



**City of Hamilton
PLANNING COMMITTEE
AGENDA**

Meeting #: 24-010
Date: July 9, 2024
Time: 9:30 a.m.
Location: Council Chambers (Planning)
Hamilton City Hall
71 Main Street West

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

	Pages
1. CEREMONIAL ACTIVITIES	
2. APPROVAL OF AGENDA (Added Items, if applicable, will be noted with *)	
3. DECLARATIONS OF INTEREST	
4. APPROVAL OF MINUTES OF PREVIOUS MEETING	
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6.1 Jeannie Howe respecting By-laws to Prevent Animal Neglect (For the August 13 meeting)	
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8. DELEGATIONS	
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9.4	Appeal of Urban Hamilton Official Plan Amendment Applications UHOPA-20-018, UHOPA-20-019 and UHOPA-20-020 and Rural Hamilton Official Plan Amendment Applications RHOPA-20-022, RHOPA-20-023 and RHOPA-20-024 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 9285, 9445, 9511, 9625 and 9751 Twenty Road West and 555 Glancaster Road, Glanbrook (PED24142) (Ward 11)	84
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14.1	Outstanding Business List	
	a. Items to be Removed:	
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	24C - Annual Report on Building Permit Fees (PED24039) (City Wide) (Addressed as Item 2 on Planning Committee Report 24-007)	
15.	PRIVATE AND CONFIDENTIAL	
16.	ADJOURNMENT	



**PLANNING COMMITTEE
MINUTES
24-009**

June 18, 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, J.P. Danko, M. Francis, C. Kroetsch,
T. McMeekin, N. Nann, M. Tadeson, A. Wilson, E. Pauls

Also in Attendance: Councillor B. Clark

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

- 1. Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED24067) (City Wide) (Item 9.1)**

(A. Wilson/Kroetsch)

That report PED24067 respecting Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications, be received.

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

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

2. **Application for a Zoning By-law Amendment for Lands Located at 2481 Barton Street East, Hamilton (PED24096) (Ward 5) (Item 10.1)**

(Francis/Hwang)

(a) That Zoning By-law Amendment Application ZAC-23-023 by GSP Group Inc. (c/o Brenda Khes) on behalf of Barton Street Development Inc. (c/o Rajan Banwait), Owner, for a change in zoning from the “JJ” (Restricted Light Industrial) District to the Transit Oriented Corridor Mixed Use High Density (TOC4, 899, H174) Zone, to permit the development of a 17 storey mixed use building consisting of 207 dwelling units, 473.2 square metres of commercial gross floor area and 176 parking spaces, for lands located at 2481 Barton Street East, as shown on Appendix “A” attached to Report PED24096, be APPROVED on the following basis:

(i) That the draft By-law, **as amended**, attached as Appendix “B” to Report PED24096, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

3(e) That no development within the subject site can proceed until the City completes the design and construction of the Battlefield Trunk Sewer twinning, **unless it is confirmed that there is capacity available in the existing Battlefield Sanitary Trunk to accommodate the proposed development**, to the satisfaction of the Director of Development Engineering;

(ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow; Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the Urban Hamilton Official Plan and Centennial Neighbourhoods Secondary Plan;

(iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the Planning Act, R.S.O. 1990 to the subject lands by introducing the Holding symbol “H174” to the proposed Transit Oriented Corridor Mixed Use High Density (TOC4, 899) Zone;

The Holding Provision ‘H174’ is to be removed conditional upon:

(1) That the owner submit and receive approval of a revised Tree Protection Plan (and applicable review fee) to evaluate the retention of additional trees on the subject lands, to the satisfaction of the Director of Heritage and Urban Design;

- (2) That the owner submit and receive completion of a signed Record of Site Condition being submitted to the satisfaction of the Director of Development Planning or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. The Record of Site Condition must include a notice of acknowledgement of the Record of Site Condition by the Ministry of the Environment, Conservation and Parks, and submission of the City of Hamilton's current Record of Site Condition administration fee;
 - (3) The Owner submit and receive approval of a revised Functional Servicing Report to demonstrate that there is a suitable sanitary sewer outlet with sufficient capacity available, including but not limited to, improvements to the existing sanitary sewer along Barton Street from the subject site to the Battlefield Trunk sewer, to service the proposed development, to the satisfaction of the Director of Development Engineering;
 - (4) That the Owner enter into and register an External Works Agreement with the City on the title of the lands for the design and construction of any required sanitary sewer improvements to the municipal infrastructures in accordance with City's Financial Policy to support this development, to the satisfaction of the Director of Development Engineering;
 - (5) That no development within the subject site can proceed until the City completes the design and construction of Battlefield trunk sewer twining, to the satisfaction of the Director of Development Engineering;
 - (6) That the owner submit and receive approval of an updated Pedestrian Wind Study, to the satisfaction of the Director of Heritage and Design;
 - (7) That the owner enter into and register an External Works Agreement on title with the City's Growth Management Division for the design and construction of an extension of the existing raised median island, to the satisfaction of the Director of Transportation Planning and Parking;
- (b) That approval be given for a modification to the Transit Oriented Corridor Mixed Use High Density (TOC4) Zone in the Hamilton Zoning By-law No. 05-200, to permit a reduction in the number of required Electric Vehicle ready parking spaces for a, 17 storey mixed use building for lands located

at 2481 Barton Street East, Hamilton, as shown on Appendix “A” to Report PED24096, subject to the following:

- (i) That the draft By-law, attached as Appendix “H” to Report PED24096, be held in abeyance until such time as By-law No. 24-052, being a by-law to establish the Parking Regulations Zones is in force and effect;
- (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “H” to Report PED24096, for enactment by City Council, once By-law No. 24-052 is in force and effect.

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

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

3. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 118 King Street West, Stoney Creek (PED24069) (Ward 5) (Item 10.2)

(Francis/Hwang)

- (a) That Official Plan Amendment Application UHOPA-23-014, by IBI Group (c/o Jared Marcus), on behalf of 1970752 Ontario Inc., Owner, to redesignate the subject lands from “Neighbourhoods” to “Mixed Use - Medium Density” in the Urban Hamilton Official Plan and from “Local Commercial” to “Mixed Use - Medium Density” in the Old Town Secondary Plan, with a Site Specific Policy to permit the development of a 12-storey mixed use building consisting of 124 residential units, 190 square metres of commercial and 124 parking spaces, for the lands located at 118 King Street West, as shown on Appendix “A” attached to Report PED24069, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED24069, be adopted by City Council;

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

- (b) That Zoning By-law Amendment Application ZAC-23-031, by IBI Group (c/o Jared Marcus), on behalf of 1970752 Ontario Inc., Owner, for a change in zoning from the Community Commercial (C3, 579) Zone to the Mixed Use Medium Density (C5, 893, H170) Zone, to permit a 12-storey mixed use building consisting of 124 residential units, 190 square metres of commercial and 124 parking spaces (74 underground spaces, 14 covered parking spaces at grade and 36 surface parking spaces), for lands located at 118 King Street West, as shown on Appendix "A" attached to Report PED24069, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix "C" to Report PED24069, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and will comply with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. XX;
 - (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the Planning Act, R.S.O. 1990 to the subject property by including the Holding symbol 'H' to the Mixed Use Medium Density (C5, 893, H170) Zone:

The Holding Provision 'H170' is to be removed conditional upon:

- (1) That the Owner submit to the Director of Development Engineering for review and approval, a revised Functional Servicing Report to demonstrate:
 - (a) That there is a suitable sanitary sewer outlet with sufficient capacity available, including but not limited to improvements to the existing sanitary sewer / trunk sewer systems from the subject property along King Street West and Nash Road northerly to the Red Hill Valley Ramp in accordance with the Centennial Neighbourhood Water Distribution and Wastewater Collection Servicing Study, to service the proposed development;

- (b) That as part of the future Site Plan Control application, the owner will enter into and register an External Works Agreement with the City on the title of the lands for the design and construction of any required sanitary sewer improvements to the municipal infrastructures identified in the Centennial Neighbourhood Water Distribution and Wastewater Collection Servicing Study, in accordance with the City's Financial Policy to support this development;
- (2) That no development within the subject site can proceed until the City completes the Centennial Neighbourhood Water Distribution and Wastewater Collection Servicing Study and the required sanitary sewer improvements to the municipal infrastructure are in place and operational, to the satisfaction of the Director of Development Engineering;
- (3) That the Owner submit and receive approval of a Hydrogeological Brief conducted by a qualified professional that discusses the soil/groundwater conditions to properly characterize the potential dewatering needs, to the satisfaction of the Director of Hamilton Water;
- (4) That the existing centre median island along Centennial Parkway South be extended as per the Traffic Impact Brief by Paradigm Transportation Solutions Limited dated November 3, 2022, to the satisfaction of the Manager of Transportation Planning. All costs associated with these works, including but not limited to the detailed design drawings and construction will be at the expense of an Owner;
- (5) That the Owner submit and receive approval of a revised Tree Protection Plan addressing the protection of trees, including submission of written confirmation from the abutting owner of 5 and 7 Orlanda Road for permission to remove tree 235 as identified on the Vegetation Management Plan prepared by IBI Group dated December 9, 2022, to the satisfaction of the Director of Heritage and Urban Design;
- (6) That the necessary legal agreements and easements be created and registered on title of the lands municipally known as 102, 110 and 118 King Street West, for the proposed shared access and parking areas, to the

satisfaction of the Director of Transportation Planning and Parking and the Director of Development Planning.

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

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

4. Application for a Zoning By-law Amendment for Lands Located at 150 Mohawk Road East, Hamilton (PED24063) (Ward 8) (Item 10.3)

(Danko/Tadeson)

(a) That Amended Zoning By-law Amendment Application ZAC-23-015, by UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston on behalf of Wellington Square Apts., owner, for a change in zoning from the “E-2/S-6” (Multiple Dwellings) District, Modified, to the Transit Oriented Corridor Multiple Residential (TOC3, 879) Zone, to permit the development of an 11 storey multiple dwelling with 161 residential units and 381 parking spaces on lands located at 150 Mohawk Road East, Hamilton, as shown on Appendix “A” attached to Report PED24063, be APPROVED on the following basis:

(i) That the draft By-law, **as amended**, attached as Appendix “B” to Report PED24063, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- | | | |
|-----|-------------------------------------|---|
| i) | Building Setback from a Street Line | Minimum 2.5 metres, except 13.5 metres for a portion of a building greater than 12.5 13.5 metres in height. |
| ii) | Minimum Rear Yard | 5.0 metres, except 16.0 metres for a portion of a building greater than 7.0 8.0 metres in height and 30.0 metres for a portion of a building greater than |

- | | | |
|------|----------------------------|--|
| | | 42.5 13.5 metres in height and 2.0 metres for a stairwell. |
| iii) | Minimum Interior Side Yard | 7.5 metres, except 32.0 metres for a portion of a building greater than 7.0 8.0 metres in height and 3.0 metres for a stairwell. |
| iv) | Maximum Building Height | 35.0 36.0 metres. |
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the Urban Hamilton Official Plan.

Result: Main Motion, as Amended, CARRIED by a vote of 12 to 0, as follows:

- YES – Ward 1 Councillor M. Wilson
- YES – Ward 2 Councillor C. Kroetsch
- YES – Ward 3 Councillor N. Nann
- YES – Ward 4 Councillor T. Hwang
- YES – Ward 5 Councillor M. Francis
- YES – Ward 7 Councillor E. Pauls
- YES – Ward 8 Councillor J.P. Danko
- YES – Ward 10 Councillor J. Beattie
- YES – Ward 11 Councillor M. Tadeson
- YES – Ward 12 Councillor C. Cassar
- YES – Ward 13 Councillor A. Wilson
- YES – Ward 15 Councillor T. McMeekin

5. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 399 Greenhill Avenue, Hamilton (PED24093) (Ward 5) (Item 10.4)

(Danko/A. Wilson)

- (a) That Amended Official Plan Amendment Application UHOPA-22-016, by Bousfields Inc. (c/o Anna Wynveen) on behalf of Medallion Developments (c/o Luka Kot), Owner, to establish a Site Specific Policy to permit local commercial uses to front onto and have access to a local road and to permit a principal entrance of a new local commercial use to face a local road, for lands located at 399 Greenhill Avenue, as shown on Appendix “A” attached to Report PED24093, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED24093, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That Amended Zoning By-law Amendment Application ZAC-22-030, by Bousfields Inc. (c/o Anna Wynveen) on behalf of Medallion Developments (c/o Luka Kot), Owner, for a change in zoning from the Community Commercial (C3) Zone to the Mixed Use Medium Density (C5, 897, H172) Zone, to permit 553 multiple dwelling units and 975 square metres of commercial gross floor area within four buildings including two 12 storey buildings and two four storey buildings, along with 502 parking spaces, for lands located at 399 Greenhill Avenue, as shown on Appendix “A” attached to Report PED24093, be APPROVED on the following basis:
- (i) That the draft By-law, **as amended**, attached as Appendix “C” to Report PED24093, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow; Growth Plan for the Greater Golden Horseshoe (2019, as amended), and will comply with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. XX ;
 - (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the Planning Act, R.S.O. 1990 to the subject lands by including the Holding “H172” to the proposed Mixed Use Medium Density (C5, 897) Zone:

The Holding Provision ‘H172’ is to be removed conditional upon:

- (1) The owner submit and receive approval of a Tree Protection Plan (and applicable review fee), to the satisfaction of the Director of Heritage and Urban Design;
- (2) The owner submit a signed Record of Site Condition to the satisfaction of the Director of Development Planning or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. The Record of Site Condition must include a notice of acknowledgement of the Record of Site Condition by the Ministry of the Environment, Conservation and Parks, and

submission of the City of Hamilton's current Record of Site Condition administration fee;

- (3) The owner submit and receive approval of an updated Pedestrian Wind Study, to the satisfaction of the Director of Heritage and Urban Design;
- (4) The owner submit and receive approval of an updated Environmental Noise Study, to the satisfaction of the Director of Development Planning;
- (5) The owner submitting a revised Functional Servicing Report, to the satisfaction of the Director of Development Engineering for review and acceptance, which demonstrates:
 - (aa) That through a sanitary sewer capacity analysis, there is a suitable sanitary sewer outlet with sufficient capacity available, including but not limited to improvements to the existing sanitary sewer on Harrisford Street to support the proposed increase in wastewater capacity in accordance with the City's standards;
 - (bb) The owner enters into and registers an External Works Agreement with the City on the title of the lands for the design and construction of any required sanitary sewer improvements to the municipal infrastructures identified in accordance with the recommendations of the sanitary sewer capacity analysis;
 - (cc) That the owner submits an updated Watermain Hydraulic Analysis (WHA), identify the modelled system pressures at pressure district levels under various boundary conditions and demand scenarios, to demonstrate that the municipal system can provide for required flows to support the proposed development;
- (6) ***That the owner submit and receive approval of an updated Transportation Impact Study, prepared by a qualified Professional Traffic Engineer, to the satisfaction of the Director of Transportation Planning and Parking.***

- (c) That approval be given for a modification to the Mixed Use Medium Density (C5) Zone in the Hamilton Zoning By-law No. 05-200, to permit a 12 storey mixed use development for lands located at 399 Greenhill Avenue, Hamilton, as shown on Appendix “A” attached to Report PED24093, subject to the following:
- (i) That the draft By-law, attached as Appendix “J” to Report PED24093, be held in abeyance until such time as By-law No. 24-052, being a by-law to establish the Parking Regulations Zones, is in force and effect;
 - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “J” to Report PED24093, for enactment by City Council, once By-law No. 24-052 is in force and effect.

Result: Main Motion, as Amended, CARRIED by a vote of 7 to 4, 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
 NO – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 NO – Ward 10 Councillor J. Beattie
 NO – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 NO – Ward 15 Councillor T. McMeekin

**6. Rental Housing Protection Policy Review (PED22091(a)) (City Wide)
(Outstanding Business List Item) (Item 10.5)**

(A. Wilson/Nann)

- (a) That the Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED22091(a), to revise policies establishing limitations to conversions and demolitions of rental housing, be approved, in accordance with the requirements of the Planning Act on the following basis:
- (i) That the draft Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED22091(a), which has been prepared in a form satisfactory to the City Solicitor, be held in abeyance until

the date that the Rental Housing Protection By-law comes into effect, being January 1, 2025;

- (b) That the City of Hamilton Official Plan Amendment (West Harbour Secondary Plan area), attached as Appendix “J” to Report PED22091(a), to establish policies for conversions and demolitions of rental housing consistent with the Urban Hamilton Official Plan, be approved, in accordance with the requirements of the Planning Act on the following basis:
 - (i) That the draft City of Hamilton Official Plan Amendment, attached as Appendix “J” to Report PED22091(a), which has been prepared in a form satisfactory to the City Solicitor, be held in abeyance until the date that the Rental Housing Protection By-law comes into effect, being January 1, 2025;
- (c) That the Rental Housing Protection By-law, attached as Appendix “B” to Report PED22091(a), prepared under the authority of the Municipal Act, be enacted, with an effective date of January 1, 2025;
- (d) That the Rental Housing Protection Reserve be established and the Rental Housing Protection Reserve Fund Policy, attached as Appendix “C” to Report PED22091(a), be approved;
- (e) That the amending By-law to By-law No. 12-282 (Tariff of Fees), as amended, attached as Appendix “D” to Report PED22091(a), to establish new fees for a Permit to convert or demolish rental housing, be approved on the following basis:
 - (i) That public notice of a proposal to amend the Tariff of Fees By-law to establish a new fee has been provided in accordance with the City’s Public Notice By-law No. 07-351;
 - (ii) That the draft By-law, attached as Appendix “D” to Report PED22091(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council, with an effective date of January 1, 2025;
- (f) That the amending By-law to By-law No. 22-101 (Demolition Control Area By-law), attached as Appendix “E” to Report PED22091(a), to remove the delegated authority of the Chief Building Official to approve a demolition permit where the Rental Housing Protection By-law applies to a demolition, be approved on the following basis:
 - (i) That the draft By-law, attached as Appendix “E” to Report PED22091(a), which has been prepared in a form satisfactory to

the City Solicitor, be enacted by Council, with an effective date of January 1, 2025;

- (g) That the Tenant Relocation and Assistance Guideline, attached as Appendix “F” to Report PED22091(a) be approved, and that the General Manager of the Planning and Economic Development or their designate be granted the authority to make minor modifications to the Guideline if needed;
- (h) That the amending By-law to By-law No. 24-055 (Renovation Licence and Relocation By-law), attached as Appendix “H” to Report PED22091(a), to ensure consistency between the application of the Renovation Licence and Relocation By-law and the Rental Housing Protection By-law, be approved on the following basis:
 - (i) That the draft By-law, attached as Appendix “H” to Report PED22091(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council, with an effective date of January 1, 2025;
- (i) That staff be directed to prepare the necessary documents required to implement the permit process prior to the effective date of the Rental Housing Protection By-law, including but not limited to a screening form, an application form, a legal agreement template, report templates and guidance materials for tenant relocation and assistance requirements, as well as any assistive explanatory documents, web page material and template letters;
- (j) That Item 22K on the Planning Committee Outstanding Business List be removed;
- (k) That staff be directed to take any steps necessary to enforce the Rental Housing Protection By-law attached as Appendix “B” to Report PED22091(a), including enforcement actions by Municipal Law Enforcement and the City Solicitor;
- (l) That if regulations are enacted pursuant to Section 99.1 of the Municipal Act, staff be directed to report back on the changes and any necessary amendments to the Rental Housing Protection By-law attached as Appendix “B” to Report PED22091(a);
- (m) That staff be directed to monitor the implementation of the Rental Housing Protection By-law and report back in two years on any updates or revisions that may be needed to improve the By-law or the permit process;

- (n) That staff be directed to amend the “Non-profit Affordable Housing Fee Exemption Form” to reflect exemptions from Rental Housing Protection By-law permit fees for non-profit housing, in accordance with the proposed Tariff of Fees By-law attached as Appendix “D” to Report PED22091(a);
- (o) That the costs of any exemptions from Rental Housing Protection By-law permit fees be accommodated through an adjustment to the Planning and Economic Development Department, Planning Division Base Budget, if needed.

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

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

7. Official Plan Amendments - Alignment with Parks Master Plan and Bill 23 (PED24060) (City Wide) (Item 10.6)

(Kroetsch/A. Wilson)

- (a) That approval be given to Official Plan Amendment No. XX to the Urban Hamilton Official Plan Amendment, Official Plan Amendment No. XX to the Rural Hamilton Official Plan and Official Plan Amendment No. XX to the former City of Hamilton Official Plan (CI-23-O) to amend the Parkland policies to reflect the recommendations of the Parks Master Plan and to ensure consistency with the Planning Act, 1990 as amended by Bill 23, on the following basis:
 - (i) That the Draft Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED24060, be adopted by Council;
 - (ii) That the Draft Rural Hamilton Official Plan, attached as Appendix “B” to Report PED24060, be adopted by Council;
 - (iii) That the Draft City of Hamilton Official Plan, attached as Appendix ‘C’ to Report PED24060, be adopted by Council;

- (iv) That Council direct staff to update the Parkland Dedication By-law to reflect the changes to the Planning Act.

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

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

- 8. Expanding Administrative Penalties (APS By-law No. 17-225 to include new penalties for the Licensing, Property Standards, Vital Services, Safe Apartment Buildings and Renovation Licence and Relocation By-laws (PED24091) (City Wide) (Item 11.1)**

(Hwang/A. Wilson)

- (a) That the amending by-law to the Administrative Penalties (APS) By-law No. 17-225 to incorporate various offences contained within the Property Standards By-law No. 23-162, Vital Services By-law No. 23-161, Safe Apartment Buildings By-law No. 24-054, Renovation Licence and Relocation By-law No. 24-055 and Schedule 32 (Short-term Rentals) of the Licensing By-law No. 07-170, as described in Report PED24091 and attached as Appendix “A” to Report PED24091, be approved.

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

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

9. Notices of Objection to the Notice of Intention to Designate 84 York Boulevard, Hamilton, under Part IV of the Ontario Heritage Act (PED24077) (Ward 2) (Item 11.2)

(Kroetsch/A. Wilson)

- (a) That the five Notices of Objection to the Notice of Intention to Designate 84 York Boulevard, Hamilton, under Part IV of the *Ontario Heritage Act*, attached as Appendices “A” through “E” to Report PED24077, be received;
- (b) That Council does not withdraw the Notice of Intention to Designate 84 York Boulevard, Hamilton, under Part IV of the *Ontario Heritage Act*;
- (c) That the draft By-law to designate 84 York Boulevard, Hamilton under Part IV of the *Ontario Heritage Act*, attached as Appendix “F” to Report PED24077, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

Result: Motion CARRIED by a vote of 7 to 4, 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
 NO – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 NO – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 NO - Ward 15 Councillor T. McMeekin

10. Hamilton’s Biodiversity Action Plan (PED21065(d)/PW24040) (City Wide) (Item 11.3)

(A. Wilson/Cassar)

- (a) That the “Hamilton Biodiversity Action Plan”, attached as Appendix “A” to Report PED21065(d)/PW24040, be approved as the guiding document for City of Hamilton actions to improve biodiversity across all communities in the City;
- (b) That the Consultation Summary Report, attached as Appendix “B” to Report PED21065(d)/PW24040, be received;

- (c) That the Planning and Economic Development Department Biodiversity Action Plan Resourcing Plan, attached as Appendix “C” to Report PED21065(d)/PW24040, be received, and that implementation of actions requiring financial resources be referred to future departmental budget requests, as necessary in accordance with the anticipated timeframes for initiation;
- (d) That the Planning Division staff complement be increased by 1 Full Time Equivalent position to support the implementation of actions outlined in the Planning and Economic Department Biodiversity Action Plan Resourcing Plan, attached as Appendix “C” to PED21065(d)/PW24040, as well as other natural heritage policy related special projects, and that financial requirements associated with this new position be referred to the 2025 budget process;
- (e) That the Public Works Department Biodiversity Action Plan Resourcing Plan, attached as Appendix “D” to PED21065(d)/PW24040, be received, and that implementation of actions requiring financial resources be referred to future departmental budget requests, as necessary in accordance with the anticipated timeframes for initiation;
- (f) That the Public Works Department staff complement be increased by 4 Full Time Equivalent positions to support actions outlined in the Public Works Department Biodiversity Action Plan Resourcing Plan, attached as Appendix “D” to PED21065(d)/PW24040, for a total annual cost of \$560,000.00, to be referred to the 2025 budget process;
- (g) That Planning and Economic Development Department staff consider the findings of the Municipal Protected Areas Project and the Natural Areas Inventory Update in the Urban Hamilton Official Plan and Rural Hamilton Official Plan through future Official Plan Amendments;
- (h) That Planning and Economic Development Department staff be authorized to undertake an interim role to assist in coordinating the implementation of the Biodiversity Action Plan until such a time that the Full Time Equivalent position in the Planning Division referred to in Recommendation (d) is created, and that financial resources in the amount of up to \$30,000.00 be allocated from the Planning Division, Sustainable Communities Section’s existing Official Plan Review capital budget to support the administrative, communication and consultation expenses;
- (i) That all future staff reports related to the Biodiversity Action Plan be referred to the General Issues Committee;
- (j) That staff from the Planning and Economic Development Department and the Public Works Department be directed to coordinate an annual

Communication Update to Council regarding the status of the City's actions outlined in the Biodiversity Action Plan.

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

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

11. Appeal of Committee of Adjustment Decision respecting 14 Belvidere Avenue (Added Item 14.1)

(Danko/Francis)

- (a) That legal staff file an appeal of Committee of Adjustment lot severance and variance approvals for 14 Belvidere Avenue (HM/B-22:133 and A-24:93), on the basis of the following reasons, and report back to Planning Committee on the status of the appeal:
- (i) Reliance on shared access easement roadway for the creation of new lots.
 - (ii) Non-compliance with City policy for new lot creation without direct access to a public roadway.
 - (iii) Non-compliance with City policy for private waste collection.
 - (iv) Inadequate consideration of staff recommendation to defer a decision due to environmental protections including tree protection and proximity to the mountain brow.
 - (v) Inadequate consideration of proposed development details including lot coverage, landscape area and parking layout.

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

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

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

12. Appeal to the Ontario Land Tribunal (OLT) for lands located at 544 and 550 Rymal Road East, Hamilton, for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-20-024) and Zoning By-law Amendment Application (ZAC-20-037) and Draft Plan of Subdivision Application (25T-202006) (LS23031(a)) (Ward 7) (Item 15.1)

(Pauls/Francis)

- (a) That the directions to staff in Closed Session respecting Report LS23031(a) be approved;
- (b) That closed session recommendations (a), (b), and (c) to Report LS23031(a) be approved and remain confidential until made public as the City's position before the Ontario Land Tribunal; and,
- (c) That the balance of Report LS23031(a) remain confidential.

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

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

13. Appeal to the Ontario Land Tribunal for Lands Located at 1065 Paramount Drive, Stoney Creek for Official Plan Amendment (UHOPA-23-005) and Zoning By-law Amendment Applications (ZAC-23-006) (LS24014) (Ward 9) (Added Item 15.2)

(Beattie/Francis)

- (a) That the directions to staff in closed session respecting Report LS24014, be approved;
- (b) That the directions to staff in closed session respecting Report LS24014 be released to the public, following approval by Council; and,
- (c) That the balance of Report LS24014, including Appendix “A”, remain confidential.

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

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

- 5.1 Correspondence from Vanessa Scali respecting Hamilton's Biodiversity Action Plan (Item 11.3)

Recommendation: Be received and referred to the consideration of Item 11.3.

6. DELEGATION REQUESTS

- 6.1 Delegations respecting the Biodiversity Action Plan (Item 11.3) (For today's meeting)
 - (iii) Jen Baker, Hamilton Naturalists Club
 - (iv) Tys Theysmeyer, Royal Botanical Gardens Canada

6.2 Delegations respecting 84 York Boulevard (Item 11.2) (For today's meeting)

(ii) David Falletta, Bousfields Inc.

10. PUBLIC HEARINGS

10.1 Application for a Zoning By-law Amendment for Lands Located at 2481 Barton Street East, Hamilton (PED24096) (Ward 5)

(a) Added Staff Presentation

10.2 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 118 King Street West, Stoney Creek (PED24069) (Ward 5)

(a) Added Staff Presentation

10.3 Application for a Zoning By-law Amendment for Lands Located at 150 Mohawk Road East, Hamilton (PED24063) (Ward 8)

(a) Added Staff Presentation

(b) Added Written Submissions:

- (i) Mark McGinty
- (ii) Darlene Prestayko
- (iii) Grace Spadano

(c) Added Registered Delegations:

(i) Barbara Miller

10.4 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 399 Greenhill Avenue, Hamilton (PED24093) (Ward 5)

(a) Added Registered Delegations:

(ii) Mary Sodergard

(b) Added Written Submissions:

- (ii) Michelle Wiatrowski
- (iii) Sandra Willett

- (iv) Lorene Knowles
- (v) Rick Dobrucki
- (vi) Mike Cadieux
- (vii) Colleen Long
- (viii) Mary Sodergard

(c) Added Staff Presentation

10.5 Rental Housing Protection Policy Review (PED22091(a)) (City Wide)
(Outstanding Business List Item)

(a) Added Registered Delegations:

- (i) Damien Ash, ACORN (virtual)
- (ii) Christine Neale, ACORN (in-person)
- (iii) Karl Andrus (in-person)
- (iv) Katie King (virtual)
- (v) Marni Williams-Oram, ACORN (in-person)
- (vi) Gordon Smyth, ACORN (in-person)
- (vii) Pauline Roberts, ACORN (in-person)
- (viii) Timothy Duke, ACORN (virtual)
- (ix) Esther Stam (pre-recorded)
- (x) Kier Williamson (pre-recorded)
- (xi) Susan McArthur (pre-recorded)
- (xii) Merima Menzildzic (virtual)

(b) Added Written Submissions:

- (i) Larissa Rickli, ACORN
- (ii) Kayla Leet, ACORN
- (iii) Rhonda Coleman, ACORN
- (iv) ACORN, Hamilton
- (v) Terry MacBride
- (vi) Mervyn Shurland, ACORN
- (vii) Shelly Taylor, ACORN
- (viii) Souma Khilsa, ACORN
- (ix) Althea Samuel, ACORN
- (x) Rebecca Thomas, ACORN
- (xi) Linda Boos, ACORN

(c) Staff Presentation

10.6 Official Plan Amendments - Alignment with Parks Master Plan and
Bill 23 (PED24060) (City Wide)

(a) Staff Presentation

11. DISCUSSION ITEMS

11.3 Hamilton' Biodiversity Action Plan (PED21065(d)/PW24040) (City Wide)

(a) Staff Presentation

15. PRIVATE AND CONFIDENTIAL

15.2 Appeal to the Ontario Land Tribunal for Lands Located at 1065 Paramount Drive, Stoney Creek for Official Plan Amendment (UHOPA-23-005) and Zoning By-law Amendment Applications (ZAC-23-006) (LS24014) (Ward 9)

(Nann/Beattie)

That the agenda for the June 18, 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
 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
 NOT PRESENT – 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) June 4, 2024 (Item 4.1)

(Hwang/A. Wilson)

That the Minutes of the June 4, 2024 meeting be approved, as presented.

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

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

(d) COMMUNICATIONS (Item 5)

(i) (A. Wilson/Kroetsch)

That the following communication item, be approved as follows:

**Correspondence from Vanessa Scali respecting Hamilton's
Biodiversity Action Plan (Item 11.3) (Added Item 5.1)**

Recommendation: Be received and referred to the consideration of Item 11.3.

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

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

(e) DELEGATION REQUESTS (Item 6)

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

(A. Wilson/Hwang)

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

(a) Delegation Requests respecting the Biodiversity Action Plan (Item 11.5) (Item 6.1)

- (1) Brian McHattie (in-person) (Item 6.1 (i))
- (2) Peter Appleton (virtual) (Item 6.1 (ii))
- (3) Jen Baker, Hamilton Naturalists Club (in-person) (Added Item 6.1 (iii))
- (4) Tys Theysmeyer, Royal Botanical Gardens Canada (in-person) (Added Item 6.1 (iii))

(b) Delegations respecting 84 York Boulevard (Item 11.2) (Item 6.2)

- (1) Russell Bartlett (in-person) (Item 6.2) (i))
- (2) David Falletta, Bousfields Inc. (in-person) (Added Item 6.2 (ii))

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

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

(f) DELEGATIONS (Item 7)

(a) Delegations respecting the Biodiversity Action Plan (Item 11.5) (Added Item 7.1)

- (i) The following Delegations addressed the Committee respecting the Biodiversity Action Plan (Item 11.5):

- (1) Brian McHattie (in-person) (Added Item 7.1 (i))
- (2) Peter Appleton (virtual) (Added Item 7.1 (ii))
- (3) Jen Baker, Hamilton Naturalists Club (in-person) (Added Item 7.1 (iii))
- (4) Tys Theysmeyer, Royal Botanical Gardens Canada (Added Item 7.1 (iii))

(ii) (M. Wilson/Francis)

That Tys Theysmeyer, Royal Botanical Gardens Canada, be provided with an additional 10 minutes to complete their delegation.

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

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

(iii) (Kroetsch/Hwang)

That the following Delegations respecting the Biodiversity Action Plan (Item 11.5) (Item 7.1), be received:

- (1) Brian McHattie (Added Item 7.1 (i))
- (2) Peter Appleton (Added Item 7.1 (ii))
- (3) Jen Baker, Hamilton Naturalists Club (Added Item 7.1 (iii))
- (4) Tys Theysmeyer, Royal Botanical Gardens Canada (Added Item 7.1 (iii))

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

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

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

(b) Delegations respecting 84 York Boulevard (Item 11.2) (Added Item 7.2)

(i) The following Delegations addressed the Committee respecting 84 York Boulevard (Item 11.2):

- (1) Russell Bartlett, (Added Item 7.2) (i))
- (2) David Falletta, Bousfields Inc. (Added Item 7.2 (ii))

(ii) (M. Wilson/Hwang)

That the following Delegations respecting 84 York Boulevard (Item 11.2) (Item 7.2), be received:

- (1) Russell Bartlett (Added Item 7.2) (i))
- (2) David Falletta, Bousfields Inc. (Added Item 7.2 (ii))

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

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

(g) 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) Application for a Zoning By-law Amendment for Lands Located at 2481 Barton Street East, Hamilton (PED24096) (Ward 5) (Item 10.1)

(a) (Francis/McMeekin)

That the staff presentation be waived.

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

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

(b) Brenda Khes with GSP Group was in attendance and indicated support for the staff report.

(A. Wilson/Nann)

That the presentation from Brenda Khes with GSP Group, be received.

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

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

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

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

(c) (Francis/Tadeson)

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

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

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

(d) (Francis/Hwang)

- (a) That Zoning By-law Amendment Application ZAC-23-023 by GSP Group Inc. (c/o Brenda Khes) on behalf of Barton Street Development Inc. (c/o Rajan Banwait), Owner, for a change in zoning from the “JJ” (Restricted Light Industrial) District to the Transit Oriented Corridor Mixed Use High Density (TOC4, 899, H174) Zone, to permit the development of a 17 storey mixed use building consisting of 207 dwelling units, 473.2 square metres of commercial gross floor area and 176 parking spaces, for lands located at 2481 Barton Street East, as shown on Appendix “A” attached to Report PED24096, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “B” to Report PED24096, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow; Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the Urban Hamilton Official Plan and Centennial Neighbourhoods Secondary Plan;
- (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the Planning Act, R.S.O. 1990 to the subject lands by introducing the Holding symbol "H174" to the proposed Transit Oriented Corridor Mixed Use High Density (TOC4, 899) Zone;

The Holding Provision 'H174' is to be removed conditional upon:

- (1) That the owner submit and receive approval of a revised Tree Protection Plan (and applicable review fee) to evaluate the retention of additional trees on the subject lands, to the satisfaction of the Director of Heritage and Urban Design;
- (2) That the owner submit and receive completion of a signed Record of Site Condition being submitted to the satisfaction of the Director of Development Planning or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. The Record of Site Condition must include a notice of acknowledgement of the Record of Site Condition by the Ministry of the Environment, Conservation and Parks, and submission of the City of Hamilton's current Record of Site Condition administration fee;
- (3) The Owner submit and receive approval of a revised Functional Servicing Report to demonstrate that there is a suitable sanitary sewer outlet with sufficient capacity available, including but not limited to, improvements to the existing sanitary sewer along Barton Street from the subject site to the Battlefield Trunk sewer, to service the proposed development,

to the satisfaction of the Director of Development Engineering;

- (4) That the Owner enter into and register an External Works Agreement with the City on the title of the lands for the design and construction of any required sanitary sewer improvements to the municipal infrastructures in accordance with City's Financial Policy to support this development, to the satisfaction of the Director of Development Engineering;
 - (5) That no development within the subject site can proceed until the City completes the design and construction of Battlefield trunk sewer twining, to the satisfaction of the Director of Development Engineering;
 - (6) That the owner submit and receive approval of an updated Pedestrian Wind Study, to the satisfaction of the Director of Heritage and Design;
 - (7) That the owner enter into and register an External Works Agreement on title with the City's Growth Management Division for the design and construction of an extension of the existing raised median island, to the satisfaction of the Director of Transportation Planning and Parking;
- (b) That approval be given for a modification to the Transit Oriented Corridor Mixed Use High Density (TOC4) Zone in the Hamilton Zoning By-law No. 05-200, to permit a reduction in the number of required Electric Vehicle ready parking spaces for a, 17 storey mixed use building for lands located at 2481 Barton Street East, Hamilton, as shown on Appendix "A" to Report PED24096, subject to the following:
- (i) That the draft By-law, attached as Appendix "H" to Report PED24096, be held in abeyance until such time as By-law No. 24-052, being a by-law to establish the Parking Regulations Zones is in force and effect;

- (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “H” to Report PED24096, for enactment by City Council, once By-law No. 24-052 is in force and effect.

(e) **(Francis/Hwang)**

That Appendix “B”, sub-section 3(e) in Report PED24096 be **amended** by adding wording, as follows:

(e) Amendment from Agent: Appendix B, 3 (e):

- (e) That no development within the subject site can proceed until the City completes the design and construction of the Battlefield Trunk Sewer twinning, ***unless it is confirmed that there is capacity available in the existing Battlefield Sanitary Trunk to accommodate the proposed development***, to the satisfaction of the Director of Development Engineering;

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

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

For disposition of this matter, refer to Item 2.

(ii) **Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 118 King Street West, Stoney Creek (PED24069) (Ward 5) (Item 10.2)**

(a) **(Francis/Beattie)**

That the staff presentation be waived.

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

YES – Ward 1 Councillor M. Wilson

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

(b) Jared Marcus with Arcadis Inc., was in attendance and indicated support for the staff report.

(Hwang/Francis)

That the presentation from Jared Marcus with Arcadis Inc., be received.

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

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

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

(i) Pauline Roberts (Added Item 10.2 (b)(i)) – Opposed to the proposal

(d) (Hwang/Francis)

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

(i) Pauline Roberts (Added Item 10.2 (b)(i)) – Opposed to the proposal

(b) That the public meeting be closed.

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

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

For disposition of this matter, refer to Item 3.

(iii) Application for a Zoning By-law Amendment for Lands Located at 150 Mohawk Road East, Hamilton (PED24063) (Ward 8) (Item 10.3)

(a) (Danko/Beattie)
 That the staff presentation be waived.

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

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

(b) Matthew LeBlanc with UrbanSolutions Planning & Land Development Consultants Inc. was in attendance and indicated support for the staff report, with the addition of suggested modifications.

(Danko/Hwang)

That the presentation from Matthew LeBlanc with UrbanSolutions Planning & Land Development Consultants Inc., be received.

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

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

(c) Registered Delegations:

The following delegation addressed the Committee:

(i) Barbara Miller (Added Item 10.3 (c)(i)) – Concerns with the proposal

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

(i) Lynda Yorkston (Added Item 10.3 (c)(ii)) – Concerns with the proposal

(e) (Danko/Tadeson)

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

(1) Delegations:

- (i) Barbara Miller (Added Item 10.3 (c)(i)) – Concerns with the proposal
- (ii) Lynda Yorkston (Added Item 10.3 (c)(ii)) – Concerns with the proposal

(2) Written Submissions:

- (i) Mark McGinty (Added Item 10.3 (b)(i)) – Opposed to the proposal

- (ii) Darlene Prestayko (Added Item 10.3 (b)(ii)) – Concerns with the proposal
- (iii) Grace Spadano (Added Item 10.3 (b)(iii)) – Opposed to the proposal

(b) That the public meeting be closed.

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

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

(f) (Danko/Tadeson)

(a) That Amended Zoning By-law Amendment Application ZAC-23-015, by UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston on behalf of Wellington Square Apts., owner, for a change in zoning from the “E-2/S-6” (Multiple Dwellings) District, Modified, to the Transit Oriented Corridor Multiple Residential (TOC3, 879) Zone, to permit the development of an 11 storey multiple dwelling with 161 residential units and 381 parking spaces on lands located at 150 Mohawk Road East, Hamilton, as shown on Appendix “A” attached to Report PED24063, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED24063, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the Urban Hamilton Official Plan.

(Danko/Nann)

That Appendix “B”, sub-section 2(f) to Report PED24063, be **amended** as follows:

- | | | |
|------|-------------------------------------|--|
| i) | Building Setback from a Street Line | Minimum 2.5 metres, except 13.5 metres for a portion of a building greater than 42.5 13.5 metres in height. |
| ii) | Minimum Rear Yard | 5.0 metres, except 16.0 metres for a portion of a building greater than 7.0 8.0 metres in height and 30.0 metres for a portion of a building greater than 42.5 13.5 metres in height and 2.0 metres for a stairwell. |
| iii) | Minimum Interior Side Yard | 7.5 metres, except 32.0 metres for a portion of a building greater than 7.0 8.0 metres in height and 3.0 metres for a stairwell. |
| iv) | Maximum Building Height | 35.0 36.0 metres. |

Result: Amendment CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 4.

- (iv) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 399 Greenhill Avenue, Hamilton (PED24093) (Ward 5) (Item 10.4)**

- (a) Daniel Barnett, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

(Francis/Hwang)

That the staff presentation be received.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

- YES – Ward 1 Councillor M. Wilson
- YES – Ward 2 Councillor C. Kroetsch
- YES – Ward 3 Councillor N. Nann
- YES – Ward 4 Councillor T. Hwang
- YES – Ward 5 Councillor M. Francis
- YES – Ward 7 Councillor E. Pauls
- YES – Ward 8 Councillor J.P. Danko
- YES – Ward 10 Councillor J. Beattie
- YES – Ward 11 Councillor M. Tadeson
- YES – Ward 12 Councillor C. Cassar
- YES – Ward 13 Councillor A. Wilson
- YES – Ward 15 Councillor T. McMeekin

- (b) Anna Wyveen with Bousfields Inc. was in attendance and indicated support for the staff report.

(A. Wilson/Francis)

That the presentation from Anna Wyveen with Bousfields Inc., be received.

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

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

- (c) Registered Delegations:

The following delegations addressed the Committee:

- (1) Fayne Downie - Opposed (Item 10.4 (a)(i))
- (2) Mary Sodergard – Opposed (Added Item 10.4 (a)(ii))

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

- (1) Lorene Ross- Opposed (Added Item 10.4 (a)(iii))
- (2) Richard Groff - Opposed (Added Item 10.4 (a)(iv))

(e) **(A. Wilson/Kroetsch)**

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

(i) Delegations:

- (1) Fayne Downie– Opposed (Item 10.4(a)(i))
- (2) Mary Sodergard – Opposed (Added Item 10.4 (a)(ii))
- (3) Lorene Ross- Opposed (Added Item 10.4 (a)(iii))
- (4) Richard Groff - Opposed (Added Item 10.4 (a)(iv))

(ii) Written Submissions:

- (1) Danka Gates - Opposed (Item 10.1(b)(i))
- (2) Michelle Wiatrowski – Concerns with the proposal (Item 10.1(b)(ii))
- (3) Sandra Willett - Opposed (Item 10.1(b)(iii))
- (4) Lorene Knowles - Opposed (Item 10.1(b)(iv))
- (5) Rick Dobrucki – Concerns with the proposal (Item 10.1(b)(v))
- (6) Mike Cadieux - Opposed (Item 10.1(b)(vi))
- (7) Colleen Long – Concerns with the proposal (Item 10.1(b)(vii))
- (8) Mary Sodergard - Opposed (Item 10.1(b)(viii))

(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

NOT PRESENT – Ward 3 Councillor N. Nann

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

(f) (Danko/A. Wilson)

- (a) That Amended Official Plan Amendment Application UHOPA-22-016, by Bousfields Inc. (c/o Anna Wynveen) on behalf of Medallion Developments (c/o Luka Kot), Owner, to establish a Site Specific Policy to permit local commercial uses to front onto and have access to a local road and to permit a principal entrance of a new local commercial use to face a local road, for lands located at 399 Greenhill Avenue, as shown on Appendix “A” attached to Report PED24093, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED24093, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That Amended Zoning By-law Amendment Application ZAC-22-030, by Bousfields Inc. (c/o Anna Wynveen) on behalf of Medallion Developments (c/o Luka Kot), Owner, for a change in zoning from the Community Commercial (C3) Zone to the Mixed Use Medium Density (C5, 897, H172) Zone, to permit 553 multiple dwelling units and 975 square metres of commercial gross floor area within four buildings including two 12 storey buildings and two four storey buildings, along with 502 parking spaces, for lands located at 399 Greenhill Avenue, as shown on Appendix “A” attached to Report PED24093, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED24093, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow; Growth Plan for the Greater Golden Horseshoe (2019, as amended), and will comply with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. ;
- (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the Planning Act, R.S.O. 1990 to the subject lands by including the Holding "H172" to the proposed Mixed Use Medium Density (C5, 897) Zone:

The Holding Provision 'H172' is to be removed conditional upon:

- (1) The owner submit and receive approval of a Tree Protection Plan (and applicable review fee), to the satisfaction of the Director of Heritage and Urban Design;
- (2) The owner submit a signed Record of Site Condition to the satisfaction of the Director of Development Planning or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. The Record of Site Condition must include a notice of acknowledgement of the Record of Site Condition by the Ministry of the Environment, Conservation and Parks, and submission of the City of Hamilton's current Record of Site Condition administration fee;
- (3) The owner submit and receive approval of an updated Pedestrian Wind Study, to the satisfaction of the Director of Heritage and Urban Design;
- (4) The owner submit and receive approval of an updated Environmental Noise Study, to the satisfaction of the Director of Development Planning;
- (5) The owner submitting a revised Functional Servicing Report, to the satisfaction of the

Director of Development Engineering for review and acceptance, which demonstrates:

- (aa) That through a sanitary sewer capacity analysis, there is a suitable sanitary sewer outlet with sufficient capacity available, including but not limited to improvements to the existing sanitary sewer on Harrisford Street to support the proposed increase in wastewater capacity in accordance with the City's standards;
 - (bb) The owner enters into and registers an External Works Agreement with the City on the title of the lands for the design and construction of any required sanitary sewer improvements to the municipal infrastructures identified in accordance with the recommendations of the sanitary sewer capacity analysis;
 - (cc) That the owner submits an updated Watermain Hydraulic Analysis (WHA), identify the modelled system pressures at pressure district levels under various boundary conditions and demand scenarios, to demonstrate that the municipal system can provide for required flows to support the proposed development;
- (c) That approval be given for a modification to the Mixed Use Medium Density (C5) Zone in the Hamilton Zoning By-law No. 05-200, to permit a 12 storey mixed use development for lands located at 399 Greenhill Avenue, Hamilton, as shown on Appendix "A" attached to Report PED24093, subject to the following:
- (i) That the draft By-law, attached as Appendix "J" to Report PED24093, be held in abeyance until such time as By-law No. 24-052, being a by-law to establish the Parking Regulations Zones, is in force and effect;

- (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “J” to Report PED24093, for enactment by City Council, once By-law No. 24-052 is in force and effect.

(g) (Francis/Pauls)

That Report PED24093, sub-section (b)(3) and Holding Provision ‘H172’ in Appendix “C” be **amended** by adding a new sub-section 6, as follows:

- (6) *That the owner submit and receive approval of an updated Transportation Impact Study, prepared by a qualified Professional Traffic Engineer, to the satisfaction of the Director of Transportation Planning and Parking.***

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

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

(h) (Francis/Pauls)

That Appendix “C” to Report PED24093 be **amended** to include the following wording:

Notwithstanding the definition of Amenity Area, a dog park shall not be permitted.

The above **Amendment** was WITHDRAWN.

For disposition of this matter, refer to Item 5.

(v) (McMeekin/A. Wilson)

That the Committee recess from 1:45 p.m. to 2:15 p.m.

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

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

**(vi) Rental Housing Protection Policy Review (PED22091(a)) (City Wide)
(Outstanding Business List Item) (Item 10.5)**

(a) Melanie Pham, Program Lead, Community Planning, addressed the Committee with the aid of a PowerPoint presentation.

(A. Wilson/Kroetsch)

That the staff presentation be received.

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

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

(b) Registered Delegations (Added Item 10.5 (a)):

The following delegations were not in attendance when called upon during the meeting:

(v) Marni Williams-Oram, ACORN (in-person)

(viii) Timothy Duke, ACORN (virtual)

The following delegations (Added Item 10.5 (a)) addressed the Committee:

- (i) Damien Ash, ACORN (virtual)
- (ii) Christine Neale, ACORN (in-person)
- (iii) Karl Andrus (in-person)
- (iv) Katie King (virtual)
- (vi) Gordon Smyth, ACORN (in-person)
- (vii) Pauline Roberts, ACORN (in-person)
- (ix) Esther Stam (pre-recorded)
- (x) Kier Williamson (pre-recorded)
- (xi) Susan McArthur (pre-recorded)
- (xii) Merima Menzildzic (virtual)

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

(c) (A. Wilson/Kroetsch)

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

(1) Registered Delegations:

- (i) Damien Ash, ACORN (virtual)
- (ii) Christine Neale, ACORN (in-person)
- (iii) Karl Andrus (in-person)
- (iv) Katie King (virtual)
- (vi) Gordon Smyth, ACORN (in-person)
- (vii) Pauline Roberts, ACORN (in-person)
- (ix) Esther Stam (pre-recorded)
- (x) Kier Williamson (pre-recorded)
- (xi) Susan McArthur (pre-recorded)
- (xii) Merima Menzildzic (virtual)

(2) Written Submissions:

- (i) Larissa Rickli, ACORN
- (ii) Kayla Leet, ACORN
- (iii) Rhonda Coleman, ACORN
- (iv) ACORN, Hamilton
- (v) Terry MacBride
- (vi) Mervyn Shurland, ACORN
- (vii) Shelly Taylor, ACORN
- (viii) Souma Khilsa, ACORN
- (ix) Althea Samuel, ACORN
- (x) Rebecca Thomas, ACORN
- (xi) Linda Boos, ACORN

(b) That the public meeting be closed.

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

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

For disposition of this matter, refer to Item 6.

(vii) Official Plan Amendments - Alignment with Parks Master Plan and Bill 23 (PED24060) (City Wide) (Item 10.6)

(a) (A. Wilson/Kroetsch)
 That the staff presentation be waived.

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

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

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

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

(b) (McMeekin/Beattie)

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

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

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

For disposition of this matter, refer to Item 7.

(h) DISCUSSION ITEMS (Item 11)

(i) Hamilton's Biodiversity Action Plan (PED21065(d)/PW24040) (City Wide) (Item 11.3)

Lauren Vraets, Senior Planner, Melanie Pham, Program Lead, Community Planning, and Kasey Livingston, Senior Program Coordinator addressed the Committee, respecting Hamilton's Biodiversity Action Plan, with the aid of a PowerPoint presentation.

(McMeekin/A. Wilson)

That the presentation from Lauren Vraets, Senior Planner, Melanie Pham, Program Lead, Community Planning, and Kasey Livingston, Senior Program Coordinator addressed the Committee, respecting Hamilton's Biodiversity Action Plan, be received.

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

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

For disposition of this matter, refer to Item 10.

(i) NOTICES OF MOTION (Item 13)

(i) Appeal of Committee of Adjustment Decision respecting 14 Belvidere Avenue (Added Item 13.1)

(Danko/Francis)

That the Rules of Order be waived to allow for the introduction of a Motion respecting Appeal of Committee of Adjustment Decision respecting 14 Belvidere Avenue.

Result: Motion CARRIED by a 2/3rds vote of 10 to 0, as follows:

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

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

For disposition of this matter, refer to Item 11.

(j) PRIVATE & CONFIDENTIAL (Item 15)

(Pauls/M. Wilson)

That Committee move into Closed Session for Item 15.1 and 15.2 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 9 to 0, as follows:

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

Councillor Cassar relinquished the Chair to Councillor M. Wilson for the remainder of the meeting.

(Hwang/Tadeson)

That the Planning Committee meeting of June 18, 2024, be extended past the 5:30 p.m. curfew, to 6:00 p.m.

Result: Motion CARRIED by a 2/3rds vote of 5 to 2, as follows:

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

NO – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 NO – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 NOT PRESENT – Ward 12 Councillor C. Cassar
 NOT PRESENT – Ward 13 Councillor A. Wilson
 NOT PRESENT – Ward 15 Councillor T. McMeekin

- (i) **Appeal to the Ontario Land Tribunal (OLT) for lands located at 544 and 550 Rymal Road East, Hamilton, for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-20-024) and Zoning By-law Amendment Application (ZAC-20-037) and Draft Plan of Subdivision Application (25T-202006) (LS23031(a)) (Ward 7) (Added Item 15.1)**

For disposition of this matter, refer to Item 12.

- (ii) **Appeal to the Ontario Land Tribunal for Lands Located at 1065 Paramount Drive, Stoney Creek for Official Plan Amendment (UHOPA-23-005) and Zoning By-law Amendment Applications (ZAC-23-006) (LS24014) (Ward 9)**

For disposition of this matter, refer to Item 13.

- (k) **ADJOURNMENT (Item 16)**

(Danko/Beattie)

That there being no further business, the Planning Committee be adjourned at 5:52 p.m.

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

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

Councillor C. Cassar, Chair
Planning Committee

Councillor M. Wilson, Acting Chair
Planning Committee

Lisa Kelsey
Legislative Coordinator



Hamilton

INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 9, 2024
SUBJECT/REPORT NO:	Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED24117) (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 (PED24117) (City Wide) - Page 2 of 3

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

Attached as Appendix “A” to Report PED24117 is a table outlining the active applications received prior to December 12, 2017, sorted by Ward, from oldest application to newest. As of June 7, 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 June 7, 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 PED24117 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 June 7, 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 June 7, 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 PED24117 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 June 7, 2024, there were:

- 19 active Official Plan Amendment applications;
- 37 active Zoning By-law Amendment applications; and,

SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED24117) (City Wide) - Page 3 of 3

- 18 active Plan of Subdivision applications.

As of June 7, 2024, six development proposals are approaching the 90 or 120 day statutory timeframe and will be eligible for appeal. 37 development proposals have passed the 90 or 120 day statutory timeframe.

Planning Division Active Files

Combined to reflect property addresses, there are 54 active development proposals. Seven proposals are 2024 files (13%), 13 proposals are 2023 files (24%), 12 proposals are 2022 files (22%), and 22 proposals are pre-2022 files (41%).

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 PED24117 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 18 active appeals for non-decision of which three are Zoning By-law Amendment applications, two are Plan of Subdivision applications, 10 are combined Official Plan Amendment and Zoning By-law Amendment applications, and three are combined Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision applications. Third party appeals are not included in this information as Council has made a decision on the application.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED24117 - List of Active Development Applications (prior to December 12, 2017)

Appendix "B" to Report PED24117 - List of Active Development Applications (after December 12, 2017, but before September 3, 2019)

Appendix "C" to Report PED24117 - List of Active Development Applications (after September 3, 2019)

Appendix "D" to Report PED24117 - *Planning Act* Applications Currently Appealed for Non-Decision to the Ontario Land Tribunal

SE:sd

Appendix "A" to Report PED24117
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Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective June 7, 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 June 7, 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.	2501
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.	2821
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.	2821
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.	3289

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Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective June 7, 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 June 7, 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	3115
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.	2532

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 June 7, 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 June 7, 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	2021
Ward 11									
UHOPA-18-016* ZAC-18-040 25T-2018007	9511 Twenty Road West, Glanbrook	10-Jul-18	n/a	15-Aug-18	n/a	06-Jan-19	06-May-19*	Corbett Land Strategies	2185
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.	2124
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	2030

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective June 7, 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 June 7, 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	2166

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.

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Active Development Applications
Deemed Complete After September 3, 2019
(Effective June 7, 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 June 7, 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	2365
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	1185
UHOPA-23-012 ZAC-23-027	175 John Street North, Hamilton	19-Dec-22	n/a	30-Jan-23	n/a	18-Apr-23	Philip Alaimo	534
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	530
ZAC-23-029 25T-202303	215 King Street West, Hamilton	23-Dec-22	n/a	2-Feb-23	n/a	22-Apr-23	Arcadis IBI Group	530
UHOPA-23-014 ZAC-23-031	118 King St West, Hamilton	15-Dec-22	n/a	22-Feb-23	n/a	14-Apr-23	Arcadis IBI Group	538
ZAC-24-018	309-325 James Street North, Hamilton	3-June-24	n/a	4-June-24	1-Sep-24	n/a	Fifty Road Joint Venture Inc.	4

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Active Development Applications
Deemed Complete After September 3, 2019
(Effective June 7, 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 June 7, 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	687
Ward 5								
UHOPA-22-016 ZAC-22-030	399 Greenhill Avenue, Hamilton	26-Apr-22	n/a	27-Apr-22	n/a	28-July-22	Bousfields Inc.	771
25T-202305	75 Centennial Parkway North, Hamilton	23-Aug-23	n/a	6-Sep-23	n/a	21-Dec-23	Bousfields Inc.	287
ZAC-23-023	2481 Barton Street East, Hamilton	22-Dec-22	n/a	19-Jan-23	22-Mar-23	n/a	GSP Group Inc.	531
UHOPA-23-013 ZAC-23-028 25T-85033R	117 Nashville Circle, Hamilton	23-Dec-22	n/a	22-Feb-23	n/a	22-Apr-23	Bousfields Inc.	530
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.	734

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Active Development Applications
Deemed Complete After September 3, 2019
(Effective June 7, 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 June 7, 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.	539
Ward 7								
ZAC-22-016	48 Miles Road, Hamilton	25-Jan-22	n/a	10-Feb-22	25-Apr-22	n/a	IBI Group	846
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.	1436
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	1060
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	801

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Active Development Applications
Deemed Complete After September 3, 2019
(Effective June 7, 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 June 7, 2024
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	944
ZAC-22-029 25T-202206	481 First Road West, Stoney Creek	22-Apr-22	n/a	n/a	n/a	24-Jul-22	Kuok Kei Hong	777
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.	531
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	540

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**Active Development Applications
Deemed Complete After September 3, 2019
(Effective June 7, 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 June 7, 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.	1241
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	699
ZAC-23-004	48 Jenny Court, Stoney Creek	29-Nov-22	n/a	4-Jan-23	27-Feb-23	n/a	T. Johns Consulting Group	555
UHOPA-24-004 ZAC-24-010	1600 Upper James Street, Hamilton	10-Apr-24	n/a	12-Apr-24	n/a	8-Aug-24	A.J. Clarke & Associates Ltd.	59
UHOPA-24-005 ZAC-24-011	365 Hwy 8, Stoney Creek	15-Apr-24	n/a	15-Apr-24	n/a	13-Aug-24	Bousfields Inc.	54
ZAC-24-017	32 Sandbeach Drive, Stoney Creek	21-May-24	n/a	22-May-24	19-Aug-24	n/a	Fifty Road Joint Venture Inc.	17
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.	1137

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Active Development Applications
Deemed Complete After September 3, 2019
(Effective June 7, 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 June 7, 2024
Ward 11 Continued								
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	793
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	793
ZAC-22-055	2640 Binbrook Road, Glanbrook	16-Aug-22	n/a	18-Aug-22	14-Nov-22	n/a	IBI Group	660
25T-202203	9451 Dickenson Road West, Glanbrook	11-Nov-21	10-Dec21	20-Dec-21	n/a	11-Mar-22	Korsiuk Urban Planning	937
Ward 12								
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.	1293
25T-202105	700 Garner Road East, Ancaster	18-Jan-21	n/a	04-Feb-21	n/a	18-May-21	MHBC Planning Ltd.	1262
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	964

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**Active Development Applications
Deemed Complete After September 3, 2019
(Effective June 7, 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 June 7, 2024
Ward 12 Continued								
ZAC-23-010	299 Fiddlers Green Road, Ancaster	19-Dec-22	n/a	6-Jan-23	19-Mar-23	n/a	Wellings Planning Consultants	535
UHOPA-24-006 ZAC-24-013	259 and 265 Wilson Street East, Ancaster	4-Apr-24	n/a	4-Apr-24	n/a	2-Aug-24	259 Wilson St. Inc.	65
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.	133
RHOPA-24-003 ZAC-24-009	1278 Old Highway 8, Flamborough	27-Mar-24	n/a	27-Mar-24	n/a	25-Jul-24	A.J. Clarke & Associates	73
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	534
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	1627

**Appendix “C” to Report PED24117
Page 8 of 8**

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective June 7, 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 June 7, 2024
Ward 15 Continued								
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.	1261
25T-201507R	74 Parkside Drive, Flamborough	11-Aug-22	n/a	18-Aug-22	n/a	17-Oct-22	IBI Group	665

Active Development Applications

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

**Appendix “D” to Report PED24117
Page 1 of 4**

Planning Act Applications
**Currently Appealed for Non-Decision to the
Ontario Land Tribunal (Effective June 7, 2024)**

File	Address	Applicant /Agent	Date Appeal Received
Ward 1			
ZAC-22-012	200 Market Street, 55 Queen Street North, Hamilton	GSP Group	January 2024
UHOPA-20-027 ZAC-20-042	1629-1655 Main Street West, Hamilton	GSP Group	February 2024
UHOPA-23-008 ZAC-23-020	17 Ewen Road, Hamilton	GSP Group	February 2024
Ward 2			
UHOPA-21-009 ZAC-21-021	117 Jackson Street East, Hamilton	Bousfields Inc.	September 2023
Ward 4			
UHOPA-23-006 ZAC-23-012	1284 Main Street East, Hamilton	GSP Group	August 2023

**Appendix “D” to Report PED24117
Page 2 of 4**

**Planning Act Applications
Currently Appealed for Non-Decision to the
Ontario Land Tribunal (Effective June 7, 2024)**

File	Address	Applicant /Agent	Date Appeal Received
Ward 7			
UHOPA-23-001 ZAC-23-001	499 Mohawk Road East, Hamilton	Urban Solutions Planning & Land Development Consultants Inc.	August 2023
UHOP-20-021 ZAC-20-037 25T-202006	544 and 550 Rymal Road East, Hamilton	Rymal East Development Corp.	July 2023
Ward 9			
UHOPA-23-05 ZAC-23-006	1065 Paramount Drive, Stoney Creek	Arcadis IBI Group	January 2024
25T-202304	157 Upper Centennial Parkway, Stoney Creek	MHBC Planning Ltd.	June 2024
Ward 10			
UHOPA-21-18 ZAC-21-039	1400 South Service Road, Stoney Creek	MHBC Planning Ltd.	November 2023
Ward 11			
UHOPA-22-008 ZAC-22-017 25T-202202	3054 Homestead Drive, Hamilton	Urban Solutions Planning & Land Development	April 2024

**Appendix “D” to Report PED24117
Page 3 of 4**

Planning Act Applications
Currently Appealed for Non-Decision to the
Ontario Land Tribunal (Effective June 7, 2024)

File	Add ress	Applicant /Agent	Date Appeal Received
Ward 12			
25T-201806	140 Garner Road, Ancaster	Urban Solutions Planning and Land Development Consultants Inc.	February 2022
UHOPA-23-010 ZAC-23-025	509 Southcote Road, Ancaster	Urban Solutions Planning and Land Development Consultants Inc.	June 2023
ZAC-21-027	140 and 164 Sulphur Springs Road, Ancaster	Fothergill Planning & Development Inc.	July 2023
UHOPA-23-017 ZAC-23-041	1225 Old Golf Links Road, Ancaster	A.J. Clarke & Associates Ltd	December 2023
UHOPA-20-013 ZAC-20-017	210 Calvin Street, Ancaster	SGL Planning & Design Inc.	May 2024
Ward 15			
ZAC-13-039	111 Silverwood Drive (111 Parkside Drive, Flamborough (Waterdown))	Metropolitan Consulting Inc.	October 2017
UHOPA-19-012 ZAC-21-044 25T-2019005	30, 36 and 42 Dundas Street East, 50 Horseshoe Crescent, and 522 Highway 6, Flamborough	MHBC Planning	August 2021

Planning Act Applications
Currently Appealed for Non-Decision to the
Ontario Land Tribunal (Effective June 7, 2024)

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



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 9, 2024
SUBJECT/REPORT NO:	Summary of the Demolition Control Area By-law No. 22-101 and the Non-Delegated Demolition Process (PED24075(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Alissa Golden (905) 546-2424 Ext. 1202 Jorge Caetano (905) 546-2424 Ext. 3931
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	
SUBMITTED BY:	Bob Nuttall Acting Director, Building and Chief Building Official Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

At its meeting on May 8, 2024, Council passed the following motion as part of Item 5 of Planning Committee Report 24-006:

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

THEREFORE, BE IT RESOLVED:

- (a) 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;

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SUBJECT: Summary of the Demolition Control Area By-law No. 22-101 and the Non-Delegated Demolition Process (PED24075(a)) (City wide) - Page 2 of 4

- (b) That staff review the demolition permitting by-law for options to allow for staff to approve demolition of vacant structures under their existing delegated authority, where the structure is vacant, and development is pending but prior to the issuance of a building permit.”

This Report provides background on the existing Demolition Control Area By-law No. 22-101, including its provisions for delegating authority of the Chief Building Official to issue demolition permits and the City’s process for bringing forward demolition permits to Planning Committee for consideration that cannot be delegated to the Chief Building Official under the By-law.

INFORMATION

On April 27, 2022, Council passed By-law No. 22-101 (attached as Appendix “A” to Report PED24075(a)), updating the City’s Demolition Control Area By-law and process to improve the administration of permits to demolish residential property. These updates redefined the scope of the delegated authority of the Chief Building Official to issue demolition permits to prevent the premature demolition of residential property by ensuring that redevelopment is imminent.

Demolition control applications where no redevelopment is proposed in the short-term are intended to be considered at Council by way of a staff report to Planning Committee to provide a greater degree of transparency in the process. The redefined scope of delegated authority was anticipated to increase the number of applications that require a staff report to Council for undelegated approval by 22 per year, or an average of one or two reports a month. Since the updated Demolition Control Area By-law was passed in April 2022, Building Division staff have brought forward two reports to Planning Committee for undelegated demolition control permits. In addition, Councillors have brought forward 20 motions for approval of demolition control permits at the request of applicants.

While it is Council’s prerogative to bring forward these types of motions for addressing undelegated demolitions, Building staff will now provide clearer direction to applicants in situations when they cannot demonstrate compliance with the Demolition Control Area By-law. The applicant will be advised that they must indicate why they cannot comply and outline the reasons why they are unable to comply. Staff will then prepare a report with a recommendation on whether the application should be approved for consideration by Planning Committee and final decision by Council.

For a full background on the process for updating the By-law, please refer to staff Report PED22093.

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SUBJECT: Summary of the Demolition Control Area By-law No. 22-101 and the Non-Delegated Demolition Process (PED24075(a)) (City wide) - Page 3 of 4

What is Demolition Control?

- Demolition control, as enabled under Section 33 of the *Planning Act*, prevents the demolition of “residential property” without Council approval.
- Residential property is defined as a building that contains one or more dwelling units.
- The intent of demolition control is to retain housing stock, maintain the integrity of neighbourhoods, prevent the premature loss of dwelling units and the creation of vacant land, retain existing dwelling units until new uses have been considered, and prevent the premature loss of municipal assessment.
- Council can delegate its authority to issue demolition control permits to staff (Chief Building Official), but not to refuse them.

When can the Chief Building Official issue approval of demolition control permits under the delegated authority of Council?

- When redevelopment of the residential property is imminent, including where:
 - The erection of a new building is proposed, and the owner has entered into the standard conditions for rebuilding;
 - Final Site Plan Control approval has been granted;
 - Draft Plan of Subdivision approval has been granted, including registration of the associated Subdivision Agreement and the preliminary grading and servicing conditions have been satisfied; and,
 - Demolition is required as a condition of approval of a Consent to Sever application.
- When a residential property has been severely damaged by fire or natural disaster and a professional engineer has recommended demolition.

Are there any exemptions to the Demolition Control Area By-law?

- When demolition does not reduce the number of dwelling units.
- When demolition is required for the implementation of Council-approved City capital works projects and the property is not protected under the *Ontario Heritage Act*.
- When a building has been found to be unsafe and is subject to an order to demolish under the *Building Code Act* without an option to repair.

Background on the 2022 Update to the Demolition Control Area By-law

The request for a review and update of the City’s demolition control process was a result of the demolition of the historic Brandon House, a pre-Confederation stone building that was located at 462 Wilson Street East in Ancaster. Its demolition was

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SUBJECT: Summary of the Demolition Control Area By-law No. 22-101 and the Non-Delegated Demolition Process (PED24075(a)) (City wide) - Page 4 of 4

permitted under the former Demolition Control Area By-law No. 09-208, which delegated Council's authority to the Chief Building Official to approve a permit to demolish a residential property when another non-residential use is permitted on the property or when land was being assembled to facilitate a future development, and when all other building permit conditions were met. In 2020, the community expressed concern for a perceived lack of transparency in the demolition process, the premature demolition of historic buildings not yet protected under the *Ontario Heritage Act* and associated creation of vacant lots leading to a perceived devaluing of property and other property standards issues.

As part of the process of updating the Demolition Control Area By-law, an inter-divisional staff working group was formed, including the Building, Planning, and Tourism and Culture Divisions of the Planning and Economic Development Department, as well as Legal Services staff from Corporate Services. Stakeholder consultation included the Development Industry Liaison Group, the Hamilton Municipal Heritage Committee, and the Ancaster Village Heritage Community Group, who originally delegated to Council requesting an update to the Demolition Control process. Staff conducted a review of best practices related to demolition control from comparable municipalities across Ontario, including Brantford, Kitchener, London, Ottawa, and Waterloo.

The Building Division administers the demolition control process.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED24075(a) – By-law No. 22-101

AG/JC:sd

Authority: Item 11, Planning Committee
Report 22-006 (PED22093)
CM: April 27, 2022
Ward: City Wide
Bill No. 101

**CITY OF HAMILTON
BY-LAW NO. 22-101**

**A By-law to Repeal and Replace By-Law Nos. 09-208 and 13-185, being the
Demolition Control Area By-Law**

WHEREAS section 33 of the *Planning Act*, R.S.O. 1990, c. P.13, provides that Council may, by by-law, designate any area within the City as a demolition control area when a property standards by-law under section 15.1 of the *Building Code Act*, 1992, S.O. 1992, c. 23, is in force and applies to the area within the municipality;

AND WHEREAS Property Standards By-law No. 10-221, as amended, prescribes standards of maintenance and occupancy for properties and is in force in the City;

AND WHEREAS no person shall demolish the whole or any part of any residential property in a demolition control area designated by Council pursuant to section 33 of the *Planning Act*, R.S.O. 1990, c. P .13, unless the person has been issued a demolition permit by Council;

AND WHEREAS under subsections 33(3) and 33(6) of the *Planning Act*, R.S.O. 1990, c. P .13, Council is the decision-maker with respect to consenting to the demolition of a residential property in an area of demolition control;

AND WHEREAS under sections 9 and 10 of the *Municipal Act*, 2001, S.O. 2001, c. 25, in accordance with section 23.1 of the *Municipal Act*, 2001, the powers of a municipality under that or any other Act may be delegated to a person or a body, subject to the restrictions set in sections 23.1 to 23.5, inclusive, of the *Municipal Act*, 2001;

AND WHEREAS Council wishes to: maintain the integrity of residential neighbourhoods; prevent the premature loss of dwelling units and the creation of vacant land; retain existing dwelling units until new uses have been considered; and, prevent the premature loss of municipal assessment;

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

1. In this By-Law:

A By-law to Repeal and Replace By-Law Nos. 09-208 and 13-185,
being the Demolition Control Area By-Law

Page 2 of 6

"**Chief Building Official**" means the City's Chief Building Official and includes their designate;

"**City**" means the geographical area of the City of Hamilton or the municipal corporation as the context requires;

"**Council**" means the City's Council;

"**Demolition Control Approval**" means approval to demolish Residential Property pursuant to this By-Law;

"**Dwelling Unit**" means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals;

"**Ontario Heritage Act**" means the *Ontario Heritage Act*, R.S.O. 1990, c. O.18;

"**Planning Act**" means the *Planning Act*, R.S.O. 1990, c. P. 13;

"**Residential Property**" means a building that contains one or more dwelling units, but does not include subordinate or accessory buildings the use of which is incidental to the use of the main building.

Demolition Control Area

2. All of the lands within the boundaries of the City are designated as a demolition control area.
3. No person shall demolish or otherwise remove the whole or any portion of a Residential Property in the demolition control area unless the person has been issued Demolition Control Approval by the City.
4. This By-Law does not apply when:
 - (a) the demolition of a part of the Residential Property does not reduce the number of Dwelling Units;
 - (b) the Residential Property is owned by the City and the demolition is required for the implementation of a City capital works project previously approved by Council, except if the Residential Property is designated under the *Ontario Heritage Act* or subject to an agreement, covenant, or easement for the conservation, protection or preservation of property of cultural heritage value or interest;

A By-law to Repeal and Replace By-Law Nos. 09-208 and 13-185,
being the Demolition Control Area By-Law

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- (c) the Residential Property is a mobile home;
 - (d) the owner of the Residential Property has entered into a demolition agreement with City;
 - (e) the Residential Property is exempted under any federal or provincial statute or regulation;
 - (f) the Residential Property has been found to be unsafe under section 15.9 of the *Building Code Act*, 1992 and an order to demolish has been issued under that section without any option to repair; or,
 - (g) an order has been issued under section 15.2 of the *Building Code Act*, 1992 that the Residential Property be demolished without any option to repair.
5. Every applicant seeking Demolition Control Approval shall submit a completed demolition application to the City in the form and with such content as required by the Chief Building Official in their sole discretion. Incomplete applications shall not be accepted by the City and shall not constitute an application for Demolition Control Approval for the purposes of section 33 of the *Planning Act* or this Demolition Control Area By-law.

Delegation of Authority

6. Council delegates to the Chief Building Official its authority to issue Demolition Control Approval pursuant to subsections 33(3) and 33(6) of the *Planning Act* for applications to demolish Residential Property where:
- (a) the erection of a new building is proposed on the site of the Residential Property to be demolished and where the following standard conditions apply:
 - i. that the applicant seeking Demolition Control Approval has applied for and received a building permit for a replacement building on the property;
 - ii. that the said building permit specifies that if the replacement building is not erected within two years of the demolition of the existing building on the property, the City be paid the sum of \$20,000 for each Dwelling Unit contained in the Residential Property which sum:

A By-law to Repeal and Replace By-Law Nos. 09-208 and 13-185,
being the Demolition Control Area By-Law

Page 4 of 6

1. the City Clerk is authorized to enter on the collector's roll and collect in like manner as municipal taxes; and
 2. is a lien or charge on the property until paid; and;
- iii. that the applicant seeking Demolition Control Approval has registered on title to the property notice of conditions (i) and (ii) in a form satisfactory to the Chief Building Official and the City Solicitor.
- (b) Final Site Plan Control approval has been granted for redevelopment of the Residential Property to be demolished;
 - (c) Draft Plan of Subdivision approval has been granted for redevelopment of the Residential Property to be demolished, for which the Subdivision Agreement has been registered and the preliminary grading and servicing conditions have been satisfied;
 - (d) demolition of the Residential Property is a condition of an approved Consent to Sever and all other conditions of the approved Consent to Sever have been met; or,
 - (e) the Residential Property has been severely damaged by a fire or natural disaster and the demolition has been recommended by a Professional Engineer licensed to practice in Ontario.
7. The delegation of authority set out in this Demolition Control Area By-Law does not include the authority to:
- (a) refuse to issue Demolition Control Approval, and where the Chief Building Official would refuse to issue Demolition Control Approval, they shall so advise Council which retains all power with respect to issuing or refusing to issue Demolition Control Approval;
 - (b) attach conditions to Demolition Control Approval with which an owner of Residential Property is not in agreement and where this is the case, the Chief Building Official shall so advise Council which retains all power with respect to issuing or refusing to issue Demolition Control Approval; or,
 - (c) issue or refuse to issue Demolition Control Approval for a Residential Property that is:
 - (i) designated pursuant to Part IV or V of the *Ontario Heritage Act*; or,

A By-law to Repeal and Replace By-Law Nos. 09-208 and 13-185,
being the Demolition Control Area By-Law

Page 5 of 6

- (ii) subject to an agreement, covenant, or easement for the conservation, protection or preservation of property of cultural heritage value or interest.
8. The Chief Building Official is authorized to undertake all acts necessary to carry out the delegated power under this Demolition Control Area By-Law, including the authority to sign any required documents.

Administration and Enforcement

9. Nothing in this By-Law shall exempt any person from complying with the requirement of any other applicable by-law, or from obtaining any licence, permission, permit, authority or approval required by this or any other by-law of the City or by any other law in force at the time.
10. Every person who demolishes a Residential Property or any portion thereof, without obtaining Demolition Control Approval under this By-law is guilty of an offence under section 33(16) of the *Planning Act* and is liable to a penalty or penalties as set out in section 33(16) of that Act.

Title, Repeal and Effective Date

11. This By-Law may be cited as the "Demolition Control Area By-Law".
12. By-Law No. 09-208 and amending By-Law No. 13-185 are repealed as of the day on which this By-Law comes into force.
13. This By-Law comes into force on the date of its passing.
14. In the event of a conflict between any provision of this By-Law and the *Planning Act*, the *Planning Act* prevails.
15. If a court of competent jurisdiction declares any provision, or any part of a provision, of the By-Law to be invalid, or to be of not force and effect, it is Council's intention in enacting this By-Law, that each and every other provision of this By-Law be applied and enforced in accordance with its terms to the extent possible according to law.

Transition

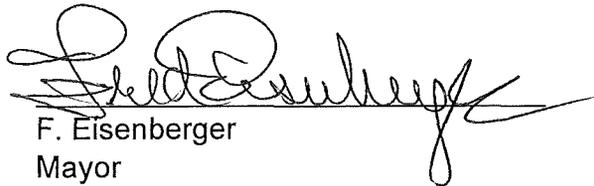
16. The repeal of By-Laws 09-208 and 13-185 does not:
- (a) affect the previous operation of those By-Laws;

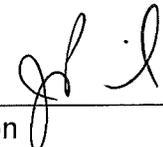
A By-law to Repeal and Replace By-Law Nos. 09-208 and 13-185,
being the Demolition Control Area By-Law

Page 6 of 6

- (b) affect a right, privilege, obligation or liability that came into existence under those By-Laws;
 - (c) affect an offence committed under those By-Laws, or any penalty, forfeiture or punishment incurred in connection with the offence; or,
 - (d) affect an investigation, proceeding or remedy in respect of a right, privilege, obligation or liability described in section 16(b), or a penalty, forfeiture or punishment described in section 16(c).
17. An investigation, proceeding or remedy described in section 16(d) may be commenced, continued and enforced as if By-Laws 09-208 and 13-185 had not been repealed or revoked.
18. A penalty, forfeiture or punishment described in section 16(c) may be imposed as if By-Laws 09-208 and 13-185 had not been repealed or revoked.

PASSED this 27th day of April, 2022.


F. Eisenberger
Mayor



J. Pilon
Acting City Clerk



Hamilton

INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 9, 2024
SUBJECT/REPORT NO:	Appeal of Urban Hamilton Official Plan Amendment Applications UHOPA-20-018, UHOPA-20-019 and UHOPA-20-020 and Rural Hamilton Official Plan Amendment Applications RHOPA-20-022, RHOPA-20-023 and RHOPA-20-024 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 9285, 9445, 9511, 9625 and 9751 Twenty Road West and 555 Glancaster Road, Glanbrook (PED24142) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Melanie Pham
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

In accordance with Subsection 22(7) of the *Planning Act*, including recent changes to Subsection 22 (7.2)(a) of the Act which took effect on June 6, 2024 upon Royal Assent of Bill 185, an Official Plan Amendment application to amend the boundary of an area of settlement outside of the Greenbelt Plan area 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.

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SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Applications UHOPA-20-018, UHOPA-20-019 and UHOPA-20-020 and Rural Hamilton Official Plan Amendment Applications RHOPA-20-022, RHOPA-20-023 and RHOPA-20-024 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 9285, 9445, 9511, 9625 and 9751 Twenty Road West and 555 Glancaster Road, Glanbrook (PED24142) (Ward 11) - Page 2 of 6

The following information is provided for Planning Committee's information with regards to Urban Hamilton Official Plan Amendment applications UHOPA-20-018, UHOPA-20-019 and UHOPA-20-020 and Rural Hamilton Official Plan Amendment Applications RHOPA-20-022, RHOPA-20-023 and RHOPA-20-024, which have been appealed for non-decision.

INFORMATION

The subject properties are represented by three separate applications which together are known municipally as 9285, 9445, 9511, 9625 and 9751 Twenty Road West and 555 Glancaster Road, Glanbrook (refer to Appendix "A" and Appendix "B" attached to Report PED24142). The subject lands generally encompass the majority of the two areas south of Twenty Road which are in the rural area but are surrounded by urban lands being the Airport Employment Growth District to the west, east, and south. Adjacent lands north of Twenty Road West, within the urban area, contain primarily residential uses, including several large retirement communities.

Application	Address	Area	Location
UHOPA-20-018/RHOPA-20-022 – "East"	9285, 9445 and 9511 Twenty Road West	26.61 hectares	South of Twenty Road West and east of Garth Street
UHOPA-20-019/RHOPA-20-023 – "Central"	9625 and 9751 Twenty Road West	32.57 hectares	South of Twenty Road West and west of Garth Street
UHOPA-20-020/RHOPA-20-024 – "West"	555 Glancaster Road	27.38 hectares	South of Twenty Road West and east of Glancaster Road

Three separate applications were submitted because the settlement area boundary expansion policies in the Provincial Growth Plan for the Greater Golden Horseshoe do not permit individual applications for settlement area boundary expansion (urban boundary expansion) to be larger than 40 hectares in size.

The Urban Hamilton Official Plan Amendment applications were submitted by Corbett Land Strategies Inc. c/o Nick Wood on behalf of:

- Spallacci & Sons Limited;

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SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Applications UHOPA-20-018, UHOPA-20-019 and UHOPA-20-020 and Rural Hamilton Official Plan Amendment Applications RHOPA-20-022, RHOPA-20-023 and RHOPA-20-024 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 9285, 9445, 9511, 9625 and 9751 Twenty Road West and 555 Glancaster Road, Glanbrook (PED24142) (Ward 11) - Page 3 of 6

- Oxford Road Developments;
- Twenty Road Developments Inc.;
- Sullstar Twenty Limited (Starward Homes);
- Lynmount Developments Inc.;
- The Parente Group; and,
- LIV Developments Ltd.

The applications were received on August 17, 2020, and were deemed complete on September 15, 2020. A list of materials submitted with the applications is attached as Appendix "D" to Report PED24142. The purpose of the proposed Rural and Urban Hamilton Official Plan Amendments is to remove the lands from the rural area and add the lands to the urban area to facilitate the development of the lands for future residential uses.

While the applications were made in 2020 and deemed complete, there was no decision made as the City's Growth Related Integrated Development Strategy GRIDS2 and Municipal Comprehensive Review process was in progress and no decision had been made by Council on the City's preferred growth strategy at the time of the applications. The applicant had no legal ability to appeal the non-decision until Royal Assent of Bill 185 on June 6, 2024.

The appeal of the Urban Hamilton Official Plan Amendment and Zoning By-law Amendment applications, filed by Fogler, Rubinoff LLP representing the Upper West Side Landowners Group, was received by the City Clerk's Office on June 27, 2024, 1,411 days after the applications were received and 21 days after Bill 185 received Royal Assent. The appeal letters are attached as Appendix "C" to Report PED24142.

PROPOSED DEVELOPMENT

The applications propose to revise the schedules and appendices of the Rural and Urban Hamilton Official Plans to remove the subject lands from the rural area and add the lands to the urban boundary, to permit the development of the lands for residential uses, natural heritage features, stormwater management, and a collector road network, including a total of approximately 2,450 residential units.

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SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Applications UHOPA-20-018, UHOPA-20-019 and UHOPA-20-020 and Rural Hamilton Official Plan Amendment Applications RHOPA-20-022, RHOPA-20-023 and RHOPA-20-024 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 9285, 9445, 9511, 9625 and 9751 Twenty Road West and 555 Glancaster Road, Glanbrook (PED24142) (Ward 11) - Page 4 of 6

A copy of the proposed concept plan for the development is attached as Appendix “B” to Report PED24142. The list of materials submitted with the applications is attached as Appendix “D” to Report PED24142.

Official Plan Amendment Applications

The subject properties are designated “Rural” and “Open Space” on Schedule D – Rural Land Use Designations in the Rural 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 amendments propose to remove lands from the Rural Hamilton Official Plan and add the lands into the Urban Hamilton Official Plan to be within the urban area. A proposed designation was not identified in the Official Plan Amendments prepared by the applicant, but the proposed residential uses would be classified “Neighbourhoods” in the Urban Hamilton Official Plan, with “Open Space” designations applied to natural heritage features.

Specifically, the applications propose the following amendments:

- Revise schedules and appendices of the Rural Hamilton Official Plan to remove the subject lands;
- Revise schedules and appendices of the Urban Hamilton Official Plan to add the subject lands to the urban area and revise the Natural Heritage System in accordance with studies;
- Revise the mapping of the Airport Employment Growth District Secondary Plan to identify the lands as urban;
- Revise policies of section C.4.8 of the Urban Hamilton Official Plan relating to the Airport Noise Exposure Forecast Contours to permit the development of new sensitive land uses below the 30 NEF contour, whereas the Urban Hamilton Official Plan currently permits new sensitive land uses below the 28 NEF contour;
- Add policies related to cost-sharing; and,
- Add a special policy area for the ‘central whitebelt’ lands which permits a maximum density of 70 units per hectare.

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SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Applications UHOPA-20-018, UHOPA-20-019 and UHOPA-20-020 and Rural Hamilton Official Plan Amendment Applications RHOPA-20-022, RHOPA-20-023 and RHOPA-20-024 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 9285, 9445, 9511, 9625 and 9751 Twenty Road West and 555 Glancaster Road, Glanbrook (PED24142) (Ward 11) - Page 5 of 6

Key issues identified include:

- The applications proposed to amend policies of the Urban Hamilton Official Plan relating to the noise exposure forecast contours to permit sensitive land uses below the 30 Noise Exposure Forecast contour and closer to the Hamilton International Airport, which is not consistent with the intent of the Urban Hamilton Official Plan and Rural Hamilton Official Plan to protect the 24 hour operations of the airport from the further encroachment of sensitive land uses; and,
- The applications do not conform to the City's approved comprehensive and integrated Growth Related Integrated Development Strategy (GRIDS2) and the implementing Official Plan Amendment which was approved through Official Plan Amendment No. 167, and the subsequent Royal Assent for Bill 150 which unwound provincial modifications relative to urban area boundary expansions. Current policies recognize the current urban boundary as firm and only permit adjustments through a Municipal Comprehensive Review.

It is noted that the applications were submitted prior to the above policy directions being incorporated into the Urban Hamilton Official Plan via Official Plan Amendment No. 167. At the time of application, the relevant Urban Hamilton Official Plan policies for urban boundary expansion were under appeal and were Council direction only.

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 387 property owners within 120 metres of the subject lands on September 25, 2020. The application submission notes that an informal public consultation meeting occurred on January 16, 2018, prior to the formal application submission. No records of this meeting were submitted with the applications.

A total of 14 written submissions were received in response to the preliminary circulation, which raised concerns regarding stormwater management and drainage, traffic, natural heritage protection, open space/parkland, inclusion of other lands in the vicinity, expectations for orderly development/preservation of agricultural lands, and preference for lower density.

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Other Related Applications

An Official Plan Amendment to create the Upper West Side Secondary Plan was submitted by Corbett Land Strategies Inc. on November 21, 2023. The application includes the lands identified in this report, as well as additional lands within the Airport Employment Growth District, which are proposed to be redesignated from “Employment” lands to the “Neighbourhoods” designation for residential purposes. The application was deemed incomplete by the City on December 19, 2023. The City’s position was appealed to the Ontario Land Tribunal on January 16, 2024.

Twenty Road West also submitted a separate Official Plan Amendment on March 21, 2024, proposing in part to re-establish the Provincial Minister’s original approval of Official Plan Amendment 167, prior to Bill 150 receiving Royal Assent. The application includes changing intensification policies to reflect the ambitious density scenario considered in the updated Growth Related Integrated Development Strategy (GRIDS2) work. The application also proposes to establish policies allowing Urban Boundary Expansions outside of a Municipal Comprehensive Review process, and to allow residential development near the airport to occur up to the 30 Noise Exposure Forecast level instead of the current 28 Noise Exposure Forecast level. This application was deemed incomplete by the City on April 9, 2024, as there was not an up-to-date Formal Consultation process followed. Staff also note that currently the establishment of intensification targets can only occur through a Municipal Comprehensive Review. The City’s position was appealed to the Ontario Land Tribunal on May 8, 2024.

APPENDICES AND SCHEDULES ATTACHED

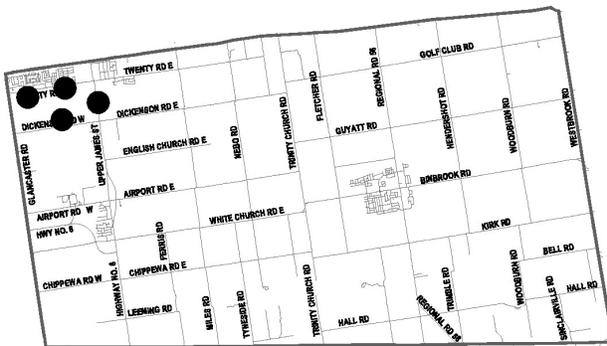
Appendix “A” to Report PED24142 - Location Map
 Appendix “B” to Report PED24142 - Concept Plan
 Appendix “C” to Report PED24142 - Letter of Appeal
 Appendix “D” to Report PED24142 - List of Materials Submitted with Application

MP/sd

Appendix "A" to Report PED24142
Page 1 of 1



● Site Location



Key Map - Ward 11

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
UHOPA-20-018/UHOPA-20-019/UHOPA-20-020

Date:
August 1, 2023

Appendix "A"

Scale:
N.T.S

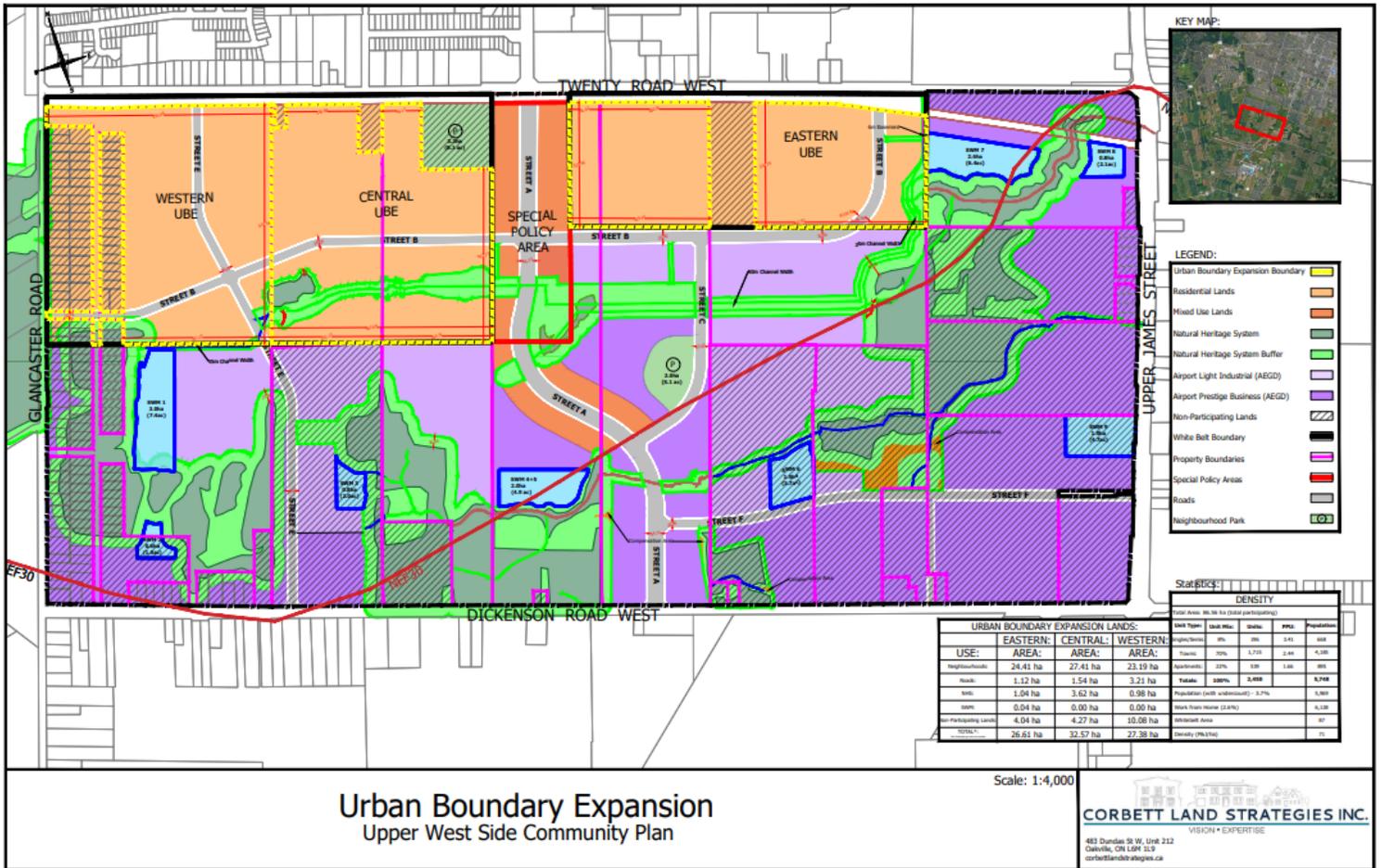
Planner/Technician:
HT/NB

Subject Property



555 Glancaster Road,
9625 and 9751 Twenty Road West, and
9285, 9445 and 9511 Twenty Road West,
Glanbrook

Appendix "B" to Report PED24142



Urban Boundary Expansion
Upper West Side Community Plan

Scale: 1:4,000

CORBETT LAND STRATEGIES INC.
VISION • EXPERTISE
483 Dundas St. W. Unit 212
Oshawa, ON L3H 5L9
corbettlandstrategies.ca



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E-mail: szhao@foglers.com

Our File No. 064423

June 27, 2024

VIA EMAIL AND REGISTERED MAIL

City of Hamilton
Hamilton City Hall
71 Main Street West, 1st Floor
Hamilton, Ontario
L8P 4Y5
e: clerk@hamilton.ca
Attention: Office of the City Clerk

Dear Sir/Mesdames:

Re: Upper West Side Landowners Group Appeals of Urban Boundary Expansion Applications (UHOPA-20-018; UHOPA-20-019; UHOPA-20-020)

We are the lawyers for Upper West Side Landowners Group Inc. ("**UWS Landowners**").

On August 12, 2020, Corbett Land Strategies, on behalf of the UWS Landowners, submitted three applications to the City of Hamilton for Official Plan amendments for the purposes of privately initiated urban boundary expansions (the "**Urban Boundary Expansion Applications**") with respect to the Upper West Side community lands, which are bounded by Twenty Road West to the north, Upper James Street to the east, Dickenson Road to the south, and Glancaster Road to the west (the "**UWS Lands**").

The UWS Lands that are the subject of the Urban Boundary Expansion Applications are divided into three areas, identified in the Urban Boundary Expansion Applications as the East (26.61 hectares), Central (32.57 hectares), and West (27.38 hectares) precincts. The Urban Boundary Expansion Applications were filed in compliance with Section 2.2.8 of the Growth Plan 2019, including Policy 2.2.8.6 which requires that the amount of land subject to a settlement area boundary expansion application be no larger than 40 hectares.

Formal comments on the proposed urban expansion areas were received from the City of Hamilton on April 25, 2020, and on September 5, 2020, the City of Hamilton issued a Notice of Complete



Application with respect to all three of the Urban Boundary Expansion Applications. To date, no decision has been made by the City of Hamilton on the Urban Boundary Expansion applications.

Previously, Section 22(7.2) of the *Planning Act* had provided for a restriction on appeals of applications which proposed to alter all or any part of the boundary of an area of settlement in a municipality.

However, as a result of an amendment to Section 22(7.2) of the *Planning Act* by Bill 185 (*Cutting Red Tape to Build More Homes Act, 2024*), the prohibition on appeals which may alter the boundary of an area of settlement is now only with respect to proposals that, as a result of the alteration, would include any land in the Greenbelt Area within the area of settlement. The Urban Boundary Expansion Applications are not with respect to any Greenbelt lands and accordingly may now be appealed to the Ontario Land Tribunal.

Please find enclosed the following documents with respect to the UWS Landowners appeal of the Urban Boundary Expansion Applications to the Ontario Land Tribunal:

1. OLT Appeal Form (A1);
2. The Cover Letters for the UWS Landowners' Urban Boundary Expansion Applications (West, Central, and East), prepared and submitted to the City of Hamilton by Corbett Land Strategies; and
3. The City of Hamilton's Notice of Complete Application.

Please contact Ms. Sharon Zhao by email (szhao@foglers.com) or by telephone (416.864.9700 x174) for payment of the OLT filing fees by credit card.

A physical copy of this letter and the enclosed documents are also being sent by way of registered mail.

Yours truly,

FOGLER, RUBINOFF LLP

Matthew Rutledge

Matthew W Rutledge

MWR/sz

cc: Joel Farber; John Corbett; Nick Wood; sz



Hamilton

Mailing Address:
71 Main Street West, 5th Floor
Hamilton, Ontario
Canada L8P 4Y5
www.hamilton.ca

Planning and Economic Development Department
Development Planning, Heritage and Design
71 Main Street West, 5th Floor, Hamilton ON L8P 4Y5
Phone: 905-546-2424 Fax: 905-546-4202

September 15, 2020

Files: UHOPA-20-018 / UHOPA-20-019 /
UHOPA-20-020

Nick Wood
Corbett Land Strategies
483 Dundas St W, Unit 212
Oakville, ON L6M 1L9

Dear Sir:

Re: Notice of Complete Applications by Corbett Land Strategies for Official Plan Amendment Applications for Lands Located at 9285, 9445, 9511, 9625 and 9751 Twenty Road East and 555 Glancaster Road, Glanbrook (Ward 11)

Thank you for choosing the City of Hamilton for your planning applications.

In accordance with the provisions of the *Planning Act*, all of the information and material required for these applications has been provided and they are deemed complete.

It is our goal to provide you with efficient and timely processing of your applications so that you may receive a decision as soon as possible. Your applications has/have been assigned to **Heather Travis** for processing. This planner will soon be in contact with you regarding your applications.

Should you have any questions or require assistance at any time throughout the planning process, please feel free to contact either Heather Travis at 905-546-2424, ext. 4168 or by email at heather.travis@hamilton.ca, or myself at ext. 5134.

Yours truly,

Heather Travis for

Yvette Rybensky, BES, MCIP, RPP
Senior Project Manager
Development Planning, Heritage and Design - Suburban Team

HT



Wednesday August 12th, 2020

City of Hamilton
71 Main Street West, 4th Floor
Hamilton, Ontario, L8P 4Y5
Attention: Planning and Economic Development

Attn:	Heather Travis Senior Project Manager, Growth Management Strategy Planning & Economic Development Department
Re:	UPPER WEST SIDE – URBAN BOUNDARY EXPANSION APPLICATIONS (CENTRAL) SUBMISSION PACKAGE FC-20-028/029/034

Dear Ms. Travis,

On behalf of the Upper West Side Landowners Group (UWSLG), Corbett Land Strategies Inc., (CLS) is pleased to submit the applications to the City of Hamilton for the purposes of Urban Boundary Expansion. As per policy 2.2.8.5 of the Provincial Growth Plan (2019), the UWSLG is submitting Official Plan Amendment applications to permit privately initiated urban boundary expansion areas under 40 hectares which can occur outside, or in advance of the Municipal Comprehensive Review (MCR) process.

The Upper West Side community lands which are bounded by Twenty Road West to the north, Upper James to the east, Dickenson Rd to the south and Glancaster Rd to the west, contain both employment lands located within the Airport Employment Growth District (AEGD) and two small rural areas that are located outside of the existing Urban Boundary. The rural areas are characterized as “whitebelt” areas and are not designated within the AEGD Secondary Plan.

CLS has divided the rural areas into three major Urban Expansion Areas identified as the East, Central and West precincts. This cover letter represents the Central Urban Boundary Expansion area. The division of land is based on land ownership and all properties are found south of Twenty Road West. The East area is proposing 26.61 hectares to be added to the Urban Boundary Area, the Central area is proposing 32.57 hectares and the West Area is proposing 27.38 hectares. These areas are all designated as “Rural” within both the Rural and Urban Hamilton Official Plans. The East and Central areas are zoned as “A2 Rural” and the West is zoned as “P4 Open Space”. Please note, the West precinct was previously used as a golf course which has been inactive for several years.

The combined proposed development areas have the capacity to accommodate residential development comprised of approximately 2,450 various residential units. The anticipated density is approximately 71 persons and jobs per hectare. These expansion areas will also support the existing natural heritage system and construct a collector road network and stormwater infrastructure. If approved, the proposed applications for Urban Boundary Expansion will result in a community which will:

- Be a complete community supported by residential, employment, commercial and public facilities such as parks, schools and recreational facilities;
- Be an infill development as it is completely surrounded by urban boundary;
- Deliver infrastructure (i.e. Garth Street Extension, servicing to AEGD lands);
- Avoid developing on prime agricultural land;
- Deliver and support employment planned for the AEGD
- Deliver infrastructure and financing through the implementation of a Landowner Cost Sharing Agreement;
- Deliver on Provincial planning priorities: housing & land supply;
- Deliver \$157.5 million in one-time Development Charges;
- Deliver \$55.7 million in annual revenue (\$33.5M in taxes/ \$17.7M in water and wastewater/ \$4.5M in non-tax);
- Deliver \$15.4 million in one-time building permit revenue;
- Incorporate extensive sustainable development features;
- Provide opportunities for affordable housing land grant opportunities;
- Act as a post-COVID-19 economic stimulus project; and,
- Allow for an ease in implementation.

CLS has formally received comments on the proposed expansion areas with City Staff through the Formal Consultation Application, received on April 15th, 2020 (FC-20-028/029/034). During the Formal Consultation meeting, the City identified multiple studies/ assessments that are required to complete the applications set forth. CLS has completed a large majority of the studies and has attached a transmittal document (Appendix A) to identify the submitted assessments/ reports. A response document has been prepared and attached to this letter (Appendix B)

In accordance with Staff Report, PED19146, specific Official Plan Amendment application fees have been assigned for Urban Boundary Expansions. Staff have advised that these fees have been established due to the complexity of the applications but are not inclusive of the peer review fees which have been identified to be separate. As you are aware, section 69(1) of the Planning Act specifies that the fees shall be designed to meet only the cost to the municipality in respect of the processing of the application. The cost of these fees are excessive, especially in context of the additional fee being levied for a peer review. In accordance with s.69(3) of the Planning Act, the UWSLG submits payment for the application fees under protest. A written notice of appeal to the Local Planning Appeal Tribunal will be submitted by our legal counsel within the prescribed 30 day period.

Through the contents of this submission, the UWSLG has responded to the specific criteria for Urban Boundary Expansion Applications and believes the enclosed materials represents the City interests in accommodating future growth. We believe the expansion request is appropriate and we look forward to working with the City through the review of the application. If there are any concerns or questions, please feel free to contact the undersigned.

Thank you,

Nick Wood

Nick Wood
Manager, Development Planning
Corbett Land Strategies Inc.
nick@corbettlandstrategies.ca
416-420-5544

COPIES: Upper West Side Land Owners Group
 John Farber, Legal Counsel, Fogal Rubinoff

APPENDIX A: Transmittal

The following documentation comprises the Urban Boundary Expansion applications submission:

CATEGORY	TYPE	DRAWING NAME	No. of PAGES	NO. OF COPIES
Official Plan Amendment – Urban Boundary Expansion East application with signatures	FORM	2020 08 11_Upper West Side UBE OPA East Application_Signed	28	
Official Plan Amendment – Urban Boundary Expansion East application without signatures	FORM	2020 07 30_Upper West Side UBE OPA East Application_Unsigned	28	
Official Plan Amendment – Urban Boundary Expansion Central application with signatures	FORM	2020 08 11_Upper West Side UBE OPA Central Application_Signed	28	
Official Plan Amendment – Urban Boundary Expansion Central application without signatures	FORM	2020 07 30_Upper West Side UBE OPA Central Application_Unsigned	28	
Official Plan Amendment – Urban Boundary Expansion West application with signatures	FORM	2020 08 11_Upper West Side UBE OPA West Application_Signed	28	
Official Plan Amendment – Urban Boundary Expansion West application without signatures	FORM	2020 07 30_Upper West Side UBE OPA West Application_Unsigned	28	
Community Plan	DRAWING	Concept Community Plan (ALL AREAS)	1	
Survey Plan - East	DRAWING	Survey_UBE East (1)	1	
Survey Plan - East	DRAWING	Survey_UBE East (2)	1	
Survey Plan - East	DRAWING	Survey_UBE East (3)	1	
Survey Plan - Central	DRAWING	Survey_UBE Central (1)	1	
Survey Plan - Central	DRAWING	Survey_UBE Central (2)	1	
Survey Plan - West	DRAWING	Survey_UBE West	1	
Formal Consultation (April 2020)	DOCUMENT	UWS_Formal Consultation Document Apr.2020_Signed	15	
City of Hamilton Evaluation Framework	DOCUMENT	2020 08 11_UWS_UBE Application_Evaluation Framework_All UBE Areas	2	
Formal Consultant Comment Response Matrix	DOCUMENT	2020 07 24_UBE Comment Summary	29	
Planning Justification Report	REPORT	UWS_Planning Justification Report	149	
Urban Design Brief	REPORT	UWS_Urban Design Brief	99	
Public Consultation Strategy	REPORT	See Planning Justification Report	N/A	
Draft Official Plan Amendment	DOCUMENT	See Planning Justification Report	N/A	
Environmental Impact Assessment (EIS)/ Tree Protection Plan (TPP)/ Linkage Assessment	REPORT	UWS_EIS, LA, TPP	271	
Karst Assessment	MEMO	UWS_Karst Assessment Letter	1	
Hydrogeological Study (Central and East)	REPORT	UWS_Hydrogeological (July 2018)	128	

CATEGORY	TYPE	DRAWING NAME	No. of PAGES	NO. OF COPIES
Functional Servicing and Stormwater Management Report	REPORT	UWS – Functional Servicing Report	19	
CIVIL Drawing No.200	DRAWING	FSR – Predevelopment Storm Drainage (200)	1	
CIVIL Drawing No.300	DRAWING	FSR – Grading Plan (Part 1) (300)	1	
CIVIL Drawing No.301	DRAWING	FSR – Grading Plan (Part 2) (301)	1	
CIVIL Drawing 303 - 305	DRAWING	FSR – Proposed ROWs (303-305)	3	
CIVIL Drawing No.500	DRAWING	FSR – Contributing Storm Drainage to Ponds (500)	1	
CIVIL Drawing No.800	DRAWING	FSR – Sanitary Drainage Plan (800)	1	
CIVIL Drawing No.801	DRAWING	FSR – AEGD WWSMP (801)	1	
CIVIL Drawing No.900	DRAWING	FSR – Water Distribution Plan (900)	1	
Sanitary Sewer Design Sheet	DOCUMENT	FSR – Sanitary Sewer Design Sheet	2	
Financial Impact Analysis	REPORT	UWS_Financial Impact Assessment	36	
Parks Issues Assessment	REPORT	UWS_Parks and Community Infrastructure	42	
Agricultural Impact Assessment	REPORT	UWS Agricultural Impact Assessment	41	
Noise Impact Study	REPORT	UWS_Noise Feasibility Study	38	
Transportation Impact Study, Transit Assessment & Transportation Demand Management Report	REPORT	UWS_Transportation Study	28	
Lands Needs Assessment	MEMO	UWS_Land Needs Assessment	14	
Energy and Environmental Assessment Report	REPORT	UWS_Energy & Environmental Assessment Report	46	
Fluvial Geomorphological Assessment	REPORT	UWS_Fluvial Geomorphological Assessment	93	
Geotechnical Investigation & Hydrogeological Assessment	REPORT	UWS_UBE West_Geotech and HydroGeo	44	

APPENDIX B: Formal Consultant Comment Response Matrix

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
City of Hamilton - Natural Heritage (Melissa Kiddie)	1	<p>1. EIS/LA: Based on policies within the RHOP and UHOP, when development has the potential to negatively impact a Core Area’s natural features or ecological functions an EIS is required. The EIS inventories and describes the existing Core Areas and ecological functions of the site within the surrounding landscape; assesses the potential negative impacts and provides recommendations to accommodate or enhance existing natural features and functions. Where new development or site alteration is proposed within a Linkage, a Linkage Assessment is to be prepared. Where an EIS is being prepared, the Linkage Assessment can be included as part of the EIS.</p> <p>As part of the Urban Boundary Expansion (UBE) Formal Consultation materials, an EIS/LA has been prepared by Natural Resource Solutions Inc. (NRSI) (February 2020). Natural Heritage Planning staff has not completed a full review of this report. As a result, the EIS has not been approved.</p>	NRSI	<p>Noted. The February 2020 EIS and LA have been revised to include all UBE lands. Following the completion of field surveys, it is anticipated that the June 2020 EIS and LA, as well as the February 2020 TPP, will be updated with the results of the full suite of seasonal field surveys and will address agency comments in response to the pre-consultation comments as well as those received in response to the first submission of the Terms of Reference for the UBE EIS, LA, and TPP.</p>	June 2020 EIS and LA (partial response)
	2	<p>The following considerations have been provided.</p> <p>a) EIS/LA Terms of Reference (ToR): As outlined within the City’s Council adopted EIS Guidelines (revised March 2015), a Terms of Reference (ToR) outlining the contents and scope of the EIS is to be prepared to the satisfaction of the City and the relevant Conservation Authority (in this case, NPCA). This was identified at the previous Formal Consultation (FC-19-126; Nov. 27, 2019). To date, a ToR has not been submitted or approved for this work. It is important to have an approved ToR prior to completing field work so that the right surveys are completed in the appropriate timeframes. A ToR should be submitted as soon as</p>	NRSI	<p>A ToR for the EIS/LA/TPP was submitted to the City and NPCA on May 14, 2020 for review and comment. Comments were received from the City and NPCA on June 2 and June 4, 2020 (respectively). The ToR and responding comments are appended to the June 2020 EIS and LA report. A revised ToR will be submitted in the coming weeks.</p>	UBE EIS, LA, and TPP Terms of Reference (May 14, 2020)
	3	<p>While a complete review of the EIS has not occurred, there are concerns with the following field studies (it is important to note, this is not an exhaustive list):</p> <p>i. Wetland Boundaries: It has been identified that the wetland boundaries were surveyed in consultation with NPCA and City staff on August 8, 2019. The surveyed boundaries need to be clearly shown on all figures.</p> <p>ii. Terrestrial Crayfish: It has been identified that there is potential Significant Wildlife Habitat as it relates to terrestrial crayfish; however, surveys related to this species are missing.</p> <p>iii. Winter Wildlife Surveys: It has been identified that winter wildlife surveys were completed as per the City’s Linkage Assessment Guidelines. These Guidelines do not provide specific guidance on completing surveys. The specific protocol/description of work needs to be provided.</p> <p>iv. Bat Assessment: It has been identified that bat habitat assessment (leaf-off) was completed as per the City’s Tree Protection Guidelines (revised October 2010). These Guidelines do not provide specific guidance on bats. In addition, leaf-on inventories appear to be missing.</p> <p>v. Marsh Bird Inventory: Marsh birds were only sampled once (June 17, 2019). Based on the Marsh Monitoring program, sampling is to occur twice between May 20 and July 5.</p>	NRSI	<p>These comments regarding field studies will be addressed as part of the ToR review process. The future revised EIS will be updated to include clarifying details on all field surveys.</p>	Future revised EIS, LA, and TPP (date TBD)

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	4	<p>In addition, a separate ToR has been submitted for 9511 Twenty Road West (March 2, 2018) for an EIS in support of Planning Act applications UHOPA- 18-016; ZAC-18-040; and 25T-201807. Natural Heritage Planning staff provided comments on March 14, 2018. Due to further clarifications, revisions were required and the ToR was not approved. A revised ToR was submitted January 6, 2020. Based on Natural Heritage Planning comments (January 28, 2020), the ToR was not approved. To date, a re-submission of the ToR has not been provided.</p>	NRSI	<p>Comments on the January 6, 2020 version of the TOR for the EIS, LA, and TPP specific to the development applications submitted for the Draft Plan of Subdivision at 9511 Twenty Road West will be addressed separately from the UBE application process. NRSI will re-submit the TOR for these separate natural heritage studies in the coming weeks.</p>	<p>Garth Street Draft Plan Revised TOR (date TBD)</p>
	5	<p>b) Linkage Assessment: Linkages have not been clearly identified in mapping provided within the 2020 NRSI UBE EIS. Based on the UHOP, a Linkage has been identified within the hydro corridor located on 9511 Twenty Road West and on adjacent properties (2060 Upper James Street). Within the 2020 UBE EIS it has been identified that the Conceptual Block Plan incorporates an NHS that will be designed to provide movement and propagation opportunities for wildlife. There is concern that Linkages have not been identified within the NHS and that impacts to Linkages on the adjacent properties have not been considered</p>	NRSI	<p>Map 5 of the revised June 2020 EIS and LA identifies all linkages shown on Schedule B and AEGD Secondary Plan Map B.8-2 of the RHOP/UHOP. The Linkage Assessment section in the EIS provides an analysis of these Linkages, and determines that based on their current function and quality, replication of the ecological functions of the Linkages can be provided in the block-wide NHS. Impacts to all Linkages within the overall UBE study area, including those on adjacent properties, are considered.</p>	<p>June 2020 EIS and LA</p>
	6	<p>c) Non-ecological Elements (i.e. stormwater management, Low Impact Development): EIS inventories and characterizes the existing Core Areas and ecological functions of a site. As part of the development proposal, impact assessment and mitigation measures, it is important to discuss the non-ecological elements (i.e. stormwater management). This connection appears to be missing within the EIS.</p>	NRSI	<p>High-level details of non-ecological elements, including general descriptions of the stormwater management strategy, are provided in the June 2020 EIS and LA; however, the exact locations of SWM and LID facilities is not available at this development stage; the conceptual nature of the UBE community plan precludes the fulsome analysis of all indirect impacts, including from the SWM approach, in this version of the EIS and LA. Once additional details become available at Draft Plan of Subdivision or Site Plan stages, these analysis can be completed. The June 2020 EIS notes the necessity of completing additional studies and analyses of impacts at these future stages.</p>	<p>June 2020 EIS and LA</p>

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	7	d) 555 Glancaster Road: The EIS focuses on the UBE areas identified as "Central Block" (9751-9625 Twenty Road West), "East A" (9445 Twenty Road West) and "East B" (9285 Twenty Road West). Inventories related to 555 Glancaster Road have not been included. It is important to include this area within the EIS since it is located adjacent to Core Areas within the UHOP and the proposed Natural Open Space (as outlined within the UBE Plan) extends onto this property.	NRSI	A field program has been initiated for the lands at 555 Glancaster Road, as detailed in the May 14, 2020 TOR. The June 2020 EIS and LA now includes background information and a high-level analysis for the natural features and functions in the western UBE block on this property. Once field surveys are complete in 2020, a revised EIS will be re-submitted containing the full results and analysis for these lands.	June 2020 EIS and LA (partial response)
	8	e) Integration with Current Planning Act application: Currently, Planning Act applications (UHOPA-18-016; ZAC-18-040; 25T-201807) have been submitted for 9511 Twenty Road West with the intent to develop a new industrial subdivision. An EIS (Upper West Side Draft Plan of Industrial Subdivision) was prepared by NRSI June 2018. Due to the absence of an approved ToR and a number of inventories that were missing, a comprehensive review of the EIS could not be provided. As a result, the EIS was not approved (September 26, 2018). To date, a revised EIS has not been re-submitted. Since the mapping shown within the 2020 NRSI EIS only characterizes the northern portion of the property, it is unclear how the proposed UBE will transition with the current proposal on 9511 Twenty Road West.	NRSI	See response to Comment #4 regarding the TOR for the application at 9511 Twenty Road West. Updates to field surveys are being completed concurrently with the 2020 field program to address missing inventories and ensure there is comprehensive data to inform both the UBE EIS as well as the Draft Plan studies. All surveys relevant to the lands within the UBE blocks are included in the May 14, 2020 UBE TOR.	UBE EIS, LA, and TPP Terms of Reference (May 14, 2020)
	9	f) Environmentally Significant Impact Evaluation Group (ESAIEG) Review: As per policies within the RHOP and UHOP, the City's ESAIEG will review the EIS and provide objective, technical advice to City staff on the impacts of the proposed land use changes within or adjacent to natural areas. At this time, the EIS has not been thoroughly reviewed and there may be missing information. Once Natural Heritage Planning staff initially reviews the EIS, the EIS will be reviewed by ESAIEG. At this time, it is unknown when this meeting will occur. The 2020 review fee is \$390.00.	NRSI	Noted.	n/a

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	10	2. Tree Protection Plan (TPP): Through aerial photograph interpretation, trees have been identified within all of the subject properties. As per policies within the RHOP and UHOP, the City recognizes the importance of trees and woodlands to the health and quality of life in the community and encourages the protection and restoration of trees. Based on the Concept Plan, it appears that some of these trees will be removed to facilitate development. Since the City recognizes that trees are important to the quality of life in a community, a TPP is required. The TPP is to be prepared by a recognized tree management professional (i.e. certified arborist, registered professional forester or landscape architect) and is to be prepared in accordance with the City's Tree Protection Guidelines (revised October 2010).	NRSI	A TPP for the Central and East UBE Blocks has been prepared, and will be updated to include tree inventory data and analyses for the West Block upon completion of 2020 field surveys. The revised TPP will contain only high-level analyses at the UBE application stage, since specific details of final developments (prepared at future stages) affecting the ability to retain on-site trees is required. Preliminary analyses will enumerate the number, species, and condition of trees within the UBE blocks, and the locations of trees will be mapped.	February 2020 Central and East Blocks TPP (and revised version provided following the completion of 2020 field surveys)
	11	A TPP prepared by NRSI has been included within the February 2020 EIS/LA. Since a comprehensive review has not yet been undertaken, the TPP has not been approved. Natural Heritage Planning staff offers the following considerations. a) A TPP review fee is to be submitted to the City. At this time, it is unclear if this fee has been provided. The 2020 review fee is \$625.00. b) The tree inventory has been completed for "Central Block" (9751 and 9625 Twenty Road), "East A" (9445 Twenty Road) and "East B" (9285 Twenty Road). The property at 555 Glanaster Road has not been included. Since there are trees on the property, it is important that the tree inventory include this property. c) The decision to retain trees is to be based on vigour, condition, aesthetics, age and species. d) Compensation: To ensure that existing tree cover is maintained, 1 for 1 compensation is required for any private tree (10 cm DBH or greater) that is proposed to be removed. Additional compensation may be required for public trees. Compensation is required for all trees (regardless if they are native/non-native). The exceptions include dead trees or invasive species (i.e. European Buckthorn). It has been identified that compensation trees may be planted within the Natural Heritage System. It is important to note that additional plantings beside these trees may be required within these areas.	NRSI	Noted. Please see response to Comment #10.	Revised TPP provided following the completion of 2020 field surveys

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	12	3. Karst Assessment: The City of Hamilton does not have specific guidelines for the completion of a karst assessment. It is unclear if aerial photographs were reviewed to identify potential sinking streams and springs.	NRSI	No bedrock outcrops were observed at the site and bedrock was not encountered in any of the 33 boreholes advanced throughout the property. As such, given the relative overburden thickness, as assessment of karst features is not considered to be applicable at the site. A Letter prepared and signed by the conducting consultant (EPX) has been enclosed for your review.	Karst Assessment Letter dated September 15, 2019
NPCA (Sarah Mastroianni)	13	properties as well as areas mapped as Provincially Significant Wetland (all associated with the Upper Twenty Mile Creek subwatershed), an EIS is required to address the various channels traversing the subject property, as well as, verification of the PSW limits. The below EIS scoping is done with the assumption that development will be proposed either within the natural heritage features themselves, or within 30 metres of the features. Should the proposed development and site alteration have a defined footprint or is planned to be outside of the regulated buffers, the NPCA should be contacted as it	NRSI/ Geomorphix	Noted.	n/a
	14	In addition to that outlined in the City of Hamilton EIS Guidelines, the following must be included within the EIS: Any relevant information gathered from existing studies conducted within the last 5 years. Should recent studies exist, the NPCA should be notified as it may be possible that those studies can cover off some of the requirements below.	NRSI	Noted. The UBE TOR process will provide the opportunity to determine these requirements and if there is existing relevant data.	n/a
	15	Assessment of the channel form and function using OSAP methodology (screening level) or the Headwaters Assessment Protocols developed by TRCA, including quantification of the contribution area supporting the channel base flow and wetland features (drainage areas).	NRSI/ Geomorphix	NRSI and GEOMorphix are assessing all HDFs as per standard OSAP and TRCA guidelines and methodologies.	UBE EIS, LA, and TPP Terms of Reference (May 14, 2020)
	16	Amphibian (Marsh Monitoring) survey for the property, predominantly in the wetlands and watercourse. Marsh Monitoring surveys conducted within the past five years can be used in the place of new surveys.	NRSI	Anuran call surveys targeting all candidate breeding habitat for anuran species are being completed in 2020, or have been completed previously in 2018. The submitted TOR for the UBE provides additional details and survey dates.	UBE EIS, LA, and TPP Terms of Reference (May 14, 2020)

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	17	Ministry of Natural Resources and Forestry (MNRF) must be contacted to determine any additional Species at Risk surveys required as they pertain to the wetland and watercourse features. MNRF correspondence and any species-specific setbacks or other mitigation required by MNRF must be included in the EIS.	NRSI	Noted. An initial SAR screening memo was submitted to the MECP on May 1, 2020 to initiate discussions about SAR and their habitats within the overall UWS lands. This initial correspondence is included as an appendix to the June 2020 EIA and LA.	June 2020 EIS and LA (partial response)
	18	A detailed list and discussion of all ecological and hydrological functions of each natural heritage feature on site and within adjacent lands.	NRSI	Noted. This is included in the June 2020 EIS and will be expanded upon the completion of 2020 field surveys.	June 2020 EIS and LA
	19	Buffers must be proposed for all natural heritage features which are appropriate to protect the functions of the features.	NRSI	Noted. Buffers (VPZs) are recommended and discussed in the June 2020 EIS and LA.	June 2020 EIS and LA
	20	The plan must clearly indicate the NPCA minimum 30 metre buffer for Provincially Significant Wetlands, with any proposed changes justified based on site specific conditions such as future mature tree height of species present, potential use of adjacent land as habitat for species within the wetland, requirement for adequate hydrologic inputs, MNRF required Species at Risk setbacks, etc.	NRSI	Noted. The community plan shown in the June 2020 EIS and LA (Map 6) includes the NHS that incorporates the 30m PSW buffers. At future development stages, buffer widths will be re-assessed based on the results of all field surveys and the proposed development plans.	June 2020 EIS and LA
	21	Corridors and linkages must be considered and mapped for the site.	NRSI	Noted. A comprehensive Linkage Assessment is included as part of the June 2020 EIS, and the NHS for the UBE blocks considers the maintenance and restoration of wildlife movement corridors.	June 2020 EIS and LA
	22	The proposed development envelope (which include buildings, driveway/access, all grading, servicing, accessory structures, and all amenity space) must be delineated. Any wetland area beyond the building envelope will be expected to be maintained in a natural state.	NRSI	Noted. Specific development envelopes are not proposed as part of the higher-level UBE application process. Building envelopes specific development plans will be assessed at future stages.	n/a
	23	Impact assessment of the natural heritage features identified and their functions from an ecological and hydrological perspective.	NRSI	A high-level impact assessment is provided in the June 2020 EIS and LA. Refinements and updates will be made to the impact assessment following the collection of all 2020 field data, as well as at future development stages as more specific plan details become available.	June 2020 EIS and LA
	24	Relevant, reasonable, and implementable mitigation measures to reduce negative impacts.	NRSI	General mitigation measures are provided as part of the June 2020 EIS and LA. Refinements and updates will be made to the mitigation measures recommended following the collection of all 2020 field data, as well as at future development stages as more specific plan details become available.	June 2020 EIS and LA

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	25	A final assessment of whether the proposal, combined with any design changes and mitigation measures will result in any residual negative impact on the natural heritage feature or its ecological and hydrological functions.	NRSI	A final but high-level statement about the potential for impacts based on the community framework plan will be provided as part of the future revised UBE EIS and LA, once all 2020 field data is available to inform the impact assessment. Conclusions made as part of the UBE EIS and LA will remain general, to be refined at future development stages.	Future revised EIS, LA, and TPP (date TBD)
	26	A revised Terms of Reference will be required to be completed by the environmental consultant and circulated to the NPCA for review and approval prior to the commencement of the EIS.	NRSI	Noted. This has been initiated as of May 14, 2020. Please see response to Comment #2 above.	UBE EIS, LA, and TPP Terms of Reference (May 14, 2020)
	27	From an Engineering perspective: The NPCA will require a SWM report indicating that both quality controls (Normal) and quantity controls (post to pre for up to the 100 year storm) are provided. The NPCA will also require floodplain mapping on any watercourse with an upstream drainage area greater than 125ha.	Urbantech	Acknowledged. A detailed SWM report will be provided in support of Secondary Plan / Draft Plan approval. This report will demonstrate how the AEGD SWM objectives will be achieved and how the City's drainage criteria are met. As shown on Drawing 200, the largest catchment, including external drainage areas, is approximately 93 ha. Therefore, no floodplain mapping is proposed at this time. However, the City did request) confirmation that the drainage features can convey the range of design storms. This will be assessed at the Draft Plan stage.	FSR
	28	NPCA review fees are below and apply to each separate application: OPA \$2770 Review of EIS: \$2205 Review of Stormwater Report or Functional Servicing Report: \$1755 Further fees may be required as other applications/studies may be required through the process.	CLS	Noted	
City of Hamilton - Urban Forestry (Sam Brush)	29	There are no municipal tree assets on site; therefore, no Tree Management Plan is required. Landscape Plan required as per subdivision agreement.	CLS	Noted	

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
City of Hamilton - Cultural Heritage (Miranda Brunton)	30	<p>The subject property meets five (5) of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:</p> <ol style="list-style-type: none"> 1) Within 250 metres of known archaeological sites; 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; 3) Local knowledge associates areas with historic events/activities/occupations; 4) In an area of elevated topography; and, 5) Along historic transportation routes. <p>These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement apply and Staff require that an Archaeological Assessment be completed and submitted with any future application.</p>	AMICK	Cultural Heritage resources have been identified through screening report. Cultural Heritage Impact Assessment is currently being completed and will be submitted shortly.	
	31	<p>Additionally, a portion of the subject properties are located within the boundaries of the Airport Employment Growth district, as outlined below, a Stage 2 archaeological assessment is required for these lands:</p> <p>8.13.2 Prior to development approvals, a Stage 2 archaeological assessment shall be completed to the satisfaction of the City and the Province. No grading or other disturbance shall take place on any site within the Airport Employment Growth District prior to the issuance of a letter of clearance from the Province. The Stage 2 archaeological assessment shall be undertaken in accordance with Policy F.3.2.4 – Archaeological Assessments of Volume 1. The City may also require a higher standard of conservation, care and protection for archaeological resources based on prevailing conditions and circumstances within the City and the results of any dialogue with First Nations and their interests.</p>	AMICK	Noted. Stage 2 work to be completed as part of Secondary Plan stage.	
	32	<p>Built Heritage:</p> <p>A variety of properties subject to this application are included in the City’s Inventory of Buildings of Architectural and/or Historical Interest, as illustrated by the yellow high lighted areas below. As identified in the Cultural Heritage Screening Report, there are additional properties of Cultural Heritage Value or Interest.</p>	Golder	Cultural Heritage resources have been identified through screening report. Cultural Heritage Impact Assessment is currently being completed and will be submitted shortly.	

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	33	<p>Accordingly, the following sections of the Urban Hamilton Official Plan, Volume 1, apply:</p> <p>B.3.4.1.3 “Ensure that all new development, site alterations, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources.”</p> <p>B.3.4.2.1(g) “Ensure the conservation and protection of cultural heritage resources in planning and development matters subject to the Planning Act either through appropriate planning and design measures or as conditions of development approvals.” and,</p> <p>B.3.4.2.1(h) “Conserve the character of areas of cultural heritage significance, including designated heritage conservation districts and cultural heritage landscapes, by encouraging those land uses, development and site alteration activities that protect, maintain and enhance these areas within the City.”</p>	Golder	Cultural Heritage resources have been identified through screening report. Cultural Heritage Impact Assessment is currently being completed and will be submitted shortly.	
	34	<p>Also, a portion of the subject area fall within the Airport Employment Growth District Secondary Plan, as such the following apply:</p> <p>8.12.1 There are buildings, structures and cultural heritage landscapes of varying degrees of heritage interest and value in the Secondary Plan area which are both included and not included in Hamilton’s Register of Property of Cultural Heritage Value or Interest and prior to approval of development applications a cultural heritage conservation plan statement shall be prepared in accordance with Section B.3.4.2.11 of the Urban Hamilton Official Plan. The retention and conservation of buildings of architectural or historical merit on their original sites and the promotion of the integration of these resources into new development proposals in their original use or an appropriate adaptive re-use shall be encouraged.</p> <p>8.12.3 Prior to development approvals, for those cultural heritage resources that require a cultural heritage impact assessment as determined by the culture heritage conservation plan statement noted in policy 8.12.1 above, a Stage 2 heritage assessment in shall be completed to the satisfaction of the City and the Province. No disturbance to the building, site or its surroundings shall take place within the Airport Employment Growth District until the study is reviewed and cleared. The Stage 2 heritage assessment shall be undertaken in accordance with Policy F.3.2.3 – Cultural Heritage Impact Assessments of the Urban Hamilton Official Plan.</p>	Golder	Cultural Heritage resources have been identified through screening report. Cultural Heritage Impact Assessment is currently being completed and will be submitted shortly.	

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	35	Staff have briefly reviewed the Cultural Heritage Screening Report and cannot fully comment on the content or recommendations of the report. Notwithstanding, Staff would require the applicant to submit a cultural heritage impact assessment for any future developments.	Golder	Noted	
City of Hamilton - Development Engineering (Zivko Panovski)	36	The subject lands are bounded by existing Hydro Corridor, adjacent to the Twenty Road West right-of-way, to the north and lands within the AEGD Secondary Plan to the south. The City has completed a number of studies for the lands within the original boundary of the Secondary Plan, and included a blanket holding provision on all lands to ensure adequate services are available to provide for an orderly development. For the information of the proponent a population density of 39 employee/ha (prestige business) and 23 employee/ha (light industrial) for the subject lands was assigned in the original Master Plans completed in 2010 for the subject lands as part of the overall servicing strategy of the AEGD lands.	Urbantech	<p>The population densities referenced in the AEGD / Master Servicing Plan for these lands are approximately 37.5 people per hectare. This is in contrast to the City's typical values of 125 to 750 people per hectare for industrial land use. With respect to planned or available capacities in these sewers for the subject lands, it is understood that the flow capacity is based on the lower population density, and on the gross area contributing to each sanitary outlet. It is understood that through refinement of the sanitary drainage plans and development limits, the actual sanitary catchment areas will decrease but the total allowable flow will remain constant, translating into a higher population density that would be more in line with the City's standards.</p> <p>Sanitary design sheets have been completed for the Twenty Road Sewage Pumping Station (identified to have capacity for approximately 200 ha at approximately 37.5 people / ha in the Master Plan) and for the Dickenson Road Trunk sewer (identified to have capacity for the balance of the AEGD area which is approximately 190 ha at approximately 37.5 people / ha based on the Cole Engineering design). These estimates translate to a contributing population of approximately 7500 at the Twenty Road Sewage Pumping Station and a contributing population of approximately 7125 at the Dickenson Road Trunk (at Upper James Street). The corresponding allowable flows</p>	FSR
	37	The City has completed the Transportation Master Plan Implementation Update and Water & Wastewater Servicing Master Plan Update in December 2016 as well AEGD Subwatershed Study & Stormwater Master Pan (SWMP) Implementation Document in April of 2017 to assess the impact on the Master Servicing strategy as result of the change in the boundary of the original Secondary plan. There is no change in the servicing strategy for the subject lands from the original proposal based on the above noted updates. However, the servicing of the subject lands is deferred after 2031-year planning horizon based on the Mater Servicing Studies Updates.	Urbantech	It is the position of the applicant that the servicing of a portion of the subject lands (while subject to further planning studies and Draft Plan approval), should be able to advance ahead of 2031 based on the capacity of the Twenty Road West Pumping station , which is noted in the current Master Servicing Plan to have immediate / avaialble capacity for a portion of the subject lands.	

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	38	<p>The cover letter prepared by Corbett Land Strategies Inc., dated February 28, 2020, included in the submission package, indicate proposal for a mix residential development for the subject land. The estimated population for the subject lands provided on Pg. 5A, based on 3.41 ppu for single/semi, 2.44 ppu for townhomes and 1.66 ppu for apartments does not comply with the current City's Development Guidelines from the servicing point of view. A total population of more than 10,000 persons is expected within the subject lands in accordance with our criteria based on the breakdown of the unit type provided in this section. The estimated population density exceeds the original assumption taken into consideration under the Master Servicing strategy significantly. Our office has no clear understanding of the impact of the expected density on the existing or the planned works from water and wastewater servicing perspective at this time. The Upper West Side, Water, Wastewater Servicing and Stormwater Management Overview Report, dated February 2020, by Urbantech included in the submission package does not address these issues.</p>	Urbantech	<p>Noted - please refer to the response to Comment 36 for the response which addresses this comment.</p>	FSR
	39	<p>We offer the following additional info from wastewater servicing perspective for the subject lands. According to the submitted Sanitary Drainage Plan, wastewater flows from the subject lands will generally be directed to the existing Twenty Road Pumping Station. The City's original plan for servicing of the Central and West areas was to direct wastewater flows south to the future Dickenson Road trunk sewer, reducing flows to the pumping station. The servicing strategy proposed is not consistent with the City's infrastructure Master Planning. See below for further comment from Hamilton Water staff. In addition, we would like to advise the proponent that prior to commencement of the sanitary sewer extension and urbanization works within the existing Twenty Road West right-of-way a Class EA study shall be completed. No such study has been initiated to our understanding to this date.</p>	Urbantech/ RJB (EA)	<p>The Master Servicing Plan sanitary drainage boundary has been overlaid on Figure 800 / Figure 801 (Sanitary Drainage). As shown on this plan, the northern portion of the subject lands is indicated in the Master Servicing Plan to drain to the Twenty Road Pumping Station. It is unclear what the purpose of the proposed sanitary extension on Twenty Road West would be for if the City does not expect the subject lands to drain to the Twenty Road Pumping Station. It is the intent of the proponent to support the sewer extension / road EA provided that drainage from the UBE lands can be directed into the proposed sewer.</p>	FSR
	40	<p>The water, wastewater servicing and stormwater management strategies for these three areas have been included in the Upper West Side Master Drainage Plan & Servicing Study by landowners group. However, the Upper West Side Master Drainage Plan & Servicing Study is not completed yet. The approval agencies provided comments on the 1st draft of this report. But landowner group did not submit the 2nd submission of the report to show how all comments from different agencies have been addressed. Therefore, the contents of the water, wastewater servicing and stormwater management overview report dated Feb, 2020 prepared by Urbantech are premature.</p>	Urbantech	<p>Acknowledged.</p>	FSR

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	41	<p>Also , note that the proposed land uses for these three areas include residential uses, natural heritage features, SWM and a collector road, but the overview report dated Feb 2020 did not demonstrate the following:</p> <ul style="list-style-type: none"> i) Concept plan including local road networks with land use ii) A standalone SWM plans & strategies for residential development on these land in accordance with DC bylaw. The current SWM strategies for these land outlined in Upper West Side study is industrial development perceptive. iii) Phasing and implementation plans from available and future servicing perspective iv) The servicing capacities and allocation policies for projected growth in the existing urban boundary and urban boundary expansion. v) Boundary Road (Twenty Rd, Glancaster Rd) improvements works vi) Front Ending Cost polices and agreement 	Urbantech	<p>i) It is our understanding that for the purposes of the UBE application, a high-level plan demonstrating serviceability is sufficient. ii) SWM Plans and strategies will be provided through the Secondary Plan / Draft Plan approval process. iii) Phasing and implementation plans will be provided at the Draft Plan stage. As it relates to the UBE application, there are / will be servicing solutions (i.e. Dickenson Road trunk sewer, etc.) to service the lands. The timing and corresponding phasing of the development is not being contemplated at the time of the UBE application. iv) - to vi) These items will be completed in support of the Secondary Plan / Draft Plan approval but should not impact the UBE application.</p>	FSR

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	42	<p>We recommend not to consider Urban Boundary Expansion for these white belt areas along Twenty Road West until the Upper West Side Master Drainage Plan & Servicing Study initiated by landowners group is complete and approved by all agencies.</p> <p>Hamilton Water staff have offered the following comments for the subject lands, related to sanitary servicing: The proponent's proposed change to the servicing strategy deviates from the City's infrastructure Master Plan, and will increase the ultimate service area and wastewater load for the Twenty Road Pump Station, with associated cost and energy use impacts. The servicing of the subject lands should be subsequent to development of the urban AEGD lands to the south, consistent with infrastructure master planning.</p> <ul style="list-style-type: none"> - The existing sanitary infrastructure, particularly the Twenty Road Pump Station, does not have adequate capacity to service the subject lands. - Although not preferred, there may be adequate sanitary servicing of the subject lands by Twenty Road Pumping Station once planned capacity upgrades are completed. This would need to be confirmed through an update to the master servicing strategy for the area. The updated analysis would determine whether the servicing of the lands would be contingent on the completion of the planned Dickenson Road East diversion trunk. 	Urbantech	<p>The population densities referenced in the AEGD / Master Servicing Plan for these lands are approximately 37.5 people per hectare. This is in contrast to the City's typical values of 125 to 750 people per hectare for industrial land use. With respect to planned or available capacities in these sewers for the subject lands, it is understood that the flow capacity is based on the lower population density, and on the gross area contributing to each sanitary outlet. It is understood that through refinement of the sanitary drainage plans and development limits, the actual sanitary catchment areas will decrease but the total allowable flow will remain constant, translating into a higher population density that would be more in line with the City's standards. Refer to Section 5 in the updated FSR for details. It is recognized that further coordination with the City will be required prior to Draft Plan approval to determine how to best accommodate or phase the proposed flows shown in the preceding table. For example, a portion of the industrial lands tributary to the Twenty Road West Pumping station could be directed to the future Dickinson Road trunk. Furthermore, there may be opportunities to optimize available capacity in the existing system refine the design of the future trunk sewer. We understand that an update to the Master Servicing Plan may be required to support the proposed development and alterations to the sanitary drainage strategy.</p>	FSR
	43	<p>Our office recommends that the Planning staff declare the proposed expansion of the Hamilton Urban Boundary as premature based on the above noted comments from the servicing point of view. Furthermore, a new update of the Water and Wastewater Servicing Master Plan may be required upon completion of the studies and projects identified in this document to support the Urban Boundary expansion.</p>	Urbantech	<p>It is our opinion that the majority of the servicing related comments are based on uncertainties due to timing. The UBE is focused on the eventual serviceability of the subject lands, rather than the immediate servicing requirements. The subject lands can be phased to accommodate the completion of external infrastructure or additional studies.</p>	FSR
	44	<p>Phasing and implementation plans from available and future servicing perspective needs to be provided.</p>	Urbantech	<p>These are not required at this time - refer to the response to Comment 43 above. Phasing and implementation strategies will be provided at the Secondary Plan / Draft Plan stage.</p>	FSR
	45	<p>Servicing Capacities and allocation policies for project growth in the existing urban boundary and urban boundary expansion need to be provided.</p>	Urbantech	<p>This requirement has been identified as a requirement for future studies</p>	FSR

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	46	Boundary Road improvement works need to be incorporated.	Urbantech	Additional text has been added to Section 3.2 of the UBE FSR (Roads) as requested.	FSR
	47	Front ending cost policies and agreement need to be provided .	Urbantech	This requirement has been identified as a requirement for future studies	FSR
	48	Proposed servicing deviates from City's infrastructure Master Plan as it will increase the ultimate service area and wastewater load for the Twenty Road pump station with associated cost and energy use impacts.	Urbantech	Refer to the response to Comment 37.	FSR
	49	The existing sanitary infrastructure, particularly the Twenty Road Pump Station does not have adequate capacity to service the subject lands.	Urbantech	Refer to the response to Comment 37.	FSR
	50	Although not preferred, there may be adequate sanitary servicing once planned capacity upgrades are completed. This would need to be confirmed through an update to the Master Servicing Strategy for the area.	Urbantech	Acknowledged. Please refer to the response to Comments 36 and 37.	FSR
Growth Management (George Zajac)	51	In review, the subject lands are not identified nor designated as an Employment Area, but are adjacent to the Airport Employment Growth District Secondary Plan Area.	CLS	Noted	
Growth Planning (Alvin Chan)	52	1. It should be determined if the subject proposal is premature until the new Growth Related Integrated Development Strategy (GRIDS 2) and the Municipal Comprehensive Review are completed;	CLS	In accordance with Growth Plan policies, urban boundary expansions can be considered in advance/outside of an MCR. Please see Planning Justification Report for further details.	Planning Justification Report
	53	2. It should be determined if the subject proposal will impact the Airport Employment Growth District Master Plans;	CLS	It is the position of the applicant that the proposed UBE request will not impact the AEGD and will be conducive to opening up greater access for future employees to little in close proximity to the AEGD.	Planning Justification Report
	54	3. It should be determined if the existing and proposed Environmental Assessments will be affected by the subject proposal;	RJB (EA)	The proposed UBE has been designed to be informed by the completion of the EA's and will not preclude their ongoing works. The proposed expansion areas can be allowed in advance of the onoin EA's as the approved road network (AEGD) can accommodate the proposed expansion.	Planning Justification Report
	55	4. It should be determined if the subject proposal will impact the adjacent application (9511 Twenty Road West - 25T201807);	CLS	The proposed UBE applications have been designed in conjunction with the Plan of Subdivision application to ensure the delivery of the extension of Garth Street. The UBE applications will not preclude the Plan of Subdivision application.	Planning Justification Report
	56	6. It should be noted that the subject proposal is adjacent to a Hydro One Easement along Twenty Road;	CLS	A future Secondary Use Application will be filed with Hydro One following completion of the UBE applications.	Planning Justification Report
	57	7. It should be determined if lots to the west of the subject lands and east of Glancaster Road are legally established and if they will affect the subject proposal; and,		The proposed UBE application have been designed with consideration of the existing lots of record.	Planning Justification Report
	58	8. The owner and agent should be made aware that the municipal address for this development will be finalized when a Site Plan application is submitted.	CLS	Noted.	

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
HWCDSD (John Volek)	59	In conformity with the Growth Plan and Policies for Settlement Area Boundary Expansions, the proponents shall include as part of their analysis confirmation of sufficient capacity in existing and planned public service facilities and infrastructure, specifically, the need and availability for lands to accommodate future school sites.	CLS	The applicant will be advancing the design and location of public service facilities, specifically the need and availability for lands to accommodate future school sites, following completion of the Urban Boundary Expansion applications. The applicant will be commencing further discussions with the HWCDSD in advance of this to receive comments and directions on preferred land uses.	Parks and Community Issues Assessment
	60	The school board has no objection to the present applications to expand the Urban Boundary provided the required background studies and concept planning are completed to address the need and availability for future school sites.	CLS	Noted.	
	61	For the information of the City and the proponents, please note that the Board owns a 10 acre parcel of land located on Twenty Road, abutting the lands proposed for development. The Board reserves the right to make submissions on future Planning applications which could potentially affect their land, including the establishment of the internal road pattern for the area and the provision of infrastructure.	CLS	Noted. See comment #59.	Parks and Community Issues Assessment
Hydro One (Joan Zhao)	62	Please be advised that Hydro One Networks Inc. ("HONI") has completed a preliminary review of the proposed plan of the above noted site plan application. As the subject property is abutting and/or encroaching onto a HONI high voltage transmission corridor (the "transmission corridor"), HONI does not approve of the proposed site plan application at this time, pending review and approval of the required information.	CLS	The applicant will be advancing a Secondary Use Application following completion of the UBE application. The applicant anticipates commencing further discussions with Hydro One in advance of this to receive comments and directions on preferred land uses.	
	63	Please be advised that the transmission corridor lands affected by the proposed development and identified as such herein are subject to a statutory right in favour of HONI pursuant to Section 114.5(1) of The Electricity Act, 1998, as amended. The owner of these lands is Her Majesty, The Queen In Right of Ontario, as represented by The Minister of Infrastructure ("MOI"). Ontario Infrastructure & Lands Corporation ("OILC") as agent for the Province, must review and approve all secondary land uses such as roads that are proposed on these lands. HONI is currently acting as a service provider to OILC, and undertakes this review on their behalf.	CLS	Noted	
	64	The comments detailed herein do not constitute an endorsement of any element of the site plan design or road layout, nor do they grant any permission to access, use, proceed with works on, or in any way alter the transmission corridor lands, without the express written permission of HONI.	CLS	Noted	
	65	The following should be included in the Site Plan Agreement: 1. Any proposed secondary land use on the transmission corridor is processed through the Provincial Secondary Land Use Program (PSLUP). The developer must contact Joan Zhao, Senior Real Estate Coordinator at 905-946-6230 to discuss all aspects of the site plan design, ensure all of HONI's technical requirements are met to its satisfaction, and acquire the applicable agreements.	CLS	Noted	

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	66	2. Prior to HONI providing its final approval, the developer must make arrangements satisfactory to HONI for lot grading and drainage. Digital PDF copies of the lot grading and drainage plans (true scale), showing existing and proposed final grades, must be submitted to HONI for review and approval. The drawings must identify the transmission corridor, location of towers within the corridor and any proposed uses within the transmission corridor. Drainage must be controlled and directed away from the transmission corridor.	CLS	Noted	
	67	3. Any development in conjunction with the site plan must not block vehicular access to any HONI facilities located on the transmission corridor. During construction, there must be no storage of materials or mounding of earth, snow or other debris on the transmission corridor.	CLS	Noted	
	68	4. At the developer's expense, temporary fencing must be placed along the transmission corridor prior to construction, and permanent fencing must be erected along the common property line after construction is completed.	CLS	Noted	
	69	5. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this site plan will be borne by the developer. The developer will be responsible for restoration of any damage to the transmission corridor or HONI facilities thereon resulting from construction of the site plan.	CLS	Noted	
	70	In addition, HONI requires the following be conveyed to the developer as a precaution: 6. The transmission lines abutting the subject lands operate at either 500,000, 230,000 or 115,000 volts. Section 188 of Regulation 213/91 pursuant to the Occupational Health and Safety Act, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the developer's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.	CLS	Noted	
	71	Our preliminary review only considers issues affecting HONI's transmission facilities and transmission corridor lands. For any proposals affecting distribution facilities (low voltage), the developer should consult the local distribution supplier.	CLS	Noted	

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
Hamilton Transit (Andy McLaughlin)	72	<p>HSR has the following comments with respect to the formal consultation applications related to the 3 "Whitebelt" blocks:</p> <p>While previous AEGD TMP's and SP's have identified a series of new/extended conventional transit routes operating on select streets, the implementation of HSR conventional fixed routes would require: that the subject lands be incorporated into the Urban Transit Area (UTA) further study to confirm the land use density/mix is able to generate sufficient transit customers to meet/maintain route productivity service standards transit operating budget approval, on an annual basis</p>	RJB	<p>The 2016 TMP, which carries forward the transit network recommendations in the 2011 TMP, shows proposed transit routes throughout the AEGDSP. Transit service was identified on Twenty Road West and the east-east corridor road through the block west of Garth Street extension. Since the 2016 TMP did not include the lands of the West, Central and East Expansion Area, but transit service was identified on those two roads, it appears that development would approve the availability of transit customers generated by the land uses proposed. Therefore, the Expansion Areas should provide additional transit customers to further support the proposed transit routes.</p>	UBE CTS (July 2020)
	72	<p>Lands within the UTA are subject to transit rates, collected thru property tax, based on a community's share of the HSR system net operating costs and a property's assessed value</p>	RJB	<p>Acknowledged.</p>	UBE CTS (July 2020)
	73	<p>Where route extensions/new routes are not sustainable, consideration can be given to the expansion of the existing Trans-Cab service zone, again requiring expansion of the UTA and operating budget approval</p>	RJB	<p>Acknowledged. This option will be evaluated during Integrated EA.</p>	UBE CTS (July 2020)
	74	<p>With respect to the Transportation Study documents prepared for the East and Central Whitebelt's, please be advised that: there is no fixed timeline for the introduction of full A Line BRT service all streets will require construction to urban standards, including accessible concrete sidewalks on both sides and the provision of adequate pedestrian illumination all traffic calming measures and roundabouts being contemplated on arterial and collector roads must be able to accommodate a 12.3m standard transit bus Section 12.0 Transit Assessment requires updating to reflect existing HSR service levels</p>	RJB	<p>Acknowledged. Details regarding roadway geometry, sidewalk location, traffic calming measure and roundabouts will be further refined as the various applications proceed on the lands. The Transit Assessment section has been updated to reflect the HSR service levels at the time this Transportation Study was Submitted. It is understood that HSR will change transit levels from time to time; therefore, the transit service identified was collected prior to publishing the report.</p>	UBE CTS (July 2020)

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	75	Given financial constraints related to transit operations, it is challenging to implement attractive transit service at the commencement of urban development in former rural areas. Ideally, improvements in land use density/mix deep within existing urban areas helps transit to better contribute to the achievement of City-wide modal split targets, while maintaining acceptable net operating costs. We remain hopeful that Council's current examination of Area Rating will result in positive outcomes to guide the future provision of conventional transit services within Hamilton.	RJB	An evaluation of the lands will be undertaken through the process to determine supportable levels of development.	UBE CTS (July 2020)
Recreation (Sarah Cellini)	76	Recreation supports the inclusion of parkland, in a size and shape appropriate for recreation amenities, as part of the East and Central urban boundary expansion applications. Recreation would like to review the West application "Parks and Community Infrastructure Assessment", once available.	CLS	A Parks and Community Infrastructure Assessment has been submitted for review. Further assesment and determination of specific facilities and their locations will occur at the Secondary Plan stage.	Parks and Community Issues Assessment
	77	With respect to the community facilities within recreation's scope (i.e. recreation centres) noted in the "Parks and Community Infrastructure Assessment", Recreation is undertaking a Recreation Master Plan (RMP) which will identify future recommendations with respect to indoor (and outdoor) recreation amenities comprehensively and will provide direction for recreation needs in the future once the RMP is completed.	CLS	The applicant will incorporate the results of the RMP process at the time of the Secondary Plan preparation.	Parks and Community Issues Assessment
	78	Recreation also requests participation as part of a future secondary plan associated with these applications.	CLS	The applicant welcomes Receptions participation in the future Secondary Plan preparation process.	Parks and Community Issues Assessment
Transportation Planning (Matthew Radelli)	79	Transportation Planning recommends the application not proceed to formal application until the road network is revised to the satisfaction of the Manager of Transportation Planning. Transportation Planning does not support the proposed amendment to the Official Plan with the road network proposed with under FC-20-029.	RJB	To allow the environmental assessment to properly work, the road network will be developed as part of the Integrated EA. In our opinion, inclusion of these Whitebelt lands are supportable from a transportation perspective and the details of the road network can be developed through the Integrated EA.	UBE CTS (July 2020)

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	80	Transportation Planning notes that the general expansion of the Urban Boundary contradicts sustainability initiatives within the Transportation Planning department. The difficulty of providing sustainable modes of transportation within areas currently outside of the Urban Boundary promotes reliance on passenger vehicles and is unfavorable when considering vehicular congestion reduction and overall climate change initiatives.	RJB	We are confused by this statement when the lands were originally included the AEGDSP and only removed through negotiations through the Ontario Municipal Board ("OMB") process. These lands are completely surrounded by the Urban Boundary and are more like holes in the boundary. When the AEGDSP identified transit along the edges expansion are boundaries, yet having no development and therefore not transit ridership, it is difficult to fathom how inclusion of the Expansion Areas would not be supportable of sustainable modes of transportation. Inclusion provides the ability to have been connectivity and be more supportive of alternative modes of transportation other than the automobile.	UBE CTS (July 2020)
	81	A preliminary Transportation Study provided by the Applicant for the adjacent central and eastern lands dated February 2020 notes that the adjacent lands are subject to an Integrated Municipal Environmental Assessment (integrated EA). The study also notes that the arterial and collector road network within the Block will be addressed within the integrated EA.	RJB	Acknowledged.	UBE CTS (July 2020)
	82	City of Hamilton staff is actively reviewing the Airport Employment Growth District (AEGD) Road Network which has been previously revised in the Airport Employment Growth District Transportation Master Plan (AEGD-TMP) Implementation Update, dated December 2017. As part of this review, the City of Hamilton is exploring potential reconfiguration, designation and alignment of the previously recommended road network within the AEGD lands. The applicant shall coordinate amendments made to the AEGD road network as a result of the ongoing AEGD-TMP update process, with Transportation Planning, before proceeding to formal application.	RJB	Acknowledged and we look forward to working with and sharing information with the City. The Integrated EA will form how the road network is developed with the block.	UBE CTS (July 2020)

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	83	<p>It is to be noted that the proposed road network with the subject Formal Consultation does not conform to the Airport Employment Growth District Transportation Master Plan (AEGD TMP) Implementation Update (Airport Employment Growth District Secondary Plan Road Classification Map B.8-3), dated December 2017 and the approved road network for the Airport Employment Growth District, as shown in Figure 26 of the AEGD TMP. To ensure adequate access and traffic circulation is provided, that the local network is efficiently and safely connected to the arterial system, and that consistency is maintained for all development parcels throughout the subject block, it is recommended that the applicant complies with the UHOP and AEGD Secondary Plan and adopt the approved road network. The following discrepancies are noted between the proposed road network and the AEGD:</p> <p>a. The location of Street B (Collector 6N) has been shifted northerly, which does not serve the intended purpose of provision of accessibility and connectivity for all modes of transportation and all development lands within the subject block. The proposed location of Street B reduces transit accessibility for development lands located between Dickenson Road and Street B. Provided that Street B identifies as a transit route through a transit feasibility study.</p> <p>b. Given the developments under review for parcels located along the north side of Dickenson Road and the presence of natural constraints, Street F cannot be constructed as proposed.</p> <p>c. AEGD TMP identifies the need for the north-south collector (collector 6E) at mid-point between Garth Street and Upper James St., which extends from Dickenson Road to Twenty Road West. The purpose of the Collector 6E corridor is to provide access to development lands while maintaining route redundancy in the network for increased efficiency and serve as a transit route. Street C, with the proposed configuration, will not serve the intended purposes.</p>	RJB	<p>The collector and arterial road network within the block will be determined through the Integrated EA process, which includes consideration of environmental impacts. Studies being undertaken are further defining environmental features and sensitivities within the block.</p>	UBE CTS (July 2020)
	84	<p>Proposed Official Plan Amendment - Does not support the UBE prior to the MCR without including the following: provisions of complete community design, inclusion of active transportation facilities, evaluation of transportation infrastructure (including more macro modelling to assess travel patterns, operations of roadways), Complete feasibility review for connectivity and opportunities considering public transit as well as BLAST corridors.</p>	RJB	<p>The additional provisions listed above, if applicable, will be further evaluated and detailed during the various application stages.</p>	UBE CTS (July 2020)
	85	<p>Transportation Impact Study - TIS required. No ToR will be required prior to road network revisions. Scope of Work to be submitted to City prior to commencing work.</p>	RJB	<p>The Integrated EA has already been initiated for the block, which will define the future road network within the block. Consultation occurred with the City for the Integrated EA.</p>	UBE CTS (July 2020)

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	86	Transportation Impact Study - Provide transit assessment for future facilities, provide project transit ridership.	RJB	The 2016 TMP, which carries forward the transit network recommendations in the 2011 TMP, shows HSR Bus Route 34 proposed along Glancaster Road and Bus Route 35 proposed along Twenty Road West. Since the 2016 TMP did not include the lands of the West, Central and East Extension Area, it appears a transit assessment and projected transit ridership should have already been satisfied even without the Expansion Areas. Therefore, the Expansion Areas should meet or exceed the project transit ridership along Glancaster Road and Twenty Road West.	UBE CTS (July 2020)
	87	Transportation Demand Management - Provide TDM. All measures to be illustrated on all site plans submitted.	RJB	A detailed TDM report will be submitted during the various stages which will recommend TDM measures and initiatives specific to the Expansion Areas. Detail will become more refined as applications become more defined.	UBE CTS (July 2020)
	88	Right-of-way Dedications - Existing ROW dedication for TRW of 1.0 m (to be taken from the south side only). Glancaster to be 27.0 m. To be confirmed by surveyor.	RJB	Acknowledged. These would be identified with Plan of Subdivision or Site Plan applications.	UBE CTS (July 2020)
	89	Airport Employment Growth District Right-of-way Dedications -AEGD ROW dedications are being reviewed through the AEGD TMP review.	RJB	Acknowledged and we look forward to working with the City to develop a supportable road network within the block, which will be defined by the Integrated EA. This approach is being undertaken as permitted rather than an individual environmental assessment as it provides for efficiencies in development of the plan.	UBE CTS (July 2020)
	90	Airport Employment Growth District Right-of-way Dedications - ROW widths to match AEGD TMP (in-effect).	RJB	The roadway right-of-ways will be confirmed through the Integrated EA.	UBE CTS (July 2020)
	91	Future Right-Of-Way Dedications - All proposed local roads shall be 20.117m (row).	RJB	Noted. It will be provided on the Plans of Subdivision at the appropriate stage; however, at this stage the local road networks are typically not detailed out.	UBE CTS (July 2020)
	92	Future Right-Of-Way Dedications - All collector roads shall be 26.213 m (row)	RJB	The roadway right-of-ways will be confirmed through the Integrated EA.	UBE CTS (July 2020)
	93	Future Right-Of-Way Dedications - All local road deads shall terminate with a cul-de-sac with a 18.0m radius and 13.0 m minimum pavement radius.	RJB	Noted and this would be addressed at a Plan of Subdivision stage.	UBE CTS (July 2020)

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	94	Future Daylighting Triangle Dedications - Daylight triangles for intersections with a local road are to be 4.57 m x 4.57m	RJB	Noted and this would be addressed at a Plan of Subdivision stage.	UBE CTS (July 2020)
	95	Future Daylighting Triangle Dedications - Daylight triangles for intersections with a collector road are to 9.14m x 9.14m.	RJB	Noted and this would be addressed at a Plan of Subdivision stage.	UBE CTS (July 2020)
	96	Future Daylighting Triangle Dedications - Daylight triangles for intersections with an arterial road are to be 12.19m x 12.19m.	RJB	Noted and this would be addressed at a Plan of Subdivision stage.	UBE CTS (July 2020)
Urban Design (Ana Cruceru)	97	Please refer to the City's Urban Design Policies (UHOP, Vol. 1, Section B.3.3)	NAK	Please refer to p. 9 of the Urban Design Brief (UDB) which addresses UHOP, Vol. 1, Section B.3.3.	Urban Design Brief
	98	Urban Design report is to provide a fulsome analysis of the site's relevant policy and physical context as well as a range of urban design and architectural objectives to be attained by the new community will be required for review at the time of a formal application.	NAK	Noted. Section 2.2 and 2.3 of the UDB provide a thorough analysis of the site's relevant policy and physical context. Section 4.0 provides the details of the urban design and architectural objectives.	Urban Design Brief
	99	Staff to review the Environmental and Energy Assessment Report and Urban Design Brief.	CLS/NAK	Noted.	Energy and Environmental Assessment Report
Planning (Heather Travis)	100	Planning - Some of the landowners identified on the Formal Consultation application appear to be the same as the parties to the AEGD Minutes of Settlement signed in 2015 (LPAT Files PL101300, PL090114, and PL110331). It is the position of the City that depending on the form of the proposed OPA application, those landowners should not be part of such application, as to do so may be "indirectly" going after the priority status of both the Elfrida lands and the Twenty Road East lands as the first non-employment lands to be added to the urban boundary, as identified in the Minutes of Settlement.	CLS	With the introduction of the growth plan policy, urban boundary expansion applications are permitted in advance and outside a Municipal Comprehensive Review. The landowners in question are participating in the ongoing MCR.	Planning Justification Report
	101	Planning - The City is in the process of completing GRIDS2 and the Municipal Comprehensive Review (MCR), including the identification of the preferred growth option for the City to 2041. It is anticipated that the Land Needs Assessment will be completed and released publicly at an upcoming Committee meeting (date tbd), and the evaluation of growth options will be completed by December 2020. Staff strongly encourage the applicants to participate in the City's MCR process which will allow for comprehensive evaluation of growth options within the City in a timely manner, and avoid the need for individual applications by property owners.	CLS	The applicant intends to continue to participate in the MCR/GRIDS 2 process, at the same time as proceeding with the UBE applications.	Planning Justification Report
	102	Planning - Planning Justification Report (PJR) shall include a community concept plan demonstrating proposed density in persons and jobs per hectare, housing mix, jobs, and complete community design and connectivity with adjacent neighbourhoods.	CLS	The proposed development will achieve a density of 71 people and jobs per hectare. Please see enclosed PJR report for further details on density, housing mix, jobs and complete community design and connectivity with adjacent neighbourhoods.	Planning Justification Report

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	103	Planning - New sensitive land uses are not permitted above the 28 NEF contour, as per policy C.4.8.8 of the Urban Hamilton Official Plan. Proposed concept plan and land uses should comply with this policy.	HGC	In accordance with the PPS, sensitive uses are permitted in the lands above the NEF 30 contour.	Noise Impact Study
	104	Planning - Application to expand urban boundary will be evaluated against criteria identified in the Provincial Growth Plan (policies 2.2.8.3 and 2.2.8.5) and the City's evaluation framework (provided separately to the applicant).	CLS	Noted. Planning Justification Report sets out qualifications which satisfy Growth Plan criteria. Please also see submitted Response Matrix to City of Hamilton UBE Evaluation Framework, enclosed within the Planning Justification Report.	Planning Justification Report
	105	Planning - Applicant to clarify how this proposed application will impact the adjacent active application for the development of an industrial subdivision (25T201807) and if revisions to the existing application will be forthcoming.	CLS	The proposed UBE applications have been designed in conjunction with the Plan of Subdivision application to ensure the delivery of the extension of Garth Street. The UBE applications will not preclude the Plan of Subdivision application.	Planning Justification Report
	106	Planning - Application for conversion of a portion of the adjacent employment lands to a non-employment designation through the MCR remains under review.	CLS	Coordination between proposed UBE and Employment Conversion Request has been addressed in Planning Justification Report.	Planning Justification Report
	107	Planning - Peer reviews of all submitted studies and reports may be required. All peer reviews shall be completed at the expense of the applicant.	CLS	Noted.	
	108	Planning - Public consultation strategy should indicate how all landowners in the proposed consolidate areas have been contacted and if they consent to the application. The strategy should also outline the future plans for public consultation.	CLS	Please see enclosed Planning Justification Report for section on Public Consultation Strategy.	Planning Justification Report
	109	Servicing - Applicant shall refer to and be consistent with the following studies: AEGD Phase 2 Water/Wastewater Servicing Master Plan Update, AEGF Subwatershed Study & SWM Plan Implementation.	Urbantech	Acknowledged - the appropriate references have been made.	FSR

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	110	<p>Servicing - According to the submitted Sanitary Drainage Plan, wastewater flows from the subject lands will generally be directed to the existing Twenty Road Pumping Station. The City's original plan for servicing of the Central and West areas was to direct wastewater flows south to the future Dickenson Road trunk sewer, reducing flows to the pumping station. The servicing strategy proposed is not consistent with the City's infrastructure Master Planning.</p> <p>The proponent's proposed change to the servicing strategy will increase the ultimate service area and wastewater load for the Twenty Road Pump Station, with associated cost and energy use impacts. The servicing of the subject lands should be subsequent Formal Consultation Document (Revised July 20169) to development of the urban AEGD lands to the south, consistent with infrastructure master planning.</p> <p>The existing sanitary infrastructure, particularly the Twenty Road Pump Station, does not have adequate capacity to service the subject lands. Although not preferred, there may be adequate sanitary servicing of the subject lands by Twenty Road Pumping Station once planned capacity upgrades are completed. This would need to be confirmed through an update to the master servicing strategy for the area. The updated analysis would determine whether the servicing of the lands would be contingent on the completion of the planned Dickenson Road East diversion trunk.</p>	Urbantech	Please refer to the response to Comment 37 for details.	FSR
	111	<p>Servicing - A comprehensive wastewater servicing study is required for the entire gravity drainage catchment of the Twenty Road Pumping Station, as follows:</p> <ul style="list-style-type: none"> • Characterization and hydraulic analysis of interim conditions, without the Dickenson Road diversion trunk in place. This condition should assume English Church Pump Station operating at 100% capacity allocation, and include development of existing urban lands within the Twenty Road PS gravity catchment to 2031; • Characterization and hydraulic analysis of anticipated 2041 conditions, with the proposed Dickenson Road diversion trunk in service; • Functional design of any new sewers external to the subject lands that are required to convey wastewater to the City's existing sewer network, including life cycle cost analysis. Proposed sewer capacities must include future external drainage contributions from other undeveloped lands, to the natural drainage boundary. <p>For the urban boundary expansion applications to be considered, the proponents must demonstrate that the Upper James trunk sewer and Twenty Road Pump Station have sufficient spare capacity for the subject lands as well as anticipated development to 2041 within the existing urban lands in the Twenty Road PS catchment.</p>	Urbantech	We acknowledge that further study and coordination regarding sanitary servicing of the subject lands is required to optimize the existing and future sanitary infrastructure. Refer to Section 7 for details.	FSR

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	112	Servicing - A comprehensive water servicing study is required, as follows: <ul style="list-style-type: none"> • Watermain hydraulic analysis will be required for the whole of Pressure Zone #6, using anticipated 2041 development conditions; • Functional design of watermains external to the subject lands that are required to convey water from the City’s existing watermain network, including life cycle cost analysis. For the urban boundary expansion applications to be considered, the proponents must demonstrate that the existing water infrastructure network (including watermains, pump stations, and storage) has sufficient spare capacity for the subject lands, as well as anticipated development to 2041 within the existing urban lands in the Pressure Zone #6 boundary.	Urbantech	Acknknowledged - a hydraulic analysis will be conducted as part of the Draft Plan submission as indicated in Section 7.	FSR
	113	Servicing - The water, wastewater servicing and stormwater management strategies for these three areas have been included in the Upper West Side Master Drainage Plan & Servicing Study by the landowners’ group. However, the Upper West Side Master Drainage Plan & Servicing Study is not completed yet. The approval agencies provided comments on the 1st draft of this report. The landowner group did not submit the 2nd submission of the report to show how all comments from different agencies have been addressed. Therefore, the contents of the Water, Wastewater Servicing and Stormwater Management Overview report dated Feb, 2020 prepared by Urbantech are premature.	Urbantech	Acknowledged	FSR
	114	Servicing - The February 2020 Urbantech report did not demonstrate the following: <ol style="list-style-type: none"> i) Concept plan including local road networks with land use ii) Standalone SWM plans & strategies for residential development on these lands in accordance with the DC bylaw. The current SWM strategies for these lands outlined in the Upper West Side study is for industrial development. iii) Phasing and implementation plans from available and future servicing perspective. iv) The servicing capacities and allocation policies for projected growth in the existing urban boundary and urban boundary expansion. v) Boundary Road (Twenty Rd, Glancaster Rd) improvement works. vi) Front Ending Cost polices and agreement 	Urbantech	The items listed in this comment are all noted as required for future studies in Section 7.	FSR
	115	Servicing - Prior to commencement of the sanitary sewer extension and urbanization works within the existing Twenty Road West right-of-way a Class EA study shall be completed. No such study has been initiated to date.	Urbantech	Acknowledged; these works are not currently proposed as part of the UBE application. It is understood that additional studies are required to support the sewer extension and urbanization works.	FSR
	116	Servicing - Should the Official Plan Amendment(s) for urban boundary expansion be approved, Hamilton Water has additional submission requirements for the subsequent stages of approval, such as functional servicing reports for the proposed infrastructure within the subject lands, well surveys, water balance analysis, detailed watermain hydraulic analysis and Form 1 approval, wastewater generation report, etc.	Urbantech	Acknowledged.	FSR

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	117	Transportation - The road network shall be revised to the satisfaction of the Manager of Transportation Planning. The applications should not proceed to the formal application stage until the road network has been revised to staff's satisfaction. The applicant is strongly encouraged to contact Transportation Planning and Planning staff to arrange a meeting to discuss the road network changes.	RJB	The applicant is currently advancing completion of the Integrated EA to establish the proposed Collector Road network as well as the extension of Garth Street. A meeting was recently convened with the City to provide an update and advise on timelines. The EA will assess and determine the ultimate road network and be completed to the satisfaction of the Manager of Transportation Planning.	Planning Justification Report
	118	Transportation - City of Hamilton staff is actively reviewing the Airport Employment Growth District (AEGD) Road Network which has been previously revised in the Airport Employment Formal Consultation Document (Revised July 201611) Growth District Transportation Master Plan (AEGD-TMP) Implementation Update, dated December 2017. As part of this review, the City of Hamilton is exploring potential reconfiguration, designation and alignment of the previously recommended road network within the AEGD lands. The applicant shall coordinate amendments made to the AEGD road network as a result of the ongoing AEGD-TMP update process, with Transportation Planning, before proceeding to formal application.	RJB	Acknowledged and we look forward to working with and sharing information with the City. The Integrated EA will form how the road network is developed with the block.	UBE CTS (July 2020)
	119	Transportation - It is to be noted that the proposed road network with the subject Formal Consultation does not conform to the Airport Employment Growth District Transportation Master Plan (AEGD TMP) Implementation Update (Airport Employment Growth District Secondary Plan Road Classification Map B.8-3), dated December 2017 and the approved road network for the Airport Employment Growth District, as shown in Figure 26 of the AEGD TMP. To ensure adequate access and traffic circulation is provided, that the local network is efficiently and safely connected to the arterial system, and that consistency is maintained for all development parcels throughout the subject block, it is recommended that the applicant complies with the UHOP and AEGD Secondary Plan and adopt the approved road network. Issues with the location and alignments of Street B, Street C, and Street F have been identified.	RJB	The collector and arterial road network within the block will be determined through the Integrated EA process, which includes consideration of environmental impacts. Studies being undertaken are further defining environmental features and sensitivities within the block.	UBE CTS (July 2020)
	120	Transportation - Staff require the inclusion of additional provisions related to Transportation concerns including: provisions to include complete community design incorporating mixed-use neighbourhoods meeting minimum density requirements; inclusion of a higher degree of active transportation facilities and connectivity between communities (e.g. protected cycling facilities on all roadways, separate from pedestrian facilities); evaluation of infrastructure capacity from a Transportation perspective relating to roadway capacity and the need for future improvements through a robust Transportation Impact Study; and, feasibility review for connectivity and opportunities considering public transit as well as future BLAST corridors.	RJB	The additional provisions listed above, if applicable, will be further evaluated and detailed during the various application stages.	UBE CTS (July 2020)

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	121	Transportation - A revised Transportation Impact Study (TIS) will be required, but will not be accepted until a revised road network has been shown which is supported by staff. The transportation consultant shall submit a scope of work to staff for approval prior to commencing the study.	RJB	The Integrated EA has already been initiated for the block, which will define the future road network within the block. Consultation occurred with the City for the Integrated EA.	UBE CTS (July 2020)
	122	Transportation - Hamilton Street Railway (HSR) does not currently operate along Glancaster Road or Twenty Road West. The Applicant shall provide a transit assessment regarding the implementation of future transit facilities, provide details on the projected transit ridership according to similar areas within the City of Hamilton and proposed routing as supplementary material within the TIS report.	RJB	The 2016 TMP, which carries forward the transit network recommendations in the 2011 TMP, shows HSR Bus Route 34 proposed along Glancaster Road and Bus Route 35 proposed along Twenty Road West. Since the 2016 TMP did not include the lands of the West, Central and East Extension Area, it appears a transit assessment and projected transit ridership should have already been satisfied even without the Expansion Areas. Therefore, the Expansion Areas should meet or exceed the project transit ridership along Glancaster Road and Twenty Road West.	UBE CTS (July 2020)
	123	Transportation - A Transportation Demand Management (TDM) Report is required in accordance with City's TDM guidelines. The TDM report can present TDM measures and their projected efforts to reduce future operational deficiencies as identified in the conclusions of the TIS.	RJB	A detailed TDM report will be submitted during the various stages which will recommend TDM measures and initiatives specific to the Expansion Areas. Detail will become more refined as applications become more defined.	UBE CTS (July 2020)
	124	Transportation - Additional transportation-related studies may be requested in future once the proposed road network has been established to the City's satisfaction.	RJB	Noted.	
	125	Transportation - Right-of-way dedications and daylighting requirements shall be provided in accordance with detailed comments provided by Transportation Planning staff dated April 15, 2020.	RJB	Noted and this would be addressed at a Plan of Subdivision stage.	UBE CTS (July 2020)
	126	Natural Heritage - Based on policies within the RHOP and UHOP, when development has the potential to negatively impact a Core Area's natural features or ecological functions an EIS is required. The EIS inventories and describes the existing Core Areas and ecological functions of the site within the surrounding landscape; assesses the potential negative impacts and provides recommendations to accommodate or enhance existing natural features and functions. Where new development or site alteration is proposed within a Linkage, a Linkage Assessment is to be prepared. Where an EIS is being prepared, the Linkage Assessment can be included as part of the EIS.	NRSI	EIS, Linkage Assessment and Tree Inventory have been submitted.	EIS
	127	Natural Heritage - As part of the Urban Boundary Expansion (UBE) Formal Consultation materials, an EIS/LA has been prepared by Natural Resource Solutions Inc. (NRSI) (February 2020). Natural Heritage Planning staff has not completed a full review of this report. As a result, the EIS has not been approved.	NRSI	With the approved of the Terms of Reference for the EIS, Linkage Assessment and Tree Inventory. Review of the materials should be able to occur.	EIS

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	128	Natural Heritage - EIS and Linkage assessments required as per Council-approved Terms of Reference. As outlined within the City's Council adopted EIS Guidelines (revised March 2015), a Terms of Reference (ToR) outlining the contents and scope of the EIS is to be prepared to the satisfaction of the City and the relevant Conservation Authority (in this case, NPCA). This was identified at the previous Formal Consultation (FC-19-126; Nov. 27, 2019). To date, a ToR has not been submitted or approved for this work. It is important to have an approved ToR prior to completing field work so that the right surveys are completed in the appropriate timeframes. A ToR should be submitted as soon as possible. (Concerns have been identified with field studies related to wetland boundaries, terrestrial crayfish, winter wildlife surveys, bat assessment and marsh inventories.)	NRSI	Terms of Reference has been approved, following the issuance of these comments.	EIS
	129	Natural Heritage - Linkages have been identified on the subject lands. There is concern that Linkages have not been identified within the NHS and that impacts to Linkages on the adjacent properties have not been considered.	NRSI	Linkages have been assessed as part of the EIS.	EIS
	130	Natural Heritage - Core areas are identified within the candidate expansion area and adjacent to the lands. These features must be characterized through completion of a Sub-watershed Study early in the process, including hydrology, hydrogeology, aquatic and terrestrial environments. This Study is one of the first steps in the process because it identifies areas of protection, land use impacts, mitigation measures and management strategies.	NRSI	Core areas have been assessed as part of the EIS.	EIS
	131	Natural Heritage - The NPCA will also require floodplain mapping on any watercourse with an upstream drainage area greater than 125ha.	NRSI	Noted	
	132	Cultural Heritage - The subject property meets five (5) of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential. Staff require that an Archaeological Assessment be completed and submitted with any future application	Golder	A Cultural Heritage Impact Assessment is currently being completed and will be submitted shortly.	
	133	Cultural Heritage - A variety of properties subject to this application are included in the City's Inventory of Buildings of Architectural and/or Historical Interest, as illustrated by the yellow high lighted areas below. As identified in the Cultural Heritage Screening Report, there are additional properties of Cultural Heritage Value or Interest. Staff have briefly reviewed the Cultural Heritage Screening Report and cannot fully comment on the content or recommendations of the report. Notwithstanding, Staff would require the applicant to submit a cultural heritage impact assessment for any future developments.	Golder	A Cultural Heritage Impact Assessment is currently being completed and will be submitted shortly.	
	134	Public Service Facilities - In conformity with the Growth Plan and Policies for Settlement Area Boundary Expansions, the proponents shall include as part of their analysis confirmation of sufficient capacity in existing and planned public service facilities and infrastructure, including the need and availability for lands to accommodate future school sites.	CLS	Noted. Please see enclosed Parks and Community Infrastructure Facilities.	Parks and Community Issues Assessment

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
Building	135	1. The purpose of this Formal Consultation application is to request that the City consider the expansion of the urban boundary to incorporate the subject lands, generally located southeast of the Garth Street and Twenty Road West intersection. The lands have an approximate area of 27 ha. The proposed land use includes residential uses, natural heritage features, stormwater management, and a collector road network.	CLS	Noted	
	136	2. It is noted that an application for an Official Plan Amendment would be required to bring the lands into the urban boundary. At a later phase, Draft Plan of Subdivision and a Zoning By-law Amendment would be required to implement any proposed development. Therefore, the Building Division has no comment on the proposed expansion at this time.	CLS	Noted	
	137	3. All new signs proposed for this development must comply with the regulations contained within the Sign By-law.	CLS	Noted	
	138	4. The designer shall ensure that the fire access route conforms to the Ontario Building Code.	CLS	Noted	



Wednesday August 12th, 2020

City of Hamilton
71 Main Street West, 4th Floor
Hamilton, Ontario, L8P 4Y5
Attention: Planning and Economic Development

Attn:	Heather Travis Senior Project Manager, Growth Management Strategy Planning & Economic Development Department
Re:	UPPER WEST SIDE – URBAN BOUNDARY EXPANSION APPLICATIONS (EAST) SUBMISSION PACKAGE FC-20-028/029/034

Dear Ms. Travis,

On behalf of the Upper West Side Landowners Group (UWSLG), Corbett Land Strategies Inc., (CLS) is pleased to submit the applications to the City of Hamilton for the purposes of Urban Boundary Expansion. As per policy 2.2.8.5 of the Provincial Growth Plan (2019), the UWSLG is submitting Official Plan Amendment applications to permit privately initiated urban boundary expansion areas under 40 hectares which can occur outside, or in advance of the Municipal Comprehensive Review (MCR) process.

The Upper West Side community lands which are bounded by Twenty Road West to the north, Upper James to the east, Dickenson Rd to the south and Glancaster Rd to the west, contain both employment lands located within the Airport Employment Growth District (AEGD) and two small rural areas that are located outside of the existing Urban Boundary. The rural areas are characterized as “whitebelt” areas and are not designated within the AEGD Secondary Plan.

CLS has divided the rural areas into three major Urban Expansion Areas identified as the East, Central and West precincts. This cover letter represents the East Urban Boundary Expansion area. The division of land is based on land ownership and all properties are found south of Twenty Road West. The East area is proposing 26.61 hectares to be added to the Urban Boundary Area, the Central area is proposing 32.57 hectares and the West Area is proposing 27.38 hectares. These areas are all designated as “Rural” within both the Rural and Urban Hamilton Official Plans. The East and Central areas are zoned as “A2 Rural” and the West is zoned as “P4 Open Space”. Please note, the West precinct was previously used as a golf course which has been inactive for several years.

The combined proposed development areas have the capacity to accommodate residential development comprised of approximately 2,450 various residential units. The anticipated density is approximately 71 persons and jobs per hectare. These expansion areas will also support the existing natural heritage system and construct a collector road network and stormwater infrastructure. If approved, the proposed applications for Urban Boundary Expansion will result in a community which will:

- Be a complete community supported by residential, employment, commercial and public facilities such as parks, schools and recreational facilities;
- Be an infill development as it is completely surrounded by urban boundary;
- Deliver infrastructure (i.e. Garth Street Extension, servicing to AEGD lands);
- Avoid developing on prime agricultural land;
- Deliver and support employment planned for the AEGD
- Deliver infrastructure and financing through the implementation of a Landowner Cost Sharing Agreement;
- Deliver on Provincial planning priorities: housing & land supply;
- Deliver \$157.5 million in one-time Development Charges;
- Deliver \$55.7 million in annual revenue (\$33.5M in taxes/ \$17.7M in water and wastewater/ \$4.5M in non-tax);
- Deliver \$15.4 million in one-time building permit revenue;
- Incorporate extensive sustainable development features;
- Provide opportunities for affordable housing land grant opportunities;
- Act as a post-COVID-19 economic stimulus project; and,
- Allow for an ease in implementation.

CLS has formally received comments on the proposed expansion areas with City Staff through the Formal Consultation Application, received on April 15th, 2020 (FC-20-028/029/034). During the Formal Consultation meeting, the City identified multiple studies/ assessments that are required to complete the applications set forth. CLS has completed a large majority of the studies and has attached a transmittal document (Appendix A) to identify the submitted assessments/ reports. A response document has been prepared and attached to this letter (Appendix B)

In accordance with Staff Report, PED19146, specific Official Plan Amendment application fees have been assigned for Urban Boundary Expansions. Staff have advised that these fees have been established due to the complexity of the applications but are not inclusive of the peer review fees which have been identified to be separate. As you are aware, section 69(1) of the Planning Act specifies that the fees shall be designed to meet only the cost to the municipality in respect of the processing of the application. The cost of these fees are excessive, especially in context of the additional fee being levied for a peer review. In accordance with s.69(3) of the Planning Act, the UWSLG submits payment for the application fees under protest. A written notice of appeal to the Local Planning Appeal Tribunal will be submitted by our legal counsel within the prescribed 30 day period.

Through the contents of this submission, the UWSLG has responded to the specific criteria for Urban Boundary Expansion Applications and believes the enclosed materials represents the City interests in accommodating future growth. We believe the expansion request is appropriate and we look forward to working with the City through the review of the application. If there are any concerns or questions, please feel free to contact the undersigned.

Thank you,

Nick Wood

Nick Wood
Manager, Development Planning
Corbett Land Strategies Inc.
nick@corbettlandstrategies.ca
416-420-5544

COPIES: Upper West Side Land Owners Group
 John Farber, Legal Counsel, Fogal Rubinoff

APPENDIX A: Transmittal

The following documentation comprises the Urban Boundary Expansion applications submission:

CATEGORY	TYPE	DRAWING NAME	No. of PAGES	NO. OF COPIES
Official Plan Amendment – Urban Boundary Expansion East application with signatures	FORM	2020 08 11_Upper West Side UBE OPA East Application_Signed	28	
Official Plan Amendment – Urban Boundary Expansion East application without signatures	FORM	2020 07 30_Upper West Side UBE OPA East Application_Unsigned	28	
Official Plan Amendment – Urban Boundary Expansion Central application with signatures	FORM	2020 08 11_Upper West Side UBE OPA Central Application_Signed	28	
Official Plan Amendment – Urban Boundary Expansion Central application without signatures	FORM	2020 07 30_Upper West Side UBE OPA Central Application_Unsigned	28	
Official Plan Amendment – Urban Boundary Expansion West application with signatures	FORM	2020 08 11_Upper West Side UBE OPA West Application_Signed	28	
Official Plan Amendment – Urban Boundary Expansion West application without signatures	FORM	2020 07 30_Upper West Side UBE OPA West Application_Unsigned	28	
Community Plan	DRAWING	Concept Community Plan (ALL AREAS)	1	
Survey Plan - East	DRAWING	Survey_UBE East (1)	1	
Survey Plan - East	DRAWING	Survey_UBE East (2)	1	
Survey Plan - East	DRAWING	Survey_UBE East (3)	1	
Survey Plan - Central	DRAWING	Survey_UBE Central (1)	1	
Survey Plan - Central	DRAWING	Survey_UBE Central (2)	1	
Survey Plan - West	DRAWING	Survey_UBE West	1	
Formal Consultation (April 2020)	DOCUMENT	UWS_Formal Consultation Document Apr.2020_Signed	15	
City of Hamilton Evaluation Framework	DOCUMENT	2020 08 11_UWS_UBE Application_Evaluation Framework_All UBE Areas	2	
Formal Consultant Comment Response Matrix	DOCUMENT	2020 07 24_UBE Comment Summary	29	
Planning Justification Report	REPORT	UWS_Planning Justification Report	149	
Urban Design Brief	REPORT	UWS_Urban Design Brief	99	
Public Consultation Strategy	REPORT	See Planning Justification Report	N/A	
Draft Official Plan Amendment	DOCUMENT	See Planning Justification Report	N/A	
Environmental Impact Assessment (EIS)/ Tree Protection Plan (TPP)/ Linkage Assessment	REPORT	UWS_EIS, LA, TPP	271	
Karst Assessment	MEMO	UWS_Karst Assessment Letter	1	
Hydrogeological Study (Central and East)	REPORT	UWS_Hydrogeological (July 2018)	128	

CATEGORY	TYPE	DRAWING NAME	No. of PAGES	NO. OF COPIES
Functional Servicing and Stormwater Management Report	REPORT	UWS – Functional Servicing Report	19	
CIVIL Drawing No.200	DRAWING	FSR – Predevelopment Storm Drainage (200)	1	
CIVIL Drawing No.300	DRAWING	FSR – Grading Plan (Part 1) (300)	1	
CIVIL Drawing No.301	DRAWING	FSR – Grading Plan (Part 2) (301)	1	
CIVIL Drawing 303 - 305	DRAWING	FSR – Proposed ROWs (303-305)	3	
CIVIL Drawing No.500	DRAWING	FSR – Contributing Storm Drainage to Ponds (500)	1	
CIVIL Drawing No.800	DRAWING	FSR – Sanitary Drainage Plan (800)	1	
CIVIL Drawing No.801	DRAWING	FSR – AEGD WWSMP (801)	1	
CIVIL Drawing No.900	DRAWING	FSR – Water Distribution Plan (900)	1	
Sanitary Sewer Design Sheet	DOCUMENT	FSR – Sanitary Sewer Design Sheet	2	
Financial Impact Analysis	REPORT	UWS_Financial Impact Assessment	36	
Parks Issues Assessment	REPORT	UWS_Parks and Community Infrastructure	42	
Agricultural Impact Assessment	REPORT	UWS Agricultural Impact Assessment	41	
Noise Impact Study	REPORT	UWS_Noise Feasibility Study	38	
Transportation Impact Study, Transit Assessment & Transportation Demand Management Report	REPORT	UWS_Transportation Study	28	
Lands Needs Assessment	MEMO	UWS_Land Needs Assessment	14	
Energy and Environmental Assessment Report	REPORT	UWS_Energy & Environmental Assessment Report	46	
Fluvial Geomorphological Assessment	REPORT	UWS_Fluvial Geomorphological Assessment	93	
Geotechnical Investigation & Hydrogeological Assessment	REPORT	UWS_UBE West_Geotech and HydroGeo	44	

APPENDIX B: Formal Consultant Comment Response Matrix

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
City of Hamilton - Natural Heritage (Melissa Kiddie)	1	<p>1. EIS/LA: Based on policies within the RHOP and UHOP, when development has the potential to negatively impact a Core Area’s natural features or ecological functions an EIS is required. The EIS inventories and describes the existing Core Areas and ecological functions of the site within the surrounding landscape; assesses the potential negative impacts and provides recommendations to accommodate or enhance existing natural features and functions. Where new development or site alteration is proposed within a Linkage, a Linkage Assessment is to be prepared. Where an EIS is being prepared, the Linkage Assessment can be included as part of the EIS.</p> <p>As part of the Urban Boundary Expansion (UBE) Formal Consultation materials, an EIS/LA has been prepared by Natural Resource Solutions Inc. (NRSI) (February 2020). Natural Heritage Planning staff has not completed a full review of this report. As a result, the EIS has not been approved.</p>	NRSI	<p>Noted. The February 2020 EIS and LA have been revised to include all UBE lands. Following the completion of field surveys, it is anticipated that the June 2020 EIS and LA, as well as the February 2020 TPP, will be updated with the results of the full suite of seasonal field surveys and will address agency comments in response to the pre-consultation comments as well as those received in response to the first submission of the Terms of Reference for the UBE EIS, LA, and TPP.</p>	June 2020 EIS and LA (partial response)
	2	<p>The following considerations have been provided.</p> <p>a) EIS/LA Terms of Reference (ToR): As outlined within the City’s Council adopted EIS Guidelines (revised March 2015), a Terms of Reference (ToR) outlining the contents and scope of the EIS is to be prepared to the satisfaction of the City and the relevant Conservation Authority (in this case, NPCA). This was identified at the previous Formal Consultation (FC-19-126; Nov. 27, 2019). To date, a ToR has not been submitted or approved for this work. It is important to have an approved ToR prior to completing field work so that the right surveys are completed in the appropriate timeframes. A ToR should be submitted as soon as</p>	NRSI	<p>A ToR for the EIS/LA/TPP was submitted to the City and NPCA on May 14, 2020 for review and comment. Comments were received from the City and NPCA on June 2 and June 4, 2020 (respectively). The ToR and responding comments are appended to the June 2020 EIS and LA report. A revised ToR will be submitted in the coming weeks.</p>	UBE EIS, LA, and TPP Terms of Reference (May 14, 2020)
	3	<p>While a complete review of the EIS has not occurred, there are concerns with the following field studies (it is important to note, this is not an exhaustive list):</p> <p>i. Wetland Boundaries: It has been identified that the wetland boundaries were surveyed in consultation with NPCA and City staff on August 8, 2019. The surveyed boundaries need to be clearly shown on all figures.</p> <p>ii. Terrestrial Crayfish: It has been identified that there is potential Significant Wildlife Habitat as it relates to terrestrial crayfish; however, surveys related to this species are missing.</p> <p>iii. Winter Wildlife Surveys: It has been identified that winter wildlife surveys were completed as per the City’s Linkage Assessment Guidelines. These Guidelines do not provide specific guidance on completing surveys. The specific protocol/description of work needs to be provided.</p> <p>iv. Bat Assessment: It has been identified that bat habitat assessment (leaf-off) was completed as per the City’s Tree Protection Guidelines (revised October 2010). These Guidelines do not provide specific guidance on bats. In addition, leaf-on inventories appear to be missing.</p> <p>v. Marsh Bird Inventory: Marsh birds were only sampled once (June 17, 2019). Based on the Marsh Monitoring program, sampling is to occur twice between May 20 and July 5.</p>	NRSI	<p>These comments regarding field studies will be addressed as part of the ToR review process. The future revised EIS will be updated to include clarifying details on all field surveys.</p>	Future revised EIS, LA, and TPP (date TBD)

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	4	<p>In addition, a separate ToR has been submitted for 9511 Twenty Road West (March 2, 2018) for an EIS in support of Planning Act applications UHOPA- 18-016; ZAC-18-040; and 25T-201807. Natural Heritage Planning staff provided comments on March 14, 2018. Due to further clarifications, revisions were required and the ToR was not approved. A revised ToR was submitted January 6, 2020. Based on Natural Heritage Planning comments (January 28, 2020), the ToR was not approved. To date, a re-submission of the ToR has not been provided.</p>	NRSI	<p>Comments on the January 6, 2020 version of the TOR for the EIS, LA, and TPP specific to the development applications submitted for the Draft Plan of Subdivision at 9511 Twenty Road West will be addressed separately from the UBE application process. NRSI will re-submit the TOR for these separate natural heritage studies in the coming weeks.</p>	<p>Garth Street Draft Plan Revised TOR (date TBD)</p>
	5	<p>b) Linkage Assessment: Linkages have not been clearly identified in mapping provided within the 2020 NRSI UBE EIS. Based on the UHOP, a Linkage has been identified within the hydro corridor located on 9511 Twenty Road West and on adjacent properties (2060 Upper James Street). Within the 2020 UBE EIS it has been identified that the Conceptual Block Plan incorporates an NHS that will be designed to provide movement and propagation opportunities for wildlife. There is concern that Linkages have not been identified within the NHS and that impacts to Linkages on the adjacent properties have not been considered</p>	NRSI	<p>Map 5 of the revised June 2020 EIS and LA identifies all linkages shown on Schedule B and AEGD Secondary Plan Map B.8-2 of the RHOP/UHOP. The Linkage Assessment section in the EIS provides an analysis of these Linkages, and determines that based on their current function and quality, replication of the ecological functions of the Linkages can be provided in the block-wide NHS. Impacts to all Linkages within the overall UBE study area, including those on adjacent properties, are considered.</p>	<p>June 2020 EIS and LA</p>
	6	<p>c) Non-ecological Elements (i.e. stormwater management, Low Impact Development): EIS inventories and characterizes the existing Core Areas and ecological functions of a site. As part of the development proposal, impact assessment and mitigation measures, it is important to discuss the non-ecological elements (i.e. stormwater management). This connection appears to be missing within the EIS.</p>	NRSI	<p>High-level details of non-ecological elements, including general descriptions of the stormwater management strategy, are provided in the June 2020 EIS and LA; however, the exact locations of SWM and LID facilities is not available at this development stage; the conceptual nature of the UBE community plan precludes the fulsome analysis of all indirect impacts, including from the SWM approach, in this version of the EIS and LA. Once additional details become available at Draft Plan of Subdivision or Site Plan stages, these analysis can be completed. The June 2020 EIS notes the necessity of completing additional studies and analyses of impacts at these future stages.</p>	<p>June 2020 EIS and LA</p>

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	7	d) 555 Glancaster Road: The EIS focuses on the UBE areas identified as "Central Block" (9751-9625 Twenty Road West), "East A" (9445 Twenty Road West) and "East B" (9285 Twenty Road West). Inventories related to 555 Glancaster Road have not been included. It is important to include this area within the EIS since it is located adjacent to Core Areas within the UHOP and the proposed Natural Open Space (as outlined within the UBE Plan) extends onto this property.	NRSI	A field program has been initiated for the lands at 555 Glancaster Road, as detailed in the May 14, 2020 TOR. The June 2020 EIS and LA now includes background information and a high-level analysis for the natural features and functions in the western UBE block on this property. Once field surveys are complete in 2020, a revised EIS will be re-submitted containing the full results and analysis for these lands.	June 2020 EIS and LA (partial response)
	8	e) Integration with Current Planning Act application: Currently, Planning Act applications (UHOPA-18-016; ZAC-18-040; 25T-201807) have been submitted for 9511 Twenty Road West with the intent to develop a new industrial subdivision. An EIS (Upper West Side Draft Plan of Industrial Subdivision) was prepared by NRSI June 2018. Due to the absence of an approved ToR and a number of inventories that were missing, a comprehensive review of the EIS could not be provided. As a result, the EIS was not approved (September 26, 2018). To date, a revised EIS has not been re-submitted. Since the mapping shown within the 2020 NRSI EIS only characterizes the northern portion of the property, it is unclear how the proposed UBE will transition with the current proposal on 9511 Twenty Road West.	NRSI	See response to Comment #4 regarding the TOR for the application at 9511 Twenty Road West. Updates to field surveys are being completed concurrently with the 2020 field program to address missing inventories and ensure there is comprehensive data to inform both the UBE EIS as well as the Draft Plan studies. All surveys relevant to the lands within the UBE blocks are included in the May 14, 2020 UBE TOR.	UBE EIS, LA, and TPP Terms of Reference (May 14, 2020)
	9	f) Environmentally Significant Impact Evaluation Group (ESAIEG) Review: As per policies within the RHOP and UHOP, the City's ESAIEG will review the EIS and provide objective, technical advice to City staff on the impacts of the proposed land use changes within or adjacent to natural areas. At this time, the EIS has not been thoroughly reviewed and there may be missing information. Once Natural Heritage Planning staff initially reviews the EIS, the EIS will be reviewed by ESAIEG. At this time, it is unknown when this meeting will occur. The 2020 review fee is \$390.00.	NRSI	Noted.	n/a

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	10	2. Tree Protection Plan (TPP): Through aerial photograph interpretation, trees have been identified within all of the subject properties. As per policies within the RHOP and UHOP, the City recognizes the importance of trees and woodlands to the health and quality of life in the community and encourages the protection and restoration of trees. Based on the Concept Plan, it appears that some of these trees will be removed to facilitate development. Since the City recognizes that trees are important to the quality of life in a community, a TPP is required. The TPP is to be prepared by a recognized tree management professional (i.e. certified arborist, registered professional forester or landscape architect) and is to be prepared in accordance with the City's Tree Protection Guidelines (revised October 2010).	NRSI	A TPP for the Central and East UBE Blocks has been prepared, and will be updated to include tree inventory data and analyses for the West Block upon completion of 2020 field surveys. The revised TPP will contain only high-level analyses at the UBE application stage, since specific details of final developments (prepared at future stages) affecting the ability to retain on-site trees is required. Preliminary analyses will enumerate the number, species, and condition of trees within the UBE blocks, and the locations of trees will be mapped.	February 2020 Central and East Blocks TPP (and revised version provided following the completion of 2020 field surveys)
	11	A TPP prepared by NRSI has been included within the February 2020 EIS/LA. Since a comprehensive review has not yet been undertaken, the TPP has not been approved. Natural Heritage Planning staff offers the following considerations. a) A TPP review fee is to be submitted to the City. At this time, it is unclear if this fee has been provided. The 2020 review fee is \$625.00. b) The tree inventory has been completed for "Central Block" (9751 and 9625 Twenty Road), "East A" (9445 Twenty Road) and "East B" (9285 Twenty Road). The property at 555 Glanaster Road has not been included. Since there are trees on the property, it is important that the tree inventory include this property. c) The decision to retain trees is to be based on vigour, condition, aesthetics, age and species. d) Compensation: To ensure that existing tree cover is maintained, 1 for 1 compensation is required for any private tree (10 cm DBH or greater) that is proposed to be removed. Additional compensation may be required for public trees. Compensation is required for all trees (regardless if they are native/non-native). The exceptions include dead trees or invasive species (i.e. European Buckthorn). It has been identified that compensation trees may be planted within the Natural Heritage System. It is important to note that additional plantings beside these trees may be required within these areas.	NRSI	Noted. Please see response to Comment #10.	Revised TPP provided following the completion of 2020 field surveys

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	12	3. Karst Assessment: The City of Hamilton does not have specific guidelines for the completion of a karst assessment. It is unclear if aerial photographs were reviewed to identify potential sinking streams and springs.	NRSI	No bedrock outcrops were observed at the site and bedrock was not encountered in any of the 33 boreholes advanced throughout the property. As such, given the relative overburden thickness, as assessment of karst features is not considered to be applicable at the site. A Letter prepared and signed by the conducting consultant (EPX) has been enclosed for your review.	Karst Assessment Letter dated September 15, 2019
NPCA (Sarah Mastroianni)	13	properties as well as areas mapped as Provincially Significant Wetland (all associated with the Upper Twenty Mile Creek subwatershed), an EIS is required to address the various channels traversing the subject property, as well as, verification of the PSW limits. The below EIS scoping is done with the assumption that development will be proposed either within the natural heritage features themselves, or within 30 metres of the features. Should the proposed development and site alteration have a defined footprint or is planned to be outside of the regulated buffers, the NPCA should be contacted as it	NRSI/ Geomorphix	Noted.	n/a
	14	In addition to that outlined in the City of Hamilton EIS Guidelines, the following must be included within the EIS: Any relevant information gathered from existing studies conducted within the last 5 years. Should recent studies exist, the NPCA should be notified as it may be possible that those studies can cover off some of the requirements below.	NRSI	Noted. The UBE TOR process will provide the opportunity to determine these requirements and if there is existing relevant data.	n/a
	15	Assessment of the channel form and function using OSAP methodology (screening level) or the Headwaters Assessment Protocols developed by TRCA, including quantification of the contribution area supporting the channel base flow and wetland features (drainage areas).	NRSI/ Geomorphix	NRSI and GEOMorphix are assessing all HDFs as per standard OSAP and TRCA guidelines and methodologies.	UBE EIS, LA, and TPP Terms of Reference (May 14, 2020)
	16	Amphibian (Marsh Monitoring) survey for the property, predominantly in the wetlands and watercourse. Marsh Monitoring surveys conducted within the past five years can be used in the place of new surveys.	NRSI	Anuran call surveys targeting all candidate breeding habitat for anuran species are being completed in 2020, or have been completed previously in 2018. The submitted TOR for the UBE provides additional details and survey dates.	UBE EIS, LA, and TPP Terms of Reference (May 14, 2020)

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	17	Ministry of Natural Resources and Forestry (MNRF) must be contacted to determine any additional Species at Risk surveys required as they pertain to the wetland and watercourse features. MNRF correspondence and any species-specific setbacks or other mitigation required by MNRF must be included in the EIS.	NRSI	Noted. An intial SAR screening memo was submitted to the MECP on May 1, 2020 to initiate discussions about SAR and their habtiats within the overall UWS lands. This initial correspondence is included as an appendix to the June 2020 EIA and LA.	June 2020 EIS and LA (partial response)
	18	A detailed list and discussion of all ecological and hydrological functions of each natural heritage feature on site and within adjacent lands.	NRSI	Noted. This is included in the June 2020 EIS and will be expanded upon the completion of 2020 field surveys.	June 2020 EIS and LA
	19	Buffers must be proposed for all natural heritage features which are appropriate to protect the functions of the features.	NRSI	Noted. Buffers (VPZs) are recommended and discussed in the June 2020 EIS and LA.	June 2020 EIS and LA
	20	The plan must clearly indicate the NPCA minimum 30 metre buffer for Provincially Significant Wetlands, with any proposed changes justified based on site specific conditions such as future mature tree height of species present, potential use of adjacent land as habitat for species within the wetland, requirement for adequate hydrologic inputs, MNRF required Species at Risk setbacks, etc.	NRSI	Noted. The community plan shown in the June 2020 EIS and LA (Map 6) includes the NHS that incorporates the 30m PSW buffers. At future development stages, buffer widths will be re-assessed based on the results of all field surveys and the proposed development plans.	June 2020 EIS and LA
	21	Corridors and linkages must be considered and mapped for the site.	NRSI	Noted. A comprehensive Linkage Assessment is included as part of the June 2020 EIS, and the NHS for the UBE blocks considers the maintenance and restoration of wildlife movement corridors.	June 2020 EIS and LA
	22	The proposed development envelope (which include buildings, driveway/access, all grading, servicing, accessory structures, and all amenity space) must be delineated. Any wetland area beyond the building envelope will be expected to be maintained in a natural state.	NRSI	Noted. Specific development envelopes are not proposed as part of the higher-level UBE application process. Building envelopes specific development plans will be assessed at future stages.	n/a
	23	Impact assessment of the natural heritage features identified and their functions from an ecological and hydrological perspective.	NRSI	A high-level impact assessment is provided in the June 2020 EIS and LA. Refinements and updates will be made to the imapact assessment following the collection of all 2020 field data, as well as at future development stages as more specific plan details become available.	June 2020 EIS and LA
	24	Relevant, reasonable, and implementable mitigation measures to reduce negative impacts.	NRSI	General mitigation measures are provided as part of the June 2020 EIS and LA. Refinements and updates will be made to the mitigation measures recommended following the collection of all 2020 field data, as well as at future development stages as more specific plan details become available.	June 2020 EIS and LA

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	25	A final assessment of whether the proposal, combined with any design changes and mitigation measures will result in any residual negative impact on the natural heritage feature or its ecological and hydrological functions.	NRSI	A final but high-level statement about the potential for impacts based on the community framework plan will be provided as part of the future revised UBE EIS and LA, once all 2020 field data is available to inform the impact assessment. Conclusions made as part of the UBE EIS and LA will remain general, to be refined at future development stages.	Future revised EIS, LA, and TPP (date TBD)
	26	A revised Terms of Reference will be required to be completed by the environmental consultant and circulated to the NPCA for review and approval prior to the commencement of the EIS.	NRSI	Noted. This has been initiated as of May 14, 2020. Please see response to Comment #2 above.	UBE EIS, LA, and TPP Terms of Reference (May 14, 2020)
	27	From an Engineering perspective: The NPCA will require a SWM report indicating that both quality controls (Normal) and quantity controls (post to pre for up to the 100 year storm) are provided. The NPCA will also require floodplain mapping on any watercourse with an upstream drainage area greater than 125ha.	Urbantech	Acknowledged. A detailed SWM report will be provided in support of Secondary Plan / Draft Plan approval. This report will demonstrate how the AEGD SWM objectives will be achieved and how the City's drainage criteria are met. As shown on Drawing 200, the largest catchment, including external drainage areas, is approximately 93 ha. Therefore, no floodplain mapping is proposed at this time. However, the City did request) confirmation that the drainage features can convey the range of design storms. This will be assessed at the Draft Plan stage.	FSR
	28	NPCA review fees are below and apply to each separate application: OPA \$2770 Review of EIS: \$2205 Review of Stormwater Report or Functional Servicing Report: \$1755 Further fees may be required as other applications/studies may be required through the process.	CLS	Noted	
City of Hamilton - Urban Forestry (Sam Brush)	29	There are no municipal tree assets on site; therefore, no Tree Management Plan is required. Landscape Plan required as per subdivision agreement.	CLS	Noted	

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City of Hamilton - Cultural Heritage (Miranda Brunton)	30	<p>The subject property meets five (5) of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:</p> <ol style="list-style-type: none"> 1) Within 250 metres of known archaeological sites; 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; 3) Local knowledge associates areas with historic events/activities/occupations; 4) In an area of elevated topography; and, 5) Along historic transportation routes. <p>These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement apply and Staff require that an Archaeological Assessment be completed and submitted with any future application.</p>	AMICK	Cultural Heritage resources have been identified through screening report. Cultural Heritage Impact Assessment is currently being completed and will be submitted shortly.	
	31	<p>Additionally, a portion of the subject properties are located within the boundaries of the Airport Employment Growth district, as outlined below, a Stage 2 archaeological assessment is required for these lands:</p> <p>8.13.2 Prior to development approvals, a Stage 2 archaeological assessment shall be completed to the satisfaction of the City and the Province. No grading or other disturbance shall take place on any site within the Airport Employment Growth District prior to the issuance of a letter of clearance from the Province. The Stage 2 archaeological assessment shall be undertaken in accordance with Policy F.3.2.4 – Archaeological Assessments of Volume 1. The City may also require a higher standard of conservation, care and protection for archaeological resources based on prevailing conditions and circumstances within the City and the results of any dialogue with First Nations and their interests.</p>	AMICK	Noted. Stage 2 work to be completed as part of Secondary Plan stage.	
	32	<p>Built Heritage:</p> <p>A variety of properties subject to this application are included in the City’s Inventory of Buildings of Architectural and/or Historical Interest, as illustrated by the yellow high lighted areas below. As identified in the Cultural Heritage Screening Report, there are additional properties of Cultural Heritage Value or Interest.</p>	Golder	Cultural Heritage resources have been identified through screening report. Cultural Heritage Impact Assessment is currently being completed and will be submitted shortly.	

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	33	<p>Accordingly, the following sections of the Urban Hamilton Official Plan, Volume 1, apply:</p> <p>B.3.4.1.3 "Ensure that all new development, site alterations, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources."</p> <p>B.3.4.2.1(g) "Ensure the conservation and protection of cultural heritage resources in planning and development matters subject to the Planning Act either through appropriate planning and design measures or as conditions of development approvals." and,</p> <p>B.3.4.2.1(h) "Conserve the character of areas of cultural heritage significance, including designated heritage conservation districts and cultural heritage landscapes, by encouraging those land uses, development and site alteration activities that protect, maintain and enhance these areas within the City."</p>	Golder	Cultural Heritage resources have been identified through screening report. Cultural Heritage Impact Assessment is currently being completed and will be submitted shortly.	
	34	<p>Also, a portion of the subject area fall within the Airport Employment Growth District Secondary Plan, as such the following apply:</p> <p>8.12.1 There are buildings, structures and cultural heritage landscapes of varying degrees of heritage interest and value in the Secondary Plan area which are both included and not included in Hamilton's Register of Property of Cultural Heritage Value or Interest and prior to approval of development applications a cultural heritage conservation plan statement shall be prepared in accordance with Section B.3.4.2.11 of the Urban Hamilton Official Plan. The retention and conservation of buildings of architectural or historical merit on their original sites and the promotion of the integration of these resources into new development proposals in their original use or an appropriate adaptive re-use shall be encouraged.</p> <p>8.12.3 Prior to development approvals, for those cultural heritage resources that require a cultural heritage impact assessment as determined by the culture heritage conservation plan statement noted in policy 8.12.1 above, a Stage 2 heritage assessment in shall be completed to the satisfaction of the City and the Province. No disturbance to the building, site or its surroundings shall take place within the Airport Employment Growth District until the study is reviewed and cleared. The Stage 2 heritage assessment shall be undertaken in accordance with Policy F.3.2.3 – Cultural Heritage Impact Assessments of the Urban Hamilton Official Plan.</p>	Golder	Cultural Heritage resources have been identified through screening report. Cultural Heritage Impact Assessment is currently being completed and will be submitted shortly.	

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	35	Staff have briefly reviewed the Cultural Heritage Screening Report and cannot fully comment on the content or recommendations of the report. Notwithstanding, Staff would require the applicant to submit a cultural heritage impact assessment for any future developments.	Golder	Noted	
City of Hamilton - Development Engineering (Zivko Panovski)	36	The subject lands are bounded by existing Hydro Corridor, adjacent to the Twenty Road West right-of-way, to the north and lands within the AEGD Secondary Plan to the south. The City has completed a number of studies for the lands within the original boundary of the Secondary Plan, and included a blanket holding provision on all lands to ensure adequate services are available to provide for an orderly development. For the information of the proponent a population density of 39 employee/ha (prestige business) and 23 employee/ha (light industrial) for the subject lands was assigned in the original Master Plans completed in 2010 for the subject lands as part of the overall servicing strategy of the AEGD lands.	Urbantech	<p>The population densities referenced in the AEGD / Master Servicing Plan for these lands are approximately 37.5 people per hectare. This is in contrast to the City's typical values of 125 to 750 people per hectare for industrial land use. With respect to planned or available capacities in these sewers for the subject lands, it is understood that the flow capacity is based on the lower population density, and on the gross area contributing to each sanitary outlet. It is understood that through refinement of the sanitary drainage plans and development limits, the actual sanitary catchment areas will decrease but the total allowable flow will remain constant, translating into a higher population density that would be more in line with the City's standards.</p> <p>Sanitary design sheets have been completed for the Twenty Road Sewage Pumping Station (identified to have capacity for approximately 200 ha at approximately 37.5 people / ha in the Master Plan) and for the Dickenson Road Trunk sewer (identified to have capacity for the balance of the AEGD area which is approximately 190 ha at approximately 37.5 people / ha based on the Cole Engineering design). These estimates translate to a contributing population of approximately 7500 at the Twenty Road Sewage Pumping Station and a contributing population of approximately 7125 at the Dickenson Road Trunk (at Upper James Street). The corresponding allowable flows</p>	FSR
	37	The City has completed the Transportation Master Plan Implementation Update and Water & Wastewater Servicing Master Plan Update in December 2016 as well AEGD Subwatershed Study & Stormwater Master Pan (SWMP) Implementation Document in April of 2017 to assess the impact on the Master Servicing strategy as result of the change in the boundary of the original Secondary plan. There is no change in the servicing strategy for the subject lands from the original proposal based on the above noted updates. However, the servicing of the subject lands is deferred after 2031-year planning horizon based on the Mater Servicing Studies Updates.	Urbantech	It is the position of the applicant that the servicing of a portion of the subject lands (while subject to further planning studies and Draft Plan approval), should be able to advance ahead of 2031 based on the capacity of the Twenty Road West Pumping station , which is noted in the current Master Servicing Plan to have immediate / avaiable capacity for a portion of the subject lands.	

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	38	<p>The cover letter prepared by Corbett Land Strategies Inc., dated February 28, 2020, included in the submission package, indicate proposal for a mix residential development for the subject land. The estimated population for the subject lands provided on Pg. 5A, based on 3.41 ppu for single/semi, 2.44 ppu for townhomes and 1.66 ppu for apartments does not comply with the current City's Development Guidelines from the servicing point of view. A total population of more than 10,000 persons is expected within the subject lands in accordance with our criteria based on the breakdown of the unit type provided in this section. The estimated population density exceeds the original assumption taken into consideration under the Master Servicing strategy significantly. Our office has no clear understanding of the impact of the expected density on the existing or the planned works from water and wastewater servicing perspective at this time. The Upper West Side, Water, Wastewater Servicing and Stormwater Management Overview Report, dated February 2020, by Urbantech included in the submission package does not address these issues.</p>	Urbantech	<p>Noted - please refer to the response to Comment 36 for the response which addresses this comment.</p>	FSR
	39	<p>We offer the following additional info from wastewater servicing perspective for the subject lands. According to the submitted Sanitary Drainage Plan, wastewater flows from the subject lands will generally be directed to the existing Twenty Road Pumping Station. The City's original plan for servicing of the Central and West areas was to direct wastewater flows south to the future Dickenson Road trunk sewer, reducing flows to the pumping station. The servicing strategy proposed is not consistent with the City's infrastructure Master Planning. See below for further comment from Hamilton Water staff. In addition, we would like to advise the proponent that prior to commencement of the sanitary sewer extension and urbanization works within the existing Twenty Road West right-of-way a Class EA study shall be completed. No such study has been initiated to our understanding to this date.</p>	Urbantech/ RJB (EA)	<p>The Master Servicing Plan sanitary drainage boundary has been overlaid on Figure 800 / Figure 801 (Sanitary Drainage). As shown on this plan, the northern portion of the subject lands is indicated in the Master Servicing Plan to drain to the Twenty Road Pumping Station. It is unclear what the purpose of the proposed sanitary extension on Twenty Road West would be for if the City does not expect the subject lands to drain to the Twenty Road Pumping Station. It is the intent of the proponent to support the sewer extension / road EA provided that drainage from the UBE lands can be directed into the proposed sewer.</p>	FSR
	40	<p>The water, wastewater servicing and stormwater management strategies for these three areas have been included in the Upper West Side Master Drainage Plan & Servicing Study by landowners group. However, the Upper West Side Master Drainage Plan & Servicing Study is not completed yet. The approval agencies provided comments on the 1st draft of this report. But landowner group did not submit the 2nd submission of the report to show how all comments from different agencies have been addressed. Therefore, the contents of the water, wastewater servicing and stormwater management overview report dated Feb, 2020 prepared by Urbantech are premature.</p>	Urbantech	<p>Acknowledged.</p>	FSR

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	41	<p>Also , note that the proposed land uses for these three areas include residential uses, natural heritage features, SWM and a collector road, but the overview report dated Feb 2020 did not demonstrate the following:</p> <ul style="list-style-type: none"> i) Concept plan including local road networks with land use ii) A standalone SWM plans & strategies for residential development on these land in accordance with DC bylaw. The current SWM strategies for these land outlined in Upper West Side study is industrial development perceptive. iii) Phasing and implementation plans from available and future servicing perspective iv) The servicing capacities and allocation policies for projected growth in the existing urban boundary and urban boundary expansion. v) Boundary Road (Twenty Rd, Glancaster Rd) improvements works vi) Front Ending Cost polices and agreement 	Urbantech	<p>i) It is our understanding that for the purposes of the UBE application, a high-level plan demonstrating serviceability is sufficient. ii) SWM Plans and strategies will be provided through the Secondary Plan / Draft Plan approval process. iii) Phasing and implementation plans will be provided at the Draft Plan stage. As it relates to the UBE application, there are / will be servicing solutions (i.e. Dickenson Road trunk sewer, etc.) to service the lands. The timing and corresponding phasing of the development is not being contemplated at the time of the UBE application. iv) - to vi) These items will be completed in support of the Secondary Plan / Draft Plan approval but should not impact the UBE application.</p>	FSR

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	42	<p>We recommend not to consider Urban Boundary Expansion for these white belt areas along Twenty Road West until the Upper West Side Master Drainage Plan & Servicing Study initiated by landowners group is complete and approved by all agencies.</p> <p>Hamilton Water staff have offered the following comments for the subject lands, related to sanitary servicing: The proponent's proposed change to the servicing strategy deviates from the City's infrastructure Master Plan, and will increase the ultimate service area and wastewater load for the Twenty Road Pump Station, with associated cost and energy use impacts. The servicing of the subject lands should be subsequent to development of the urban AEGD lands to the south, consistent with infrastructure master planning.</p> <ul style="list-style-type: none"> - The existing sanitary infrastructure, particularly the Twenty Road Pump Station, does not have adequate capacity to service the subject lands. - Although not preferred, there may be adequate sanitary servicing of the subject lands by Twenty Road Pumping Station once planned capacity upgrades are completed. This would need to be confirmed through an update to the master servicing strategy for the area. The updated analysis would determine whether the servicing of the lands would be contingent on the completion of the planned Dickenson Road East diversion trunk. 	Urbantech	<p>The population densities referenced in the AEGD / Master Servicing Plan for these lands are approximately 37.5 people per hectare. This is in contrast to the City's typical values of 125 to 750 people per hectare for industrial land use. With respect to planned or available capacities in these sewers for the subject lands, it is understood that the flow capacity is based on the lower population density, and on the gross area contributing to each sanitary outlet. It is understood that through refinement of the sanitary drainage plans and development limits, the actual sanitary catchment areas will decrease but the total allowable flow will remain constant, translating into a higher population density that would be more in line with the City's standards. Refer to Section 5 in the updated FSR for details. It is recognized that further coordination with the City will be required prior to Draft Plan approval to determine how to best accommodate or phase the proposed flows shown in the preceding table. For example, a portion of the industrial lands tributary to the Twenty Road West Pumping station could be directed to the future Dickinson Road trunk. Furthermore, there may be opportunities to optimize available capacity in the existing system refine the design of the future trunk sewer. We understand that an update to the Master Servicing Plan may be required to support the proposed development and alterations to the sanitary drainage strategy.</p>	FSR
	43	<p>Our office recommends that the Planning staff declare the proposed expansion of the Hamilton Urban Boundary as premature based on the above noted comments from the servicing point of view. Furthermore, a new update of the Water and Wastewater Servicing Master Plan may be required upon completion of the studies and projects identified in this document to support the Urban Boundary expansion.</p>	Urbantech	<p>It is our opinion that the majority of the servicing related comments are based on uncertainties due to timing. The UBE is focused on the eventual serviceability of the subject lands, rather than the immediate servicing requirements. The subject lands can be phased to accommodate the completion of external infrastructure or additional studies.</p>	FSR
	44	<p>Phasing and implementation plans from available and future servicing perspective needs to be provided.</p>	Urbantech	<p>These are not required at this time - refer to the response to Comment 43 above. Phasing and implementation strategies will be provided at the Secondary Plan / Draft Plan stage.</p>	FSR
	45	<p>Servicing Capacities and allocation policies for project growth in the existing urban boundary and urban boundary expansion need to be provided.</p>	Urbantech	<p>This requirement has been identified as a requirement for future studies</p>	FSR

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	46	Boundary Road improvement works need to be incorporated.	Urbantech	Additional text has been added to Section 3.2 of the UBE FSR (Roads) as requested.	FSR
	47	Front ending cost policies and agreement need to be provided .	Urbantech	This requirement has been identified as a requirement for future studies	FSR
	48	Proposed servicing deviates from City's infrastructure Master Plan as it will increase the ultimate service area and wastewater load for the Twenty Road pump station with associated cost and energy use impacts.	Urbantech	Refer to the response to Comment 37.	FSR
	49	The existing sanitary infrastructure, particularly the Twenty Road Pump Station does not have adequate capacity to service the subject lands.	Urbantech	Refer to the response to Comment 37.	FSR
	50	Although not preferred, there may be adequate sanitary servicing once planned capacity upgrades are completed. This would need to be confirmed through an update to the Master Servicing Strategy for the area.	Urbantech	Acknowledged. Please refer to the response to Comments 36 and 37.	FSR
Growth Management (George Zajac)	51	In review, the subject lands are not identified nor designated as an Employment Area, but are adjacent to the Airport Employment Growth District Secondary Plan Area.	CLS	Noted	
Growth Planning (Alvin Chan)	52	1. It should be determined if the subject proposal is premature until the new Growth Related Integrated Development Strategy (GRIDS 2) and the Municipal Comprehensive Review are completed;	CLS	In accordance with Growth Plan policies, urban boundary expansions can be considered in advance/outside of an MCR. Please see Planning Justification Report for further details.	Planning Justification Report
	53	2. It should be determined if the subject proposal will impact the Airport Employment Growth District Master Plans;	CLS	It is the position of the applicant that the proposed UBE request will not impact the AEGD and will be conducive to opening up greater access for future employees to little in close proximity to the AEGD.	Planning Justification Report
	54	3. It should be determined if the existing and proposed Environmental Assessments will be affected by the subject proposal;	RJB (EA)	The proposed UBE has been designed to be informed by the completion of the EA's and will not preclude their ongoing works. The proposed expansion areas can be allowed in advance of the onoin EA's as the approved road network (AEGD) can accommodate the proposed expansion.	Planning Justification Report
	55	4. It should be determined if the subject proposal will impact the adjacent application (9511 Twenty Road West - 25T201807);	CLS	The proposed UBE applications have been designed in conjunction with the Plan of Subdivision application to ensure the delivery of the extension of Garth Street. The UBE applications will not preclude the Plan of Subdivision application.	Planning Justification Report
	56	6. It should be noted that the subject proposal is adjacent to a Hydro One Easement along Twenty Road;	CLS	A future Secondary Use Application will be filed with Hydro One following completion of the UBE applications.	Planning Justification Report
	57	7. It should be determined if lots to the west of the subject lands and east of Glancaster Road are legally established and if they will affect the subject proposal; and,		The proposed UBE application have been designed with consideration of the existing lots of record.	Planning Justification Report
	58	8. The owner and agent should be made aware that the municipal address for this development will be finalized when a Site Plan application is submitted.	CLS	Noted.	

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HWCDSD (John Volek)	59	In conformity with the Growth Plan and Policies for Settlement Area Boundary Expansions, the proponents shall include as part of their analysis confirmation of sufficient capacity in existing and planned public service facilities and infrastructure, specifically, the need and availability for lands to accommodate future school sites.	CLS	The applicant will be advancing the design and location of public service facilities, specifically the need and availability for lands to accommodate future school sites, following completion of the Urban Boundary Expansion applications. The applicant will be commencing further discussions with the HWCDSD in advance of this to receive comments and directions on preferred land uses.	Parks and Community Issues Assessment
	60	The school board has no objection to the present applications to expand the Urban Boundary provided the required background studies and concept planning are completed to address the need and availability for future school sites.	CLS	Noted.	
	61	For the information of the City and the proponents, please note that the Board owns a 10 acre parcel of land located on Twenty Road, abutting the lands proposed for development. The Board reserves the right to make submissions on future Planning applications which could potentially affect their land, including the establishment of the internal road pattern for the area and the provision of infrastructure.	CLS	Noted. See comment #59.	Parks and Community Issues Assessment
Hydro One (Joan Zhao)	62	Please be advised that Hydro One Networks Inc. ("HONI") has completed a preliminary review of the proposed plan of the above noted site plan application. As the subject property is abutting and/or encroaching onto a HONI high voltage transmission corridor (the "transmission corridor"), HONI does not approve of the proposed site plan application at this time, pending review and approval of the required information.	CLS	The applicant will be advancing a Secondary Use Application following completion of the UBE application. The applicant anticipates commencing further discussions with Hydro One in advance of this to receive comments and directions on preferred land uses.	
	63	Please be advised that the transmission corridor lands affected by the proposed development and identified as such herein are subject to a statutory right in favour of HONI pursuant to Section 114.5(1) of The Electricity Act, 1998, as amended. The owner of these lands is Her Majesty, The Queen In Right of Ontario, as represented by The Minister of Infrastructure ("MOI"). Ontario Infrastructure & Lands Corporation ("OILC") as agent for the Province, must review and approve all secondary land uses such as roads that are proposed on these lands. HONI is currently acting as a service provider to OILC, and undertakes this review on their behalf.	CLS	Noted	
	64	The comments detailed herein do not constitute an endorsement of any element of the site plan design or road layout, nor do they grant any permission to access, use, proceed with works on, or in any way alter the transmission corridor lands, without the express written permission of HONI.	CLS	Noted	
	65	The following should be included in the Site Plan Agreement: 1. Any proposed secondary land use on the transmission corridor is processed through the Provincial Secondary Land Use Program (PSLUP). The developer must contact Joan Zhao, Senior Real Estate Coordinator at 905-946-6230 to discuss all aspects of the site plan design, ensure all of HONI's technical requirements are met to its satisfaction, and acquire the applicable agreements.	CLS	Noted	

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	66	2. Prior to HONI providing its final approval, the developer must make arrangements satisfactory to HONI for lot grading and drainage. Digital PDF copies of the lot grading and drainage plans (true scale), showing existing and proposed final grades, must be submitted to HONI for review and approval. The drawings must identify the transmission corridor, location of towers within the corridor and any proposed uses within the transmission corridor. Drainage must be controlled and directed away from the transmission corridor.	CLS	Noted	
	67	3. Any development in conjunction with the site plan must not block vehicular access to any HONI facilities located on the transmission corridor. During construction, there must be no storage of materials or mounding of earth, snow or other debris on the transmission corridor.	CLS	Noted	
	68	4. At the developer's expense, temporary fencing must be placed along the transmission corridor prior to construction, and permanent fencing must be erected along the common property line after construction is completed.	CLS	Noted	
	69	5. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this site plan will be borne by the developer. The developer will be responsible for restoration of any damage to the transmission corridor or HONI facilities thereon resulting from construction of the site plan.	CLS	Noted	
	70	In addition, HONI requires the following be conveyed to the developer as a precaution: 6. The transmission lines abutting the subject lands operate at either 500,000, 230,000 or 115,000 volts. Section 188 of Regulation 213/91 pursuant to the Occupational Health and Safety Act, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the developer's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.	CLS	Noted	
	71	Our preliminary review only considers issues affecting HONI's transmission facilities and transmission corridor lands. For any proposals affecting distribution facilities (low voltage), the developer should consult the local distribution supplier.	CLS	Noted	

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Hamilton Transit (Andy McLaughlin)	72	<p>HSR has the following comments with respect to the formal consultation applications related to the 3 "Whitebelt" blocks:</p> <p>While previous AEGD TMP's and SP's have identified a series of new/extended conventional transit routes operating on select streets, the implementation of HSR conventional fixed routes would require: that the subject lands be incorporated into the Urban Transit Area (UTA) further study to confirm the land use density/mix is able to generate sufficient transit customers to meet/maintain route productivity service standards transit operating budget approval, on an annual basis</p>	RJB	<p>The 2016 TMP, which carries forward the transit network recommendations in the 2011 TMP, shows proposed transit routes throughout the AEGDSP. Transit service was identified on Twenty Road West and the east-east corridor road through the block west of Garth Street extension. Since the 2016 TMP did not include the lands of the West, Central and East Expansion Area, but transit service was identified on those two roads, it appears that development would approve the availability of transit customers generated by the land uses proposed. Therefore, the Expansion Areas should provide additional transit customers to further support the proposed transit routes.</p>	UBE CTS (July 2020)
	72	<p>Lands within the UTA are subject to transit rates, collected thru property tax, based on a community's share of the HSR system net operating costs and a property's assessed value</p>	RJB	<p>Acknowledged.</p>	UBE CTS (July 2020)
	73	<p>Where route extensions/new routes are not sustainable, consideration can be given to the expansion of the existing Trans-Cab service zone, again requiring expansion of the UTA and operating budget approval</p>	RJB	<p>Acknowledged. This option will be evaluated during Integrated EA.</p>	UBE CTS (July 2020)
	74	<p>With respect to the Transportation Study documents prepared for the East and Central Whitebelt's, please be advised that: there is no fixed timeline for the introduction of full A Line BRT service all streets will require construction to urban standards, including accessible concrete sidewalks on both sides and the provision of adequate pedestrian illumination all traffic calming measures and roundabouts being contemplated on arterial and collector roads must be able to accommodate a 12.3m standard transit bus Section 12.0 Transit Assessment requires updating to reflect existing HSR service levels</p>	RJB	<p>Acknowledged. Details regarding roadway geometry, sidewalk location, traffic calming measure and roundabouts will be further refined as the various applications proceed on the lands. The Transit Assessment section has been updated to reflect the HSR service levels at the time this Transportation Study was Submitted. It is understood that HSR will change transit levels from time to time; therefore, the transit service identified was collected prior to publishing the report.</p>	UBE CTS (July 2020)

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	75	Given financial constraints related to transit operations, it is challenging to implement attractive transit service at the commencement of urban development in former rural areas. Ideally, improvements in land use density/mix deep within existing urban areas helps transit to better contribute to the achievement of City-wide modal split targets, while maintaining acceptable net operating costs. We remain hopeful that Council's current examination of Area Rating will result in positive outcomes to guide the future provision of conventional transit services within Hamilton.	RJB	An evaluation of the lands will be undertaken through the process to determine supportable levels of development.	UBE CTS (July 2020)
Recreation (Sarah Cellini)	76	Recreation supports the inclusion of parkland, in a size and shape appropriate for recreation amenities, as part of the East and Central urban boundary expansion applications. Recreation would like to review the West application "Parks and Community Infrastructure Assessment", once available.	CLS	A Parks and Community Infrastructure Assessment has been submitted for review. Further assesment and determination of specific facilities and their locations will occur at the Secondary Plan stage.	Parks and Community Issues Assessment
	77	With respect to the community facilities within recreation's scope (i.e. recreation centres) noted in the "Parks and Community Infrastructure Assessment", Recreation is undertaking a Recreation Master Plan (RMP) which will identify future recommendations with respect to indoor (and outdoor) recreation amenities comprehensively and will provide direction for recreation needs in the future once the RMP is completed.	CLS	The applicant will incorporate the results of the RMP process at the time of the Secondary Plan preparation.	Parks and Community Issues Assessment
	78	Recreation also requests participation as part of a future secondary plan associated with these applications.	CLS	The applicant welcomes Receptions participation in the future Secondary Plan preparation process.	Parks and Community Issues Assessment
Transportation Planning (Matthew Radelli)	79	Transportation Planning recommends the application not proceed to formal application until the road network is revised to the satisfaction of the Manager of Transportation Planning. Transportation Planning does not support the proposed amendment to the Official Plan with the road network proposed with under FC-20-029.	RJB	To allow the environmental assessment to properly work, the road network will be developed as part of the Integrated EA. In our opinion, inclusion of these Whitebelt lands are supportable from a transportation perspective and the details of the road network can be developed through the Integrated EA.	UBE CTS (July 2020)

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	80	Transportation Planning notes that the general expansion of the Urban Boundary contradicts sustainability initiatives within the Transportation Planning department. The difficulty of providing sustainable modes of transportation within areas currently outside of the Urban Boundary promotes reliance on passenger vehicles and is unfavorable when considering vehicular congestion reduction and overall climate change initiatives.	RJB	We are confused by this statement when the lands were originally included the AEGDSP and only removed through negotiations through the Ontario Municipal Board ("OMB") process. These lands are completely surrounded by the Urban Boundary and are more like holes in the boundary. When the AEGDSP identified transit along the edges expansion are boundaries, yet having no development and therefore not transit ridership, it is difficult to fathom how inclusion of the Expansion Areas would not be supportable of sustainable modes of transportation. Inclusion provides the ability to have been connectivity and be more supportive of alternative modes of transportation other than the automobile.	UBE CTS (July 2020)
	81	A preliminary Transportation Study provided by the Applicant for the adjacent central and eastern lands dated February 2020 notes that the adjacent lands are subject to an Integrated Municipal Environmental Assessment (integrated EA). The study also notes that the arterial and collector road network within the Block will be addressed within the integrated EA.	RJB	Acknowledged.	UBE CTS (July 2020)
	82	City of Hamilton staff is actively reviewing the Airport Employment Growth District (AEGD) Road Network which has been previously revised in the Airport Employment Growth District Transportation Master Plan (AEGD-TMP) Implementation Update, dated December 2017. As part of this review, the City of Hamilton is exploring potential reconfiguration, designation and alignment of the previously recommended road network within the AEGD lands. The applicant shall coordinate amendments made to the AEGD road network as a result of the ongoing AEGD-TMP update process, with Transportation Planning, before proceeding to formal application.	RJB	Acknowledged and we look forward to working with and sharing information with the City. The Integrated EA will form how the road network is developed with the block.	UBE CTS (July 2020)

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	83	<p>It is to be noted that the proposed road network with the subject Formal Consultation does not conform to the Airport Employment Growth District Transportation Master Plan (AEGD TMP) Implementation Update (Airport Employment Growth District Secondary Plan Road Classification Map B.8-3), dated December 2017 and the approved road network for the Airport Employment Growth District, as shown in Figure 26 of the AEGD TMP. To ensure adequate access and traffic circulation is provided, that the local network is efficiently and safely connected to the arterial system, and that consistency is maintained for all development parcels throughout the subject block, it is recommended that the applicant complies with the UHOP and AEGD Secondary Plan and adopt the approved road network. The following discrepancies are noted between the proposed road network and the AEGD:</p> <p>a. The location of Street B (Collector 6N) has been shifted northerly, which does not serve the intended purpose of provision of accessibility and connectivity for all modes of transportation and all development lands within the subject block. The proposed location of Street B reduces transit accessibility for development lands located between Dickenson Road and Street B. Provided that Street B identifies as a transit route through a transit feasibility study.</p> <p>b. Given the developments under review for parcels located along the north side of Dickenson Road and the presence of natural constraints, Street F cannot be constructed as proposed.</p> <p>c. AEGD TMP identifies the need for the north-south collector (collector 6E) at mid-point between Garth Street and Upper James St., which extends from Dickenson Road to Twenty Road West. The purpose of the Collector 6E corridor is to provide access to development lands while maintaining route redundancy in the network for increased efficiency and serve as a transit route. Street C, with the proposed configuration, will not serve the intended purposes.</p>	RJB	<p>The collector and arterial road network within the block will be determined through the Integrated EA process, which includes consideration of environmental impacts. Studies being undertaken are further defining environmental features and sensitivities within the block.</p>	UBE CTS (July 2020)
	84	<p>Proposed Official Plan Amendment - Does not support the UBE prior to the MCR without including the following: provisions of complete community design, inclusion of active transportation facilities, evaluation of transportation infrastructure (including more macro modelling to assess travel patterns, operations of roadways), Complete feasibility review for connectivity and opportunities considering public transit as well as BLAST corridors.</p>	RJB	<p>The additional provisions listed above, if applicable, will be further evaluated and detailed during the various application stages.</p>	UBE CTS (July 2020)
	85	<p>Transportation Impact Study - TIS required. No ToR will be required prior to road network revisions. Scope of Work to be submitted to City prior to commencing work.</p>	RJB	<p>The Integrated EA has already been initiated for the block, which will define the future road network within the block. Consultation occurred with the City for the Integrated EA.</p>	UBE CTS (July 2020)

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	86	Transportation Impact Study - Provide transit assessment for future facilities, provide project transit ridership.	RJB	The 2016 TMP, which carries forward the transit network recommendations in the 2011 TMP, shows HSR Bus Route 34 proposed along Glancaster Road and Bus Route 35 proposed along Twenty Road West. Since the 2016 TMP did not include the lands of the West, Central and East Extension Area, it appears a transit assessment and projected transit ridership should have already been satisfied even without the Expansion Areas. Therefore, the Expansion Areas should meet or exceed the project transit ridership along Glancaster Road and Twenty Road West.	UBE CTS (July 2020)
	87	Transportation Demand Management - Provide TDM. All measures to be illustrated on all site plans submitted.	RJB	A detailed TDM report will be submitted during the various stages which will recommend TDM measures and initiatives specific to the Expansion Areas. Detail will become more refined as applications become more defined.	UBE CTS (July 2020)
	88	Right-of-way Dedications - Existing ROW dedication for TRW of 1.0 m (to be taken from the south side only). Glancaster to be 27.0 m. To be confirmed by surveyor.	RJB	Acknowledged. These would be identified with Plan of Subdivision or Site Plan applications.	UBE CTS (July 2020)
	89	Airport Employment Growth District Right-of-way Dedications -AEGD ROW dedications are being reviewed through the AEGD TMP review.	RJB	Acknowledged and we look forward to working with the City to develop a supportable road network within the block, which will be defined by the Integrated EA. This approach is being undertaken as permitted rather than an individual environmental assessment as it provides for efficiencies in development of the plan.	UBE CTS (July 2020)
	90	Airport Employment Growth District Right-of-way Dedications - ROW widths to match AEGD TMP (in-effect).	RJB	The roadway right-of-ways will be confirmed through the Integrated EA.	UBE CTS (July 2020)
	91	Future Right-Of-Way Dedications - All proposed local roads shall be 20.117m (row).	RJB	Noted. It will be provided on the Plans of Subdivision at the appropriate stage; however, at this stage the local road networks are typically not detailed out.	UBE CTS (July 2020)
	92	Future Right-Of-Way Dedications - All collector roads shall be 26.213 m (row)	RJB	The roadway right-of-ways will be confirmed through the Integrated EA.	UBE CTS (July 2020)
	93	Future Right-Of-Way Dedications - All local road deads shall terminate with a cul-de-sac with a 18.0m radius and 13.0 m minimum pavement radius.	RJB	Noted and this would be addressed at a Plan of Subdivision stage.	UBE CTS (July 2020)

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	94	Future Daylighting Triangle Dedications - Daylight triangles for intersections with a local road are to be 4.57 m x 4.57m	RJB	Noted and this would be addressed at a Plan of Subdivision stage.	UBE CTS (July 2020)
	95	Future Daylighting Triangle Dedications - Daylight triangles for intersections with a collector road are to be 9.14m x 9.14m.	RJB	Noted and this would be addressed at a Plan of Subdivision stage.	UBE CTS (July 2020)
	96	Future Daylighting Triangle Dedications - Daylight triangles for intersections with an arterial road are to be 12.19m x 12.19m.	RJB	Noted and this would be addressed at a Plan of Subdivision stage.	UBE CTS (July 2020)
Urban Design (Ana Cruceru)	97	Please refer to the City's Urban Design Policies (UHOP, Vol. 1, Section B.3.3)	NAK	Please refer to p. 9 of the Urban Design Brief (UDB) which addresses UHOP, Vol. 1, Section B.3.3.	Urban Design Brief
	98	Urban Design report is to provide a fulsome analysis of the site's relevant policy and physical context as well as a range of urban design and architectural objectives to be attained by the new community will be required for review at the time of a formal application.	NAK	Noted. Section 2.2 and 2.3 of the UDB provide a thorough analysis of the site's relevant policy and physical context. Section 4.0 provides the details of the urban design and architectural objectives.	Urban Design Brief
	99	Staff to review the Environmental and Energy Assessment Report and Urban Design Brief.	CLS/NAK	Noted.	Energy and Environmental Assessment Report
Planning (Heather Travis)	100	Planning - Some of the landowners identified on the Formal Consultation application appear to be the same as the parties to the AEGD Minutes of Settlement signed in 2015 (LPAT Files PL101300, PL090114, and PL110331). It is the position of the City that depending on the form of the proposed OPA application, those landowners should not be part of such application, as to do so may be "indirectly" going after the priority status of both the Elfrida lands and the Twenty Road East lands as the first non-employment lands to be added to the urban boundary, as identified in the Minutes of Settlement.	CLS	With the introduction of the growth plan policy, urban boundary expansion applications are permitted in advance and outside a Municipal Comprehensive Review. The landowners in question are participating in the ongoing MCR.	Planning Justification Report
	101	Planning - The City is in the process of completing GRIDS2 and the Municipal Comprehensive Review (MCR), including the identification of the preferred growth option for the City to 2041. It is anticipated that the Land Needs Assessment will be completed and released publicly at an upcoming Committee meeting (date tbd), and the evaluation of growth options will be completed by December 2020. Staff strongly encourage the applicants to participate in the City's MCR process which will allow for comprehensive evaluation of growth options within the City in a timely manner, and avoid the need for individual applications by property owners.	CLS	The applicant intends to continue to participate in the MCR/GRIDS 2 process, at the same time as proceeding with the UBE applications.	Planning Justification Report
	102	Planning - Planning Justification Report (PJR) shall include a community concept plan demonstrating proposed density in persons and jobs per hectare, housing mix, jobs, and complete community design and connectivity with adjacent neighbourhoods.	CLS	The proposed development will achieve a density of 71 people and jobs per hectare. Please see enclosed PJR report for further details on density, housing mix, jobs and complete community design and connectivity with adjacent neighbourhoods.	Planning Justification Report

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	103	Planning - New sensitive land uses are not permitted above the 28 NEF contour, as per policy C.4.8.8 of the Urban Hamilton Official Plan. Proposed concept plan and land uses should comply with this policy.	HGC	In accordance with the PPS, sensitive uses are permitted in the lands above the NEF 30 contour.	Noise Impact Study
	104	Planning - Application to expand urban boundary will be evaluated against criteria identified in the Provincial Growth Plan (policies 2.2.8.3 and 2.2.8.5) and the City's evaluation framework (provided separately to the applicant).	CLS	Noted. Planning Justification Report sets out qualifications which satisfy Growth Plan criteria. Please also see submitted Response Matrix to City of Hamilton UBE Evaluation Framework, enclosed within the Planning Justification Report.	Planning Justification Report
	105	Planning - Applicant to clarify how this proposed application will impact the adjacent active application for the development of an industrial subdivision (25T201807) and if revisions to the existing application will be forthcoming.	CLS	The proposed UBE applications have been designed in conjunction with the Plan of Subdivision application to ensure the delivery of the extension of Garth Street. The UBE applications will not preclude the Plan of Subdivision application.	Planning Justification Report
	106	Planning - Application for conversion of a portion of the adjacent employment lands to a non-employment designation through the MCR remains under review.	CLS	Coordination between proposed UBE and Employment Conversion Request has been addressed in Planning Justification Report.	Planning Justification Report
	107	Planning - Peer reviews of all submitted studies and reports may be required. All peer reviews shall be completed at the expense of the applicant.	CLS	Noted.	
	108	Planning - Public consultation strategy should indicate how all landowners in the proposed consolidate areas have been contacted and if they consent to the application. The strategy should also outline the future plans for public consultation.	CLS	Please see enclosed Planning Justification Report for section on Public Consultation Strategy.	Planning Justification Report
	109	Servicing - Applicant shall refer to and be consistent with the following studies: AEGD Phase 2 Water/Wastewater Servicing Master Plan Update, AEGF Subwatershed Study & SWM Plan Implementation.	Urbantech	Acknowledged - the appropriate references have been made.	FSR

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	110	<p>Servicing - According to the submitted Sanitary Drainage Plan, wastewater flows from the subject lands will generally be directed to the existing Twenty Road Pumping Station. The City's original plan for servicing of the Central and West areas was to direct wastewater flows south to the future Dickenson Road trunk sewer, reducing flows to the pumping station. The servicing strategy proposed is not consistent with the City's infrastructure Master Planning.</p> <p>The proponent's proposed change to the servicing strategy will increase the ultimate service area and wastewater load for the Twenty Road Pump Station, with associated cost and energy use impacts. The servicing of the subject lands should be subsequent Formal Consultation Document (Revised July 20169) to development of the urban AEGD lands to the south, consistent with infrastructure master planning.</p> <p>The existing sanitary infrastructure, particularly the Twenty Road Pump Station, does not have adequate capacity to service the subject lands. Although not preferred, there may be adequate sanitary servicing of the subject lands by Twenty Road Pumping Station once planned capacity upgrades are completed. This would need to be confirmed through an update to the master servicing strategy for the area. The updated analysis would determine whether the servicing of the lands would be contingent on the completion of the planned Dickenson Road East diversion trunk.</p>	Urbantech	Please refer to the response to Comment 37 for details.	FSR
	111	<p>Servicing - A comprehensive wastewater servicing study is required for the entire gravity drainage catchment of the Twenty Road Pumping Station, as follows:</p> <ul style="list-style-type: none"> • Characterization and hydraulic analysis of interim conditions, without the Dickenson Road diversion trunk in place. This condition should assume English Church Pump Station operating at 100% capacity allocation, and include development of existing urban lands within the Twenty Road PS gravity catchment to 2031; • Characterization and hydraulic analysis of anticipated 2041 conditions, with the proposed Dickenson Road diversion trunk in service; • Functional design of any new sewers external to the subject lands that are required to convey wastewater to the City's existing sewer network, including life cycle cost analysis. Proposed sewer capacities must include future external drainage contributions from other undeveloped lands, to the natural drainage boundary. <p>For the urban boundary expansion applications to be considered, the proponents must demonstrate that the Upper James trunk sewer and Twenty Road Pump Station have sufficient spare capacity for the subject lands as well as anticipated development to 2041 within the existing urban lands in the Twenty Road PS catchment.</p>	Urbantech	We acknowledge that further study and coordination regarding sanitary servicing of the subject lands is required to optimize the existing and future sanitary infrastructure. Refer to Section 7 for details.	FSR

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	112	Servicing - A comprehensive water servicing study is required, as follows: <ul style="list-style-type: none"> • Watermain hydraulic analysis will be required for the whole of Pressure Zone #6, using anticipated 2041 development conditions; • Functional design of watermains external to the subject lands that are required to convey water from the City’s existing watermain network, including life cycle cost analysis. For the urban boundary expansion applications to be considered, the proponents must demonstrate that the existing water infrastructure network (including watermains, pump stations, and storage) has sufficient spare capacity for the subject lands, as well as anticipated development to 2041 within the existing urban lands in the Pressure Zone #6 boundary.	Urbantech	Acknknowledged - a hydraulic analysis will be conducted as part of the Draft Plan submission as indicated in Section 7.	FSR
	113	Servicing - The water, wastewater servicing and stormwater management strategies for these three areas have been included in the Upper West Side Master Drainage Plan & Servicing Study by the landowners’ group. However, the Upper West Side Master Drainage Plan & Servicing Study is not completed yet. The approval agencies provided comments on the 1st draft of this report. The landowner group did not submit the 2nd submission of the report to show how all comments from different agencies have been addressed. Therefore, the contents of the Water, Wastewater Servicing and Stormwater Management Overview report dated Feb, 2020 prepared by Urbantech are premature.	Urbantech	Acknowledged	FSR
	114	Servicing - The February 2020 Urbantech report did not demonstrate the following: <ol style="list-style-type: none"> i) Concept plan including local road networks with land use ii) Standalone SWM plans & strategies for residential development on these lands in accordance with the DC bylaw. The current SWM strategies for these lands outlined in the Upper West Side study is for industrial development. iii) Phasing and implementation plans from available and future servicing perspective. iv) The servicing capacities and allocation policies for projected growth in the existing urban boundary and urban boundary expansion. v) Boundary Road (Twenty Rd, Glancaster Rd) improvement works. vi) Front Ending Cost polices and agreement 	Urbantech	The items listed in this comment are all noted as required for future studies in Section 7.	FSR
	115	Servicing - Prior to commencement of the sanitary sewer extension and urbanization works within the existing Twenty Road West right-of-way a Class EA study shall be completed. No such study has been initiated to date.	Urbantech	Acknowledged; these works are not currently proposed as part of the UBE application. It is understood that additional studies are required to support the sewer extension and urbanization works.	FSR
	116	Servicing - Should the Official Plan Amendment(s) for urban boundary expansion be approved, Hamilton Water has additional submission requirements for the subsequent stages of approval, such as functional servicing reports for the proposed infrastructure within the subject lands, well surveys, water balance analysis, detailed watermain hydraulic analysis and Form 1 approval, wastewater generation report, etc.	Urbantech	Acknowledged.	FSR

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	117	Transportation - The road network shall be revised to the satisfaction of the Manager of Transportation Planning. The applications should not proceed to the formal application stage until the road network has been revised to staff's satisfaction. The applicant is strongly encouraged to contact Transportation Planning and Planning staff to arrange a meeting to discuss the road network changes.	RJB	The applicant is currently advancing completion of the Integrated EA to establish the proposed Collector Road network as well as the extension of Garth Street. A meeting was recently convened with the City to provide an update and advise on timelines. The EA will assess and determine the ultimate road network and be completed to the satisfaction of the Manager of Transportation Planning.	Planning Justification Report
	118	Transportation - City of Hamilton staff is actively reviewing the Airport Employment Growth District (AEGD) Road Network which has been previously revised in the Airport Employment Formal Consultation Document (Revised July 201611) Growth District Transportation Master Plan (AEGD-TMP) Implementation Update, dated December 2017. As part of this review, the City of Hamilton is exploring potential reconfiguration, designation and alignment of the previously recommended road network within the AEGD lands. The applicant shall coordinate amendments made to the AEGD road network as a result of the ongoing AEGD-TMP update process, with Transportation Planning, before proceeding to formal application.	RJB	Acknowledged and we look forward to working with and sharing information with the City. The Integrated EA will form how the road network is developed with the block.	UBE CTS (July 2020)
	119	Transportation - It is to be noted that the proposed road network with the subject Formal Consultation does not conform to the Airport Employment Growth District Transportation Master Plan (AEGD TMP) Implementation Update (Airport Employment Growth District Secondary Plan Road Classification Map B.8-3), dated December 2017 and the approved road network for the Airport Employment Growth District, as shown in Figure 26 of the AEGD TMP. To ensure adequate access and traffic circulation is provided, that the local network is efficiently and safely connected to the arterial system, and that consistency is maintained for all development parcels throughout the subject block, it is recommended that the applicant complies with the UHOP and AEGD Secondary Plan and adopt the approved road network. Issues with the location and alignments of Street B, Street C, and Street F have been identified.	RJB	The collector and arterial road network within the block will be determined through the Integrated EA process, which includes consideration of environmental impacts. Studies being undertaken are further defining environmental features and sensitivities within the block.	UBE CTS (July 2020)
	120	Transportation - Staff require the inclusion of additional provisions related to Transportation concerns including: provisions to include complete community design incorporating mixed-use neighbourhoods meeting minimum density requirements; inclusion of a higher degree of active transportation facilities and connectivity between communities (e.g. protected cycling facilities on all roadways, separate from pedestrian facilities); evaluation of infrastructure capacity from a Transportation perspective relating to roadway capacity and the need for future improvements through a robust Transportation Impact Study; and, feasibility review for connectivity and opportunities considering public transit as well as future BLAST corridors.	RJB	The additional provisions listed above, if applicable, will be further evaluated and detailed during the various application stages.	UBE CTS (July 2020)

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	121	Transportation - A revised Transportation Impact Study (TIS) will be required, but will not be accepted until a revised road network has been shown which is supported by staff. The transportation consultant shall submit a scope of work to staff for approval prior to commencing the study.	RJB	The Integrated EA has already been initiated for the block, which will define the future road network within the block. Consultation occurred with the City for the Integrated EA.	UBE CTS (July 2020)
	122	Transportation - Hamilton Street Railway (HSR) does not currently operate along Glancaster Road or Twenty Road West. The Applicant shall provide a transit assessment regarding the implementation of future transit facilities, provide details on the projected transit ridership according to similar areas within the City of Hamilton and proposed routing as supplementary material within the TIS report.	RJB	The 2016 TMP, which carries forward the transit network recommendations in the 2011 TMP, shows HSR Bus Route 34 proposed along Glancaster Road and Bus Route 35 proposed along Twenty Road West. Since the 2016 TMP did not include the lands of the West, Central and East Extension Area, it appears a transit assessment and projected transit ridership should have already been satisfied even without the Expansion Areas. Therefore, the Expansion Areas should meet or exceed the project transit ridership along Glancaster Road and Twenty Road West.	UBE CTS (July 2020)
	123	Transportation - A Transportation Demand Management (TDM) Report is required in accordance with City's TDM guidelines. The TDM report can present TDM measures and their projected efforts to reduce future operational deficiencies as identified in the conclusions of the TIS.	RJB	A detailed TDM report will be submitted during the various stages which will recommend TDM measures and initiatives specific to the Expansion Areas. Detail will become more refined as applications become more defined.	UBE CTS (July 2020)
	124	Transportation - Additional transportation-related studies may be requested in future once the proposed road network has been established to the City's satisfaction.	RJB	Noted.	
	125	Transportation - Right-of-way dedications and daylighting requirements shall be provided in accordance with detailed comments provided by Transportation Planning staff dated April 15, 2020.	RJB	Noted and this would be addressed at a Plan of Subdivision stage.	UBE CTS (July 2020)
	126	Natural Heritage - Based on policies within the RHOP and UHOP, when development has the potential to negatively impact a Core Area's natural features or ecological functions an EIS is required. The EIS inventories and describes the existing Core Areas and ecological functions of the site within the surrounding landscape; assesses the potential negative impacts and provides recommendations to accommodate or enhance existing natural features and functions. Where new development or site alteration is proposed within a Linkage, a Linkage Assessment is to be prepared. Where an EIS is being prepared, the Linkage Assessment can be included as part of the EIS.	NRSI	EIS, Linkage Assessment and Tree Inventory have been submitted.	EIS
	127	Natural Heritage - As part of the Urban Boundary Expansion (UBE) Formal Consultation materials, an EIS/LA has been prepared by Natural Resource Solutions Inc. (NRSI) (February 2020). Natural Heritage Planning staff has not completed a full review of this report. As a result, the EIS has not been approved.	NRSI	With the approved of the Terms of Reference for the EIS, Linkage Assessment and Tree Inventory. Review of the materials should be able to occur.	EIS

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	128	Natural Heritage - EIS and Linkage assessments required as per Council-approved Terms of Reference. As outlined within the City's Council adopted EIS Guidelines (revised March 2015), a Terms of Reference (ToR) outlining the contents and scope of the EIS is to be prepared to the satisfaction of the City and the relevant Conservation Authority (in this case, NPCA). This was identified at the previous Formal Consultation (FC-19-126; Nov. 27, 2019). To date, a ToR has not been submitted or approved for this work. It is important to have an approved ToR prior to completing field work so that the right surveys are completed in the appropriate timeframes. A ToR should be submitted as soon as possible. (Concerns have been identified with field studies related to wetland boundaries, terrestrial crayfish, winter wildlife surveys, bat assessment and marsh inventories.)	NRSI	Terms of Reference has been approved, following the issuance of these comments.	EIS
	129	Natural Heritage - Linkages have been identified on the subject lands. There is concern that Linkages have not been identified within the NHS and that impacts to Linkages on the adjacent properties have not been considered.	NRSI	Linkages have been assessed as part of the EIS.	EIS
	130	Natural Heritage - Core areas are identified within the candidate expansion area and adjacent to the lands. These features must be characterized through completion of a Sub-watershed Study early in the process, including hydrology, hydrogeology, aquatic and terrestrial environments. This Study is one of the first steps in the process because it identifies areas of protection, land use impacts, mitigation measures and management strategies.	NRSI	Core areas have been assessed as part of the EIS.	EIS
	131	Natural Heritage - The NPCA will also require floodplain mapping on any watercourse with an upstream drainage area greater than 125ha.	NRSI	Noted	
	132	Cultural Heritage - The subject property meets five (5) of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential. Staff require that an Archaeological Assessment be completed and submitted with any future application	Golder	A Cultural Heritage Impact Assessment is currently being completed and will be submitted shortly.	
	133	Cultural Heritage - A variety of properties subject to this application are included in the City's Inventory of Buildings of Architectural and/or Historical Interest, as illustrated by the yellow high lighted areas below. As identified in the Cultural Heritage Screening Report, there are additional properties of Cultural Heritage Value or Interest. Staff have briefly reviewed the Cultural Heritage Screening Report and cannot fully comment on the content or recommendations of the report. Notwithstanding, Staff would require the applicant to submit a cultural heritage impact assessment for any future developments.	Golder	A Cultural Heritage Impact Assessment is currently being completed and will be submitted shortly.	
	134	Public Service Facilities - In conformity with the Growth Plan and Policies for Settlement Area Boundary Expansions, the proponents shall include as part of their analysis confirmation of sufficient capacity in existing and planned public service facilities and infrastructure, including the need and availability for lands to accommodate future school sites.	CLS	Noted. Please see enclosed Parks and Community Infrastructure Facilities.	Parks and Community Issues Assessment

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
Building	135	1. The purpose of this Formal Consultation application is to request that the City consider the expansion of the urban boundary to incorporate the subject lands, generally located southeast of the Garth Street and Twenty Road West intersection. The lands have an approximate area of 27 ha. The proposed land use includes residential uses, natural heritage features, stormwater management, and a collector road network.	CLS	Noted	
	136	2. It is noted that an application for an Official Plan Amendment would be required to bring the lands into the urban boundary. At a later phase, Draft Plan of Subdivision and a Zoning By-law Amendment would be required to implement any proposed development. Therefore, the Building Division has no comment on the proposed expansion at this time.	CLS	Noted	
	137	3. All new signs proposed for this development must comply with the regulations contained within the Sign By-law.	CLS	Noted	
	138	4. The designer shall ensure that the fire access route conforms to the Ontario Building Code.	CLS	Noted	



Wednesday August 12th, 2020

City of Hamilton
71 Main Street West, 4th Floor
Hamilton, Ontario, L8P 4Y5
Attention: Planning and Economic Development

Attn:	Heather Travis Senior Project Manager, Growth Management Strategy Planning & Economic Development Department
Re:	UPPER WEST SIDE – URBAN BOUNDARY EXPANSION APPLICATIONS (WEST) SUBMISSION PACKAGE FC-20-028/029/034

Dear Ms. Travis,

On behalf of the Upper West Side Landowners Group (UWSLG), Corbett Land Strategies Inc., (CLS) is pleased to submit the applications to the City of Hamilton for the purposes of Urban Boundary Expansion. As per policy 2.2.8.5 of the Provincial Growth Plan (2019), the UWSLG is submitting Official Plan Amendment applications to permit privately initiated urban boundary expansion areas under 40 hectares which can occur outside, or in advance of the Municipal Comprehensive Review (MCR) process.

The Upper West Side community lands which are bounded by Twenty Road West to the north, Upper James to the east, Dickenson Rd to the south and Glancaster Rd to the west, contain both employment lands located within the Airport Employment Growth District (AEGD) and two small rural areas that are located outside of the existing Urban Boundary. The rural areas are characterized as “whitebelt” areas and are not designated within the AEGD Secondary Plan.

CLS has divided the rural areas into three major Urban Expansion Areas identified as the East, Central and West precincts. This cover letter represents the West Urban Boundary Expansion area. The division of land is based on land ownership and all properties are found south of Twenty Road West. The East area is proposing 26.61 hectares to be added to the Urban Boundary Area, the Central area is proposing 32.57 hectares and the West Area is proposing 27.38 hectares. These areas are all designated as “Rural” within both the Rural and Urban Hamilton Official Plans. The East and Central areas are zoned as “A2 Rural” and the West is zoned as “P4 Open Space”. Please note, the West precinct was previously used as a golf course which has been inactive for several years.

The combined proposed development areas have the capacity to accommodate residential development comprised of approximately 2,450 various residential units. The anticipated density is approximately 71 persons and jobs per hectare. These expansion areas will also support the existing natural heritage system and construct a collector road network and stormwater infrastructure. If approved, the proposed applications for Urban Boundary Expansion will result in a community which will:

- Be a complete community supported by residential, employment, commercial and public facilities such as parks, schools and recreational facilities;
- Be an infill development as it is completely surrounded by urban boundary;
- Deliver infrastructure (i.e. Garth Street Extension, servicing to AEGD lands);
- Avoid developing on prime agricultural land;
- Deliver and support employment planned for the AEGD
- Deliver infrastructure and financing through the implementation of a Landowner Cost Sharing Agreement;
- Deliver on Provincial planning priorities: housing & land supply;
- Deliver \$157.5 million in one-time Development Charges;
- Deliver \$55.7 million in annual revenue (\$33.5M in taxes/ \$17.7M in water and wastewater/ \$4.5M in non-tax);
- Deliver \$15.4 million in one-time building permit revenue;
- Incorporate extensive sustainable development features;
- Provide opportunities for affordable housing land grant opportunities;
- Act as a post-COVID-19 economic stimulus project; and,
- Allow for an ease in implementation.

CLS has formally received comments on the proposed expansion areas with City Staff through the Formal Consultation Application, received on April 15th, 2020 (FC-20-028/029/034). During the Formal Consultation meeting, the City identified multiple studies/ assessments that are required to complete the applications set forth. CLS has completed a large majority of the studies and has attached a transmittal document (Appendix A) to identify the submitted assessments/ reports. A response document has been prepared and attached to this letter (Appendix B)

In accordance with Staff Report, PED19146, specific Official Plan Amendment application fees have been assigned for Urban Boundary Expansions. Staff have advised that these fees have been established due to the complexity of the applications but are not inclusive of the peer review fees which have been identified to be separate. As you are aware, section 69(1) of the Planning Act specifies that the fees shall be designed to meet only the cost to the municipality in respect of the processing of the application. The cost of these fees are excessive, especially in context of the additional fee being levied for a peer review. In accordance with s.69(3) of the Planning Act, the UWSLG submits payment for the application fees under protest. A written notice of appeal to the Local Planning Appeal Tribunal will be submitted by our legal counsel within the prescribed 30 day period.

Through the contents of this submission, the UWSLG has responded to the specific criteria for Urban Boundary Expansion Applications and believes the enclosed materials represents the City interests in accommodating future growth. We believe the expansion request is appropriate and we look forward to working with the City through the review of the application. If there are any concerns or questions, please feel free to contact the undersigned.

Thank you,

Nick Wood

Nick Wood
Manager, Development Planning
Corbett Land Strategies Inc.
nick@corbettlandstrategies.ca
416-420-5544

COPIES: Upper West Side Land Owners Group
 John Farber, Legal Counsel, Fogal Rubinoff

APPENDIX A: Transmittal

The following documentation comprises the Urban Boundary Expansion applications submission:

CATEGORY	TYPE	DRAWING NAME	No. of PAGES	NO. OF COPIES
Official Plan Amendment – Urban Boundary Expansion East application with signatures	FORM	2020 08 11_Upper West Side UBE OPA East Application_Signed	28	
Official Plan Amendment – Urban Boundary Expansion East application without signatures	FORM	2020 07 30_Upper West Side UBE OPA East Application_Unsigned	28	
Official Plan Amendment – Urban Boundary Expansion Central application with signatures	FORM	2020 08 11_Upper West Side UBE OPA Central Application_Signed	28	
Official Plan Amendment – Urban Boundary Expansion Central application without signatures	FORM	2020 07 30_Upper West Side UBE OPA Central Application_Unsigned	28	
Official Plan Amendment – Urban Boundary Expansion West application with signatures	FORM	2020 08 11_Upper West Side UBE OPA West Application_Signed	28	
Official Plan Amendment – Urban Boundary Expansion West application without signatures	FORM	2020 07 30_Upper West Side UBE OPA West Application_Unsigned	28	
Community Plan	DRAWING	Concept Community Plan (ALL AREAS)	1	
Survey Plan - East	DRAWING	Survey_UBE East (1)	1	
Survey Plan - East	DRAWING	Survey_UBE East (2)	1	
Survey Plan - East	DRAWING	Survey_UBE East (3)	1	
Survey Plan - Central	DRAWING	Survey_UBE Central (1)	1	
Survey Plan - Central	DRAWING	Survey_UBE Central (2)	1	
Survey Plan - West	DRAWING	Survey_UBE West	1	
Formal Consultation (April 2020)	DOCUMENT	UWS_Formal Consultation Document Apr.2020_Signed	15	
City of Hamilton Evaluation Framework	DOCUMENT	2020 08 11_UWS_UBE Application_Evaluation Framework_All UBE Areas	2	
Formal Consultant Comment Response Matrix	DOCUMENT	2020 07 24_UBE Comment Summary	29	
Planning Justification Report	REPORT	UWS_Planning Justification Report	149	
Urban Design Brief	REPORT	UWS_Urban Design Brief	99	
Public Consultation Strategy	REPORT	See Planning Justification Report	N/A	
Draft Official Plan Amendment	DOCUMENT	See Planning Justification Report	N/A	
Environmental Impact Assessment (EIS)/ Tree Protection Plan (TPP)/ Linkage Assessment	REPORT	UWS_EIS, LA, TPP	271	
Karst Assessment	MEMO	UWS_Karst Assessment Letter	1	
Hydrogeological Study (Central and East)	REPORT	UWS_Hydrogeological (July 2018)	128	

CATEGORY	TYPE	DRAWING NAME	No. of PAGES	NO. OF COPIES
Functional Servicing and Stormwater Management Report	REPORT	UWS – Functional Servicing Report	19	
CIVIL Drawing No.200	DRAWING	FSR – Predevelopment Storm Drainage (200)	1	
CIVIL Drawing No.300	DRAWING	FSR – Grading Plan (Part 1) (300)	1	
CIVIL Drawing No.301	DRAWING	FSR – Grading Plan (Part 2) (301)	1	
CIVIL Drawing 303 - 305	DRAWING	FSR – Proposed ROWs (303-305)	3	
CIVIL Drawing No.500	DRAWING	FSR – Contributing Storm Drainage to Ponds (500)	1	
CIVIL Drawing No.800	DRAWING	FSR – Sanitary Drainage Plan (800)	1	
CIVIL Drawing No.801	DRAWING	FSR – AEGD WWSMP (801)	1	
CIVIL Drawing No.900	DRAWING	FSR – Water Distribution Plan (900)	1	
Sanitary Sewer Design Sheet	DOCUMENT	FSR – Sanitary Sewer Design Sheet	2	
Financial Impact Analysis	REPORT	UWS_Financial Impact Assessment	36	
Parks Issues Assessment	REPORT	UWS_Parks and Community Infrastructure	42	
Agricultural Impact Assessment	REPORT	UWS Agricultural Impact Assessment	41	
Noise Impact Study	REPORT	UWS_Noise Feasibility Study	38	
Transportation Impact Study, Transit Assessment & Transportation Demand Management Report	REPORT	UWS_Transportation Study	28	
Lands Needs Assessment	MEMO	UWS_Land Needs Assessment	14	
Energy and Environmental Assessment Report	REPORT	UWS_Energy & Environmental Assessment Report	46	
Fluvial Geomorphological Assessment	REPORT	UWS_Fluvial Geomorphological Assessment	93	
Geotechnical Investigation & Hydrogeological Assessment	REPORT	UWS_UBE West_Geotech and HydroGeo	44	

APPENDIX B: Formal Consultant Comment Response Matrix

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
City of Hamilton - Natural Heritage (Melissa Kiddie)	1	<p>1. EIS/LA: Based on policies within the RHOP and UHOP, when development has the potential to negatively impact a Core Area’s natural features or ecological functions an EIS is required. The EIS inventories and describes the existing Core Areas and ecological functions of the site within the surrounding landscape; assesses the potential negative impacts and provides recommendations to accommodate or enhance existing natural features and functions. Where new development or site alteration is proposed within a Linkage, a Linkage Assessment is to be prepared. Where an EIS is being prepared, the Linkage Assessment can be included as part of the EIS.</p> <p>As part of the Urban Boundary Expansion (UBE) Formal Consultation materials, an EIS/LA has been prepared by Natural Resource Solutions Inc. (NRSI) (February 2020). Natural Heritage Planning staff has not completed a full review of this report. As a result, the EIS has not been approved.</p>	NRSI	<p>Noted. The February 2020 EIS and LA have been revised to include all UBE lands. Following the completion of field surveys, it is anticipated that the June 2020 EIS and LA, as well as the February 2020 TPP, will be updated with the results of the full suite of seasonal field surveys and will address agency comments in response to the pre-consultation comments as well as those received in response to the first submission of the Terms of Reference for the UBE EIS, LA, and TPP.</p>	June 2020 EIS and LA (partial response)
	2	<p>The following considerations have been provided.</p> <p>a) EIS/LA Terms of Reference (ToR): As outlined within the City’s Council adopted EIS Guidelines (revised March 2015), a Terms of Reference (ToR) outlining the contents and scope of the EIS is to be prepared to the satisfaction of the City and the relevant Conservation Authority (in this case, NPCA). This was identified at the previous Formal Consultation (FC-19-126; Nov. 27, 2019). To date, a ToR has not been submitted or approved for this work. It is important to have an approved ToR prior to completing field work so that the right surveys are completed in the appropriate timeframes. A ToR should be submitted as soon as</p>	NRSI	<p>A ToR for the EIS/LA/TPP was submitted to the City and NPCA on May 14, 2020 for review and comment. Comments were received from the City and NPCA on June 2 and June 4, 2020 (respectively). The ToR and responding comments are appended to the June 2020 EIS and LA report. A revised ToR will be submitted in the coming weeks.</p>	UBE EIS, LA, and TPP Terms of Reference (May 14, 2020)
	3	<p>While a complete review of the EIS has not occurred, there are concerns with the following field studies (it is important to note, this is not an exhaustive list):</p> <p>i. Wetland Boundaries: It has been identified that the wetland boundaries were surveyed in consultation with NPCA and City staff on August 8, 2019. The surveyed boundaries need to be clearly shown on all figures.</p> <p>ii. Terrestrial Crayfish: It has been identified that there is potential Significant Wildlife Habitat as it relates to terrestrial crayfish; however, surveys related to this species are missing.</p> <p>iii. Winter Wildlife Surveys: It has been identified that winter wildlife surveys were completed as per the City’s Linkage Assessment Guidelines. These Guidelines do not provide specific guidance on completing surveys. The specific protocol/description of work needs to be provided.</p> <p>iv. Bat Assessment: It has been identified that bat habitat assessment (leaf-off) was completed as per the City’s Tree Protection Guidelines (revised October 2010). These Guidelines do not provide specific guidance on bats. In addition, leaf-on inventories appear to be missing.</p> <p>v. Marsh Bird Inventory: Marsh birds were only sampled once (June 17, 2019). Based on the Marsh Monitoring program, sampling is to occur twice between May 20 and July 5.</p>	NRSI	<p>These comments regarding field studies will be addressed as part of the ToR review process. The future revised EIS will be updated to include clarifying details on all field surveys.</p>	Future revised EIS, LA, and TPP (date TBD)

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	4	<p>In addition, a separate ToR has been submitted for 9511 Twenty Road West (March 2, 2018) for an EIS in support of Planning Act applications UHOPA- 18-016; ZAC-18-040; and 25T-201807. Natural Heritage Planning staff provided comments on March 14, 2018. Due to further clarifications, revisions were required and the ToR was not approved. A revised ToR was submitted January 6, 2020. Based on Natural Heritage Planning comments (January 28, 2020), the ToR was not approved. To date, a re-submission of the ToR has not been provided.</p>	NRSI	<p>Comments on the January 6, 2020 version of the TOR for the EIS, LA, and TPP specific to the development applications submitted for the Draft Plan of Subdivision at 9511 Twenty Road West will be addressed separately from the UBE application process. NRSI will re-submit the TOR for these separate natural heritage studies in the coming weeks.</p>	<p>Garth Street Draft Plan Revised TOR (date TBD)</p>
	5	<p>b) Linkage Assessment: Linkages have not been clearly identified in mapping provided within the 2020 NRSI UBE EIS. Based on the UHOP, a Linkage has been identified within the hydro corridor located on 9511 Twenty Road West and on adjacent properties (2060 Upper James Street). Within the 2020 UBE EIS it has been identified that the Conceptual Block Plan incorporates an NHS that will be designed to provide movement and propagation opportunities for wildlife. There is concern that Linkages have not been identified within the NHS and that impacts to Linkages on the adjacent properties have not been considered</p>	NRSI	<p>Map 5 of the revised June 2020 EIS and LA identifies all linkages shown on Schedule B and AEGD Secondary Plan Map B.8-2 of the RHOP/UHOP. The Linkage Assessment section in the EIS provides an analysis of these Linkages, and determines that based on their current function and quality, replication of the ecological functions of the Linkages can be provided in the block-wide NHS. Impacts to all Linkages within the overall UBE study area, including those on adjacent properties, are considered.</p>	<p>June 2020 EIS and LA</p>
	6	<p>c) Non-ecological Elements (i.e. stormwater management, Low Impact Development): EIS inventories and characterizes the existing Core Areas and ecological functions of a site. As part of the development proposal, impact assessment and mitigation measures, it is important to discuss the non-ecological elements (i.e. stormwater management). This connection appears to be missing within the EIS.</p>	NRSI	<p>High-level details of non-ecological elements, including general descriptions of the stormwater management strategy, are provided in the June 2020 EIS and LA; however, the exact locations of SWM and LID facilities is not available at this development stage; the conceptual nature of the UBE community plan precludes the fulsome analysis of all indirect impacts, including from the SWM approach, in this version of the EIS and LA. Once additional details become available at Draft Plan of Subdivision or Site Plan stages, these analysis can be completed. The June 2020 EIS notes the necessity of completing additional studies and analyses of impacts at these future stages.</p>	<p>June 2020 EIS and LA</p>

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	7	d) 555 Glancaster Road: The EIS focuses on the UBE areas identified as "Central Block" (9751-9625 Twenty Road West), "East A" (9445 Twenty Road West) and "East B" (9285 Twenty Road West). Inventories related to 555 Glancaster Road have not been included. It is important to include this area within the EIS since it is located adjacent to Core Areas within the UHOP and the proposed Natural Open Space (as outlined within the UBE Plan) extends onto this property.	NRSI	A field program has been initiated for the lands at 555 Glancaster Road, as detailed in the May 14, 2020 TOR. The June 2020 EIS and LA now includes background information and a high-level analysis for the natural features and functions in the western UBE block on this property. Once field surveys are complete in 2020, a revised EIS will be re-submitted containing the full results and analysis for these lands.	June 2020 EIS and LA (partial response)
	8	e) Integration with Current Planning Act application: Currently, Planning Act applications (UHOPA-18-016; ZAC-18-040; 25T-201807) have been submitted for 9511 Twenty Road West with the intent to develop a new industrial subdivision. An EIS (Upper West Side Draft Plan of Industrial Subdivision) was prepared by NRSI June 2018. Due to the absence of an approved ToR and a number of inventories that were missing, a comprehensive review of the EIS could not be provided. As a result, the EIS was not approved (September 26, 2018). To date, a revised EIS has not been re-submitted. Since the mapping shown within the 2020 NRSI EIS only characterizes the northern portion of the property, it is unclear how the proposed UBE will transition with the current proposal on 9511 Twenty Road West.	NRSI	See response to Comment #4 regarding the TOR for the application at 9511 Twenty Road West. Updates to field surveys are being completed concurrently with the 2020 field program to address missing inventories and ensure there is comprehensive data to inform both the UBE EIS as well as the Draft Plan studies. All surveys relevant to the lands within the UBE blocks are included in the May 14, 2020 UBE TOR.	UBE EIS, LA, and TPP Terms of Reference (May 14, 2020)
	9	f) Environmentally Significant Impact Evaluation Group (ESAIEG) Review: As per policies within the RHOP and UHOP, the City's ESAIEG will review the EIS and provide objective, technical advice to City staff on the impacts of the proposed land use changes within or adjacent to natural areas. At this time, the EIS has not been thoroughly reviewed and there may be missing information. Once Natural Heritage Planning staff initially reviews the EIS, the EIS will be reviewed by ESAIEG. At this time, it is unknown when this meeting will occur. The 2020 review fee is \$390.00.	NRSI	Noted.	n/a

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	10	2. Tree Protection Plan (TPP): Through aerial photograph interpretation, trees have been identified within all of the subject properties. As per policies within the RHOP and UHOP, the City recognizes the importance of trees and woodlands to the health and quality of life in the community and encourages the protection and restoration of trees. Based on the Concept Plan, it appears that some of these trees will be removed to facilitate development. Since the City recognizes that trees are important to the quality of life in a community, a TPP is required. The TPP is to be prepared by a recognized tree management professional (i.e. certified arborist, registered professional forester or landscape architect) and is to be prepared in accordance with the City's Tree Protection Guidelines (revised October 2010).	NRSI	A TPP for the Central and East UBE Blocks has been prepared, and will be updated to include tree inventory data and analyses for the West Block upon completion of 2020 field surveys. The revised TPP will contain only high-level analyses at the UBE application stage, since specific details of final developments (prepared at future stages) affecting the ability to retain on-site trees is required. Preliminary analyses will enumerate the number, species, and condition of trees within the UBE blocks, and the locations of trees will be mapped.	February 2020 Central and East Blocks TPP (and revised version provided following the completion of 2020 field surveys)
	11	A TPP prepared by NRSI has been included within the February 2020 EIS/LA. Since a comprehensive review has not yet been undertaken, the TPP has not been approved. Natural Heritage Planning staff offers the following considerations. a) A TPP review fee is to be submitted to the City. At this time, it is unclear if this fee has been provided. The 2020 review fee is \$625.00. b) The tree inventory has been completed for "Central Block" (9751 and 9625 Twenty Road), "East A" (9445 Twenty Road) and "East B" (9285 Twenty Road). The property at 555 Glanaster Road has not been included. Since there are trees on the property, it is important that the tree inventory include this property. c) The decision to retain trees is to be based on vigour, condition, aesthetics, age and species. d) Compensation: To ensure that existing tree cover is maintained, 1 for 1 compensation is required for any private tree (10 cm DBH or greater) that is proposed to be removed. Additional compensation may be required for public trees. Compensation is required for all trees (regardless if they are native/non-native). The exceptions include dead trees or invasive species (i.e. European Buckthorn). It has been identified that compensation trees may be planted within the Natural Heritage System. It is important to note that additional plantings beside these trees may be required within these areas.	NRSI	Noted. Please see response to Comment #10.	Revised TPP provided following the completion of 2020 field surveys

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	12	3. Karst Assessment: The City of Hamilton does not have specific guidelines for the completion of a karst assessment. It is unclear if aerial photographs were reviewed to identify potential sinking streams and springs.	NRSI	No bedrock outcrops were observed at the site and bedrock was not encountered in any of the 33 boreholes advanced throughout the property. As such, given the relative overburden thickness, as assessment of karst features is not considered to be applicable at the site. A Letter prepared and signed by the conducting consultant (EPX) has been enclosed for your review.	Karst Assessment Letter dated September 15, 2019
NPCA (Sarah Mastroianni)	13	properties as well as areas mapped as Provincially Significant Wetland (all associated with the Upper Twenty Mile Creek subwatershed), an EIS is required to address the various channels traversing the subject property, as well as, verification of the PSW limits. The below EIS scoping is done with the assumption that development will be proposed either within the natural heritage features themselves, or within 30 metres of the features. Should the proposed development and site alteration have a defined footprint or is planned to be outside of the regulated buffers, the NPCA should be contacted as it	NRSI/ Geomorphix	Noted.	n/a
	14	In addition to that outlined in the City of Hamilton EIS Guidelines, the following must be included within the EIS: Any relevant information gathered from existing studies conducted within the last 5 years. Should recent studies exist, the NPCA should be notified as it may be possible that those studies can cover off some of the requirements below.	NRSI	Noted. The UBE TOR process will provide the opportunity to determine these requirements and if there is existing relevant data.	n/a
	15	Assessment of the channel form and function using OSAP methodology (screening level) or the Headwaters Assessment Protocols developed by TRCA, including quantification of the contribution area supporting the channel base flow and wetland features (drainage areas).	NRSI/ Geomorphix	NRSI and GEOMorphix are assessing all HDFs as per standard OSAP and TRCA guidelines and methodologies.	UBE EIS, LA, and TPP Terms of Reference (May 14, 2020)
	16	Amphibian (Marsh Monitoring) survey for the property, predominantly in the wetlands and watercourse. Marsh Monitoring surveys conducted within the past five years can be used in the place of new surveys.	NRSI	Anuran call surveys targeting all candidate breeding habitat for anuran species are being completed in 2020, or have been completed previously in 2018. The submitted TOR for the UBE provides additional details and survey dates.	UBE EIS, LA, and TPP Terms of Reference (May 14, 2020)

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	17	Ministry of Natural Resources and Forestry (MNRF) must be contacted to determine any additional Species at Risk surveys required as they pertain to the wetland and watercourse features. MNRF correspondence and any species-specific setbacks or other mitigation required by MNRF must be included in the EIS.	NRSI	Noted. An initial SAR screening memo was submitted to the MECP on May 1, 2020 to initiate discussions about SAR and their habitats within the overall UWS lands. This initial correspondence is included as an appendix to the June 2020 EIA and LA.	June 2020 EIS and LA (partial response)
	18	A detailed list and discussion of all ecological and hydrological functions of each natural heritage feature on site and within adjacent lands.	NRSI	Noted. This is included in the June 2020 EIS and will be expanded upon the completion of 2020 field surveys.	June 2020 EIS and LA
	19	Buffers must be proposed for all natural heritage features which are appropriate to protect the functions of the features.	NRSI	Noted. Buffers (VPZs) are recommended and discussed in the June 2020 EIS and LA.	June 2020 EIS and LA
	20	The plan must clearly indicate the NPCA minimum 30 metre buffer for Provincially Significant Wetlands, with any proposed changes justified based on site specific conditions such as future mature tree height of species present, potential use of adjacent land as habitat for species within the wetland, requirement for adequate hydrologic inputs, MNRF required Species at Risk setbacks, etc.	NRSI	Noted. The community plan shown in the June 2020 EIS and LA (Map 6) includes the NHS that incorporates the 30m PSW buffers. At future development stages, buffer widths will be re-assessed based on the results of all field surveys and the proposed development plans.	June 2020 EIS and LA
	21	Corridors and linkages must be considered and mapped for the site.	NRSI	Noted. A comprehensive Linkage Assessment is included as part of the June 2020 EIS, and the NHS for the UBE blocks considers the maintenance and restoration of wildlife movement corridors.	June 2020 EIS and LA
	22	The proposed development envelope (which include buildings, driveway/access, all grading, servicing, accessory structures, and all amenity space) must be delineated. Any wetland area beyond the building envelope will be expected to be maintained in a natural state.	NRSI	Noted. Specific development envelopes are not proposed as part of the higher-level UBE application process. Building envelopes specific development plans will be assessed at future stages.	n/a
	23	Impact assessment of the natural heritage features identified and their functions from an ecological and hydrological perspective.	NRSI	A high-level impact assessment is provided in the June 2020 EIS and LA. Refinements and updates will be made to the impact assessment following the collection of all 2020 field data, as well as at future development stages as more specific plan details become available.	June 2020 EIS and LA
	24	Relevant, reasonable, and implementable mitigation measures to reduce negative impacts.	NRSI	General mitigation measures are provided as part of the June 2020 EIS and LA. Refinements and updates will be made to the mitigation measures recommended following the collection of all 2020 field data, as well as at future development stages as more specific plan details become available.	June 2020 EIS and LA

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	25	A final assessment of whether the proposal, combined with any design changes and mitigation measures will result in any residual negative impact on the natural heritage feature or its ecological and hydrological functions.	NRSI	A final but high-level statement about the potential for impacts based on the community framework plan will be provided as part of the future revised UBE EIS and LA, once all 2020 field data is available to inform the impact assessment. Conclusions made as part of the UBE EIS and LA will remain general, to be refined at future development stages.	Future revised EIS, LA, and TPP (date TBD)
	26	A revised Terms of Reference will be required to be completed by the environmental consultant and circulated to the NPCA for review and approval prior to the commencement of the EIS.	NRSI	Noted. This has been initiated as of May 14, 2020. Please see response to Comment #2 above.	UBE EIS, LA, and TPP Terms of Reference (May 14, 2020)
	27	From an Engineering perspective: The NPCA will require a SWM report indicating that both quality controls (Normal) and quantity controls (post to pre for up to the 100 year storm) are provided. The NPCA will also require floodplain mapping on any watercourse with an upstream drainage area greater than 125ha.	Urbantech	Acknowledged. A detailed SWM report will be provided in support of Secondary Plan / Draft Plan approval. This report will demonstrate how the AEGD SWM objectives will be achieved and how the City's drainage criteria are met. As shown on Drawing 200, the largest catchment, including external drainage areas, is approximately 93 ha. Therefore, no floodplain mapping is proposed at this time. However, the City did request) confirmation that the drainage features can convey the range of design storms. This will be assessed at the Draft Plan stage.	FSR
	28	NPCA review fees are below and apply to each separate application: OPA \$2770 Review of EIS: \$2205 Review of Stormwater Report or Functional Servicing Report: \$1755 Further fees may be required as other applications/studies may be required through the process.	CLS	Noted	
City of Hamilton - Urban Forestry (Sam Brush)	29	There are no municipal tree assets on site; therefore, no Tree Management Plan is required. Landscape Plan required as per subdivision agreement.	CLS	Noted	

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
City of Hamilton - Cultural Heritage (Miranda Brunton)	30	<p>The subject property meets five (5) of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:</p> <ol style="list-style-type: none"> 1) Within 250 metres of known archaeological sites; 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; 3) Local knowledge associates areas with historic events/activities/occupations; 4) In an area of elevated topography; and, 5) Along historic transportation routes. <p>These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement apply and Staff require that an Archaeological Assessment be completed and submitted with any future application.</p>	AMICK	Cultural Heritage resources have been identified through screening report. Cultural Heritage Impact Assessment is currently being completed and will be submitted shortly.	
	31	<p>Additionally, a portion of the subject properties are located within the boundaries of the Airport Employment Growth district, as outlined below, a Stage 2 archaeological assessment is required for these lands:</p> <p>8.13.2 Prior to development approvals, a Stage 2 archaeological assessment shall be completed to the satisfaction of the City and the Province. No grading or other disturbance shall take place on any site within the Airport Employment Growth District prior to the issuance of a letter of clearance from the Province. The Stage 2 archaeological assessment shall be undertaken in accordance with Policy F.3.2.4 – Archaeological Assessments of Volume 1. The City may also require a higher standard of conservation, care and protection for archaeological resources based on prevailing conditions and circumstances within the City and the results of any dialogue with First Nations and their interests.</p>	AMICK	Noted. Stage 2 work to be completed as part of Secondary Plan stage.	
	32	<p>Built Heritage:</p> <p>A variety of properties subject to this application are included in the City’s Inventory of Buildings of Architectural and/or Historical Interest, as illustrated by the yellow high lighted areas below. As identified in the Cultural Heritage Screening Report, there are additional properties of Cultural Heritage Value or Interest.</p>	Golder	Cultural Heritage resources have been identified through screening report. Cultural Heritage Impact Assessment is currently being completed and will be submitted shortly.	

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	33	<p>Accordingly, the following sections of the Urban Hamilton Official Plan, Volume 1, apply:</p> <p>B.3.4.1.3 “Ensure that all new development, site alterations, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources.”</p> <p>B.3.4.2.1(g) “Ensure the conservation and protection of cultural heritage resources in planning and development matters subject to the Planning Act either through appropriate planning and design measures or as conditions of development approvals.” and,</p> <p>B.3.4.2.1(h) “Conserve the character of areas of cultural heritage significance, including designated heritage conservation districts and cultural heritage landscapes, by encouraging those land uses, development and site alteration activities that protect, maintain and enhance these areas within the City.”</p>	Golder	Cultural Heritage resources have been identified through screening report. Cultural Heritage Impact Assessment is currently being completed and will be submitted shortly.	
	34	<p>Also, a portion of the subject area fall within the Airport Employment Growth District Secondary Plan, as such the following apply:</p> <p>8.12.1 There are buildings, structures and cultural heritage landscapes of varying degrees of heritage interest and value in the Secondary Plan area which are both included and not included in Hamilton’s Register of Property of Cultural Heritage Value or Interest and prior to approval of development applications a cultural heritage conservation plan statement shall be prepared in accordance with Section B.3.4.2.11 of the Urban Hamilton Official Plan. The retention and conservation of buildings of architectural or historical merit on their original sites and the promotion of the integration of these resources into new development proposals in their original use or an appropriate adaptive re-use shall be encouraged.</p> <p>8.12.3 Prior to development approvals, for those cultural heritage resources that require a cultural heritage impact assessment as determined by the culture heritage conservation plan statement noted in policy 8.12.1 above, a Stage 2 heritage assessment in shall be completed to the satisfaction of the City and the Province. No disturbance to the building, site or its surroundings shall take place within the Airport Employment Growth District until the study is reviewed and cleared. The Stage 2 heritage assessment shall be undertaken in accordance with Policy F.3.2.3 – Cultural Heritage Impact Assessments of the Urban Hamilton Official Plan.</p>	Golder	Cultural Heritage resources have been identified through screening report. Cultural Heritage Impact Assessment is currently being completed and will be submitted shortly.	

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	35	Staff have briefly reviewed the Cultural Heritage Screening Report and cannot fully comment on the content or recommendations of the report. Notwithstanding, Staff would require the applicant to submit a cultural heritage impact assessment for any future developments.	Golder	Noted	
City of Hamilton - Development Engineering (Zivko Panovski)	36	The subject lands are bounded by existing Hydro Corridor, adjacent to the Twenty Road West right-of-way, to the north and lands within the AEGD Secondary Plan to the south. The City has completed a number of studies for the lands within the original boundary of the Secondary Plan, and included a blanket holding provision on all lands to ensure adequate services are available to provide for an orderly development. For the information of the proponent a population density of 39 employee/ha (prestige business) and 23 employee/ha (light industrial) for the subject lands was assigned in the original Master Plans completed in 2010 for the subject lands as part of the overall servicing strategy of the AEGD lands.	Urbantech	<p>The population densities referenced in the AEGD / Master Servicing Plan for these lands are approximately 37.5 people per hectare. This is in contrast to the City's typical values of 125 to 750 people per hectare for industrial land use. With respect to planned or available capacities in these sewers for the subject lands, it is understood that the flow capacity is based on the lower population density, and on the gross area contributing to each sanitary outlet. It is understood that through refinement of the sanitary drainage plans and development limits, the actual sanitary catchment areas will decrease but the total allowable flow will remain constant, translating into a higher population density that would be more in line with the City's standards.</p> <p>Sanitary design sheets have been completed for the Twenty Road Sewage Pumping Station (identified to have capacity for approximately 200 ha at approximately 37.5 people / ha in the Master Plan) and for the Dickenson Road Trunk sewer (identified to have capacity for the balance of the AEGD area which is approximately 190 ha at approximately 37.5 people / ha based on the Cole Engineering design). These estimates translate to a contributing population of approximately 7500 at the Twenty Road Sewage Pumping Station and a contributing population of approximately 7125 at the Dickenson Road Trunk (at Upper James Street). The corresponding allowable flows</p>	FSR
	37	The City has completed the Transportation Master Plan Implementation Update and Water & Wastewater Servicing Master Plan Update in December 2016 as well AEGD Subwatershed Study & Stormwater Master Pan (SWMP) Implementation Document in April of 2017 to assess the impact on the Master Servicing strategy as result of the change in the boundary of the original Secondary plan. There is no change in the servicing strategy for the subject lands from the original proposal based on the above noted updates. However, the servicing of the subject lands is deferred after 2031-year planning horizon based on the Mater Servicing Studies Updates.	Urbantech	It is the position of the applicant that the servicing of a portion of the subject lands (while subject to further planning studies and Draft Plan approval), should be able to advance ahead of 2031 based on the capacity of the Twenty Road West Pumping station , which is noted in the current Master Servicing Plan to have immediate / avaialble capacity for a portion of the subject lands.	

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	38	<p>The cover letter prepared by Corbett Land Strategies Inc., dated February 28, 2020, included in the submission package, indicate proposal for a mix residential development for the subject land. The estimated population for the subject lands provided on Pg. 5A, based on 3.41 ppu for single/semi, 2.44 ppu for townhomes and 1.66 ppu for apartments does not comply with the current City's Development Guidelines from the servicing point of view. A total population of more than 10,000 persons is expected within the subject lands in accordance with our criteria based on the breakdown of the unit type provided in this section. The estimated population density exceeds the original assumption taken into consideration under the Master Servicing strategy significantly. Our office has no clear understanding of the impact of the expected density on the existing or the planned works from water and wastewater servicing perspective at this time. The Upper West Side, Water, Wastewater Servicing and Stormwater Management Overview Report, dated February 2020, by Urbantech included in the submission package does not address these issues.</p>	Urbantech	<p>Noted - please refer to the response to Comment 36 for the response which addresses this comment.</p>	FSR
	39	<p>We offer the following additional info from wastewater servicing perspective for the subject lands. According to the submitted Sanitary Drainage Plan, wastewater flows from the subject lands will generally be directed to the existing Twenty Road Pumping Station. The City's original plan for servicing of the Central and West areas was to direct wastewater flows south to the future Dickenson Road trunk sewer, reducing flows to the pumping station. The servicing strategy proposed is not consistent with the City's infrastructure Master Planning. See below for further comment from Hamilton Water staff. In addition, we would like to advise the proponent that prior to commencement of the sanitary sewer extension and urbanization works within the existing Twenty Road West right-of-way a Class EA study shall be completed. No such study has been initiated to our understanding to this date.</p>	Urbantech/ RJB (EA)	<p>The Master Servicing Plan sanitary drainage boundary has been overlaid on Figure 800 / Figure 801 (Sanitary Drainage). As shown on this plan, the northern portion of the subject lands is indicated in the Master Servicing Plan to drain to the Twenty Road Pumping Station. It is unclear what the purpose of the proposed sanitary extension on Twenty Road West would be for if the City does not expect the subject lands to drain to the Twenty Road Pumping Station. It is the intent of the proponent to support the sewer extension / road EA provided that drainage from the UBE lands can be directed into the proposed sewer.</p>	FSR
	40	<p>The water, wastewater servicing and stormwater management strategies for these three areas have been included in the Upper West Side Master Drainage Plan & Servicing Study by landowners group. However, the Upper West Side Master Drainage Plan & Servicing Study is not completed yet. The approval agencies provided comments on the 1st draft of this report. But landowner group did not submit the 2nd submission of the report to show how all comments from different agencies have been addressed. Therefore, the contents of the water, wastewater servicing and stormwater management overview report dated Feb, 2020 prepared by Urbantech are premature.</p>	Urbantech	<p>Acknowledged.</p>	FSR

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	41	<p>Also , note that the proposed land uses for these three areas include residential uses, natural heritage features, SWM and a collector road, but the overview report dated Feb 2020 did not demonstrate the following:</p> <ul style="list-style-type: none"> i) Concept plan including local road networks with land use ii) A standalone SWM plans & strategies for residential development on these land in accordance with DC bylaw. The current SWM strategies for these land outlined in Upper West Side study is industrial development perceptive. iii) Phasing and implementation plans from available and future servicing perspective iv) The servicing capacities and allocation policies for projected growth in the existing urban boundary and urban boundary expansion. v) Boundary Road (Twenty Rd, Glancaster Rd) improvements works vi) Front Ending Cost polices and agreement 	Urbantech	<p>i) It is our understanding that for the purposes of the UBE application, a high-level plan demonstrating serviceability is sufficient. ii) SWM Plans and strategies will be provided through the Secondary Plan / Draft Plan approval process. iii) Phasing and implementation plans will be provided at the Draft Plan stage. As it relates to the UBE application, there are / will be servicing solutions (i.e. Dickenson Road trunk sewer, etc.) to service the lands. The timing and corresponding phasing of the development is not being contemplated at the time of the UBE application. iv) - to vi) These items will be completed in support of the Secondary Plan / Draft Plan approval but should not impact the UBE application.</p>	FSR

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	42	<p>We recommend not to consider Urban Boundary Expansion for these white belt areas along Twenty Road West until the Upper West Side Master Drainage Plan & Servicing Study initiated by landowners group is complete and approved by all agencies.</p> <p>Hamilton Water staff have offered the following comments for the subject lands, related to sanitary servicing: The proponent's proposed change to the servicing strategy deviates from the City's infrastructure Master Plan, and will increase the ultimate service area and wastewater load for the Twenty Road Pump Station, with associated cost and energy use impacts. The servicing of the subject lands should be subsequent to development of the urban AEGD lands to the south, consistent with infrastructure master planning.</p> <ul style="list-style-type: none"> - The existing sanitary infrastructure, particularly the Twenty Road Pump Station, does not have adequate capacity to service the subject lands. - Although not preferred, there may be adequate sanitary servicing of the subject lands by Twenty Road Pumping Station once planned capacity upgrades are completed. This would need to be confirmed through an update to the master servicing strategy for the area. The updated analysis would determine whether the servicing of the lands would be contingent on the completion of the planned Dickenson Road East diversion trunk. 	Urbantech	<p>The population densities referenced in the AEGD / Master Servicing Plan for these lands are approximately 37.5 people per hectare. This is in contrast to the City's typical values of 125 to 750 people per hectare for industrial land use. With respect to planned or available capacities in these sewers for the subject lands, it is understood that the flow capacity is based on the lower population density, and on the gross area contributing to each sanitary outlet. It is understood that through refinement of the sanitary drainage plans and development limits, the actual sanitary catchment areas will decrease but the total allowable flow will remain constant, translating into a higher population density that would be more in line with the City's standards. Refer to Section 5 in the updated FSR for details. It is recognized that further coordination with the City will be required prior to Draft Plan approval to determine how to best accommodate or phase the proposed flows shown in the preceding table. For example, a portion of the industrial lands tributary to the Twenty Road West Pumping station could be directed to the future Dickinson Road trunk. Furthermore, there may be opportunities to optimize available capacity in the existing system refine the design of the future trunk sewer. We understand that an update to the Master Servicing Plan may be required to support the proposed development and alterations to the sanitary drainage strategy.</p>	FSR
	43	<p>Our office recommends that the Planning staff declare the proposed expansion of the Hamilton Urban Boundary as premature based on the above noted comments from the servicing point of view. Furthermore, a new update of the Water and Wastewater Servicing Master Plan may be required upon completion of the studies and projects identified in this document to support the Urban Boundary expansion.</p>	Urbantech	<p>It is our opinion that the majority of the servicing related comments are based on uncertainties due to timing. The UBE is focused on the eventual serviceability of the subject lands, rather than the immediate servicing requirements. The subject lands can be phased to accommodate the completion of external infrastructure or additional studies.</p>	FSR
	44	<p>Phasing and implementation plans from available and future servicing perspective needs to be provided.</p>	Urbantech	<p>These are not required at this time - refer to the response to Comment 43 above. Phasing and implementation strategies will be provided at the Secondary Plan / Draft Plan stage.</p>	FSR
	45	<p>Servicing Capacities and allocation policies for project growth in the existing urban boundary and urban boundary expansion need to be provided.</p>	Urbantech	<p>This requirement has been identified as a requirement for future studies</p>	FSR

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	46	Boundary Road improvement works need to be incorporated.	Urbantech	Additional text has been added to Section 3.2 of the UBE FSR (Roads) as requested.	FSR
	47	Front ending cost policies and agreement need to be provided .	Urbantech	This requirement has been identified as a requirement for future studies	FSR
	48	Proposed servicing deviates from City's infrastructure Master Plan as it will increase the ultimate service area and wastewater load for the Twenty Road pump station with associated cost and energy use impacts.	Urbantech	Refer to the response to Comment 37.	FSR
	49	The existing sanitary infrastructure, particularly the Twenty Road Pump Station does not have adequate capacity to service the subject lands.	Urbantech	Refer to the response to Comment 37.	FSR
	50	Although not preferred, there may be adequate sanitary servicing once planned capacity upgrades are completed. This would need to be confirmed through an update to the Master Servicing Strategy for the area.	Urbantech	Acknowledged. Please refer to the response to Comments 36 and 37.	FSR
Growth Management (George Zajac)	51	In review, the subject lands are not identified nor designated as an Employment Area, but are adjacent to the Airport Employment Growth District Secondary Plan Area.	CLS	Noted	
Growth Planning (Alvin Chan)	52	1. It should be determined if the subject proposal is premature until the new Growth Related Integrated Development Strategy (GRIDS 2) and the Municipal Comprehensive Review are completed;	CLS	In accordance with Growth Plan policies, urban boundary expansions can be considered in advance/outside of an MCR. Please see Planning Justification Report for further details.	Planning Justification Report
	53	2. It should be determined if the subject proposal will impact the Airport Employment Growth District Master Plans;	CLS	It is the position of the applicant that the proposed UBE request will not impact the AEGD and will be conducive to opening up greater access for future employees to little in close proximity to the AEGD.	Planning Justification Report
	54	3. It should be determined if the existing and proposed Environmental Assessments will be affected by the subject proposal;	RJB (EA)	The proposed UBE has been designed to be informed by the completion of the EA's and will not preclude their ongoing works. The proposed expansion areas can be allowed in advance of the onoin EA's as the approved road network (AEGD) can accommodate the proposed expansion.	Planning Justification Report
	55	4. It should be determined if the subject proposal will impact the adjacent application (9511 Twenty Road West - 25T201807);	CLS	The proposed UBE applications have been designed in conjunction with the Plan of Subdivision application to ensure the delivery of the extension of Garth Street. The UBE applications will not preclude the Plan of Subdivision application.	Planning Justification Report
	56	6. It should be noted that the subject proposal is adjacent to a Hydro One Easement along Twenty Road;	CLS	A future Secondary Use Application will be filed with Hydro One following completion of the UBE applications.	Planning Justification Report
	57	7. It should be determined if lots to the west of the subject lands and east of Glancaster Road are legally established and if they will affect the subject proposal; and,		The proposed UBE application have been designed with consideration of the existing lots of record.	Planning Justification Report
	58	8. The owner and agent should be made aware that the municipal address for this development will be finalized when a Site Plan application is submitted.	CLS	Noted.	

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HWCDSD (John Volek)	59	In conformity with the Growth Plan and Policies for Settlement Area Boundary Expansions, the proponents shall include as part of their analysis confirmation of sufficient capacity in existing and planned public service facilities and infrastructure, specifically, the need and availability for lands to accommodate future school sites.	CLS	The applicant will be advancing the design and location of public service facilities, specifically the need and availability for lands to accommodate future school sites, following completion of the Urban Boundary Expansion applications. The applicant will be commencing further discussions with the HWCDSD in advance of this to receive comments and directions on preferred land uses.	Parks and Community Issues Assessment
	60	The school board has no objection to the present applications to expand the Urban Boundary provided the required background studies and concept planning are completed to address the need and availability for future school sites.	CLS	Noted.	
	61	For the information of the City and the proponents, please note that the Board owns a 10 acre parcel of land located on Twenty Road, abutting the lands proposed for development. The Board reserves the right to make submissions on future Planning applications which could potentially affect their land, including the establishment of the internal road pattern for the area and the provision of infrastructure.	CLS	Noted. See comment #59.	Parks and Community Issues Assessment
Hydro One (Joan Zhao)	62	Please be advised that Hydro One Networks Inc. ("HONI") has completed a preliminary review of the proposed plan of the above noted site plan application. As the subject property is abutting and/or encroaching onto a HONI high voltage transmission corridor (the "transmission corridor"), HONI does not approve of the proposed site plan application at this time, pending review and approval of the required information.	CLS	The applicant will be advancing a Secondary Use Application following completion of the UBE application. The applicant anticipates commencing further discussions with Hydro One in advance of this to receive comments and directions on preferred land uses.	
	63	Please be advised that the transmission corridor lands affected by the proposed development and identified as such herein are subject to a statutory right in favour of HONI pursuant to Section 114.5(1) of The Electricity Act, 1998, as amended. The owner of these lands is Her Majesty, The Queen In Right of Ontario, as represented by The Minister of Infrastructure ("MOI"). Ontario Infrastructure & Lands Corporation ("OILC") as agent for the Province, must review and approve all secondary land uses such as roads that are proposed on these lands. HONI is currently acting as a service provider to OILC, and undertakes this review on their behalf.	CLS	Noted	
	64	The comments detailed herein do not constitute an endorsement of any element of the site plan design or road layout, nor do they grant any permission to access, use, proceed with works on, or in any way alter the transmission corridor lands, without the express written permission of HONI.	CLS	Noted	
	65	The following should be included in the Site Plan Agreement: 1. Any proposed secondary land use on the transmission corridor is processed through the Provincial Secondary Land Use Program (PSLUP). The developer must contact Joan Zhao, Senior Real Estate Coordinator at 905-946-6230 to discuss all aspects of the site plan design, ensure all of HONI's technical requirements are met to its satisfaction, and acquire the applicable agreements.	CLS	Noted	

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	66	2. Prior to HONI providing its final approval, the developer must make arrangements satisfactory to HONI for lot grading and drainage. Digital PDF copies of the lot grading and drainage plans (true scale), showing existing and proposed final grades, must be submitted to HONI for review and approval. The drawings must identify the transmission corridor, location of towers within the corridor and any proposed uses within the transmission corridor. Drainage must be controlled and directed away from the transmission corridor.	CLS	Noted	
	67	3. Any development in conjunction with the site plan must not block vehicular access to any HONI facilities located on the transmission corridor. During construction, there must be no storage of materials or mounding of earth, snow or other debris on the transmission corridor.	CLS	Noted	
	68	4. At the developer's expense, temporary fencing must be placed along the transmission corridor prior to construction, and permanent fencing must be erected along the common property line after construction is completed.	CLS	Noted	
	69	5. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this site plan will be borne by the developer. The developer will be responsible for restoration of any damage to the transmission corridor or HONI facilities thereon resulting from construction of the site plan.	CLS	Noted	
	70	In addition, HONI requires the following be conveyed to the developer as a precaution: 6. The transmission lines abutting the subject lands operate at either 500,000, 230,000 or 115,000 volts. Section 188 of Regulation 213/91 pursuant to the Occupational Health and Safety Act, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the developer's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.	CLS	Noted	
	71	Our preliminary review only considers issues affecting HONI's transmission facilities and transmission corridor lands. For any proposals affecting distribution facilities (low voltage), the developer should consult the local distribution supplier.	CLS	Noted	

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Hamilton Transit (Andy McLaughlin)	72	<p>HSR has the following comments with respect to the formal consultation applications related to the 3 "Whitebelt" blocks:</p> <p>While previous AEGD TMP's and SP's have identified a series of new/extended conventional transit routes operating on select streets, the implementation of HSR conventional fixed routes would require:</p> <p>that the subject lands be incorporated into the Urban Transit Area (UTA) further study to confirm the land use density/mix is able to generate sufficient transit customers to meet/maintain route productivity service standards transit operating budget approval, on an annual basis</p>	RJB	<p>The 2016 TMP, which carries forward the transit network recommendations in the 2011 TMP, shows proposed transit routes throughout the AEGDSP. Transit service was identified on Twenty Road West and the east-east corridor road through the block west of Garth Street extension. Since the 2016 TMP did not include the lands of the West, Central and East Expansion Area, but transit service was identified on those two roads, it appears that development would approve the availability of transit customers generated by the land uses proposed. Therefore, the Expansion Areas should provide additional transit customers to further support the proposed transit routes.</p>	UBE CTS (July 2020)
	72	<p>Lands within the UTA are subject to transit rates, collected thru property tax, based on a community's share of the HSR system net operating costs and a property's assessed value</p>	RJB	<p>Acknowledged.</p>	UBE CTS (July 2020)
	73	<p>Where route extensions/new routes are not sustainable, consideration can be given to the expansion of the existing Trans-Cab service zone, again requiring expansion of the UTA and operating budget approval</p>	RJB	<p>Acknowledged. This option will be evaluated during Integrated EA.</p>	UBE CTS (July 2020)
	74	<p>With respect to the Transportation Study documents prepared for the East and Central Whitebelt's, please be advised that:</p> <p>there is no fixed timeline for the introduction of full A Line BRT service</p> <p>all streets will require construction to urban standards, including accessible concrete sidewalks on both sides and the provision of adequate pedestrian illumination</p> <p>all traffic calming measures and roundabouts being contemplated on arterial and collector roads must be able to accommodate a 12.3m standard transit bus</p> <p>Section 12.0 Transit Assessment requires updating to reflect existing HSR service levels</p>	RJB	<p>Acknowledged. Details regarding roadway geometry, sidewalk location, traffic calming measure and roundabouts will be further refined as the various applications proceed on the lands. The Transit Assessment section has been updated to reflect the HSR service levels at the time this Transportation Study was Submitted. It is understood that HSR will change transit levels from time to time; therefore, the transit service identified was collected prior to publishing the report.</p>	UBE CTS (July 2020)

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	75	Given financial constraints related to transit operations, it is challenging to implement attractive transit service at the commencement of urban development in former rural areas. Ideally, improvements in land use density/mix deep within existing urban areas helps transit to better contribute to the achievement of City-wide modal split targets, while maintaining acceptable net operating costs. We remain hopeful that Council's current examination of Area Rating will result in positive outcomes to guide the future provision of conventional transit services within Hamilton.	RJB	An evaluation of the lands will be undertaken through the process to determine supportable levels of development.	UBE CTS (July 2020)
Recreation (Sarah Cellini)	76	Recreation supports the inclusion of parkland, in a size and shape appropriate for recreation amenities, as part of the East and Central urban boundary expansion applications. Recreation would like to review the West application "Parks and Community Infrastructure Assessment", once available.	CLS	A Parks and Community Infrastructure Assessment has been submitted for review. Further assesment and determination of specific facilities and their locations will occur at the Secondary Plan stage.	Parks and Community Issues Assessment
	77	With respect to the community facilities within recreation's scope (i.e. recreation centres) noted in the "Parks and Community Infrastructure Assessment", Recreation is undertaking a Recreation Master Plan (RMP) which will identify future recommendations with respect to indoor (and outdoor) recreation amenities comprehensively and will provide direction for recreation needs in the future once the RMP is completed.	CLS	The applicant will incorporate the results of the RMP process at the time of the Secondary Plan preparation.	Parks and Community Issues Assessment
	78	Recreation also requests participation as part of a future secondary plan associated with these applications.	CLS	The applicant welcomes Recreations participation in the future Secondary Plan preparation process.	Parks and Community Issues Assessment
Transportation Planning (Matthew Radelli)	79	Transportation Planning recommends the application not proceed to formal application until the road network is revised to the satisfaction of the Manager of Transportation Planning. Transportation Planning does not support the proposed amendment to the Official Plan with the road network proposed with under FC-20-029.	RJB	To allow the environmental assessment to properly work, the road network will be developed as part of the Integrated EA. In our opinion, inclusion of these Whitebelt lands are supportable from a transportation perspective and the details of the road network can be developed through the Integrated EA.	UBE CTS (July 2020)

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	80	Transportation Planning notes that the general expansion of the Urban Boundary contradicts sustainability initiatives within the Transportation Planning department. The difficulty of providing sustainable modes of transportation within areas currently outside of the Urban Boundary promotes reliance on passenger vehicles and is unfavorable when considering vehicular congestion reduction and overall climate change initiatives.	RJB	We are confused by this statement when the lands were originally included the AEGDSP and only removed through negotiations through the Ontario Municipal Board ("OMB") process. These lands are completely surrounded by the Urban Boundary and are more like holes in the boundary. When the AEGDSP identified transit along the edges expansion are boundaries, yet having no development and therefore not transit ridership, it is difficult to fathom how inclusion of the Expansion Areas would not be supportable of sustainable modes of transportation. Inclusion provides the ability to have been connectivity and be more supportive of alternative modes of transportation other than the automobile.	UBE CTS (July 2020)
	81	A preliminary Transportation Study provided by the Applicant for the adjacent central and eastern lands dated February 2020 notes that the adjacent lands are subject to an Integrated Municipal Environmental Assessment (integrated EA). The study also notes that the arterial and collector road network within the Block will be addressed within the integrated EA.	RJB	Acknowledged.	UBE CTS (July 2020)
	82	City of Hamilton staff is actively reviewing the Airport Employment Growth District (AEGD) Road Network which has been previously revised in the Airport Employment Growth District Transportation Master Plan (AEGD-TMP) Implementation Update, dated December 2017. As part of this review, the City of Hamilton is exploring potential reconfiguration, designation and alignment of the previously recommended road network within the AEGD lands. The applicant shall coordinate amendments made to the AEGD road network as a result of the ongoing AEGD-TMP update process, with Transportation Planning, before proceeding to formal application.	RJB	Acknowledged and we look forward to working with and sharing information with the City. The Integrated EA will form how the road network is developed with the block.	UBE CTS (July 2020)

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	83	<p>It is to be noted that the proposed road network with the subject Formal Consultation does not conform to the Airport Employment Growth District Transportation Master Plan (AEGD TMP) Implementation Update (Airport Employment Growth District Secondary Plan Road Classification Map B.8-3), dated December 2017 and the approved road network for the Airport Employment Growth District, as shown in Figure 26 of the AEGD TMP. To ensure adequate access and traffic circulation is provided, that the local network is efficiently and safely connected to the arterial system, and that consistency is maintained for all development parcels throughout the subject block, it is recommended that the applicant complies with the UHOP and AEGD Secondary Plan and adopt the approved road network. The following discrepancies are noted between the proposed road network and the AEGD:</p> <p>a. The location of Street B (Collector 6N) has been shifted northerly, which does not serve the intended purpose of provision of accessibility and connectivity for all modes of transportation and all development lands within the subject block. The proposed location of Street B reduces transit accessibility for development lands located between Dickenson Road and Street B. Provided that Street B identifies as a transit route through a transit feasibility study.</p> <p>b. Given the developments under review for parcels located along the north side of Dickenson Road and the presence of natural constraints, Street F cannot be constructed as proposed.</p> <p>c. AEGD TMP identifies the need for the north-south collector (collector 6E) at mid-point between Garth Street and Upper James St., which extends from Dickenson Road to Twenty Road West. The purpose of the Collector 6E corridor is to provide access to development lands while maintaining route redundancy in the network for increased efficiency and serve as a transit route. Street C, with the proposed configuration, will not serve the intended purposes.</p>	RJB	<p>The collector and arterial road network within the block will be determined through the Integrated EA process, which includes consideration of environmental impacts. Studies being undertaken are further defining environmental features and sensitivities within the block.</p>	UBE CTS (July 2020)
	84	<p>Proposed Official Plan Amendment - Does not support the UBE prior to the MCR without including the following: provisions of complete community design, inclusion of active transportation facilities, evaluation of transportation infrastructure (including more macro modelling to assess travel patterns, operations of roadways), Complete feasibility review for connectivity and opportunities considering public transit as well as BLAST corridors.</p>	RJB	<p>The additional provisions listed above, if applicable, will be further evaluated and detailed during the various application stages.</p>	UBE CTS (July 2020)
	85	<p>Transportation Impact Study - TIS required. No ToR will be required prior to road network revisions. Scope of Work to be submitted to City prior to commencing work.</p>	RJB	<p>The Integrated EA has already been initiated for the block, which will define the future road network within the block. Consultation occurred with the City for the Integrated EA.</p>	UBE CTS (July 2020)

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	86	Transportation Impact Study - Provide transit assessment for future facilities, provide project transit ridership.	RJB	The 2016 TMP, which carries forward the transit network recommendations in the 2011 TMP, shows HSR Bus Route 34 proposed along Glancaster Road and Bus Route 35 proposed along Twenty Road West. Since the 2016 TMP did not include the lands of the West, Central and East Extension Area, it appears a transit assessment and projected transit ridership should have already been satisfied even without the Expansion Areas. Therefore, the Expansion Areas should meet or exceed the project transit ridership along Glancaster Road and Twenty Road West.	UBE CTS (July 2020)
	87	Transportation Demand Management - Provide TDM. All measures to be illustrated on all site plans submitted.	RJB	A detailed TDM report will be submitted during the various stages which will recommend TDM measures and initiatives specific to the Expansion Areas. Detail will become more refined as applications become more defined.	UBE CTS (July 2020)
	88	Right-of-way Dedications - Existing ROW dedication for TRW of 1.0 m (to be taken from the south side only). Glancaster to be 27.0 m. To be confirmed by surveyor.	RJB	Acknowledged. These would be identified with Plan of Subdivision or Site Plan applications.	UBE CTS (July 2020)
	89	Airport Employment Growth District Right-of-way Dedications -AEGD ROW dedications are being reviewed through the AEGD TMP review.	RJB	Acknowledged and we look forward to working with the City to develop a supportable road network within the block, which will be defined by the Integrated EA. This approach is being undertaken as permitted rather than an individual environmental assessment as it provides for efficiencies in development of the plan.	UBE CTS (July 2020)
	90	Airport Employment Growth District Right-of-way Dedications - ROW widths to match AEGD TMP (in-effect).	RJB	The roadway right-of-ways will be confirmed through the Integrated EA.	UBE CTS (July 2020)
	91	Future Right-Of-Way Dedications - All proposed local roads shall be 20.117m (row).	RJB	Noted. It will be provided on the Plans of Subdivision at the appropriate stage; however, at this stage the local road networks are typically not detailed out.	UBE CTS (July 2020)
	92	Future Right-Of-Way Dedications - All collector roads shall be 26.213 m (row)	RJB	The roadway right-of-ways will be confirmed through the Integrated EA.	UBE CTS (July 2020)
	93	Future Right-Of-Way Dedications - All local road deads shall terminate with a cul-de-sac with a 18.0m radius and 13.0 m minimum pavement radius.	RJB	Noted and this would be addressed at a Plan of Subdivision stage.	UBE CTS (July 2020)

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	94	Future Daylighting Triangle Dedications - Daylight triangles for intersections with a local road are to be 4.57 m x 4.57m	RJB	Noted and this would be addressed at a Plan of Subdivision stage.	UBE CTS (July 2020)
	95	Future Daylighting Triangle Dedications - Daylight triangles for intersections with a collector road are to be 9.14m x 9.14m.	RJB	Noted and this would be addressed at a Plan of Subdivision stage.	UBE CTS (July 2020)
	96	Future Daylighting Triangle Dedications - Daylight triangles for intersections with an arterial road are to be 12.19m x 12.19m.	RJB	Noted and this would be addressed at a Plan of Subdivision stage.	UBE CTS (July 2020)
Urban Design (Ana Cruceru)	97	Please refer to the City's Urban Design Policies (UHOP, Vol. 1, Section B.3.3)	NAK	Please refer to p. 9 of the Urban Design Brief (UDB) which addresses UHOP, Vol. 1, Section B.3.3.	Urban Design Brief
	98	Urban Design report is to provide a fulsome analysis of the site's relevant policy and physical context as well as a range of urban design and architectural objectives to be attained by the new community will be required for review at the time of a formal application.	NAK	Noted. Section 2.2 and 2.3 of the UDB provide a thorough analysis of the site's relevant policy and physical context. Section 4.0 provides the details of the urban design and architectural objectives.	Urban Design Brief
	99	Staff to review the Environmental and Energy Assessment Report and Urban Design Brief.	CLS/NAK	Noted.	Energy and Environmental Assessment Report
Planning (Heather Travis)	100	Planning - Some of the landowners identified on the Formal Consultation application appear to be the same as the parties to the AEGD Minutes of Settlement signed in 2015 (LPAT Files PL101300, PL090114, and PL110331). It is the position of the City that depending on the form of the proposed OPA application, those landowners should not be part of such application, as to do so may be "indirectly" going after the priority status of both the Elfrida lands and the Twenty Road East lands as the first non-employment lands to be added to the urban boundary, as identified in the Minutes of Settlement.	CLS	With the introduction of the growth plan policy, urban boundary expansion applications are permitted in advance and outside a Municipal Comprehensive Review. The landowners in question are participating in the ongoing MCR.	Planning Justification Report
	101	Planning - The City is in the process of completing GRIDS2 and the Municipal Comprehensive Review (MCR), including the identification of the preferred growth option for the City to 2041. It is anticipated that the Land Needs Assessment will be completed and released publicly at an upcoming Committee meeting (date tbd), and the evaluation of growth options will be completed by December 2020. Staff strongly encourage the applicants to participate in the City's MCR process which will allow for comprehensive evaluation of growth options within the City in a timely manner, and avoid the need for individual applications by property owners.	CLS	The applicant intends to continue to participate in the MCR/GRIDS 2 process, at the same time as proceeding with the UBE applications.	Planning Justification Report
	102	Planning - Planning Justification Report (PJR) shall include a community concept plan demonstrating proposed density in persons and jobs per hectare, housing mix, jobs, and complete community design and connectivity with adjacent neighbourhoods.	CLS	The proposed development will achieve a density of 71 people and jobs per hectare. Please see enclosed PJR report for further details on density, housing mix, jobs and complete community design and connectivity with adjacent neighbourhoods.	Planning Justification Report

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	103	Planning - New sensitive land uses are not permitted above the 28 NEF contour, as per policy C.4.8.8 of the Urban Hamilton Official Plan. Proposed concept plan and land uses should comply with this policy.	HGC	In accordance with the PPS, sensitive uses are permitted in the lands above the NEF 30 contour.	Noise Impact Study
	104	Planning - Application to expand urban boundary will be evaluated against criteria identified in the Provincial Growth Plan (policies 2.2.8.3 and 2.2.8.5) and the City's evaluation framework (provided separately to the applicant).	CLS	Noted. Planning Justification Report sets out qualifications which satisfy Growth Plan criteria. Please also see submitted Response Matrix to City of Hamilton UBE Evaluation Framework, enclosed within the Planning Justification Report.	Planning Justification Report
	105	Planning - Applicant to clarify how this proposed application will impact the adjacent active application for the development of an industrial subdivision (25T201807) and if revisions to the existing application will be forthcoming.	CLS	The proposed UBE applications have been designed in conjunction with the Plan of Subdivision application to ensure the delivery of the extension of Garth Street. The UBE applications will not preclude the Plan of Subdivision application.	Planning Justification Report
	106	Planning - Application for conversion of a portion of the adjacent employment lands to a non-employment designation through the MCR remains under review.	CLS	Coordination between proposed UBE and Employment Conversion Request has been addressed in Planning Justification Report.	Planning Justification Report
	107	Planning - Peer reviews of all submitted studies and reports may be required. All peer reviews shall be completed at the expense of the applicant.	CLS	Noted.	
	108	Planning - Public consultation strategy should indicate how all landowners in the proposed consolidate areas have been contacted and if they consent to the application. The strategy should also outline the future plans for public consultation.	CLS	Please see enclosed Planning Justification Report for section on Public Consultation Strategy.	Planning Justification Report
	109	Servicing - Applicant shall refer to and be consistent with the following studies: AEGD Phase 2 Water/Wastewater Servicing Master Plan Update, AEGF Subwatershed Study & SWM Plan Implementation.	Urbantech	Acknowledged - the appropriate references have been made.	FSR

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	110	<p>Servicing - According to the submitted Sanitary Drainage Plan, wastewater flows from the subject lands will generally be directed to the existing Twenty Road Pumping Station. The City's original plan for servicing of the Central and West areas was to direct wastewater flows south to the future Dickenson Road trunk sewer, reducing flows to the pumping station. The servicing strategy proposed is not consistent with the City's infrastructure Master Planning.</p> <p>The proponent's proposed change to the servicing strategy will increase the ultimate service area and wastewater load for the Twenty Road Pump Station, with associated cost and energy use impacts. The servicing of the subject lands should be subsequent Formal Consultation Document (Revised July 20169) to development of the urban AEGD lands to the south, consistent with infrastructure master planning.</p> <p>The existing sanitary infrastructure, particularly the Twenty Road Pump Station, does not have adequate capacity to service the subject lands. Although not preferred, there may be adequate sanitary servicing of the subject lands by Twenty Road Pumping Station once planned capacity upgrades are completed. This would need to be confirmed through an update to the master servicing strategy for the area. The updated analysis would determine whether the servicing of the lands would be contingent on the completion of the planned Dickenson Road East diversion trunk.</p>	Urbantech	Please refer to the response to Comment 37 for details.	FSR
	111	<p>Servicing - A comprehensive wastewater servicing study is required for the entire gravity drainage catchment of the Twenty Road Pumping Station, as follows:</p> <ul style="list-style-type: none"> • Characterization and hydraulic analysis of interim conditions, without the Dickenson Road diversion trunk in place. This condition should assume English Church Pump Station operating at 100% capacity allocation, and include development of existing urban lands within the Twenty Road PS gravity catchment to 2031; • Characterization and hydraulic analysis of anticipated 2041 conditions, with the proposed Dickenson Road diversion trunk in service; • Functional design of any new sewers external to the subject lands that are required to convey wastewater to the City's existing sewer network, including life cycle cost analysis. Proposed sewer capacities must include future external drainage contributions from other undeveloped lands, to the natural drainage boundary. <p>For the urban boundary expansion applications to be considered, the proponents must demonstrate that the Upper James trunk sewer and Twenty Road Pump Station have sufficient spare capacity for the subject lands as well as anticipated development to 2041 within the existing urban lands in the Twenty Road PS catchment.</p>	Urbantech	We acknowledge that further study and coordination regarding sanitary servicing of the subject lands is required to optimize the existing and future sanitary infrastructure. Refer to Section 7 for details.	FSR

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	112	Servicing - A comprehensive water servicing study is required, as follows: <ul style="list-style-type: none"> • Watermain hydraulic analysis will be required for the whole of Pressure Zone #6, using anticipated 2041 development conditions; • Functional design of watermains external to the subject lands that are required to convey water from the City’s existing watermain network, including life cycle cost analysis. For the urban boundary expansion applications to be considered, the proponents must demonstrate that the existing water infrastructure network (including watermains, pump stations, and storage) has sufficient spare capacity for the subject lands, as well as anticipated development to 2041 within the existing urban lands in the Pressure Zone #6 boundary.	Urbantech	Acknknowledged - a hydraulic analysis will be conducted as part of the Draft Plan submission as indicated in Section 7.	FSR
	113	Servicing - The water, wastewater servicing and stormwater management strategies for these three areas have been included in the Upper West Side Master Drainage Plan & Servicing Study by the landowners’ group. However, the Upper West Side Master Drainage Plan & Servicing Study is not completed yet. The approval agencies provided comments on the 1st draft of this report. The landowner group did not submit the 2nd submission of the report to show how all comments from different agencies have been addressed. Therefore, the contents of the Water, Wastewater Servicing and Stormwater Management Overview report dated Feb, 2020 prepared by Urbantech are premature.	Urbantech	Acknowledged	FSR
	114	Servicing - The February 2020 Urbantech report did not demonstrate the following: <ol style="list-style-type: none"> i) Concept plan including local road networks with land use ii) Standalone SWM plans & strategies for residential development on these lands in accordance with the DC bylaw. The current SWM strategies for these lands outlined in the Upper West Side study is for industrial development. iii) Phasing and implementation plans from available and future servicing perspective. iv) The servicing capacities and allocation policies for projected growth in the existing urban boundary and urban boundary expansion. v) Boundary Road (Twenty Rd, Glancaster Rd) improvement works. vi) Front Ending Cost polices and agreement 	Urbantech	The items listed in this comment are all noted as required for future studies in Section 7.	FSR
	115	Servicing - Prior to commencement of the sanitary sewer extension and urbanization works within the existing Twenty Road West right-of-way a Class EA study shall be completed. No such study has been initiated to date.	Urbantech	Acknowledged; these works are not currently proposed as part of the UBE application. It is understood that additional studies are required to support the sewer extension and urbanization works.	FSR
	116	Servicing - Should the Official Plan Amendment(s) for urban boundary expansion be approved, Hamilton Water has additional submission requirements for the subsequent stages of approval, such as functional servicing reports for the proposed infrastructure within the subject lands, well surveys, water balance analysis, detailed watermain hydraulic analysis and Form 1 approval, wastewater generation report, etc.	Urbantech	Acknowledged.	FSR

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	117	Transportation - The road network shall be revised to the satisfaction of the Manager of Transportation Planning. The applications should not proceed to the formal application stage until the road network has been revised to staff's satisfaction. The applicant is strongly encouraged to contact Transportation Planning and Planning staff to arrange a meeting to discuss the road network changes.	RJB	The applicant is currently advancing completion of the Integrated EA to establish the proposed Collector Road network as well as the extension of Garth Street. A meeting was recently convened with the City to provide an update and advise on timelines. The EA will assess and determine the ultimate road network and be completed to the satisfaction of the Manager of Transportation Planning.	Planning Justification Report
	118	Transportation - City of Hamilton staff is actively reviewing the Airport Employment Growth District (AEGD) Road Network which has been previously revised in the Airport Employment Formal Consultation Document (Revised July 201611) Growth District Transportation Master Plan (AEGD-TMP) Implementation Update, dated December 2017. As part of this review, the City of Hamilton is exploring potential reconfiguration, designation and alignment of the previously recommended road network within the AEGD lands. The applicant shall coordinate amendments made to the AEGD road network as a result of the ongoing AEGD-TMP update process, with Transportation Planning, before proceeding to formal application.	RJB	Acknowledged and we look forward to working with and sharing information with the City. The Integrated EA will form how the road network is developed with the block.	UBE CTS (July 2020)
	119	Transportation - It is to be noted that the proposed road network with the subject Formal Consultation does not conform to the Airport Employment Growth District Transportation Master Plan (AEGD TMP) Implementation Update (Airport Employment Growth District Secondary Plan Road Classification Map B.8-3), dated December 2017 and the approved road network for the Airport Employment Growth District, as shown in Figure 26 of the AEGD TMP. To ensure adequate access and traffic circulation is provided, that the local network is efficiently and safely connected to the arterial system, and that consistency is maintained for all development parcels throughout the subject block, it is recommended that the applicant complies with the UHOP and AEGD Secondary Plan and adopt the approved road network. Issues with the location and alignments of Street B, Street C, and Street F have been identified.	RJB	The collector and arterial road network within the block will be determined through the Integrated EA process, which includes consideration of environmental impacts. Studies being undertaken are further defining environmental features and sensitivities within the block.	UBE CTS (July 2020)
	120	Transportation - Staff require the inclusion of additional provisions related to Transportation concerns including: provisions to include complete community design incorporating mixed-use neighbourhoods meeting minimum density requirements; inclusion of a higher degree of active transportation facilities and connectivity between communities (e.g. protected cycling facilities on all roadways, separate from pedestrian facilities); evaluation of infrastructure capacity from a Transportation perspective relating to roadway capacity and the need for future improvements through a robust Transportation Impact Study; and, feasibility review for connectivity and opportunities considering public transit as well as future BLAST corridors.	RJB	The additional provisions listed above, if applicable, will be further evaluated and detailed during the various application stages.	UBE CTS (July 2020)

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	121	Transportation - A revised Transportation Impact Study (TIS) will be required, but will not be accepted until a revised road network has been shown which is supported by staff. The transportation consultant shall submit a scope of work to staff for approval prior to commencing the study.	RJB	The Integrated EA has already been initiated for the block, which will define the future road network within the block. Consultation occurred with the City for the Integrated EA.	UBE CTS (July 2020)
	122	Transportation - Hamilton Street Railway (HSR) does not currently operate along Glancaster Road or Twenty Road West. The Applicant shall provide a transit assessment regarding the implementation of future transit facilities, provide details on the projected transit ridership according to similar areas within the City of Hamilton and proposed routing as supplementary material within the TIS report.	RJB	The 2016 TMP, which carries forward the transit network recommendations in the 2011 TMP, shows HSR Bus Route 34 proposed along Glancaster Road and Bus Route 35 proposed along Twenty Road West. Since the 2016 TMP did not include the lands of the West, Central and East Extension Area, it appears a transit assessment and projected transit ridership should have already been satisfied even without the Expansion Areas. Therefore, the Expansion Areas should meet or exceed the project transit ridership along Glancaster Road and Twenty Road West.	UBE CTS (July 2020)
	123	Transportation - A Transportation Demand Management (TDM) Report is required in accordance with City's TDM guidelines. The TDM report can present TDM measures and their projected efforts to reduce future operational deficiencies as identified in the conclusions of the TIS.	RJB	A detailed TDM report will be submitted during the various stages which will recommend TDM measures and initiatives specific to the Expansion Areas. Detail will become more refined as applications become more defined.	UBE CTS (July 2020)
	124	Transportation - Additional transportation-related studies may be requested in future once the proposed road network has been established to the City's satisfaction.	RJB	Noted.	
	125	Transportation - Right-of-way dedications and daylighting requirements shall be provided in accordance with detailed comments provided by Transportation Planning staff dated April 15, 2020.	RJB	Noted and this would be addressed at a Plan of Subdivision stage.	UBE CTS (July 2020)
	126	Natural Heritage - Based on policies within the RHOP and UHOP, when development has the potential to negatively impact a Core Area's natural features or ecological functions an EIS is required. The EIS inventories and describes the existing Core Areas and ecological functions of the site within the surrounding landscape; assesses the potential negative impacts and provides recommendations to accommodate or enhance existing natural features and functions. Where new development or site alteration is proposed within a Linkage, a Linkage Assessment is to be prepared. Where an EIS is being prepared, the Linkage Assessment can be included as part of the EIS.	NRSI	EIS, Linkage Assessment and Tree Inventory have been submitted.	EIS
	127	Natural Heritage - As part of the Urban Boundary Expansion (UBE) Formal Consultation materials, an EIS/LA has been prepared by Natural Resource Solutions Inc. (NRSI) (February 2020). Natural Heritage Planning staff has not completed a full review of this report. As a result, the EIS has not been approved.	NRSI	With the approved of the Terms of Reference for the EIS, Linkage Assessment and Tree Inventory. Review of the materials should be able to occur.	EIS

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
	128	Natural Heritage - EIS and Linkage assessments required as per Council-approved Terms of Reference. As outlined within the City's Council adopted EIS Guidelines (revised March 2015), a Terms of Reference (ToR) outlining the contents and scope of the EIS is to be prepared to the satisfaction of the City and the relevant Conservation Authority (in this case, NPCA). This was identified at the previous Formal Consultation (FC-19-126; Nov. 27, 2019). To date, a ToR has not been submitted or approved for this work. It is important to have an approved ToR prior to completing field work so that the right surveys are completed in the appropriate timeframes. A ToR should be submitted as soon as possible. (Concerns have been identified with field studies related to wetland boundaries, terrestrial crayfish, winter wildlife surveys, bat assessment and marsh inventories.)	NRSI	Terms of Reference has been approved, following the issuance of these comments.	EIS
	129	Natural Heritage - Linkages have been identified on the subject lands. There is concern that Linkages have not been identified within the NHS and that impacts to Linkages on the adjacent properties have not been considered.	NRSI	Linkages have been assessed as part of the EIS.	EIS
	130	Natural Heritage - Core areas are identified within the candidate expansion area and adjacent to the lands. These features must be characterized through completion of a Sub-watershed Study early in the process, including hydrology, hydrogeology, aquatic and terrestrial environments. This Study is one of the first steps in the process because it identifies areas of protection, land use impacts, mitigation measures and management strategies.	NRSI	Core areas have been assessed as part of the EIS.	EIS
	131	Natural Heritage - The NPCA will also require floodplain mapping on any watercourse with an upstream drainage area greater than 125ha.	NRSI	Noted	
	132	Cultural Heritage - The subject property meets five (5) of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential. Staff require that an Archaeological Assessment be completed and submitted with any future application	Golder	A Cultural Heritage Impact Assessment is currently being completed and will be submitted shortly.	
	133	Cultural Heritage - A variety of properties subject to this application are included in the City's Inventory of Buildings of Architectural and/or Historical Interest, as illustrated by the yellow high lighted areas below. As identified in the Cultural Heritage Screening Report, there are additional properties of Cultural Heritage Value or Interest. Staff have briefly reviewed the Cultural Heritage Screening Report and cannot fully comment on the content or recommendations of the report. Notwithstanding, Staff would require the applicant to submit a cultural heritage impact assessment for any future developments.	Golder	A Cultural Heritage Impact Assessment is currently being completed and will be submitted shortly.	
	134	Public Service Facilities - In conformity with the Growth Plan and Policies for Settlement Area Boundary Expansions, the proponents shall include as part of their analysis confirmation of sufficient capacity in existing and planned public service facilities and infrastructure, including the need and availability for lands to accommodate future school sites.	CLS	Noted. Please see enclosed Parks and Community Infrastructure Facilities.	Parks and Community Issues Assessment

Department/Agency	UWS Comment Number	Formal Consultation Comment	Consultant	Response	Responding Document
Building	135	1. The purpose of this Formal Consultation application is to request that the City consider the expansion of the urban boundary to incorporate the subject lands, generally located southeast of the Garth Street and Twenty Road West intersection. The lands have an approximate area of 27 ha. The proposed land use includes residential uses, natural heritage features, stormwater management, and a collector road network.	CLS	Noted	
	136	2. It is noted that an application for an Official Plan Amendment would be required to bring the lands into the urban boundary. At a later phase, Draft Plan of Subdivision and a Zoning By-law Amendment would be required to implement any proposed development. Therefore, the Building Division has no comment on the proposed expansion at this time.	CLS	Noted	
	137	3. All new signs proposed for this development must comply with the regulations contained within the Sign By-law.	CLS	Noted	
	138	4. The designer shall ensure that the fire access route conforms to the Ontario Building Code.	CLS	Noted	

Appendix “D” to Report PED24142
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Materials Submitted with Urban Hamilton Official Plan Amendment Applications UHOPA-20-018, UHOPA-20-019 and UHOPA-20-020 and Rural Hamilton Official Plan Amendment Applications RHOPA-20-022, RHOPA-20-023 and RHOPA-20-024 for Lands Located at 9285, 9445, 9511, 9625 and 9751 Twenty Road West and 555 Glancaster Road, Glanbrook include:

1. Application form(s);
2. Survey Plan(s);
3. Concept Plan;
4. Formal Consultation Document(s);
5. City of Hamilton Evaluation Framework;
6. Formal Consultation Comment Response Matrix;
7. Planning Justification Report;
8. Urban Design Brief;
9. Public Consultation Strategy;
10. Draft Official Plan Amendment;
11. Environmental Impact Assessment/Tree Protection Plan/Linkage Assessment;
12. Karst Assessment;
13. Hydrogeological Study;
14. Functional Servicing and Stormwater Management Report;
15. Financial Impact Analysis;
16. Parks Issues Assessment;
17. Noise Impact Study;
18. Transportation Impact Study, Transit Assessment and Transportation Demand Management Report;
19. Land Needs Assessment;
20. Energy and Environmental Assessment Report;
21. Fluvial Geomorphological Assessment;
22. Geotechnical Investigation and Hydrogeological Assessment;
23. Cultural Heritage Impact Assessment(s);
24. Agricultural Impact Assessment; and,
25. Parks and Community Infrastructure Assessment.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 9, 2024
SUBJECT/REPORT NO:	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 101 Hunter Street East, Hamilton (PED24112) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Daniel Barnett (905) 546-2424 Ext. 4445
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Official Plan Amendment Application UHOPA-21-007, by Bousfields Inc. c/o Ashley Paton on behalf of 75 Catharine Holding Inc. c/o Paul Kemper, Owner**, to change the Maximum Building Height category from “Mid-rise” to “High-rise 2” on Map B.6.1-2 of the Downtown Hamilton Secondary Plan, to permit a 28 storey mixed use development, for lands located at 101 Hunter Street East, as shown on Appendix “A” attached to Report PED24112, be **APPROVED** on the following basis
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED24112, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That **Amended Zoning By-law Amendment Application ZAC-21-014, by Bousfields Inc. c/o Ashley Paton on behalf of 75 Catharine Holding Inc. c/o Paul Kemper, Owner**, for a change in zoning from the Downtown Central Business District (D1) Zone to the Downtown Central Business District (D1, 846,

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

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

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

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 101 Hunter Street East, Hamilton (PED24112) (Ward 2) - Page 2 of 15

H146) Zone, to permit a 92.5 metre (28 storey) mixed use development containing 293 dwelling units, 349 square metres of ground floor commercial area, and 102 parking spaces, for lands located at 101 Hunter Street East, Hamilton, as shown on Appendix “A” attached to Report PED24112, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED24112, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and will comply with the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan upon approval of Official Plan Amendment No. XXX;
- (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by including the Holding “H” to the proposed Downtown Central Business District (D1, 846, H146) Zone;

The Holding Provision “H146” is to be removed conditional upon:

- (1) That the owner submits a signed Record of Site Condition to the satisfaction of the Director of Development Planning or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. The Record of Site Condition must include a notice of acknowledgement of the Record of Site Condition by the Ministry of the Environment, Conservation and Parks, and submission of the City of Hamilton’s current Record of Site Condition administration fee;
- (2) That the owner submits and receives approval of an updated Acoustical Study to confirm the appropriate mitigation measures and warning clauses, to the satisfaction of the Director of Development Planning;
- (3) That the owner agrees in a signed Site Plan Agreement, to provide notice to any subsequent owner, as well as any prospective purchasers or tenants that the dwellings are located in a Class 4 area, and to agree to register this notice and any/all warning clauses on title and include them in any purchase and sale and in

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 101 Hunter Street East, Hamilton (PED24112) (Ward 2) - Page 3 of 15

- any lease or rental agreement, to the satisfaction of the Director of Development Planning;
- (4) That the owner submits and receives approval of a Commemorative Strategy, to the satisfaction of the Director of Heritage and Urban Design;
- (5) That the owner submits and receives approval of either a signed permission from the adjacent property owner at 111 Hunter Street East to remove and/or impact trees on their property or an updated Tree Protection Plan demonstrating that trees on adjacent lands will not be impacted by the proposed development, all to the satisfaction of the Director of Development Planning;
- (c) That approval be given for a modification to the Downtown Central Business District (D1) Zone in the Hamilton Zoning By-law No. 05-200, to permit a 92.5 metre (28 storey) mixed use development for lands located at 101 Hunter Street East, Hamilton, as shown on Appendix "A" attached to Report PED24112, subject to the following:
- (i) That the draft By-law, attached as Appendix "I" to Report PED24112, be held in abeyance until such time as By-law No. 24-052, being a By-law to establish the Parking Regulations Zones is in force and effect;
- (ii) That staff be directed to bring forward the draft By-law, attached as Appendix "I" to Report PED24112, for enactment by City Council, once By-law No. 24-052 is in force and effect;
- (d) That in accordance with the delegated authority to the Director of Planning and Chief Planner outlined in Report PED18074, the subject lands have been designated Class 4 Area in accordance with the Ministry of the Environment, Conservation and Parks NPC-300 Guidelines, to be implemented as part of a future Site Plan Control application and in accordance with the concept plans attached as Appendix "D" to Report PED24112.

EXECUTIVE SUMMARY

The subject site is municipally known as 101 Hunter Street in Hamilton. It is located at the intersection of Hunter Street East and Catharine Street South. The applicant has applied for an Urban Hamilton Official Plan Amendment and a Zoning By-law Amendment to facilitate the development of a 92.5 metre (28 storey) mixed use development containing 293 dwelling units, 349 square metres of ground floor

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 101 Hunter Street East, Hamilton (PED24112) (Ward 2) - Page 4 of 15

commercial area, and 102 parking spaces located both below ground and above ground within the proposed building.

The purpose of the Official Plan Amendment is to amend the Urban Hamilton Official Plan to change the Maximum Building Height category identified in Map B.6.1-2 of the Downtown Hamilton Secondary Plan from “Mid-rise” to “High-rise 2”, to increase the maximum permitted height from 12 storeys up to 30 storeys.

The purpose of the Amended Zoning By-law Amendment is to rezone the subject site from the Downtown Central Business District (D1) Zone to the Downtown Central Business District (D1, 846, H146) Zone, under the City of Hamilton Zoning By-law No. 05-200 to allow the proposed development. Site specific modifications to the Downtown Central Business District (D1) Zone are required to accommodate the proposed development, which are discussed in detail in Appendix “E” attached to Report PED24112.

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

- It is consistent with the Provincial Policy Statement (2020);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the general intent of the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan, upon approval of the Official Plan Amendment; and,
- The development represents good planning, as it will provide a compact and efficient built form that is compatible with the character of the area.

Alternatives for Consideration – See Page 14

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 101 Hunter Street East, Hamilton
(PED24112) (Ward 2) - Page 5 of 15**

HISTORICAL BACKGROUND

Application Details	
Owner:	75 Catharine Holding Inc. c/o Paul Kemper.
Applicant/Agent:	Bousfield Inc. c/o Ashley Paton.
File Number:	UHOPA-21-007 and ZAC-21-014.
Type of Applications:	Urban Hamilton Official Plan Amendment and Zoning By-law Amendment.
Proposal:	<p>To demolish the existing two storey commercial office building to permit the creation of a 28 storey mixed use building with a four storey building base. The proposed tower above the four storey building base will be setback 9.5 metres from the northerly lot line, 9.8 metres from the easterly lot line, 1.3 metres from the building base along Hunter Street East and 1.5 metres from the building base along Catharine Street South.</p> <p>The Concept Plan attached as Appendix “D” to Report PED24112 includes a mixed use building containing 293 multiple dwelling units of which 240 units are studio and one bedroom units, 50 units will be two bedroom units, and three units will be three or more bedroom units. Additionally, 349 square metres of ground floor commercial area contained within two commercial units are proposed, fronting onto Hunter Street East and Catharine Street South. The proposed development will include 102 parking spaces located below grade and within a portion of the proposed building base. Additionally, 175 long term bicycle parking spaces and 10 short term bicycle parking spaces are proposed.</p> <p>A total of 1,955 square metres of amenity space is provided on site, approximately 6.6 square metres per unit. The indoor and outdoor amenity area is provided on the fifth storey in addition to individual private balconies.</p>

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**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 101 Hunter Street East, Hamilton
(PED24112) (Ward 2) - Page 6 of 15**

Application Details	
Proposal: (Continued)	<p>Access to the proposed parking is provided from Hunter Street East. No access is proposed from the alleyway to the north.</p> <p>As the proposed development includes sensitive land uses and is in proximity to idling GO Trains, a stationary noise source, a reclassification with respect to noise from Class 1 to Class 4 is required.</p>
Property Details	
Municipal Address:	101 Hunter Street East.
Lot Area:	1,759 square metres (0.1759 hectares).
Servicing:	Full municipal services.
Existing Use:	Commercial office building.
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:	"Downtown Mixed Use Area" on Schedule "E-1" – Land Use Designations.
Secondary Plan Existing:	"Downtown Mixed Use" on Map B.6.1-1 Land Use Plan, Downtown Hamilton Secondary Plan. "Mid-rise" on Map B.6.1-2 Maximum Building Heights, Downtown Hamilton Secondary Plan.
Official Plan Proposed:	"High-rise 2" on Map B.6.1-2 Maximum Building Heights, Downtown Hamilton Secondary Plan.
Zoning Existing:	Downtown Central Business District (D1) Zone.
Zoning Proposed:	Downtown Central Business District (D1, 846, H146) Zone.

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**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 101 Hunter Street East, Hamilton
(PED24112) (Ward 2) - Page 7 of 15**

Documents	
Modifications Proposed:	<p>The following modifications have been requested by the applicant:</p> <ul style="list-style-type: none"> • To permit a minimum setback of 1.3 metres at a height of 16.6 metres for a building base façade along Hunter Street East, whereas a minimum setback of 3.0 metres is required at a height of 16.0 metres along Hunter Street East. • To permit a minimum setback of 1.5 metres at a height of 16.6 metres for a building base façade along Catharine Street South, whereas a minimum setback of 3.0 metres is required at a height of 7.5 metres along Catharine Street South; • To permit no minimum setback from the hypotenuse of a daylight triangle; • To permit a minimum 8.3 metre setback to an enclosed balcony or 9.8 metres to a wall without an enclosed balcony for any portion of a building exceeding 16.6 metres in height from the easterly lot line, whereas a minimum 12.5 metre setback is required for any portion of a building exceeding 44.0 metres in height; • To permit a bicycle parking area on the ground floor between a parking facility and a street, instead of requiring a permitted use other than parking to be located on the ground floor between a parking facility and a street; • To increase the maximum building height from 44.0 metres to 92.5 metres or 190.2 metres above sea level, whichever is the lesser; and, • To increase the maximum lot coverage from 85 percent to 91 percent. <p>The following modifications have been included by staff:</p> <ul style="list-style-type: none"> • To permit a minimum setback of 9.5 metres for any portion of a building exceeding 16.6 metres in height from the northerly lot line, whereas a minimum setback of 9.5 metres is required for any portion of a building exceeding 44.0 metres in height.

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 101 Hunter Street East, Hamilton (PED24112) (Ward 2) - Page 8 of 15

Documents	
Modifications Proposed: (Continued)	<ul style="list-style-type: none"> To require that a minimum of 16.8 percent of the dwelling units shall have two or more bedrooms, and that a minimum of 1 percent of the dwelling units shall have three or more bedrooms. <p>The following modifications to the Council adopted Parking Regulations (By-law No. 24-052) have been included in a By-law to be held in abeyance until By-law No. 24-052 is in force and effect (see Appendix "I" attached to Report PED24112):</p> <ul style="list-style-type: none"> To permit a minimum of 25% of the parking spaces provided to be Electric Vehicle Parking spaces; and, To reduce the minimum required long term bicycle parking spaces from 0.7 per unit to 0.6 per unit for a Dwelling Unit, Mixed Use and a Multiple Dwelling. <p>A complete analysis of the proposed modifications is attached as Appendix "E" to Report PED24112.</p>
Processing Details	
Received:	March 17, 2021.
Deemed Complete	April 9, 2021.
Notice of Complete Application:	Sent to 101 property owners within 120 metres of the subject lands on April 19, 2021.
Public Notice Sign:	Posted April 21, 2021, and updated on June 12, 2024.
Notice of Public Meeting:	Sent to 71 property owners within 120 metres of the subject lands on June 21, 2024.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix "G" attached to Report PED24112.
Public Consultation:	<p>A virtual public meeting was held by the applicant on April 28, 2021. Approximately 150 notices were mailed to residents on April 7, 2021. A total of eight residents attended.</p> <p>A summary of the virtual public meeting is attached as Appendix "J" to Report PED24112.</p>

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 101 Hunter Street East, Hamilton (PED24112) (Ward 2) - Page 9 of 15

Processing Details	
Public Comments:	Two letters / emails expressing concern for the proposed development were received (see Appendix “H” attached to Report PED24112).
Processing Time:	1,173 days from receipt of application.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Commercial office and surface parking lot.	Downtown Central Business District (D1) Zone.

Surrounding Land Uses:

North	Alleyway and multiple dwelling.	Downtown Central Business District (D1) Zone.
South	Raised railway track.	“J/S-409” (Light and Limited Heavy Industrial Etc.) District, Modified.
East	Semi-detached dwelling.	Downtown Central Business District (D1) Zone.
West	Surface parking lot.	Downtown Central Business District (D1) Zone.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)

A full policy review has been provided for the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) in Appendix “F” attached to Report PED24112.

Provincial Policy Statement (2020)

The proposal provides for the efficient use of land and resources by directing growth towards the existing settlement area where there are existing municipal water and wastewater services. The development of a multiple dwelling with ground floor

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 101 Hunter Street East, Hamilton (PED24112) (Ward 2) - Page 10 of 15

commercial uses is an efficient use of land and represents an appropriate development of the site which will contribute to the completion of the surrounding neighbourhood. The proposed development is located within proximity to existing local and regional transit, including higher-order transit. Therefore, the proposed development is transit supportive. The subject lands are within walking distance of commercial services within the Downtown area, and within proximity of existing parks and schools. The proposal also contributes to the range and mix of housing types in the immediate area and to the creation of a complete community.

Based on the foregoing, the proposal is consistent with the Provincial Policy Statement (2020).

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

The proposal conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), as the proposed development directs growth to an existing settlement area and within an urban growth centre. The proposed development is located within proximity to existing local transit routes, within walking distance to future light rail transit along King Street East, and in proximity to existing regional transit, supporting both local and regional transit systems. The proposed development is in proximity to existing commercial and institutional uses, including municipal parks and schools. The proposed development will be serviced by municipal water and wastewater services. The proposed development will support the achievement of complete communities by providing commercial services and by increasing the supply of residential dwelling units including units for larger households.

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

Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan

The subject lands are identified as “Downtown Urban Growth Centre” and designated “Downtown Mixed Use Area” in the Urban Hamilton Official Plan. The subject lands are designated “Downtown Mixed Use” and identified as “Mid-rise” in the Downtown Hamilton Secondary Plan. The applicant is proposing to change the Maximum Building Height category for the subject lands from “Mid-rise” to “High-rise 2” to permit an increase in the maximum building height from 12 storeys to up to 30 storeys. A detailed review of the applicable Official Plan policies is attached as Appendix “F” to Report PED24112.

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 101 Hunter Street East, Hamilton (PED24112) (Ward 2) - Page 11 of 15

Lands designated “Downtown Mixed Use” in the Downtown Hamilton Secondary Plan permit a mixed use development including ground related commercial uses and multiple dwelling units. A more compact built form with a higher scale and density are anticipated within the Downtown and therefore the proposed development is consistent with the general intent of the policies of the Downtown Hamilton Secondary Plan. The applicant has demonstrated through the submission of a Sun Shadow Study, Wind Study, Visual Impact Assessment, Urban Design Brief, Transportation Impact Study and Functional Servicing Report that the proposed 28 storey mixed use building, including a four storey building base, will not exceed the height of the Niagara Escarpment, will not create adverse sun shadow impacts on the public realm, on adjacent land uses, or on any primary gathering place. The proposed built form will not create any adverse wind impacts on the public realm or on any sensitive areas on adjacent properties. The proposal will not result in any adverse traffic or servicing impacts. Therefore, the proposed tall building development is consistent with the Tall Building Guidelines and meets the intent of the Downtown Hamilton Secondary Plan.

The policies of the Urban Hamilton Official Plan require that development of noise sensitive lands uses in proximity to transportation noise sources and stationary noise sources comply with applicable provincial and municipal guidelines and standards. A Noise Study prepared by SLR dated January 2021 and addenda dated March 2022 and September 2022, along with a peer review prepared by RWDI dated March 3, 2023, and updated on November 28, 2023, demonstrates that the proposed development will comply with the in effect provincial guidelines, subject to re-classification of the subject lands to a Class 4 area and through the use of enclosed balconies and other noise mitigation measures. A peer review prepared by RWDI did note caution with respect to the potential impact of low frequency noise, which can impact the proposed development, however RWDI noted that Provincial guidelines do not contemplate the influence of low frequency sound or provide direction on how to design for it. An updated Noise Study will be required to confirm the appropriate mitigation measures and warning clauses have been included in the study, because of the findings of the RWDI Peer Review, as a condition of the proposed Holding Provision.

Based on the foregoing and subject to the Official Plan Amendment and Holding Provision, the proposal complies with the general intent and purpose of the Urban Hamilton Official Plan, the Downtown Hamilton Secondary Plan, and the Tall Building Guidelines.

City of Hamilton Zoning By-law No. 05-200

The proposed amended Zoning By-law Amendment is for a change in zoning from the Downtown Central Business District (D1) Zone to the Downtown Central Business District (D1, 846, H146) Zone. The effect of the Zoning By-law Amendment will permit a

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 101 Hunter Street East, Hamilton (PED24112) (Ward 2) - Page 12 of 15

92.5 metre (28 storey) mixed use building consisting of 293 dwelling units and 349 square metres of ground floor commercial space. Modifications to the Downtown Central Business District (D1) Zone are required to facilitate the development and are summarized in the Report Fact Table above and the modification chart in Appendix “E” attached to Report PED24112.

Staff also completed a review of the proposal against the Council approved parking regulations recently adopted through By-law No. 24-052. These regulations are currently not in force and effect as the By-law is subject to appeals to the Ontario Land Tribunal. Accordingly, staff have included a second By-law that includes the necessary modifications to By-law No. 24-052, which is to be held in abeyance until such time as the appeals are resolved and By-law No. 24-052 is in force and effect (see Appendix “I” attached to Report PED24112). All requested modifications are summarized in the modification chart in Appendix “E” attached to Report PED24112.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (ii) It complies with the general intent and purpose of the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan, subject to the Official Plan Amendment; and,
 - (iii) The proposal represents good planning by providing a compact urban form of development that contributes to the creation of a complete community by providing a mix of uses and a built form that is in keeping with the “Downtown Mixed Use” designation policies found within the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan and meets the Tall Building Guidelines.

2. The purpose of the Official Plan Amendment is to change the Maximum Building Height category on Map B.6.1-2 of the Downtown Hamilton Secondary Plan from “Mid-rise” to “High-rise 2” to permit an increase in the maximum permitted building height from 12 storeys to up to 30 storeys for the subject lands. The proposed increase in height to permit up to 30 storeys will not exceed the height of the Niagara Escarpment.

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 101 Hunter Street East, Hamilton (PED24112) (Ward 2) - Page 13 of 15

The proximity of the subject lands to existing local and regional transit, to future light rail transit, and to existing commercial and institutional uses supports intensification of the subject lands. The proposed development is located approximately 70 metres from the low rise residential neighbourhood located to the south which includes an elevated rail corridor, which provides a physical separation and buffering between the proposal and the neighbourhood to the south. The proposed tower will also be adequately stepped back from the lands to the east, which will protect the privacy of the adjacent land uses.

The applicant has also demonstrated that adequate sun access will be maintained for the public realm, adjacent lands, and nearby primary gathering spaces. Furthermore, the applicant has demonstrated that the proposed development will not result in adverse wind impacts either on the public realm or on adjacent private lands.

Therefore, staff supports the proposed Official Plan Amendment.

3. The Amended Zoning By-law Amendment is for a change in zoning from Downtown Central Business District (D1) Zone to the Downtown Central Business District (D1, 846, H146) Zone. Additional modifications to the Downtown Central Business District (D1) Zone are identified beginning on page 7 of Report PED24112 and discussed in detail in Appendix "E" attached to Report PED24112.

The proposed zoning establishes a built form that is consistent with the scale and massing of buildings that are existing or planned for the area. The proposal will not exceed the height of the Niagara Escarpment and will not create adverse shadowing, wind, privacy overlook, traffic, or noise impacts.

Therefore, staff support the proposed amendment to the Zoning By-law.

4. Holding Provision

A Holding 'H' Provision is proposed to be added to the subject lands to ensure that the owner submits and receives approval of an updated Noise Study, Site Plan Agreement, a Commemorative Strategy, submits a Record of Site Condition and submits either signed permission to remove or impact a tree on the adjacent lands or submit an updated Tree Protection Plan demonstrating that the tree will not be negatively impacted.

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 101 Hunter Street East, Hamilton (PED24112) (Ward 2) - Page 14 of 15

5. Class 4 Area Classification

The subject property is in proximity to a stationary noise source in the form of idling trains, which results in noise levels that exceed provincial guidelines. The Environmental Noise Assessment prepared by SLR dated January 2021 and addenda dated March 2022 and September 20, 2022, recommends that the lands be re-classified as Class 4 in accordance with NPC-300 Provincial guidelines. The noise levels identified will exceed the noise levels permissible under Class 4 and therefore will require additional physical mitigation in the form of enclosed noise buffer balconies. As the noise levels exceeded the permissible levels under Class 4 and given the extensive technical expertise required to evaluate proposed mitigation measures, a peer review of the Environmental Noise Assessment was required and undertaken by RWDI in responses provided on March 3, 2023, and November 28, 2023. The findings of the peer review confirmed that enclosed balconies would achieve compliance with provincial criteria, and staff have accepted the findings of the noise study.

As per Report PED18074, Council directed that the Director of Planning and Chief Planner be authorized to designate an area or specific site as Class 4 in accordance with the NPC-300 Guidelines for lands within the Downtown Hamilton Secondary Plan where a noise study required as a condition of development approval recommends that an area be Class 4 the study has been approved by the Director of Planning and Chief Planner. As the subject lands are located within the Downtown Hamilton Secondary Plan, delegated authority on the re-classification from Class 1 to Class 4 has been given to the Director of Planning and Chief Planner and will be undertaken separately from the applications for Official Plan Amendment and Zoning By-law Amendment.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the subject property can be developed in accordance with the Downtown Central Business District (D1) Zone, in the City of Hamilton Zoning By-law No. 05-200, to a maximum height of 44.0 metres (12 storeys).

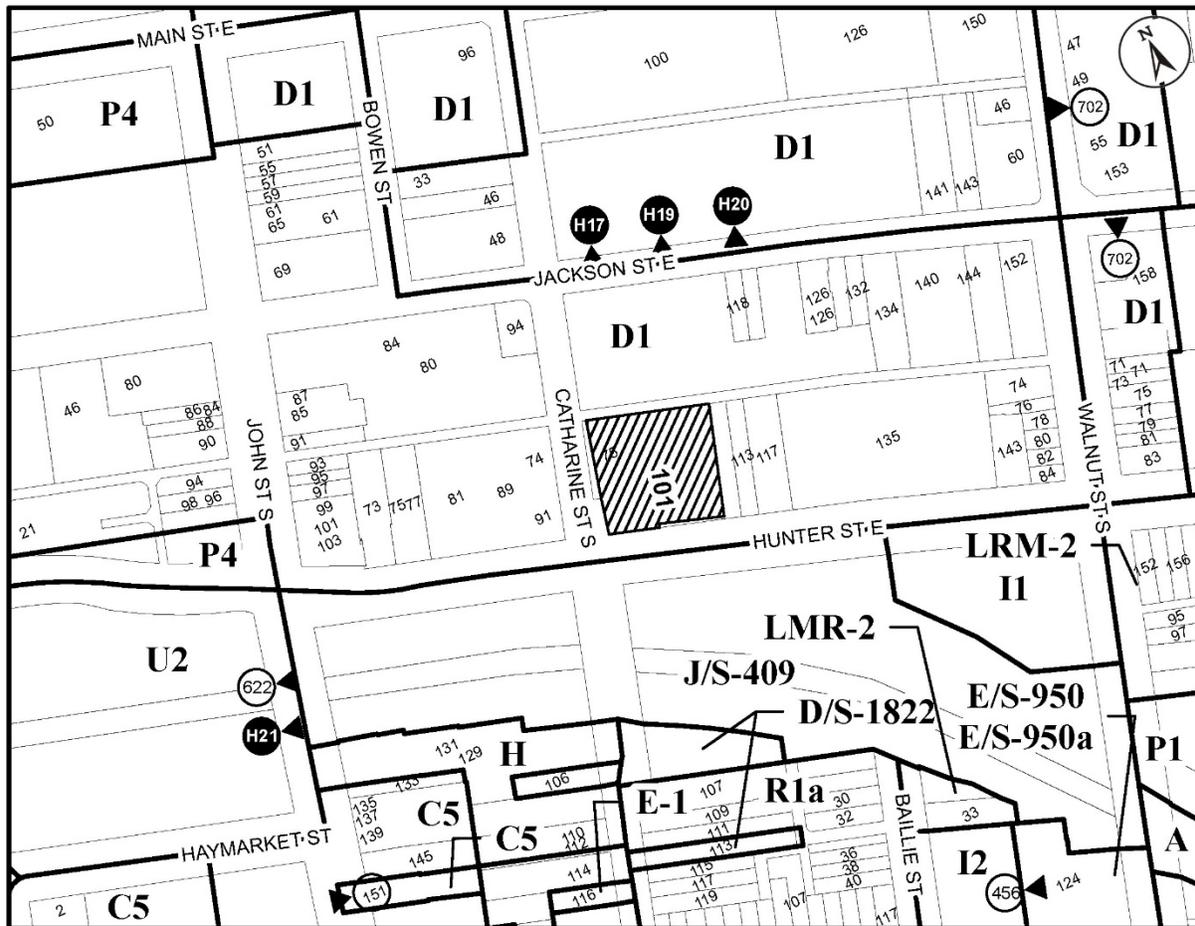
APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED24112 – Location Map
 Appendix "B" to Report PED24112 – Official Plan Amendment
 Appendix "C" to Report PED24112 – Zoning By-law Amendment
 Appendix "D" to Report PED24112 – Concept Plan
 Appendix "E" to Report PED24112 – Zoning Modification Chart
 Appendix "F" to Report PED24112 – Summary of Policy Review

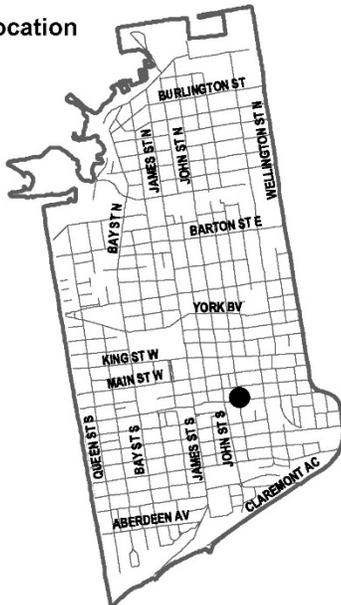
**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 101 Hunter Street East, Hamilton
(PED24112) (Ward 2) - Page 15 of 15**

Appendix "G" to Report PED24112 – Department and Agency Comments
Appendix "H" to Report PED24112 – Summary of Public Comments Received
Appendix "I" to Report PED24112 – Held in Abeyance Zoning By-law Amendment
Appendix "J" to Report PED24112 – Summary of Applicant Virtual Public Meeting

DB/sd



● Site Location



Key Map - Ward 2

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-21-014/UHOPA-21-007

Date:
May 2, 2024

Appendix "A"

Scale:
N.T.S

Planner/Technician:
DB/NB

Subject Property

101 Hunter Street East, Hamilton (Ward 2)



Change in Zoning from the Downtown Central Business District (D1) Zone to the Downtown Central Business District (D1, 846, H146) Zone

Schedule "1"

DRAFT Urban Hamilton Official Plan Amendment No.

The following text, together with Appendix "A", Volume 2: Map B.6.1-2 – Downtown Hamilton Secondary Plan – Maximum Building Heights, attached hereto, constitutes Official Plan Amendment No. "XXX" to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to amend the Downtown Hamilton Secondary Plan to change the Maximum Building Height category from "Mid-rise" to "High-rise 2" on the subject lands to permit a 28 storey mixed use development.

2.0 Location:

The lands affected by this Amendment are known municipally as 101 Hunter Street East, in the former City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed development maintains the general intent and purpose of the of the Downtown Hamilton Secondary Plan by providing a mix of uses on site and contributing to a range of housing options within Downtown Hamilton.
- The proposed development conforms with the policies for High-rise Buildings in the Downtown Hamilton Secondary Plan and the design criteria specified in the Tall Building Guidelines.
- The proposed development implements the Residential Intensification policies of the Urban Hamilton Official Plan.
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to A Place to Grow: The Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 Actual Changes:

4.1 Volume 2 – Secondary Plans

Maps

4.1.1 Map

- a. That Volume 2: Map B.6.1-2 – Downtown Hamilton Secondary Plan – Maximum Building Heights, be amended by changing the height category for the subject lands from "Mid-rise" to "High-rise 2", as shown on Appendix "A", attached to this Amendment.

5.0 Implementation:

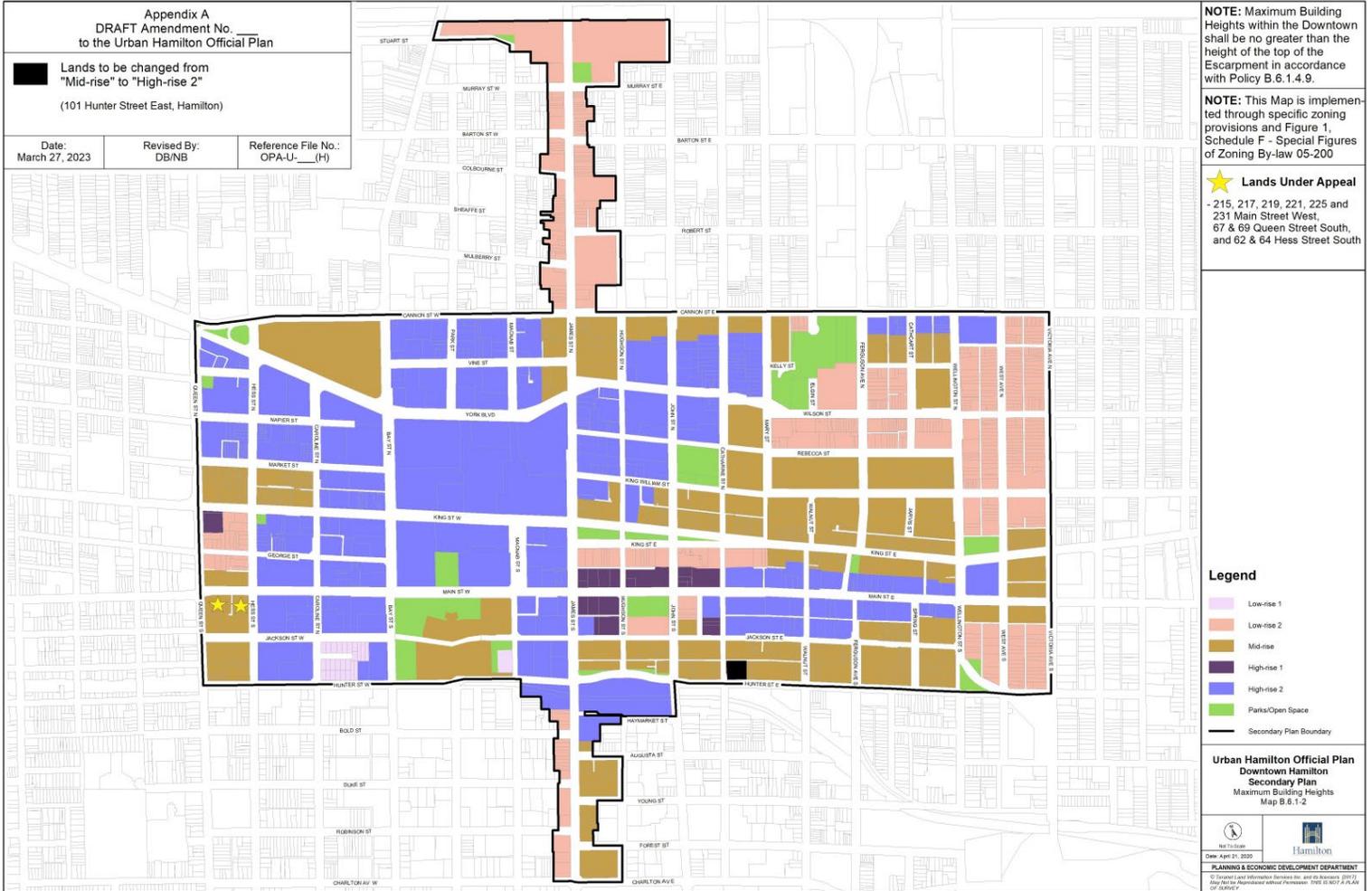
An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the ____th day of ____, 2024.

**The
City of Hamilton**

A. Horwath
Mayor

M. Trennum
City Clerk



Appendix “C” to Report PED24112**Page 1 of 5**

Authority: Item ,
Report (PED24112)
CM:
Ward: 2

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

To Amend Zoning By-law No. 05-200, Respecting Lands Located at 101 Hunter Street East, in the City of Hamilton

WHEREAS Council approved Item __ of Report _____ of the Planning Committee, at its meeting held on July 9, 2024;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. ;

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

1. That Map Nos. 953 and 995 of Schedule “A” – Zoning Maps is hereby amended by changing the zoning from the Downtown Central Business District (D1) Zone to the Downtown Central Business District (D1, 846, H146) Zone for the lands shown on Schedule “A” to this By-law.
2. That Schedule C – Special Exceptions is amended adding the following new Special Exception:

“846. Within the lands zoned Downtown Central Business District (D1) Zone, identified on Map Nos. 953 and 995 of Schedule “A” – Zoning Maps and municipally described as 101 Hunter Street East, the following special provisions shall apply:

- a) Notwithstanding Sections 6.0 c) i), ii), and iii) 2., 6.1.1.1 i) 1. B., 6.1.3 b) ii) and e), the following regulations shall apply:
 - a) Building Base Façade Height
 - i) A) Notwithstanding Figure 15 – Schedule “F” Special Figures, a minimum 1.3 metre stepback at a height of 16.6 metres shall be provided for the Hunter Street East Building Base Façade Height.
 - B) Notwithstanding Figure 15 – Schedule “F” Special Figures a minimum 1.5 metre stepback at a height of 16.6 metres shall be provided for

**Appendix “C” to Report PED24112
Page 2 of 5**

the Catharine Street South
Building Base Façade Height.

C) Notwithstanding Figure 15 – Schedule “F” Special Figures, no minimum setback shall be required from the hypotenuse of a daylight triangle.

- | | | |
|----|---|---|
| b) | Stepbacks | <ul style="list-style-type: none"> i) A minimum 9.5 metre setback shall be required for any portion of a building exceeding 16.6 metres in height from the northerly lot line. ii) A minimum 8.3 metre setback shall be required to an enclosed balcony or 9.8 metres to a wall without an enclosed balcony for any portion of a building exceeding 16.6 metres in height from the easterly lot line. |
| c) | Parking Facility | With the exception of an access driveway to the parking facility, the ground floor of the facility which faces any street shall only be used for permitted uses and bicycle parking storage, other than parking. |
| d) | Maximum Building Height | 190.2 metres above sea level or 92.5 metres, whichever is the lesser. |
| e) | Maximum Lot Coverage | 91% |
| f) | Percentage of Two and Three Bedroom Units | A minimum of 16.8% of the Dwelling Units shall be units with two or more bedrooms and an additional minimum of 1.0% of the dwelling units shall be units with three or more bedrooms.” |

3. That Schedule “D” – Holding Provisions, of By-law No. 05-200, be amended by adding the additional Holding Provision as follows:

“H146. Notwithstanding Section 6.1 of this By-law, within lands zoned Downtown Central Business District (D1, 846) Zone on Map No. 952, 953, 994, and

Appendix “C” to Report PED24112
Page 3 of 5

995 on Schedule “A” – Zoning Maps, and municipally described as 101 Hunter Street East, no development shall be permitted until such time as:

- a. That the owner submits a signed Record of Site Condition to the satisfaction of the Director of Development Planning or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. The Record of Site Condition must include a notice of acknowledgement of the Record of Site Condition by the Ministry of the Environment, Conservation and Parks, and submission of the City of Hamilton’s current Record of Site Condition administration fee.
 - b. That the owner submits and receives approval of an updated Acoustical Study to confirm the appropriate mitigation measures and warning clauses, to the satisfaction of the Director of Development Planning.
 - c. That the owner agrees in a signed Site Plan Agreement, to provide notice to any subsequent owner, as well as any prospective purchasers or tenants that the dwellings are located in a Class 4 area, and to agree to register this notice and any / all warning clauses on title and include them in any purchase and sale and in any lease or rental agreement, to the satisfaction of the Director of Development Planning.
 - d. That the owner submits and receives approval of a Commemorative Strategy, to the satisfaction of the Director of Heritage and Urban Design.
 - e. That the owner submits and receives approval of either a signed permission from the adjacent property owner at 111 Hunter Street East to remove and/or impact trees on their property or an updated Tree Protection Plan demonstrating that trees on adjacent lands will not be impacted by the proposed development, all to the satisfaction of the Director of Development Planning.
4. That Schedule “F” – Special Figures, Figure 1, be amended by changing the maximum building height from 44.0 metres to 92.5 metres for the lands located at 101 Hunter Street East as shown on Appendix “B” to this By-law.
 5. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the provisions of the Downtown Central Business District (D1, 846, H146) Zone, subject to the special requirements referred to in Section No. 2, 3, and 4 of this By-law.
 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*.

Appendix "C" to Report PED24112
Page 4 of 5

PASSED AND ENACTED this _____ day of _____, 2024.

A. Horwath
Mayor

M. Trennum
City Clerk

ZAC-21-014

Appendix "C" to Report PED24112
Page 5 of 5



This is Schedule "A" to By-law No. 24-
 Passed the day of, 2024

 Mayor

 Clerk

Schedule "A"
 Map forming Part of
 By-law No. 24-_____
 to Amend By-law No. 05-200
 Map 953, 995

Subject Property
 101 Hunter Street East, Hamilton (Ward 2)
 Change in Zoning from the Downtown Central Business District (D1) Zone to the Downtown Central Business District (D1, 846, H146) Zone

Scale:
 N.T.S

File Name/Number:
 ZAC-21-014/UHOPA-21-007

Date:
 May 8, 2024

Planner/Technician:
 DB/NB



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Appendix "D" to Report PED24112
Page 1 of 11



SW CORNER VIEW- BUILDING



WEST VIEW- BUILDING



WEST VIEW 1- PODIUM



SOUTH VIEW- PODIUM



SE CORNER VIEW- PODIUM



SW CORNER VIEW- PODIUM



WEST VIEW 2- PODIUM

COLETARA

Coletara Development
966 Parterre Drive Suite 22,
Mississauga, Ontario L4W 2J1
Ph: 905-624-4100
www.coletara.com

- GENERAL NOTES**
1. DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS.
 2. ALL WORK SHALL COMPLY WITH THE 2012 ONTARIO BUILDING CODE AND AMENDMENTS.
 3. CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND SPECIFICATIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
 4. ALL CONTRACTORS AND SUB-CONTRACTORS SHALL HAVE A SET OF APPROVED CONTRACTOR DOCUMENTS ON SITE AT ALL TIMES.
 5. ALL DOCUMENTS REMAIN THE PROPERTY OF THE ARCHITECT. UNAUTHORIZED USE, MODIFICATION, AND/OR REPRODUCTION OF THESE DOCUMENTS IS PROHIBITED WITHOUT WRITTEN PERMISSION. THE CONTRACT DOCUMENTS WILL BE REPAID BY THE CONSULTANT FOR THE ACCOUNT OF THE OWNER.
 6. THE MATERIAL CONTAINED HEREIN SUBJECTS THE CONSULTANT BEST AND SOLELY TO THE INFORMATION AVAILABLE TO HIM AT THE TIME OF PREPARATION. ANY USE WHICH A THIRD PARTY MAKES OF THE CONTRACT DOCUMENTS, OR ANY RELEASE OR/OR DECISIONS TO BE MADE BASED ON THEM ARE THE RESPONSIBILITY OF SUCH THIRD PARTY.
 7. THE CONSULTANT ACCEPTS NO RESPONSIBILITY FOR DAMAGES, IF ANY, SUFFERED BY ANY THIRD PARTY AS A RESULT OF DECISIONS MADE OR ACTIONS BASED ON THE CONTRACT DOCUMENTS.



KEY PLAN

Rev	Date	Description
3	10/07/22	OPA/ZBA Submission 3
2	04/07/22	OPA/ZBA Submission 2
1	03/04/21	OPA/ZBA Submission 1

Project Name: **Genesis Condominiums**

Project Address: **101 Hunter Street East, Hamilton, Ontario**

Title: **Conceptual 3D Views**

Purpose of Views: **OPA/ZBA Resubmission UHOPA-21-007 & ZAC-21-014**

Drawn by: VR Checked by:

Date: 22-10-07

Project No.:

Scale: Orig No. **A101(a)**

Appendix "D" to Report PED24112



SE CORNER VIEW- BUILDING



NE CORNER VIEW- BUILDING



WEST VIEW- TOWER TOP



SW VIEW- TOWER TOP



NW VIEW- TOWER TOP



NE CORNER VIEW- PODIUM



SE CORNER VIEW- PODIUM

GOLETARA

Coletara Development
 966 Pantlers Drive Suite 221,
 Mississauga, Ontario L4W 2E1
 Ph: No: 905.624.4100
 www.coletara.com

- GENERAL NOTE:**
1. DIMENSIONAL DRAWINGS, WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS.
 2. ALL WORK SHALL COMPLY WITH THE 2012 ONTARIO BUILDING CODE AND AMENDMENTS.
 3. CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND SPECIFICATIONS AND REPORT ANY DISCREPANCY TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
 4. ALL CONTRACTORS AND SUB-CONTRACTORS SHALL HAVE A LIST OF APPROVED CONTRACTOR DOCUMENTS ON SITE AT ALL TIMES.
 5. ALL DOCUMENTS REMAIN THE PROPERTY OF THE ARCHITECT. UNAUTHORIZED USE, REPRODUCTION AND/OR REPRODUCTION OF THESE DOCUMENTS IS PROHIBITED WITHOUT WRITTEN PERMISSION. THE CONTRACT DOCUMENTS WERE PREPARED BY THE CONSULTANT FOR THE ACCOUNT OF THE OWNER.
 6. THE MATERIAL CONTAINED HEREIN REFLECTS THE CONSULTANT'S BEST JUDGMENT IN LIGHT OF THE INFORMATION AVAILABLE TO HIM AT THE TIME OF PREPARATION. ANY DISCREPANCY BETWEEN THE MATERIALS OF THE CONTRACT DOCUMENTS, OR ANY SERVICE CHARGE DECISIONS TO BE MADE BASED ON THEM ARE THE RESPONSIBILITY OF SUCH THIRD PARTIES.
 7. THE CONSULTANT ACCEPTS NO RESPONSIBILITY FOR DAMAGES, AND IS NOT LIABLE TO ANY THIRD PARTY, AS A RESULT OF DECISIONS MADE OR ACTIONS BASED ON THE CONTRACT DOCUMENTS.



KEY PLAN

Rev	Date	Description
3	10/07/22	OPA/ZBA Submission 3
2	04/07/22	OPA/ZBA Submission 2
1	03/04/21	OPA/ZBA Submission 1

Project Name
Genesis Condominiums

Project Address
 101 Hunter Street East,
 Hamilton, Ontario

Title
Conceptual 3D Views

Purpose of Issue
**OPA/ZBA Resubmission
 UHOPA-21-007 &
 ZAC-21-014**

Drawn by

VR

Checked by

Date
 22-10-07

Project No.

-

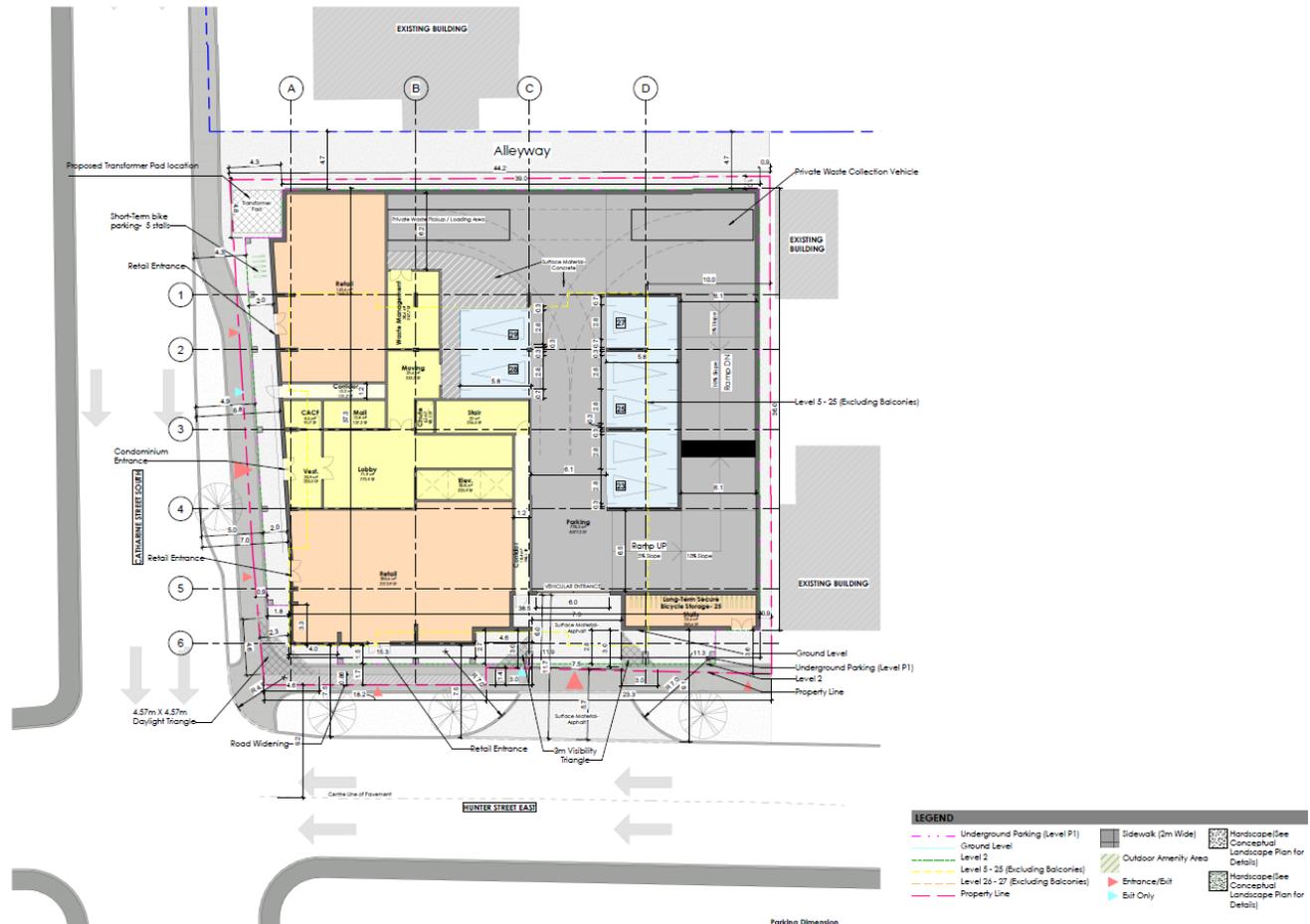
Scale

Draw No.

A101(b)

Appendix "D" to Report PED24112
Page 4 of 11

LEVEL 1 GFA: 1,364 Sqm²



1 Level 1
1:150

Parking Dimension

Standard car : 2.2 m x 5.8 m
Small car : 2.6 m x 5.5 m
Barrier Free : 4.4m x 5.8 m
Wall Column Obstruction : Additional 0.3 m

FLOOR	GCA	GFA	# PARKING	RETAIL	LONG-TERM BIKE PARKING	SHORT-TERM BIKE PARKING
Level 1	1,409 Sqm ²	1,364 Sqm ²	7	349 Sqm ²	25	5



Coletara Development
866 Parkers Drive, Suite 22
Mississauga, Ontario L4W 2B1
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www.coletara.com

- GENERAL NOTES:**
1. ALL WORK SHALL COMPLY WITH THE 2010 ONTARIO BUILDING CODE AND AMENDMENTS.
 2. CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND SPECIFICATIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
 3. ALL CONTRACTORS AND SUB CONTRACTORS SHALL HAVE A SET OF APPROVED CONSTRUCTION DOCUMENTS ON SITE AT ALL TIMES.
 4. ALL DOCUMENTS SHALL BE THE PROPERTY OF THE ARCHITECT. UNAUTHORIZED USE, REPRODUCTION, AND/OR REPRODUCTION OF THESE DOCUMENTS IS PROHIBITED WITHOUT WRITTEN PERMISSION. THE CONTRACT DOCUMENTS WERE PREPARED BY THE CONSULTANT FOR THE ACCOUNT OF THE OWNER.
 5. THE MATERIAL CONTAINED HEREIN REFLECTS THE CONSULTANT'S BEST JUDGMENT IN LIGHT OF THE INFORMATION AVAILABLE TO HIM AT THE TIME OF PREPARATION. ANY USE WHICH A THIRD PARTY MAKES OF THIS DOCUMENT IS TO BE MADE BASED ON THEIR OWN RESPONSIBILITY OF SUCH THIRD PARTY.
 6. THE CONSULTANT ACCEPTS NO RESPONSIBILITY FOR DAMAGES, IF ANY, SUFFERED BY ANY THIRD PARTY AS A RESULT OF DECISION MADE OR ACTION TAKEN BASED ON THE CONTRACT DOCUMENTS.



Rev

Rev	Date	Description
1	10/07/22	OPA/ZBA Submission 3
2	04/07/22	OPA/ZBA Submission 2
1	03/04/21	OPA/ZBA Submission 1

Project Name
Genesis Condominiums

Project Address
101 Hunter Street East,
Hamilton, Ontario

The Conceptual Floor Plan Level 1

Revision of Issue
OPA/ZBA Resubmission UHOPA-21-007 & ZAC-21-014

Drawn by
VR

Date
22-10-07

Project No.
-

Scale
As Indicated

Checked by
-

North

Drawn by
A103

Appendix "D" to Report PED24112
Page 5 of 11

LEVEL P1 GFA: 1,501 Sqmft



1 Level P1
1:150

Parking Dimension

Standard car : 2.8 m x 5.8 m
Small car : 2.5 m x 5.5 m
Bumper Free : 4.4m x 5.8 m
Wall/Column Obstruction : Additional 0.3 m

BUILDING STATISTICS			
FLOOR	GCA	GFA	# PARKING
P1	1,547 Sqmft	1,501 Sqmft	22



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846 Romana Drive Suite 22,
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www.coletara.com

GENERAL NOTES

1. SEE AND BE AWARE, WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS.
2. ALL WORK SHALL COMPLY WITH THE 2010 ONTARIO BUILDING CODE AND REGULATIONS.
3. CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND SPECIFICATIONS AND REPORT ANY DISCREPANCY TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
4. ALL CONTRACTORS AND SUB CONTRACTORS SHALL HAVE A SET OF APPROVED CONSTRUCTION DOCUMENTS ON SITE AT ALL TIMES.
5. ALL DOCUMENTS REMAIN THE PROPERTY OF THE ARCHITECT. CONTRACTORS ARE RESPONSIBLE FOR THE PROTECTION OF THESE DOCUMENTS. IT IS THE RESPONSIBILITY OF THE CONTRACT DOCUMENTS WRITER/PREPARER FOR THE CONTRACT DOCUMENTS WRITER/PREPARER BY THE CONSULTANT FOR THE ACCOUNT OF THE OWNER.
6. THE MATERIAL CONTAINED HEREIN REFLECTS THE CONSULTANT'S BEST JUDGMENT TO THE BEST OF HIS KNOWLEDGE AND BELIEF AT THE TIME OF PREPARATION. ANY DISCREPANCY BETWEEN THE CONTRACT DOCUMENTS, OR ANY REVISION THEREOF, SHOULD BE MADE BASED ON THEM ARE THE RESPONSIBILITY OF THE CONTRACTOR.
7. THE CONSULTANT ACCEPTS NO RESPONSIBILITY FOR DAMAGES, IF ANY, SUFFERED BY ANY THIRD PARTY AS A RESULT OF DECISIONS MADE OR ACTIONS BASED ON THE CONTRACT DOCUMENTS.



KEY PLAN

Rev	Date	Description
3	10/07/22	OPAZBA Submission 3
2	04/07/22	OPAZBA Submission 2
1	03/04/21	OPAZBA Submission 1

Project Name
Genesis Condominiums

Project Address
101 Hunter Street East,
Hamilton, Ontario

Conceptual Parking
Floor Plan Level P1

Project of Issue
**OPA/ZBA Resubmission
UHOPA-21-007 &
ZAC-21-014**

Drawn By
VR
Date
22-10-07

Project No.
-
Scale
As Indicated

Checked By

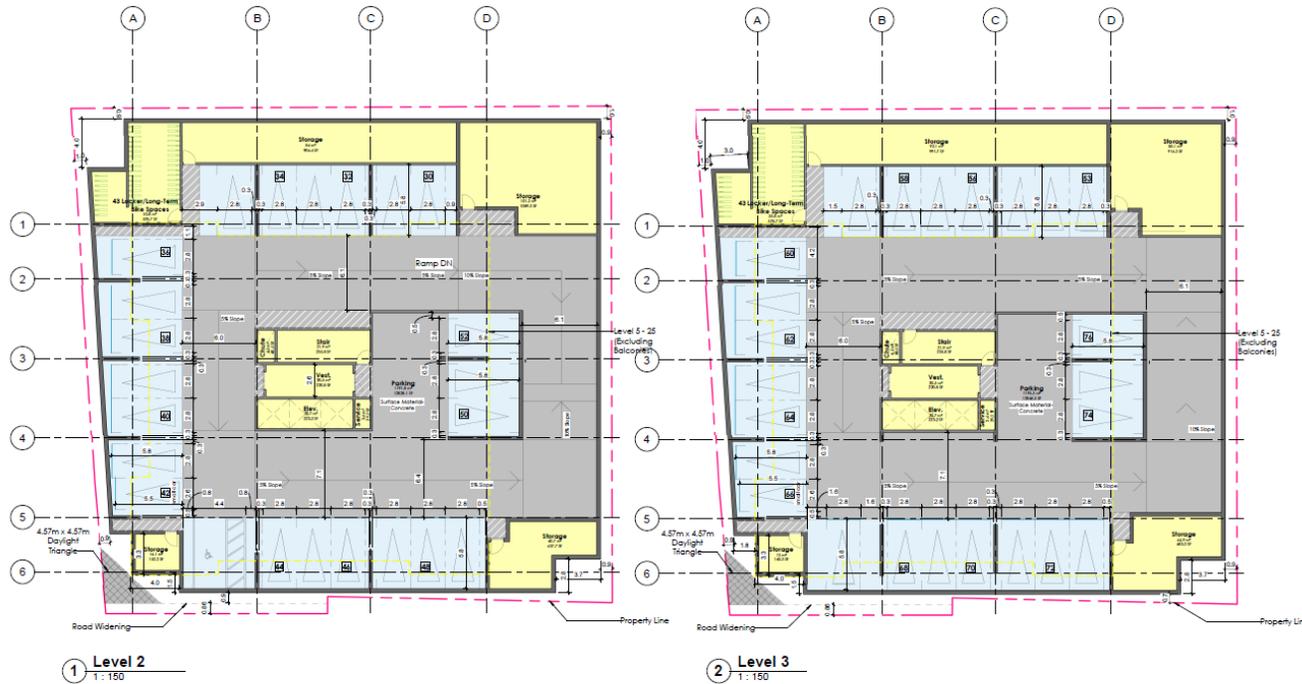


Sheet No.
A104

Appendix "D" to Report PED24112
Page 6 of 11

LEVEL 2 GFA: 1,514 Sqmt

LEVEL 3 GFA: 1,514 Sqmt



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Mississauga, Ontario L4W 2J1
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www.coletara.com

GENERAL NOTES
1. ALL DIMENSIONS SHOWN IN WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALING DIMENSIONS.
2. ALL WORK SHALL COMPLY WITH THE 2012 ONTARIO BUILDING CODE AND AMENDMENTS.
3. ALL CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND RECONCILIATE AND REPORT ANY DISCREPANCIES TO THE ARCHITECT FOR PROCEEDING WITH THE WORK.
4. ALL CONTRACTORS AND SUB CONTRACTORS SHALL HAVE A SET OF APPROVED CONSTRUCTION DOCUMENTS ON SITE AT ALL TIMES.
5. ALL DOCUMENTS REMAIN THE PROPERTY OF THE CONSULTANT. UNAUTHORIZED USE, MODIFICATION, AND/OR REPRODUCTION OF THESE DOCUMENTS IS STRICTLY PROHIBITED WITHOUT WRITTEN PERMISSION. THE CONTRACT DOCUMENTS WILL BE PREPARED BY THE CONSULTANT FOR THE ACCOUNT OF THE OWNER.
6. THE MATERIAL CONTAINED HEREIN REFLECTS THE CONSULTANT'S BEST JUDGMENT TO THE BEST OF THE INFORMATION AVAILABLE TO THEM AT THE TIME OF PREPARATION. ANY DISCREPANCY BETWEEN PARTS OF THE CONTRACT DOCUMENTS, OR ANY DISCREPANCY OR OMISSIONS, SHALL BE AVOIDED ON THE PART OF THE CONTRACTOR'S RESPONSIBILITY OF SUCH THIRD PARTIES.
7. THE CONSULTANT ACCEPTS NO RESPONSIBILITY FOR DAMAGES, IF ANY, SUFFERED BY ANY THIRD PARTY AS A RESULT OF DECISIONS MADE OR ACTIONS TAKEN ON THE CONTRACT DOCUMENTS.



Rev	Date	Description
3	10/07/22	OPA/ZBA Submission 3
2	04/07/22	OPA/ZBA Submission 2
1	03/04/21	OPA/ZBA Submission 1

Project Name
Genesis Condominiums

Project Address
101 Hunter Street East,
Hamilton, Ontario

The **Conceptual Floor Plan**
Level 2 & 3
Title Block of **OPA/ZBA Resubmission**
UHOPA-21-007 & ZAC-21-014

Scale By: VR Checked By:

Date: 22-10-07

Project No.

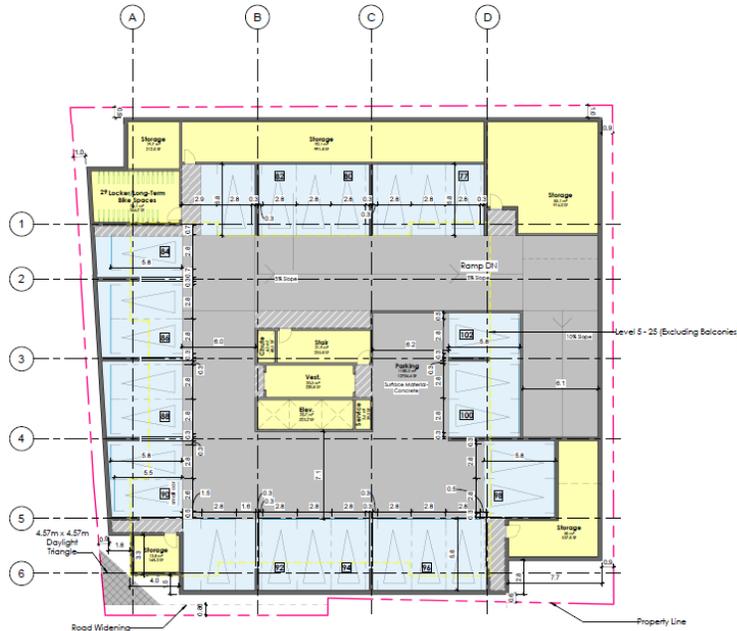
Scale: As Indicated **A105**

Parking Dimension
Standard car - 2.8 m x 5.8 m
Small car - 2.6 m x 5.5 m
Barrier Free - 4.4m x 5.8 m
Wall Column Obstruction - Additional 0.3 m

BUILDING STATISTICS					
FLOOR	GCA	GFA	# UNITS	# PARKING	BIKE PARKING/ROCKERS
Level 2	1,560 Sqmt	1,514 Sqmt	0	25	43
Level 3	1,560 Sqmt	1,514 Sqmt	0	24	43
Level 4	1,547 Sqmt	1,503 Sqmt	0	26	29

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Page 7 of 11

LEVEL 4 GFA: 1,503 Sqmt



1 Level 4
1:150

Parking Dimension

Standard car - 2.8 m x 5.8 m
Small car - 2.6 m x 5.5 m
Bicycle - 1.8 m x 0.7 m
Wall/Column Obstruction - Additional 0.3 m

BUILDING STATISTICS						
FLOOR	GCA	GFA	# UNITS	# PARKING	# BIKE PARKING/LOCKERS	
Level 2	1,560 Sqmt	1,514 Sqmt	0	23	43	
Level 3	1,560 Sqmt	1,514 Sqmt	0	24	43	
Level 4	1,549 Sqmt	1,503 Sqmt	0	26	29	



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GENERAL NOTE:
1. DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALE DIMENSIONS.
2. ALL WORK SHALL COMPLY WITH THE 2012 ONTARIO BUILDING CODE AND AMENDMENTS.
3. CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND DIMENSIONAL ACCURACIES PRIOR TO ANY CONSTRUCTION TO THE ARCHITECT'S SERVICE PROCEEDINGS WITH THIS PROJECT.
4. ALL CONTRACTORS AND SUB-CONTRACTORS SHALL HAVE A SET OF APPROVED CONSTRUCTION DOCUMENTS ON SITE AT ALL TIMES.
5. ALL DOCUMENTS SHALL BE THE PROPERTY OF THE ARCHITECT. CONTRACTORS USE AND/OR REPRODUCTION OF THESE DOCUMENTS FOR OTHER PROJECTS WITHOUT PERMISSION OF THE ARCHITECT IS PROHIBITED. CONTRACT DOCUMENTS WILL BE PREPARED BY THE ARCHITECT FOR THE ACCOUNT OF THE OWNER.
6. THE ARCHITECT'S CONTRACT HEREIN REFLECTS THE CONSULTANT'S BEST JUDGMENT IN LIGHT OF THE INFORMATION AVAILABLE TO THEM AT THE TIME OF PREPARATION, AND DOES NOT CONSTITUTE A WARRANTY OF THE CONTRACT DOCUMENTS, OR ANY SERVICE PROVIDED BY SUCH THIRD PARTIES.
7. THE CONSULTANT ACCEPTS NO RESPONSIBILITY FOR DAMAGES, INJURY AND/OR DEATH, ARISING FROM THE USE OF ANY INFORMATION OR DATA PROVIDED BY ANY THIRD PARTY AS A RESULT OF DESIGN OR CONSTRUCTION OF ANY WORK BASED ON THE CONTRACT DOCUMENTS.



Rev	Date	Description
3	10/07/22	OPA/ZBA Submission 3
2	04/07/22	OPA/ZBA Submission 2
1	03/04/21	OPA/ZBA Submission 1

Project Name: **Genesis Condominiums**

Project Address: **101 Hunter Street East, Hamilton, Ontario**

The **Conceptual Floor Plan Level 4**

Purpose of Plan: **OPA/ZBA Resubmission UHOPA-21-007 & ZAC-21-014**

Drawn by: VJR
Checked by:
Date: 22-10-07
Project No.:
Scale: As Indicated
Sheet No.: **A106**

Appendix "D" to Report PED24112
Page 8 of 11

LEVEL 5 GFA: 745 Sqmt



1 Level 5
1:150



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- GENERAL NOTE:**
1. DIMENSIONS SHALL PREVAIL OVER SCALE DIMENSIONS.
 2. ALL WORK SHALL COMPLY WITH THE 2012 ONTARIO BUILDING CODE AND AMENDMENTS.
 3. CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND DIMENSIONAL ACCURACIES AND CONFORMANCE TO THE ARCHITECT'S REQUIREMENTS WITH THE AEC.
 4. ALL CONTRACTORS AND SUB-CONTRACTORS SHALL HAVE A SET OF APPROVED CONSTRUCTION DOCUMENTS ON SITE AT ALL TIMES.
 5. ALL DOCUMENTS SHALL BE THE PROPERTY OF THE ARCHITECT. UNAUTHORIZED USE AND REPRODUCTION AND/OR REPRODUCTION OF THESE DOCUMENTS IS PROHIBITED AND ANY REPRODUCTION OF THESE DOCUMENTS WITHOUT THE ARCHITECT'S WRITTEN PERMISSION SHALL BE THE RESPONSIBILITY OF THE USER.
 6. THE ARCHITECT'S CONTRACTS HEREBY REFLECTS THE CONSULTANT'S BEST JUDGMENT IN LIGHT OF THE INFORMATION AVAILABLE TO THE ARCHITECT AT THE TIME OF PREPARATION AND DOES NOT CONSTITUTE A WARRANTY OF THE CONTRACT DOCUMENTS. NO WARRANTY OR OTHER LIABILITY SHALL BE ASSUMED BY THE ARCHITECT FOR SUCH THIRD PARTY.
 7. THE CONSULTANT ACCEPTS NO RESPONSIBILITY FOR DAMAGES, INJURY AND DEATH BY ANY THIRD PARTY AS A RESULT OF NEGLIGENCE MADE OR ACTIONS BASED ON THE CONTRACT DOCUMENTS.



KEY PLAN

Rev	Date	Description
3	10/07/22	OPA/ZBA Submission 3
2	04/07/22	OPA/ZBA Submission 2
1	03/04/21	OPA/ZBA Submission 1

Project Name:
Genesis Condominiums

Project Address:
101 Hunter Street East,
Hamilton, Ontario

The **Conceptual Floor Plan Level 5 (Outdoor Amenity Level)**

Purpose of Plan:
OPA / ZBA Resubmission UHOPA-21-007 & ZAC-21-014

Drawn by: VJR Checked by:

Date:
22-10-07

Project No.:
As Indicated



Scale:
A107

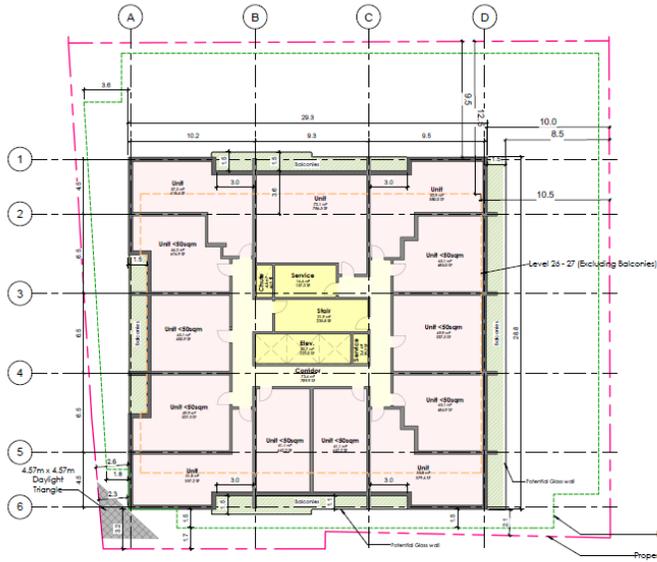
AMENITY AREA		REQUIRED	PROVIDED
		4 Sqmt per Unit	
Balconies		1200 Sqmt	
Indoor Amenity		290 Sqmt	
Outdoor Amenity		420 Sqmt	
TOTAL		1910 Sqmt	7 Sqmt per Unit

BUILDING STATISTICS				
FLOOR	GCA	GFA	# UNITS	BIKE PARKING/LOCKERS
Level 5	791 Sqmt	745 Sqmt	8	0

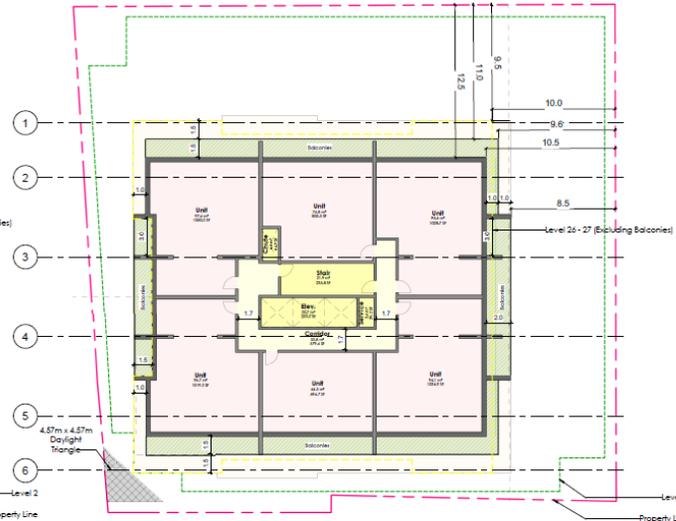
Appendix "D" to Report PED24112
Page 9 of 11

LEVEL 6-25 GFA: 745 Sqmt

LEVEL 26-27 GFA: 582.5 Sqmt



1 Level 6-25
1 : 150



2 Level 26-27
1 : 150



Coletara Development
94A Parkside Drive, Suite 22
Mississauga, Ontario L4V 1Z1
Ph: 1-905-544-1000
www.coletara.com

- GENERAL NOTES**
1. ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS.
 2. ALL WORK SHALL COMPLY WITH THE 2010 ONTARIO BUILDING CODE AND AMENDMENTS.
 3. CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND REVISIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
 4. ALL CONTRACTORS AND SUB-CONTRACTORS SHALL HAVE A SET OF APPROVED CONSTRUCTION DOCUMENTS ON SITE AT ALL TIMES.
 5. ALL DOCUMENTS REQUIRING THE REVIEW OF THE ARCHITECT, UNAPPROVED USE, MODIFICATION AND/OR REPRODUCTION OF THESE DOCUMENTS IS PROHIBITED WITHOUT WRITTEN PERMISSION. THE CONTRACT DOCUMENTS WERE PREPARED BY THE CONSULTANT FOR THE ACCOUNT OF THE OWNER.
 6. ALL MATERIAL COMPARED AGAINST THE CONSULTANT'S BEST JUDGMENT TO THE BEST OF THE INFORMATION AVAILABLE TO HIM AT THE TIME OF PREPARATION, BUT WITHOUT A THIRD PARTY WITNESS. DISCREPANCIES TO THE HANDED DIMENSIONS ARE THE RESPONSIBILITY OF SUCH THIRD PARTIES.
 7. THE CONSULTANT ACCEPTS NO RESPONSIBILITY FOR DAMAGE IF ANY SUFFERED BY ANY THIRD PARTY AS A RESULT OF ACTIONS MADE OR ACTIONS BASED ON THE CONTRACT DOCUMENTS.



KEY PLAN

Rev	Date	Description
3	10/07/22	OPA/ZBA Submission 3
2	04/07/22	OPA/ZBA Submission 2
1	03/04/21	OPA/ZBA Submission 1

Project Name
Genesis Condominiums

Project Address
101 Hunter Street East,
Hamilton, Ontario

Title
Conceptual Floor Plan Level 6-25 & 26-27

Purpose of Plan
OPA/ZBA Resubmission
UHOPA-21-007 & ZAC-21-014

Drawn By: VQ Checked By:

Date: 22-10-07

Scale: As Indicated
North Arrow
A108

BUILDING STATISTICS				
FLOOR	# FLOORS	GCA	GFA	# UNITS
Level 6-25	20	791 Sqmt X 20= 15,819 Sqmt	745 Sqmt X 20= 14,907 Sqmt	13X20=260
Level 26-27	2	628 Sqmt X 2= 1,256 Sqmt	582.5 Sqmt X 2= 1,165 Sqmt	6X2=12

Appendix "D" to Report PED24112
Page 10 of 11



Coletara Development
866 Patricia Drive Suite 202
Mississauga, Ontario L4W 2E1
Ph. No. 905-624-4100
www.coletara.com

- GENERAL NOTE:**
1. ALL NOT TO SCALE DRAWINGS, WRITTEN CONDITIONS SHALL HAVE PRECEDENCE OVER CALLED DIMENSIONS.
2. ALL WORK SHALL COMPLY WITH THE 2011 ONTARIO BUILDING CODE AND AMENDMENTS.
3. CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND SPECIFICATIONS AND REPORT A LIST OF DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
4. ALL CONTRACTORS AND SUB-CONTRACTORS SHALL HAVE A SET OF APPROVED CONSTRUCTION DOCUMENTS ON SITE AT ALL TIMES.
5. ALL DOCUMENTS BEING THE PROPERTY OF THE ARCHITECT. UNAUTHORIZED USE, REPRODUCTION, AND/OR REPRODUCTION OF THESE DOCUMENTS IS PROHIBITED WITHOUT THE PERMISSION OF THE ARCHITECT. CONTRACT DOCUMENTS MUST BE PREPARED BY THE CONSULTANT FOR THE ACCOUNT OF THE OWNER.
6. THE MATERIAL CONTAINED HEREIN REFLECTS THE CONSULTANT'S BEST KNOWLEDGE AT THE TIME OF PREPARATION AND USES WHICH A THIRD PARTY TAKES ON THE ASSUMPTION OF LIABILITY FOR ANY ERRORS OR OMISSIONS. DECISIONS TO BE MADE BASED ON THEM ARE THE RESPONSIBILITY OF SUCH PARTY.
7. THE CONSULTANT ACCEPTS NO RESPONSIBILITY FOR DAMAGES, IF ANY, SUFFERED BY ANY THIRD PARTY AS A RESULT OF DECISIONS MADE OF ACTIONS BASED ON THE CONTRACT DOCUMENTS.



KEY PLAN

Rev	Date	Description
3	10/07/22	OPA/ZBA Submission 3
2	04/07/22	OPA/ZBA Submission 2
1	03/04/21	OPA/ZBA Submission 1

Project Name
Genesis Condominiums

Project Address
101 Hunter Street East,
Hamilton, Ontario

Site
Conceptual Elevations-1

OPA/ZBA Resubmission
UHOPA-21-007 &
ZAC-21-014

Drawn by
VR

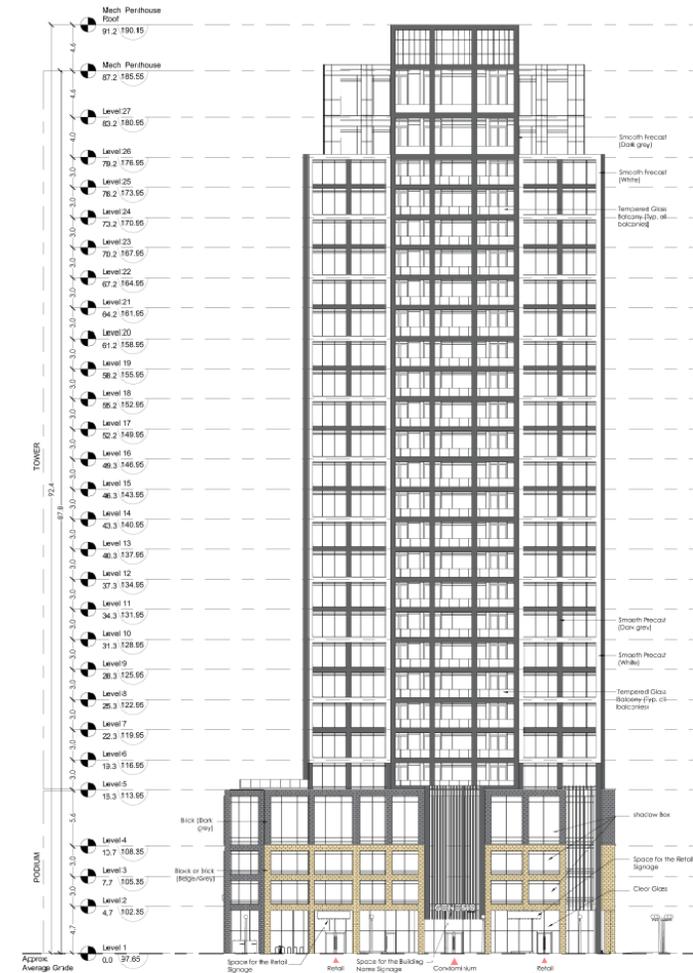
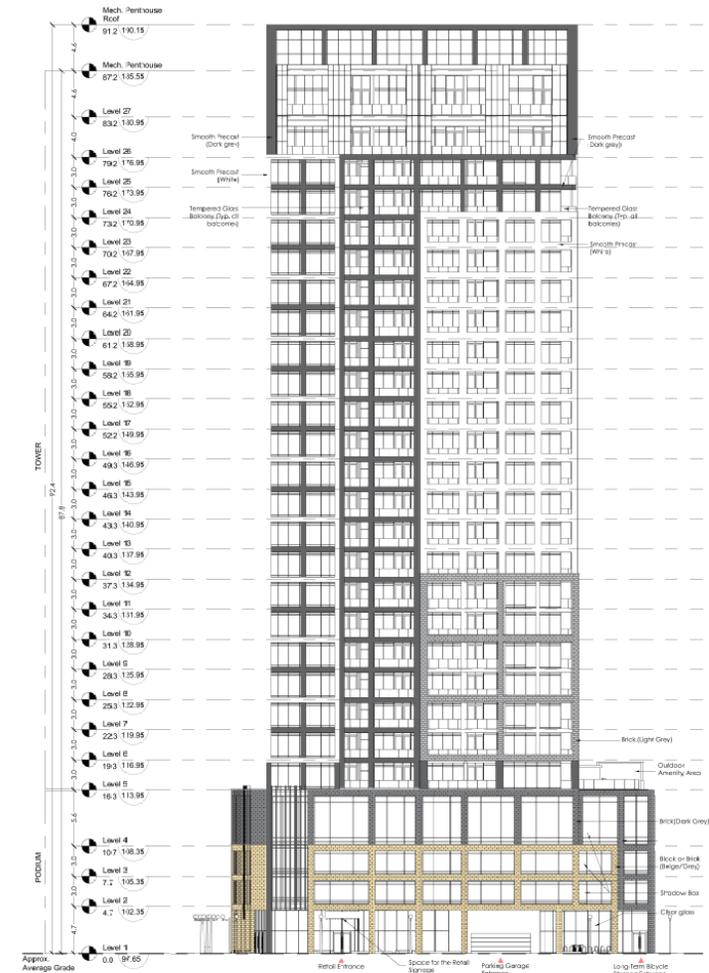
Date
22-10-07

Project No.
-

Scale
1 : 150



Sheet No.
A110



1 South Elevation

2 West Elevation

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Coletara Development
956 First Third Drive Suite 202
Mississauga, Ontario L4W 2S1
Ph. No. 905-624-4100
www.coletara.com

- GENERAL NOTE**
1. DO NOT SCALE OR DIMENSIONS. WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER CALLED DIMENSIONS.
 2. ALL WORK SHALL COMPLY WITH THE 2018 ONTARIO BUILDING CODE AND AMENDMENTS.
 3. CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND SPECIFICATIONS AND REPORT A BY DISCREPANCY TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
 4. ALL CONTRACTORS AND SUB-CONTRACTORS SHALL HAVE A SET OF APPROVED CONSTRUCTION DOCUMENTS ON SITE AT ALL TIMES.
 5. ALL DECISIONS REGARDING THE PROGRESS OF THE PROJECT SHALL BE MADE BY THE ARCHITECT. ANY USE WHICH IS NOT PART OF THE CONTRACT DOCUMENTS OR ANY RESOLVE OTHER DECISIONS TO BE MADE BASED ON THEM ARE THE RESPONSIBILITY OF SUCH TRADESMEN.
 6. THE MATERIAL COLOURED HEREIN REFLECTS THE COLOURS THAT BEST REPRESENTS THE APPEARANCE OF THE MATERIALS. AT THE TIME OF PREPARATION, ANY USE WHICH IS NOT PART OF THE CONTRACT DOCUMENTS OR ANY RESOLVE OTHER DECISIONS TO BE MADE BASED ON THEM ARE THE RESPONSIBILITY OF SUCH TRADESMEN.
 7. THE CONSULTANT ACCEPTS NO RESPONSIBILITY FOR DAMAGES, IF ANY, INCURRED BY ANY THIRD PARTY AS A RESULT OF DECISIONS MADE OF ACTIONS BASED ON THE CONTRACT DOCUMENTS.



KEY PLAN

Rev	Date	Description
3	10/17/22	OPA/ZBA Submission 3
2	04/17/22	OPA/ZBA Submission 2
1	03/04/21	OPA/ZBA Submission 1

Project Name
Genesis Condominiums

Project Address
101 Hunter Street East,
Hamilton, Ontario

Site
Conceptual Elevations-2

OPA/ZBA Resubmission
UHOPA-21-007 &
ZAC-21-014

Drawn by
VR

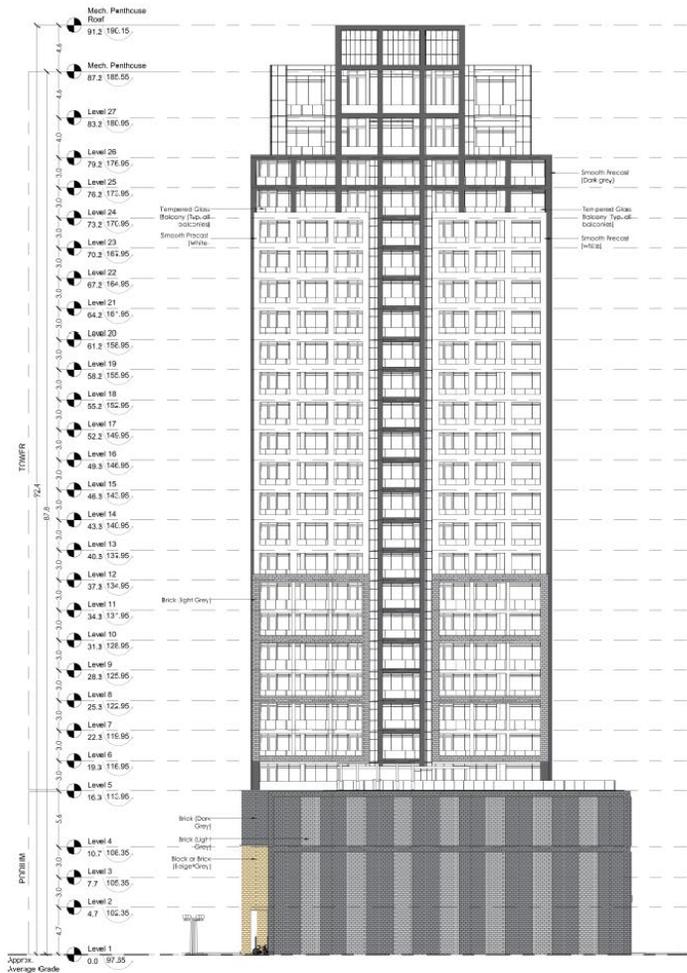
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22-10-07

Project No.
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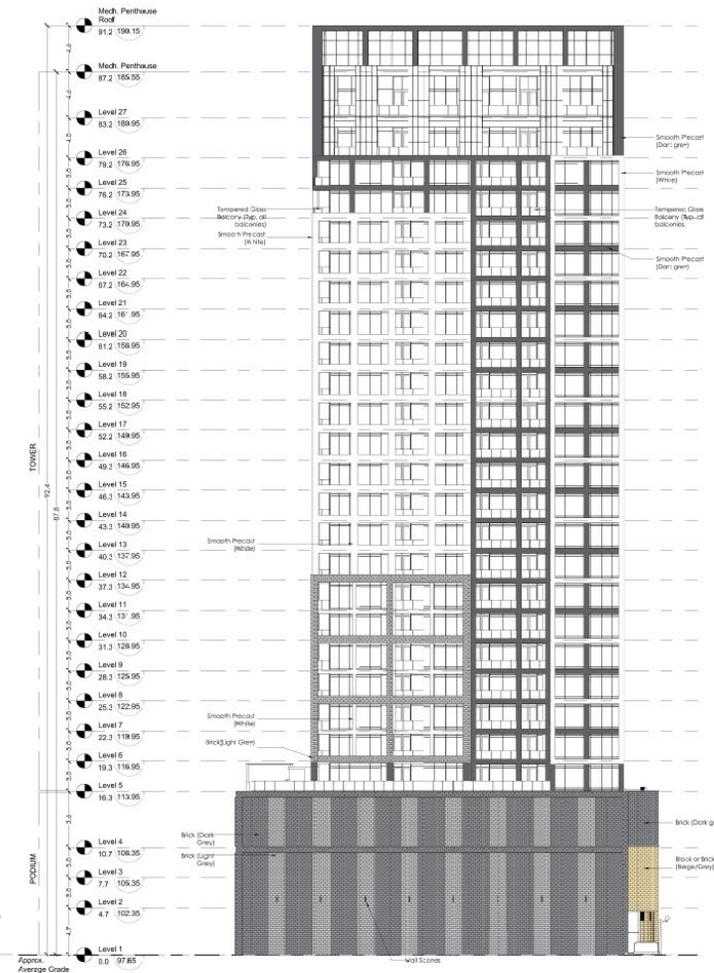
Scale
1 : 150



Sheet No.
A111



3 East Elevation



4 North Elevation

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Zoning By-law Site Specific Modifications – Downtown Central Business District (D1, 846) Zone

Provision	Required	Requested Amendment	Analysis
Section 5: Parking (Revised Provisions through By-law No. 24-052)			
5.7.4 a) – Minimum Required Number of Electric Vehicle Parking Spaces	A minimum of 100% of all residential parking spaces excluding visitor parking spaces, and a minimum of 50% of parking spaces for any other use are required.	A minimum of 25% of all provided parking spaces, excluding visitor parking spaces.	<p>The applications were submitted in March of 2021, before Council approved the new parking regulations through By-law No. 24-052, which included the requirement for Electric Vehicle Parking Spaces. Whereas the new regulations did include transitional clauses for other types of <i>Planning Act</i> applications, active Zoning By-law Amendment applications were not included. Accordingly, once the new regulations are final and binding, they would be applicable to the proposed development. Based on the timing of the submission of the applications relative to the new parking regulations, staff were open to some flexibility in applying the new regulations.</p> <p>The applicant has committed to providing 25% of all provided parking spaces to be Electric Vehicle Parking Spaces. This results in approximately 25 Electric Vehicle Parking Spaces based on the current provision of parking. The applicant confirmed that this was the most that could be provided without redesigning the proposal and departing significantly from the proposed development concept.</p>

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Provision	Required	Requested Amendment	Analysis
Section 5: Parking (Revised Provisions through By-law No. 24-052)			
5.7.4 a) – Minimum Required Number of Electric Vehicle Parking Spaces (Continued)			Staff are of the opinion that, given the circumstances, 25% Electric Vehicle Parking Spaces is appropriate and supportable, as the current in-force regulation does not have an Electric Vehicle Parking Space requirement. Therefore, the proposed modification can be supported.
5.7.5 a) ii) – Minimum Long Term Bicycle	A minimum of 0.7 long term bicycle parking space per unit.	A minimum of 0.6 long term bicycle parking spaces per unit.	Similar to the justification for the reduction of Electric Vehicle Parking Spaces above staff are of the opinion that, given the circumstances, 0.6 long-term bicycle parking spaces per unit is appropriate and supportable as it constitutes an increase over the existing in-force regulation. Therefore, the proposed modification can be supported.
Section 6.0: Downtown Zoning General Provisions			
6.0 c) i) – Minimum Stepback from the Building Base Façade Height <i>** Applicant Requested Modification</i>	3.0 metres at a height of 16.0 metres for the Hunter Street East Building Base Façade Height. 3.0 metres at a height of 7.5 metres for the Catharine Street South Building Base Façade Height.	1.3 metres at a height of 16.6 metres for the Hunter Street East Building Base Façade Height.	The proposed 16.6 metre Building Base Façade Height along Hunter Street East represents a height that is consistent with the Building Base Façade Height of 16.0 metres in the Zoning By-law. The modification includes a reduction to the required stepback from 3.0 metres to 1.3 metres. The reduction in stepback depth will not result in shadow impacts on Hunter Street East.

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Provision	Required	Requested Amendment	Analysis
Section 6.0: Downtown Zoning General Provisions			
<p>6.0 c) i) – Minimum Stepback from the Building Base Façade Height (Continued)</p> <p><i>** Applicant Requested Modification</i></p>		<p>1.5 metres at a height of 16.6 metres for the Catharine Street South Building Base Façade Height.</p> <p>No minimum stepback shall be required from the hypotenuse of a daylight triangle.</p>	<p>The proposed development will include additional design elements including changes in materiality which in combination with the proposed 1.3 metre stepback will ensure that an appropriately massed built form is achieved that respects street proportions and appropriately defines the building base. The additional design elements and details with respect to materiality will be determined through the Site Plan Control application.</p> <p>The modification does seek to reduce the required stepback from 3.0 metres to 1.5 metres along Catharine Street South. The proposed 16.6 metre Building Base Façade Height along Catharine Street South does represent a departure from the permitted 7.5 metre height permitted in the Zoning By-law; however, the increase in height and reduced stepback will not create an adverse shadow impact on the public realm and design features including canopies will be included which will reflect envisioned scale along Catherine Street South and thereby acknowledge the right-of-way width of Catharine Street South.</p> <p>The proposed modification will allow for a consistent podium height along the entire street frontage and avoid the need for a stepdown in the podium height from Hunter Street East to Catharine Street South.</p>

Appendix “E” to Report PED24112

Provision	Required	Requested Amendment	Analysis
Section 6.0: Downtown Zoning General Provisions			
<p>6.0 c) i) – Minimum Stepback from the Building Base Façade Height (Continued)</p> <p><i>** Applicant Requested Modification</i></p>			<p>The reduced depth is for the southwest corner of the façade with the northwest corner achieving the required 3.0 metre minimum depth. The public realm along Catharine Street South will receive the minimum three hours of sun access between 10 a.m. and 4 p.m. at the equinox required by the policies of the Downtown Hamilton Secondary Plan and therefore the reduction in stepback depth will not create adverse shadow impacts.</p> <p>The proposed development will include design elements, including changes in materiality and canopies, which in combination with the proposed 1.5 metre stepback will ensure that an appropriately massed built form is achieved, and the building base is well defined. The additional design elements and details with respect to materiality will be determined through the Site Plan Control application.</p> <p>The southwest corner of the proposed building is located at the hypotenuse of the daylight triangle and no stepback is being proposed. The overall built form will be appropriately massed to respect the character of the neighbourhood through the establishment of a well defined four storey podium which reflects the general scale of the area.</p> <p>Therefore, the proposed modifications can be supported.</p>

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Provision	Required	Requested Amendment	Analysis
Section 6.0: Downtown Zoning General Provisions			
<p>6.0 c) ii) – Minimum Stepback from a Side or Rear Lot Line</p> <p><i>** Staff Requested Modification</i></p>	<p>3.0 metres for any portion of a building exceeding 22.0 metres.</p>	<p>9.5 metres for any portion of a building exceeding 16.6 metres in height from the northerly lot line.</p> <p>8.3 metres for an enclosed noise buffer balcony or 9.8 metres to a wall without an enclosed noise buffer balcony, for any portion of a building exceeding 16.6 metres in height from the easterly lot line.</p>	<p>The proposed modification represents an increase in the minimum required stepback of the building from the northerly and easterly lot lines and reduces the height at which that stepback is required to occur. The increase in the required stepback will reduce privacy/overlook and shadow impacts on the low density residential lands to the east and reduce the overall massing of the proposed development. Furthermore, the increase in stepback to the northerly lot line, together with the width of the existing alley, will ensure there is appropriate separation from the tower element of the proposed building and any future tower that may be developed to the north of the subject lands.</p> <p>Therefore, the proposed modifications can be supported.</p>
<p>6.0 c) iii) 2. – Minimum Stepback from a Side or Rear Lot Line</p> <p><i>** Applicant Requested Modification</i></p>	<p>12.5 metres for any portion of a building exceeding 44.0 metres.</p>	<p>8.3 metres for an enclosed balcony or 9.8 metres to a wall without an enclosed balcony, for any portion of a building exceeding 16.6 metres in height from the easterly lot line.</p>	<p>The proposed modification does represent a reduction in the required stepback from 12.5 metres to 9.8 metres to a wall and 8.3 metres to an enclosed balcony for the portion of the building exceeding 44.0 metres in height. As the lower portion of the tower (below 44.0 metres in height) is required to provide a greater stepback, the proposed tower will have reduced privacy and overlook impact on the lands adjacent to the east.</p>

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Provision	Required	Requested Amendment	Analysis
Section 6.0: Downtown Zoning General Provisions			
<p>6.0 c) iii) 2. – Minimum Stepback from a Side or Rear Lot Line (Continued)</p> <p><i>** Applicant Requested Modification</i></p>			<p>Additionally, the applicant has demonstrated that adequate sun access will be maintained for the lands to the east.</p> <p>The proposed modification will not have an adverse impact on the potential development of the adjacent lands to the east or the balance of the lands on the north side of Hunter Street East.</p> <p>Therefore, the proposed modification can be supported.</p>
Section 6.1: Downtown Central Business District (D1) Zone			
<p>6.1.1.1 i) 1. B. – Ground Floor Parking</p> <p><i>** Applicant Requested Modification</i></p>	<p>Parking Facilities, with the exception of an access driveway to the parking facility, the ground floor of the facility which faces any street shall only be used for permitted uses, other than parking.</p>	<p>Parking Facilities, with the exception of an access driveway to the parking garage facility, the ground floor of the facility which faces any street shall only be used for permitted uses and bicycle parking storage, other than parking.</p>	<p>The proposed development includes motor vehicle parking spaces on the ground floor. The majority of the ground floor parking is buffered with commercial or with the residential lobby. A small portion of the Hunter Street East frontage is buffered by an internal bicycle storage area, as per Appendix “D” attached to Report PED24112, and therefore requires a modification to the requirement. Staff feel that this is an appropriate location for bicycle parking storage.</p> <p>There is insufficient space to the east of the proposed access driveway and the internal driveway ramps to provide adequate space for an additional commercial unit or an alternative permitted use. Therefore, the proposal represents an alternative means through which to buffer the ground level parking from the public realm.</p> <p>Therefore, the proposed modification can be supported.</p>

Appendix “E” to Report PED24112

Provision	Required	Requested Amendment	Analysis
Section 6.1: Downtown Central Business District (D1) Zone			
6.1.3 b) ii) – Maximum Building Height <i>** Applicant Requested Modification</i>	44.0 metres	92.5 metres or 190.2 metres above sea level, whichever is the lesser.	<p>The subject lands are located within proximity to existing local transit, existing regional transit, and a future light rail transit corridor, and therefore constitute an appropriate location for intensification. The increase in height will not exceed the height of the Niagara Escarpment and the site-specific modification will ensure that the building height does not exceed the 190.2 metres above sea level that has been identified in the Downtown Hamilton Secondary Plan for the height of the Niagara Escarpment. The proposed tall building will be separated from the low density residential neighbourhood to the south by approximately 70 metres with both Hunter Street East and the elevated rail corridor located between the proposed building and the low density residential neighbourhood. Appropriate transition will therefore be provided to the neighbourhood to the south.</p> <p>For the lands to the east, appropriate setbacks of the tower from the adjacent lands will be established which will protect the privacy of the adjacent lands and will not result in adverse shadow impacts.</p> <p>The applicant has demonstrated that the proposed increase in height will not result in adverse shadow impacts on the public realm and on any primary gathering space. Additionally, the applicant has demonstrated that the proposed increase in height will not result in adverse wind impact on the public realm or adjacent lands uses.</p>

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Provision	Required	Requested Amendment	Analysis
Section 6.1: Downtown Central Business District (D1) Zone			
6.1.3 b) ii) – Maximum Building Height (Continued) <i>** Applicant Requested Modification</i>			Therefore, the proposed modification can be supported.
6.1.3 e) – Maximum Lot Coverage <i>** Applicant Requested Modification</i>	85%	91%	<p>The intent of restricting development to a maximum 85% lot coverage is to ensure that adequate space is maintained for storm water management.</p> <p>The applicant has adequately demonstrated that storm flows will be controlled and has demonstrated that the City's design criteria limiting 100-year post-development flows to the two-year pre-development discharge rate have been met. The increase in maximum lot coverage will not result in an adverse impact on storm water management.</p> <p>Therefore, the proposed modification can be supported.</p>

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Provision	Required	Requested Amendment	Analysis
Section 6.1: Downtown Central Business District (D1) Zone			
Percent of Two and Three Bedroom Units <i>** Staff Requested Modification</i>	N/A	A minimum of 16.8% of the dwelling units shall be units with two or more bedrooms, and a minimum of 1.0% of the dwelling units shall be units with three or more bedrooms.	The policies of the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan require that development provide a mix of unit sizes to accommodate a range of household sizes. The proposed development incorporates a percentage of two- and three-bedroom units and the proposed modification will ensure that these units are established and maintained. Therefore, the proposed modification can be supported.

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SUMMARY OF POLICY REVIEW

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

Theme and Policy	Summary of Policy or Issue	Staff Response
Provincial Policy Statement (2020)		
<p>Settlement Areas</p> <p>1.1.3.1, 1.1.3.2 and 1.1.3.3</p>	<p>Focus growth and development into Settlement Areas.</p> <p>Land use patterns within settlement areas shall be based on the efficient use of land and resources, are appropriate for and efficiently use infrastructure and public services, minimize impact on climate change and promote energy efficiency, support active transportation, and are transit supportive.</p> <p>Identify appropriate locations and promote opportunities for transit-supportive development, accommodate a significant supply and range of housing options through intensification and redevelopment.</p>	<p>The proposed development focuses growth and development into a settlement area and efficiently uses land, resources, and public services by providing intensification in the form of a mixed use development that is located within a settlement area, and within proximity to existing transit, parks, and schools.</p> <p>The proposed development represents a compact built form in proximity to existing local and regional transit, and a proposed light rail transit corridor. The proposed development will include bicycle parking, EV charging stations for 25% of the parking spaces and is located within walking distance of local commercial and institutional services and therefore will help to minimize the impact of a changing climate, promote energy efficiency, support active transportation and be transit supportive.</p> <p>The lands are located within Downtown Hamilton and therefore are located in an area of the City which is intended to be the focus for higher density transit supportive development.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
Provincial Policy Statement (2020)		
Settlement Areas 1.1.3.1, 1.1.3.2 and 1.1.3.3 (Continued)		The proposed development will contribute to achieving a broader range of housing options through intensification, including through the inclusion of dwelling units with two and three bedrooms.
A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)		
Managing Growth 2.2.1.2, 2.2.1.4	<p>Forecasted growth will be accommodated through the majority of growth being directed to settlement areas that have a delineated built boundary, have existing or planned municipal water and wastewater services, and can support the achievement of complete communities.</p> <p>Forecasted growth will be within strategic growth areas, locations with existing or planned transit, and areas with existing or planned public service facilities.</p> <p>Growth should support the achievement of complete communities that feature a diverse mix of land uses, including residential, convenient access to local stores, services and public service facilities, provide a diverse range and mix of housing options, provide a more compact built form and a vibrant public realm, and mitigate and adapt to the impacts of climate change.</p>	<p>The subject property is located within a settlement area and within the Built-up area as identified in the Urban Hamilton Official Plan Appendix “G” Boundaries Map.</p> <p>The proposed development will be serviced by municipal water and wastewater services. The proposed development will increase the supply of residential dwelling units including units for larger households and provide commercial services. Therefore, the proposed development will support the achievement of complete communities.</p> <p>There are existing transit routes in proximity to the subject lands including routes along Hunter Street East, Main Street East located to the north, John Street South located to the west, amongst others. The proposed development is also within walking distance to a future higher order light rail transit corridor along King Street East. There is also existing regional transit located in proximity to the subject lands, in particular the GO station located to the west. The proposed development is located within walking distances of institutional uses located in and near the downtown including existing municipal parks and elementary schools, and therefore the proposed development focuses growth in an area with existing and planned transit and with existing public service facilities.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)		
Managing Growth 2.2.1.2, 2.2.1.4 (Continued)		The proposed development assists with the achievement of complete communities that feature a diverse mix of land uses, including residential and commercial uses. The proposal also contributes toward providing a range of housing options through the provision of units that include two and three bedrooms. The proposed development also supports pedestrian connections and amenities and ground related commercial uses, which will help to support a vibrant public realm.
Official Plan:	Urban Hamilton Official Plan	
Residential Intensification Policy B.2.4.1.4	Development within the built-up area shall be evaluated based on a balanced evaluation of items such as: <ul style="list-style-type: none"> • Respect for existing character to build upon desirable established patterns and built forms; • Contribution of the development to achieving a range of dwelling types and tenures; • Compatible integration of the development with the surrounding area; and, • Achieving the planned function of the urban structure. • The provision of adequate servicing capacity; • Incorporation of green infrastructure and sustainable design elements; and, • The development being transit-supportive. 	The subject lands are located within the Urban Growth Centre. The surrounding area includes a mix of residential and commercial uses in mix of low rise, mid rise and high rise built forms. The proposed 28 storey mixed use development includes a four storey building base that builds upon established patterns and built form. The proposed development includes a total of 293 residential units with a mix of dwelling types including 50 units that are two bedroom units, and three, three bedroom units. The proposed development contributes to achieving the planned urban structure for Downtown Urban Growth Centre, which is the pre-eminent intensification node, and has the highest aggregate density.

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Residential Intensification</p> <p>Policy B.2.4.1.4 (Continued)</p>	<ul style="list-style-type: none"> • The availability of public community facilities and services; and, • The retention and/or enhancement of the natural attributes of the site and surrounding community. 	<p>There are existing water, wastewater and stormwater services available, and it has been adequately demonstrated that there is adequate capacity to service the proposed development. The details with respect to the establishment of servicing connections will be addressed through the future Site Plan Control application.</p> <p>The proposed development represents a compact urban form in proximity to public transit and commercial and institutional services, will include short term and long term bicycle parking and will include EV charging stations for 25% of all parking spaces. These elements will ensure a development that incorporates green infrastructure and sustainable design elements and is transit supportive. Additional green infrastructure and sustainable design elements will be identified and implemented through the Site Plan Control application.</p>
<p>Cultural Heritage</p> <p>B.3.4.2.1 a), B.3.4.2.1 d), B.3.4.2.1 g), B.3.4.3.6</p>	<p>Protect and conserve the tangible cultural heritage resources of the City, including archaeological resources, built heritage resources, and cultural heritage landscapes.</p> <p>Avoid harmful disruption or disturbance of known archaeological sites or areas of archaeological potential.</p> <p>Conservation and protection of cultural heritage resources in planning and development matters.</p>	<p>The subject property meets three of the ten criteria used for determining archaeological potential which defines the property as having archaeological potential. Staff require a written archaeological caution be added to any future Site Plan.</p> <p>The subject property 101 Hunter Street East contains a building which was built circa 1880 that is included in the City’s Municipal Heritage Register as a non-designated property.</p> <p>The property is additionally located within Corktown Established Historic Neighbourhood. The proposed development includes the demolition of the existing building to accommodate the new development.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
Cultural Heritage B.3.4.2.1 a), B.3.4.2.1 d), B.3.4.2.1 g), B.3.4.3.6 (Continued)	City shall protect established historical neighbourhoods, as identified in the cultural heritage landscape inventory, secondary plans and other City initiatives. New construction and development shall be sympathetic and complementary to existing cultural heritage attributes of the neighbourhood.	<p>A Cultural Heritage Impact Assessment was prepared by Goldsmith Borgal & Company Ltd. Architects dated February 26, 2021, and revised August 24, 2022, in support of the application. The Cultural Heritage Impact Assessment was reviewed by the Policy and Design Working Group of the Hamilton Municipal Heritage Committee on April 19, 2021. The response provided by the applicant to the cultural heritage comments requested that the Commemoration Strategy, salvage, and reuse of existing glass windows be addressed as part of the Site Plan Control application.</p> <p>To ensure that a Commemoration Strategy is undertaken, approved and implemented, a condition of a Holding Provision will require this to be undertaken as part of a future Site Plan Agreement.</p>
Site Condition B.3.6.1.1	Where there is potential for contamination due to previous uses and a more sensitive land use is proposed, a mandatory filing of a Record of Site Condition is triggered as outlined in provincial guidelines.	The current use of the lands includes an existing surface parking lot and commercial office building, and the proposal is to establish more sensitive land uses on-site. A mandatory filing of a Record of Site Condition is required and is included as a condition of the Holding Provision.
Theme and Policy	Summary of Policy or Issue	Staff Response
Noise B.3.6.3.1, B.3.6.3.18	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>An Environmental Noise Assessment prepared by SLR dated January 2021 and addendums dated March 2022 and September 20, 2022, were submitted.</p> <p>A peer review of the Environmental Noise Assessment was undertaken by RWDI dated March 3, 2023, and November 28, 2023. Responses to the peer review was provided by SLR dated April 24, 2023, and September 15, 2023.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Noise</p> <p>B.3.6.3.1, B.3.6.3.18 (Continued)</p>	<p>All development or redevelopment with the potential to create conflicts between sensitive lands uses and point source noise sources complies with all applicable provincial legislation, provincial and municipal standards and provincial guidelines, and shall have regard to municipal guidelines.</p>	<p>The Environmental Noise Assessment evaluated a number of transportation noise sources including Hunter Street East, John Street South, Main Street East, Canadian Pacific Railway subdivision and Metrolinx Lakeshore West rail corridor. The Study identified combined sound levels of all transportation noise sources ranging from 54 dBA to 67 dBA in the daytime and 50 dBA to 66 dBA in the nighttime. The identified noise levels require noise mitigation measures including central air conditioning, enhanced Sound Transmission Class (STC) for wall and windows, and warning clauses. The mitigation measures for transportation noise sources will be implemented through the Site Plan Control process. To ensure that all required noise mitigation measures are implemented, a Holding Provision has been included.</p> <p>The study identified the Hamilton GO Metrolinx Layover Yard as a stationary noise source and specifically identifying idling GO trains as a stationary noise source.</p> <p>The sound levels for the south and east facades which are most exposed to the idling GO trains identified predicted sound levels of 64 dBA, which exceeds the outside plane of window maximum level of 50 dBA daytime and 45 dBA nighttime. Furthermore, given that the idling of the trains is to occur prior to the early morning departure at 7 a.m., the nighttime threshold would be applicable.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Noise</p> <p>B.3.6.3.1, B.3.6.3.18 (Continued)</p>		<p>The Environmental Noise Assessment and addendums prepared by SLR identify that the proposed development cannot comply with the Class 1 noise guidelines and recommend that lands be re-classified to a Class 4 designation.</p> <p>The study explored why mitigation to retain a Class 1 designation is not possible or feasible, noting the following:</p> <ul style="list-style-type: none"> • The diesel locomotive noise cannot be mitigated at the source; and, • Based on the height of the development a noise barrier located on the GO Layover yard would not be feasible, as a barrier with a height of 50 metres in height and 65 metres in length would be required, such a barrier would carry an excessive cost and would have shadow and wind impacts on the surrounding area. • An enclosed barn of the portion of the railway yard where the locomotives idle is not feasible. Such a structure would have ventilation issues and would have extensive cost associated with it; and, • The options would require approval by Metrolinx, who have historically not agreed to such mitigation measures. <p>Class 4 designation increases the daytime sound levels at plane of window from 50 dBA to 60 dBA and nighttime levels from 45 dBA to 55 dBA. Therefore, the predicted stationary sound levels will exceed thresholds for Class 4 designated lands. The Study recommends two options for noise mitigation, one involving upgraded glazing and the other involving Enclosed Noise Buffer Balconies.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Noise</p> <p>B.3.6.3.1, B.3.6.3.18 (Continued)</p>		<p>Peer Review</p> <p>As the noise levels exceeded the permissible levels under a Class 4 area and given the extensive technical expertise required to evaluate proposed mitigation measures, a peer review of the Environmental Noise Assessment was required. The peer review undertaken by RWDI identified the potential acoustical impact of low frequency sound, which is known to cause annoyance and is highly prevalent for diesel locomotives. The peer review noted that Provincial guidelines do not contemplate the influence of low frequency sound or provide direction on how to design for it.</p> <p>The peer review noted that proposed upgraded façade mitigation option should not be permitted as it does not meet the assessment requirements of the provincial guidelines.</p> <p>The peer review noted that the Enclosed Noise Buffer Balconies demonstrates compliance with provincial guidelines but also noted that while the design meets the guidelines there remains a risk that there will be resident annoyance due to low frequency sound.</p> <p>RWDI advised that should the City choose to approve the development based on the overall provincial criteria being met, RWDI recommended that the Enclosed Noise Buffer Balcony be restricted to the smallest length and depth practical to limit low frequency sound resonances. Additionally, it is recommended that the Enclosed Noise Buffer Balcony should be restricted in their design to prevent conversion in the future to living space.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Noise</p> <p>B.3.6.3.1, B.3.6.3.18</p> <p>(Continued)</p>		<p>Finally, it recommended that warning clauses be included in all agreements of purchase and sale and development agreements, which advise of potential noise impacts of low frequency noise, the Class 4 Area designation and that the Enclosed Noise Buffer Balcony is not to be used for living space. The building design and floor plans do not propose the enclosed balcony to be living space.</p> <p>Policy B.3.6.3.1 and B.3.6.3.18 require that the City ensure that all development complies with all applicable provincial legislation, provincial and municipal standards and provincial guidelines. As RWDI noted in their peer review, the proposed development will comply with existing provincial guidelines based on the use of enclosed balconies. Therefore, while there may be potential low frequency sound impacts that may impact the proposed development, the proposed development complies to the provincial guidelines in effect.</p> <p>And therefore complies with policies B.3.6.3.1 and B.3.6.3.18. Conditions of a Holding Provision are included that require the mitigation measures and warning clauses as outlined in the Environmental Noise Assessment from SLR and the peer review from RWDI be implemented through a Site Plan Agreement.</p>
<p>Tree Protection</p> <p>C.2.11.1</p>	<p>The City recognizes the importance of trees and woodlands to the health and quality of life to the community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.</p>	<p>A Vegetation Management Plan prepared by GSP Group dated December 4, 2020, and subsequently updated on March 2022 and June 2022 was submitted.</p> <p>A total of eight trees were inventoried, all of the trees are located on neighbouring properties. One tree is proposed to be removed and an additional tree will be impacted by the development.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Tree Protection</p> <p>C.2.11.1 (Continued)</p>		<p>As these are protected neighbouring trees there is concern with the approach of removing or impacting trees that belong to a neighbouring property owner. Permission is required prior to any neighbouring tree being removed or impacted. If permission cannot be obtained, it may impact the design of the proposal and will require that Tree Protection Plan be revised evaluate how the development will not require the tree to be removed nor negatively impacted. A condition of the Holding Provision includes the requirement for permission from the adjacent landowner at 111 Hunter Street East or demonstrate how the development will not remove or negatively impact the trees on adjacent lands.</p>
Secondary Plan	Downtown Hamilton Secondary Plan	Staff Response
<p>Building Height</p> <p>6.1.4.12 c) and e), 6.1.4.14, 6.1.4.18, 6.1.4.19, 6.1.4.21 and 6.1.4.24</p>	<p>Maximum Building Heights for “Mid-rise” shall be up to 12 storeys.</p> <p>Maximum Building Heights for “High-rise 2” shall be up to 30 storeys.</p> <p>A tall building is any building that is greater than 12 storeys in height.</p> <p>No building shall be greater than the height of the top of the Niagara Escarpment.</p> <p>Tall buildings are defined as having building base, tower and top elements.</p>	<p>The proposed Official Plan Amendment seeks to re-classify the lands from “Mid-rise” to “High-rise 2”, which permits a maximum building height of 30 storeys to accommodate a 28 storey mixed use building.</p> <p>The overall height of the proposed 28 storey building will not exceed the height of the Niagara Escarpment, and the amending by-law will ensure that the proposed development will not exceed 190.2 metres above sea level.</p> <p>The proposed built form includes a well-defined four storey building base, a tower and a clearly defined tower top.</p> <p>A detailed analysis of the Downtown Hamilton Tall Building Guidelines is provided in the respective section below.</p>

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Secondary Plan	Downtown Hamilton Secondary Plan	Staff Response
<p>Building Height</p> <p>6.1.4.12 c) and e), 6.1.4.14, 6.1.4.18, 6.1.4.19, 6.1.4.21 and 6.1.4.24 (Continued)</p>	<p>The Downtown Hamilton Tall Building Guidelines shall apply to tall building development and be used when evaluating tall building development proposal.</p> <p>Tall building development shall require transition to adjacent existing and planned low-rise and mid-rise buildings through the application of separation distances, setbacks, and stepbacks.</p> <p>Development proposals for tall buildings containing residential units shall be encouraged to provide a range of unit types and unit sizes, including those suitable for larger households.</p>	<p>There is an existing mid-rise building located to the north and low-rise building to the east of the subject property. The proposal includes stepbacks above the fourth storey which provide a transition of the proposed tower from the adjacent mid-rise and low-rise buildings to the north and east.</p> <p>The subject lands are located approximately 70 metres from the low-rise residential neighbourhood to the south. The proposed development and the low rise residential neighbourhood are buffered by the elevated rail corridor and Hunter Street East.</p> <p>The proposed development includes 53 family sized units that contain two or more bedrooms, therefore the proposed tall building includes a range of unit types and unit sizes.</p>
<p>Built Form</p> <p>6.1.4.25</p>	<p>Development in the Downtown shall eliminate expanses of blank walls.</p> <p>The design of the tower top of a tall building should contribute to an iconic and distinctive skyline.</p>	<p>The proposed podium includes a large section of blank wall along the north and east facades which includes no window openings; however, the proposed concept plan identifies differences in material treatment for these areas which will assist in the breakup of the blank wall.</p> <p>The proposed development creates a distinctive tower top through the inclusion of additional stepbacks at the 27th and 28th storeys and the variation of materials and colours for these storeys. This will contribute toward an iconic and distinctive skyline. The detailed design for the tower and building façade including the material treatment and colours will be secured through the Site Plan Control application.</p>

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Secondary Plan	Downtown Hamilton Secondary Plan	Staff Response
<p>Transition in Scale</p> <p>6.1.4.31 and 6.1.4.32</p>	<p>Development shall provide built form transition in scale through a variety of design methods.</p> <p>Transition between development and adjacent streets shall ensure access to sunlight and sky views.</p>	<p>The proposed development includes tower stepbacks from the building base along both Hunter Street East and Catharine Street South, and from the northerly and easterly lot lines. These stepbacks will provide a transition in scale from the street and adjacent lands, which will ensure adequate access to sunlight and protection of sky views. Additionally, changes in materials and architectural treatment further differentiate the proposed building base and tower.</p>
<p>Public Realm</p> <p>6.1.4.34, 6.1.4.35, 6.1.4.37 and 6.1.4.38</p>	<p>Development shall, be massed and oriented to minimize shadows on public sidewalks, parks, and public and private open spaces, amongst others.</p> <p>Proposed development shall allow for a minimum of 3 hours of sun coverage and not cast any net new shadow between 10 a.m. and 4 p.m. as measured at the equinox on public sidewalks, and public and private outdoor amenity areas.</p> <p>Buildings shall be sited, massed, and designed to reduce and mitigate wind impacts on the public realm. Pedestrian wind levels shall be suitable for sitting and standing.</p>	<p>Shadow Impacts</p> <p>A Sun Shadow Study prepared by Kozlowski Architect dated January 1, 2021, and revised on October 19, 2022, was submitted, and meets the City’s criteria for sun shadow on public sidewalks, public and private outdoor amenity areas, and primary gathering spaces.</p> <p>Wind Assessment</p> <p>A Pedestrian Wind Study prepared by SLR dated January 8, 2021, and an addendum dated March 8, 2022, was submitted and identified that wind levels for the pedestrian realm along Hunter Street East and Catharine Street South will be comfortable for sitting and standing both in the summer and winter. With respect to the roof top patio located on the fifth storey, conditions comfortable for sitting are predicted in the summer and conditions comfortable for standing are predicted in the winter.</p>

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Secondary Plan	Downtown Hamilton Secondary Plan	Staff Response
Downtown Mixed Use Designation – Permitted Uses 6.1.6	The Downtown Mixed Use designation permitted uses are established in Policy E.4.4.4 of Volume 1.	Commercial and residential uses are proposed for the subject lands and are consistent with the range of uses permitted for lands designated Downtown Mixed Use.
Urban Design Policies 6.1.10.1	Development in the Downtown Hamilton Secondary Plan supports a high standard of urban design through an emphasis on protecting and conserving built heritage resources and cultural heritage landscapes, and the adoption of defined standards.	The proposed development includes ground floor commercial uses and a residential lobby that are oriented towards the street and connected to pedestrian amenities. Ample ground floor glazing is provided which will help in animating the street. Street trees and other landscaping is proposed along both Hunter Street East and Catharine Street North. The built form will include a build base that is appropriately massed to respect the context of the area.
Views and Vistas 6.1.10.3	The Niagara Escarpment is the prominent feature that is visible at the terminus of several streets in the Downtown. The Niagara Escarpment is a powerful visual feature due to its height and striking landscape character that terminates the vistas looking southward on several Downtown streets.	A Visual Impact Assessment prepared by GSP Group dated March 2021 was submitted and confirmed that the proposed development will: <ul style="list-style-type: none"> • Not obstruct views of the Niagara Escarpment along the view corridor of Catharine Street South; • Not obstruct views to surrounding landmarks such as the Hamilton GO station; • Minimize the loss of sky views along both street frontages; • Provide for a transition in height to the low-rise buildings to the east; and, • Minimize visual impacts on the Hunter Street East.

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Section	Downtown Hamilton Tall Building Guidelines	Staff Response
<p>Building Base Height and Scale</p> <p>4.2.2</p>	<p>Façade height should reflect the existing adjacent building façade height.</p> <p>Maximum building base height at the street line should be equal to the width of the right-of-way to ensure sunlight access to the sidewalk across the street.</p> <p>Minimum floor-to-floor height should be 4.5 metres for grade-related retail floors.</p> <p>Minimum width of the ground floor façade shall be equal to 75% or more of the front lot line.</p>	<p>The proposed 16.0 metre building base façade height along Hunter Street East generally reflects the Hunter Street East right-of-way width.</p> <p>The proposed building base façade height of 16 metres along Catharine Street South will exceed the 7.5 metre height in the Zoning By-law; however the applicant has demonstrated that sunlight access will be provided to the sidewalk across the street. Additional design features including canopies, will be utilized to reflect the envisioned 7.5 metre height along Catharine Street South.</p> <p>The proposed 4.7 metre ground floor height will enable commercial uses at grade. Furthermore, the building base will extend for the majority of both street frontages.</p>
<p>Tower Floorplate Size and Shape</p> <p>4.3.1</p>	<p>A maximum gross floor area should not exceed 750 square metres for residential purposes, to limit shadow and facilitate views.</p>	<p>The proposed tower will have a gross floor area of 745 square metres with the top two floors having a gross floor area of 582 square metres. Therefore, the proposed development will comply with the maximum floorplate.</p>
<p>Placement, Stepbacks and Separation Distances</p> <p>4.3.2</p>	<p>Towers should be arranged to minimize shadow and adverse wind impacts on adjacent properties and public spaces, sensitive areas and outdoor amenity areas.</p> <p>Towers should be stepped back a minimum of 3 metres from the building base along all streets.</p>	<p>The proposed development has demonstrated that the proposal will not have an adverse shadow or wind impact on adjacent properties, public spaces, sensitive areas and outdoor amenity areas.</p> <p>The tower is stepped back less than 3.0 metres from the building base along the street. Portions of the tower will maintain a minimum 3.0 metre stepback from the building base, while other areas will have less than 3.0 metres.</p>

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Section	Downtown Hamilton Tall Building Guidelines	Staff Response
<p>Placement, Stepbacks and Separation Distances</p> <p>4.3.2 (Continued)</p>	<p>Towers should be separated by at least 25 metres with a minimum 12.5 metre setback from the side and rear property lines to allow for adequate light, views and privacy.</p>	<p>Design features including changes in material treatment will provide appropriate separation and transition between the tower and the building base.</p> <p>The proposed development will maintain the required setback of 9.5 metres from the alleyway to the north, furthermore the site specific Zoning By-law will require 9.5 metres for all portions of the tower and not just those areas above 44.0 metres in height. An 8.3 metre stepback instead of 12.5 metres is being proposed from the easterly side lot line, however as the site specific modification is to apply the 8.3 metre setback for all portions of the tower and not just the portions above 44.0 metre in height, the proposal will have an overall reduced impact on the shadowing, views and privacy of the adjacent lands.</p> <p>A total of three towers can be established on the north side of Hunter Street East between Catharine Street South and Walnut Street South. The proposed 8.3 metre easterly side yard setback will not impact the potential to provide two additional towers on the balance of the lands to the east, nor impact the ability to provide those towers with adequate separation distances between towers. The adherence to a 12.5 metre setback from the east would not increase the number of towers that could be established.</p>

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Section	Downtown Hamilton Tall Building Guidelines	Staff Response
Tower Top 4.4	Maximum tall building height should be no greater than the height of the top of the Escarpment.	<p>The proposed tower top (27th and 28th storeys) will have a lightened volume through the use of additional setbacks and differing materials and colours. These features will provide a termination of the tower and create a tower with a design that will be memorable and iconic in the Downtown skyline.</p> <p>The proposed tower will not exceed the height of the top of the Escarpment.</p>

CONSULTATION – DEPARTMENTS AND AGENCIES

Department or Agency	Comment	Staff Response
<p>Development Engineering Section, Growth Management Division, Planning and Economic Development Department</p>	<p>The applicant has adequate overcontrolled storm flows to account for sanitary flow generated by the development and has demonstrated that the City’s design criteria limiting 100-year post-development flows to the 2-year pre-development discharge rate have been met. The proponent has satisfactorily demonstrated that there is adequate fire flow available within the municipal system to meet the required fire flow demand for the proposed development.</p>	<p>The detailed engineering review will be undertaken at the Site Plan Control stage.</p>
<p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department</p>	<p>A Transportation Impact Study prepared by Salvini Consulting, Transportation Engineering and Planning dated March 2021 and updated in April 2022 was submitted. The proposed development can be supported within the surrounding road network without significant concerns due to the relatively low vehicular trip generation projected.</p> <p>Transportation Demand Management and Transit Oriented Design Measures are required and will need to be incorporated into the proposed development.</p> <p>The existing right-of-way at the subject property on Hunter Street East is approximately 19.0 metres. Approximately 1.1 metres is to be dedicated to the right-of-way on Hunter Street East.</p>	<p>Transportation Demand Management and Transit Oriented Design Measures will be fully identified and implemented through the Site Plan Control application process.</p> <p>Road widening dedication and dedication of required daylight triangles will be collected through the Site Plan Control application. The proposed design is reflective of the identified widenings and daylight triangle.</p>

Department or Agency	Comment	Staff Response
<p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department (Continued)</p>	<p>For any sidewalk partially located within the subject property limits along Catharine Street South and Hunter Street East, a right-of-way dedication on both Catharine Street South and Hunter Street East may be required so that the proposed sidewalk will be located completely within the municipal right of way.</p> <p>A 4.57 metre by 4.57 metre daylight triangle dedication is required.</p> <p>A maximum grade percentage of 10% for underground parking ramps is permitted and if the grade exceeds 10% a letter certifying the design of the ramp will be required and signed by a Licenced Architect or Engineer.</p> <p>A minimum 6.0 metre long clearance from the ultimate property line to the overhead garage door leading to the underground parking is required to ensure that vehicles will not queue on Hunter Street East while waiting to enter.</p> <p>Additional revisions including provision of convex mirrors, sidewalk widths, buffering of the sidewalks, amongst others will be required.</p>	<p>The proposed concept plan identifies that a 6.0 metre setback to the overhead doors will be achieved. Confirmation on ramp grade or certification of the ramp grade, as well as revisions to the Site Plan drawings will be undertaken and addressed through the Site Plan Control application.</p>
<p>Waste Policy and Planning Section, Waste Management Division, Public Works Department</p>	<p>The proposed mixed use building is eligible for municipal waste collection, by way of front-end bin service, subject to the design meeting the standards and criteria of the City for municipal waste collection services. As currently designed the development is not serviceable.</p>	<p>The final determination of municipal waste collection will be addressed through the Site Plan Control application.</p>

Department or Agency	Comment	Staff Response
Waste Policy and Planning Section, Waste Management Division, Public Works Department (Continued)	If the development is not designed according to specifications for municipal waste collection services, the proposed development will be required to arrange a private waste hauler and will need to include a warning clause to advise prospective owners that the development is not serviceable for municipal waste collection.	
Forestry and Horticulture Section, Environment Services Division, Public Works Department	<p>There are no municipal tree assets on site, therefore a Tree Management Plan is not required.</p> <p>The Forestry and Horticulture Section does not support the landscape concept plans as proposed and will require revisions.</p>	Detailed landscape plans will be addressed through the Site Plan Control application.
Legislative Approvals, Growth Management Plan, Planning and Economic Development Department	<p>It should be confirmed if the intent for tenure is for a Condominium in the future.</p> <p>Confirmation is required on whether the alleyway is assumed or unassumed.</p> <p>It should be determined if the subject proposal is encroaching on the alleyway or municipal right-of-way.</p> <p>The address for the proposed development will be determined after Conditional Site Plan Approval is granted.</p>	<p>The proposal is intended to be condominium tenure, which will be established by way of a future Draft Plan of Condominium application.</p> <p>No encroachment or access is proposed from the alleyway to the north.</p> <p>The municipal addressing will undertaken through the Site Plan Control Application.</p>

Department or Agency	Comment	Staff Response
<p>Canadian Pacific Railway Company</p>	<p>The development proposal is in the vicinity of Canadian Pacific Railway Company.</p> <p>Canadian Pacific Railway Company’s approach to development in the vicinity of rail operations is encapsulated by the recommended guidelines.</p> <p>The safety and welfare of residents can be adversely affected by rail operations and Canadian Pacific Railway is not in favour of residential uses that are not compatible with rail operations. Freight trains operate 24/7 and schedules/volumes are subject to change. Should the development proposal receive approval, Canadian Pacific Railway request that the recommended guidelines be followed.</p>	<p>A noise study was undertaken as part of the application, which included mitigation measures to reduce noise impacts from Canadian Pacific Railway Company’s activities and includes warning clauses with respect to noise from the Canadian Pacific Railway Company. The implementation of all noise mitigation measures and warning clauses will be undertaken through a Site Plan Agreement as part of the Site Plan Control application. To ensure mitigation measures and warning clauses are implemented a condition of Holding Provision for these matters to be dealt with through a Site Plan Agreement will be required.</p>
<p>Metrolinx</p>	<p>Metrolinx in principle is not supportive of any Class 4 designations along its rail network, however as per MECP NPC-300 guidelines, Metrolinx is not the authority responsible for Class 4 designations and related review and defers to the City.</p>	<p>The peer review from RWDI noted that Provincial guidelines do not contemplate the influence of low frequency sound or provide direction on how to design for it.</p>

Department or Agency	Comment	Staff Response
Metrolinx (Continued)	<p>The following represents the opinion of Metrolinx and not a formal comment. Note that RWDI has specifically raised concerns with the ability of window glass to protect against air-borne and ground-borne low-frequency noise from diesel engines, the potential of resonance with some of the proposed building elements, and the potential of conversion of Enclosed Buffer Balconies to liveable spaces. Metrolinx noted that these concerns are valid and should be addressed by a more detailed analysis and mitigation plan.</p> <p>Assurance should be sought that at a minimum, the indoor sound exposure limits in NPC-300 are met with the recommended proven on-building mitigation measures. A more detailed and thorough study along with a firm mitigation plan is recommended for a Class 4 designation.</p>	<p>The peer review noted that based on mitigation measures including the Enclosed Noise Buffer Balconies the proposal demonstrates compliance with provincial guidelines.</p>
<p>Agencies that had no comments or concerns:</p> <ul style="list-style-type: none"> • Alectra Utilities; and, • Conseil Scolaire Viamonde. 	<ul style="list-style-type: none"> • No Comments 	<p>Noted.</p>

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Summary of Public Comments Received

Comment Received (Concerns)	Staff Response
<p>Height</p> <p>Concern that the height of the building will not be in keeping with the character of abutting properties.</p>	<p>The context of the area includes a mix of building scales including low, mid and high rise built forms. The proposed development is appropriately separated and stepped back from the low rise neighbourhood to the south and includes adequate setbacks from the adjacent low rise buildings to the east.</p>
<p>Traffic</p> <p>Concern that the number of units and the number of vehicles would result in traffic impacts and traffic safety concerns.</p>	<p>A Transportation Impact Study was submitted as part of the applications and was reviewed and approved by Transportation Planning staff.</p>
<p>Construction Impacts</p> <p>The construction impacts the proposed development would have on the area.</p>	<p>The proposed development will be required to undertake a Construction Management Plan as part of the Site Plan Control application to mitigate construction impacts.</p>
<p>Shadow Impacts</p> <p>Concern that the proposed development would create sun shadow impacts on adjacent lands.</p>	<p>A Sun Shadow Study was submitted in support of the application and demonstrated that appropriate sun access will be maintained for the adjacent lands in accordance with City guidelines.</p>
<p>Tree Impact</p> <p>Concern that the proposed development would result in impact on trees on adjacent properties.</p>	<p>A Tree Management Plan was submitted as part of the applications, which did identify trees on adjacent lands that would be impacted. A condition of the Holding Provision requires the applicant to receive written authorization from adjacent landowners to remove or adversely impact trees on adjacent properties or submit a revised Tree Management Plan demonstrating how the trees on adjacent lands will be protected.</p>

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Comment Received (Concerns)	Staff Response
<p data-bbox="203 296 532 331">Stepback Requirement</p> <p data-bbox="203 384 813 453">Concern with the proposed stepback of the tower from the lands to the north.</p>	<p data-bbox="846 296 1456 621">The initial application proposed a stepback of 3.0 metres from the northerly lot line. The revised proposal increased the setback of the tower from the northerly lot line to 9.5 metres, which along with the existing 3.6 metres alleyway will ensure that a 13.1 metres setback will be maintained between the proposed tower and the lands to the north.</p>
<p data-bbox="203 642 435 678">Property Values</p> <p data-bbox="203 716 802 821">Concerns were raised with the impact the development would have on their property value.</p>	<p data-bbox="846 642 1425 747">Staff are not aware of any supporting information or any empirical data with respect to a decrease in property values.</p>

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Authority: Item XX, Planning Committee
Report (PED24112)
CM: July 12, 2024
Ward: 2

Bill No.

**CITY OF HAMILTON
BY-LAW NO. 24-**

To amend Zoning By-law No. 05-200 with respect to lands located at 101 Hunter Street East, Hamilton

WHEREAS Council approved Item _____ of Report _____ of the Planning Committee, at its meeting held on June __, 2024;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan.

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

1. That Schedule “C” – Special Exceptions is amended by adding the following text at the end of Special Exception 846:

“g) Notwithstanding Section 5.7.4 a) and 5.7.5 a) ii) the following regulations shall apply:

- | | |
|---|---|
| i) Minimum Required Number of Electric Vehicle Parking Spaces | A minimum of 25% of all provided parking spaces, excluding visitor parking spaces, or the requirement of Section 5.7.4 a), whichever is lesser. |
| ii) Minimum Long-term Bicycle Parking Spaces | A) 0.6 per dwelling unit for Multiple Dwelling or Dwelling Unit, Mixed Use.

B) All other uses shall meet the requirements of Section 5.7.5 a) ii). |

2. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the provisions of the Downtown Central Business District (D1, 846, H146) Zone subject to the amended special requirements referred to in Section No. 1 of this By-law.

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**To amend Zoning By-law No. 05-200 with respect to lands located at
101 Hunter Street East, Hamilton**

3. 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 _____, 2024.

A. Horwath
Mayor

M. Tennaum
City Clerk

ZAC-21-014

Summary of Applicant Virtual Public Meeting



Project No. 21209

July 12, 2021

VIA E-MAIL

Daniel Barnett
 Planner 2 – Urban Team, Planning and Economic Development
 City of Hamilton, 5th Floor
 71 Main Street West
 Hamilton, ON L8P 4Y5

Dear Mr. Barnett:

**Re: Summary of Public Consultation
 UHOPA-21-007 / ZAC-21-014
 101 Hunter Street East, Hamilton**

The purpose of this letter is to summarize the public consultation that has occurred, to date, conducted by 75 Catharine Holdings Inc. (the "owner") and GSP Group Inc., the former agent for this application. Bousfields Inc. is now the authorized agent for the above noted applications. This summary record has been prepared in accordance with the City of Hamilton's "Public Consultation Strategy Guidelines" (no date). We have relied on the following materials provided to us by the owner in preparation of this summary:

- Community Meeting Notice (**Attachment 1**);
- Notice Circulation Area map, dated April 6, 2021 (**Attachment 2**);
- Meeting notes from the Owner for the April 28, 2021 community meeting;
- The virtual community meeting presentation slide deck (**Attachment 3**); and
- Zoom Q+A and Registration reports (**Attachment 4**).

Distribution of Meeting Notice

On April 7, 2021, physical copies of the notice (**Attachment 1**) prepared by the owner, were delivered by GSP Group to each property within 120 m of the property (circulation map, prepared by GSP Group included as **Attachment 2**).

Notices were also digitally sent to the following individuals on or before April 7, 2021 by either GSP Group or the owner:

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- Daniel Barnett, Planner 2, City of Hamilton;
- Councillor Jason Farr, Ward Councillor for Ward 2; and
- Corktown Neighbourhood Association.

Microsite

The owner and GSP Group set-up a publicly-accessible microsite on or around March 17, 2021 which provided digital access to the submission documents for the Official Plan and Zoning By-law Amendment applications.

Summary of Public Comments and Questions and Responses Provided During Webinar

- **Construction Timing/Location:** Questions were received during the webinar relating to the timing of construction (i.e., when construction is expected to start/finish) and the construction logistics (i.e., if there would be any lane closures, what days of the week/times of the day would construction activities occur). Another question asked during the community meeting related to protections for adjacent property owners should there be any damages to fences, foundations, trees etc. during construction
 - **Response provided live during meeting:** The expected start date of construction is 2023 with an approximate duration of 30 months until completion. The owner informed the attendees that all City of Hamilton noise by-laws will be followed in terms of allowable times of construction dependent on the day of the week. Regarding potential impacts to abutting property, the City typically requires a “pre-construction condition survey” as part of the Site Plan Approval process which involves taking detailed photographic evidence of abutting fences, foundations, sidewalks, among other items prior to any construction or below-grade drilling so there are photos on the record to compare pre- and post-construction in the case of any impacts. The owner will be financially responsible for all damages deemed to be directly related to the proposed development’s construction.
- **Laneway:** Questions were asked related to the laneway and whether it would be open/closed during construction and whether the laneway would be paved as part of construction.
 - **Response:** Detailed construction logistics have not yet been determined and it is not known whether the laneway will be closed during construction. However, given it is a publicly-owned laneway, the

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owner will be required to obtain the appropriate permits from the City which would include providing notification to affected landowners and coordinating with affected landowners to ensure matters related to required access for deliveries etc. is addressed

- **Clarification of proposed development:** A number of questions were asked to clarify details of the proposed development (i.e., number of retail units, number of storeys, tenure of units, would there be any affordable units, building materiality, whether there would be any changes to the proposal in the future). Responses to these questions were responded to live during the meeting.
- **Questions on technical reports (Wind, Noise and Shadow):** A question was asked related to the wind and whether the existing Landmark tower was incorporated into the wind study. Another question was asked related to the potential for noise originating from the rail yard to reflect/bounce off the proposed tower and amplify noise to the surrounding area. Clarification was also requested as to the implications of the potential shadows on the abutting properties to the east.
 - **Wind Response provided live during meeting:** The wind study did consider all existing buildings including the Landmark Place tower.
 - **Noise Response:** SLR Consulting, the engineering firm who prepared the wind study, confirmed after the meeting that noise reflections off the building originating from the trains would be directed skywards and not towards the surrounding pedestrian/building level.
 - **Shadow Response:** Based on the shadow study, the shadows cast on the abutting properties to the east would be cast based on the as-of-right zoning permissions (12 storeys) (shown in orange) versus the shadows cast with the proposed height of 27 storeys (shown in blue) along with the existing shadows. These abutting rear yards to the east are still expected to get 6 hours of full sun in the spring/fall, and even more in the summer. Shadows are expected to begin at around 3pm onward in the spring/fall but the shadows cast on these abutting properties would not be a result of the proposed building height but would occur based on a 12-storey building which could be built without an Official Plan/Zoning By-law Amendment.



Summary of Modifications to the Proposal

Responses to the comments/questions received from the community and City of Hamilton staff and modifications to the proposal based on these comments are currently being prepared and will be submitted under separate cover.

Should you require any additional information and clarification, please feel free to contact me at apaton@bousfields.ca.

Yours very truly,

Bousfields Inc.

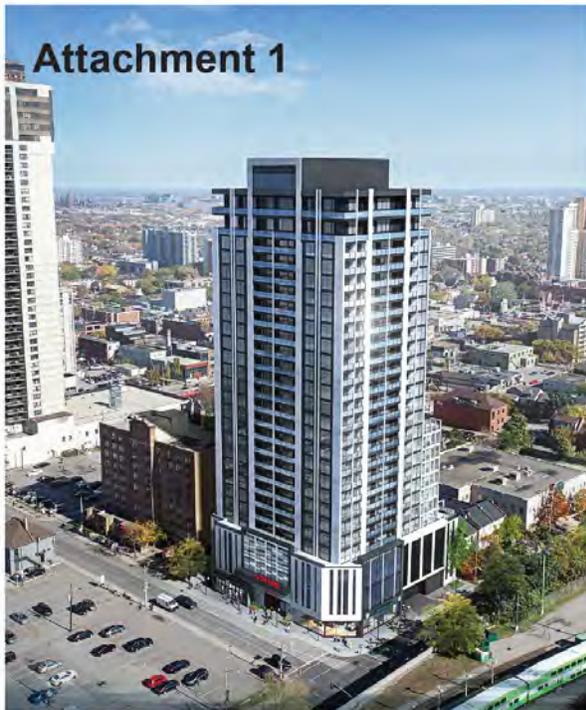
A handwritten signature in black ink that reads 'Ashley Paton'.

Ashley Paton, B.U.R.P.I., MCIP, RPP

/DF:ap jobs

cc. Coletara Development

Appendix "J" to Report PED24112
Page 5 of 18



Attachment 1

COMMUNITY MEETING NOTICE

101 Hunter Street East, Hamilton.

We invite you to attend this Community Webinar where you will have the opportunity to learn about the proposed development and ask questions.

PUBLIC CONSULTATION ONLINE

Date: April 28th, 6:30-8pm

Format: Project team presentation of the proposed development followed by questions and answers

Register Here:

<https://www.gspgroup.ca/active-projects/101-hunter-street-east/>

Development Overview: A 27-storey mixed-use development with 297 residential units; multiple retail spaces along Catharine Street.

Transit Oriented Development: 250 m from Hamilton GO Centre Station.



Walk Score
97

Transit Score
87

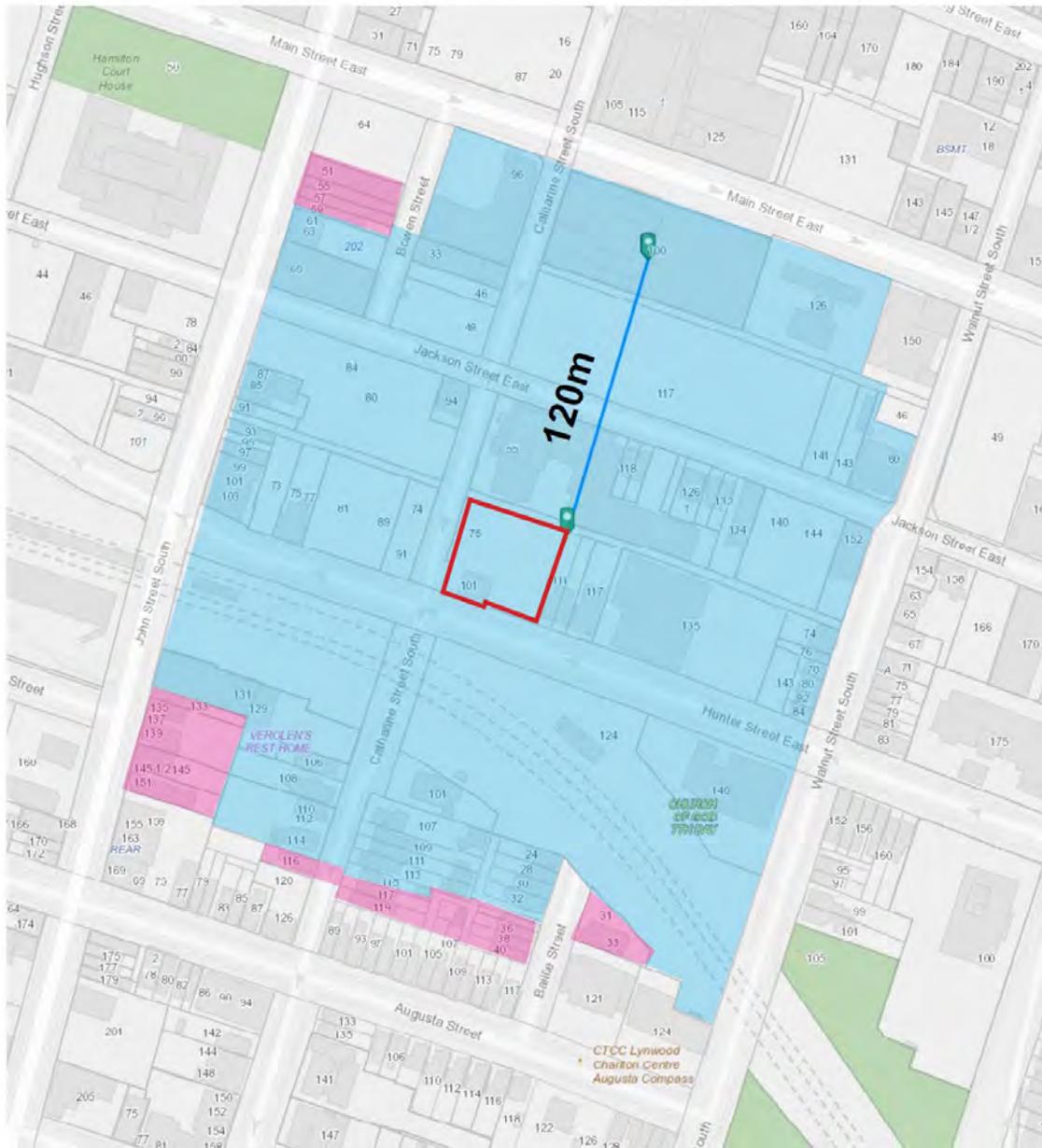
Bike Score
77

For more information please contact:

Ashley Paton, B.U.R.Pl., MCIP, RPP
Planner/Urban Designer
GSP Group Inc.
905-572-7477 ext. 2
apaton@gspgroup.ca



Attachment 2



- Properties that fall within 120 m of the site
- Additional properties to be sent notices

Virtual Community Webinar - Notice Circulation Area (April 28, 2021)
101 Hunter Street East, Hamilton
Prepared and Distributed by GSP Group (ADP)
April 6, 2021

Attachment 3

101 Hunter Street East

COMMUNITY
OPEN HOUSE
WEBINAR

April 28, 2021



OUTLINE OF WEBINAR

- 1 Project Team
- 2 Project Time Line
- 3 Planning Policy & Design Guidelines
- 4 Transit Oriented Development
- 5 Design Evolution
- 6 Development Details
- 7 Site & Building Design
- 8 Community & Wellness
- 9 Shadow Study
- 10 Wind Study
- 11 Planning Analysis & Submitted Reports
- 12 Next Steps



Appendix "J" to Report PED24112

Page 8 of 18

1.0

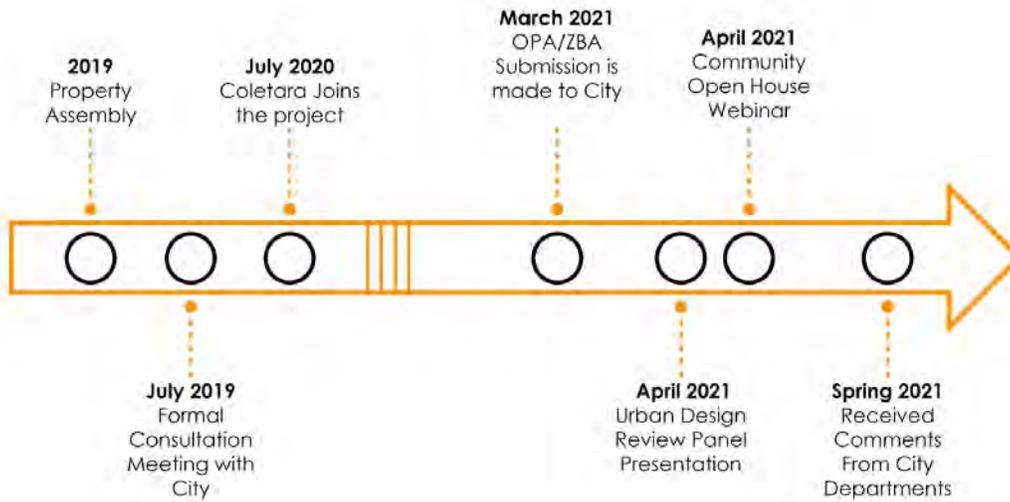
PROJECT TEAM



Community address: 101 Hunter Street East

2.0

PROJECT TIME LINE



Community address: 101 Hunter Street East

3.0

PLANNING POLICY & DESIGN GUIDELINES

Planning Policies:

2020 Provincial Policy Statement

2019 Growth Plan for the Greater Golden Horseshoe

Urban Hamilton Official Plan

Downtown Hamilton Secondary Plan

- Intensification
- Support for downtowns and main streets
- Transit-supportive development
- Active transportation
- Diverse housing stock
- Sustainability and climate change

- Vibrant pedestrian and transit oriented places through investment in infrastructure, residential intensification and quality urban design

Applicable Design Guidelines:

Official Plan design policies (2013)

Tall Building Design Guidelines (2018)

Transit-Oriented Development Guidelines (2010)

Site Plan Guidelines (2003)



Community Website | 101 Hunter Street East

4.0

TRANSIT ORIENTED DEVELOPMENT



Community Website | 101 Hunter Street East

This is an opportunity to showcase the revitalization of Downtown Hamilton with a development centered around the Hamilton GO Centre Transit Node.

Benefits of Transit Oriented Developments:

- Increase use of public transit;
- Encouraging walkability and cycling;
- Reduced traffic congestion and air pollution



5

5

Appendix “J” to Report PED24112
Page 10 of 18

5.0

DESIGN EVOLUTION



1 Initial Parcel 2018

- Attractive urban location
- Site was too small on its own
- Missing important corner parcel

2 Land Assembly 2019

- Site acquired by Catharine Street Holdings Inc. and assembled with the newly acquired Hunter Street property
- Site is now large enough for a high rise and the appropriate scale for this corner

3 Formal Consultation 2019

- Introduction of a high-rise building
- Various suite sizes to attract different demographics from young professionals to empty nesters
- Conceptual design with functionality and efficiency challenges

4 Current Design Proposal 2021

- Continued evolution of architectural design, improved massing and transitions
- Redesigned hardscape and public realm
- Further development of podium
- Evolved tower articulations
- Increased amount of amenity space
- Development of rooftop decks
- All parking contained within the building, with substantial bike parking and storage lockers

6.0

DEVELOPMENT DETAILS

27 Storey residential condominium

298 Suites

149 Bike Parking Spaces

Various suite sizes to accommodate different demographics from young professionals to empty nesters

Indoor and outdoor (rooftop) amenity areas

Active pedestrian friendly retail frontage along Hunter and Catharine Street

Fully enclosed parking garage



Appendix “J” to Report PED24112
Page 11 of 18

7.0

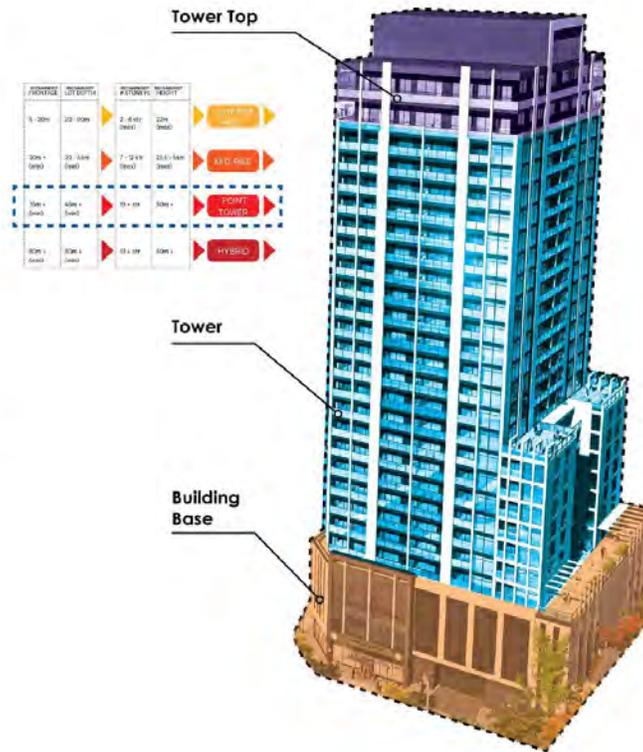
SITE & BUILDING DESIGN

This development transitions in scale from 4-storey podium, up to the 27-storey tower with setbacks at the 4th and 11th storeys.

The proposed development utilizes an interesting combination of glass, concrete and masonry.

The corner high-rise tower is designed to accentuate a slender character.

It includes striking vertical precast elements that frame the tower and give it a majestic modern look.



Community Website | 101 Hunter Street East

7.0

SITE & BUILDING DESIGN

Building Base - Pedestrian Experience

Building base is scaled in a mid rise form with a 4-storey height along the Catharine and Hunter corridors creating a consistent pedestrian friendly urban street wall.



Community Website | 101 Hunter Street East

7.0

SITE & BUILDING DESIGN

Building Base - Pedestrian Experience

A pronounced residential entrance and retail along Catharine Street South, and Hunter Street East will activate the streetscape through increased pedestrian activity along these principal corridors which are further enhanced by the landscaping, trees and street furniture.



Street View: Catharine Street South

Community Website | 101 Hunter Street East

11

7.0

SITE & BUILDING DESIGN

Tower

The building's massing and height are focused on the western portion of the Site, away from the abutting buildings.

The tower portion is designed to provide for a gradual transition in height, scale, massing and floor plate size.

Above the podium, tower has three distinct masses: (1) 5-11 and (2) 12-25, and (3) 25-27.

The development proposes recessed balconies on all sides of the tower.



Aerial View: Catharine and Hunter Street

Community Website | 101 Hunter Street East

12

7.0

SITE & BUILDING DESIGN

Tower Top

The tower top is designed to integrate cohesively with the rest of the building through cladding that is consistent with the quality of the entire building, while also providing a visual differentiation through the increased use of wrap around balconies.

The wrap around balconies will be clad in transparent glazing, which helps to lighten the tower top volume and provide a termination to the continuous vertical articulation of the tower's middle section.

All mechanical equipment and stair/elevator towers will be screened from view.



Aerial View: Hunter Street East

Community Wellness | 101 Hunter Street East

13

8.0

Community & Wellness



Amenity and Lifestyle Attributes:

- Fitness facility and an outdoor yoga deck
- Rooftop deck for socializing
- Community work and gathering space
- Close proximity to SoBi Bikes



Community Wellness | 101 Hunter Street East

14

9.0

SHADOW STUDY

The proposed development fulfills the shadow impact criteria of the Downtown Hamilton Terms of Reference given for the required time period:

1. The proposed shadows allow all affected residential and commercial amenity areas to receive at least 3 hours of sunlight. 
2. The proposed shadows allow all affected public sidewalks to receive at least 3 hours of sunlight where existing conditions allow. 
3. The proposed shadows do not extend to any public plazas, parks and open spaces in the surrounding area at any point. 
4. The proposed shadows do not extend to any of the five identified civic gathering places. 



101 Number Street East

10.0

WIND STUDY

The wind study concluded the following:

1. The wind safety criterion is expected to be met at all areas at grade and above, both on site and off site, for the proposed development.
2. Wind conditions at the numerous building entrances are predicted to be suitable for the intended usage year round.
3. At the above grade amenity terrace on Level 5, wind conditions are predicted to be suitable for the intended usage.
4. Wind conditions on the surrounding sidewalks, including the nearby Hamilton GO Station platform, nearby transit stops, and the daycare playground, are anticipated to remain suitable for the intended usage year round with the proposed development in place.

Summer Wind Analysis



Winter Wind Analysis



101 Number Street East

11.0

Planning Analysis

2014 and 2020 Provincial Policy Statement

2019 Growth Plan for the Greater Golden Horseshoe

Urban Hamilton Official Plan

- Vacant, underutilized site in proximity to a major transit system
- Compact, transit supportive development form
- Diversification of the housing stock
- Improvement to public realm and pedestrian experience
- Unbundled parking supply and secure bicycle storage
- No unacceptable shadow or wind impacts
- Addition to Hamilton skyline aesthetic

Requested Revisions to Planning

Official Plan Amendment:

- Building Height from Mid-rise to High-rise 2

Zoning By-law Amendment:

- Site-specific refinements for the proposed building design

Submitted Reports

Engineering

- Functional Servicing Study
- Storm-water Management Report

Transportation

- Transportation Demand Management Report
- Parking Justification Brief

Heritage

- Cultural Heritage Impact Assessment

Impact Assessment

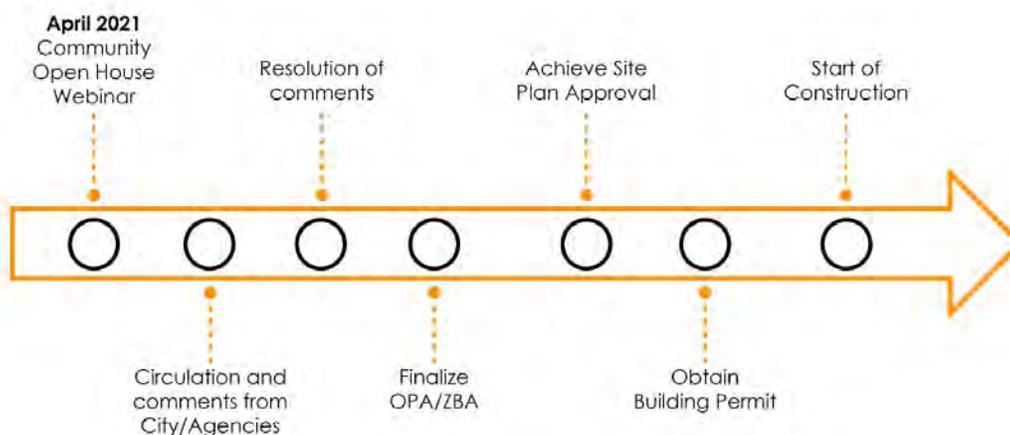
- Wind Impact Study
- Shadow Impact Study
- Visual Impact Assessment
- Environmental Noise & Vibration Assessment

Design & Planning

- Urban Design Brief
- Planning Justification Report

12.0

Next Steps



Appendix "J" to Report PED24112
Page 16 of 18



COLETARA GSP group GBCA KOZLOWSKI ARCHITECT

Appendix “J” to Report PED24112
Page 17 of 18

Attachment 4

Q+A Report for Virtual Community Meeting for 101 Hunter Street East, Hamilton				
Report Generated:	2021-04-29 8:52			
Topic	Webinar ID	Actual Start Time	Actual Duration (minutes)	# Question
Virtual Community Meeting for 101 Hunter Street East, Hamilton	896 6341 9047	2021-04-28 18:11	58	36
Question Details				
#	Question	Asker Name	Asker Email	Answer(s)
1	What is the total height of the building? Twenty seven stories or twenty seven stories plus the four story base?			
2	To confirm, is the parking structure 4 stories?			
3	When will construction begin?			
4	Will the rear alley be open during construction?			
5	When do you anticipate beginning construction? And when do you hope to be finished?			
6	Do you anticipate blocking any lanes on any of the surrounding streets during construction.			
7	Are you aware of the noise from the GO train diesel engines parked there Mon to Friday			
8	Is that a yes?			
9	How many retail spaces will there be?			
10	What is the time of construction? Hours throughout the days? and what days of the week? Noise?			
11	2. Did the wind study incorporate the proximity to Landmark Tower?			
12	What street will you be using for this?			
13	3. Is the black corrugated covering of the parking levels on the south side?			
14	Will the noise from the GO trains echo off of your building?			
15	Is it the final plan or negotiable			
16	Is there insurance policy/plan for neighboring houses for damages caused by construction? ie. foundation, fence, trees, etc.			
17	Have you considered about birds flying into the glass of the podium/parking garage structure?			
18	Please. My email address is _____ (redacted)			
19	Is there plans to landscape the surrounding area on Hunter?			
20	Thank you. This has been well presented.			
21	Not fully understanding the shadow report. How much sun will be blocked the neighbouring backyards?			
22	Looks like a great project, welcome to Hamilton and be bold with your design, we are tired of boring cement boxes like the one at Walnut and Main			
23	What percentage of the surrounding property will be hardscaped (sidewalks etc) and soft scaped. Flower beds etc			
24	Prime BBQing time. LOL			
25	Would you consider lowering the podium height next to the houses?			
26	Will there be any affordable housing in this building?			
27	What about the lane accessible to the 2 adjacent houses on Hunter Street?			
28	Your solid parking walls will definitely bounce the engine noise to the south where the homes are already suffering from their idling. If there is a material that would be more absorbent that would be helpful			
29	A studio in my area (Corktown) is currently listed for \$629,000. I do not consider this affordable. Do you?			
30	Are there plans to pave the laneway behind the hunter st homes (from Catherine to Walnut)?			
31	Are these apartments. Or will they be condos?			
32	What other projects have you completed in Hamilton that we could view. Aside from Majestic			
33	Looking forward to seeing the development of this project			
34	Did you think of buying the 2 houses adjacent to your project, to increase the size of the project?			
35	Have those projects in other cities been finished by your projected time lines?			
36	Thank you so much!			

Attachment 4

Attendee Report for Virtual Community Meeting for 101 Hunter Street East, Hamilton

Topic	Webinar ID	Actual Start Time	Actual Duration (minutes)	# Registered	# Cancelled	Unique Viewers	Total Users	Max Concurrent Views
Virtual Community Meeting for 101 Hunter Street East, Hamilton	896 6341 9047	2021-04-28 18:11	58	10	0	8	13	8

Host Details

Attended	User Name (Original Name)	Email	Join Time	Leave Time	Time in Session (minutes)	Country/Region Name
Yes	Ashley Paton	amul@csis.com	2021-04-28 18:11	2021-04-28 19:09	58	Canada

Panelist Details

Attended	User Name (Original Name)	Email	Join Time	Leave Time	Time in Session (minutes)	Country/Region Name
Yes	Paul Kemper	PKemper@colelara.com	2021-04-28 18:30	2021-04-28 18:30	1	Canada
Yes	William Hu	whu@colelara.com	2021-04-28 18:21	2021-04-28 19:09	48	Canada
Yes	Radek Kodowski	rkodowski@colelara.com	2021-04-28 18:30	2021-04-28 19:09	40	Canada
Yes	Colelara Development (Michael Krasic)	mkrasic@colelara.com	2021-04-28 18:18	2021-04-28 19:09	51	Canada

Attendee Details

Attended	User Name (Original Name)	First Name	Last Name	Email	City	Country/Region	Zip/Postal Code	State/Province	Registration Time	Join Time	Leave Time	Time in Session (minutes)	Country/Region Name
Yes					Hamilton	CA	L6P 4Y5	ON	2021-04-27 15:25	2021-04-28 18:31	2021-04-28 19:09	39	Canada
No					Hamilton	CA	L6P 0A4	ON	2021-04-11 18:01				Canada
Yes					Hamilton	US	LEN 1M5	Other	2021-04-28 18:59	2021-04-28 18:59	2021-04-28 19:09	10	United States
Yes					Hamilton	CA	LEN 2T3	ON	2021-04-12 10:07	2021-04-28 18:31	2021-04-28 19:09	38	Canada
Yes					Hamilton	CA	LEN 1M5	ON	2021-04-17 11:24	2021-04-28 18:31	2021-04-28 19:09	38	Canada
Yes					Hamilton	CA	LEN 2F5	ON	2021-04-27 18:30	2021-04-28 18:37	2021-04-28 19:09	33	Canada
Yes					Hamilton	CA	LEN 1R5	ON	2021-04-11 14:39	2021-04-28 18:31	2021-04-28 19:09	38	Canada
Yes					Hamilton	CA	LEN 1R3	ON	2021-04-13 13:51	2021-04-28 18:31	2021-04-28 19:09	38	Canada
Yes					Hamilton	US	LEN 1V7	Other	2021-04-15 17:50	2021-04-28 18:31	2021-04-28 19:09	38	United States
No					Hamilton	CA	LEN 1M5	ON	2021-04-17 11:24				Canada



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 9, 2024
SUBJECT/REPORT NO:	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 365 Highway No. 8, Stoney Creek (PED24108) (Ward 10)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	Michael Fiorino (905) 546-2424 Ext. 4424
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Official Plan Amendment Application UHOPA-24-005, by Bousfield Inc. (c/o David Falletta) on behalf of 2752037 Ontario Inc. (c/o Mario Nesci), Owner**, to amend the Western Development Area Secondary Plan to add a new Site Specific Policy within the “District Commercial” designation to permit residential dwelling units and a medical clinic or office on the ground floor to facilitate development of a nine storey mixed use building, for lands located at 365 Highway No. 8, as shown on Appendix “A” to Report PED24108, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED24108, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That **Amended Zoning By-law Amendment Application ZAC-24-011, by Bousfield Inc. (c/o David Falletta) on behalf of 2752037 Ontario Inc. (c/o Mario Nesci), Owner**, for a change in zoning from the District Commercial (C6)

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

SUBJECT: Applications for an Official Plan Amendment and a Zoning By-law Amendment for Lands Located at 365 Highway No. 8, Stoney Creek (PED24108) (Ward 10) - Page 2 of 12

Zone to the District Commercial (C6, 904, H177) Zone, to permit a nine storey mixed use building consisting of 189 residential dwelling units, 273 square metres of ground floor commercial and 187 parking spaces, for lands located at 365 Highway No. 8, as shown on attached Appendix "A" to Report PED24108, be **APPROVED** on the following basis:

- (i) That the draft Amended By-law, attached as Appendix "C" to Report PED24108, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending Amended By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by including the Holding symbol 'H' to the proposed District Commercial (C6, 904, H177) Zone:

The Holding Provision 'H177', is to be removed conditional on the following:

- (1) That the owner submit and receive approval of a revised Functional Servicing Report, prepared by a qualified Professional Engineer, to the satisfaction of the Director, Growth Management and Chief Development Engineer;
 - (2) That the owner submit and receive approval of a revised Transportation Impact Study, prepared by a qualified Professional Traffic Engineer, to the satisfaction of the Director of Transportation Planning and Parking;
 - (3) That the owner submit and receive approval of a revised Tree Protection Plan addressing the protection of trees, including the applicable review fee and submission of written confirmation from the abutting owner of 357 Highway No. 8 for permission to remove trees 3, 4, 6, and 10 as identified on the Tree Management Plan prepared by Adesso Design Inc. dated April 2, 2024, to the satisfaction of the Director of Heritage and Urban Design;
- (iii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and comply with the Urban Hamilton Official Plan and the Western Development Area Secondary Plan upon adoption of the Official Plan Amendment.

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SUBJECT: Applications for an Official Plan Amendment and a Zoning By-law Amendment for Lands Located at 365 Highway No. 8, Stoney Creek (PED24108) (Ward 10) - Page 3 of 12

- (c) That approval be given for further modifications to the District Commercial (C6) Zone, to permit a 28.50 metre (nine storey) mixed use building consisting of 189 residential dwelling units, 273 square metres of ground floor commercial and 187 parking spaces, for lands located at 365 Highway No. 8, as shown on Appendix “A” to Report PED24108, subject to the following:
- (i) That the draft By-law, attached as Appendix “I” to Report PED24108, be held in abeyance until such time as By-law No. 24-052, being a by-law to delete and replace Parking regulations, is in force and effect;
 - (ii) That staff be directed to being forward the draft By-law, attached as Appendix “I” to Report PED24108, for enactment by City Council, once By-law No. 24-052 is in force and effect.

EXECUTIVE SUMMARY

The subject lands are municipally known as 365 Highway No. 8 and are located on the north side of Highway No. 8, east of the intersection of Highway No. 8 and King Street East in Stoney Creek. The applicant has applied for an Urban Hamilton Official Plan Amendment and a Zoning By-law Amendment.

The purpose of the amended Official Plan Amendment application is to amend the Western Development Area Secondary Plan to add a new Site Specific Policy area within the “District Commercial” designation to permit residential dwelling units and a medical clinic or office on the ground floor to facilitate development of a nine storey mixed use building consisting of 189 dwelling units and ground floor commercial uses within the “District Commercial” designation.

The purpose of the amended Zoning By-law Amendment application is to change the zoning from the District Commercial (C6) Zone to the District Commercial (C6, 904, H177) Zone to permit a nine storey mixed use building consisting of 189 residential dwelling units, 273 square metres of ground floor commercial and 187 parking spaces, as shown on Appendix “E” to Report PED24108. Site specific modifications to the District Commercial (C6) Zone are proposed to accommodate the proposed development, and permit ground floor residential which are discussed in detail in Appendix “D” to Report PED24108.

The proposed amended Official Plan Amendment and amended Zoning By-law Amendment have merit and can be supported for the following reasons:

- They are consistent with the Provincial Policy Statement (2020);

SUBJECT: Applications for an Official Plan Amendment and a Zoning By-law Amendment for Lands Located at 365 Highway No. 8, Stoney Creek (PED24108) (Ward 10) - Page 4 of 12

- They conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- They comply with the Urban Hamilton Official Plan and Western Development Area Secondary Plan upon adoption of the Official Plan Amendment; and,
- The proposal is compatible with the existing land uses in the immediate area, and represents good planning by, among other things, providing a compact and efficient urban form, achieves the planned urban structure and supports developing a complete community.

Alternatives for Consideration – See Page 12

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Application Details	
Owner:	2752037 Ontario Inc. (c/o Mario Nesci).
Applicant:	Bousfield Inc. (c/o David Falletta).
File Number:	UHOPA-24-005 and ZAC-24-011.
Type of Applications:	Urban Hamilton Official Plan Amendment and Zoning By-law Amendment.
Proposal:	The purpose of the amended Official Plan Amendment is to amend the Western Development Area Secondary Plan to add a new Site Specific Policy within the “District Commercial” designation to permit residential dwelling units, medical clinic and office on the ground floor.

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SUBJECT: Applications for an Official Plan Amendment and a Zoning By-law Amendment for Lands Located at 365 Highway No. 8, Stoney Creek (PED24108) (Ward 10) - Page 5 of 12

Application Details	
Proposal: (Continued)	<p>The purpose of the amended Zoning By-law Amendment application is for a change in zoning from the District Commercial (C6) Zone to the District Commercial (C6, 904, H177) Zone.</p> <p>The effect of these applications is to facilitate the development of a nine storey mixed use building consisting of 189 residential dwelling units and 273 square metres of ground floor commercial and 22 surface (inclusive of one barrier free space) and 165 underground parking spaces (inclusive of six barrier free spaces) for a total of 187 parking spaces with seven barrier free spaces.</p> <p>The proposal includes 12 residential units on the ground floor at the rear of the building, with commercial uses located at the street line. The development is planned to include 121 one bedroom units, eight one bedroom plus den, 55 two bedroom units and five three bedroom units.</p> <p>Access to the development is from Highway No. 8 and a road widening of approximately 4.9 metres will be taken from Highway No. 8.</p>
Property Details	
Municipal Address:	365 Highway No. 8.
Lot Area:	0.48 ha.
Servicing:	Existing full municipal services.
Existing Use:	The subject site includes a vacant commercial building with surface parking.
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:	"District Commercial"

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SUBJECT: Applications for an Official Plan Amendment and a Zoning By-law Amendment for Lands Located at 365 Highway No. 8, Stoney Creek (PED24108) (Ward 10) - Page 6 of 12

Documents	
Official Plan Proposed:	No amendment proposed.
Secondary Plan Existing:	“District Commercial” in the Western Development Area Secondary Plan.
Secondary Plan Proposed by Applicant:	“Mixed Use – Medium Density” in the Western Development Area Secondary Plan.
Secondary Plan Proposed by Staff:	“District Commercial” with a Site Specific Policy to allow ground floor residential units, within the Western Development Area Secondary Plan.
Zoning Existing:	District Commercial (C6) Zone.
Zoning Proposed by Applicant:	Site Specific Mixed Use Medium Density (C5) Zone.
Zoning Proposed by Staff:	District Commercial (C6, 904, H177) Zone.
Modifications Proposed:	<p>The following modifications have been requested by the applicant:</p> <ul style="list-style-type: none"> • To increase the building height from 22.0 metres to 28.5 metres; and, • To increase the maximum building setback from a street line from 4.5 metres to 8.0 metres. <p>The following modifications are being proposed by staff:</p> <ul style="list-style-type: none"> • To permit dwelling units, medical clinics, and offices on the ground floor while restricting residential uses on the portion of the ground floor of a mixed use building facing the street; • To increase the minimum interior side yard abutting a Residential or Institutional Zone or lot containing residential use from 4.5 metres to 7.5 metres; • To include minimum building height and angular plane requirements; • To include minimum amenity area requirements for dwelling units; and, • To establish a minimum gross floor area for commercial uses.

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SUBJECT: Applications for an Official Plan Amendment and a Zoning By-law Amendment for Lands Located at 365 Highway No. 8, Stoney Creek (PED24108) (Ward 10) - Page 7 of 12

Documents	
Modifications Proposed: (Continued)	<ul style="list-style-type: none"> To establish minimum vehicle and bicycle parking requirements for Dwelling Unit(s), Mixed Use in the District Commercial (C6) Zone. <p>The following modifications to the Council adopted Parking Regulations (By-law No. 24-052) have been included in the Held in Abeyance By-law (Appendix "I" to Report PED24108):</p> <ul style="list-style-type: none"> To reduce the minimum number of required parking spaces from 0.85 spaces per unit for residents plus 0.25 visitor parking spaces per unit to 0.99 parking spaces per unit; and, To require a minimum of 25% of the parking spaces provided to be Electric Vehicle Parking Spaces. <p>A complete analysis of the proposed modifications is attached as Appendix "D" to Report PED24108.</p>
Processing Details	
Received:	April 15, 2024.
Deemed Complete:	April 15, 2024.
Notice of Complete Application:	Sent to 70 property owners within 120 metres of the subject property on May 1, 2024.
Public Notice Sign:	Posted April 30, 2024.
Notice of Public Meeting:	Sent to 70 property owners within 120 metres of the subject property on June 28, 2024.
Staff and Agency Comments:	Staff and agency comments have been summarized in attached Appendix "G" to Report PED24099.
Public Consultation:	An in person neighbourhood meeting was held on November 30, 2023. Based on the summary provided by the applicant, attached in Appendix "H" to Report PED24108, approximately 15 members of the public attended the meeting, including the Ward Councillor of which 10 individuals signed the sign in sheet.

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SUBJECT: Applications for an Official Plan Amendment and a Zoning By-law Amendment for Lands Located at 365 Highway No. 8, Stoney Creek (PED24108) (Ward 10) - Page 8 of 12

Processing Details	
Public Consultation: (Continued)	Letters of information and invitations were mailed to all neighbours within 240 metres of the development on November 16, 2023. Resident concerns identified related to privacy, loss of vegetation, property value, height, traffic and parking, affordability and unit sizes, timing of construction, location of loading spaces and rear parking.
Public Comments:	Staff received one written submission expressing concern with reduced privacy, tree removal, reduced property values, and increased traffic. Written submissions are attached in Appendix "H" to Report PED24108.
Processing Time:	85 days.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Existing vacant one storey commercial building.	District Commercial (C6) Zone.
Surrounding Lands:		
North	Commercial landscape area and single detached dwellings.	Single Residential "R4" Zone, Residential "R6" Zone and District Commercial (C6) Zone.
South	Existing commercial.	District Commercial (C6) Zone and Neighbourhood Commercial (C2, 579) Zone.
East	Existing commercial with dwelling unit(s) above.	District Commercial (C6) Zone.
West	Existing commercial.	District Commercial (C6) Zone.

SUBJECT: Applications for an Official Plan Amendment and a Zoning By-law Amendment for Lands Located at 365 Highway No. 8, Stoney Creek (PED24108) (Ward 10) - Page 9 of 12

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)

A full review of the applicable Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) policies is provided in Appendix “F” to Report PED24108.

Provincial Policy Statement (2020)

The proposed development supports the development of healthy, liveable, and safe communities. The subject site is located on the north side of Highway No. 8 east of the intersection of Highway No. 8 and King Street East which is intended to develop as a commercial and mixed use corridor and has been identified as a potential higher order transit route. Hamilton Street Railway operated bus routes are located along Highway No. 8.

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

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

The subject lands are located within the Urban Boundary and Built-up Area in a settlement area, with existing and planned municipal services. The proposed development supports the achievement of complete communities. It provides a mix of housing options, expands access to transportation options and public service facilities, and provides a more compact built form and a vibrant public realm.

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

Urban Hamilton Official Plan and Western Development Area Secondary Plan

The subject lands are identified as “Secondary Corridor” on Schedule E – Urban Structure, designated “District Commercial” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan, and further designated “District Commercial” on Map B.7.1-1 – Western Development Area Secondary Plan – Land Use Plan. A full policy analysis of the applicable Urban Hamilton Official Plan policies is provided in Appendix “F” attached to Report PED24108.

SUBJECT: Applications for an Official Plan Amendment and a Zoning By-law Amendment for Lands Located at 365 Highway No. 8, Stoney Creek (PED24108) (Ward 10) - Page 10 of 12

The purpose of the Official Plan Amendment is to amend the Western Development Area Secondary Plan to add a new Site Specific Policy within the “District Commercial” designation to permit residential dwelling units, medical clinic, and office uses on the ground floor of a building to facilitate development of a nine storey mixed use building consisting of 189 dwelling units and ground floor commercial uses.

The proposed amendments can be supported as the proposed development will provide a greater range of housing types and achieve the planned urban structure. The current “District Commercial” designation of Volume 1 of the Urban Hamilton Official Plan permits retail uses in a primarily non-mixed use environment and prohibits residential uses on the ground floor, whereas the “Secondary Corridor” is intended to accommodate retail and mixed use forms in small clusters. The site specific policy area can be supported as Urban Corridor policies promote street-oriented uses which incorporate a mix of retail, employment, and residential uses, developed at overall greater densities, located along arterial roads serving as major transit routes. It is noted that the size and shape of the lot proposed makes it difficult to provide commercial space along the entirety of the ground floor and the proposal has separated the commercial use from the residential while creating an attractive streetscape which is safe and accessible.

Based on the foregoing, and subject to the Holding Provision, the proposal complies with the Urban Hamilton Official Plan and Western Development Area Secondary Plan upon adoption of the Official Plan Amendment.

City of Hamilton Zoning By-law No. 05-200

The proposed Zoning By-law Amendment is for a change in zoning from the District Commercial (C6) Zone to the District Commercial (C6, 904, H177) Zone to permit a 28.5 metre (nine storey) mixed use building consisting of 189 residential dwelling units, 273 square metres of ground floor commercial and 187 parking spaces. Modifications to the District Commercial (C6) Zone are required to facilitate the development.

Staff also completed a review of the proposal against the Council approved parking regulations recently adopted through By-law No. 24-052. These regulations are currently not in-force as they are subject to appeals. Accordingly, staff have included a second by-law that includes the necessary modifications to By-law No. 24-052, which is to be held in abeyance until such time as the appeals are resolved and By-law No. 24-052 is in force and effect (refer to Appendix “I” attached to Report PED24108). All requested modifications are summarized in the Report Fact Sheet above and further discussed in attached Appendix “D” to Report PED24108.

SUBJECT: Applications for an Official Plan Amendment and a Zoning By-law Amendment for Lands Located at 365 Highway No. 8, Stoney Creek (PED24108) (Ward 10) - Page 11 of 12

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (ii) It complies with the general intent and purpose of the Urban Hamilton Official Plan and the Western Development Area Secondary Plan upon adoption of the Official Plan Amendment; and,
 - (iii) It is compatible with existing development in the immediate area, and it represents good planning by, among other things, providing a compact and efficient urban form, achieves the planned urban structure and supports developing a complete community.

2. Official Plan Amendment

The purpose of the Official Plan Amendment is to add a new Site Specific Policy within the “District Commercial” designation in the Western Development Area Secondary Plan to permit residential dwelling units, medical clinic and office uses on the ground floor to facilitate development of a nine storey mixed use building consisting of 189 dwelling units and ground floor commercial uses.

The Official Plan Amendment can be supported as the proposed development supports the development of healthy, liveable, and safe communities. The proposed development represents a compatible form of development. It will provide a greater range of housing types and achieve the planned urban structure by maintaining a commercial frontage. The increased density will support the use of existing and planned transit and commercial uses.

Based on the foregoing and the analysis provided in attached Appendix “F” to Report PED24108, staff supports the proposed Official Plan Amendment.

3. Zoning By-law Amendment

The subject lands are zoned District Commercial (C6) Zone in Hamilton Zoning By-law No. 05-200. The Zoning By-law Amendment proposes to change the zoning to the District Commercial (C6, 904, H177) Zone. Staff are satisfied that the proposal meets the intent of the “District Commercial” designation policies in

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SUBJECT: Applications for an Official Plan Amendment and a Zoning By-law Amendment for Lands Located at 365 Highway No. 8, Stoney Creek (PED24108) (Ward 10) - Page 12 of 12

the Urban Hamilton Official Plan and the Western Development Area Secondary Plan upon adoption of the proposed Official Plan Amendment.

The proposed amendments meet the general intent of the Zoning By-law. An analysis of the requested modifications is provided in attached Appendix "D" to Report PED24108.

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

4. Holding Provisions

A Holding "H" Provision is proposed to be added to the subject lands for the purpose of requiring an updated Functional Servicing Report, a revised Transportation Impact Study, and approval of a revised Tree Protection Plan. Upon completion of the above noted conditions, the Holding Provision can be lifted.

ALTERNATIVES FOR CONSIDERATION

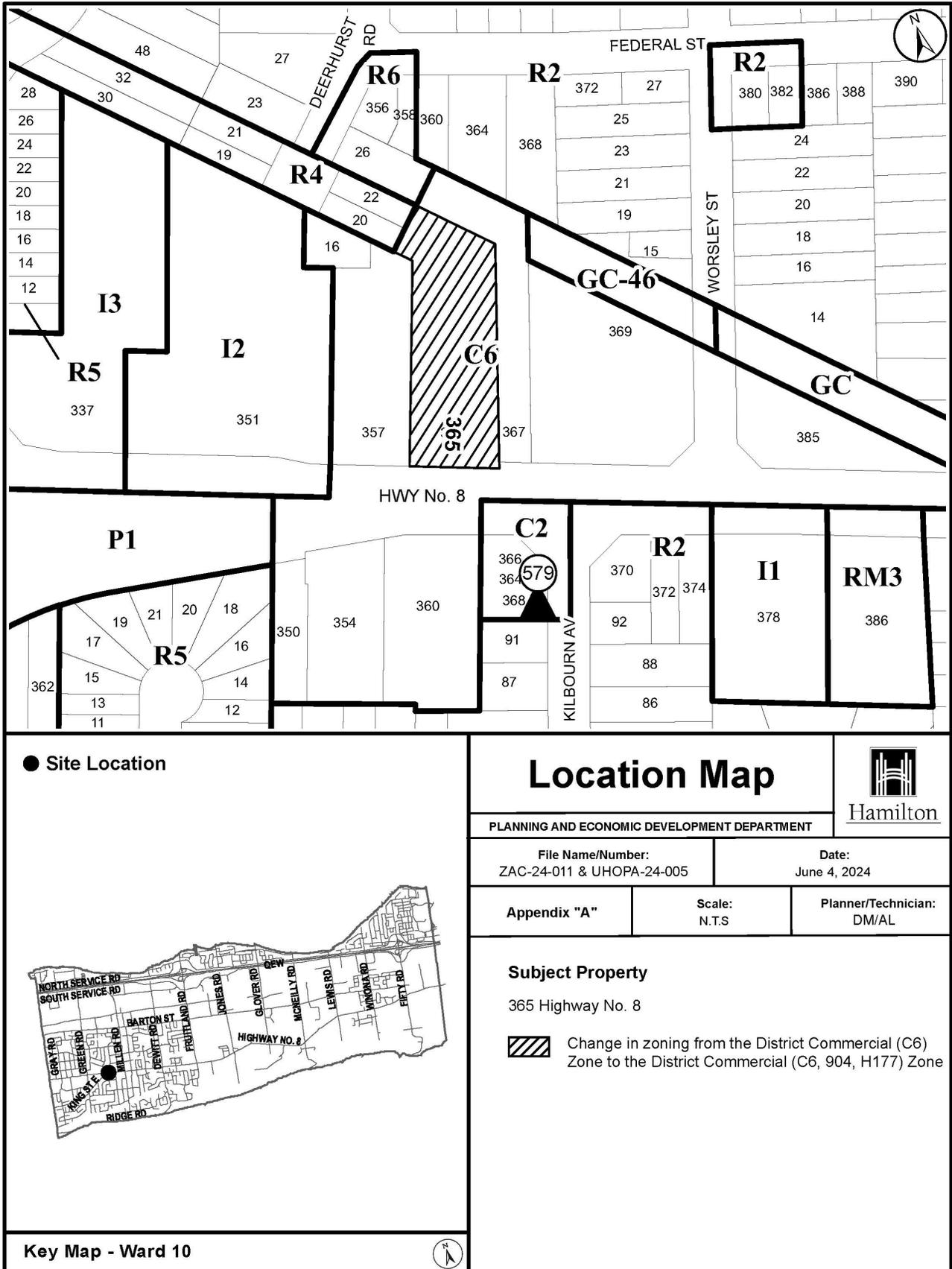
Should the applications be denied, the subject land can be used in accordance with the District Commercial (C6) Zone in City of Hamilton Zoning By-law No. 05-200.

APPENDICES AND SCHEDULES ATTACHED

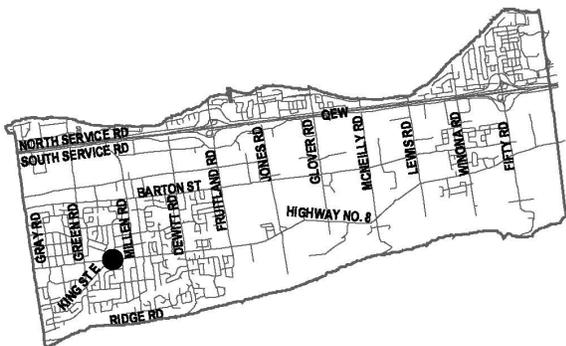
Appendix "A" to Report PED24108 – Location Map
 Appendix "B" to Report PED24108 – Urban Hamilton Official Plan Amendment
 Appendix "C" to Report PED24108 – Zoning By-law Amendment
 Appendix "D" to Report PED24108 – Zoning Modification Table
 Appendix "E" to Report PED24108 – Concept Plan
 Appendix "F" to Report PED24108 – Policy Review
 Appendix "G" to Report PED24108 – Staff and Agency Comments
 Appendix "H" to Report PED24108 – Public Comments
 Appendix "I" to Report PED24108 – Held in Abeyance Zoning By-law Amendment

MF:sd

Appendix "A" to Report PED24108
Page 1 of 1



● Site Location



Key Map - Ward 10

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-24-011 & UHOPA-24-005

Date:
June 4, 2024

Appendix "A"

Scale:
N.T.S

Planner/Technician:
DM/AL

Subject Property

365 Highway No. 8

 Change in zoning from the District Commercial (C6) Zone to the District Commercial (C6, 904, H177) Zone

Schedule "1"

DRAFT Urban Hamilton Official Plan Amendment No. X

The following text, together with Appendix "A" – Volume 2: Map B.7.1-1 – Western Development Area Secondary Plan – Land Use Plan attached hereto, constitutes Official Plan Amendment No. "X" to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to amend the Western Development Area Secondary Plan to add a new Site Specific Policy within the "District Commercial" designation to permit residential dwelling units, medical clinic and office on the ground floor to facilitate development of a nine storey mixed use building containing 189 dwelling units and ground floor commercial uses facing the street.

2.0 Location:

The lands affected by this Amendment are known municipally as 365 Highway No. 8, in the former City of Stoney Creek.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed development supports the policies of the Urban Hamilton Official Plan and the Western Development Area Secondary Plan, as it implements the City's planned urban structure and the efficient use of land;
- The proposed development meets the intent of the Residential Intensification policies of the Urban Hamilton Official Plan; and,
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 Actual Changes:

4.1 Volume 2 – Secondary Plans

Text

4.1.1 Chapter B.7.0 – Stoney Creek Secondary Plan – Section B.7.1 – Western Development Area Secondary Plan

- a. That Volume 2: Chapter B.7.0 – Stoney Creek Secondary Plans, Section B.7.1 – Western Development Area Secondary Plan be amended by adding a new Site Specific Policy, as follows:

“Site Specific Policy – Area X

- B.7.1.5.X For lands identified as Site Specific Policy – Area “X” on Map B.7.1-1 Western Development Area Secondary Plan – Land Use Plan, designated District Commercial, and known as 365 Highway No. 8, the following policies shall apply:
- a) Notwithstanding Policy E.4.7.2 b) of Volume 1, medical clinics and offices shall also be permitted on the first storey of a mixed use building.
 - b) Notwithstanding Policy E.4.7.2 c) of Volume 1, residential uses shall also be permitted on the first storey of a mixed use building, provided they are located at the rear of the building, and not along the building façade facing Highway No. 8.”

Maps

4.1.2 Map

- a. That Volume 2: Map B.7.1-1 – Western Development Area Secondary Plan – Land Use Plan be amended by identifying the subject lands as Site Specific Policy – Area “X”, as shown on Appendix “A”, attached to this Amendment.

5.0 Implementation:

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

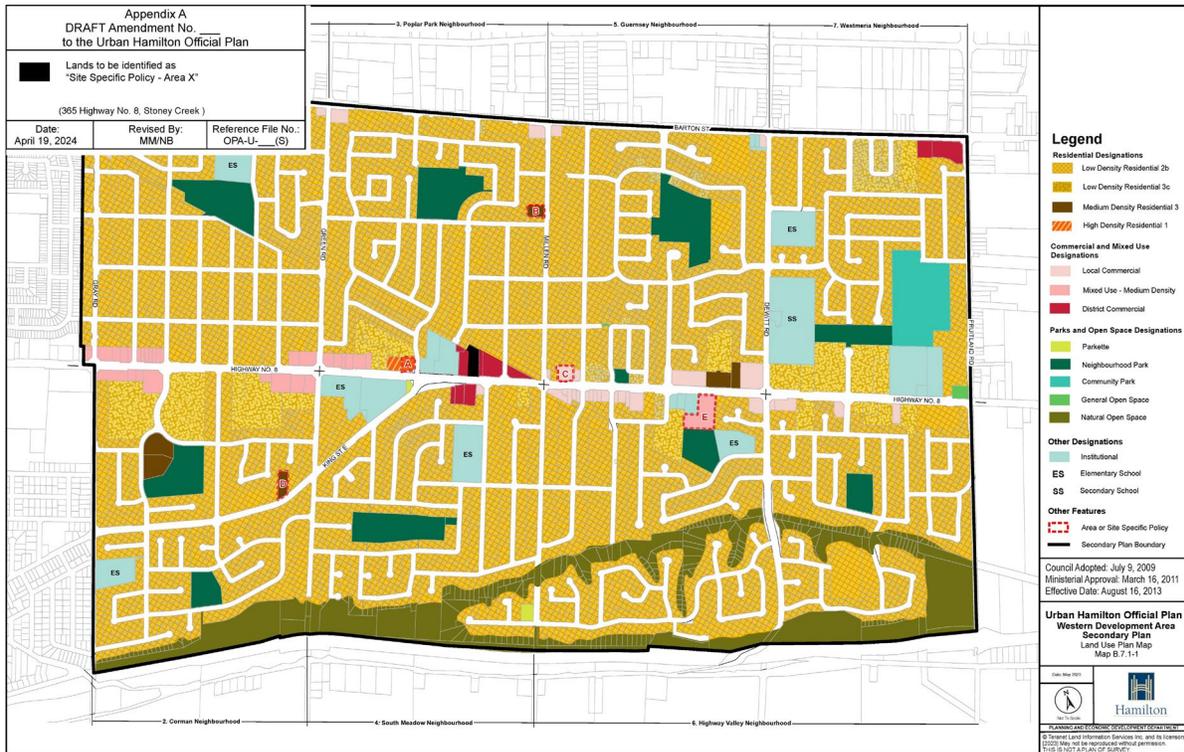
This Official Plan Amendment is Schedule “1” to By-law No. _____ passed on the

___th day of ___, 2024.

**The
City of Hamilton**

A. Horwath
Mayor

M. Trennum
City Clerk



**Appendix “C” to Report PED24108
Page 1 of 6**

Authority: Item,
Report (PED24108)
CM:
Ward: 10

Bill No.

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

To amend Zoning By-law No. 05-200 with respect to lands located at 365 Highway No. 8, Stoney Creek

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at its meeting held on July 9, 2024;

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

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

1. That Schedule “A” – Zoning Maps, Map No. 1251 is amended by changing the zoning from the District Commercial (C6) Zone to the District Commercial (C6, 904, H177) Zone, for the lands known as 365 Highway No. 8, Stoney Creek, the extent and boundaries of which are shown on Schedule “A” to this By-law.

2. That Schedule “C” – Special Exceptions is amended by adding the following new Special Exception:

“904. Within the lands zoned District Commercial (C6, 904) Zone, identified on Map No. 1251 of Schedule “A” – Zoning Maps and described as 365 Highway No. 8, Stoney Creek, the following special provisions shall apply:

- a) In addition to Section 10.6.1.1 and notwithstanding Section 10.6.1.1 i), the following regulations shall apply:
 - i) Dwelling Units shall not be permitted on the portion of the ground floor facing a street.
- b) In addition to Section 10.6.3 and notwithstanding Section 10.6.3 c) ii), and d), the following shall apply;

Appendix “C” to Report PED24108**Page 2 of 6**

- ii) Minimum Interior Side Yard 7.5 metres abutting a Residential or Institutional Zone or lot containing a residential use.

- iii) Building Height
 - A) Minimum 7.5 metre façade height for any portion of a building along a street line;

 - B) Maximum 28.5 metres; and,

 - C) In addition to Subsection A) above and notwithstanding Subsection B) above, any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum yard requirement established in Section 10.6.3 b) when abutting a Residential Zone to a maximum of 28.5 metres.

 - D) In addition to the definition of Building Height in Section 3: Definitions, any wholly enclosed or partially enclosed amenity area, or any portion of a building designed to provide access to a rooftop amenity area shall be permitted to project above the uppermost point of the building, subject to the following regulations:
 - A. The total floor area of the wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area does not exceed 10% of the floor area of the storey directly beneath;

 - B. The wholly enclosed or partially enclosed structure

Appendix “C” to Report PED24108
Page 3 of 6

belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall be setback a minimum of 3.0 metres from the exterior walls of the storey directly beneath; and,

C. The wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall not be greater than 3.0 metres in vertical distance from the uppermost point of the building to the uppermost point of the rooftop enclosure.

- | | |
|--|--|
| iv) Minimum Amenity Area for Dwelling Unit(s), Mixed Use | <p>A) An area of 4.0 square metres for each dwelling unit less than or equal to 50 square metres of gross floor area; and,</p> <p>B) An area of 6.0 square metres for each dwelling unit greater than 50 square metres of gross floor area.</p> <p>C) In addition to the definition of Amenity Area in Section 3: Definitions, an Amenity Area located outdoors shall be unobstructed and shall be at or above the surface and exposed to light and air.</p> |
| v) Minimum Gross Floor Area for Commercial Uses | 270 square metres. |
- c) In addition to Section 5.6(c), the following parking schedule shall apply for a Dwelling Unit, Mixed Use:

Appendix “C” to Report PED24108
Page 4 of 6

i) Minimum Number of Required Parking Spaces 0.99 parking spaces per Dwelling Unit.

d) In addition to Section 5.7(c) and (e), the following bicycle parking schedule shall apply for a Dwelling Unit, Mixed Use:

a. Short-Term Spaces: 5

b. Long-Term Spaces: 0.5 per dwelling unit”

3. That Schedule “D” – Holding Provisions be amended by adding the additional Holding Provision as follows:

“177. Notwithstanding Section 10.6 of this By-law, within land zoned District Commercial (C6, 904) Zone, identified on Map No. 1251 of Schedule “A” – Zoning Maps and described as 365 Highway No. 8, Stoney Creek, no development shall be permitted until such time as:

a. That the owner submit and receive approval of a revised Functional Servicing Report, prepared by a qualified Professional Engineer, to the satisfaction of the Director, Growth Management & Chief Development Engineer.

b. That the owner submit and receive approval of a revised Transportation Impact Study, prepared by a qualified Professional Traffic Engineer, to the satisfaction of the Director of Transportation Planning and Parking.

c. That the owner submit and receive approval of a revised Tree Protection Plan addressing the protection of trees, including the applicable review fee and submission of written confirmation from the abutting owner of 357 Highway No. 8 for permission to remove trees 3, 4, 6, and 10 as identified on the Tree Management Plan prepared by Adesso Design Inc. dated April 2, 2024, to the satisfaction of the Director of Heritage and Urban Design.”

4. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the provisions of the District Commercial (C6, 904, H177) Zone, subject to the special requirements referred to in Section Nos. 2 and 3 of this By-law.

5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

Appendix "C" to Report PED24108
Page 5 of 6

PASSED this _____ , 2024

A. Horwath
Mayor

M. Trennum
City Clerk

ZAC-24-011



This is Schedule "A" to By-law No. 24- Passed the day of, 2024	----- Mayor ----- Clerk
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<h2 style="margin: 0;">Schedule 'A'</h2> <p style="margin: 5px 0;">Map forming part of By-law No. 24-_____</p> <p style="margin: 5px 0;">to Amend By-law No. 05-200 Map 1251</p>	<p>Subject Property</p> <p>365 Highway No. 8</p> <p> Change in zoning from the District Commercial (C6) Zone to the District Commercial (C6, 904, H177) Zone</p>
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Scale: N.T.S.	File Name/Number: ZAC-24-011 & UHOPA-24-005	
Date: April 22, 2024	Planner/Technician: DM/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Appendix “D” to Report PED24108
Page 1 of 7

Site Specific Modifications to the District Commercial (C6) Zone

Regulation	Required	Modification	Analysis
<p>Restricted Uses</p> <p>Staff Proposed Modification</p>	<ul style="list-style-type: none"> • Mixed Use Dwelling Units shall only be permitted above the ground floor except for access, accessory office and utility areas. • For buildings less than 4,650 m² gross floor area, Mixed Use Dwelling Units shall not occupy more than 50% of the total gross floor area of all the building(s) within the lot. • Office(s) and Medical Clinic(s) shall only be permitted above the ground floor. 	<ul style="list-style-type: none"> • Existing restrictions shall not apply. • Dwelling Units shall not be permitted on the portion of the ground floor facing a street. 	<p>The proposed Official Plan Amendment, attached as Appendix “B” to Report PED24108, is to add a Site Specific Policy to permit residential dwelling units, medical clinics, and offices on the ground floor within the “District Commercial” designation, and require that a commercial use be provided on the ground floor for the portion of the building facing the street.</p> <p>This property is part of a larger District Commercial area, and the proposed ground floor commercial uses are an important aspect of the proposal in that they help to maintain the commercial function and commercial character of the area. Further, the lot configuration would not support a wholly commercial ground floor. Maintaining the ground floor façade as commercial and allowing residential uses on the ground floor at the rear of the building will maintain the planned function as a commercial frontage.</p> <p>Therefore, staff support these modifications.</p>
<p>Minimum Interior Side Yard</p> <p>Staff Proposed Modification</p>	<p>4.5 metres abutting a Residential or Institutional Zone or lot containing residential use.</p>	<p>7.5 metres abutting a Residential or Institutional Zone or lot containing a residential use.</p>	<p>To maintain setbacks from the abutting residential zones to the northwest to accommodate the proposed development with increased building height, staff are proposing to incorporate an increased setback from the residential zone containing a residential use.</p> <p>Therefore, staff support this modification.</p>

Appendix “D” to Report PED24108

Page 2 of 7

Regulation	Required	Modification	Analysis
Building Height Applicant and Staff Proposed Modifications	Maximum 14.0 metres.	<ul style="list-style-type: none"> • Minimum 7.5 metre façade height for any portion of a building along a street line. • Maximum 28.5 metres. • Any building height above 11.0 metres may be equivalently increased as the rear yard increases beyond the minimum yard requirement when abutting a Residential Zone to a maximum of 28.5 metres. 	<p>The initial application was to rezone the subject lands to a modified Mixed Use Medium Density (C5) Zone. However, staff have recommended that the lands be rezoned to a modified District Commercial (C6) Zone.</p> <p>The proposed 28.0 metre (nine storey) building includes setbacks and stepbacks to ensure a 45 degree angular plane is achieved and limits any shadowing and overlook concerns on the low density residential uses to the north. A Sun/Shadow Study, prepared by Office Architecture dated September 2023, demonstrated that there is minimal shadow impact on residential land uses to the northwest. The abutting lands to the east and west are zoned District Commercial (C6) Zone and does not conflict with the proposed development.</p> <p>Stepbacks at the sixth storey along the Highway No. 8 façade minimize the height appearance from the public realm and further reduce potential shadow or overlook concerns. To maintain the stepbacks requirements and mitigate overlook and privacy from the abutting residential zones to the northwest, staff are proposing to incorporate the equivalent increase and amenity area provisions into the building height regulations.</p> <p>Therefore, staff support these modifications.</p>

Appendix “D” to Report PED24108
Page 3 of 7

Regulation	Required	Modification	Analysis
<p>Minimum Amenity Area for Dwelling Units and Multiple Dwellings</p> <p>Staff Proposed Modification</p>	N/A	<ul style="list-style-type: none"> • 4.0 m² per dwelling unit less than or equal to 50 m² gross floor area. • 6.0 m² per dwelling unit greater than 50 m² gross floor area. • An Amenity Area located outdoors shall be unobstructed and shall be at or above the surface and exposed to light and air. 	<p>To maintain amenity area requirements for the mixed use development with increased height and proportion of residential units, staff are proposing to incorporate amenity area requirements applicable to mixed use developments.</p> <p>Therefore, staff support this modification.</p>
<p>Minimum Gross Floor Area for Commercial Uses</p> <p>Staff Proposed Modification</p>	N/A	270 square metres.	<p>As discussed in Appendix “F” attached to Report PED24108, the proposed ground floor commercial uses are an important aspect of the proposal to maintain the commercial function and character of the area within cluster of District Commercial uses. To maintain this, staff have proposed a minimum gross floor area for commercial uses.</p> <p>Therefore, staff support this modification.</p>

Appendix “D” to Report PED24108

Page 4 of 7

Regulation	Required	Modification	Analysis
<p>Minimum Number of Required Parking Spaces</p> <p>Staff Proposed Modification</p>	<p>Residential:</p> <p>As per By-law No. 05-200 currently in effect:</p> <ul style="list-style-type: none"> • Dwelling Units less than 50.0 square metres in Gross Floor Area: 0.3 per unit; plus, • Dwelling Units greater than 50.0 square metres in Gross Floor Area: <ul style="list-style-type: none"> • For units 1 – 14 = 0.7 per unit; plus, • For units 15 – 50 = 0.85 per unit; plus, • For units 51+ = 1.0m per unit; • For a total 175 parking spaces. <p>As per By-law No. 24-052, not final and binding:</p> <ul style="list-style-type: none"> • 0.85 spaces per unit for residents (160), plus 0.25 visitor parking spaces per unit (47) (for a total 207 parking spaces). <p>Commercial (Retail):</p> <p>0 where a use is less than 450 square metres in gross floor area (for a total of 0 parking spaces).</p>	<p>Residential:</p> <p>0.99 parking spaces per Dwelling Unit (for a total of 187 parking spaces).</p> <p>Commercial:</p> <p>No modification proposed.</p>	<p>Council approved By-law No. 24-052 on April 10, 2024, to modify Zoning By-law No. 05-200 Section 5: Parking Regulations. The applications were submitted on April 15, 2024. By-law No. 24-052 is under appeal to the Ontario Land Tribunal and is not in force and effect. Whereas the new regulations did include transitional clauses for other types of <i>Planning Act</i> applications, active Zoning By-law Amendment applications were not included. Accordingly, once the new regulations are final and binding, they would be applicable to the proposed development. Based on the timing of the submission of the applications relative to the new parking regulations, staff were open to some flexibility in applying the new regulations.</p> <p>The proposed development is in conformity with the currently in effect minimum parking requirements. A minimum of 175 and a maximum of 236 parking spaces are required for the multiple dwelling units and no commercial parking is required. 187 parking spaces are proposed, with 181 parking spaces dedicated to the multiple dwelling and six for the commercial units.</p> <p>Under the parking regulations approved under By-law No. 24-052, a minimum of 160 resident and 47 visitor parking spaces are required for the multiple dwelling for a total of 207 total parking spaces required.</p> <p>Staff are of the opinion that, given the circumstances, the current in-force parking regulations are appropriate and supportable.</p>

Appendix “D” to Report PED24108

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Regulation	Required	Modification	Analysis
<p>Minimum Number of Required Parking Spaces</p> <p>Staff Proposed Modification (Continued)</p>			<p>Accordingly, staff propose establishing the minimum number of required parking spaces in accordance with the proposed design as it constitutes an increase over the existing in-force zoning regulation.</p> <p>Therefore, staff support this modification.</p>
<p>Minimum Number of Required Bicycle Parking Spaces</p> <p>Staff Proposed Modification</p>	N/A	<p>Short-Term Spaces: 5 Long-Term Spaces: 0.5 per dwelling unit</p>	<p>Under the parking regulations currently in effect, there are no minimum short-term or long-term bicycle parking requirements for a Dwelling Unit, Mixed Use in the District Commercial (C6) Zone. The parking regulations approved under By-law No. 24-052 establishes minimum short-term or long-term bicycle parking requirements. The proposed development is in conformity with both requirements.</p> <p>Similar to the justification for the modified minimum number of required parking spaces above, staff are of the opinion that applying the regulations approved under By-law No. 24-052 is appropriate and supportable.</p> <p>Therefore, staff support this modification.</p>

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Regulation	Required	Modification	Analysis
<p>Minimum Required Number of Electric Vehicle Parking Spaces</p> <p>Applicant Proposed Modification</p>	<p>As per By-law No. 24-052, not final and binding:</p> <ul style="list-style-type: none"> • 100% of all residential parking spaces, excluding visitor parking spaces; and, • 50% of parking spaces for any other use. 	<p>50% of all provided parking spaces, excluding visitor parking spaces.</p>	<p>The parking regulations approved under By-law No. 24-052 included the requirement for Electric Vehicle Parking Spaces. The applicant has committed to providing 50% of all provided parking spaces to be Electric Vehicle Parking Spaces. This results in 93 Electric Vehicle Parking Spaces based on the current provision of parking. The applicant confirmed that this was the most that could be provided without redesigning the proposal and departing from the proposed development concept.</p> <p>Similar to the justification for the modified minimum number of required parking spaces above, staff are of the opinion that, given the circumstances, 50% Electric Vehicle Parking Spaces is appropriate and supportable, as the current in-force zoning regulations do not have an Electric Vehicle Parking Space requirement.</p> <p>Therefore, the proposed modification can be supported.</p>

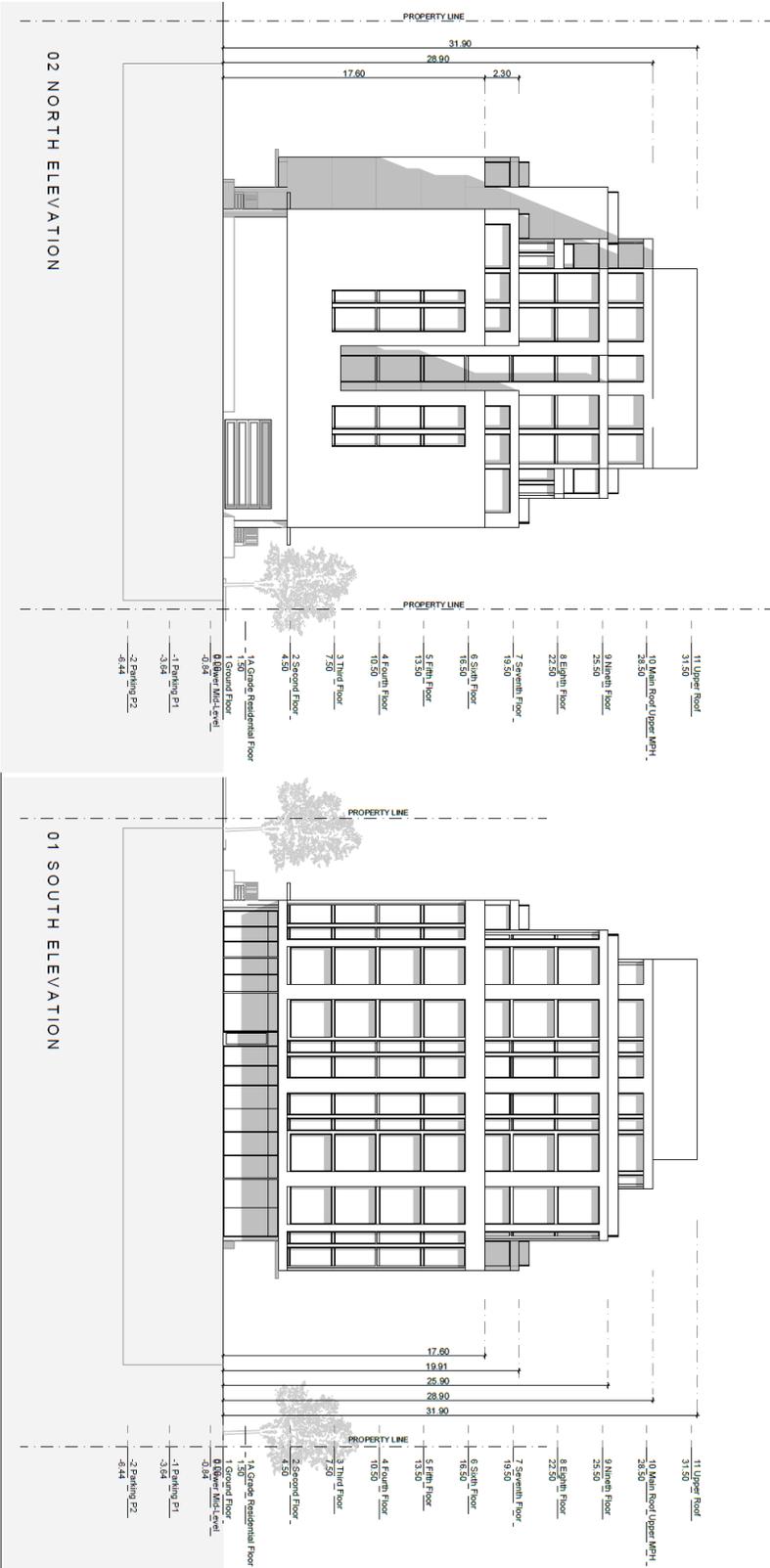
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Proposed Site Specific Modifications to the District Commercial (C6) Zone Not Supported by Staff

Regulation	Required	Modification	Analysis
Building Setback from a Street Line Applicant Proposed Modification	<ul style="list-style-type: none"> • Maximum 4.5 metres, except where a visibility triangle is required for a driveway access. • 6.0 metres for that portion of a building providing an access driveway to a garage. 	Maximum 8.0 metres.	<p>The Concept Plan, prepared by Office Architecture, dated September 22, 2023, indicates a maximum setback of 7.29 m from the street line. However, staff note that an ±4.9 m right-of-way dedication is required along Highway No. 8, bringing the maximum building setback down to ±2.39 m, which conforms to the existing regulations. This modification is not required to accommodate the proposed development.</p> <p>Therefore, staff do not support this modification.</p>

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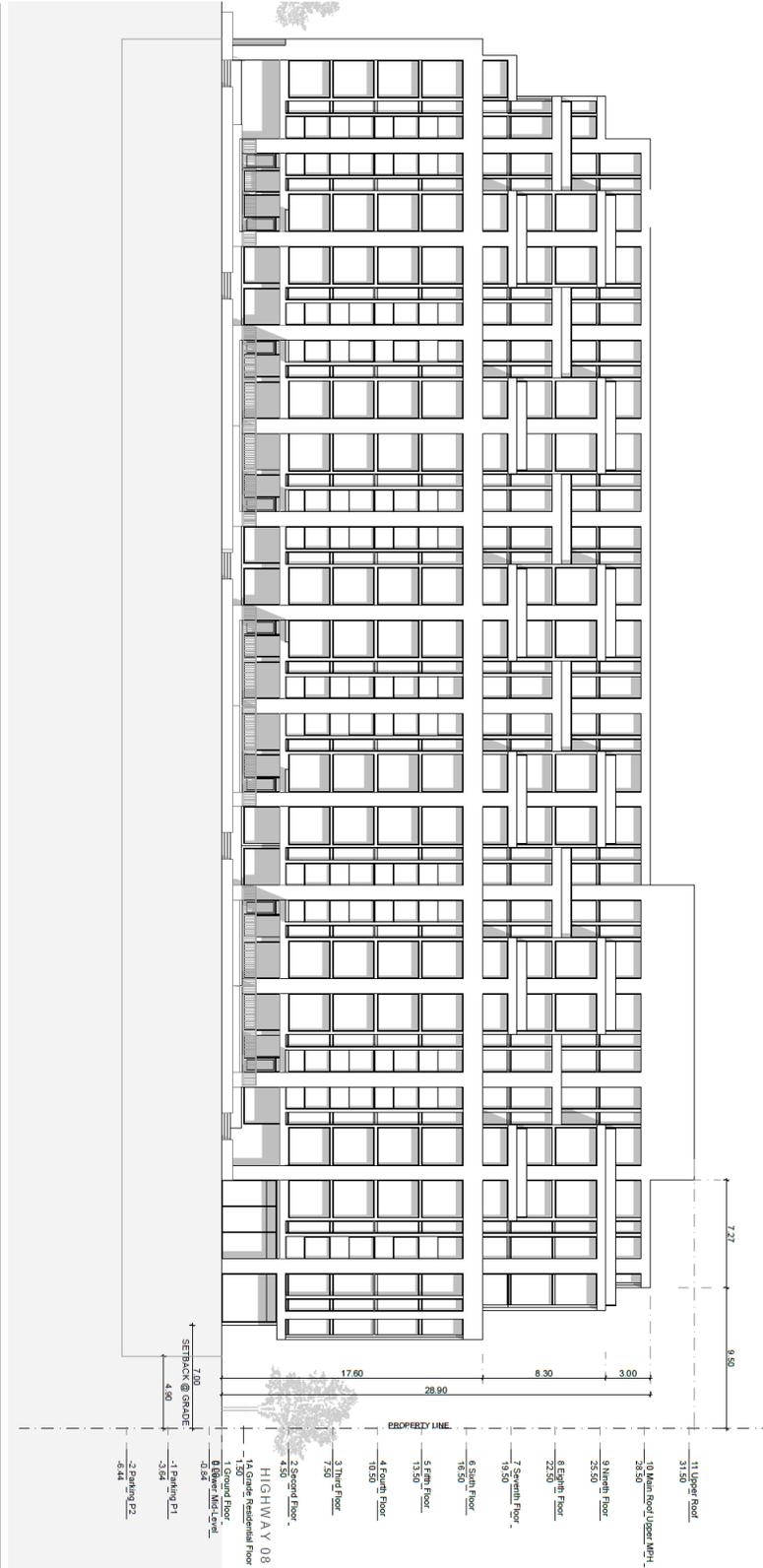
O A
OFFICE ARCHITECTURE

REGISTERED ARCHITECTS AND ENGINEERS
REGISTERED PROFESSIONAL ENGINEERS
REGISTERED PROFESSIONAL LANDSCAPE ARCHITECTS
REGISTERED PROFESSIONAL PLANNERS
REGISTERED PROFESSIONAL SURVEYORS
REGISTERED PROFESSIONAL CIVIL ENGINEERS
REGISTERED PROFESSIONAL ELECTRICAL ENGINEERS
REGISTERED PROFESSIONAL MECHANICAL ENGINEERS
REGISTERED PROFESSIONAL CHEMICAL ENGINEERS
REGISTERED PROFESSIONAL INDUSTRIAL ENGINEERS
REGISTERED PROFESSIONAL AERONAUTICAL ENGINEERS
REGISTERED PROFESSIONAL METALLURGICAL ENGINEERS
REGISTERED PROFESSIONAL AGRICULTURAL ENGINEERS
REGISTERED PROFESSIONAL FORESTRY ENGINEERS
REGISTERED PROFESSIONAL MINING ENGINEERS
REGISTERED PROFESSIONAL CIVIL ENGINEERS (WATER RESOURCES)
REGISTERED PROFESSIONAL CIVIL ENGINEERS (TRANSPORTATION)
REGISTERED PROFESSIONAL CIVIL ENGINEERS (ENVIRONMENTAL)
REGISTERED PROFESSIONAL CIVIL ENGINEERS (STRUCTURAL)
REGISTERED PROFESSIONAL CIVIL ENGINEERS (GEOTECHNICAL)
REGISTERED PROFESSIONAL CIVIL ENGINEERS (HYDRAULIC)
REGISTERED PROFESSIONAL CIVIL ENGINEERS (ENVIRONMENTAL/PLANNING)
REGISTERED PROFESSIONAL CIVIL ENGINEERS (CIVIL ENGINEERING)
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REGISTERED PROFESSIONAL CIVIL ENGINEERS (CIVIL ENGINEERING)

SOUTH + NORTH ELEVATION
365 HIGHWAY 08 RESIDENTIAL DEVELOPMENT
SUNNYVALE
SCALE: 1/250
22 SEPTEMBER 2023 ISSUED FOR DESIGN REVIEW PANEL / REZONING

A200

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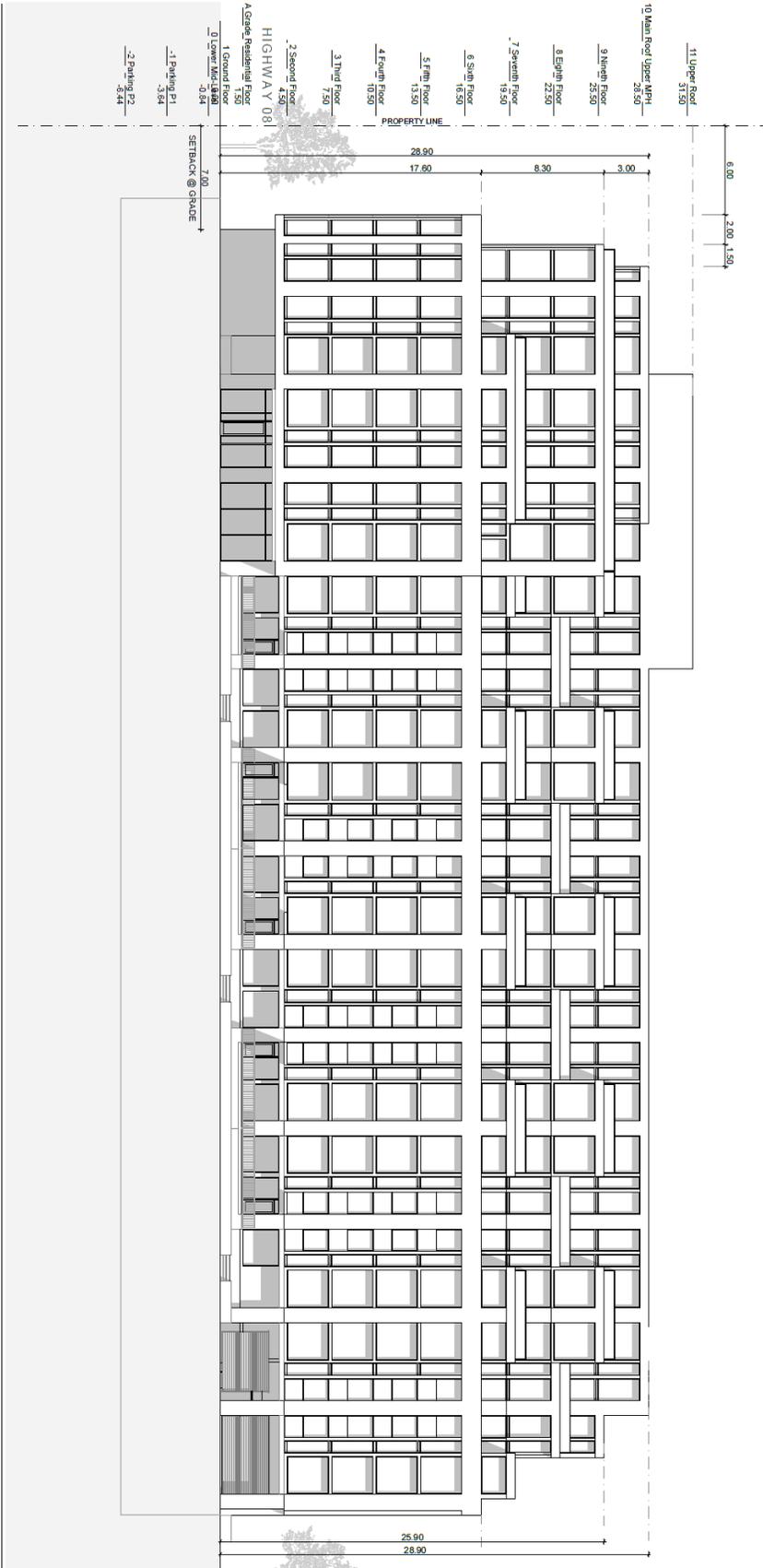
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WEST ELEVATION
365 HIGHWAY 08 RESIDENTIAL DEVELOPMENT
STONEY CREEK 1250
22 SEPTEMBER 2023 ISSUED FOR DESIGN REVIEW PANEL/REZONING

A201

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EAST ELEVATION
365 HIGHWAY 08 RESIDENTIAL DEVELOPMENT
STONEY CREEK
ONTARIO

scale 1:300
22 SEPTEMBER 2023 ISSUED FOR DESIGN REVIEW PANEL / REZONING

A202

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SUMMARY OF POLICY REVIEW

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

Provincial Policy Statement (2020)		
Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Management of Land Use, Settlement Area, Housing, Transportation Systems, Long-Term Economic Prosperity</p> <p>Policies: 1.1.1, 1.1.3.1, 1.1.3.2, 1.1.3.3, 1.4.1, 1.6.7.4, and 1.7.1</p>	<p>Settlement Areas are intended to be the focus of growth and development. Within Settlement Areas, land use patterns shall efficiently use land, efficiently use infrastructure and public service facilities, and be transit-supportive. Healthy, liveable, and safe communities are, in part, sustained by accommodating a range and mix of residential types and promoting the integration of land use planning, transit supportive development, and by encouraging sense of place through promoting well designed built form.</p>	<p>The proposed development supports the development of healthy, liveable, and safe communities. The subject site is located on Highway No. 8 which is identified as a “Secondary Corridor” and is intended to develop at a higher density and as a transit supportive location. The proposal contains a mix of uses which promotes the efficient use of land and utilizes infrastructure and public service facilities along a Secondary Corridor. The proposal also encourages a sense of place by locating active commercial uses along the street.</p> <p>The proposed development consists of 189 residential dwelling units and 273 square metres of ground floor commercial and 187 parking spaces. The proposed development will provide a greater range of housing types and achieve the planned urban structure. The increased density will support the use of existing and planned transit and commercial uses and it will also support active transportation.</p> <p>The proposal is consistent with these policies.</p>
A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)		
<p>Managing Growth</p> <p>Policies: 2.2.1.2 and 2.2.1.4</p>	<p>The vast majority of growth is intended to occur within the Settlement Areas and specifically within strategic growth areas.</p>	<p>The subject site is located within the delineated built boundary and adjacent to Highway No. 8 which is identified as a “Secondary Corridor” on Schedule E – Urban Structure of the Urban Hamilton Official Plan, which is intended to develop at a higher density and as a transit supportive location.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
Managing Growth Policies: 2.2.1.2 and 2.2.1.4 (Continued)	Growth will support the achievement of complete communities that feature, among other things, a diverse mix of land uses, provide a diverse range and mix of housing options, expand convenient access to a range of transportation options and public service facilities, and that provides a more compact built form and vibrant public realm.	<p>The proposed development supports the achievement of complete communities. It provides a mix of housing options, expands access to transportation options and public service facilities, and provides a more compact built form and will contribute to a vibrant public realm by maintaining an active use at grade.</p> <p>The proposal conforms to these policies.</p>
Housing/ Complete Communities Policy: 2.2.6	A mix of housing options and densities is an important aspect of achieving complete communities. This is generally to be realised, in part, through multi-unit residential development that incorporates a mix of unit sizes to accommodate a diverse range of household sizes and incomes.	<p>The proposal will contribute to achieving a complete community within the area surrounding the subject lands by providing additional multi-unit residential dwellings and ground related commercial space.</p> <p>The proposal conforms to this policy.</p>
Urban Hamilton Official Plan		
Residential Intensification Policy B.2.4.1.1	Residential Intensification is encouraged throughout the entire built-up area.	The proposal complies with this policy as the subject lands are located within the built-up area.
Residential Intensification Evaluation Policy: B.2.4.1.4	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 to ensure that the overall structure goals of the Urban Hamilton Official Plan are also achieved.	The proposal provides a dwelling type that is generally missing in the immediate area and provides for compatibility with the abutting uses through the proposed setbacks and setbacks to ensure a 45 degree angular plane limits any shadowing and overview concerns on the low density residential uses to the north. A Sun/Shadow Study, prepared by Office Architecture, dated September 2023, demonstrated that there is minimal shadow impact on residential land uses to the north on Deerhurst Road between 11:50 a.m. and 12:50 p.m. and on Federal Street and Worsley Street from 4:50 p.m. to 6:04 p.m.

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Urban Hamilton Official Plan		
Theme and Policy	Summary of Policy or Issue	Staff Response
Residential Intensification Evaluation Policy: B.2.4.1.4 (Continued)		<p>The expected shadow impacts on the public realm and surrounding properties are acceptable, exceeding the minimum of three hours of continual sunlight on adjacent outdoor spaces and does not cause adverse shadow impacts on adjacent or surrounding properties. The proposed development will provide additional housing typologies to the surrounding area, which is currently comprised of predominately single detached, semi detached and townhouse dwellings in the surrounding neighbourhood to the north, with existing and approved mid rise multiple dwellings along Highway No. 8. The proposed nine storey height is consistent with the existing and planned scale of the area. The mass of the proposed building is oriented towards the street edge along Highway No. 8 and the proposed mixed-use development provides an appropriate scale of residential intensification in a transitioning area that is located adjacent to a major collector road. The proposed development includes stepbacks above the sixth storey to minimize the appearance of height and mass from the street.</p> <p>The proposed development incorporates efficiencies to reduce heating and cooling loss by utilizing Juliet style balconies that do not result in heat transfers between balcony projections. Additional design elements and material will be further determined at the detailed design stage.</p> <p>The proposal complies with this policy.</p>
Urban Design Policies – General Policies and Principles Policies: B.3.3.2.2 – B.3.3.2.10	<p>The principles in Policies B.3.3.2.3 through B.3.3.2.10 inclusive, shall apply to all development and redevelopment, where applicable. These principles include:</p> <ul style="list-style-type: none"> • Fostering a sense of community pride and identity. 	<p>The proposed development incorporates soft landscape features that, along with a commercial ground floor façade and exterior commercial patios, contribute to the pedestrian experience of the streetscape. The streetscape is designed to increase interaction of the building with the street through glazed façades, series of entrances, landscaping, and building detailing.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Urban Design Policies – General Policies and Principles</p> <p>Policies: B.3.3.2.2 – B.3.3.2.10 (Continued)</p>	<ul style="list-style-type: none"> • Creating quality spaces; • Creating places that are safe, accessible, connected, and easy to navigate; • Enhancing the character of the existing environment; • Creating places that are adaptable to future changes; and, • Promoting the reduction of greenhouse gas emission and protecting and enhancing the natural environment. • Enhancing physical and mental health; and, • Designing streets as a transportation network and as a public spaces. 	<p>The proposal will advance the transition of this neighbourhood in a built form and a building design that is contextually appropriate and reinforces the planned character of the Highway No. 8 as a Secondary Corridor. The Concept Plan attached to Appendix “E” to Report PED24108 shows the building located close to the street lines, which contributes towards improving the pedestrian focused street realm. In addition, the site plan shows increased side yard setbacks towards the rear of the building adjacent to the existing residential dwelling located to the north.</p> <p>Further design details, such as landscaping, building material and lighting will be addressed through the future Site Plan Control stage.</p> <p>The proposal complies with these policies.</p>
<p>Environmental Site Conditions</p> <p>Policy 3.6.1.2</p>	<p>Where there is potential for site contamination due to previous uses of a property and a more sensitive land use is proposed, a mandatory filing of a Record of Site Condition is triggered as outlined in provincial guidelines.</p>	<p>The proposed residential land use is a more sensitive land use than the existing commercial land use, therefore triggering the mandatory filing of a Record of Site Condition. A Record of Site Condition was filed in the Ministry of the Environment, Conservation and Parks’ Environmental Site Registry on June 12, 2024, clearing the site of environmental conditions.</p> <p>The proposal complies with these policies.</p>
<p>Tree Management</p> <p>Policy: C.2.11.1</p>	<p>The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.</p>	<p>A Tree Management Plan, prepared by Adesso Design Inc. April 2, 2024, was submitted in support of the development.</p> <p>A total of 57 individual trees were inventoried and are proposed to be removed. The decision to retain trees is to be based on condition, aesthetics, age, and species. Many of the trees proposed to be removed are undesirable species including 14 Siberian Elm, 17 Manitoba Maple and one Black Locust.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Tree Management</p> <p>Policy: C.2.11.1 (Continued)</p>		<p>It is recognized that there are limited opportunities to retain trees on site as they will be impacted by grading and construction for the proposed surface parking area and the proposed building. Four Siberian Elm trees are proposed to be removed; however, these trees have been identified as “boundary trees” with lands located at 357 Highway No. 8 per the <i>Ontario Forestry Act</i>. Permission from the owner is required prior to the removal of these trees. The Tree Protection Plan has not yet been approved. A Holding Provision is recommended to ensure that an updated Tree Protection Plan is submitted and permission from the adjacent landowner to remove the boundary trees is received. The recommended Zoning By-law includes a Holding Provision to address these items (see Appendix “C” attached to Report PED24108).</p> <p>To ensure existing tree cover is maintained, 1 for 1 compensation is required for any tree (10 cm DBH or greater) that is proposed to be removed. As a result, compensation is required for 27 trees. This matter will be addressed through review of a detailed Landscape Plan at the Site Plan Control stage.</p> <p>Subject to the Holding Provision, the proposal complies with this policy.</p>
<p>Transportation</p> <p>Policy: C.4.5.12</p>	<p>A Transportation Impact Study shall be required for an Official Plan Amendment and/or a major Zoning By-law Amendment.</p>	<p>A Transportation Impact Study, prepared by Crozier & Associates Inc., dated February 2024, was submitted in support of the applications. Revisions to the study are required before the findings can be accepted by Transportation Planning staff.</p> <p>The requested revisions include:</p> <ul style="list-style-type: none"> • Updated turning movements to 2024 existing conditions to account for the slight potential growth in the area.

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Theme and Policy	Summary of Policy or Issue	Staff Response
Transportation Policy: C.4.5.12 (Continued)		<ul style="list-style-type: none"> • Including City of Hamilton signal timing plans as it appears only baseline Synchro signal timing were assumed for signalized study area intersections. • Using more comparable trip generation land-use code should be considered such as but not limited to LUC 822: Strip Retail Plaza, which would result in a more realistic trip generation value being considered for the site. • The report is required to be signed, stamped, and dated by a Professional Engineer registered within the Province of Ontario as per the City of Hamilton Transportation Impact Study Guidelines. <p>A Holding Provision is recommended to ensure that an updated Transportation Impact Study is submitted. The recommended Zoning By-law includes a Holding Provision to address these items (see Appendix “C” attached to Report PED24108). Subject to the Holding Provision, the proposal complies with this policy.</p>
Infrastructure Policy: C.5.3.6	All redevelopment within the urban area shall be connected to the City’s water and wastewater system.	<p>A Functional Servicing and Stormwater Management Report, prepared by WalterFedy dated February 23, 2024, was submitted in support of the development. Development Engineering staff are in agreement with the findings from a water servicing perspective.</p> <p>The proposed development requires wastewater capacity that exceeds the capacity allocated to the subject property and exceeds the residual capacity within the municipal sanitary sewer system. Infrastructure upgrades will be required to support the proposed development, and it is anticipated that an external works agreement will be required. A Holding Provision is recommended requiring the submission of a revised Functional Servicing Report.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Infrastructure</p> <p>Policy: C.5.3.6 (Continued)</p>		<p>The Functional Servicing Report should demonstrate the availability of a suitable sanitary sewer outlet with sufficient capacity, including necessary improvements to the existing sanitary sewer infrastructure, to support the proposed increase in wastewater capacity.</p> <p>Subject to the Holding Provision, the proposal complies with this 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 the following planning matters under the <i>Planning Act</i>, R.S.O., 1990 c. P.13.</p>	<p>The subject property is in an area of sandy soil in areas of clay or stone and along historic transportation routes. These are two of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential. The applicant prepared a Stage 1 and 2 archaeological report (P038-1351-2023).</p> <p>Municipal heritage planning staff concur with the study’s conclusion that no further archaeological assessment is warranted, and the municipal interest in archaeology has been met. The report has yet to be received by the Ministry for compliance with licensing requirements. Staff request a copy of the Ministry Letter when available. 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 proposed development is located along Highway No. 8, which is classified as a major arterial road.</p> <p>A Noise Assessment, prepared by Gradient Wind Engineers and Scientists dated January 18, 2024, was submitted in support of the application. Staff analysis found that the potential for noise impact from road traffic is significant while noise from stationary noise sources is below Ministry of the Environment, Conservation, and Parks limits.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Noise</p> <p>Policy: B.3.6.3.1 (Continued)</p>		<p>The report recommends mitigation measures to address the impact from traffic noise including requiring air conditioning for the entire building, warning clauses registered on title and/or in purchase and sale and/or lease or rental agreements, and special building components. These measures will be addressed through the future Site Plan Control and Building Permit stages.</p> <p>The proposal complies with this policy.</p>
<p>Urban Corridors – Scale and Design</p> <p>Policies: E.2.4.10, E.2.4.11, E.2.4.14, and E.2.4.16</p>	<p>The built form along the Urban Corridors shall generally consist of low to mid rise forms. The Secondary Corridors shall generally accommodate retail and mixed use forms in small clusters along the corridors with medium density housing located between the clusters. Urban Corridors shall be a focus for intensification and provide a comfortable pedestrian experience. New development shall respect the existing built form of adjacent neighbourhoods where appropriate by providing a gradation in building height. New development shall locate and be designed to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.</p>	<p>The subject site is located on Highway No. 8 which is identified as a “Secondary Corridor”.</p> <p>The proposed mid rise mixed use building is consistent with the planned land uses along “Secondary Corridors”. The proposed development has been designed to promote a comfortable and attractive pedestrian experience. As discussed above, the proposed nine storey height is a mid rise built form consistent with the existing and planned scale of the area. The building is located close to the street and designed with soft landscape features that, along with the exterior patios, contribute to the pedestrian experience of the streetscape by maintaining a ground floor commercial façade.</p> <p>An angular plane diagram, prepared by Office Architecture dated September 22, 2023, demonstrates that the proposed development falls under the 45 degree angular plane from the rear lot line abutting a residential zone / use. As discussed above, a Sun/Shadow Study, prepared by Office Architecture, dated September 2023, demonstrated that there is minimal shadow impact on surrounding residential land uses. The proposed setbacks and stepbacks minimize any overview concerns on the low density residential uses to the north.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Urban Corridors – Scale and Design</p> <p>Policies: E.2.4.10, E.2.4.11, E.2.4.14, and E.2.4.16 (Continued)</p>		<p>Staff have proposed incorporating regulations to implement a 45 degree angular plane from the rear lot line as part of the amendments to the District Commercial (C6) Zone contained in the Zoning By-law Amendment attached as Appendix “C” to Report PED24108.</p> <p>The proposal, with the amended Zoning By-law Amendment, complies with this policy.</p>
<p>Urban Corridors – Design</p> <p>Policy: E.2.4.17</p>	<p>Reductions in parking requirements shall be considered in order to encourage a broader range of uses and densities to support existing and planned transit routes.</p>	<p>Council approved By-law No. 24-052 on April 10, 2024, to modify Zoning By-law No. 05-200 Section 5: Parking Regulations. The applications were submitted on April 15, 2024. By-law No. 24-052 is under appeal to the Ontario Land Tribunal and is not in force and effect. Whereas the new regulations did include transitional clauses for other types of <i>Planning Act</i> applications, active Zoning By-law Amendment applications were not included. Accordingly, once the new regulations are final and binding, they would be applicable to the proposed development. Based on the timing of the submission of the applications relative to the new parking regulations, staff were open to some flexibility in applying the new regulations.</p> <p>The proposed development is in conformity with the currently in effect minimum parking requirements. A minimum of 175 and a maximum of 236 parking spaces are required for the residential units and no commercial parking is required. 187 parking spaces are proposed, with 181 parking spaces dedicated to the residential units and six for the commercial units.</p> <p>Under the parking regulations approved under By-law No. 24-052, 160 resident and 47 visitor parking spaces are required for the residential units for a total of 207 total parking spaces required.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Urban Corridors – Design</p> <p>Policy: E.2.4.17 (Continued)</p>		<p>Staff are of the opinion that the current in-force parking regulations are appropriate and support establishing the minimum number of required parking spaces in accordance with the proposed design.</p> <p>The proposal complies with this policy.</p>
<p>District Commercial Designation – Permitted Uses</p> <p>Policies: E.4.2.5 and E.4.7.2</p>	<p>A more limited range of retail uses shall be permitted in the District Commercial designation to serve the day-to-day and weekly shopping needs of residents in the surrounding neighbourhood but in a primarily non-mixed use environment.</p> <p>Permitted uses include commercial uses including retail stores, personal services, financial establishments, live work units, restaurants, including gas bars, car washes, and service stations; medical clinics and offices provided they are located above the first storey; and, residential uses provided they are located above the first storey of a mixed use building.</p>	<p>The purpose of the Official Plan Amendment is to add a new Site Specific Policy within the Western Development Area Secondary Plan within the “District Commercial” designation to permit residential dwelling units and a medical clinic or office on the ground floor to facilitate development of a nine storey mixed use building consisting of 189 dwelling units and ground floor commercial uses within the “District Commercial” designation.</p> <p>The applicant is proposing a nine storey mixed use building with ground floor commercial uses. The initial application was to redesignate the subject lands to the “Mixed Use Medium Density” designation. However, staff are concerned with creating an isolated “Mixed Use Medium Density” designation on a small parcel of land (less than 4 hectares in size) and creating a gap between “District Commercial” designations. As such, the proposed Official Plan Amendment is to add a new Site Specific Policy to modify the “District Commercial” designation.</p> <p>A Commercial Needs and Impact Analysis, included in the Planning & Urban Design Rationale report prepared by Bousfields Inc. dated March 2024, was submitted in support of the application.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>District Commercial Designation – Permitted Uses</p> <p>Policies: E.4.2.5 and E.4.7.2 (Continued)</p>		<p>The report found that the proposed development will protect the existing commercial character of the area and will ensure the planned function of the surrounding area is maintained by including a commercial unit at grade that is of adequate size to support several permitted commercial uses. The proposed development will maintain the commercial character of the area and will continue to permit uses that will support the surrounding community. The remaining lands surrounding the subject site are expected to evolve in a similar context and would expect any proposed development to accommodate commercial gross floor area as part of a development proposal. Staff are satisfied with this report, since this property is in a cluster of District Commercial uses.</p> <p>The proposed ground floor commercial use is described as an important aspect of the proposal in that it helps to maintain the commercial function and commercial character of the area. Residential uses are proposed above the ground floor and the Site Specific Policy and Zoning By-law Amendment mandate that, by restricting residential uses to the rear of the building and not along the street frontage, commercial uses are protected as they must be provided on the ground floor for the portion of the building facing the street. Due to the long and narrow shape of the subject site, permitting residential uses towards the rear of the building is appropriate.</p> <p>The proposal also expands the range of permitted commercial uses on the ground floor to include medical clinics and offices. The proposed uses complement existing commercial uses in the surrounding area and achieve the policy objectives of the “District Commercial” designation and align with the planned function of the “Secondary Corridor” and will contribute to a more active streetscape.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>District Commercial Designation – Permitted Uses</p> <p>Policies: E.4.2.5 and E.4.7.2 (Continued)</p>		<p>The proposed amendment can be supported as the proposed mixed use development will provide a greater range of housing types along with the limited range of retail uses and achieve the planned urban structure.</p> <p>The current “District Commercial” designation permits retail uses in a primarily non-mixed use environment, whereas the “Secondary Corridor” is intended to accommodate retail and mixed use forms in small clusters. The proposal complies with these policies.</p>
<p>District Commercial Designation – Scale</p> <p>Policies: E.4.7.5, E.4.7.7, E.4.7.8, and E.4.7.9</p>	<p>The built form may include stand-alone stores, multiple unit commercial buildings or live-work buildings. The maximum amount of retail and service commercial floor space permitted in an area designated District Commercial shall be 25,000 square metres. Office uses on the same lot, shall not exceed 2,000 square metres. Although residential development is permitted and encouraged, it is not the intent of the Plan for the District Commercial designated areas to lose the planned retail and service commercial function set out in this Plan.</p>	<p>The intent of these policies is to promote a range of retail and commercial uses to serve the daily and weekly shopping needs of residents in the surrounding neighbourhoods. The proposed development, with the site specific policy and zoning to restrict ground floor residential uses along the street frontage, will maintain this commercial function.</p> <p>The proposal complies with these policies.</p>
Western Development Area Secondary Plan		
<p>District Commercial Designation</p> <p>Policy: B.7.1.2.3</p>	<p>District Commercial designation policies of Volume 1 shall apply.</p>	<p>District Commercial designation policies of Volume 1 are discussed in detail above.</p>

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CONSULTATION – DEPARTMENTS AND AGENCIES

Department/Agency	Comment	Staff Response
<ul style="list-style-type: none"> • Landscape Architectural Services, Strategic Planning Division, Public Works Department; • Corporate Real Estate, Economic Development Division, Planning and Economic Development Department; and, • Commercial Districts and Small Business Section, Economic Development Division, Planning and Economic Development Department. 	No Comment.	Noted.
Development Engineering Section, Growth Management Division, Planning and Economic Development Department.	<p>No concerns from a water servicing perspective. Updated domestic water usage and required fire flow calculations, based on the final design of the proposed building, will be required at the time of detailed design and through the Site Plan Control application.</p> <p>The proposed development requires wastewater capacity that exceeds the capacity allocated to the subject property and exceeds the residual capacity within the municipal sanitary sewer system. Infrastructure upgrades will be required to support the proposed development, and it is anticipated that an external works agreement will be required.</p>	<p>The recommended Zoning By-law includes a Holding Provision requiring the submission and approval of a revised Functional Servicing Report (see Appendix “C” attached to Report PED24108).</p> <p>Updated water servicing calculations, External Works Agreement, stormwater management design, and compliance with bathtub design considerations will be addressed at the future Site Plan Control stage.</p>

Appendix “G” to Report PED24108
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Department/Agency	Comment	Staff Response
<p>Development Engineering Section, Growth Management Division, Planning and Economic Development Department (Continued)</p>	<p>A Holding Provision is recommended requiring the submission of a revised Functional Servicing Report. The Functional Servicing Report should demonstrate the availability of a suitable sanitary sewer outlet with sufficient capacity, including necessary improvements to the existing sanitary sewer infrastructure, to support the proposed increase in wastewater capacity.</p> <p>The Owner will also be required to enter into and register an External Works Agreement with the City for the design and construction of any required sanitary sewer improvements, aligning with recommendations from the sanitary sewer capacity analysis and City policies.</p> <p>Compliance with bathtub design considerations outlined in the Hydrogeology Report, prepared by Landtek Limited and dated January 26, 2024, including the submission of a construction management plan for City approval, is required as part of the future Site Plan Control application.</p>	<p>Updated water servicing calculations, External Works Agreement, stormwater management design, and compliance with bathtub design considerations will be addressed at the future Site Plan Control stage.</p>
<p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department</p>	<p>Transportation Planning has requested revisions to the Transportation Assessment, prepared by C.F. Crozier & Associates Inc. and dated February 2024. The report's submission date conflicts with the timing of turning movement counts, requiring adjustments to reflect current conditions.</p> <p>Additionally, the absence of City of Hamilton signal timing plans necessitates their inclusion, with a recommendation for a site visit to verify details.</p>	<p>A Holding Provision is recommended to ensure that an updated Transportation Impact Study is submitted. The recommended Zoning By-law Amendment includes a Holding Provision to address these items (see Appendix “C” to Report PED24108).</p> <p>Transportation Demand Management measures and right-of-way dedications will be addressed at the future Site Plan Control stage.</p>

Appendix “G” to Report PED24108
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Department/Agency	Comment	Staff Response
<p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department</p>	<p>Trip generation assumptions for the proposed commercial area appear overestimated and should be reassessed using a more appropriate land-use code. Finally, the report must be signed, stamped, and dated by a Professional Engineer registered in Ontario before being considered a complete submission.</p> <p>Transportation Demand Management Measures require short-term and long-term bicycle parking within the property limits, as per Hamilton Zoning By-law No. 05-200, along with additional recommended measures such as unbundling parking costs from residential unit purchases/rentals, ensuring sidewalks and pedestrian pathways are between 1.8 and 2.5 meters wide, and promoting ridesharing, carpooling, and transit use.</p> <p>The Owner must dedicate to the City approximately ±4.9 metres of right-of-way along Highway No. 8, shown as “Road Allowance” on the Concept Plan attached to Appendix “E” to Report PED24108.</p>	
<p>Waste Policy and Planning Section, Waste Management Division, Public Works Department</p>	<p>The commercial portion of this development is ineligible for municipal waste collection service being kept separate from the residential waste and must retain Private Waste Collection Services as outlined in the Solid Waste Management By-law No. 20-221.</p> <p>The application has been reviewed for municipal waste collection service.</p>	<p>Noted.</p> <p>Details on the size and locations of waste storage containers/staging areas will be addressed at the Site Plan Control stage.</p>

Appendix “G” to Report PED24108
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Department/Agency	Comment	Staff Response
Waste Policy and Planning Section, Waste Management Division, Public Works Department (Continued)	<p>As currently designed the development is ineligible for municipal waste collection as certain design criteria have not been demonstrated in accordance with the Solid Waste Management By-law No. 20-221.</p> <p>A private waste hauler must be arranged for the removal of all waste materials.</p>	
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<p>Reviewed the Tree Management Plan, prepared by Adesso Design Inc. dated April 2, 2024, and determined that no municipal trees will be affected by the development and will not require a public tree permit at this time.</p> <p>Detailed Landscape Plans to be submitted with the future Site Plan Control application.</p>	<p>Noted.</p> <p>Tree Management and Landscape Plans will be addressed at the Site Plan Control stage.</p>
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<p>It should be determined at a later date whether the subject lands are within / adjacent to a defined area of cost recoveries.</p> <p>Municipal addressing for the subject proposal will be determined when a future Site Plan application is submitted.</p>	<p>Cost recoveries relating to the registered plans or any reserves to be lifted and municipal addressing will be addressed at the Site Plan Control stage.</p>
Enbridge	<p>Enbridge does not have any objection to the proposed zoning by-law amendment. Gas lines are located in front of the subject lands. An existing line will also need to be abandoned prior to demolition of the existing building.</p> <p>The developer is to reach out to Enbridge Gas to discuss potential natural gas requirements and desired meter(s) location when required.</p>	<p>Noted.</p>

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Department/Agency	Comment	Staff Response
Alectra	<p>For Residential/Commercial electrical service requirements, the Developer needs to contact Alectra.</p> <p>Relocation, modification, or removal of any existing hydro facilities shall be at the owner’s expense. Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment. Developers to acquire an easement, if required.</p>	Alectra will be included in circulations for review and comment at the future Site Plan Control stage.
Bell Canada	Bell Canada has requested the appropriate easements be included to service to the subject lands.	The requirement will be addressed at the future Site Plan Control stage.

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Summary of Public Comments Received

Comment Received	Staff Response
<p>Concerns about the proposed nine storey building and loss of trees impacting privacy.</p> <p>The resident requested an arborist report for the trees and noted their importance for wildlife.</p>	<p>An angular plane diagram, prepared by Office Architecture and dated September 22, 2023, demonstrates that the proposed development falls under the 45 degree angular plane. To maintain this build to plane, staff have proposed specific building height modifications in the proposed Zoning By-law Amendment attached as Appendix “C” to Report PED24108.</p> <p>The Landscape Concept, prepared by Adesso Design Inc. and dated January 26, 2024, includes cedar hedges, large canopy deciduous trees, and privacy enhancing plantings, along with a 1.8 metre high wood privacy fence.</p> <p>A Tree Management Plan, prepared by Adesso Design Inc. and dated April 2, 2024, was submitted in support of the development. A total of 57 individual trees were inventoried and all of these trees are proposed to be removed. Many of the trees proposed to be removed are undesirable species including 14 Siberian Elm, 17 Manitoba Maple and one Black Locust). It is recognized that there are limited opportunities to retain trees on site. Four trees have been identified as “boundary trees” with lands located at 357 Highway No. 8 per the <i>Ontario Forestry Act</i>. Permission from the owner is required prior to the removal of these trees. As such, the Tree Protection Plan has not yet been approved.</p> <p>Compensation plantings are required at a 1:1 ratio for trees over 10 cm diameter at breast height proposed to be removed.</p>

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Comment Received	Staff Response
<p>Concerns about the proposed nine storey building and loss of trees impacting privacy.</p> <p>The resident requested an arborist report for the trees and noted their importance for wildlife. (Continued)</p>	<p>A Holding Provision is recommended to ensure that an updated Tree Protection Plan is submitted and permission from the adjacent landowner to remove the boundary trees is received.</p> <p>A revised Tree Management Plan and Landscape Plan will be reviewed at the Site Plan Control stage.</p>
<p>Access to copies of consultant studies and reports.</p>	<p>Notice of Complete Applications was sent to property owners within 120 metres of the subject property on May 1, 2024, advising that the applications, including supporting information, are available by Planning staff. Access to the materials was provided to the resident on May 16, 2024.</p>
<p>The proposed development will have a negative impact on property values.</p>	<p>The City is not aware of any empirical evidence to support this comment.</p>
<p>Concerns about increased traffic and parking.</p>	<p>A Transportation Impact Study, prepared by Paradigm Transportation Solutions Limited C.F. Crozier & Associates Inc., dated February 2024, has been submitted in support of this application. Revisions to the study are required before the findings can be accepted by Transportation Planning staff.</p> <p>A Holding Provision is recommended to ensure that an updated Transportation Impact Study is submitted. The recommended Zoning By-law Amendment includes a Holding Provision to address these items (see Appendix “C” attached to Report PED24108).</p>

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From: [Heinbecker, Erik](#)
To: [Mehta, Dhruv](#)
Subject: FW: Comments for 365 hwy 8, Stoney Creek zoning amendment
Date: Wednesday, May 15, 2024 8:05:18 AM
Attachments: [Tree Pics Hwy 8.pdf](#)

From: Paulo [REDACTED]
Sent: Tuesday, May 14, 2024 9:39 PM
To: Heinbecker, Erik <Erik.Heinbecker@hamilton.ca>
Cc: Beattie, Jeff <Jeff.Beattie@hamilton.ca>
Subject: Comments for 365 hwy 8, Stoney Creek zoning amendment

External Email: Use caution with links and attachments

Hi Dhruv,

This email is to provide comments from concerned resident neighbours for the zoning by-law amendment for 365 Highway 8, Stoney Creek, that must be submitted by May 15, 2024. I live directly behind the proposed zone a [REDACTED].

Talking with the neighbours, there are several concerns with this development.

- The decrease in property values with having 9 stories of units looking directly into our home and backyard is a major concern, as there will be no privacy for the surrounding neighbours. I understand the current zone allows 6 stories, at 6 stories the current trees that are surrounding property at 365 Highway 8 would help to mitigate some of the privacy concerns.
- In addition to the current trees that surround this property, we would like to request for an arborist report for these large 50+ foot trees on the property line, as the consulting team said they would cut these trees down. The consultants made this statement at the community open house at Orchard Park Secondary School in November last year, which I attended along with the neighbours. The cutting down of the trees is concerning as these trees are old, and this is not only an ecosystem for a variety of birds and other wildlife, but this will also act as somewhat of a privacy fence for the neighbours behind blocking partial of the potential condo as well as act as a noise barrier. I have attached some pictures for your reference.
- Also, at the November meeting, I asked the consultants for copies of all the studies that they said they still needed to complete: traffic, noise pollution, smog pollution, and overall impact to the surrounding area. Are these studies available now as I have still not seen them to date.
- Another issue is the increase in traffic and parking on the streets. Traffic has consistently become worse year after year, adding another 189 units will just add to the current traffic issue. Parking is also

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a continuing concern in this neighbourhood as a lot of cars park on the side streets when the Shoppers Drug Mart plaza is full, adding more units will just amplify the issue. Also, this is a major safety concern for the children that live on Federal, Worsley, and surrounding side streets.

I have also shared these concerns with Jeff Beattie, who is also working on helping us voice them. Which I

have also cc'd on this note.

Will these comments be shared at the upcoming meeting? And will we get a report back on actions / next steps?

Thank you,
Paulo





Project No. 22376

March 27, 2024

Tim Vrooman
Area Planning Manager, Development Planning – Suburban Team
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, Ontario L8P 4Y5

Dear Tim,

Re: *Summary of Public Consultation*
365 Highway 8, Stoney Creek

As you are aware, we are the planning consultants to for 2752037 Ontario Inc. (the “Owner”) of the above noted property (the “Subject Site” or “Site”) in regard to an Official Plan Amendment and rezoning applications (the “Applications”). The purpose of this letter is to summarize the public consultation that has occurred, to date, conducted by Bousfields Inc., (“Bousfields”) with information on the Application. This summary record has been prepared in accordance with the City of Hamilton’s “Public Consultation Strategy Guidelines” (last updated October 2022).

Distribution of Meeting Notice

On November 16, 2023, copies of the notice (**Attachment 1**) prepared by Bousfields pertaining to an in-person community meeting for the Application were delivered by Bousfields and the Owner to each property/residential unit within a 240-metre radius of the subject property (circulation map, prepared by Bousfields, included as **Attachment 2**).

A notice was also digitally sent on November 17, 2023 to Jeff Beattie, Ward Councillor to Ward 10, City of Hamilton, by the Owner.

Details of Public Meeting

The in-person meeting was held at Orchard Park Secondary School on Thursday, November 30, 2023, from 6:30 PM to 8:30 PM. The meeting was attended by representatives of Bousfields Inc., 2752037 Ontario Inc., Office Architecture, Jeff Beattie (Ward 10 Councilor) and approximately fifteen (15) members of the public. The presentation was hosted and facilitated by Bousfields Inc. (David Falletta, Partner) and Office Architecture (Deni Papetti).

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A series of information boards were set up for the first portion of the meeting (6:30 PM – 7:00 PM) to provide meeting attendees an opportunity to familiarize themselves with the project (information boards attached as **Attachment 3**). These boards included renderings of the proposed development, including a ground floor plan and landscape concept, project statistics, policy context and a summary of the application process timeline. The consultant team was present to answer any immediate questions from the attendees regarding the materials on the information boards.

The consultant team provided a brief presentation from 7:00 PM to 7:30 PM, including a slide deck with project visuals and plans, which provided a review of the surrounding neighbourhood, an overview of the proposal and main project statistics, a review of the architectural plans, and a summary of the application process (presentation attached as **Attachment 4**).

A question and answer session occurred following the presentation.

Summary of Public Comments, Questions and Responses During Q&A Session

- **Overview and Privacy:** Multiple questions were asked regarding the potential overlook of the rear of the proposed building on adjacent residential areas to the north.
 - **Response provided during the meeting:** Bousfields noted that the distance between the northwest corner of the proposed building and the adjacent residential area to the north is approximately 20 metres apart (closest portion). An angular plane was also analyzed for the rear portion of the building relative to the adjacent low-rise residential dwellings to ensure the angular plane fell within the boundary of the subject site. Additionally, a landscape buffer with trees and other vegetation as well as a visual barrier are proposed around the rear of the subject site and are anticipated to maintain privacy and minimize potential overlook issues. The rear portion of the building is still conceptual and will be finalized at the Site Plan stage.

- **Landscaping & Existing Trees:** A question was asked regarding whether the trees at the rear of the Site would be retained.
 - **Response provided during the meeting:** Bousfields explained that most of the trees would likely need to be removed due to their inability to be incorporated into the plan. It was noted that a Tree Preservation Plan would be submitted as part of the application and would assist in ensuring that trees that can be retained would not be disturbed as part of the development.

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- **Property Values:** A question was asked about whether there will be a potential decrease in surrounding property values due to the development.
 - **Response provided during the meeting:** Bousfields explained that there is no correlation between developments like this and reduced property values for surrounding lands.

- **Construction Noise, Vibration and Traffic:** A question was asked as to whether there will be any studies or reports prepared concerning noise, vibration and traffic during building construction.
 - **Response provided during the meeting:** Bousfields explained that as part of the development, a Construction Management Plan will be required and will need to be approved by the City. Bousfields further explained that this plan would provide construction details concerning items such as hours of construction operations, dust, vibration, etc. It was also noted that these plans are public and can be requested from the City.

- **Building Height:** A question was asked regarding why the building height was nine (9) storeys. Another attendee asked why the building could not be three or four storeys.
 - **Response provided during the meeting:** Bousfields explained that as part of the initial design of the building we looked at how to optimize density on the Site. It was determined that the site can comfortably accommodate a nine storey building and with appropriate setbacks and it could fit within the neighbourhood context. It was also noted that nine storeys is considered appropriate as the Site is along a *Secondary Corridor* where mid-rise buildings are directed with heights of up to twelve (12) storeys. Bousfields also explained that the City’s intent is to intensify corridors, like Highway 8, to support transit viability, provide a greater range of housing options in the neighbourhood, and support the existing commercial amenities in the area.

- **Traffic:** A question was asked regarding how much traffic would be generated from the development.
 - **Response provided during the meeting:** Bousfields explained that as part of the planning applications to be submitted to the City, a Traffic Impact Study would be provided and would identify how many vehicles are anticipated for the development as well as how many trips are expected. The Traffic Impact Study will be used to ensure there is sufficient capacity to accommodate the additional vehicles trips generated from the development.

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- **Parking:** A question was asked regarding what would happen if a unit required two parking spaces when the plans generally assume only one space per unit. Another meeting attendee stated that vehicles that utilize the existing commercial use park on adjacent and surrounding side streets.
 - **Response provided during the meeting:** Bousfields explained that the current proposal achieves the parking requirements as set out in the City's Zoning By-law. It was noted that if any relief is requested from the Zoning By-law a Parking Study would need to be prepared to analyze parking utilization rates. It was further noted that some of the smaller units within the building might not require a parking space, allowing another resident to utilize the surplus space.

- **Taxes:** A question was asked regarding whether the development will result in increased taxes due to wear and tear on the road, additional services required, etc.
 - **Response provided during the meeting:** Bousfields explained that as part of the planning applications for the development, a Functional Servicing Report would be prepared to identify the existing and required servicing capacity for the development. It was further noted that development, and infill projects, such as the one proposed, will generate additional tax revenue for the City by utilizing existing infrastructure and increase the tax base. Bousfields also noted that the proposed development would not impact the property taxes of surrounding lands.

- **Unit Costs/Affordable Housing:** A question was asked regarding the price of the units and if any units will be affordable?
 - **Response provided during the meeting:** Bousfields explained that it was still too early in the process to determine what the unit prices will be and further identifies that construction will likely require 3-4 years. Bousfields further explained that the current proposal is not required to include affordable housing units per the City's policies and by-laws, however, the development does provide for a mix of housing types that are generally more attainable than the existing housing stock in the area.

- **Unit Sizes:** A question was asked regarding the size of the units.
 - **Response provided during the meeting:** Office Architecture and Bousfields identified that the unit sizes were as follows:
 - 1 bedroom – 600-700 sq. ft.
 - 2 bedroom – 800 sq. ft.
 - 3+ bedroom – 1200 sq. ft.

- **Construction Date:** A question was asked regarding when construction is anticipated to begin.

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- **Response provided during the meeting:** Bousfields identified that we are in the first stage of the redevelopment of the site and that a rezoning and official plan amendment are required. Once the application is filed, the municipality has 120 days to make a decision on the application. Once the decision is made, there is an opportunity for appeal. Then, there is a Site Plan Application process which takes approximately one year. Given the timeline above, the earliest anticipated construction date would be late 2025.

- **Commercial/Loading Spaces:** A question was asked regarding the purpose of the commercial/loading space areas.
 - **Response provided during the meeting:** Bousfields explained that the loading areas are for commercial and residential uses, such as waste collection, moving, deliveries, etc. It was further explained that all these components occur within the building itself and that no waste storage or deliveries will occur towards the rear area used for parking. It was also mentioned that the only noise to be expected regarding the commercial/loading spaces would be the occasion ‘beeping’ from trucks or vehicles reversing from the spaces.

- **Rear Parking/Safety Barrier:** A question was asked regarding whether a safety barrier would be installed at the rear of the property adjacent to the parking area.
 - **Response provided during the meeting:** Bousfields explained that the rear portion of the site where the surface parking is located would include a landscape buffer and privacy screen. Additional infrastructure, such as a safety barrier/guard rail would be determined at the Site Plan Application stage.

Response to Comments

After the Community Meeting, the proposed concept was reviewed to ensure that the concerns of nearby residents were considered. When considering the main concerns heard from residents, it can be determined that parking and overlook were the main concerns. No modifications have been made to the proposal, but additional details will be incorporated into the site plan submission. It should be noted that the application proposes a surplus of parking. Regarding potential overlook, the proposed building maintains a 17.13-metre setback from the northwest corner of the proposed building to the closest rear lot line of the adjacent residential dwellings. A 45-degree angular plane has also been tested for the rear portion of the proposed dwellings and adequate separation distance is provided to accommodate the angular plane within the site boundary to mitigate any impacts on neighbouring properties. Additionally, a comprehensive landscape plan will be included at the Site Plan stage to further mitigate these concerns and introduce a vegetative buffer between the site and adjacent properties.

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Conclusions

Bousfields identified in the meeting that we can continue to be contacted with questions and comments on the proposed development using the email address provided on the public consultation notice (lmurphy@bousfields.ca). Comments and questions received during the public consultation meeting and via email will be considered before submission of the Zoning By-law and Official Plan Amendment applications. Should you require any additional information or clarification, please do not hesitate to contact the undersigned.

Yours very truly,
Bousfields Inc.

A handwritten signature in black ink, appearing to be "D. Falletta", written over a faint circular stamp or watermark.

David Falletta, MCIP, RPP
Partner

cc. Davide DiDonato, 2752037 Ontario Inc.

**Appendix “I” to Report PED24108
Page 1 of 2**

Authority: Item,
Report (PED24108)
CM:
Ward: 10

Bill No.

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

To amend Zoning By-law No. 05-200 with respect to lands located at 365 Highway No. 8, Stoney Creek

WHEREAS Council approved Item __ of Report _____ of the Planning Committee, at its meeting held on July 9, 2024;

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

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

1. That Schedule “C” – Special Exceptions is amended by further amending Special Exception 904 as follows:

i) By deleting subsection c) of Special Exception 904 and replacing it with the following:

“c) Notwithstanding Sections 5.1.1 a) and 5.7.1 a) i., the following regulations shall apply:

i) Minimum Number of Required Parking Spaces 0.99 parking spaces per Dwelling Unit.

ii) That the following subsection be added following text at the end of Special Exception 904:

“e) Notwithstanding Section 5.7.4 a), the following regulations shall apply:

i) Minimum Required Number of Electric Vehicle Parking Spaces A minimum of 50% of all provided parking spaces, excluding visitor parking spaces.”

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2. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the provisions of the District Commercial (C6, 904) Zone, subject to the special requirements referred to in Section No. 1 of this By-law.
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

PASSED this _____ , _____

A. Horwath
Mayor

M. Trennum
City Clerk

ZAC-24-011



WELCOME TO THE CITY OF HAMILTON

PLANNING COMMITTEE

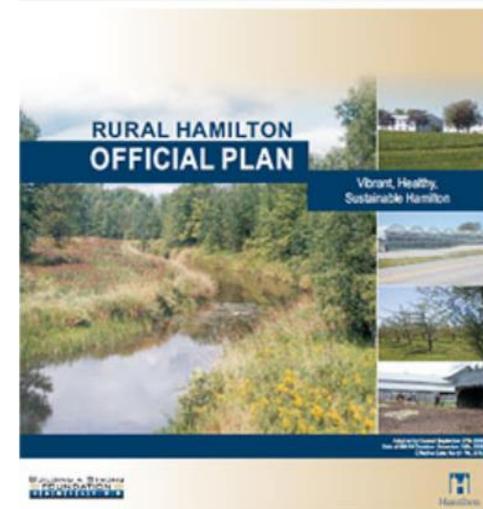
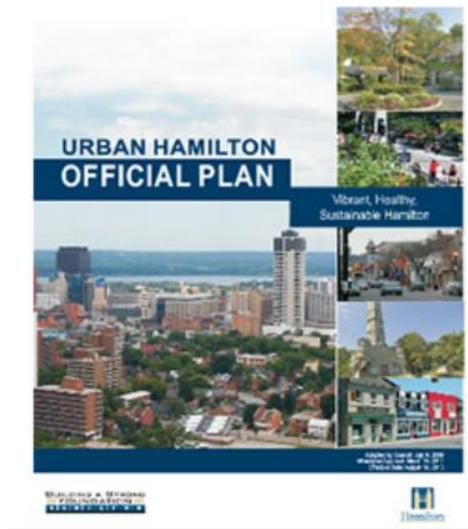
July 9, 2024

PED24113 – Housekeeping Amendments and Strategic Updates to the Urban Hamilton Official Plan and Rural Hamilton Official Plan and Modifications and Updates to City of Hamilton Zoning By-law No. 05-200 and Former City of Hamilton Zoning By-law No. 6593.

Presented by: Jennifer Allen, Sebastian Cuming and Liam Tapp

Background

- Housekeeping and updates are periodically undertaken, and form part of the ongoing maintenance of the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan (RHOP).
- Updates and modifications to ensure there is clear policy implementation and ensure the Plans remain accurate and current.
- Strategic amendments implement Official Plan policy, update regulations to reflect updated standards, and address other matters of implementation and interpretation.



Background

Bill 150 - *Planning Statute Law Amendment Act, 2023*

- Modified the provincial decisions on Urban Hamilton Official Plan Amendment No. 167 and Rural Hamilton Official Plan No. 34 thus reverting the City of Hamilton's growth strategy back to a no urban boundary expansion approach to growth.

Bill 162 – *Get it Done Act, 2023*

- Amends the Official Plan Adjustments Act, 2023 to retroactively reinstate 10 Ministry of Municipal Affairs and Housing modifications to Urban Hamilton Official Plan Amendment No. 167.

Background

- The Zoning By-laws are “living documents” that need to be monitored and amended on an on-going basis
- Staff continuously identify general text and mapping amendments to provide clarity and consistency throughout Zoning By-law 05-200.
- Updates are provided to the former municipality Zoning By-laws where text or mapping errors have a more immediate impact.
- Technical updates are provided to correct or simplify existing Zoning By-law requirements to remove grammatical errors, update wording or to add provisions
- Strategic updates are zoning amendments which go beyond the scope of a technical housekeeping amendment and include amendments which implement Official Plan policy or reflect updated standards.

UHOP and RHOP Text Amendments:

- Reinstating Ministry of Municipal Affairs and Housing modifications to Urban Hamilton Official Plan Amendment No. 167 following implementation of Bill 150 and Bill 162 as well as other related amendments; and,
- Revising certain policies of the Rural Hamilton Official Plan to align with policies of the Greenbelt Plan, 2017.
- Revising policies to have consistent language throughout the Plans and with Zoning By-law 05-200;
- Adding a policy to allow minor revisions to Official Plan Amendments between Planning Committee and Council; and,
- Clarifying/correcting policy intent by adding, deleting and/or replacing wording.

UHOP and RHOP Mapping Amendments:

- Creating consistency between schedules and/or maps and correcting mapping errors.
- Correcting misalignments of road networks on schedules and/or maps to align with approved Draft Plan of Subdivisions.
- Adding the entirety of parcels of land to a Secondary Plan boundary where only a portion of the lands are currently within the boundary;
- Redesignating a TransCanada Pipeline property from “Neighbourhoods” to “Utility”

Technical Updates to Hamilton Zoning By-law No. 05-200

- To amend certain Special Exceptions and Holding Provisions;
- To amend certain Definitions;
- To update terminology for consistency purposes; and,
- To provide grammatical and clerical corrections.

Technical Updates to Hamilton Zoning By-law No. 05-200 cont.

- To correct an error under Special Exception 375 to remove the address **481 Barton Street, Stoney Creek** from the Special Exception list.
- To add a new Special Exception No. 900 to the property located at **245 Mill Street, Dundas** to recognize an existing Medical Clinic and Personal Service use on the lot
- To add a new Special Exception No. 901 to the property located at **221 York Boulevard, Hamilton**, to recognize an existing Commercial Parking Facility associated with a Place of Worship on the lot in accordance with item 11 of Planning Committee Report 24-003
- To add a new Special Exception No. 902 to the property located at **40 Wood Street East, Hamilton** to recognize an existing Community Centre use on the lot
- To change the Zoning of the lands located at **1368 Barton Street East, Hamilton** from the Parking (U3) Zone to the Mixed-Use Medium Density (C5) Zone to reflect the discontinuation of the use of the lands as a municipal parking lot and repurpose the lands for redevelopment

Technical Updates to Hamilton Zoning By-law 6593

- To delete a Holding Provision on a property located at **1126 Garth Street, Hamilton** to permit a residential housing development of 10 townhouse units intended to be affordable housing, as noted in Report:

PED23099(a)/HSC23028(a))

This is Schedule "A" to By-law No. 24- Passed the day of, 2024		----- Mayor ----- Clerk
<p align="center">Schedule 'A'</p> <p align="center">Map forming part of By-law No. 24-_____</p> <p align="center">to Amend By-law No. 6593</p>		<p>Subject Property 1126 Garth Street, Hamilton</p> <p> Change in Zoning from the "RT-20-H" (Townhouse - Maisonette - Holding) District, to the "RT-20" (Townhouse - Maisonette) District</p>
Scale: N.T.S.	File Name/Number: CI-24-D	
Date: May 22, 2024	Planner/Technician: TVJ/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Strategic Updates to Hamilton Zoning By-law No. 05-200

- Amend the existing definition of Agritourism to restrict a Farm Labour Residence from forming part of the Agritourism use;
- Establish setback requirements specific to TransCanada PipeLines Limited rights-of-way which align with their current standards and regulations;
- Reduce the maximum permitted gross floor area for an individual office building to 4,000 sq m in certain Zones in order to implement Official Plan Amendment No. 167;
- Remove a restriction in the District Commercial (C6) Zone requiring Medical Clinic and Office uses to be located above the first storey of a building; and
- Add new permissions for a Pipeline and Associated Facilities use to the Utility (U2) Zone which reflects the intent of the Zone to permit and regulate utility uses.

Strategic Updates to Hamilton Zoning By-law No. 05-200

1020 Rymal Road East, Hamilton

- Add lands owned by TransCanada PipeLines Limited, known as 1020 Rymal Road East, Hamilton, to Hamilton Zoning By-law No. 05-200 and zone Utility (U2) Zone

329, 337, and 345 Parkside Drive, Flamborough

- Change the zoning of parts of lands known as 329, 337 and 345 Parkside Drive, Flamborough, from the Rural (A2, 179) Zone to the Major Institutional (I3, 179, H176) Zone
- Amend Special Exception 179
- Establish a new Holding Provision H176

Consultation

- Staff from the Planning Division provided input on proposed amendments to the Official Plans and Zoning By-laws;
- Notice of Public Meeting posted in Hamilton Spectator on June 18, 2024 and individual mail outs sent on June 26, 2024.



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



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

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 9, 2024
SUBJECT/REPORT NO:	Updates to the Licensing By-law No. 07-170 Towing and Storage Regulations in Response to the New Provincial Regulatory Framework (PED24103) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Gillian Barkovich (905) 546-2424 Ext. 2348
SUBMITTED BY:	Dan Smith Acting Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the draft by-law attached as Appendix “A” to Report PED24103 to amend the City of Hamilton’s Licensing By-law No. 07-170 by deleting Schedule 28 (Tow Trucks), amending Schedule 16 (Public Garages) and removing reference to towing and storage requirements, which has been prepared in a form satisfactory to the City Solicitor, be approved.

EXECUTIVE SUMMARY

The purpose of this report is to recommend updates to the Licensing By-law No. 07-170 towing and storage requirements as a result of a shift in regulatory responsibility from the City of Hamilton to Ontario’s Ministry of Transportation.

Historically, the towing sector (drivers, business operators and vehicle storage locations) has been regulated by the City of Hamilton Licensing By-law No. 07-170. Specifically, Schedule 28 (Tow Trucks) and Schedule 16 (Public Garages) speak to towing and storage requirements respectively.

However, on January 1, 2024, regulatory responsibility of the towing sector transitioned from municipalities to the Province of Ontario. All municipalities across Ontario were

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SUBJECT: Updates to the Licensing By-law No. 07-170 Towing and Storage Regulations in Response to the New Provincial Regulatory Framework (PED24103) (City Wide) - Page 2 of 5

required to transition to the provincial towing and storage regulatory regime established through the *Towing and Storage Safety and Enforcement Act, 2021*, S.O. 2021, c. 26, Sched. 3 (the “TSSEA”). As such, updates are required to the Licensing By-law No. 07-170 to repeal and/or amend regulations that are no longer of force or effect.

Specifically, this report proposes the following changes to the Licensing By-law No. 07-170 as detailed in the amending by-law attached as Appendix “A” to Report PED24103:

- Delete Schedule 28 (Tow Trucks) requiring tow truck drivers and operators to obtain a business licence;
- Amend Schedule 16 (Public Garages) to remove requirement for licensing of locations that are regulated by the *Towing and Storage Safety and Enforcement Act, 2021*, S.O. 2021, c. 26, Sched. 3; and,
- Remove references to towing and vehicle storage requirements.

Alternatives for Consideration – Not applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: As the Ministry of Transportation is now responsible for the regulation of towing and storage requirements, the municipality is no longer authorized to regulate the industry or impose fees related to regulation of the towing industry. As a result, applicable business licences that were issued by Licensing staff under Schedule 28 and Schedule 16 of the Licensing By-law No. 07-170 that are valid beyond January 1, 2024 will require a pro-rated refund of licence fees for those months. Approximately 7 licences have been issued under Schedule 16 specific to the operation of a tow yard. Licences requiring a pro-rated refund would require an estimated overall refund of \$449. Based on the 2024 licence renewal fee (\$299) referenced in the User Fees and Charges By-law No. 24-036, staff estimate an annual overall loss of revenue of approximately \$2093.

Staffing: Not applicable.

Legal: Legal Services assisted with the preparation of the appended draft amending by-law attached as Appendix “A” to Report PED24103.

HISTORICAL BACKGROUND

In July 2006, through Report PED06208 – the Licensing By-law No. 07-170 was established to license, regulate and govern various classes of businesses. The new by-

SUBJECT: Updates to the Licensing By-law No. 07-170 Towing and Storage Regulations in Response to the New Provincial Regulatory Framework (PED24103) (City Wide) - Page 3 of 5

law included Schedule 16 (Public Garages “A”) which established requirements for licensing of locations where motor vehicles are stored (tow yards).

In May 2012, through Report PED0919(d) – Amendment to By-Law 07-170 to include Schedule (28) Tow Trucks, the Licensing By-law No. 07-170 was amended to add Schedule 28 Tow Trucks which established requirements for licensing of tow truck drivers and operators.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Staff’s review considered the following applicable Municipal and Provincial legislation:

- *Municipal Act, 2001, S.O. 2001, c 25;*
- *Towing and Storage Safety Enforcement Act, 2021;*
- *Less Red Tape, Stronger Economy Act, 2021; and,*
- Municipal By-laws including Licensing and Administrative Penalty By-laws.

RELEVANT CONSULTATION

In preparing the draft By-law appended to this report and crafting the recommendation highlighted herein, the following internal divisions were consulted:

- Corporate Services Department, Legal and Risk Management Services Division, Legal Services; and,
- Planning and Economic Development Department, Licensing & By-law Services Division.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Background – Municipal Regulation of Towing and Vehicle Storage

Since 2006, the City of Hamilton has regulated the towing and storage sector by requiring that locations where motor vehicles are stored (tow yards) obtain a licence under Schedule 16 (Public Garages “A”) of the City of Hamilton Licensing By-law No. 07-170. Since 2012, the City of Hamilton has regulated the towing and storage sector by further requiring that tow truck drivers and operators obtain a licence under Schedule 28 (Tow Trucks) of the City of Hamilton Licensing By-law No. 07-170.

Generally, the business licensing regime focusses on consumer protection and public safety and requires that all licensees be in compliance with the requirements of the Licensing By-law No. 07-170 at all times. In addition to issuing business licences

SUBJECT: Updates to the Licensing By-law No. 07-170 Towing and Storage Regulations in Response to the New Provincial Regulatory Framework (PED24103) (City Wide) - Page 4 of 5

through the By-law, Licensing and By-law Services staff also intake and investigate related complaints, and issue charges where appropriate.

Towing and Storage Safety Enforcement Act, 2021

However, in June 2021, the *Towing and Storage Safety Enforcement Act, 2021* was passed by the Province of Ontario (the “Province”). The legislation established a new provincial regulatory framework which would utilize a phased approach to transition regulatory oversight of the towing sector from the municipality to the Province. In April 2023, the Province also passed the *Less Red Tape, Stronger Economy Act, 2021 (Bill 91)* which amended the *Municipal Act, 2001* to remove municipal authority to license the towing sector and impose associated fees. The amendments to the *Municipal Act, 2001* came into effect on January 1, 2024.

Under the *Towing and Storage Safety Enforcement Act, 2021*, all tow truck drivers, operators and vehicle storage operators must be certified to operate in Ontario. In addition to creating a certification process, the *Act* also introduces a framework of standards and regulations for the towing and storage industry, including:

- Establishing rules around rates for towing and vehicle storage services. Rate schedules (inclusive of services offered) must be submitted to the Ministry of Transportation;
- Prescribing methods of payment that must be accepted by towing and vehicle storage operators;
- Publishing the fees submitted by towing and vehicle storage operators on the Ministry of Transportation website and requiring that operators not charge in excess of published fees;
- Prohibiting charging customers for services that are ancillary to towing, including but not limited to; transportation of driver/passengers to the destination of the tow, allowing driver/passengers access to towed vehicle while providing service, preparation of invoices, etc;
- Establishes rules around release of vehicles.
- Requiring the tow truck driver tow the vehicle by the most direct route reasonably possible; and,
- Prohibiting charging customers for services that are ancillary to vehicle storage services, including but not limited to; cleaning storage spaces in a storage facility, moving a motor vehicle within or between facilities, preparing invoices, etc.

In July 2023, the Ministry of Transportation began application intake for certification by tow truck operators and vehicle storage operators. By July 1, 2024, all tow truck drivers must also be certified in order to operate in Ontario.

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SUBJECT: Updates to the Licensing By-law No. 07-170 Towing and Storage Regulations in Response to the New Provincial Regulatory Framework (PED24103) (City Wide) - Page 5 of 5

Enforcement

As of January 1, 2024, Licensing and By-law Services does not investigate complaints regarding towing drivers/operators and motor vehicle storage locations or enforce regulations related to the towing and storage sector. Enforcement is the responsibility of provincially appointed towing inspectors, Ministry of Transportation enforcement officers and/or police officers.

A provincial Director of Towing and Vehicle Storage Standards has been appointed by the Minister of Transportation and is responsible for overseeing the regulatory regime. The Director has a range of responsibilities including but not limited to;

- administration of certificate applications;
- issuance, renewal of certificates;
- revocation or suspension of certificates due to non-compliance; and,
- investigation of complaints received to confirm compliance with the *Towing and Storage Safety Enforcement Act, 2021*.

The Ministry of Transportation has developed an online complaints portal located at <https://www.clientfeedback.mto.gov.on.ca/tssea/contact-info>. Complaints received by the municipality will be redirected to the provincial complaints portal for response/investigation. The City of Hamilton business licensing website has been updated to reflect the changes in regulatory oversight.

ALTERNATIVES FOR CONSIDERATION

Not applicable.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED24103 – Draft Amending By-law to amend Licensing By-law No. 07-170

**Appendix “A” to Report PED24103
Page 1 of 2**

Authority: Item ,
Report: PED24103
CM:
Ward: City Wide

Bill No.

CITY OF HAMILTON**BY-LAW NO. 24-xxx****A by-law to amend by-law 07-170, a By-law to License and Regulate Various Businesses**

WHEREAS on June 3, 2021, the Province of Ontario (the “Province”) passed the *Towing and Storage Safety and Enforcement Act, 2021*, S.O. 2021, c. 26, Sched. 3 (the “TSSEA”) for the purpose of transitioning oversight of the towing and vehicle storage sector from municipalities to the Province;

AND WHEREAS the Province provided a framework for the transition to be undertaken gradually in phases;

AND WHEREAS on January 1, 2024, the *Municipal Act, 2001*, S.O. 2001, c. 25 (the “*Municipal Act*”) was amended to provide that municipalities no longer have the authority to license owners and drivers of tow trucks;

AND WHEREAS the above-noted amendment to the *Municipal Act* together with related amendments to the TSSEA have resulted in the City of Hamilton (the “City”) no longer having authority to license and regulate in the towing and vehicle storage sector;

AND WHEREAS City Council now deems it necessary to amend City of Hamilton’s Business Licensing By-law 07-170, where required, to remove licensing and regulatory requirements for owners and drivers of tow trucks;

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

1. The amendments in this By-law include any necessary grammatical, numbering and lettering changes.
2. That By-law 07-170 be amended by repealing Schedule 28 – Tow Trucks.

**Appendix “A” to Report PED24103
Page 2 of 2**

3. That By-law 07-170 be amended by deleting the reference to Schedule 28 – Tow Trucks in subsection 6 (1) (e) (ii).
4. That By-law 07-170 be amended by deleting the reference to Schedule 28 – Tow Trucks in section 30.
5. That By-law 07-170 be amended by deleting the reference to Schedule 28 (Tow Trucks) in Appendix “A”.
6. That By-law 07-170 be amended by adding the following underlined language at the end of the definition of “Garage A” in Schedule 16 (Public Garages):

3. (2) (a) “Garage A” a building or place where motor vehicles are stored or kept for sale, except a building or place that is regulated by the *Towing and Storage Safety and Enforcement Act, 2021, S.O. 2021, c. 26, Sched. 3, as amended or replaced.*
7. That in all other respects, By-law 07-170 is confirmed; and
8. That the provisions of this by-law shall become effective on the date approved by City Council.

PASSED this _____, 2024

A. Howarth

Mayor

J. Pilon

Acting City Clerk



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 9, 2024
SUBJECT/REPORT NO:	To Establish a New Zoning Verification Report Fee (PED24120) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Emily Coe (905) 546-2424 Ext. 2575
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That Report PED24120, to establish a new fee for Zoning Verification Reports, be received;
- (b) That the By-law to amend By-law No. 24-036, being A By-law to Establish Certain 2024 User Fees and Charges for Services, Activities or the Use of Property, and to Repeal By-law No. 23-112, attached as Appendix "B" to Report PED24120, be enacted by Council.

EXECUTIVE SUMMARY

In February of 2024, the City of Hamilton experienced a cyber incident that disabled some of its IT systems, including the AMANDA database and the online application and payment portal for Zoning Verifications and Property Reports. As a result, information typically contained within a Zoning Verification and Property Report could not be determined. Therefore, no Zoning Verification and Property Reports have been issued since the end of February 2024.

Without the service being available, applicants such as lawyers, prospective purchasers, or lessees of properties, and/or applicants who require the certificate for municipal licensing purposes have been unable to confirm information such as if the

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SUBJECT: To Establish a New Zoning Verification Report Fee (PED24120) (City Wide) (City Wide) - Page 2 of 6

intended/existing use of the property is permitted and if there are any outstanding work orders on the property. Further, Licensing staff have been unable to proceed with issuing municipal licenses in certain instances; and other City staff who rely on the Zoning Verification and Property Reports for confirming the recognized use of a property have not been able to proceed (for example, Economic Development paying out financial incentives related to Community Improvement Plans or Municipal Law Enforcement conducting zoning enforcement with regard to land use).

On June 7, 2024, the Emergency Operations Centre Recovery Table and the Senior Leadership Team endorsed several recommendations relating to resuming the Zoning Verification service, including the direction that staff begin offering a pared-down Zoning Verification which only provides certain information that staff have current and confirmed access to.

As a result of this pared-down Zoning Verification, the application fees are required to be adjusted to reflect the appropriate activity-based costing for this service. The proposed fees are shown in Appendix "A" attached to Report PED24120.

Alternatives for Consideration – See Page 6

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Implementation of the new fee would result in an estimated reduction of \$162,000 in revenue. \$628,000 of the Zoning Examiner staffing costs are currently funded from the general levy and the new fee would result in an increase of approximately \$162,000 to the general levy.

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

Zoning Verification and Property Report Certificates

Zoning Verification and Property Report certificates historically contained the following information:

- The zoning of a property;
- Applicable site plan applications;
- Applicable Committee of Adjustment applications;
- Whether the proposed use of a property is permitted, not permitted, or recognized as legally established non-conforming;

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SUBJECT: To Establish a New Zoning Verification Report Fee (PED24120) (City Wide) (City Wide) - Page 3 of 6

- The last recognized use of a property established through the most recently issued building permit;
- If the lands are subject to Conservation Authority approval, have a heritage designation, are within the Niagara Escarpment Commission's Development Control area, require Ministry of Transportation approval, etc.;
- Standard verbiage pertaining to the proposed use for example, the requirement for a building permit, requirement for a municipal licence, etc.;
- Other applicable zoning related information pertaining to the proposed use for example, special setbacks, if a minor variance may be required, etc.;
- If a survey has been provided, confirmation of zoning compliance pertaining to the location of any structures on the lot which are shown on the survey; and,
- Outstanding building permits, Orders to Comply, Stop Work Orders, zoning violations, property standards orders, confirmation of the issuance of any building permits for septic systems, and whether or not a final grading certificate has been received for single detached dwelling properties.

There are four levels of service, each with their own fee, which are dependent on the type of use that the application is for:

- Single and Two Family Dwellings, Townhouses – Regular (issued within 10 business days);
- Single and Two Family Dwellings, Townhouses – Express (issued within 5 business days);
- Non-Residential / Multi-Residential – Regular (issued within 10 business days); and,
- Non-Residential / Multi-Residential - Express (issued within 5 business days).

A breakdown of these fees is attached as Appendix "A" to Report PED24120.

Currently information typically contained within a Zoning Verification and Property Report including the last recognized use of a property, any legally established non-conforming status that a property may enjoy, and information relating to outstanding building permits, work orders and/or violations - cannot be determined. Therefore, the decision to pause the issuance of Zoning Verification and Property Report certificates was made immediately following the cyber incident. There have been no Zoning Verification and Property Report applications reviewed or issued since February 23, 2024.

Impacts of Service Being Unavailable

Zoning Verification and Property Report applications are typically made by lawyers (for mortgage or financing purposes, or real estate transactions), prospective purchasers or

SUBJECT: To Establish a New Zoning Verification Report Fee (PED24120) (City Wide) (City Wide) - Page 4 of 6

lessees of a property, and applicants who require the certificate for municipal licensing purposes. Internal Zoning Verification and Property Reports are also completed for other City staff from Municipal Law Enforcement, Economic Development, Fire Prevention, and Housing.

Without the service being available:

- Applicants have been unable to confirm if the intended/existing use of the property is permitted;
- Applicants have been unable to confirm if there are any outstanding work orders on the property;
- Licensing staff have been unable to proceed with issuing municipal licenses in certain instances; and,
- Other City staff who rely on the Zoning Verification and Property Report for confirming the recognized use of a property have not been able to proceed (e.g., Economic Development paying out financial incentives related to Community Improvement Plans or Municipal Law Enforcement conducting zoning enforcement with regard to land use).

Additionally, there may be other legislation that requires a Zoning Verification and Property Report for someone to proceed with a use on a property. For example, the Ministry of Education requires a Zoning Verification and Property Report prior to licensing an individual wanting to operate a Day Nursery. These individuals are also impacted.

Resuming Service

Through the Spring of 2024, Planning staff met with Legal and other City staff on several occasions to discuss:

- What information City staff require to be provided on a Zoning Verification and Property Report to proceed with their work (i.e., issuing licenses, proceeding with enforcement action, proceeding with paying out grants); and,
- Options for resuming the Zoning Verification and Property Report service and the possible format(s) that a Zoning Verification and Property Report could take.

Based on these discussions, staff formulated several options and recommendations for the Emergency Operations Centre Recovery Table and the Senior Leadership Team to consider and endorse. In June of 2024, the Emergency Operations Centre Recovery Table and the Senior Leadership Team endorsed the recommendations relating to resuming the Zoning Verification and Property Report service, as follows:

SUBJECT: To Establish a New Zoning Verification Report Fee (PED24120) (City Wide) (City Wide) - Page 5 of 6

- (i) That staff proceed with providing a pared-down Zoning Verification Report which provides only the following information, which staff have current and confirmed access to:
- The zoning of the property and whether or not the proposed use of a property (as indicated by the applicant) is permitted within that zone;
 - The applicable sections of the Zoning By-law applying to the property;
 - Applicable site plan and Committee of Adjustment applications pertaining to the property;
 - If the lands are subject to Conservation Authority approvals, heritage designation, Niagara Escarpment Commission Development Control; and,
 - Other standard verbiage pertaining to the proposed use for example requirement for a building permit, municipal license, etc.;
- (ii) That confirmation of the last recognized use of a property no longer be indicated within a Zoning Verification Report;
- (iii) That if legally established non-conforming status cannot be confirmed for a property, that an applicant be directed to apply for a Zoning Compliance Review application to determine legal non-conforming status; and,
- (iv) That the Divisions responsible for issuing building permits, orders, violations, and final grading certificates assume responsibility for commenting on such through a new application process established through each of their respective Divisions.

As it relates to recommendation (i), an activity-based cost analysis was required to determine the new fee related to the Zoning Verification Report, as this new version of the application will take less time for staff to complete.

It has been determined that there would be two levels of service (Regular and Express) rather than the previous four levels. The proposed fees are \$125 for Regular service (Zoning Verification Report issued within 10 business days) and \$200 for Express service (Zoning Verification Report issued within 5 business days). A comparison of the existing and proposed Zoning Verification fees is attached as Appendix "A" to Report PED24120.

An amendment to By-law No. 24-036 (A By-law to Establish Certain 2024 User Fees and Charges for Services, Activities or the Use of Property and to Repeal By-law No. 23-112) is required to implement the new fees and is attached as Appendix "B" to Report PED24120.

Finance staff have indicated that these new fees would result in an estimated reduction of \$162,000 in revenue. \$628,000 of the Zoning Examiner staffing costs are currently

SUBJECT: To Establish a New Zoning Verification Report Fee (PED24120) (City Wide) (City Wide) - Page 6 of 6

funded from the general levy and the new fee would result in an increase of approximately \$162,000 to the general levy.

It should be noted that the resumption of the Zoning Verification Report service will not be implemented until such time that the proposed fees are approved. Zoning Verification Reports for internal staff commenced right away, as a fee is not charged for these applications.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Section 391 (By-laws re: fees and charges) of the *Municipal Act*.

RELEVANT CONSULTATION

Consultation has been undertaken with staff in Licensing, Municipal Law Enforcement, Economic Development, Building, Legal Services, and Finance to determine the impacts of changing the level of information provided within a Zoning Verification Report, any liability issues that may arise from changing the level of information provided, and the impacts of the fee adjustment on the 2024 operating budget and the cost recovery per Full-Time Equivalent staff.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

It is estimated that the review for a pared-down Zoning Verification Report would take approximately 1 - 1.5 hours for a Zoning Examiner to complete. Based on the existing salary schedule and benefits and factoring in overhead costs into this hourly rate, the suggested fee for a Zoning Verification Report is \$125 for regular service (certificate issued within 10 business days) and \$200 for express service (certificate issued within 5 business days).

ALTERNATIVES FOR CONSIDERATION

Council may choose not to approve the reduced fees. The current fees will then incorrectly reflect the activity-based cost required to complete a Zoning Verification Report.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED24120 – Existing and Proposed Zoning Verification Fees
Appendix "B" to Report PED24120 – Draft User Fees and Charges for Services, Activities or the Use of Property Amendment

EC:sd

Appendix "A" to Report PED24120

Page 1 of 1

EXISTING FEES

Service or Activity Provided or Use of City Property	2024 Approved Fee
Zoning Verification & Work Order Reports (Single and Two Family Dwellings, Townhouses) – Regular	\$137.00
Zoning Verification & Work Order Reports (Single and Two Family Dwellings, Townhouses) – Express	\$209.00
Zoning Verification & Work Order Reports (Non-Residential / Multi-Residential) – Regular	\$281.00
Zoning Verification & Work Order Reports (Non-Residential / Multi-Residential) – Express	\$425.00

PROPOSED FEES

Service or Activity Provided or Use of City Property	2024 Recommended Fee
Zoning Verification Reports – Regular	\$125.00
Zoning Verification Reports – Express	\$200.00

Appendix “B” to Report PED24120
Page 1 of 2

Authority: Item,
 Report (PED24120)
 CM:
 Ward: City Wide

Bill No.

CITY OF HAMILTON
BY-LAW NO. 24-XXX

To Amend By-law No. 24-036, as amended by By-law No. 24-049, Being a By-law to Establish Certain 2024 User Fees and Charges for Services, Activities or the Use of Property

WHEREAS Council enacted a By-law to Establish Certain 2024 User Fees and Charges for Services, Activities or the Use of Property;

AND WHEREAS this By-law amends the General: Planning Act Fees;

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

1. That By-law No. 24-036, as amended by By-law No. 24-049, Being a By-law to Establish Certain 2024 User Fees and Charges for Services, Activities or the Use of Property, be updated to delete the following user fees and charges set out in the “2024 Approved Fee” column of Schedule “A” of By-law No. 24-036, within “Division: General: Planning Act Fees”:

Zoning Verification

2	Zoning Verification & Work Order Reports (Single & Two Family Dwellings, Townhouses) – Regular	\$	137.00
3	Zoning Verification & Work Order Reports (Single & Two Family Dwellings, Townhouses) - Express	\$	209.00
4	Zoning Verification & Work Order Reports (Non-Residential / Multi-Residential) - Regular	\$	281.00
5	Zoning Verification & Work Order Reports (Non-Residential / Multi-Residential) – Express	\$	425.00

2. That By-law No. 24-036, as amended by By-law No. 24-049, Being a By-law to Establish Certain 2024 User Fees and Charges for Services, Activities or the Use of Property, be updated to add the following user fees and charges set out in the “2024 Approved Fee” column of Schedule “A” of By-law No. 24-03, within “Division: General: Planning Act Fees”, under “1 Cost Recovery on City-supported applications appealed to the Ontario Municipal Board”:

Appendix “B” to Report PED24120
Page 2 of 2

Zoning Verification

2	Zoning Verification Reports – Regular	\$	125.00
3	Zoning Verification Reports – Express	\$	200.00

3. That By-law No. 24-036, as amended by By-law No. 24-049, Being a By-law to Establish Certain 2024 User Fees and Charges for Services, Activities or the Use of Property, be updated to renumber the remaining fees under “Division: General: Planning Act Fees” accordingly.
4. This By-law shall be deemed to have come into force on XXX, XX, 2024.

PASSED this _____, 2024

A. Horwath
Mayor

M. Trennum
City Clerk



WELCOME TO THE CITY OF HAMILTON

PLANNING COMMITTEE

July 9, 2024

PED24120

To Establish a New Zoning Verification Report Fee

Presented by: Emily Coe

Background

Zoning Verification and Property Reports

- Zoning Verification and Property Report certificates historically contained information such as the zoning of a property, the last recognized use of a property, and any outstanding work orders applying to the property. The bulk of this information was obtained from the AMANDA database system.
- Due to the cybersecurity incident, the AMANDA database system has been deemed unrecoverable, and this information can no longer be determined.
- No Zoning Verification and Property Reports have been issued since the end of February 2024.

Impacts of Service Not Being Available

- Without the Zoning Verification and Property Report service being available, applicants such as lawyers, prospective purchasers or lessees of properties, and/or applicants who require the certificate for municipal licensing purposes have been unable to confirm information such as if the intended/existing use of the property is permitted and if there are any outstanding work orders on the property.
- Further, this has impacted on the work of other City staff with regard to the issuance of municipal licenses, payout of financial incentives, and zoning enforcement with regard to land use.

Resuming Service

- Throughout the Spring of 2024, Planning staff met with Legal and other City staff to discuss:
 - What information City staff require to be provided on a Zoning Verification and Property Report in order to proceed with their work;
 - Options for resuming the service; and,
 - The possible format(s) that a Zoning Verification and Property Report could take.

Consultation

- Consultation has taken place with staff in Licensing, Municipal Law Enforcement, Economic Development, Building, Legal Services and Finance to determine the impacts and liability issues arising from changing the level of information provided within the Zoning Verification report, as well as the impacts of the fee adjustment on the 2024 operating budget.

Endorsement

- On June 7th, the Emergency Operations Centre Recovery Table and the Senior Leadership Team endorsed several recommendations relating to resuming the Zoning Verification service.
- One such recommendation is that staff begin offering a pared-down Zoning Verification which only provides certain information that staff have current and confirmed access to.

Adjustment of Fees

- As a result of the pared-down Zoning Verification Report, the application fees are required to be adjusted to reflect the appropriate activity-based costing for this service.
- The proposed fees are \$125.00 for Regular Service (issued within ten business days) and \$200.00 for Express Service (issued within five business days).

Adjustment of Fees

EXISTING FEES

Service or Activity Provided or Use of City Property	2024 Approved Fee
Zoning Verification & Work Order Reports (<u>Single and Two Family</u> Dwellings, Townhouses) – Regular	\$137.00
Zoning Verification & Work Order Reports (<u>Single and Two Family</u> Dwellings, Townhouses) – Express	\$209.00
Zoning Verification & Work Order Reports (Non-Residential / Multi-Residential) – Regular	\$281.00
Zoning Verification & Work Order Reports (Non-Residential / Multi-Residential) – Express	\$425.00

PROPOSED FEES

Service or Activity Provided or Use of City Property	2024 Recommended Fee
Zoning Verification Reports – Regular	\$125.00
Zoning Verification Reports – Express	\$200.00

This reduction in fees would result in an increase of approximately \$162,000 to the general levy.



THANK YOU

THE CITY OF HAMILTON PLANNING COMMITTEE



HAMILTON MUNICIPAL HERITAGE COMMITTEE REPORT 24-005

12:00 p.m.

Monday June 24, 2024

Council Chambers, City Hall, 2nd Floor
71 Main Street West, Hamilton, Ontario

Present: A. Denham-Robinson (Chair), G. Carroll (Vice-Chair), A. Douglas, L. Lunsted, A. MacLaren and S. Spolnik

Also Present: Councillor J.P. Danko

Absent With Regrets: Councillor C. Kroetsch – Personal
K. Burke

THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 24-005 AND RESPECTFULLY RECOMMENDS:

1. **Recommendation to Designate 340 Dundas Street, Flamborough (Eager House), under Part IV of the *Ontario Heritage Act* (PED24106) (Ward 15) (Item 8.1)**
 - (a) That the City Clerk be directed to give notice of Council's intention to designate 340 Dundas Street East, Flamborough (Eager House), shown in Appendix "A" attached to Report PED24106, as a property of cultural heritage value pursuant to the provisions of Part IV, Section 29 of the *Ontario Heritage Act*, in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED24106, subject to the following:
 - (i) If no objections are received to the notice of intention to designate in accordance with the *Ontario Heritage Act*, City Council directs staff to introduce the necessary by-law to designate the property to be of cultural heritage value or interest to City Council;
 - (ii) If an objection to the notice of intention to designate is received in accordance with the *Ontario Heritage Act*, City Council directs staff to report back to Planning Committee to allow Council to consider

the objection and decide whether or not to withdraw the notice of intention to designate the property.

2. Recommendation to Designate 291 King Street West, Dundas, under Part IV of the *Ontario Heritage Act* (PED24116) (Ward 13) (Item 8.2)

(a) That the City Clerk be directed to give notice of Council's intention to designate 291 King Street West, Dundas, shown in Appendix "A" attached to Report PED24116, as a property of cultural heritage value pursuant to the provisions of Part IV, Section 29 of the *Ontario Heritage Act*, in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED24116, subject to the following:

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

3. Update on Bill 139, Schedule 14, *Less Red Tape, More Common Sense Act*, 2023, and Amendments to the *Ontario Heritage Act* and the Heritage Permit Requirements for Alterations to Part IV Designated Properties for Alterations to Part IV Designated Properties with Buildings Used for Religious Practices (PED23253(a)) (Item 9.4)

That Report PED23253(a) respecting an Update on Bill 139, Schedule 14, *Less Red Tape, More Common Sense Act*, 2023, and Amendments to the *Ontario Heritage Act* and the Heritage Permit Requirements for Alterations to Part IV Designated Properties for Alterations to Part IV Designated Properties with Buildings Used for Religious Practices, be received.

4. Bill 200, Schedule 2, *Homeowner Protection Act*, 2024, and Proposed Changes to the *Ontario Heritage Act* for Properties Listed on the Municipal Heritage Register (PED24127) (City Wide) (Item 9.5)

That Report 24127 respecting Bill 200, Schedule 2, *Homeowner Protection Act*, 2024, and Proposed Changes to the *Ontario Heritage Act* for Properties Listed on the Municipal Heritage Register, be received.

FOR INFORMATION:

(a) CEREMONIAL ACTIVITIES (Item 1)

(i) HMHC Heritage Recognition Awards Celebration (Added Item 1.1)

The Hamilton Municipal Heritage Committee presented Heritage Recognition Awards to the following recipient who could not make it to their awards ceremony held on June 13, 2024:

HMHC Heritage Property Conservation Recognition Awards

Donna and Jeff McCarty 67 Rosedene Ave., Hamilton, ON (c.1918)

(b) CHANGES TO THE AGENDA (Item 2)

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

1. CEREMONIAL ACTIVITIES

1.1 HMHC Heritage Recognition Awards Celebration

13. GENERAL INFORMATION / OTHER BUSINESS

13.2 HMHC Heritage Recognition Awards Celebration Held June 13, 2024 Update – Event Program & Presentation

The agenda for the June 24, 2024, Hamilton Municipal Heritage Committee was approved, as amended.

(c) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) May 24, 2024 (Item 4.1)

The Minutes of the May 24, 2024, meeting of the Hamilton Municipal Heritage Committee, were approved, as presented.

(e) STAFF PRESENTATIONS (Item 8)

(i) Recommendation to Designate 340 Dundas Street, Flamborough (Eager House), under Part IV of the *Ontario Heritage Act* (PED24106) (Ward 15) (Item 8.1)

Scott Dickinson, Cultural Heritage Planning Technician, addressed Committee respecting Report PED24106, Recommendation to Designate 340 Dundas Street, Flamborough (Eager House), under Part IV of the *Ontario Heritage Act*, with the aid of a PowerPoint presentation.

The presentation from Scott Dickinson, Cultural Heritage Planning Technician, respecting Report PED24106, Recommendation to Designate 340 Dundas Street, Flamborough (Eager House), under Part IV of the *Ontario Heritage Act*, was received.

For further disposition of this matter, refer to Item 1.

(ii) Recommendation to Designate 291 King Street West, Dundas, under Part IV of the *Ontario Heritage Act* (PED24116) (Ward 13) (Item 8.2)

Maryssa Barras, Cultural Heritage Planning Technician, addressed Committee respecting Report PED24116, Recommendation to Designate 291 King Street West, Dundas, under Part IV of the *Ontario Heritage Act*, with the aid of a PowerPoint presentation.

The presentation from Maryssa Barras, Cultural Heritage Planning Technician, respecting Report PED24116, Recommendation to Designate 291 King Street West, Dundas, under Part IV of the *Ontario Heritage Act*, was received.

For further disposition of this matter, refer to Item 2.

(f) CONSENT ITEMS (Item 9)

(i) The following Consent Items were received:

(a) Heritage Permit Review Sub-Committee Meeting Minutes (Item 9.1)

- (i) April 16, 2024 (Item 9.1(a))
- (ii) May 21, 2024 (Item 9.1(b))

(b) Working Group Meeting Notes

- (i) Policy and Design Working Group - April 15, 2024 (Item 9.2(a))

- (ii) Policy and Design Working Group - May 27, 2024 (Item 9.2(b))
- (c) Delegated Approval: Heritage Permit Applications (Item 9.3)
 - (i) Heritage Permit Application HP2024-008: Masonry Repairs at 262 MacNab Street North, Hamilton (Ward 2) (By-law No. 18-127) (Item 9.3(a))
 - (ii) Heritage Permit Application HP2024-011: Bell Tower Repairs and Repointed at 3989 Governors Road, Flamborough (Ward 12) (Lynden United Church, Part IV, By-law No. 84-127-H) (Item 9.3(b))
 - (iii) Heritage Permit Application HP2024-012: To Facilitate Redevelopment of Property at 115-117 George Street, Hamilton (Ward 2) (By-Law No. 23-125) (Item 9.3(c))
 - (iv) Heritage Permit Application HP2024-013: Stained Glass Window Repairs at 157 Mill Street North, Flamborough (Ward 13) (Waterdown Mill Street HCD, Part V, By-law No. 96-34-H) (Item 9.3(d))
 - (v) Heritage Permit Application HP2024-014: To Comply with a Property Standards Order at 54 Hess Street South, Hamilton (Ward 2) (By-Law No. 24-010) (Item 9.3(e))

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

(i) Buildings and Landscapes (Item 13.1)

Committee members provided brief updates on properties of interest.

The following updates were received:

- (a) Endangered Buildings and Landscapes (RED):
(Red = Properties where there is a perceived immediate threat to heritage resources through: demolition; neglect; vacancy; alterations, and/or, redevelopment)

Ancaster

- (1) 372 Butter Road West, Andrew Sloss House (D) – S. Spolnik
- (2) 1021 Garner Road East, Lampman House (D) – S. Spolnik
- (3) 398 Wilson Street East, Marr House (D) – S. Spolnik

Dundas

- (4) 2 Hatt Street (R) – K. Burke
- (5) 216 Hatt Street (I) – K. Burke

- (6) 215 King Street West (R) – K. Burke
- (7) 219 King Street West (R) – K. Burke

Glanbrook

- (8) 2235 Upper James Street (R) – G. Carroll

Hamilton

- (9) 80-92 Barton Street East, Former Hanrahan Hotel (R) – S. Spolnik
- (10) 1155-1157 Beach Boulevard, Beach Canal Lighthouse and Cottage (D) – A. Denham-Robinson
- (11) 66-68 Charlton Avenue West (D) – C. Kroetsch
- (12) 71 Claremont Drive, Auchmar Gate House / Claremont Lodge (R) – G. Carroll
- (13) 711 Concession Street, Former Mount Hamilton Hospital, 1932 Wing (R) – G. Carroll
- (14) 127 Hughson Street North, Firth Brothers Building (D) – C. Kroetsch
- (15) 163 Jackson Street West, Pinehurst / Television City (D) – C. Kroetsch
- (16) 108 James Street North, Tivoli (D) – C. Kroetsch
- (17) 98 James Street South, Former James Street Baptist Church (D) – C. Kroetsch
- (18) 18-22 King Street East, Gore Buildings (D) – C. Kroetsch
- (19) 24-28 King Street East, Gore Buildings (D) – C. Kroetsch
- (20) 537 King Street East, Rebel's Rock (R) – G. Carroll
- (21) 378 Main Street East, Cathedral Boys School (R) – S. Spolnik
- (22) 679 Main Street East / 85 Holton Street South, Former St. Giles Church (I) – G. Carroll
- (23) 120 Park Street North (R) – C. Kroetsch
- (24) 828 Sanatorium Road, Long and Bisby Building (D) – G. Carroll
- (25) 100 West 5th Street, Century Manor (D) – G. Carroll

- (b) Buildings and Landscapes of Interest (YELLOW):
(Yellow = Properties that are undergoing some type of change, such as a change in ownership or use, but are not perceived as being immediately threatened)

Dundas

- (1) 64 Hatt Street, Former Valley City Manufacturing (D) – K. Burke
- (2) 24 King Street West, Former Majestic Theatre (I) – K. Burke
- (3) 3 Main Street, Former Masonic Lodge (D) – K. Burke
- (4) 23 Melville Street, Knox Presbyterian Church (D) – K. Burke
- (5) 574 Northcliffe Avenue, St. Joseph's Motherhouse (R) – L. Lunsted

Flamborough

- (6) 283 Brock Road, WF Township Hall (D) – L. Lunsted
- (7) 62 6th Concession East, Hewick House (I) – L. Lunsted

Hamilton

- (8) 1 Balfour Drive, Chedoke Estate / Balfour House, (R) – G. Carroll
- (9) 134 Cannon Street East, Cannon Knitting Mill (R) – C. Kroetsch
- (10) 52 Charlton Avenue West, Former Charlton Hall (D) – C. Kroetsch
- (11) 2 Dartnall Road, Rymal Road Station Silos (R) – G. Carroll
- (12) 54-56 Hess Street South (D) – C. Kroetsch
- (13) 1284 Main Street East, Delta High School (D) – G. Carroll
- (14) 311 Rymal Road East (R) – G. Carroll
- (15) St. Clair Boulevard Heritage Conservation District (D) – G. Carroll
- (16) 56 York Boulevard / 63-76 MacNab Street North, Copley Building (D) – G. Carroll
- (17) 84 York Boulevard, Philpott Church (NOID) – G. Carroll
- (18) 175 Lawrence Road, Hamilton Pressed / Century Brick (R) – G. Carroll
- (19) 65 Charlton Avenue East, Church of Ascension (D, NHS), Hamilton – G. Carroll
- (20) 4 Turner Avenue, Hamilton (R) – C. Kroetsch
- (21) 420 King St E, St. Patrick Roman Catholic Church (I) – S. Spolnik
- (22) 206-210 King Street East, Former Bremner Grocery (I) – G. Carroll
- (23) 1269 Mohawk Road, Ancaster (I) – G. Carroll
- (24) 657 King Street East, Hamilton (R) – G. Carroll
- (25) 665-667 King Street East, Hamilton (R) – G. Carroll
- (26) 90 Markland, Hamilton (D) – C. Kroetsch
- (27) 231 Bay St. N. (Gallery on the Bay/Hamilton Bridge Works Company Office) (I) – C. Kroetsch
- (28) 29 Harriet Street (Felton Brush Company) (I) – C. Kroetsch

Stoney Creek

- (29) 2251 Rymal Road East, Former Elfrida Church (R) – G. Carroll

- (c) Heritage Properties Update (GREEN):
(Green = Properties whose status is stable)

Dundas

- (1) 104 King Street West, Former Post Office (R) – K. Burke

Hamilton

- (2) 46 Forest Avenue, Rastrick House (D) – G. Carroll
(3) 88 Fennell Avenue West, Auchmar (D) – A. Douglas
(4) 125 King Street East, Norwich Apartments (R) – C. Kroetsch
(5) 206 Main Street West, Arlo House (R) – C. Kroetsch
(6) 50-54 Sanders Boulevard, Binkley Property (R) – K. Burke

Flamborough

- (7) 340 Dundas Street East, Eager House (R) – L. Lunsted

- (d) Heritage Properties Update (BLACK):
(Black = Properties that HMHC have no control over and may be demolished)

Ancaster

- (1) 442, 450 and 452 Wilson Street East (R) – S. Spolnik

Heritage Status: (I) Inventoried, (R) Registered, (D) Designated,
(NHS) National Historic Site

Chair A. Denham-Robinson relinquished the Chair to Vice-Chair G. Carroll in order to introduce the following items.

(ii) HMHC Heritage Recognition Awards Celebration Held June 13, 2024 (Item 13.2)

A. Denham-Robinson provided Committee with a verbal update respecting Hamilton Municipal Heritage Committee's Heritage Recognition Awards held on June 13, 2024.

The verbal update from A. Denham-Robinson respecting Hamilton HMHC Heritage Recognition Awards Celebration Held June 13, 2024, was received.

(iii) HMHC Heritage Recognition Awards (2024-25) – Call for Nominations by Deadline of September 15th (Item 13.3)

A. Denham-Robinson provided Committee with a verbal update respecting the HMHC Heritage Recognition Awards (2024-25) – Call for Nominations by Deadline of September 15th.

The verbal update from A. Denham-Robinson respecting HMHC Heritage Recognition Awards (2024-25) – Call for Nominations by Deadline of September 15th, was received.

A. Denham-Robinson assumed the Chair.

(iv) Ontario Heritage Conference Update (Item 13.4)

G. Carroll provided Committee with a verbal update respecting the Ontario Heritage Conference.

The verbal update from G. Carroll, respecting the Ontario Heritage Conference, was received.

(i) ADJOURNMENT (Item 15)

There being no further business, the Hamilton Municipal Heritage Committee adjourned, at 12:42 p.m.

Respectfully submitted,

Alissa Denham-Robinson
Chair, Hamilton Municipal
Heritage Committee

Matt Gauthier
Legislative Coordinator
Office of the City Clerk

STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST AND DESCRIPTION OF HERITAGE ATTRIBUTES

Description of Property

The 0.137-hectare property located at 340 Dundas Street East is comprised of a two-storey parged stone dwelling constructed circa 1871, historically known as the Eager House. It is located on the southwest corner of Dundas and Reynolds Streets, in an area known as Vinegar Hill in the Village of Waterdown, in the community of Flamborough, within the City of Hamilton.

Statement of Cultural Heritage Value or Interest

The cultural heritage value of the property lies in its design value as a representative example of the residential Gothic Revival architectural style, as typified by the flanking projecting front bays with high pitched gables and decorative bargeboard. The property also demonstrates a high degree of craftsmanship, as demonstrated by the ornately decorated front porch with wooden sun and ray detailing.

The historical value of the property lies in its association with the Eager family. Joseph Culloden Eager (1809-1893) and his son, James Edward Eager (1842-1921), purchased the property in 1871 and built the house sometime between 1871 and 1880. In 1880, Joseph purchased Griffin's General Store on the corner of Dundas and Mill Streets and established the well-known Eager General Store. The general store was family-run for three generations before being sold to and continued by the Weeks family in 1924. The Eager House remained in the family until the death of Helen Eager (born in 1904), James Edward Eager's daughter, in 1989.

The associative value of the property also lies in its demonstration of the work of prominent Hamilton architect William Leith and local builder John Reid. William Leith (1835-1880) designed ecclesiastical, institutional, commercial, industrial and residential buildings throughout Wentworth County. The ornate front porch was a later addition commissioned by James Edward Eager, designed and constructed by well-known Waterdown builder John Reid (1854-1912).

Contextually, the subject property is important in defining the historic character of Dundas Street, Vinegar Hill and the Village of Waterdown. The Eager House is functionally, visually and historically linked to its surroundings, located east of the Grindstone Creek and marking the entrance to the area known as Vinegar Hill. The Eager House is a recognizable local landmark situated on the Grindstone Creek, a prime location in the village, and only a short distance from the former Eager General Store on the southeast corner of Dundas and Mill Streets.

Description of Heritage Attributes

Key attributes that embody the physical value of the property as being a representative example of residential Gothic Revival architecture and in demonstrating a high degree of craftsmanship, include:

- All elevations and roofline of the two-storey stone building, including its:
 - Masonry construction with parged exterior;
 - Rectangular footprint with flanking projecting front bays and one-storey rear wing;
 - H-shaped gable roof with high pitched flanking projecting front and rear gables and off-set projecting side gables;
 - Decorative bargeboard under the front gables;
 - Flat-headed window openings on the ground floor with one-over-one windows, four-pane wooden storms, plain lug stone sills and functional shutters;
 - Semi-circular window openings in the second storey below the gables with one-over-one windows, two-pane wooden storms, plain lug stone sills and functional shutters;
 - Small rectangular window opening above the front entrance between the flanking bays;
 - Central entrance fronting onto Dundas Street with transom, sidelights and decorated wood paneling; and,
 - Gable-roofed front porch, ornately decorated with wooden sun and ray detailing and supported by decorative wood columns atop a stone base with steps.

Key attributes that embody the contextual value of the property as a defining feature of the historic residential character of the Vinegar Hill area, include its:

- Moderate setback from Dundas Street with front lawn and walkway to the front entrance.

STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST AND DESCRIPTION OF HERITAGE ATTRIBUTES

Description of Property

The 0.068-hectare property at 291 King Street West, is comprised of a one-and-a-half storey stone cottage constructed circa 1849, located near the northwest corner of King Street West and Peel Street North, in the community of Dundas, in the City of Hamilton.

Statement of Cultural Heritage Value or Interest

The physical cultural heritage value of the property lies in its design value as a representative example of a vernacular stone workers cottage constructed circa 1849. The historical value of the property lies in its association with nineteenth-century businesswomen, immigration, and worker housing in Dundas. 291 King Street West was built as a worker's cottage and was sold circa 1854 to Patrick Quinn (circa 1810-1870) to be used as a rental property. Patrick Quinn was an Irish immigrant, grocer and notable community member who served as Dundas's tax collector from 1855-1862. 291 King Street West is one of several Dundas rental properties Quinn owned over his lifetime. In 1864, the Town of Dundas brought forward a lawsuit against Patrick Quinn for having failed to appropriately collect property taxes, and this case had longstanding impacts on municipal government proceedings and politics until the late 1860s.

Margaret Conley (circa 1820-1887) was an unmarried woman, Irish immigrant and shop keeper who had business affiliations with Quinn as early as 1861. Conley is believed to have inherited 291 King Street West from Quinn in 1869 as a result of his legal dispute with the Town of Dundas. Conley managed several properties on King, Napier, Peel, Colbourne, and Hatt Streets in Dundas, and managed a grocery store on King Street West. Conley's affiliation with 291 King Street West offers insight into working women's history in industrial-era Dundas. Throughout the nineteenth century, tenants of 291 King Street West, including a papermaker and agent, give insight into the growth and immigration of working-class people in Dundas.

The contextual value of the property lies in its role in maintaining the historic working-class residential character of downtown Dundas. The property is historically and visually linked to its surroundings, located along the prominent historic transportation corridor of King Street West, and having been historically rented out to local tradespeople in the nineteenth century. The building's shallow setback grants it a high degree of visibility in the immediate streetscape. As one of several buildings in the area owned by Patrick Quinn and later Margaret Conley, 291 King Street West has additional historical and contextual connections with similar properties in the area. The building is also significant as the first to have been erected on its block, and as one of few buildings on King Street West to have been constructed prior to 1851.

Description of Heritage Attributes:

Key attributes that embody the design value of the property as a representative example of vernacular stone workers cottage, and its historical associations with nineteenth-century businesswomen, immigration, and worker housing in Dundas include the:

- Front (south) and side (east and west) elevations of the circa 1849 stone cottage, including its:
 - One-and-one-half storey massing;
 - Side gable roof with flanking brick chimneys and returning eaves;
 - Three-bay symmetrical front façade with central entrance and flanking windows;
 - Even-course cut-stone whirlpool sandstone front façade with corner quoins;
 - Broken-course field stone side elevations;
 - Front entrance with wood door with original doorbell hardware; and,
 - Flat-headed window and door openings with cut-stone voussoirs and stone lug sills.

The front gabled dormer and rear addition are not considered to have cultural heritage value or interest.

Key attributes that embody the contextual value of the property and its role in maintaining the historic residential character of downtown Dundas include its:

- Location fronting onto King Street West; and,
- Shallow setback from the public right-of-way.

CITY OF HAMILTON M O T I O N

Planning Committee Meeting: July 9, 2024

MOVED BY COUNCILLOR C. KROETSCH

SECONDED BY COUNCILLOR

To support the Planning and Economic Development Department’s revised Terms of Reference for the Construction Management Plan Guidelines (PED24070) (City Wide)

WHEREAS, the City encourages and supports the economic growth and development of these projects through the enhancement of processes and procedures such as Construction Management Plans to assist developers;

WHEREAS, pedestrian facilities through areas adjacent to construction sites are designed and constructed to the appropriate standards and specifications and sealed by a professional engineer licensed in Ontario.

WHEREAS, the City is concurrently writing policy and standards to support the growth and enhancement of active transportation facilities through the Transportation Master Plan, Cycling Master Plan, Complete Streets Guide;

WHEREAS, the safety of all road users is of highest importance under all operational conditions, including temporary construction staging plans.

WHEREAS, Growth Management Division, manages and coordinates the Construction Management Plan process related to all Development Applications.

WHEREAS, Engineering Services Division, responsible for approval of traffic management plan and issuance of road occupancy permits as well as provision of subject matter expertise related to detour plans, best practices, and pedestrian mobility within the existing Right of Way.

THEREFORE, BE IT RESOLVED:

- (a) That, Council authorize Growth Management staff, to undertake a complete review on Traffic Management Plan mobility best practices, specifically related to detour plans with a focus on the safety and accessibility of all road

users, in consultation with Public Works staff, namely Engineering Services, Transportation and others, as needed;

- (b) That, upon completion of the review, Growth Management staff, in consultation with Public Works staff, report back to Planning Committee regarding recommendations as it relates to Traffic Management Plans detour plans mobility best practices, specifically related to detour plans with a focus on the safety and accessibility of all road users.