



**City of Hamilton
PLANNING COMMITTEE
AGENDA**

Meeting #: 24-004
Date: April 5, 2024
Time: 9:30 a.m.
Location: Council Chambers (Planning)
Hamilton City Hall
71 Main Street West

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

	Pages
1. CEREMONIAL ACTIVITIES	
2. APPROVAL OF AGENDA (Added Items, if applicable, will be noted with *)	
3. DECLARATIONS OF INTEREST	
4. APPROVAL OF MINUTES OF PREVIOUS MEETING	
4.1 February 23, 2024	3
5. COMMUNICATIONS	
6. DELEGATION REQUESTS	
7. STAFF PRESENTATIONS	
8. DELEGATIONS	
9. CONSENT ITEMS	
9.1 Annual Report on Building Permit Fees (PED24039) (City Wide)	43
10. PUBLIC HEARINGS	

10.1	Application for a Zoning By-law Amendment for Lands Located at 81 and 87 Rymal Road East, Hamilton (PED23216) (Ward 8) (Deferred from the December 5th and January 16th Meetings)	46
10.2	Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13) (Deferred from the November 14th, December 5th and January 16th Meetings)	97
	a. Written Submissions:	129
	(i) Anita Lauinger	
11.	DISCUSSION ITEMS	
11.1	Taxi Financial Incentive Pilot Program (PED24035) (City Wide)	130
12.	MOTIONS	
13.	NOTICES OF MOTION	
14.	GENERAL INFORMATION / OTHER BUSINESS	
15.	PRIVATE AND CONFIDENTIAL	
15.1	Closed Session Minutes - February 23, 2024 Pursuant to Section 9.3, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Subsections (e), (f) and (k) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.	
16.	ADJOURNMENT	



**PLANNING COMMITTEE
MINUTES
24-003**

February 23, 2024

9:30 a.m.

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

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

Absent with Regrets: Councillor E. Pauls – Personal

Also in Attendance: Councillor M. Spadafora

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

- 1. Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED24040) (City Wide) (Item 9.1)**

(A. Wilson/Nann)

That report PED24040 respecting Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications, be received.

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

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

YES – Ward 15 Councillor T. McMeekin

2. Applications for Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 26 Southcote Road, Ancaster (Ward 12) (PED24027) (Item 10.1)

(A. Wilson/Hwang)

- (a) That Zoning By-law Amendment Application ZAC-18-056, by A.J Clarke and Associates (c/o Ryan Ferrari), on behalf of Active Custom Home Design Construction Ltd. (c/o Gary Sangha), Owner, for a change in zoning from the Residential “R3” Zone to the Multiple Residential “RM4-717” Zone, Modified, in Ancaster Zoning By-law No. 87-57, to permit 24 block townhouse dwellings on a private condominium road, on lands located at 26 Southcote Road, as shown on Appendix “A” attached to Report PED24027, be APPROVED on the following basis:
- (i) That the draft By-law attached as Appendix “B” to Report PED24027, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and complies with the Urban Hamilton Official Plan.
- (b) That Revised Zoning By-law Amendment Application ZAC-18-056, by A.J Clarke and Associates (c/o Ryan Ferrari), on behalf of Active Custom Home Design Construction Ltd. (c/o Gary Sangha), Owner, for a change in zoning from the Residential “R3” Zone to the Low Density Residential (R1) Zone, Low Density Residential (R1, 885) Zone and Low Density Residential (R1, 886) Zone in Hamilton Zoning By-law No. 05-200, to permit the development of four lots for single detached dwellings, on lands located at 26 Southcote Road, as shown on Appendix “A” attached to Report PED24027, be APPROVED on the following basis:
- (i) That the draft By-law attached as Appendix “C” to Report PED24027, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and complies with the Urban Hamilton Official Plan.
- (c) That Draft Plan of Subdivision Application 25T-201810, by A.J Clarke and Associates (c/o Ryan Ferrari), on behalf of Active Custom Home Design

Construction Ltd. (c/o Gary Sangha), Owner, on lands located at 26 Southcote Road, as shown on Appendix "A" attached to Report PED24027, be APPROVED, in accordance with By-law No. 07-323 being the delegation of the City of Hamilton's Assigned Authority Under the Planning Act for the Approval of Subdivisions and Condominiums, on the following basis:

- (i) That this approval apply to the Draft Plan of Subdivision "26 Southcote Road" certified by Nicholas P. Muth, O.L.S., dated October 26, 2018, consisting of four lots for single detached dwellings (Lots 1 to 4), one development block (Block 5) for 24 townhouse dwellings, and one block for a right-of-way dedication (Block 6), as shown on the Draft Plan of Subdivision attached as Appendix "H" to Report PED24027;
- (ii) That the Owner enter into a Standard form Subdivision Agreement as approved by City Council and that the Special Conditions of Draft Plan of Subdivision Approval, 25T-201810, as shown on Appendix "I" to Report PED24027, be received and endorsed by City Council;
- (iii) In accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual there will be no City of Hamilton cost sharing for this subdivision;
- (iv) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

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

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

YES – Ward 15 Councillor T. McMeekin

3. Application for Zoning By-law Amendment for Lands Located at 237 Springbrook Avenue, Ancaster (PED24042) (Ward 12) (Item 10.2)

(Hwang/Danko)

(a) That Revised Zoning By-law Amendment Application ZAC-24-003 by Arcadis Inc. c/o Ritee Haider on behalf of 1000072010 Ontario Inc., owner, for a change in zoning from Agricultural “A” Zone to Low Density Residential (R1, 888, H166) Zone, to permit the creation of six lots, which include two single detached dwellings and four semi detached dwelling units, for lands located at 237 Springbrook Avenue, as shown on Appendix “A” attached to Report PED24042, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED24042, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the Planning Act, R.S.O. 1990 to the subject property by including the Holding symbol ‘H’ to the proposed Low Density Residential (R1, 888, H166) Zone:

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

- (1) The Owner submitting the letter from the Ministry of Citizenship and Multiculturalism with respect to acknowledgement of Provincial interest with respect to the Archaeological Assessment, to the satisfaction of the Director of Heritage and Urban Design;
- (2) The Owner submitting and receiving approval of a Tree Protection Plan (and applicable review fee) to evaluate the retention of additional trees on the subject lands, to the satisfaction of the Director of Heritage and Urban Design;
- (3) The Owner making payment, at the applicable rate, for municipal street trees in the public right of way, to the satisfaction of the Director of Environmental Services, Public Works Department;
- (4) The Owner making payment for any outstanding cost recoveries to lift the existing 0.3 metre reserves, to the satisfaction of the Director of Development Engineering;

- (5) The Owner completing a two-flow fire hydrant test on existing hydrants on Springbrook Avenue and Chambers Drive and completing any necessary upgrades on the system to support the development, to the satisfaction of the Director of Development Engineering;
- (6) The Owner making payment for any outstanding Municipal Act Sewer and Watermain charges, to the satisfaction of the Director of Development Engineering;
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place of Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the Urban Hamilton Official Plan and Meadowlands Neighbourhood IV Secondary Plan.

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

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

4. Updates and Amendments to the Low Density Residential (R1) and Low Density Residential (R1a) Zones, and Creation of a New Low Density Residential – Large Lot (R2) Zone, Creation of a New Section 5: Parking, and Technical Amendments to Zoning By-law No. 05-200 as Phase 2 of the Residential Zones Project (PED22154(a)) (City Wide) (Outstanding Business List Item) (Item 10.4)

(Kroetsch/Hwang)

- (a) That City Initiative CI 24-A respecting amendments to the Urban Hamilton Official Plan to establish a policy within Volume 2 applying to secondary plans to allow certain Low Density Residential policies of Volume 1 to take precedence over certain Low Density Residential policies in secondary plans for the purposes of permitted density ranges, built form, and height be APPROVED on the following basis:

- (i) That the Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED22154(a), be adopted by Council;
 - (ii) That the proposed amendments to the Urban Hamilton Official Plan are consistent with the Provincial Policy Statement (2020), conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
- (b) That City Initiative CI 24-A respecting amendments to the Low Density Residential Zones in Zoning By-law No. 05-200 to implement Urban Hamilton Official Plan Amendment No.167 to add lands from the former Community Zoning By-laws to Zoning By-law No. 05-200, to make general amendments to Section 1: Administration and Section 4: General Provisions, to amend the Low Density Residential (R1) Zone and Low Density Residential – Small Lot (R1a) Zone, to create permissions and regulations for purpose built triplex and fourplex developments, and to create a new Low Density Residential – Large Lots (R2) Zone be APPROVED on the following basis:
- (i) That the By-law to amend Zoning By-law No. 05-200, attached as Appendix “B” to Report PED22154(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and comply the Urban Hamilton Official Plan, Rural Hamilton Official Plan, Hamilton-Wentworth Regional Official Plan and City of Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. 202;
- (c) That the Neighbourhood Infill Design Guidelines, attached as Appendix “E” to Report PED22154(a), be approved and be applicable for applications received after March 1, 2024, and that the Director of Planning and Chief Planner be authorized to amend from time to time;
- (d) That the updated parking standards forming amendments to Section 5: Parking of Zoning By-law No. 05-200, attached as Appendix “D” to Report PED22154(a), be approved on the following basis:
- (i) That the Draft By-law to amend Zoning By-law No. 05-200, attached as Appendix “D” to Report PED22154(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and comply the Urban Hamilton Official Plan, Hamilton Wentworth Official Plan and City of Hamilton Official Plan;
- (iii) That staff continue to refine various parking standards related to non-residential uses through further study and bring forth any changes as part of a future Zoning By-law amendment;
- (e) That upon final approval of the Official Plan Amendment and Zoning By-law Amendment, staff be directed to amend any applicable Neighbourhood Plans to reflect the recommendations of this Report;
- (f) That Item 22L be removed from the Outstanding Business List.

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

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

5. Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Consent Application FL/B-20:01 and Minor Variance Application FL/A-20:04, for Lands Located at 177 Highway 8, Flamborough (PED24043) (Ward 13) (Item 11.1)

(A. Wilson/Nann)

- (a) That Council gives approval to the following actions, as detailed in Report PED24043, respecting Committee of Adjustment Consent application FL/B-20:01 and Minor Variance application FL/A-20:04 submitted by A.J. Clarke and Associates, on behalf of 330113 Ontario Incorporated, for the lands located at 177 Highway 8, Flamborough, as shown on Appendix “A” attached to Report PED24043, granted by the Committee of Adjustment but recommended for denial by the Planning and Economic Development Department:

- (i) That Council of the City of Hamilton proceed with the appeal to the Ontario Land Tribunal against the decision of the Committee of Adjustment to approve Consent application FL/B-20:01 and Minor Variance application FL/A-20:04.
- (ii) That Council directs appropriate Legal Services and Planning staff to attend the future Ontario Land Tribunal hearing in opposition to the decision of the Committee of Adjustment to approve Consent application FL/B-20:01 and Minor Variance application FL/A-20:04.

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

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

6. Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Consent Application FL/B-23:73 for Lands Located at 2050 Centre Road, Flamborough (PED24045) (Ward 15) (Item 11.2)

(McMeekin/A. Wilson)

- (a) That Council gives approval to the following actions, as detailed in Report PED24045, respecting Committee of Adjustment Consent Application FL/B-23:73 by Patrick G. Morris, on behalf of Marion Pawlik (owner) and Nathan Aubert and Megan Bros (applicants/purchaser), for the lands located at 2050 Centre Road, Flamborough, as shown on Appendix “A” attached to Report PED24045, granted by the Committee of Adjustment but recommended for denial by the Planning and Economic Development Department:
 - (i) That Council of the City of Hamilton proceed with the appeal to the Ontario Land Tribunal against the decision of the Committee of Adjustment to approve Consent application FL/B-23:73;
 - (ii) That Council directs appropriate Legal Services and Planning staff to attend the future Ontario Land Tribunal hearing in opposition to the decision of the Committee of Adjustment to approve Consent application FL/B-23:73.

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

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

7. Hamilton Municipal Heritage Committee Report 24-001 (Item 11.3)

(Kroetsch/McMeekin)

(a) Recommendation to Designate 419 Wilson Street East, Ancaster, (Masonic Hall) under Part IV of the *Ontario Heritage Act* (PED24024) (Ward 12) (Item 8.1)

That the City Clerk be directed to give notice of Council's intention to designate 419 Wilson Street East, Ancaster, known as the Masonic Hall, shown in Appendix "A" attached to Report PED24024, as a property of cultural heritage value pursuant to the provisions of Part IV, Section 29 of the *Ontario Heritage Act*, in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED24024, subject to the following:

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

(b) Recommendation to Designate 380-386 Wilson Street East, Ancaster (Former Ancaster Hotel and Coach House), under Part IV of the *Ontario Heritage Act* (PED24025) (Ward 12) (Item 8.2)

That the City Clerk be directed to give notice of Council's intention to designate 380-386 Wilson Street East, Ancaster, known as the former Ancaster Hotel and Coach House, shown in Appendix "A" attached to Report PED24025, as a property of cultural heritage value pursuant to the provisions of Part IV, Section 29 of the *Ontario Heritage Act*, in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED24025, subject to the following:

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

(c) Recommendation to Designate 84 York Boulevard, Hamilton (Philpott Memorial Church), under Part IV of the *Ontario Heritage Act* (PED24007) (Ward 2) (Item 8.3) (attached hereto as Appendix "A" to Report 24-001 of the Hamilton Municipal Heritage Committee)

That the City Clerk be directed to give notice of Council's intention to designate 84 York Boulevard, Hamilton (Philpott Memorial Church), shown in Appendix "A" attached to Report PED24007, as a property of cultural heritage value pursuant to the provisions of Part IV, Section 29 of the *Ontario Heritage Act*, in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED24007, subject to the following:

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

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

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

8. To Amend Zoning By-law No. 05-200 with Respect to Farm Labour Residences and Additional Dwelling Units - Detached in Rural Areas (PED22002(b)) (Wards 9, 10, 11, 12, 13 and 15) (Item 11.4) (REVISED)

(McMeekin/Kroetsch)

- (a) That approval be given to City Initiative CI-23-J for modifications and updates to the Rural Hamilton Official Plan and which implements the direction given at the February 6, 2024 Planning Committee meeting, as it relates to Farm Labour Residences and Additional Dwelling Units – Detached in the Rural Area, be APPROVED on the following basis:
- (i) That the amended Rural Hamilton Official Plan Amendment, attached as REVISED Appendix “A” to Report PED22002(a), be adopted by Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, 2020, conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), Greenbelt Plan (2017) and Niagara Escarpment Plan (2017);
- (b) That approval be given to City Initiative CI-23-J for modifications and updates to the City of Hamilton Zoning By-law No. 05-200 and which implements the direction given at the February 6, 2024 Planning Committee meeting as it relates to Farm Labour Residences and Additional Dwelling Units – Detached in the Rural Area, be APPROVED on the following basis:
- (i) That the amended By-law, attached as REVISED Appendix “B” to Report PED22002(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

- (ii) That the proposed changes in zoning are in conformity with the Rural Hamilton Official Plan upon approval of Rural Hamilton Official Plan Amendment No. 39 (REVISED Appendix “B” attached to Report PED22002(a));
- (iii) That the proposed amended Zoning By-law Amendment is consistent with the Provincial Policy Statement, 2020, conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), the Greenbelt Plan (2017) and Niagara Escarpment Plan (2017);
- (iv) That the amendments to the By-law which have been prepared as a result of the public submissions at the statutory public meeting of February 6, 2024, attached as REVISED Appendix “B” to Report PED22002(a) do not require additional Public Notice in accordance with Section 34(17) of the Planning Act.

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

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

9. Hamilton Municipal Heritage Committee Report 24-001 (Added Item 11.5)

(Kroetsch/A. Wilson)

- (a) Recommendation to Designate 1166 Garner Road West, Ancaster, (Shaver Homestead) under Part IV of the Ontario Heritage Act (PED24026) (Ward 12) (Added Item 8.1)**

That the City Clerk be directed to give notice of Council’s intention to designate 1166 Garner Road West, Ancaster, (Shaver Homestead) shown in Appendix “A” attached to Report PED24026, as a property of cultural heritage value pursuant to the provisions of Part IV, Section 29 of the Ontario Heritage Act, in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached

as Appendix “A” to the Hamilton Municipal Heritage Committee Report 24-002, subject to the following:

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

(b) Monthly Report on Proactive Listings for the Municipal Heritage Register, February 2024 (PED24044) (Ward 3) (Item 10.1)

That staff be directed to list the following properties on the Municipal Heritage Register as non-designated properties that Council believes to be of cultural heritage value or interest, as outlined in Report PED24044, in accordance with Section 27 of the *Ontario Heritage Act*:

- (i) 657 King Street East, Hamilton (Ward 3);
- (ii) 665-667 King Street East, Hamilton (Ward 3)

(c) Correspondence in Support of an Extension of the Deadline in Subsection 27(16) of the *Ontario Heritage Act* with Respect to the Removal of Listed (Non-Designated) Properties from Municipal Heritage Registers (Added Item 11.1)

WHEREAS Subsection 27(16) of the *Ontario Heritage Act* stipulates that any non-designated heritage property listed on the municipal register of properties as of December 31, 2022 shall be removed from the municipal register on or before January 1, 2025, if the council of the municipality does not give a notice of intention to designate the property under subsection 29(1) of the *Ontario Heritage Act* on or before January 1, 2025;

WHEREAS, Since January 1, 2023, City of Hamilton staff and members of the Hamilton Municipal Heritage Committee have been diligently working to: review the municipal heritage register and the heritage value and interest of its non-designated properties; determine which properties may be candidates for individual designation under Part IV of the *Ontario Heritage Act* and should be prioritized for evaluation for designation before they are delisted; develop a strategy for reviewing the remaining listed properties of heritage interest as part of potential Heritage Conservation

Districts for designation under Part V of the *Ontario Heritage Act*; and, hire and train additional staff to undertake the required steps to review the high priority properties and bring forward recommendations for designation;

WHEREAS, the above-noted work involving over 2,300 listed properties in the City of Hamilton is extremely time-consuming and cannot be completed by December 31, 2024 with the limited municipal resources available;

WHEREAS, the Hamilton Municipal Heritage Committee wishes to advise City Council of receipt of communication issued by the Architectural Conservancy of Ontario (ACO) on February 12, 2024;

WHEREAS, this communication calls local municipalities together in response to requested revisions to the *Ontario Heritage Act*, under Ontario Bill 23, *More Homes Built Faster Act*, as issued by the ACO in a letter to Premier Doug Ford, dated February 8, 2024 (as attached)

THEREFORE BE IT RESOLVED:

That the Mayor send a letter to Doug Ford, Premier of Ontario, and Michael Ford, Minister of Citizenship and Multiculturalism, requesting that Subsection 27(16) of the *Ontario Heritage Act* be amended by extending the deadline to five years from January 1, 2025 to January 1, 2030.

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

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

**10. Demolition Permit for 9423, 9517, 9569, and 9579 Dickenson Road West
(Item 12.1)**

(Tadeson/Kroetsch)

WHEREAS, the owner of the above-mentioned property would like to demolish the building prior to obtaining a Draft Plan of Subdivision approval for an

industrial employment subdivision within the Airport Employment Growth District Secondary Plan area.

WHEREAS, the owner has plans to develop the properties for permitted industrial employment uses and is currently in the planning process for a Draft Plan of Subdivision.

WHEREAS, residential uses, except existing residential uses, are prohibited within the Airport Employment Growth District area.

WHEREAS, bylaw and emergency services (i.e. police, fire) have reported to the properties for vandalism, mischief and break ins. Most recently, Hamilton Police responded to a Break and Enter call January 26th, 2024. The vacant buildings pose a risk to public safety.

WHEREAS, the findings of CPE Structural Consultants Limited concluded that the majority of the properties require extensive structural and non-structural repairs to address building safety for occupancy and further destructive investigation would be required to determine fully the extent of structural repairs required.

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 9423, 9517, 9569, and 9579 Dickenson Road West, pursuant to Section 33 of the Planning Act as amended, without having to comply with the conditions in Sub-Section 6.(a) of Demolition Control Area By-law 22-101.

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

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

11. City Initiated Housekeeping to recognize the existing Commercial Parking Facility at 221 York Boulevard, Hamilton (Item 12.2)

(Kroetsch/Nann)

WHEREAS, the subject lands are zoned Downtown Central Business District (D1, H17, H19, H20) Zone in City of Hamilton Zoning By-law No. 05-200;

WHEREAS, a Minor Variance application (HM/A-16:396) allowed a commercial parking facility not contained within a building for a maximum of two years;

WHEREAS, Minor Variance application HM/A-16:396 expired on December 15, 2018;

WHEREAS, at its meeting on October 1, 2019 Council directed staff to staff review options for places of worship to utilize surplus parking by third parties as part of the Institutional Zoning By-law review;

WHEREAS, the Institutional Zoning By-law review has not commenced to date; and

WHEREAS, Planning staff complete regular reviews and initiate housekeeping amendments from time to time to keep Zoning By-law No. 05-200 up to date.

THEREFORE, BE IT RESOLVED -

That staff be directed to include the subject lands in a future housekeeping amendment to Zoning By-law No. 05-200 for consideration at a Statutory Public meeting to recognize the commercial parking facility that was permitted by Minor Variance application HM/A-16:396.

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

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

12. Issuance of a Demolition Permit for 66 Wellington St. North (Ward 3) (Item 12.3) (REVISED)

(Nann/Tadeson)

WHEREAS, the subject property at 66 Wellington St. N has been fire damaged and is not usable in its current state;

WHEREAS, an on-site inspection by a technical professionals conducted at 66 Wellington St. N on June 23, 2023 concluded that the fire damaged building was determined structurally unsafe;

WHEREAS, the state of the building is having significant negative impacts to community pride, attracting rodents, pests, wildlife habitation, unsafe sheltering, litter and illegal dumping to Ward 3 residents and the neighbourhood;

WHEREAS, the owners are prepared to build immediately upon receipt of the building permit approval;

WHEREAS, the owner of the above-mentioned property would like to demolish the existing dwelling while awaiting the issuance of a building permit.

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 66 Wellington St. N in Hamilton, pursuant to Section 33 of the Planning Act as amended, without having to comply with conditions in Sub-Section 6(a) of Demolition Control.

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

NOT PRESENT – Ward 1 Councillor M. Wilson

YES – Ward 2 Councillor C. Kroetsch

YES – Ward 3 Councillor N. Nann

YES – Ward 4 Councillor T. Hwang

NOT PRESENT – Ward 5 Councillor M. Francis

NOT PRESENT – Ward 7 Councillor E. Pauls

YES – Ward 8 Councillor J.P. Danko

YES – Ward 10 Councillor J. Beattie

YES – Ward 11 Councillor M. Tadeson

YES – Ward 12 Councillor C. Cassar

YES – Ward 13 Councillor A. Wilson

YES – Ward 15 Councillor T. McMeekin

13. Appeal to the Ontario Land Tribunal (OLT) for lands located at 651 Queenston Road, Hamilton, for Lack of Decision on Urban Hamilton Official

**Plan Amendment Application (UHOPA-22-009) and Zoning By-law
Amendment Application (ZAC-22-018) (LS23001(a)) (Ward 5) (Item 15.2)**

(Francis/Hwang)

- (a) That the directions to staff in Closed Session respecting Report LS23001(a) be approved;
- (b) That closed session recommendations (a), (b), and (c) to Report LS23001(a) and Appendix "A" be approved and remain confidential until made public as the City's position before the Ontario Land Tribunal; and,
- (c) That the balance of Report LS23001(a) remain confidential.

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

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

- 14. Appeal to the Ontario Land Tribunal (OLT) for Lands Located at 801, 820, 828, 855, 865 and 870 Scenic Drive and 828 Sanatorium Road, Hamilton, for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-20-026), Zoning By-law Amendment Application (ZAC-20-041) and Draft Plan of Subdivision Application (25T-202008) (LS22005(a)) (Ward 14) (Added Item 15.3)**

(Hwang/A. Wilson)

- (a) That the directions to staff in Closed Session respecting Report LS22005(a) be approved;
- (b) That closed session recommendations (a), (b), and (c) to Report LS22005(a) and the attached Appendices "A", "B", "C" and "D" be approved and remain confidential until made public as the City's position before the Tribunal; and,
- (c) That the balance of Report LS22005(a) remain confidential.

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

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

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

6. DELEGATIONS

6.1 Delegations respecting 84 York Blvd. (Item 11.3) (For today's meeting)

- (i) Malcolm Sears, Building Committee of Philpott Church
- (ii) Stephen Armstrong, Armstrong Planning and Project Management – To be heard before Item 6.1 (i)

10. PUBLIC HEARINGS

10.1 Applications for Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 26 Southcote Road, Ancaster (Ward 12) (PED24027)

- (a) Added Written Submissions:
 - (i) Dave Vidal and Mari McIntyre
 - (ii) Bob and Carol Whitelaw
 - (iii) Anna-Marie Emili
- (b) Staff Presentation

- 10.2 Application for Zoning By-law Amendment for Lands Located at 237 Springbrook Avenue, Ancaster (PED24042) (Ward 12)
- (a) Added Written Submissions:
- (i) Emad Boles
 - (ii) Firas and Stephanie Chahine
- (b) Added Staff Presentation
- 10.3 Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13)
- (a) Added Written Submissions:
- (i) Anita Lauinger
 - (ii) Mike Stone, Hamilton Conservation Authority
- 10.4 Updates and Amendments to the Low Density Residential (R1) and Low Density Residential (R1a) Zones, and Creation of a New Low Density Residential Large Lot (R2) Zone, Creation of a New Section 5: Parking, and Technical Amendments to Zoning By-law No. 05-200 as Phase 2 of the Residential Zones Project (PED22154(a)) (City Wide) (Outstanding Business List Item)
- (a) Added Registered Delegations:
- (iii) Glenn Davies (in-person)
 - (iv) Chris Ritsma (in-person)
 - (v) Anna-Marie Emili (virtual)
 - (vi) Adeola Egbeyemi, Environment Hamilton (in-person)
- (b) Added Written Submissions:
- (iii) Margaret Tremblay
 - (iv) Paul O'Hara
 - (v) Brian McHattie
 - (vi) Jason Allen
 - (vii) Brian Allore
 - (viii) Shania Ramharrack-Maharaj
 - (ix) Peter Appleton
 - (x) Emil Gadjanski
 - (xi) Marie Covert
 - (xii) Dawn Cole
 - (xiii) Gord & Angie McNulty
 - (xiv) Jill Tonini

- (xv) Anne Bell, Ontario Nature
 - (xvi) Chris Ritsma
 - (xvii) Jan Bard
 - (xviii) Richard MacKinnon & Sonia MacKinnon
 - (xix) Kaitlin Webber, MHBC Planning
 - (xx) Matt Johnston, Urban Solutions
 - (xxi) Ed Scharringa and Jon Bos, Christian Farmers Federation of Ontario (CFFO)
 - (xxi) Howard Cole
 - (xxiii) Stephanie Mirtitsch, MHBC Planning for Losani Homes
 - (xxiv) Fernando Puga, DeSantis Homes
 - (xxv) Fernando Puga, Winona Point Joint Venture Inc
- (c) REVISED Appendix “B” Schedule “A” Addendum and REVISED Appendix “C”
 - (d) Added Staff Presentation

11. DISCUSSION ITEMS

- 11.1 Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Consent Application FL/B-20:01 and Minor Variance Application FL/A-20:04, for Lands Located at 177 Highway 8, Flamborough (PED24043) (Ward 13)
 - (a) Added Staff Presentation
- 11.2 Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Consent Application FL/B-23:73 for Lands Located at 2050 Centre Road, Flamborough (PED24045) (Ward 15)
 - (a) Added Staff Presentation
- 11.3 Hamilton Municipal Heritage Committee Report 24-001
 - (a) Added Staff Presentation
- 11.4 To Amend Zoning By-law No. 05-200 with Respect to Farm Labour Residences and Additional Dwelling Units - Detached in Rural Areas (PED22002(b)) (Wards 9, 10, 11, 12, 13 and 15) (Deferred from the February 6th meeting)
 - (a) REVISED Staff Report, Appendix “A” and “B”

11.5 Hamilton Municipal Heritage Committee Report 24-002

12. MOTIONS

12.3 Issuance of a Demolition Permit for 66 Wellington St. North (Ward 3) – REVISED

15. PRIVATE & CONFIDENTIAL

15.3 Appeal to the Ontario Land Tribunal (OLT) for Lands Located at 801, 820, 828, 855, 865 and 870 Scenic Drive and 828 Sanatorium Road, Hamilton, for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-20-026), Zoning By-law Amendment Application (ZAC-20-041) and Draft Plan of Subdivision Application (25T-202008) (LS22005(a)) (Ward 14)

Added Report and REVISED Appendices “A”, “B”, “C” and “D”

CHANGES TO THE ORDER OF THE AGENDA

Item 15.2 respecting the Appeal to the Ontario Land Tribunal (OLT) for lands located at 651 Queenston Road, Hamilton, for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-22-009) and Zoning By-law Amendment Application (ZAC-22-018) (LS23001(a)) (Ward 5) and Added Item 15.3 respecting the Appeal to the Ontario Land Tribunal (OLT) for Lands Located at 801, 820, 828, 855, 865 and 870 Scenic Drive and 828 Sanatorium Road, Hamilton, for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-20-026), Zoning By-law Amendment Application (ZAC-20-041) and Draft Plan of Subdivision Application (25T-202008) (LS22005(a)) (Ward 14), to be moved up in the agenda to be considered immediately following Item 3, Declarations of Interest.

(Tadeson/Francis)

That the agenda for the February 23, 2024 Planning Committee meeting be approved, as amended.

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

NOT PRESENT – Ward 1 Councillor M. Wilson

YES – Ward 2 Councillor C. Kroetsch

NOT PRESENT – Ward 3 Councillor N. Nann

NOT PRESENT – Ward 4 Councillor T. Hwang

YES – Ward 5 Councillor M. Francis

NOT PRESENT – Ward 7 Councillor E. Pauls

YES – Ward 8 Councillor J.P. Danko

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

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor T. Hwang declared a disqualifying interest to Item 10.3, Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13), as their business partner is the owner of Forge and Foster (the applicant).

(c) PRIVATE & CONFIDENTIAL (Item 15)

(i) Closed Session Minutes – February 6, 2024 (Item 15.1)

(A. Wilson/Kroetsch)

- (a) That the Closed Session Minutes dated February 6, 2024, be approved as presented; and,
- (b) That the Closed Session Minutes dated February 6, 2024, remain confidential.

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

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

(Francis/Kroetsch)

That Committee move into Closed Session for Item 15.2 and Added Item 15.3, pursuant to Section 9.3, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Sub-sections (e), (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client

privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

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

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

- (ii) **Land Tribunal (OLT) for lands located at 651 Queenston Road, Hamilton, for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-22-009) and Zoning By-law Amendment Application (ZAC-22-018) (LS23001(a)) (Ward 5) (Item 15.2)**

For disposition of this matter, refer to Item 13.

- (iii) **Appeal to the Ontario Land Tribunal (OLT) for Lands Located at 801, 820, 828, 855, 865 and 870 Scenic Drive and 828 Sanatorium Road, Hamilton, for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-20-026), Zoning By-law Amendment Application (ZAC-20-041) and Draft Plan of Subdivision Application (25T-202008) (LS22005(a)) (Ward 14) (Added item 15.3)**

For disposition of this matter, refer to Item 14.

- (d) **APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**

- (i) **February 6, 2024 (Item 4.1)**

(Kroetsch/Francis)

That the Minutes of the February 6, 2024 meeting be approved, as presented.

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

NOT PRESENT – Ward 1 Councillor M. Wilson

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

(e) COMMUNICATIONS (Item 5)

- (i) Correspondence from Hamilton Urban Precinct Entertainment Group (HUPEG) respecting proposed Redevelopment of Philpott Memorial Church, located at 84 York Boulevard (Item 5.1)**

(A. Wilson/Hwang)

That the correspondence from Hamilton Urban Precinct Entertainment Group (HUPEG) respecting proposed Redevelopment of Philpott Memorial Church, located at 84 York Boulevard, be received and referred to the consideration of Item 11.3.

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

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

(f) DELEGATION REQUESTS (Item 6)

- (i) Delegations respecting 84 York Blvd. (Item 11.3) (Added Items 6.1 and 6.2)**

- (1) **Malcolm Sears, respecting proposed Redevelopment of Philpott Memorial Church, located at 84 York Boulevard (For today's meeting) (Added Item 6.1)**
- (2) **Stephen Armstrong, Armstrong Planning and Project Management respecting proposed Redevelopment of Philpott Memorial Church, located at 84 York Boulevard (For today's meeting) (Added Item 6.2)**

(McMeekin/Hwang)

That the following Delegation Requests Items 6.1 and 6.2, be approved for today's meeting:

- (a) Malcolm Sears, respecting proposed Redevelopment of Philpott Memorial Church, located at 84 York Boulevard (For today's meeting) (Added Item 6.1)
- (b) Stephen Armstrong, Armstrong Planning and Project Management respecting proposed Redevelopment of Philpott Memorial Church, located at 84 York Boulevard (For today's meeting) (Added Item 6.2)

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

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

(g) DELEGATIONS (Item 7)

- (i) **Delegation requests respecting 84 York Boulevard (Item 11.3) (Item 7.1 and Added Item 7.2)**

The Following delegations addressed the Committee respecting 84 York Boulevard (Item 11.3):

- (1) Malcolm Sears, Building Committee of Philpott Church (Added Item 7.1)
- (2) Stephen Armstrong, Armstrong Planning and Project Management (Added Item 7.2) (Heard before (i)).

(A. Wilson/Kroetsch)

That the following Delegations respecting 84 York Boulevard (Item 11.3), be received:

- (a) Malcolm Sears, Building Committee of Philpott Church (Added Item 7.1)
- (b) Stephen Armstrong, Armstrong Planning and Project Management (Added Item 7.2)

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

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

(h) PUBLIC HEARINGS (Item 10)

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

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

(i) Applications for Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 26 Southcote Road, Ancaster (Ward 12) (PED24027) (Item 10.1)

(1) (A. Wilson/Danko)

That the staff presentation be waived.

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

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

(2) Ryan Ferrari with A.J. Clarke and Associates Ltd., was in attendance, and indicated support for the staff report.

(A. Wilson/Hwang)

That the presentation from Ryan Ferrari with A.J. Clarke and Associates Ltd., be received.

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

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

(3) Chair Cassar called three times for public delegations and the following member of the public came forward:

(i) Robert Zeijlmaker – Concerns with the proposal

(4) (A. Wilson/Hwang)

(a) That the following public submissions regarding this matter were received and considered:

(i) Added Written Submissions (Added Item 10.1(a)):

- (1) Dave Vidal and Mari McIntyre - Opposed
- (2) Bob and Carol Whitelaw - Concerns
- (3) Anna-Marie Emili – Concerns

(ii) Delegations

- (1) Robert Zeijlmaker – Concerns with the proposal

(b) That the public meeting be closed.

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

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

For disposition of this matter, refer to Item 2.

(ii) Application for Zoning By-law Amendment for Lands Located at 237 Springbrook Avenue, Ancaster (PED24042) (Ward 12)) (Item 10.2)

(1) (A. Wilson/Hwang)

That the staff presentation be waived.

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

NOT PRESENT – Ward 1 Councillor M. Wilson

**Planning Committee
Minutes 24-003**

**February 23, 2024
Page 30 of 40**

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

- (2) Angela Buonamici, with Arcadis Inc., was in attendance, and indicated support for the staff report.

(Hwang/Tadeson)

That the presentation from Angela Buonamici, with Arcadis Inc., be received.

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

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

- (3) Chair Cassar called three times for public delegations and the following member of the public came forward:

- (a) Peter Schlachter – presented a Petition to the Committee, Opposed to the proposal

(4) (Hwang/A. Wilson)

- (a) That the following public submissions regarding this matter were received and considered:

- (i) Added Written Submissions (Added Item 10.2(a)):

- (1) Emad Boles – Concerns with the proposal
 - (2) Firas and Stephanie Chahine – Opposed to the proposal
- (ii) Added Delegations (Added Item 10.2 (c))
- (1) Peter Schlachter – Opposed to the proposal
- (b) That the public meeting be closed.

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

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

For disposition of this matter, refer to Item 3.

(iii) Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13) (Item 10.3)

- (a) (A. Wilson/Kroetsch)**
 That Report PED23164 respecting Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas, be DEFERRED to a future Planning Committee meeting.

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

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

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

(iv) Updates and Amendments to the Low Density Residential (R1) and Low Density Residential (R1a) Zones, and Creation of a New Low Density Residential - Large Lot (R2) Zone, Creation of a New Section 5: Parking, and Technical Amendments to Zoning By-law No. 05-200 as Phase 2 of the Residential Zones Project (PED22154(a)) (City Wide) (Outstanding Business List Item) (Item 10.4)

(1) Alana Fulford, Senior Planner, and Brian Hollingworth, Director of Transportation Planning and Parking, addressed the Committee with the aid of a PowerPoint presentation.

(McMeekin/Hwang)

That the staff presentation be received.

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

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

(2) Registered Delegations:

The following delegations addressed the Committee:

- (a) Brian Sibley, Hamilton East Kiwanis Non-Profit Homes Inc. (in-person) – Supports the proposal
- (b) Michelle Diplock, West End Home Builders' Association (in-person) – Supports the proposal, with suggested changes
- (c) Glenn Davies (in-person) – Supports the proposal, with suggested changes
- (d) Chris Ritsma (in-person) – Supports the proposal, with suggested changes

- (e) Adeola Egbeyemi, Environment Hamilton (in-person) – Supports the proposal

The following delegation was not present when called upon:

- (f) Anna-Marie Emili (virtual)

- (3)** Chair Cassar called three times for public delegations and the following individual came forward:

- (a) David Faletta, Bousfields Inc. (virtual) – Supports the proposal, with suggested changes

- (4) (Kroetsch/Hwang)**

- (a) That the following public submissions regarding this matter were received and considered:

- (i) Registered Delegations (Item 10.5(a)):
 - (1) Brian Sibley, Hamilton East Kiwanis Non-Profit Homes Inc. (in-person) – Supports the proposal
 - (2) Michelle Diplock, West End Home Builders' Association (in-person) – Supports the proposal, with suggested changes
 - (3) Glenn Davies (in-person) – Supports the proposal, with suggested changes
 - (4) Chris Ritsma (in-person) – Supports the proposal, with suggested changes
 - (5) Adeola Egbeyemi, Environment Hamilton (in-person) – Supports the proposal
 - (6) David Faletta, Bousfields Inc. (virtual) – Supports the proposal, with suggested changes
- (ii) Written Submissions (Item 10.5(b)):
 - (1) Patricia and Leslie Matthews - Opposed
 - (2) Tilda Bodo – Opposed
 - (3) Margaret Tremblay – Supports the proposal
 - (4) Paul O'Hara – Supports the proposal
 - (5) Brian McHattie – Supports the proposal
 - (6) Jason Allen – Supports the proposal
 - (7) Brian Allore – Supports the proposal
 - (8) Shania Ramharrack-Maharaj – Supports the proposal
 - (9) Peter Appleton – Supports the proposal

- (10) Emil Gadjanski – Supports the proposal
- (11) Marie Covert – Supports the proposal
- (12) Dawn Cole – Supports the proposal
- (13) Gord & Angie McNulty – Supports the proposal
- (14) Jill Tonini – Supports the proposal
- (15) Anne Bell, Ontario Nature – Supports the proposal
- (16) Chris Ritsma – Supports the proposal
- (17) Jan Bard - Opposed
- (18) Richard MacKinnon & Sonia MacKinnon - Supports the proposal
- (19) Kaitlin Webber, MHBC Planning – Supports the proposal with suggested changes
- (20) Matt Johnston, Urban Solutions - Supports the proposal with suggested changes
- (21) Ed Scharringa and Jon Bos, Christian Farmers Federation of Ontario (CFFO) – Supports the proposal
- (22) Howard Cole – Supports the proposal
- (23) Stephanie Mirtitsch, MHBC Planning for Losani Homes – Concerns with the proposal
- (24) Fernando Puga, DeSantis Homes – Concerns with the proposal
- (25) Fernando Puga, Winona Point Joint Venture .Inc – Concerns with the proposal

(b) That the public meeting be closed.

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

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

For disposition of this matter, refer to Item 4.

(Tadeson/Kroetsch)

That the Committee Recess from 1:25 p.m. to 2:00 p.m.

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

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

(i) DISCUSSION ITEMS (Item 11)

(i) Hamilton Municipal Heritage Committee Report 24-001 (Item 11.3)

(1) Emily Bent, Cultural Heritage Planner, addressed the Committee with the aid of a PowerPoint presentation.

(Koetsch/A. Wilson)

That the presentation from Emily Bent, Cultural Heritage Planner, be received.

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

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

For disposition of this matter, refer to Item 7.

(j) MOTIONS (Item 12)

(i) **Demolition Permit for 9423, 9517, 9569, 9579 and 9867 Dickenson Road West and 1205 Glancaster Road (Item 12.1)**

Councillor Tadeson introduced the following Motion:

WHEREAS, the owner of the above-mentioned property would like to demolish the building prior to obtaining a Draft Plan of Subdivision approval for an industrial employment subdivision within the Airport Employment Growth District Secondary Plan area.

WHEREAS, the owner has plans to develop the properties for permitted industrial employment uses and is currently in the planning process for a Draft Plan of Subdivision.

WHEREAS, residential uses, except existing residential uses, are prohibited within the Airport Employment Growth District area.

WHEREAS, a cultural heritage impact assessment prepared by WSP has been completed for 9867 Dickenson Road West dated April 30, 2021 which concluded that the dwelling does not possess cultural heritage value under O.Reg 9/06 or the City of Hamilton's criteria under Policy B.3.4.2.9 of the Hamilton Urban Official Plan. WSP recommends salvaging of materials, if possible, including original timbers in the barn and original features in the dwelling such as wood floors, wood baseboards and door surrounds and chimney surrounds.

WHEREAS, a cultural heritage impact assessment prepared by WSP has been completed for 1205 Glancaster Road dated November 7, 2023 which concluded that the dwelling does not possess cultural heritage value under O.Reg 9/06 or the City of Hamilton's criteria under Policy B.3.4.2.9 of the Hamilton Urban Official Plan. WSP recommends that no further cultural heritage work is required.

WHEREAS, bylaw and emergency services (i.e. police, fire) have reported to the properties for vandalism, mischief and break ins. Most recently, Hamilton Police responded to a Break and Enter call January 26th, 2024. The vacant buildings pose a risk to public safety.

WHEREAS, the findings of CPE Structural Consultants Limited concluded that the majority of the properties require extensive structural and non-structural repairs to address building safety for occupancy and further destructive investigation would be required to determine fully the extent of structural repairs required.

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 9423, 9517, 9569, 9579, 9867 Dickenson Road West and 1205 Glancaster Road, pursuant to Section 33 of the Planning Act as amended, without having to comply with the conditions in Sub-Section 6.(a) of Demolition Control Area By-law 22-101.

(Tadeson/Kroetsch)

That the Motion be amended to remove all references to 9867 Dickenson Road West and 1205 Glancaster Road, as follows:

Demolition Permit for 9423, 9517, 9569, and 9579 ~~and 9867~~ Dickenson Road West ~~and 1205 Glancaster Road~~ (Item 12.1)

WHEREAS, the owner of the above-mentioned property would like to demolish the building prior to obtaining a Draft Plan of Subdivision approval for an industrial employment subdivision within the Airport Employment Growth District Secondary Plan area.

WHEREAS, the owner has plans to develop the properties for permitted industrial employment uses and is currently in the planning process for a Draft Plan of Subdivision.

WHEREAS, residential uses, except existing residential uses, are prohibited within the Airport Employment Growth District area.

~~WHEREAS, a cultural heritage impact assessment prepared by WSP has been completed for 9867 Dickenson Road West dated April 30, 2021 which concluded that the dwelling does not possess cultural heritage value under O.Reg 9/06 or the City of Hamilton's criteria under Policy B.3.4.2.9 of the Hamilton Urban Official Plan. WSP recommends salvaging of materials, if possible, including original timbers in the barn and original features in the dwelling such as wood floors, wood baseboards and door surrounds and chimney surrounds.~~

~~WHEREAS, a cultural heritage impact assessment prepared by WSP has been completed for 1205 Glancaster Road dated November 7, 2023 which concluded that the dwelling does not possess cultural heritage value under O.Reg 9/06 or the City of Hamilton's criteria under Policy B.3.4.2.9 of the Hamilton Urban Official Plan. WSP recommends that no further cultural heritage work is required.~~

WHEREAS, bylaw and emergency services (i.e. police, fire) have reported to the properties for vandalism, mischief and break ins. Most recently,

Hamilton Police responded to a Break and Enter call January 26th, 2024. The vacant buildings pose a risk to public safety.

WHEREAS, the findings of CPE Structural Consultants Limited concluded that the majority of the properties require extensive structural and non-structural repairs to address building safety for occupancy and further destructive investigation would be required to determine fully the extent of structural repairs required.

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 9423, 9517, 9569, **and** 9579, ~~9867~~ Dickenson Road West ~~and 1205~~ **Glancaster Road**, pursuant to Section 33 of the Planning Act as amended, without having to comply with the conditions in Sub-Section 6.(a) of Demolition Control Area By-law 22-101.

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

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

For disposition of this matter, refer to Item 10.

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

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

Jason Thorne, General Manager of Planning and Economic Development, advised the Committee of the upcoming PEDTalks: Understanding the Ontario Land Tribunal at 5pm on March 18, 2024, being held at the CityLab.

(Nann/A. Wilson)

That the General Manager's Update be received.

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

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

(I) ADJOURNMENT (Item 16)

(Tadeson/Hwang)

That there being no further business, the Planning Committee be adjourned at 3:08 p.m.

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

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

Councillor C. Cassar, Chair
Planning Committee

Lisa Kelsey
Legislative Coordinator



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 5, 2024
SUBJECT/REPORT NO:	Annual Report on Building Permit Fees (PED24039) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Jorge M. Caetano (905) 546-2424 Ext. 3931
SUBMITTED BY:	Alan Shaw Director, Building and Chief Building Official Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

Not Applicable.

INFORMATION

The *Building Code Act* (BCA) and the Ontario Building Code require that a report be prepared annually on fees collected and costs incurred. Specifically, Sentence 1.9.1.1.(1), of Division C, of the Ontario Building Code state:

- “(1) The report referred to in subsection 7(4) of the Act shall contain the following information in respect to fees authorized under clause 7(1)(c) of the Act:
- (a) total fees collected in the 12-month period ending no earlier than three months before the release of the report;
 - (b) the direct and indirect costs of delivering services related to the administration and enforcement of the Act in the area of jurisdiction of the principal authority in the 12-month period referred to in Clause (a);
 - (c) a break down in the costs described in Clause (b) into at least the following categories:

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

**SUBJECT: Annual Report on Building Permit Fees (PED24039) (City Wide) -
Page 2 of 3**

- (i) direct costs of administration and enforcement of the Act, including the review of applications for permits and inspection of *buildings*, and
- (ii) indirect costs of administration and enforcement of the Act, including support and overhead costs, and
- (d) if a reserve fund has been established for any purpose relating to the administration or enforcement of the Act, the amount of the fund at the end of the 12-month period referred to in Clause (a).”

Revenue Collected

Building permit fees and *Building Code Act* (BCA) fines collected during 2023 totalled \$16,135,367.

Costs Incurred

The net operational costs, both indirect and direct, incurred during 2023 were \$15,733,853 as shown in table 1 below.

**Table 1
Building Division
Statement of Revenues and Expenses and Reserve Balance
For 12 Month Period Ending December 31, 2023**

Category	2023 Actuals
Building Revenues:	
Permit Fees	\$ 15,876,887
BCA Fines	\$ 258,480
Less Expenses:	
Direct Cost	\$ 13,526,196
Indirect cost	\$ 2,207,657
Transfer to Building Permit Revenue Stabilization Reserve	\$ 401,514

Note: Figures rounded to nearest dollar

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: Annual Report on Building Permit Fees (PED24039) (City Wide) -
Page 3 of 3**

Building Permit Revenue Stabilization Reserve

The starting balance for the Building Permit Stabilization reserve for 2023 was \$29,406,154. 100% cost-recovery of services for building permit issuance, administration and enforcement of the *Building Code Act* netted a transfer of \$401,514 into the reserve. Additionally, there was an accrued interest of \$1,043,439 and an expenditure transfer to Capital of \$251,909 (first phase of Digitization of Microfiche Records project) for a total transfer of \$1,193,044 into the reserve in 2023. Additionally, \$3,620,464 has been allocated for the next phase of the multi-year Digitization of Microfiche Records project and \$700,000 has been allocated for our Department's Power Platform Portal project. Accordingly, the Building Permit Fee Reserve contained \$30,599,198 at the end of 2023 with an unallocated balance of \$26,278,734 as summarized in Table 2 below.

**Table 2
Building Permit Revenue Stabilization Reserve - 2023 Summary**

Starting Balance on January 1, 2023	\$ 29,406,154
Transfer to Reserve	\$ 401,514
Interest Earned	\$ 1,043,439
Less Transfer to Capital (Digitization of Microfiche)	(\$ 251,909)
Balance on December 31, 2023	\$ 30,599,198
Amount allocated to Digitization of Microfiche	(\$ 3,620,464)
Amount Allocated to Power Platform Portal Project	(\$ 700,000)
Unallocated Reserve Balance	\$ 26,278,734

Note: Figures rounded to nearest dollar

APPENDICES AND SCHEDULES ATTACHED

Not Applicable.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

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

RECOMMENDATION

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

- (a) That the draft By-law, attached as Appendix “B” to Report PED23216, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding symbol ‘H’ to the proposed Transit Oriented Corridor Multiple Residential (TOC3, 874, H162) Zone;

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

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

- (i) That the properties municipally known as 81 and 87 Rymal Road East be merged in title, to the satisfaction of the Director of Planning and Chief Planner;
 - (ii) That the Owner submit a revised Functional Servicing Report to demonstrate that the increased wastewater generated from the proposed development will not adversely impact the hydraulic performance of the City's sanitary sewer system by completing a sanitary sewer analysis to demonstrate that there is a residual capacity in the system to support the proposed development, to the satisfaction of the Director of Development Engineering;
 - (iii) That the Owner submit a Stormwater Management Report and design to demonstrate there is a suitable storm outlet for the proposed development, to the satisfaction of the Director of Development Engineering;
 - (iv) That the Owner submit a Watermain Hydraulic Analysis identifying the modelled system pressures at pressure district level, under various boundary conditions and demand scenarios, to demonstrate that the municipal system can provide for required flows to support the proposed development, to the satisfaction of the Director of Development Engineering;
 - (v) That the Owner shall convey to the City, without cost and free of encumbrance, the road widening as shown on the DiCenzo Sobie Draft Plan of Subdivision 25T-87032 through a future Site Plan Control application, to the satisfaction of the Director of Development Engineering;
 - (vi) That the Owner enter into and register on title of the lands, an External Works Agreement with the City, in accordance with the Functional Servicing Report and Watermain Hydraulic Analysis, for the design and construction of any required improvements to the municipal infrastructure including the DiCenzo Drive extension, at the Owner's cost, as upgrades are required to the infrastructure to support the development, to the satisfaction of the Director of Development Engineering;
- (c) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the Urban Hamilton Official Plan.

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

EXECUTIVE SUMMARY

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

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

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

Alternatives for Consideration – See Page 12

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

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

HISTORICAL BACKGROUND

Report Fact Sheet

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

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

Documents	
Provincial Policy Statement:	The proposal is consistent with the Provincial Policy Statement (2020).
A Place to Grow:	The proposal conforms to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	“Secondary Corridor” and “Neighbourhoods” on Schedule “E” – Urban Structure and “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations.
Official Plan Proposed:	No amendment proposed.
Zoning Existing:	“AA” (Agricultural) District.
Zoning Proposed:	Transit Oriented Corridor Multiple Residential (TOC3, 874, H162) Zone.
Modifications Proposed:	<p>The following modifications have been requested by the Applicant:</p> <ul style="list-style-type: none"> • To reduce the finished floor elevation for any dwelling to 0.25 metres; • To increase the maximum building height to 26.5 metres for the eight storey multiple dwelling; • To reduce the minimum rear yard to 4.5 metres for the multiple dwellings (townhouses); and, • To reduce the minimum setback for mechanical and unitary equipment to 1.0 metre from the street line. <p>The following staff-initiated modifications are recommended:</p> <ul style="list-style-type: none"> • To increase the driveway width for site ingress and egress to 7.5 metres in width; • To reduce the minimum building height to 10.3 metres for the three storey multiple dwellings (townhouses); and, • To reduce the minimum interior side yard to 3.0 metres. <p>A complete analysis of the proposed modifications is attached as Appendix “C” to Report PED23216.</p>
Processing Details	
Received:	October 24, 2022.
Deemed complete:	November 24, 2022.

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

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

Existing Land Use and Zoning

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

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

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

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

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

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

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

Urban Hamilton Official Plan

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Zoning By-law No. 05-200

The proposed Zoning By-law Amendment is for a change in zoning from “AA” (Agricultural) District to Transit Oriented Corridor Multiple Residential (TOC3, 874, H162) Zone. The effect of this Zoning By-law Amendment will permit an eight storey multiple dwelling containing 210 units and two, three storey multiple dwellings (townhouses) containing 10 dwelling units. Modifications to the Transit Oriented Corridor Multiple Residential (TOC3) Zone are required to facilitate the development and are summarized in the report Fact Sheet above and further discussed in Appendix “C” attached to Report PED23216.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

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

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

the development of a complete community.

2. Zoning By-law Amendment

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

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

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

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

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

3. Holding Provision

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

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

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

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

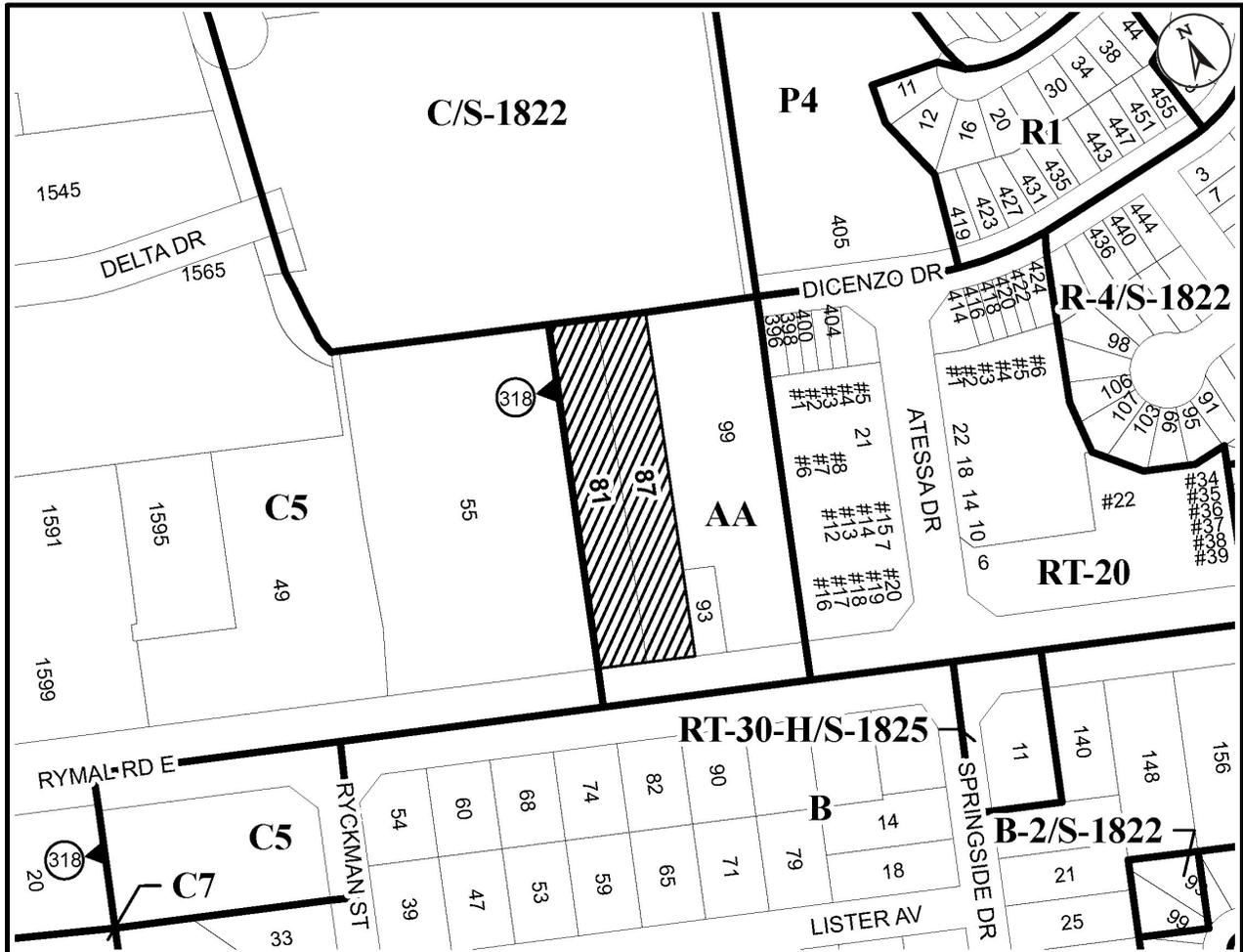
ALTERNATIVES FOR CONSIDERATION

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

APPENDICES AND SCHEDULES ATTACHED

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

JC:sd



● Site Location



Key Map - Ward 8

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-22-066

Date:
August 4, 2023

Appendix "A"

Scale:
N.T.S

Planner/Technician:
AB/VS

Subject Property

81 & 87 Rymal Road East



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



Appendix “B” to Report PED23216

Page 1 of 5

Authority: Item,
Report
CM:
Ward: 8

Bill No.

CITY OF HAMILTON

BY-LAW NO.

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

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

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

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

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

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

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

- | | | |
|-----|--|--|
| i) | Restriction of Uses
Within a Building | The finished floor elevation of any dwelling shall be a minimum 0.25 metres above grade. |
| ii) | Building Height | 1. Maximum 26.5 metres.

2. Minimum 10.3 metres. |

Appendix “B” to Report PED23216

Page 2 of 5

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

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

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

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

- i) The properties municipally known as 81 and 87 Rymal Road East shall be merged in title, to the satisfaction of the Director of Planning and Chief Planner.
- ii) The Owner shall submit and receive approval of a revised Functional Servicing Report to demonstrate that the increased wastewater generated from the proposed development will not adversely impact the hydraulic performance of the City’s sanitary sewer system by completing a sanitary sewer analysis to demonstrate that there is residual capacity in the system to support the proposed development as well as any future intensification within the catchment, to the satisfaction of the Director of Development Engineering.
- iii) The Owner shall submit and receive approval of a Stormwater Management Report and design to demonstrate there is a suitable storm outlet for the proposed development, to the satisfaction of the Director of Development Engineering.
- iv) The Owner shall submit and receive approval of a Watermain Hydraulic Analysis identifying the modelled system pressures at pressure district level under various boundary conditions and demand scenarios to demonstrate that the municipal system can provide for required flows to support the proposed development, to the satisfaction of the Director of Development Engineering.
- v) The Owner shall acknowledge and agree to convey and dedicate the ultimate right-of-way width for the DiCenzo Drive extension, in accordance with the current City standards and as shown on the Neighbourhood Plan, to the City without cost and free of encumbrance, through a future Site Plan Control application, to the satisfaction of the Director of Development Engineering.
- vi) The Owner shall enter into and register on title of the lands a Development Agreement, upon the City’s request, that outlines the Owner’s responsibility to pay their proportional share of the cost to complete the DiCenzo Drive extension including all municipal services and private service connection in accordance with City standards, to the satisfaction of the Director of Development Engineering.
- vii) The Owner shall submit and receive approval of a preliminary plan and profile drawing for the DiCenzo Drive extension, from the existing dead end to the west of Atessa Drive to Delta Drive, prepared by a qualified professional, to the satisfaction of the Director of Development Engineering, demonstrating the following items:
 1. The inverts of the municipal sewers that feasibly redirect storm and sanitary flows from the interim to the ultimate servicing scenario;

Appendix “B” to Report PED23216

Page 4 of 5

2. The preliminary vertical alignment for the DiCenzo Drive extension complies with the City’s criteria noted in the current City Development Guidelines;
 3. How the proponent is meeting the existing grades at the existing commercial development adjacent to the west property line (55 Rymal Road East); and,
 4. How the preliminary centreline elevations provide for the required cover to facilitate extension of the existing storm and sanitary sewers on DiCenzo Drive to provide for the ultimate storm (minor and major) and sanitary outlets for the property.
-
4. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the provisions of the Transit Oriented Corridor Multiple Residential (TOC3, 874, H162) Zone, subject to the special requirements referred to in Section Nos. 2 and 3 of this By-law.
 5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

PASSED this _____ , _____

A. Horwath
Mayor

J. Pilon
Acting City Clerk

ZAC-22-066

Appendix "B" to Report PED23216
Page 5 of 5



<p>This is Schedule "A" to By-law No. 24- Passed the day of 2024.</p>	<p>----- Mayor ----- Clerk</p>		
<p>Schedule "A"</p> <p>Map forming Part of By-law No. 24-____</p> <p>to Amend By-law No. 05-200 Map 1395</p>	<p>Subject Property 81 & 87 Rymal Road East</p> <p> Lands to be added to Zoning By-law No. 05-200 as Transit Oriented Corridor Multiple Residential (TOC3, 874, H162) Zone</p>		
<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-22-066</p>		
<p>Date: August 4, 2023</p>	<p>Planner/Technician: AB/VS</p>	<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	

**Appendix “C” to Report PED23216
Page 1 of 4**

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

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

Appendix "C" to Report PED23216

Page 2 of 4

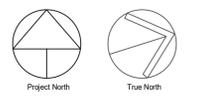
Regulation	Required	Modification	Analysis
Building Height	Minimum 11.0 metres for Emergency Shelter, Lodging House, Multiple Dwelling, Residential Care Facility, Retirement Home (Continued)		The Transit Oriented Corridor Multiple Residential (TOC3) Zone includes the requirement for greater setbacks as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

Appendix “C” to Report PED23216
Page 3 of 4

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

Appendix “C” to Report PED23216
Page 4 of 4

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



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

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

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

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

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

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

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

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

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

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

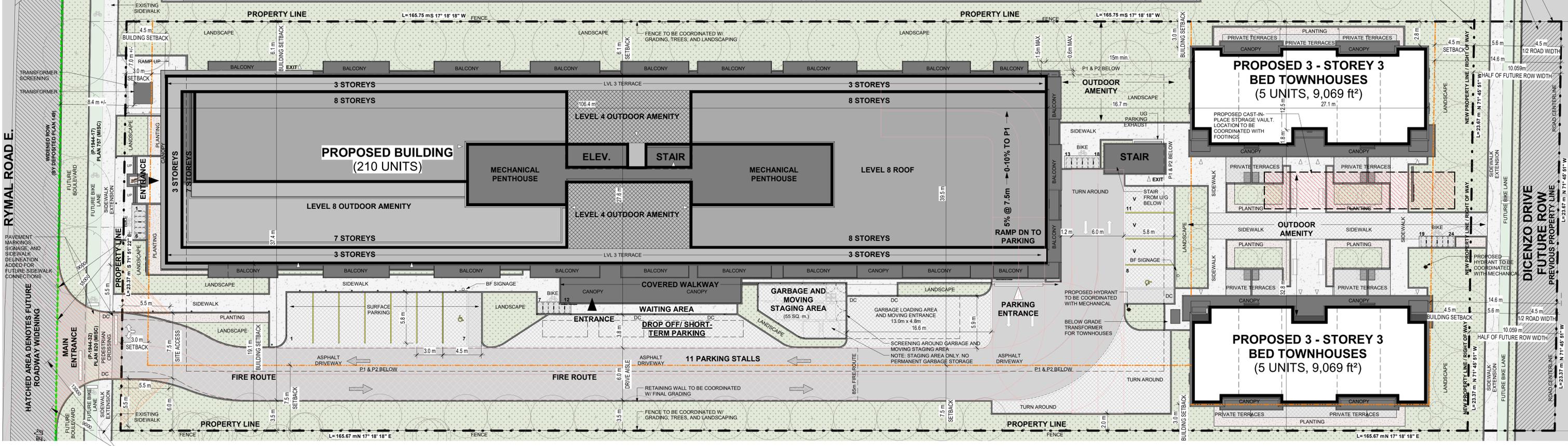


2 SITE PLAN
1:1500

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

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

EXISTING PROPERTY



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

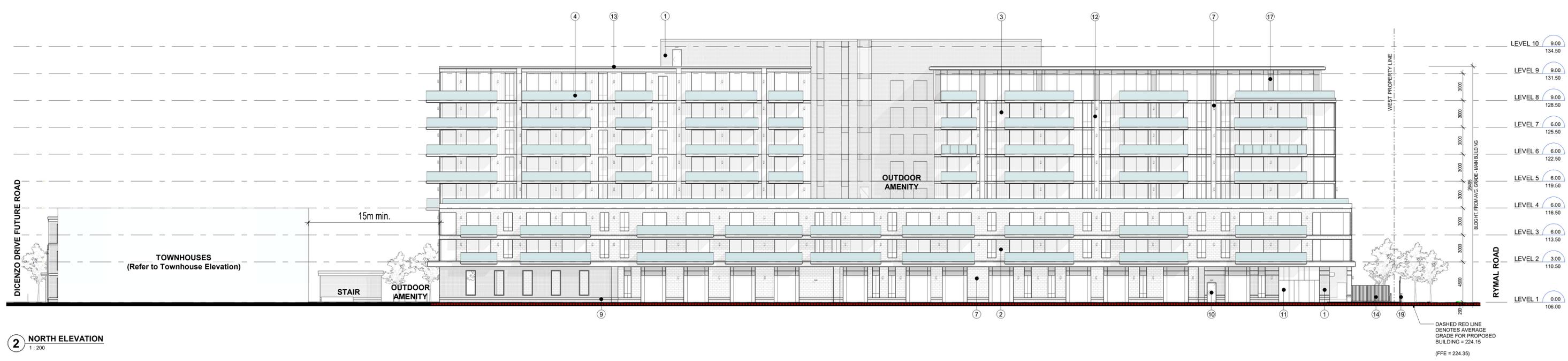
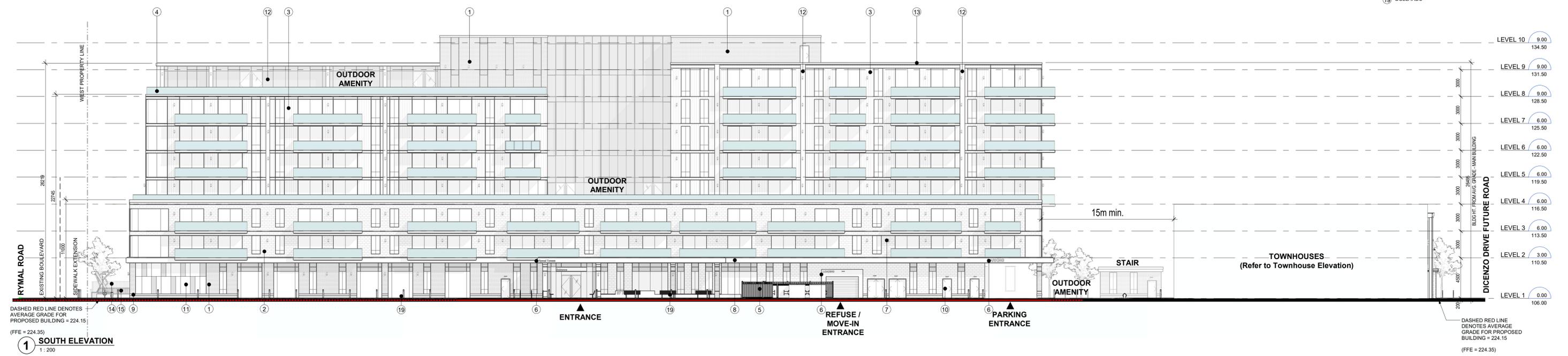
OPEN BIKE PARKING (ST)
LEVEL 1 = 24

EXISTING PROPERTY

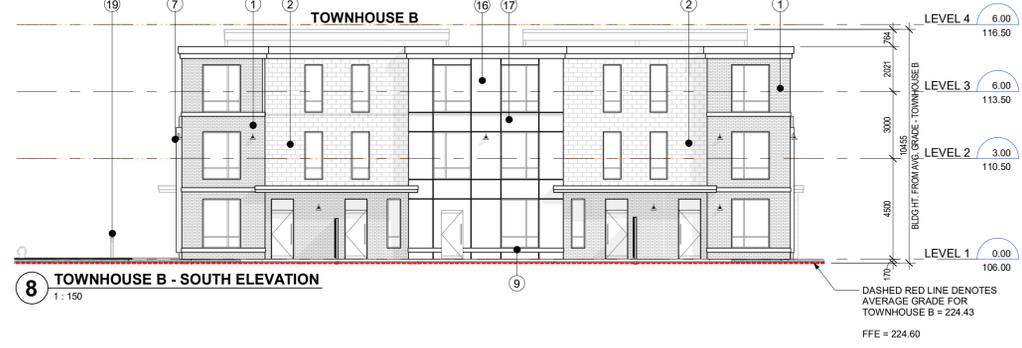
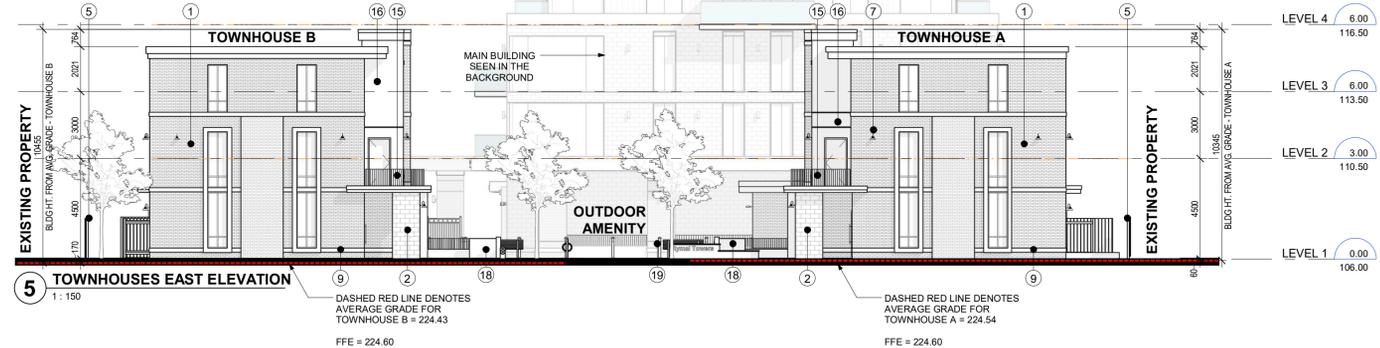
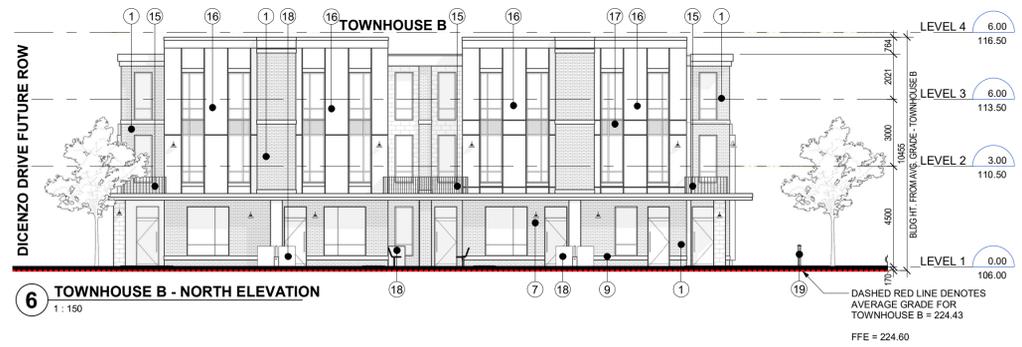
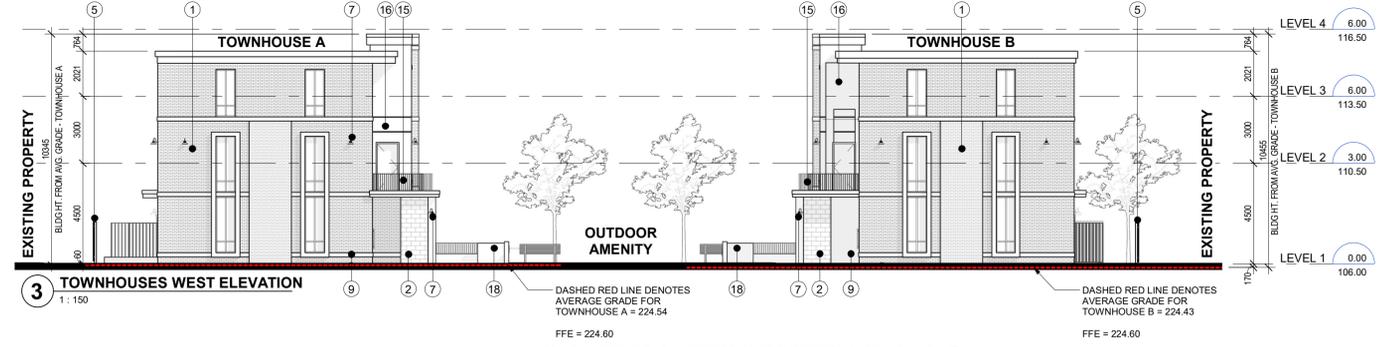
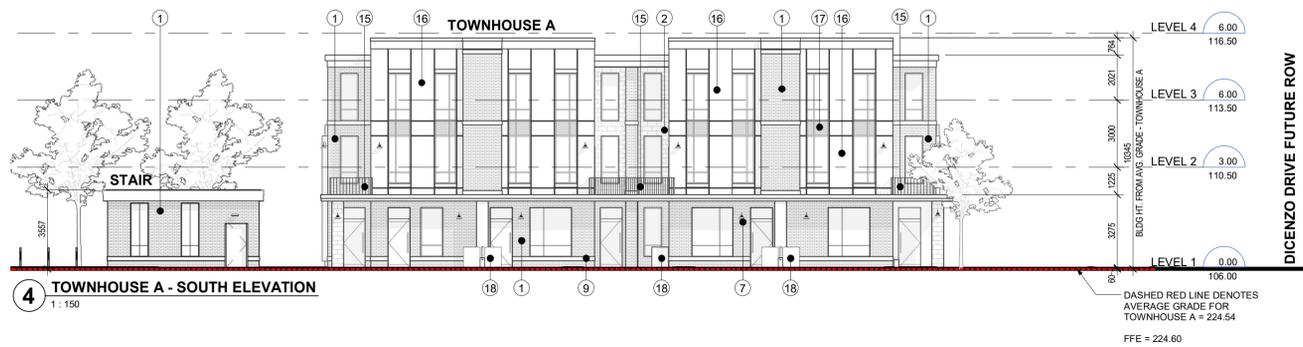
1 SITE PLAN
1:200

MATERIALS LEGEND

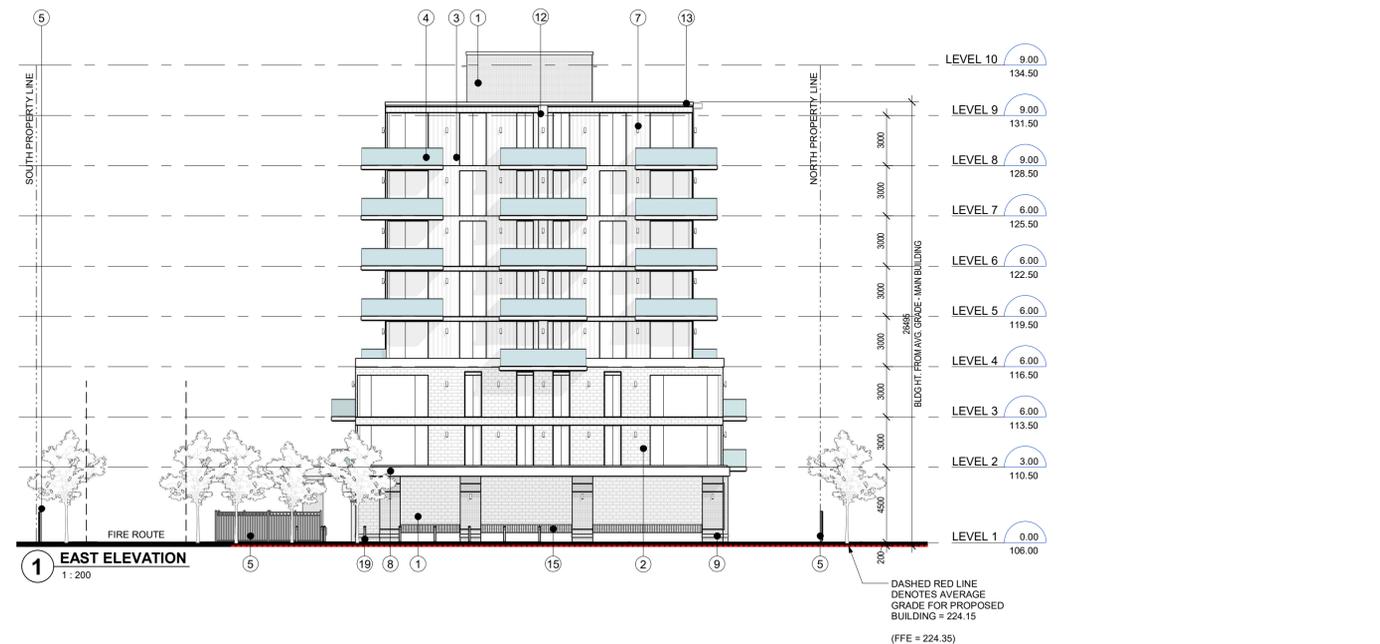
- ① BRICK VENEER (FINISH TYPE 1)
- ② SMOOTH FACED STONE MASONRY (FINISH TYPE 1)
- ③ PREFINISHED VERT. METAL SIDING C/W REVEALS
- ④ GLAZED RAILING SYSTEM
- ⑤ FENCING / SCREENING
- ⑥ SIGNAGE
- ⑦ TYPICAL LIGHT FIXTURE
- ⑧ CANOPY FRAMING
- ⑨ PRECAST SILL
- ⑩ PAINTED EXTERIOR DOOR
- ⑪ THERMALLY BROKEN GLAZING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



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



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



Appendix “E” to Report PED23216
Page 1 of 8

SUMMARY OF POLICY REVIEW

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

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

Appendix “E” to Report PED23216

Page 2 of 8

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

Appendix “E” to Report PED23216

Page 3 of 8

Theme and Policy	Summary of Policy or Issue	Staff Response
<p data-bbox="142 267 445 376">Tree and Woodland Protection (Continued)</p> <p data-bbox="142 430 361 462">Policy C.2.10.1</p>		<p data-bbox="1108 267 1963 738">The Tree Preservation Plan inventoried a total of 129 trees, including 13 municipal trees. The condition of the trees ranged between very good and dead and included 39 trees in very good condition, 46 in good condition, 18 in fair condition, 12 in poor condition and 1 dead tree. The species inventoried included Manitoba Maple, White Cedar, White Sprue, Sycamore Maple, Black Walnut, Red Oak, Green Ash, European Ash, Trembling Aspen, Bur Oak, Hawthorn, Norway Maple, Basswood, Callery Pear; and, Honeylocust. The TPP proposes to retain 29 trees and remove 100 trees, including 91 privately owned trees and nine municipal trees, to facilitate the development and accommodate internal vehicular movements on the site.</p> <p data-bbox="1108 779 1879 958">A Landscape Concept prepared OMC Landscape Architecture dated February 25, 2023 identifies private deciduous trees to be planted along the westerly and easterly property lines and six deciduous private trees proposed adjacent to DiCenzo Drive.</p> <p data-bbox="1108 998 1932 1144">Staff are satisfied that the proposal provides opportunities for a 1:1 tree compensation as set out in the City’s Tree Protection Guidelines (2010). The Tree Preservation Plan shall be finalized at the Site Plan Control stage.</p>

Appendix “E” to Report PED23216

Page 4 of 8

Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Noise, Vibration and Other Emissions</p> <p>Policy B.3.6.3.2 and B.3.6.3.10</p>	<p>Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.</p>	<p>The subject lands are adjacent to Rymal Road East, which is identified as a “Major Arterial” on Schedule “C” – Functional Road Classification in the Urban Hamilton Official Plan.</p> <p>A Noise Impact Study prepared by GTA Environmental dated November 7, 2021, identified that a 1.22 metre high noise barrier on the fourth and eighth floor outdoor amenity areas of the eight storey multiple dwelling are required, in addition to provisions for central air conditioning, windows/doors built to sound transmission (STC) requirements, and warning clauses incorporated into the future purchase and sale or lease agreements.</p> <p>Staff are generally satisfied with the findings of the noise study, subject to the recommended noise mitigation measures. Submission of a detailed noise study shall be required and will be implemented through the future Site Plan Control application.</p>
<p>Neighbourhoods Designation</p> <p>Policy E.3.2.1 E.3.2.3 and E.3.2.4</p>	<p>The existing character of the “Neighbourhoods” designated areas shall be maintained and be compatible with the scale and character of existing residential area. Neighbourhoods shall function as complete communities to include a full range of dwelling types and densities for purposes of servicing local residents.</p>	<p>The proposal contributes to a complete community by providing opportunities for a full range of dwelling types, tenures and densities that is in character with the existing commercial uses, while increasing the supply of housing in proximity to transit routes and community facilities to serve local residents.</p>

Appendix "E" to Report PED23216

Page 5 of 8

Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Urban Corridors</p> <p>Policy E.2.4.10 and E.2.4.12</p>	<p>Secondary Corridors shall accommodate retail and mixed use forms in small clusters along corridors with medium density housing located between the clusters.</p> <p>Generally, consist of low to mid rise forms with some areas permitted to accommodate high rise built forms.</p>	<p>The proposal intends to achieve the planned function of the Rymal Road East Secondary Corridor through intensifying the subject lands through the development of an eight storey multiple dwelling and two, three storey multiple dwellings (townhouses) in between the cluster of existing retail and commercial uses along a major arterial road.</p> <p>The proposal represents an appropriate form of residential intensification and redevelopment along a Secondary Corridor. The proposal introduces a higher density that is well serviced by existing transit and planned to support the future higher order transit planned along Rymal Road East.</p> <p>Rymal Road East is intended as the primary site access (vehicular) for the multiple dwellings (townhouses) with underground parking shared between the eight storey multiple dwelling. The proposed underground parking is intended to limit direct vehicle access from collector roads (future DiCenzo Drive) in accordance with policy E.3.4.6 (a). The proposed multiple dwellings (townhouses) are designed to complement the public realm with building entrances overlooking a common outdoor amenity area.</p>
<p>Medium Density Residential</p> <p>Policy E.3.5.1, E.3.5.2, E.3.5.5 and E.3.5.6</p>	<p>Medium density residential uses are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads. Medium density residential built forms shall function as transition between high and low profile residential uses.</p>	<p>The proposed eight storey multiple dwelling is located on a major arterial road and on the neighbourhood periphery within convenient walking distance to existing community facilities, public transit and commercial uses.</p>

Appendix “E” to Report PED23216
Page 6 of 8

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

**Appendix “E” to Report PED23216
Page 7 of 8**

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

Appendix “E” to Report PED23216
Page 8 of 8

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

Appendix “F” to Report PED23216
Page 1 of 5

CONSULTATION – DEPARTMENTS AND AGENCIES

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

Appendix "F" to Report PED23216

Page 2 of 5

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

Appendix "F" to Report PED23216

Page 3 of 5

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

Appendix "F" to Report PED23216

Page 4 of 5

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

Appendix "F" to Report PED23216

Page 5 of 5

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



WELCOME TO THE CITY OF HAMILTON

PLANNING COMMITTEE

December 5, 2023

PED23216 – (ZAC-22-066)

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

Presented by: Jennifer Catarino



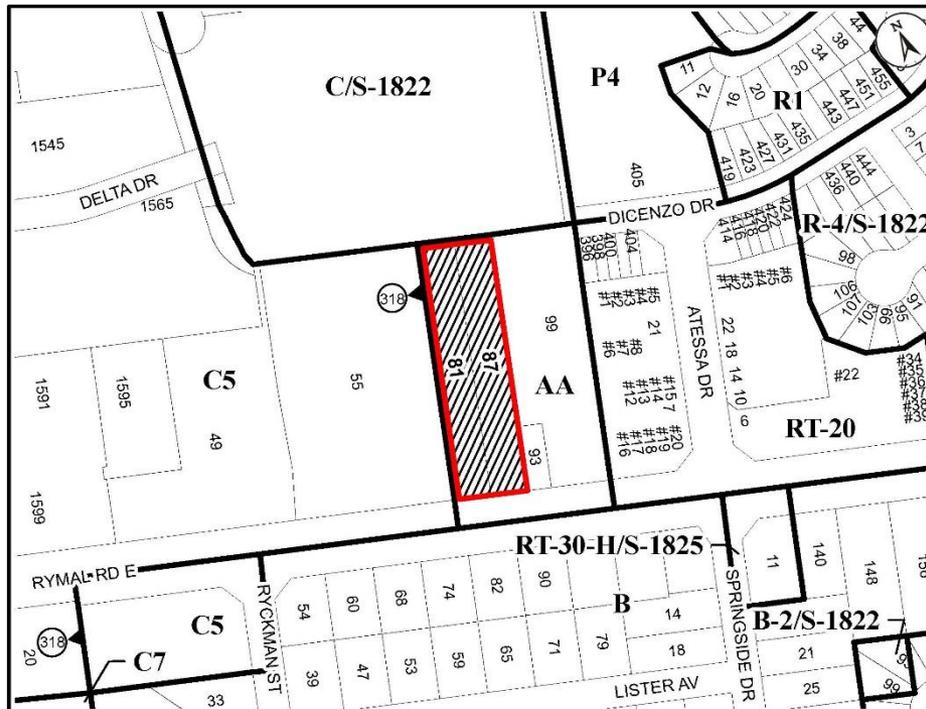
Hamilton Airphoto (2021)

SUBJECT PROPERTY



81 & 87 Rymal Road East, Hamilton





● Site Location



Key Map - Ward 8

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-22-066

Date:
August 4, 2023

Appendix "A"

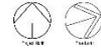
Scale:
N.T.S

Planner/Technician:
AB/VS

Subject Property

81 & 87 Rymal Road East

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



AMENITY / COMMERCIAL / RETAIL DATA	
DATA	PROVIDED
COMMERCIAL RETAIL AREA (m ²)	
AMENITY AREA (m ²)	13 / 139 m ² (279 SF)
REQUIRED	
32 (150 m ²) @ 417 (unit) = 1336	12,443 m ² (1,356 m ²)
28 (150 m ²) @ 417 (unit) = 11676	
10 (150 m ²) @ 317 (unit) = 3170	
TOTAL	17,693 m ² (1,904 m ²)
INDOOR AMENITY AREA (m ²)	2,747 m ² (295 m ²)
OUTDOOR AMENITY AREA (m ²)	11,926 m ² (1,304 m ²)
(Level 4 Balconies)	

UNIT BREAKDOWN			
DATA	AMOUNT	%	AREA RANGE
STUDIO	2	0.0%	414 m ² - 526 m ²
1 BED	111	50.9%	498 m ² - 577 m ²
1 BED - D	71	32.3%	387 m ² - 745 m ²
2 BED	4	2.0%	122 m ² - 232 m ²
2 BED - D	8	3.6%	541 m ² - 1143 m ²
3 BED	3	1.4%	710 m ² - 1032 m ²
TOWNHOUSES	3	1.4%	(3 stories)
TOTAL	220	100%	

POTENTIAL UNIT BREAKDOWN (3 storey townhouse units @ 1.3 to 2 per site @ 1000)			
DATA	AMOUNT	%	AREA RANGE
STUDIO	17	5.9%	414 m ² - 526 m ²
1 BED	99	42.9%	440 m ² - 677 m ²
1 BED - D	59	26.2%	387 m ² - 745 m ²
2 BED	6	2.7%	122 m ² - 232 m ²
2 BED - D	13	6.0%	541 m ² - 1143 m ²
3 BED	4	1.7%	1,030 m ² - 1,487 m ²
TOWNHOUSES	3	1.4%	770 m ² - 1,802 m ²
TOTAL	266	100%	

BUILDING DATA (Apartment & townhouses)	
DATA	PROVIDED
TOTAL DENSITY (per unit)	220 total units

APARTMENT DATA	
DATA	PROVIDED
TOTAL DENSITY (per unit)	210 apartment units
GROSS CONSTRUCTION FLOOR AREA (Level 1 Townhouse)	23,925 m ² (257,222 SF)
TOWNHOUSE FOOTPRINT	N/A
CROSS FLOOR AREA (Level 1 townhouse)	126,498 m ² (1,366,622 m ²)
UNDERGROUND PARKING AREA	36,312 m ² (390,000 SF)
GROSS CONSTRUCTION FLOOR AREA (m ²) INCLUDING UNDERGROUND EXCLUDING TOWNHOUSES & MECH. LOC.	234,506 m ² (2,514,650 m ²)
(INCL. UNDERGROUND)	
1 TO 3 LEVELS	76 units
4 TO 8 LEVELS	105 units
NUMBER OF STOREYS	8 STOREYS
BUILDING HEIGHT (m) FROM AVG. GRADE	<= 20.5 m

TOWNHOUSES DATA	
DATA	PROVIDED
TOTAL DENSITY (per unit)	10 townhouse units
TOWNHOUSE BUILDING AREA (m ²) PER BLDG. UNIT	3,000 m ² (32271 SF)
BUILDING AREA (Level 3 Apartment)	6,046 m ² (65222 m ²)
GROSS CONSTRUCTION FLOOR AREA (m ²) (TOWNHOUSES)	6,008 m ² (64640 SF)
GROSS CONSTRUCTION FLOOR AREA (m ²) (TOWNHOUSES)	18,138 m ² (195,885 m ²)
NUMBER OF STOREYS	3
NUMBER OF BUILDINGS	2
BUILDING HEIGHT FROM AVERAGE GRADE (m)	1 TOWNHOUSE A = 17.00 m TOWNHOUSE B = 10.45 m

SITE DATA 81 & 87 RYMAL RD, HAMILTON	
DATA	PROVIDED
LOT AREA (m ²) (Level 1 - 0m NGVD)	78,929 m ² (852,817 SF)
Building setback from street line (North Road)	4.8 m - APARTMENT
INTERIOR SIDE YARD (West)	6.1 m - APARTMENT
INTERIOR SIDE YARD (East)	3.0 m - TOWNHOUSES
REAR YARD (m) (Building setback from street line (Dundas Street))	16.1 m - APARTMENT
	3.0 m - TOWNHOUSES
	4.4 m - TOWNHOUSES

LANDSCAPING DATA	
DATA	PROVIDED
LANDSCAPE AREA (m ²)	2,849 m ² (30,838 SF)
LANDSCAPE AREA (%) (NOT INCLUDING SETBACKS, STAIRS, SIDEWALKS)	27.8%

VEHICLE PARKING DATA		
DATA	REQUIRED	PROVIDED
PARKING NEAR/IN	154	157
PARKING BREAKDOWN		
62 (150 m ²) @ 0.3 unit = 26	SURFACE = 11	
74 (150 m ²) @ 0.3 unit = 31	LEVEL P2 = 73	
36 (150 m ²) @ 0.3 unit = 31	LEVEL P2 = 73	
78 (150 m ²) @ 1.0 unit = 75		
12 (150 m ²) @ 1.0 unit = 12		
TOTAL	154	157

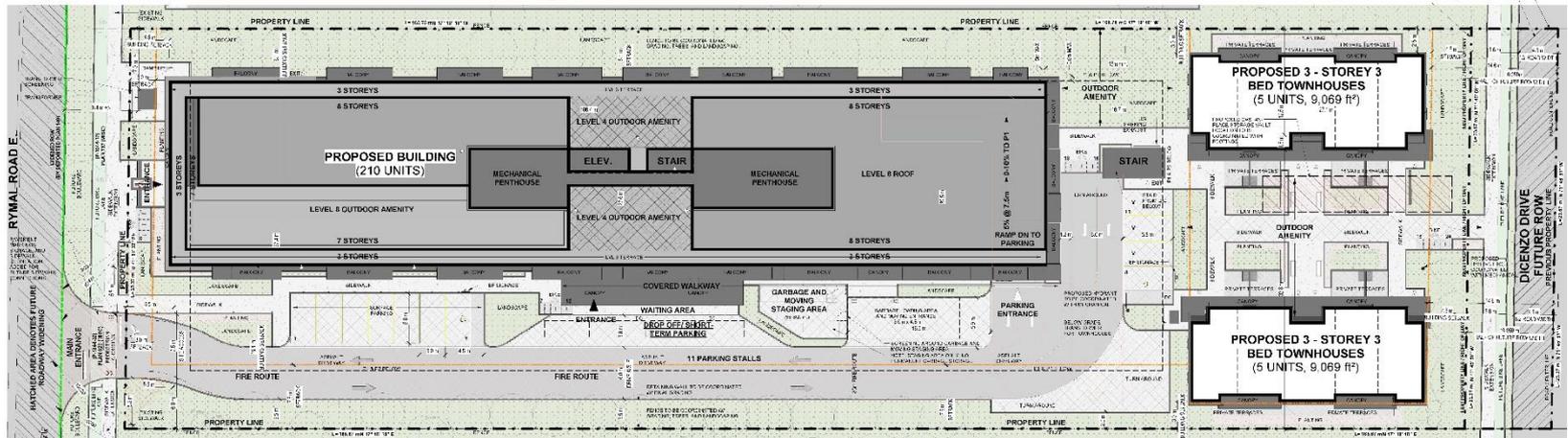
BICYCLE PARKING DATA		
DATA	REQUIRED	PROVIDED
ESSENTIAL BICYCLE PARKING	6 (AREA)	24
OPTIONAL BICYCLE PARKING	12 (AREA)	24
LONG TERM	0 (MIN. 1105)	122
TOTAL	18	122



2 SITE PLAN

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

EXISTING PROPERTY



1 SITE PLAN

EXISTING PROPERTY

SITE PLAN
 81 & 87 RYMAL RD, HAMILTON

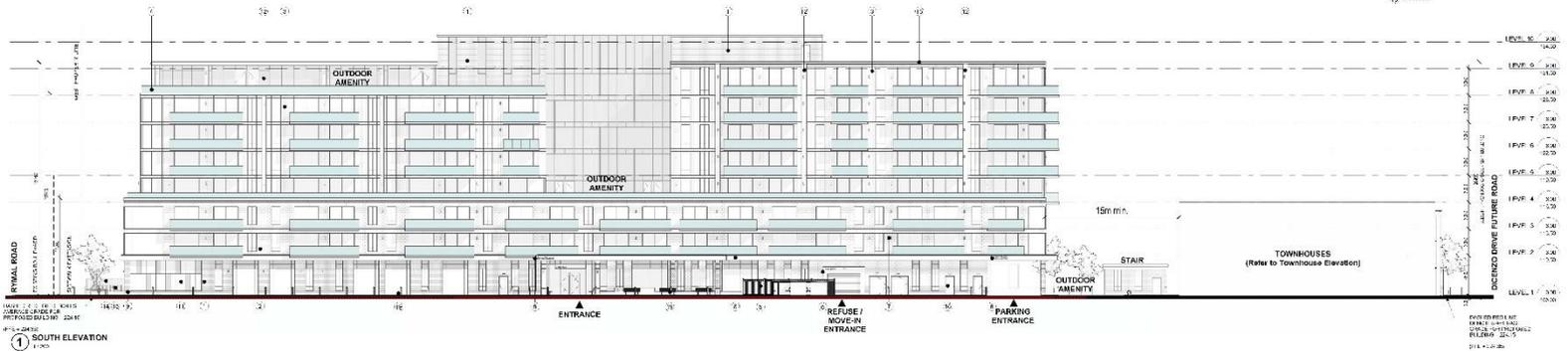
REQUIRED BUILDING HEIGHTS
 LEVEL 1: 10.45 m (34 FT 4 IN)
 LEVEL 2: 17.00 m (55 FT 9 IN)
 TOTAL: 18.45 m (60 FT 8 IN)

OVERALL BUILDING HEIGHTS
 LEVEL 1: 10.45 m (34 FT 4 IN)
 LEVEL 2: 17.00 m (55 FT 9 IN)
 TOTAL: 18.45 m (60 FT 8 IN)

Appendix "D" to Report PED23216
 Page 2 of 3

MATERIALS LEGEND

- (1) BRICK CONCRETE CLADDING
- (2) BRICK PANELS ON BRICK CONCRETE CLADDING
- (3) POLYMER CONCRETE CLADDING
- (4) BRICK CONCRETE CLADDING
- (5) BRICK CONCRETE CLADDING
- (6) BRICK CONCRETE CLADDING
- (7) BRICK CONCRETE CLADDING
- (8) BRICK CONCRETE CLADDING
- (9) BRICK CONCRETE CLADDING
- (10) BRICK CONCRETE CLADDING
- (11) BRICK CONCRETE CLADDING
- (12) BRICK CONCRETE CLADDING
- (13) BRICK CONCRETE CLADDING
- (14) BRICK CONCRETE CLADDING
- (15) BRICK CONCRETE CLADDING
- (16) BRICK CONCRETE CLADDING
- (17) BRICK CONCRETE CLADDING
- (18) BRICK CONCRETE CLADDING



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

21001
 2023-03-14
SRM
 ARCHITECTS



81 & 87 Rymal Road East



81 Rymal Road East - rear of property looking north



87 Rymal Road East - rear of property looking east



DiCenzo Drive dead end - looking west



DiCenzo Drive extension - looking west



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 14, 2023
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13)
WARD(S) AFFECTED:	Ward 13
PREPARED BY:	Shaival Gajjar (905) 546-2424 Ext. 5980
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Amended Zoning By-law Amendment Application ZAC-22-044, by WEBB Planning Consultants (c/o James Webb), on behalf of 64 Hatt St Investments Inc. (c/o Forge & Foster), owner**, for a change in zoning from General Industrial (I.G) Zone to Mixed Use Medium Density (C5, 863, H156) Zone and from Open Space – Conservation Zone (OS) and Open Space - Conservation Zone (OS/S-7) to Conservation/Hazard Land (P5, 863) Zone, to permit the adaptive reuse of existing industrial buildings on the lands located at 64 Hatt Street, as shown on Appendix "A" attached to Report PED23164, be **APPROVED**, on the following basis:

- (a) That the Draft By-law, attached as Appendix "B" to Report PED23164, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding symbol 'H' to the proposed Mixed Use Medium Density (C5, 863, H156) Zone as shown on Schedule "A" of Appendix "B" attached to Report PED23164 and shall be lifted conditional upon the following:

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

- (i) That the Owner submits and receives approval of a Functional Servicing Report to demonstrate that the change in land use can be serviced without adverse impacts to the existing infrastructure, to the satisfaction of the Director of Development Engineering;
- (ii) That the owner acknowledges and agrees that, as part of a future Site Plan Control application, the owner will enter into and register on title an External Works Agreement with the City for the design and construction of any required infrastructure upgrades at the owner's expense, to the satisfaction of the Director of Development Engineering;
- (c) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended); and complies with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The subject lands are located at the south-east corner of Hatt Street and McMurray Street and are bound by Spencer Creek to the south. The property contains a former industrial building, known as the Gartshore Building (c. 1846) which was originally constructed as a foundry and used for manufacturing. The Applicant, WEBB Planning Consultants (c/o James Webb), has applied for a Zoning By-law Amendment to permit commercial uses within the existing industrial building, as shown on Appendix "C" attached to Report PED23164.

The purpose of the Zoning By-law Amendment application is to rezone the subject lands from General Industrial (I.G) Zone to Mixed Use Medium Density (C5, 863, H156) Zone and from Open Space - Conservation Zone (OS), and Open Space - Conservation Zone (OS/S-7) to the Conservation/Hazard Land (P5, 863) Zone to permit the adaptive reuse of the existing buildings. The proposed Zoning By-law Amendment includes modifications to the Conservation/Hazard Land (P5) Zone and Mixed Use Medium Density (C5) Zone to restrict additions or expansions to existing buildings and to allow uses permitted in accordance with Sections 10.5.1, 10.5.1.1, and 10.5.2 of the Zoning By-law No. 05-200.

Additionally, a Holding 'H' Provision is recommended for the amending By-law for a Functional Servicing Report, to demonstrate that the change in use can be serviced without adverse impacts to the existing infrastructure.

On October 25, 2023, Council passed By-law No. 23-200, designating the property under Part IV of the *Ontario Heritage Act* (see Report PED23124). Designated properties require Heritage Permit Applications for any proposed changes to the

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

heritage attributes identified in the Statement of Cultural Heritage Value or Interest for the property.

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

- It is consistent with the Provincial Policy Statement (2020);
- It conforms to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the Urban Hamilton Official Plan, in particular, the intensification, and function of the “Mixed Use – Medium Density” designation, Urban Design, and Core Area policies; and,
- The proposal is compatible with and complementary to the existing and planned land uses in the immediate and surrounding area, and represents good planning by, among other things, making efficient use of existing infrastructure within the urban boundary, managing and preserving built heritage assets and contributing to the economic vitality of downtown Dundas.

Alternatives for Consideration – See Page 15

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Application Details	
Owner:	64 Hatt St Investments Inc. (c/o Forge & Foster).
Applicant/Agent:	WEBB Planning Consultants (c/o James Webb).
File Number:	ZAC-22-044.
Type of Application:	Zoning By-law Amendment.
Proposal:	To permit the adaptive reuse of the existing buildings on the property by allowing a mix of commercial uses such as retail, restaurant, offices, etc.

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

Property Details	
Municipal Address:	64 Hatt Street, Dundas
Lot Area:	± 1.09 ha.
Servicing:	Full municipal services.
Existing Use:	Vacant industrial buildings.
Proposed Use:	Mixed use buildings.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the Provincial Policy Statement (2020).
A Place to Grow:	The proposal conforms to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	<p>“Mixed Use – Medium Density” on Schedule E-1 – Urban Land Use Designations</p> <p>“Dundas Two Zone Floodplain Area” on Map D-1 - Dundas Area Specific Policies.</p> <p>“Lands located along Spencer Creek” on Map D-2 - Dundas Area Specific Policies.</p>
Zoning Existing:	General Industrial (I.G) Zone; Open Space – Conservation Zone (OS); and, Open Space – Conservation Zone (OS/S-7).
Zoning Proposed:	<p>Mixed Use Medium Density (C5, 863, H156) Zone.</p> <p>Conservation/Hazard Land (P5, 863) Zone.</p> <p>Staff amended the application to rezone those portions of the lands that are Open Space - Conservation Zone (OS) and Open Space - Conservation Zone (OS/S-7) to Conservation/Hazard Land (P5, 863) Zone.</p>
Modifications Proposed:	<p>To modify the Conservation/Hazard Land (P5) Zone and Mixed Use Medium Density (C5) Zone to:</p> <ul style="list-style-type: none"> • permit the buildings existing on the date of the passing of this By-law with no further additions or expansions; and, • permit the uses in accordance with Sections 10.5.1, 10.5.1.1, and 10.5.2.

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

Processing Details	
Received:	June 10, 2022.
Deemed complete:	July 7, 2022.
Notice of Complete Application:	Sent to 269 property owners within 120 metres of the subject lands on July 11, 2022.
Public Notice Sign:	Posted July 22, 2022 and updated with the Public Meeting date on October 16, 2023.
Notice of Public Meeting:	Sent to 269 property owners within 120 metres of the subject lands on October 27, 2023.
Public Comments:	No public comments received.
Processing Time:	523 days from the date of receipt of the application.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Industrial buildings	General Industrial (I.G) Zone, Open Space - Conservation Zone (OS) and Open Space - Conservation Zone (OS/S-7)

Surrounding Land Uses:

North	Commercial uses	Mixed Use Medium Density (C5, 304) Zone, Mixed Use Medium Density (C5) Zone and Mixed Use Medium Density (C5, 594) Zone
South	Spencer Creek	Open Space - Conservation Zone (OS/S-7) and Open Space - Conservation Zone (OS)

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

Surrounding Land Uses Continued:

East	Medical Offices, Vacant / Parking Lot, and Apartment Building.	Mixed Use Medium Density (C5) Zone, Open Space - Conservation Zone (OS) and High Density Multiple Dwelling (RM4/S-83) Zone
West	Physiotherapy Clinic, and Outdoor Vehicle Storage	Mixed Use Medium Density (C5, 709) Zone and Mixed Use Medium Density (C5, 581) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

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

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

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

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

Urban Hamilton Official Plan

The subject lands are designated "Mixed Use – Medium Density" on Schedule E-1 – Urban Land Use Designations and located within "UD-1" Dundas Two Zone Floodplain

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

Area of Map D-1 and "UD-6" Lands Located Along Spencer Creek of Map D-2 in Volume 3: Area Specific Policies. The following policies, amongst others, apply to the proposal.

Mixed Use – Medium Density

- "E.4.6.1 The range of commercial uses is intended to serve the surrounding community or series of neighbourhoods as well as provide day-to-day retail facilities and services to residents in the immediate area. These areas shall also serve as a focus for the community, creating a sense of place.
- E.4.6.9 The predominant built form shall be mid rise and low rise mixed use buildings that have retail and service commercial stores at grade. Single use commercial buildings and medium density ground related housing forms shall also be permitted, except for pedestrian focus streets as listed by Policy E.4.3.1.1. (OPA 65) (OPA 142)
- E.4.6.22 Development applications shall be encouraged to provide a mix of uses on the site."

The proposal is to rezone the property from an industrial zone to a mixed use zone to permit the adaptive reuse of existing heritage designated buildings by allowing a range of commercial uses such as retail, restaurant, and offices that serves the surrounding community.

Cultural Heritage

- "B.3.4.1.4 Ensure that all new development, site alterations, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources.
- B.3.4.2.1 The City of Hamilton shall, in partnership with others where appropriate:
- g) Ensure the conservation and protection of cultural heritage resources in planning and development matters subject to the *Planning Act* either through appropriate planning and design measures or as conditions of development approvals.
 - h) Conserve the character of areas of cultural heritage significance, including designated heritage conservation districts and cultural heritage landscapes, by encouraging those land uses, development

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

and site alteration activities that protect, maintain and enhance these areas within the City.

- B.3.4.3.6 The City shall protect established historical neighbourhoods, as identified in the cultural heritage landscape inventory, secondary plans and other City initiatives, by ensuring that new construction and development are sympathetic and complementary to existing cultural heritage attributes of the neighbourhood, including lotting and street patterns, building setbacks and building mass, height, and materials.”

The subject property comprises the former Dundas Foundry / Valley City Manufacturing complex, which contains 12 historic structures constructed between the mid-nineteenth and mid-twentieth centuries, the oldest of which were built circa 1846. On October 25, 2023, Council passed By-law No. 23-200, designating the property under Part IV of the *Ontario Heritage Act* (see Report PED23124). Designated properties require Heritage Permit Applications for any proposed changes to the heritage attributes identified in the Statement of Cultural Heritage Value or Interest for the property.

Health and Public Safety

- “B.3.6.1.1 Where there is potential for site contamination due to previous uses of a property and a more sensitive land use is proposed, a mandatory filing of a Record of Site Condition is triggered as outlined in provincial guidelines. The Record of Site Condition shall be submitted by the proponent to the City and the Province. The Record of Site Condition shall be to the satisfaction of the City.”

The proposal will establish a mix of uses on the site which previously had industrial uses. The *Environmental Protection Act* requires a Record of Site Condition be submitted prior to a change in property use from commercial or industrial to a residential use. A Record of Site Condition shall be required when an application for Site Plan Control and/or Building Permit is submitted for any residential or other similar use.

Core Areas

- “C.2.3.3 The natural features and ecological functions of Core Areas shall be protected and where possible and deemed feasible to the satisfaction of the City enhanced. To accomplish this protection and enhancement, vegetation removal and encroachment into Core Areas shall generally not be permitted, and appropriate vegetation protection zones shall be applied to all Core Areas.

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

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

The subject lands are abutting Spencer Creek which is designated as a Key Hydrologic Feature Stream on Schedule B of the Urban Hamilton Official Plan. It is noted that the subject property is already disturbed, and no new construction is proposed on the property. Staff have requested correspondence from the Ministry of the Environment, Conservation and Parks providing instruction and mitigation measures with respect to the at-risk Chimney Swift species that have been identified on site. There is an existing fence along the top of bank that restricts new construction towards the creek. The proposed Zoning By-law Amendment includes rezoning a portion of the lands to Conservation/Hazard Land (P5, 863) Zone which will continue to protect and restrict new development adjacent to Spencer Creek. The proposed modifications to the Conservation/Hazard Land (P5) Zone and Mixed Use Medium Density (C5) Zone protect the existing buildings by restricting further additions or expansions to the existing buildings and allows uses permitted in accordance with Sections 10.5.1, 10.5.1.1, and 10.5.2 of Zoning By-law No. 05-200.

The applicant has indicated that trees will not be removed, and staff are of the opinion that the Tree Protection Plan requirement for a future Site Plan Control application may be waived in lieu of the applicant adding a detail to any future site plan drawing that tree protection fencing will be installed during construction activities.

Infrastructure

“C.5.3.17 The City shall be satisfied that adequate infrastructure services can be provided prior to any development or intensification proceeding and, where technically and economically possible, the City shall require such services to be located underground.”

While existing buildings on the property has historically been industrial and currently zoned to allow a range of service intensive uses including food processing and manufacturing, staff have not determined there is adequate water and wastewater capacity to service the range of commercial uses proposed. Staff are recommending that a Holding ‘H’ Provision be placed on the property, which can be lifted once the owner submits and receives approval of a Functional Servicing Report that demonstrates that the proposed development can be serviced without adverse impacts to the existing network.

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

Volume 3: Area Specific Policies

Dundas Two one Floodplain Area (UD-1)

- “B.1.0 Council recognizes the inherent dangers to development in areas subject to flooding and the constraints required to minimize the loss of life and property. Accordingly, the following policies shall apply within the floodplain area shown on Map D-1 as Area Specific UD-1:
- b) Where a proposal is made for development or redevelopment within or in proximity to UD-1, the City shall request the proponent to contact the Hamilton Conservation Authority to determine if and what flood protection measures are necessary, or other limitations to development.
 - g) Non-residential development within the flood fringe area may be permitted on the basis of limited or no fill and subject to adequate flood proofing.
 - h) Paved day-use parking lots may be permitted within the flood fringe without the necessity of flood protection measures.”

The Zoning By-law Amendment application has been circulated to the Hamilton Conservation Authority who noted that in 2018 a previous owner of the property had applied for a permit to undertake floodproofing of the existing building but did not follow through with the application and a permit was not issued. Should the Zoning By-law Amendment application be approved, the applicant would be required to obtain a permit from the Hamilton Conservation Authority to complete this floodproofing prior to the City issuing Building Permits.

Lands Located Along Spencer Creek (UD-6)

- “B.1.0 In addition to the policies of Volume 1, the following policy shall apply to lands located along Spencer Creek, shown as Area Specific UD-6 on Map D-2:
- a) Development or redevelopment proposals on sites adjacent to Spencer Creek shall be required to provide public access to the creek, and to make necessary improvements to complete the trail system along Spencer Creek to the satisfaction of the City and the Hamilton Conservation Authority.”

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13) - Page 11 of 15

Currently, there is no public access to Spencer Creek from the subject lands. If the site is redeveloped, staff would seek improvements to ensure public access to Spencer Creek in association with the Hamilton Conservation Authority.

Based on the foregoing, the proposal complies with the policies of Volume 1 and 3 of the Urban Hamilton Official Plan, subject to the Holding Provision.

Town of Dundas Zoning Bylaw No. 3581-86

The subject lands are zoned General Industrial (I.G) Zone, Open Space - Conservation Zone (OS), and Open Space - Conservation Zone (OS/S-7) in the former Town of Dundas Zoning By-law No. 3581-86. The General Industrial (I.G) Zone permits general manufacturing, assembling and fabricating industries, and related wholesale and retail commercial uses. The intent of the Open Space - Conservation Zone (OS) is to protect lands that are unsuitable for general urban development due to their physiographic characteristics or their ecological significance. The Open Space - Conservation Zone (OS/S-7) permits the existing parking lot as an accessory use to the industrial use to the north.

Hamilton Zoning By-law No. 05-200

The Zoning By-law Amendment is to rezone the subject lands to Mixed Use Medium Density (C5, 863, H156) Zone and Conservation/Hazard Land (P5, 863) Zone to permit the adaptive reuse of existing buildings with a range of commercial uses including retail and restaurant and to continue to protect the natural features. Modifications to the Conservation/Hazard Land (P5) Zone and Mixed Use Medium Density (C5) Zone restricts further additions or expansions to the existing buildings and allows uses permitted in accordance with Sections 10.5.1, 10.5.1.1, and 10.5.2 of the Zoning By-law No. 05-200. The applicant is not in agreement with the amended By-law.

RELEVANT CONSULTATION

Departments and Agencies	
<ul style="list-style-type: none"> • Landscape Architectural Services, Strategic Planning Division, Public Works Department; • Commercial District and Small Business Section, Planning & Economic Development Department; • Corporate Real Estate, Planning & Economic Development Department; • Canada Post Corporation; and, • Alectra Utilities. 	No Comments.

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 a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13) - Page 12 of 15

	Comment	Staff Response
Growth Management Division, Planning and Economic Development Department	<p>A Functional Servicing Report is required containing sanitary design calculations to demonstrate that the flows generated from the proposed development will not adversely impact the hydraulic performance of the City's sanitary sewer system. The Functional Servicing Report shall also show that the municipal watermains can provide the required fire flow and domestic flow to support the proposed development.</p> <p>It should be determined if a Draft Plan of Condominium application will be required in the future.</p> <p>The owner and agent should be made aware that the municipal addresses for this proposal will be determined after conditional Site Plan approval is granted.</p>	<p>A Holding Provision requiring the submission of a Functional Servicing Report has been added to the amending by-law.</p> <p>The proposal tenure has not been confirmed by the applicant.</p> <p>Should a Site Plan Control application be required, municipal addressing will be a condition of approval.</p>
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<p>A Tree Management Plan will be required, and a permit will be issued upon approval of the Tree Management Plan and applicable fees.</p> <p>A detailed Landscape Planting Plan prepared by a Registered Landscape Architect, showing the placement of trees on City property is required.</p>	<p>Should a Site Plan Control application be required, a Tree Management Plan and a Landscape Planting Plan will be conditions of approval.</p>
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<p>To protect the existing and future pedestrian realm, cycling infrastructure and road Network, Transportation Planning shall require site plan revisions.</p>	<p>Should a Site Plan Control application be required, revisions will be required to address Transportation Planning comments.</p>
Waste Management Operations Section, Environmental Services Division, Public Works Department	<p>The development is ineligible for municipal waste collection and will be required to follow the requirements under the Waste Management System By-law No. 20-221.</p>	<p>Noted.</p>

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

	Comment	Staff Response
Infrastructure Renewal, Public Works Department	Hatt Street is scheduled for reconstruction in 2026 including watermain replacement along the frontage of the subject lands. Any works within the Hatt Street right-of-way should be completed prior to this time or coordinated with the Public Works Department to prevent the need to cut into the reconstructed road after that time.	Noted.
Hamilton Conservation Authority	<p>Hamilton Conservation Authority noted that in 2018, the previous owner of the property had applied for a permit to undertake floodproofing of the existing building but did not follow through with the application and a permit was not issued.</p> <p>The applicant would be required to obtain a permit from Hamilton Conservation Authority to complete this floodproofing prior to the City issuing a change of use permit for internal renovations.</p>	This will be addressed at the future Building Permit stage.
Public Consultation: No submissions from the public.		

Public Consultation

In accordance with the Council's Public Participation Policy, the Zoning By-law Amendment application was circulated as part of the Notice of Complete Application and Preliminary Circulation to 269 property owners within 120 metres of the subject lands on July 11, 2022. A Public Notice Sign was installed on the property on July 22, 2022 and updated with the Public Meeting date on October 16, 2023. To date, there have been no public submissions received by the City. Finally, Notice of the Public Meeting was given on October 27, 2023 in accordance with the requirements of the *Planning Act*.

A Public Consultation Strategy was submitted with the initial submission of the application. The applicant proposed to contact the Ward Councillor to determine whether a Neighbourhood Open House was required in advance of the Statutory Public Meeting.

An online Neighbourhood Open House was scheduled for Thursday, September 21, 2023. Notice was provided in the Dundas Star News newspaper on September 7, 2023. There were no members of the public in attendance at the Neighbourhood Open House.

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 a Zoning By-law Amendment for Lands Located at 64 Hatt Street, Dundas (PED23164) (Ward 13) - Page 14 of 15

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (ii) It complies with the Urban Hamilton Official Plan, in particular, the intensification, Mixed Use – Medium Density and Cultural Heritage policies; and,
 - (iii) It is considered to be compatible with, and complementary to the existing surrounding neighbourhood and represents good planning by, among other things, reusing existing buildings (with heritage value) that would provide for an increase in businesses that offer employment opportunities within the community of Dundas.

2. Zoning By-law Amendment

The subject lands are currently zoned General Industrial (I.G) Zone, Open Space - Conservation Zone (OS), and Open Space - Conservation Zone (OS/S-7) in the former Town of Dundas Zoning By-law No. 3581-86. The subject lands are proposed to be rezoned to the Mixed Use Medium Density (C5, 863, H156) Zone and Conservation/Hazard Land (P5, 863) Zone to permit the adaptive reuse of existing buildings and protect the existing natural features. The proposed Zoning By-law Amendment includes modifications to the Conservation/Hazard Land (P5) Zone and Mixed Use Medium Density (C5) Zone that protect the existing buildings by restricting additions or expansions to the existing buildings and to allow uses permitted in accordance with Sections 10.5.1, 10.5.1.1, and 10.5.2 of the Zoning By-law No. 05-200. The existing buildings predates the adoption of Zoning By-law No. 05-200, making them legal non-conforming buildings. As the property is being rezoned to the Mixed Use Medium Density (C5) Zone with the intent of adaptive reuse of the existing buildings, these modifications will restrict any further additions or expansions to the existing buildings and allow the uses of Mixed Use – Medium Density (C5) Zone within the portion of the building that is encroaching into the Conservation/Hazard Land (P5) Zone.

Staff support above-mentioned modifications as the buildings existed prior to the adoption of Zoning By-law No. 05-200 and recognizes an existing situation. Staff are also satisfied that the proposed Zoning By-law Amendment complies with the policies of the “Mixed Use - Medium Density” designation and Mixed Use Medium Density (C5) Zone through the adaptive reuse of existing heritage

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

buildings, proposing to provide commercial uses such as office, retail, and restaurant that serves the surrounding community, and to continue to protect the natural features through the Conservation/Hazard Land (P5, 863) Zone.

Staff are in support of the proposed Zoning By-law Amendment, subject to the Holding 'H' Provision.

3. Holding Provision

A Holding 'H' Provision is recommended to be added to the Zoning By-law Amendment to address the submission and approval of a Functional Servicing Report to demonstrate that a change in use will not have any adverse impacts on the existing network.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the subject lands could be utilized in accordance with the existing General Industrial (I.G) Zone, Open Space - Conservation Zone (OS), and Open Space - Conservation Zone (OS/S-7) within the Dundas Zoning By-law No. 3581-86. The General Industrial (I.G) Zone permits general manufacturing, assembling and fabricating industries, and related wholesale and retail commercial uses. The Open Space - Conservation Zone (OS) is to protect lands unsuitable for general urban development due to their physiographic characteristics or their ecological significance. The Special Exception – 7 attached to the Open Space - Conservation Zone (OS/S-7) is to permit the existing parking lot as an accessory use to the industrial use to the north.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED23164 – Location Map

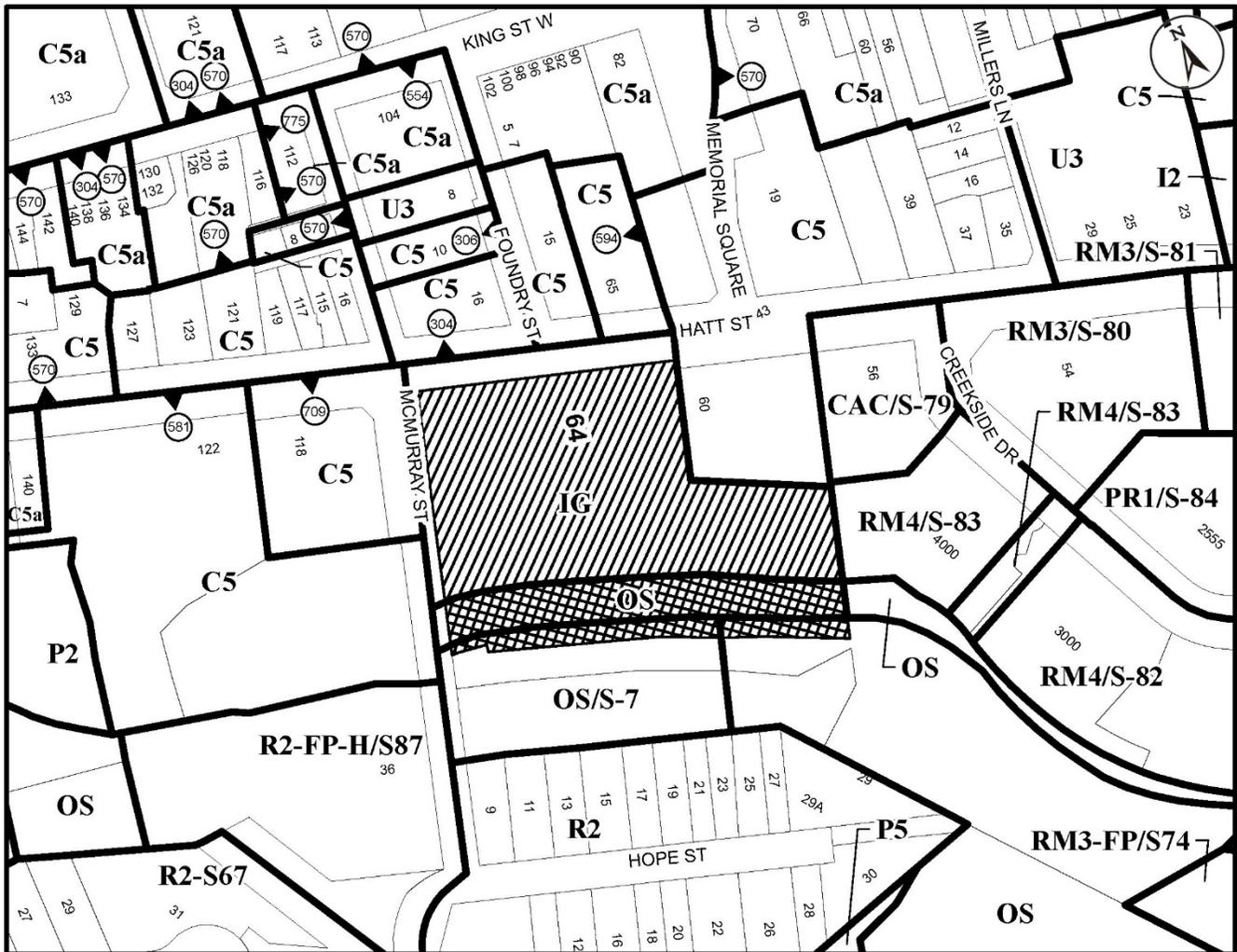
Appendix "B" to Report PED23164 – Draft Zoning By-law Amendment

Appendix "C" to Report PED23164 – Concept Floor Plans

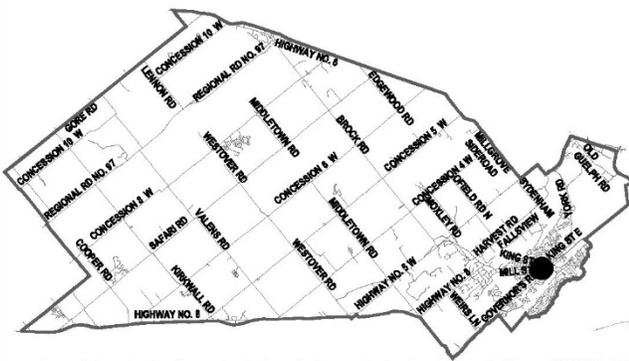
Appendix "D" to Report PED23164 – Site Specific Modifications

SG:sd

Appendix "A" to Report PED23164
Page 1 of 1



● Site Location



Key Map - Ward 13

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-22-044

Date:
October 19, 2023

Appendix "A"

Scale:
N.T.S

Planner/Technician:
SG/NB

Subject Property

64 Hatt Street, Dundas (Ward 13)

-  Lands to be added as Mixed Use Medium Density (C5, 863, H156) Zone
-  Lands to be added as Conservation/Hazard Land (P5, 863) Zone

**Appendix “B” to Report PED23164
Page 1 of 3**

Authority: Item,
Report (PED23164)
CM: November 22, 2023
Ward: 13

Bill No.

CITY OF HAMILTON

BY-LAW NO. 23-XXX

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 64 Hatt Street (Dundas)**

WHEREAS Council approved Item ____ of Report PED23 ____ of the Planning Committee, at its meeting held on _____, 2023.

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

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

1. That Map Nos. 860 and 902 of Schedule “A” – Zoning Maps are amended by adding the Mixed Use Medium Density (C5, 863, H156) Zone and Conservation/Hazard Land (P5, 863) Zone, for the lands known as 64 Hatt Street the extent and boundaries of which are shown on Schedule “A” to this By-law.
2. That Schedule “C” – Special Exceptions be amended by adding the following new Special Exception:

“863. In addition to Section 7.5 and notwithstanding Section 10.5.3, on those lands zoned Conservation/Hazard (P5) Zone and Mixed use Medium Density (C5) Zone identified on Map Nos. 860 and 902 of Schedule "A" - Zoning Maps, and described as 64 Hatt Street, Dundas, the following special provision shall apply:

 - a) The buildings existing on the date of passing of this By-law shall be permitted and no further additions or expansions to the existing buildings shall be permitted and the uses therein shall be permitted in accordance with Sections 10.5.1, 10.5.1.1 and 10.5.2.
3. That Schedule “D” – Holding Provisions be amended by adding the following new Holding Provision:

“156. Notwithstanding Section 10.5 of this By-law, within lands zoned Mixed Use Medium Density (C5) Zone, identified on Map Nos. 860 and 902 of Schedule “A” – Zoning Maps and described as 64 Hatt Street, no development shall be permitted until such time as:

Appendix “B” to Report PED23164

Page 2 of 3

- i) That the Owner submits and receives approval of a Functional Servicing Report to demonstrate that the change in use can be serviced without adverse impacts to the existing infrastructure, to the satisfaction of the Director of Development Engineering;
 - ii) That the owner acknowledges and agrees that, as part of a future Site Plan Control application, the owner will enter into and register on title an External Works Agreement with the City for the design and construction of any required infrastructure upgrades at the owner’s expense, to the satisfaction of the Director of Development Engineering.
4. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the provisions of the Mixed Use Medium Density (C5, 863, H156) Zone and Conservation/Hazard (P5, 863) Zone, subject to the special requirements referred to in Sections No. 2 and 3 of this By-law.
5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

PASSED this _____ , 2023

A. Horwath
Mayor

J. Pilon
Acting City Clerk

ZAC-22-044

Appendix "B" to Report PED23164
Page 3 of 3



This is Schedule "A" to By-law No. 23-

Passed the day of, 2023

 Mayor

 Clerk

Schedule "A"

**Map forming Part of
 By-law No. 23-_____**

**to Amend By-law No. 05-200
 Map 860 & 902**

Subject Property

64 Hatt Street, Dundas (Ward 13)

 Lands to be added as Mixed Use Medium Density (C5, 863, H156) Zone

 Lands to be added as Conservation/Hazard Land (P5, 863) Zone

Scale:
 N.T.S

File Name/Number:
 ZAC-22-044

Date:
 October 19, 2023

Planner/Technician:
 AG/NB



Hamilton

Appendix “D” to Report PED23164

Page 1 of 1

Site Specific Modifications to the Conservation/Hazard Land (P5) Zone and Mixed Use Medium Density (C5) Zone

Regulation	Required	Modification	Analysis
Section 7.5: Conservation/Hazard Land (P5) Zone	<p>No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Conservation/Hazard Land (P5) Zone for any purpose other than one or more of the following uses or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:</p> <p>7.5.1 PERMITTED USES Conservation Flood and Erosion Control Facilities Recreation, Passive</p>	<p>In addition to Section 7.5, the building existing on the date of passing of this By-law shall be permitted and no further additions or expansions to the existing building shall be permitted in the Conservation/Hazard (P5) Zone and the uses therein shall be permitted in accordance with Sections 10.5.1, 10.5.1.1, and 10.5.2.</p>	<p>The existing building is encroaching into the existing Open Space – Conservation Zone (OS) which is being rezoned to the Conservation/Hazard Land (P5) Zone. Since the building and site layout existed prior to the adoption of Zoning By-law No. 05-200, the proposed modification can be supported recognizing an existing situation.</p>
Section 10.5.3: Regulations	<p>The regulations required for a development are setback from all property lines, building height, gross floor area, amenity, planting strip, visual barriers, and, outdoor storage.</p>	<p>Notwithstanding Section 10.5.3, no further additions or expansions to the existing buildings shall be permitted.</p>	<p>The intent of the Zoning By-law Amendment application is to support adaptive reuse of the existing buildings to permit commercial uses such as restaurants, retail, and offices that serves the community. Staff are supportive of the proposed modification.</p>



WELCOME TO THE CITY OF HAMILTON

PLANNING COMMITTEE

November 14, 2023

PED23164 – (ZAC-22-044)

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

Presented by: Shaival Gajjar

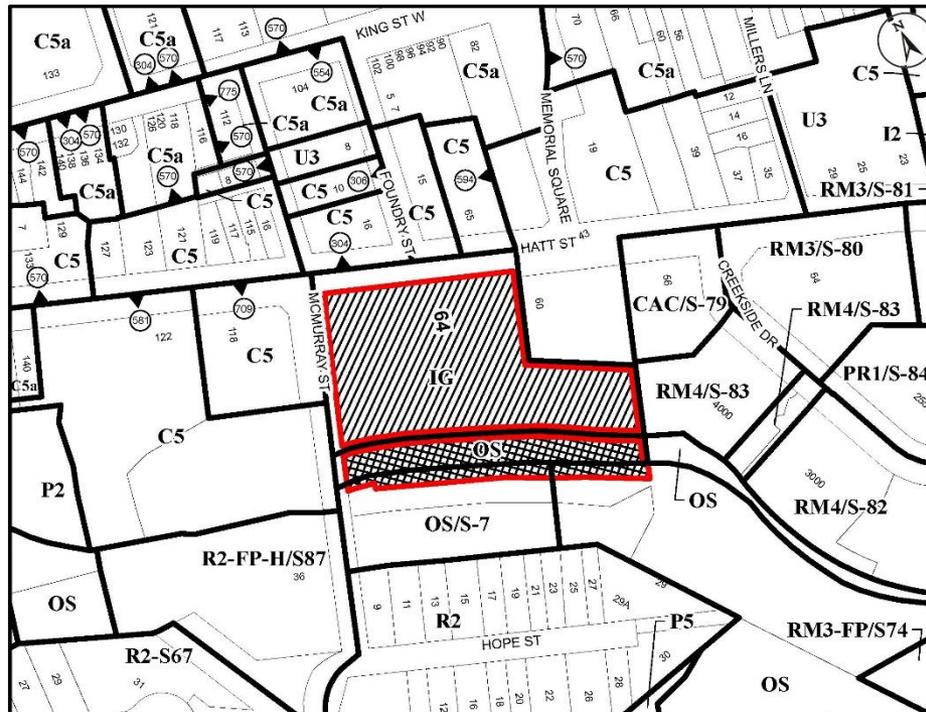


SUBJECT PROPERTY

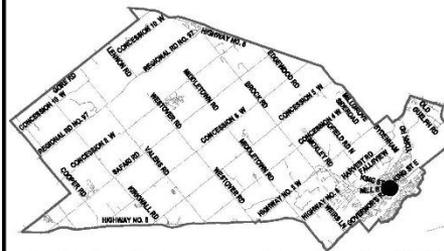


64 Hatt Street, Dundas





● Site Location



Key Map - Ward 13

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-22-044

Date:
October 19, 2023

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
SG/NB

Subject Property

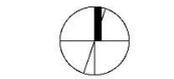
64 Hatt Street, Dundas (Ward 13)

-  Lands to be added as Mixed Use Medium Density (C5, 863, H156) Zone
-  Lands to be added as Conservation/Hazard Land (P5, 863) Zone



GENERAL NOTES

- The design is based on the information provided by the client and is subject to change without notice.
- The design is based on the information provided by the client and is subject to change without notice.
- The design is based on the information provided by the client and is subject to change without notice.
- The design is based on the information provided by the client and is subject to change without notice.
- The design is based on the information provided by the client and is subject to change without notice.
- The design is based on the information provided by the client and is subject to change without notice.
- The design is based on the information provided by the client and is subject to change without notice.
- The design is based on the information provided by the client and is subject to change without notice.
- The design is based on the information provided by the client and is subject to change without notice.
- The design is based on the information provided by the client and is subject to change without notice.



1	WIND TOWER	2000
2	BOILER ROOM	1000
3	LOBBY	500
4	OFFICE	100
5	STORAGE	50

TOMS + MCNALLY
 DESIGN + ARCHITECTURE + INTERIOR + CONSTRUCTION

HATT
 41-RITS
BASEMENT & GROUND LEVEL FLOOR PLAN

Project No: 1900
 Date: 11/26
 Drawn By: 142
 Checked by: 144

A2.01



Looking south west at the subject property, from Hatt St



Looking south east at the subject property, from Hatt St



Looking West at the subject property, from McMurray St



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

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

Good morning

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

We look forward to hearing from you on this matter.

Regards

A



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-law Services Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 5, 2024
SUBJECT/REPORT NO:	Taxi Financial Incentive Pilot Program (PED24035) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Dan Smith (905) 546-2424 Ext. 6435
SUBMITTED BY:	Monica Ciriello Director, Licensing and Bylaw Services Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the Accessible Taxi Financial Incentive Pilot Program, be extended beyond April 1, 2024, up to such time as when the comprehensive review of Licensing By-law 07-170, Schedule 25 (Taxicabs) is completed as per direction through Planning Committee report 23-020 Item 8.
- (b) That subject to the approval of recommendation (a), the City of Hamilton User Fees and Charges By-law No. 23-112be amended to support the temporary extension of the pilot program.

EXECUTIVE SUMMARY

Through report PED22055, staff recommended the extension of the Accessible Taxi Financial Incentive Pilot Program (Pilot Program) until April 1, 2024. The impacts of the Pilot Program on the Accessible Taxi industry were not able to be assessed due to data inconsistencies caused by the COVID-19 pandemic. Additionally, staff were recommending, and Council approved an enhancement to the Pilot Program which included an additional incentive. This most recent extension also aimed to allow time for the enhancement roll out and for staff to analyse the results.

Staff are recommending a temporary extension of the Pilot Program from April 1, 2024 until such time as the comprehensive review of Schedule 25 of the Licensing By-law 07-

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: Taxi Financial Incentive Pilot Program (PED24035) (City Wide) - Page 2 of 4

170 is complete. On December 13, 2023, Council passed a motion directing staff to complete a comprehensive review of Schedule 25.

The purpose of the extension is to allow staff to consider the future of the Pilot Program alongside the comprehensive review of the taxi regulations, and also allow staff to further consult with internal and external stakeholders ensuring, the best service delivery needs without compromising public safety or consumer protection.

Alternatives for Consideration – See Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Estimated cost of the program is \$73,000.
Fully funded through Personal Transportation Provider “in-lieu of accessibility” fees.

Staffing: Not applicable

Legal: Not applicable

HISTORICAL BACKGROUND

In 2018, staff met with the Advisory Committee for Persons with Disabilities Transportation Working Group and the two City taxi brokers to discuss the need for an improved on-demand accessible taxicab service.

These discussions led to staff report PED18082, approved by Council on June 19, 2018. The report proposed a one-year pilot program to provide accessible taxicab drivers a \$5 subsidy following each dispatched accessible trip. The goal of the Pilot Program was to seek opportunities to provide financial incentives to accessible taxicab drivers in order to increase accessibility transportation in the community and lower wait times to individuals requiring these specialized services. The pilot program is fully funded by Licensing and By-Law Services Division, utilizing the Personal Transportation Provider “in-lieu of accessibility” fees.

On February 10, 2022, Council approved report PED18082(a) which extended the program until April 1, 2023, due to the temporary pause of the Pilot Program during the COVID-19 pandemic and staffing resources redirected to the enforcement of new provincial legislation. In report PED22055 Council further approved an extension of the Pilot Program until April 1, 2024, noting that the majority of the Pilot Program had been running on and off through the COVID-19 pandemic. Staff sought to track data of the Pilot Program without the inconsistencies that the pandemic created for the industry.

SUBJECT: Taxi Financial Incentive Pilot Program (PED24035) (City Wide) - Page 3 of 4

In addition to the extension, staff recommended an enhancement to the Pilot Program, creating an additional revenue opportunity for the accessible taxi drivers.

At the December 5, 2023, Planning Committee, a motion was passed directing staff to report back on the feasibility of a Schedule 25 review. At the December 13, 2023, Council meeting, Council approved Planning Committee Report 23-020, Item #8. Should staff's recommendation be approved, the comprehensive review of the Pilot Program will occur in alignment with the full Schedule 25.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Not applicable

RELEVANT CONSULTATION

- Corporate Services Department, Financial Planning Administration and Policy Division, Finance & Administration Section.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The City has 40 accessible taxicab plates and licenses 111 accessible taxicab drivers. Out of the 111 licensed accessible taxicab drivers, 50 are registered and 19 are actively submitting trips as part of the Pilot Program and may be eligible to receive the incentives.

The Pilot Program is fully funded through the Personal Transportation Provider "in-lieu of accessibility" fee. The licensed Personal Transportation Provider companies, including Uber and Lyft are required to submit payment of \$.32 per trip to the City, of which \$.06 is specifically used as an "in-lieu of accessibility" fee. The \$.06 fee is used to fully support the Pilot Program.

Upon the original approval of the Pilot Program in PED18082(a), \$60,000 was approved to support the cost of the program through the Working Funds – General Reserve account 1124000. These funds were to be accessed as a second source of funding should the "in-lieu of accessibility" fee be insufficient to support the incentives earned by the accessible taxi drivers. From inception of the pilot program these funds have not been required and as such have been removed as a funding source. As of February 2024, Licensing and By-law Services current has \$282,895.27 in the "in lieu of accessible" fund.

There is no requirement for accessible taxicab drivers to participate in the Pilot Program. For the 50 registered accessible taxicab drivers, there are two incentive opportunities available.

SUBJECT: Taxi Financial Incentive Pilot Program (PED24035) (City Wide) - Page 4 of 4

The first is a \$5.00 per trip subsidy available to an accessible taxicab driver who completes an accessible trip. There is no cap on the number of trips that an accessible taxicab driver can complete each year. Licensing staff audit trips to ensure the trip was for an accessible purpose.

The second provides a lumpsum subsidy to an accessible taxicab driver for completing a certain number of accessible trips quarterly. This is an additional incentive that aims to encourage accessible taxicab drivers to take on additional accessible trips. This incentive places accessible taxi drivers within a “5 step” system to determine the incentive which they may qualify for annually. Steps 1-5 are outlined below:

Steps 1-5:

- 1) 0-74 trips per year – \$5 per trip incentive only (phase 1 of the incentive program)
- 2) 75-124 trips – additional \$100 plus \$5 per trip incentive annually
- 3) 125-174 trips – additional \$250 plus \$5 per trip incentive annually
- 4) 175-224 trips – additional \$400 plus \$5 per trip incentive annually
- 5) 225 trips and over – additional \$500 plus \$5 per trip incentive annually

While to date the Pilot Program has been well received by users and the taxi industry, staff are recommending a holistic report back on all taxi regulations, that will include consult with internal and external stakeholders inclusive of municipal comparators.

ALTERNATIVES FOR CONSIDERATION

1. To allow the Accessible Taxi Financial Incentive Pilot Program to expire as of April 1, 2024.
2. To make the Accessible Taxi Financial Incentive Program permanent based on the current operation and incentives paid to approved accessible taxi drivers.

APPENDICES AND SCHEDULES ATTACHED

Not applicable