PASSED and ENACTED this _____ day of _____, 2021.

F. Eisenberger
MAYOR

A. Holland
CLERK



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-law Services Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 7, 2021
SUBJECT/REPORT NO:	Amendment to the Off-Road Vehicles By-law 21-121 (PED21110(b)) (City Wide)
WARD(S) AFFECTED	City Wide
PREPARED BY:	Dan Smith Manager, Licensing
SUBMITTED BY:	Monica Ciriello Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the draft By-law, attached as Appendix “A” to Report PED21110(b), to amend the Off-Road Vehicles By-law 21-121, to include the term “Motorized Snow Vehicle”, be approved.

EXECUTIVE SUMMARY

On July 9, 2021, Council approved Report PED21110 to enact By-law 21-121 to regulate Off-Road Vehicles (ORVs). The approved By-law did not include the term “Motorized Snow Vehicle”. After consultation with internal departments, staff recommend including the term in the By-law.

Alternatives for Consideration – See Page 3

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

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**SUBJECT: Amendment to the Off-Road Vehicles By-law 21-121 (PED21110(b))
(City Wide) - Page 2 of 4**

HISTORICAL BACKGROUND

Prior to January 1, 2021, if a municipality did not have a By-law in place, ORVs were not allowed on municipal highways and this was enforced by the local police agencies under the *Highway Traffic Act, R.S.O 1990 (HTA)* and *Ontario Regulation 316/03*.

Effective January 1, 2021, all ORVs that meet the requirements under *Ontario Regulation 316/03* for ORVs are allowed by default on municipal highways under the jurisdiction of municipalities listed in *O. Reg 8/03*, this list includes the City.

On September 16, 2020, Council approved Item 6.1; a motion directing Licensing and By-law Services (LBS) and Legal Services to draft a municipal By-law to prohibit off-road vehicles (ORVs) on highways and on public lands within the City of Hamilton (City), including the exemption for husbandry use for normal farming operations and have staff explore the option of prohibiting ORVs driving on private property without permission. Staff brought forward the Off-Road Vehicles By-law 21-121 that was approved by Council on July 9, 2021.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Legal Services and Public Works were consulted in the preparation of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Motorized Snow Vehicles are currently enforced by the Hamilton Police Service (HPS) under the *Trespass to Property Act R.S.O 1990 C.T. 21.*, the *HTA* or the City Traffic By-Law 01-215 for concerns on private property or along served roadways. LBS Officers do not have the jurisdiction to respond to complaints or enforce Motorized Snow Vehicles under these regulations.

Amending the Off-Road Vehicles By-law 21-121, to include Motorized Snow Vehicles would mean that vehicles designed to be driven primarily on snow would be prohibited from operating on any highway in the City unless for a permitted use or on private property in the City without the land owner of Occupier's written consent.

There will continue to be limitations on LBS Officers to stop a vehicle while moving. LBS Officers are not legislative authorities to require vehicles to stop as part of an investigation. LBS Officers will work with HPS in situations where stopping a vehicle is required for the purposes of enforcement of this By-law.

**SUBJECT: Amendment to the Off-Road Vehicles By-law 21-121 (PED21110(b))
(City Wide) - Page 3 of 4**

The following definition would be added to By-law 21-121:

“Motorized Snow Vehicle” means a self-propelled vehicle designed to be driven primarily on snow as defined under the *Motorized Snow Vehicle Act* *Motorized Snow Vehicles Act, R.S.O. 1990, c. M.44.*

This will also require an amendment to the definition of “Vehicle” in By-law 21-121 to have Motorized Snow Vehicle included:

“Vehicle” shall mean an All-terrain Vehicle, Extreme Terrain Vehicle, Multi-purpose Off, highway Utility Vehicle, Motorized Snow Vehicle, Off-Road Motorcycle, Off-Road Vehicle, or Recreational Off-highway Vehicle.

As referenced in Report PED21110, LBS has begun to track key metrics in response to the adoption of the Off-Road Vehicles By-law 21-121. If the recommendation is adopted by Council the key metrics below would also include Motorized Snow Vehicles.

Key metrics considered:

- Calls for service;
- Reduction of overall incidents involving ORVs and Motor Vehicles;
- Impacts on surrounding community (reduction of calls for service); and,
- Compliance rates for municipal By-laws and effectiveness of enforcement strategies.

Since the enactment of the Off-Road Vehicles By-law, LBS has received four complaints and four charges have been issued.

Improved reporting methods are being developed to record data on motorized snow vehicles. As enforcement was directed through HPS, LBS does not have up to date complaint information on these types of vehicles.

HPS had provided data on Snowmobile Events identifying ten complaints in 2021 and seven in 2020. In comparison with other All-Terrain Vehicles over the same period, the data identifies 381 complaints in 2021 and 165 in 2020.

ALTERNATIVES FOR CONSIDERATION

Council may decide not to include the definition of Motorized Snow Vehicle in the Off-Road Vehicles By-law 21-121.

**SUBJECT: Amendment to the Off-Road Vehicles By-law 21-121 (PED21110(b))
(City Wide) - Page 4 of 4**

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED21110(b) – Draft By-Law amending By-Law 21-121

Appendix “B” to Report PED21110(b) – HPS Snowmobile Events from 2012 – 2021

Appendix "A" to PED21110(b)
Page 1 of 2

Authority: Item ,
Report
CM:
Ward: City Wide

Bill No.

CITY OF HAMILTON
BY-LAW NO. 21-XXX

Being A By-law to Regulate Off-Road Vehicles

WHEREAS Section 191.8 (3) (b) of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, authorizes municipalities to pass a by-law prohibiting the operation of off-road vehicles on any highway within the municipality that is under the jurisdiction of the municipality, or on any part or parts of such highway;

AND WHEREAS Council of the City deems it advisable to prohibit the operation of off-road vehicles on any highway within the municipality that is under the jurisdiction of the municipality;

AND WHEREAS the *Off-Road Vehicles Act*, R.S.O. 1990, c.O4 ("*Off-Road Vehicles Act*") regulates the operation of off-road vehicles on property other than highways;

AND WHEREAS Council of the City deems it appropriate to prohibit and regulate certain public nuisances in relation to off-road vehicles on property, other than highways, within the City pursuant to section 128 of the *Municipal Act, 2001* as amended;

AND WHEREAS in the opinion of Council for the City, the unregulated operation of off-road vehicles in the City of Hamilton is or could become a public nuisance;

AND WHEREAS Section 10 of the *Municipal Act, 2001*, as amended, authorizes municipalities to pass by-laws respecting the environmental well-being of the municipality, the health and safety and well-being of persons, and the protection of persons and property;

NOW THEREFORE the Council of the City enacts as follows:

1. The amendments in this By-law include any necessary grammatical, numbering and letter changes.
2. That By-law No. 21-121 be amended by adding the following definition under Part I - Interpretation:

Definition

"Motorized Snow Vehicles" shall mean a self-propelled vehicle designed to be driven primarily on snow.

"vehicle" shall mean an All-terrain Vehicle, Extreme Terrain Vehicle, Multi-purpose Off-highway Utility Vehicle, Off-Road Motorcycle, Off-Road Vehicle, Motorized Snow Vehicle or Recreational Off-highway Vehicle.

3. That in all other respects, By-law No. 21-121 is confirmed.
4. That the provisions of this By-law shall take full force and effect on its day of passing.

PASSED this _____ , _____

F. Eisenberger
Mayor

A. Holland
Acting City Clerk



Hamilton Police Service

Snowmobile Events

Crime Information Analysis Unit

2021/11/16

Introduction

This summary report provides a statistical break down of Snowmobile Events and Complaints in Hamilton between January 2012 and November 2021. It summarizes the number of calls received through the Hamilton Police Service CAD System.

The following Event Types are common used for Snowmobile Events and were used in this report:

Type	Description	Type	Description
SUSP-CIR	Suspicious Circumstances	TRAFFIC	Traffic Stop
SUSP-PER	Suspicious Person	NC	Noise Complaint
SUSP-VEH	Suspicious Vehicle	NT-A	Neighbour Trouble
TS	Traffic Stop	CBP	Community Based Police
PROACTIVE	Proactive Policing	LOOKOUTN	Lookout (Not Following)
DISORD	Disorderliness	LOOKOUT	Lookout
TRESS	Trespassing	DRIVECOM	Drive Complaint

The following Search Terms were used to isolate Snowmobile Vehicle dispatch comments in this report:

Vehicle Type	Search Terms
SNOWMOBILE	*SNOWMOBILE*, *SNOW MOBILE*, *SKI MOBILE*, *SKIMOBILE*
SKI-DOO	*SKIDOO*, *SKI DOO*, *SKI-DOO*
POWERSLED	*POWERSLED*, *POWER SLED*, *MOTORSLED*, *MOTOR SLED*

Please note, individual events were not manually reviewed, so there may be false positive results counting these snowmobile events as complaints only.

(1) 2012 to 2021 Overview

Chart 1a. Snowmobile Events By Year

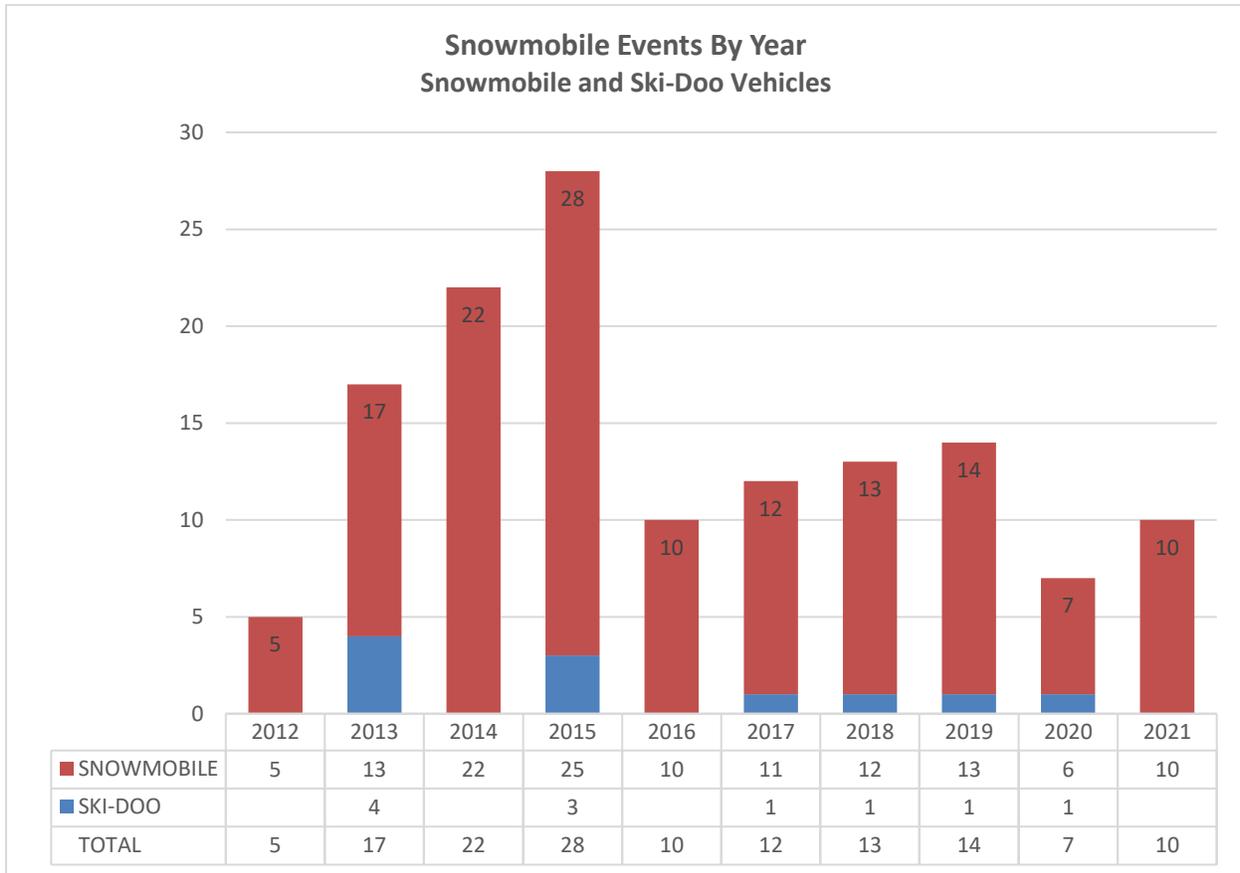


Table 1b. Snowmobile Events By Month and Year

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	Total
JAN		1	3	6		1	1	4	1	2	19
FEB		6	8	17	1	1	8	8	1	7	57
MAR		1	10	2	3	1			1		18
APR							2			1	3
MAY				1					1		2
JUN			1								1
JUL											0
AUG											0
SEP											0
OCT				1			1	1			3
NOV				1			1	1			3
DEC	5	9			6	9			3		32
Total	5	17	22	28	10	12	13	14	7	10	138

Table 1c. Snowmobile Events By Hour and Day of Week

	SUN	MON	TUE	WED	THUR	FRI	SAT	Total
00h	4		1				1	6
01h					1			1
02h	1			1			1	3
03h	1		1					2
04h								0
05h								0
06h				1			1	2
07h			1					1
08h							1	1
09h			1			1		2
10h	1		1		1			3
11h	1	1	1	3		2	1	9
12h		4	1	1			3	9
13h	1		1	1	2			5
14h	3	1			1	3	2	10
15h		1		1	1		1	4
16h	1		3	1	3		1	9
17h	4	2		1	1	3	1	12
18h	4	1		4	2	2	3	16
19h	1	4	1	3	1	3	1	14
20h	3		1	3	2		3	12
21h	1		1	1	1	3	2	9
22h	1			1	1	1		4
23h			1			1	2	4
Total	27	14	15	22	17	19	24	138

Map 1d Snowmobile Events By Location (HPS Beat)

