



**City of Hamilton
PLANNING COMMITTEE
AGENDA**

Meeting #: 24-006
Date: April 30, 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 *)	
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14.	GENERAL INFORMATION / OTHER BUSINESS	
15.	PRIVATE AND CONFIDENTIAL	
15.1	Closed Session Minutes - April 16, 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**

24-005

April 16, 2024

9:30 a.m.

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

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

Absent with Regrets: Councillors J.P. Danko and M. Tadeson – Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

**1. Detached Additional Dwelling Unit Building Permit Process (PED24036)
(City Wide) (Item 9.1)**

(A. Wilson/Pauls)

That report PED24036 respecting Detached Additional Dwelling Unit Building Permit Process, be received.

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

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

2. Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-005 and Zoning By-law Amendment Application ZAC-22-012 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 200 Market Street and 55 Queen Street North, Hamilton (PED24055) (Ward 1) (Item 9.2)

(M. Wilson/McMeekin)

That report PED24055 respecting Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-005 and Zoning By-law Amendment Application ZAC-22-012 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 200 Market Street and 55 Queen Street North, Hamilton, be received.

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

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

3. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 140 Glen Echo Drive, Hamilton (PED24071) (Ward 5) (Item 10.1)

(Francis/Beattie)

(a) That Official Plan Amendment application UHOPA-24-001, by MHBC Planning Ltd. (c/o Dave Aston, Agent), on behalf of Losani Homes (Glen Echo) Ltd., Owner, to redesignate the subject lands from “Institutional” to “Neighbourhoods” in the Urban Hamilton Official Plan to permit an eight storey multiple dwelling and three, four-storey multiple dwellings containing a total of 264 units, on lands located at 140 Glen Echo Drive, as shown in Appendix “A” attached to Report PED24071, be DENIED on the following basis:

(i) That the proposed Official Plan Amendment is not consistent with the Provincial Policy Statement, does not conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as

amended), and does not comply with the general intent of the Urban Hamilton Official Plan as:

- (1) The proposal is premature as it has not been demonstrated that adequate infrastructure capacity is available to service the proposed development;
 - (2) It does not include a mix of unit sizes suitable for a range of household sizes within the multiple dwellings;
 - (3) It results in overshadowing and blocking of light on a sensitive land use;
 - (4) It is not compatible with the surrounding area and does not enhance the character of the existing neighbourhood;
 - (5) It does not meet the intent of the function or design policies for Medium Density Residential areas in the “Neighbourhoods” designation;
 - (6) It does not meet the intent of the City’s intensification policies;
 - (7) It does not meet the intent of the City’s urban design policies; and,
 - (8) It is not considered to be good planning as the height, massing, and scale results in an overdevelopment of the site;
- (b) That Zoning By-law Amendment application ZAC-24-004, by MHBC Planning Ltd. (c/o Dave Aston, Agent), on behalf of Losani Homes (Glen Echo) Ltd., Owner, for a change in zoning from the Community Institutional (I2) Zone and Neighbourhood Park (P1) Zone to a site specific Mixed Use Medium Density (C5) Zone, to permit an eight storey, 192 unit multiple dwelling, and three, four-storey multiple dwellings containing 72 units, with 277 underground parking spaces, 41 surface parking spaces, and one driveway access from Glen Echo Drive, on lands located at 140 Glen Echo Drive, as shown in Appendix “A” attached to Report PED24071, be DENIED on the following basis:
- (i) That the proposal is not consistent with the Provincial Policy Statement, does not conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and does not comply with the general intent of the Urban Hamilton Official Plan as:
 - (1) The proposal is premature as it has not been demonstrated that adequate infrastructure capacity is available to service the proposed development;
 - (2) It does not include a mix of unit sizes suitable for a range of household sizes within the multiple dwellings;

- (3) It results in overshadowing and blocking of light on a sensitive land use;
- (4) It does not meet the intent of the function or design policies for Medium Density Residential areas in the “Neighbourhoods” designation;
- (5) It does not meet the intent of the City’s intensification policies;
- (6) It does not meet the intent of the City’s urban design policies;
- (7) It is not compatible with the surrounding area and does not enhance the character of the existing neighbourhood; and,
- (8) It is not considered to be good planning as the height, massing, and scale results in an overdevelopment of the site.

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

**4. Bill 165, *Keeping Energy Costs Down Act, 2024* (PED24052) (City Wide)
(Item 11.1)**

(A. Wilson/Kroetsch)

- (a) That Council adopt the submissions and recommendations, as attached in Appendix “A” to Report PED24052, regarding the *Keeping Energy Costs Down Act, 2024*, a bill proposing amendments to the Ontario Energy Board Act, 1998;
- (b) That the Director of the Office of Climate Change Initiatives and the City Solicitor be authorized to make the submissions and recommendations regarding these proposed amendments to the *Ontario Energy Board Act, 1998*, as attached in Appendix “A” to Report PED24052.

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

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

5. Rental Housing Licensing Pilot Program Update (PED21097(e)) (Wards 1, 8 and part of 14) (Item 11.2)

(Hwang/M. Wilson)

That report PED21097(e) respecting Rental Housing Licensing Pilot Program Update, be received.

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

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

6. Demolition Control Area By-law Process (PED24075) (City Wide) (Item 11.3)

(McMeekin/Hwang)

That report PED24075 respecting Demolition Control Area By-law Process, be received.

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

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

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

7. 455 King Street East and 457 - 459 King Street East Demolition and Administrative Updates to By-Law 23-162, a By-Law to Prescribe Standards for the Maintenance and Occupancy of Property (PED24048) (Ward 3) (Item 11.4)

(Nann/Hwang)

- (a) That Licensing and By-law Services be authorized to demolish the vacant and adjoining properties located at 455 King Street East and 457- 459 King Street East, in Hamilton and that the associated fees for carrying out the work be added to the property tax rolls for the corresponding properties; and,
- (b) That the amending By-law to City of Hamilton By-Law 23-162, a By-law to Prescribe Standards for the Maintenance and Occupancy of Property, attached as Appendix “A” to Report PED24048 be approved, which increases the maximum dollar amount that the Director of Licensing and By-Law Services is authorized to approve for completion of necessary work required for compliance with Property Standards Orders from \$20,000 to \$50,000.

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

8. Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Consent Application FL/B-23:82 and Minor Variance Application FL/A-23:312, for Lands Located at 764 Valens Road, Flamborough (PED24034) (Ward 13) (Item 11.5)

(A. Wilson/Kroetsch)

- (a) That Council gives approval to the following actions, as detailed in Report PED24034, respecting Committee of Adjustment Consent application FL/B-23:82 and Minor Variance application FL/A-23:312 submitted by Arcadis c/o Mike Crough, on behalf of Theresa and William Slemko (owners), for the lands located at 764 Valens Road, Flamborough, as shown on Appendix "A" attached to Report PED24034, 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-23:82 and Minor Variance application FL/A-23:312; and,
 - (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-23:82 and Minor Variance application FL/A-23:312.

Result: Motion CARRIED by a vote of 5 to 3, as follows:

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

9. Appeal to the Ontario Land Tribunal (OLT) for lands located at 1400 South Service Road, Stoney Creek, for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-21-018) and Zoning By-law Amendment Application (ZAC-21-039) (LS24006) (Ward 10) (Item 15.1)

(Beattie/Hwang)

- (a) That the directions to staff in Closed Session respecting Report LS24006 be approved;
- (b) That closed session recommendations (a) to (e) of Confidential Report LS24006 remain confidential until made public as the City's position before the Ontario Land Tribunal; and,
- (c) That the balance of Report LS24006, including Appendices "B" and "C" hereto, remain confidential.

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

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

- 10. Appeal to the Ontario Land Tribunal for lands composed of Part of Lot 8, Concession 4, municipally known as 619 Centre Road, Hamilton for a lack of decision on the proposed plan of subdivision (25T-201003) (LS12031(a)) (Ward 15) (Item 15.2)**

(McMeekin/A. Wilson)

- (a) That the directions to staff in Closed Session respecting Report LS12031(a) be approved;
- (b) That closed session recommendations (a) and (b) to Report LS12031(a) remain confidential until such time as they are made public as the City's position before the Ontario Land Tribunal; and,
- (c) That the balance of Report LS12031(a) remain confidential.

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

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

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

- 11. Appeal to the Ontario Land Tribunal for lands located at 392, 398, 400, 402, 406 and 412 Wilson Street East & 15 Lorne Avenue for Lack of Decision of Site Plan Control Application (DA-23-011) (LS24002(a)) (Ward 12) (Item 15.3)**

(Hwang/A. Wilson)

That Report LS24002(a) respecting Appeal to the Ontario Land Tribunal for lands located at 392, 398, 400, 402, 406 and 412 Wilson Street East & 15 Lorne Avenue for Lack of Decision on Site Plan Control Application (DA-23-011), be received and remain confidential.

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

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

- 12. Appeal to the Ontario Land Tribunal (OLT-22-004759) for Lands Located at 405 James Street North, for Official Plan Amendment (UHOPA-21-014) and Zoning By-law Amendment Applications (ZAC-21-031) (LS23012(b)/PED24059) (Ward 2) (Item 15.4)**

(Kroetsch/Hwang)

- (a) That the directions to staff in Closed Session respecting Report LS23012(b)/PED24059 be approved;

- (b) That closed session recommendations (a) and (b) to Report LS23012(b)/PED24059 remain confidential until such time as they are made public as the City's position before the Ontario Land Tribunal; and,
- (c) That the balance of Report LS23012(b)/PED24059 remain confidential.

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

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

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

5. COMMUNICATIONS

5.2 Correspondence respecting 764 Valens Road (Item 11.5)

- (i) Bruce and Karen McKnight
- (ii) Craig and Kim Albers

Recommendation: Be received and referred to the consideration of Item 11.5

5.3 Anthony Salemi, West End Home Builders' Association, respecting Detached Additional Dwelling Units (Item 9.1)

Recommendation: Be received and referred to the consideration of Item 9.1.

6. DELEGATIONS

- 6.2 Wayne MacPhail, Strathcona Shadow Dwellers, respecting 200 Market Street / 55 Queen S. North (Item 9.2) (For today's meeting)
- MOVED Delegation request from Item 9.2 (a)

9. CONSENT ITEMS

- 9.1 Detached Additional Dwelling Unit Building Permit Process (PED24036) (City Wide) - Revised
- 9.2 Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-005 and Zoning By-law Amendment Application ZAC-22-012 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 200 Market Street and 55 Queen Street North, Hamilton (PED24055) (Ward 1) - Revised

10. PUBLIC HEARINGS

- 10.1 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 140 Glen Echo Drive, Hamilton (PED24071) (Ward 5)

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

- (i) Susan Gaziano
- (ii) Lyndon George
- (iii) Carmelo Gaziano
- (iv) Peter Fleming
- (v) Jane Leach
- (vi) Chris Melnyk
- (vii) Sharon Estok
- (viii) Sarah Barrett
- (ix) Ann Robertson
- (x) Christine and Bill Tait
- (xi) Alison D'Atri
- (xii) Keith Phillips
- (xiii) Maureen Nichol
- (xiv) Wayne Davis
- (xv) Dan and Debbie Connon
- (xvi) Shelley and John Hussey
- (xvii) Suzy Lee

(b) Registered Delegations:

- (i) Joao Borges

(c) Staff Presentation

11. DISCUSSION ITEMS

11.5 Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Consent Application FL/B-23:82 and Minor Variance Application FL/A-23:312, for Lands Located at 764 Valens Road, Flamborough (PED24034) (Ward 13)

(a) Staff Presentation

15. PRIVATE AND CONFIDENTIAL

15.4 Appeal to the Ontario Land Tribunal (OLT-22-004759) for Lands Located at 405 James Street North, for Official Plan Amendment (UHOPA-21-014) and Zoning By-law Amendment Applications (ZAC-21-031) (Ward 2) (LS23012(b))/PED24059)

(Beattie/M. Wilson)

That the agenda for the April 16, 2024, Planning Committee meeting be approved, as amended.

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

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

There were no declarations of interest.

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

(i) April 5, 2024 (Item 4.1)

(Kroetsch/Francis)

That the Minutes of the April 5, 2024 meeting be approved, as presented.

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

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

(d) COMMUNICATIONS (Item 5)

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

(A. Wilson/Kroetsch)

That the following communication items be approved as follows:

- (1) Correspondence from Louis Nguyen respecting a Request to Reconsider the Short-Term Rental Requirements (Item 5.1)

Recommendation: Be received with the Committee being informed that the issue has been resolved.

- (2) Correspondence respecting 764 Valens Road (Item 11.5) (Added Item 5.2)

- (a) Bruce and Karen McKnight
 (b) Craig and Kim Albers

Recommendation: Be received and referred to the consideration of Item 11.5, respecting Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Consent Application FL/B-23:82 and Minor Variance Application FL/A-23:312, for Lands Located at 764 Valens Road, Flamborough (PED24034) (Ward 13)

- (3) Anthony Salemi, West End Home Builders' Association, respecting Detached Additional Dwelling Units (Item 9.1) (Added Item 5.3)

Recommendation: Be received and referred to the consideration of Item 9.1, respecting Detached Additional Dwelling Unit Building Permit Process (PED24036) (City Wide)

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

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

(e) DELEGATION REQUESTS (Item 6)

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

(a) Delegation Requests respecting 764 Valens Road (Item 11.5) (Item 6.1)

- (1) Theresa Slemko, respecting 764 Valens Road (For today's meeting) (Item 6.1 (i))
- (2) Stephen Churm, respecting 764 Valens Road (For today's meeting) (Item 6.1 (ii))

(b) Wayne MacPhail, Strathcona Shadow Dwellers, respecting 200 Market Street / 55 Queen St. North (Item 9.2) (for today's meeting) (Item 6.2)

(A. Wilson/Pauls)

That Delegation Requests Items 6.1 and 6.2, be approved for today's meeting.

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

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

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

(f) DELEGATIONS (Item 7)

(i) Various Delegations (Added Items 7.1 and 7.2)

The following Delegations addressed the Committee:

- (a) Delegations respecting 764 Valens Road (Item 11.5) (Added Item 7.1)
 - (1) Theresa and William Slemko (Added Item 7.1 (i))
 - (2) Stephen Churm (Added Item 7.1 (ii))
- (b) Wayne MacPhail, Strathcona Shadow Dwellers, respecting 200 Market Street / 55 Queen St. North (Added Item 7.2)

(A. Wilson/M. Wilson)

That the following Delegations be received:

- (a) Delegations respecting 764 Valens Road (Item 11.5) (Added Item 7.1)
 - (1) Theresa Slemko, respecting 764 Valens Road (Added Item 7.1(i))
 - (2) Stephen Churm, respecting 764 Valens Road (Added Item 7.1(ii))
- (b) Wayne MacPhail, Strathcona Shadow Dwellers, respecting 200 Market Street / 55 Queen St. North (Item 9.2) (Added Item 7.2)

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

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

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

(g) CONSENT ITEMS (Item 9)

**(i) Detached Additional Dwelling Unit Building Permit Process
(PED24036) (City Wide) (Item 9.1)**

Jorge Caetano, Manager – Plan Examination, addressed the Committee, respecting Detached Additional Dwelling Unit Building Permit Process, with the aid of a PowerPoint presentation.

(M. Wilson/McMeekin)

That the presentation from Jorge Caetano, Manager – Plan Examination, respecting Detached Additional Dwelling Unit Building Permit Process, be received.

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

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

For disposition of this matter, refer to Item 1.

**(ii) Appeal of Urban Hamilton Official Plan Amendment Application
UHOPA-22-005 and Zoning By-law Amendment Application ZAC-22-
012 to the Ontario Land Tribunal for Lack of Decision for Lands
Located at 200 Market Street and 55 Queen Street North, Hamilton
(PED24055) (Ward 1) (Item 9.2)**

Alaina Baldassarra, Planner I, addressed the Committee, respecting Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-005 and Zoning By-law Amendment Application ZAC-22-012 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 200 Market Street and 55 Queen Street North, Hamilton, with the aid of a PowerPoint presentation.

(A. Wilson/McMeekin)

That the staff presentation from Alaina Baldassarra, Planner I, respecting Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-005 and Zoning By-law Amendment Application ZAC-22-012 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 200 Market Street and 55 Queen Street North, Hamilton, be received.

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

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

For disposition of this matter, refer to Item 2.

(h) 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 an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 140 Glen Echo Drive, Hamilton (PED24071) (Ward 5) (Item 10.1)**
- (a) Spencer Skidmore, Area Planning Manager, addressed the Committee, respecting Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 140 Glen Echo Drive, Hamilton, with the aid of a PowerPoint presentation.

(Francis/A. Wilson)

That the presentation from Spencer Skidmore, Area Planning Manager, respecting Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 140 Glen Echo Drive, Hamilton, be received.

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

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

- (b) Stephanie Mirtitsch with MHBC Planning was in attendance, and indicated they are not in support of the staff report.

(Francis/Hwang)

That the presentation from Stephanie Mirtitsch with MHBC Planning, respecting Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 140 Glen Echo Drive, Hamilton, 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

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

(c) Registered Delegations:

(1) Joao Borges (Added Item 10.1 (b)(i)) advised he did not wish to address the Committee.

(d) Chair Cassar called three times for public delegations and the following people came forward:

(1) Tilda Bodo – Opposed (Added Item 10.1(b)(ii))
(2) Jane Withers – Opposed (Added Item 10.1(b)(iii))
(3) Michelle Hamilton – Opposed (Added Item 10.1(b)(iv))

(e) (Francis/Hwang)

(a) That the following public submissions regarding this matter be received and considered by the Committee:

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

(1) Susan Gaziano – Opposed (Added Item 10.1(a)(i))
(2) Lyndon George – Opposed (Added Item 10.1(a)(ii))
(3) Carmelo Gaziano – Opposed (Added Item 10.1(a)(iii))
(4) Peter Fleming – Opposed (Added Item 10.1(a)(iv))
(5) Jane Leach – Opposed (Added Item 10.1(a)(v))
(6) Chris Melnyk – Opposed (Added Item 10.1(a)(vi))
(7) Sharon Estok – Opposed (Added Item 10.1(a)(vii))
(8) Sarah Barrett – Opposed (Added Item 10.1(a)(viii))
(9) Ann Robertson – Opposed (Added Item 10.1(a)(ix))

- (10) Christine and Bill Tait – Opposed (Added Item 10.1(a)(x))
- (11) Alison D'Atri – Opposed (Added Item 10.1(a)(xi))
- (12) Keith Phillips – Opposed (Added Item 10.1(a)(xii))
- (13) Maureen Nichol – Opposed (Added Item 10.1(a)(xiii))
- (14) Wayne Davis – Opposed (Added Item 10.1(a)(xiv))
- (15) Dan and Debbie Cannon – Opposed (Added Item 10.1(a)(xv))
- (16) Shelley and John Hussey – Opposed (Added Item 10.1(a)(xvi))

(ii) Delegations:

- (1) Tilda Bodo – Opposed (Added Item 10.1(b)(ii))
- (2) Jane Withers – Opposed (Added Item 10.1(b)(iii))
- (3) Michelle Hamilton – Opposed (Added Item 10.1(b)(iv))

(b) That the public meeting be closed.

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
 YES – Ward 5 Councillor M. Francis
 NOT PRESENT – Ward 7 Councillor E. Pauls
 NOT PRESENT – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 NOT PRESENT – 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.

(Kroetsch/Hwang)

That the Committee recess from 12:38 p.m. to 1:10 p.m.

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
 YES – Ward 5 Councillor M. Francis
 NOT PRESENT – Ward 7 Councillor E. Pauls
 NOT PRESENT – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 NOT PRESENT – 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) Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Consent Application FL/B-23:82 and Minor Variance Application FL/A-23:312, for Lands Located at 764 Valens Road, Flamborough (PED24034) (Ward 13) (Item 11.5)**

David Bonaventura, Planning Technician I, addressed the Committee, respecting Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Consent Application FL/B-23:82 and Minor Variance Application FL/A-23:312, for Lands Located at 764 Valens Road, Flamborough, with the aid of a PowerPoint presentation.

(A. Wilson/Beattie)

That the presentation from David Bonaventura, Planning Technician I, respecting Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Consent Application FL/B-23:82 and Minor Variance Application FL/A-23:312, for Lands Located at 764 Valens Road, Flamborough, be received.

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

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

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

(i) Outstanding Business List (Item 14.1)

(Beattie/Hwang)

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

(a) Items to be Added:

- (1) 23BB - Battery Energy Storage Proposals (Item 15). Item (c) referred to the Planning Committee by the General Issues Committee on November 15, 2023 and November 21, 2023.
- (2) 24B - Detailed Drainage Assessment Study (Phase 2) of Rurally Serviced Existing Residential Neighbourhoods in Ancaster (PW16100(a)/PED24032) (Ward 12) (Item 11.3). Item (b) referred to the Planning Committee by the Public Works Committee on February 20, 2024.

(b) Items to be Removed:

- (1) 22D - Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 65 Guise Street East (Pier 8, Block 16), Hamilton (PED22031(a)) (Ward 2) (Addressed as Item 8 on PC Report 23-019)
- (2) 22R - Amendments to Expand the Permitted Uses in the Low Density Residential Zones of the Former Community Zoning By-laws of the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek and Create Two New Low Density Residential Zones in Zoning By-law No. 05-200 (PED22154) (Addressed as Item 4 on PC Report 24-003)
- (3) 23E - Industrial/Commercial Proactive Pilot Project (PED23236) (City Wide) (Addressed as Item 9 on PC Report 23-019)
- (4) 23K - Waterfront Ambassador Program (PED23237) (City Wide) (Addressed as Item 10 on PC Report 23-019)

- (5) 23CC - Implementation of Canada Mortgage and Housing Corporation Housing Accelerator Fund Incentive Programs and Associated Updates to the Housing for Hamilton Community Improvement Plan (PED23143(c)) (City Wide) (Addressed as Item 4 on PC Report 24-002)
- (6) 24A - Non-Statutory Public Meeting for Urban Hamilton Official Plan Amendment Application UHOPA-23-005 and Zoning By-law Amendment Application ZAC-23-006 Appealed to the Ontario Land Tribunal for Lack of Decision for Lands Located at 1065 Paramount Drive, Stoney Creek (PED24028) (Ward 9) (Addressed as Item 1 on PC Report 24-002)

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

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

(k) PRIVATE & CONFIDENTIAL (Item 15)

(Hwang/Kroetsch)

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

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

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch

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

- (i) **Appeal to the Ontario Land Tribunal (OLT) for lands located at 1400 South Service Road, Stoney Creek, for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-21-018) and Zoning By-law Amendment Application (ZAC-21-039) (LS24006) (Ward 10) (Item 15.1)**

For disposition of this matter, refer to Item 9.

- (ii) **Appeal to the Ontario Land Tribunal for lands composed of Part of Lot 8, Concession 4, municipally known as 619 Centre Road, Hamilton for a lack of decision on the proposed plan of subdivision (25T-201003) (LS12031(a)) (Ward 15) (Item 15.2)**

For disposition of this matter, refer to Item 10.

- (iii) **Appeal to the Ontario Land Tribunal for lands located at 392, 398, 400, 402, 406 and 412 Wilson Street East & 15 Lorne Avenue for Lack of Decision on Site Plan Control Application (DA-23-011) (LS24002(a)) (Ward 12) (Item 15.3)**

For disposition of this matter, refer to Item 11.

- (iv) **Appeal to the Ontario Land Tribunal (OLT-22-004759) for Lands Located at 405 James Street North, for Official Plan Amendment (UHOPA-21-014) and Zoning By-law Amendment Applications (ZAC-21-031) (Ward 2) (LS23012(b)/PED24059) (Item 15.4)**

For disposition of this matter, refer to Item 12.

(I) ADJOURNMENT (Item 16)

(Hwang/A. Wilson)

That there being no further business, the Planning Committee, be adjourned at 3:56 p.m.

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

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



Hamilton

INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 30, 2024
SUBJECT/REPORT NO:	Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-23-008 and Zoning By-law Amendment Application ZAC-23-020 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 17 Ewen Road, Hamilton (PED24065) (Ward 1)
WARD(S) AFFECTED:	Ward 1
PREPARED BY:	Alaina Baldassarra (905) 546-2424 Ext. 7421
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

In accordance with Subsections 22(7) and 34(11) of the *Planning Act*, an Official Plan Amendment and a Zoning By-law Amendment application may be appealed to the Ontario Land Tribunal after 120 days by the applicant if Council has not made a decision on the applications.

A motion to direct staff to advise the Planning Committee on matters relating to appeals of Council's non-decision, pursuant to the *Planning Act*, was passed by City Council on May 18, 2010. This information Report has been prepared in accordance with Council's policy for staff to advise the Planning Committee and City Council of appeals for non-decision to the Ontario Land Tribunal.

The following information is provided for Planning Committee's information with regards to Urban Hamilton Official Plan Amendment application UHOPA-23-008 and Zoning By-law Amendment application ZAC-23-020, which have been appealed for non-decision.

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SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-23-008 and Zoning By-law Amendment Application ZAC-23-020 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 17 Ewen Road, Hamilton (PED24065) (Ward 1) - Page 2 of 6

INFORMATION

The subject property is municipally known as 17 Ewen Road (refer to Appendix “A” attached to Report PED24065). The property is approximately 0.42 hectares in area and is located on the west side of Rifle Range Road, on the south side of Main Street West and on the east side of Ewen Road. The subject lands have frontage on two public streets and are located adjacent to an active industrial use to the south at 45 Ewen Road. The Hamilton Rail Trail is located between the subject lands and the active industrial use. Previously, an Official Plan Amendment (OPA-07-016) and Zoning By-law Amendment (ZAC-07-062) were submitted for the subject lands. The applications were refused by Council and appealed to the Ontario Municipal Board (now the Ontario Land Tribunal). The Ontario Municipal Board approved and ordered the Official Plan Amendment to be in effect but withheld the order implementing the draft Zoning By-law Amendment. Details of the appeal are included in the Zoning By-law Amendment application section of this report.

The current Urban Hamilton Official Plan Amendment and Zoning By-law Amendment applications were submitted by GSP Group Inc. c/o Brenda Khes on behalf of 17 Ewen (Hamilton) Corporation on December 19, 2022, and deemed complete on January 18, 2023. The proposal includes a 10 storey student residence building with a total of 545 residential units (981 beds), 137 parking spaces including 28 visitor parking spaces (110 underground parking spaces and 27 surface parking spaces) and 1,934 square metres of indoor amenity space.

The appeal of the Urban Hamilton Official Plan Amendment and Zoning By-law Amendment applications, filed by Kagan Shastri, DeMelo, Winer, Park, counsel for 17 Ewen (Hamilton) Corporation, was received by the City Clerk’s Office on February 12, 2024, 420 days after the receipt of the initial applications, and is included as Appendix “C” attached to Report PED24065. After the appeal was received for the subject lands, the appellants for the applications at 17 Ewen Road, Hamilton (UHOPA-23-008 and ZAC-23-020) indicated that the appeal may be heard in conjunction with the applications at 629, 1635, 1637, and 1655 Main Street West, Hamilton (UHOPA-20-027 and ZAC-20-042), which have also been appealed for non-decision.

PROPOSED DEVELOPMENT

The applicant has proposed a 10 storey student residence with 545 residential units (981 beds), 137 parking spaces including 28 visitor parking spaces (110 underground parking spaces and 27 surface parking spaces) and 1,934 square metres of indoor amenity space. The proposed driveway entrance for the parking facilities and drop off

SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-23-008 and Zoning By-law Amendment Application ZAC-23-020 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 17 Ewen Road, Hamilton (PED24065) (Ward 1) - Page 3 of 6

areas is located on Rifle Ridge Road. There is no outdoor amenity space that is proposed or permitted on the subject lands due to compatibility concerns with the industrial use to the south of the subject lands.

Urban Hamilton Official Plan Amendment Application

The subject property is identified as “Neighbourhoods” on Schedule E – Urban Structure and is designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan. The applications were received and deemed complete prior to Ministerial approval of Official Plan Amendment No. 167, however, as per *Bill 150*, any decision must conform to the Official Plan in effect on November 4, 2022.

The subject lands are located within the Ainslie Wood Westdale Secondary Plan and are designated “Mixed Use - Medium Density” with Site Specific Policy Area D on Map B.6.2-1 Land Use Plan. The policies in the Ainslie Wood Westdale Secondary Plan as it relates to the subject lands were the result of a tri-party Settlement Agreement for a previous Official Plan Amendment (OPA-07-016) and Zoning By-law Amendment (ZAC-07-062) approved by the Ontario Municipal Board on April 9, 2015. Site Specific Policy Area D permits development to be a maximum of 10 storeys in height, permissions for a maximum residential density between 300 to 375 units per gross hectare, no outdoor amenity area and limits residential development to student accommodation as long as manufacturing, warehousing, storage and accessory uses continue to operate at 45 Ewen Road, and identifies the area as a Class 4 neighbourhood when applying the provincial guidelines regarding noise. In addition, the site specific states for any future *Planning Act* application, development on lands located within Site Specific Policy Area D, will be compatible with and will not create a negative effect on the industrial uses at 45 Ewen Road and development will have regard for Ministry of the Environment Guideline NPC 300.

The effect of the applications is to modify the site specific policy area to increase the maximum density on the subject lands, by increasing the number of one bedroom and two bedroom units whereas the original proposal included a majority of units being within the range of three, four and five bedrooms sharing a kitchen, living area and washroom. Through the previous circulation, staff noted a discrepancy between the Official Plan text changes and the mapping in the current Official Plan and the Ontario Municipal Board decision issued on April 9, 2015. The current Site Specific Policy Area D does not apply to the entirety of 17 Ewen Road but the Board decision applies Site Specific Policy Area D to the entire property. The addressing in the Secondary Plan text also applies the Site Specific Policy Area D to 17 Ewen Road. At this time, staff requires

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SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-23-008 and Zoning By-law Amendment Application ZAC-23-020 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 17 Ewen Road, Hamilton (PED24065) (Ward 1) - Page 4 of 6

further clarification regarding the decision details to confirm the applicable designation for the site and the extent of Site Specific Policy Area D.

The subject property is identified as “Industrial” in the Ainslie Wood Neighbourhood Plan. Since the application has been appealed, a future housekeeping amendment will be completed to apply the appropriate identification.

Zoning By-law Amendment Application

The subject lands are currently zoned “J/S-1522” (Light and Limited Heavy Industry, Etc.) District, Modified, as shown on Appendix “A” attached to Report PED24065. The property was subject to previous Official Plan Amendment (OPA-07-016) and Zoning By-law Amendment applications (ZAC-07-062) which were denied by the City of Hamilton. The applicant appealed Council’s decision to the Ontario Municipal Board and a settlement was reached on April 9, 2015, as attached in Appendix “C” of Report PED24065. At the time of the settlement, the Ontario Municipal Board withheld the order to implement the draft Zoning By-law which was included as part of the settlement hearing. To date, staff do not have a record of discussions with the Ontario Municipal Board being initiated to request the implementation of the Draft Zoning By-law in order to formally close the current settlement decision. As a result, the student residence proposed on the subject lands is currently not permitted by the Zoning By-law.

Through the initial circulation, staff added a disclaimer to the comments stating, “City staff’s comments provided as part of this application are provided with respect to the applications themselves, and staff notes that any development of the site may remain subject to the previous multi-party settlement approved by the Ontario Land Tribunal for the subject lands”.

Modifications are required to implement the revised proposal, based on the Zoning By-law that was agreed to, but not approved, at the April 9, 2015 settlement hearing, as shown on the Concept Plan in Appendix “B” attached to Report PED24065, including:

- The definition of student residence to permit one and two bedroom units with exclusive use of a kitchen and bathroom (in addition to the three or more bedroom units already permitted);
- Increasing the maximum Gross Floor Area to include the underground parking area;
- Updating the minimum parking ratio to 0.25 parking spaces per bedroom;
- Updating the maximum density to 359 units, including a maximum of 545 bedrooms; and,

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SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-23-008 and Zoning By-law Amendment Application ZAC-23-020 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 17 Ewen Road, Hamilton (PED24065) (Ward 1) - Page 5 of 6

- Removing the Holding Provision on the subject lands which requires that a Record of Site Condition be submitted to the Ministry of Environment, Conservation and Parks and that conditional site plan approval has been granted on the subject lands.

Issues identified through the circulation include:

- The proposed development does not comply with the policies of the Urban Hamilton Official Plan as follows:
 - Concern with the proposed modification to the definition of a student residence may permit a multiple dwelling use. The modification is to permit one and two bedroom units with exclusive use of a kitchen and bathroom in the unit. The addition of one and two bedroom units with the exclusive use of a kitchen, bathroom, bedroom and living area could be perceived as a multiple dwelling. If the proposed modifications change the use of the development from what is traditionally understood to be a student residence (multiple bedrooms with either a kitchen or a bathroom) to a format that offers one and two bedroom units with exclusive use of kitchen and a bathroom, there could be concerns regarding compliance with applicable Provincial Policy Statement and Urban Hamilton Official Plan policies regarding protection of employment uses;
 - Concern with the amount of indoor amenity area for the proposed use as an exterior amenity area is not permitted as a result of the active industrial use immediately to the south and the current policies within the Ainslie Wood Westdale Secondary Plan;
 - Concern with the pedestrian connectivity within the site, specifically between the parking lot and the building entrances. In addition, there is concern with the reduction in the minimum planting strip along the northern property line;
 - Concern with the location of the proposed centreline of the driveway which is to be aligned with the centreline of the driveway access on the opposite side of Rifle Ridge Road (driveway entrance into the Fortino's Plaza). Offset intersections create safety concerns and traffic difficulties including weaving traffic and overlapping left turns; and,
 - Concern with the width of the underground parking ramp design which does not appear to be wide enough to support two-way traffic flow. Additionally, the sharp turn does not appear to allow proper maneuvering. The applicant shall demonstrate that two-way traffic flow can be provided both on the ramp and within the garage.

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.

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The applicants were advised about the concerns noted above through comments provided by City Staff.

Public Consultation

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation for the applications were sent to 20 property owners within 120 metres of the subject lands on January 26, 2023. Based on the applicant's most recent documentation, no additional neighbourhood meetings occurred for the proposed development.

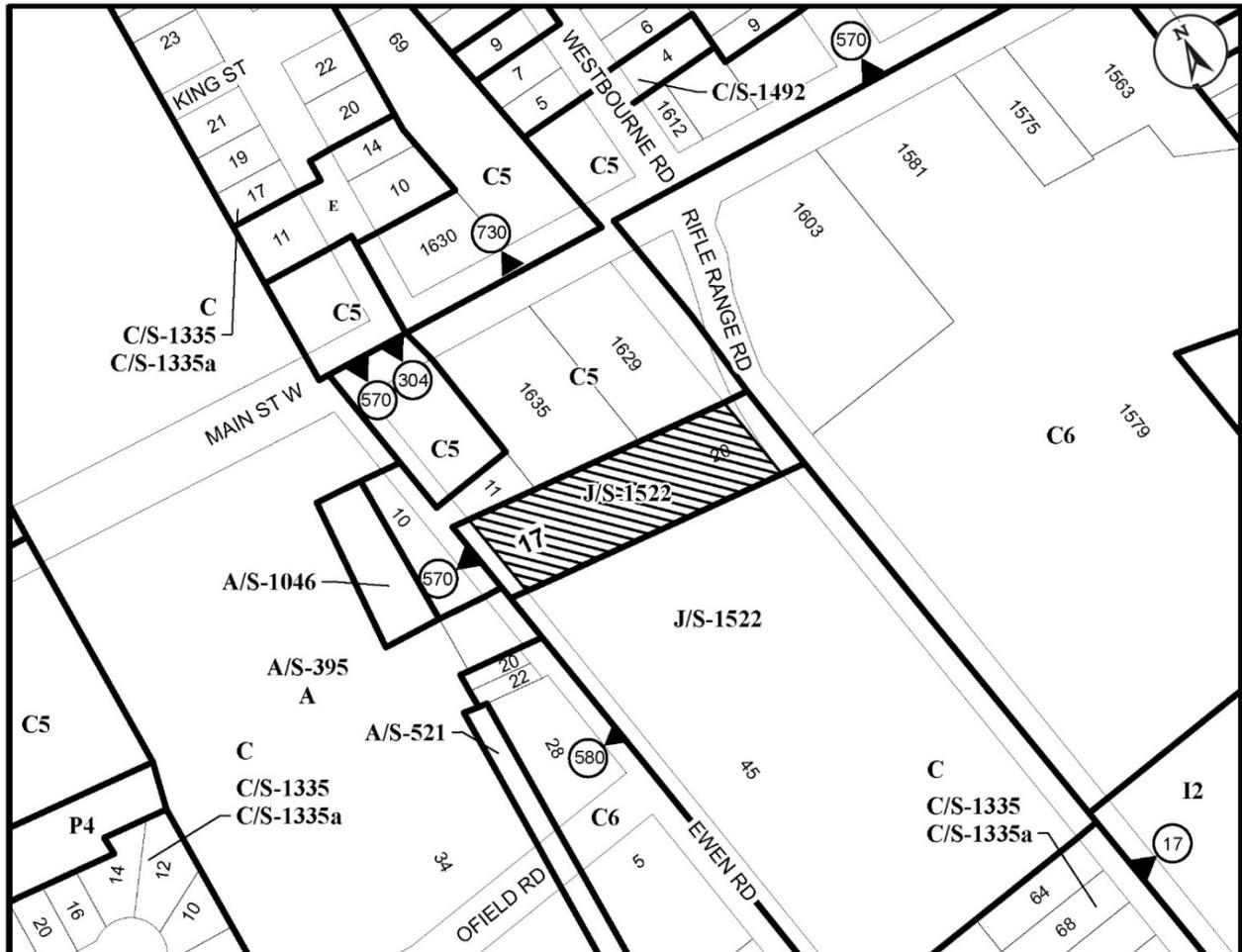
To date, staff have received one written submission from the public requesting to be advised of all future public meetings in order to protect their appeal rights. The comment received was from the existing industrial site, Mondelez, to the south. Mondelez was party to the previous appeal after Council's decision to refuse the initial Official Plan Amendment and Zoning By-law Amendment submitted on the subject lands.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED24065 – Location Map
Appendix "B" to Report PED24065 – Concept Plans and Building Elevations
Appendix "C" to Report PED24065 – Letter of Appeal

AB/sd

Appendix "A" to Report PED24065
Page 1 of 1



● Site Location



Key Map - Ward 1

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-23-020/UHOPA-23-008

Date:
January 19, 2023

Appendix "A"

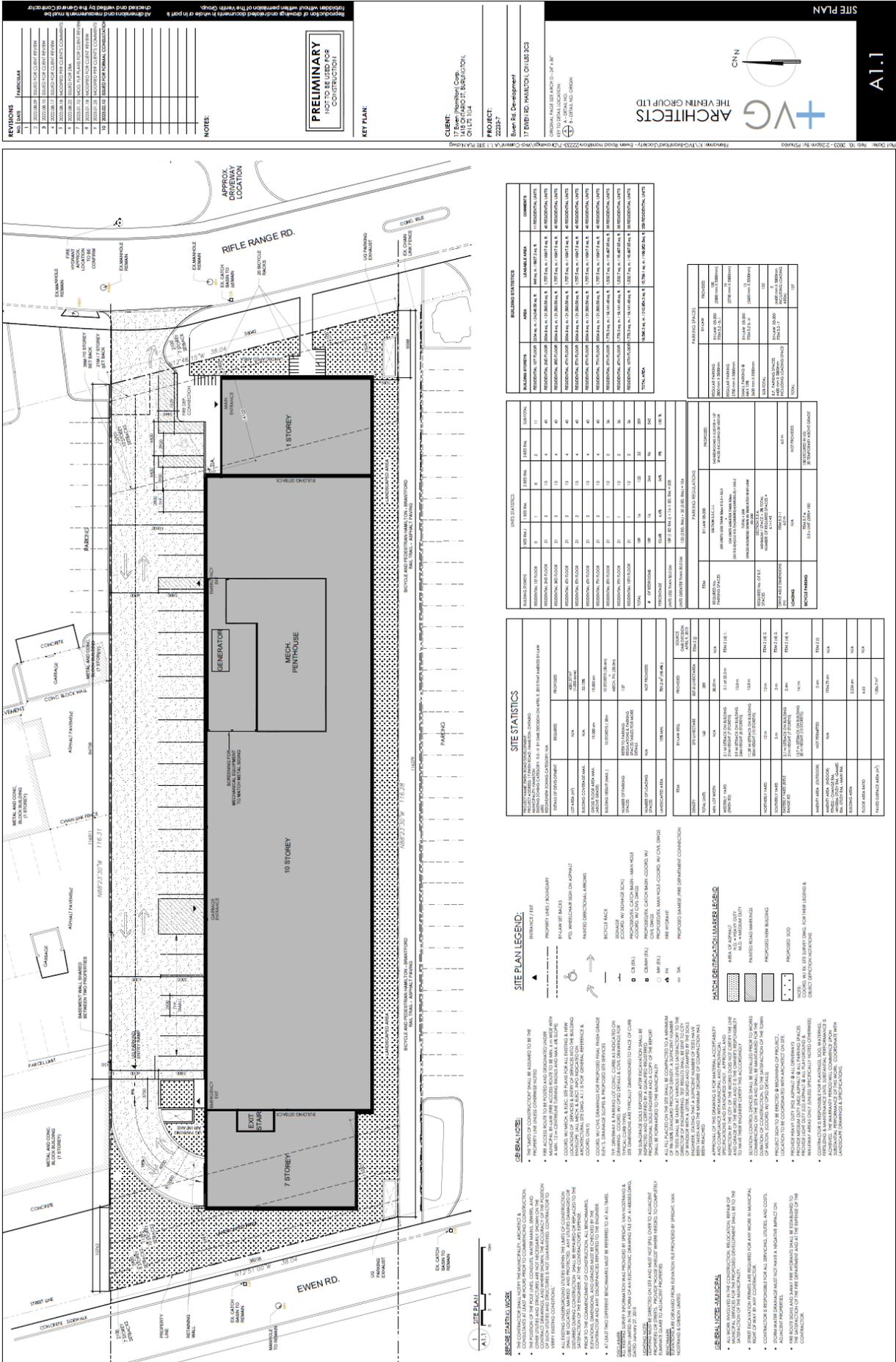
Scale:
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Planner/Technician:
JA/NB

Subject Property

 17 Ewen Road, Hamilton
(Ward 1)

Appendix "B" to Report PED24065
Page 1 of 4



REVISIONS

NO.	DATE	DESCRIPTION
1	17/01/2024	ISSUED FOR CLIENT REVIEW
2	22/02/2024	ISSUED FOR CLIENT REVIEW
3	22/02/2024	ISSUED FOR CLIENT REVIEW
4	22/02/2024	ISSUED FOR CLIENT REVIEW
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18	22/02/2024	ISSUED FOR CLIENT REVIEW
19	22/02/2024	ISSUED FOR CLIENT REVIEW
20	22/02/2024	ISSUED FOR CLIENT REVIEW

NOTES:

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PRELIMINARY
PROVISIONAL
CONSTRUCTION

Authorised without written permission of the Client.
 All dimensions and measurements must be checked and verified by the Client's Contractor.

CLIENT: The Yarn Group
PROJECT: 2203-7
DATE: 17/01/2024

YV G ARCHITECTS
 THE YARN GROUP LTD
 17 BENTLEY MANOR, CHURCH ST
 17 BENTLEY MANOR, CHURCH ST
 17 BENTLEY MANOR, CHURCH ST

KEY PLAN

GENERAL NOTES:

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SITE STATISTICS

ITEM	QUANTITY	UNIT	REMARKS
TOTAL AREA	10,000	SQ M	
BUILDING FOOTPRINT	5,000	SQ M	
PARKING	100	SPACES	
LANDSCAPING	200	SQ M	
CONCRETE	1,000	CUM	
GRAVEL	500	CUM	
BRICKS	100,000	NO	
ROOFING	500	SQ M	
GLASS	100	SQ M	
MECH. EQUIP.	10	NO	
ELECTRICAL	100	NO	
PLUMBING	100	NO	
PAINT	100	SQ M	
LANDSCAPING	100	SQ M	
CONCRETE	1,000	CUM	
GRAVEL	500	CUM	
BRICKS	100,000	NO	
ROOFING	500	SQ M	
GLASS	100	SQ M	
MECH. EQUIP.	10	NO	
ELECTRICAL	100	NO	
PLUMBING	100	NO	
PAINT	100	SQ M	
LANDSCAPING	100	SQ M	

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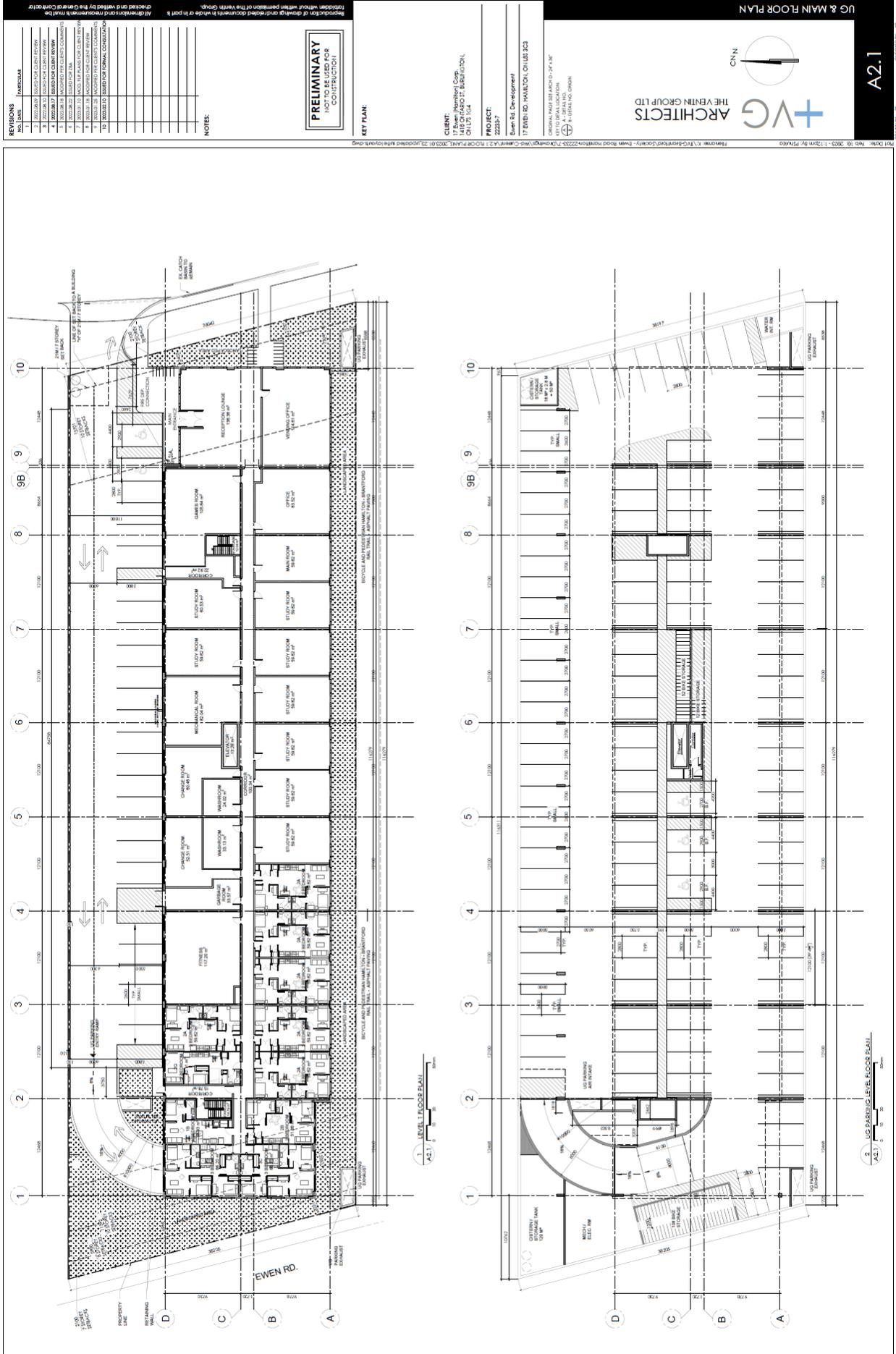
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Appendix "B" to Report PED24065
Page 3 of 4

REVISIONS

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DATE: 10/20/23
DRAWN BY: J. B. WEST
CHECKED BY: J. B. WEST
SCALE: AS SHOWN
PROJECT: 22037-7
CLIENT: 17 EMBLETTON HAMILTON ON L8S 2G3
PROJECT: 22037-7
CLIENT: 17 EMBLETTON HAMILTON ON L8S 2G3

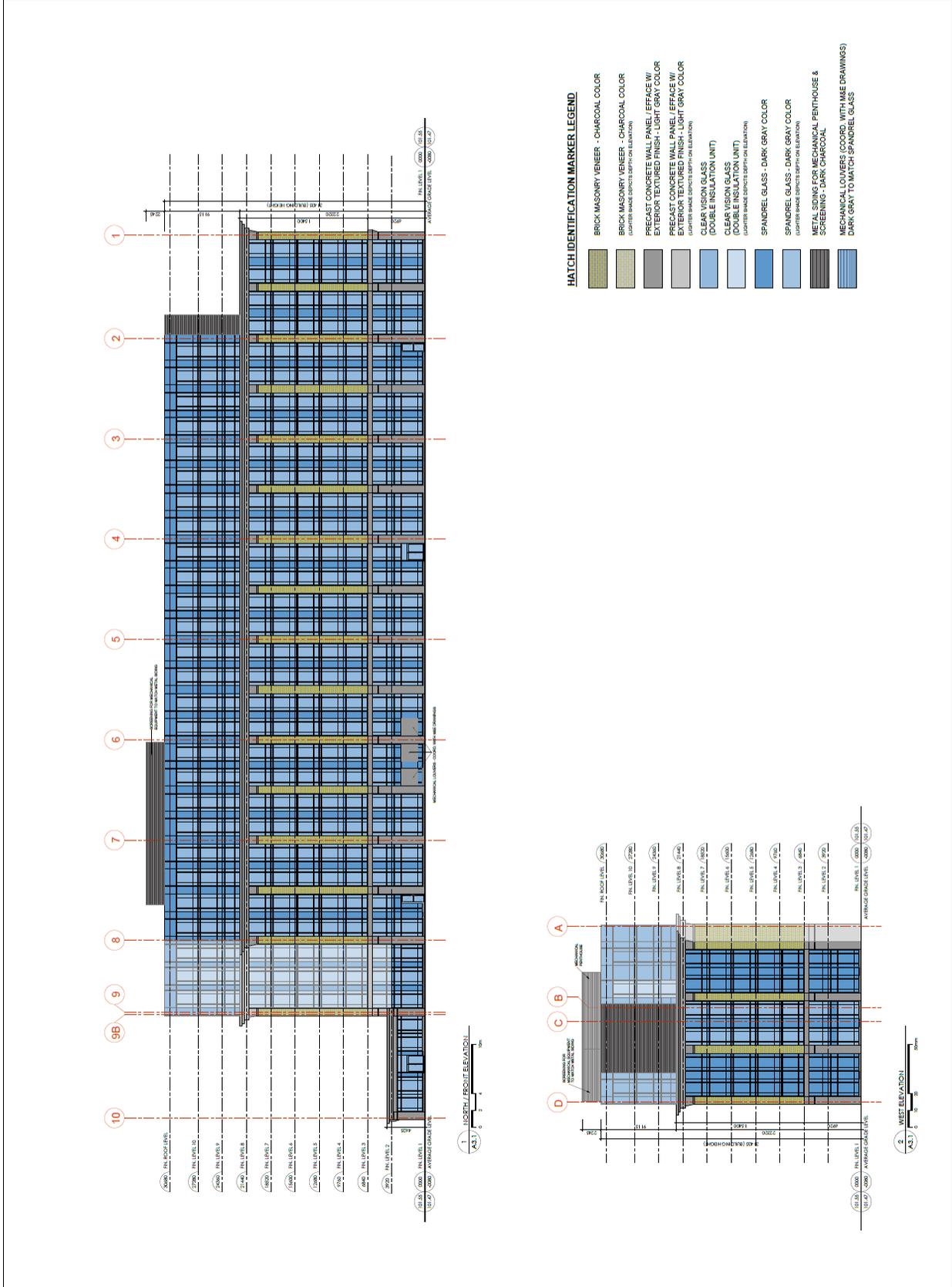
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KEY PLAN

THE YVENIN GROUP LTD
ARCHITECTS

A3.1

EXTERIOR ELEVATIONS - NORTH & WEST



Appendix "C" to Report PED24065
Page 1 of 26



Kagan | Shastri
 DeMelo | Winer | Park
 LAWYERS | LLP

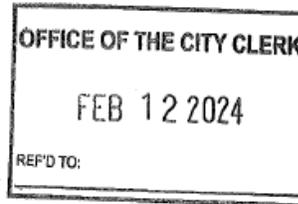
IRA T. KAGAN
 Tel: 416.368.2100 Ext. 226
ikagan@ksllp.ca

File No: 13074

February 8, 2024

By Courier & Email

Office of the City Clerk
 Attention: Janet Pilon
 Hamilton City Hall
 71 Main St W,
 Hamilton, ON L8P 4Y5



Email: janet.pilon@hamilton.ca

Dear Ms. Pilon,

**Re: Appeals pursuant to sections 22(7) and 34(11) of the Planning Act
 Appeal filed on behalf of 17 Ewen (Hamilton) Corp (The "Company")
 Proposed Official Plan Amendment Urban Hamilton Official Plan.
 Proposed Zoning By-law Amendment to City of Hamilton Zoning By-law
 Respecting 17 Ewen Road in Hamilton (the "Subject Lands")**

Municipal File No ZAC-23-020 & UHOPA-23-008

We are the solicitors for the Company, the owner of the Subject Lands. By way of this letter and on behalf of our client we hereby appeal the Official Plan and Zoning By-law Amendment applications to the Ontario Land Tribunal ("OLT" or "Tribunal") pursuant to sections 22(7) and 34(11) of the Planning Act. The Official Plan and Zoning By-law Amendment applications were deemed complete effective Wednesday, January 18, 2023. Since then, more than 120 days have elapsed, and the City of Hamilton has failed to make a decision on the applications.

The Subject Lands are approximately 0.43 hectares in size, roughly rectangular and front both Ewen Road to the west and Rifle Range Road to the east. Currently the Subject Lands are relatively flat and contain no buildings or meaningful vegetation. The Subject Lands are former warehouse facilities demolished in or around 2016.

The redevelopment proposes a 10-storey 359 unit, 545 bedroom, purpose-built student rental residence. The proposed redevelopment will allow for the construction of 359 desperately needed residential housing units with a density of 835 units per hectare. The proposed redevelopment will buffer the southern property line to complement the bicycle and pedestrian trail over the former railway line.

Yorkville Office:
 188 Avenue Road,
 Toronto, ON., M5R 2J1
 P. 416.368.2100 | F. 416.368.8206 | ksllp.ca

Downtown Office:
 250 Yonge Street, Ste 2302
 P.O. Box 65,
 Toronto, ON., M5B 2L7
 P. 416.368.2100 | F. 416.368.8206 | ksllp.ca

The Subject Lands were previously approved by the Ontario Municipal Board. The OMB permitted the development of a 10-storey purpose-built student housing development comprised of one-hundred and sixty five-bedroom student residential units. Since the time of the OMB hearing, market conditions have changed respecting student preferences. Due primarily to Covid-19, five-bedroom units are less desirable and students prefer their own units or fewer roommates.

The proposed redevelopment will enhance the public realm by facilitating a pedestrian-friendly environment thus implementing the goals of the City’s Urban Official Plan. The proposed development is transit-supportive and will optimize existing and planned infrastructure in the area. The Subject Lands are located within walking distance of a world-class university and provide desperately needed housing units to its faculty, staff and students.

Consistency with the Provincial Policy Statement 2020 (“PPS”)

The proposed redevelopment is consistent with the PPS. The Subject Lands are within a settlement area, which is the focus of growth and intensification under the PPS. More specifically, the proposed development is consistent with the following policies in the PPS:

- Policy 1.1.1 which provides that healthy, livable and safe communities are sustained by efficient development and land use patterns that financially bear the Province and municipalities over the long term and accommodates an affordable and market based range and mix of residential housing types.
- Policy 1.1.3.1 which provides that settlement areas shall be the focus of growth and development.
- Policy 1.1.3.2 which provides that land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources, are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion, and are transit-supportive, where transit is planned, exists or may be developed.
- Policy 1.1.3.2 which provides for appropriate and efficient use of infrastructure, public service facilities and support active and transit supportive transportation.
- Policy 1.1.3.3 which provides that planning authorities shall identify appropriate locations to promote opportunities for transit supportive development. These developments should accommodate a significant supply and range of housing options.
- Policy 1.1.3.4 which provides that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form while avoiding or mitigating risks to public health and safety.
- Policy 1.4.1 which provides that in order to provide for an appropriate range and mix of housing options and densities planning authorities shall accommodate residential growth for a minimum of 15 years through intensification and redevelopment.
- Policy 1.4.3 which provides that planning authorities should provide for an appropriate range and mix of housing options and densities to meet projected market based and affordable housing needs of current and future residents.
- Policy 1.6.3(a) which provides that before consideration is given to developing new infrastructure and public service facilities the use of existing infrastructure and public service facilities should be optimized.

Appendix “C” to Report PED24065
Page 3 of 26

- Policy 1.6.6.1 which provides that planning for sewage and water services shall accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing municipal sewage and water services.
- Policy 1.6.6.2 which provides that municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.
- Policy 1.6.7.2 which provides that efficient use should be made of existing and planned infrastructure.
- Policy 1.6.7.4 which provides that land use patterns density and a mix of uses should be promoted to minimize the length and number of vehicle trips.
- Policy 1.7.1 which provides that the City should optimize its long-term economic prosperity.
- Policy 1.8. which requires the City to encourage improved air quality, reduce greenhouse gas emissions, and prepare for the impacts of a changing climate through land use and development patterns.

Conformity with A Place to Grow: The Growth Plan, 2021 (“Growth Plan”)

The proposed development conforms with the following policies in the Growth Plan:

- Policy 1.2.1 which provides that development should achieve complete communities that are designed to support healthy active living and meet people’s needs for daily living throughout an entire lifetime.
- Policy 1.2.3 which provides that the policies of the Growth Plan represent minimum standards.
- Policy 2.1 which provides that, to support the achievement of complete communities, this Growth Plan establishes minimum intensification and density targets.
- Policy 2.1 which provides that it is important to optimize the use of the existing urban land supply as well as the existing building and housing stock to avoid over-designating land for future urban development while also providing flexibility for local decision-makers to respond to housing needs and market demand. The Growth Plan's emphasis on optimizing the use of the existing urban land supply represents an intensification first approach to development and city-building, one which focuses on making better use of our existing infrastructure and public service facilities, and less on continuously expanding the urban area.
- Policy 2.2.1.2(a) which provides that the “vast majority of growth will be directed to settlement areas that: i) have a delineated built boundary; ii) have existing or planned municipal water and wastewater systems; and iii) can support the achievement of complete communities”.
- Policy 2.2.1(3)(c) which provides direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the achievement of complete communities through a more compact built form.
- Policy 2.2.2(3)(d) which ensures that lands are zoned and development is designed in a manner that supports the achievement of complete communities.

Appendix “C” to Report PED24065
Page 4 of 26

- Policy 2.2.1.4 which provides that the policies of the Growth Plan will support the achievement of complete communities.
- Policy 2.2.2.1 which provides that a minimum of 50% of all residential development within the City of Hamilton will be within the delineated built-up area.
- Policy 2.2.2.3 which requires all municipalities to develop a strategy that will achieve the minimum intensification targets.
- Policy 2.2.1.3 (c) which provides that the city should manage forecasted growth in a way that provides direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors.
- Policy 5.2.5(1) which provides that the minimum intensification and density targets in this Plan, including any alternative targets that have been permitted by the Minister, are minimum standards and municipalities are encouraged to go beyond these minimum targets, where appropriate, except where doing so would conflict with any policy of the Growth Plan, the PPS or any other provincial plan.

Conformity with the Urban Hamilton OP (“UHOP”)

Bearing in mind that the development proposes an amendment to the UHOP and thus strict adherence to the UHOP is not required, the proposed development nevertheless conforms with certain aspects of the UHOP. The Subject Lands are designated Mixed Use – Medium Density in the UHOP and are located steps away from McMaster University which is identified as a *Major Activity Centre*. The proposed development conforms with the following policies in the UHOP:

- Section E.4.6 which provides that it is the intent of the *Mixed Use - Medium Density* designation to permit a full range of service commercial entertainment and residential accommodation at a moderate scale.
- Section E 4.6.2 which provides that *Mixed Use – Medium Density* designations shall be applied to traditional main street commercial areas outside the designated *Downtown Mixed Use* to promote the continuation of these places as pedestrian-oriented areas.
- Section E.4.6.4 which provides that *Mixed Use- Medium Density* areas shall serve as vibrant people places with increased day and night activity through the introduction of residential development.
- Section E 4.6.10 which provides that permitted uses shall be located in single or mixed-use buildings.
- Section E 4.6.16 which provides that new development shall be designed and oriented to create comfortable and vibrant areas that are stimulating pedestrian oriented streets.
- Section 4.6.17 which provides that *Mixed Use- Medium Density* areas are intended to develop in a compact urban form with a streetscape design and building arrangement that supports pedestrian use and circulation.
- Section E 4.6.24 which provides that development shall respect existing built form of adjacent neighbourhoods by providing gradation in building height and densities and by locating and designing new development to minimize the effects of shadowing and overview on adjacent properties.
- Section 4.6.27 which provides that reduced parking requirements shall be considered to encourage a broader range of uses and take advantage of a higher level of transit service.

The proposed development also complies with the following Ainslie Wood Neighbourhood Plan policies and guidelines:

-
- Policy 6.2.17.4 c) ii) which provides that any multiple dwelling shall be designated as student accommodation.

Meets General Principles of Good Planning

The Subject Lands have been identified at the provincial, regional, and local level as an area where growth should be directed. The proposed development meets the general principles of good planning by contributing significantly to long-term, orderly growth and efficient use of services in a transit-oriented area.

Conclusion

For the foregoing reasons, and others to be provided at the hearing of the appeals, our client appeals its Official Plan Amendment and Zoning By-law Amendment Applications to the OLT. In support of the appeals please find enclosed the following documents:

1. The OLT Appeal Form A1 (completed);
2. A draft Official Plan Amendment;
3. A draft Zoning By-law Amendment; and
4. Our firm's cheque in the amount of \$2,200 payable to the Minister of Finance, Ontario, representing the OLT's appeal fees.

Our client requests that both appeals be heard together. By separate appeal letter our client is also appealing its Official Plan Amendment and Zoning By-law Amendment applications for its development at 1629, 1635, 1637 and 1655 Main Street West, Hamilton. That property is adjacent to the Subject Lands. It would be efficient if the appeals of both properties were scheduled for the same first CMC as we suspect that many parties of one appeal will seek status in the other appeal. We are not asking that the appeals of the two properties be consolidated at this time; only that they be administratively joined for the purpose of the first CMC. Thank you.

[Signature page follows]



KAGAN SHASTRI DeMELO WINER PARK LLP

Ira T. Kagan

Enclos: Appeal Form (A1), Appeal Fee, Draft OPA, Draft ZBLA

Cc: Client

GSP Group Inc.

Please Reply to the: Yorkville Office



Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5
Tel: 416-212-6349 | 1-866-448-2248
Web Site: olt.gov.on.ca

Appeal Form (A1)

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

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

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

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

Section 1 – Contact Information (Mandatory)

Applicant/Appellant/Objector/Claimant Information		
Last Name:		First Name:
Hendrie		Michael
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):		
17 Ewen (Hamilton) Corp		
Email Address:		
mhendrie@aventusdevelopments.com		
Daytime Telephone Number:		Alternative Telephone Number:
905-464-5209	ext.	

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Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:
	1418	Ontario Street	
City/Town:	Province:	Country:	Postal Code:
Burlington	Ontario	Canada	L7S 1G4

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Representative Information				
X I hereby authorize the named company and/or individual(s) to represent me				
Last Name:		First Name:		
Kagan		Ira		
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):				
Kagan Shastri DeMelo Winer Park LLP				
Email Address:				
ikagan@ksllp.ca				
Daytime Telephone Number:			Alternative Telephone Number:	
416-368-2100	ext.	x226	(437) 781-9549	
Mailing Address				
Unit Number:	Street Number:	Street Name:		P.O. Box:
	188	Avenue Road		
City/Town:	Province:	Country:	Postal Code:	
Toronto	Ontario	Canada	M5R 2J1	
<p>Note: If your representative is not licensed under the <i>Law Society Act</i>, please confirm that they have your written authorization, as required by the <i>OLT Rules of Practice and Procedure</i>, to act on your behalf and that they are also exempt under the Law Society's by-laws to provide legal services. Please confirm this by checking the box below.</p>				
<p>I certify that I understand that my representative is not licensed under the <i>Law Society Act</i> and I have provided my written authorization to my representative to act on my behalf with respect to</p> <p><input type="checkbox"/> this matter. I understand that my representative may be asked to produce this authorization at any time along with confirmation of their exemption under the Law Society's by-laws to provide legal services.</p>				

Location Information	
Are you the current owner of the subject property?	X Yes <input type="checkbox"/> No
Address and/or Legal Description of property subject to the appeal:	
17 Ewen Road	
Municipality:	

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Hamilton
Upper Tier (Example: county, district, region):
N/A

Language Requirements	
Do you require services in French?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

To file an appeal, please complete the section below. Complete one line for each appeal type			
Subject of Appeal		Type of Appeal (Act/Legislation Name)	Reference (Section Number)
Example	Minor Variance	<i>Planning Act</i>	45(12)
1	Official Plan Amendment	<i>Planning act</i>	22(7)
2	Zoning By-law Amendment	<i>Planning Act</i>	34(11)
3			
4			
5			

Section 2 – Appeal Type (Mandatory)

Please select the applicable type of matter		
Select	Legislation associated with your matter	Complete Only the Section(s) Below
<input checked="" type="checkbox"/>	Appeal of <i>Planning Act</i> matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances	3A
<input type="checkbox"/>	Appeal of <i>Development Charges, Education Act, Aggregate Resources Act, Municipal Act</i> matters	3A
<input type="checkbox"/>	Appeal of or objection to <i>Ontario Heritage Act</i> matters under subsections 29, 30.1, 31, 32, 33, 40.1 and 41	3A

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<input type="checkbox"/>	Appeal of <i>Planning Act</i> (subsections 33(4), 33(10), 33(15), 36(3)), <i>Municipal Act</i> (subsection 223(4)), <i>City of Toronto Act</i> (subsection 129(4)) and <i>Ontario Heritage Act</i> (subsections 34.1(1), 42(6)) matters	3A & 3B
<input type="checkbox"/>	Appeal of <i>Clean Water Act</i> , <i>Environmental Protection Act</i> , <i>Nutrient Management Act</i> , <i>Ontario Water Resources Act</i> , <i>Pesticides Act</i> , <i>Resource Recovery and Circular Economy Act</i> , <i>Safe Drinking Water Act</i> , <i>Toxics Reduction Act</i> , and <i>Waste Diversion Transition Act</i> matters	4A
<input type="checkbox"/>	Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i>	4B
<input type="checkbox"/>	Appeal under the <i>Niagara Escarpment Planning and Development Act (NEPDA)</i>	5
<input type="checkbox"/>	Appeal of <i>Conservation Authorities Act</i> , <i>Mining Act</i> , <i>Lakes and Rivers Improvement Act</i> , <i>Assessment Act</i> , and <i>Oil, Gas and Salt Resources Act</i> matters	6
<input type="checkbox"/>	Legislation not listed above	Contact OLT before filing your appeal

Section 3A – Planning Matters

Appeal Reasons and Specific Information

Number of new residential units proposed:

359

Municipal Reference Number(s):

ZAC-23-020 & UHOPA-23-008

List the reasons for your appeal:

See attached Letter

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Has a public meeting been held by the municipality? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
For appeals of Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, please indicate if you will rely on one or more of the following grounds:
A: A decision of a Council or Approval Authority is:
<input type="checkbox"/> Inconsistent with the Provincial Policy Statement issued under subsection 3(1) of the <i>Planning Act</i>
<input type="checkbox"/> Fails to conform with or conflicts with a provincial plan
<input type="checkbox"/> Fails to conform with an applicable Official Plan
And
B: For a non-decision or decision to refuse by council:
<input checked="" type="checkbox"/> Consistency with the provincial policy statement, issued under subsection 3(1) of the <i>Planning Act</i>
<input checked="" type="checkbox"/> Conformity with a provincial plan
<input checked="" type="checkbox"/> Conformity with the upper-tier municipality's Official Plan or an applicable Official Plan
If it is your intention to argue one or more of the above grounds, please explain your reasons:
See attached letter

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

Related Matters
Are there other appeals not yet filed with the Municipality?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there other matters related to this appeal? (For example: A consent application connected to a variance application).
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, please provide the Ontario Land Tribunal Case Number(s) and/or Municipal File Number(s) for the related matters:

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Section 3B – Other Planning Matters

Appeal Specific Information (Continued)

Date application submitted to municipality if known (yyyy/mm/dd):

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

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

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

Section 4A – Appeals under Environmental Legislation

Appeal Specific Information

Outline the grounds for the appeal and the relief requested:

Reference Number of the decision under appeal:

Portions of the decision in dispute:

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Date of receipt of Decision or Director's Order (yyyy/mm/dd):	
Applying for Stay?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, outline the reasons for requesting a stay: (Tribunal's Guide to Stays can be viewed here)	
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 4A Checklist(s) located here and submit all documents listed on the checklist.	

Section 4B – Environmental Application for Leave to Appeal

Are you filing an Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Identify the portions of the instrument you are seeking to appeal:	
Identify the grounds you are relying on for leave to appeal. Your grounds should include reasons why there is good reason to believe that no reasonable person, having regard to the relevant law and to any government policies developed to guide decisions of that kind could have made the decision; and why the decision could result in significant harm to the environment:	
Outline the relief requested:	

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There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the <u>Section 4B Checklist(s)</u> located <u>here</u> and submit all documents listed on the checklist.

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

Appeal Specific Information
Development Permit Application File No:
Address or legal description of the subject property:
Reasons for Appeal: Outline the nature and reasons for your appeal. Specific planning, environmental and/or other reasons are required. (The Niagara Escarpment Plan is available on the Niagara Escarpment Commission's website (www.escarpment.org))

Section 6 – Mining Claim and Conservation Matters

Appeal Specific Information
List the subject Mining Claim Number(s) (for unpatented mining claims) and accompanying Townships, Areas and Mining Division(s) where mining claims are situated. List all "Filed Only" Mining Claims, if appropriate: (This is to be completed for <i>Mining Act</i> appeals only.)

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List the Parcel and the Property Identifier Numbers (PIN), if rents or taxes apply to mining lands, if appropriate (mining claims only):
Provide the date of the Decision of the Conservation Authority or the Provincial Mining Recorder, as appropriate:
Provide a brief outline of the reasons for your application/appeal/review. If other lands/owners are affected, please include that information in the outline being provided below:

Respondent Information			
Conservation Authority:			
Contact Person:			
Email Address:			
Daytime Telephone Number:		Alternative Telephone Number:	
	ext.		
Mailing Address or statement of last known address/general area they were living and name of local newspaper if address is not available			
Unit Number:	Street Number:	Street Name:	P.O. Box:
City/Town:	Province:	Country:	Postal Code:
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the <u>Section 6 Checklist(s)</u> located <u>here</u> and submit all documents listed on the checklist.			

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Section 7 – Filing Fee

Required Fee

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

Total Fee Submitted: \$2,200

Payment Method	<input type="checkbox"/>	Certified Cheque	<input type="checkbox"/>	Money Order	<input checked="" type="checkbox"/>	Lawyer's general or trust account cheque
	<input type="checkbox"/>	Credit Card				

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

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

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

Section 8 – Declaration (Mandatory)

Declaration

I solemnly declare that all the statements and the information provided, as well as any supporting documents, are true, correct and complete.

By signing this appeal form below, I consent to the collection of my personal information.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Ira Kagan		2024/02/08

Personal information or documentation requested on this form is collected under the authority of the *Ontario Land Tribunal Act* and the legislation under which the proceeding is commenced. All information collected is included in the Ontario Land Tribunal (OLT) case file and the public record in this proceeding. In accordance with the *Freedom of Information and Protection of Privacy Act* and section 9 of the *Statutory Powers Procedure Act*, all information collected is available to the public subject to limited exceptions.

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We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator at OLT.Coordinator@ontario.ca or toll free at 1-866-448-2248 as soon as possible.

Section 9 – Filing Checklists (Mandatory)

Filing/Submitting your form and documentation

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

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

If the completed Section is:	You must file with the following:	
Section 3A	Municipality or the Approval Authority/School Board *If you are filing under the <i>Ontario Heritage Act</i> , including under s. 34.1(1) , please carefully review the specific section of that legislation to determine if your appeal needs to be filed with the Tribunal in addition to the Municipality or Approval Authority.	
Section 3A & 3B or Section 4A or Section 4B or Section 6	Ontario Land Tribunal 655 Bay Street, Suite 1500 Toronto, ON M5G 1E5	Phone: 416-212-6349 1-866-448-2248 Website: www.olt.gov.on.ca
Section 5	For the Areas of: Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara	For the Areas of: Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon)

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	<p align="center">City of Hamilton</p> <p align="center">File with:</p> <p align="center">NIAGARA ESCARPMENT COMMISSION</p> <p align="center">232 Guelph Street, 3rd Floor Georgetown, ON L7G 4B1</p> <p align="center">Phone: 905-877-5191 Fax: 905-873-7452 Website: www.escarpment.org Email: necgeorgetown@ontario.ca</p>	<p align="center">File with:</p> <p align="center">NIAGARA ESCARPMENT COMMISSION</p> <p align="center">1450 7th Avenue Owen Sound, ON N4K 2Z1</p> <p align="center">Phone: 519-371-1001 Fax: 519-371-1009 Website: www.escarpment.org Email: necowensound@ontario.ca</p>
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NOTE: Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal).

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

APPENDIX C

DRAFT

Urban Hamilton Official Plan

Amendment No. [REDACTED]

The following text constitutes Official Plan Amendment No. [REDACTED] to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to modify Site-Specific Policy Area D for the lands located at 17 Ewen Road, to permit a 10-storey student residence with a maximum density of 359 units (545 bedrooms).

2.0 Location:

The lands affected by this Amendment are known municipally as 17 Ewen Road, within the former City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is :

- The requested density increase is consistent with the Provincial Policy Statement 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020;
- The proposed development conforms to the Urban Hamilton Official Plan with the exception of the maximum density; and
- The proposed development will serve the Ainslie Wood Westdale community by providing new purpose-built student housing that will add housing choice to students in proximity to McMaster University as well as active transportation infrastructure, public transit networks, and commercial amenities, health services, and public service infrastructure.

4.0 Actual Changes:

4.1 Text Changes

Urban Hamilton Official Plan Volume 2, Chapter B, Specific Policy – Area D, Policy B.6.2.17.4 b) is deleted and replaced with the following:

- b) a student residence with a maximum of 359 units (545 bedrooms) shall be permitted;

5.0 Implementation:

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

This Official Plan Amendment is Schedule "1" to By-law No. [REDACTED] passed on the [REDACTED] day of [REDACTED], 2023.

The
City of Hamilton

MAYOR

CITY CLERK

APPENDIX D

PROPOSED DRAFT
CITY OF HAMILTON
BY-LAW NO.To Amend Zoning By-law No. 6593 (Hamilton), respecting
lands located at 17 Ewen Road

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

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

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

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

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan under the Planning Act, upon approval by the Ontario Municipal Board of the Urban Hamilton Official Plan, as modified;

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

1. That Sheet No. W-46 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing the zoning from the "J/S-1552" (Light and Limited Heavy Industry, Etc.) District, Modified, to the "E-3" High Density Multiple Residential) District, Modified, on the lands the extent and boundaries of which are shown on the plans hereto annexed as Schedule "A".
2. That the "E-3" (High Density Multiple Residential) District regulations, as contained in Section 11C of Zoning By-law No. 6593, be modified to include the following special requirements:
 - (a) That notwithstanding Section 11C.(1) of Zoning By-law No. 6593, the following use shall be the only permitted:
 - (i) A "**Student Residence**"
 - (b) For the purposes of this By-law, a "Student Residence" shall be defined as:

"Student Residence" means the whole of any multiple dwelling designed for accommodating students and consisting of **Dwelling Units**, each providing up to 5 bedrooms for hire or gain directly or indirectly that does not have the exclusive use of both a kitchen and a bathroom with the exception of bachelor and one-bedroom

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units for which exclusive use of both a kitchen and bathroom shall be permitted. The building may also include common areas."

- (c) That notwithstanding Section 11C (1a) of Zoning By-law No. 6593, the height of a building or structure shall not exceed 10-storeys and 35 metres.
 - (d) That notwithstanding Section 11C(2) of Zoning By-law No. 6593, the following yards shall be required:
 - 1) A westerly yard (Ewen Road) having a depth of not less than 2.1 metres adjacent to a building height of 22.3 metres (7 storeys); 5.9 metres adjacent to a building height of 24 metres (8 storeys); and 11.39 metres adjacent to a building height of 35 metres (10 storeys), shall be provided and maintained for all buildings and structures.
 - 2) A northerly yard having a depth of not less than 12 metres shall be provided and maintained for all buildings and structures.
 - 3) A southerly yard having a depth of not less than 3.0 metres shall be provided and maintained for all buildings and structures.
 - 4) An easterly yard (Rifle Range Road) having a depth of not less than 2.1 metres adjacent to a building height of 22.3 metres (7 storeys); and 13.7 metres adjacent to a building height of 35 metres (10 storeys), shall be provided and maintained for all buildings and structures.
 - (e) That notwithstanding Section 11C(4) of Zoning By-law No. 6593, no buildings or structures shall have a total Gross Floor Area of more than 19,000m² plus 4,234m² below grade parking structure totaling 23,234m².
 - (f) That notwithstanding Section 11C(5) of Zoning By-law No. 6593, there shall be provided and maintained at least 15% of the area of the lot as landscaped area.
 - (g) That notwithstanding Section 18A. (1) of Zoning By-law No. 6593, the minimum parking ratio shall be 0.25 parking spaces per bedroom inclusive of visitor parking;
 - (h) That notwithstanding Section 18A. (1)(c) of Zoning By-law No. 6593, no loading spaces shall be required.
 - (i) That notwithstanding Section 18A. (14g) of Zoning By-law No. 6593, required parking shall be permitted in a required front yard.
 - (j) That no vehicular access or egress shall be provided to Ewen Road.
 - (k) That the maximum density shall be 359 units including a maximum of 545 bedrooms.
 - (l) That the principal pedestrian entrance shall be from/to Rifle Range Road.
 - (m) That no communal outdoor amenity areas and no rooftop amenity area shall be permitted.
3. That no building or structure shall be erected, altered, extended or enlarged; nor shall any building or structure or part thereof be used; nor shall any land be used, except in accordance with the "E-3" (High Density Multiple Residential) District provisions, subject to the special requirements referred to in Sections 2 and 3.
4. That By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19B as Schedule S-169.

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5. That Sheet No. W-46 of the District Maps is amended by marking the lands referred in Section 1 of this By-law as S-1609.
6. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this ____ day of _____, 2023.



Hamilton

INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 30, 2024
SUBJECT/REPORT NO:	Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-20-027 and Zoning By-law Amendment Application ZAC-20-042 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 1629, 1635, 1637 and 1655 Main Street West, Hamilton (PED24066) (Ward 1)
WARD(S) AFFECTED:	Ward 1
PREPARED BY:	Alaina Baldassarra (905) 546-2424 Ext. 7421
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

In accordance with Subsections 22(7) and 34(11) of the *Planning Act*, an Official Plan Amendment and a Zoning By-law Amendment application may be appealed to the Ontario Land Tribunal after 120 days by the applicant if Council has not made a decision on the applications.

A motion to direct staff to advise the Planning Committee on matters relating to appeals of Council's non-decision, pursuant to the *Planning Act*, was passed by City Council on May 18, 2010. This information Report has been prepared in accordance with Council's policy for staff to advise the Planning Committee and City Council of appeals for non-decision to the Ontario Land Tribunal.

The following information is provided for Planning Committee's information with regards to Urban Hamilton Official Plan Amendment application UHOPA-20-027 and Zoning By-law Amendment application ZAC-20-042, which have been appealed for non-decision.

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

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

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

SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-20-027 and Zoning By-law Amendment Application ZAC-20-042 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 1629, 1635, 1637 and 1655 Main Street West, Hamilton (PED24066) (Ward 1) - Page 2 of 7

INFORMATION

The subject property is municipally known as 1629, 1635, 1637 and 1655 Main Street West, Hamilton (refer to Appendix “A” attached to Report PED24066). The property is approximately 0.69 hectares in area and is located south of Main Street West, on the west side of Rifle Range Road, and on the east side of Ewen Road. The subject lands have frontage on three public streets and are located in close proximity to an active industrial use to the south at 45 Ewen Road.

The current Urban Hamilton Official Plan Amendment and Zoning By-law Amendment applications were submitted by GSP Group Inc. c/o Brenda Khes on behalf of 2480545 Ontario Inc. (The “Company”) deemed complete on December 1, 2020. The proposal is for a new mixed use building with a total of 583 residential units, approximately 1,355 square metres of commercial space and 268 residential parking spaces inclusive of visitor parking for the residential units as well as 39 parking spaces for the commercial uses. The cover letter provided by the agent stated that the multiple dwelling would be geared to students.

The appeal of the Urban Hamilton Official Plan Amendment and Zoning By-law Amendment applications, filed by Kagan, Shastri, DeMelo, Winer, Park, counsel for 2480545 Ontario Inc. (The “Company”), was received by the City Clerk’s Office on February 12, 2024, 1,168 days after the application was deemed complete, included as Appendix “C” attached to Report PED24066. After the appeal was received for the subject lands, the appellants indicated that the appeal may be heard in conjunction with the appeals regarding Urban Hamilton Official Plan Amendment (UHOPA-23-008) and Zoning By-law Amendment (ZAC-23-020) for lands located at 17 Ewen Road, Hamilton (which also were appealed for a lack of decision).

PROPOSED DEVELOPMENT

The applicant has proposed a mixed use building organized into three towers (16, 21 and 24 storeys) inclusive of a three storey podium. A copy of the proposed development is attached as Appendix “B” to Report PED24066. In addition, the development contains a midrise tower component connecting the three towers that starts on level six and extends a total of six storeys in height. The building includes 583 residential units (948 beds), 268 residential parking spaces inclusive of visitor parking spaces and 39 commercial parking spaces within an underground parking garage and 3,280 square metres of residential amenity space. A rooftop amenity area is included on the fourth floor and a green roof area on the remainder of the proposed podium. The proposal

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

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

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

SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-20-027 and Zoning By-law Amendment Application ZAC-20-042 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 1629, 1635, 1637 and 1655 Main Street West, Hamilton (PED24066) (Ward 1) - Page 3 of 7

includes a commercial terrace area along Main Street West, and the driveway entrance for the parking facilities and drop off areas is proposed from Rifle Range Road.

The proposed development is located in close proximity to an existing industrial use at 45 Ewen Road. As a result, concerns regarding the compatibility between an active industrial land use and the proposed sensitive land use were identified. The owner of 45 Ewen Road (existing industrial) has provided comments advising of concerns with the proposed development.

Urban Hamilton Official Plan Amendment Application

The subject property is identified as “Neighbourhoods” and “Secondary Corridor” on Schedule E – Urban Structure and is designated “Mixed Use – Medium Density” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan. The application was received and deemed complete prior to Ministerial approval of Official Plan Amendment No. 167, however, as per *Bill 150*, any decision must conform to the Official Plan in effect on November 4, 2022.

The subject lands are located within the Ainslie Wood Westdale Secondary Plan and are designated “Mixed Use - Medium Density” on Map B.6.2-1 Land Use Plan. The application is requesting to add a site specific policy area to increase the maximum height and maximum density on the subject lands. The proposal is also requesting to increase the maximum building height to 24 storeys whereas the Ainslie Wood Westdale Secondary Plan permits a maximum building height of three storeys. In addition, the applicant is proposing to increase the maximum density on the subject lands to 844 units per hectare whereas the Zoning By-law permits a maximum density of 30 to 49 units per hectare.

The subject property is identified as “Commercial” and “Industrial” in the Ainslie Wood Neighbourhood Plan. Since the application has been appealed, a future housekeeping amendment will be required to apply the appropriate identification based on the decision at the Ontario Land Tribunal.

Zoning By-law Amendment Application

The subject lands are currently zoned Mixed Use Medium Density (C5, 304, 570) Zone and Mixed Use Medium Density (C5, 570) Zone as shown on Appendix “A” attached to Report PED24066. The proposed commercial uses and multiple dwelling are permitted uses on the subject lands. The applications indicate that the proposal would be geared to student accommodation.

SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-20-027 and Zoning By-law Amendment Application ZAC-20-042 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 1629, 1635, 1637 and 1655 Main Street West, Hamilton (PED24066) (Ward 1) - Page 4 of 7

Modifications are required to implement the proposal, as shown on the Concept Plan in Appendix “B” attached to Report PED24066, including:

- Reduction in the minimum rear yard setback to 0.5 metres from 7.5 metres;
- Reduction in the interior side yard setback when abutting an institutional or residential zone to 3.5 metres from 7.5 metres;
- Increase in the maximum building height to 70.5 metres from 11.0 metres in height;
- Removal of a visual barrier along a lot line abutting a residential or institutional zone whereas a visual barrier is currently required along a lot line abutting a residential or institutional zone;
- Reduction in the amount of parking spaces to 0.4 spaces per unit or 0.25 spaces per bed from the minimum requirement identified in Section 5.6 c) of Zoning By-law No. 05-200 which requires a minimum of the following for a multiple dwelling:
 - 0 parking spaces per unit for dwelling units one to 12 that are less than 50.0 square metres in gross floor area;
 - 0.3 parking spaces per unit for dwelling units 13 or more that are less than 50.0 square metres in gross floor area;
 - 0 parking spaces per unit for dwelling units one to 12 that are more than 50.0 square metres in gross floor area;
 - 0.5 parking spaces per unit for dwelling units 13 to 50 that are more than 50.0 square metres in gross floor area;
 - 0.7 parking spaces per unit for dwelling units 51 or more that are more than 50.0 square metres in gross floor area;
 - 0 parking spaces per unit for dwelling units one to 12 that are three bedrooms or more;
 - 0.3 parking spaces per unit for dwelling units 13 or more that are three bedrooms or more; and,
- Adding a special figure to identify the location of the three towers on top of the podium.

Issues identified through the circulation include:

- The proposed development does not comply with the policies of the Urban Hamilton Official Plan as follows:
 - The proposed development does not comply with the City-Wide Corridor Guidelines as it is not meeting the angular plane along requirements which would negatively impact the development by increasing the shadows on-site and within the public right-of-way. In addition, the proposed development is not appropriate based on the current

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SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-20-027 and Zoning By-law Amendment Application ZAC-20-042 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 1629, 1635, 1637 and 1655 Main Street West, Hamilton (PED24066) (Ward 1) - Page 5 of 7

streetscape and neighbourhood character. In addition to the angular plane concern, the proposed building is 110 metres in length whereas the guidelines require that any building that is 60 metres or more in length and taller than 11 metres should have a midblock break. The purpose of the midblock break is to reduce the canyon effect including negative wind impacts and increase the amount of light reaching the street. The proposed building is 110 metres in length and taller than 11 metres but does not currently provide an appropriate mid-block break which would have a negative impact on the public realm as identified above. For context, the tall building guidelines discourages buildings that are more than 70 metres in length and recommends the design incorporate a break in the mass after 40 metres in length to provide articulation and/or changes in materials;

- Does not meet the intent of the Tall Building Guidelines. The Tall Buildings Guidelines require tower massing to step back a minimum of 3.0 metres from the building base, to improve street wall definition, recess tall building elements from pedestrian views and minimize wind effects (Section 4.3.2). Tower A and part of Tower C do not fully comply with this requirement and the Visual Impact Assessment identified a negative impact on the public street. As well, the Tall Building Guidelines require a maximum floor plate for the towers of 750 square metres. The floor plates for Tower B (782 square metres) and Tower C (791 square metres) of the proposed development exceed the standard set in the Tall Building Guidelines which would have a negative impact by increasing the amount of shadows and could negatively impact the skyline views in the neighbourhood;
- The interface between the proposed multiple dwelling and the proposed student residence to the south (vacant parcel at 17 Ewen Road), specifically regarding the three storey garage façade where it faces another property. It was recommended that the applicants also consider increased tower separation from the southern property line;
- Tower height and relationship with the three storey podium. The overall scale of the project is not in character with the surrounding neighbourhood and does not provide appropriate stepbacks to reduce the impact of the street wall along Main Street West;
- The Visual Impact Assessment identified concerns regarding a negative impact on street views as a result of the proposed development as it relates to the skyline. The proposed built form increases the scale of the building, raising concerns about implementing a pedestrian scale and visual compatibility with the contextual low-rise built form in the area;

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- The Wind Study identified uncomfortable wind levels on public sidewalks surrounding the subject site. A redesign of the massing should ensure that the public realm is not affected by wind effects and supports a comfortable pedestrian environment. This can include mitigating measures such as stepbacks, canopy's and landscaping. The surrounding area includes outdoor patios and high level public transit line facilities in the immediate area which should be accompanied by comfortable public facilities;
- Based on the information provided as part of the Shadow Study, the proposed development does not provide the appropriate amount of light on the public sidewalk or on the subject lands and negatively impacts the ability for landscaping to grow within the public right-of-way. As a result of the proposed built form, the site would not meet the minimum five hours identified in the City-Wide Corridor Guidelines and the minimum three hours referenced in the Tall Building Guidelines. In addition, the proposed development would not allow for 50% sunlight on the proposed commercial terraces on Main Street West. In addition, insufficient information was provided to determine the full extent of the development's impact on the surrounding area;
- The proposed setback along Ewen Road and Rifle Range Road is insufficient to allow landscaping and pedestrian amenities. Staff recommends that a setback of 3.0 metres be provided along Ewen Road and 1.5 metres along Rifle Range Road to reduce the negative impact on trees along Main Street West due to a limited amount of direct sun access. The building slab should be more porous to allow for adequate tree growing conditions and appropriate streetscaping; and,
- Noise impacts on the residential uses from the existing industrial use to the south. As part of the circulation, the industrial use to the south identified that the property would need to be classified as a Class 4 area in accordance with the NPC-300 Guidelines. Additional information is required to determine if a Class 4 designation is appropriate.

Public Consultation

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation for the applications were sent to 64 property owners within 120 metres of the subject lands on December 11, 2020. Based on the current documents, no neighbourhood meetings occurred for the proposed development.

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To date staff have received five written submissions, which raised concerns regarding building height and massing, traffic, student residence use, street parking, quality of life, compatibility with the surrounding neighbourhood, air quality impacts from the proposed residential structure on the existing industrial use, and noise issues as a result of industrial use.

APPENDICES AND SCHEDULES ATTACHED

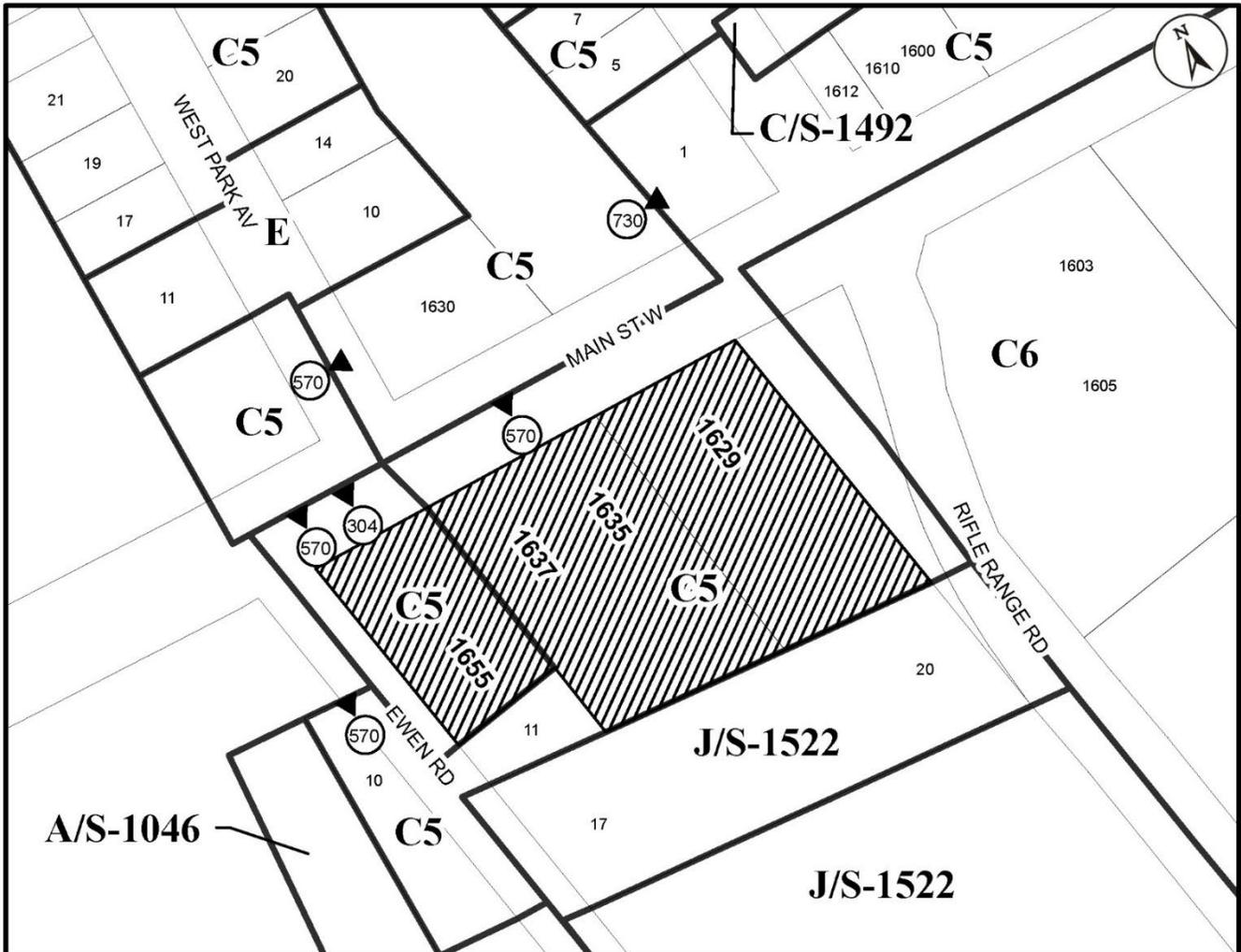
Appendix "A" to Report PED24066 – Location Map

Appendix "B" to Report PED24066 – Concept Plans and Building Elevations

Appendix "C" to Report PED24066 – Letter of Appeal

AB/sd

Appendix "A" to Report PED24066
Page 1 of 1



● Site Location



Key Map - Ward 1

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-20-042/UHOPA-20-027

Date:
March 20, 2024

Appendix "A"

Scale:
N.T.S

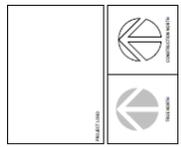
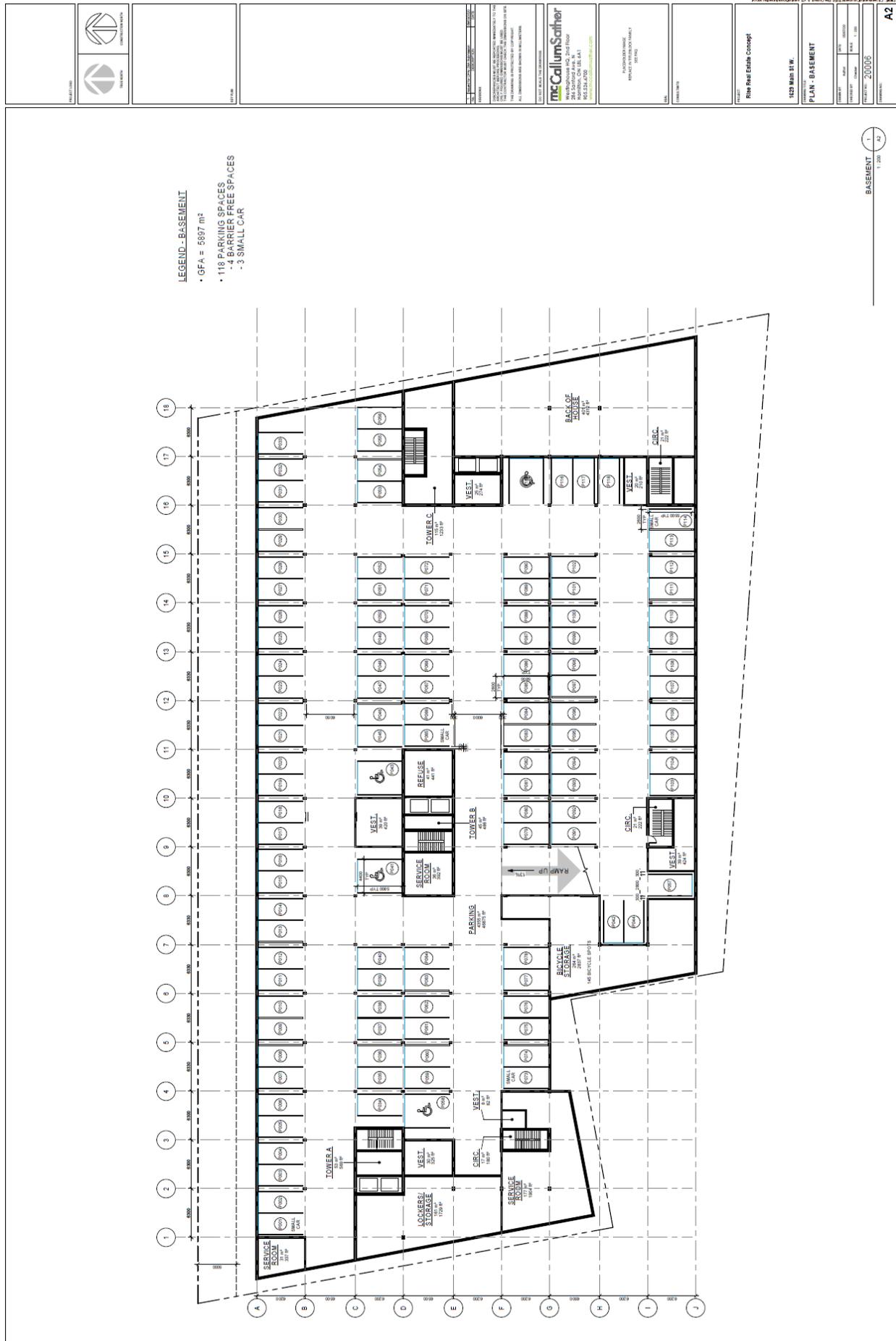
Planner/Technician:
AB/NB

Subject Property

 1629, 1635, 1637 and 1655 Main Street West,
Hamilton (Ward 3)

Appendix "B" to Report PED24066

Page 2 of 8



DATE: 11/11/2009

PROJECT: RITE REAL ESTATE CONCEPT

CLIENT: RITE REAL ESTATE

DESIGNER: RITE REAL ESTATE

SCALE: 1:200

DRAWING NO: 20006

DATE: 11/11/2009

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PROJECT: RITE REAL ESTATE CONCEPT

CLIENT: RITE REAL ESTATE

DESIGNER: RITE REAL ESTATE

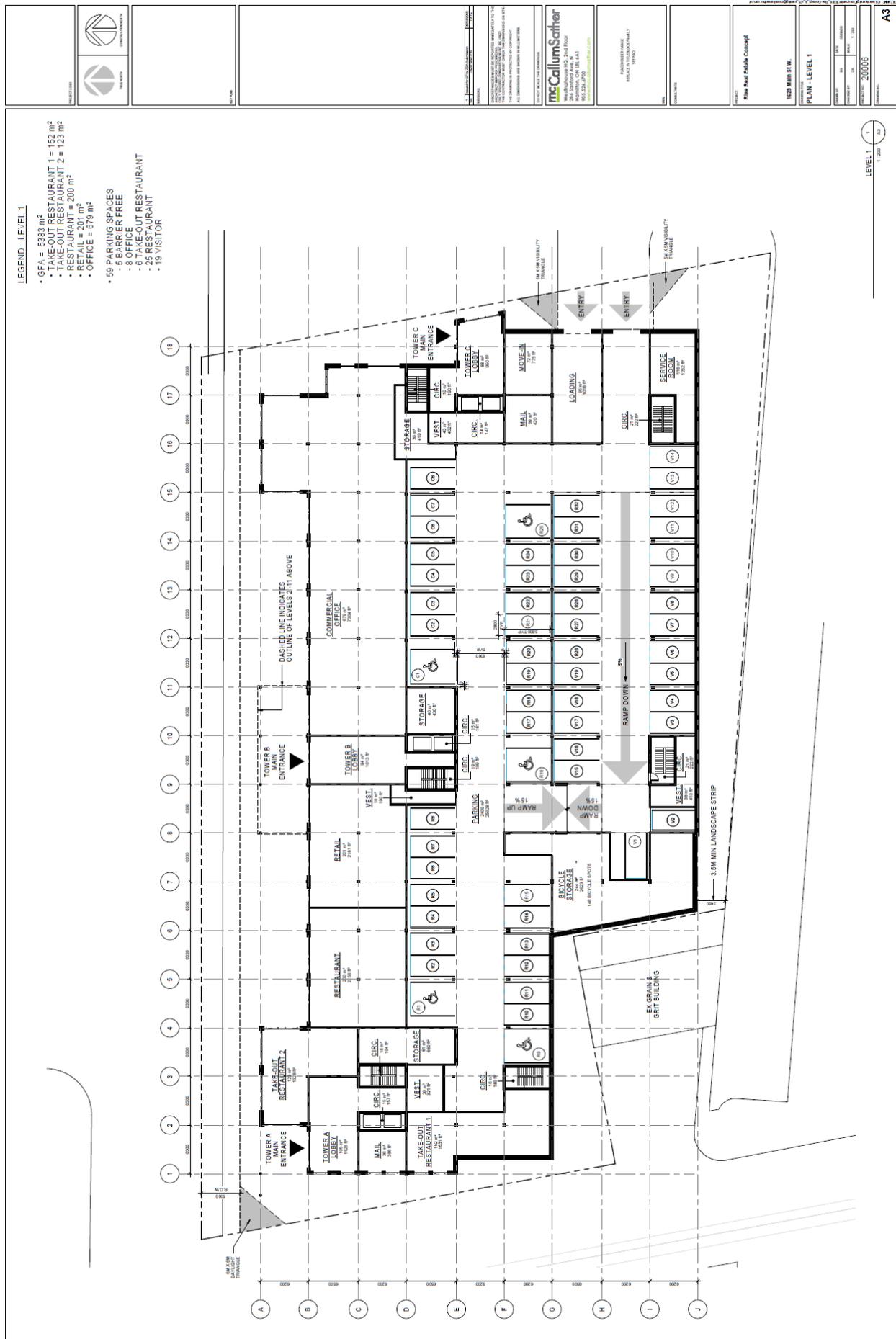
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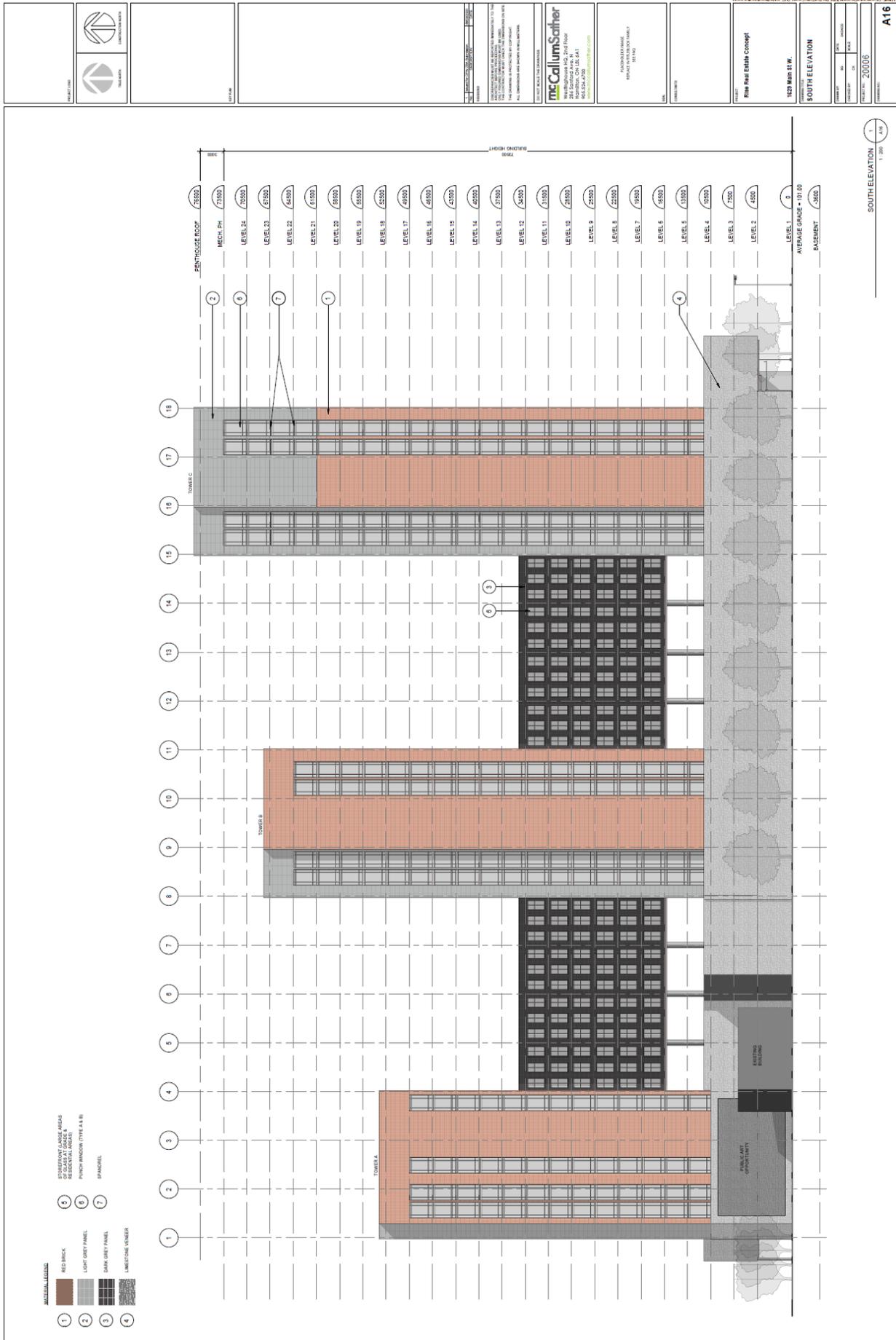
DATE: 11/11/2009

NO.	DATE	DESCRIPTION
1	11/11/2009	ISSUED FOR PERMITTING

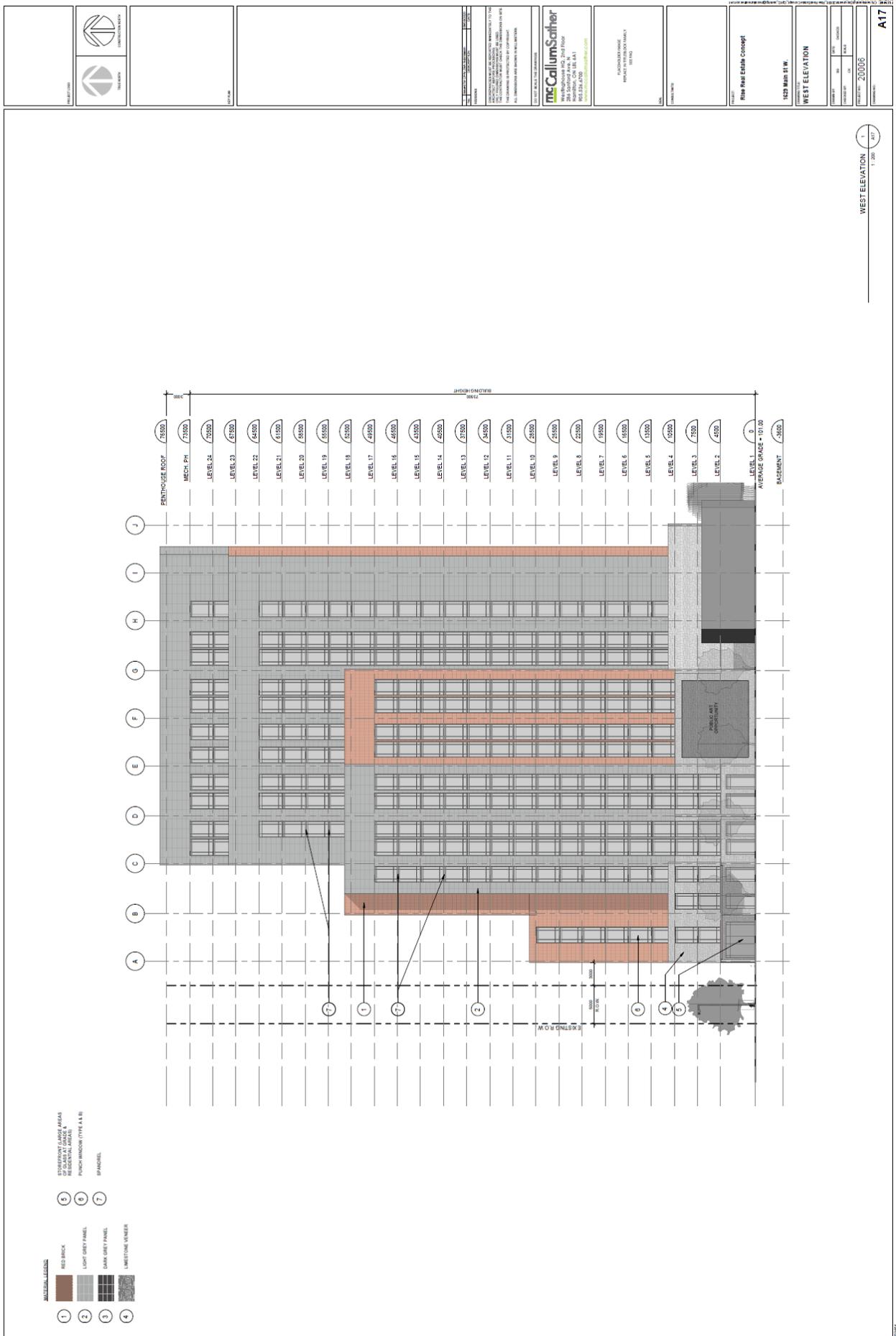
Appendix "B" to Report PED24066
Page 3 of 8



Appendix "B" to Report PED24066
Page 7 of 8



Appendix "B" to Report PED24066
Page 8 of 8



**Appendix "C" to Report PED24066
Page 1 of 19**



**Kagan | Shastri
DeMelo | Winer | Park**

LAWYERS | LLP

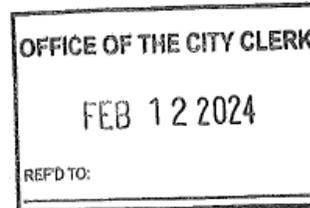
IRA T. KAGAN
Tel: 416.368.2100 Ext. 226
ikagan@ksllp.ca

File No: 13074

February 8, 2024

By Courier & Email

Office of the City Clerk
Attention: Janet Pilon
Hamilton City Hall
71 Main St W,
Hamilton, ON L8P 4Y5



Email: janet.pilon@hamilton.ca

Dear Ms. Pilon

**Re: Appeals pursuant to sections 22(7) and 34(11) of the Planning Act
Appeal filed on behalf of 2480545 Ontario Inc. (The "Company")
Proposed Official Plan Amendment to City of Hamilton
Proposed Zoning By-law Amendment to City of Hamilton Zoning By-law
Respecting 1629, 1635, 1637 and 1655 Main Street West, Hamilton (the "Subject
Lands")**

Municipal File No. ZAC-20-042 & UHOPA-20-027

We are the solicitors for the Company, the owner of the Subject Lands. By way of this letter and on behalf of our client we hereby appeal the Official Plan and Zoning By-law Amendment applications to the Ontario Land Tribunal ("OLT" or "Tribunal") pursuant to sections 22(7) and 34(11) of the Planning Act. The Official Plan and Zoning By-law Amendment applications were deemed complete effective Tuesday, December 1, 2020. Since then, more than 120 days have elapsed, and the City of Hamilton has failed to make a decision on the applications.

The Subject Lands are approximately 0.75 hectares in size, are irregular in shape and are situated south of Main Street West. The Subject Lands front Main Street West, Ewen Road, and Rifle Range Road. Currently the Subject Lands are relatively flat and are occupied by three (3) 1-storey commercial buildings. All existing buildings on the Subject Lands will be demolished to facilitate the proposed redevelopment.

The Subject Lands are part of a major redevelopment proposing a mixed-use building comprising three towers atop a common podium. The proposed development will allow for the construction of 583 desperately needed housing units with a density of 844 units per hectare. The podium will be three (3) storeys tall and contain at grade retail commercial retail space.

Yorkville Office:
188 Avenue Road,
Toronto, ON., M5R 2J1
P. 416.368.2100 | F. 416.368.8206 | ksllp.ca

Downtown Office:
250 Yonge Street, Ste 2302
P.O. Box 65,
Toronto, ON., M5B 2L7
P. 416.368.2100 | F. 416.368.8206 | ksllp.ca

The three towers of the proposed development are each separated 25m from each other and are designated as Tower C, Tower B, and Tower A. Each tower is 24, 21, and 16 storeys tall respectively. Between the towers and the podium base is a unique open airspace between storeys 4 and 5. The proposed development will differ in height, massing, materials and stepping between the three towers.

The proposed development will enhance the public realm by facilitating a pedestrian friendly environment thus implementing the goals of the City's Urban Official Plan ("OP"). The proposed development is transit-supportive and will optimize existing and planned infrastructure in the area. The Subject Lands are located within walking distance of a world class university, and provides desperately needed housing units to its faculty, staff and students. The proposed development is in accordance with good transit and pedestrian-oriented development principles that are stated objectives of both provincial and local policy.

Consistency with the Provincial Policy Statement 2020 ("PPS")

The proposed development is consistent with the PPS. The Subject Lands are within a settlement area, which is the focus of growth and intensification under the PPS. More specifically, the proposed development is consistent with the following policies in the PPS:

- Policy 1.1.1 which provides that healthy, livable and safe communities are sustained by efficient development and land use patterns that financially bear the Province and municipalities over the long term and accommodates an affordable and market based range and mix of residential housing types.
- Policy 1.1.3.2 which provides that land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources, are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion, and are transit-supportive, where transit is planned, exists or may be developed.
- Policy 1.1.3.2 which provides for appropriate and efficient use of infrastructure, public service facilities and support active and transit supportive transportation.
- Policy 1.1.3.3 which provides that planning authorities shall identify appropriate locations to promote opportunities for transit supportive development. These developments should accommodate a significant supply and range of housing options.
- Policy 1.1.3.4 which provides that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.
- Policy 1.4.1 which provides that in order to provide for an appropriate range and mix of housing options and densities planning authorities shall accommodate residential growth for a minimum of 15 years through intensification and redevelopment.
- Policy 1.4.3 which provides that planning authorities should provide for an appropriate range and mix of housing options and densities to meet projected market based and affordable housing needs of current and future residents.
- Policy 1.6.3(a) which provides that before consideration is given to developing new infrastructure and public service facilities the use of existing infrastructure and public service facilities should be optimized.

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- Policy 1.6.6.1 which provides that planning for sewage and water services shall accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing municipal sewage and water services.
- Policy 1.6.6.2 which provides that municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.
- Policy 1.6.7.2 which provides that efficient use should be made of existing and planned infrastructure.
- Policy 1.6.7.4 which provides that land use patterns density and a mix of uses should be promoted to minimize the length and number of vehicle trips.
- Policy 1.7.1 which provides that the City should optimize its long-term economic prosperity.
- Policy 1.8. which requires the City to encourage improved air quality, reduced greenhouse gas emissions, and prepare for the impacts of a changing climate through land use and development patterns.

Conformity with A Place to Grow: The Growth Plan, 2021 (“Growth Plan”)

The proposed development conforms with the following policies in the Growth Plan:

- Policy 1.2.1 which provides that development should achieve complete communities that are designed to support healthy active living and meet people’s needs for daily living throughout an entire lifetime.
- Policy 1.2.3 which provides that the policies of the Growth Plan represent minimum standards.
- Policy 2.1 which provides that, to support the achievement of complete communities, this Growth Plan establishes minimum intensification and density targets.
- Policy 2.1 which provides that it is important to optimize the use of the existing urban land supply as well as the existing building and housing stock to avoid over-designating land for future urban development while also providing flexibility for local decision-makers to respond to housing needs and market demand. The Growth Plan's emphasis on optimizing the use of the existing urban land supply represents an intensification first approach to development and city-building, one which focuses on making better use of our existing infrastructure and public service facilities, and less on continuously expanding the urban area.
- Policy 2.2.1.2(a) which provides that the “vast majority of growth will be directed to settlement areas that: i) have a delineated built boundary; ii) have existing or planned municipal water and wastewater systems; and iii) can support the achievement of complete communities”.
- Policy 2.2.1(3)(c) which provides direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the achievement of complete communities through a more compact built form.
- Policy 2.2.2(3)(d) which ensures that lands are zoned and development is designed in a manner that supports the achievement of complete communities.

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- Policy 2.2.1.4 which provides that the policies of the Growth Plan will support the achievement of complete communities.
- Policy 2.2.2.1 which provides that a minimum of 50% of all residential development within the City of Hamilton will be within the delineated built-up area.
- Policy 2.2.2.3 which requires all municipalities to develop a strategy that will achieve the minimum intensification targets.
- Policy 2.2.4.3(b) which provides that MTSAs will have a minimum density of 160 residents and jobs combined per hectare.
- Policy 2.2.1.3 (c) which provides that the city should manage forecasted growth in a way that provides direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors.
- Policy 2.2.4.9 which provides that within all MTSAs development should be supportive of reduced parking standards.
- Policy 2.2.4.10 which states that lands near future transit should be planned to be transit supportive.
- Policy 5.2.5(1) which provides that the minimum intensification and density targets in this Plan, including any alternative targets that have been permitted by the Minister, are minimum standards and municipalities are encouraged to go beyond these minimum targets, where appropriate, except where doing so would conflict with any policy of the Growth Plan, the PPS or any other provincial plan.

Conformity with the Urban Hamilton OP (“UHOP”)

Bearing in mind that the development proposes an amendment to the UHOP and thus strict adherence to the UHOP is not required, the proposed development nevertheless conforms with certain aspects of the UHOP. The Subject Lands are designated *Main Street Secondary Corridor* in the UHOP and are located steps away from McMaster University which is identified as a *Major Activity Centre*. The Subject Lands fall just adjacent to a *Primary Corridor*. The proposed development conforms with the following policies in the UHOP:

- Section B.2.4.1.3 b) which provides that Urban Corridors and Urban Nodes shall be planned to accommodate approximately 40% of the residential intensification.
- Section E.1.0 g) which provides that residential intensification should be focused in Urban Nodes and Urban Corridors.
- Section E.2.1 which provides for the development of nodes and corridors in the City by focusing redevelopment and activities that provide a vibrant pedestrian environment.
- Section E.2.1 a) which provides that Nodes and Corridors should be the focus of re-urbanization.
- Section E.2.1 d) which provides that Nodes and Corridors should evolve with higher residential densities and mixed use developments to achieve their planned functions and support transit.
- Section E.2.4.3 which provides that Urban Corridors shall be the location of higher density land uses including mixed uses where feasible.
- Section E.2.4.6 which provides that Urban Corridors shall function as commercial spines providing retail stores and commercial services that cater to the weekly and daily needs of residents.

The proposed development also complies with the following City-Wide Planning principles and Design Guidelines. These guidelines apply to roads that front arterial roads within 400m of a corridor.

- Section 4.11 provides that land assembly is encouraged in development to include design features that minimize the impact of new developments and, create opportunities for larger properties to front the main street.

Meets General Principles of Good Planning

The Subject Lands have been identified at the provincial, regional, and local level as an area where growth should be directed. The proposed development meets the general principles of good planning by contributing significantly to long-term, orderly growth and efficient use of services in a transit-oriented area.

Conclusion

For the forgoing reasons, and others to be provided at the hearing of the appeals, our client appeals its Official Plan Amendment and Zoning By-law Amendment Applications to the OLT. In support of the appeals please find enclosed the following documents:

1. The OLT Appeal Form A1 (completed);
2. A draft Official Plan Amendment;
3. A draft Zoning By-law Amendment; and
4. Our firm's cheque in the amount of \$2,200 payable to the Minister of Finance, Ontario, representing the OLT's appeal fees.

Our client requests that both appeals be heard together. By separate appeal letter our client is also appealing its Official Plan Amendment and Zoning By-law Amendment applications for its development at 17 Ewen Road, Hamilton. That property is adjacent to the Subject Lands. It would be efficient if the appeals of both properties were scheduled for the same first CMC as we suspect that many parties of one appeal will seek status in the other appeal. We are not asking that the appeals of the two properties be consolidated at this time; only that they be administratively joined for the purpose of the first CMC. Thank you.

[Signature page follows]



KAGAN SHASTRI DeMELO WINER PARK LLP

Ira T. Kagan

Enclos: Appeal Form (A1), Appeal Fee, Draft OPA, Draft ZBLA

Cc: Client

GSP Group Inc.

Please Reply to the:

Yorkville Office



Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5
Tel: 416-212-6349 | 1-866-448-2248
Web Site: olt.gov.on.ca

Appeal Form (A1)

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

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

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

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

Section 1 – Contact Information (Mandatory)

Applicant/Appellant/Objector/Claimant Information		
Last Name:		First Name:
Hendrie		Michael
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):		
2480545 Ontario Inc.		
Email Address:		
mhendrie@aventusdevelopments.com		
Daytime Telephone Number:		Alternative Telephone Number:
905-464-5209	ext.	

Appendix "C" to Report PED24066
Page 8 of 19

Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:
	1418	Ontario Street	
City/Town:	Province:	Country:	Postal Code:
Hamilton	Ontario	Canada	L7S 1G4

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Page 9 of 19

Representative Information				
X I hereby authorize the named company and/or individual(s) to represent me				
Last Name:		First Name:		
Kagan		Ira		
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):				
Kagan Shastri DeMelo Winer Park LLP				
Email Address:				
ikagan@ksllp.ca				
Daytime Telephone Number:			Alternative Telephone Number:	
416-368-2100	ext.	226	(437) 781-9549	
Mailing Address				
Unit Number:	Street Number:	Street Name:		P.O. Box:
	188	Avenue Road		
City/Town:	Province:	Country:	Postal Code:	
Toronto	Ontario	Canada	M5R 2J1	
<p>Note: If your representative is not licensed under the <i>Law Society Act</i>, please confirm that they have your written authorization, as required by the <i>OLT Rules of Practice and Procedure</i>, to act on your behalf and that they are also exempt under the Law Society's by-laws to provide legal services. Please confirm this by checking the box below.</p>				
<p>I certify that I understand that my representative is not licensed under the <i>Law Society Act</i> and I have provided my written authorization to my representative to act on my behalf with respect to</p> <p><input type="checkbox"/> this matter. I understand that my representative may be asked to produce this authorization at any time along with confirmation of their exemption under the Law Society's by-laws to provide legal services.</p>				

Location Information	
Are you the current owner of the subject property?	X Yes <input type="checkbox"/> No
Address and/or Legal Description of property subject to the appeal:	
1629, 1635, 1637 and 1655 Main Street West, Hamilton	
Municipality:	

**Appendix "C" to Report PED24066
Page 10 of 19**

Hamilton
Upper Tier (Example: county, district, region):
N/A

Language Requirements

Do you require services in French? Yes No

To file an appeal, please complete the section below. Complete one line for each appeal type

Subject of Appeal		Type of Appeal (Act/Legislation Name)	Reference (Section Number)
Example	Minor Variance	<i>Planning Act</i>	45(12)
1	Official Plan Amendment	<i>Planning Act</i>	22(7)
2	Zoning By-law Amendment	<i>Planning Act</i>	34(11)
3			
4			
5			

Section 2 – Appeal Type (Mandatory)

Please select the applicable type of matter

Select	Legislation associated with your matter	Complete Only the Section(s) Below
<input checked="" type="checkbox"/>	Appeal of <i>Planning Act</i> matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances	3A
<input type="checkbox"/>	Appeal of <i>Development Charges, Education Act, Aggregate Resources Act, Municipal Act</i> matters	3A
<input type="checkbox"/>	Appeal of or objection to <i>Ontario Heritage Act</i> matters under subsections 29, 30.1, 31, 32, 33, 40.1 and 41	3A

**Appendix "C" to Report PED24066
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<input type="checkbox"/>	Appeal of <i>Planning Act</i> (subsections 33(4), 33(10), 33(15), 36(3)), <i>Municipal Act</i> (subsection 223(4)), <i>City of Toronto Act</i> (subsection 129(4)) and <i>Ontario Heritage Act</i> (subsections 34.1(1), 42(6)) matters	3A & 3B
<input type="checkbox"/>	Appeal of <i>Clean Water Act</i> , <i>Environmental Protection Act</i> , <i>Nutrient Management Act</i> , <i>Ontario Water Resources Act</i> , <i>Pesticides Act</i> , <i>Resource Recovery and Circular Economy Act</i> , <i>Safe Drinking Water Act</i> , <i>Toxics Reduction Act</i> , and <i>Waste Diversion Transition Act</i> matters	4A
<input type="checkbox"/>	Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i>	4B
<input type="checkbox"/>	Appeal under the <i>Niagara Escarpment Planning and Development Act (NEPDA)</i>	5
<input type="checkbox"/>	Appeal of <i>Conservation Authorities Act</i> , <i>Mining Act</i> , <i>Lakes and Rivers Improvement Act</i> , <i>Assessment Act</i> , and <i>Oil, Gas and Salt Resources Act</i> matters	6
<input type="checkbox"/>	Legislation not listed above	Contact OLT before filing your appeal

Section 3A – Planning Matters

Appeal Reasons and Specific Information

Number of new residential units proposed:

583

Municipal Reference Number(s):

ZAC-20-042 & UHOPA-20-027

List the reasons for your appeal:

Please see attached letter

Appendix "C" to Report PED24066
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Has a public meeting been held by the municipality? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
For appeals of Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, please indicate if you will rely on one or more of the following grounds:
A: A decision of a Council or Approval Authority is:
<input type="checkbox"/> Inconsistent with the Provincial Policy Statement issued under subsection 3(1) of the <i>Planning Act</i> <input type="checkbox"/> Fails to conform with or conflicts with a provincial plan <input type="checkbox"/> Fails to conform with an applicable Official Plan
And
B: For a non-decision or decision to refuse by council:
<input checked="" type="checkbox"/> Consistency with the provincial policy statement, issued under subsection 3(1) of the <i>Planning Act</i> <input checked="" type="checkbox"/> Conformity with a provincial plan <input checked="" type="checkbox"/> Conformity with the upper-tier municipality's Official Plan or an applicable Official Plan
If it is your intention to argue one or more of the above grounds, please explain your reasons:
Please see attached letter

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

Related Matters
Are there other appeals not yet filed with the Municipality?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there other matters related to this appeal? (For example: A consent application connected to a variance application).
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, please provide the Ontario Land Tribunal Case Number(s) and/or Municipal File Number(s) for the related matters:

--

Section 3B – Other Planning Matters

Appeal Specific Information (Continued)

Date application submitted to municipality if known (yyyy/mm/dd):

--

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

--

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

--

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

Section 4A – Appeals under Environmental Legislation

Appeal Specific Information

Outline the grounds for the appeal and the relief requested:

--

Reference Number of the decision under appeal:

--

Portions of the decision in dispute:

--

**Appendix "C" to Report PED24066
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Date of receipt of Decision or Director's Order (yyyy/mm/dd):	
Applying for Stay? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, outline the reasons for requesting a stay: (Tribunal's Guide to Stays can be viewed here)	
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 4A Checklist(s) located here and submit all documents listed on the checklist.	

Section 4B – Environmental Application for Leave to Appeal

Are you filing an Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i> ? <input type="checkbox"/> Yes <input type="checkbox"/> No
Identify the portions of the instrument you are seeking to appeal:
Identify the grounds you are relying on for leave to appeal. Your grounds should include reasons why there is good reason to believe that no reasonable person, having regard to the relevant law and to any government policies developed to guide decisions of that kind could have made the decision; and why the decision could result in significant harm to the environment:
Outline the relief requested:

**Appendix "C" to Report PED24066
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There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 4B Checklist(s) located here and submit all documents listed on the checklist.

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

Appeal Specific Information

Development Permit Application File No:

Address or legal description of the subject property:

Reasons for Appeal: Outline the nature and reasons for your appeal. Specific planning, environmental and/or other reasons are required. (The Niagara Escarpment Plan is available on the Niagara Escarpment Commission's website (www.escarpment.org))

Section 6 – Mining Claim and Conservation Matters

Appeal Specific Information

List the subject Mining Claim Number(s) (for unpatented mining claims) and accompanying Townships, Areas and Mining Division(s) where mining claims are situated. List all "Filed Only" Mining Claims, if appropriate: (This is to be completed for *Mining Act* appeals only.)

**Appendix "C" to Report PED24066
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List the Parcel and the Property Identifier Numbers (PIN), if rents or taxes apply to mining lands, if appropriate (mining claims only):
Provide the date of the Decision of the Conservation Authority or the Provincial Mining Recorder, as appropriate:
Provide a brief outline of the reasons for your application/appeal/review. If other lands/owners are affected, please include that information in the outline being provided below:

Respondent Information			
Conservation Authority:			
Contact Person:			
Email Address:			
Daytime Telephone Number:		Alternative Telephone Number:	
	ext.		
Mailing Address or statement of last known address/general area they were living and name of local newspaper if address is not available			
Unit Number:	Street Number:	Street Name:	P.O. Box:
City/Town:	Province:	Country:	Postal Code:
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the <u>Section 6 Checklist(s)</u> located <u>here</u> and submit all documents listed on the checklist.			

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Section 7 – Filing Fee

Required Fee

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

Total Fee Submitted: \$2,200

Payment Method	<input type="checkbox"/>	Certified Cheque	<input type="checkbox"/>	Money Order	<input checked="" type="checkbox"/>	Lawyer's general or trust account cheque
	<input type="checkbox"/>	Credit Card				

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

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

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

Section 8 – Declaration (Mandatory)

Declaration

I solemnly declare that all the statements and the information provided, as well as any supporting documents, are true, correct and complete.

By signing this appeal form below, I consent to the collection of my personal information.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Ira Kagan		2024/02/08

Personal information or documentation requested on this form is collected under the authority of the *Ontario Land Tribunal Act* and the legislation under which the proceeding is commenced. All information collected is included in the Ontario Land Tribunal (OLT) case file and the public record in this proceeding. In accordance with the *Freedom of Information and Protection of Privacy Act* and section 9 of the *Statutory Powers Procedure Act*, all information collected is available to the public subject to limited exceptions.

Appendix "C" to Report PED24066
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We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator at OLT.Coordinator@ontario.ca or toll free at 1-866-448-2248 as soon as possible.

Section 9 – Filing Checklists (Mandatory)

Filing/Submitting your form and documentation

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

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

If the completed Section is:	You must file with the following:	
Section 3A	Municipality or the Approval Authority/School Board *If you are filing under the <i>Ontario Heritage Act</i> , including under s. 34.1(1) , please carefully review the specific section of that legislation to determine if your appeal needs to be filed with the Tribunal in addition to the Municipality or Approval Authority.	
Section 3A & 3B or Section 4A or Section 4B or Section 6	Ontario Land Tribunal 655 Bay Street, Suite 1500 Toronto, ON M5G 1E5	Phone: 416-212-6349 1-866-448-2248 Website: www.olt.gov.on.ca
Section 5	For the Areas of: Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara	For the Areas of: Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon)

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	<p align="center">City of Hamilton</p> <p align="center">File with:</p> <p align="center">NIAGARA ESCARPMENT COMMISSION</p> <p align="center">232 Guelph Street, 3rd Floor Georgetown, ON L7G 4B1</p> <p align="center">Phone: 905-877-5191 Fax: 905-873-7452</p> <p align="center">Website: www.escarpment.org Email: necgeorgetown@ontario.ca</p>	<p align="center">File with:</p> <p align="center">NIAGARA ESCARPMENT COMMISSION</p> <p align="center">1450 7th Avenue Owen Sound, ON N4K 2Z1</p> <p align="center">Phone: 519-371-1001 Fax: 519-371-1009</p> <p align="center">Website: www.escarpment.org Email: necowensound@ontario.ca</p>
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NOTE: Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal).

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



Hamilton

INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 30, 2024
SUBJECT/REPORT NO:	Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED24079) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Shannah Evans (905) 546-2424 Ext. 1928
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

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

INFORMATION

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

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

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

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

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

SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED24079) (City Wide) - Page 2 of 4

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

Attached as Appendix “A” to Report PED24079 is a table outlining the active Applications received prior to December 12, 2017, sorted by Ward, from oldest Application to newest. As of March 15, 2024, there were:

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

Within 60 to 90 days of March 15, 2024, all six development proposals have passed the applicable 120, 180 and 270 day statutory timeframes.

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

Attached as Appendix “B” to Report PED24079 is a table outlining the active applications received after December 12, 2017, but before Royal Assent of Bill 108, sorted by Ward, from oldest Application to newest. As of March 15, 2024, there were:

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

Within 60 to 90 days of March 15, 2024, all five development proposals have passed the applicable 150, 180 or 300 day statutory timeframes.

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

Attached as Appendix “C” to Report PED24079 is a table outlining the active applications received after September 3, 2019, and subject to the new statutory timeframes, sorted by Ward, from oldest application to newest. As of March 15, 2024, there were:

- 20 active Official Plan Amendment applications;
- 38 active Zoning By-law Amendment applications; and,

SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED24079) (City Wide) - Page 3 of 4

- 20 active Plan of Subdivision applications.

As of March 15, 2024, four development proposals are approaching the 90 or 120 day statutory timeframe and will be eligible for appeal. Forty-one (41) development proposals have passed the 90 or 120 day statutory timeframe.

Planning Division Active Files

Combined to reflect property addresses, there are 56 active development proposals. Four proposals are 2024 files (7%), 16 proposals are 2023 files (29%), 13 proposals are 2022 files (23%), and 23 proposals are pre-2022 files (41%).

Staff continue to work with the AMANDA Implementation Team to add enhancements to the database that will allow for the creation of more detailed reporting. As a result, future tables will include a qualitative analysis of the status of active Applications.

Furthermore, the long-term goal of the Planning Division is to make this information available on an interactive map accessed through the City of Hamilton website, and an e-mail system will provide notification of when a new Application is received.

Current Non-Decision Appeals to the Ontario Land Tribunal

At the February 2, 2021, Planning Committee meeting, Planning Committee requested that information be reported relating to development applications that have been appealed for non-decision to the Ontario Land Tribunal. Attached as Appendix "D" to Report PED24079 is a table outlining development applications, along with the applicant/agent, which have been appealed for non-decision to the Ontario Land Tribunal. There are currently 24 active appeals for non-decision of which one is a rezoning application, one is a subdivision application, six are a combined official plan and rezoning application, and 17 are combined official plan, rezoning and subdivision applications. Third party appeals are not included in this information as Council has made a decision to approve the application.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED24079 - List of Active Development Applications (prior to December 12, 2017)

Appendix "B" to Report PED24079 - List of Active Development Applications (after December 12, 2017, but before September 3, 2019)

Appendix "C" to Report PED24079 - List of Active Development Applications (after September 3, 2019)

**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment, and
Plan of Subdivision Applications (PED24079) (City Wide) - Page 4 of 4**

Appendix "D" to Report PED24079 - *Planning Act* Applications Currently Appealed
for Non-Decision to the Ontario Land Tribunal

SE:sd

Appendix "A" to Report PED24079
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Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective March 15, 2024)

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of March 15, 2024
Ward 7									
UHOPA-17-31 ZAC-17-071	1625 - 1655 Upper James Street, Hamilton	27-Sep-17	n/a	02-Oct-17	25-Jan-18	n/a	24-Jun-18	MB1 Development Consulting Inc.	2417
Ward 9									
UHOPA-16-26 ZAC-16-065 25T-201611	478 and 490 First Road West, Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	2737
UHOPA-16-27 ZAC-16-066 25T-201612	464 First Road West, Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	n/a	09-Jul-17	T. Johns Consultants Inc.	2737
Ward 10									
ZAC-15-040	9 Glencrest Avenue, Stoney Creek	02-Jul-15	n/a	17-Jul-15	30-Oct-15	n/a	n/a	WEBB Planning Consultants Inc.	3205

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective March 15, 2024)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of March 15, 2024
Ward 12									
ZAC-16-006	285, 293 Fiddlers Green Road, Ancaster	23-Dec-15	n/a	06-Jan-16	21-Apr-16	20-Jun-16	n/a	Liam Doherty	3031
ZAC-17-062 25T-201709	45 Secinaro Avenue, Ancaster	28-Jul-17	n/a	01-Aug-17	25-Nov-17	n/a	n/a	T. Johns Consultants Inc.	2448

Active Development Applications

- When an Application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 120, 180 and 270 day timeframe commences on the date the new materials were submitted. In all other situations, the 120, 180 and 270 day timeframe commences the day the Application was received.

* In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment Applications by 90 days from 180 days to 270 days. However, Applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 180 statutory timeframe.

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective March 15, 2024)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/Agent	Days since Received and/or Deemed Complete as of March 15, 2024
Ward 2									
ZAR-19-008	124 Walnut Street South, Hamilton	21-Dec-18	n/a	18-Jan-19	20-May-19	n/a	n/a	IBI Group	1937
Ward 11									
UHOPA-18-016* ZAC-18-040 25T-2018007	9511 Twenty Road West, Glanbrook	10-Jul-18	n/a	15-Aug-18	n/a	06-Jan-19	06-May-19*	Corbett Land Strategies	2101
Ward 12									
ZAC-18-048 25T-2018009	387, 397, 405 and 409 Hamilton Drive, Ancaster	09-Sep-18	n/a	28-Sep-18	06-Feb-19	08-Mar-19	n/a	Fothergill Planning & Development Inc.	2040
Ward 14									
ZAC-19-011	1193 Old Mohawk Road, Ancaster	12-Dec-18	n/a	10-Jan-19	11-May-19	n/a	n/a	Urban Solutions Planning & Land Development	1946

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective March 15, 2024)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/Agent	Days since Received and/or Deemed Complete as of March 15, 2024
Ward 15									
RHOPA-18-020* ZAC-18-045	173 and 177 Dundas Street East, Flamborough	23-Jul-18	n/a	15-Aug-18	n/a	n/a	19-May-19*	MHBC Planning Limited	2082

Active Development Applications

1. When an Application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 150, 180, 210 and 300 day timeframe commences on the date the new materials were submitted. In all other situations, the 150, 180, 210 and 300 day timeframe commences the day the Application was received.
- * In accordance with Section 34 (11.0.0.0.1), of the *Planning Act*, the approval period for Zoning By-law Amendment Applications submitted concurrently with an Official Plan Amendment, will be extended to 210 days.
- * In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment Applications by 90 days from 210 days to 300 days. However, Applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 210 statutory timeframe.

**Appendix “C” to Report PED24079
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**Active Development Applications
Deemed Complete After September 3, 2019
(Effective March 15, 2024)**

File	Address	Date Received	Date¹ Deemed Incomplete	Date¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of March 15, 2024
Ward 1								
UHOPA-17-036 ZAC-17-036	644 Main Street West, Hamilton (in abeyance)	01-Nov-17	n/a	23-Nov-17	n/a	01-Mar-17	Urban Solutions Planning & Land Development	2281
Ward 2								
UHOPA-21-007 ZAC-21-014	101 Hunter Street East, Hamilton	23-Mar-21	n/a	8-Apr-21	n/a	21-Jul-21	Coletara Developments	1101
UHOPA-23-012 ZAC-23-027	175 John Street N, Hamilton	19-Dec-22	n/a	30-Jan-23	n/a	18-Apr-23	Philip Alaimo	450
ZAC-23-019	117 Forest Avenue, Hamilton	23-Dec-22	n/a	17-Jan-23	23-Mar-23	n/a	Urban Solutions Planning & Land Development	446
ZAC-23-029 25T-202303	215 King Street W, Hamilton	23-Dec-22	n/a	2-Feb-23	n/a	22-Apr-23	Arcadis IBI Group	446
UHOPA-23-014 ZAC-23-031	118 King St W., Hamilton	15-Dec-22	n/a	22-Feb-23	n/a	14-Apr-23	Arcadis IBI Group	454

Appendix “C” to Report PED24079
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Active Development Applications
Deemed Complete After September 3, 2019
(Effective March 15, 2024)

File	Address	Date Received	Date¹ Deemed Incomplete	Date¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of March 15, 2024
Ward 3								
ZAC-22-049	338 Cumberland Avenue, Hamilton	20-July-22	n/a	20-July-22	18-Oct-22	n/a	Urban Solutions Planning & Land Development	603
Ward 5								
UHOPA-22-016 ZAC-22-030	399 Greenhill Avenue, Stoney Creek	26-Apr-22	n/a	27-Apr-22	n/a	28-July-22	Bousfields Inc.	687
25T-202305	75 Centennial Parkway North, Hamilton	23-Aug-23	n/a	6-Sep-23	n/a	21-Dec-23	Bousfields Inc.	203
ZAC-23-023	2481 Barton Street East, Hamilton	22-Dec-22	n/a	19-Jan-23	22-Mar-23	n/a	GSP Group Inc.	447
UHOPA-23-013 ZAC-23-028 25T-85033R	117 Nashville Circle, Stoney Creek	23-Dec-22	n/a	22-Feb-23	n/a	22-Apr-23	Bousfields Inc.	446
UHOPA-24-001 ZAC-24-004	140 Glen Echo Drive, Hamilton	5-Jan-24	n/a	11-Jan-24	n/a	4-May-24	MHBC Planning Ltd.	70
Ward 6								
ZAC-22-037 25T-202207	61 Eleanor Avenue, Hamilton	13-June-22	n/a	15-June-22	n/a	12-Oct-22	A.J. Clarke & Associates Ltd.	650

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Active Development Applications
Deemed Complete After September 3, 2019
(Effective March 15, 2024)

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of March 15, 2024
Ward 6 Continued								
ZAC-23-009	1280 Rymal Road East, Hamilton	15-Dec-22	n/a	6-Jan-23	15-Mar-23	n/a	Fothergill Planning & Development Inc.	455
Ward 7								
ZAC-22-016	48 Miles Road, Hamilton	25-Jan-22	n/a	10-Feb-22	25-Apr-22	n/a	IBI Group	762
Ward 8								
UHOPA-20-017 ZAC-20-029 25T-202003	393 Rymal Road West, Hamilton	20-Jul-20	n/a	19-Aug-20	n/a	17-Nov-20	GSP Group Inc.	1352
ZAC-21-029 25T-202108	204, 212, 220, 226 Rymal Road West, Hamilton	05-July-21	n/a	09-Aug-21	n/a	02-Nov-21	T. Johns Consulting Group	976
ZAC-22-024 25T-202204	1456-1460 Upper James Street, Hamilton	28-Mar-22	n/a	08-Apr-22	n/a	26-Jul-22	A.J. Clarke & Associates	717
UHOPA-23-004 ZAC-23-005	1550 Upper James Street, Hamilton	24-Nov-22	n/a	9-Dec-22	n/a	24-Mar-23	Arcadis IBI Group	476

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**Active Development Applications
Deemed Complete After September 3, 2019
(Effective March 15, 2024)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of March 15, 2024
Ward 8 Continued								
ZAC-23-014	253 & 259 Limeridge Road West, Hamilton	22-Dec-22	n/a	18-Jan-23	22-Mar-23	n/a	Urban Solutions Planning & Land Development	447
Ward 9								
ZAC-22-001	2153, 2155, and 2157 Rymal Road East, Stoney Creek	4-Nov-21	n/a	n/a	2-Feb-22	n/a	Weston Consulting	860
ZAC-22-029 25T-202206	481 First Road W., Stoney Creek	22-Apr-22	n/a	n/a	n/a	24-Jul-22	Kuok Kei Hong	693
25T-202304	157 Upper Centennial Parkway, Stoney Creek	22-Dec-22	n/a	11-Apr-23	n/a	11-Aug-23	MHBC Planning Ltd.	447
UHOPA-23-007 ZAC-23-017	2070 Rymal Road East, Stoney Creek	22-Dec-22	n/a	17-Jan-23	n/a	21-Apr-23	Bousfields Inc.	447
UHOPA-23-11 ZAC-23-026	196-202 Upper Mount Albion Road, Stoney Creek	9-Dec-22	n/a	24-Jan-23	n/a	8-Apr-23	NPG Planning Solutions	460
UHOPA-24-002 ZAC-24-006	1866 Rymal Road East, Hamilton	21-Feb-24	n/a	21-Feb-24	n/a	22-Jun-24	MasriO Inc.	23

Appendix “C” to Report PED24079
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Active Development Applications
Deemed Complete After September 3, 2019
(Effective March 15, 2024)

File	Address	Date Received	Date¹ Deemed Incomplete	Date¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of March 15, 2024
Ward 10								
UHOPA-21-006 ZAC-21-011	582 and 584 Hwy. 8, Stoney Creek	08-Feb-21	n/a	08-Mar-21	n/a	21-Jul-21	SIMNAT Consulting Inc.	1157
UHOPA-22-020 ZAC-22-046 25T-202208	220 McNeilly Road, Hamilton	8-July-22	n/a	22-July-22	n/a	5-Nov-22	T. Johns Consulting Group	615
ZAC-23-004	48 Jenny Court	29-Nov-22	n/a	4-Jan-23	27-Feb-23	n/a	T. Johns Consulting Group	471
Ward 11								
UHOPA-21-008 ZAC-21-018 25T-202106	9555 Airport Road West, Hamilton	15-Apr-21	n/a	27-Apr-21	n/a	13-Aug-21	A.J. Clarke & Associates Ltd.	1053
UHOPA-22-008 ZAC-22-017 25T-202202	3054 Homestead Drive, Hamilton	27-Jan-22	n/a	10-Feb-22	n/a	25-May-22	Urban Solutions Planning & Land Development	779
UHOPA-22-014 ZAC-22-027 25T-202205	2876 Upper James Street, Glanbrook	05-Apr-22	n/a	05-Apr-22	n/a	03-Aug-22	Rice Group	709
ZAC-22-055	2640 Binbrook Road, Glanbrook	16-Aug-22	n/a	18-Aug-22	14-Nov-22	n/a	IBI Group	576

**Appendix “C” to Report PED24079
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**Active Development Applications
Deemed Complete After September 3, 2019
(Effective March 15, 2024)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of March 15, 2024
Ward 11 Continued								
25T-202203	9451 Dickenson Road West, Glanbrook	11-Nov-21	10-Dec21	20-Dec-21	n/a	11-Mar-22	Korsiuk Urban Planning	853
ZAR-24-005	560 Grays Road, Hamilton	13-Feb-24	n/a	13-Feb-24	13-May-24	n/a	Arcadis IBI Group	31
Ward 12								
UHOPA-20013 ZAC-20-017	210 Calvin Street, Ancaster	18-Feb-20	04-Mar-20	11-Jun-20	n/a	09-Oct-20	SGL Planning & Design Inc.	1399
25T-202102	370 Garner Road East, Ancaster	18-Dec-20	n/a	22-Jan-21	n/a	17-Apr-21	A.J. Clarke & Associates Ltd.	1209
25T-202105	700 Garner Road East, Ancaster	18-Jan-21	n/a	04-Feb-21	n/a	18-May-21	MHBC Planning Ltd.	1178
UHOPA-21-022 ZAC-21-047	559 Garner Road East, Ancaster	15-Oct-21	n/a	20-Oct-21	n/a	12-Feb-22	Urban Solutions Planning and Land Development	880
ZAC-23-010	299 Fiddlers Green Road, Ancaster	19-Dec-22	n/a	6-Jan-23	19-Mar-23	n/a	Wellings Planning Consultants	451

**Appendix “C” to Report PED24079
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**Active Development Applications
Deemed Complete After September 3, 2019
(Effective March 15, 2024)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of March 15, 2024
Ward 13								
25T-202401	1524 Kirkwall Road, Flamborough	26-Jan-24	n/a	9-Feb-24	n/a	25-May 24	Carson Reid Homes Ltd.	49
Ward 14								
ZAC-23-016 25T-2023013	760 Stone Church Road East, Hamilton	19-Dec-22	n/a	19-Jan-23	n/a	18-Apr-23	A.J. Clarke & Associates	450
Ward 15								
ZAC-20-006	518 Dundas Street East, Dundas	23-Dec-19	n/a	22-Jan-20	n/a	21-Apr-20	Urban Solutions Planning and Land Development	1543
UHOPA-21-003 ZAC-21-007 25T-202103	562 Dundas Street East, Flamborough	23-Dec-20	n/a	08-Feb-21	n/a	22-Apr-21	Metropolitan Consulting Inc.	1177
25T-201507R	74 Parkside Drive, Flamborough	11-Aug-22	n/a	18-Aug-22	n/a	17-Oct-22	IBI Group	581

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective March 15, 2024)**

Active Development Applications

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

Appendix "D" to Report PED24079

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**Planning Act Applications
Currently Appealed for Non-Decision to the
Ontario Land Tribunal (Effective March 15, 2024)**

	Address	Applicant /Agent	Date Appeal Received
Ward 1			
1	200 Market Street, 55 Queen Street North, Hamilton	GSP Group	January 2024
2	1629-1655 Main Street West, Hamilton	GSP Group	February 2024
3	17 Ewen Road, Hamilton	GSP Group	February 2024
Ward 2			
4	299-307 John Street South, Hamilton	Urban Solutions Planning & Land Development Consultants Inc.	November 2021
5	117 Jackson Street East, Hamilton	Bousfields Inc.	September 2023
6	65 Guise Street, Hamilton	WEBB Planning Consultants Inc.	January 2024
Ward 4			
7	1284 Main Street East, Hamilton	GSP Group	August 2023
Ward 5			
8	651 Queenston Road, Hamilton	A.J. Clarke & Associates Ltd	September 2022
9	2900 King Street East, Hamilton*	Urban Solutions Planning & Land Development Consultants Inc.	November 2022

Appendix "D" to Report PED24079

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**Planning Act Applications
Currently Appealed for Non-Decision to the
Ontario Land Tribunal (Effective March 15, 2024)**

	Address	Applicant /Agent	Date Appeal Received
Ward 7			
10	499 Mohawk Road East, Hamilton	Urban Solutions Planning & Land Development Consultants Inc.	August 2023
11	544 and 550 Rymal Road East, Hamilton	Rymal East Development Corp.	July 2023
Ward 9			
12	157 Upper Centennial Parkway, Stoney Creek	WEBB Planning Consultants Inc.	September 2017
13	1065 Paramount Drive, Stoney Creek	Arcadis IBI Group	January 2024
Ward 10			
14	1036, 1038, 1054, 1090 Barton Street, and 262 McNeilly Road, Stoney Creek	Glen Schnarr & Associates Inc.	November 2021
15	526 Winona Road, Stoney Creek	Urban Solutions Planning & Land Development Consultants Inc.	June 2022
16	1400 South Service Road, Stoney Creek	MHBC Planning Ltd.	November 2023

Appendix "D" to Report PED24079

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**Planning Act Applications
Currently Appealed for Non-Decision to the
Ontario Land Tribunal (Effective March 15, 2024)**

	Address	Applicant /Agent	Date Appeal Received
Ward 12			
17	140 Garner Road, Ancaster	Urban Solutions Planning and Land Development Consultants Inc.	February 2022
18	509 Southcote Road, Ancaster	Urban Solutions Planning and Land Development Consultants Inc.	June 2023
19	140 & 164 Sulphur Springs Road, Ancaster	Fothergill Planning & Development Inc.	July 2023
20	487 Shaver Road, Ancaster*	GSP Group	July 2023
21	1225 Old Golf Links Road, Ancaster	A.J. Clarke & Associates Ltd	December 2023
Ward 14			
22	801-870 Scenic Drive, Hamilton	Valery Developments Inc.	May 2021
Ward 15			
23	111 Silverwood Drive (111 Parkside Drive, Flamborough (Waterdown))	Metropolitan Consulting Inc.	October 2017
24	30, 36 and 42 Dundas Street East, 50 Horseshoe Crescent, and 522 Highway 6, Flamborough	MHBC Planning	August 2021

* The OLT Hearing has taken place and awaiting a decision to be issued.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 30, 2024
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands Located at 560 Grays Road, Stoney Creek (PED24085) (Ward 10)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	Michael Fiorino (905) 546-2424 Ext. 4424
SUBMITTED BY:	Anita Fabac Acting Director of Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Amended Zoning By-law Amendment Application ZAC-24-005, by Arcadis (c/o Jared Marcus) on behalf of Rose (Grays) Inc., Owners**, for a further modification to the Multiple Residential “RM3-58” Zone, Modified, to permit four blocks of four storey multiple dwellings with a total of 94 dwelling units, including 110 surface parking spaces inclusive of 16 visitor parking spaces, for lands located at 560 Grays Road, Stoney Creek, as shown on Appendix “A” attached to Report PED24085, be **APPROVED** on the following basis:

- (a) That the draft By-law attached as Appendix “B” to Report PED24085, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and complies with the Urban Hamilton Official Plan.

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 560 Grays Road, Stoney Creek (PED24085) (Ward 10) - Page 2 of 11

EXECUTIVE SUMMARY

The subject property is municipally known as 560 Grays Road and is bounded by Grays Road to the west, Frances Avenue to the north, Parkedge Drive (formerly Drakes Drive) to the east, and North Service Road to the south (see Appendix “A” attached to Report PED24085).

The purpose of the Zoning By-law Amendment is for a further modification to the Multiple Residential “RM3-58” Zone, to permit the lands to be developed with four blocks of four storey multiple dwellings with a total of 94 dwelling units, including 110 surface parking spaces inclusive of 16 visitor parking spaces.

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

- It is consistent with the Provincial Policy Statement (2020);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the Urban Hamilton Official Plan in particular, the function, scale, and design of the “Neighbourhoods” designation;
- The proposal represents good planning by, among other considerations, providing a compatible residential development that contributes to a complete community through the establishment of housing forms that are in keeping with existing and planned development in the surrounding area; and,
- The proposed development of four blocks of four storey multiple dwellings with a total of 94 units is an efficient use of land that provides intensification in an area supported by the planned public road network and makes efficient use of existing infrastructure within the urban boundary.

Alternatives for Consideration – See Page 11

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold a public meeting to consider an application for a Zoning By-law Amendment application. In accordance with Section 34(10.12), if the City makes a decision on a Zoning By-law Amendment within 90 days after the receipt of the application, the City shall not refund the fee.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 560 Grays Road, Stoney Creek (PED24085) (Ward 10) - Page 3 of 11

HISTORICAL BACKGROUND

The subject lands are bounded by Grays Road to the west, Frances Avenue to the north, Parkedge Drive (formerly Drakes Drive) to the east, and North Service Road to the south (see Appendix “A” attached to Report PED24085). The subject site is presently vacant.

The site was subject to three previous Official Plan and Zoning By-law Amendment applications as a result of different proposed development concepts. The details of each of the previous applications are summarized below.

Official Plan Amendment Application (OPA-12-010) and Zoning By-law Amendment Application (ZAC-12-027)

The site was subject to an Official Plan Amendment application (OPA-12-010) and Zoning By-law Amendment application (ZAC-12-027) in 2012 to permit 36 townhouse units on a private condominium road. Site servicing concerns were identified at that time with the determination that the proposed servicing strategy had not demonstrated adequate sustainable services for the number of proposed units. An appeal was filed by the applicant to the Ontario Land Tribunal for a lack of decision. It was subsequently established through further analysis and discussion that site servicing for the proposed development could be appropriately addressed. The appeal was withdrawn and a revised development proposal with a new Zoning By-law Amendment application was submitted in December 2015, being application ZAC-16-008.

Zoning By-law Amendment Application (ZAC-16-008)

The purpose of the Zoning By-law Amendment application (ZAC-16-008) was to remove the portion of the subject lands located within the City of Hamilton Zoning By-law No. 6593 and add the lands to the City of Stoney Creek Zoning By-law No. 3692-92, and to rezone the entirety of the property to the Medium Density Residential “RM3” Zone, with site specific modifications to permit the development of a four storey building containing 106 dwelling units.

Council passed By-law No. 16-227 on August 12, 2016. The decision was appealed to the Ontario Land Tribunal by a neighbourhood community group, but the appeal was subsequently withdrawn.

Zoning By-law Amendment Application (ZAC-18-017)

The applicant applied for a Zoning By-law Amendment to further modify the Multiple Residential “RM3-58” Zone to permit the development of a six storey multiple dwelling with a L-shaped orientation, adjacent to Grays Road and North Service Road that

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 560 Grays Road, Stoney Creek (PED24085) (Ward 10) - Page 4 of 11

terminated with a four storey portion adjacent to Frances Drive and the existing residential development to the north. A total of 151 dwelling units with 191 underground and 58 surface parking spaces were proposed.

An additional modification was added to establish a 14 metre setback adjacent to North Service Road to comply with Ministry of Transportation requirements and access to the proposed development was to be via Parkedge Drive (formerly Drakes Drive). Council passed By-law No. 19-014 on January 19, 2019.

Site Plan Control Application (DA-19-056)

The applicant applied for a Site Plan Control application (DA-19-056) to develop the subject lands with a six storey multiple dwelling having 151 dwelling units with 191 underground and 58 surface parking spaces in accordance with By-law No. 19-014. The applicant received Conditional Approval on August 22, 2019; however, Final Approval has not been issued to date.

Application Details	
Owner:	Rose (Grays) Inc.
Applicant/Agent:	Arcadis (c/o Jared Marcus)
File Number:	ZAC-24-005
Type of Applications:	Zoning By-law Amendment
Proposal:	<p>The purpose of the Zoning By-law Amendment is to further modify the Multiple Residential "RM3-58" Zone.</p> <p>The purpose of the application is to facilitate the development of four blocks of four storey multiple dwellings (stacked back-to-back townhouses) with a total of 94 dwelling units, with 110 surface parking spaces inclusive of 16 visitor parking spaces. The proposed development will have vehicular access from Parkedge Drive with the dwellings located along the perimeter of subject lands, providing a 139 square metre central amenity area. The proposed development will result in the extension of municipal sidewalks along Frances Avenue and Parkedge Drive and will contribute to the pedestrian connection internal to the subject lands and to the existing neighbourhood to the north.</p>
Property Details	
Municipal Address:	560 Grays Road, Stoney Creek
Lot Area:	± 1.07 ha (generally rectangular).

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 560 Grays Road, Stoney Creek (PED24085) (Ward 10) - Page 5 of 11

Property Details	
Servicing:	Existing full municipal services.
Existing Use:	Vacant.
Documents	
Provincial Policy Statement:	The proposal is consistent with the Provincial Policy Statement (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	"Neighbourhoods" on Schedule E-1 – Urban Land Use Designations.
Zoning Existing:	Multiple Residential "RM3-58" Zone, Modified
Zoning Proposed:	Multiple Residential "RM3-58" Zone, Modified
Modifications Proposed:	<p>The following additional modifications are proposed to the Multiple Residential "RM3-58 Zone in Zoning By-law No 3692-92:</p> <ul style="list-style-type: none"> • To modify the definitions of Dwelling Group and add Dwelling – Stacked Back-to-Back Townhouse; • To permit Stacked Back-to-Back Townhouse dwellings; • To reduce the front yard setback from 7.5 metres to 2.0 metres; • To reduce the side yard setbacks from 9.0 metres to 2.0 metres; • To increase the rear yard setbacks from 6.0 metres to 14.0 metres; • To reduce the minimum distance between buildings on the same lot from 15 metres, except 3 metres between end walls and 9 metres between an end wall and a rear wall to 8.0 metres; • To increase the maximum density from 40 units per hectare to 99 units per hectare; • To increase the maximum building height from 11.0 metres to 15.0 metres; • To reduce the minimum privacy area depth from 4.5 metres to 1.5 metres; • To reduce the minimum required landscape area from 50 percent to 37 percent; • To remove the requirement for landscaping adjacent to the portion of the lot abutting the hypotenuse of the daylight triangle; and, • To reduce the minimum distance of a parking space to a lot line from 3.0 metres to 1.4 metres.

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 560 Grays Road, Stoney Creek (PED24085) (Ward 10) - Page 6 of 11

Documents	
Modifications Proposed: (Continued)	<ul style="list-style-type: none"> To reduce the minimum distance of a parking space to a dwelling unit from 5.0 metres to 2.0 metres; To permit an increase in height for an accessory structure from 4.5 metres to 6.0 metres; To reduce the minimum yard from the hypotenuse of the daylight triangle of Frances Avenue and Parkedge Drive from 3.0 metres to 2.0 metres; and, To require one parking space and 0.15 visitor parking space for each Stacked Back-to-Back Townhouse Dwelling unit. <p>The previous modifications made through By-law No. 19-014 for Apartment Dwellings are being maintained through this amendment.</p>
Processing Details	
Received:	February 13, 2024.
Deemed Complete	February 13, 2024.
Notice of Complete Application:	Sent to 40 property owners within 120 metres of the subject property on March 1, 2024.
Public Notice Sign:	Posted on March 7, 2024.
Notice of Public Meeting:	Sent to 40 property owners within 120 metres of the subject property on April 19, 2024.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix "E" attached to Report PED24085.
Public Consultation:	<p>The following Public Consultation was completed for the proposed development:</p> <ul style="list-style-type: none"> Neighbourhood Open House meeting was held on November 20, 2023, to present the proposed development to the public; Residences within 120 metres of the subject property were notified through individual notice dated November 7, 2023, which were hand delivered to each residence; Presentation boards were displayed identifying various aspects, including the Concept Plan and development statistics, elevations, land use designation, zoning, and the surrounding context; and, Three people signed in however, five residents were in attendance, and all submitted a comment sheet.

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 560 Grays Road, Stoney Creek (PED24085) (Ward 10) - Page 7 of 11

Processing Details	
Public Consultation: (Continued)	Residents' concerns were summarized and were categorized including drainage, amenity area, parking, traffic, transit, timing of construction and snow removal (see Appendix "G" attached to Report PED24085).
Public Comments:	Staff received one e-mail expressing concern with the proposed Zoning By-law Amendment (attached as Appendix "G" to Report PED24085).
Processing Time:	78 days from receipt of application.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Vacant	Medium Density Residential "RM3-58" Zone, Modified

Surrounding Land Uses:

North	Single Detached Dwellings and Street Townhouse Dwellings	Low Density Residential (R1) Zone and Low Density Residential – Small Lot (R1a) Zone
South	Queen Elizabeth Way and Business Park on the south side of the highway	Prestige Business Park (M3, 361) Zone
East	Vacant Lands	Community Commercial (C3) Zone
West	Parkland (Confederation Park)	City Wide Park (P3) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Framework

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

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 560 Grays Road, Stoney Creek (PED24085) (Ward 10) - Page 8 of 11

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

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

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

Urban Hamilton Official Plan

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

The intent of the "Neighbourhoods" designation is to develop neighbourhoods as complete communities. The proposal meets the intent by adding to the range of residential dwelling types and supports residential intensification in an appropriate location. The proposed four storey multiple dwellings are a compatible use within a neighbourhood primarily consisting of single detached dwellings and is considered a compatible form of intensification. The layout includes clear and convenient connections with the adjacent neighbourhood and considers the use of a private road to further promote a compact development that is compatible with the existing and future land uses in the area.

The Urban Hamilton Official Plan describes "Medium Density Residential" as multiple dwellings on the periphery of neighbourhoods adjacent to minor arterial roads with a maximum height of six storeys. The subject lands are located along North Service Road (Minor Arterial Road), along the periphery of the neighbourhood.

A Functional Servicing Report and a Stormwater Management Report were submitted in support of the application. Development Engineering staff are supportive of the Zoning By-law Amendment from a servicing perspective. Development Engineering staff will require an External Works Agreement with the City and obtain an Environmental Compliance Approval and Form 1 approval with the Province and Hamilton Conservation Authority. All further detailed design for domestic water usage and

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 560 Grays Road, Stoney Creek (PED24085) (Ward 10) - Page 9 of 11

Required Fire Flow (RFF) calculations will be addressed at the future Site Plan Control application through final design of the proposed buildings.

Trees have been identified within the subject property and are proposed to be removed as part of the development. A total of 38 of the 42 trees on site are proposed to be removed. The decision to retain trees is to be based on vigour, condition, aesthetics, age, and species. Many of these trees are undesirable species or are in very poor health. While it is recognized that there is limited opportunity to retain and preserve trees on site, staff are of the opinion that due to the condition, aesthetics, age, and species, the removal of undesirable vegetation and new plantings of native species will be of the most benefit to the subject property and the surrounding area.

Furthermore, the subject property has frontage on four sides of the property and Core Areas are located across the street to the east (Grays Road) and west Parkedge Drive). The property is in a location which provides temporary refuge for migratory birds. Staff have not approved the Tree Protection Plan but recommend that compensation should be addressed through the Landscape Plan at the future Site Plan Control stage. With the subject property located across the street from two Core Areas on the east and west, staff advise that although a Vegetation Protection Zone is not required, it is imperative to ensure quality compensation plantings and that compensation be of native species which contributes to the overall quality and diversity of species found within the City.

Transportation Planning have reviewed the revised Transportation Impact Study, prepared by C.F. Crozier & Associates Inc. dated January 2024, and have determined that the revised study and proposal will result in a minimal impact and can be supported without concern as network improvements are scheduled to the intersection of North Service Road and Parkedge Drive. Additional recommendations include increasing the minimum driveway access width to 7.5 metres at the property line and the extension of the sidewalk along the entire frontage of Parkedge Drive to North Service Road. Staff are satisfied the proposed revisions can be accommodated and the above noted requirements and detailed design will be addressed through the future Site Plan Control stage.

Based on the policy analysis provided in Appendix "D" attached to Report PED24085 and the foregoing, the proposal complies with the Urban Hamilton Official Plan.

Lakeshore Neighbourhood Plan

The previous application amended the Lakeshore Neighbourhood Plan from "Medium Density Residential" to "High Density Residential". The "High Density Residential" designation would contemplate the proposed development and therefore the proposal conforms to the Lakeshore Neighbourhood Plan.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 560 Grays Road, Stoney Creek (PED24085) (Ward 10) - Page 10 of 11

City of Stoney Creek Zoning By-law No. 3692-92

The purpose of the Zoning By-law Amendment is for a further modification to the Multiple Residential “RM3-58” Zone. The effect of this Zoning By-law Amendment is to permit the development of four blocks of four storey multiple dwellings with a total of 94 dwelling units, 110 surface parking spaces inclusive of 16 visitor parking spaces.

The applicant is seeking to repeal and replace the previous site specific provisions of By-law No.19-014. Staff have amended the application to append further modifications to the existing site specific zoning regulations and not repeal the existing site specific modifications to the Multiple Residential “RM3-58” Zone, Modified. The amended application will enable the proposal for four blocks of four storey multiple dwellings in addition to recognizing the previous approval for a multiple dwelling.

The Multiple Residential “RM3” Zone does permit various medium density uses however, the specific built form of the proposed stacked back-to-back townhouse dwelling (multiple dwelling) is not captured by the various dwelling definitions in the Stoney Creek Zoning By-law No. 3692-92. Therefore, a Zoning By-law Amendment is required to allow the use and establish specific built form standards. The additional modifications to the Multiple Residential “RM3-58” Zone, Modified, required to facilitate the stacked back-to-back townhouse (multiple) dwellings are summarized in the report Fact Sheet above and further discussed in Appendix “F” attached to Report PED24085.

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 function, scale, and design of the “Neighbourhoods” designation, and supports residential intensification by introducing compact housing forms to the area; and,
 - (iii) The proposal represents good planning by providing, among other things, a compatible residential development that contributes to a complete community through the establishment of additional housing forms that are in keeping with existing and planned land uses and development in the surrounding area, while making efficient use of a vacant parcel of land that ensures land, municipal services, and transportation systems are used efficiently.

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 560 Grays Road, Stoney Creek (PED24085) (Ward 10) - Page 11 of 11

2. Zoning By-law Amendment

The Zoning By-law Amendment application is for further modifications to the Multiple Residential “RM3-58” Zone, Modified, to permit the development of four blocks of four storey multiple dwellings with a total of 94 dwelling units, including 110 surface parking spaces inclusive of 16 visitor parking spaces.

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 “D” attached to Report PED24085.

The proposed site layout and building design demonstrates compatible residential intensification with the surrounding area, supports the objectives outlined in the Urban Hamilton Official Plan, and provides a range of dwelling types and densities to support the creation of complete communities (see Appendix “C” attached to Report PED24085). The proposed development along the periphery of the neighbourhood will transition to the existing residences internal to the neighbourhood to the north and east of the subject lands. Staff have reviewed the proposal and determined that it complies with the Urban Hamilton Official Plan and that the modifications to the Stoney Creek Zoning By-law No. 3692-92 can be supported. An analysis of the site specific modifications are discussed in Appendix “F” attached to Report PED24085.

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

ALTERNATIVES FOR CONSIDERATION

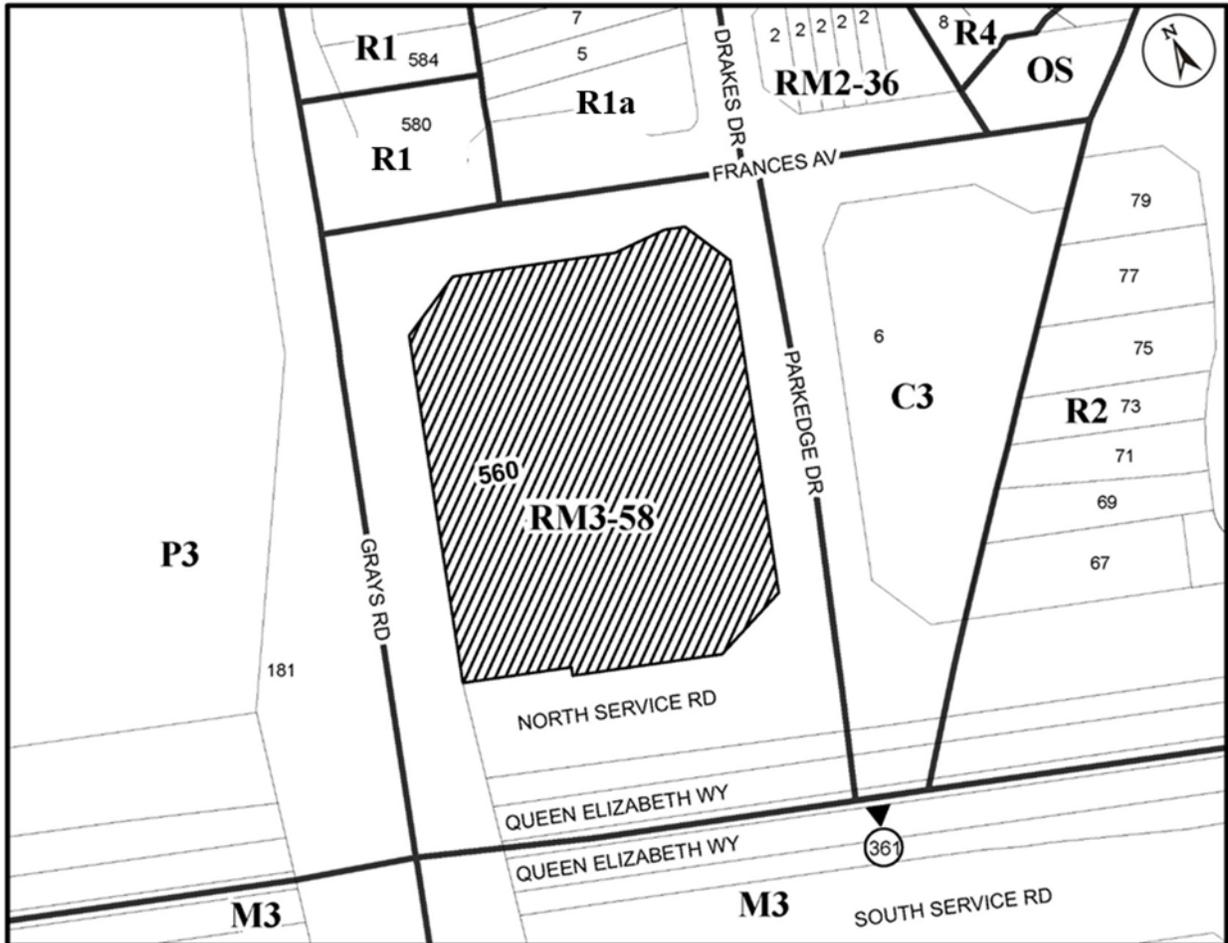
Should the application be denied, the lands could be developed in accordance with the current Medium Density Residential “RM3-58” Zone, Modified.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED24085 – Location Map
 Appendix “B” to Report PED24085 – Draft Amendment to Zoning By-law No. 3692-92
 Appendix “C” to Report PED24085 – Concept Plan
 Appendix “D” to Report PED24085 – Summary of Policy Review
 Appendix “E” to Report PED24085 – Department and Agency Comments
 Appendix “F” to Report PED24085 – Zoning Modification Table
 Appendix “G” to Report PED24085 – Public Comments
 Appendix “H” to Report PED24085 – Applicant Summary and Responses to Public

MF/sd

Appendix "A" to Report PED24085



● Site Location



Key Map - Ward 10

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-24-005

Date:
March 19, 2024

Appendix "A"

Scale:
N.T.S

Planner/Technician:
MF/NB

Subject Property

560 Grays Road, Stoney Creek (Ward 10)

Lands to be further amended from the Multiple Residential "RM3-58" Zone, Modified

**Appendix “B” to Report PED24085
Page 1 of 6**

Authority: Item XX, Planning Committee
Report (PED24085)
CM:
Ward: 10

Bill No.

CITY OF HAMILTON

BY-LAW NO. 24-

**To Amend Zoning By-law No. 3692-92
with respect to lands located at
560 Grays Road, Stoney Creek**

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

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

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

AND WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December 1992, and approved by the Ontario Land Tribunal on the 31st day of May, 1994;

AND WHEREAS Council approved Item __ of Report __ of the Planning Committee, at its meeting held on April 30, 2024;

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

NOW THEREFORE Council amends Zoning By-law No. 3692-92 as follows:

1. That Subsection 6.10.7, “Special Exemptions” of Section 6.10, Multiple Residential “RM3” Zone, be amended by further amending Special Exemption “RM3-58”, as follows:

1. That Subsection 1. be amended by adding the following definitions:

Appendix “B” to Report PED24085**Page 2 of 6**

**To Amend Zoning By-law No. 3692-92
with respect to lands located at 560 Grays Road, Stoney Creek**

(b) “Dwelling Group”

Means a group of more than one Maisonette, Townhouse, Stacked Back-to-Back Townhouse, or apartment or any combination thereof.

(c) “Dwelling – Stacked Back-to-Back Townhouse”

Means a building divided vertically and horizontally, containing not less than three and not more than twenty-four dwelling units, where each unit shall have a separate entrance from a public or private street.

2. That Subsection 2. be amended by adding the words “for Apartment Dwellings” after the word “Regulations”.

3. That the following subsection be added following Subsection 2 (j):

“3. Regulations for Stacked Back-to-Back Townhouse Dwelling

Notwithstanding the provisions of Subsection 4.13.1 “Daylight Triangle” of the Zoning By-law No. 3692-92, on those lands zoned “RM3-58” by this By-law, the minimum yard from the hypotenuse of the daylight triangle of Frances Avenue and Parkedge Drive shall be 2.0 metres. All other Daylight Triangles shall be provided in accordance with Subsection 4.13.1.

Notwithstanding the provisions of Paragraph (a) of Subsection 6.1.4 “Accessory Buildings in Residential Zones” of the Zoning By-law No. 3692-92, the maximum building height for an accessory building shall be 6.0 metres.

Notwithstanding the provisions of Paragraph (c) of Subsection 6.1.8 “Parking Restrictions in Residential Zones”, the following shall apply:

c) Where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 1.4 metres to any lot line or closer than 5 metres to any dwelling unit located on a lot other than the said lot except that the provisions of this clause shall not apply to any parking space located within a private garage or underground garage.

Appendix “B” to Report PED24085**Page 3 of 6**

**To Amend Zoning By-law No. 3692-92
with respect to lands located at 560 Grays Road, Stoney Creek**

In addition to Subsection 6.10.2 “Permitted Uses for Each Lot” of the Multiple Residential “RM3” Zone, Stacked Back-to-Back Townhouse Dwellings shall also be permitted.

Notwithstanding the Paragraphs (c), (d) as it relates to minimum flankage side yard, (f), (h), (i), (j), (l) and (m) 1. and 4. of Subsection 6.10.3 “Zone Regulations” of the Multiple Residential “RM3” Zone, the following shall apply for Stacked Back- to-Back Townhouse Dwellings:

- | | | | |
|-----|--|----|---|
| (c) | Minimum Front Yard | – | 2.0 metres |
| (d) | Minimum Flankage Side Yard | – | 2.0 metres |
| (f) | Minimum Rear Yard | – | 14.0 metres |
| (h) | Minimum Distance Between Buildings on the Same Lot | – | 8.0 metres |
| (i) | Maximum Density | – | 99 units per hectare |
| (j) | Maximum Building Height | – | 15 metres |
| (l) | Privacy Area | – | Notwithstanding the yard requirements above, each stacked back-to-back townhouse unit shall have a least one area which serves as a privacy area which shall be adjacent to the dwelling unit and shall have a minimum depth of 1.5 metres. |
| (m) | Minimum Landscaped Open Space | 1. | Not less than 37 percent of the lot area shall be landscaped including privacy areas. |
| | | 4. | A landscaped strip having a minimum width of 1.2 metres shall be provided and thereafter maintained adjacent to any lot line that abuts a street except for points of ingress and egress.
Notwithstanding the above, no |

**Appendix “B” to Report PED24085
Page 4 of 6**

**To Amend Zoning By-law No. 3692-92
with respect to lands located at 560 Grays Road, Stoney Creek**

landscaped strip shall be required adjacent to the portion of the lot abutting the hypotenuse of the daylight triangle at the intersection of Frances Avenue and Parkedge Drive.

Notwithstanding the provisions of Paragraphs (a), (d), and (e) of Subsection 6.10.5 “Regulations for Parking” of the Multiple Residential “RM3” Zone, the following shall apply:

- (a) Minimum Number of Parking Spaces – 1 parking space and 0.15 visitor parking spaces for each stacked back-to-back townhouse dwelling unit.
- (d) Where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 1.4 metres to any lot line or closer than 5 metres to any dwelling unit located on a lot other than the said lot, except that the provisions of this clause shall not apply to any parking space located within a private garage, or underground garage.
- (e) Where there is a grouping of three or more parking spaces, no parking space shall be provided closer than 2.0 metres to any dwelling unit located on the same lot, except that the provisions of this clause shall not apply to any parking space located within an underground garage.

All other regulations of the Multiple Residential “RM3” Zone shall apply.”

3. 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 Multiple Residential “RM3-58” Zone, Modified, subject to the special requirements referred to in Section No. 2 of this By-law.
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

**Appendix "B" to Report PED24085
Page 5 of 6**

**To Amend Zoning By-law No. 3692-92
with respect to lands located at 560 Grays Road, Stoney Creek**

PASSED this _____ day of _____, 2024

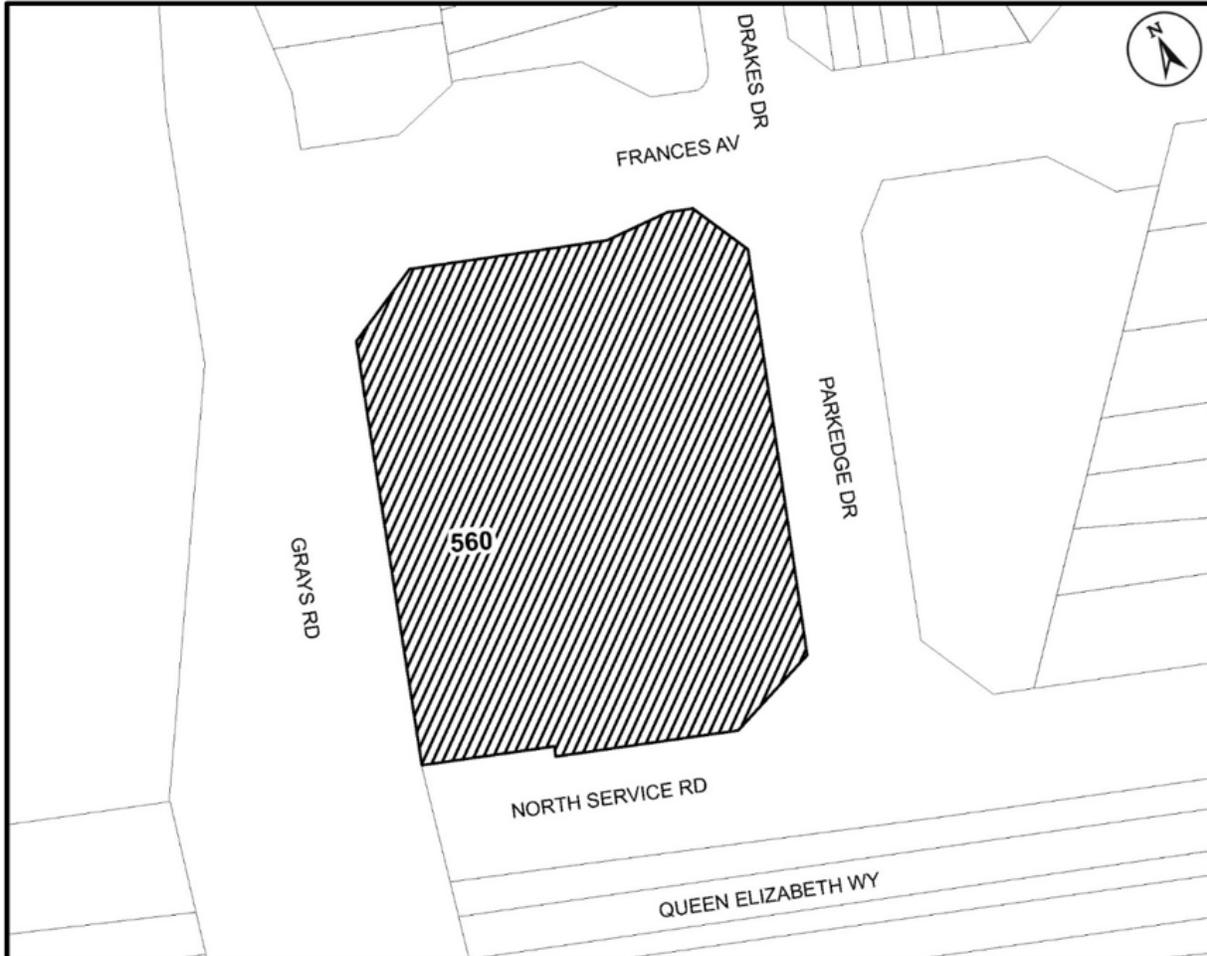
A. Horwath
Mayor

J. Pilon
Acting City Clerk

ZAC-24-005

Appendix "B" to Report PED24085
Page 6 of 6

To Amend Zoning By-law No. 3692-92
with respect to lands located at 560 Grays Road, Stoney Creek



<p>This is Schedule "A" to By-law No. 24-</p> <p>Passed the day of, 2024</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<p>Schedule "A"</p> <p>Map forming Part of</p> <p>By-law No. 24-_____</p> <p>to Amend By-law No. 3692-92</p>	<p>Subject Property</p> <p>560 Grays Road, Stoney Creek (Ward 10)</p> <p> Lands to be further amended from the Multiple Residential "RM3-58" Zone, Modified</p>
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<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-24-005</p>	
<p>Date: March 19, 2024</p>	<p>Planner/Technician: MF/NB</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

Appendix "C" to Report PED24085
Page 4 of 5



NO.	DATE	DESCRIPTION
1	2022.03.21	CLIENT REVIEW
2	2022.03.21	CLIENT REVIEW
3	2022.03.21	CLIENT REVIEW - COMMENTS
4	2022.03.21	CLIENT REVIEW - COMMENTS
5	2022.03.21	CLIENT REVIEW - COMMENTS
6	2022.11.24	OWNER REVIEW

PRELIMINARY
NOT FOR CONSTRUCTION

DATE PLOTTED: 2022.03.21 10:00 AM
 PLOTTER: HP DesignJet T1100e
 PLOT SCALE: 1:1
 PLOT SIZE: 36" x 48"

PROJECT: 580 GRAVY ROAD
 STONEY CREEK, ONTARIO

CLIENT: ROSE (IGRAVY) INC.
 145 HYPHEN DRIVE, SUITE 202
 CANADA, ONTARIO

ARCHITECT: S+N
 830 LAKE STREET, SUITE 202
 WINDHAM, ONTARIO, CANADA L4M 5T2
 TEL: 905.882.1111
 WWW.SANDN.COM

PROJECT NO: S22033
 DRAWING NO: A400

Appendix “D” to Report PED24085
Page 1 of 9

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>Trees</p> <p>Policy C.2.11.1:</p>	<p>The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.</p>	<p>Trees have been identified within the subject property and are proposed to be removed as part of the development. A total of 38 of the 42 trees on site are proposed to be removed. The decision to retain trees is to be based on vigour, condition, aesthetics, age, and species. Many of these trees are either undesirable species (tree #3-Manitoba Maple, #5-Manitoba Maple), in poor condition (tree #2-Green Ash, #11-Black Walnut, #27-White Ash, #30-White Ash, #39-Manitoba Maple), or dead (trees #6-10-Ash, #14-18-Ash, #20-26-Ash, #35-36-Ash, and #42-Ash). While it is recognized that there is limited opportunity to retain and preserve trees on site, staff are of the opinion that due to the condition, aesthetics, age, and species the removal of undesirable vegetation and new plantings of native species will benefit the subject lands and a surrounding area. Staff have not approved the Tree Protection Plan but recommend that compensation be addressed through the Landscape Plan at the future Site Plan Control application stage. To ensure that existing tree cover is maintained, the city requires 1 for 1 compensation for any tree (10 cm DBH or greater) that is proposed to be removed of which staff will be requesting native species.</p> <p>In addition, the subject lands are adjacent to a Core Area and a location which provides temporary refuge for migratory birds. Staff are of the opinion that it is imperative to ensure that the quality compensation of planting is of native species which contributes to the overall quality and diversity of species found within the city.</p>

**Appendix “D” to Report PED24085
Page 2 of 9**

Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Trees</p> <p>Policy C.2.11.1 (Continued)</p>		<p>It is important to note that Core Areas (Stoney Creek Ravine Environmentally Significant Area, Lake Ontario, and Community Beach Ponds Environmentally Significant Area) as well as a Linkage (located east of Parkedge Drive) have been identified within the surrounding landscape. These Core Areas may provide temporary refuge for migratory birds and butterflies. For areas that are comprised of glass, the use of bird friendly glass should be recognized. Bird-friendly design techniques can be addressed at the future Site Plan Control application.</p> <p>The proposal complies with the policy.</p>
<p>Archaeology</p> <p>Policy B.3.4.4.3</p>	<p>In areas of archaeological potential identified on Appendix F-4 – Archaeological Potential, an archaeological assessment shall be required and submitted prior to or at the time of application submission for planning matters under the <i>Planning Act</i>.</p>	<p>As part of the previous Zoning By-law Amendment application ZAC-16-008, Stage 1 and 2 Archaeological Assessments were submitted for review along with a copy of the Ministry clearance letter dated November 30, 2005. As such, there is no further interest in the subject property with respect to archaeology.</p>
<p>Transportation</p> <p>Policy C.4.5.12</p>	<p>A transportation impact study shall be required for a major rezoning application.</p>	<p>Transportation Planning have reviewed the revised Transportation Impact Study prepared by C.F. Crozier & Associates Inc., dated January 2024 and determined that the revised proposal will result in minimal impact and can be supported without concern as network improvements are scheduled to the intersection of North Service Road and Parkedge Drive.</p> <p>There are future infrastructure improvements and potential future transit opportunities within the surrounding area. The applicant will be required to provide securities for future sidewalks to be constructed along the frontage of the subject property along Parkedge Drive and Frances Avenue. Securities will be a condition of Site Plan approval and will be addressed at a future Site Plan Control application.</p>

Appendix “D” to Report PED24085
Page 3 of 9

Theme and Policy	Summary of Policy or Issue	Staff Response
Transportation Policy C.4.5.12 (Continued)		<p>Additional recommendations include increasing the minimum driveway access width to 7.5 metres at the property line and the extension of the municipal sidewalks. Staff are satisfied the proposed revisions can be accommodated and the above noted requirements and detailed design will occur through the future Site Plan Control application.</p> <p>The proposal complies with the policy.</p>
Transportation Policy C.4.5.2 f)	<p>The road network shall be planned and implemented according to the functional classifications and right-of-way-widths for a Local roadway (26.213 m).</p>	<p>The proposal as shown on the Concept Plan attached as Appendix “C” to Report PED24085 demonstrates a right-of-way dedication of ±3 to 6 metres to be dedicated to the right-of-way on North Service Road. Staff note that while it is unclear if the dedication has been formally transferred to the City of Hamilton the dedication is a standard condition of Site Plan Control and will be addressed at the future Site Plan Control application stage. As the applicant has demonstrated the appropriate dedication, staff are of the opinion the proposal complies with the policy.</p>
Transportation Policy C.4.5.7	<p>The City shall require the conveyance of property for appropriate daylighting triangles and corner rounding on existing roads at such times as the property is to be developed or redeveloped.</p>	<p>The existing daylighting triangles at the intersections of North Service Road and Parkedge Drive, Parkedge Drive and Frances Avenue and Grays Road and Frances Avenue are all adequate in dimension as per Urban Hamilton Official Plan policy and additional daylighting triangle dedications are not required.</p> <p>The proposal complies with the policy.</p>
Infrastructure Policy C.5.3.6	<p>All redevelopment within the urban area shall be connected to the City’s water and wastewater system.</p>	<p>The proposed development will be connected to municipal water and wastewater infrastructure.</p> <p>The proposal complies with this policy</p>

Appendix “D” to Report PED24085
Page 4 of 9

Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Infrastructure</p> <p>Policy C.5.3.13</p>	<p>The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system and that investments into the system will support the achievement of the intensification and density targets.</p>	<p>A Functional Servicing Report and Stormwater Management Report were submitted in support of the application.</p> <p>Development Engineering staff are in support of the development proposal subject to further detailed design at the future Site Plan Control application. Engineering staff will require an External Works Agreement with the City and obtain an Environmental Compliance Approval and Form 1 approval with the Province and Hamilton Conservation Authority. All further detailed designs including a comprehensive Construction Management Plan (CMP) will be reviewed through the future Site Plan Control application.</p> <p>Hamilton Conservation Authority (HCA) staff has reviewed the information regarding the grading and servicing of the subject lands. The revised material provided demonstrates the roadside ditches surrounding the property and the 14 metre Ministry of Transportation (MTO) easement are sloped towards Teal Pond. The plans supporting the development illustrate that the site now discharges storm water from a smaller catchment and flooding increase in Teal Pond should not be an issue as a result of revised proposal.</p> <p>Furthermore, a Hamilton Conservation Authority Permit will be required to construct the outfall into the Stoney Creek subwatershed on Confederation Park lands. The recently provided design of the outfall is consistent with the design approved in 2022.</p> <p>The proposal complies with this policy.</p>
<p>Residential Intensification</p> <p>Policy B.2.4.1.1</p>	<p>Residential Intensification is encouraged throughout the entire built-up area.</p>	<p>The proposal complies with this policy as the subject lands are located within the built-up area.</p>

Appendix “D” to Report PED24085

Page 5 of 9

Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Residential Intensification</p> <p>Policy B.2.4.1.4 a)-l)</p>	<p>Proposals are evaluated based on how it builds upon desirable established patterns and built form and requires an evaluation of compatible integration with the surrounding area in terms of use, scale, form and character. This policy also considers evaluating the proposal against the Urban Structure (Schedule E of the Urban Hamilton Official Plan) to ensure that the overall structure goals of the Urban Hamilton Official Plan are also achieved.</p>	<p>The proposed residential uses are compatible with and respect the existing surrounding built form which includes two, and two and a half storey single detached and street townhouse dwellings. The proposal incorporates a higher density of development situated along the periphery of the neighbourhood while ensuring lower density residential is maintained within the interior of the neighbourhood. The proposed development will complete the streetscapes along Frances Avenue and Parkedge Drive and will improve pedestrian infrastructure and provide bicycle parking spaces to promote active transportation. The owner will be responsible for the completion of sidewalk extensions along Frances Avenue and Parkedge Drive as part of a future Site Plan Control application which will improve the connectivity and ease of using pedestrian infrastructure in the neighbourhood.</p> <p>The built form of the proposed development is generally consistent with the character of the surrounding neighbourhood and complements the existing built form, for example through marginally higher buildings that are well-separated from adjacent properties, orientation to adjacent streets, etc.</p> <p>The proposal complies with this policy.</p>
<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 and 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 function of the “Neighbourhoods” designation by intensifying an underutilized lot located along an arterial and local road in proximity to major transit routes. The proposal contributes to the functions of a complete community by providing opportunities for a full range of dwelling types and tenures that are in character with the existing residential neighbourhood, while increasing the supply of housing.</p>

Appendix “D” to Report PED24085

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Theme and Policy	Summary of Policy or Issue	Staff Response
Residential Intensification in the Neighbourhoods Designation Policy B.2.4.2.2 Continued		<p>No concerns of overlook, shadowing or privacy impacts were identified, and the proposed height and massing are compatible with the existing residential built form as the configuration of the site compliments the existing parcel size, shape and orients the townhouse blocks to the street providing consistent and functional site organization.</p> <p>The proposal complies with this policy.</p>
Urban Design Principles Policy B.3.3.2.3	<p>Urban design should foster a sense of community pride and identity by respecting existing character, promoting quality design consistent with the surrounding environment, streetscapes and recognize the cultural history of the City’s communities by conserving existing built heritage features, protecting prominent views/sites and incorporation of public art into design.</p>	<p>The applicant submitted an Urban Design Brief, prepared by Adesso Design Inc. dated November 14, 2023, in support of this application.</p> <p>Staff are of the opinion that the amended application will provide flexibility and permit an appropriate built form that is compatible with the surrounding context by incorporating adequate transition and for the creation of quality spaces and the public and private realm.</p> <p>In addition, the proposed elevations and façade treatments will be coordinated to emphasize a sense of continuity throughout the development with emphasis on minimizing the perceived mass to provide visual connection. This detailed design will be further addressed through the future Site Plan Control application.</p> <p>The proposal complies with this policy.</p>
Urban Design Principles Policy B.3.3.2.5	<p>Places that are safe, accessible, connected and easy to navigate shall be created by using design applications through providing safe road network design, pedestrian scale lighting and traffic calming techniques.</p>	<p>The design of the proposed development has consideration for each of the required design principles as shown on the Concept Plan by providing walkways between townhouse blocks. Also, throughout the subject property there is focus on pedestrian and bicycle circulation, with the existing streets that define the edges of the site.</p>

Appendix “D” to Report PED24085
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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Urban Design Principles</p> <p>Policy B.3.3.2.5 (Continued)</p>		<p>The building entrances have also been oriented toward the existing streets as well as the centre of the site with surface parking areas located at the interior screened from the public realm. A Lighting Plan as well as the extension of the public sidewalks will be required with the future Site Plan Control application.</p> <p>The proposal complies with this policy.</p>
<p>Noise</p> <p>Policy B.3.6.3.1</p>	<p>Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.</p>	<p>The noise study titled “560 Grays Road”, prepared by RWDI dated October 2, 2023, was reviewed by staff.</p> <p>Due to the predicted noise levels identified in the report from the Queen Elizabeth Way, mitigation measures as well as warning clauses will be required to ensure noise attenuation can be achieved through building design material. Further review and detailed design of building materials will be addressed through a future Site Plan Control application stage.</p>
<p>Neighbourhoods Designation</p> <p>Policies E.3.2.1 and E.3.2.3</p>	<p>Areas designated “Neighbourhoods” shall function as complete communities, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.</p> <p>The following uses shall be permitted on lands designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations:</p> <p>a) Residential dwellings, including second dwelling units and housing with supports;</p>	<p>The proposal contributes to the functions of a complete community by providing opportunities for a full range of dwelling types and tenures that is in character with the existing residential neighbourhood, while increasing the supply of housing in proximity to transit routes and community facilities to serve local residents.</p> <p>The proposal complies with these policies.</p>

Appendix “D” to Report PED24085
Page 8 of 9

Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Neighbourhoods – Scale and Design</p> <p>Policy E.3.2.4</p>	<p>“Neighbourhoods” designated areas are to maintain the existing character and intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of the Official Plan.</p>	<p>The proposal contributes to a complete community by providing opportunities for a full range of dwelling types, tenures and densities that are in character with the surrounding land uses comprised of low density residential. The proposal provides a compact built form with intended benefits to future residents by being in proximity to amenities, transit routes and public open spaces. Staff note that while there is no existing transit route in the vicinity, Transit staff have advised that as part of the City’s (re)envisioned transit network design there will be transit service to the north side of the Queen Elizabeth Way between Grays Road and Green Road. The future transit service proposes an eastbound transit stop on Frances Avenue just west of Parkedge Drive.</p> <p>To foster a complete community, the proposal orients the dwellings to the street, facilitating an efficient use of land and activating the street edge representing enhanced architectural variation in the neighbourhood that is compatible with existing residential uses. The addition of the proposed use to a neighbourhood with predominantly single detached dwellings will contribute to achieving complete communities with appropriate and compatible intensification.</p> <p>The proposal complies with this policy.</p>
<p>Medium Density Residential – Function and Scale</p> <p>Policy: E.3.5.1, E.3.5.5 and E.3.5.8</p>	<p>Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads.</p> <p>Medium density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities, public transit, schools, active or passive recreational facilities, and local or District Commercial uses.</p>	<p>The proposed development includes four blocks of multiple dwellings located on the periphery of the neighbourhood of which the subject land has frontage on all four sides of the subject land. The frontages being Grays Road, France Avenue and Parkedge Drive are identified as collector roads and North Service Road is identified as a minor arterial road on Schedule C – Functional Road Classification. It is noted that Grays Road is identified as a Minor Arterial at the southern limit of the subject land. The subject land will be accessed from Parkedge Drive.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Medium Density Residential – Function and Scale</p> <p>Policy: E.3.5.1, E.3.5.5 and E.3.5.8 (Continued)</p>	<p>For medium density residential uses, the maximum height shall be six storeys.</p>	<p>Staff note that the proposed development will have direct access to a collector road and no low density residential dwellings directly abutting this access point from Parkedge Drive.</p> <p>Furthermore, existing intersection control, the provision of pedestrian walking facilities and on-street cycling facilities will be further reviewed at the Site Plan Control stage.</p> <p>The proposed development is located within a safe and convenient walking distance of a number of features to support the proposed density including access to Confederation Park and the Waterfront Trail and being in proximity to the Confederation GO Station (under construction). The proposed increase in density will support ridership of the GO Transit system.</p> <p>The proposed development functions as an appropriate transition between the Queen Elizabeth Way and North Service Road and the low density neighbourhood to the north. The medium density land use is located at the periphery of the neighbourhood, and the proposal has demonstrated appropriate transition in height (maximum of 15 metres), oriented buildings to animate the streetscape and designed with the use of horizontal elements to emphasize human scale and create relationship between the massing of the building and the existing built form. Furthermore, the site has also been designed to minimize vehicle conflict by locating the access on Parkedge Drive.</p> <p>The proposal complies with these policies.</p>

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CONSULTATION – DEPARTMENTS AND AGENCIES

Department or Agency	Comment	Staff Response
<ul style="list-style-type: none"> • Commercial Districts and Small Business Section, Economic Development Division, Planning and Economic Development Department; and, • Real Estate Section, Economic Development Division, Planning and Economic Development Department. 	No comment.	None.
Development Engineering Section, Growth Management Division, Planning and Economic Development Department	<p>A Functional Servicing Report and a Stormwater Management Report were submitted in support of the application.</p> <p>Development Engineering staff are in support of the development proposal subject to further detailed design at the future Site Plan Control application stage.</p> <p>Staff have advised that should there be significant reconstruction of the municipal right-of-way an External Works Agreement will be required. If it is demonstrated that there will not need to be significant reconstruction of the municipal right-of-way, a security deposit will be required to cover the cost of any potential damage to municipal infrastructure.</p>	<p>The proposed development will require further detailed design to occur through the future Site Plan Control application stage. Development Engineering staff are supportive of the Zoning By-law Amendment and the capacity needs. The Owner will be required to enter into and register on title of the lands, an External Works Agreement with the City for the design and construction of the sewers and watermain improvements to the existing municipal infrastructure at the Owner’s cost.</p>

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Department or Agency	Comment	Staff Response
<p>Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department (Continued)</p>	<p>The proposed calculation for domestic water usage has been deemed acceptable and further detailed design will be addressed at the future Site Plan Control application through Required Fire Flow calculations. A Watermain Hydraulic Analysis was completed by WSP Canada Inc., dated October 2018, in conjunction with the previous application ZAC-18-017. This analysis demonstrated adequate supply for the development. An updated Watermain Hydraulic Analysis will be required as part of detailed design to support the Form 1 application for the new municipal watermain.</p> <p>Due to the capacity in the existing sewer system, the applicant shall demonstrate that no long-term dewatering (due to groundwater) will be conveyed to municipal sewer infrastructure. Foundations / subsurface structures shall be designed / waterproofed accordingly or a minimum separation of 1.0 metre between the seasonal high groundwater table and the building foundation must be demonstrated. These details will also be further addressed at the Site Plan Control stage through a Hydrogeological Report with dewatering requirements and the finalization of grading and structural plans.</p>	
<p>Transit Strategy and Planning, Transit Division, Public Works</p>	<p>Transit staff are proposing to bring fixed-route transit service to the north side of the QEW between Grays Road and Green Road.</p>	<p>The recommendations by Transit staff are well supported and align with the parking ratio provided for the development.</p>

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Department or Agency	Comment	Staff Response
<p>Transit Strategy and Planning, Transit Division, Public Works (Continued)</p>	<p>Future routing proposes an eastbound transit stop on Frances Avenue just west of Parkedge Drive and staff are supportive of the Concept Plan which includes a sidewalk connection to Frances Avenue on the eastern side of the property as the intersection with the proposed 2.0 metre municipal sidewalk would be an ideal location for a future transit stop.</p> <p>Transit staff are seeking to ensure design elements of the right-of-way are included in the external works agreement to expand the sidewalk width from 2.0 metres to 2.5 metres in vicinity of that eastern sidewalk connection and to accommodate a 1.75 metre by 6.0 metre concrete amenity pad to be placed behind the sidewalk.</p>	<p>The applicant has demonstrated the required right-of-way dedication widths and design of the HSR works can be addressed through future Site Plan Control conditions.</p>
<p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department</p>	<p>Transportation Planning staff have reviewed the revised Transportation Impact Study, prepared by C.F. Crozier & Associates Inc. and dated January 2024, and determined that the revised proposal will result in a minimal impact and can be supported without concern as network improvements are scheduled to the intersection of North Service Road and Parkedge Drive.</p> <p>There are future infrastructure improvements and potential future transit opportunities within the surrounding area. The applicant will be required to provide securities for future sidewalks to be constructed along the frontage of the subject property along Parkedge Drive and Frances Avenue.</p>	<p>The proposal for additional land use permission is supported and further detail design including sidewalk connections and pavement markings will be evaluated at the future Site Plan Control application stage.</p>

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Department or Agency	Comment	Staff Response
<p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department (Continued)</p>	<p>Securities will be a condition of Site Plan approval and will be addressed at a future Site Plan Control application.</p> <p>Additional recommendations including increasing the minimum driveway access width to 7.5 metres at the property line will be required to be demonstrated at the Site Plan Control stage. Staff are satisfied the proposed revisions can be accommodated and the above noted requirements and detailed design will occur through the future Site Plan Control application.</p>	
<p>Forestry and Horticulture Section, Environmental Services Division, Public Works Department</p>	<p>Forestry reviewed the Landscape Plan and Tree Protection Plan. Staff will require revisions to the Landscape Plan and Tree Protection Plan and the revisions can be addressed at the future Site Plan Control stage.</p> <p>The Landscape Plan submitted by Adesso Design Inc. will require to relocate eight street trees along North Service Road further north within the right-of-way dedication and out of the culvert.</p> <p>The Tree Protection Plan will require revisions as the plan noted to retain and protect the municipal trees identified as #1-11.5 cm Black Walnut (<i>Juglans nigra</i>) and #19-11 cm Black Walnut (<i>Juglans nigra</i>) due to the location and grading. The removal of these two trees will not require the loss of canopy fees.</p>	<p>A detailed Landscape Plan and Tree Protection Plan will be required at the future Site Plan Control application stage.</p>

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Department or Agency	Comment	Staff Response
Hamilton Conservation Authority	<p>Hamilton Conservation Authority staff have reviewed the information regarding the grading and servicing of the subject lands. The revised material provided demonstrates the roadside ditches surrounding the property and the 14 metre Ministry of Transportation setback are sloped towards Teal Pond. The plans supporting the development illustrate that the site now discharges storm water from a smaller catchment and flooding increase in Teal Pond should not be an issue as a result of the revised proposal.</p> <p>Furthermore, a Hamilton Conservation Authority Permit will be required to construct the outfall into the Stoney Creek subwatershed on Confederation Park lands. The recently provided design of the outfall is consistent with the design approved in 2022.</p>	Detailed design and Permit will be required as conditions of future Site Plan Control approval.
Legislative Approvals, Growth Management Plan, Planning and Economic Development Department	<p>It should be confirmed if tenure for the subject proposal will be a Condominium. It should be confirmed if the intent is a phased Condominium.</p> <p>The municipal addresses for the proposed development will be determined after conditional Site Plan Control approval is granted.</p>	<p>The tenure of the buildings will be determined at a later stage in the process (Draft Plan of Condominium if applicable).</p> <p>Should the applications be approved, municipal addressing would be requested at the future Site Plan Control application stage.</p>

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Department or Agency	Comment	Staff Response
Alectra	<p>For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department.</p> <p>Relocation, modification, or removal of any existing hydro facilities shall be at the owner’s expense. Please contact Alectra Utilities to facilitate this.</p> <p>Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.</p> <p>Developers to acquire an easement, if required.</p> <p>In order for Alectra Utilities to prepare the design and procure the materials required to service this site in a timely manner, a minimum of six months notification is required.</p>	Alectra will be included in circulations for review and comment at the future Site Plan Control application stage.
Enbridge	<p>Enbridge does not have any objection to the proposed zoning by-law amendment. Enbridge does have service lines on the north side of Frances Avenue. The applicant will be required to discuss their natural gas requirements and a desired meter location in order to facilitate smooth installation when required.</p>	Noted.

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Department or Agency	Comment	Staff Response
<p>Waste Policy and Planning Section, Waste Management Division, Public Works Department</p>	<p>The proposed development proposes multiple dwellings. The multiple dwellings will require front-end garbage bin service and cart collection for recycling and organic material.</p> <p>If the development is not designed in accordance with City requirements for municipal waste collection, the applicant will need to arrange a private waste hauler for the removal of all waste materials and a warning clause will need to be included as part of the purchase and sale agreement disclosing to prospective buyers that the property is not serviceable for municipal waste collection.</p>	<p>The applicant will be required to demonstrate compliance with municipal waste collection requirements or provide a note that waste collection will be by way of a private waste hauler through a future Site Plan Control application.</p> <p>The recommended warning clauses will be addressed through a future Draft Plan of Condominium application (if applicable) and Site Plan Control application.</p>

Site Specific Modifications to the Multiple Residential “RM3” Zone

Regulation	Required	Modification	Analysis
Definition: Dwelling Group	Means a group of more than one maisonette, townhouse or apartment or any combination thereof.	Means a group of more than one maisonette, townhouse, stacked back-to-back townhouse, or apartment or any combination thereof.	<p>The modification to include the stacked back-to-back townhouse use has been incorporated into the definition to provide clarity. The use represents a compact and innovative form of development which efficiently uses the land.</p> <p>Staff support the proposed modification.</p>
Definition: Dwelling – Stacked back-to-back townhouse	Not Applicable	Dwelling – Stacked back-to-back townhouse means a building divided vertically and horizontally, containing not less than three and not more than 24 dwelling units, where each unit shall have a separate entrance from a public or private street.	<p>The modification incorporates a new definition for a stacked back-to-back townhouse dwelling which is an innovative form of development not currently contemplated by the Stoney Creek Zoning By-law No. 3692-92. The built form divides the block of units both vertically and horizontally without a common entrance or hallway. The added definition will not have a negative impact on the form of development as the blocks of townhouses are an appropriate height and density that are compatible with the surrounding residential character of the area.</p> <p>Staff support the proposed modification.</p>
Daylight Triangles 4.13.1	Any lot located at the intersection of two or more roads or railway rights-of-way will require a minimum yard of 3 metres from the hypotenuse of the daylight triangle.	The minimum setback from the hypotenuse of the daylight triangle of Frances Avenue and Parkedge Drive shall be 2.0 metres. All other daylight triangles shall be provided in accordance with Subsection 4.13.1.	The modification to reduce the minimum distance will be consistent with the proposed modification to the front yard setback. This enables the contextual fit of the development and site functionality by providing adequate setbacks, and pedestrian connectivity. The development screens surface parking by the placement of the building closer to the street, activating the street and public realm.

Regulation	Required	Modification	Analysis
Daylight Triangles 4.13.1 (Continued)			<p>The setback considers the closest point of the corner of Block 2 as shown in Appendix "C" to Report PED24085, with the main massing of the building facing parallel to Parkedge Drive, and the flankage massing facing Frances Avenue. One block is located in this area and the building is set back approximately 3 metres from the street line.</p> <p>Staff support the proposed modification.</p>
Accessory Buildings in Residential Zones 6.1.4	<p>An accessory building may be located in any yard except the front yard, and shall be located a minimum distance of 8 metres from the front lot line, 0.5 metres from any other lot line, and the maximum building height shall be 4.5 metres; except that a detached garage or detached carport which fronts on the flankage lot line shall be located at least 5.5 metres from the flankage lot line.</p>	<p>The maximum building height for an accessory building shall be 6.0 metres.</p>	<p>The proposed modification is for an additional 1.5 metres in height for an accessory building. An accessory building is proposed for the storage of waste collection. Staff support the proposal which will ensure the building is fully enclosed. The increase in height will not result in a negative visual impact, the change in grade due to the embankment of the overpass will minimize the visibility and be screened from Grays Road. As a result of the orientation of the proposed blocks, the accessory building will be screened from all other lot lines.</p> <p>Staff support the proposed modification.</p>

Regulation	Required	Modification	Analysis
Parking Restrictions in Residential Zones 6.1.8(c)	Where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 3 metres to any lot line or closer than 5 metres to any dwelling unit located on a lot other than the said lot except that the provisions of this clause shall not apply to any parking space located within a private garage or underground garage.	Where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 1.4 metres to any lot line or closer than 5 metres to any dwelling unit located on a lot other than the said lot except that the provisions of this clause shall not apply to any parking space located within a private garage or underground garage.	<p>The proposed modification is for parking spaces located along the westerly lot line. While most of the reduction along the westerly lot line will only require a 0.5 metre reduction, the additional reduction is for four parking spaces. Staff are of the opinion that the reduction can be supported as there is an opportunity for appropriate landscaping to be provided. The reduction is minor and only for a small portion and the location to the Grays Road overpass embankment will screen the parking from the public realm.</p> <p>Staff support the proposed modification.</p>
Minimum Front Yard 6.10.3(c)	7.5 metres	2.0 metres	<p>Frances Avenue has been deemed the front lot line in accordance with By-law No.19-014. The reduction in the front yard setback allows the design and the site organization to address the site functionality by providing adequate setbacks, amenity areas and pedestrian connectivity. The development screens surface parking with the placement of the buildings closer to the street, activating the street and public realm fostering interaction at the street level and providing greater visual interest.</p> <p>The majority of the block is setback 5.5 metres and the reduction addresses the northwesterly corner point of Block 2, which is generally perpendicular to the front lot line with the remainder of the block parallel to the front lot line.</p>

Regulation	Required	Modification	Analysis
Minimum Front Yard 6.10.3(c) (Continued)			<p>The reduction will allow for appropriate landscaping, and sidewalk widths and connections throughout the subject lands.</p> <p>Staff support the proposed modification.</p>
Minimum Flankage Side Yard 6.10.3(d)	6 metres, except for 7.5 metres for a flankage yard, 7.5 metres abutting a zone for single detached, semi-detached or duplex dwellings and 3 metres where an end unit abuts a lot line of a street townhouse.	2.0 metres	<p>Parkedge Drive is deemed the flankage yard and will provide vehicular access to the site. Similar to the front yard reduction, the flankage yard reduction also allows the design to address the street and site functionality by providing adequate setbacks, amenity areas and pedestrian connectivity.</p> <p>The modification is for the reduction of the flankage side yard setback to 2.0 metres. The majority of the block is setback 4.5 metres and the reduction reflects the corner point. The development is separated by a municipal road and no adverse impacts of shadowing or overlook will occur. The applicant has demonstrated all required municipal right-of-way dedications and municipal infrastructure will not be impacted by the development.</p> <p>Staff support the proposed modification.</p>
Minimum Rear Yard 6.10.3(f)	6 metres, except for 7.5 metres for a flankage yard, 7.5 metres abutting a zone for single detached, semi-detached or duplex dwellings and 3 metres where an end unit abuts a lot line of a street townhouse.	14.0 metres	<p>Staff have proposed the modification to increase the rear yard setback from 6.0 metres to 14.0 metres. The previous amending By-law No. 19-014 increased the setback for apartment dwellings in the same manner. The increased setback is required for the proposed development as the Ministry of Transportation requires 14.0 metres from the frontage of North Service Road.</p> <p>Staff support the proposed modification.</p>

Regulation	Required	Modification	Analysis
<p>Minimum Distance Between Buildings on the Same Lot</p> <p>6.10.3(h)</p>	<p>15 metres, except 3 metres between end walls and 9 metres between an end wall and a rear wall.</p>	<p>8.0 metres</p>	<p>The proposed reduction in distance between buildings will permit an orientation of blocks which also addresses the street frontages and internal building interfaces in a compatible manner. The reduced separation distance impacts only Blocks 1 and 2 and represents the distance between the end wall and the supporting columns for the balconies and there is additional separation to the main building. Sufficient space is provided between buildings to provide landscaping and pedestrian sidewalks between the buildings.</p> <p>Staff support the proposed modification.</p>
<p>Maximum Density</p> <p>6.10.3(i)</p>	<p>40 units per hectare</p>	<p>99 units per hectare</p>	<p>Staff note that the density was previously modified to 141 units per hectare for an Apartment Dwelling. The proposed increased density is specific to the proposed stacked back-to-back townhouse dwellings. Staff have reviewed the proposal and impacts from increased traffic have been reviewed and will result in minimal impact. Additionally, the applicant will be required to complete servicing upgrades to the municipal system for the proposed development.</p> <p>The proposed density is appropriate for the subject property as it complies with the “Medium Density Residential” policies of Section E.3.5 of the Urban Hamilton Official Plan with respect to locational criteria, built form, compatibility, function, and design.</p> <p>Staff support the proposed modification.</p>

Regulation	Required	Modification	Analysis
<p>Maximum Building Height</p> <p>6.10.3(j)</p>	<p>11.0 metres</p>	<p>15.0 metres</p>	<p>The applicant is proposing a maximum building height of 15.0 metres instead of 11.0 metres to permit an additional height specific to the four storey stacked back-to-back townhouse dwellings. Four storeys in height provides an appropriate and compatible transition to the residential development on the north side of Frances Drive.</p> <p>Staff support the proposed modification.</p>
<p>Privacy Area</p> <p>6.10.3(l)</p>	<p>Notwithstanding the yard requirements above, each maisonette and townhouse unit shall have at least one area which serves as a privacy area which shall be adjacent to the dwelling unit and shall have a minimum depth of 4.5 metres.</p>	<p>Notwithstanding the yard requirements above, each stacked back-to-back townhouse unit shall have at least one area which serves as a privacy area which shall be adjacent to the dwelling unit and shall have a minimum depth of 1.5 metres.</p>	<p>The provision typically applies to ground-oriented dwelling units that have an individual property and rear yard open space. The modification recognizes the proposed development includes both ground oriented and vertical dwelling units. Private balconies and at grade patios are provided to accommodate the amenity needs for residents.</p> <p>The subject lands are in proximity to public amenity spaces including Confederation Beach Park and Hamilton Beach, and Edgelake Park.</p> <p>Staff support of the proposed modification.</p>
<p>Minimum Landscaped Open Space</p> <p>6.10.3(m)</p>	<p>Not less than 50 percent of the lot area for maisonettes, townhouses and dwelling groups shall be landscaped including privacy areas.</p>	<p>Not less than 37 percent of the lot area for stacked back-to-back townhouse dwellings and dwelling groups shall be landscaped including privacy areas.</p>	<p>The proposed development does provide a compact form of development which has incorporated municipal right-of-way dedications as well as Ministry of Transportation setbacks which have condensed the developable area. The development permits intensification with an acceptable density with sufficient landscaped areas to mitigate impacts from the surface parking lot and allows for sufficient tree cover across the site.</p>

Regulation	Required	Modification	Analysis
Minimum Landscaped Open Space 6.10.3(m) (Continued)			<p>The inclusion of internal sidewalks along the street has been included to ensure adequate pedestrian circulation and access to the street-facing units which has caused reduction in the percentage of landscape area. The reduction to 37 percent will allow for pedestrian connectivity and appropriate site circulation.</p> <p>Staff support of the proposed modification.</p>
Minimum Landscaped Open Space 6.10.3(m)	A landscaped strip having a minimum width of 4.5 metres shall be provided and thereafter maintained adjacent to every portion of any lot that abuts a street except for points of ingress and egress.	A landscaped strip having a minimum width of 1.2 metres shall be provided and thereafter maintained adjacent to any lot line that abuts a street except for points of ingress and egress. Notwithstanding the above, no landscaped strip shall be required adjacent to the portion of the lot abutting the hypotenuse of the daylight triangle at the intersection of Frances Avenue and Parkedge Drive.	<p>The subject lands abut a municipal street on all four sides of the property, however, along the east, north and west lot lines setback reductions are proposed. The design promotes activation of the street and public realm fostering interaction at the street level and providing greater visual interest. The reduction is proposed to accommodate private sidewalks to ensure adequate pedestrian circulation and access to the street-facing units. At the future Site Plan Control stage, staff will further review the plantings provided to ensure the quality and that native species are included to promote diversity.</p> <p>Staff support of the proposed modification.</p>
Minimum Number of Parking Spaces 6.10.5(a)	2 parking spaces and 0.5 visitor parking spaces for each maisonette and townhouse dwelling unit. Tandem parking is permitted for non-visitor parking spaces.	1 parking space and 0.15 visitor parking spaces for each stacked back-to-back townhouse dwelling unit.	<p>The proposed stacked back-to-back townhouse use is not currently defined in the Stoney Creek Zoning By-law. The parking rate that was analyzed applies to a standard street townhouse dwelling as there is no comparable defined use in the By-law. The development features both one-and two-bedroom units in a built form that would be more comparable to the definition of an apartment dwelling unit than a townhouse.</p>

Regulation	Required	Modification	Analysis
<p>Minimum Number of Parking Spaces</p> <p>6.10.5(a) (Continued)</p>			<p>In addition, the City of Hamilton has completed technical review and amendment to Hamilton Zoning By-law No. 05-200, and while not currently approved by Council, the subject lands would be located within Parking Rate Area #3, which would permit a maximum of 2 parking spaces per unit and a minimum 0.85 spaces per unit for residents, plus 0.25 visitor parking spaces per unit. The application would comply with the parking calculation as well as it is within the permitted range.</p> <p>The proposal was reviewed prior to the inclusion of these provisions and while not currently required in the Stoney Creek By-law No 3692-92, staff are of the opinion that there is opportunity for the installation of charging stations. These details can be further addressed through the Site Plan Control application.</p> <p>Staff support the proposed modification.</p>
<p>Parking Regulations</p> <p>6.10.5(d)</p>	<p>Where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 3 metres to any lot line or closer than 5 metres to any dwelling unit located on a lot other than the said lot.</p>	<p>Where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 1.4 metres to any lot line or closer than 5 metres to any dwelling unit located on a lot other than the said lot.</p>	<p>The proposed modification is for parking spaces located along the westerly lot line. While most of the reduction along the westerly lot line will only require a 0.5 metre reduction, the additional reduction will apply to four parking spaces. Staff are of the opinion that the reduction can be supported as there is still opportunity for appropriate landscaping to be provided. The reduction is minor and only for a small portion and the location to the Grays Road overpass embankment will screen the parking from the public realm.</p>

Regulation	Required	Modification	Analysis
Parking Regulations 6.10.5(d) (Continued)	Except that the provisions of this clause shall not apply to any parking space located within a private garage, or underground garage.	Except that the provisions of this clause shall not apply to any parking space located within a private garage, or underground garage.	Staff support the proposed modification.
Parking Regulations 6.10.5(e)	Where there is a grouping of three or more parking spaces, no parking space shall be provided closer than 3.0 metres to any dwelling unit located on the same lot, except that the provisions of this clause shall not apply to any parking space located within an underground garage.	Where there is a grouping of three or more parking spaces, no parking space shall be provided closer than 2.0 metres to any dwelling unit located on the same lot, except that the provisions of this clause shall not apply to any parking space located within an underground garage.	The proposed amendments will permit a functional internal arrangement of parking spaces while ensuring sufficient distance separation from dwelling units and lot lines for compatibility. Landscape plantings are proposed to mitigate any impact that might arise due to the reduced separation. Staff support the proposed modification.

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SUMMARY OF PUBLIC COMMENTS RECEIVED

Comment Received	Staff Response
The additional traffic generated by this development cannot be supported by the existing road network.	Transportation Planning supports the Zoning By-law Amendment as the traffic generated by the proposed development is not anticipated to significantly impact the transportation network as network improvements are scheduled for the intersection of North Service Road and Parkedge Drive.
Overcrowding of schools.	Staff have circulated to all the required school boards. No comments or concerns have been received from any school board.
Storm drainage.	The applicant has submitted a revised Functional Servicing Report and Stormwater Management Report in support of the application. Development Engineering staff have reviewed the study and advised that there is sufficient capacity for the proposed development. The applicant is required to complete necessary upgrades to municipal infrastructure to accommodate the needs of the proposal. The required infrastructure to accommodate stormwater has been demonstrated to conform with City standards and detailed design will be addressed through the future Site Plan Control application. Staff note that the applicant has previously received an Environmental Compliance Approval from the Ministry and any changes will be subject to further review. As well, staff note that due to the location of the subject lands the Hamilton Conservation Authority will require a permit for any works, which will be addressed through the future Site Plan Control application.
Outdated infrastructure.	Staff note that the proposed development will be required to work with utility providers to ensure the development provides current standard service levels. Any network (i.e. cable, internet, electrical) upgrades would be completed by the appropriate service provider.

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From:
To: [Fiorino, Michael](#)
Subject: 560 Grays Road Concerns
Date: Friday, March 15, 2024 3:47:46 PM

Good afternoon.

I apologize for the late submission, but I have concerns to express regarding the proposed new build at 560 Grays Road.

Firstly, traffic is already an issue in this area. Between unchecked speeding, constant failures to stop at posted local stop signs, commercial truck traffic and regular daytime traffic to and from the North Service Road (particularly during morning and afternoon rush hour), residents in this area already feel unsafe and unheard. Proposing to add 94 units will add just as many vehicles, if not more. It is unlikely that new residents will include zero vehicle homes given the lack of public transportation in the area. This over-trafficked area will only become worse and more dangerous. That is especially true for all of the local residents (particularly seniors and children) who walk and bike ride throughout the area. That includes the portion of Frances that has no sidewalk between Parkedge (Drakes) and Grays. Parking on Grays Road is also already an ongoing issue because of the dozens and sometimes hundreds of people who use the Grays Road entrance to access the Beach Trail and Confederation Park. When will a traffic study and actual enforcement ever become reality in this area? We already have too many new builds that have increased traffic concerns over the past 10 years.

The infrastructure in the entire area cannot tolerate another increase in residential units. Despite supposed upgrades, internet and cable service are already slow and overused in the area. The flooding at the Northern end of Grays, and in fact the entire Northern end of the neighbourhood, increases each time more units are filled. The storm drains in the area cannot handle even more people and even less clear land to absorb water. We have also already seen how frequently the streets near to us, particularly Teal Avenue, lose power because of new builds and larger houses going in with no upgrades to the electrical system and transformers. Given the same lack of upgrades for Grays, Frances, Drakes and Oceanic, it is reasonable to expect that we too will have increasing transformer blowouts and malfunctions.

The local public and French Immersion school, Eastdale, is already filled to capacity. New portables have been added each year since Mountainview, Glen Echo, Glen Brae and Eastdale were all combined in to one school. The children barely have any room left to play or be physically active and, in fact, older children are being sent with a supervising teacher to the park adjacent to the school during nutrition breaks in order to be able to play soccer because of the lack of space. That overcrowding has not begun to be addressed but now the City wants to make it worse by bringing even more families in to our area.

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While I understand the need for new housing, building more over-priced units in an already over-crowded area where the traffic, school system and infrastructure cannot keep pace and are already constant issues, is not a solution. In addition, the safety issues for the residents who enjoy walking and biking throughout the area will only be increased. Traffic is already too hazardous and there are too many street sections with no sidewalks.

I ask that the City please take the current residents and situation in the area into account before allowing any further development.

Thank you,

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560 Grays Road – Open House Meeting

Date: November 20, 2023

Time: 6:30 – 7:30 PM

Attendees: Jared Marcus, Ritika Nair, Lori Havso, Sue Langdon, Jim Langdon, Cllr. Jeff Beattie

Summary of Comments

Concern	Question / Comment	Arcadis Response
Drainage	Will there be sufficient capacity for stormwater drainage?	Stormwater management was addressed through the previous Site Plan review and an ECA has been issued by the Ministry. Any changes will be addressed through the future Site Plan process.
	Will there still be a ditch to the north of the property?	A ditch is still proposed within the municipal boulevard along Frances Avenue. Exact details will be confirmed through the future Site Plan process.
Planning Process	Will this application proceed directly through the OLT?	A Zoning By-law Amendment application will be made to the City of Hamilton. It is our opinion that the development proposal is considered good planning and is supportable.
	Will there be further opportunities for public input?	Residents were welcomed to provide written comment to Arcadis after the open house meeting.
	Is there an opportunity for a mixed-use development on the site?	Residents within 120 metres of the subject property will be circulated on further opportunities for public input, including at the Council meeting stage.
Amenity Space / Parkland	Will there be sufficient amenity space on site? Are any play areas for children planned?	Only residential uses are currently contemplated as part of the proposed development.
Parking	Will the proposed number of parking spaces / parking rate be sufficient for the number of residents and visitors?	Landscaped amenity spaces have been included in the current version of the concept plan. All dwelling units will have access to either an at-grade patio or balcony. The current design does not specifically include a playground facility, but there are other significant public open spaces near the development.
		The proposed number of parking spaces is in line with other developments of a similar scale and consisting of a similar unit size and structure. A parking analysis is included as part of the TIS report.

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	<p>Will the proposed development increase the existing rates of on-street parking?</p>	<p>There is currently no on-street parking allowed on the streets surrounding the subject lands. Based on our experience with other similar area developments, the observed parking rates for occupants and visitors is consistent with the current proposal. On-street parking is not factored in the current parking rate. Notwithstanding the above, on-street parking is currently available within the surrounding neighbourhood and would be available for use by anyone regardless of whether they currently reside in the neighbourhood. On-street parking is not owned by residents.</p>
	<p>Where will residents and visitors park if there are insufficient parking spaces?</p>	<p>While we are confident that the proposed parking rate will be sufficient for the development, there is no way to ensure that there will never be a scenario where there is insufficient parking. Similar to how existing residents in the neighbourhood utilize on-street parking when visitors attend, if there is insufficient on-site parking then on-street parking, or other transportation methods will have to be utilized. Parking rates are not the same for single detached dwellings as they are for a stacked townhouse use, so current parking usage is not a good indicator of future patterns.</p>
	<p>Is underground parking a possibility?</p>	<p>Given the price of construction, underground parking is not a viable option.</p>
<p>Traffic</p>	<p>What traffic controls will be present at the access point for the site? Will the proposed development be signalized?</p>	<p>A Traffic Impact Study recommends stop control at the site entrance. Given rates of background traffic increases there may be additional upgrades that the City can make at the area intersections. There are no upgrades that are required based on the development.</p>
	<p>Concerns regarding speed and congestion issues on Frances Avenue.</p>	<p>Existing traffic safety concerns on area streets will not be exacerbated by the proposed development, and upgrades to address safety concerns would have to be addressed through an appropriate review by City staff.</p>
	<p>Is it possible to get access onto North Service Road?</p>	<p>No, access from this site onto North Service Road is not permitted by the City. The existing approved development concept includes access to Parkedge Drive and that entrance location will be continued through the current design concept.</p>

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Transit	<p>What is the timeline for transit in the neighbourhood?</p> <p>Will the proposed number of parking spaces be sufficient if transit is not an option?</p>	<p>The City is currently reviewing overall transportation network needs through the Strategic Transportation Network Review, as well as HSR route options specifically through the HSR (re)Designed Network review project. Any changes to route network would occur through Council decision and are not linked to this development application.</p> <p>As noted throughout the Planning Justification Report, the proposed parking rates are consistent with the City of Hamilton Zoning By-law, as well as consistent with observed rates from similar developments in the area.</p>
Construction	<p>Where will workers park during the construction phase?</p> <p>How long will construction take to complete?</p> <p>Concerns regarding noise during the construction phase.</p>	<p>While detailed construction plans are not known at this time it is anticipated that workers would park on site. Since there is no associated underground parking garage there will be sufficient space within the site to accommodate construction activities and parking. Workers would not be permitted to utilize on-street parking and it is typical that a construction and parking management plan would be required.</p> <p>The exact length of construction is not known, but it would be expected to last approximately 1 year.</p> <p>Construction activity impacts, such as noise, dust, etc., are governed by by-laws that are enforced by the City. In addition, it is typical for the construction team or developer to provide notice to residents with contact information where concerns can be raised.</p>
Proposed Units	<p>What is the price of the units?</p> <p>What is the proposed tenure of the units?</p> <p>Concerns regarding Airbnb.</p>	<p>This is unknown at this time.</p> <p>It is anticipated that the proposed units will be condominium units.</p> <p>Short term rentals, such as Airbnb, are governed by City by-laws and would not be subject to enforcement by the developer and are not part of this application.</p>
Snow Removal	<p>Is there a designated area for snow removal?</p>	<p>A formal Site Plan process will unfold following Zoning approval where specific design details, such as snow storage, will be reviewed and approved by City staff.</p>
<p>Public Comments received November 14, 2023</p>		

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1	<p>Oddy, the lot is showing on the City of Stoney Creek By-laws as being zoned RM3-58 with 3 variances to the standard zoning regulations. 1. a minimum rear setback for apartments of 11 m, a max density of 99 uph and a max height of 15 ms. That zoning, I believe, was the 2nd vision which received approval under By-law 16-227. Do you know why the City records have this zoning on file?</p>	<p>We cannot answer for the upkeep of the online Zoning By-law; however, the provisions did not appear to reflect By-law 19-014 which was approved by LPAT decision for file #PL190056. Regardless, the proposed development would require additional modifications to the Zoning By-law that do not match the previous approval.</p>
2	<p>Assuming the correct RM3-58 with the 7 variances sought and approved in the 3rd vision is what should be on file, has an application for a ZBA been made to the City? Or is the applicant going to attempt this rezoning as 'minor' variances and submit an application to the Committee of Adjustments? There is nothing showing on the city's open data so it would be helpful to know at what stage this new proposal for back-to-back towns is at please</p>	<p>At the time of receiving the correspondence the owners had only engaged the City in the Formal Consultation review and were in the process of coordinating the information meeting. No application had been submitted. The FC review identified that the proposed development would require a Zoning By-law Amendment.</p>
3	<p>If a development application has been made with the City, can you please provide a copy of it along with any supporting Studies that may have been conducted to date. Presumably (a) an updated Noise Impact study was conducted (now that this latest vision will now require the development to have a noise barrier fencing/berm), (b) an Environmental Impact statement was completed (now that it appears there will be a significant reduction in the permeable surfaces/significant increase in stormwater runoff to the private properties backing onto the Big Pond) (c) an updated Traffic study has been completed (now that this proposal no longer precedes the massive development at 310 Frances Avenue & other infills along the North Service Road); and (d) an updated Functional Servicing / Stormwater Management plan was completed (now that perhaps the plan to direct stormwater through Confed will change and perhaps there is no longer a requirement for an oil/grit separator on site).</p>	<p>As note above, at the time of receiving the correspondence formal applications had not been submitted. A Noise Report, Functional Servicing Report and Transportation Impact Study have been included with this submission package. An Environmental Impact Study was not required.</p>

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<p>4</p>	<p>As you may know, the residents in this area have 2 major concerns when infills are proposed in our community: Public Safety & Environment. Although some were concerned about the 4/6 storey heights approved in 2019/2020, this proposal for 94 stacked townsh presently appears to have a greater negative impact than all the previous 4 versions in the last 8 years. It appears to be a significant loss of landscaped open space, and a reduction in the parking ratio from 1.65 spaces (majority underground) / unit down to 1.19 spaces (all surface) / unit which results in overflow parking away from the site (adjacent roads are no parking zone) & directed to narrower streets causing safety issues. Do you have any comments on this and/or can you provide a copy of the Planning Justification Report if one was submitted?</p>	<p>As outlined within this report, parking rates in the Stoney Creek Zoning By-law are based on a building typology that didn't exist at the time the By-law was created, and the parking rates are not representative of current City direction. The proposed dwelling types are more representative of an apartment-style use and observed parking rates for comparable area developments are consistent with what is proposed.</p> <p>Similarly, landscape requirements for different built forms can't be directly compared. The proposed development provides a sufficient amount of landscape open space which balances appropriate amounts of parking and building density. In addition to landscaped open space, each unit will have access to a private at-grade patio or balcony.</p>
<p>5</p>	<p>Lastly, why hasn't this meeting notice been sent to property owners in the area that are affected by whatever eventually gets developed on that piece of land? I live 180 metres from the site. I fully appreciate the notice notifications in the Planning Act. I also understand that the Planning Act provides the bare minimum 'distance' for Public Consultation however when a proposal impacts stormwater flow to my private property, I don't believe it is unreasonable to receive Notice of such a proposal. All of the residents who own the waterlots/the Big Pond should have received invites to this upcoming Monday night meeting. It's not like the very long history of water damage to our properties due to soil erosion/flooding is a big deep dark secret.</p>	<p>Notice for the meeting was hand delivered to all residences and businesses within 120 metres of the subject lands. This was done in accordance with the Planning Act and City guidelines.</p> <p>Stormwater management is addressed in the enclosed Functional Servicing Report, as well as through the ECA obtained through the Site Plan Control application for the previous development concept. If updates or changes are required, it will be dealt with through the future Site Plan review process. It has been established through the ECA that stormwater drainage will be directed from the site to a new outlet to Lake Ontario. Stormwater drainage will not be directed to the "Big Pond".</p>

CITY OF HAMILTON

MOTION

Planning Committee Meeting: April 30, 2024

MOVED BY COUNCILLOR C. KROETSCH.....

SECONDED BY COUNCILLOR

Demolition Process respecting Reports to Planning Committee

WHEREAS, a qualified and professional opinion on demolition permit decisions would assist Council in assessing demolition applications.

THEREFORE BE IT RESOLVED:

That staff be directed to implement the requirement for the preparation of a staff report with recommendations for the issuance of demolition permits in the City of Hamilton.

CITY OF HAMILTON

MOTION

Planning Committee: April 30, 2024

MOVED BY COUNCILLOR J. P. DANKO

SECONDED BY COUNCILLOR

Demolition Permit for 361 Rymal Road West, Hamilton

WHEREAS, the existing dwelling has been unoccupied for over twelve (12) years and is in a state of disrepair and in a condition that is no longer habitable;

WHEREAS, the owner wishes to demolish the dwelling unit to mitigate future safety concerns and liability with the aging structure;

WHEREAS, the owner of the above-mentioned property would like to demolish the existing dwelling without having to obtain a Building Permit;

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized and directed to issue a demolition permit for 361 Rymal Road West, Hamilton, pursuant to Section 33 of the *Planning Act* as amended, without having to comply with the conditions in Sub-Section 6(a) of Demolition Control Area By-law 22-101.