



**City of Hamilton
PLANNING COMMITTEE
AGENDA**

Meeting #: 24-011
Date: August 13, 2024
Time: 9:30 a.m.
Location: Council Chambers (Planning)
Hamilton City Hall
71 Main Street West

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

	Pages
1. CEREMONIAL ACTIVITIES	
2. APPROVAL OF AGENDA (Added Items, if applicable, will be noted with *)	
3. DECLARATIONS OF INTEREST	
4. APPROVAL OF MINUTES OF PREVIOUS MEETING	
4.1 July 9, 2024	5
5. COMMUNICATIONS	
6. DELEGATION REQUESTS	
6.1 Ayesha Asghar respecting Property Standards and Tennant Concerns (For the September 6th meeting)	
7. DELEGATIONS	
7.1 Jeannie Howe respecting By-laws to Prevent Animal Neglect (virtually) (Approved at the July 9th meeting)	
8. STAFF PRESENTATIONS	

9. CONSENT ITEMS

- | | | |
|-----|--|----|
| 9.1 | Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED24126) (City Wide) | 40 |
| 9.2 | Appeal by SGL Planning and Design Inc. on Behalf of 1541189 Ontario Inc. for an Urban Hamilton Official Plan Amendment Application UHOPA-20-013 and Zoning By-law Amendment Application ZAC-20-017 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 210 Calvin Street, Ancaster (PED24128) (Ward 12) | 58 |
| 9.3 | Appeal by Aird & Berlis LLP on behalf of Fengate Homestead Holdings Inc. LP of Urban Hamilton Official Plan Amendment Application UHOPA-22-008, Zoning By-law Amendment Application ZAC-22-017, and Draft Plan of Subdivision Application 25T-202202 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 3054 Homestead Drive and 9174 and 9166 Airport Road West, Glanbrook (PED24062) (Ward 11) | 81 |

10. PUBLIC HEARINGS

- | | | |
|------|---|-----|
| 10.1 | Application for Zoning By-Law Amendment for Lands Located at 309 and 325 James Street North, Hamilton (PED24064) (Ward 2) | 105 |
| 10.2 | Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 2064 and 2070 Rymal Road East, Glanbrook (PED24131) (Ward 9) | 176 |
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| | (i) Mitzi Lawrence | |
| 10.3 | Application for a Zoning By-law Amendment for Lands Located at 32 Sandbeach Drive, Stoney Creek (PED24133) (Ward 10) | 237 |
| 10.4 | Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 173 and 177 Dundas Street East, Flamborough (PED24068) (Ward 15) | 262 |
| | a. Registered Delegations: | |
| | (i) Brian Peggie (in-person) | |
| | (ii) Kim Parkes-Hallmark (in-person) | |
| | (iii) Curth Martell (in-person) | |
| | (iv) Jennifer and Brett Gallant (in-person) | |
| | (v) Robert Gordon Thomas (in-person) | |

b.	Written Submissions:	399
	(i) Adam Peters	
	(ii) Brian Peggie	
	(iii) Carolyn Ann and Peter Baumgartl	
	(iv) Kelly and Rick Matthews	
	(v) Ed Johnston	
	(vi) Pauline Blanchard	
	(vii) Jennifer and Brett Gallant	
10.5	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 196, 198, 200 and 202 Upper Mount Albion Road, Stoney Creek (PED24041) (Ward 9)	410
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11.2	Toys for Tickets (PED24145) (City Wide) (Outstanding Business List Item)	472
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12.	MOTIONS	
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13.	NOTICES OF MOTION	
14.	GENERAL INFORMATION / OTHER BUSINESS	
15.	PRIVATE AND CONFIDENTIAL	

- 15.1 Closed Session Minutes - July 9, 2024
Pursuant to Section 9.3, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Subsections (e), (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.
- 15.2 Appeal to the Ontario Land Tribunal for lands located at 3054 Homestead Drive, 9166 and 9174 Airport Road, Glanbrook, respecting applications for an Official Plan Amendment (UHOPA-22-008), Zoning By-law Amendment (ZAC-22-017) and Draft Plan of Subdivision (25T-202202) (LS24012) (Ward 11)
Pursuant to Section 9.3, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Subsections (e), (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.
- 15.3 Motion respecting Termination of Lease in the City of Hamilton (Ward 2)
Pursuant to Section 9.3, Sub-section (k) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Subsection (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

16. ADJOURNMENT



**PLANNING COMMITTEE
MINUTES**

24-010

July 9, 2024

9:30 a.m.

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

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

Absent with Regrets: Councillors M. Wilson (1st Vice Chair), N. Nann and A. Wilson –
Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

- 1. Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED24117) (City Wide) (Item 9.1)**

(Hwang/Tadeson)

That Report PED24117 respecting Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications, be received.

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

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

2. Summary of the Demolition Control Area By-law No. 22-101 and the Non-Delegated Demolition Process (PED24075(a)) (City Wide) (Item 9.2)

(Kroetsch/Beattie)

That Report PED24075(a) respecting Summary of the Demolition Control Area By-law No. 22-101 and the Non-Delegated Demolition Process, be received.

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

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

3. Appeal of By-law Nos. 24-051 & 24-052 (Updates and Amendments to the Low Density Residential Zones and Creation of a New Section 5: Parking, in Zoning By-law No. 05-200) (City Wide) (PED22154(b)) (Item 9.3)

(Hwang/Tadeson)

That Report PED22154(b) respecting Appeal of By-law Nos. 24-051 & 24-052 (Updates and Amendments to the Low Density Residential Zones and Creation of a New Section 5: Parking, in Zoning By-law No. 05-200), be received.

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

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

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 (Ward 11) (PED24142) (Item 9.4)**

(Tadeson/Beattie)

That Report PED24142 respecting 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, be received.

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

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

5. **Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 101 Hunter Street East, Hamilton (PED24112) (Ward 2) (Item 10.1)**

(Hwang/Kroetsch)

- (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, 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 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.

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

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

6. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 365 Highway No. 8, Stoney Creek (PED24108) (Ward 10) (Item 10.2)

(Beattie/Hwang)

- (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) 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.
- (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 bring 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.

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

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

7. 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 05-200 and Former City of Hamilton Zoning By-law No. 6593 (City Wide) (PED24113) (Item 10.3)

(Kroetsch/Hwang)

- (a) That City Initiative CI-24-D – Housekeeping Amendments and Strategic Updates to the Urban Hamilton Official Plan and Rural Hamilton Official Plan, to amend policies, schedules and maps in Volume 1 – Parent Plan, Volume 2 – Secondary Plans and Rural Settlement Areas, and Volume 3 – Area and Site Specific Policies of the Urban Hamilton Official Plan and Rural Hamilton Official Plan, in order to correct and clarify policies and mapping, be APPROVED on the following basis:
 - (i) That the Draft Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED24113, be adopted by Council;
 - (ii) That the Draft Rural Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED24113, be adopted by Council;
 - (iii) That the proposed Official Plan Amendments are consistent with the Provincial Policy Statement, 2020, and conform to A Place to

Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and the Greenbelt Plan, 2017;

- (b) That City Initiative CI-24-D – Housekeeping Amendments and Strategic Updates to City of Hamilton Zoning By-law No. 05-200 for modifications and updates, be APPROVED on the following basis:
 - (i) That the Draft By-law, attached as Appendix “C” to Report PED24113, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the Draft By-law, attached as Appendix “D” to Report PED24113, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (iii) That the proposed changes in zoning will comply with the Urban Hamilton Official Plan upon approval of the Draft Urban Hamilton Official Plan Amendment No. XX, attached as Appendix “A” to Report PED24113;
 - (iv) That the proposed changes in zoning comply with the Rural Hamilton Official Plan;
 - (v) That the proposed Zoning By-law Amendments are consistent with the Provincial Policy Statement, 2020 and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and the Greenbelt Plan, 2017;
- (c) That the Draft By-law, attached as Appendix “D” to Report PED24113, be held in abeyance until such time as By-law No. 24-052, being a by-law to delete and replace Section 5: Parking of Zoning By-law No. 05-200, is in force and effect;
- (d) That staff be directed to bring forward the Draft By-law, attached as Appendix “D” to Report PED24113, for enactment by Council, once By-law No. 24-052 is in force and effect;
- (e) That City Initiative CI-24-D – Housekeeping Amendments to Former City of Hamilton Zoning By-law No. 6593, be APPROVED on the following basis:
 - (i) That the Draft By-law attached as Appendix “E” to Report PED24113, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

- (ii) That the proposed changes in zoning comply with the Urban Hamilton Official Plan;
- (iii) That the proposed Zoning By-law 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, and the Greenbelt Plan, 2017.

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

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

8. Applications for an Official Plan Amendment (UHOPA-24-006) and Zoning By-law Amendment (ZAC-24-013) for Lands Located at 259 and 265 Wilson Street East, Hamilton (Ward 12) (PED24107) (Item 10.4)

(Hwang/Tadeson)

- (a) That Official Plan Amendment Application UHOPA-24-006, by T. Johns Consulting Group Ltd. c/o Katelyn Gillis on behalf of The Trustee Board, Ryerson United Church c/o Rick Smith and 259 Wilson St Inc. c/o Barry Brownlow, Owners, to redesignate a portion of 265 Wilson Street East from “Institutional” to “Mixed Use Medium Density – Pedestrian Focus”, to permit a future severance of a portion of 265 Wilson Street East to be merged with 259 Wilson Street East, for lands located at 265 Wilson Street East, as shown on Appendix “A” attached to Report PED24107, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED24107, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the general intent of the Urban Hamilton Official Plan and Ancaster Wilson Street Secondary Plan;

- (b) That Amended Zoning By-law Amendment Application ZAC-24-013, by T. Johns Consulting Group Ltd. c/o Katelyn Gillis on behalf of the Trustee Board, Ryerson United Church c/o Rick Smith and 259 Wilson St Inc. c/o Barry Brownlow, Owners, for a change in zoning from Neighbourhood Institutional (I1, 16) Zone to Neighbourhood Institutional (I1, 16) Zone, from Neighbourhood Institutional (I1, 16) Zone to Mixed Use Medium Density – Pedestrian Focus (C5a, 903) Zone and from Mixed Use Medium Density – Pedestrian Focus (C5a, 570) Zone to Mixed Use Medium Density – Pedestrian Focus (C5a, 903) Zone, to permit the future severance of a portion of 265 Wilson Street East, shown as Block 2 on Appendix “A”, to be merged with 259 Wilson Street East, and to recognize the existing built form and associated parking, for lands located at 259 and 265 Wilson Street East, as shown as Block 1, Block 2 and Block 3 respectively on Appendix “A” attached to Report PED24107, be APPROVED on the following basis:
- (i) That the draft Zoning By-law, attached as Appendix “C” to Report PED24107, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform 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 Ancaster Wilson Street Secondary Plan, upon approval of the Official Plan Amendment;
- (c) That approval be given for a modification to the Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, to permit the future severance of a portion of 265 Wilson Street East to be merged with 259 Wilson Street East, to recognize the existing associated parking and for a modification to the Neighbourhood Institutional (I1) Zone to recognize the existing associated parking for lands located at 259 Wilson Street East and 265 Wilson Street East, Ancaster, as shown on Appendix “A” attached to Report PED24107, subject to the following:
- (i) That the draft Zoning By-law, attached as Appendix “H” to Report PED24107, 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 Zoning By-law, attached as Appendix “H” to Report PED24107, for enactment by City Council, once By-law No. 24-052 is in force and effect.

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

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

9. Updates to the Licensing By-law No. 07-170 Towing and Storage Regulations in Response to the New Provincial Regulatory Framework (PED24103) (City Wide) (Item 11.1)

(Hwang/Kroetsch)

- (a) 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.

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

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

10. To Establish a New Zoning Verification Report Fee (PED24120) (City Wide) (Item 11.2)

(Kroetsch/Hwang)

- (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.

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

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

11. Hamilton Municipal Heritage Committee Report 24-005 (City Wide) (Item 11.3)

(Kroetsch/Hwang)

(a) Recommendation to Designate 340 Dundas Street, Flamborough (Eager House), under Part IV of the *Ontario Heritage Act* (PED24106) (Ward 15) (Item 8.1)

- (i) 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:
 - (1) 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;

- (2) 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.
- (b) Recommendation to Designate 291 King Street West, Dundas, under Part IV of the *Ontario Heritage Act* (PED24116) (Ward 13) (Item 8.2)**
- (i) 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:
 - (1) 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;
 - (2) 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.
- (c) 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)**
- (i) 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.

- (d) **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)**
- (i) 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.

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

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

12. Recommendation to Enter into a Heritage Conservation Easement or Covenant for 84 York Boulevard, Hamilton (Philpott Memorial Church), under Part IV of the *Ontario Heritage Act* (PED24077(a)) (Ward 2) (Item 11.4)

(Hwang/Francis)

- (a) That the General Manager of Planning and Economic Development Department be given the delegated authority to enter into a heritage conservation easement agreement or covenant under Section 37(1) of the *Ontario Heritage Act* with the owner of 84 York Boulevard, Hamilton, to be registered on title, satisfactory to the City Solicitor, to:
- (i) Maintain the building through occupancy or daily monitoring and undertake any required interim repairs to ensure the building is heated, secure, and structurally sound and that there is no further deterioration to the cultural heritage value and heritage attributes of the property as identified in the Cultural Heritage Impact Assessment, prepared by MacNaughton Hermsen Britton Clarkson Planning Limited and dated October 2023, to the satisfaction of the Director of Planning and Chief Planner, until such time that this easement or covenant is released;

- (ii) Provide an estimate to the cover the costs of heating, securing, maintaining and monitoring the building for a period of four years, and provide securities to the city to cover these costs to be in place until such time that the easement or covenant is released, to the satisfaction of the Director of Planning and Chief Planner;
 - (iii) Require that a Conservation Plan is submitted and approved as part of the Site Plan Control application process, including conditions of Site Plan approval to salvage and safely store the heritage attributes identified in the Cultural Heritage Impact Assessment, prepared by MacNaughton Hermsen Britton Clarkson Planning Limited dated October 2023, to allow for inspections of the stored attributes, to provide securities, and to integrate the attributes and provide commemoration and interpretation into a new development on the property before this easement or covenant is released;
- (b) That the Director of Planning and Chief Planner be authorized to release the heritage conservation easement agreement or covenant, executed as per Recommendation (a) of Report PED24077(a), and that the terms for the release of the easement or covenant, to be included in the heritage conservation easement agreement, are such that it may not be released until Site Plan Control and building permit have been issued and shoring or foundation work has begun for a new development on the site that:
 - (i) Provides a minimum of 600 new residential units, of which a minimum of 25% of the units provided shall be two and three bedroom units that support families and 5% of which shall be affordable units that meet the definition of Affordable Housing as defined by the City of Hamilton Municipal Housing Facilities By-law No. 16-233, to the satisfaction of the Director of Planning and Chief Planner;
 - (ii) Provides a podium design that is compatible with the character of the existing heritage buildings in the surrounding area through the use of brick or stone and appropriate proportions, to the satisfaction of the Director of Heritage and Urban Design;
 - (iii) Provides a high-quality design for the proposed towers in keeping with the landmark scale of the development that will enhance the character of the future entertainment precinct, to the satisfaction of the Director of Heritage and Urban Design;

- (iv) Incorporates sustainable design features, to the satisfaction of the Director of Heritage and Urban Design;
 - (v) Allows for commercial uses at grade along York Boulevard and Park Street that will animate the street and support the future entertainment precinct, to the satisfaction of the Director of Heritage and Urban Design;
 - (vi) Provides publicly accessible indoor and outdoor space at grade through the use of courtyards, porticos or other features to accommodate patios for commercial uses to animate the public realm enhancing the character of the street to support the future entertainment precinct, and to allow the public to view the retained heritage features, to the satisfaction of the Director of Heritage and Urban Design;
- (c) That the heritage conservation easement agreement or covenant, executed as per Recommendations (a) and (b) to Report PED24077(a), be reviewed by staff if construction on site has not commenced by July 31, 2027, to determine progress and report back to Council on possible designation;
- (d) That the Director of Planning and Chief Planner, be authorized and directed to negotiate and execute agreement(s) with the current owner, any subsequent owner and where possible any potential developer of 84 York Boulevard, Hamilton, to extend the 120-day timeline for passing of a designation by-law under Part IV of the *Ontario Heritage Act*, as permitted by Section 2.(1) (1.) of Ontario Regulation 385/21 and in a form satisfactory to the City Solicitor;
- (e) That the draft By-law attached as Appendix "B" to Report PED24077(a), to allow the City to enter into a heritage covenant or easement agreement pursuant to section 37(1) of the *Ontario Heritage Act* with the owner of the lands described as PT BLK 13 PL 39 PT 1, 2, 3 62R12184 & AS IN VM147689; CITY OF HAMILTON being all of PIN 17586-0075 (LT) and municipally addressed as 84 York Boulevard in the City of Hamilton, for conservation of the structure and of certain heritage elements/attributes/features from the structure known as Philpott Memorial Church, be adopted;
- (f) That staff be directed to report back to Council with an update on whether a heritage conservation easement agreement or covenant has been entered prior to the expiry of any extension period negotiated pursuant to Recommendation (d) of Report PED24077(a).

Result: Motion CARRIED by a vote of 7 to 1, as follows:

NOT PRESENT – Ward 1 Councillor M. Wilson
 NO – 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
 NOT PRESENT – Ward 15 Councillor T. McMeekin

13. To support the Planning and Economic Development Department’s revised Terms of Reference for the Construction Management Plan Guidelines (PED24070) (City Wide) (Item 12.1)

(Kroetsch/Hwang)

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; and,

- (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.

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

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

14. Appeal to the Ontario Land Tribunal (OLT) for Lands Located at 140 and 164 Sulphur Springs Road, Ancaster for Lack of Decision on Zoning By-law Amendment Application ZAC-21-027 (LS23029(a)) (Ward 12) (Item 15.2)

(Hwang/Kroetsch)

- (a) That the directions to staff in Closed Session respecting Report LS23029(a) be approved;
- (b) That closed session recommendations (a), (b), and (c) to Report LS23029(a) and Appendix “A” be approved and remain confidential until made public as the City’s position before the Ontario Land Tribunal; and,
- (c) That the balance of Report LS23029(a) remain confidential.

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

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

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

15. Appeal of By-laws No. 24-051 & 24-052 (Updates and Amendments to the Low Density Residential Zones and Creation of a New Section 5: Parking, in Zoning By-law No. 05-200) (LS24001) (City-Wide) (Item 15.3)

(Hwang/Kroetsch)

(a) That Report LS24001 be received and remain confidential.

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

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

16. Appeal to the Ontario Land Tribunal for lands located at 1284 Main Street East, Hamilton, for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-23-006) and Zoning By-law Amendment Application (ZAC-23-012) (LS23039(a)) (Ward 4) (Item 15.4)

(Hwang/Kroetsch)

- (a) That the directions to staff in Closed Session respecting Report LS23039(a) be approved;
- (b) That closed session recommendations (a), (b), and (c) to Report LS23039(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 LS23039(a) remain confidential.

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

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

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

5. COMMUNICATIONS

- 5.1 Chris Ritsma respecting Philpott Church Redevelopment Heritage Designation Deferral (Item 11.4)

Recommendation: Be received and referred to the consideration of Item 11.4.

6. DELGATION REQUESTS

- 6.2 Russell Bartlett, Philpott Church, respecting Heritage Conservation Easement for 84 York Blvd. (Item 11.4) (For today's meeting)

10. PUBLIC HEARINGS

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

(a) Staff Presentation

Revised Report and Appendix "C".

- 10.2 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 365 Highway No. 8, Stoney Creek (PED24108) (Ward 10) Applications (PED24108)

- (a) Staff Presentation

Revised Report and Appendix “C”, “D” and “I”.

- 10.3 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 05-200 and Former City of Hamilton Zoning By-law No. 6593 (PED24113) (City Wide)

- (a) Staff Presentation

- (b) Registered Delegations:

- (i) Thidiah Curtin (virtual)

- 10.4 Applications for an Official Plan Amendment (UHOPA-24-006) and Zoning By-law Amendment (ZAC-24-013) for Lands Located at 259 and 265 Wilson Street East, Hamilton (PED24107) (Ward 12) (PED24107)

- (a) Staff Presentation

(Kroetsch/Hwang)

That the agenda for the July 9, 2024, Planning Committee meeting be approved, as amended.

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

NOT PRESENT – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 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
 NOT PRESENT – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 NOT PRESENT – 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 18, 2024 (Item 4.1)

(Beattie/Hwang)

That the Minutes of the June 18, 2024 meeting be approved, as presented.

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

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

(d) COMMUNICATIONS (Item 5)

(i) Chris Ritsma respecting Philpott Church Redevelopment Heritage Designation Deferral (Item 11.4) (Added Item 5.1)

(Kroetsch/Hwang)

That the Communication from Chris Ritsma respecting Philpott Church Redevelopment Heritage Designation Deferral (Item 11.4) be received and referred to the consideration of Item 11.4.

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

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

(e) DELEGATION REQUESTS (Item 6)

(i) (Hwang/Danko)

That the following Delegations be approved, as follows:

- (a) Jeannie Howe respecting By-laws to Prevent Animal Neglect (For the August 13th meeting) (Item 6.1)**
- (b) Russell Bartlett, Philpott Church, respecting Heritage Conservation Easement for 84 York Blvd. (Item 11.4) (For today's meeting) (Added Item 6.2)**

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

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

(f) DELEGATIONS (Item 7)

(i) Russell Bartlett, Philpott Church, respecting Heritage Conservation Easement for 84 York Blvd. (Item 11.4) (Added Item 7.1)

Russell Bartlett, Philpott Church, addressed the Committee respecting Heritage Conservation Easement for 84 York Blvd. (Item 11.4).

(Kroetsch/Tadeson)

That the Delegation from Russell Bartlett, Philpott Church, respecting Heritage Conservation Easement for 84 York Blvd. (Item 11.4), be received.

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

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

NOT PRESENT – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 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
 NOT PRESENT – 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) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 101 Hunter Street East, Hamilton (PED24112) (Ward 2) (Item 10.1)

(a) (Kroetsch/Francis)

That the staff presentation be waived.

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

NOT PRESENT – Ward 1 Councillor M. Wilson
 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
NOT PRESENT – Ward 15 Councillor T. McMeekin

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

(Kroetsch/Beattie)

That the presentation from Ashley Patton with Bousfields Inc., be received.

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

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

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

(c) **(Kroetsch/Hwang)**

- (a) That the public submissions (in the staff report) regarding this matter were received and considered by the Committee; and,

- (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
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
 NOT PRESENT – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 5.

(ii) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 365 Highway No. 8, Stoney Creek (PED24108) (Ward 10) (Item 10.2)

- (a)** Tim Vrooman, Area Planning Manager, addressed the Committee with the aid of a PowerPoint presentation.

(Beattie/Hwang)

That the staff presentation be received.

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

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

- (b)** David Falletta with Bousfields Inc. was in attendance and indicated support for the staff report.

(Beattie/Hwang)

That the presentation from David Falletta with Bousfields Inc., be received.

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

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

Chair Cassar called three times for public delegations and the following person came forward:

(i) Eric Kowalsky – Concerns with proposal

(c) (Beattie/Kroetsch)

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

(i) Eric Kowalsky – Concerns with proposal

(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
 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
 NOT PRESENT – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 6.

(iii) 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 05-200 and Former City of Hamilton Zoning By-law No. 6593 (City Wide) (Item 10.3)

(a) Jennifer Allen, Planner I, Sebastian Cuming, Planner II, and Liam Tapp, Zoning Examiner and Code Correlator, addressed the Committee with the aid of a PowerPoint presentation.

(Hwang/Tadeson)

That the staff presentation be received.

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

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

The following Registered Delegation indicated they did not wish to speak at the meeting:

- (i) Thidiah Curtin

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

(b) (Kroetsch/Hwang)

- (a) That there were no public submissions received regarding this matter; and,

- (b) That the public meeting be closed.

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

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

NOT PRESENT – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 7.

(iv) Applications for an Official Plan Amendment (UHOPA-24-006) and Zoning By-law Amendment (ZAC-24-013) for Lands Located at 259 and 265 Wilson Street East, Hamilton (Ward 12) (Item 10.4)

(a) (Tadeson/Francis)

That the staff presentation be waived.

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

NOT PRESENT – Ward 1 Councillor M. Wilson
 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
 NOT PRESENT – Ward 15 Councillor T. McMeekin

(b) Katelyn Gillis with Landwise Planning (formerly T. Johns Consulting) was in attendance and indicated support for the staff report.

(Hwang/Cassar)

That the presentation from Katelyn Gillis with Landwise Planning (formerly T. Johns Consulting), be received.

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

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

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

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

(c) (Hwang/Beattie)

(a) That there were no public submissions received regarding this matter; and,

(b) That the public meeting be closed.

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

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

For disposition of this matter, refer to Item 8.

(h) DISCUSSION ITEMS (Item 11)

(i) To Establish a New Zoning Verification Report Fee (PED24120) (City Wide) (Item 11.2)

Emily Coe, Supervisor – Zoning, addressed the Committee, respecting Report PED24120, To Establish a New Zoning Verification Report Fee, with the aid of a PowerPoint presentation.

(Hwang/Kroetsch)

That the presentation from Emily Coe, Supervisor – Zoning, addressed the Committee, respecting Report PED24120, To Establish a New Zoning Verification Report Fee, be received.

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

NOT PRESENT – Ward 1 Councillor M. Wilson

YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 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
 NOT PRESENT – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 10.

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

(i) Outstanding Business List (Item 14.1)

(Hwang/Beattie)

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

(a) Items to be Removed:

22K - Condominium Conversion Policy Review (PED22091) (City Wide) – (Addressed as Item 6 on PC Report 24-009)

24C - Annual Report on Building Permit Fees (PED24039) (City Wide) (Addressed as Item 2 on PC Report 24-007)

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

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

(j) PRIVATE & CONFIDENTIAL (Item 15)

(i) Closed Session Minutes – June 18, 2024 (Item 15.1)

(Kroetsch/Francis)

- (a) That the Closed Session Minutes dated June 18, 2024, be approved as presented; and,
- (b) That the Closed Session Minutes dated June 18, 2024, remain confidential.

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

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

(Dank/Hwang)

That the Committee Recess from 12:10 p.m. to 12:40 p.m.

Result: Motion CARRIED by a vote of 6 to 2, as follows:

NOT PRESENT – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 NO – Ward 5 Councillor M. Francis
 NO – 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
 NOT PRESENT – Ward 15 Councillor T. McMeekin

(Hwang/Tadeson)

That Committee move into Closed Session for Items 15.2, 15.3, and 15.4 pursuant to Section 9.3, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; and Section 239(2), Sub-sections (e), (f) and (k) of the

Ontario Municipal Act, 2001, as amended as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

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

NOT PRESENT – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 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
 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 140 and 164 Sulphur Springs Road, Ancaster for Lack of Decision on Zoning By-law Amendment Application ZAC-21-027 (LS23029(a)) (Ward 12) (Item 15.2)**

For disposition of this matter, refer to Item 14.

- (ii) **Appeal of By-laws No. 24-051 & 24-052 (Updates and Amendments to the Low Density Residential Zones and Creation of a New Section 5: Parking, in Zoning By-law No. 05-200) (LS24001) (City-Wide) (Item 15.3)**

For disposition of this matter, refer to Item 15.

- (iii) **Appeal to the Ontario Land Tribunal for lands located at 1284 Main Street East, Hamilton, for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-23-006) and Zoning By-law Amendment Application (ZAC-23-012) (LS23039(a)) (Item 15.4)**

For disposition of this matter, refer to Item 16.

- (k) **ADJOURNMENT (Item 16)**
(Tadeson/McMeekin)

**Planning Committee
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**July 9, 2024
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That there being no further business, the Planning Committee be adjourned at 1:22 p.m.

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

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


Councillor C. Cassar, Chair
Planning Committee

Lisa Kelsey
Legislative Coordinator



Hamilton

INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 13, 2024
SUBJECT/REPORT NO:	Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED24126) (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 (PED24126) (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 PED24126 is a table outlining the active applications received prior to December 12, 2017, sorted by Ward, from oldest application to newest. As of July 9, 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 July 9, 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 PED24126 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 July 9, 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 July 9, 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 PED24126 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 July 9, 2024, there were:

- 13 active Official Plan Amendment applications;
- 32 active Zoning By-law Amendment applications; and,

SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED24126) (City Wide) - Page 3 of 3

- 18 active Plan of Subdivision applications.

As of July 9, 2024, seven development proposals are approaching the 90 or 120 day statutory timeframe and will be eligible for appeal. 32 development proposals have passed the 90 or 120 day statutory timeframe.

Planning Division Active Files

Combined to reflect property addresses, there are 50 active development proposals. eight proposals are 2024 files (16%), 11 proposals are 2023 files (22%), 11 proposals are 2022 files (22%), and 20 proposals are pre-2022 files (40%).

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 PED24126 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 19 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 four 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 PED24126 - List of Active Development Applications (prior to December 12, 2017)

Appendix "B" to Report PED24126 - List of Active Development Applications (after December 12, 2017, but before September 3, 2019)

Appendix "C" to Report PED24126 - List of Active Development Applications (after September 3, 2019)

Appendix "D" to Report PED24126 - *Planning Act* Applications Currently Appealed for Non-Decision to the Ontario Land Tribunal

SE:sd

Appendix "A" to Report PED24126
Page 1 of 2

Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective July 9, 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 July 9, 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.	2534
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.	2854
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.	2854
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.	3322

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective July 9, 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 July 9, 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	3148
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.	2565

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 July 9, 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 July 9, 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	2054
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	2218
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.	2157
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	2063

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective July 9, 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 July 9, 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	2199

Active Development Applications

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

Appendix "C" to Report PED24126

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**Active Development Applications
Deemed Complete After September 3, 2019
(Effective July 9, 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 July 9, 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	2398
Ward 2								
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	567
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	563
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	563
ZAC-24-018	309-325 James Street North, Hamilton	3-June-24	n/a	4-June-24	1-Sep-24	n/a	Core Urban Inc.	37

Appendix “C” to Report PED24126
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Active Development Applications
Deemed Complete After September 3, 2019
(Effective July 9, 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 July 9, 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	720
25T-202403	386 Wilcox Street, Hamilton	31-May-24	n/a	6-June-24	n/a	28-Sep-24	MHBC Planning Ltd.	40
ZAC-24-021	72-78 Stirton Street, Hamilton	13-June-24	n/a	21-June-24	11-Sep-24	n/a	Vrancor2007	27
Ward 5								
25T-202305	75 Centennial Parkway North, Hamilton	23-Aug-23	n/a	6-Sep-23	n/a	21-Dec-23	Bousfields Inc.	320
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.	563
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.	767

Appendix “C” to Report PED24126
Page 3 of 8

Active Development Applications
Deemed Complete After September 3, 2019
(Effective July 9, 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 July 9, 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.	572
Ward 7								
ZAC-22-016	48 Miles Road, Hamilton	25-Jan-22	n/a	10-Feb-22	25-Apr-22	n/a	IBI Group	879
Ward 8								
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	1093
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	834
ZAC-24-020	1494 Upper Wellington Street, Hamilton	14-June-24	n/a	14-June-24	12-Sep-24	n/a	MHBC Planning Ltd.	26

**Appendix “C” to Report PED24126
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**Active Development Applications
Deemed Complete After September 3, 2019
(Effective July 9, 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 July 9, 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	977
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	810
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.	564
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	573

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**Active Development Applications
Deemed Complete After September 3, 2019
(Effective July 9, 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 July 9, 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.	1274
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	732
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	588
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.	92
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.	50
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.	1170

**Appendix “C” to Report PED24126
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**Active Development Applications
Deemed Complete After September 3, 2019
(Effective July 9, 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 July 9, 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	826
ZAC-22-055	2640 Binbrook Road, Glanbrook	16-Aug-22	n/a	18-Aug-22	14-Nov-22	n/a	IBI Group	693
25T-202203	9451 Dickenson Road West, Glanbrook	11-Nov-21	10-Dec21	20-Dec-21	n/a	11-Mar-22	Korsiuk Urban Planning	970
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.	1326
25T-202105	700 Garner Road East, Ancaster	18-Jan-21	n/a	04-Feb-21	n/a	18-May-21	MHBC Planning Ltd.	1295
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	997

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**Active Development Applications
Deemed Complete After September 3, 2019
(Effective July 9, 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 July 9, 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	568
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.	166
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	106
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	567
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	1660

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective July 9, 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 July 9, 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.	1294
25T-201507R	74 Parkside Drive, Flamborough	11-Aug-22	n/a	18-Aug-22	n/a	17-Oct-22	IBI Group	698

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 PED24126

Page 1 of 3

**Planning Act Applications
Currently Appealed for Non-Decision to the
Ontario Land Tribunal (Effective July 9, 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 PED24126
Page 2 of 3**

**Planning Act Applications
Currently Appealed for Non-Decision to the
Ontario Land Tribunal (Effective July 9, 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
UHOPA-20-021 ZAC-20-037 25T-202006	544 and 550 Rymal Road East, Hamilton	Rymal East Development Corp.	July 2023
Ward 8			
UHOPA-20-017 ZAC-20-029 25T-202003	393 Rymal Road West, Hamilton	GSP Group Inc.	June 2024
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 PED24126
Page 3 of 3**

**Planning Act Applications
Currently Appealed for Non-Decision to the
Ontario Land Tribunal (Effective July 9, 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

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



Hamilton

INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 13, 2024
SUBJECT/REPORT NO:	Appeal by SGL Planning and Design Inc. on Behalf of 1541189 Ontario Inc. for an Urban Hamilton Official Plan Amendment Application UHOPA-20-013 and Zoning By-law Amendment Application ZAC-20-017 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 210 Calvin Street, Ancaster (PED24128) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Alaina Baldassarra (905) 546-2424 Ext. 7421
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

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

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

The following information is provided for Planning Committee's information with regards to Urban Hamilton Official Plan Amendment application UHOPA-20-013 and Zoning By-law Amendment application ZAC-20-017 submitted by SGL Planning and Design Inc. on Behalf of 1541189 Ontario Inc., which have been appealed for non-decision.

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

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

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

SUBJECT: Appeal by SGL Planning and Design Inc. on Behalf of 1541189 Ontario Inc. for an Urban Hamilton Official Plan Amendment Application UHOPA-20-013 and Zoning By-law Amendment Application ZAC-20-017 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 210 Calvin Street, Hamilton (PED24128) (Ward 12) - Page 2 of 5

INFORMATION

The subject property is municipally known as 210 Calvin Street (refer to Appendix "A" attached to Report PED24128). The property is approximately 5.53 hectares in area and is located on the west side of Calvin Street, on the north side of Highway No. 403, and on the west side of the Highway No. 6 / Garner Road access ramp. The subject lands currently have frontage on a city owned right-of-way which is connected to Calvin Street.

The Applicant, SGL Planning and Design Inc., on behalf of 1541189 Ontario Inc. c/o Ron Ticchiarelli applied for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment to permit 72 townhouse units, and a medium density block with up to 30 units, in the centre of the site that front onto a private road. Appendix "B" attached to Report PED24128 includes a conceptual illustration of the development proposal and the remainder of the subject lands reserved as an environmental protection area and passive recreational space. The proposed private condominium road and bridge will serve as an access to the site from the terminus of Calvin Street.

The applications were initially deemed incomplete on March 4, 2020, as a result of the applicant's failing to include the urban design report, channel design and geofluvial assessment, floodline delineation study / hydraulic analysis, restoration plan, erosion and sediment control plan, grading plan, noise impact study and public consultation strategy. Upon receipt of the outstanding supporting documentation, the applications were deemed complete on June 11, 2020.

In addition to the submission of the development application, there were three resubmissions (October 28, 2021, June 29, 2022, and December 7, 2023) for review.

Throughout the reviews of the circulations, staff have determined that natural heritage, transportation, and engineering comments continue to be unresolved and communicated the deficiencies to the applicant. The applicants were advised again of staff's concerns with the most recent resubmission, received December 7, 2023, through comments provided on February 8, 2024, and April 18, 2024.

The appeal of the Urban Hamilton Official Plan Amendment and Zoning By-law Amendment applications, filed by Jennifer Meader from TMA Law, counsel for 210 Calvin Street GP Inc., identified as the owner within the appeal letter, was received by the City Clerk's Office on May 28, 2024. The appeal was received 1,447 days after the

SUBJECT: Appeal by SGL Planning and Design Inc. on Behalf of 1541189 Ontario Inc. for an Urban Hamilton Official Plan Amendment Application UHOPA-20-013 and Zoning By-law Amendment Application ZAC-20-017 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 210 Calvin Street, Hamilton (PED24128) (Ward 12) - Page 3 of 5

date the applications were deemed complete and is included as Appendix “C” attached to Report PED24128.

Urban Hamilton Official Plan Amendment Application

The subject property is identified as “Neighbourhoods” on Schedule E – Urban Structure and is designated “Open Space” and “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations in Volume 1 of the Urban Hamilton Official Plan. The property is identified as a “Core Area” and “Key Hydrologic Feature Streams” on Schedule B – Natural Heritage System in Volume 1 of the Urban Hamilton Official Plan. The property includes Site Specific Policy Area “UAN-3” in Volume 3: SPAs, Area Specific and Site Specific Policies. The site specific policy that applies to the subject lands states that an Environmental Impact Statement shall be completed to determine if there is any developable area on the subject property. 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 purpose of the Official Plan Amendment application is to modify the limits of the Core Area on the subject lands within Schedule B - Natural Heritage System of the Urban Hamilton Official Plan to allow for residential development. Should it be determined that there is developable area on the property then an additional site specific policy may be required to permit the medium density block shown on the concept plan attached as Appendix “B” to Report PED24128. The effect of the Official Plan Amendment would be to permit residential development on a condominium road.

Zoning By-law Amendment Application

The subject lands are currently zoned Deferred Development “D” Zone, as shown on Appendix “A” attached to Report PED24128. The Zoning By-law Amendment application ZAC-20-017 is proposing to change the zoning to a site specific Residential Multiple “RM6” Zone and private Open Space “O1” Zone under Town of Ancaster Zoning By-law No. 87-57.

A number of specific modifications are required to implement the proposed development, as shown on the Concept Plan in Appendix “B” attached to Report PED24128, including:

- To add a maximum number of 100 dwellings be permitted on the site;

SUBJECT: Appeal by SGL Planning and Design Inc. on Behalf of 1541189 Ontario Inc. for an Urban Hamilton Official Plan Amendment Application UHOPA-20-013 and Zoning By-law Amendment Application ZAC-20-017 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 210 Calvin Street, Hamilton (PED24128) (Ward 12) - Page 4 of 5

- To remove the following requirements:
 - The children's play area;
 - Maximum density for a multiple dwelling;
 - Minimum lot frontage and minimum lot depth for a multiple dwelling;
 - Minimum and maximum lot size for a multiple dwelling;
 - Minimum front yard setback, side yard setback and rear yard setback; and,
 - Minimum building separation and minimum planting strip requirements;
- To remove the additional permitted uses in the Private Open Space Zone and limit the permitted uses to Conservation and Open Space uses;
- To reduce the minimum number of required parking spaces to one space per unit; and,
- To increase the maximum lot coverage to 40% and maximum building height to 20 metres.

Issues identified through the circulation include:

- The proposed development does not comply with the policies of the Urban Hamilton Official Plan as follows:
 - The submitted Environmental Impact Study, Tree Management Report and Tree Preservation Plan, do not demonstrate that there are no negative impacts on the Natural Heritage System as a result of the proposed development;
 - The proposed bridge crossing Ancaster Creek appears to be within the erosion hazard limits. A preliminary design was not provided to demonstrate the impacts of the bridge on existing flooding conditions for residential properties along the creek;
 - A privately initiated environmental assessment may be required to evaluate the impact of the bridge crossing and location of the proposed infrastructure on the Natural Heritage System;
 - The storm water management strategy does not sufficiently demonstrate the impact of the development proposal on the stream and wetland located on the property and surrounding lands;
 - There is insufficient capacity within the existing sanitary pumping station to serve the proposed development and the City has not planned an upgrade to the existing pumping station;

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SUBJECT: Appeal by SGL Planning and Design Inc. on Behalf of 1541189 Ontario Inc. for an Urban Hamilton Official Plan Amendment Application UHOPA-20-013 and Zoning By-law Amendment Application ZAC-20-017 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 210 Calvin Street, Hamilton (PED24128) (Ward 12) - Page 5 of 5

- The maneuverability between the proposed access (bridge) and the entranceway to the pumping station has not been sufficiently demonstrated for the access of fire trucks, and cranes used for operation and maintenance;
- An updated Hydrogeological Report is required which shall demonstrate and confirm the underground elevations and the impact of the proposed dwellings, road and servicing requirements;
- The 5.0 metre retaining walls cannot be supported as shown on the Preliminary Grading Plans as a result of concerns with maintenance and reconstruction and possible adverse impacts to the natural heritage feature; and,
- The current right-of-way adjacent to the subject lands will need to be acquired by the applicant in order for private ownership of the proposed bridge due to the maintenance of the structure.

Public Consultation

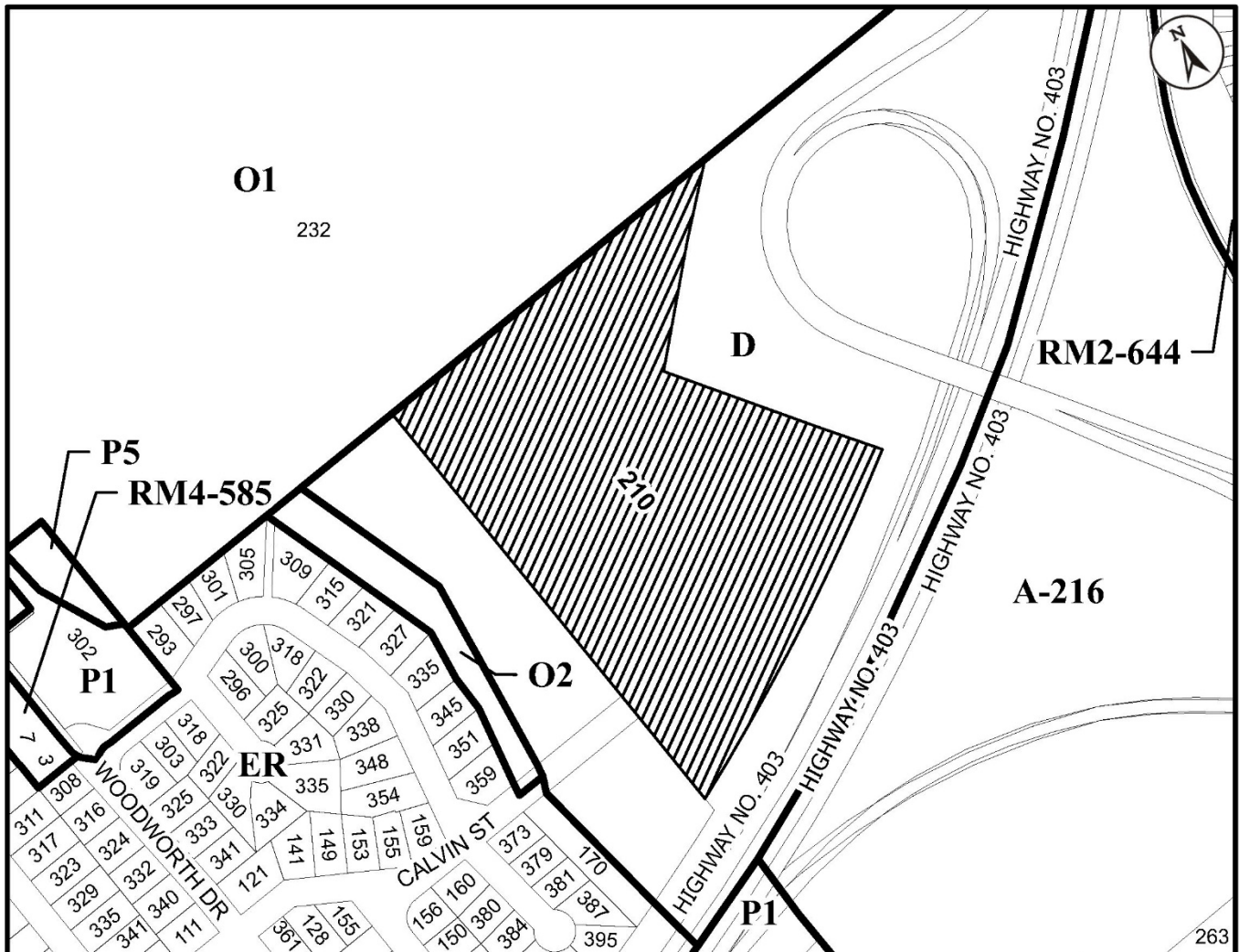
In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation for the applications were sent to 19 property owners within 120 metres of the subject lands on June 26, 2020. No additional public consultation was conducted by the applicant.

To date, staff have received 153 written submissions from the public. Concerns identified include increased traffic, negative impacts to the environmental area, compatibility with the surrounding neighbourhood, insufficient infrastructure to support the proposal, neighbourhood safety, reduced access to walking trails, concern that the road extension / bridge would facilitate additional development and nuisance during construction relating to, but not limited to, dust and noise.

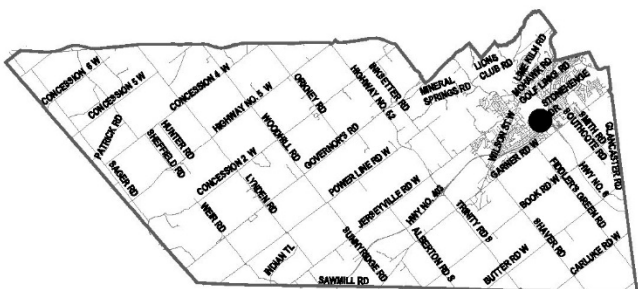
APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED24128 – Location Map
 Appendix "B" to Report PED24128 – Concept Plans and Building Elevations
 Appendix "C" to Report PED24128 – Letter of Appeal

AB/sd



● Site Location



Key Map - Ward 12

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-20-017 & UHOPA-20-013

Date:
May 27, 2020

Appendix "A"

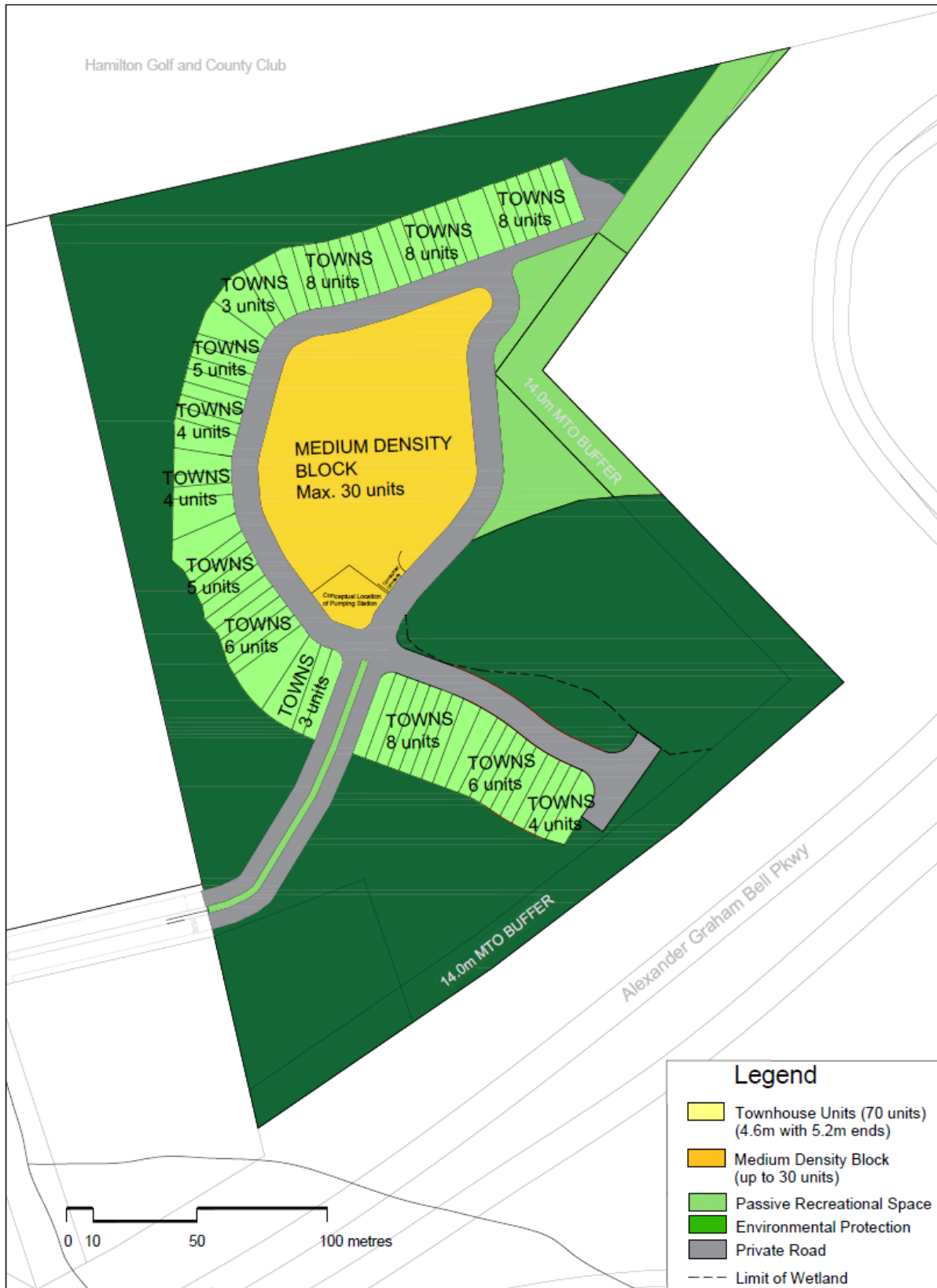
Scale:
N.T.S

Planner/Technician:
JV/VS

Subject Property

210 Calvin Street, Ancaster

Lands Zoned Deferred Development "D" Zone



Concept Plan

210 Calvin Street, Ancaster, Ontario
September 2023



Jennifer Meader
TMA Law
25 Main Street West, Suite 2010
Hamilton Ontario Canada L8P 1H1
Office: 905.529.3476 x2740
Cell: 416.605.0508
jmeader@tmalaw.ca

VIA EMAIL & HAND DELIVERY

May 28, 2024

City of Hamilton
Hamilton City Hall
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Attention: Janet Pilon, City Clerk, clerk@hamilton.ca

Dear Ms. Pilon:

Re: NOTICE OF APPEAL
210 Calvin Street, Hamilton
Failure to Make a Decision to Amend Official Plan
Failure to Make a Decision to Amend Zoning By-law

We represent 210 Calvin Street GP Inc. ("**Client**"), owner of 210 Calvin Street, located in Ancaster, in the City of Hamilton ("**Subject Lands**").

On February 18, 2020, applications for an Official Plan Amendment ("**OPA**") and a Zoning By-law Amendment ("**ZBA**"; collectively, "**Applications**") were submitted to the City of Hamilton ("**City**") in respect of the Subject Lands on behalf of the previous owner, Mr. Ron Ticchiarelli. Subsequently on February 24, 2021, our Client acquired the Subject Lands and took carriage of the Applications.

Schedule B to the Urban Hamilton Official Plan ("**UHOP**"), Natural Heritage Features, identifies the Subject Lands as being within a Core Area. As such, an amendment to the UHOP is required to revise the limits of the Core Area on the Subject Lands. The Subject Lands are zoned Deferred Development "D" Zone in Ancaster Zoning By-law No. 87-57. The ZBA sought by our Client would rezone the developable portion of the Subject Lands to permit the residential uses permitted in

JENNIFER J MEADER, PROFESSIONAL CORPORATION
TMA LAW

**Appendix “C” to Report PED24128
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the RM4, RM5 and RM6 zones, including block townhouse dwellings, triplex dwellings, multi-plex dwellings, apartment buildings and multiple residential housing for senior citizens.

Following submission of the original Applications, extensive comments were received from City staff and commenting agencies.

On October 8, 2021, our Client provided a resubmission of materials in response to the comments received regarding the first submission.

Our client then received further comments from the City’s Development Engineering Department and provided a partial resubmission of materials in response to those comments on June 21, 2022.

Following the partial resubmission in June 2022, our Client again received further comments from City staff and submitted additional and updated materials in response to those comments on December 7, 2023.

Given that more than 120 days has passed since the Applications were submitted, and the City has failed to make a decision, we hereby appeal the Applications to the Ontario Land Tribunal, pursuant to Subsections 22(7) and 34(11) of the *Planning Act*, R.S.O., c. P.13.

THE SUBJECT LANDS

The Subject Lands are located in Ancaster, within the City of Hamilton. As shown in **Figure 1**, the property is bound by the Highway 403 and Highway 6 interchange to the east, Highway 403 to the south, a stream and an existing residential neighbourhood to the west, and the Hamilton Golf & Country Club to the north.

Access to the Subject Lands is planned to be provided off of Calvin Street from the west, which currently terminates before the property boundary begins.



Figure 1. 210 Calvin Street Location Map

DEVELOPMENT PROPOSAL

In keeping with the surrounding neighbourhood character, the Subject Lands are proposed to be developed for residential purposes, housing no more than 100 residential units. This is in keeping with the Subject Lands' "Neighbourhoods" designation in the UHOP.

An extension of Calvin Street from the west is required to introduce pedestrian and automobile access to the Subject Lands. This will involve the construction of a bridge over a stream that runs north-south, located west of the Subject Lands boundary.

The bridge and street are proposed to be constructed to minimize impacts to existing trees and vegetation to the greatest extent possible, while also providing for a right-of-way that can adequately and appropriately accommodate emergency vehicles. The street is proposed to curve northward into the developable portion of the Subject Lands, where there will be a private "loop" road to provide access to the residential units. The detailed layout and design of the development will be determined at a later stage of development, once the zoning for the Subject Lands is in place. The proposed development is intended to be guided by the urban design principles outlined in the City's Urban Design Guidelines.

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TMA LAW

Appendix "C" to Report PED24128
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BASIS FOR APPEAL

The reasons for appealing the Applications include but are not limited to the following, as further described in the Planning Justification Report prepared by SGL Planning & Design Inc. ("**SGL**"), dated April 2020, which is attached to this Notice of Appeal:

1. The Applications have appropriate regard to matters of provincial interest set out in Section 2 of the *Planning Act*;
2. The Applications are consistent with the Provincial Policy Statement, 2020;
3. The Applications conform to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
4. The Applications meet the intent and purpose of the UHOP; and
5. The Applications represent good planning and are in the public interest.

FORM AND FEE

In satisfaction of the OLT's processing requirements, enclosed please find:

1. The required OLT Appeal Form A1 for the OPA and ZBA; and
2. A copy of SGL's Planning Justification Report dated April 2020.

The filing fee in respect of this appeal is \$2,200.00 and we kindly request that you contact the undersigned to process the payment via credit card.

Should you have any questions or require any additional information, please do not hesitate to contact the undersigned. Otherwise, we thank you for your receipt of this appeal package.

Yours truly,



Jennifer Meader
JM/mb

JENNIFER J MEADER, PROFESSIONAL CORPORATION
TMA LAW

**Appendix “C” to Report PED24128
Page 5 of 16**



Ontario Land Tribunal

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

Appeal Form (A1)

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

You may be able to submit your appeal online using our new e-file service if:

- the approval authority you are submitting your appeal to is registered on e-file; or
- you are appealing directly to the Ontario Land Tribunal

Please visit our [e-file page](#) to learn more.

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

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

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

Section 1 – Contact Information (Mandatory)

Applicant/Appellant/Objector/Claimant Information			
Last Name:		First Name:	
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):			
210 Calvin Street GP Inc.			
Email Address:			
Daytime Telephone Number:		Alternative Telephone Number:	
	ext.		

Appendix "C" to Report PED24128
Page 6 of 16

Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:
City/Town:	Province:	Country:	Postal Code:

Appendix "C" to Report PED24128
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Representative Information				
<input checked="" type="checkbox"/> I hereby authorize the named company and/or individual(s) to represent me				
Last Name:		First Name:		
Meader		Jennifer		
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):				
TMA Law				
Email Address:				
jmeader@tmalaw.ca				
Daytime Telephone Number:			Alternative Telephone Number:	
905.529.3476	ext.	2740	416.605.0508	
Mailing Address				
Unit Number:	Street Number:	Street Name:		P.O. Box:
2010	25	Main Street West		
City/Town:	Province:	Country:	Postal Code:	
Hamilton	ON	Canada	L8P 1H1	
<p>Note: If your representative is not licensed under the <i>Law Society Act</i>, please confirm that they have your written authorization, as required by the <i>OLT Rules of Practice and Procedure</i>, to act on your behalf and that they are also exempt under the Law Society's by-laws to provide legal services. Please confirm this by checking the box below.</p>				
<p><input type="checkbox"/> I certify that I understand that my representative is not licensed under the <i>Law Society Act</i> and I have provided my written authorization to my representative to act on my behalf with respect to this matter. I understand that my representative may be asked to produce this authorization at any time along with confirmation of their exemption under the Law Society's by-laws to provide legal services.</p>				

Location Information	
Are you the current owner of the subject property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Address and/or Legal Description of property subject to the appeal:	
210 Calvin Street	
Municipality:	
Hamilton	
Upper Tier (Example: county, district, region):	

Language Requirements

**Appendix “C” to Report PED24128
Page 8 of 16**

Do you require services in French?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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To file an appeal, please complete the section below. Complete one line for each appeal type			
Subject of Appeal		Type of Appeal (Act/Legislation Name)	Reference (Section Number)
Example	Minor Variance	<i>Planning Act</i>	45(12)
1	Official Plan Amendment	<i>Planning Act</i>	22(7)
2	Zoning By-law Amendment	<i>Planning Act</i>	34(11)
3			
4			
5			

Section 2 – Appeal Type (Mandatory)

Please select the applicable type of matter		
Select	Legislation associated with your matter	Complete Only the Section(s) Below
<input checked="" type="checkbox"/>	Appeal of <i>Planning Act</i> matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances	3A
<input type="checkbox"/>	Appeal of <i>Development Charges Act, Education Act, Aggregate Resources Act, Municipal Act</i> matters	3A
<input type="checkbox"/>	Appeal of or objection to <i>Ontario Heritage Act</i> matters under subsections 29, 30.1, 31, 32, 33, 40.1 and 41	3A
<input type="checkbox"/>	Appeal of <i>Planning Act</i> (subsections 33(4), 33(10), 33(15), 36(3)), <i>Municipal Act</i> (subsection 223(4)), <i>City of Toronto Act</i> (subsection 129(4)) and <i>Ontario Heritage Act</i> (subsections 34.1(1), 42(6)) matters	3A & 3B
<input type="checkbox"/>	Appeal of <i>Clean Water Act, Environmental Protection Act, Nutrient Management Act, Ontario Water Resources Act, Pesticides Act, Resource Recovery and Circular Economy Act, Safe Drinking Water Act, Toxics Reduction Act, and Waste Diversion Transition Act</i> matters	4A
<input type="checkbox"/>	Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i>	4B
<input type="checkbox"/>	Appeal under the <i>Niagara Escarpment Planning and Development Act (NEPDA)</i>	5
<input type="checkbox"/>	Appeal of <i>Conservation Authorities Act, Mining Act, Lakes and Rivers Improvement Act, Assessment Act, and Oil, Gas and Salt Resources Act</i> matters	6

**Appendix "C" to Report PED24128
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<input type="checkbox"/>	Legislation not listed above	Contact OLT before filing your appeal
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Section 3A – Planning Matters

Appeal Reasons and Specific Information

Number of new residential units proposed:

No more than 100 residential units

Municipal Reference Number(s):

UHOPA-20-013 & ZAC-20-017

List the reasons for your appeal:

Please see Appeal Letter attached.

Has a public meeting been held by the municipality? Yes No

For appeals of Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, please indicate if you will rely on one or more of the following grounds:

A: A decision of a Council or Approval Authority is:

- Inconsistent with the Provincial Policy Statement issued under subsection 3(1) of the *Planning Act*
- Fails to conform with or conflicts with a provincial plan
- Fails to conform with an applicable Official Plan

And

B: For a non-decision or decision to refuse by council:

- Consistency with the provincial policy statement, issued under subsection 3(1) of the *Planning Act*
- Conformity with a provincial plan
- Conformity with the upper-tier municipality's Official Plan or an applicable Official Plan

If it is your intention to argue one or more of the above grounds, please explain your reasons:

**Appendix “C” to Report PED24128
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Oral/Written Submissions to Council
Did you make your opinions regarding this matter known to council?
<input type="checkbox"/> Oral submissions at a public meeting of council
<input type="checkbox"/> Written submissions to council
<input checked="" type="checkbox"/> Not applicable

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

Section 3B – Other Planning Matters

Appeal Specific Information (Continued)
Date application submitted to municipality if known (yyyy/mm/dd):
Date municipality deemed the application complete if known (yyyy/mm/dd):
Please briefly explain the proposal and describe the lands under appeal:
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 3B Checklist(s) located here and submit all documents listed.

**Appendix “C” to Report PED24128
Page 11 of 16**

Section 4A – Appeals under Environmental Legislation

Appeal Specific Information

Outline the grounds for the appeal and the relief requested:

Reference Number of the decision under appeal:

Portions of the decision in dispute:

Date of receipt of Decision or Director’s Order (yyyy/mm/dd):

Applying for Stay? Yes No

If Yes, outline the reasons for requesting a stay:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4A Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 4B – Environmental Application for Leave to Appeal

Are you filing an Application for Leave to Appeal under the *Environmental Bill of Rights, 1993*? Yes No

Identify the portions of the instrument you are seeking to appeal:

**Appendix “C” to Report PED24128
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Identify the grounds you are relying on for leave to appeal. Your grounds should include reasons why there is good reason to believe that no reasonable person, having regard to the relevant law and to any government policies developed to guide decisions of that kind could have made the decision; and why the decision could result in significant harm to the environment:
Outline the relief requested:
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 4B Checklist(s) located here and submit all documents listed on the checklist.

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

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

**Appendix "C" to Report PED24128
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Section 6 – Mining Claim and Conservation Matters

Appeal Specific Information
List the subject Mining Claim Number(s) (for unpatented mining claims) and accompanying Townships, Areas and Mining Division(s) where mining claims are situated. List all "Filed Only" Mining Claims, if appropriate: (This is to be completed for <i>Mining Act</i> appeals only.)
List the Parcel and the Property Identifier Numbers (PIN), if rents or taxes apply to mining lands, if appropriate (mining claims only):
Provide the date of the Decision of the Conservation Authority or the Provincial Mining Recorder, as appropriate:
Provide a brief outline of the reasons for your application/appeal/review. If other lands/owners are affected, please include that information in the outline being provided below:

Respondent Information			
Conservation Authority:			
Contact Person:			
Email Address:			
Daytime Telephone Number:	Alternative Telephone Number:		
	ext.		
Mailing Address or statement of last known address/general area they were living and name of local newspaper if address is not available			
Unit Number:	Street Number:	Street Name:	P.O. Box:

**Appendix "C" to Report PED24128
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City/Town:	Province:	Country:	Postal Code:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 6 Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 7 – Filing Fee

Required Fee

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

Total Fee Submitted: **\$2,200**

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

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

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


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

Section 8 – Declaration (Mandatory)

Declaration

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

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

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Jennifer Meader		2024/05/28

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

**Appendix “C” to Report PED24128
Page 15 of 16**

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

Section 9 – Filing Checklists (Mandatory)

Filing/Submitting your form and documentation

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

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

If the completed Section is:	You must file with the following:	
Section 3A	Municipality or the Approval Authority/School Board *If you are filing under the <i>Ontario Heritage Act</i> , including under s. 34.1(1) , please carefully review the specific section of that legislation to determine if your appeal needs to be filed with the Tribunal in addition to the Municipality or Approval Authority.	
Section 3A & 3B or Section 4A or Section 4B or Section 6	Ontario Land Tribunal 655 Bay Street, Suite 1500 Toronto, ON M5G 1E5	Phone: 416-212-6349 1-866-448-2248 Website: www.olt.gov.on.ca
Section 5	<p>For the Areas of:</p> <p>Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara City of Hamilton</p> <p>File with:</p> <p>NIAGARA ESCARPMENT COMMISSION</p>	<p>For the Areas of:</p> <p>Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon)</p> <p>File with:</p> <p>NIAGARA ESCARPMENT COMMISSION 1450 7th Avenue</p>

**Appendix "C" to Report PED24128
Page 16 of 16**

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

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



Hamilton

INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 13, 2024
SUBJECT/REPORT NO:	Appeal by Aird & Berlis LLP on behalf of Fengate Homestead Holdings Inc. LP of Urban Hamilton Official Plan Amendment Application UHOPA-22-008, Zoning By-law Amendment Application ZAC-22-017, and Draft Plan of Subdivision Application 25T-202202 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 3054 Homestead Drive and 9174 and 9166 Airport Road West, Glanbrook (PED24062) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	James Van Rooi (905) 546-2424 Ext. 4283
SUBMITTED BY:	Anita Fabac Acting Director of Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

In accordance with Subsections 22(7), 34(11) and 51(34) of the *Planning Act*, an Official Plan Amendment, Zoning By-law Amendment, and a Plan of Subdivision application may be appealed to the Ontario Land Tribunal after 120 days by the owner if Council has not made a decision on the applications.

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

The following information is provided for Planning Committee's information with regards to Urban Hamilton Official Plan Amendment application UHOPA-22-008, Zoning By-law

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SUBJECT: Appeal by Aird & Berlis LLP on behalf of Fengate Homestead Holdings Inc. LP of Urban Hamilton Official Plan Amendment Application UHOPA-22-008, Zoning By-law Amendment Application ZAC-22-017, and Draft Plan of Subdivision Application 25T-202202 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 3054 Homestead Drive and 9174 and 9166 Airport Road West, Glanbrook (PED24062) (Ward 11) - Page 2 of 6

Amendment application ZAC-22-017 and Draft Plan of Subdivision application 25T-202202, which have been appealed for non-decision. The appeal was received by Aird and Berlis LLP on behalf of Fengate Homestead Holdings Inc. LP on April 22, 2024.

INFORMATION

The subject property is municipally known as 3054 Homestead Drive and 9174 and 9166 Airport Road West (refer to Appendix "A" attached to Report PED24062). The subject property is approximately 31.38 hectares in area and is generally located on the west side Homestead Drive and on the north side of Airport Road West. The subject lands also abut East Cargo Road which is a private road owned and maintained by the Hamilton International Airport.

The Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications were submitted by Urban Solutions Planning and Land Development Consultants Inc. c/o Matt Johnston on behalf of Fengate Homestead Holdings Inc. LP on January 27, 2022, and deemed complete on February 10, 2022. The original proposal was for five industrial buildings with a total gross floor area of 141,600 square metres of employment use with a new street proposed off East Cargo Road.

The applicants submitted revised Urban Hamilton Official Plan Amendment (UHOPA-22-008), Zoning By-law Amendment (ZAC-22-017) and Draft Plan of Subdivision (25T-202202) applications on March 3, 2023, for four industrial buildings with a total gross floor area of 131,626 square metres and a new street proposed off Airport Road West. The amended applications also added the lands located at 9174 and 9166 Airport Road West.

A third submission was received on September 18, 2023, which reduced the four industrial buildings to a total gross floor area of 129,551 square metres and widened a swale on the north side of the subject lands.

The appeal of the Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications, filed by Aird & Berlis LLP c/o Matthew Helfand, counsel for Fengate Homestead Holdings Inc. LP, was received by the City Clerk's Office on April 22, 2024, 817 days after the receipt of the initial applications and 218 days after the September 18, 2023, submission (refer to Appendix "D" attached to Report PED24062).

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SUBJECT: Appeal by Aird & Berlis LLP on behalf of Fengate Homestead Holdings Inc. LP of Urban Hamilton Official Plan Amendment Application UHOPA-22-008, Zoning By-law Amendment Application ZAC-22-017, and Draft Plan of Subdivision Application 25T-202202 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 3054 Homestead Drive and 9174 and 9166 Airport Road West, Glanbrook (PED24062) (Ward 11) - Page 3 of 6

Proposed Development

In the most recent submission received September 18, 2023, the applicant proposed four industrial buildings with a total gross floor area of 129,551 square metres, a new public street, a 1.11 hectare natural heritage compensation area, 911 parking spaces, 30 trailer parking spaces, and 243 loading spaces.

Urban Hamilton Official Plan Amendment Application

The majority of the subject property is identified as “Employment Area” and the eastern portion along Homestead Drive and the southern portion along Airport Road West are identified as “Neighbourhoods” on Schedule E – Urban Structure. The application is to change the identification of the lands identified as “Neighbourhoods” to “Employment Area” on Schedule E – Urban Structure. Similarly, the majority of the subject lands are designated “Airport Employment Growth District” and “District Commercial” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan. The application is to redesignate the subject lands from the “District Commercial” designation to the “Airport Employment Growth District” designation on Schedule E-1 Urban Land Use Designations.

The majority of the subject lands are located within the Airport Employment Growth District Secondary Plan and are designated “Airport Reserve” on Map B.8-1 Land Use Plan. The application is to redesignate these lands to “Airside Industrial”.

A portion of the subject lands are located within the Mount Hope Secondary Plan and are designated “District Commercial” on Map B.5.4-1 Land Use Plan. The application is to remove these lands from the Mount Hope Secondary Plan and add them to the Airport Employment Growth District Secondary Plan as an “Airside Industrial” designation on Map B.8-1 Land Use Plan. The lands will also be added to the Airport Employment Growth District Secondary Plan Maps B.8-2 (Natural Heritage System), B.8-3 (Road Classification Map), B.8-4 (Phasing Plan) and Appendix “A” (Transit Routes and Trails Map). Further, an amendment to Appendix A – Secondary Plan Index Map would be required.

Zoning By-law Amendment Application

The subject lands are currently zoned Airport Reserve (M9, H37) Zone and District Commercial (C6, 580) Zone in Zoning By-law No. 05-200, as shown in Appendix “A”

SUBJECT: Appeal by Aird & Berlis LLP on behalf of Fengate Homestead Holdings Inc. LP of Urban Hamilton Official Plan Amendment Application UHOPA-22-008, Zoning By-law Amendment Application ZAC-22-017, and Draft Plan of Subdivision Application 25T-202202 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 3054 Homestead Drive and 9174 and 9166 Airport Road West, Glanbrook (PED24062) (Ward 11) - Page 4 of 6

attached to Report PED24062. The proposal is to change the zoning to a modified Airside Industrial (M7) Zone and to a Conservation/Hazard Lands (P5) Zone in Hamilton Zoning By-law No. 05-200.

Site specific modifications are required to implement the proposed development, as shown on the Concept Plan in Appendix “B” attached to Report PED24062, including:

- To add permitted uses being aquaponics, building and lumber supply establishment, building or contracting supply establishment, educational establishment, equipment and machinery sales, rental, greenhouse, laboratory, repair service, surveying, engineering, planning or design business, trade school, and tradespersons shop; and,
- To permit loading facilities and parking within the front yard.

Draft Plan of Subdivision Application

The proposed Draft Plan of Subdivision is for eight blocks, with three blocks for industrial uses (Blocks 1, 2, and 3), two temporary cul-de-sac blocks (Blocks 4 and 5), 0.3 m reserve blocks (Blocks 6 and 7) a natural heritage offsetting compensation block (Block 8), and a public road (Street ‘A’) as shown on attached Appendix “C” to Report PED24062.

Issues/concerns identified through the circulation include:

- The revised proposal does not comply with policy B.3.4.4 of the Urban Hamilton Official Plan which requires the protection, conservation, or mitigation of sites of archaeological value. Stage 1 & 2 Archaeological Assessments have not received a concurrence letter from the Ministry of Citizenship and Multiculturalism. Furthermore, a Stage 3 Archaeological Assessment is required to be completed, which could result in Stage 4 mitigation of development impacts, if required.
- The revised proposal does not comply with policies C.2.2.2, C.2.3.1, C.2.3.3, and C.2.11.1 of the Urban Hamilton Official Plan. Based on the field inventories completed by GEI, unevaluated wetlands and watercourses were identified within the subject properties. There is concern that the addition of these features has not been taken into consideration. To facilitate the proposed development,

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wetland communities and watercourses are proposed to be removed and re-created on site. The City does not have policies in place for the re-creation of wetlands. The Tree Protection Plan indicates that 444 trees have been inventoried, and of these trees 355 are proposed to be removed. The Tree Protection Plan has not been approved.

- The revised proposal does not meet the intent of the Airport Employment Growth District Secondary Plan's design with nature approach.
- The revised proposal does not comply with policies C.5.3.6 and C.5.3.17 of the Urban Hamilton Official Plan as the proposal could cause sanitary capacity issues downstream due to heavy processed water usage.
- The revised proposal does not comply with policy C.4.5.11 of the Urban Hamilton Official Plan as there are concerns with the Street A connection to Airport Road West and the amount of traffic that will be generated. It is noted that East Cargo Road is a private road located on airport lands.
- The revised proposal does not meet the intent of policy E.2.2.5 of the Urban Hamilton Official Plan as it results in a change to the City's Urban Structure. The proposal considers reclassifying a portion of the lands from "Neighbourhoods" to "Employment Areas" without a Municipal Comprehensive Review.

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 84 property owners within 120 metres of the subject lands on February 25, 2022. A second circulation, as a result of the amended applications, was sent to 96 property owners on March 28, 2023.

Pursuant to the City's Public Consultation Strategy Guidelines, the applicant submitted a Public Consultation Strategy. The strategy relied on the *Planning Act* notification requirements and provided supplementary information such as the project lead's contact information and a microsite for review of studies and reports submitted for review. The applicant has not undertaken additional Public Consultation for the revised submissions received on March 3, 2023, and September 18, 2023.

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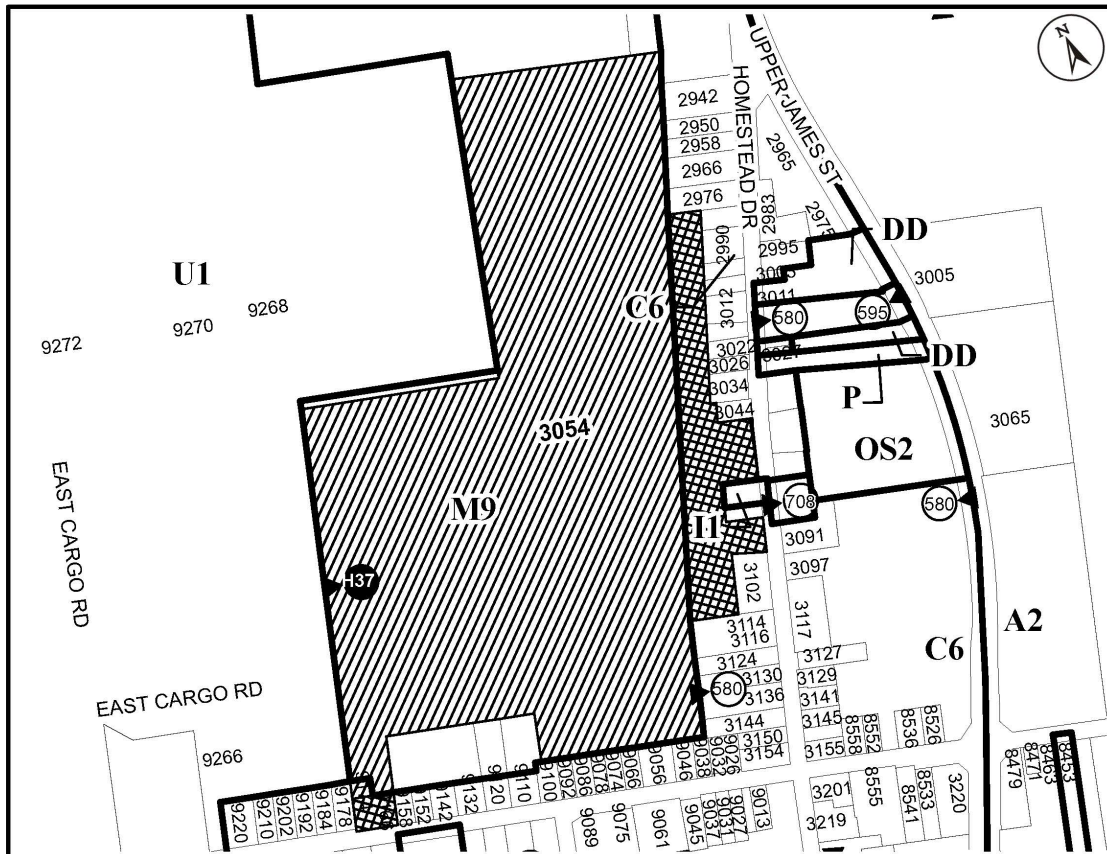
To date staff have received four written submissions from the public since the initial proposal. Concerns identified include noise, parking layout and landscaping design, and truck routing.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED24062 – Location Map
Appendix "B" to Report PED24062 – Concept Plan
Appendix "C" to Report PED24062 – Draft Plan of Subdivision
Appendix "D" to Report PED24062 – Letter of Appeal

JVR:sd

Appendix "A" to Report PED24062
Page 1 of 1



● Site Location

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-22-017 / UHOPA-22-008 /
25T-202202

Date:
March 21, 2023


Appendix "A"


Scale:
N.T.S

Planner/Technician:
TV/AL

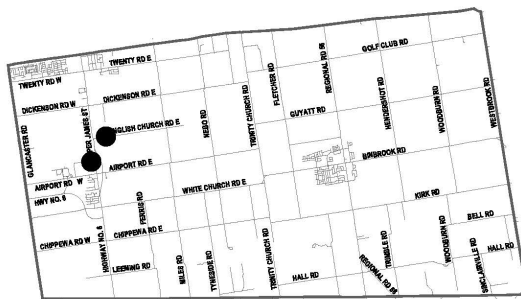
Subject Property

3054 Homestead Drive

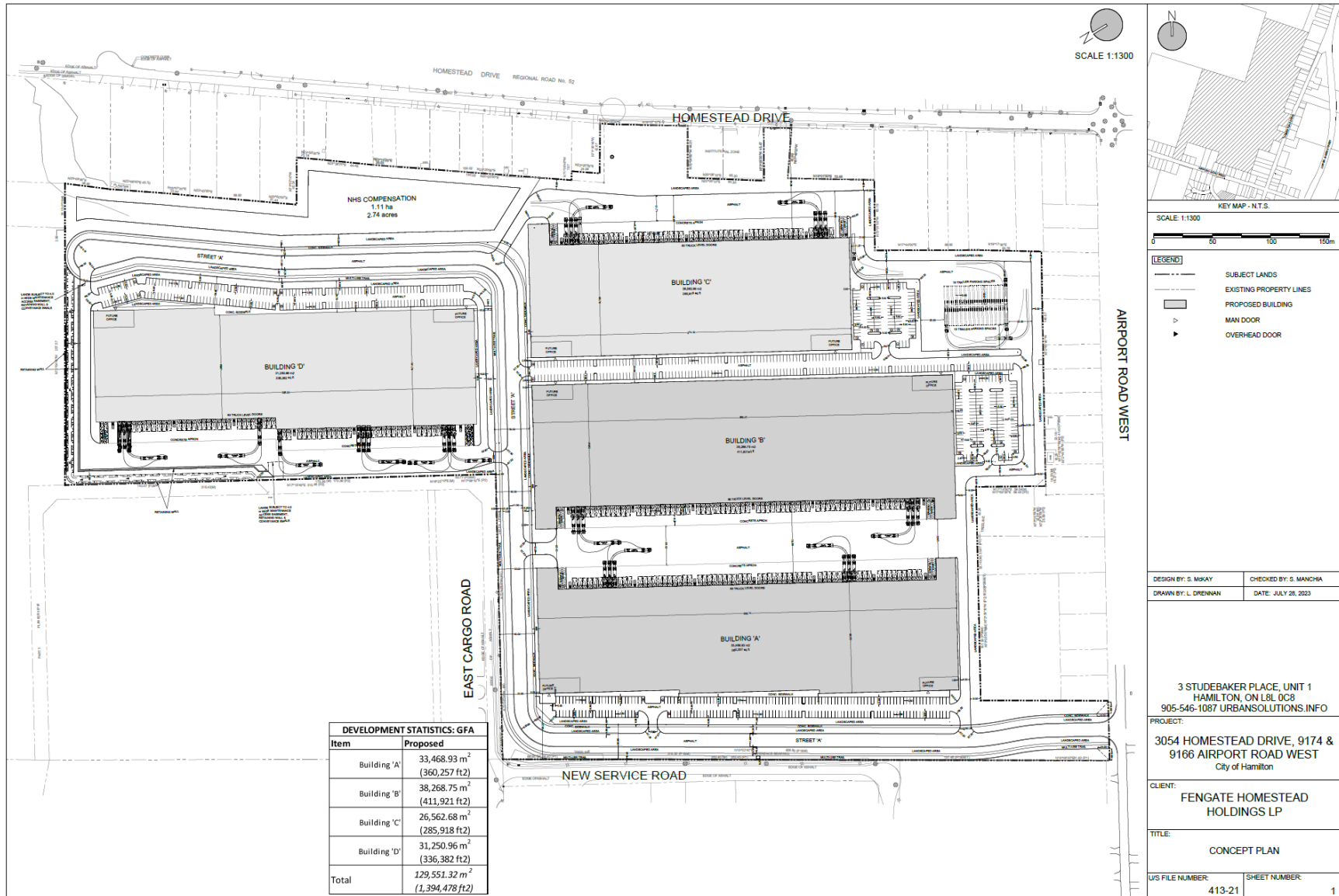
 Block 1 - Change in Zoning from Airport Reserve (M9, H37) Zone to a modified Airport Light Industrial (M10) Zone

 Block 2 - Change in Zoning from District Commercial (C6, 580) Zone to a modified Airport Light Industrial (M10) Zone

Key Map - Ward 11



Appendix "B" to Report PED24062



KEY MAP - N.T.S.
SCALE 1:1300
0 50 100 150m

LEGEND

- SUBJECT LANDS
- - - EXISTING PROPERTY LINES
- ▭ PROPOSED BUILDING
- ▷ MAN DOOR
- ▶ OVERHEAD DOOR

DESIGN BY: S. MIKAY CHECKED BY: S. MANCHA
DRAWN BY: L. DRENNAN DATE: JULY 28, 2023

3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ON L8L 0C8
905-546-1087 URBANSOLUTIONS.INFO

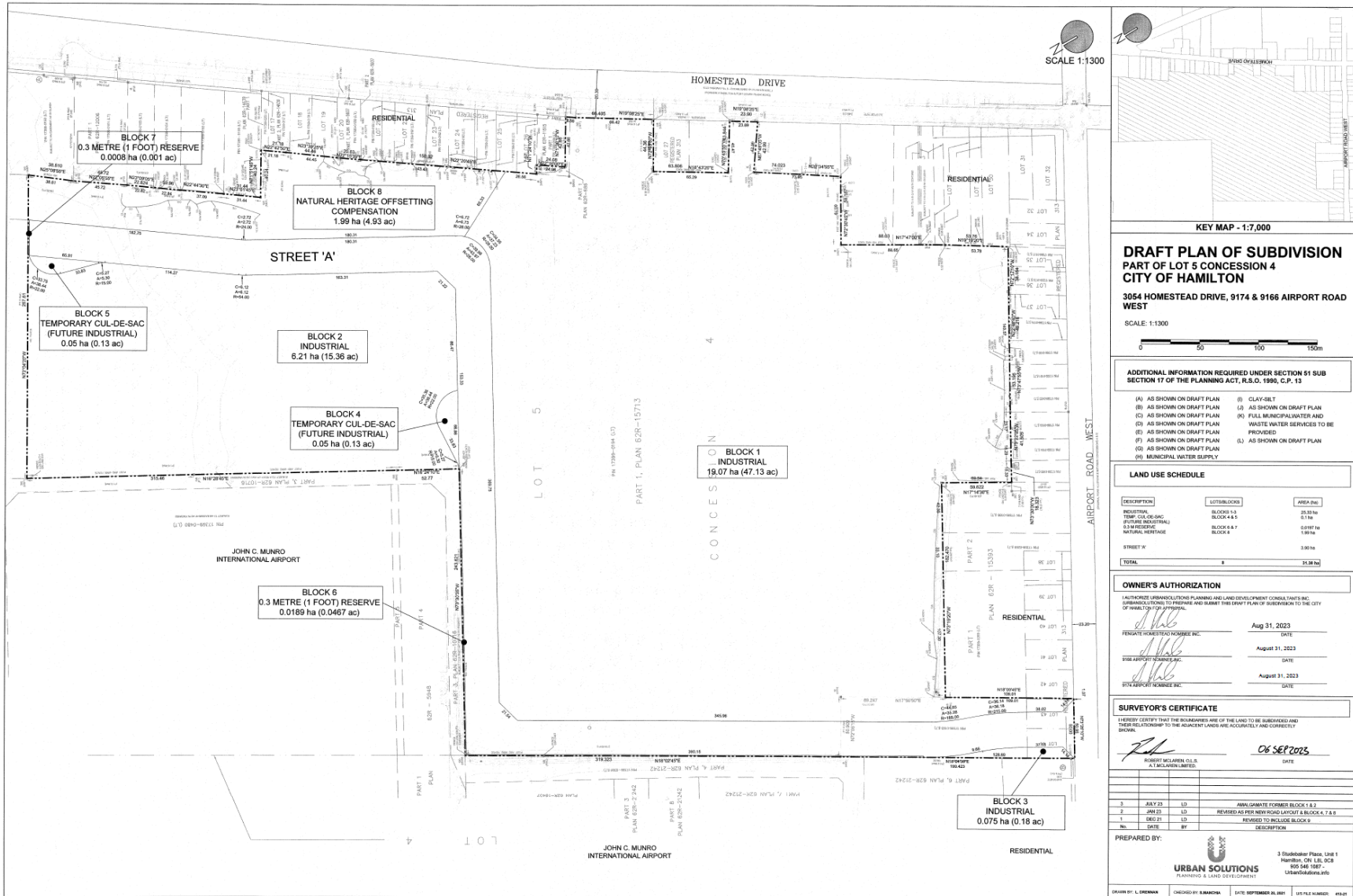
PROJECT:
3054 HOMESTEAD DRIVE, 9174 &
9166 AIRPORT ROAD WEST
City of Hamilton

CLIENT:
FENGATE HOMESTEAD
HOLDINGS LP

TITLE:
CONCEPT PLAN

US FILE NUMBER: 413-21 SHEET NUMBER: 1

Appendix "C" to Report PED24062



AIRD BERLIS

Matthew Helfand
Direct: 416.865.4624
E-mail: mhelfand@airdberlis.com

April 19, 2024

By Courier and Email: clerk@hamilton.ca

Janet Pilon
Acting Clerk
City of Hamilton
71 Main Street West
Hamilton, ON
L8P 4Y5

Dear Ms. Pilon:

**Re: 3054 Homestead Drive, 9174 & 9166 Airport Road, Hamilton
Draft Plan of Subdivision, Official Plan & Zoning By-law Amendment Applications
25T-202202, UHOPA-22-008 & ZAC-22-017**

Aird & Berlis LLP are lawyers for Fengate Homestead Holdings Inc. LP (the "**Applicant**"), the owner of lands located at 3054 Homestead Drive, and 9174 & 9166 Airport Road in the City of Hamilton (the "**Site**").

Please accept this letter as our client's Notice of Appeal pursuant to sections 22(7), 34(11) and 51(34) of the *Planning Act*.

The Site

The Site consists of three lots of record, with municipal addresses 3045 Homestead Drive, 9174 & 9166 Airport Road in the City of Hamilton. It is located beside the John C. Munro Hamilton International Airport to the west, agricultural fields to the north, several residential properties to the east and south.

The Site is approximately 31.38 hectares (77.55 acres) in size. It is occupied by a mix of actively managed agricultural fields, fallow fields and vacant residential land. The Site is irregularly shaped and has frontage along East Cargo Drive to the west, Homestead Drive to the east, and the properties at 9174 & 9166 Airport Road have frontage on Airport Road to the south.

The Site is generally flat. A wetland of 1.11 hectares in size is located on the Site, generally near the eastern property line, and is proposed to be relocated as part of the proposed development.

Proposed Development and Required Approvals.

On December 24, 2021 our client filed applications with the City for Draft Plan of Subdivision approval, and Official Plan and Zoning By-law Amendments to facilitate the development of the Site with a 5-building industrial subdivision with access via a new public road.

April 19, 2024
Page 2

The Site is designated as "Employment Areas" and "Neighbourhoods" in Schedule E to the City of Hamilton's Urban Hamilton Official Plan ("UHOP"), and as "Airport Employment Growth District" and "District Commercial" under UHOP Schedule E.1.

The majority of the Site is located within the Airport Growth District Secondary Plan Area and is designated "Airport Reserve". The eastern-most portion of the Site is subject to the Mount Hope Secondary Plan, and is designated as "District Commercial" thereunder. The Official Plan Amendment is required to add the eastern-most portion of the Site to the Airport Employment Growth District Secondary Plan, remove that portion from the Mount Hope Secondary Plan, and then re-designate the entire Site to the "Airport Light Industrial" designation.

The Site is subject to City of Hamilton Zoning By-law No. 05-200, and is located within the District Commercial (C6-580) and Airport Reserve (M9) Zones. The Zoning By-law Amendment is required to rezone the lands to the Airport Light Industrial Zone and introduce site specific regulations to permit the development.

The implementing Draft Plan of Subdivision is required to create the development blocks, the public road, and the proposed natural heritage block.

The Policy Framework

The development proposed for the Site represents an optimal intensification opportunity for new employment uses on an underused parcel of land on a well located property consistent with the direction and policies of the Provincial Policy Statement, 2020.

The development proposal similarly conforms to the policy direction of the Growth Plan for the Greater Golden Horseshoe, 2020. The proposed redevelopment of the Site achieves the Growth Plan's objectives by supporting efficient land use, and by creating new employment and economic development opportunities.

The proposed development conforms with the urban design policies of the UHOP, and will implement the general intent of the Airport Employment Growth District Secondary Plan, which directs that development within this area should foster new industrial and economic opportunities. The proposed development will be compatible with surrounding land uses, including the agricultural and residential uses, which has been demonstrated through the extensive studies and reports accompanying the planning applications. The proposed development will also ensure that the natural heritage features present on the site are protected in the long term, through an appropriate compensation and mitigation plan for the on-Site wetland.

Notice of Appeal

A total of 3 formal resubmissions of materials, and revisions to the development concept, which been filed by on behalf of our client in response to City and Agency comments. While our client and its team have worked to satisfy staff comments through such revisions and revisions, there are still remaining issues. Accordingly, there does not appear to be a reasonable prospect of the applications advancing to Council for approval within an appropriate timeframe, and this appeal is necessary.

April 19, 2024
Page 3

Notwithstanding this appeal, our client remains committed to working with municipal staff to seek to collaboratively resolve the above issues if possible.

Enclosed with this letter is the completed Tribunal A1 form and three cheques in the amount of \$1,100.00 each representing the filing fees.

Should you have any questions regarding this matter or require any further information, please do not hesitate to contact me or Patrick Harrington (pharrington@airdberlis.com).

Yours truly,

AIRD & BERLIS LLP



Matthew Helfand
MH:tp

Enclosures

56759200.1



Ontario Land Tribunal

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

Appeal Form (A1)

<p>Municipal/Approval Authority Date Stamp</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;"> <p>OFFICE OF THE CITY CLERK</p> <p style="font-size: 1.2em;">APR 22 2024</p> <p>REF'D TO:</p> </div>	<p>Receipt Number (OLT Office Use Only)</p>	<p>Date Stamp – Appeal Received by OLT</p>
<p>OLT Case Number (OLT Office Use Only)</p>		

You may be able to submit your appeal online using our new e-file service if:

- the approval authority you are submitting your appeal to is registered on e-file; or
- you are appealing directly to the Ontario Land Tribunal

Please visit our [e-file page](#) to learn more.

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

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

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

Section 1 – Contact Information (Mandatory)

Applicant/Appellant/Objector/Claimant Information		
Last Name:		First Name:
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):		
Fengate Homestead Holdings Inc. LP		
Email Address:		
mark.sim@fengate.com		
Daytime Telephone Number:		Alternative Telephone Number:
416-488-4184	ext.	

Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:
700	2275	Upper Middle Rd. E.	
City/Town:	Province:	Country:	Postal Code:
Oakville	ON		L6H 0C3

Representative Information				
<input checked="" type="checkbox"/> I hereby authorize the named company and/or individual(s) to represent me				
Last Name:		First Name:		
Helfand		Matthew		
Harrington		Patrick		
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):				
Aird & Berlis LLP				
Email Address:				
mhelfand@airdberlis.com				
pharrington@airdberlis.com				
Daytime Telephone Number:			Alternative Telephone Number:	
416-865-4626	ext.			
Mailing Address				
Unit Number:	Street Number:	Street Name:		P.O. Box:
1800	181	Bay Street		
City/Town:	Province:	Country:	Postal Code:	
Toronto	ON		M5G 2T9	
<p>Note: If your representative is not licensed under the <i>Law Society Act</i>, please confirm that they have your written authorization, as required by the <i>OLT Rules of Practice and Procedure</i>, to act on your behalf and that they are also exempt under the Law Society's by-laws to provide legal services. Please confirm this by checking the box below.</p>				
<p><input type="checkbox"/> I certify that I understand that my representative is not licensed under the <i>Law Society Act</i> and I have provided my written authorization to my representative to act on my behalf with respect to this matter. I understand that my representative may be asked to produce this authorization at any time along with confirmation of their exemption under the Law Society's by-laws to provide legal services.</p>				

Location Information
Are you the current owner of the subject property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Address and/or Legal Description of property subject to the appeal:
3054 Homestead Drive, 9174 & 9166 Airport Road
Municipality:
Hamilton
Upper Tier (Example: county, district, region):
Regional Municipality of Hamilton-Wentworth

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

To file an appeal, please complete the section below. Complete one line for each appeal type			
Subject of Appeal		Type of Appeal (Act/Legislation Name)	Reference (Section Number)
Example	Minor Variance	<i>Planning Act</i>	45(12)
1	Official Plan Amendment	<i>Planning Act</i>	22(7)
2	Zoning By-law Amendment	<i>Planning Act</i>	34(11)
3	Draft Plan of Subdivision	<i>Planning Act</i>	51(34)
4			
5			

Section 2 – Appeal Type (Mandatory)

Please select the applicable type of matter		
Select	Legislation associated with your matter	Complete Only the Section(s) Below
<input checked="" type="checkbox"/>	Appeal of <i>Planning Act</i> matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances	3A
<input type="checkbox"/>	Appeal of <i>Development Charges Act, Education Act, Aggregate Resources Act, Municipal Act</i> matters	3A
<input type="checkbox"/>	Appeal of or objection to <i>Ontario Heritage Act</i> matters under subsections 29, 30.1, 31, 32, 33, 40.1 and 41	3A
<input type="checkbox"/>	Appeal of <i>Planning Act</i> (subsections 33(4), 33(10), 33(15), 36(3)), <i>Municipal Act</i> (subsection 223(4)), <i>City of Toronto Act</i> (subsection 129(4)) and <i>Ontario Heritage Act</i> (subsections 34.1(1), 42(6)) matters	3A & 3B
<input type="checkbox"/>	Appeal of <i>Clean Water Act, Environmental Protection Act, Nutrient Management Act, Ontario Water Resources Act, Pesticides Act, Resource Recovery and Circular Economy Act, Safe Drinking Water Act, Toxics Reduction Act, and Waste Diversion Transition Act</i> matters	4A
<input type="checkbox"/>	Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i>	4B
<input type="checkbox"/>	Appeal under the <i>Niagara Escarpment Planning and Development Act (NEPDA)</i>	5

<input type="checkbox"/>	Appeal of <i>Conservation Authorities Act, Mining Act, Lakes and Rivers Improvement Act, Assessment Act, and Oil, Gas and Salt Resources Act</i> matters	6
<input type="checkbox"/>	Legislation not listed above	Contact OLT before filing your appeal

Section 3A – Planning Matters

Appeal Reasons and Specific Information

Number of new residential units proposed:

None (Industrial Subdivision)

Municipal Reference Number(s):

25T-202202, UHOPA-22-008 & ZAC-22-017

List the reasons for your appeal:

Please see the attached.

Has a public meeting been held by the municipality? Yes No

For appeals of Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, please indicate if you will rely on one or more of the following grounds:

A: A decision of a Council or Approval Authority is:

- Inconsistent with the Provincial Policy Statement issued under subsection 3(1) of the *Planning Act*
- Fails to conform with or conflicts with a provincial plan
- Fails to conform with an applicable Official Plan

And

B: For a non-decision or decision to refuse by council:

- Consistency with the provincial policy statement, issued under subsection 3(1) of the *Planning Act*
- Conformity with a provincial plan
- Conformity with the upper-tier municipality's Official Plan or an applicable Official Plan

If it is your intention to argue one or more of the above grounds, please explain your reasons:

Please see the attached.

Oral/Written Submissions to Council

Did you make your opinions regarding this matter known to council?

Oral submissions at a public meeting of council

Written submissions to council

Not applicable

Related Matters

Are there other appeals not yet filed with the Municipality?

Yes No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application).

Yes No

If yes, please provide the Ontario Land Tribunal Case Number(s) and/or Municipal File Number(s) for the related matters:

Section 3B – Other Planning Matters

Appeal Specific Information (Continued)

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

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

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

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

Section 4A – Appeals under Environmental Legislation

Appeal Specific Information

Outline the grounds for the appeal and the relief requested:

Reference Number of the decision under appeal:

Portions of the decision in dispute:

Date of receipt of Decision or Director's Order (yyyy/mm/dd):

Applying for Stay? Yes No

If Yes, outline the reasons for requesting a stay:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4A Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 4B – Environmental Application for Leave to Appeal

Are you filing an Application for Leave to Appeal under the *Environmental Bill of Rights, 1993*? Yes No

Identify the portions of the instrument you are seeking to appeal:
Identify the grounds you are relying on for leave to appeal. Your grounds should include reasons why there is good reason to believe that no reasonable person, having regard to the relevant law and to any government policies developed to guide decisions of that kind could have made the decision; and why the decision could result in significant harm to the environment:
Outline the relief requested:
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 4B Checklist(s) located here and submit all documents listed on the checklist.

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

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

Section 6 – Mining Claim and Conservation Matters

Appeal Specific Information	
List the subject Mining Claim Number(s) (for unpatented mining claims) and accompanying Townships, Areas and Mining Division(s) where mining claims are situated. List all "Filed Only" Mining Claims, if appropriate: (This is to be completed for <i>Mining Act</i> appeals only.)	
List the Parcel and the Property Identifier Numbers (PIN), if rents or taxes apply to mining lands, if appropriate (mining claims only):	
Provide the date of the Decision of the Conservation Authority or the Provincial Mining Recorder, as appropriate:	
Provide a brief outline of the reasons for your application/appeal/review. If other lands/owners are affected, please include that information in the outline being provided below:	


Respondent Information			
Conservation Authority:			
Contact Person:			
Email Address:			
Daytime Telephone Number:		Alternative Telephone Number:	
	ext.		
Mailing Address or statement of last known address/general area they were living and name of local newspaper if address is not available			
Unit Number:	Street Number:	Street Name:	P.O. Box:

City/Town:	Province:	Country:	Postal Code:
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 6 Checklist(s) located here and submit all documents listed on the checklist.			

Section 7 – Filing Fee

Required Fee			
Please see the attached link to view the OLT Fee Chart .			
Total Fee Submitted: \$1,100 / \$1,100 / \$1,100			
Payment Method	<input type="checkbox"/>	Certified Cheque	<input type="checkbox"/>
		Money Order	<input checked="" type="checkbox"/>
		Lawyer's general or trust account cheque	
	<input type="checkbox"/>	Credit Card	
If you wish to pay the appeal fee(s) by credit card, please check the box above and OLT staff will contact you by telephone to complete the payment process upon receipt of the appeal form. DO NOT INCLUDE YOUR CREDIT CARD INFORMATION ON THIS FORM. YOU WILL BE CONTACTED TO COMPLETE YOUR PAYMENT OVER THE PHONE.			
If a request for a fee reduction is being requested, please pay the minimum filing fee for each appeal and complete/submit the Fee Reduction request form .			
<input type="checkbox"/> Request for Fee Reduction form is attached (if applicable – see Appeal Form Guide for more information)			

Section 8 – Declaration (Mandatory)

Declaration		
I solemnly declare that all the statements and the information provided, as well as any supporting documents, are true, correct and complete.		
By signing this appeal form below, I consent to the collection of my personal information.		
Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Matthew Helfand		2024-04-19
Personal information or documentation requested on this form is collected under the authority of the <i>Ontario Land Tribunal Act</i> and the legislation under which the proceeding is commenced. All information collected is included in the Ontario Land Tribunal (OLT) case file and the public record in this proceeding. In accordance with the <i>Freedom of Information and Protection of Privacy Act</i> and section 9 of the <i>Statutory Powers Procedure Act</i> , all information collected is available to the public subject to limited exceptions.		

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

Section 9 – Filing Checklists (Mandatory)

Filing/Submitting your form and documentation

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

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

If the completed Section is:	You must file with the following:	
Section 3A	Municipality or the Approval Authority/School Board *If you are filing under the <i>Ontario Heritage Act</i> , including under s. 34.1(1) , please carefully review the specific section of that legislation to determine if your appeal needs to be filed with the Tribunal in addition to the Municipality or Approval Authority.	
Section 3A & 3B or Section 4A or Section 4B or Section 6	Ontario Land Tribunal 655 Bay Street, Suite 1500 Toronto, ON M5G 1E5	Phone: 416-212-6349 1-866-448-2248 Website: www.olt.gov.on.ca
Section 5	For the Areas of: Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara City of Hamilton File with: NIAGARA ESCARPMENT COMMISSION	For the Areas of: Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon) File with: NIAGARA ESCARPMENT COMMISSION 1450 7 th Avenue

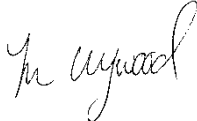
	232 Guelph Street, 3 rd Floor Georgetown, ON L7G 4B1 Phone: 905-877-5191 Fax: 905-873-7452 Website: www.escarpment.org Email: necgeorgetown@ontario.ca	Owen Sound, ON N4K 2Z1 Phone: 519-371-1001 Fax: 519-371-1009 Website: www.escarpment.org Email: necowensound@ontario.ca
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NOTE: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

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



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 13, 2024
SUBJECT/REPORT NO:	Application for Zoning By-Law Amendment for Lands Located at 309 and 325 James Street North, Hamilton (Ward 2) (PED24064)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Jennifer Catarino (905) 546-2424 Ext. 4748
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	Per: 

RECOMMENDATION

That **Amended Zoning By-law Amendment Application ZAC-24-018 by WEBB Planning Consultants Inc. c/o James Webb on behalf of James Barton LLP, Owner**, for a change in zoning from Downtown Mixed Use - Pedestrian Focus (D2, H21) Zone to Downtown Mixed Use - Pedestrian Focus (D2, 909, H180) Zone, and for a change in zoning from Downtown Mixed Use - Pedestrian Focus (D2) Zone to Downtown Mixed Use - Pedestrian Focus (D2, 909, H180) Zone to permit the adaptive reuse of an existing three storey heritage building and a 12 storey mixed use building containing 296 square metres of commercial space, 127 dwelling units and 58 parking spaces, for lands located at 309 James Street North (Block 1) and 325 James Street North (Block 2), as shown on Appendix "A" attached to Report PED24064, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED24064, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place of Grow: Growth Plan for the Greater

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

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

SUBJECT: Application for Zoning By-Law Amendment for Lands Located at 309 and 325 James Street North, Hamilton (PED24064) (Ward 2) - Page 2 of 12

Golden Horseshoe (2019, as amended), and complies with the Urban Hamilton Official Plan and the Downtown Hamilton Secondary Plan;

- (c) 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 'H180' to the proposed Downtown Mixed Use – Pedestrian Focus (D2, 909) Zone:

The Holding Provision 'H180' is to be removed conditional upon:

- (i) A revised Cultural Heritage Impact Assessment has been submitted demonstrating how the cultural heritage value has been incorporated and maintained to the satisfaction of the Director of Planning and Chief Planner;
- (ii) That conditional site plan approval be received, to the satisfaction of the Director of Planning and Chief Planner;
- (iii) The owner submit and receive approval of a revised Functional Servicing Report and Stormwater Management Brief that demonstrates the feasibility of on site quantify control measures within the subject lands, to the satisfaction of the Director of Development Engineering;
- (iv) The owner submit and receive approval of updated hydrant flow tests that demonstrates the required domestic and fire flows are available within the appropriate pressure range and that the surrounding areas are not adversely impacted, to the satisfaction of the Director of Development Engineering. If the above cannot be demonstrated, a Watermain Hydraulic Analysis Report will be required to be submitted and approved at the pressure district level;
- (v) The owner enter into and register an External Works Agreement with the City on title of the lands for the design and construction of any required improvements to the municipal infrastructure in accordance with the City's Financial Policy to support this development, to the satisfaction of the Director of Development Engineering.

EXECUTIVE SUMMARY

The subject lands are municipally known as 309 and 325 James Street North, Hamilton, as illustrated in Appendix "A" attached to Report PED24064. The owner has applied for a Zoning By-law Amendment to change the zoning at 309 James Street North (Block 1)

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SUBJECT: Application for Zoning By-Law Amendment for Lands Located at 309 and 325 James Street North, Hamilton (PED24064) (Ward 2) - Page 3 of 12

from Downtown Mixed Use - Pedestrian Focus (D2, H21) Zone to Downtown Mixed Use - Pedestrian Focus (D2, 909, H180) Zone, and to change the zoning at 325 James Street North (Block 2) from Downtown Mixed Use - Pedestrian Focus (D2) Zone to Downtown Mixed Use - Pedestrian Focus (D2, 909, H180) Zone to permit the development of a 12 storey mixed use building including the adaptive reuse of an existing three storey heritage building containing 296 square metres of commercial space, 127 dwelling units and 58 parking spaces. Site specific modifications to the Downtown Mixed Use - Pedestrian Focus (D2) Zone are required to accommodate the proposed development, which are discussed in detail in Appendix “C” attached to Report PED24064. Staff are recommending that the conditions of Holding ‘H’ Provision H21 continue to apply to 309 James Street North (Block 1) through site specific Holding ‘H’ Provision H180 as the applicant is continuing to address comments regarding the Cultural Heritage Impact Assessment and conditional Site Plan Approval is required.

In August 2023, the applicant submitted a formal Notice of Intention to Demolish, along with a Cultural Heritage Impact Assessment, for the building located at 309 James Street North. Staff reviewed the Cultural Heritage Impact Assessment and provided comments to the applicant, dated August 24, 2023. A staff report recommending removal of the building located at 309 James Street North from the Municipal Heritage Register was approved by the Hamilton Municipal Heritage Committee, Planning Committee and Council, on November 15, 2023. The Building Permit for demolition was issued in February 2024, and the building has been demolished. The building at 325 James Street North will be integrated into the redevelopment of the subject lands.

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

- It is consistent with the Provincial Policy Statement (2020);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the general intent of the Urban Hamilton Official Plan and the Downtown Hamilton Secondary Plan, in particular, the function, scale and design principles of the “Downtown Mixed Use - Pedestrian Focus” designation, residential intensification, and urban design policies; and,
- The development is compatible with the existing land uses in the surrounding area and represents good planning by, among other things, contributing to a complete community, creating a compact and efficient built form, providing residential dwelling units within in a multiple storey mixed use building, making efficient use of existing infrastructure within the urban boundary as well as supporting public transit by increasing residential density in proximity to the West Harbour GO Station and transit along James Street North.

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SUBJECT: Application for Zoning By-Law Amendment for Lands Located at 309 and 325 James Street North, Hamilton (PED24064) (Ward 2) - Page 4 of 12

Alternatives for Consideration – See Page 12

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Application Details	
Owner:	James Barton LLP.
Applicant:	Core Urban Inc.
Agent:	WEBB Planning Consultants c/o James Webb.
File Number:	ZAC-24-018.
Type of Application:	Zoning By-Law Amendment.
Proposal:	<p>To permit the adaptive reuse of an existing three storey heritage building (309 James Street North – Block 1) and a 12 storey mixed use building (325 James Street North – Block 2) containing approximately 296 square metres of ground floor commercial space and 127 dwelling units, which includes seven studio units (5.5%), 87 one bedroom units (68.5%) and 33 two bedroom units (26%). A total of 58 parking spaces will be provided, including two barrier free spaces, nine surface parking spaces and 49 underground spaces. Indoor and outdoor amenity space is proposed on the rooftop.</p> <p>The proposed mixed use building will have frontage on James Street North and Barton Street West. The existing three storey heritage building, located at 325 James Street North, will be integrated into the design of the new building and will continue to have frontage on James Street North. Access to the subject lands is proposed from Barton Street West.</p>

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SUBJECT: Application for Zoning By-Law Amendment for Lands Located at 309 and 325 James Street North, Hamilton (PED24064) (Ward 2) - Page 5 of 12

Property Details	
Municipal Address:	309 and 325 James Street North, Hamilton.
Lot Area:	0.17 hectares.
Servicing:	Full municipal services.
Existing Use:	309 James Street North – vacant. 325 James Street North – three storey heritage 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 Urban Growth Centre" on Schedule E – Urban Structure. "Downtown Mixed Use Area" on Schedule E-1 – Land Use Designations.
Secondary Plan Existing:	"Downtown Mixed Use - Pedestrian Focus" – Land Use Plan Map B.6.1-1 – Downtown Hamilton Secondary Plan.
Secondary Plan Proposed:	No amendment proposed.
Zoning Existing:	309 James Street North, Hamilton (Block 1) – Downtown Mixed Use - Pedestrian Focus (D2, H21) Zone. 325 James Street North, Hamilton (Block 2) – Downtown Mixed Use - Pedestrian Focus (D2) Zone.
Zoning Proposed:	Downtown Mixed Use - Pedestrian Focus (D2, 909, H180) Zone.
Modifications Proposed:	The following modifications have been requested by the applicant in the amending Zoning By-law: <ul style="list-style-type: none"> To amend the definition of building height to include the provision for enclosed amenity space not to be considered as a storey provided the floor area does not exceed 25%.

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SUBJECT: Application for Zoning By-Law Amendment for Lands Located at 309 and 325 James Street North, Hamilton (PED24064) (Ward 2) - Page 6 of 12

Documents	
Modifications Proposed: (Continued)	<ul style="list-style-type: none"> To reduce the ratio regarding long-term bicycle parking spaces per dwelling unit to 0.44 space whereas the Zoning By-law requires a ratio of 0.5 spaces per dwelling unit; To remove the requirement for a landscape strip along the westerly lot line where the parking area abuts a residential zone whereas a landscape strip is required; To remove the requirement for a landscape strip along the westerly lot line where the parking area abuts a residential zone whereas a landscape strip is required; and, To increase the maximum permitted building height to 44.0 metres whereas 22.0 metres is permitted. <p>A complete analysis of the proposed modifications is attached as Appendix "D" to Report PED24064.</p>
Processing Details	
Received:	June 3, 2024.
Deemed Complete	June 4, 2024.
Notice of Complete Application:	Sent to 159 property owners within 120 metres of the subject lands on June 7, 2024.
Public Notice Sign:	Posted on June 11, 2024, and includes the Public Meeting date August 13, 2024.
Notice of Public Meeting:	Sent to 159 property owners within 120 metres of the subject lands on August 2, 2024.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix "F" attached to Report PED24064.
Public Consultation:	In addition to the <i>Planning Act</i> requirements, the Applicant consulted with the public through a Community Consultation Event held on March 28, 2024, at Liuna Station. Approximately 30 members of the public were in attendance at the Community Consultation Event.

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SUBJECT: Application for Zoning By-Law Amendment for Lands Located at 309 and 325 James Street North, Hamilton (PED24064) (Ward 2) - Page 7 of 12

Processing Details	
Public Comments:	Staff received one email in support of the application, and one letter and two emails expressing concerns with the proposal. A summary of the public comments and staff response is attached as Appendix "G" to Report PED24064.
Processing Time:	70 days from receipt of application.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	309 James Street North (Block 1) – vacant.	Downtown Mixed Use - Pedestrian Focus (D2, H21) Zone.
	325 James Street North (Block 2) – existing three storey heritage building.	Downtown Mixed Use - Pedestrian Focus (D2) Zone.
Surrounding Land Uses:		
North	Mixed-use building.	Downtown Mixed Use – Pedestrian Focus (D2, H21) Zone.
South	Commercial building.	Downtown Mixed Use – Pedestrian Focus (D2, H21) Zone.
East	Mixed use building.	Downtown Mixed Use – Pedestrian Focus (D2, H21) Zone.
West	Single detached dwelling.	"D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020). The *Planning Act* requires that

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SUBJECT: Application for Zoning By-Law Amendment for Lands Located at 309 and 325 James Street North, Hamilton (PED24064) (Ward 2) - Page 8 of 12

all municipal land use decisions affecting planning matters be consistent with the Provincial Policy Statement (2020) and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

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

As the application for a Zoning By-law Amendment complies with the Urban Hamilton Official Plan and Downtown Secondary Plan, it is staff's opinion that the application has merit and can be supported for the following reasons:

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

Urban Hamilton Official Plan and the Downtown Hamilton Secondary Plan

The subject lands are identified as “Downtown Urban Growth Centre” on Schedule “E” – Urban Structure and designated “Downtown Mixed Use Area” on Schedule “E-1 – Urban Land Use Designation in the Urban Hamilton Official Plan.

The subject lands are further designated “Downtown Mixed Use - Pedestrian Focus” – Land Use Plan Map B.6.1-1 and identified as “Low-rise 2” – Maximum Building Heights Map B.6.1-2 in the Downtown Hamilton Secondary Plan.

The intent of the “Downtown Mixed Use - Pedestrian Focus” designation is to support intensive, urban-scale mixed use development that caters to the pedestrian by creating a comfortable, active and visually stimulating walking environment. Increases in height to 12 storeys are supported by the policies of the Downtown Hamilton Secondary Plan on lands identified as “Low-rise 2” – Maximum Building Heights Map B.6.1-2.

Based on the policy review, attached as Appendix “E” to Report PED24064, the application achieves the goals of the “Downtown Mixed Use – Pedestrian Focus” designation through moderate intensification that provides additional dwelling units in the form of a multiple storey, mixed-use, building with at grade commercial uses and proposes to adaptively reuse an existing cultural heritage resource. The proposed development conforms to the maximum building height restrictions of the Downtown

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SUBJECT: Application for Zoning By-Law Amendment for Lands Located at 309 and 325 James Street North, Hamilton (PED24064) (Ward 2) - Page 9 of 12

Hamilton Secondary Plan and specifically the “Downtown Mixed Use - Pedestrian Focus” designation. Furthermore, the subject lands have frontage on two minor arterial roads and therefore represent an appropriate location for medium density mixed-use built forms.

Staff note that a Cultural Heritage Impact Assessment was submitted and reviewed, and the majority of the comments provided were addressed by the applicant. The outstanding comments recommended a vibration study, symbolic conservation strategy, commemoration plan and construction hoarding plan which will be addressed through conditions of a future Site Plan Control application and the Holding ‘H’ Provision.

A Transportation Impact Study prepared by Paradigm Transportation Solutions, dated February 13, 2024, was submitted in support of the application. Transportation Planning staff have confirmed the proposed mixed use building can be accommodated by the surrounding road network. Transportation Planning has no objection to the proposed Zoning By-law Amendment, however, they are not supportive of the requested modifications for long and short term bicycle parking. In addition, through a future Site Plan Control application, the applicant will be required to explore access alternatives to the satisfaction of Transportation Planning that may result in an addendum to the Transportation Impact Study.

Therefore, it is the opinion of staff that the proposed development and implementing Zoning By-law as recommended by staff complies with the policies of the Urban Hamilton Official Plan and the Downtown Hamilton Secondary Plan.

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 Mixed Use - Pedestrian Focus (D2, H21) Zone to Downtown Mixed Use - Pedestrian Focus (D2, 909, H180) Zone, and for a change in zoning from Downtown Mixed Use - Pedestrian Focus (D2) Zone to Downtown Mixed Use - Pedestrian Focus (D2, 909, H180) Zone to permit the adaptive reuse of an existing three storey heritage building and a 12 storey mixed use building containing 296 square metres of commercial space, 127 dwelling units and 58 parking spaces. Modifications to the Downtown Mixed Use - Pedestrian Focus (D2) Zone are required to facilitate the development and are summarized in the Report Fact Sheet above, and further discussed in Appendix “D” attached to Report PED24064. The proposed zoning is discussed in the Analysis and Rationale section below.

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SUBJECT: Application for Zoning By-Law Amendment for Lands Located at 309 and 325 James Street North, Hamilton (PED24064) (Ward 2) - Page 10 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 of the Urban Hamilton Official Plan and the Downtown Hamilton Secondary Plan; and,
 - (iii) It is considered to be compatible with the existing land uses in the surrounding area and represents good planning by, among other things, contributing to a complete community, creating a compact and efficient built form, providing dwelling units within in a multiple storey mixed use building, making efficient use of existing infrastructure within the urban boundary as well as supporting public transit by increasing residential density in proximity to the West Harbour GO Station and transit along James Street North.

2. Zoning By-law Amendment

The subject lands are zoned Downtown Mixed Use - Pedestrian Focus (D2, H21) Zone and Downtown Mixed Use - Pedestrian Focus (D2) Zone in Zoning By-law No. 05-200. The former building that was located at 309 James Street North was subject to Holding Provision H21, which requires the submission of a Cultural Heritage Impact Assessment demonstrating how the cultural heritage resource at 325 James Street North will be incorporated and maintained, as well as receiving conditional site plan approval to the satisfaction of the Director of Planning and Chief Planner. The effect of the amended Zoning By-law Amendment will change the zoning to apply additional site specific modifications regarding the maximum building height and the removal of a landscape strip along the westerly property line, as well as include Holding Provisions. An analysis of the requested modifications is provided in Appendix "D" attached to Report PED24064.

Staff are satisfied that the proposal complies with the policies of the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan. A detailed review of the Urban Hamilton Official Plan and the Downtown Hamilton Secondary Plan is included in Appendix "E" attached to Report PED24064.

SUBJECT: Application for Zoning By-Law Amendment for Lands Located at 309 and 325 James Street North, Hamilton (PED24064) (Ward 2) - Page 11 of 12

Staff are satisfied that the proposal meets the intent of the “Downtown Mixed Use Area” designation policies of the Urban Hamilton Official Plan and the “Downtown Mixed Use - Pedestrian Focus” designation policies of the Downtown Hamilton Secondary Plan, as outlined in Appendix “E” attached to Report PED24064. The proposed Downtown Mixed Use - Pedestrian Focus (D2, 909) Zone will permit the mix of uses and massing of the development which is compatible with the existing scale of the built form in the surrounding area. The proposed building height of 44 metres complies with the policies of the Downtown Hamilton Secondary Plan. The conclusion of the Shadow Study prepared by Adesso Design Inc, dated May 2024, notes that the proposed building will not cast undue shadows on the public realm, common amenity areas or any of the primary gathering spaces of downtown Hamilton.

The development proposal includes a modification to the definition of building height. After a review by staff, it was determined that the modification is not required to facilitate the proposed rooftop amenity space so long as the amenity space does not exceed the maximum permitted height. Therefore, staff are not supportive of the proposed modification to the definition of building height.

The development is proposing an appropriate unit mix that includes studio, one bedroom and two bedroom units which will contribute to achieving a density that supports local transit along James Street North and use of the West Harbour GO Station. The inclusion of ground floor commercial space will help activate James Street North and contribute to the amenities provided within the downtown.

The proposal includes a request for a modest reduction in the amount of required short term and long term bicycle parking spaces for the development. The proposal provides 10 short term spaces, whereas 15 spaces are required by Zoning By-law No. 05-200. In addition, the development proposes a ratio of 0.44 long term bicycle spaces per residential unit, whereas Zoning By-law No. 05-200 requires a ratio of 0.5 per residential unit. The reduced ratio requires a total of 56 spaces whereas 64 long term bicycle spaces are required. Staff are supportive of encouraging alternative transportation modes within the Downtown and are of the opinion that the reduction in bicycle parking is not desirable and the requirement for bicycle parking can be accommodate on the subject lands. Therefore, staff do not support the proposed modifications regarding bicycle parking spaces.

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

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SUBJECT: Application for Zoning By-Law Amendment for Lands Located at 309 and 325 James Street North, Hamilton (PED24064) (Ward 2) - Page 12 of 12

3. 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 a revised Functional Servicing Report and Stormwater Management Brief, an updated hydrant flow test or Watermain Hydraulic Analysis Report, and an External Works Agreement be entered into with the City.

Holding Provision H21 requires the submission of a Cultural Heritage Impact Assessment demonstrating how the cultural heritage resource located at 325 James Street North will be maintained and incorporated into the redevelopment of the subject lands. Staff recommend that the conditions of Holding Provision H21 continue to apply to 309 James Street North through the site specific Holding Provision H180, applied to the lands subject to this application, to facilitate the work that is underway by the applicant in addressing the Cultural Heritage Impact Assessment outstanding comments and obtaining conditional site plan approval through the submission of a future Site Plan Control application.

Upon submission and approval of the above noted plans and studies, the Holding 'H' Provision can be lifted from the subject lands.

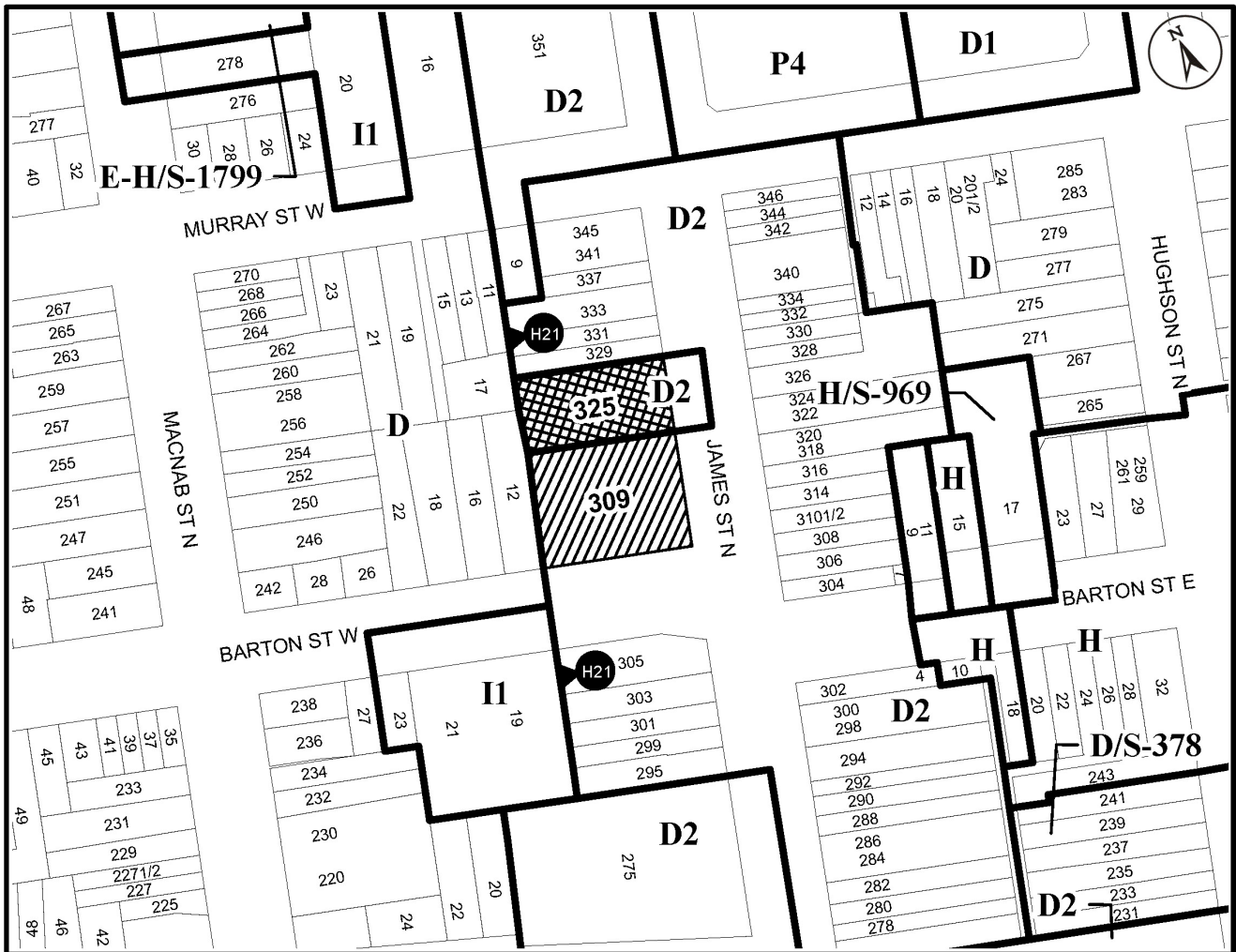
ALTERNATIVES FOR CONSIDERATION

Should the application be denied, 309 James Street (Block 1) can be used in accordance with the Downtown Mixed Use - Pedestrian Focus (D2, H21) Zone, in the City of Hamilton Zoning By-law No. 05-200.

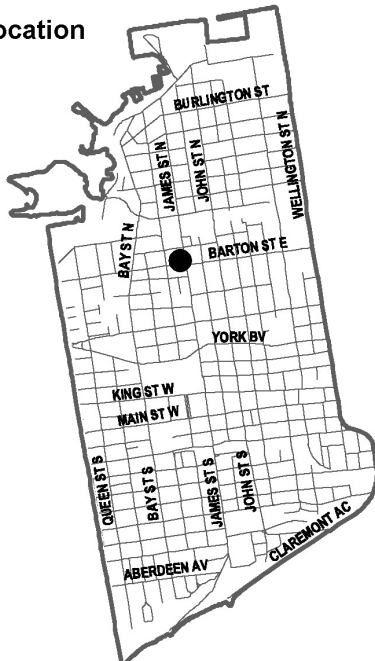
Should the application be denied, 325 James Street (Block 2) can be used in accordance with the Downtown Mixed Use - Pedestrian Focus (D2) Zone, in the City of Hamilton Zoning By-law No. 05-200.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED24064 – Location Map
 Appendix "B" to Report PED24064 – Draft Zoning By-law Amendment
 Appendix "C" to Report PED24064 – Concept Plan
 Appendix "D" to Report PED24064 – Zoning Modification Chart
 Appendix "E" to Report PED24064 – Summary of Policy Review
 Appendix "F" to Report PED24064 – Department and Agency Comments
 Appendix "G" to Report PED24064 – Summary of Public Comments Received



● Site Location



Key Map - Ward 2

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-24-018

Date:
July 29, 2024


Appendix "A"


Scale:
N.T.S

Planner/Technician:
DM/NB

Subject Property

309-325 James Street North , Hamilton

 Change in Zoning from Downtown Mixed Use, Pedestrian Focus (D2, H21) Zone to Downtown Mixed Use, Pedestrian Focus (D2, 909, H180) Zone

 Change in Zoning from Downtown Mixed Use, Pedestrian Focus (D2) Zone to Downtown Mixed Use, Pedestrian Focus (D2, 909, H180) Zone

**Appendix “B” to Report PED24064
Page 1 of 4**

Authority: Item,
Report (PED24064)
CM:
Ward: 2

Bill No.

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

**To amend Zoning By-law No. 05-200 with respect to lands located at
309 and 325 James Street North, Hamilton**

WHEREAS Council approved Item XXX of Report of the Planning Committee, at its meeting held on August 13, 2024;

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

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

1. That Schedule “A” – Zoning Maps, Map No. 869 and 911 are amended by further amending the Downtown Mixed Use - Pedestrian Focus (D2, H21) Zone and the Downtown Mixed Use – Pedestrian Focus (D2) Zone to the Downtown Mixed Use - Pedestrian Focus (D2, 909, H180) Zone, for the lands known as 309 and 325 James Street North, Hamilton, 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:

“909. Within the lands zoned Downtown Mixed Use - Pedestrian Focus (D2) Zone, identified on Map No. 869 and 911 of Schedule “A” – Zoning Maps and described as 309 and 325 James Street North, Hamilton, the following special provisions shall apply:

 - a) Notwithstanding Section 5.2 a), no landscape strip containing a visual barrier shall be provided along the westerly lot line where the parking area abuts a Residential Zone.
 - b) Notwithstanding Section 6.2.3 b) ii), the following regulation shall apply:
 - ii) Maximum Building Height

1.	44.0 metres
----	-------------

Appendix “B” to Report PED24064
Page 2 of 4

3. That Schedule “D” – Holding Provisions is amended by adding the additional Holding Provision as follows:
 - “180. Notwithstanding Section 2 of this By-law, within lands zoned Downtown Mixed Use - Pedestrian Focus (D2, 909) Zone on Map Nos. 869 and 911 of Schedule “A” – Zoning Maps, and described as 309 and 325 James Street North, no development shall be permitted until the following conditions are satisfied:
 - (i) A revised Cultural Heritage Impact Assessment has been submitted demonstrating how the cultural heritage value has been incorporated and maintained to the satisfaction of the Director of Planning and Chief Planner;
 - (ii) That conditional site plan approval be received, to the satisfaction of the Director of Planning, and Chief Planner;
 - (iii) The owner submit and receive approval of a revised Functional Servicing Report and Stormwater Management Brief that demonstrates the feasibility of on site quantify control measures within the subject lands, to the satisfaction of the Director of Development Engineering;
 - (iv) The owner submit and receive approval of updated hydrant flow tests that demonstrates the required domestic and fire flows are available within the appropriate pressure range and that the surrounding areas are not adversely impacted, to the satisfaction of the Director of Development Engineering. If the above cannot be demonstrated, a Watermain Hydraulic Analysis Report will be required to be submitted and approved at the pressure district level; and,
 - (v) The owner enter into and register an External Works Agreement with the City on title of the lands for the design and construction of any required improvements to the municipal infrastructure in accordance with the City’s Financial Policy to support this development, to the satisfaction of the Director of Development Engineering.
4. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the provisions of the Downtown Mixed Use - Pedestrian Focus (D2, 909, H180) Zone, subject to the special requirements referred to in Section No. 2 of this By-law.
5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

Appendix "B" to Report PED24064
Page 3 of 4

PASSED this _____ , 2024

A. Horwath
Mayor

M. Trennum
City Clerk

ZAC-24-018

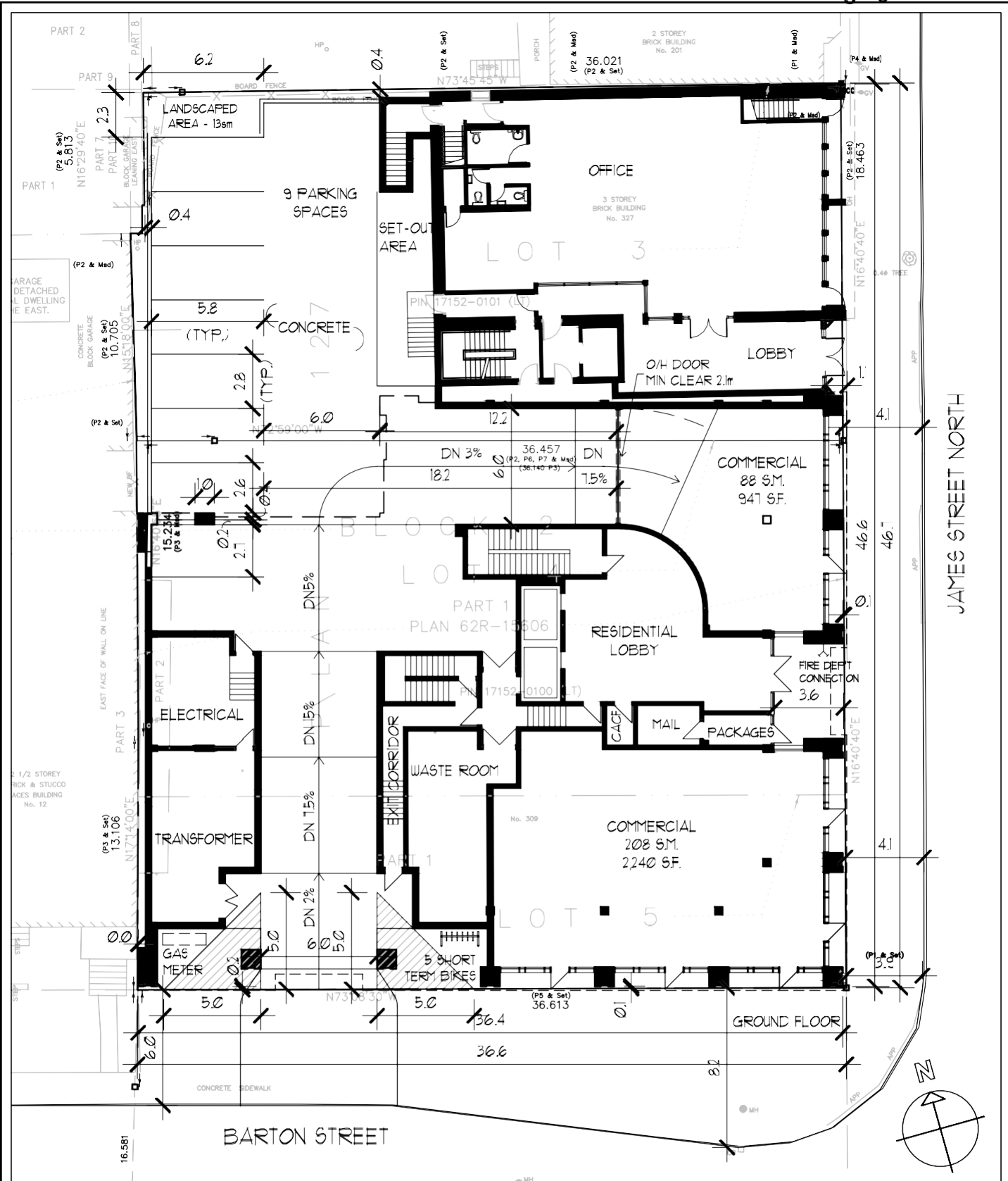
Appendix "B" to Report PED24064
Page 4 of 4



<p>This is Schedule "A" to By-law No. 24-</p> <p>Passed the day of, 2024</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p> <p>-----</p>
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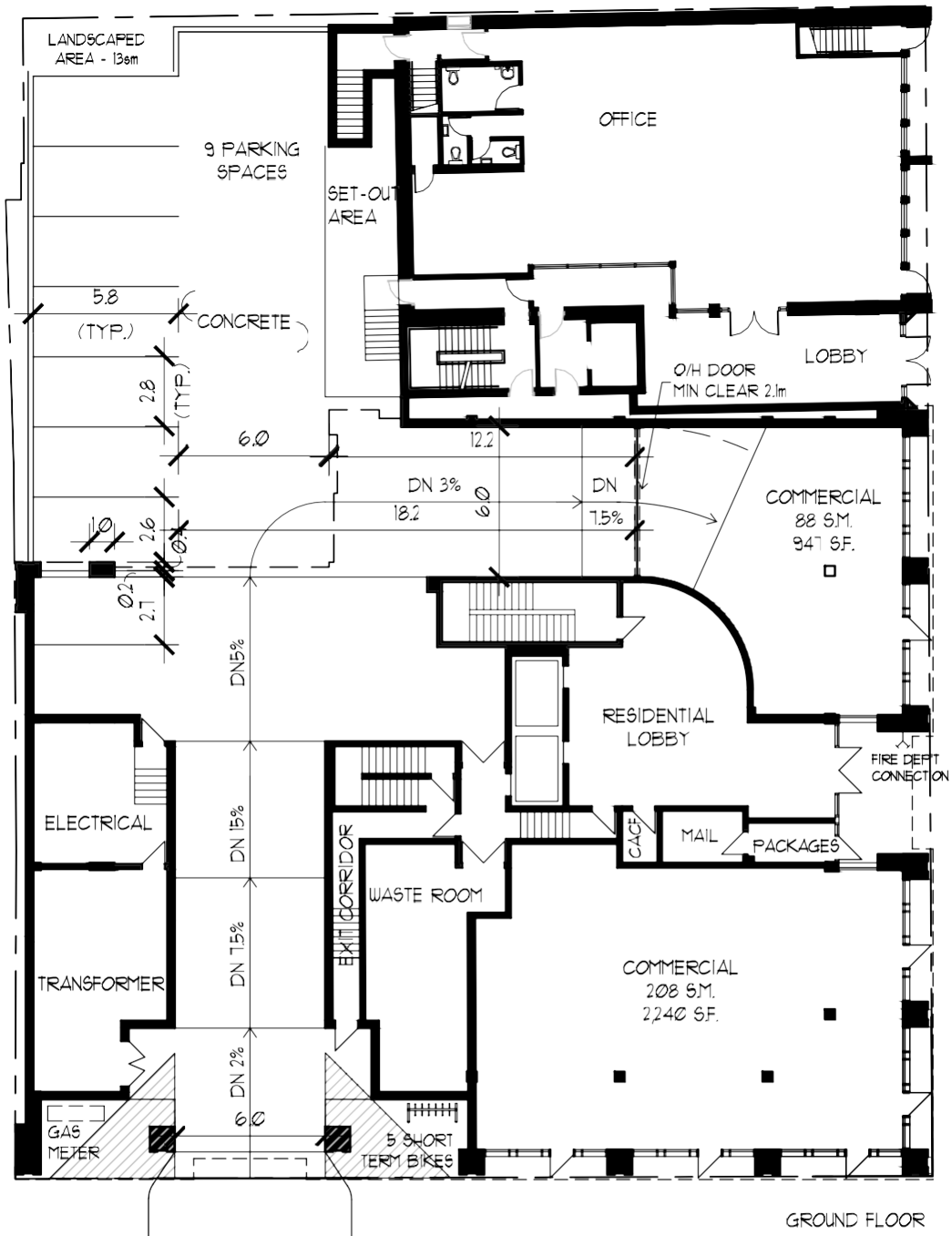
<p>Schedule "A"</p> <p>Map forming Part of By-law No. 24-_____</p> <p>to Amend By-law No. 05-200 Map 869 & 911</p>	<p>Subject Property 309-325 James Street North , Hamilton</p> <p> Change in Zoning from Downtown Mixed Use, Pedestrian Focus (D2, H21) Zone to Downtown Mixed Use, Pedestrian Focus (D2, 909, H180) Zone</p> <p> Change in Zoning from Downtown Mixed Use, Pedestrian Focus (D2) Zone to Downtown Mixed Use, Pedestrian Focus (D2, 909, H180) Zone</p>
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<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-24-018</p>	
<p>Date: July 29, 2024</p>	<p>Planner/Technician: WC/NB</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		



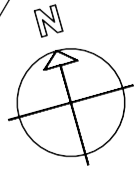
JAMES AND BARTON REDEVELOPMENT CORE URBAN 309/325 JAMES ST. N.	SCALE: NTS	LINTACK ARCHITECTS INCORPORATED 244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3 T: 905.522.6165 • F: 905.522.2209 E: information@lintack.com www.lintack.com	PRELIMINARY SITE PLAN JOB No. 22.096	DWG. No. A0
DATE: NOV. 2022				

A1 GROUND
 OPTION H 2024-04-02



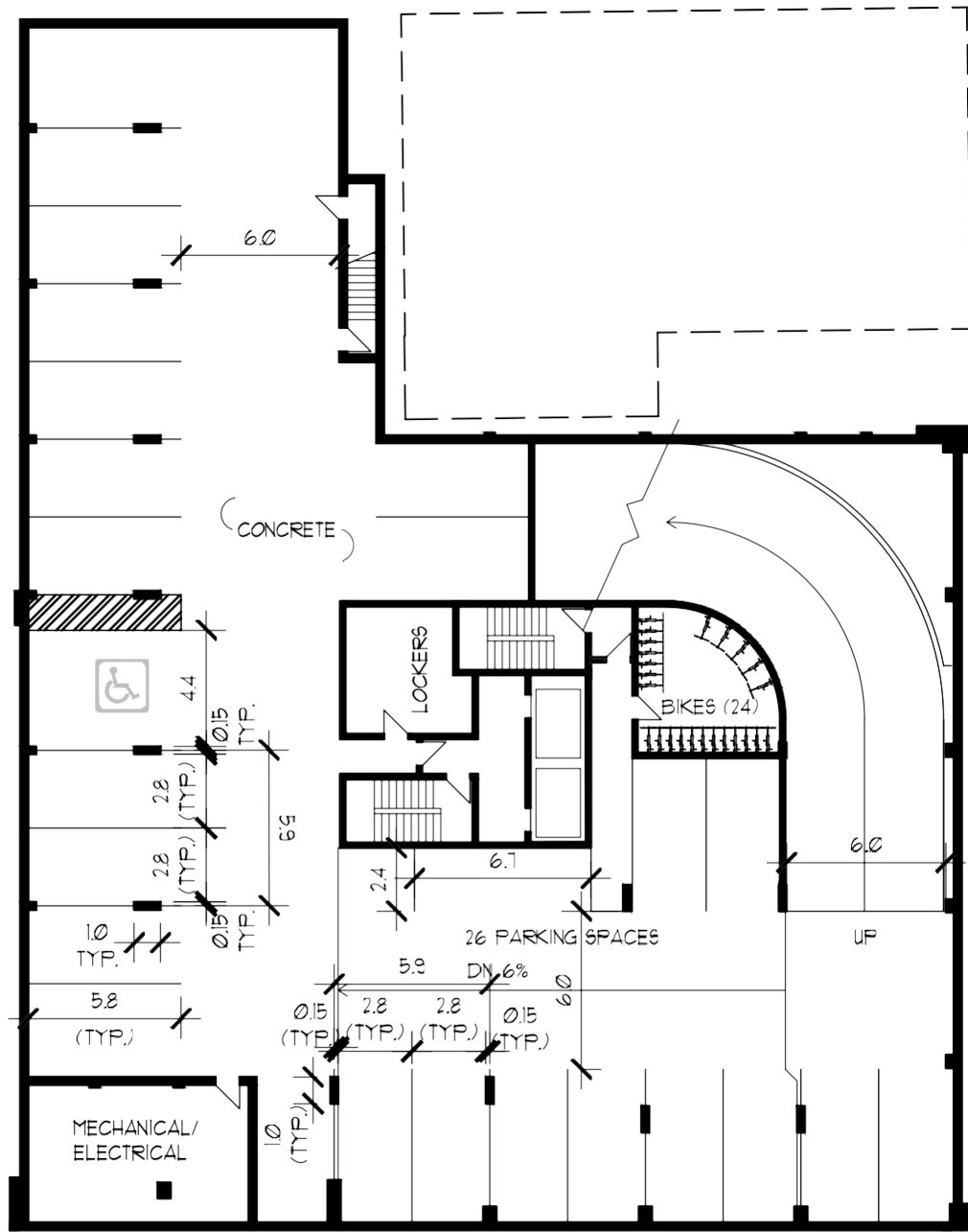
JAMES STREET NORTH

BARTON STREET

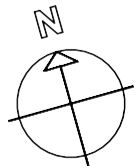


GROUND FLOOR

<p>JAMES AND BARTON REDEVELOPMENT CORE URBAN 309/325 JAMES ST. N.</p>	<p>SCALE: NTS</p>	<p>LINTACK ARCHITECTS INCORPORATED 244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3 T: 905.522.6165 • F: 905.522.2209 E: information@lintack.com www.lintack.com</p>	<p>GROUND FLOOR</p>	
	<p>DATE: NOV. 2022</p>		<p>JOB No. 22.096</p>	<p>DWG. No. A1</p>



LEVEL -2



JAMES AND BARTON REDEVELOPMENT
 CORE URBAN

309/325 JAMES ST. N.

SCALE:
 NTS

DATE:
 NOV. 2022

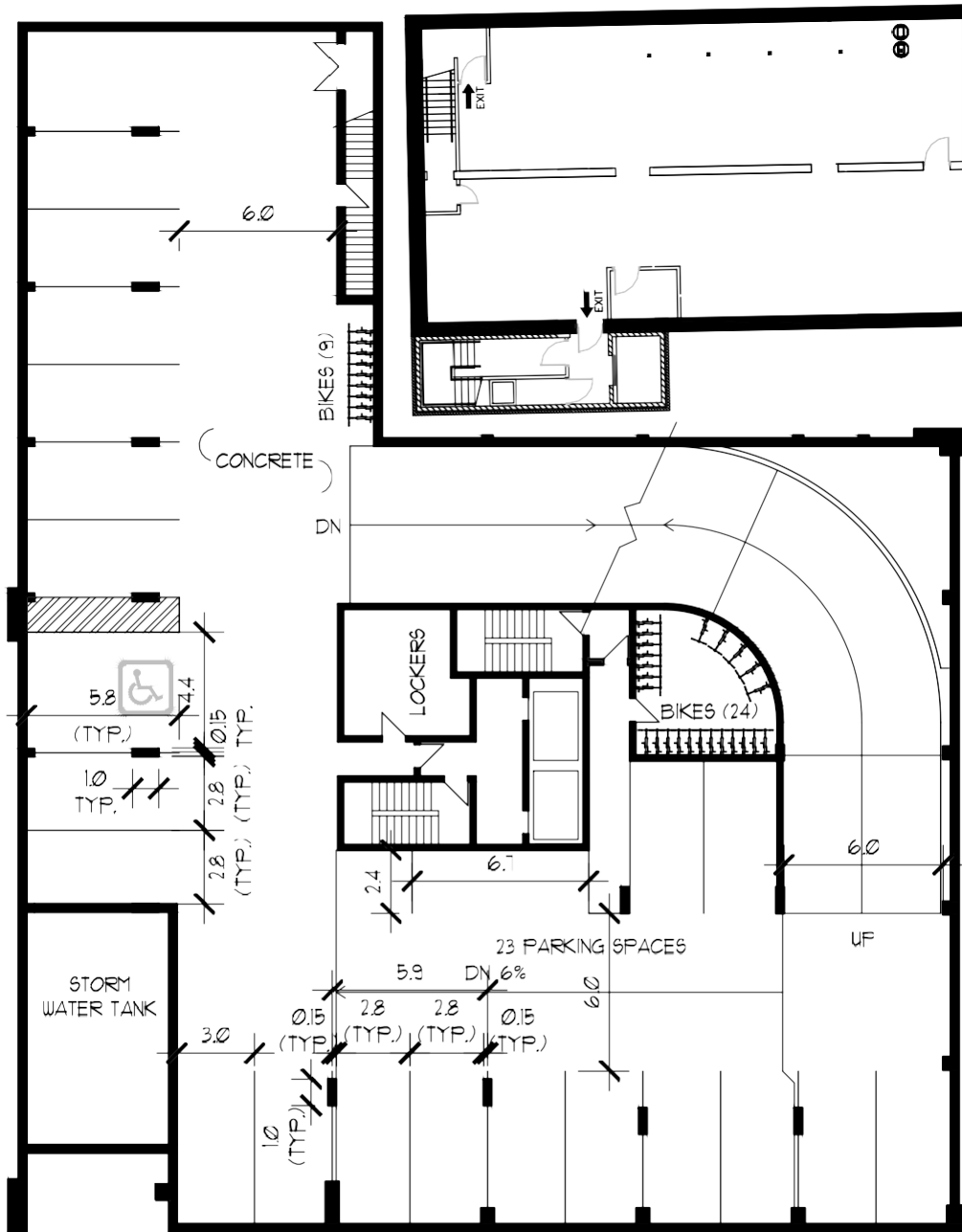
**LINTACK
 ARCHITECTS**

INCORPORATED
 244 JAMES STREET SOUTH,
 HAMILTON, ONTARIO, L8P 3B3
 T: 905.522.6165 • F: 905.522.2209
 E: information@lintack.com
 www.lintack.com

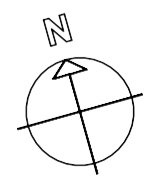
LEVEL -2

JOB No.
 22.096

DWG. No.
 A-2



LEVEL -1

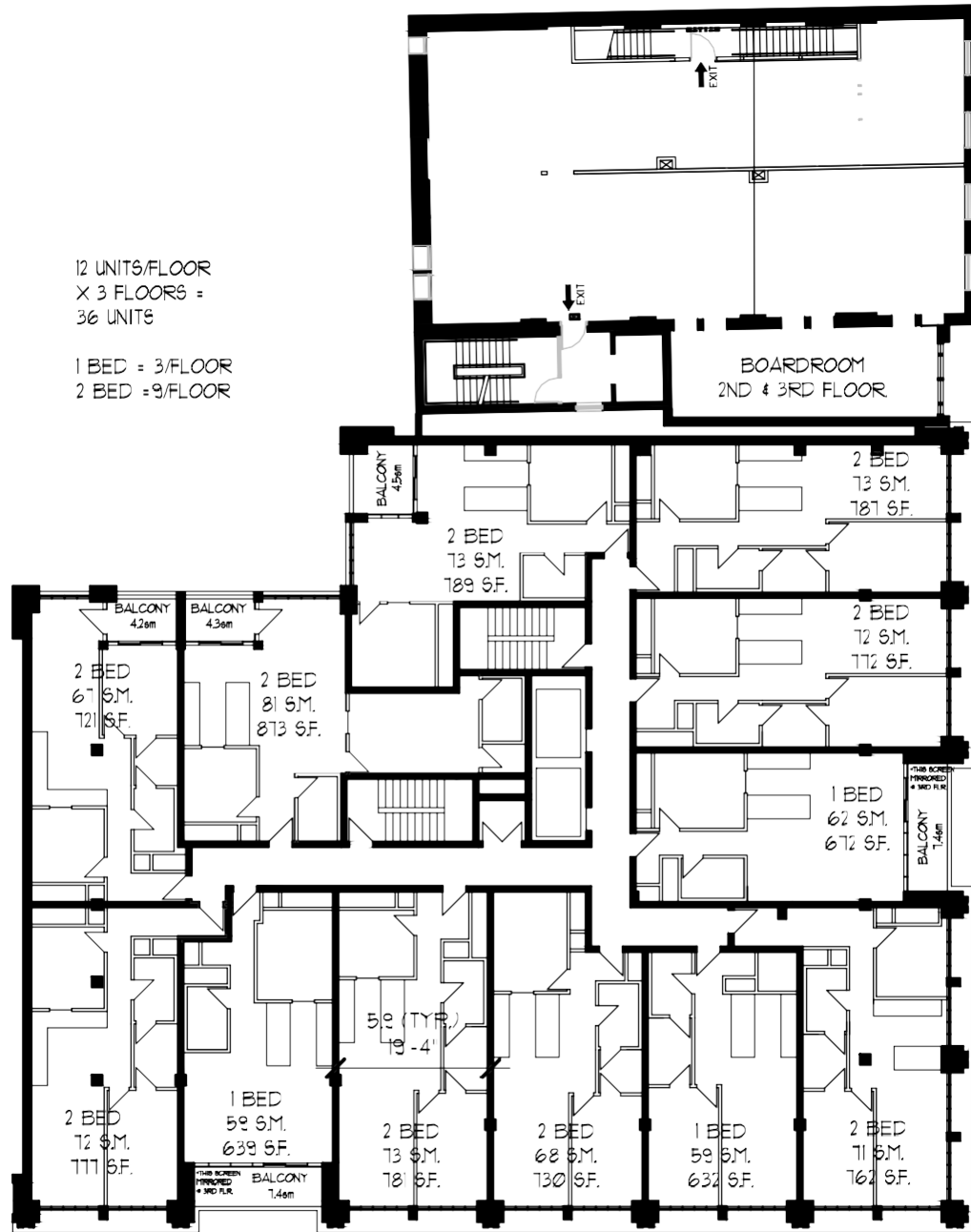


JAMES AND BARTON REDEVELOPMENT
 CORE URBAN
 309/325 JAMES ST. N.

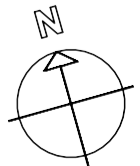
SCALE:
 NTS
 DATE:
 NOV. 2022

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LEVEL -1
 JOB No.
 22.096
 DWG. No.
 A-1



SECOND - FOURTH FLOOR



JAMES AND BARTON REDEVELOPMENT
 CORE URBAN

309/325 JAMES ST. N.

SCALE:
 NTS

DATE:
 NOV. 2022

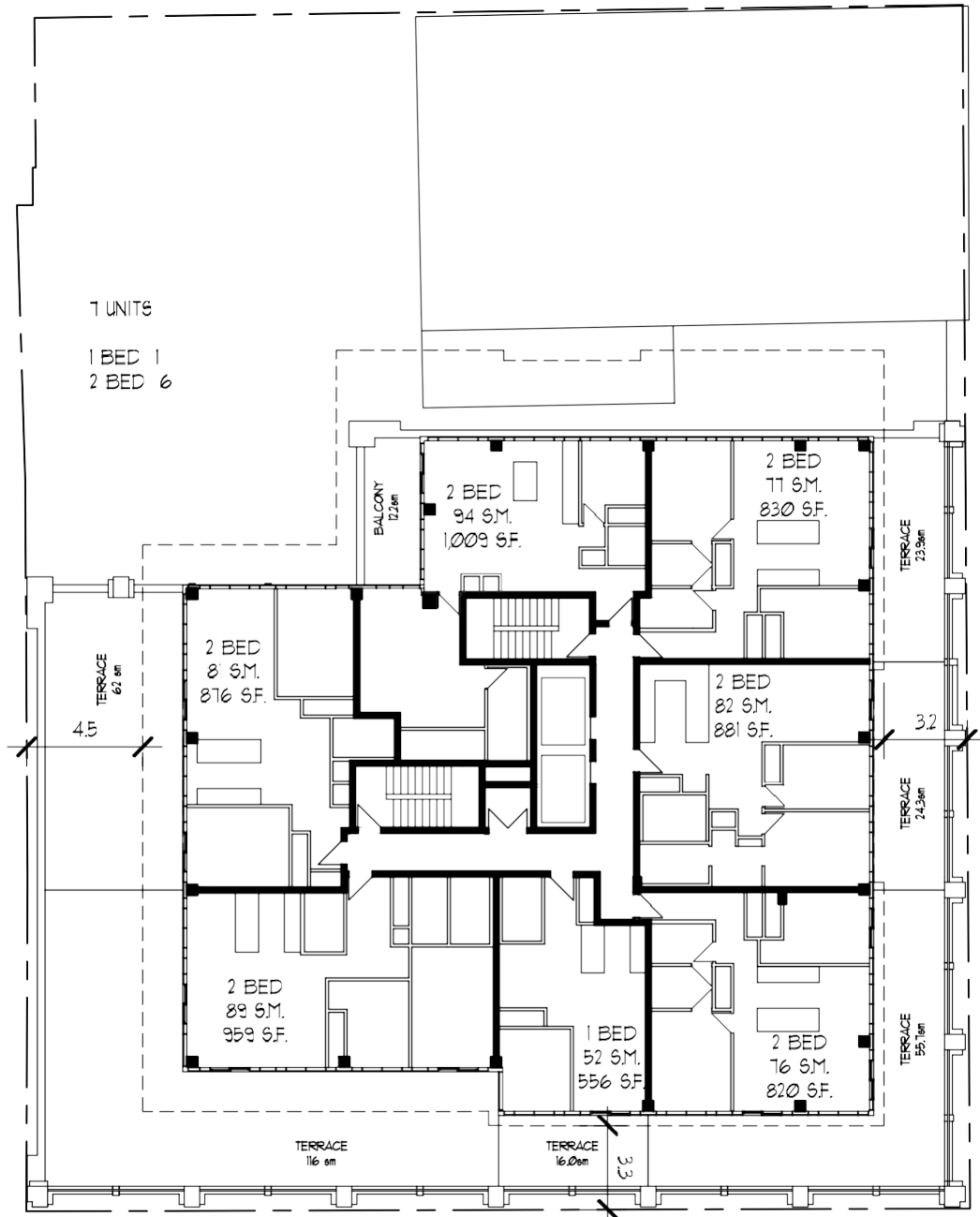
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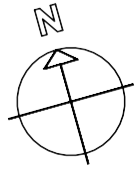
2ND - 4TH FLOORS

JOB No.
 22.096

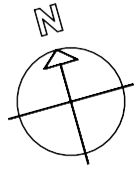
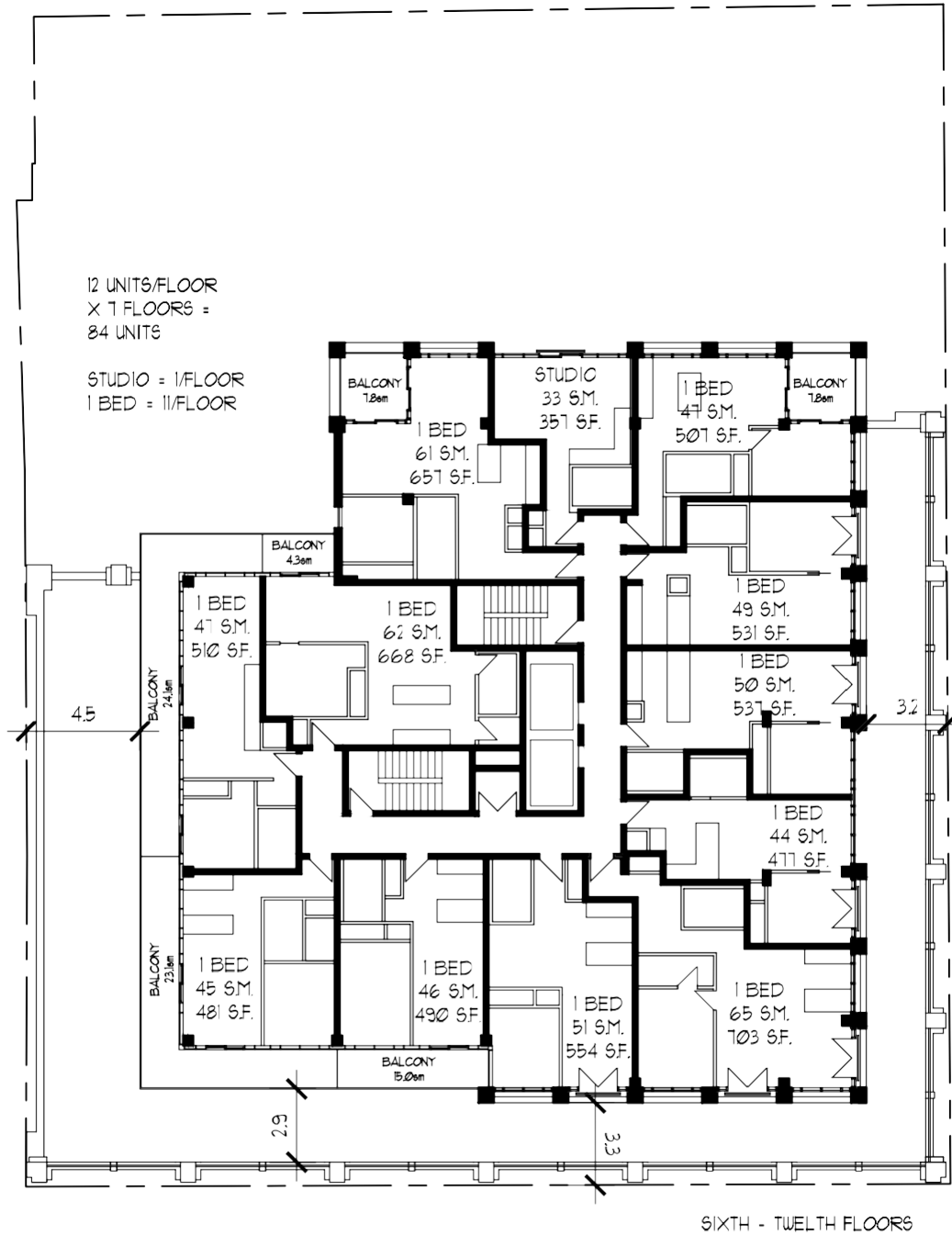
DWG. No.
 A2



FIFTH FLOOR

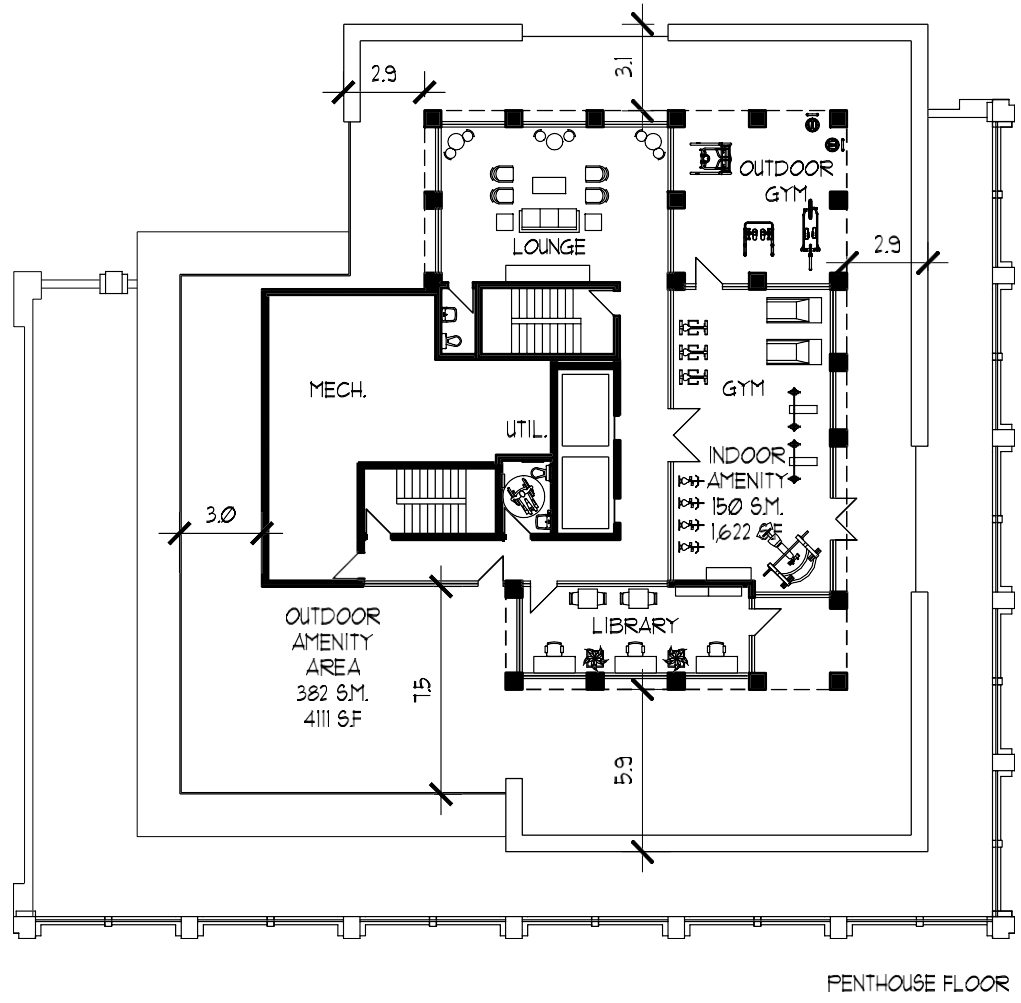


<p>JAMES AND BARTON REDEVELOPMENT CORE URBAN 309/325 JAMES ST. N.</p>	<p>SCALE: NTS</p>	<p>LINTACK ARCHITECTS INCORPORATED 244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3 T: 905.522.6165 • F: 905.522.2209 E: information@lintack.com www.lintack.com</p>	<p>FIFTH FLOOR</p> <table border="1"> <tr> <td>JOB No. 22.096</td> <td>DWG. No. A3</td> </tr> </table>	JOB No. 22.096	DWG. No. A3
JOB No. 22.096	DWG. No. A3				



JAMES AND BARTON REDEVELOPMENT CORE URBAN 309/325 JAMES ST. N.	SCALE: NTS	LINTACK ARCHITECTS INCORPORATED 244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3 T: 905.522.6165 - F: 905.522.2209 E: information@lintack.com www.lintack.com	6TH - 12TH FLOOR	
	DATE: NOV. 2022		JOB No. 22.096	DWG. No. A4

A5 ROOFTOP
 OPTION H 2024-04-02



<p>JAMES AND BARTON REDEVELOPMENT CORE URBAN 309/325 JAMES ST. N.</p>	<p>SCALE: NTS</p> <p>DATE: NOV. 2022</p>	<p>LINTACK ARCHITECTS INCORPORATED 244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3 T: 905.522.6165 • F: 905.522.2209 E: information@lintack.com www.lintack.com</p>	<p>ROOFTOP</p> <p>JOB No. 22.096</p> <p>DWG. No. A5</p>
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A7 EAST ELEV
OPTION H 2024-04-02



JAMES AND BARTON REDEVELOPMENT
CORE URBAN

309/325 JAMES ST. N.

SCALE:
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DATE:
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EAST
ELEVATION

JOB No.
22.096

DWG. No.
A7

A8 SOUTH ELEV
OPTION H 2024-04-02



JAMES AND BARTON REDEVELOPMENT
CORE URBAN

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SCALE:
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SOUTH
ELEVATION

JOB No.
22.096

DWG. No.
A8

A9 WEST ELEV
OPTION H 2024-04-02



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CORE URBAN

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WEST
ELEVATION

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22.096

DWG. No.
A9

A10 NORTH ELEV
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NORTH
ELEVATION

JOB No.
22.096

DWG. No.
A10

A11 AERIAL
OPTION H 2024-04-02



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CORE URBAN

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AERIAL VIEW

JOB No.
22.096

DWG. No.
A11

A12 PERSPECTIVE
OPTION H 2024-04-02



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PERSPECTIVE

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22.096

DWG. No.
A12

A13 PERSPECTIVE
OPTION H 2024-04-02



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CORE URBAN

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PERSPECTIVE

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DWG. No.
A13

A14 PERSPECTIVE
OPTION H 2024-04-02



JAMES AND BARTON REDEVELOPMENT
CORE URBAN

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PERSPECTIVE

JOB No.
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DWG. No.
A14

Zoning By-law Site Specific Modifications – Downtown Mixed Use - Pedestrian Focus (D2, 909, H180) Zone

Provision	Required	Requested Amendment	Analysis
Section 3: Definitions			
<p>3.0 – Building Height</p> <p><i>** Applicant Requested Modification</i></p>	<p>Shall mean the vertical distance from grade to the uppermost point of the building but not including any mechanical penthouse or any portion of a building designed, adapted or used for such features as a chimney, smokestack, fire wall, stair tower, fire tower, water tower, tank, elevator bulkhead, ventilator, skylight, cooling tower, derrick, conveyor, antenna, or any such requisite appurtenance, or a flagpole, display sign, ornamental figure, parapet, bell tower or other similar structure.</p>	<p>Any portion of a building designed to provide roof top enclosed amenity space shall not be considered as a storey, provided the floor area does not exceed 25% of the floor area of the storey directly beneath, the structure shall be setback a minimum of 2.9 metres from the exterior walls of the storey directly beneath, and shall not exceed the total building height of 44.0 metres.</p>	<p>After a review by staff, it was determined that the proposed modification is not necessary to facilitate the proposed rooftop amenity space. As the Zoning By-law does not measure height in storeys, the rooftop amenity space would be permitted as long as the space does not exceed the maximum permitted height, which is consistent with the existing definition. If the building height does not exceed 44 metres, the proposed modification is not required.</p> <p>Therefore, the proposed modification is not supported by staff.</p>

Provision	Required	Requested Amendment	Analysis
<p>3.0 – Building Height (Continued)</p> <p><i>** Applicant Requested Modification</i></p>	<p>Provided, however, where this By-law requires building height to be calculated to determine a minimum rear yard or a minimum side yard requirement, building height shall mean the vertical distance between the lowest finished grade elevation along the lot line related to such required yard at that point closest to the building and the horizontal extension of the uppermost point of the building.</p>		
Section 5: Parking Regulations			
<p>5.2 a) – Design Standards</p> <p><i>** Applicant Requested Modification</i></p>	<p>A minimum 1.5 metre wide landscape strip which shall contain a visual barrier in accordance with Section 4.19 of this By-law.</p>	<p>Notwithstanding Section 5.2 a), no landscape strip containing a visual barrier shall be provided along the westerly lot line where the parking area abuts a Residential Zone.</p>	<p>At grade parking currently exists along the westerly lot line with no landscape strip containing a visual barrier. The proposed ground floor plan generally recreates this existing condition therefore introducing limited new impacts to adjacent properties. Furthermore, enhanced screening measures will be implemented through a Site Plan Control application.</p> <p>Therefore, the proposed modification can be supported.</p>

Provision	Required	Requested Amendment	Analysis
<p>5.7 c) – Bicycle Parking</p> <p>** Applicant Requested Modification</p>	<p>In the Downtown (D1), (D2) and (D5) Zones, Transit Oriented Corridor Zones and Commercial and Mixed Use Zones short-term bicycle parking shall be provided in each and every building in the minimum quantity specified in accordance with the following requirements:</p> <p>i) Residential Uses (Multiple Dwelling) - 5</p> <p>ii) Commercial Uses (Other commercial uses) - 5</p>	<p>Notwithstanding Section 5.7 c), 5 short-term bicycle parking spaces shall be provided in each and every building.</p>	<p>The requested modification represents a limited departure from the requirements of Zoning By-law No. 05-200. Staff are of the opinion that the proposed design can be modified to include the additional five required short term bicycle parking spaces. Given the Downtown location of the proposed development and in close proximity to cycling lanes, staff are not supportive of reducing the short term bicycle parking spaces. In addition, Transportation Planning is not supportive of reducing the existing bicycle parking requirements of Zoning By-law No. 05-200.</p> <p>Therefore, the proposed modification cannot be supported by staff.</p>
<p>5.7 e) – Bicycle Parking</p> <p>** Applicant Requested Modification</p>	<p>Notwithstanding Section b) and in addition to c) above, in the Downtown (D1), (D2), and (D5) Zones, Transit Oriented Corridor Zones long-term bicycle parking shall be provided in the minimum quantity specified in accordance with the following requirements:</p>	<p>Notwithstanding Section 5.7 e), 0.44 long-term bicycle parking spaces per dwelling unit shall be provided.</p>	<p>The requested modification represents a limited departure from the requirements of Zoning By-law No. 05-200. Based on a rate of 0.44 long term bicycle parking spaces per dwelling unit, approximately 56 long-term bicycle parking spaces will be required. When applying the existing rate of 0.5 long term parking spaces per dwelling unit, 64 long term bicycle parking spaces are required. Given the Downtown location of the proposed development and in close proximity to cycling lanes, staff are of the opinion that the long term bicycle parking space requirement can be accommodated on the subject lands. Additionally, the proposed mixed use building provides approximately 296.1 square metres of commercial gross floor area.</p>

Provision	Required	Requested Amendment	Analysis
5.7 e) – Bicycle Parking (Continued) <i>** Applicant Requested Modification</i>	i) Residential Uses (Multiple Dwelling) - 0.5 per dwelling unit ii) All Commercial Uses - 5		<p>As such, no long term bicycle parking spaces are required for the commercial component of the proposal under Zoning By-law No. 05-200. Staff are supportive of providing amenities that encourage alternative transportation options. In addition, Transportation Planning is not supportive of reducing the existing bicycle parking requirements of Zoning By-law No. 05-200.</p> <p>Therefore, the proposed modification cannot be supported by staff.</p>
Section 6: Downtown Zones			
6.2.3 b) ii) – Regulations <i>** Applicant Requested Modification</i>	Maximum Building Height shall be in accordance with Figure 1 of Schedule “F” – Special Figures.	Notwithstanding Section 6.2.3 b) ii), the following regulation shall apply: ii) Maximum Building Height 1. 44.0 metres	<p>Increases in height to 12 storeys are supported by policy B.6.1.4.16 of the Downtown Hamilton Secondary Plan on lands identified as “Low-rise 2” – Maximum Building Heights Map B.6.1-2. The applicant has submitted a Shadow Study, prepared by Adesso Design Inc., dated May 2024 and a Pedestrian Wind Assessment, prepared by RWDI, dated December 2023 as required by the Urban Hamilton Official Plan. Staff are satisfied that the proposed increase in height is compatible with the surrounding context, streetscape and is sympathetic to the existing cultural heritage resources.</p> <p>Therefore, the proposed modification can be supported.</p>

SUMMARY OF POLICY REVIEW

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

Official Plan	Urban Hamilton Official Plan	Staff Response
<p>Archaeological Assessment</p> <p>Policy: B.3.4.4.3 b)</p>	<p>In areas of archaeological potential, an Archaeological Assessment shall be required as part of a complete Zoning By-law Amendment application.</p>	<p>The subject property meets three (3) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential. These criteria define the property as having archaeological potential.</p> <p>The subject property at 325 James Street North is comprised of a three storey brick building, constructed circa 1910 (Former Harbour Mission) and is included in the City’s Register of Property of Cultural Heritage Value or Interest as a non-designated property. The property at 309 James Street North is currently vacant but was formerly comprised of a two and a half storey buff brick building, constructed circa 1900 with a 1952 addition (Former International Hotel). In addition, the subject properties are located in the James Street North Cultural Heritage Landscape and the Central Established Historical Neighbourhood.</p> <p>As noted in previous Cultural Heritage comments, a Notice of Intention to Demolish was required for a property listed on the Municipal Heritage Register. The applicant submitted a formal Notice to staff along with a Cultural Heritage Impact Assessment in August 2023 for the former building located at 309 James Street North.</p> <p>Staff reviewed the Cultural Heritage Impact Assessment submitted to support the Notice of Intention to Demolish 309 James Street North and provided comments to the applicant, dated August 24, 2023.</p>

Official Plan	Urban Hamilton Official Plan	Staff Response
<p>Archaeological Assessment</p> <p>Policy: B.3.4.4.3 b) (Continued)</p>		<p>A staff report recommending removal from the Municipal Heritage Register was presented to Hamilton Municipal Heritage Committee, Planning Committee and Council, who removed the property from the Register on November 15, 2023. The Building Permit for demolition was issued in February 2024.</p> <p>In reviewing the Cultural Heritage Impact Assessment provided for the subject application, staff note that the majority of the comments provided to the applicant in August 2023 as part of the Notice of Intention to Demolish have been addressed. The report considers impacts and mitigation measures for the onsite built heritage resource at 325 James Street North, as well as impacts and mitigation measures for adjacent resources and the James Street North Streetscape. Staff note that the recommended Vibration Study, Symbolic Conservation Strategy/ Commemoration Plan and Construction Hoarding Plan will be captured as future conditions of a Site Plan Control application.</p> <p>In addition to staff’s review, Cultural Heritage Impact Assessment reports are forwarded to the Policy and Design Working Group of the Hamilton Municipal Heritage Committee for their review and comment prior to acceptance of the report as being complete, or the clearance of any conditions on any development approvals.</p> <p>The Cultural Heritage Impact Assessment was reviewed at the Policy and Design Working Group’s July 12, 2024, meeting.</p>

Official Plan	Urban Hamilton Official Plan	Staff Response
<p>Archaeological Assessment</p> <p>Policy: B.3.4.4.3 b) (Continued)</p>		<p>The applicant submitted the Cultural Heritage Impact Assessment required by the Holding Provision Removal. Cultural Heritage staff are generally comfortable with the removal of Holding Provision H21 and replacement with the forthcoming site specific zoning (H180), as the proposed design is compatible, yet distinguishable, from on site and adjacent heritage resources. However, staff note that comments from the Policy and Design Working Group are outstanding, and staff may have additional/ revised comments following their receipt. Staff are awaiting the formal minutes from the Policy and Design Working Group and recommend that the Holding conditions from Holding Provision H21 be incorporated into the recommended site specific Holding Provision.</p> <p>A Building Permit for the demolition of 309 James Street North was issued in February of 2024.</p> <p>The proposal complies with this policy.</p>
<p>Health and Public Safety – Noise</p> <p>Policy: B.3.6.3.7</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>A Noise Study, prepared by dBA Acoustical Consultants Inc., dated February 2024, was submitted in support of the application. The Noise Study concludes the following:</p> <ol style="list-style-type: none"> 1. Warning clauses are required to be inserted into all Offers and Agreements of Purchase and Sale or Lease for units identified in the study. 2. Central air conditioning units are required for all units identified in the study. 3. STC-43 rated exterior wall construction and STC-35 rated Window and Patio Doors are recommended for all units.

Official Plan	Urban Hamilton Official Plan	Staff Response
<p>Health and Public Safety – Noise</p> <p>Policy: B.3.6.3.7 (Continued)</p>		<p>4. A letter to confirm proper STC values for acoustically tested windows are supplied should be required.</p> <p>5. A Qualified Acoustical Consultant will be required to certify the required noise control measures have been incorporated into the plans prior to issuance of a building permit.</p> <p>6. A Qualified Acoustical Consultant certify that the approved noise control measures have been professionally installed prior to issuance of occupancy permits.</p> <p>These matters will be addressed through a future Site Plan Control application.</p> <p>The proposal complies with this policy.</p>
<p>Function</p> <p>Policy: E.2.3.1.6</p>	<p>The Downtown Urban Growth Centre shall function as a residential neighbourhood with a large and diverse population. A range of housing types, including affordable housing and housing with supports, shall be encouraged as set out in the Downtown Hamilton Secondary Plan and other associated secondary plans and policies of this Plan.</p>	<p>The application proposes additional housing units in the form of a mixed use building with commercial uses at grade and residential units above the ground floor.</p> <p>The proposal complies with this policy.</p>
<p>Function</p> <p>Policy: E.2.3.1.9</p>	<p>The Downtown Urban Growth Centre shall generally have the highest aggregate density within the City with a minimum target density of 500 persons and jobs per hectare. The Downtown Urban Growth Centre may evolve over time to a higher density without an amendment to this Plan.</p>	<p>The application proposes to increase the density at 309 James Street North, an underutilized urban parcel containing a vacant building.</p> <p>The proposal complies with this policy.</p>

Secondary Plan	Downtown Hamilton	Staff Response
<p>General Land Use Policies</p> <p>Policy: B.6.1.4.6</p>	<p>When considering an application for development, compatibility with adjacent land uses including matters such as shadowing, grading, overlook, noise, lighting, traffic and other impacts shall be considered. In addition, the transition in height to adjacent and existing building as well as the height, massing and scale of buildings and structures should be compatible and sympathetic to the character and heritage of the neighbourhood.</p>	<p>A Shadow Study, prepared by Adesso Design Inc., dated May 2024, was included in the Urban Design Brief and submitted in support of the application. The Shadow Study concludes the application adheres to the City of Hamilton’s Draft Sun Shadow Study Development Application Guidelines and the proposed building will not cast undue shade on the Public Realm, Common Amenity Areas, or any of the Primary Gathering Spaces in Downtown Hamilton. The Shadow Study further concludes that surrounding parcels, with the exception of those west of the subject lands, will be within the shadow of the proposed building for less than three hours on March 21st and will allow for a minimum of three hours of sun coverage for elements in the Public Realm. The parcels west of the subject lands will experience increased shadowing from the proposed development, however, as demonstrated in the shadow study, the as of right shadowing would have a significant and potentially larger shadow impact on these parcels due to the permitted massing by the existing zoning regulations.</p> <p>The bulk of the massing has been located along the James Street North and Barton Street West frontages to mitigate overlook concerns, among other things. Furthermore, along the westerly lot line, a 4.5 metre setback to the residential balconies is maintained above the fourth storey.</p>

Secondary Plan	Downtown Hamilton	Staff Response
<p>General Land Use Policies</p> <p>Policy: B.6.1.4.6 (Continued)</p>		<p>A Noise Study, prepared by dBA Acoustical Consultants Inc., dated February 2024, was submitted in support of the application and the details are included above in the analysis of Policy: B.3.6.3.7. Noise related matters will be addressed through a future Site Plan Control application.</p> <p>A Photometrics Plan will be required if pole lighting is proposed during the Site Plan Control stage.</p> <p>A Transportation Impact Study, prepared by Paradigm Transportation Solutions and dated February 13, 2024, was submitted in support of the application.</p> <p>Transportation Planning staff have confirmed a proposed mixed use building at this location can be accommodated on the surrounding road network at build out within the five year horizon.</p> <p>The proposal complies with this policy.</p>
<p>Housing</p> <p>Policy: B.6.1.4.10</p>	<p>The development of housing with a full range of tenure, affordability, and support services shall be provided for and promoted throughout the Downtown in a full range of built housing forms in accordance with the policies of Section B.3.2 – Housing Policies of Volume 1.</p>	<p>The application proposes a new, mixed use building containing approximately 296 square metres of ground floor commercial space and 127 dwelling units, which includes seven studio units (5.5%), 87 one bedroom units (68.5%) and 33 two bedroom units (26%). A total of 58 parking spaces will be provided, including two barrier free spaces, nine surface parking spaces and 49 underground spaces.</p>

Secondary Plan	Downtown Hamilton	Staff Response
Housing Policy: B.6.1.4.10 (Continued)		Indoor and outdoor amenity space is proposed on the rooftop. The proposal complies with this policy.
Building Heights Policy: B.6.1.4.14	Notwithstanding Policy B.6.1.4.12 and Map B.6.1-2 Building Heights, maximum building height within the Downtown Hamilton Secondary Plan area shall be no greater than the height of the top of the Escarpment as measured between Queen Street and Victoria Avenue, identified on Appendix “D” – Niagara Escarpment Heights.	The application proposes a 12 storey mixed use building and the retention of an existing three storey office building, neither of which will exceed the height of the top of the Escarpment as measured between Queen Street and Victoria Avenue, identified on Appendix “D” – Niagara Escarpment Heights. The proposal complies with this policy.
Low – Rise Buildings B.6.1.4.16	For lands identified as “Low-rise 2” on Map B.6.1.2 – Downtown Hamilton Building Heights, increases in height to a maximum of 12 storeys (mid-rise), may be permitted without an amendment to this Plan, subject to the following: a) meeting the principles, objectives and policies of this Plan, in particular, Policy B.6.1.4.14 and Policies B.6.1.4.31 through B.6.1.4.39; b) D how the proposed building and site design relate to and is compatible with the existing and/or planned context of the area; c) Demonstrating how the proposed building and site relate to topography, the Niagara Escarpment, and other buildings in the area; and, d) Demonstrating how any impacts on streetscapes and views of streetscapes, landmark structures or cultural heritage resources from public sidewalks or public spaces will be mitigated.	Compliance with policy B.6.14.14 and the relevant policies of B.6.14.31 through B.6.14.39 has been demonstrated above and below. The application proposes a 12 storey, mixed use building. Although limited in height, James Street North is characterized by multiple storey, mixed use buildings with six and eight storey buildings within 350 metres of the subject lands. Furthermore, the proposed 12 storey, mixed use building is below the height of the top of the Niagara Escarpment (191.2 metres above sea level) as confirmed by the applicant’s elevations.

Secondary Plan	Downtown Hamilton	Staff Response
<p>Low – Rise Buildings</p> <p>B.6.1.4.16 (Continued)</p>	<p>e) Demonstrating how the proposed development mitigates impacts to on site or adjacent cultural heritage resources; and,</p> <p>f) That the above noted considerations have been demonstrated through the studies required as part of a complete application.</p>	<p>The proposed 12 storey building will exceed the height of most buildings in the area, however, six and eight storey buildings are located within 350 metres of the subject lands.</p> <p>Per Appendix “C”, Viewshed Analysis of the Downtown Hamilton Secondary Plan, the view corridor to the Niagara Escarpment is maintained through the application. The applicant included a Visual Impact Assessment within the Urban Design Brief in support of the application. The Visual Impact Assessment concludes views to Hamilton Harbour will not be altered or impeded, however, changes to the downtown skyline are expected although will be minimal and mitigated through the use of a building podium and setbacks.</p> <p>A Building Permit for the demolition of 309 James Street North was issued in February 2024, and Cultural Heritage staff have confirmed they are generally comfortable with the removal of Holding Provision H21 and support the forthcoming site-specific zoning.</p> <p>The proposal complies with this policy.</p>
<p>Built Form</p> <p>Policy: B.6.1.4.25</p>	<p>In addition to Section B.3.3 – Urban Design Policies of Volume 1, development in the Downtown shall achieve the following:</p> <p>a) Eliminating expanses of blank walls.</p>	<p>Blank walls are avoided through the application and limited to a small portion below the fourth storey podium along the westerly lot line that will be partially covered by the existing residential building adjacent to the subject lands.</p>

Secondary Plan	Downtown Hamilton	Staff Response
<p>Built Form</p> <p>Policy: B.6.1.4.25 (Continued)</p>	<p>b) Integrating roof top design and function with the surrounding buildings and public spaces. This shall be achieved through:</p> <ul style="list-style-type: none"> i) Integrating roof design with the building architecture; ii) Designing the tower top of tall buildings so that they are a recognizable landmark that contributes to an iconic and distinctive skyline; iii) Ensuring that roof top mechanical equipment, as well as stair and elevator towers, are sized and located so that they are screened from view from the street; iv) Developing rooftop terraces, gardens, and associated landscape areas for private amenity areas, climate enhancement and for storm water management; and, v) Incorporating best practices and appropriate technology to reduce energy consumption and improve air quality. 	<p>The application proposes a rooftop amenity space setback from exterior walls below that draws on the design and fenestration of the proposed 12 storey mid rise building containing a mix of uses.</p> <p>The mechanical room is setback from exterior walls below as to limit and potentially eliminate the view from the street.</p> <p>The application proposes an outdoor gym to activate the rooftop while providing an outdoor terrace above the fourth storey building podium.</p> <p>The proposal complies with this policy.</p>
<p>Built Form</p> <p>Policy: B.6.1.4.28 and B.6.1.4.29</p>	<p>All development shall:</p> <ul style="list-style-type: none"> a) Be massed to frame streets in a way that respects and supports the adjacent street proportions; b) Be compatible with the context of the surrounding neighbourhood; c) Contribute to high quality spaces within the surrounding public realm; and, d) Provide high quality spaces within the buildings themselves. 	<p>The application proposes a 12-storey, mixed use building that appropriately frames both James Street North and Barton Street West. Although limited in height, James Street North is characterized by multiple storey, mixed use buildings with six and eight storey buildings within 350 metres of the subject lands. High quality spaces in the public realm will be required to be implemented through the Site Plan Control phase. The application proposes an indoor library, gym, lounge, lockers, bicycle parking and boardroom space.</p>

Secondary Plan	Downtown Hamilton	Staff Response
<p>Built Form</p> <p>Policy: B.6.1.4.28 and B.6.1.4.29 (Continued)</p>	<p>Residential development shall provide amenity space within new developments in the form of private or semi-private parkettes, rooftop gardens or internalized open spaces within courtyard areas created by new buildings.</p>	<p>Based on the above, staff are satisfied the buildings provide high quality spaces.</p> <p>The proposal includes an outdoor terrace above the fourth storey, residential balconies and a rooftop indoor amenity space with an accessory outdoor gym.</p> <p>During the Site Plan Control phase, minor revisions to the Site Plan and Elevations as well as the submission of a Landscape Plan will be required to be reviewed by Urban Design staff.</p> <p>The proposal complies with this policy.</p>
<p>Transition in Scale</p> <p>Policy: B.6.1.4.32</p>	<p>Transition between development, and adjacent streets, parks or open spaces shall ensure access to sunlight and sky view.</p>	<p>A Shadow Study, prepared by Adesso Design Inc., dated May 2024, was included in the Urban Design Brief and submitted in support of the application. The Shadow Study concludes the application adheres to the City of Hamilton’s Draft Sun Shadow Study Development Application Guidelines and the proposed building will not cast undue shade on the Public Realm, Common Amenity Areas, or any of the Primary Gathering Spaces in Downtown Hamilton as listed in the Guidelines. The Shadow Study further concludes that surrounding parcels, with the exception of those west of the subject lands, will be within the shadow of the proposed building for less than three hours on March 21st and will allow for a minimum of three hours of sun coverage for elements in the Public Realm.</p>

Secondary Plan	Downtown Hamilton	Staff Response
<p>Transition in Scale</p> <p>Policy: B.6.1.4.32 (Continued)</p>		<p>The parcels west of the subject lands will experience increased shadowing from the proposed development, however, as demonstrated in the shadow study, the as of right shadow would have a significant, potentially larger, impact on these parcels. Based on the above, staff are satisfied the application ensures access to sunlight and sky view.</p> <p>The proposal complies with this policy.</p>
<p>Transition in Scale</p> <p>Policy: B.6.1.4.33</p>	<p>Development shall be required to provide transition in scale, within the development site, as a result of any of the following:</p> <ul style="list-style-type: none"> a) The development is of greater intensity and scale than the adjacent existing scale, or where appropriate, the planned built form context; b) The development is adjacent to a cultural heritage resource or a cultural heritage landscape; or, c) The development is adjacent to existing or planned parks, or open spaces. 	<p>The application proposes a 12 storey mixed use building that incorporates a four storey podium and setbacks above the fourth storey. The bulk of the massing has been located along the James Street North and Barton Street West frontages. Furthermore, along the westerly lot line, a 4.5 metre setback to the residential balconies is maintained above the fourth storey.</p> <p>The application proposes the retention and adaptive reuse of an existing heritage building on the same lot. The intent of this policy is to ensure transitions to adjacent cultural heritage resources and landscapes.</p> <p>The application is not for lands adjacent to parks or open space.</p> <p>The proposal complies with this policy.</p>

Secondary Plan	Downtown Hamilton	Staff Response
<p>Public Realm</p> <p>Policy: B.6.1.4.35 and B.6.1.4.36</p>	<p>Proposed development shall allow for a minimum of three hours of sun coverage between 10:00 a.m. and 4:00 p.m. as measured on March 21st to September 21st on public sidewalks, and public and private outdoor amenity areas such as patios, sitting areas, and other similar areas.</p> <p>Proposed development shall allow for a minimum of 50% sun coverage at all times of the day as measured on March 21st to September 21st on public plazas, existing and planned parks, and open spaces, school yards, and playgrounds.</p>	<p>A Shadow Study, prepared by Adesso Design Inc., dated May 2024, was included in the Urban Design Brief and submitted in support of the application. The Shadow Study concludes the application adheres to the City of Hamilton’s Draft Sun Shadow Study Development Application Guidelines and the proposed building will not cast undue shade on the Public Realm, Common Amenity Areas, or any of the Primary Gathering Spaces in Downtown Hamilton as listed in the Guidelines. The Shadow Study further concludes that surrounding parcels, with the exception of those west of the subject lands, will be within the shadow of the proposed building for less than three hours on March 21st and will allow for a minimum of three hours of sun coverage for elements in the Public Realm. The parcels west of the subject lands will experience increased shadowing from the proposed development, however, as demonstrated in the shadow study, the as of right shadow would have a significant, potentially larger, impact on these parcels. Based on the above, staff are satisfied the application minimizes shadow impacts on public sidewalks, parks, public and private open spaces, school yards and buildings, childcare centres, playgrounds, sitting areas, patios and other similar amenities.</p> <p>The proposal complies with this policy.</p>

Secondary Plan	Downtown Hamilton	Staff Response
<p>Public Realm</p> <p>Policy: B.6.1.4.38 and B.6.1.4.39</p>	<p>Proponents shall be required to submit a Shadow Impact Study and a Pedestrian Level Wind Study, in accordance with Chapter F – Implementation Policies of Volume 1, to demonstrate that the height, orientation, design and massing of a building or structure does not unduly overshadow, block light, result in the loss of privacy of adjacent residential uses, or create uncomfortable or unsafe wind conditions. Studies shall be completed to the satisfaction of the City and shall demonstrate conformity with Policies 6.1.4.34 through 6.1.4.38.</p>	<p>A Pedestrian Wind Assessment, prepared RWDI, dated December 2023, was submitted in support of the application. It concludes that the proposed development would not result in significant wind impacts due to the positive design features and the placement of adjacent buildings. An additional wind analysis will be completed through the Site Plan Control phase and the amenity area wind mitigation measures will be implemented.</p> <p>A Shadow Study, prepared by Adesso Design Inc., dated May 2024, was included in the Urban Design Brief and submitted in support of the application. Staff discussion regarding the Shadow Study is contained above through policies B.6.1.4.35 and B.6.1.4.36.</p> <p>The proposal complies with this policy.</p>
<p>Cultural Heritage Resource Policies</p> <p>Policy: B.6.1.11.1</p>	<p>Heritage buildings and streetscapes define Downtown Hamilton as a unique place. The existing concentration of heritage built form is one of the key strengths and opportunities in Downtown Hamilton. The Downtown Hamilton Secondary Plan recognizes the value of heritage buildings, streetscapes, and the cultural landscape and places a priority on their retention and enhancement.</p> <p>Cultural heritage landscapes shall be protected by retaining major characteristics through the review of <i>Planning Act</i> applications.</p>	<p>A Building Permit for the demolition of 309 James Street North was issued in February of 2024 and Cultural Heritage staff have confirmed they are generally comfortable with the removal of Holding Provision H21 and support replacement with the forthcoming site specific zoning.</p> <p>The proposal complies with this policy.</p>

Secondary Plan	Downtown Hamilton	Staff Response
Cultural Heritage Resource Policies Policy: B.6.1.11.1 (Continued)	Conservation of existing cultural heritage resources shall be a priority in all development. New development shall be compatible with on site and adjacent cultural heritage resources. Adaptive reuse will be given priority for all built heritage resources.	

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CONSULTATION – DEPARTMENTS AND AGENCIES

Department/Agency	Comment	Staff Response
Alectra.	Standard comments.	Noted.
Bell Canada.	Standard comments.	Noted.
Enbridge.	Standard Comments.	Noted.
Commercial District and Small Business Section, Economic Development Division, Planning and Economic Development Department.	The subject site and proposed development are located within the Downtown Hamilton Community Improvement Project Area and as such we are supportive of the proposed zoning amendment in terms of facilitating development that will increase the downtown residential population, further support demand for existing and new commercial amenities in the core and generally represent a positive contribution to the on going revitalization of Downtown as a vibrant, attractive and livable commercial district.	Noted.
CN Rail.	Thank you for consulting CN on the application mentioned in subject. It is noted that the subject site is located within 400 meters of CN Rail Yard and main line operations. CN has concerns of developing/densifying residential uses in proximity to railway operations. Development of sensitive uses in proximity to railway operations cultivates an environment in which land use incompatibility issues are exacerbated. Please refer to Federation of Canadian Municipalities/Railway Association of Canada (FCM/RAC) guidelines for the development of sensitive uses in proximity to railways developed by the Railway Association of Canada and the Federation of Canadian Municipalities.	The concerns expressed by CN are limited to Site Plan matters that will be addressed through a future Site Plan Control application.

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Department/Agency	Comment	Staff Response
CN Rail. (Continued)	<p>CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual application approval:</p> <ol style="list-style-type: none"> 1. The Owner shall engage a consultant to undertake an analysis of noise. Subject to the review of the noise report, CN may consider other measures recommended by an approved Noise Consultant. 2. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 1000m of the railway right-of-way: <p>"Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of way within 1000 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."</p>	

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Department/Agency	Comment	Staff Response
CN Rail. (Continued)	<p>3. The Owner shall, through restrictive covenants to be registered on title and all agreements of purchase and sale or lease, provide notice to the public that the noise isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.</p> <p>4. The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.</p> <p>5. The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.</p>	
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department.	<p>Development Engineering has reviewed the Functional Servicing Report (FSR), Stormwater Management (SWM) Brief, Grading Plan, and Servicing Plan submitted by Mantecon Partners Inc., dated December 14, 2023.</p> <p>The applicant is required to revise the Functional Servicing Report and Stormwater Management Brief to demonstrate feasibility of on-site quantity control measures within the subject lands and provide updated hydrant flow tests to demonstrate that the required domestic and fire flows are available within the appropriate pressure range such that the surrounding areas are not adversely impacted, in order to support the proposed development.</p> <p>The City has no issues with the proposed storm and sanitary release rate to the municipal sewers.</p>	A Holding 'H' Provision is required to ensure submission and acceptance of a revised Functional Servicing Report and Stormwater Management Brief to identify all required site servicing requirements and upgrades to municipal infrastructure. Any necessary updates are required before the Holding 'H' Provision can be removed.

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Department/Agency	Comment	Staff Response
<p>Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department. (Continued)</p>	<p>However, there are no details in the FSR/SWM brief to clarify the required on-site storage volume and feasibility of the required stormwater management control features within the subject lands. Therefore, Development Engineering supports the proposed Zoning By-law amendments, subject to a Holding Provision to address staff comments and the submission of a revised Functional Servicing Report and Stormwater Management brief to identify all required site servicing requirements and upgrades to municipal infrastructure (if required) to the satisfaction of the Director of Development Engineering:</p> <p>1.1 Submit to the City’s Director of Development Engineering for review and acceptance, prior to lifting the Hold Provision,</p> <p style="padding-left: 40px;">1.1.1. A revised Functional Servicing Report and Stormwater Management Brief to demonstrate feasibility of on-site quantity control measures within the subject lands.</p> <p style="padding-left: 40px;">1.1.2. Updated hydrant flow tests to demonstrate that the required domestic and fire flows are available within the appropriate pressure range and that the surrounding areas are not adversely impacted, otherwise a Watermain Hydraulic Analysis Report (WHAR) will be required at the pressure district level PD2.</p>	<p>These matters are included in Appendix “B” attached to Report PED24042.</p>

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Department/Agency	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department. (Continued)	1.2. Make satisfactory arrangements with the City's Growth Management Division and enter into and register on title of the lands, an External Works Agreement with the City for the design and construction of any required improvements to the municipal infrastructure at the Owner's cost, should it be determined that upgrades are required to the infrastructure to support this development, according to the FSR and WHAR accepted by the City's Director of Development Engineering.	
Forestry and Horticulture Section, Environmental Services Division, Public Works Department.	The tree management plan requires minor amendments and additional information as it relates to tree numbering and their locations. No landscape plan was circulated. Payment for street trees at a rate of \$695.79 plus HST per tree for road allowance street trees is required.	Revisions to the Tree Management Plan and submission of a Landscape Plan will be required through a future Site Plan Control application.
Transit Strategy, Hamilton Street Railway (HSR).	HSR operates significant service past this site, but the nearest stop is located at Colborne / West Harbour. The site is not expected to affect service. With (Re), the number of buses passing will increase to 10 routes. Two routes, 2 Barton and 71 Ancaster, will stop on the northwest corner of Barton and James. The proponent should protect for or provide for a transit shelter at this stop. Our infrastructure team can provide full details. Applicant is proposing minimal parking spaces.	During the Site Plan Control phase, the applicant will be required to coordinate with our infrastructure team to accommodate a transit shelter on the northwest corner of Barton Street West and James Street North.

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Department/Agency	Comment	Staff Response
Transit Strategy, Hamilton Street Railway (HSR). (Continued)	The site is in the top 4% of sites by transit access and HSR recommends supporting minimal or even further reduced parking requirements.	
Legislative Approvals, Growth Planning Section, Growth Management Division, Planning and Economic Development Department.	<p>The submitted materials state that the subject proposal will be rental units. If in the future, it is decided that the proposal will be condominium tenure, please note a PIN Abstract would be required with the submission of a future Draft Plan of Condominium application. If the intent is to phase the Condominium, Schedules “G” and “K” as per the Condominium Act, would be required for future phases. If condominium, it should also be confirmed if multiple condominium corporations are proposed and if the proposed parking and any proposed storage lockers will be unitized. Staff defer to Development Planning for further comment;</p> <p>It should be determined if any easements are required for access, servicing and / or maintenance purposes. Staff defer to Development Planning and / or Engineering Approvals for further comment; and,</p> <p>The Owner and Agent should be made aware that the municipal addressing for the proposed development will be determined after conditional Site Plan approval is granted.</p>	Noted.
Metrolinx.	Metrolinx has reviewed the Noise and Vibration Study prepared by dBA Acoustical Consultants Inc. dated February 2024.	A revised warning clause will be required to be added to the site plan through a future Site Plan Control application.

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Department/Agency	Comment	Staff Response
Metrolinx. (Continued)	<p>It is noted that noise control measures such as the implementation of central air conditioning, specific building components (i.e., windows, walls, etc) and the inclusion of warning clause have been identified as mitigation measures.</p> <p>In review of the warning clause included in Section 4.3 (pg. 11/89), it is noted the language identifies both Canadian National Railway and Metrolinx. Metrolinx notes this wording was not provided or identified to the proponent. Warning clause language regarding Metrolinx should not identify other private rail operators (i.e., CN). Metrolinx requests that its warning clause language below be identified separately and that reference to Metrolinx as part of any other warning clause language be removed. Please submit a revised Noise and Vibration Study containing the Metrolinx warning clause below:</p> <p>Warning: Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual units.</p>	<p>Additionally, the Owner will be required to grant Metrolinx an environmental easement for operational emissions during a future Site Plan Control application.</p>

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Department/Agency	Comment	Staff Response
Metrolinx. (Continued)	<p>Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands.</p> <p>The Owner shall grant Metrolinx an environmental easement for operational emissions, which is to be registered on title for all uses within 300 metres of the rail right-of-way. Included is a copy of the form of easement for the Proponent's information. The Proponent may contact Luka.Medved@metrolinx.com with questions and to initiate the registration process. Registration of the easement will be required prior to clearance of Site Plan Approval (It should be noted that the registration process can take up to 6 weeks).</p> <p>The Owner shall be responsible for all costs for the preparation and registration of agreements/undertakings/easements/warning clauses as determined appropriate by Metrolinx, to the satisfaction of Metrolinx. They shall also consider the timelines required to advance such agreements and reviews in their schedule accordingly.</p>	
Natural Heritage, Planning Division, Planning and Economic Development Department.	<p>No components of the Natural Heritage System (Core Areas or Linkages) have been identified within or adjacent to the subject property. As a result, it is anticipated that the proposed development will not further negatively impact the features and functions of the City's Natural Heritage System.</p> <p>A Tree Protection Plan prepared by Adesso Design Inc. identified that all trees are within the municipal right of way.</p>	Noted.

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Department/Agency	Comment	Staff Response
Natural Heritage, Planning Division, Planning and Economic Development Department. (Continued)	Natural Heritage Planning staff defers any further review of this TPP to the City’s Forestry Department.	
Chronic Disease Prevention, Healthy & Safe Communities, Public Health Services.	<p>The following information provided by Public Health Services at the Formal Consultation stage is intended to help educate and inform the Applicant about required studies, applicable policies, and key issues in advance of submitting a formal Planning Act application. These comments do not address all public health issues and/or details that may affect final approval of the site, and which may be identified at the next stage of Planning Act approvals. It is the Applicant’s responsibility to review all relevant City plans and guidelines.</p> <ol style="list-style-type: none"> 1. Bicycle Parking <ol style="list-style-type: none"> a. We recommend that visitor bicycle parking (short-term bicycle parking) being located by front entrances in accessible and well-lit areas. b. We recommend that secure long-term bicycle parking be located inside on the first floor of the building and visible from the front entrance. Additionally, video cameras should be on visitor and secure bike parking lots. Space should be provided for bikes of various sizes and attachments (e.g., trailer). c. We recommend conforming to section 5.7e of Hamilton Zoning By-law regarding bicycle parking rates for both short-term bicycle parking and long-term bicycle parking. We recommend a total of 14 short-term bicycle parking spaces and 90 long-term bicycle parking spaces. 	<p>Short and long term bicycle parking locations will be finalised through a Site Plan Control application. The applicant has requested modifications to reduce the required amount of short and long term bicycle parking. This matter is addressed in Appendix “D” attached to Report PED24064. The proposal will be required to conform to the requirements of the <i>Accessibility for Ontarians with Disabilities Act</i> as it relates to barrier free parking through a future Site Plan Control application.</p>

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Department/Agency	Comment	Staff Response
Chronic Disease Prevention, Healthy & Safe Communities, Public Health Services. (Continued)	2. Vehicle Parking d. We recommend that the parking requirements for barrier-free parking conform to the parking requirements as per section 5.6a of Hamilton Zoning By-law 05-200. In a PRA 1, no parking spaces are required for residents, and two visitor parking spaces, plus 0.05 visitor parking spaces are required per unit (127 units x .05 = 6.35, thus 7 visitor parking spaces).	
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department.	Transportation Planning supports the proposed Zoning By-law Amendment, however, the proposed vehicular access location and zoning modifications to reduce short and long term bicycle parking requirements are not supported. No additional right-of-way dedications or daylight triangle dedications are required.	An Addendum to the Transportation Assessment is required to explore alternative access locations through a Site Plan Control application. The applicant's modifications to reduce short and long term bicycle parking requirements are not supported by staff and have been removed from the implementing Zoning By-law Amendment.
Waste Policy and Planning Section, Waste Management Division, Public Works Department.	This application has been reviewed for municipal waste collection service.	Acknowledgement that the site will be serviced by private waste collection will be required through a future site plan application.

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Department/Agency	Comment	Staff Response
Waste Policy and Planning Section, Waste Management Division, Public Works Department. (Continued)	<p>A private waste hauler will be required to collect the waste materials from the commercial units as the commercial portion of this property is not eligible for municipal waste collection.</p> <p>This residential portion of the development is eligible for municipal waste collection, however, as currently designed, is not serviceable. Revisions to the waste chute configuration, waste storage, loading and staging area, and access route will be required to satisfy the requirements of Waste Management System By-law No. 20-221.</p>	In addition, revisions to the Site Plan will be required through a future Site Plan Control application.
Real Estate, Planning and Economic Development Department.	No comments.	Noted.

**Appendix “G” to Report PED24064
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SUMMARY OF PUBLIC COMMENTS RECEIVED

Comment Received	Staff Response
That they have concerns related to the current and future availability of street parking.	The provision of existing vehicular street parking spaces is outside the scope of this application. No modification has been requested to reduce on site parking requirements. Shared street parking will continue to be offered in the immediate area.
That they support the application given the need for rental housing in the neighbourhood and because it will redevelop the corner of James Street North and Barton Street West.	Noted.
That they have concerns related to the proposed building height and shadow impacts but would support a six storey building in this location. Additionally, they have concerns that this will establish precedent.	The proposed building height is supported by the policies of the Downtown Hamilton Secondary Plan. A shadow study was submitted and reviewed by Urban Design staff. It was noted that the proposed development would result in less shadows than the as of right zoning permissions and a minimum of three hours of sunlight is achieved.
That they have concerns related to the character of the area being maintained, wind impacts, the wall abutting 12 Barton Street West, the proposed parking entrance and shadow impacts.	<p>Although limited in height, James Street North is characterised by multiple storey, mixed use buildings, with six and eight storey buildings within 350 metres of the subject lands. Wind impacts were reviewed through submission of a Wind Study that concludes no significant wind impacts are anticipated. Amenity area wind mitigation measures will be implemented through a future Site Plan Control application.</p> <p>The existing residential building located at 12 Barton Street West is currently encumbered by the existing building located at 309 James Street North. This condition is expected to continue, however, it has been mitigated through building design including a podium limited to four storeys in height and stepbacks above the fourth storey. No modification to required setbacks has been requested.</p> <p>Transportation Planning has indicated that they are supportive of the proposed Zoning By-law</p>

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	Amendment, however, revisions to the plan may be required as part of a future Site Plan Control application.
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COPY OF PUBLIC COMMENTS RECEIVED

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Sent: Wednesday, June 12, 2024 10:24 AM
To: Morton, Devon
Subject: ZAC-24-018

Hi Devon,

As a homeowner on [REDACTED] that doesn't have a driveway. I would like to voice my concern about parking on our street being impacted by this new building. It is my understanding that there will not be enough parking spots for all the units in this new proposed development, this is going to be a nightmare for me and others on our street in a similar situation. We already have issues during the numerous festivals year round and people using the neighbourhood street parking to commute on the go train, I am concerned that I will have nowhere to park my car because people who live in that building will use our street to park their vehicles, it's already very [difficult](#). In addition to requiring the developers to provide more parking spaces, I would also propose a permit parking system with no overnight parking unless you have a permit for our neighbourhood (obtainable for a fee and only if you can prove you live on the street with exclusions for condo residents, more than 1 car street permit shouldn't be allowed either unless there is still space after 1 car per household. I think this is fair and would allow for the businesses on James N to give their customers somewhere to park as well as guests of residents of the new building without taking advantage. It would also be a revenue source for the city.

Thank you.

Sent: Saturday, June 15, 2024 3:44 PM
To: Morton, Devon
Subject: ZAC-24-018

Greetings,

I live [REDACTED] from this proposed project at 309-325 James St. N. I am writing to express my support for the proposed redevelopment, especially given the need for rental housing in our neighbourhood. I look forward to seeing this project bring new life to the corner of James St. N. and Barton St. W.; hopefully sooner rather than later.

Regards,

Sent: Tuesday, June 18, 2024 4:16 PM

To: Morton, Devon

Cc: Morgan, David

Subject: Comments on zoning amendment application ZAC-24-018

As residents of [REDACTED], located between [REDACTED], and almost due [REDACTED] of the proposed 12-storey development, we have several concerns based on information provided in the Design Review Panel presentation.

1. It is disingenuous to claim that any 12-storey structure fits into the neighbourhood, when for several blocks in all directions the structures are 2 or 3 storeys.
2. According to the presentation, the shadow from proposed 12-storey building will completely shade our 3-storey terrace unit for several hours a day, including the backyard, kitchen and sunroom at the back of the house. This will lead to a significant reduction in the enjoyment of our home and garden, which we are sad about.

Having pointed out these issues, we understand the urgent need for more housing, the suitability of our neighbourhood for even more density than already exists, and the need for developers to be able to make a profit in a time of increased building costs. A 6-storey structure would greatly lessen the impact of a tall structure in the neighbourhood. Last but not least, anyone knowledgeable about Hamilton history knows about what happened in the Durand Neighbourhood just to the South of downtown in the 1970's. Swaths of houses were pulled down and a forest of high rises was created until residents rose up in protest. There are many sites awaiting development in the immediate area of James and Barton. Will approval of this re-zoning serve as a precedent for further rezoning allowing 12 or more storeys? Is there anything to prevent a forest of high rises to appear in what are now pleasant residential neighbourhoods where residents know and rely on their neighbours? This is our greatest concern.

Regards,

Submitted to:

Deveon Morton, Senior Planner, City of Hamilton
Planning and Economic Development Department
Development Planning - West Team
71 Main Street West, 5th floor, Hamilton, ON., L8P 4Y5
Email: deven.Morton@Hamilton.ca

Councilor Cameron Kroetsch, Ward 2

Hon. Andrea Horvath, Mayor Hamilton City

Subject:

Zoning By-law amendment application for 309 James Street North (block 1)

To change the zoning from downtown Mixed Use Pedestrian focus (D2, H21) Zone to downtown Mixed use Pedestrian Focus (D2, ###) Zone, to permit a proposed 12 – storey multiple dwelling and the adaptive reuse of an existing 3 storey heritage building.

Comments on applications file ZAC – 24-018

Zoning By-law amendment

Owner / applicant: James Barton LP / Core Urban Inc.

Agent: WEBB Planning Consultants

Deemed completion date: June 3, 2024

Public Meeting date: August 13, 2024

I, [REDACTED], a homeowner who resides at [REDACTED] near 309 James North, oppose the zoning change requested by James Barton LP / Core Urban Inc. on the following grounds.

First, some ancillary issues. I cannot access anybody at City Hall for advice or information due to the ongoing effects of the Cyber attack. Over a week ago, sometime around June 18, 2024, I sent an email to Planning requesting information on the Downtown Secondary Zoning Plan and have not had a reply yet. Furthermore I have no idea what the zoning designation (D2, ###) means, and due to the above, have no way of finding out. What do the hashtags mean?

Before I get into the details I oppose the zoning change because the proposed building does not fit into the character of the surrounding neighbourhood, and as designed, will have a large negative impact on the adjacent and nearby properties.

Wind tunnel

– there is already a wind tunnel effect when the wind blows from the East or Northeast. The wind, which comes off lake Ontario, is funneled down Barton Street and when it hits the All Souls Church at 21 Barton West, the church creates a powerful wind tunnel effect for house to the west. I know because my house is in that wind tunnel. Having a 12 storey building at 309 James North, directly across from All Souls Church, would only make this wind tunnel much worse. On this basis I oppose the zoning change that will permit a 12 storey building at 309 James North. A 6 or 8 storey building would greatly reduce the effects of the wind tunnel.

The proposed blank wall that will abut 12 Barton West.

This wall is almost as high as 12 Barton West, and according to the owner, also blocks some of his windows. The proposed building at 309 James North should redesign this

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wall - a set back from 12 Barton West is possible, as is lowering the proposed height and number of units at 309 James North so that the surrounding properties are not adversely affected. Again reducing the number of units and storeys to 6 or 8, would solve this problem, as it would allow more space for setbacks on such a small lot.

The Proposed parking entrance off Barton West.

Due to the large number of units proposed for the 12 storey building, this access off Barton Street West for the parking would cause a lot of traffic problems.

First, it is located right after a Stop light on a busy street. It is also located near an intersection that is misaligned creating very narrow sidewalks on the south side.

These issues can be solved by reducing the height of the building and the number of units so as to create less traffic congestion as cars go in and out of the parking area at 309 James North.

Therefore, on these grounds I oppose changing the zoning of 309 James North to permit a 12 storey building. The height should be kept to no more than 8 storeys and the zoning stay the same. - Mid-rise for 6 storeys.

Zoning should not be changed to permit a 12 storey building that does not fit with the existing 3 storey urban landscape. All clauses cited are found in the downtown Secondary Urban Plan. Clause E.4.6.8 allows an exemption for a building up to 12 storeys:

"Additional height up to a total of 12 storeys may be permitted without an amendment to this Plan, provided the applicant demonstrates...."

And then there are the conditions under which such a building can be permitted. One of these conditions is,

"in urban neighbourhoods with buildings close to lot lines, buildings abut lower or higher scale buildings should be designed to ensure a transition of scale".

E.4.6.8.c states that 12 storeys may be permitted without an amendment to the plan if,

"there are no adverse shadow impacts created on existing residential uses within adjacent lands designated neighbourhoods;"

And E.4.6.8.d

"buildings are progressively stepped back from adjacent areas designated Neighbourhoods."

This 12 storey tower will cast morning shadows over my house at [REDACTED] especially in the Fall, winter and Spring, creating adverse shadow impacts. The tower

Appendix "G" to Report PED24064**Page 7 of 9**

should be lowered to 6 or 8 storeys to reduce the impact of shadows on houses to the west.

Also, the 12 storey tower cannot be "progressively" stepped back from adjacent areas because the lot size is too small to permit any progressive step back. "Progressive" must mean more than one step back, otherwise it is not progressive. This 12 storey tower has one step back at 4 storeys - this does not fit the definition of "progressively stepped back".

Again the developer is trying to put up a 12 storey tower on a lot that is too small to enable the building to be "progressively stepped back", or allow the building to NOT cast shadows over nearby houses.

For these reasons, the zoning change should not be approved and the 12 storey height reduced to six or 8.

Also in the "Building Design" section of the Plan it states,

"New building design should complement established neighbourhood character through consideration of the following: New buildings should be scaled to existing adjacent structures. The proportions and elements of existing buildings should be used where possible to determine an appropriate relationship for new buildings."

This does NOT occur. The proposed building does have a set back after 4 storeys, but it is still 12 storeys high - there is no meaningful "transition of scale" from the surrounding site area that has three storey heights, to, all of a sudden, a 12 storey tower with a 13th storey for infrastructure. Under such conditions there cannot be any "transition of scale".

The 12 storey tower does NOT complement the "established neighbourhood character" because the character of the neighbourhood is three storey low rise.

Obviously the "proportions and elements of existing buildings" was NOT used to determine the size and height of the 12 storey tower, simply and obviously because the surrounding buildings are overwhelmingly 3 storeys.

The 12 storey tower is not "scaled to existing structures" - next door is 12 Barton West - a 3 storey residence next to a 12 storey tower, with no transition possible.

On these grounds the zoning change should be denied as the 12 storey tower does NOT meet the requirements of the Secondary Downtown Zoning Plan.

Furthermore in the James and Barton Design review Panel presentation they cite the following that support my claim.

3.3.1. Urban Design Goals

The following goals shall apply in the urban area.

3.3.1.5 Ensure that new development is compatible with and enhances the character of the existing environment and locale.

A 12 storey tower in a 3 storey area does not meet this criteria.

And

3.3.2.3.a ...respecting existing character, development patterns, built form, and landscape;

Again, a 12 storey tower in a three storey neighbourhood does NOT respect the existing character of this area, nor does it conform to the 3 storey built form of the area.

Consequently, the 12 storey tower also violates this clause and as such the zoning application should be denied.

3.3.2.6 where it has been determined through the policies of this Plan that compatibility with the surrounding areas is desirable, new development and redevelopment should enhance the character of the existing environment by:

b) complementing the existing massing patterns, rhythm, character, colour and surrounding context;

Being a 3 storey area, the proposed 12 storey tower does NOT complement the existing "massing patterns" - how can a 12 storey tower complement a three storey house or building? Impossible.

Being a 3 storey area, how can a 12 storey tower complement the surrounding 3 storey neighbourhood? Impossible.

So, on these grounds, that the 12 storey tower cannot meet the requirements of 3.3.2.3.a, or 3.3.2.6, or 3.3.2.6.b, the application to change the zoning should be denied until the proposed towers meet these requirements.

The tower can meet the requirements of these clauses by being lowered the height to six or 8 storeys, which is much more compatible with the 3 storey neighbourhood.

In the Lintak Architects Design Review Panel Presentation (James and Barton), it states:

"The additional 8 storey transition has a setback on the west side from the front and cantilevered design to minimize the shadows and respect the surrounding neighbours to the west".

This is an admission that shadows from the 2 storey tower will be a problem - otherwise they would not have to explain the shadows away by making these claims.

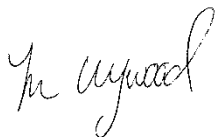
The setback will do nothing - the tower is 12 storeys high -that is what will block the morning sun from reaching my house - the setback will not change the fact that it is the HEIGHT of the tower itself that is the problem, when it comes to shadows.

So there is no "respect" for the "neighbours" to the west – show your respect by reducing the height to 6 or 8 storeys, so we can get meaningful reduction in the amount of shadow.

Again, on these grounds, the zoning application should be denied.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 13, 2024
SUBJECT/REPORT NO:	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 2064 and 2070 Rymal Road East, Glanbrook (PED24131) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	Mark Michniak (905) 546-2424 Ext. 1224
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	Per: 

RECOMMENDATION

- (a) That **Amended Official Plan Amendment Application UHOPA-23-007, by Bousfields Inc. (c/o David Falletta) on behalf of 1121209 Ontario Inc. (c/o Anthony Longo), Owner**, to modify “Site Specific Policy – Area A” within the Rymal Road Secondary Plan to add permissions for multiple dwellings with a maximum height of ten storeys and a maximum density of 160 units per net hectare, for lands located at 2064 and 2070 Rymal Road East, as shown on Appendix “A” attached to Report PED24131, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED24064, 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-23-017, by Bousfields Inc. (c/o David Falletta) on behalf of 1121209 Ontario Inc. (c/o Anthony Longo), Owner**, for a change in zoning from the General Commercial

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SUBJECT: Application for an Official Plan Amendment and a Zoning By-law Amendment for Lands Located at 2064 and 2070 Rymal Road East, Glanbrook (PED24131) (Ward 9) - Page 2 of 13

“C3-301” Zone, Modified, to the Community Commercial (C3, 906) Zone for the eastern portion of the site and the Community Commercial (C3, 907) Zone for the western portion of the site, to permit a ten storey mixed use building containing 227 units, 1,020 square metres of ground floor commercial area, and 244 parking spaces and an existing commercial development, for lands located at 2064 and 2070 Rymal Road East, as shown on Appendix “A” attached to Report PED24131, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” attached to Report PED24131, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform 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 Rymal Road Secondary Plan upon adoption of the Official Plan Amendment.

EXECUTIVE SUMMARY

The subject lands are municipally known as 2064 and 2070 Rymal Road East, Glanbrook, and are located on the south side of Rymal Road East between Fletcher Road and Kingsborough Drive. The applicant has applied for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment. The subject lands contain an existing commercial plaza on the western portion of the site which will remain. The eastern portion of the site contains a gift shop which will be demolished to allow for the development of the ten storey mixed use building.

The purpose of the amended Official Plan Amendment application is to modify “Site Specific Policy – Area A” within the Rymal Road Secondary Plan to permit multiple dwellings with a maximum height of ten storeys and a maximum density of 160 units per net hectare.

The purpose of the Zoning By-law Amendment application is for a change in zoning from the General Commercial “C3-301” Zone, Modified, to the Community Commercial (C3, 906) Zone for the eastern portion of the site and the Community Commercial (C3, 907) Zone for the western portion of the site, to permit a ten storey mixed use building containing 227 units, 1,020 square metres of ground floor commercial area, and 244 parking spaces and an existing commercial development, as shown on Appendix “E” attached to Report PED24131. Site-specific modifications to the (C3) Zone are proposed to accommodate the proposed development, which are discussed in detail in Appendix “D” attached to Report PED24131.

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

- it is consistent with the Provincial Policy Statement (2020);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the Urban Hamilton Official Plan and Rymal Road Secondary Plan upon adoption of the Official Plan Amendment; and,
- The development is compatible with the existing land uses in the immediate area, represents good planning by, among other things, providing a compact and efficient urban form, provides additional housing units in the area, achieves the planned urban structure and supports developing a complete community.

Alternatives for Consideration – See Page 13

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	1121209 Ontario Inc. (c/o Anthony Longo).
Applicant:	Bousfields Inc. (c/o David Falletta).
File Number:	UHOPA-23-007 and ZAC-23-017.
Type of Applications:	Urban Hamilton Official Plan Amendment and Zoning By-law Amendment.
Proposal:	The purpose of the Official Plan Amendment is to modify “Site Specific Policy – Area A” within the Rymal Road Secondary Plan to permit multiple dwellings with a maximum height of ten storeys and a maximum density of 160 units per net hectare.

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SUBJECT: Application for an Official Plan Amendment and a Zoning By-law Amendment for Lands Located at 2064 and 2070 Rymal Road East, Glanbrook (PED24131) (Ward 9) - Page 4 of 13

Application Details	
Proposal:	<p>The purpose of the Zoning By-law Amendment is for a change in zoning from the General Commercial “C3-301” Zone, Modified, to the Community Commercial (C3, 906) Zone for the eastern portion of the site and the Community Commercial (C3, 907) Zone for the western portion of the site.</p> <p>The effect of these applications is to facilitate the development of a ten storey mixed use building containing 227 dwelling units (including 72 one bedroom units, 119 two bedroom units, and 36 three bedroom units), 1,020 square metres of ground floor commercial area, 244 parking spaces (including 13 surface commercial parking spaces and 231 underground residential parking spaces), and a loading space with access to Rymal Road East.</p> <p>The existing gift shop will be demolished.</p>
Property Details	
Municipal Address:	2064 and 2070 Rymal Road East.
Lot Area:	1.55 ha.
Servicing:	Existing full municipal services.
Existing Use:	<ul style="list-style-type: none"> • Commercial plaza (containing a motor vehicle service station, motor vehicle washing establishment, restaurants, and retail) to be retained; and, • A commercial building (gift shop) is to be removed.
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:	“Secondary Corridor” on Schedule E – Urban Structure and “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations.
Secondary Plan Existing:	“Local Commercial” and “Site Specific Policy – Area A” on Rymal Road Secondary Plan Map B.5.2-1 – Land Use Plan Map.

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SUBJECT: Application for an Official Plan Amendment and a Zoning By-law Amendment for Lands Located at 2064 and 2070 Rymal Road East, Glanbrook (PED24131) (Ward 9) - Page 5 of 13

Documents	
Secondary Plan Proposed:	To modify "Site Specific Policy – Area A" within the Rymal Road Secondary Plan to permit multiple dwellings with a maximum height of ten storeys and a maximum density of 160 units per net hectare.
Zoning Existing:	General Commercial "C3-301" Zone, Modified.
Zoning Proposed by the Applicant:	Site Specific Mixed Use Medium Density (C5) Zone.
Zoning Proposed by Staff:	Community Commercial (C3, 906) Zone for the eastern portion of the site and Community Commercial (C3, 907) Zone for the western portion of the site.
Modifications Proposed:	<p>The following modifications have been requested by the applicant:</p> <ul style="list-style-type: none"> • To establish a commercial parking space requirement of 13 spaces; • To modify the parking requirement for Multiple Dwellings to 0.7 per unit for units 1 to 14, 0.85 per unit for units 15 – 50, and 1.0 per unit for units 51 and over from 1.0 per unit; • To reduce the barrier free parking space width to 3.4 metres when located adjacent to a 1.5 metre accessibility aisle from 4.4 metres; • To increase the maximum building height to 32.5 metres from 22.0 metres; • To reduce the minimum façade height along a street line to 4.5 metres from 7.5 metres; • To reduce the minimum setback from a street line for residential units to 1.0 metre from 3.0 metres; • To establish a minimum number of 230 dwelling units; • To establish a maximum gross floor area of 19,500 square metres; and, • To establish a maximum residential floor area of 18,500 square metres.

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SUBJECT: Application for an Official Plan Amendment and a Zoning By-law Amendment for Lands Located at 2064 and 2070 Rymal Road East, Glanbrook (PED24131) (Ward 9) - Page 6 of 13

Documents	
<p>Modifications Proposed: (Continued)</p>	<p>The following modifications to the Community Commercial (C3, 906) Zone for the eastern portion of the site have been included by staff:</p> <ul style="list-style-type: none"> • To modify the definition of Building Height; • To modify permitted uses; • To modify restrictions for residential uses within a building and to clarify that units are permitted in the basement of a building as per the dwelling unit regulations in the Mixed Use Medium Density (C5) Zone; • To introduce restrictions for a residential care facility or retirement home; • To introduce regulations for an Emergency Shelter, Lodging House, Place of Worship, Residential Care Facility, Retirement Home, or Social Service Establishment; • To allow a loading space within a required yard with a 3.2 metre setback from a Residential Zone; • To introduce a 3.0 metre setback from a Street Line for a building with residential units on the ground floor facing the street; • To increase the height to 32.5 metres from 14.0 metres; • To increase the setback from the rear lot line to 13.0 metres from 7.5 metres from a Residential or Institutional Zone; • To establish a stepback from the rear lot line of 16.0 metres for any portion of a building greater than 14.0 metres in height; 20.0 metres for any portion of a building greater than 17.0 metres in height; 24.0 metres for any portion of a building greater than 20.0 metres in height; 28.0 metres for any portion of a building greater than 23.0 metres in height; 32.0 metres for any portion of a building greater than 26.0 metres in height; and, 36.0 metres for any portion of a building greater than 29.0 metres in height; and, • To increase the setback from an interior side lot line to 29.0 metres from 3.0 metres from a Residential or Institutional Zone.

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SUBJECT: Application for an Official Plan Amendment and a Zoning By-law Amendment for Lands Located at 2064 and 2070 Rymal Road East, Glanbrook (PED24131) (Ward 9) - Page 7 of 13

Documents	
<p>Modifications Proposed: (Continued)</p>	<ul style="list-style-type: none"> • To remove the maximum total gross floor area for commercial uses; • To increase the maximum lot area to 16,000.0 square metres from 10,000.0 square metres; • To introduce a maximum façade height of 4.5 metres; and, • To establish a minimum ground floor façade width of 30.0 metres. <p>The following modifications have been requested by the applicant:</p> <ul style="list-style-type: none"> • To establish a commercial parking space requirement of 1 space for each 24.0 square metres of gross floor area; • To establish a parking space requirement of 0 for a Motor Vehicle Service Station (oil and lube service station only) from 1 for each service bay; • To establish a parking space requirement of 0 for a Motor Vehicle Washing Establishment from 1 for each 30.0 square metres of gross floor area and 2 for every manual washing bay; • To increase the maximum setback from a street line to 25.0 metres from 4.5 metres; • To establish a maximum floor area of 2,500 square metres; and, • To establish a maximum floor area for a Motor Vehicle Service Station or Motor Vehicle Washing Establishment of 1,360 square metres. <p>The following modifications to the Community Commercial (C3, 907) Zone for the western portion of the site have been included by staff:</p> <ul style="list-style-type: none"> • To modify permitted uses; • To introduce a minimum building setback of 3.0 metres for a building with residential units on the ground floor facing a street; • To modify restrictions on residential uses within a building; and, • To introduce restrictions for a residential care facility or retirement home.

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SUBJECT: Application for an Official Plan Amendment and a Zoning By-law Amendment for Lands Located at 2064 and 2070 Rymal Road East, Glanbrook (PED24131) (Ward 9) - Page 8 of 13

Documents	
Modifications Proposed: (Continued)	<ul style="list-style-type: none"> • To introduce regulations for an Emergency Shelter, Lodging House, Place of Worship, Residential Care Facility, Retirement Home, or Social Service Establishment; • To remove the maximum total gross floor area for commercial uses; • To increase the maximum lot area to 16,000.0 square metres from 10,000.0 square metres; and, • To establish a maximum density of 0 units per net hectare. • A complete analysis of the proposed modifications is attached as Appendix "D" attached to Report PED24131.
Processing Details	
Received:	December 22, 2022.
Deemed Complete:	January 16, 2023.
Notice of Complete Application:	Sent to 219 property owners within 120 m of the subject property on January 27, 2023.
Public Notice Sign:	Posted January 31, 2023, and updated with Public Meeting date July 17, 2024.
Notice of Public Meeting:	Sent to 219 property owners within 120 m of the subject property on July 26, 2024.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix "G" attached to Report PED24131.
Public Consultation:	In addition to the requirements of the <i>Planning Act</i> , the applicants submitted a Public Consultation Strategy with the supporting materials. A Neighbourhood Information Meeting was included as a possible public participation tool. A Neighbourhood Information Meeting was not requested.
Public Comments:	No written submissions were received.
Processing Time:	600 days.

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SUBJECT: Application for an Official Plan Amendment and a Zoning By-law Amendment for Lands Located at 2064 and 2070 Rymal Road East, Glanbrook (PED24131) (Ward 9) - Page 9 of 13

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Commercial plaza (containing a motor vehicle service station, motor vehicle washing establishment, restaurants, and retail) and gift shop.	General Commercial "C3-301" Zone, Modified.
Surrounding Lands:		
North	Eramosa Karst Conservation Area.	Conservation/Hazard Land (P5) Zone.
South	Townhouse dwellings.	Residential Multiple "RM3-173b" Zone, Modified.
East	Commercial uses - Dental office.	Community Commercial (C3) Zone.
West	Water haulage facility.	Agriculture "A1" Zone.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

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) is provided in Appendix "F" attached to Report PED24131.

Provincial Policy Statement (2020)

Commercial uses are located on the subject property and additional commercial uses are located approximately 350 metres east. Hamilton Street Railway operated bus route 44 is located on Rymal Road East. In addition, Rymal Road East has been identified as a potential rapid transit route. Bellagio Park, Our Lady of the Assumption Catholic Elementary School, and Shannen Koostacin Elementary School are located approximately 500 metres southwest of the site. 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.

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

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

The subject site is located within the delineated built boundary. 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, the proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

Urban Hamilton Official Plan and Rymal Road Secondary Plan

The subject lands are identified as “Secondary Corridor” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan. The subject lands are further designated “Local Commercial” and located within “Site Specific Policy – Area A” on Map B.5.2-1 – Rymal Road Secondary Plan – Land Use Plan Map. A full policy analysis of the applicable Urban Hamilton Official Plan policies is provided in Appendix “F” to attached to Report PED24131.

The purpose of the amended Official Plan Amendment is to modify “Site Specific Policy – Area A” within the Rymal Road Secondary Plan to permit multiple dwellings with a maximum height of ten storeys and a maximum density of 160 units per net hectare. The applicant proposed the “Mixed Use – Medium Density” designation within the Urban Hamilton Official Plan and Rymal Road Secondary Plan.

The proposed amendments can be supported as the proposed development will provide a range of housing types and achieve the planned urban structure. Areas identified as “Secondary Corridor” are intended to accommodate retail and mixed use forms in small clusters. The “Neighbourhoods” designation is intended to include a full range of residential types and densities as well as supporting uses intended to serve the local residents. The proposed multiple dwelling is a medium density residential use in the “Neighbourhoods” designation, and the local commercial uses are assessed under the applicable policies of the Rymal Road Secondary Plan as outlined in Appendix “F” attached to Report PED24131. The proposed modifications to the “Site Specific Policy – Area A” policies are supported by both the “Secondary Corridor” and “Neighbourhoods” policies.

The “Local Commercial” designation is intended to provide the convenience shopping amenities for the surrounding residents as well as to the pass-by travelling public. The

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existing development on the site contains commercial uses and the proposed development includes additional commercial uses on the ground floor.

The proposed height of ten storeys (32.5 metres) can be supported as the proposed development meets the criteria to permit additional height above six storeys. The proposed development contains a mix of unit sizes, incorporates sustainable building and design principles, which will be implemented through a future Site Plan Control application. The proposal does not have any adverse shadow impacts, provides stepbacks from adjacent residential development, and provides minimized height appearance from the street, as outlined in Appendix “F” attached to Report PED24131.

Based on the foregoing, the proposal complies with the Urban Hamilton Official Plan and Rymal Road 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 General Commercial “C3-301” Zone, Modified, to the Community Commercial (C3, 906) Zone for the eastern portion of the site and the Community Commercial (C3, 907) Zone for the western portion of the site.

The effect of this Zoning By-law Amendment is to permit a ten storey mixed use building containing 227 units, 1,020 square metres of ground floor commercial area, and 244 parking spaces and an existing commercial development. Modifications to the Community Commercial (C3) Zones are required to facilitate the proposed and existing development.

The “C3-301” Zone contains site specific regulations for the development of a commercial plaza. Staff completed a review of these regulations against the applicable policies in the Urban Hamilton Official Plan and included the regulations within the proposed by-laws.

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 Rymal Road Secondary Plan upon adoption of the Official Plan Amendment; and,

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- (iii) It is compatible with the existing land uses in the immediate area, it represents good planning by, among other things, providing a compact and efficient urban form, provides additional housing units in the area, achieves the planned urban structure and supports developing a complete community.

2. Official Plan Amendment

The purpose of the Official Plan Amendment is to amend the Rymal Road Secondary Plan to modify “Site Specific Policy – Area A” within the Rymal Road Secondary Plan to permit multiple dwellings with a maximum height of ten storeys and a maximum density of 160 units per net hectare.

The Official Plan Amendment can be supported as the proposal supports the development of healthy, liveable, and safe communities. The proposed mixed use development represents a compatible form of development. It will provide a range of housing types and achieves the planned urban structure. The increased height is appropriate at this location as shadowing does not impact adjacent residential uses. Privacy and overlook impacts have been mitigated through the introduction of a building setback and a stepback above the fourth floor. The increased density will support the use of existing and planned transit and commercial uses.

Based on the foregoing and the analysis provided in Appendix “F” attached to Report PED24131, staff supports the proposed Official Plan Amendment.

3. Zoning By-law Amendment

The subject lands are zoned General Commercial “C3-301” Zone, Modified in the former Township of Glanbrook Zoning By-law No. 464. The Zoning By-law Amendment proposes to change the zoning to the Community Commercial (C3, 906) Zone for the eastern portion of the site and the Community Commercial (C3, 907) Zone for the western portion of the site. Staff are satisfied that the proposal meets the intent of the “Neighbourhoods” designation policies in the Urban Hamilton Official Plan and the “Local Commercial” policies in the Rymal Road Secondary Plan designation upon adoption of the proposed Official Plan Amendment, and the applicable urban design policies of the Urban Hamilton Official Plan as outlined in Appendix “F” attached to Report PED24131. Staff recommend, among other modifications to the Zoning By-law Law, a building setback and a stepback above the fourth floor to mitigate any privacy and overlook impacts. The proposed amendments meet the general intent of the

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Zoning By-law. An analysis of the requested modifications is provided in attached Appendix "D" attached to Report PED24131.

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

ALTERNATIVES FOR CONSIDERATION

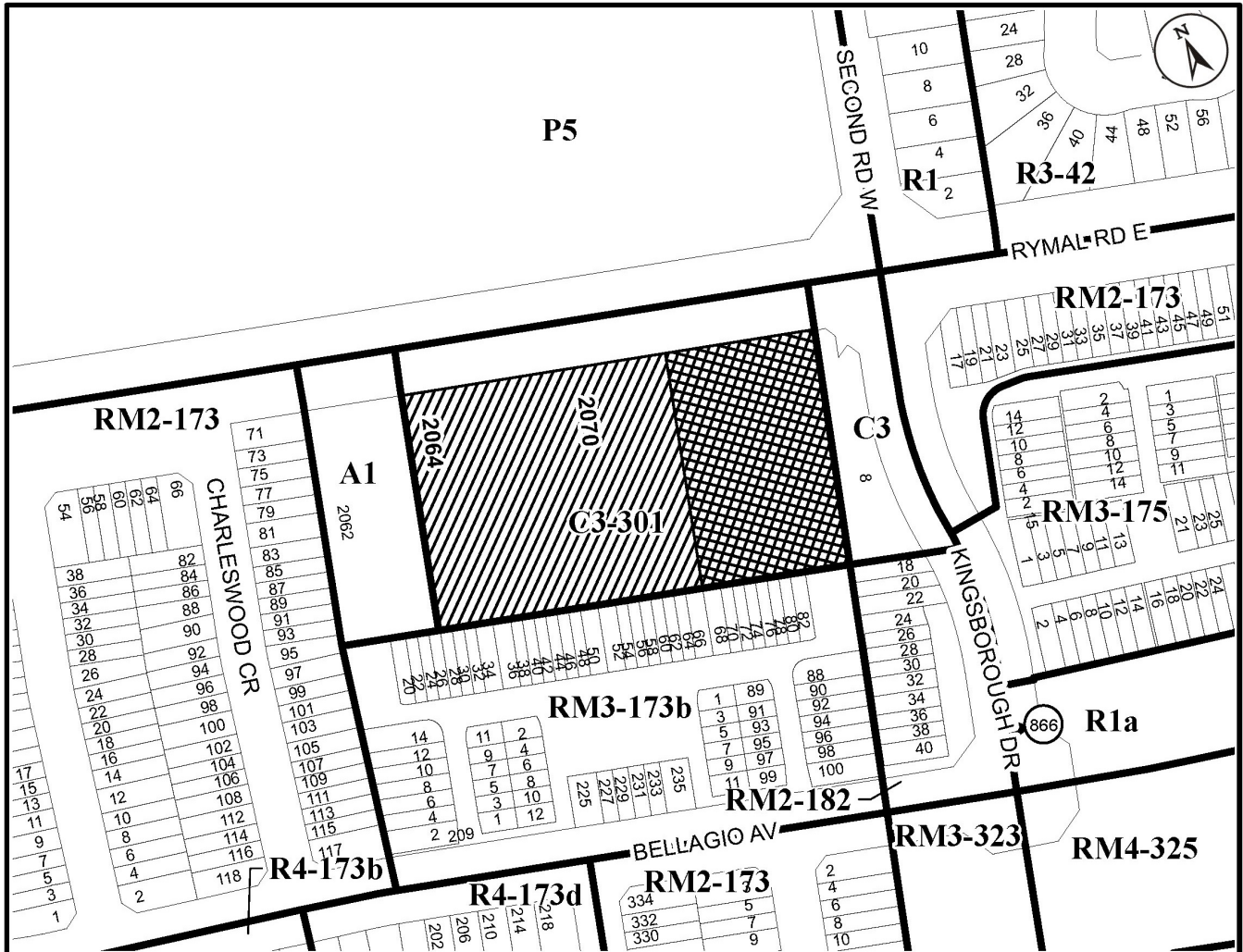
Should the applications be denied, the subject property can be used in accordance with the General Commercial "C3-301" Zone, Modified, the former Township of Glanbrook Zoning By-law No. 464.

APPENDICES AND SCHEDULES ATTACHED

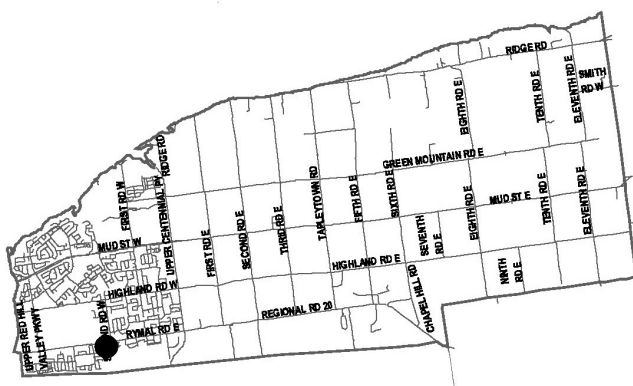
Appendix "A" to Report PED24131 – Location Map
Appendix "B" to Report PED24131 – Amendment to Urban Hamilton Official Plan
Appendix "C" to Report PED24131 – Amendment to Zoning By-law No. 05-200
Appendix "D" to Report PED24131 – Zoning Modification Table
Appendix "E" to Report PED24131 – Concept Plan
Appendix "F" to Report PED24131 – Policy Review
Appendix "G" to Report PED24131 – Staff and Agency Comments

MM:sd

Appendix "A" to Report PED24131
Page 1 of 1



● Site Location



Key Map - Ward 9

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-23-017/UHOPA-23-007

Date:
July 16, 2024

Appendix "A"

Scale:
N.T.S

Planner/Technician:
MM/NB

Subject Property

2064 and 2070 Rymal Road East, Stoney Creek

-  Lands to be added to Zoning By-law 05-200 as Community Commercial (C3, 907) Zone
-  Lands to be added to Zoning By-law 05-200 as Community Commercial (C3, 906) Zone

Schedule "1"

Draft Urban Hamilton Official Plan Amendment No. X

The following text 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 modify Site Specific Policy - Area A within the Rymal Road Secondary Plan to add permissions for multiple dwellings and permit the development of a ten storey mixed use building with a maximum density of 160 units per net hectare.

2.0 **Location:**

The lands affected by this Amendment are known municipally as 2064 and 2070 Rymal Road East, former Township of Glanbrook.

3.0 **Basis:**

The basis for permitting this Amendment is:

- The proposed development supports the policies of the Urban Hamilton Official Plan and the Rymal Road Secondary Plan, as it is a compact and efficient urban form, supports the development of a complete community, and contributes to the planned urban structure;
- The proposed development supports 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.5 – Glanbrook Secondary Plans – Section B.5.2 – Rymal Road Secondary Plan

a. That Volume 2: Chapter B.5 – Glanbrook Secondary Plans, Section B.5.2 – Rymal Road Secondary Plan, Policy B.5.2.14.1 – Site Specific Policy – Area A be amended by:

- i. deleting the words "floor area; and," in Policy B.5.2.14.1 a) and replacing it with "commercial floor area;"
- ii. deleting the words "v) Farm Equipment Sales" and "xiv) Private or Commercial Club" in Policy B.5.2.14.1 b);
- iii. deleting the period at the end of Policy B.5.2.14.1 b) and replacing it with "; and,"
- iv. adding a new policy B.5.2.14.1 c) as follows:

"c) In addition to Policy B.5.2.14.1 b), uses permitted may include *multiple dwellings* within a mixed use building subject to the following policies:

- i) The maximum height shall be ten storeys;
- ii) The maximum density shall be 160 units per net hectare;
- iii) The location of the mixed use building will be established through the implementing Zoning By-law; and,
- iv) Where *development* is proposed adjacent to lands designated Low Density Residential, consideration shall be given to the *compatible* integration of built form. *Compatibility* may be accomplished through architectural massing, lot setbacks, height, setbacks of upper floors, scale, buffering and landscaping."

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 PED24131
Page 1 of 9**

Authority: Item,
Report (PED24131)
CM:
Ward: 9

Bill No.

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

To amend Zoning By-law No. 05-200 with respect to lands located at 2064 and 2070 Rymal Road East, Glanbrook

WHEREAS Council approved Item __ of Report _____ of the Planning Committee, at its meeting held on August 13, 2024;

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

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

1. That Schedule “A” – Zoning Maps, Map No. 1595 is amended by adding the Community Commercial (C3, 906) Zone and the Community Commercial (C3, 907) Zone, for the lands known as 2064 and 2070 Rymal Road East, Glanbrook, 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:

“906. Within the lands zoned Community Commercial (C3) Zone, identified on Map No. 1595 of Schedule “A” – Zoning Maps and described as 2064 and 2070 Rymal Road East, Glanbrook, the following special provisions shall apply:

- a) In addition to Section 3, the following definition shall apply:

Building Height	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
------------------------	---

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	<p>of the building, subject to the following regulations:</p> <ol style="list-style-type: none"> 1. 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; 2. 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 be setback a minimum of 3.0 metres from the exterior walls of the storey directly beneath; and, 3. 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.
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- b) Notwithstanding Section 5.2.1 c), loading doors and associated loading facilities accessory to a multiple dwelling shall not be permitted within 3.2 metres of a lot line abutting a Residential Zone or Institutional Zone and shall be screened from view by a Visual Barrier in accordance with Section 4.19 of this By-law.
- c) In addition to Section 5.6 c) iv), the number of required parking spaces for commercial uses with a gross floor area of 1,100 square metres or less within a multiple dwelling shall be 13.
- d) Notwithstanding Section 5.6 c) i), as it relates to a Multiple Dwelling:

Appendix "C" to Report PED24131

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- i) Dwelling Unit less than 50.0 square metres in gross floor area
- A. Minimum 0.3 per unit.
- B. Maximum 1.25 per unit
- ii) Dwelling Units greater than 50.0 square metres in gross floor area
- A. Minimum:
1. 1 – 14 units 0.7 per unit
 2. 15 – 50 units 0.85 per unit
 3. 51 + units 1.0 per unit
- B. Maximum 1.25 per unit.
- e) In addition to Section 5.2 f), in the case of two barrier free parking spaces on opposite sides of a shared 1.5 metre accessibility aisle, each parking space shall have a minimum width of 3.4 metres.
- f) Notwithstanding Section 10.3.1, the following uses shall be permitted:
- Artist Studio
 - Commercial Entertainment
 - Commercial Recreation
 - Commercial School
 - Craftsperson Shop
 - Day Nursery
 - Dwelling Unit(s)
 - Emergency Shelter
 - Financial Establishment
 - Lodging House
 - Medical Clinic
 - Microbrewery
 - Motor Vehicle Service Station
 - Motor Vehicle Washing Establishment
 - Multiple Dwelling
 - Office, Personal Services
 - Performing Arts Theatre
 - Place of Worship
 - Repair Service
 - Residential Care Facility
 - Restaurant, Retail
 - Retirement Home
 - Social Services Establishment
 - Tradesperson's Shop
 - Urban Farmers Market
 - Veterinary Service

Appendix "C" to Report PED24131**Page 4 of 9**

- g) In addition to Section 10.3.1.1 and notwithstanding Section 10.3.1.1 ii), the following regulations shall apply:
- i) Residential Care Facility or Retirement Home:

Maximum Capacity for a Residential Care Facility or Retirement Home shall be 50 residents.
 - ii) Restriction of Residential Uses within a Building
 - 1. The finished floor elevation of any Dwelling Unit shall be a minimum of 0.9 metres above grade; and,
 - 2. Notwithstanding 1. above, Dwelling Unit(s) shall be permitted in a basement or cellar.
- h) In addition to Section 10.3.3 and notwithstanding Sections 10.3.3 a) i), b), c), d), e), g), and i) ii), the following regulations shall apply:
- i) Building Setback from a Street Line Minimum 3.0 metres for a building with Dwelling Units on the ground floor facing a street.
 - ii) Minimum Rear Yard 13.0 metres, except:
 - A. 16.0 metres for any portion of a building greater than 14.0 metres in height;
 - B. 20.0 metres for any portion of a building greater than 17.0 metres in height;
 - C. 24.0 metres for any portion of a building greater than 20.0 metres in height;
 - D. 28.0 metres for any portion of a building greater than 23.0 metres in height;

Appendix "C" to Report PED24131**Page 5 of 9**

- E. 32.0 metres for any portion of a building greater than 26.0 metres in height; and,
- F. 36.0 metres for any portion of a building greater than 29.0 metres in height.
- iii) Minimum Interior Side Yard 29.0 metres abutting a Residential or Institutional Zone.
- iv) Building Height A. Minimum 4.5 metre façade height for any portion of a building along a street line; and,
- B. Maximum 32.5 metres.
- v) Maximum Lot Area 16,000.0 square metres.
- vi) Maximum Total Gross Floor Area for Commercial Uses Not applicable.
- vii) Built Form for New Development The minimum width of ground floor façade facing the front lot line shall be greater than or equal to 30.0 metres.
- v) Maximum Number of Dwelling Units 230.
- i) In addition to Section 10.3.3, the following regulations shall apply to an Emergency Shelter, Lodging House, Place of Worship, Residential Care Facility, Retirement Home, or Social Service Establishment:
- i) Minimum Side and Rear Yard 7.5 metres.
- ii) Maximum Building Height 22.0 metres.

Appendix "C" to Report PED24131

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- iii) Minimum Landscaped Area 10% of the total Lot Area."

3. That Schedule "C": Special Exceptions is amended by adding the following new Special Exception:

"907. Within the lands zoned Community Commercial (C3) Zone, identified on Map No. 1595 of Schedule "A" – Zoning Maps and described as 2064 and 2070 Rymal Road East, Glanbrook, the following special provisions shall apply:

- a) Notwithstanding Section 5.6 c) iv), a minimum of 1 parking space for each 24.0 square metres of gross floor area, except for a Motor Vehicle Service Station (oil and lube service station only) or a Motor Vehicle Washing Establishment, 0 parking spaces are required.
- b) Notwithstanding Section 10.3.1, the following uses shall be permitted:

- Artist Studio
- Commercial Entertainment
- Commercial Recreation
- Commercial School
- Craftsperson Shop
- Day Nursery
- Dwelling Unit(s)
- Emergency Shelter
- Financial Establishment
- Lodging House
- Medical Clinic
- Microbrewery
- Motor Vehicle Service Station
- Motor Vehicle Washing Establishment
- Multiple Dwelling
- Office, Personal Services
- Performing Arts Theatre
- Place of Worship
- Repair Service
- Residential Care Facility
- Restaurant, Retail
- Retirement Home
- Social Services Establishment
- Tradesperson's Shop
- Urban Farmers Market
- Veterinary Service

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- c) In addition to Section 10.3.1.1 and notwithstanding Section 10.3.1.1 ii), the following regulations shall apply:
- i) Residential Care Facility or Retirement Home

Maximum Capacity for a Residential Care Facility or Retirement Home shall be 50 residents.
 - ii) Restriction of Residential Uses within a Building:
 1. The finished floor elevation of any Dwelling Unit shall be a minimum of 0.9 metres above grade; and,
 2. Notwithstanding 1. above, Dwelling Unit(s) shall be permitted in a basement or cellar.
- d) In addition to Section 10.3, the following regulations shall apply to an Emergency Shelter, Lodging House, Place of Worship, Residential Care Facility, Retirement Home, or Social Service Establishment:
- i) Minimum Side and Rear Yard 7.5 metres.
 - ii) Maximum Building Height 22.0 metres.
 - iii) Minimum Landscaped Area 10% of the total Lot Area.
- e) In addition to Section 10.3.3 and notwithstanding Sections 10.3.3 a) i), a) ii), e), and g), the following regulations shall apply:
- i) Building Setback from a Street Line Minimum 3.0 metres for a building with Dwelling Units on the ground floor facing a street.
 - ii) Building Setback from a Street Line Maximum 25.0 metres for a commercial use existing at the date of the passing of this by-law.
 - iii) Maximum Lot Area 16,000.0 square metres.

Appendix “C” to Report PED24131
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iv) Maximum Total Gross Floor Area for Commercial Uses Not applicable.

ii) Maximum Density 0 units per net hectare.

f) In addition to Section 10.3.3, the following regulations shall apply to an Emergency Shelter, Lodging House, Place of Worship, Residential Care Facility, Retirement Home, or Social Service Establishment:

i) Minimum Side and Rear Yard 7.5 metres.

ii) Maximum Building Height 22.0 metres.

iii) Minimum Landscaped Area 10% of the total Lot Area.”

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 Community Commercial (C3, 906) Zone and Community Commercial (C3, 907) Zone, subject to the special requirements referred to in Section Nos. 2 and 3 of this By-law.

5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

PASSED this _____, 2024

A. Horwath
Mayor

M. Trennum
City Clerk

ZAC-23-017 and UHOPA-23-007

Appendix "C" to Report PED24131
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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 1595

Subject Property

2064 and 2070 Rymal Road East, Stoney Creek



Lands to be added to Zoning By-law 05-200 as
Community Commercial (C3, 907) Zone



Lands to be added to Zoning By-law 05-200 as
Community Commercial (C3, 906) Zone

Scale:
N.T.S

File Name/Number:
ZAC-23-017/UHOPA-23-007

Date:
July 16, 2024

Planner/Technician:
MM/NB



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

**Appendix “D” to Report PED24131
Page 1 of 12**

**Proposed Site Specific Modifications to the Community Commercial (C3, 906) Zone For The Eastern Portion Of
The Site Supported by Staff**

Regulation	Required	Modification	Analysis
Permitted Uses Staff Proposed Modification	Artist Studio, Catering Service, Commercial School, Communications Establishment, Community Garden, Craftsperson Shop, Day Nursery, Dwelling Unit, Mixed Use, Emergency Shelter, Financial Establishment, Laboratory, Medical Clinic, Microbrewery, Motor Vehicle Gas Bar, Motor Vehicle Service Station, Office, Personal Services, Repair Service, Restaurant, Retail, Social Services Establishment, Tradesperson’s Shop, Urban Farm, Urban Farmers Market, Veterinary Service	Artist Studio, Commercial Entertainment, Commercial Recreation, Commercial School, Craftsperson Shop, Day Nursery, Dwelling Unit(s), Emergency Shelter, Financial Establishment, Lodging House, Medical Clinic, Microbrewery, Motor Vehicle Service Station, Motor Vehicle Washing Establishment, Multiple Dwelling, Office, Personal Services, Performing Arts Theatre, Place of Worship, Repair Service, Residential Care Facility, Restaurant, Retail, Retirement Home, Social Services Establishment, Tradesperson’s Shop, Urban Farmers Market, and Veterinary Service.	The intent of the “Neighbourhoods” designation is to provide a full range of residential dwelling types along with supporting uses intended to serve local residents. The “Site Specific Policy – Area A” designation permits additional uses on the site. The permitted uses would be limited to local commercial uses and those permitted by the Site Specific Policy. Therefore, staff support the proposed modification.

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Regulation	Required	Modification	Analysis
Location of Loading Facilities Staff Proposed Modification	Shall not be permitted in a required yard abutting a Residential Zone or an Institutional Zone and shall be screened from view by a Visual Barrier in accordance with Section 4.19 of this By-law.	Shall not be located within 3.2 metres of a lot line abutting a Residential Zone or an Institutional Zone and shall be screened from view by a Visual Barrier in accordance with Section 4.19 of this By-law.	The proposed reduction of this setback is not anticipated to result in a significant impact on sound levels and the visual screening requirement will be maintained. Confirmation of noise mitigation requirements will be further addressed through a detailed noise study through a future Site Plan Control application. Therefore, staff support the proposed modification.
Parking for Commercial Uses Applicant Proposed Modification	The number of required parking spaces varies depending on the type of commercial use.	The number of required parking spaces for commercial uses with a gross floor area of 1,100 square metres or less within a multiple dwelling shall be 13.	Staff support the reduction in the parking requirement as the commercial uses can utilize the existing parking spaces on the property. Therefore, staff support the proposed modification.
Parking Spaces for a Multiple Dwelling Proposed by Applicant	1 per unit, except where a dwelling unit is 50 square metres in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 per unit.	Dwelling Unit less than 50.0 square metres in gross floor area: 0.3 per unit. Dwelling Unit greater than 50.0 square metres in gross floor area: 1. 1 – 14 units 0.7 per unit. 2. 15 – 50 units 0.85 per unit. 3. 51 + units 1.0 per unit.	The proposed parking rate is appropriate for the proposed development as commercial uses are located on the subject property and additional commercial uses are located approximately 350 metres to the east. Hamilton Street Railway operated bus route 44 is located on Rymal Road East. In addition, Rymal Road East has been identified as a potential rapid transit route. Bellagio Park, Our Lady of the Assumption Catholic Elementary School, and Shannen Koostacin Elementary School are located approximately 500 metres southwest of the site. Therefore, staff support the proposed modification.
Barrier Free Parking	In the case of a barrier free parking, each parking space shall have a minimum width of 4.4 metres and a	In the case of two barrier free parking spaces on opposite sides of a shared 1.5 metre accessibility aisle, each	The proposed modification is consistent with the Council approved regulations for accessible parking space dimensions with an accessibility aisle in By-law No. 24-052.

Appendix “D” to Report PED24131
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Regulation	Required	Modification	Analysis
Applicant Proposed Modification	minimum length of 5.8 metres.	parking space shall have a minimum width of 3.4 metres.	Therefore, staff support the proposed modification.
Restriction of Residential Uses within a Building Staff Proposed Modification	Restriction of Residential Uses within a Building 1. Notwithstanding Section 10.3.1, a Dwelling Unit(s), Mixed Use shall only be permitted above the ground floor except for access, accessory office, and utility areas, and shall not occupy more than 50% of the total gross floor area of all the building(s) within the lot.	Restriction of Residential Uses within a Building: 1. The finished floor elevation of any dwelling unit shall be a minimum of 0.9 metres above grade; and, 2. Notwithstanding 1. above, dwelling units(s) shall be permitted in a basement or cellar.	The intent of “Urban Corridors” is to provide a comfortable and attractive pedestrian experience. The intent of the “Neighbourhoods” designation is to provide a full range of residential dwelling types. The proposed modification fulfills both of these policy objectives while mitigating privacy concerns by restricting the location of dwelling units on the property and within the building. Therefore, staff support these proposed modifications.
Restriction of Residential Care Facility and Retirement Home Staff Proposed Modification	Not applicable.	Residential Care Facility and Retirement Home: 1. Maximum Capacity for Residential Care Facility is 50 residents.	
Emergency Shelter, Lodging House, Place of Worship, Residential Care Facility, Retirement	Not applicable.	Minimum Side Yard and Rear Yard: 7.5 metres. Maximum Building Height: 22.0 metres.	

Appendix “D” to Report PED24131
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Regulation	Required	Modification	Analysis
Home, or Social Service Establishment Regulations Staff Proposed Modification		Minimum Landscaped Area: 10% of the Total Lot Area.	
Building Setback from a Street Line Staff Proposed Modification	1.5 metres.	Minimum 3.0 metres for a building with residential units on the ground floor facing a street.	
Minimum Building Setback from a Rear Lot Line Staff Proposed Modification	6.0 metres; and 7.5 metres abutting a Residential or Institutional Zone or lot containing a residential use.	13.0 metres, except 16.0 metres for any portion of a building greater than 14.0 metres in height; 20.0 metres for any portion of a building greater than 17.0 metres in height; 24.0 metres for any portion of a building greater than 20.0 metres in height; 28.0 metres for any portion of a building greater than 23.0 metres in height; 32.0 metres for any portion of a building greater than 26.0 metres in height; and, 36.0 metres for any portion of a building greater than 29.0 metres in height.	
Minimum Building Setback from an Interior Side Lot Line	1.5 metres; and 3.0 metres abutting a Residential or Institutional Zone or lot containing a	29.0 metres abutting a Residential or Institutional Zone.	<p>The introduction of the rear setback, rear stepbacks, and interior side yard setback have been proposed by staff in order to address the concern with overlook and privacy with existing residential uses on adjacent properties to the west and south from the proposed height. Therefore, these modifications have been evaluated together.</p> <p>Architectural Drawings, prepared by RAW Design Inc. dated September 2023, include elevations that illustrate a progressive stepback starting at the fifth floor. These stepbacks keep the building outside of the 45 angular plane. The applicant proposed a maximum building height of 32.5 metres without any stepback requirements. To address privacy concerns staff propose a progressive minimum stepback from the rear property line.</p> <p>To address privacy concerns with residential uses to the west, staff require an interior lot line setback of 29.0 metres. The interior side yard setback has been increased proportionally from 7.5 metres by the height above 22.0 metres.</p>

**Appendix “D” to Report PED24131
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Regulation	Required	Modification	Analysis
Staff Proposed Modification	residential use.		
<p>Maximum Building Height</p> <p>Applicant Proposed Modification</p>	14.0 metres.	<p>32.5 metres.</p> <p>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:</p> <ol style="list-style-type: none"> 1. 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; 2. 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 be setback a minimum of 3.0 metres from the exterior walls 	<p>The proposed building height of 32.5 metres (ten storeys) can be supported, with the modifications proposed by staff, as the development meets the criteria for height above six storeys. As discussed in Appendix “F” to Report PED24131, the proposed development provides a mix of unit sizes, incorporates sustainable building and design principles, does not cause adverse shadow impacts, provides setbacks from existing residential uses, and an appropriate setback from the street.</p> <p>Therefore, staff supports these modifications.</p>

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Regulation	Required	Modification	Analysis
		<p>of the storey directly beneath; and,</p> <p>3. 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.</p>	
<p>Maximum Total Gross Floor Area for Commercial Uses</p> <p>Staff Proposed Modification</p>	<p>10,000.0 square metres.</p>	<p>Not applicable.</p>	<p>The policies within the “Site Specific Policy – Area A” require that the site shall have no maximum floor area.</p> <p>Therefore, staff support the proposed modification.</p>
<p>Maximum Lot Area</p> <p>Staff Proposed Modification</p>	<p>10,000.0 square metres.</p>	<p>16,000.0 square metres.</p>	<p>The policies within the “Site Specific Policy – Area A” permit a maximum lot area of 1.6 hectares.</p> <p>Therefore, staff support the proposed modification.</p>
<p>Maximum Number of Dwelling Units.</p> <p>Applicant Proposed Modification</p>	<p>Not applicable.</p>	<p>230.</p>	<p>The amended “Site Specific Policy – Area A” policies within the Rymal Road Secondary Plan for this property require that a maximum density of 160 units per net residential hectare is established in the implementing zoning by-law.</p> <p>Therefore, staff support the proposed modification.</p>

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Regulation	Required	Modification	Analysis
Minimum Façade Height Applicant Proposed Modification	Not applicable.	Minimum 4.5 metre façade height for any portion of a building along a street line.	The intent of “Urban Corridors” is to provide a comfortable and attractive pedestrian experience. Architectural drawings, prepared by RAW Design Inc. dated September 2023, were submitted, and include elevations that illustrate the front façade. Staff have reviewed the drawings and found that the design appropriately addresses the street. Therefore, staff support the proposed modification.
Built form for New Development Staff Proposed Modification	For an interior lot or a through lot the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 40% of the measurement of the front lot line.	The minimum width of ground floor façade facing the front lot line shall be greater than or equal to 30.0 metres.	The proposed development only occupies a portion of the site and the remained of the site contains an existing commercial development. The 30.0 metre requirement represents greater than 40% of the portion of the site proposed to be redeveloped. Therefore, staff support the proposed modification.

Proposed Site Specific Modifications to the Community Commercial (C3, 906) Zone For The Eastern Portion Of The Site Not Supported by Staff

Regulation	Required	Modification	Analysis
Building Setback from a Street Line Applicant Proposed Modification	Minimum 1.5 metres.	1.0 metres.	The proposed development contains commercial space on the ground floor along the street line. The modification is not required to implement the proposed design. Therefore, staff do not support the proposed modification.
Maximum Gross Floor Area	Not applicable.	19,500 square metres.	The subject lands are located within “Site Specific Policy – Area A”, which does not permit a restriction on the floor area of commercial uses.

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Regulation	Required	Modification	Analysis
Applicant Proposed Modification			Therefore, staff do not support the proposed modification.
Maximum Residential Floor Area	Not applicable.	18,500 square metres.	The intent of this proposed modification is to restrict the amount of residential development, which is also controlled by the regulation of the number of dwelling units.
Applicant Proposed Modification			Therefore, staff do not support the proposed modification.

Proposed Site Specific Modifications to the Community Commercial (C3, 907) Zone For The Western Portion Of The Site Supported by Staff

Regulation	Required	Modification	Analysis
Permitted Uses Staff Proposed Modification	Artist Studio, Catering Service, Commercial School, Communications Establishment, Community Garden, Craftsperson Shop, Day Nursery, Dwelling Unit, Mixed Use, Emergency Shelter, Financial Establishment, Laboratory, Medical Clinic, Microbrewery, Motor Vehicle Gas Bar, Motor Vehicle Service Station, Office, Personal Services, Repair Service, Restaurant, Retail,	Artist Studio, Commercial Entertainment, Commercial Recreation, Commercial School, Craftsperson Shop, Day Nursery, Dwelling Units(s), Emergency Shelter, Financial Establishment, Lodging House, Medical Clinic, Microbrewery, Motor Vehicle Service Station, Motor Vehicle Washing Establishment, Multiple Dwelling, Office, Personal Services, Performing Arts Theatre, Place of Worship, Repair Service, Residential Care Facility, Restaurant, Retail, Retirement Home, Social Services Establishment,	The intent of the “Neighbourhoods” designation is to provide a full range of residential dwelling types along with supporting uses intended to serve local residents. The “Site Specific Policy – Area A” designation permits additional uses on the site. The permitted uses would be limited to local commercial uses and those permitted by the Site Specific Policy. Therefore, staff support the proposed modification.

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Regulation	Required	Modification	Analysis
	Social Services Establishment, Tradesperson’s Shop, Urban Farm, Urban Farmers Market, Veterinary Service	Tradesperson’s Shop, Urban Farmers Market, and Veterinary Service.	
Parking for Commercial Uses Applicant Proposed Modification	Various rates depending on the proposed use.	Minimum 1 parking space for each 24.0 square metres of gross floor area, except for a Motor Vehicle Service Station (oil and lube service station only) or a Motor Vehicle Washing Establishment, 0 parking spaces are required.	The existing buildings on the site were developed under the regulations of the General Commercial “C3-301” Zone, Modified, in the Former Township of Glanbrook Zoning By-law No. 464. The Zoning By-law Amendment proposes to bring the subject lands into Hamilton Zoning By-law No. 05-200 and these regulations recognize the existing buildings on the site.
Building Setback from a Street Line Applicant Proposed Modification	Maximum 4.5 metres, except where a visibility triangle is required for a driveway access.	Maximum 25.0 metres for a commercial use existing at the date of the passing of this by-law.	Therefore, staff support the proposed modifications.
Building Setback from a Street Line Staff Proposed Modification	1.5 metres.	Minimum 3.0 metres for a building with residential units on the ground floor facing a street.	The intent of “Urban Corridors” is to provide a comfortable and attractive pedestrian experience. The intent of “Urban Corridors” is to provide a comfortable and attractive pedestrian experience. The proposed modification fulfills both of these policy objectives while mitigating privacy concerns by restricting the location of dwelling units on the property and within the building.
Restriction of Residential Uses within a Building Staff Proposed Modification	Restriction of Residential Uses within a Building 1. Notwithstanding Section 10.3.1, a Dwelling Unit(s), Mixed Use shall only be	Restriction of Residential Uses within a Building: 0. The finished floor elevation of any dwelling unit shall be a	Therefore, staff support the proposed modification.

Appendix “D” to Report PED24131
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Regulation	Required	Modification	Analysis
	permitted above the ground floor except for access, accessory office, and utility areas, and shall not occupy more than 50% of the total gross floor area of all the building(s) within the lot.	<p align="center">minimum of 0.9 metres above grade; and,</p> <p>2. Notwithstanding 1. Above, dwelling units(s) shall be permitted in a basement or cellar.</p>	
<p>Restriction of Residential Care Facility and Retirement Home</p> <p>Staff Proposed Modification</p>	Not applicable.	<p>Residential Care Facility and Retirement Home:</p> <p>1. Maximum Capacity for Residential Care Facility is 50 residents.</p>	
<p>Emergency Shelter, Lodging House, Place of Worship, Residential Care Facility, Retirement Home, or Social Service Establishment Regulations</p> <p>Staff Proposed Modification</p>	Not applicable.	<p>Minimum Side Yard and Rear Yard: 7.5 metres.</p> <p>Maximum Building Height: 22.0 metres.</p> <p>Minimum Landscaped Area: 10% of the Total Lot Area.</p>	
Maximum Density	Not Applicable.	0 units per net hectare.	

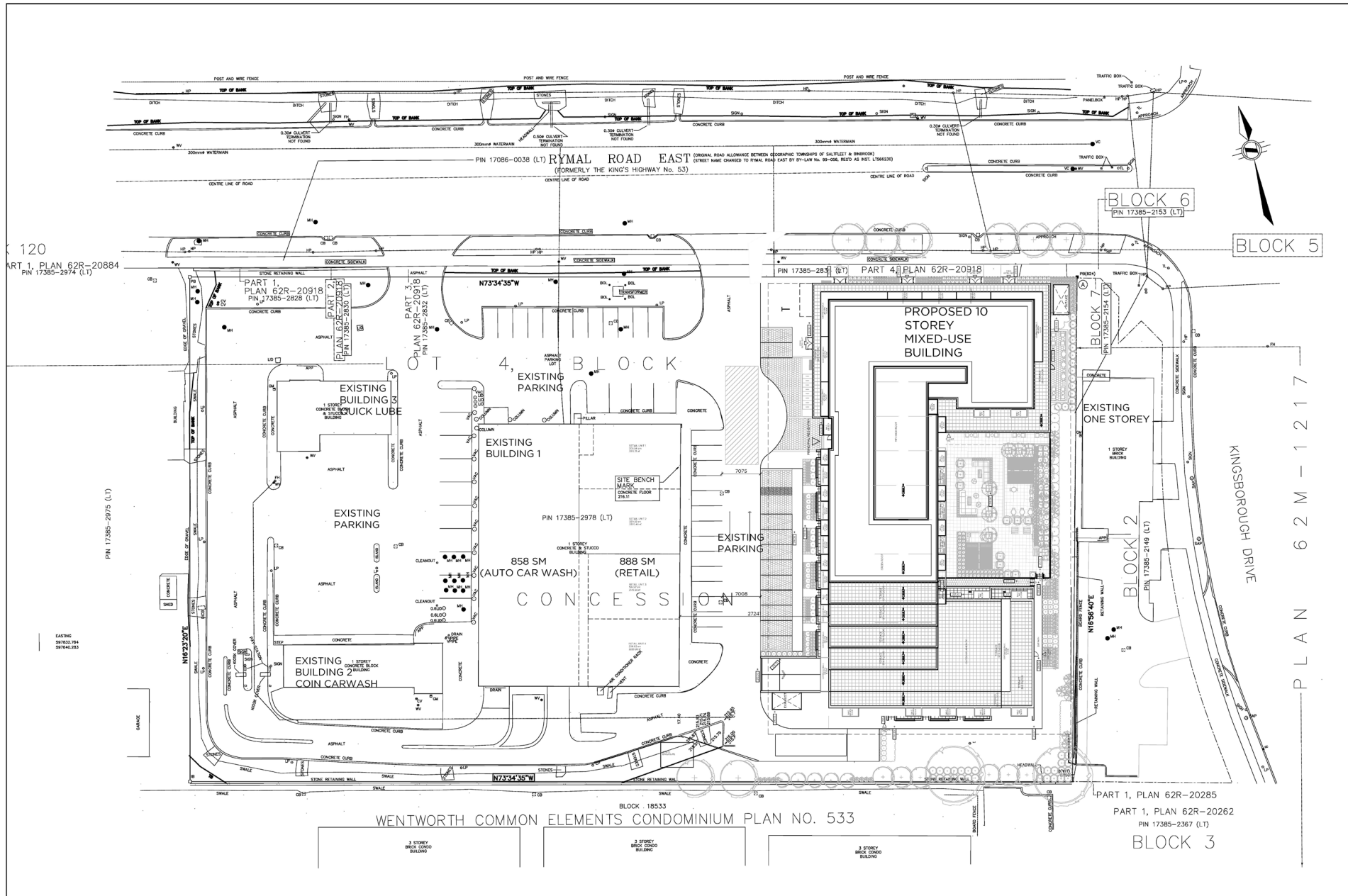
Appendix “D” to Report PED24131
Page 11 of 12

Regulation	Required	Modification	Analysis
Staff Proposed Modification			<p>implementing zoning by-law. The eastern portion of the property will contain all the proposed units.</p> <p>Therefore, staff support the proposed modification.</p>
<p>Maximum Total Gross Floor Area for Commercial Uses</p> <p>Staff Proposed Modification</p>	10,000.0 square metres.	Not applicable.	<p>The policies within the “Site Specific Policy – Area A” require that the site shall have no maximum floor area.</p> <p>Therefore, staff support the proposed modification.</p>
<p>Maximum Lot Area</p> <p>Staff Proposed Modification</p>	10,000.0 square metres.	16,000.0 square metres.	<p>The policies within the “Site Specific Policy – Area A” permit a maximum lot area of 1.6 hectares.</p> <p>Therefore, staff support the proposed modification.</p>

Appendix “D” to Report PED24131
Page 12 of 12

Proposed Site Specific Modifications to the Community Commercial (C3, 907) Zone For The Western Portion Of The Site Not Supported by Staff

Regulation	Required	Modification	Analysis
Maximum Floor Area Applicant Proposed Modification	Not applicable.	2,500 square metres.	<p>The subject lands are located within “Site Specific Policy – Area A”, which does not permit restriction on the floor area of commercial uses.</p> <p>The current “C3-301” Zone contains restrictions on the amount of gross floor area. These restrictions are not permitted within “Site Specific Policy – Area A” and have not been carried forward.</p>
Maximum Floor Area for Motor Vehicle Service Station or Motor Vehicle Washing Establishment Uses Applicant Proposed Modification	Not applicable.	1,360 square metres.	<p>Therefore, staff do not support these proposed modifications.</p>



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ISSUED RECORD

- 2022-12-14 ISSUED FOR RECORDING
- 2023-09-12 ISSUED FOR RECORDING REVISION

REVISION RECORD

RAW

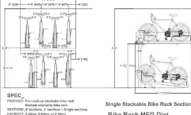
405-317 ADELAIDE STREET WEST
TORONTO CANADA M5V 1P9
+1 416 588 9729
WWW.RAWDESIGN.CA

21043
2070 RYMAL ROAD
HAMILTON, ON

CONTEXT PLAN

A001

1 CONTEXT PLAN
A001 SCALE: 1:300

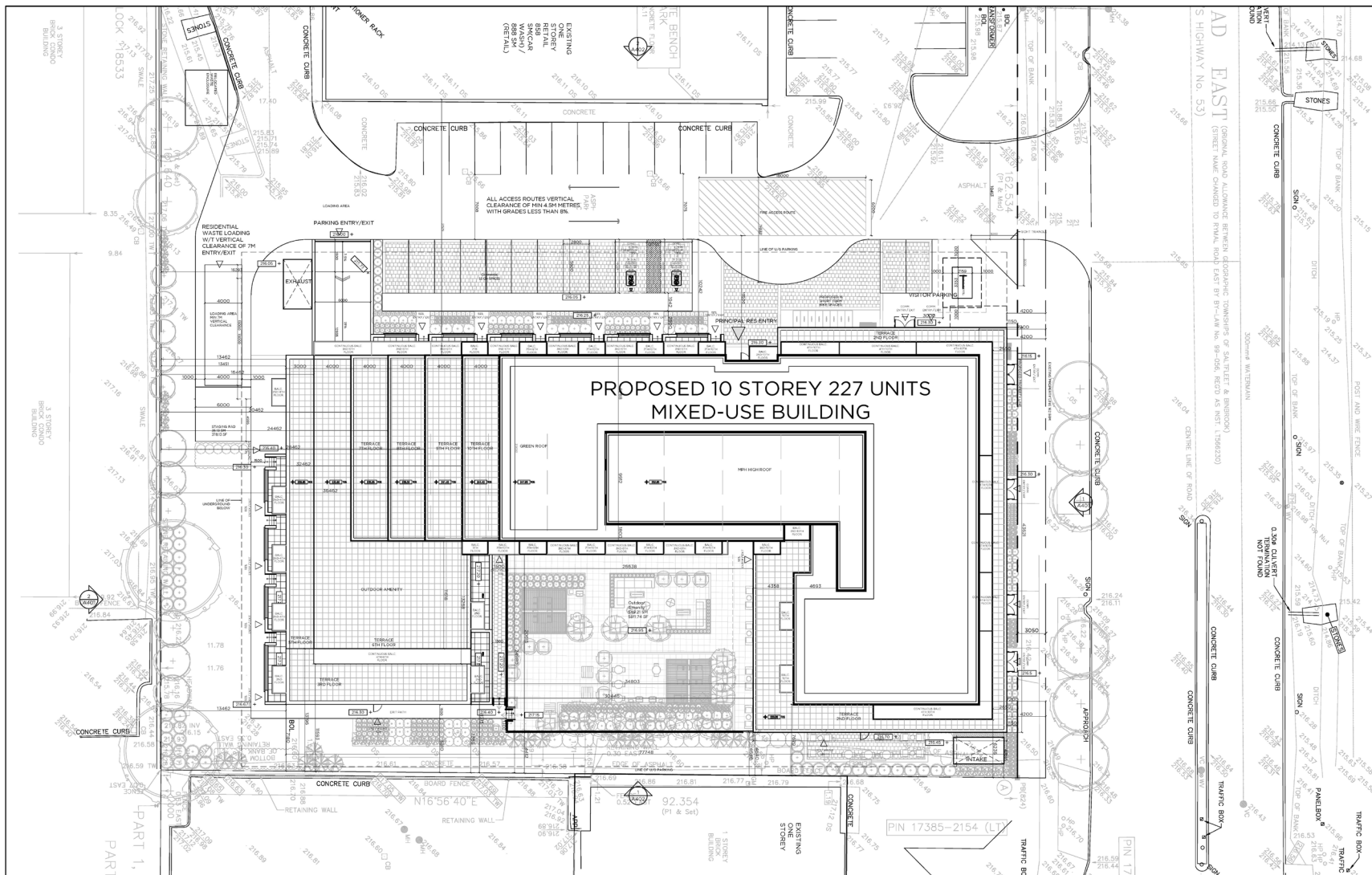


WASTE COLLECTION NOTES

- The developer is responsible for all waste removal up until the time that an agreement for curbside collection of Solid Waste, Hazardous, and Municipal collection services are entered. The site entry route for waste collection service must be approved for accessibility by City staff.
- The developer must provide a signed letter from a professional engineer certifying that the route taken along the access route can support at least 35,000 kg/m².
- If the development is not designed according to specifications identified herein, the developer must arrange a private waste transfer for the removal of all waste materials. All staff and the equipment used for the development must obtain a written permit from the City of Hamilton for the removal of waste materials from the property.

SITE PLAN NOTES

- THE BUILDING IS TO BE SEWERED.
- THE SOLID WASTE ROOMS TO BE 50 CM AND WILL ACCOMMODATE GARBAGE VIA USE OF ONE CHUTE GARBAGE CHUTE ACCESS OCCURS ON LEVELS 1 TO 6. ADDITIONAL BULK STORAGE IS PROVIDED AT GROUND FLOOR NEAR LOADING.
- COLLECTION OF WASTE MATERIALS FOR THE ENVIRONMENT WILL TAKE PLACE ON SITE IN THE LOADING AREA DESIGNATED ON THE GROUND FLOOR PLAN. AN ON-SITE TRAINED STAFF MAINTENANCE PERSON IS RESPONSIBLE FOR MOVING THE BINS FROM THE SOLID WASTE ROOM TO THE COLLECTION POINT AND VEHICLES TO THE COLLECTION VEHICLE ARRIVES AT THE CURB. IN THE EVENT THE CURB STAFF IS UNAVAILABLE AT THE TIME THE CITY COLLECTION VEHICLE ARRIVES AT THE CURB, THE COLLECTION VEHICLE WILL LEAVE THE CITY AND RETURN UNTIL THE NEXT SCHEDULED COLLECTION DAY.
- SIDEWALKS AND BOULEVARDS WITHIN THE RIGHT OF WAY TO HAVE A MINIMUM 2% AND MAXIMUM 4% SLOPE TOWARDS THE SIDEWALK.
- REFER TO SITE SERVICES PLAN FOR SEWER AND WATER SERVICE INFORMATION.
- ALL EXISTING ACCESS, CURB CUTS, TRAFFIC CONTROL SIGNS, ETC. ALONG THE DEVELOPMENT SITE FRONTAGE THAT ARE NOT CONFORMING WITH THE PUBLIC RIGHT OF WAY IN ACCORDANCE WITH CITY STANDARDS AND TO THE SATISFACTION OF THE EXECUTIVE DIRECTOR OF TECHNICAL SERVICES ARE TO BE REINSTATED.
- PROPOSED ACCESS TO THE DRIVEWAY FOR THIS PROJECT TO BE DESIGNED IN ACCORDANCE WITH CITY STANDARD NO. 120.000 FOR CONCRETE CURBS AND SIDEWALK VELOCULAR ENTRANCES.
- THIS BUILDING IS DESIGNED WITH A SHARED LOADING SPACE, A FLASHING WARNING LIGHT SYSTEM AND / OR APPROPRIATE SIGNAGE ADJACENT TO THE SPACE AT THE CURB TO THE CITY. WILL BE IN PLACE AND ACTIVATED DURING COLLECTION AND REMAIN ACTIVE UNTIL THE VEHICLE EXITS THE SITE.
- WASTE MANAGEMENT FOR THE AFTER-HOURS COLLECTION OF THE DEVELOPMENT AND SHOULD PUBLIC COLLECTION BE USED. ALL NECESSARY APPLICATION AND WAIVER FORMS TO BE COMPLETED PRIOR TO COLLECTION ON CITY REAR COLLECTION.
- NO SPEED BUMPS SHALL BE INSTALLED ON ANY MAIN DRIVEWAY ASIDE OR DESIGNATED FIRE ROUTE.
- TYPICAL PARKING SPACES ARE 2.8M X 5.8M SPACES WITH ADJACENT OBSTRUCTIONS OF A DEPTH GREATER THAN 1M TO HAVE A TYPICAL ALLOWANCE OF 5M FROM PARKING SPACE.
- ALL VISITOR PARKING SPACES TO BE CLEARLY SIGNED AT THE FRONT OF EACH SPACE AS "VISITOR".
- ALL SMALL CAR PARKING SPACES TO BE CLEARLY SIGNED AT THE FRONT OF EACH SPACE AS "SMALL CAR ONLY".



QUALITY CONTROL
SITE PLAN INFORMATION TAKEN FROM:
1. PLAN OF SURVEY OF PART OF LOT 4, BLOCK 4, CONDOMINIUM TOWER ON BROADVIEW IN THE CITY OF HAMILTON.

LEGEND

- EXISTING GRADE
- EXISTING ELEVATION
- PROPOSED ELEVATION
- FRESH FLOOR ELEVATION
- TOP OF FINISHES
- TOP OF WALL
- BOTTOM OF WALL
- TOP OF CURB
- BOTTOM OF CURB
- PRINCIPAL RES. ENTRY
- ENTRY / EXIT
- BARBER CONNECTION

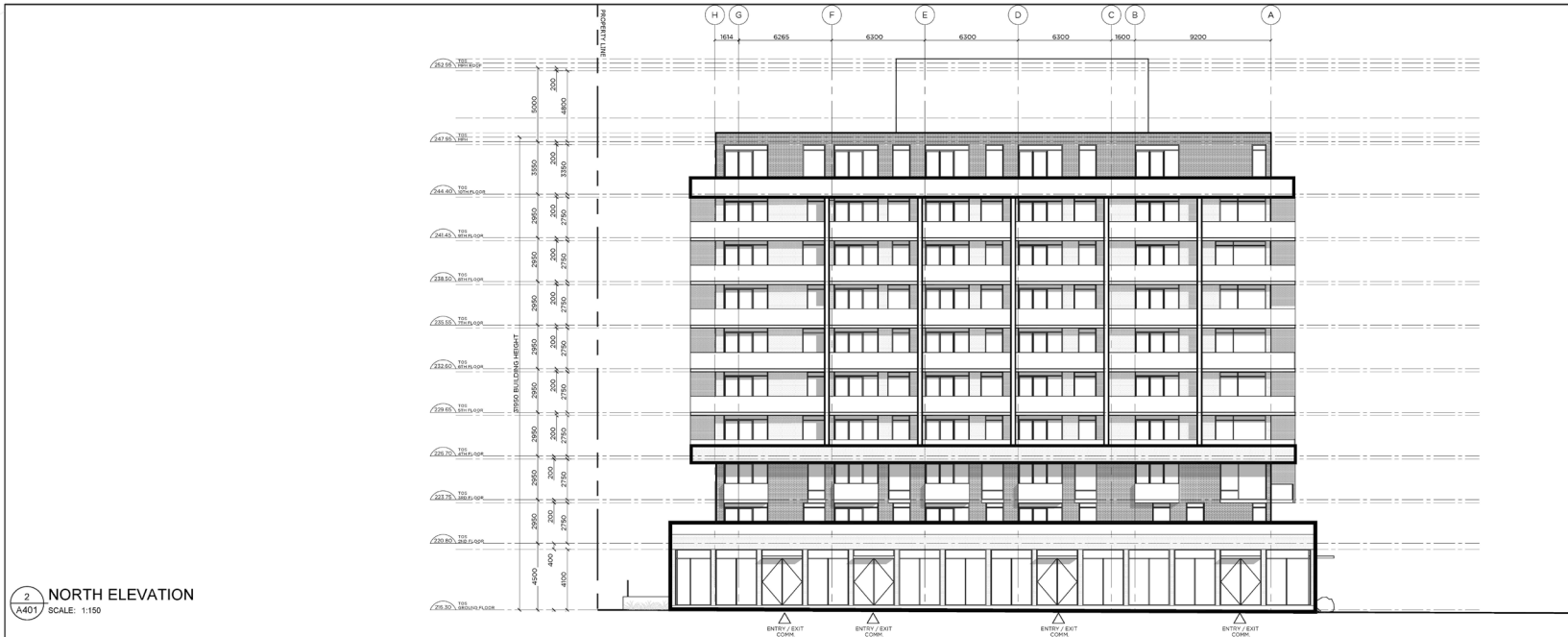
ADDITIONAL NOTES

- THE BUILDING IS TO BE SEWERED.
- ALL WASTE GENERATED BY THE SITE IS TO BE STORED ON PRIVATE PREMISES.
- SIDEWALKS AND BOULEVARDS WITHIN THE RIGHT OF WAY TO HAVE A MINIMUM 2% AND MAXIMUM 4% SLOPE TOWARDS THE SIDEWALK.
- REFER TO SITE SERVICES PLAN FOR SEWER AND WATER SERVICE INFORMATION.
- TYPICAL PARKING SPACES ARE 2.8M X 5.8M SPACES WITH ADJACENT OBSTRUCTIONS OF A DEPTH GREATER THAN 1M TO HAVE A TYPICAL ALLOWANCE OF 5M FROM PARKING SPACE.
- WASTE MANAGEMENT FOR THE AFTER-HOURS COLLECTION OF THE DEVELOPMENT AND SHOULD PUBLIC COLLECTION BE USED. ALL NECESSARY APPLICATION AND WAIVER FORMS TO BE COMPLETED PRIOR TO COLLECTION ON CITY REAR COLLECTION.
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- TYPICAL PARKING SPACES ARE 2.8M X 5.8M SPACES WITH ADJACENT OBSTRUCTIONS OF A DEPTH GREATER THAN 1M TO HAVE A TYPICAL ALLOWANCE OF 5M FROM PARKING SPACE.
- ALL VISITOR PARKING SPACES TO BE CLEARLY SIGNED AT THE FRONT OF EACH SPACE AS "VISITOR".
- ALL SMALL CAR PARKING SPACES TO BE CLEARLY SIGNED AT THE FRONT OF EACH SPACE AS "SMALL CAR ONLY".

ISSUED RECORD

- 2022-12-14 ISSUED FOR RECORDING
- 2023-09-12 ISSUED FOR RECORDING REVISION

REVISION RECORD



2 NORTH ELEVATION
SCALE: 1:150

MATERIAL LEGEND

1	MASONRY BRICK - BEIGE
2	MASONRY BRICK - RED
3	GLASS - CLEAR
4	PERFORATED METAL - CHARCOAL GREY
5	METAL PANEL AND MULLION - CHARCOAL GREY

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ISSUED RECORD

2022-12-14	ISSUED FOR RECORDING
2023-09-12	ISSUED FOR RECORDING REVISION

REVISION RECORD



1 WEST ELEVATION
SCALE: 1:150

NORTH

RAW

405-317 ADELAIDE STREET WEST
TORONTO CANADA M5V 1P9
+1 416 588 8728
WWW.RAWDESIGN.CA

21043
2070 RYMAL ROAD
HAMILTON, ON

NORTH AND WEST ELEVATIONS
1:150

A401



MATERIAL LEGEND

①	MASONRY BRICK - BEIGE
②	MASONRY BRICK - RED
③	GLASS - CLEAR
④	PERFORATED METAL - CHARCOAL GREY
⑤	METAL PANEL AND MULLION - CHARCOAL GREY

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ISSUED RECORD

2022-12-14	ISSUED FOR REVISION
2023-09-12	ISSUED FOR REVISION RESUB

REVISION RECORD



NORTH

RAW

405-317 ADELAIDE STREET WEST
TORONTO CANADA M5V 1P9
T: 416 588 7725
WWW.RAWDESIGN.CA

21043
2070 RYMAL ROAD
HAMILTON, ON

SOUTH AND EAST ELEVATIONS

1:150
A402

Appendix “F” to Report PED24131
Page 1 of 11

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 adjacent to Rymal Road East which is identified as “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> <p>Commercial uses are located on the subject property and additional commercial uses are located approximately 350 metres to the east. Hamilton Street Railway operated bus route 44 is located on Rymal Road East. In addition, Rymal Road East has been identified as a potential rapid transit route. Bellagio Park, Our Lady of the Assumption Catholic Elementary School, and Shannen Koostacin Elementary School are located approximately 500 metres southwest of the site.</p> <p>The proposed development consists of 227 dwelling units and 1,020 square metres of ground floor commercial space within the ten storey mixed use building. The proposed development will provide a greater range of housing types, achieve the planned urban structure and the increased density will support the use of existing and planned transit and commercial uses.</p> <p>The proposal is consistent with these policies.</p>

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A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)		
Theme and Policy	Summary of Policy or Issue	Staff Response
<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>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>	<p>The subject site is located within the delineated built boundary and 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.</p> <p>The proposal conforms to these policies.</p>
Urban Hamilton Official Plan		
<p>Urban Design Policies – General Policies and Principles</p> <p>Policies: B.3.3.2.2 – B.3.3.2.10</p>	<p>The principles in Policies B.3.3.2.3 through B.3.3.2.10 inclusive, shall apply to all development and redevelopment, where applicable. These principles include:</p> <ul style="list-style-type: none"> • Fostering a sense of community pride and identity; • Creating quality spaces; • Creating places that are safe, accessible, connected, and easy to navigate; • Enhancing the character of the existing environment; and, • Creating places that are adaptable to future changes. • Promoting the reduction of greenhouse gas emission and protecting and enhancing the natural environment; and, • Enhancing physical and mental health; and, • Designing streets as a transportation network and as public spaces. 	<p>A Planning & Urban Design Rationale Report, prepared by Bousfields Inc., dated December 2022, was submitted and a staff analysis found that the proposed development contributes to a sense of place and creation of a pedestrian focused street realm. The building’s massing will delineate the commercial uses facing onto Rymal Road East creating an appropriate pedestrian scale.</p> <p>Architectural drawings, prepared by RAW Design Inc. dated September 2023, were submitted as part of the subject applications. The drawings, attached as Appendix “E” to Report PED24131, includes a site plan locating the building 1.2 metres from the street lot line, which contributes towards improving the pedestrian focus street realm. In addition, the site plan shows appropriate setbacks and stepbacks towards the rear and side of the building adjacent to the existing residential dwellings located to the south and west, respectively.</p>

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Page 3 of 11

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>		<p>Further design details, such as landscaping, building material and lighting will be addressed through a future Site Plan Control application.</p> <p>The proposal complies with these policies.</p>
<p>Residential Intensification Criteria</p> <p>Policies: B.2.4.1.4, B.2.4.2.2 and E.3.2.4</p>	<p>Residential intensification in the built-up area shall be evaluated on: the relationship with existing neighbourhood character, contribution towards achieving a range of dwelling types, compatible integration with surrounding area, contribution towards achieving the planned urban structure, existing infrastructure capacity, incorporation of sustainable design elements, contribution towards supporting active transportation, and transit, availability of public community facilities/services, ability to retain natural attributes of the site, and compliance with all other applicable policies.</p>	<p>The proposed development represents a compatible form of infill within the neighbourhood and will provide a greater range of housing types and achieve the planned urban structure.</p> <p>The residential intensification can be supported since there are a number of amenities within the surrounding area.</p> <p>Commercial uses are located on the subject property and additional commercial uses are located approximately 350 metres east. Hamilton Street Railway operated bus route 44 is located on Rymal Road East. In addition, Rymal Road East has been identified as a potential rapid transit route. Bellagio Park, Our Lady of the Assumption Catholic Elementary School, and Shannen Koostacin Elementary School are located approximately 500 metres southwest of the site.</p> <p>The proposed development consists of 227 dwelling units and 1,020 square metres of ground floor commercial space within a ten storey mixed use building. 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.</p> <p>The Zoning By-law Amendment includes a building setback requirement above the fourth floor and increased setbacks (see Appendix “C” attached to Report PED24131). With these requirements the proposed development will provide a transition in height that is compatible with the surrounding area.</p>

Appendix “F” to Report PED24131
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Theme and Policy	Summary of Policy or Issue	Staff Response
Residential Intensification Criteria Policies: B.2.4.1.4, B.2.4.2.2 and E.3.2.4 (Continued)		The proposal is consistent with these policies.
Transportation Policy: C.4.5.12	A Transportation Impact Study shall be required for an Official Plan Amendment and/or a major Zoning By-law Amendment.	A Transportation Impact Study, prepared by C.F. Crozier & Associates Inc., dated December 2022 and updated July 2023, has been submitted and staff determined that the local transportation network can support the proposed development. The proposal complies with this policy.
Infrastructure Policy: C.5.3.6	All redevelopment within the urban area shall be connected to the City’s water and wastewater system.	A Functional Servicing Report, prepared by S. Llewellyn & Associates Limited dated December 2022 and revised October 2023, was submitted. Development Engineering staff have reviewed the Functional Servicing Report and concur with the report recommendation and support the proposed Zoning By-law Amendment. The applicant shall submit a detailed Functional Servicing Report including Grading and Servicing Plans, among other studies, through a future Site Plan application. The proposal complies with this policy.
Archaeology Policy B.3.4.4.3	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.	The subject property meets four 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 Stage 2 Archaeological Assessment (P1024-0057-2015) which examined the archaeological potential of the site. Staff received a copy of the letter from the Ministry dated October 14, 2015, confirming that archaeological matters have been addressed. Staff are of the opinion that the municipal interest in the archaeology of this site has been satisfied. The proposal complies with this policy.

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Page 5 of 11**

Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Noise</p> <p>Policy: B.3.6.3.1</p>	<p>Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.</p>	<p>The proposed development is located along Rymal Road East, which is classified as a major arterial road in the Urban Hamilton Official Plan and there are existing commercial uses on the subject property.</p> <p>A Noise Impact Assessment, prepared by dBA Acoustical Consultants Inc. dated November 2022, was submitted staff determined that the potential for noise impact from road traffic or stationary noise sources is below Ministry of the Environment, Conservation, and Parks limits with recommend mitigation measures.</p> <p>The report recommends mitigation measures including requiring air conditioning for the entire building, warning clauses registered on title and/or in rental agreements, and special building components. These measures will be addressed through the future Site Plan Control application 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 adjacent to Rymal Road East which is identified as a “Secondary Corridor” in the Urban Hamilton Official Plan.</p> <p>The proposed mid rise mixed use building with ground floor commercial 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 building is located close to the street and designed with massing that contributes to the pedestrian experience of the streetscape. To address potential privacy and overlook concerns with the residential uses on adjacent properties to the south and west, building setback and stepbacks have been incorporated into the Zoning By-law (see Appendix “C” attached to Report PED24131). The proposed zoning regulations adhere to the 45 degree angular plane from the southern property line.</p>

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Page 6 of 11

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>The proposal complies with these policies.</p>
<p>Urban Corridors – Design</p> <p>Policy: E.2.4.17</p>	<p>Reductions in parking requirements shall be considered to encourage a broader range of uses and densities to support existing and planned transit routes.</p>	<p>The proposed reduction in parking spaces by the applicant is supported by staff since it is anticipated that the commercial uses will be able to utilize the existing parking spaces provided on the western portion of the property.</p> <p>The proposal complies with this policy.</p>
<p>Neighbourhoods Designation – General Policies – Function</p> <p>Policies: E.3.2.1 and E.3.2.3</p>	<p>Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.</p> <p>The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:</p> <p>a) Residential dwellings, including second dwelling units and housing with supports; b) Open space and parks; c) Local community facilities/services; and, d) Local commercial uses.</p>	<p>The existing development, which will remain on the property, consists of a commercial plaza (containing a motor vehicle service station, motor vehicle washing establishment, restaurants, and retail). The proposed development consists of multiple dwelling units with commercial space on the ground floor.</p> <p>The proposal complies with these policies.</p>
<p>Medium Density Residential Designation – Scale</p> <p>Policy: E.3.5.1</p>	<p>Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads.</p>	<p>The proposed development is located on Rymal Road East, which is identified as a Major Arterial road on Schedule C – Functional Road Classification and consists of a ten storey mixed use building.</p> <p>The proposal complies with this policy.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Medium Density Residential Designation – Scale</p> <p>Policy: E.3.5.8</p>	<p>For medium density residential uses, the maximum height shall be six storeys, but the height may be increased to 12 storeys without an amendment to this Plan, provided the applicant demonstrates that:</p> <ul style="list-style-type: none"> a) the development shall provide for a mix of unit sizes; b) the development shall incorporate sustainable building and design principles; c) the development shall not unduly overshadow or block light on adjacent sensitive land uses; and, d) buildings are progressively stepped back from adjacent areas designated Neighbourhoods. e) buildings are stepped back from the street to minimize the height appearance from the street. 	<p>The proposed building height of ten storeys can be supported as the development meets the criteria established for permitting additional height above six storeys. The recommended Zoning By-law includes a maximum height of 32.5 metres (see Appendix “C” attached to Report PED24131).</p> <p>The proposed building contains 227 dwelling units, which will consist of 72 one bedroom units, 119 two bedroom units, and 36 three bedroom units. The dwelling units represents a mix of small to large unit types to support various household sizes and income levels.</p> <p>The applicant has proposed sustainability measures to reduce energy use, carbon generation, and water use including green roof, permeable pavers, low-flow fixtures, dedicated parking space for car share company, and provision of EV-ready parking spaces for a portion of required parking spaces. Details of sustainable building and design features will be addressed through a future Site Plan Control application.</p> <p>A Shadow Study, prepared by RAW Design Inc., dated December 2022, was submitted and staff are satisfied that the development will not cause adverse impacts on existing residential uses.</p> <p>The Zoning By-law Amendment includes a building setback requirement above the fourth floor and increased setbacks (see Appendix “C” attached to Report PED24131). With these requirements the proposed development will provide an appropriate transition in height. The proposed 32.5 metre height has been incorporated into the recommended Zoning By-law and no further setbacks are required to respect the angular plane.</p> <p>The Zoning By-law Amendment does not include a setback requirement from a street line. Staff do not anticipate negative visual impacts as the ultimate right-of-way width of Rymal Road East is greater than 36 metres wide.</p>

Appendix “F” to Report PED24131
Page 8 of 11

Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Medium Density Residential Designation – Scale</p> <p>Policy: E.3.5.8 (Continued)</p>		<p>The proposal complies with this policy.</p>
<p>Medium Density Residential Designation – Design</p> <p>Policy: E.3.5.9</p>	<p>Development within “Medium Density Residential” category shall be evaluated on the basis of the following criteria:</p> <p>a) Developments should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may gain access to the collector or major or minor arterial roads from a local road only if a small number of low density residential dwellings are located on that portion of the local road.</p> <p>b) Development shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations.</p> <p>c) Development shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures shall be compatible with existing and future uses in the surrounding area.</p> <p>d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.</p>	<p>The proposed development is located along Rymal Road East, which is classified as a major arterial road.</p> <p>The recommended Zoning By-law includes a building stepback requirement above the fourth floor and increased setbacks (see Appendix “C” attached to Report PED24131). With these requirements the proposed development will provide an appropriate transition in height.</p> <p>A Shadow Study, prepared by RAW Design Inc., dated December 2022, was submitted and staff are satisfied that the development will not cause adverse impacts on existing residential uses.</p> <p>The proposed reduction in parking spaces by the applicant is supported by staff since it is anticipated that the commercial uses will be able to utilize the existing parking spaces provided on the western portion of the property.</p> <p>The Zoning By-law Amendment does not include any amendments to the amenity area requirements.</p> <p>Access to the property is proposed from an existing access on Rymal Road East.</p> <p>The Rymal Road Secondary Plan does not identify any public view corridors or general public views.</p> <p>The proposal complies with this policy.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Medium Density Residential Designation – Design</p> <p>Policy: E.3.5.9 (Continued)</p>	<p>e) The City may require studies to demonstrate that the height, orientation, design, and massing of a building or structure shall not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses.</p> <p>f) The orientation, design, and massing of a building or structure higher than six storeys shall take into account the impact on public view corridors and general public views of the area of the Niagara Escarpment, waterfront, cultural heritage resources, cultural heritage landscapes, and other parts of the City as identified through secondary plans or other studies, through the submission of a Visual Impact Assessment to the satisfaction of the City.</p>	
Rymal Road Secondary Plan		
<p>Local Commercial Designation – Intent</p> <p>Policy: B.5.2.3.4 a)</p>	<p>Lands designated Local Commercial are intended to provide the convenience shopping amenities for the surrounding residents as well as to the pass-by travelling public.</p>	<p>The existing development on the western portion of the site contains commercial uses, which will remain, and the proposed development includes additional commercial uses on the ground floor.</p> <p>The proposal complies with this policy.</p>
<p>Local Commercial Designation – Design</p> <p>Policy: B.5.2.3.4 d)</p>	<p>Lands designated Local Commercial shall be developed:</p> <ul style="list-style-type: none"> • In a coordinated and comprehensive manner. Access points shall be limited and regard shall be given to the sharing of access points, adequate internal traffic circulation, and adequate off-street parking, loading and manoeuvring facilities; and, • Open storage of goods and materials shall not be permitted except in special cases (e.g., garden centre, hardware store), subject to the City’s approval and implementing Zoning By-law regulations. 	<p>The proposed development will share the existing access points onto Rymal Road East and parking spaces for commercial uses.</p> <p>The implementing Zoning By-law prohibits outdoor storage of goods except for displaying goods or materials for retail purposes (see Appendix “C” attached to Report PED24131).</p> <p>Loading areas for the proposed development are located to minimize adverse effects on adjacent residential areas and will be screened from view.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Local Commercial Designation – Design</p> <p>Policy: B.5.2.3.4 d) (Continued)</p>	<ul style="list-style-type: none"> • Loading and unloading areas shall be located so as to minimize adverse effects to adjacent residential areas and shall be screened from view; • Landscaping shall form an integral part of all developments and screening and/or buffering shall be provided between commercial and other sensitive adjacent land uses; and, • All high intensity outdoor lighting shall be oriented away from residential areas and streets. 	<p>The implementing Zoning By-law includes setbacks and stepbacks from residential uses that minimize adverse effects to adjacent residential areas. Further design details, such as landscaping, building material and lighting will be addressed through a future Site Plan Control application.</p> <p>The proposal complies with this policy.</p>
<p>Site Specific Policy – Area A</p> <p>Policy: B.5.2.14.1 a)</p>	<p>The site shall have a maximum site area of 1.6 hectares with no maximum commercial floor area.</p>	<p>The subject lands are approximately 1.55 hectares.</p> <p>To comply with this policy the implementing Zoning By-law does not contain regulations to limit floor area of commercial uses (see Appendix “C” to Report PED24131).</p> <p>The proposal, subject to the approval of the Official Plan Amendment, complies with this policy.</p>
<p>Site Specific Policy – Area A – Permitted Uses</p> <p>Policy: B.5.2.14.1 b)</p>	<p>Permitted uses shall include a limited range of convenience retail, personal services professional offices and restaurant uses.</p> <p>In addition, the following uses shall also be permitted: Motor Vehicle Service Station (oil / lube service station only), without the storage of fuel or chemicals, Automatic Car Wash, Manual Car Wash, Farm Produce Market, Farm Equipment Sales, Business and Professional office, Restaurant, Service Use, Day Nursery, Retail, Financial Establishment, Personal Service Uses, Commercial School, Private or Commercial Club, Billiard Parlour, Post Office, Tavern.</p>	<p>The purpose of the Official Plan Amendment is to modify “Site Specific Policy – Area A” to permit multiple dwellings with a maximum height of ten storeys and a maximum density of 165 units per net hectare. The proposed development consists of 227 dwelling units and 1,020 square metres of ground floor commercial space within a ten storey mixed use building. The implementing Zoning By-law contains regulations to limit the type of uses permitted (see Appendix “C” to Report PED24131).</p> <p>As discussed above, the proposed addition of residential uses is supported by the policies of the “Secondary Corridor” area and “Neighbourhoods” designation.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
Site Specific Policy – Area A – Permitted Uses Policy: B.5.2.14.1 b) (Continued)	Urban Farmers Market, Veterinary Service, and buildings, structures, and uses accessory to the above-noted permitted uses.	

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CONSULTATION – DEPARTMENTS AND AGENCIES

Department/Agency	Comment	Staff Response
<ul style="list-style-type: none"> • Corporate Real Estate, Economic Development Division, Planning and Economic Development Department; • Parks and Cemeteries Section, Environmental Services Division, Public Works Department; • Infrastructure Renewal, Engineering Services Division, Public Works Department; • Bell Canada; and, • Canada Post. 	No Comment.	Noted.
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department.	Development Engineering staff have reviewed the Functional Servicing Report, prepared by S. Llewellyn & Associates Limited dated December 2022 and revised October 2023, and Watermain Hydraulic Analysis, prepared by C3 Water Inc. dated October 27, 2023, and concur with the report recommendation and support the proposed Zoning By-law Amendment. The applicant shall submit a detailed Functional Servicing Report including Grading and Servicing Plans, among other studies, during the Site Plan Control Stage.	Noted. A detailed Functional Servicing Report, Grading Plan, and Servicing Plan will be required during a future Site Plan Control application.

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Department/Agency	Comment	Staff Response
<p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department</p>	<p>Transportation Planning supports the Official Plan Amendment and Zoning By-law Amendment applications as the site-generated traffic by the proposed development can be accommodated as demonstrated in the submitted and the approved Transportation Impact Study prepared by C.F. Crozier & Associates Inc., revised July 2023, was submitted.</p> <p>The results of the revised Transportation Impact Study, the Applicant will be required to provide functional design and all costs associated for the restriping of pavement markings along Rymal Road East adjacent to the eastern driveway in order to provide a formalized centre left-turn lane area to allow vehicles to complete westbound left-turns from the centre left-turn lane.</p> <p>Recommended Transportation Demand Management measures include:</p> <ul style="list-style-type: none"> • Providing 16 short term bicycle parking spaces and 227 long term bicycle parking spaces; • Providing a pre-loaded \$50 PRESTO card with the purchase of an individual residential unit; and, • Unbundling the cost of a parking stall from the purchase of an individual residential unit. 	<p>Transportation Planning staff have approved the submitted Transportation Impact Study, including the Transportation Demand Management measures.</p> <p>The Transportation Demand Management measures and infrastructure improvements to Rymal Road East will be addressed through a future Site Plan Control application as a condition of approval.</p>
<p>Waste Policy and Planning Section, Waste Management Division, Public Works Department</p>	<p>Waste Policy attempts to have all residential developments receive municipal waste collection unless there are extenuating circumstances and/or specific site constraints. The proposed multi-residential building will require front-end bin service for collection of garbage, recyclable material, and organic waste.</p>	<p>Specific design details will be addressed through a future Site Plan Control application.</p>

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Department/Agency	Comment	Staff Response
Waste Policy and Planning Section, Waste Management Division, Public Works Department (Continued)	Additional details have been provided in the comments to ensure the municipal requirements are met, which include the specifics such as the size of the waste room, the number of bins, chute design for the building layout and the road base design along the access route.	
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	The landscape concept plan LC.01, revision No. 1, prepared by Adesso Design Inc. dated August 16, 2023, is approved in theory, although a detailed landscape plan will be required at the site plan approval stage.	Noted. Landscape Plan will be addressed through a future Site Plan Control application.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<p>The subject proposal abuts Registered Plans of Subdivision 62M-1217 (25T-200303) and 62M-1181 (25T-200208). The implications of the proposed development regarding the subdivision should be determined.</p> <p>If a phased Condominium is proposed, Schedules “G” and “K” per the <i>Condominium Act</i> will be required for future phases.</p> <p>The municipally recognized addresses at the subject lands are 2064 Rymal Road East (oil / lube garage) and 2070 Rymal Road East, Units 1 to 6, as per the Legislative Approvals section’s Official Address Notification letter regarding Site Plan Amendment application SPA-19-085, dated October 21, 2019. The address 2080 Rymal Road East was also assigned per the above noted letter; however, it had been assigned to a proposed building that was never constructed and therefore is not a municipally recognized address for the subject property.</p>	These comments will be addressed through a Site Plan Control and/or Draft Plan of Condominium application(s).

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Department/Agency	Comment	Staff Response
<p>Growth Planning Section, Growth Management Division, Planning and Economic Development Department (Continued)</p>	<p>The addresses 2066 Rymal Road East and 2068 Rymal Road East have been retired and should no longer be used or referenced, as per the Legislative Approvals section’s Official Address Notification letter dated October 21, 2019.</p> <p>Municipal addressing for the subject proposal will be determined after conditional Site Plan approval is granted.</p>	
<p>Landscape Architectural Services, Strategic Planning Division, Public Works Department.</p>	<p>Cash-in-lieu of parkland dedication will be requested at a future application.</p>	<p>The Cash-in-lieu payment will be addressed during the Building Permit stage.</p>
<p>Hamilton Conservation Authority</p>	<p>The Provincial Policy Statement generally directs development to areas outside of hazardous lands. The subject property is affected by karst hazards associated with the Eramosa Karst Area of Natural and Scientific 3 Interest. A karst assessment prepared by Terra-Dynamics Consulting (“Revised Karst Hydrology Evaluation, Stormwater Runoff, 2064 to 2070 Rymal Road East, Hannon”), dated April 27, 2016, did not identify any karst features at the surface or indicators of potential karst hazards. Based on this, Hamilton Conservation Authority does not have any hazard policy related concerns with the proposed development.</p> <p>Hamilton Conservation Authority recommends a detailed erosion and sediment control plan. Additionally, a permit will be required for any proposed development/site.</p>	<p>Noted.</p> <p>A detailed erosion and sediment control plan and permit will be addressed through a future Site Plan Control application.</p>

Appendix “G” to Report PED24131
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Department/Agency	Comment	Staff Response
Enbridge	<p>Enbridge has a gas main within this property as well as fronting Rymal Rd East.</p> <p>For the new residential tower some gas requirements need to be taken into account:</p> <ul style="list-style-type: none">• As there shows underground parking for this building Enbridge requires some type of concrete trench that allows the gas service to the building or the determined meter location if within the underground parking limits. Ideally, Enbridge prefers to have the station outside underground parking limits if possible.• Depending on the gas loads a meter size could be up to 3 metre x 8 metre in length.• The station would also likely require 3 metre clearance from any window, door, vent intakes, etc.• How to service the commercial units.	Noted.

From: Mitzi Lawrence

Sent: August 5, 2024 7:00 PM

To: clerk@hamilton.ca

Cc: Clark, Brad <Brad.Clark@hamilton.ca>; Ribaric, Robert <Robert.Ribaric@hamilton.ca>

Subject: Comments to proposed changes to 2064 and 2070 Rymal Road East (File No. UHOPA-23-007 / ZAC-23-017)

External Email: Use caution with links and attachments

Hello,

As a resident of the neighbourhood impacted by the zoning change to 2064 and [2070 Rymal Road East](#) (File No. UHOPA-23-007 / ZAC-23-017). I would like to submit my comments for the proposed changes.

I received my letter and speaking with my neighbors, we all have serious concerns for the plans outlined in the letter we have been made aware of.

First concern is the height listed in the proposal. A ten story structure is significantly larger than any building within the visible skyline. It will be visible throughout the whole development due to its height, and is double the size of the other largest structures in the area. It would be out of character for this neighbourhood which is almost entirely composed of 2 story residential houses. A building so large and so near the road will create a blindspot for the nearby intersection and cast a considerable shadow on the nearby residences of Kingsborough drive and the Bloom development. The other ~5 story structures in the area are half the height. This would be the tallest building in the area, and would be incredibly close to adjacent housing, also affecting privacy and light levels.

Next concern with a building so large is the significant increase in the immediate localized density. This entire area is already higher density with a large concentration of townhouses as well as detached units with minimal spacing. The existing streets adjacent to the proposal already have significant safety and traffic issues. We have a significant volume of traffic from not only the local residents, but parents of the children at the two schools on Bellagio, many of whom use Kingsborough as an access road to the school. During pickup and drop off times, the street is full of double parked cars with small children and parents crossing the road between them. A short walk from the school away, the intersection of Rymal Road and Kingsborough Dr, in my opinion, is already one of the most dangerous intersections in this entire area and I have seen at least two to three near misses as cars careen through the yellow/red light signals as mentioned above. The intersection is incredibly wide and crosses Rymal, a straight main road at 60kph traversed by routine speeders and is relatively unpoliced. When it intersects a 40kph road (second/kingsborough) containing very slow moving traffic There are already traffic issues in this brief strip of Rymal, from speeding excessively, to running the red lights, to multiple recent accidents and the number of times a post is knocked down is increasing. The addition of the recent two sets of speed bumps has slowed traffic only slightly, cars come off Rymal and enter the round about at higher speeds and continue at that speed up to the first bump where they go around the edge, accelerate again to the second bump further down the street. Daily as I walk the dog I have had cars fly by us as we are still on the road. The intersections of the side streets including Charleswood are blind corners due to the parking in the bumpouts, one has to enter part way in the intersection in order to be able to see the traffic approaching from either direction on Bellagio.

The proposed parking spaces are vastly insufficient for the make up of the neighborhood. Most residents of the neighborhood have at least 2 vehicles. Many small townhouses in this area have large families with 3 and some with as many as 5 cars. With the unaffordable housing situation, I have witnessed houses selling being purchased by multi generational homes, unfortunately likely a continuing trend with everyone struggling to make ends meet. Given the neighborhood's population of dense young families, the result is more cars requiring parking. The detached units are so close that they legally don't permit a car to be parked on the road in front, and townhouses are even worse, with most containing a driveway suitable for one car. You may say why not use the garage? The garages are very tight in this neighbourhood and with storage issues with multi-family dwellings increasing, unfortunately the only option for storage is the garage and many of the multigeneration occupied homes are using the garages as an additional living space. The incredible reliance on street parking in the area does cause visibility/safety issues. The inadequate parking in the proposal will spill onto the adjacent streets that are already over capacity causing even further stress on the residents, and reducing the safety of all who use the roads and sidewalks. . The proposed 1.07 parking spots per unit is shortsighted and vastly inadequate for a building of this size, so close to the highway. Even disregarding our local demographic, the location attracts commuters and families, which means a large amount of cars, not even considering the need for visitor parking spots and the transient consumers shopping in the commercial space on the main floor.

The other adjacent roads to the proposal are already a significant safety concern. Even outside of school time, the existing lack of local parking causes cars to seek one of the few spots on Bellagio, and when they are full, will routinely illegally park on the road. This causes serious safety concerns by blocking the line of sight for the other cars pulling out of the cross streets as mentioned above. Snow removal in the area only makes matters worse. Due to the narrow streets, and short driveways (due to the higher density of housing already here), the snow piles narrow the roads every single winter. On several occasions a garbage truck encountered issues, and has had to turn back, and this past winter, an ambulance and firetruck was unable to traverse my street. If parking is inadequate in new developments, it will further strain the existing ones.

I also ask the city to consider the other already approved increases in density and development in the area when reviewing this proposal. When viewed alone, this proposal doesn't seem unreasonable, but taking a wider view of the neighbourhood changes things. Significant additional housing seems to be approved only a few hundred meters away on Kingsborough past the roundabout. Adding this building in its current form at one of the main access points (and a private road no less), without giving serious consideration to the volume of traffic that has yet to arrive, will cause not only grief to the local residents once all local development is complete, but will also potentially further reduce safety as well. There currently is a 5 story structure in progress on Rymal and Fletcher, with another proposed high structure building being proposed just feet from that building on Rymal where currently two houses sit, and yet another >100 units being proposed just meters down the road across from Bishop Ryan high school. Not to mention the two very buildings going up off of Upper Red Hill by the Sobey's plaza. What are Traffic congestion on the Linc and Upper Red Hill Parkway are already atrocious and what should be less than a 10 min drive is currently 3-4x that without accidents. While we believe housing is an issue, you must have infrastructure to support this and currently our city is lacking , roads are a disaster, parking is a major problem, safety of our future (our children) is at risk etc..

I realize it is too late to fix all of summit park's current parking issues, and these issues have been brought up many times in the past 5-6 years, but you can impact the parking allotted in new developments, and the volume of traffic that travels through and around kingsborough/rymal/bellagio

through the number of units in this proposal. The planning stages are our only opportunity to influence change for the better in our city. I don't want this to be yet another example of something we look back on in our city and wish we did differently.

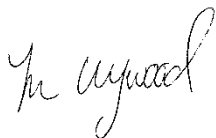
I am a proponent of creating additional affordable housing and I would be interested to know if this is indeed affordable housing as I was quite shocked to find the pricing of the units currently being constructed on Rymal by the water shed to be in the 700,000 range for a two bedroom, but I urge the city to not approve this proposal in its current form. Development is necessary. Additional housing is necessary. This is a considerable property that's underutilized. I understand the desire to proceed as is, to increase the amount of housing in the city, but please consider what I've outlined. I would gladly support a more reasonable proposal of 5 stories to match the other buildings in the area, with an increase in the amount of parking per unit, that also factors in more visitor spots and more dedicated parking spaces for the commercial units.

Please notify me of the decision of the City of Hamilton on the zoning changes to this property.

Thank you,
Mitzi Lawrence



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 13, 2024
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands Located at 32 Sandbeach Drive, Stoney Creek (PED24133) (Ward 10)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	Dhruv Mehta (905) 546-2424
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	per 

RECOMMENDATION

That **Zoning By-law Amendment Application ZAC-24-017, by A.J. Clarke and Associates (c/o Franz Kloibhofer) on behalf of Manuel Vieira and Fifty Road Joint Venture Inc., Owners**, for a change in zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R2” Zone (Block 1), from the Neighbourhood Development “ND” Zone to the Single Residential “R1” Zone (Block 2), and from the Neighbourhood Development “ND” Zone to the Single Residential “R3-12(H)” Zone, Modified, Holding (Block 3), to facilitate the creation of four parcels for the development of three single detached dwellings fronting Sandbeach Drive and to merge one parcel with the lands to the south, described as Blocks 187, 188 and 189, Plan 62M-987, for the future development of three single detached dwellings fronting Kingspoint Circle, be **APPROVED** on the following basis:

- (a) That the draft Zoning By-law Amendment, attached as Appendix “B” to Report PED24133, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the draft Zoning By-law Amendment apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by modifying the Holding symbol ‘H’ to the Single Residential “R3-12(H)” Zone:

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

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

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 32 Sandbeach Drive, Stoney Creek (PED24133) (Ward 10) - Page 2 of 9

The Holding (H) symbol for the Single Residential “R3-12(H)” Zone, Modified, Holding, may be removed and thereby give effect to the “R3-12” Zone provisions, upon completion of the following:

- (i) That the subject lands be consolidated with abutting lands described as Blocks 187, 188 and 189, Plan 62M-987, to the satisfaction of the Director of Planning and Chief Planner;
- (c) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the Urban Hamilton Official Plan and the Urban Lakeshore Secondary Plan.

EXECUTIVE SUMMARY

The subject lands are municipally known as 32 Sandbeach Drive and are located on the west side of Sandbeach Drive, east of Fifty Road, and north of Kingspoint Circle (see Appendix “A” attached to Report PED24133). The lands are currently vacant and have an area of approximately 3,542 square metres with 61.91 metres of frontage along Sandbeach Drive.

The purpose of the Zoning By-law Amendment application is to change the zoning for the subject property from the Neighbourhood Development “ND” Zone to the Single Residential “R1” Zone, Single Residential “R2” Zone, and Single Residential “R3-12(H)” Zone, Modified, Holding, to facilitate the creation of three parcels of land for the development of three new single detached dwellings fronting onto Sandbeach Drive. A fourth parcel of land (Part 4) will also be created and is proposed to be merged with Blocks 187, 188 and 189 on Plan 62M-987, for the future development of three single detached dwellings fronting onto Kingspoint Circle.

The existing ‘H’ Holding Provision is recommended to be modified to require the southerly part of the subject lands, described as Part 4, be consolidated with abutting lands described as Blocks 187, 188 and 189 on Plan 62M-987. In order to remove the Holding Provision, the owner will need to apply to deregister Blocks 187, 188 and 189 on Plan 62M-987 from the registered plan of subdivision. The future lots fronting Kingspoint Circle may be created through a future consent application.

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);

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 32 Sandbeach Drive, Stoney Creek (PED24133) (Ward 10) - Page 3 of 9

- It complies with the Urban Hamilton Official Plan and Urban Lakeshore Secondary Plan; 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, increasing the housing stock, achieves the planned urban structure and supports developing a complete community.

Alternatives for Consideration – See Page 8

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Application Details	
Owner(s):	Manuel Vieira and Fifty Road Joint Venture Inc.
Applicant:	AJ Clarke and Associates (c/o Franz Kloibhofer)
File Number:	ZAC-24-017
Type of Applications:	Zoning By-law Amendment
Proposal:	<p>The purpose of the zoning by-law amendment is to change the zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R1” Zone, Single Residential “R2” Zone, and Single Residential “R3-12(H)” Zone, Modified, Holding, to facilitate conditional consent approval SC/B-22:114 for the creation of four parcels of land for the development of three single detached dwellings fronting Sandbeach Drive. The dwellings will have access onto Sandbeach Drive.</p> <p>In addition, a fourth parcel (Part 4) will be created with the intent to merge with the lands to the south, described as Blocks 187, 188 and 189, Plan 62M-987, for the future development of three single detached dwellings fronting Kingspoint Circle.</p>

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 32 Sandbeach Drive, Stoney Creek (PED24133) (Ward 10) - Page 4 of 9

Property Details	
Municipal Address:	32 Sandbeach Drive
Lot Area:	0.35 ha.
Servicing:	Existing full municipal services.
Existing Use:	Vacant Land
Documents	
Provincial Policy Statement:	The proposal is consistent with the Provincial Policy Statement (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	"Neighbourhoods" on Schedule E-1 – Urban Land Use Designations.
Secondary Plan Existing:	"Low Density Residential 2b" in the Urban Lakeshore Secondary Plan.
Zoning Existing:	Neighbourhood Development "ND" Zone.
Zoning Proposed:	Single Residential "R1" Zone, Single Residential "R2" Zone, and Single Residential "R3-12-H" Zone, Modified Zone.
Modifications Proposed:	No further modifications proposed.
Processing Details	
Received:	May 21, 2024.
Deemed Complete:	May 22, 2024.
Notice of Complete Application:	Sent to 113 property owners within 120 metres of the subject property on June 5, 2024.
Public Notice Sign:	Posted May 30, 2024.
Notice of Public Meeting:	Sent to 113 property owners within 120 metres of the subject property on August 2, 2024.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix "F" attached to Report PED24133.

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SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 32 Sandbeach Drive, Stoney Creek (PED24133) (Ward 10) - Page 5 of 9

Processing Details	
Public Consultation:	A notice was sent to all properties within a 120 metre radius of the subject lands on February 6, 2024, informing them of the intention to submit a Zoning By-law Amendment application. The public notice and strategy were prepared and circulated to the City of Hamilton Planning Department for review and approval. Residents were given a 14 day period to submit comments, questions, or concerns to the project team. No feedback was received from the public in response to this consultation.
Public Comments:	None received.
Processing Time:	83 days.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Vacant lands	Neighbourhood Development “ND” Zone.
Surrounding Lands:		
North	Single Detached Dwellings.	Neighbourhood Development “ND” Zone.
South	Single Detached Dwelling, Vacant lands	Single Residential “R1-12” Zone, Modified; and, Single Residential “R3-12(H) Zone, Modified, Holding.
East	Single Detached Dwellings.	Single Residential “R1-12” Zone, Modified.
West	Single Detached Dwellings.	Rural Residential “RR” Zone.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Framework

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020). The *Planning Act* requires that

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 32 Sandbeach Drive, Stoney Creek (PED24133) (Ward 10) - Page 6 of 9

all municipal land use decisions affecting planning matters be consistent with the Provincial Policy Statement.

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

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

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

Urban Hamilton Official Plan and Urban Lakeshore Area Secondary Plan

The subject lands are identified as "Neighbourhoods" on Schedule E – Urban Structure and designated "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan. The lands are further designated "Low Density Residential 2b" on Map B.7.3-1 – Urban Lakeshore Area Secondary Plan – Land Use Plan.

This proposal contributes positively to planned residential intensification within the Neighbourhoods designation. The development is in a stable low density residential area and has been designed to integrate with the existing neighbourhood character in terms of use, form, scale, and massing. There are no anticipated impacts on the surrounding low density residential land uses. The proposed single detached dwellings fronting onto Sandbeach Drive maintains a consistent streetscape and replicates the existing lot fabric and massing of the current single detached dwellings.

The proposed development will be serviced by existing municipal infrastructure, including water and wastewater systems, as demonstrated by the submitted Functional Servicing Report, prepared by AJ Clarke and Associates Ltd., and dated April 29, 2024. **The** subject lands are accessed via Sandbeach Drive, classified as a Local road. The development of three single detached dwellings is not anticipated to generate any adverse traffic impacts.

Consent application SC/B-22:114 received conditional approval on August 31, 2023, to sever the lands into four parcels, with Condition No. 8 being subject to approval of a

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 32 Sandbeach Drive, Stoney Creek (PED24133) (Ward 10) - Page 7 of 9

Zoning By-law Amendment. The proposal is for the development of three single detached dwellings fronting Sandbeach Drive and to facilitate merging Part 4 with the lands to the south, described as Blocks 187, 188 and 189 on Plan 62M-987, for the future development of three single detached dwellings fronting Kingspoint Circle. The proposed single detached dwelling lots fronting onto Sandbeach Drive conform with the “R1” and “R2” Zones of the Former City of Stoney Creek Zoning By-law No. 3692-92. Additionally, the lands described as Part 4, to be merged with Blocks 187, 188, and 189 on Plan 62M-987, will conform with the neighboring “R3-12” Zone, supporting the increased density and thereby conforming to the Urban Hamilton Official Plan.

Based on the policy analysis provided in Appendix “D” attached to Report PED24133, the proposal complies with the Urban Hamilton Official Plan.

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

The proposed Zoning By-law Amendment is for a change in zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R1” Zone, Single Residential “R2” Zone, and Single Residential “R3-12(H)” Zone, Modified, Holding, to facilitate conditional consent approval SC/B-22:114 for the creation of four parcels which will facilitate the development of three single detached dwellings fronting onto Sandbeach Drive. The lands described as Part 4 to merge one parcel with the lands to the south, described as Blocks 187, 188 and 189 on Plan 62M-987, for the future development of three additional single detached dwellings fronting onto Kingspoint Circle. No further modifications to the proposed zones are proposed.

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 of the Urban Hamilton Official Plan and the Urban Lakeshore Secondary Plan; 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, increasing the housing stock, achieves the planned urban structure and supports developing a complete community.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 32 Sandbeach Drive, Stoney Creek (PED24133) (Ward 10) - Page 8 of 9

2. Zoning By-law Amendment

The subject lands are zoned Neighbourhood Development “ND” Zone in the former City of Stoney Creek Zoning By-law No. 3692-92. The Zoning By-law Amendment proposes to change the zoning to the Single Residential “R1” Zone, Single Residential “R2” Zone, and Single Residential “R3-12(H)” Zone, Modified, Holding. The effect of this amendment is to facilitate the creation of four parcels of land for the development of three single detached dwellings fronting Sandbeach Drive. In addition, a fourth parcel described as Part 4 is intended to be merged with Blocks 187, 188 and 189 on Plan 62M-987 for the future development of three single detached dwellings fronting onto Kingspoint Circle.

The proposed single detached dwelling lots fronting onto Sandbeach Drive conform with the “R1” and “R2” Zones. The application of the existing site specific “R3-12” Zone ensures that lands described as Part 4 aligns with the zoning of Blocks 187, 188 and 189 on Plan 62M-987 and therefore facilitates the future merging of the lands. Staff are satisfied that the proposal complies with and meets the intent of the “Neighbourhoods” designation policies in the Urban Hamilton Official Plan and complies with the “Low Density Residential 2b” policies of the Urban Lakeshore Secondary Plan.

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

3. Holding Provisions

The existing Holding “H” Provision of the “R3-12(H)” Zone in effect on the lands to the south is proposed to be modified to require the southerly part of the subject lands be consolidated with abutting lands described as Blocks 187, 188 and 189, Plan 62M-987. In order to remove the Holding Provision, the owner will need to apply to deregister Blocks 187, 188 and 189, Plan 62M-987 from the plan of subdivision to allow them to merge. The future lots fronting Kingspoint Circle may be created through a future consent application.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the subject lands can be used in accordance with the Neighbourhood Development “ND” Zone in former City of Stoney Creek Zoning By-law No. 3692-92, which permits limited agricultural type uses.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED24133 – Location Map

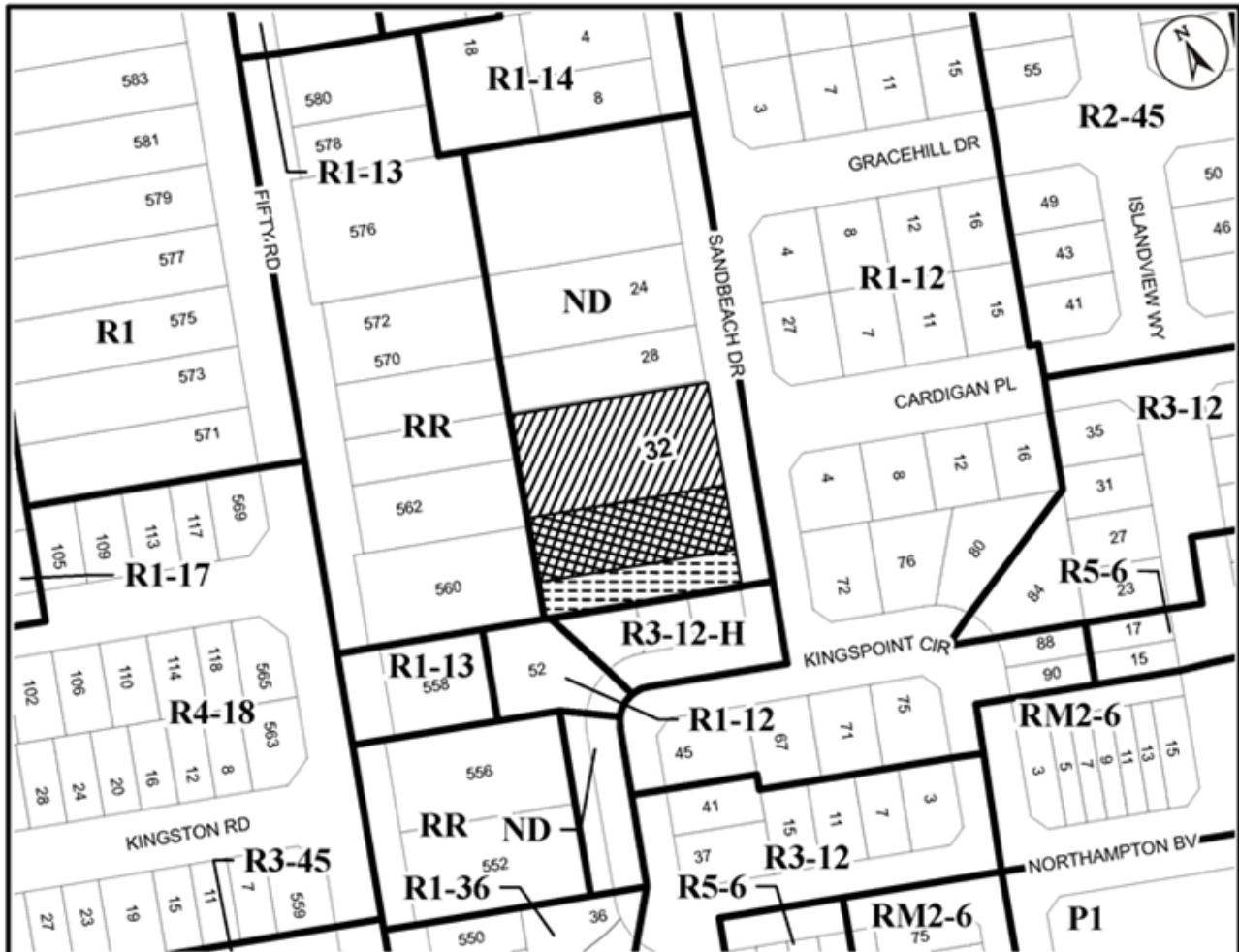
Appendix “B” to Report PED24133 – Zoning By-law Amendment

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 32 Sandbeach Drive, Stoney Creek (PED24133) (Ward 10) - Page 9 of 9

Appendix "C" to Report PED24133 – Plan 62M-987 and Elevations
Appendix "D" to Report PED24133 – Policy Review
Appendix "E" to Report PED24133 – Staff and Agency Comments

DM:sd

Appendix "A" to Report PED24133
Page 1 of 1



● Site Location



Key Map - Ward 10

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-24-017

Date:
July 10, 2024


Appendix "A"


Scale:
N.T.S


Planner/Technician:
DM/NB

Subject Property

32 Sandbeach Drive, Stoney Creek

 Block 1 – Change in zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R2" Zone

 Block 2 – Change in zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R1" Zone

 Block 3 – Change in zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R3-12-(H)" Zone, Modified, Holding

**Appendix “B” to Report PED24133
Page 1 of 3**

Authority: Item XX, Planning Committee
Report (PED24133)
CM:
Ward: 10

Bill No.

CITY OF HAMILTON

BY-LAW NO. 24-

**To Amend Zoning By-law No. 3692-92
with respect to lands located at
32 Sandbeach Drive, Stoney Creek**

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

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

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

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

AND WHEREAS Council approved Item __ of Report __ of the Planning Committee, at its meeting held on August 13, 2024;

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

1. That Map No. 4 of Schedule “A”, appended to and forming part of Zoning By-law No. 3692-92 (Stoney Creek), is amended as follows:
 - a) By changing the zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R2” Zone, the extent and boundaries of which are shown as Block 1 on a plan hereto annexed as Schedule “A”.
 - b) By changing the zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R1” Zone, the extent and boundaries of which are shown as Block 2 on a plan hereto annexed as Schedule “A”.

**Appendix “B” to Report PED24133
Page 2 of 3**

**To Amend Zoning By-law No. 3692-92
with respect to lands located at 32 Sandbeach Drive, Stoney Creek**

- c) By changing the zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R3-12” Zone, Modified, the extent and boundaries of which are shown as Block 3 on a plan hereto annexed as Schedule “A”.
2. That Subsection 6.4.7, “Special Exemptions” of Section 6.4, Single Residential “R3” Zone, be amended by further amending Special Exemption “R3-12”, as follows:
- a) By deleting the text “The Holding “H” Zone provision may be removed upon approval of the draft plan of subdivision.” and replacing it with the following:
- “Notwithstanding the provision of Section 3.8 “Holding Zones”, on those lands zoned “R3-12(H)” by this By-law, the Holding ‘(H)’ symbol may be removed and thereby give effect to the “R3-12” Zone provisions, upon completion of the following:
- (a) That the subject lands identified as Block 3 on Schedule “A” be consolidated with abutting lands described as Blocks 187, 188 and 189, Plan 62M-987, to the satisfaction of the Director of Planning and Chief Planner.”
3. No building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the provisions of the Single Residential “R1” Zone, the Single Residential “R2” Zone, and the Single Residential “R3-12(H)” Zone, Modified, Holding.
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

PASSED this _____ day of _____, 2024

A. Horwath
Mayor

M. Trennum
City Clerk

ZAC-24-017

Appendix "B" to Report PED24133
Page 3 of 3

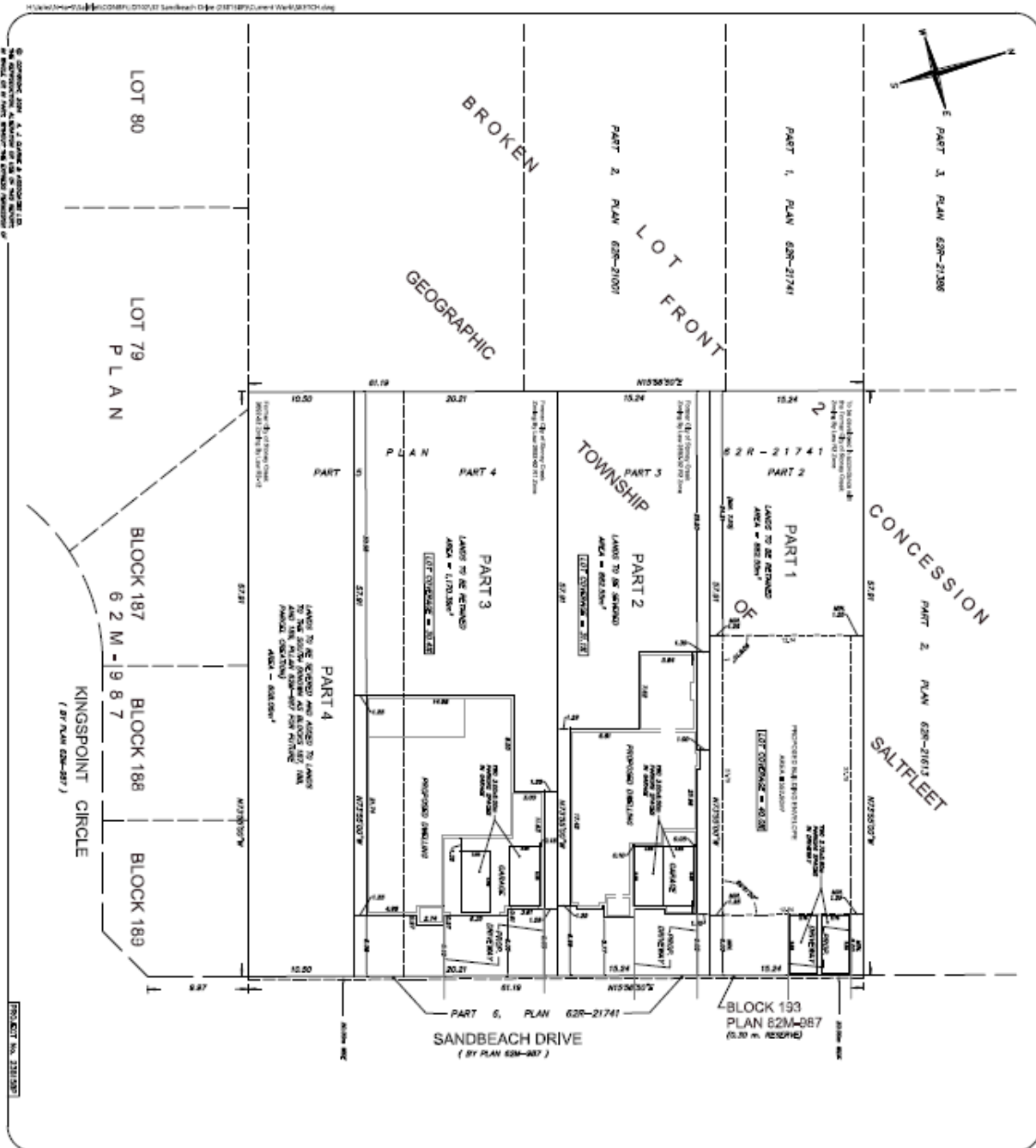
To Amend Zoning By-law No. 3692-92
with respect to lands located at 32 Sandbeach Drive, Stoney Creek



This is Schedule "A" to By-law No. 24- Passed the day of, 2024	----- <p style="text-align: center;">Mayor</p> ----- <p style="text-align: center;">Clerk</p> -----
---	---

<h2>Schedule "A"</h2> <p>Map forming Part of By-law No. 24-_____</p> <p>to Amend By-law No. 3692-92</p>		<p>Subject Property 32 Sandbeach Drive, Stoney Creek</p> <ul style="list-style-type: none"> Block 1 – Change in zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R2" Zone Block 2 – Change in zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R1" Zone Block 3 – Change in zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R3-12-(H)" Zone, Modified, Holding
Scale: N.T.S	File Name/Number: ZAC-24-017	
Date: July 10, 2024	Planner/Technician: DM/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Appendix "C" to Report PED24133
Page 1 of 4



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A. J. CLARK & ASSOCIATES, LTD.

PROJECT NO. 2312187

AJ
A. J. Clark and Associates Ltd.
SURVEYORS - PLANNERS - ENGINEERS
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HAMMILL, ONTARIO L3P 1J1
TEL: 905-529-8787 FAX: 905-529-2289
WWW.AJCLARKANDASSOCIATES.COM

CAUTION:
THIS IS NOT A PLAN OF SUBDIVISION AND SHALL NOT BE
USED FOR REGISTRATION OR PARTIAL REGISTRATION.
DATE: APRIL 13, 2004

NOTICE:
THE ABOVE UNZONED LANDS BEING LEGALLY REZONED AS
INDUSTRY PARK CONVEYANCE
REQUIREMENT TOWNSHIP OF SANDWICH

NOTICE:
DIMENSIONS SHOWN ON THIS SKETCH ARE IN METERS AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

NOTE:
DIMENSIONS AND LOCATIONS SHOWN ON THIS SKETCH
ARE APPROXIMATE, DERIVED FROM PLANS ON FILE IN OUR
OFFICE AND OF ANY BOUND ON A FIELD SURVEY.

THE ABOVE UNZONED LANDS BEING LEGALLY REZONED AS
INDUSTRY PARK CONVEYANCE
REQUIREMENT TOWNSHIP OF SANDWICH

SKETCH
32 SANDBEACH DRIVE
CITY OF HAMILTON
(STONEY CREEK)
SCALE 1:250
10 METERS

LEFT PLAN
N 1/4
SUBJECT LANDS

Appendix "C" to Report PED24133
Page 2 of 4



Front Elevation

4090 sq.ft.

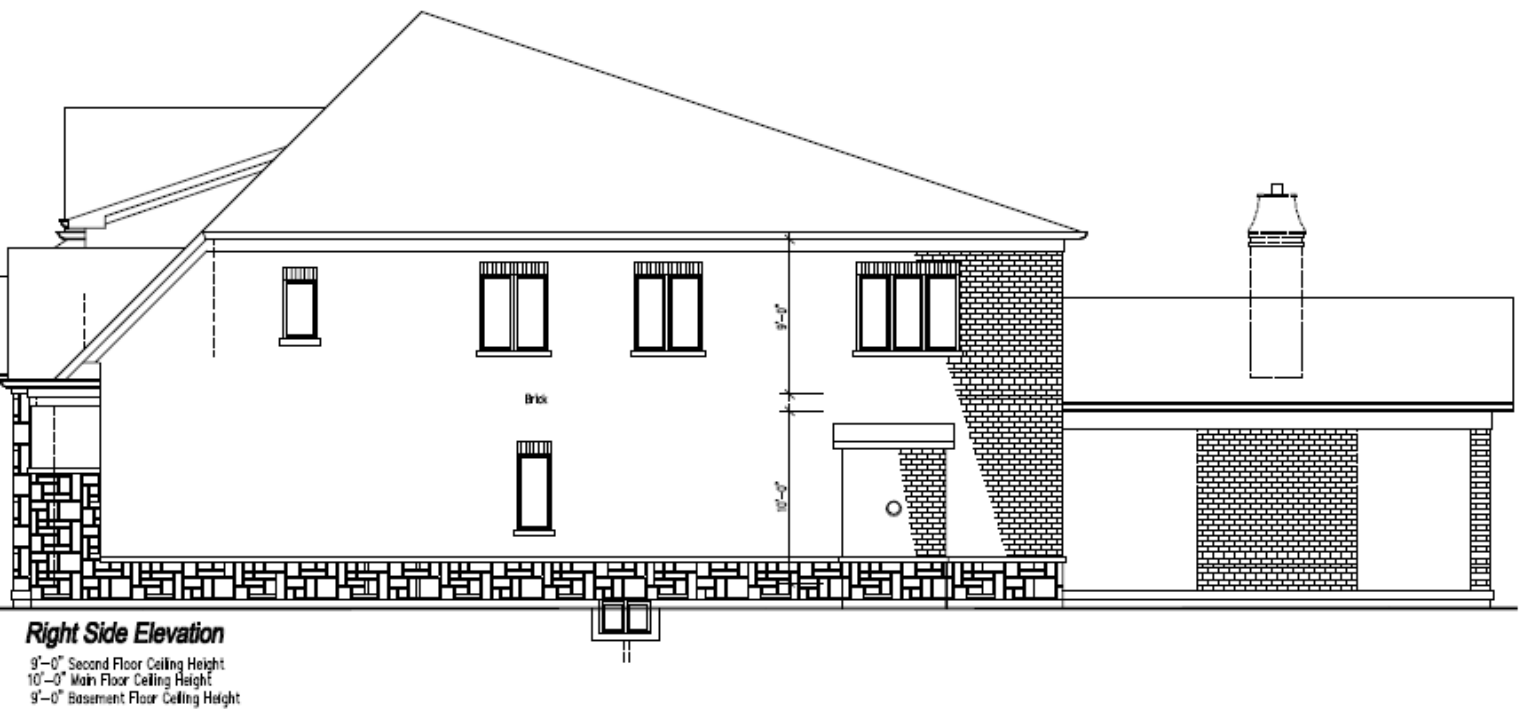
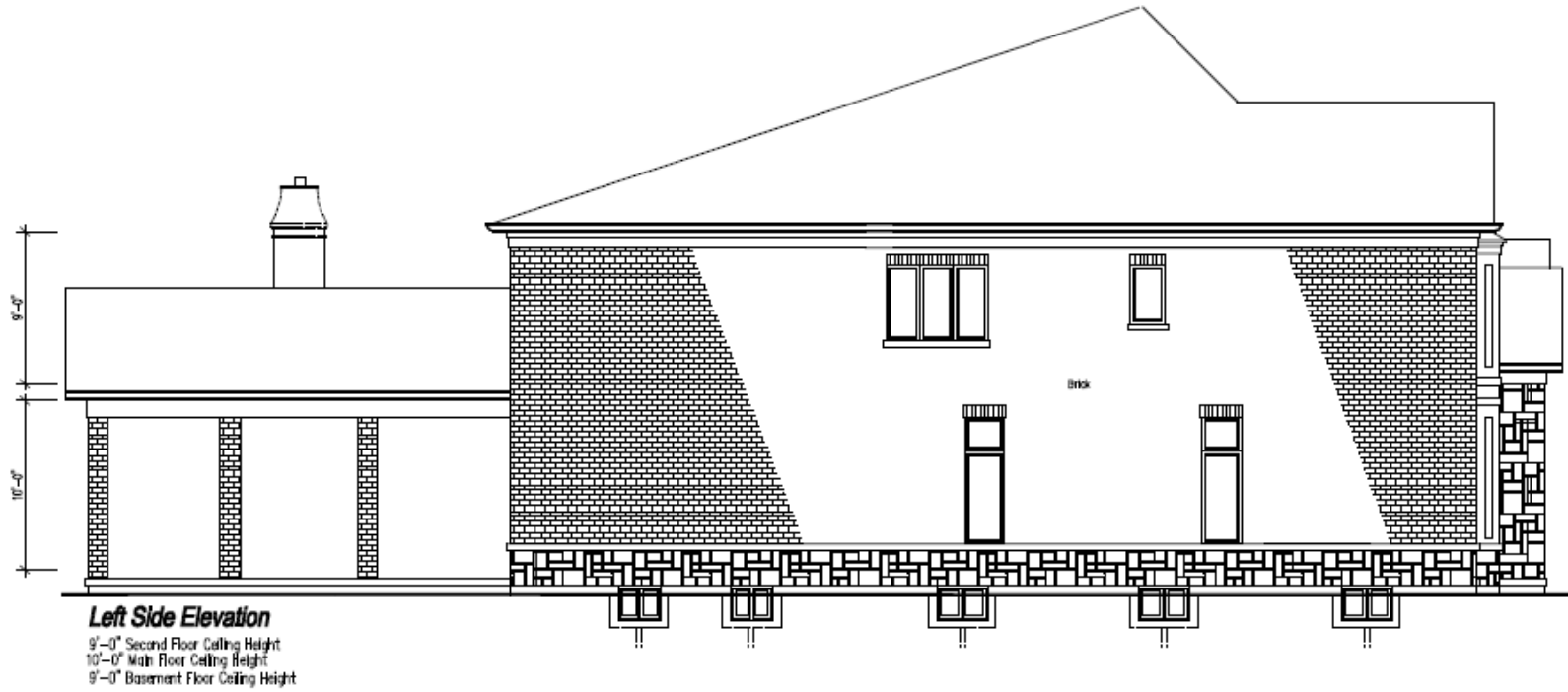
9'-0" Second Floor Ceiling Height
10'-0" Main Floor Ceiling Height
9'-0" Basement Floor Ceiling Height



Rear Elevation

9'-0" Second Floor Ceiling Height
10'-0" Main Floor Ceiling Height
9'-0" Basement Floor Ceiling Height

Appendix "C" to Report PED24133
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Appendix "C" to Report PED24133
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LEFT SIDE ELEVATION

FRONT ELEVATION

REAR ELEVATION

RIGHT SIDE ELEVATION

UNIQUE DESIGNS INC. FOR REVIEW ONLY

<p>UNIQUE DESIGNS INC.</p> <p>CUSTOM HOME</p> <p>PLANS FOR CUSTOMER REVIEW!</p>	<p>VIEIRA RESIDENCE</p> <p>32 SANDBEACH DRIVE, WAMILTON (STONEY CREEK), ONT.</p>
<p>Drawn By: [Name] Scale: 3/16"=1'-0"</p> <p>Date: 12.06.23</p> <p>Proj Number: 111923</p>	
<p>A1</p>	

DO NOT SCALE DRAWINGS

Appendix “D” to Report PED24133
Page 1 of 4

SUMMARY OF POLICY REVIEW

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

Urban Hamilton Official Plan		
Theme and Policy	Summary of Policy or Issue	Staff Response
Residential Intensification Policies B.2.4.1.1	Residential intensification is encouraged throughout the entire built-up area.	<p>The proposal complies with this policy as the subject lands are located within the built-up area.</p> <p>The proposal complies with this policy.</p>
Residential Intensification Evaluation Policy: B.2.4.1.4	Proposals are evaluated based on how they build 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.	<p>The subject lands are situated within a stable, low-density residential area. The proposal is designed to blend with the existing neighbourhood character, ensuring compatibility in terms of use, form, scale, and massing. There are no anticipated impacts on the surrounding low-density residential areas. Additionally, the proposed single detached dwellings align with the “R1” and “R2” Zones of the Former City of Stoney Creek Zoning By-law No. 3692-92, and the lands for amalgamation are consistent with the adjacent “R3-12(H)” Zone. Modified, Holding.</p> <p>The proposal complies with this policy.</p>
Residential Intensification within the Neighbourhoods Designation Policies: B.2.4.2.1, B.2.4.2.2	Residential intensification within the built-up area and on lands designated as Neighbourhoods on Schedule E-1 must comply with the Neighbourhoods Designation policies. When evaluating applications for such developments, factors include compatibility with adjacent land uses (e.g., shadowing, noise, and traffic), the height and massing of proposed buildings, and transitions in height and density.	The proposed development aligns with the policies for residential intensification within the Neighbourhoods designation and maintains the existing character of the neighbourhood. It is compatible with adjacent residential land uses in terms of massing and height. The development preserves the streetscape along Sandbeach Drive, replicating the existing lot fabric and massing of single detached dwellings, while meeting setback and lot coverage requirements. Stage 1 and Stage 2 Archaeological Assessment confirmed that the lands do not contain archaeological resources, and there are no impacts on cultural heritage as the lands are not listed in the City of Hamilton Heritage Register.

Appendix “D” to Report PED24133

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Residential Intensification within the Neighbourhoods Designation</p> <p>Policies: B.2.4.2.1, B.2.4.2.2 (Continued)</p>	<p>Consideration will also be given to the lot's relationship to the neighbourhood lot pattern, the provision of amenity space, and the maintenance of streetscape patterns. The proposal must complement the neighbourhood's functions, conserve cultural heritage resources, and address infrastructure and transportation capacity.</p>	<p>Additionally, the development will utilize existing municipal infrastructure for water and wastewater, as demonstrated in the Functional Servicing Report.</p> <p>The proposal complies with these policies.</p>
<p>Archaeology</p> <p>Policy B.3.4.4.3</p>	<p>Areas identified as having archaeological potential on Appendix F-4, an archaeological assessment must be submitted prior to or at the time of application for certain planning matters under the Planning Act.</p>	<p>The subject property meets three of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential. Detritus Consulting Ltd. completed a Stage 1 and Stage 2 Archeological Assessment (P389-0445-2019), which was submitted to the City of Hamilton and the Ministry of Citizenship and Multiculturalism. The report was accepted by the Province for compliance with licensing requirements in a letter dated September 20, 2021. Staff are of the opinion that the municipal interest in the archaeology of this site has been satisfied.</p> <p>The proposal complies with this policy.</p>
<p>Trees</p> <p>Policy C.2.11.1</p>	<p>The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.</p>	<p>Adesso Design Inc. prepared a Tree Protection Plan and a Landscape Plan dated April 17, 2024, by landscape architect Mario Patitucci. The inventory includes 71 trees, four of which are municipal trees. The decision to retain trees is to be based on condition, aesthetics, age, and species. Efforts to retain trees on-site were made, however, 10 trees, including three public trees, are proposed for removal due to being non-native species (e.g., Norway Spruce) or poor health (e.g., Golden Willow). To ensure existing tree cover is maintained, one for one compensation is required for any tree (10 cm DBH or greater) that is proposed to be removed. As a result, compensation is required for seven private trees and three municipal trees.</p>

Appendix “D” to Report PED24133
Page 3 of 4

Theme and Policy	Summary of Policy or Issue	Staff Response
Trees Policy C.2.11.1 (Continued)		Staff are of the opinion that the tree protection concerns for this proposal have been adequately addressed. The proposal complies with this policy.
Infrastructure Policy C.5.3.6	All redevelopment within the urban area shall be connected to the City’s water and wastewater system.	A Functional Servicing Report and Stormwater Management Report, prepared by A.J. Clarke and Associates Ltd. and dated April 2024, were submitted in support of the subject development. Development Engineering staff reviewed the Functional Servicing Report and Stormwater Management Report and concur with the recommendations; staff have no objection to supporting the zoning by-law amendment. However, the applicant is required to submit a detailed grading and servicing plan as part of the consent application process for staff review and approval. The proposal complies with this policy.
Urban Systems and Designations Policies: E.3.2.4, E.3.2.13	Residential intensification in established Neighbourhoods must maintain the existing character and enhance the scale and character of the residential area. The City supports such intensification in line with relevant policies to ensure compatibility with the neighbourhood's established character.	The proposed development maintains the existing character of the neighbourhood as outlined in the staff review of the Residential Intensification policies of the Urban Hamilton Official Plan. Additionally, it has received conditional approval through Consent to Sever Land Application SC/B-22:114 to divide the land into four parcels, with one of the conditions being the approval of a Zoning By-law Amendment. The proposal complies with these policies.
Urban Systems and Designations: 3.4 Low Density Residential Policy E.3.4.1, E.3.4.2	Low-density residential uses are preferred within the interior of neighbourhoods and are characterized by grade-oriented, lower-profile buildings with direct unit access at grade.	The proposed development is situated in the interior of the neighbourhood on a local road. The proposed single detached dwellings align with the existing character of the neighbourhood, featuring a low-profile, grade-oriented layout with direct access to each unit. The proposal complies with these policies.

Appendix “D” to Report PED24133

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Urban Systems and Designations: Policy E.3.4.5, E.3.4.6	In low-density residential areas, buildings must not exceed three storeys. Development should avoid direct access from major or minor arterial roads and discourage back lotting along public streets and parks.	The proposed single detached dwelling units are designed to comply with Zoning By-law provisions. Access to the subject lands is via Sandbeach Drive, which is classified as a Local public road, and the development plan does not involve any back lotting. The variety in lot widths and sizes conform with the “R1”, “R2”, and “R3-12” Zones of the Former Stoney Creek Zoning By-law No. 3692-92.
Theme and Policy	Summary of Policy or Issue	Staff Response
Urban Systems and Designations: Policy E.3.4.5, E.3.4.6 (Continued)	Instead, alternatives like laneway housing are encouraged to improve streetscapes and public safety. A variety of lot widths, dwelling types, and designs compatible with the existing character of the neighbourhood is also encouraged, with all development adhering to Zoning By-law regulations for lot sizes, heights, and other standards.	The proposal complies with these policies.
Urban Lakeshore Secondary Plan		
Policy: B.7.3.1.3	For lands designated as Low Density Residential 2b in the Urban Lakeshore Area, the permitted uses include single, semi-detached, and duplex dwellings, with a density ranging from 1 to 29 units per net residential hectare.	<p>The subject application would facilitate the development of three single detached dwellings. In addition, a fourth parcel (Part 4) will be created for future residential development. Once developed, Parts 1, 2 and 3 will have a density of 10.21 units per hectare and will comply with the Urban Lakeshore Area Secondary Plan. Furthermore, Part 4, when merged with Blocks 187, 188 and 189, will facilitate the development of three additional single detached dwellings, resulting in a residential density of 22.3 units per hectare, complying with the Secondary Plan’s policy requirements.</p> <p>The proposal complies with these policies.</p>

Appendix “E” to Report PED24133
Page 1 of 4

CONSULTATION – DEPARTMENTS AND AGENCIES

Department/Agency	Comment	Staff Response
<ul style="list-style-type: none"> • Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department; • Alectra Utilities; and, • Enbridge Gas. 	No Comment/No Objection.	Noted.
Development Engineering Section, Growth Management Division, Planning and Economic Development Department	<p>Grading Plan:</p> <ol style="list-style-type: none"> 1. The berm along the western limits of the lots may cause drainage issues for adjacent properties to the west; this needs to be addressed. 2. Regrading may result in a low area prone to standing water during storms; adequate drainage measures must be provided. 3. <p>Storm Drainage Area Plan:</p> <ol style="list-style-type: none"> 1. The drainage area sub-catchment needs revision as it inaccurately represents areas not draining towards Sandbeach Drive. <p>Stormwater Management: Stormwater management for the development has been considered in the approved Fifty Road Joint Venture subdivision plan, with runoff coefficients adjusted from 0.5 to 0.43 in the current SWM report (April 2024).</p> <p>Staff have no objections to the zoning approval from a stormwater management perspective.</p>	<p>A Functional Servicing Report and Stormwater Management Report, prepared by A.J. Clarke and Associates Ltd. and dated April 2024, were submitted in support of the subject development. Development Engineering staff reviewed the Functional Servicing Report and Stormwater Management Report and concur with the recommendations; staff have no objection to supporting the zoning by-law amendment. However, the applicant is required to submit a detailed grading and servicing plan as part of the consent application process for staff review and approval.</p> <p>Noted for Stormwater Management.</p> <p>The applicant must address hydrant testing as part of the Consent Agreement, which was included as a Condition of Approval for the Consent Application.</p>

Appendix “E” to Report PED24133
Page 2 of 4

Department/Agency	Comment	Staff Response
<p>Development Engineering Section, Growth Management Division, Planning and Economic Development Department (Continued)</p>	<p>Available Fire Flow: To determine the approximate static pressure of the watermain, and to demonstrate adequate capacity in the municipal water system to support the proposed development, a two-hydrant flow test(s) should be conducted at the closest municipal hydrants by the proponent through a licensed private contractor.</p> <p>Please provide the results of independent hydrant testing when available.</p> <p>It is unclear if future residential developments will include underground structures. If proposed, the site plan approval stage must include a Hydrogeological Brief by a qualified professional (P.Eng., P.Geo.) discussing soil/groundwater conditions, excavation depths, dewatering needs and calculations, seasonal groundwater levels, and groundwater quality sampling. The applicant must demonstrate that no long-term groundwater dewatering will be conveyed to municipal sewers, with structures designed to be waterproof. If dewatering is necessary, the applicant must provide an EASR Permit from the MECP, and a dewatering and discharge plan detailing water taking, flow meters, sampling ports, treatment systems, and discharge locations. If dewatering is not expected, a technical memorandum detailing a Groundwater Monitoring and Contingency Plan must be provided. Dewatering discharge must comply with City of Hamilton Sewer Use Bylaw standards, and it is recommended to consult early with Hamilton Water for any review processes.</p>	<p>The applicant has confirmed the inclusion of basements for each of the dwellings. The Source Water Protection Team requested a written confirmation or one detailed through a drawing, confirming that the planned basements will not require long-term groundwater dewatering into the municipal sewer system. The applicant has submitted a letter from Landtek Limited, Consulting Engineers dated July 22, 2024, confirming that there would not be any groundwater inflow issues. However, they have included sump pumps for any incidental inflows, which is a standard requirement by the City of Hamilton.</p>

Appendix “E” to Report PED24133
Page 3 of 4


Department/Agency	Comment	Staff Response
Development Engineering Section, Growth Management Division, Planning and Economic Development Department (Continued)	If discharge exceeds 50,000 L/day, registration with the Environmental Activity Sector Registry or a Permit to Take Water from the Ministry of Environment, Conservation, and Parks may be required.	
Waste Policy and Planning Section, Waste Management Division, Public Works Department	<p>The proposal involves severing lots for future single detached residential dwellings, which will be eligible for municipal waste collection. These dwellings must comply with the City of Hamilton Solid Waste Management By-law No. 20-221, allowing all waste streams to be set out for collection in front of each unit.</p> <p>Additionally, to receive municipal waste collection, the site plan must include:</p> <ol style="list-style-type: none"> 1. A storage area in each unit separate from the living space, identified for waste material with adequate space for recycling boxes, a green cart, garbage container, and leaf and yard bags/containers. The minimum required size for the waste storage area is 2.5 square metres; and, 2. A curbside set out area within the property line that is a minimum of 2.5 square metres to accommodate two blue boxes, a green cart, a garbage container, and leaf and yard waste. Waste containers must not be set out on sidewalks. 	<p>Noted.</p> <p>The applicant must demonstrate compliance with the listed requirements in order to be eligible for municipal waste collection.</p>

**Appendix “E” to Report PED24133
Page 4 of 4**

Department/Agency	Comment	Staff Response
<p>Growth Planning Section, Growth Management Division, Planning and Economic Development Department</p>	<ul style="list-style-type: none"> • Implications from the adjacent Registered Plan of Subdivision (62M-987) should be assessed, such as cost recoveries or reserves to be lifted. Staff defer to Development Planning and Development Engineering Approvals for further comment. • Part 4 of the reference plan (62R-22318) is intended to be severed into three parts and added to Blocks 187, 188, and 189 of Registered Plan 62M-987. These blocks must be de-registered before merging with Part 4, a condition for the future severance application. • Preliminary addresses assigned through severance application SC/B-22:114 are: <ul style="list-style-type: none"> ▪ Part 1: 32 Sandbeach Drive (Stoney Creek) ▪ Part 2: 36 Sandbeach Drive (Stoney Creek) ▪ Part 3: 40 Sandbeach Drive (Stoney Creek) <p>Official addresses will be confirmed upon finalizing the severance application. Part 4's address will be assigned during the future severance application.</p>	<p>Cost recoveries relating to the registered plans or any reserves to be lifted will be confirmed and addressed through the future consent applications to create the lots fronting onto Kingspoint Circle.</p> <p>The recommended Zoning By-law includes a Holding Provision addressing the merging of Part 4 with Blocks 187, 188, and 189 of Registered Plan 62M-987 (see Appendix “B” attached to Report PED24133). The owner will need to apply to deregister Blocks 187, 188 and 189 on Plan 62M-987 from the plan of subdivision for the lands to merge with Part 4 to satisfy the Holding Provision. Further, the owner will need to apply for a Consent to Sever Land application to create the three lots fronting onto Kingspoint Circle as intended. Staff will ensure that all cost recoveries/reserves are addressed at this juncture, by the way of conditions.</p>



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 13, 2024
SUBJECT/REPORT NO:	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 173 and 177 Dundas Street East, Flamborough (PED24068) (Ward 15)
WARD(S) AFFECTED:	Ward 15
PREPARED BY:	Alaina Baldassarra (905) 546-2424 Ext. 7421
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	Per: 

RECOMMENDATION

- (a) That **Official Plan Amendment Application UHOPA-18-020, by MHBC Planning c/o Gerry Tchisler, on behalf of Hawk Ridges Home Inc., Owner**, to redesignate the subject lands from “Low Density Residential 2e” to “Low Density Residential 3c” in the West Waterdown Secondary Plan and add a Site Specific Policy to permit a density range of 27 to 53 units per hectare, for the lands located at 173 and 177 Dundas Street East, as shown on Appendix “A” attached to Report PED24068, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED24068, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and complies with the general intent of the Urban Hamilton Official Plan and West Waterdown Secondary Plan;
- (b) That Amended **Zoning By-law Amendment Application ZAC-18-045, by MHBC Planning c/o Gerry Tchisler, on behalf of Hawk Ridges Home Inc.,**

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 173 and 177 Dundas Street East, Flamborough (PED24068) (Ward 15) - Page 2 of 12

Owner, for a change in zoning by adding lands to the Low Density Residential (R1, 898) Zone in Zoning By-law No. 05-200, to permit the development of eight, three storey townhouse dwellings and ten, two storey townhouse dwellings with frontage on a condominium road with five visitor parking spaces, for the lands located at 173 and 177 Dundas Street East, as shown on Appendix “A” attached to Report PED24068, be **APPROVED** on the following basis:

- (i) That the draft Zoning By-law, attached as Appendix “C” to Report PED24068, 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 West Waterdown Secondary Plan upon approval of the Official Plan Amendment.

EXECUTIVE SUMMARY

The subject lands are municipally known as 173 and 177 Dundas Street East and are located on the north side of Dundas Street East and on the west side of Riley Street. The lands currently have a single detached dwellings on each of the properties. The City of Hamilton recently completed a city-initiated zoning project to add properties into the low density residential zones of Zoning By-law No. 05-200. The subject lands were not included in the city-initiated rezoning since there were active Official Plan Amendment and Zoning By-law Amendment applications affecting the properties.

The purpose of the Official Plan Amendment application is to redesignate the lands from “Low Density Residential 2e” to “Low Density Residential 3c” in the West Waterdown Secondary Plan to permit townhouse dwellings, and to add a Site Specific Policy to permit a density range of 53 units per hectare. . The existing” Low Density Residential 2e” designation in the Waterdown Secondary Plan only permits single detached dwellings, semi-detached dwellings, duplex and link dwellings and a maximum density of 26 units per hectare. The “Low Density Residential 3c” designation permits townhouses dwellings and apartments dwellings with a density range of 27 to 49 units per hectare.

The purpose of the amended Zoning By-law Amendment application is to add lands to the Low Density Residential (R1, 898) Zone in Zoning By-law No. 05-200. Site specific modifications to the Low Density Residential (R1, 898) Zone are proposed to facilitate the development and are discussed in detail in Appendix “E” attached to Report PED24068.

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**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law
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The effect of the applications will permit the development of 18 townhouse dwellings on a condominium road. The proposed development includes eight, three storey townhouse dwellings at the front of the property which includes outdoor amenity areas on the roof, and ten, two storey townhouse dwellings at the rear of the property. At-grade garages for each unit, and five visitor parking spaces, are provided. The vehicular access for the development will be from Dundas Street East.

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 West Waterdown Secondary Plan in particular as it relates to the scale and intensification policies of the “Low Density Residential 3c” designation, upon approval of the Official Plan Amendment; and,
- The proposal represents good planning and facilitates orderly development as it will provide a built form on the edge of the neighbourhood that is compatible with the character of the area and provides a compact and efficient urban form on an underutilized site.

Alternatives for Consideration – See Page 12

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	Hawk Ridges Home Inc.
Applicant/Agent:	MHBC Planning (c/o Gerry Tchisler).

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 173 and 177 Dundas Street East, Flamborough (PED24068) (Ward 15) - Page 4 of 12

Application Details	
File Numbers:	UHOPA-18-020 and ZAC-18-045.
Type of Applications:	Urban Hamilton Official Plan Amendment. Zoning By-law Amendment.
Proposal:	<p>The purpose of the Official Plan Amendment is to redesignate the lands from “Low Density Residential 2e” to “Low Density Residential 3c” in the West Waterdown Secondary Plan to permit townhouse dwellings and to add a Site Specific Policy to increase the maximum density to 53 units per hectare from the current Low Density Residential density range of 27 to 49 units per hectare.</p> <p>The purpose of the Zoning By-law Amendment is to add lands to the Low Density Residential (R1, 898) Zone in Zoning By-law No. 05-200.</p> <p>The effect of these applications is to facilitate the development of eight, three storey townhouse dwellings fronting onto Dundas Street East, which includes outdoor amenity areas on the roof, and ten, two storey townhouse dwellings at the rear of the property. Each unit has an at-grade garage, and there are five visitor parking spaces included in the proposal. The vehicular access for the development will be from Dundas Street East.</p>
Property Details	
Municipal Address:	173 and 177 Dundas Street East, Flamborough (see Location Map in Appendix “A” attached to Report PED24068).
Lot Area:	±0.36 hectares (rectangular shape).
Servicing:	Existing municipal services.
Existing Use:	Two single detached dwellings to be removed.
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).

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Documents	
Official Plan Existing:	“Neighbourhoods” on Schedule E – Urban Structure; and “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations.
Secondary Plan Existing:	“Low Density Residential 2e” on West Waterdown Secondary Plan Map B.4.1-1: Land Use Plan.
Secondary Plan Proposed:	To redesignate the property to “Low Density Residential 3c” with a Site Specific Policy on West Waterdown Secondary Plan Map B.4.1-1: Land Use Plan to permit townhouse dwellings. The purpose of the Site Specific Policy is to modify the existing density range of 27 to 49 units per hectare to 27 to 53 units per hectare.
Zoning Existing:	Urban Residential (Single Detached) “R1-6” Zone, Modified.
Zoning Proposed:	Low Density Residential (R1, 898) Zone.
Modifications Proposed:	<p>The following modifications are being proposed in the amending Zoning By-law:</p> <ul style="list-style-type: none"> • To decrease the front yard setback from the Council approved 4.0 metres to 2.5 metres setback from the street line for the units adjacent to Dundas Street East and a minimum of 4.0 metres for all other street townhouse dwellings; • To reduce the setback for air conditioning units from 3.0 metres from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping to 1.7 metres from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping; and, • To reduce the minimum lot size from 180 square metres for each dwelling unit to 100 square metres for the units fronting Dundas and 140 square metres for all other units. <p>The following staff-proposed modifications are recommended:</p> <ul style="list-style-type: none"> • To reduce the minimum unit width from 6.0 metres to 4.9 metres for the units adjacent to Dundas Street East and a minimum of 5.3 metres for all other street townhouse dwellings.

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**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law
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Documents	
Modifications Proposed: (Continued)	<ul style="list-style-type: none"> • To increase the maximum building height from 10.5 metres to 11.0 metres; • To modify the definition of Electric Vehicle Parking Space which requires any parking spaces to be equipped with electric vehicle charging equipment to allowing a parking space to be in proximity to a conduit that provides an opportunity for the installation of wiring to support a future electric vehicle charging station; • To reduce the amount of electric vehicle parking spaces from 100% of all parking spaces for street townhouse dwellings to a minimum of one electric vehicle parking space per residential unit, excluding any visitor parking space; and, • To reduce the minimum front yard landscaping from 50% to 35% for the units fronting on a condominium road.
Processing Details	
Deemed Complete:	August 15, 2018.
Notice of Complete Application:	Sent to 66 property owners within 120 m of the subject lands on August 20, 2018.
Public Notice Sign:	Posted September 4, 2018, and updated with Public Meeting date July 17, 2024.
Notice of Public Meeting:	Sent to 66 property owners within 120 m of the subject lands on July 26, 2024.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix "G" attached to Report PED24068.
Public Consultation:	On December 5, 2018, a public open house took place and 57 members from the public attended the public meeting. The applicant provided a copy of the comment sheets from the meeting. The public comments received at the meeting generally related to neighbourhood character and density, increased traffic, destruction of neighbouring properties, overloaded infrastructure, impact to on-street parking in the neighbourhood, construction nuisances, reduction in property value and privacy.

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Public Comments:	Staff received 25 public comments for the application. A summary and copy of the public comments are attached as Appendix "H" to Report PED24068.
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Processing Details	
Revised Submissions Received:	A resubmission was received on December 8, 2023. The most recent submission provided in December was an engineering package which included a revised Functional Servicing Study and Stormwater Management Report, Engineering Drawing Set, Engineering Response Letter and Geotechnical Report to address outstanding comments. The most recent concept plan was revised in December of 2022 which increased the landscaping strips along the exterior property lines.
Processing Time:	2,190 days from deemed complete and 249 days from receipt of final revised submission.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Two single detached dwellings.	Urban Residential (Single Detached) "R1-6" Zone, Modified.
Surrounding Land Uses:		
North	Single detached dwellings.	Urban Residential (Single Detached) "R1-23" Zone, Modified.
South	Single detached dwellings, Waterdown Public Library.	Urban Residential (Single Detached) "R1-6" Zone, Modified.
East	Single detached dwellings	Urban Residential (Single Detached) "R1-6" Zone, Modified.
West	Single detached dwellings	Urban Residential (Single Detached) "R1-2" Zone, Modified.

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 173 and 177 Dundas Street East, Flamborough (PED24068) (Ward 15) - Page 8 of 12

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

A comprehensive 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 “E” attached to Report PED24068.

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

The proposed two and three storey townhouse dwellings are an efficient use of land and infrastructure and are proposed on full municipal services. The proposal will contribute to the range and mix of residential units in the neighbourhood, which will help accommodate households of all income levels and stages of life. The subject site is also located in proximity to community uses including the Waterdown Library, Rockcliffe Garden Park, and Guy Brown Elementary School. Accordingly, the proposal will contribute to the achievement of a complete community and encourage transit on an arterial road.

Based on the foregoing, the proposal is consistent with the Provincial Policy Statement (2020) and conforms to the applicable policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated as “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations. The proposed development is identified as “Medium Density Residential” within the “Neighbourhoods” designation. A comprehensive review of the applicable Official Plan policies is attached as Appendix “E” to Report PED24068.

As noted within the Waterdown West Secondary Plan review below, staff are of the opinion that the proposed intensification along Dundas Street East is compatible with the existing streetscape and encourages the development of multiple modes of transportation on an arterial road by increasing the density to increase the possible ridership on a major road. The site is located close to a range of public uses, open space uses and commercial uses while increasing the housing options within the neighbourhood. Finally, the proposed development creates an appropriate lot size for townhouse dwellings that provide space for landscaping, outdoor amenity space and parking.

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law
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The Urban Hamilton Official Plan contains policies related to the provision of adequate infrastructure and servicing, including transportation and water/wastewater services. The applicant submitted a Transportation Impact Study dated June 2018, and a Sight Distance Review prepared by Paradigm Transportation Solutions Limited, dated July 22, 2019, and Transportation Planning was satisfied that the proposed driveway access is appropriate for the proposed development in terms of visibility, driveway width and driveway queue. In addition, a Functional Servicing Report and Stormwater Management Report by Odan DTEch Consulting Engineers, dated July 23, 2028, revised April 19, 2023, and revised December 5, 2023, in addition to supporting drawings were submitted and reviewed by Development Engineering staff. Based on the findings of the reports, Development Engineering staff has determined that the proposed development can be serviced with no adverse impacts to the existing City infrastructure. A detailed review of the Site Servicing, Grading Plans, site access and Stormwater Management strategy will be conducted at the Site Plan/Building Permit application stage to confirm compliance with City Standards.

Based on the foregoing, the proposal complies with the general intent of the Urban Hamilton Official Plan subject to the recommended Official Plan Amendment.

West Waterdown Secondary Plan (Volume 2)

The subject lands are designated as “Low Density Residential 2e” on Map B.4.1-1: Land Use Plan in the West Waterdown Secondary Plan. In order to implement the proposal, an Official Plan Amendment is required to redesignate the lands to “Low Density Residential 3c” to permit the townhouse dwellings, and to add a Site Specific Policy that increases the Low Density Residential maximum density from 27 to 49 units per hectare to 27 to 53 units per hectare. The existing “Low Density Residential 2e” designation in the Waterdown Secondary Plan only permits single detached dwellings, semi-detached dwellings, duplex and link dwellings and a maximum density of 26 units per hectare. The “Low Density Residential 3c” designation permits townhouses dwellings and apartments dwellings with a density range of 27 to 49 units per hectare. A review of the applicable Official Plan policies is attached as Appendix “E” to Report PED24068.

Staff are satisfied that it is appropriate to redesignate the lands to “Low Density Residential 3c” as the site is located on the periphery of a stable residential neighbourhood along Dundas Street East which is identified as a major arterial road. As well, the site is located within 850 metres of Waterdown Public Library, Gary B. Brown Elementary School, Rock Cliffe Gardens outdoor area and Rockview Summit Park. The proposal is 1,000 metres away from a large commercial plaza with a transit stop within the parking lot. Staff are satisfied that the increased density along an arterial road can be supported because it encourages the use of multiple modes of transportation and is

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located within 850 metres of the Waterdown Public Library, Gary B. Brown Elementary School, Rock Cliffe Gardens outdoor area and Rockview Summit Park, and one kilometre from a large commercial plaza. The proposed townhouses are compatible with the surrounding neighbourhood since the grade oriented uses are similar in design to the surrounding neighbourhood which reduces the impacts to the surrounding area.

Staff are satisfied that the proposed reduction in the Front Yard setback provides appropriate planting strips to buffer the adjacent residential uses. Staff have reviewed the site plan, elevations and urban design brief and the proposal is compatible with the surrounding area because the proposal is configured such that the two storey townhouse are located closer to the existing residential uses while the three storey townhouse are located along Dundas Street East in order to address transition of built form and compatibility with the surrounding area. Staff have reviewed the lot sizes and find the proposed townhouse dwelling lot widths are appropriate and will provide sufficient landscaping, amenity space, parking, and buffering. The detailed landscape design will be addressed as part of a future Site Plan Control application.

Therefore, Staff are satisfied that the proposed townhouse development is appropriate.

Zoning By-law No. 05-200

The City of Hamilton recently completed a city-initiated low density residential zones project to add properties into Zoning By-law No. 05-200. The Low Density Zone permits a wide range of grade related residential uses including single detached dwellings, semi-detached dwellings, street townhouse dwellings, duplex dwellings and more. Currently, recent changes to the Low Density residential zone for the minimum required front yard setback is under appeal. Whether or not the original required setback is maintained or the new required setback is approved through the appeal process, the applicants would still need a site specific regulation to implement the proposal. These properties were not included in the city-initiated rezoning since there were active Official Plan Amendment and Zoning By-law Amendment applications on the property.

The proposed Zoning By-law Amendment is to add lands to the Low Density Residential (R1, 898) Zone in Zoning By-law No. 05-200, as shown on Appendix "C" attached to Report PED24068. The effect of this Zoning By-law Amendment will permit eight, three storey townhouse dwellings and ten, two storey townhouse dwellings with frontage on a condominium road and five visitor parking spaces. Modifications to the Low Density Residential (R1) Zone are required to facilitate the development and are evaluated in Appendix "F" attached to Report PED24068. The proposed zoning is discussed in the Analysis and Rationale section below.

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**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law
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ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - ii) It complies with the general intent and purpose of the Urban Hamilton Official Plan and West Waterdown Secondary Plan, subject to the adoption of the proposed Official Plan Amendment; and,
 - iii) The proposal represents good planning by, among other things, providing a compatible residential development that contributes to the achievement of a complete community through the establishment of housing forms and densities that are in keeping with the existing and planned character of the surrounding area, while making efficient use of vacant underutilized land.

2. The purpose of the Official Plan Amendment is to amend Volume 2 of the West Waterdown Secondary Plan to redesignate the lands from “Low Density Residential 2e” to “Low Density Residential 3c” to permit townhouse dwellings and add a Site Specific Policy for an increased maximum density to 53 units per hectare, as shown in Appendix “B” attached to Report PED24068. A full review of the applicable Official Plan policies has been included in Appendix “E” attached to Report PED24068.

The proposed Official Plan Amendment can be supported as the development proposes an appropriate use, scale, and density, adds to the range of housing types, is compatible with the surrounding neighbourhood, and optimizes existing and planned infrastructure while supporting the viability of transit. The site is located within 850 metres of the Waterdown Public Library, Gary B. Brown Elementary School, Rock Cliffe Gardens outdoor area and Rockview Summit Park, and one kilometre from a large commercial plaza. The proposed development provides an improved streetscape along Dundas Street East and an additional built form within the residential neighbourhood.

As part of the Official Plan Amendment, a Site Specific Policy is required to permit a maximum density on the lands from the density range of 27 to 49 units per hectare to 27 to 53 units per hectare. The proposal provides a variety of residential units; does not create negative impacts on the surrounding residential or public spaces from a shadowing or privacy/overlook perspective; and is an efficient use of existing infrastructure along a major arterial road.

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Therefore, staff supports the proposed Official Plan Amendment.

3. The proposed Zoning By-law Amendment rezones the subject lands to the Low Density Residential (R1, 898) Zone in Zoning By-law No. 05-200. An analysis of the applicant's proposed modifications is discussed in Appendix "F" attached to Report PED24068.

Staff are satisfied that the proposal meets the intent of the "Low Density Residential 3c" designation policies and applicable intensification policies of the Urban Hamilton Official Plan as outlined in Appendix "E" attached to Report PED24068.

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

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the subject lands could be used in accordance with the Urban Residential (Single Detached) (R1-6) Zone, which permits a single detached dwelling on the subject lands.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED24068 – Location Map
Appendix "B" to Report PED24068 – Draft Official Plan Amendment
Appendix "C" to Report PED24068 – Draft Zoning By-law Amendment
Appendix "D" to Report PED24068 – Concept Plan and Building Elevations
Appendix "E" to Report PED24068 – Zoning Modification Chart
Appendix "F" to Report PED24068 – Policy Review
Appendix "G" to Report PED24068 – Staff and Agency Comments
Appendix "H" to Report PED24068 – Public Comments

AB:sd



● Site Location



Key Map - Ward 15

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-20-045 & UHOPA-18-020

Date:
May 24, 2024

Appendix "A"

Scale:
N.T.S

Planner/Technician:
AB/AL

Subject Property

173 & 177 Dundas Street East



Lands to be added to Zoning By-law No. 05-200 as Low Density Residential (R1, 898) Zone

Schedule “1”

DRAFT Urban Hamilton Official Plan Amendment No. X

The following text, together with Appendix “A” attached hereto, constitutes Official Plan Amendment No. “X” to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to redesignate the lands to “Low Density Residential 3c” and add a new Site Specific Policy to the West Waterdown Secondary Plan to permit a maximum density of 53 units per hectare for the development of eight, three storey townhouse dwellings and ten, two storey townhouse dwellings with frontage onto a condominium road on the subject lands.

2.0 Location:

The lands affected by this Amendment are known municipally as 173 and 177 Dundas Street East, in the former Town of Flamborough.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed Amendment maintains the general intent of the policies of the Urban Hamilton Official Plan and West Waterdown Secondary Plan, as it contributes to a range of housing types and makes efficient use of land;
- The proposed development implements the Residential Intensification policies of the Urban Hamilton Official Plan; and,
- The amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 Actual Changes:

4.1 Volume 2 – Secondary Plans

Text

4.1.1 Chapter B.4.0 – Flamborough Secondary Plans – Section B.4.1 – West Waterdown Secondary Plan

- a. That Volume 2: Chapter B.4.0 – Flamborough Secondary Plans, Section B.4.0– West Waterdown Secondary Plan be amended by adding a new Site Specific Policy, as follows:

“Site Specific Policy – Area X

B.4.1.7.2 For lands identified as Site Specific Policy – Area “X” on Map B.4.1-1 – West Waterdown Secondary Plan – Land Use Plan, designated Low Density Residential 3c, and known as 173 and 177 Dundas Street East, the following policies shall apply:

- a) Notwithstanding Policy B.4.1.3 b) iii), a maximum density of 53 units per hectare shall be permitted.”

Maps

4.1.2 Map

- a. That Volume 2: Map B.4.1-1 – West Waterdown Secondary Plan – Land Use Plan be amended by:
- i) redesignating lands from “Low Density Residential 2e” to “Low Density Residential 3c”and,
 - ii) 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 will give effect to the intended uses on the subject lands.

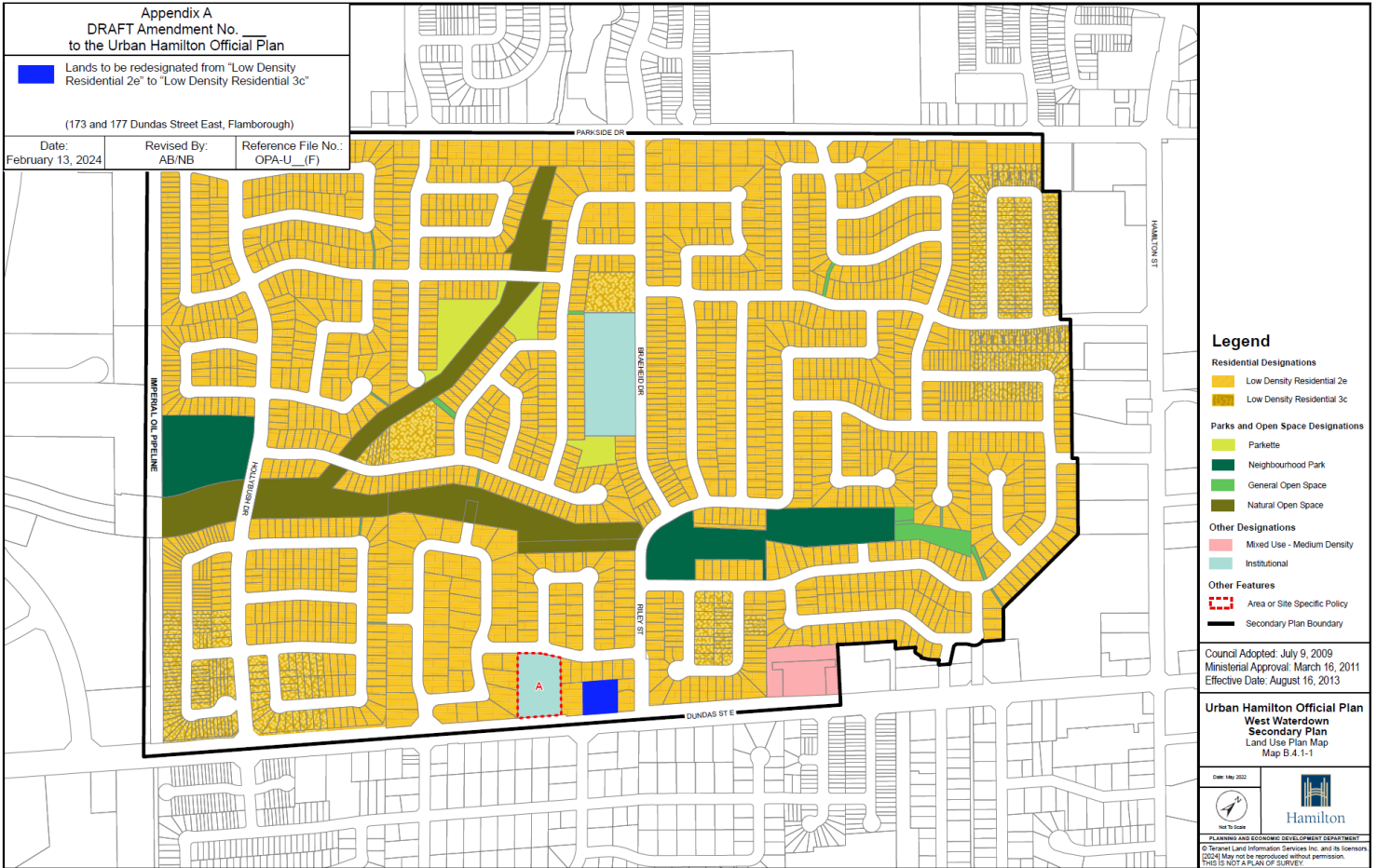
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This Official Plan Amendment is Schedule “1” to By-law No. _____ passed on the ___th day of ___, 2024.

**The
City of Hamilton**

A. Horwath
Mayor

M. Trennum
City Clerk



**Appendix “C” to Report PED24068
Page 1 of 4**

Authority: Item,
Report (PED24068)
CM: May 8, 2024
Ward: 15

Bill No.

CITY OF HAMILTON

BY-LAW NO. --

**To amend Zoning By-law No. 05-200 with respect to lands located at 173 and 177
Dundas Street East, Flamborough**

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at its meeting held on August 13, 2024;

AND WHEREAS this By-law complies with the Urban Hamilton Official Plan upon adoption of Official Plan Amendment No. XXX;

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

1. That Schedule “A” – Zoning Maps, Map No. 516 is amended by adding lands to the Low Density Residential (R1, 898) Zone, for the lands known as 173 and 177 Dundas Street East, Flamborough, 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:
 - “898. Within the lands zoned Low Density Residential (R1) Zone, identified on Map No. 516 of Schedule “A” – Zoning Maps and described as 173 and 177 Dundas Street East, Flamborough, the following special provisions shall apply:
 - a) Notwithstanding Sections 15.1.2.3 a), b), c), and g), 5.7.4 a), 4.9 a), 4.35 and the definition of “Parking Space, Electric Vehicle” in Section 3:
 - i) Minimum Lot Area for Each Dwelling Unit Minimum 100 square metres for units fronting onto Dundas Street East and a minimum of 140 square metres for all other street townhouses.

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- | | | |
|-------|---|---|
| ii) | Minimum Unit Width for Each Dwelling Unit | Minimum 4.9 metres for the units adjacent to Dundas Street East and a minimum of 5.3 metres for all other Street Townhouse Dwellings. |
| iii) | Minimum Setback from the Front Lot Line | Minimum 2.5 metre setback from the street line for the units adjacent to Dundas Street East and a minimum of 4.0 metres for all other Street Townhouse Dwellings. |
| iv) | Maximum Building Height | 11 metres. |
| v) | Mechanical and Unitary Equipment | Within a required front yard, provided such equipment shall have a minimum setback of 1.7 metres from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping for units adjacent to Dundas Street East, all other street townhouses require a minimum setback of 3.0 metres. |
| vi) | Landscape Requirements | A minimum of 50% for units adjacent to Dundas Street East and 35% for all other Street Townhouse Dwellings for landscaped area in the Front Yard. |
| vii) | Minimum Electric Vehicle Parking Rate | 1 residential parking space per unit, excluding any visitor parking space. |
| viii) | Definition of Parking Space, Electric Vehicle | Shall mean a parking space that is in proximity to electrical wiring, or to conduit that provides an opportunity for the installation of wiring, to support future electric vehicle charging equipment which is capable of providing Level 2, or |

Appendix "C" to Report PED24068
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greater, electric vehicle charging
in accordance with the SAE
International J1772 standard.

3. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the provisions of the Low Density Residential (R1, 898) Zone, subject to the special requirements referred to in Sections 2 of this By-law.
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

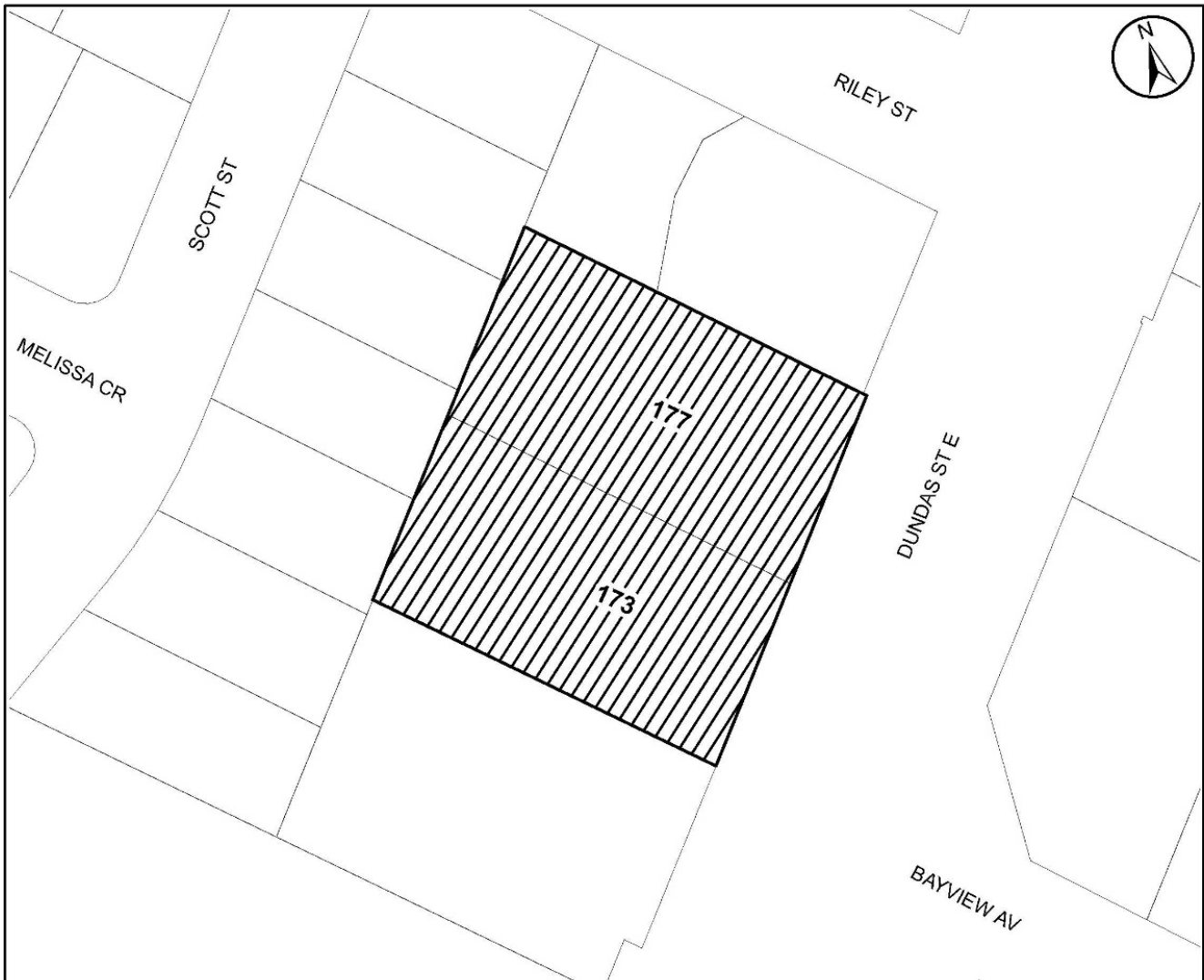
PASSED this _____, 2024

A. Horwath
Mayor

M. Trennum
City Clerk

UHOPA-18-020 and ZAC-18-045

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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 516

Subject Property

173 & 177 Dundas Street East

 Lands to be added to Zoning By-law No. 05-200 as
 Low Density Residential (R1, 898) Zone

Scale:
 N.T.S.

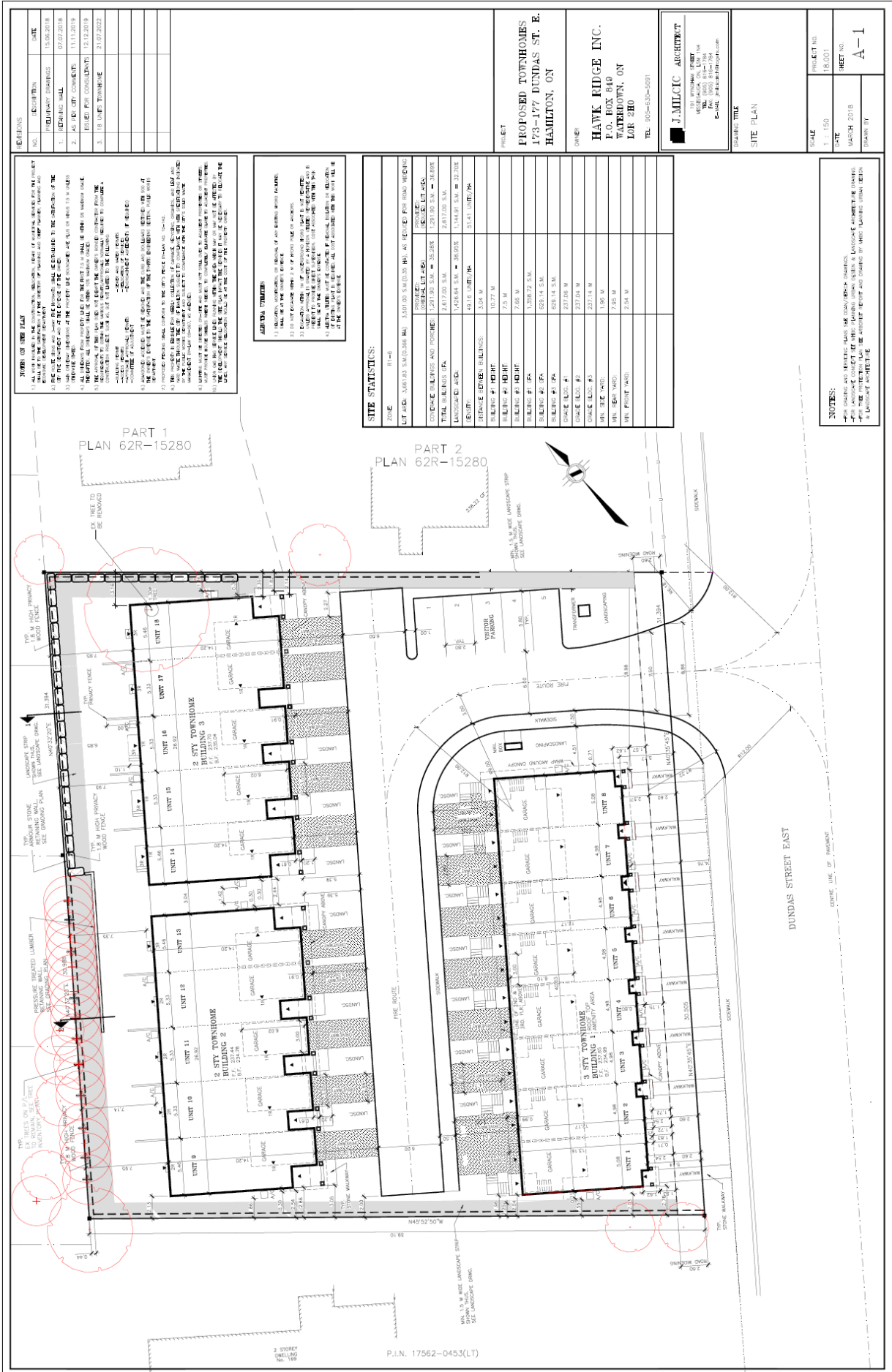
File Name/Number:
 ZAC-20-045 & UHOPA-18-020

Date:
 May 24, 2024



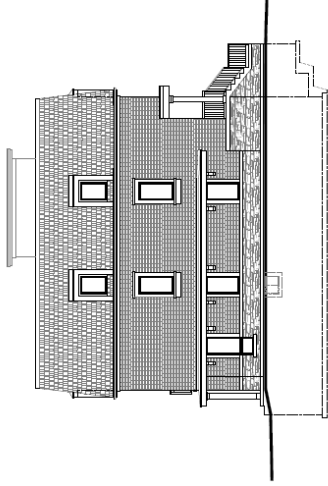
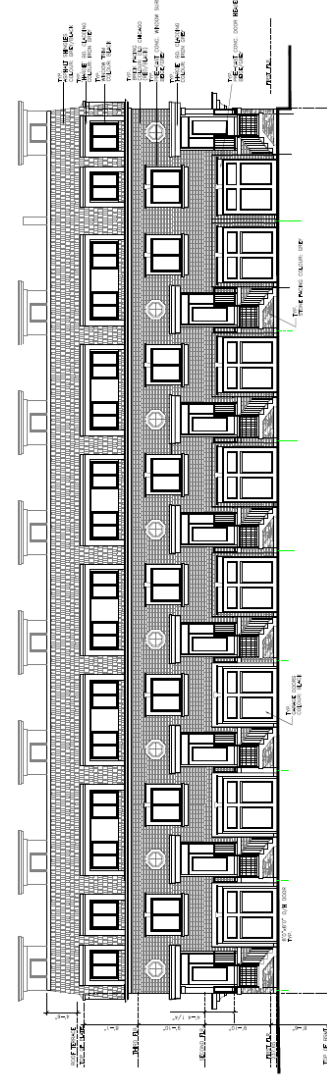
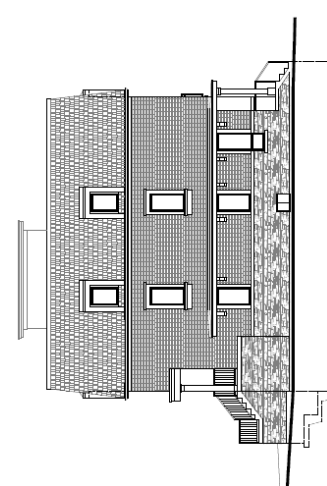
Planner/Technician:
 AB/AL



Hamilton



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<p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;">NO.</th> <th style="width: 15%;">DESCRIPTION</th> <th style="width: 10%;">DATE</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>PRELIMINARY DRAWINGS</td> <td>05.08.2018</td> </tr> <tr> <td>2.</td> <td>AS PER CITY COMMENTS</td> <td>21.07.2022</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DESCRIPTION	DATE	1.	PRELIMINARY DRAWINGS	05.08.2018	2.	AS PER CITY COMMENTS	21.07.2022																				<p>PROJECT</p> <p>PROPOSED TOWNHOMES 173-177 DUNDAS ST. E. HAMILTON, ONTARIO</p>
NO.	DESCRIPTION	DATE																											
1.	PRELIMINARY DRAWINGS	05.08.2018																											
2.	AS PER CITY COMMENTS	21.07.2022																											
 <p style="text-align: center;">SOUTH ELEVATION, DUNDAS ST. E. BUILDING 1</p>	 <p style="text-align: center;">EAST ELEVATION</p>	<p>OWNER</p> <p>HAWK RIDGE INC. P.O. BOX 849 WATERLOON, ON L0R 2H0 TEL: 800-863-4285</p> <p>ARCHITECT</p> <p>J. M. M. M. M. ARCHITECT 1111 BROADWAY STREET WATERLOON, ON, L2M 1M4 TEL: (505) 814-1784 FAX: (505) 814-1784 E-mail: jmm@jmmarchitect.com</p> <p>DRAWING TITLE</p> <p>BUILDING 1 BUILDING ELEVATIONS</p>																											
 <p style="text-align: center;">SOUTH ELEVATION, INTERNAL ROAD BUILDING 1</p>	 <p style="text-align: center;">WEST ELEVATION</p>	<p>SCALE</p> <p>1/8" = 1'-0"</p> <p>DATE</p> <p>MARCH, 2018</p> <p>DRAWN BY</p> <p>A-1</p>																											

REVISIONS	NO.	DESCRIPTION	DATE	
	1	ADDED COMMENTS	21.07.2018	
PROJECT				ASSOCIATION OF ARCHITECTS ONTARIO JULY 2014
				JUNE 15, 2018
OWNER				PROPOSED TOWNHOMES 173-177 DUNDAS ST. E. HAMILTON, ONTARIO
				HAWK RIDGE INC. P.O. BOX 849 WATERLOO, ON L2R 2R0 TEL: 800-691-4295
DRAWING TITLE				J.MILCIC ARCHITECT
				131 WYNDHAM STREET WATERLOO, ONTARIO TEL: (505) 854-7744 FAX: (505) 854-7784 E-MAIL: jmilcic@jmilcic.com
BUILDING TITLE				BUILDING 2
				BUILDING ELEVATIONS
SCALE	PROJECT NO.	SHEET NO.	DRAWN BY	
1/8" = 1'-0"	22.005	A-6		
DATE	SHEET NO.	DATE	DRAWN BY	
MARCH, 2018	A-6			

FRONT ELEVATION (SOUTH)
BUILDING 2


RIGHT SIDE ELEVATION (EAST)

LEFT SIDE ELEVATION (WEST)

REAR ELEVATION (NORTH)
BUILDING 2

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REV. NO.	DESCRIPTION	DATE
1.	PRELIMINARY DRAWINGS	15. 06. 2018
2.	REVISED DRAWINGS	21. 07. 2018



ONARIO ASSOCIATION OF ARCHITECTS
JUNE 15, 2018

PROJECT

PROPOSED TOWNHOMES
173-177 DUNDAS ST. E.
HAMILTON, ONTARIO

OWNER

HAWK RIDGE INC.
P.O. BOX 849
WATERDOWN, ON
L0K 2H0
TEL: 905-686-4395

J. MILIC ARCHITECT

153 WYNDHAM STREET
WATERDOWN, ONTARIO
TEL: (905) 816-1784
FAX: (905) 816-1784
E-MAIL: jmilic@jmilic.com

DRAWING TITLE

BUILDING 3
BUILDING ELEVATIONS

SCALE

1/8" = 1'-0"

PROJECT NO.

221005

DATE

MARCH, 2018

SHEET NO.

A-8

DESIGNED BY



FRONT ELEVATION (SOUTH)
BUILDING 3



RIGHT SIDE ELEVATION (EAST)



REAR ELEVATION (NORTH)
BUILDING 3



LEFT SIDE ELEVATION (WEST)

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Zoning By-law Site Specific Modifications – Low Density Residential (R1, 898) Zone

Provision	Required	Requested Amendment	Analysis
Section 15.1: Low Density Residential (R1) Zone			
15.1.2.3 a) – Minimum Lot Area for Each Dwelling Unit **Applicant Requested Modification	Minimum 180.0 square metres for each dwelling unit.	Minimum 100 square metres for units fronting onto Dundas Street East and 140 square metres for all other street townhouse units.	Staff are supportive of the proposed reduction in the lot area since the proposed lot has sufficient space to provide an outdoor amenity area for each unit, the minimum required parking spaces, landscaping within the front yards and an enhanced streetscape along Dundas Street East. Therefore, the proposed modification can be supported.
15.1.2.3 b) - Minimum Unit Width for each Dwelling Unit **Staff Requested Modification	Minimum Unit Width for each dwelling unit of 6.0 metres.	Minimum Unit Width for each dwelling unit of 4.9 metres for the units adjacent to Dundas Street East and 5.3 metres for all other dwelling units.	Staff are satisfied that the proposed reduction in the unit width can be supported based on the development providing landscaping within the front yard, a driveway at the rear for the units adjacent to Dundas Street East with landscaping and either a roof top amenity space or rear yard amenity space. Therefore, the proposed modification can be supported.
15.1.2.3 c) – Minimum Setback from the Front Lot Line ** Applicant Requested Modification	4.0 metres, which was amended as part of By-law No. 24-051.	Minimum 2.5 metre setback from the street line for the units adjacent to Dundas Street East and a minimum of 4.0 metres for any additional proposed dwelling units.	Staff are satisfied that the proposed reduction in front yard setback will still provide opportunities for landscaping along Dundas Street East. For all other townhouses, the minimum setback within the current Low Density Residential (R1) Zone shall be required. Therefore, the proposed modification can be supported.

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Provision	Required	Requested Amendment	Analysis
Section 15.1: Low Density Residential (R1) Zone			
15.1.2.3 g) – Maximum Building Height ** Staff requested Modification	10.5 metres.	11.0 metres.	<p>The applicant is requesting an increase of 0.5 metres in the maximum height for the units adjacent to Dundas Street East. Staff are satisfied that the proposed increase in height will not significantly change the character of the area and will not negatively affect the adjacent land uses in terms of overlook and privacy. In addition, the proposed modification to the maximum building height is considered minor.</p> <p>Therefore, the proposed modification can be supported.</p>
Section 4: General Provisions			
4.35 – Landscape Requirements ** Staff Modification	Within the required Front Yard, a minimum of 50% landscaping is required.	A minimum of 50% for units adjacent to Dundas Street East and 35% for all other street townhouse dwelling units for landscaped area in the Front Yard.	<p>The applicant is requesting a reduction in the proposed front yard landscaping requirements for the development for the street townhouse dwelling units fronting the condominium road. Staff are satisfied that the proposed reduction would allow for appropriate landscaping within the front yard. The site has a driveway entrance and a location to store snow storage at the rear of the property.</p> <p>Therefore, the proposed modification can be supported.</p>

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Provision	Required	Requested Amendment	Analysis
Section 4: General Provisions			
4.9 – Mechanical and Unitary Equipment ** Applicant Requested Modification	Within a required front yard, provided such equipment shall have a minimum setback of 3.0 metres from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping.	Within a required front yard, provided such equipment shall have a minimum setback of 1.7 metres from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping for units adjacent to Dundas Street East, all other units require a minimum setback of 3.0 metres.	Staff are satisfied that the proposed air conditioning units can be appropriately screened with landscaping within the front yard. In addition, staff have scoped the reduced front yard setback to apply only to the units fronting on Dundas Street East. Therefore, the proposed modification can be supported.
Section 3: Definitions			
Definition of Parking Space, Electric Vehicle	Shall mean a Parking Space equipped with electric vehicle charging equipment which provides, or which is capable of providing Level 2, or greater, electric vehicle charging in accordance with the SAE International J1772 standard, as amended.	Shall mean a parking space that is in proximity to electrical wiring, or to conduit that provides an opportunity for the installation of wiring, to support future electric vehicle charging equipment, which is capable of providing Level 2, or greater, electric vehicle charging in accordance with the SAE International J1772 standard.	Staff are satisfied the modification meets the intent of the requirement to provide parking spaces with electric vehicle charging capability, either now or in the future, for each proposed townhouse unit. The definition requires that at a minimum a conduit be installed which would make it easier to retrofit the building to add the wiring. Therefore, Staff are supportive of the proposed modification.

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Provision	Required	Requested Amendment	Analysis
Section 5: Parking Regulations			
Minimum Number of Electric Vehicle Parking Spaces	100% of all parking spaces for Street Townhouses are required to be Electric Vehicle Parking Spaces.	1 residential parking space per unit, excluding any visitor parking space.	<p>Staff are satisfied that the intent of the policy has been met as the modified change still requires an electric vehicle parking space for each residential unit. As well, there is an opportunity for the applicant to locate the plug where it is accessible to both the parking space in the garage and in the driveway. The proposed townhouses are on a condominium road and visitor parking spaces will be provided.</p> <p>Therefore, Staff are supportive of the proposed modification.</p>

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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 within a Settlement Area</p> <p>Policy: 1.1.1 and 1.1.3</p>	<p>Healthy, liveable, and safe communities are, in part, developed through the appropriate management of land use patterns. Settlement areas are intended to be the focus of growth and development. The development found within settlement areas is generally to have appropriate densities and mix of uses to allow for efficient use of public infrastructure, positively contribute to mitigating and adapting to the impacts of a changing climate and be transit-supportive.</p>	<p>The proposal contributes to the creation of a healthy, liveable, and safe community through providing an efficient form of development that, among other things, is transit-supportive and provides a compact built form. The development fronts onto a major arterial road on the periphery of a neighbourhood. The proposal is to construct street townhouse dwellings on a condominium road which represents appropriate intensification of the site. As well, the site is located within 850 metres of Waterdown Public Library, Gary B. Brown Elementary School, Rock Cliffe Gardens outdoor area and Rockview Summit Park. The proposal is 1000 metres away from a large commercial plaza.</p> <p>Therefore, the proposal is consistent with this policy.</p>
<p>Transportation</p> <p>Policy: 1.6.7.4</p>	<p>A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.</p>	<p>The proposal contributes to a range of housing types on the periphery of a residential neighbourhood and is adjacent to a major arterial road, Dundas Street East. The proposed development is also within 850 metres of Waterdown Public Library, Gary B. Brown Elementary School, Rock Cliffe Gardens outdoor area and Rockview Summit Park and is located 1000 metres from a large commercial plaza. The intensification along an arterial road also encourages the future use of transit and active transportation.</p> <p>Therefore, the proposal is consistent with this policy.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
Long-Term Economic Prosperity Policy: 1.7.1	Consideration must be given to promoting opportunities for economic development, encouraging residential supply and a range of housing options for a diverse workforce and other aspects such as a cost-effective, reliable, multimodal transportation system.	The proposal contributes to long-term economic prosperity, in part, through the supply of street townhouse dwellings that will provide additional housing options for a diverse workforce, efficiently uses land, optimizes infrastructure, and will support the viability of future transit. Therefore, the proposal is consistent with this policy.
A Place to Growth: Growth Plan for the Greater Golden Horseshoe (2019, as amended)		
Theme and Policy	Summary of Policy or Issue	Staff Response
Managing Growth Policy: 2.2.1	The vast majority of growth is intended to happen within Settlement Areas and more specifically within the delineated built boundary as intensification. The application of the policies found within this section of the Plan are intended to help achieve complete communities.	The subject lands are located within the delineated built-up area and are located 1000 metres from commercial amenities, and 850 metres from a range of public service facilities. The proposal contributes to the achievement of complete communities. Therefore, the proposal conforms to this policy.
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 realized, in part, through multi-unit residential development that incorporates a mix of unit sizes to accommodate a variety of household sizes, incomes and residents at all stages of life.	The proposal will contribute to achieving a complete community by providing an additional unit type on the periphery of a residential neighbourhood. The proposal also encourages an appropriate type of intensification based on the surrounding area. Therefore, the proposal conforms to this policy.

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Urban Hamilton Official Plan		
Theme and Policy	Summary of Policy or Issue	Staff Response
Residential Intensification Policy: B.2.4.1.1	Residential intensification is encouraged throughout the entire built-up area.	The subject lands are located within the built-up area. The proposal complies with this policy
Residential Intensification Evaluation Policy: B.2.4.1.4 and B.2.4.2.1	Residential intensification is evaluated against a series of policy criteria in order to determine appropriateness. Proposals are evaluated based on how it builds upon and is compatible with the established development patterns and built form in the neighbourhood in terms of land use, scale, form, and character. This policy also considers evaluating the proposal against the Urban Structure (Schedule E of the Urban Hamilton Official Plan) to ensure that the overall structure goals of the Urban Hamilton Official Plan are also achieved.	<p>The proposal is appropriately integrated within the surrounding neighbourhood through the use of building setbacks, building height and type of built form. The proposed street townhouse dwellings add an additional unit type on the periphery of the stable residential neighbourhood. Staff are satisfied that the proposed development will not create an overlook or shadowing concern to the surrounding residential uses.</p> <p>The proposed development encourages the creation of active transportation and is transit supportive by proposing intensification along a major arterial road. A Transportation Impact Study and Site Distance Review was submitted in support of the proposal. The Transportation Planning section reviewed the information and is satisfied that the proposed development would not have a negative impact on the surrounding transportation network.</p> <p>The site is located within 850 metres of the Waterdown Public Library, Gary B. Brown Elementary School, and Rock Cliffe Garden outdoor area. The proposal also includes outdoor amenity space for each of the proposed residential uses in the form of at grade backyards and rooftop amenity spaces. A Functional Servicing Study was submitted with respect to water, wastewater, and stormwater capacity. As part of the application, Development Engineering has reviewed the proposed development and confirmed that the proposed development can be serviced from a water, wastewater, and stormwater management perspective.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Residential Intensification Evaluation</p> <p>Policy: B.2.4.1.4 and B.2.4.2.1 (Continued)</p>		<p>As per Policy B.2.4.1.4 g), the applicants have committed to providing a stormwater infiltration gallery to treat stormwater on-site. The proposal also includes plantings on-site.</p> <p>As per Policy B.2.4.1.4 (k), a Tree Protection Plan, prepared by Planning, Urban Design and Landscape Architecture revised August 31, 2022, was submitted and has not yet been approved. Staff have requested that consideration be given to protecting some of the border trees on the subject site. An additional detailed review will be completed as part of a future Site Plan Control application.</p>
<p>Urban Design</p> <p>Policy: B.3.3</p>	<p>These policies apply to all development in the urban area and seek to achieve the goals of B.3.3.1. Each of these policies discusses a design direction including:</p> <ul style="list-style-type: none"> • Creating identity and quality spaces; • Creating safe, accessible, connections; • Enhancing the character of the environment; • Creating adaptable developments with respect to changing needs of people; • Creating adaptable developments with respect to a changing climate; • Creating development that has a positive impact on the physical and mental health of the occupants; and, • Creating streets that contribute to the transportation network and that are important public spaces. 	<p>An Urban Design Brief was submitted in support of the proposed development. The Urban Design Brief was reviewed by staff and were satisfied that the development will be compatible with the existing residential to the north and west of the subject site. The proposal will enhance the streetscape on Dundas Street East by providing street trees and landscaping within the front yard of the proposed townhouse units. The units also include walkways to the existing sidewalk along Dundas Street East.</p> <p>The lands currently have a single detached dwelling on the property. The proposed development includes a 1.5 metre planting strip around the periphery of the site. The Landscape Plan will be finalized as a component of the future Site Plan Control application. It will also contribute to activating the street by introducing additional residential density. Through a combination of the proposed rear yard at grade amenity and rooftop amenity, the proposed development provides amenity space for each unit.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
Urban Design Policy: B.3.3 (Continued)		<p>The proposal will be compatibly integrated into the existing neighbourhood and will serve to redevelop an underutilized site that will add a desirable built form and enhance the character of the area. As a result of redeveloping an underutilized site on a major road the proposal is a transit-supportive built form that supports active transportation uses.</p> <p>Therefore, the proposal complies with this policy.</p>
Noise Policies: B.3.6.3.1 and B.3.6.6.7	<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 Dundas Street East which is identified as a Major Arterial Road on Schedule C - Functional Road Classification. Accordingly, HGC Engineering has prepared a noise feasibility study titled “Noise Feasibility Study Proposed Residential Development 173 – 177 Dundas Street East” dated June 27, 2018. The study reviewed the acoustic requirements for this development with respect to road noise and found central air conditioning units are required for units 1-8 (units fronting on Dundas Street East) and noise warning clauses should be included in all future purchase and sale agreements.</p> <p>Staff are satisfied with the Noise Feasibility Study for the Official Plan Amendment and Zoning By-law Stage. As part of a future Site Plan Control application, noise warning clauses will be required as well as window construction having minimum Sound Transmission Class Ratings.</p> <p>The proposal complies with these policies.</p>
Trees Policy: C.2.11.1	<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 total of 45 trees were identified on the subject site and 19 trees are proposed to be removed.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Trees</p> <p>Policy: C.2.11.1 (Continued)</p>		<p>Of the 19 trees proposed for removal, 16 trees were considered in fair condition, one tree was identified in poor condition and two trees were identified as dead. The species of trees to be removed includes three Norway Maples, four spruce trees, one ash tree, two cedar trees, two linden trees, one crab apple tree, three birch trees, one dead deciduous, one silver maple and one tamarack. The Tree Protection Plan, prepared by Planning, Urban Design and Landscape Architecture revised August 31, 2022, has not been approved until further protection is given to the border trees on the subject site. Therefore, an additional review will be completed as part of a future Site Plan Control application.</p> <p>A preliminary Landscape Plan was submitted showing the conceptual landscaping on the subject lands. Following the approval of a Zoning By-law Amendment implementing the proposal, the compensation will be implemented at the Site Plan Control stage with a finalized Landscape Plan as a condition of Site Plan approval.</p> <p>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 dated June 2018 and a Sight Distance Review dated July 22, 2019, prepared by Paradigm Transportation Solutions Limited, was submitted. The Transportation Impact Study and Site Distance Review was approved on September 9, 2019, as the study demonstrated that the proposal will not have a negative impact on the surrounding transportation network.</p> <p>The proposal complies with this policy.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
Infrastructure Policy: C.5.3.6	All redevelopment within the urban area shall be connected to the City’s water and wastewater system.	<p>The proponent has demonstrated through the Functional Servicing Report and Stormwater Management Report that the proposed development can be serviced without adverse impacts to the existing City infrastructure. A detailed review of the Site Servicing, Grading Plans, site access and Stormwater Management strategy will be conducted at the Site Plan/Building Permit application stage to confirm compliance with City Standards.</p> <p>The proposal complies with this policy.</p>
Neighbourhoods – Medium Density Residential – Function and Scale Policy: E.3.5.1, E.3.5.3 and E.3.5.5	<p>The medium density area is characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major and minor arterial roads and shall permit all forms of multiple dwellings.</p> <p>Medium density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities, public transit, schools, active or passive recreational facilities, and local or district commercial uses.</p>	<p>Dundas Street East is identified as a major arterial in Schedule C – Functional Road Classification in the Urban Hamilton Official Plan in Volume 1. The site has frontage onto, and the driveway entrance is accessed from, Dundas Street East. The proposed development is located within the West Waterdown Secondary Plan which permits townhouses as a use within the Low Density Residential designation. Staff is satisfied that the proposed development is on the periphery of the residential neighbourhood since it is located adjacent to a major arterial road and the single detached dwellings are located to the rear of the property . The site is located within 850 metres of the Waterdown Public Library, Gary B. Brown Elementary School, and Rock Cliffe Garden outdoor area. The site is located approximately 1000 metres from a district commercial use and transit stop.</p> <p>Therefore, the proposal complies with this policy.</p>
Neighbourhoods – Medium Density Residential – Design Policy: E.3.5.9	<ul style="list-style-type: none"> • Suitable sized site to provide adequate landscaping, amenity features, on-site parking and buffering if required; and, • Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and surrounding streets. 	<p>The proposal is for a grade related residential use, with two storey townhouses proposed at the rear of the property and a planting strip which provides an opportunity for buffering the proposed development. adjacent to the site.</p>

Appendix “F” to Report PED24068
Page 8 of 9

Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Neighbourhoods – Medium Density Residential – Design</p> <p>Policy: E.3.5.9 (Continued)</p>		<p>Staff are satisfied that the proposed townhouse dwelling units provide an appropriate form of intensification along a major arterial road while still being compatible with the low density residential uses adjacent to the site.</p> <p>The proposed development provides a planting strip along the exterior of the site and proposes to protect existing vegetation along the rear of the property which would provide buffering for the adjacent residential uses. Each lot includes landscaping within the front yards and rear yards of the subject site. As well, the site provides outdoor amenity space for each unit in the form of a rooftop amenity and rear yard amenity.</p> <p>The proposal includes a sidewalk along one side of the condominium road in order to connect the subject site to the public sidewalk. This will help reduce the conflicts between pedestrians and vehicles.</p> <p>The proposal complies with this policy.</p>

Appendix “F” to Report PED24068

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West Waterdown Secondary Plan		
Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Low Density Residential Designations</p> <p>Policy: 4.1.3 b)</p>	<p>The “Low Density Residential” designation permits townhouse dwellings and apartment buildings including:</p> <ul style="list-style-type: none"> • A maximum building height of three storeys; • Shall have a density range from 27 to 49 units per net residential hectare; and, • Shall be located in close proximity to parks, and recreational facilities, institutional uses and near major intersections, on arterial roads and/or on Dundas Street East. 	<p>The proposal is located on a major arterial road and is located within 850 metres of the Waterdown Public Library, Gary B. Brown Elementary School, and Rock Cliffe Garden outdoor area. The development includes a combination of two and three storey street townhouses which is permitted within the proposed designation. As part of the Official Plan Amendment application, an increase in maximum density from units per 27 to 49 net residential hectare to 53 units per net residential hectare was requested by the applicants. Staff are of the opinion that the proposed increase in density can be supported for the reasons noted above.</p> <p>The proposal complies with this policy.</p>

Appendix “G” to Report PED24068
Page 1 of 3

CONSULTATION – DEPARTMENTS AND AGENCIES

Department/Agency	Comment	Staff Response
<p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department</p>	<p>A Transportation Impact Study dated June 2018 and a Sight Distance Review dated July 22, 2019 prepared by Paradigm Transportation Solutions Limited was submitted. The Transportation Impact Study and Site Distance Review was approved on September 9, 2019.</p> <p>As part of an initial review, a reduced right-of-way dedication of 2.6 metres was accepted by Transportation Planning and has been shown on the submitted concept plan. As part of a future Site Plan Control application, the proposed right-of-way dedication will need to be dedicated to the City of Hamilton.</p> <p>Transportation Planning notes that 5.0 metre x 5.0 metre visibility triangles must be provided for each driveway access. They must be illustrated, dimensioned, and identified on the site plan. Visibility triangles are between the driveway limits and the ultimate property line (right-of-way limit).</p> <p>The first 7.5 metres of the driveway from the property line shall be a maximum 5% grade and thereafter, shall be within a maximum 10% grade.</p> <p>It is noted that reversing of vehicles onto the right-of-way is not permitted, and a turning plan is necessary to demonstrate a vehicle can enter the site in a forward manner, turn around on private property, and exit in a forward manner.</p>	<p>A detailed turning plan will be required as part of a future Site Plan Control application. In addition, the required right-of-way dedication will be completed through a future Site Plan Control application.</p>

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Department/Agency	Comment	Staff Response
Waste Policy and Planning Section, Waste Management Division, Public Works Department	<p>This application has been reviewed for municipal waste collection service.</p> <p>This property includes street townhouses which will require waste collection in front of each dwelling unit. Information concerning the City’s requirements for waste management services for this development is based on “City of Hamilton Waste Collection Design Standards for New Developments and Redevelopments” (dated 2015).</p>	Additional information is required to confirm the proposed development meets the current guidelines at the Site Plan Control Stage.
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<p>A Tree Management Plan by MHBC Planning, Urban Design and Landscape Architecture dated August 31, 2022 was approved by the Forestry and Horticulture Section.</p> <p>Forestry notes that due to the primary hydro conflicts, smaller trees are likely required. The Tree Preservation and Design Standards shall be followed. A Landscape Plan has not been approved.</p>	A detailed Landscape Plan and Street Tree payment will be addressed as part of a future Site Plan Control application.
Legislative Approvals, Growth Planning Section, Growth Management Division, Planning and Economic Development Department	The Owner and agent should be made aware that a single address will be determined for the new development through the Site Plan Control stage.	Noted.
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	Development Engineering is able to support this application. The proponent has demonstrated through the Functional Servicing Report and Stormwater Management Report that the proposed development can be serviced without adverse impacts to the existing City infrastructure.	Noted.

Appendix "G" to Report PED24068

Page 3 of 3

Department/Agency	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department (Continued)	A detailed review of the Site Servicing, Grading Plans, site access and Stormwater Management strategy will be conducted at the Site Plan Control/Building Permit application stage to confirm compliance with City Standards.	

Appendix “H” to Report PED24068

Page 1 of 3

Summary of Public Comments Received

Comment Received	Staff Response
Concerns regarding water damage due to water runoff, drainage issues (flooding), regarding the property elevation differential from the subject lands and the properties at the rear of the subject lands.	A Functional Servicing and Stormwater Management Report, Site Servicing Plan, Preliminary Site Grading Plan and Site Plan drawing was reviewed by the Development Engineering Section. The Development Engineering Section is satisfied with the proposed storm water quantity control and a detailed review of the future retaining wall design, erosion, and sediment control plan, grading plan and servicing plans would be conducted at the Site Plan Control Stage.
Concerns about increased traffic, safety and lack of parking negatively impacting street parking.	A Transportation Impact Study and a Site Distance review was submitted. Transportation Planning reviewed the documents and are satisfied with the findings. The Transportation Impact Study concludes that the total traffic conditions will operate at acceptable levels. The Site Distance review study stated that the required stopping sight distance for traffic approaching the proposed driveway and traffic exiting the proposed driveway is acceptable. As well, the applicants are not requesting a reduction in the minimum parking requirements and will meet the minimum’s identified in Zoning By-law No. 05-200.
Concerns about increased noise.	The City of Hamilton’s Noise Control By-law No. 11-285 is applicable.
Concerns about lack of privacy.	Staff have reviewed the proposal and are satisfied that appropriate mitigation measures regarding privacy have been incorporated. The details will be reviewed as part of the Site Plan Control application.
Concerns about loss of mature trees and high winds due to tree removal.	Natural Heritage Staff reviewed the Tree Protection Plan, prepared by Planning, Urban Design and Landscape Architecture revised August 31, 2022. A further detailed review will be completed as part of a future Site Plan Control application. In addition, compensation will be required for any trees that are removed from the property as a result of the proposed development.
Concern about decreased property values.	Staff are not aware of any empirical evidence to suggest property values will decrease.

Appendix “H” to Report PED24068

Page 2 of 3

Comment Received	Staff Response
Concerns about losing the character of the neighbourhood and setting a precedent for future developments.	An Urban Design Brief was submitted. Staff reviewed the Urban Design Brief and are satisfied that the proposed development is compatible with the character of the surrounding area.
Concerns about garbage ending up on streets.	The City of Hamilton’s Property Standards By-law No. 23-162 and Yard Maintenance By-law No. 10-118 are applicable.
Concerns about dust and noise from construction.	Through the Site Plan Control application, a Construction Management Plan will be requested as a condition of approval.
Concerns about snow removal due to increased street parking.	The parking for the proposed development will be accommodated on-site.
Concerns about damage to yard/gardens due to change in sunlight patterns. Concerns about lack of light.	The proposal is for two storey townhouses at the rear and three storey townhouses along Dundas Street East. The requested increase in height still maintains a maximum three storey height which is permitted in the low density residential zones. As a result, there is no significant change in height. A Sun/Shadow study is generally required at six or more stories and may be requested on a case by case basis. For the reasons noted above, Staff did not request a Sun / Shadow Study.
Concerns about garbage collection.	The Waste Management Division was circulated as part of the Zoning By-law Amendment application and indicated the proposed development would be eligible for municipal waste collection and would be further addressed at the detailed design as part of the future Site Plan Control application.
Concerns about reduced front yards of proposal creating safety concerns for driveways adjacent to the proposed development.	A Transportation Impact Study and a Site Distance review was submitted. Transportation Planning reviewed the submitted documents, including the Site Plan drawing and are satisfied with the findings that there are adequate separation distances and spacing proposed.

Appendix “H” to Report PED24068

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Comment Received	Staff Response
Concerns about proposed retaining wall altering look of yards below.	The proposed retaining wall along the rear of the property (specifically on the north-east corner) is required in order to address the development engineering requirements for the development. Details regarding the design of the retaining wall and possible screening options will be addressed as part of a future site plan control application.
Concerns about increased density and over-intensification of development.	The Official Plan encourages intensification within the built up area. The proposal is an appropriate form of intensification along an arterial road on the periphery of a neighbourhood.

Note re: Privacy: Please note that we would prefer our names not appear on the web-site. However, this letter may be distributed and publicly disclosed with our names and precise address on Scott Street expunged. We are prepared to be identified as "Scott Street homeowners." Thanks.

[REDACTED],
Waterdown, Ontario

Ms. Alaina Baldassarra, Planner II
Planning and Economic Development Dept.
Planning Division, City of Hamilton
71 Main Street West, 5th Floor
Hamilton, Ontario, L8P 4Y5

Sent via E-mail (Alaina.Baldassarra@hamilton.ca)
and Regular Mail

December 11, 2018

Dear Ms. Baldassarra:

RE: File: RHOPA -18-20, ZAC-18-045
Proposed Townhouse Development on Dundas St., near Riley, in Waterdown

We are the homeowners at [REDACTED] Scott Street in Waterdown and have lived in this home for [REDACTED] years. We are writing to register our opposition to the proposed plan for re-zoning of properties on Dundas Street, to permit Hawk Ridge Homes to build a townhouse development on land where two single family dwellings currently exist.

This property directly abuts our own and would significantly alter the characteristics of our property, posing threat of damage due to water runoff and drainage issues due, in part, to the gross disparity in elevation between the Dundas Street property and our Scott Street home to the north. We have serious concerns that this over-intensification of development would detract from the residential character of this neighbourhood and cause traffic problems, parking, privacy and noise issues -- altering the natural environment and community qualities we value.

Nothing that we learned at the developer Open House, held December 5th, has allayed our concerns. Indeed, seeing the proposed design has reinforced our conviction that this application should be denied.

Here are some of the specific reasons we oppose this application:

1. Risk of flooding, mudslide and water damage during and after construction:

The subject land on Dundas Street stands at a much higher elevation than the properties on the east end of Scott. Our own back yard and those of our neighbours to either side have a tiered or sloped grade abutting the Dundas Street property. Plantings on either side of the property line provide some measure of privacy and reduce the threat of erosion and excess run-off from the land above us. Notwithstanding this, excess water tends to accumulate in the lowest part of our back yard in spring and this problem would undoubtedly be exacerbated by *any* additional run-off, let alone that produced by 18 dwellings and a paved parking lot in space now occupied by two homes and a large lawn, with trees and shrubs.

At the developer's open house, it was suggested that construction of a retaining wall and the raised back portion of the development by six feet would decrease water flow by 70%. Our question is, "70% of what?" Because *any additional* run-off over current levels has the potential to cause serious negative effects. We worry that over-intensified development will turn our tiered back yards into waterfalls and, as one of our neighbours, emphatically stated, "Scott Street will become a canal."

It appears from the tree report that the plan provides for retention of the stand of large pine trees at the back of our property. The plan seems to corral them in some sort of fenced trench, with fencing (rather than the *stone* retaining wall in the area to the east) rising up behind them to the elevation of the townhouse lot. It is unclear to us whether the trees and wooden fence provide a better or worse form of amelioration to run-off than the materials used in the easternmost part of the retaining wall.... suffice it to say, it will not provide a complete solution to the probability of increased water in our back yard and *any increase* is going to exceed the capacity of existing drainage. Furthermore, lifting the elevation of the townhouse properties increases light and privacy concerns.

When asked December 5th, whether there was danger of a mudslide during construction, Oz Kemal, of MHBC Planning (developer consultant) replied that "there shouldn't be" and if there were "the builder would offer full restitution." Please know, this is cold comfort. We are working people whose lives and commitments to others would be severely disrupted by a crisis of that kind. Our family home contains some items that are of little monetary value but hold immense personal significance to our families and ourselves. Maintaining the intended use of the neighbouring properties as single residential properties ensures that no additional risk during construction is created. This, rather than an offer of restitution, is the sensible outcome that provides complete assurance.

2. Loss of privacy and light:

It is clear from the proposed plan that the units would tower over our homes blocking out the sunlight and seriously compromising our privacy. Townhouse residents would be peering down on our homes and backyards and the noise associated with increased numbers of people and car traffic close to our lot boundary would impair quiet enjoyment of our backyard. One of the great attractions of our Scott Street home has been the relative convenience of this location, combined with the privacy our lot offers us as homeowners and hosts. With a southern exposure, our backyard and our kitchen, family room and two of our four bedrooms are well-lit during the day and warmed by the sun. The proposed, over-intensified use of adjacent property threatens to compromise the essential character of this area where we enjoy cordial relations with our neighbours while being able to live quietly, with respect for one another's privacy.

3. Traffic, Parking & Safety Concerns:

The proposed entrance to the townhouse development off Dundas Street will cause traffic chaos along a route that currently presents unresolved safety challenges and is heavily overburdened.

Riley Street is the main entrance to our survey, off Dundas Street. As you drive west on Dundas and slow to turn right onto Riley you are climbing a rise that makes it difficult to see west of the lights. Heavy westbound traffic coming through the downtown core, tends to speed up west of the Dairy Queen and you need to signal your right turn well in advance to avoid being rear ended. The installation of lights at Dundas and Riley has improved (but not eliminated) that problem and it is hard to imagine how people will proceed past those lights and safely make their right hand turn, just west of this intersection.

Similarly, those travelling westbound on Dundas, who hope to use the turn lanes to effect a left turn into the townhouses will have problems doing so. The turn lanes on Dundas, on either side of Riley, are heavily used by traffic going in both directions. There is typically a long line up of cars, eastbound, waiting to turn left on Riley. This makes it difficult for those going westbound, who wish to turn left onto Bayview.

Further west, eastbound traffic turning left at McDonald must share the lane with westbound drivers seeking to turn left into the daycare. There's a tendency for folks to enter the turn lanes west of Riley early and drive in them a distance, to get out of the way of the high speed, high volume traffic in the four east and westbound through lanes. This increases the risk of head on collisions in the turn lanes. In our view,

adding an entrance to a multi-unit residential complex in that block will compound an already dangerous situation.

While the number of parking spots provided under the proposed plan are said to be above what is legally required, they are clearly going to be inadequate for eighteen, two-car households who will have visitors. Overflow parking will inevitably extend to the library parking lot, Riley, McDonald or Scott streets impeding car, bicycle and pedestrian traffic and raising safety issues for children who play on the street at the west end of Scott and on McDonald. Furthermore, this will change the quiet character of Scott Street which is generally only accessed by those living on our street or Melissa and McDonald.

4. Trees and Natural Setting

The homes on Scott Street are situated on mature lots that offer a unique natural setting within a residential neighbourhood. Our neighbours' gardens are award winning. The stand of pine trees on the Dundas Street property that abuts our own was planted in 1981. It provides a wind-break and buffers noise, while ensuring privacy. The deep, backyards of lawn, trees and shrubs in the current residential configuration of homes on Dundas Street, combined with the mature plantings on the Scott Street properties have created a green corridor and as a result birds and wild-life abound. We have had every kind of bird at our feeders. Squirrels, chipmunks and rabbits are frequent visitors and we have also seen possum, raccoons and red fox in our backyard.

It seems the pines immediately behind us are to be kept, but the development proposes removal of many other trees and the replacement of lawn with asphalt. This over-intensification of development would completely compromise the backyard corridor and change the essential character of our neighbourhood.

5. Type and density of Building Is Inappropriate for this Area

Scott, Melissa and McDonald are quiet residential streets where, typically, folks buy homes in anticipation of raising families and committing to this community over the long term. We know our neighbours and the kids down the street who deliver our paper and when there's a snow storm those who own snow-blowers help those who don't until the city gets to plowing us out.

We welcome newcomers to the area and have worked co-operatively in accommodating one another's needs. When a tree in our back yard had grown so large it was dangerously overhanging our neighbour's house, we had it taken out. Two years later, we shared the cost of building a fence with that neighbour.

The density of this proposed project is not compatible with this neighbourhood and will alter the essential character of this residential area. Allowing this application

would set a precedent that is likely to be followed by other developers, to the further detriment of the existing neighbourhood.

While we appreciate that Waterdown is a community that the province has designated for growth, we expect our city planners and municipal officials to show leadership by ensuring that the intent of the Official Plan and Zoning By-laws is respected and that such growth is reasonably and appropriately managed in ways that conform to the principles of good urban planning.

Whereas other recent townhouse developments in Waterdown have been built on lands that were formally commercial use properties, this proposal seeks to replace two, single family dwellings with eighteen townhouses. This important distinction should be fatal to the application. The proposed development is not in keeping with the intent of the existing plan and zoning and is clearly incompatible with the existing character of our neighbourhood.

Finally, we express our concern about the effect the proposed townhouse development would have on the property value of residences on Scott Street. We appreciate this factor may not be a specific consideration under applicable municipal planning policy, however the Councillors who ultimately consider your recommendations should know of our concern. Like many middle class Canadians, our home represents a major investment which we, who are now in our 60's, look to as a source of security as our retirement approaches. We have devoted time and money to the improvement of our property, particularly in the past five years, and are crestfallen to think that the value of this beautiful home in a wonderful neighbourhood might be jeopardized because of development we could not have anticipated, given the established character and official designation of this residential area.

Thank you for your consideration of this letter.

Yours truly,



c.c. Judi Partridge (Councillor, Ward 15)
Judi.Partridge@hamilton.ca

/mef 11.12.18

[REDACTED]

RE: RHOPA-18-20/ZAC-18-045

Brynn Nheiley
Senior Planner, City of Hamilton
Planning and Economic Development Department
71 Main St West, 5th Floor
Hamilton, ON, L8P 4Y5

September 20th, 2018

Dear Brynn Nheiley:

I am writing to express my concern with the proposed townhouse development at 173-177 Dundas Street East, Waterdown. Along with many others in our community, I oppose this proposed re-zoning amendment and the proposed townhouse development project.

For my parents and members of their community, these multi-residential units will tower above their properties, eliminating privacy and creating serious water runoff issues due to the property's location atop a hill. And for every household in town that uses this section of Dundas Street to travel to work, home, school and shops, this proposed development will create traffic and safety issues along an already very busy section of Dundas St. It is already very difficult to turn onto Dundas St from Bayview Ave, Dennis Ave, McDonald Ct, homes along Dundas St, the library and even Riley St where there are traffic lights. As a teacher at one of the catchment schools for this area, I feel concerned for the safety of students and families travelling to school each day.

If this re-zoning application and development are approved, it sets a precedent for future developments along Dundas Street, creating further traffic and safety concerns and will negatively alter the landscape of this residential neighbourhood. Please keep our community safe by rejecting this proposal.

Sincerely,

[REDACTED]

Brynn Nheiley
September 14, 2018
Page 2

September 27, 2018

[REDACTED]
[REDACTED]
[REDACTED]

Brynn Nheiley
Hamilton City Hall
Via Email: Brynn.nheiley@hamilton.ca
Cc: judi.partridge@hamilton.ca

Dear Ms. Nheiley,

Please accept this letter as my formal opposition to the proposed townhouse development at 173-177 Dundas Street in Waterdown.

Adding that many homes onto Dundas street adds traffic to an already busy and dangerous road, making the situation worse for pedestrians crossing Dundas street, especially school children. It will also add traffic to both Scott and Riley streets. Riley is already an extremely busy road, with drivers constantly going above the speed limit of 40 km/hr. It is not unusual to find people speeding at 70 km/hr.

While there is a traffic light at Dundas & Riley, drivers are constantly running red lights. Increased congestion only increases danger in the area. The library's location has already added a substantial increase in traffic & parking on neighbouring streets.

Furthermore, a townhouse complex does not fit in with the character of the neighbourhood and will reduce property values in the area. If approved, it will set a precedent for other developers to build similar complexes.

Other concerns include noise pollution as well as privacy for our neighbours on Scott Street, water runoff and the loss of mature trees. This is not the right area for a townhouse complex. They should be built in new developments, not in mature neighbourhoods.

I thank you for listening to my concerns and respectfully request that you remove my personal information on any published reports.

Sincerely,

[REDACTED]

[REDACTED]

20782 - Read-only



Sign in to edit and save changes to this f...



Name(s):

Address:

Phone:

RE: RHOPA-18-20/ZAC-18-045

Brynn Nheiley
Senior Planner, City of Hamilton
Planning and Economic Development Department
71 Main St West, 5th Floor
Hamilton, ON, L8P 4Y5

Date: September 17, 2018

Dear Brynn Nheiley:

We are writing to express our concern with the proposed townhouse development at 173-177 Dundas Street East, Waterdown. Along with many others in our community, we oppose this proposed re-zoning amendment and the proposed townhouse development project.

For some of our neighbours, these multi-residential units will tower above their properties, eliminating privacy and creating serious water runoff issues due to the property's location atop a hill. And for every household in town that uses this section of Dundas Street to travel to work, home, school and shops, this proposed development will create traffic and safety issues along an already very busy section of Dundas St. It is already very difficult to turn onto Dundas St from Bayview Ave, Dennis Ave, McDonald Ct, homes along Dundas St, the library and even Riley St where there are traffic lights.

If this re-zoning application and development are approved, it sets a precedent for future developments along Dundas Street, creating further traffic and safety concerns and will negatively alter the landscape of this residential neighbourhood. Please keep our community safe by rejecting this proposal.

Please keep us updated on the status of this application.

Sincerely,

Name(s):



Name(s): [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

RE: RHOPA-18-20/ZAC-18-045

Brynn Nheiley
Senior Planner, City of Hamilton
Planning and Economic Development Department
71 Main St West, 5th Floor
Hamilton, ON, L8P 4Y5

Date: Sept 17, 2018 _____

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If this re-zoning application and development are approved, it sets a precedent for future developments along Dundas Street, creating further traffic and safety concerns and will negatively alter the landscape of this residential neighbourhood. Please keep our community safe by rejecting this proposal.

Please keep us updated on the status of this application.

Sincerely,

Name(s): [REDACTED]

Name(s): [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Phone: _____

RE: RHOPA-18-20/ZAC-18-045

Brynn Nheiley
Senior Planner, City of Hamilton
Planning and Economic Development Department
71 Main St West, 5th Floor
Hamilton, ON, L8P 4Y5

Date: _____

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If this re-zoning application and development are approved, it sets a precedent for future developments along Dundas Street, creating further traffic and safety concerns and will negatively alter the landscape of this residential neighbourhood. Please keep our community safe by rejecting this proposal.

Please keep us updated on the status of this application.

Sincerely,

Name(s): [REDACTED]

From:

Subject:

Date:

[REDACTED]
173-177 Dundas st E, Flamborough - files RHOPA-18-20, ZAC-18-045

Friday, September 28, 2018 3:09:44 PM

Dear Ms Nheiley, I am writing with regards to the above-mentioned files concerning the development proposal at 173-177 Dundas st in Flamborough.

I am disappointed and concerned that these single family home lots are being considered for development of the density being discussed. This area, stuck in between private homes was never intended for such high density development, and is likely to cause issues with the surrounding neighborhood.

Water runoff, garbage and traffic safety immediately come to mind. The elevation change combined with recurring wind patterns mean that all water runoff and most wind-blown debris end up on Scott st below. Regarding traffic on Dundas st, with the intersection at Riley st, it is already very busy and the entrance to both 173 and 177 Dundas being hidden from westbound traffic can only make matters worse. I would have real concerns about traffic safety if these changes were to be allowed at this location.

I am told we will have more time to discuss this, i just wanted to make my concerns known.

Thank You

[REDACTED]

From: [REDACTED]
To: [REDACTED]
Subject: 173-177 Dundas st E
Date: Wednesday, January 16, 2019 3:29:25 PM

Hi Alaina

We met at the community meeting on the street and at the library meeting and I just want to follow up with my ongoing concerns about the proposed townhouse development at 173-177 Dundas St.

Being on one the residences on Scott St at [REDACTED] obviously privacy is a major concern but the fact that our properties are about 12 feet below the grade at the lot line and the intention of the developer raising the grade in some areas just makes the issue even worse and the concerns of water run off and potential flooding will not be eliminated in fact we will be shadowed by the equivalent of a low rise apartment building. Just recently there was a nasty traffic accident on Dundas at Riley and the addition of 18 residences requiring access at this location would be insane with the constant increase in traffic and the lack of visibility in fact just this morning while I was waiting to turn left off Riley a west bound dump truck drove through a red light and if someone was pulling out of the proposed development site would have been smashed !!

While driving around Waterdown in all the new development areas there is no lack of townhouses in fact there are thousands of them which is fine as long as the zoning permits it, so WHY is it necessary to re zone an existing single family dwelling property and upset so many existing tax paying residents to accommodate a developer who has no ties to the community and only wishes to make profit at the existing residents expense.

This is basically a loose\ loose situation for all the surrounding residents and that was made quite clear at the Library meeting, it is of no benefit to the community and I really don't think that's its of any benefit to the city to upset so many good residents who felt that they were buying a property that was in a single family residence zoned area

[REDACTED]

From:

Subject:

Date:

[REDACTED]
Development Proposal at 173-177 Dundas St E Dundas St (RHOPA-18-20 and ZAC-18-045)
Sunday, December 30, 2018 4:39:53 PM

[REDACTED]

Thanks for your time arranging and attending the town hall on this proposed development on December 5th. We're writing because we have the same concerns that were unanimously expressed by the extremely large turnout at the town hall of people directly affected by the proposed build of 18 new townhomes on the current site of 2 single family homes. Specifically:

- There was very little comfort that the grading and drainage solutions being proposed would be adequate to prevent runoff and potential flooding of all the properties downhill from the 173-177 Dundas St location, and even less comfort that anyone would take responsibility if this proposal is forced through and the solutions do turn out to be inadequate. The same goes for the impacts of construction including the likelihood of mudslides.

- The ability of existing residents to enjoy the area they have invested time and money in is being completely ignored. We've already seen an increase in local traffic with additional traffic direction (lights and stop signs) implemented after the event to try and (fail to) mitigate this. The fallacy of *increasing density by 900%* and only including one parking space per unit (has anyone confirmed that the garages will even be large enough to truly fit the owner's vehicles assuming they're even used for cars) plus only 5 guest spaces needs to be addressed. There is no practical way we will avoid circling traffic and overflow parking in the neighbourhood if this goes ahead when *the best case is a ridiculous assumption that less than a third of the homes will have visitors at any time!*

- It also seems impossible to accept that another multiple vehicle traffic outlet between the top of Riley St and the library is in anyway safe or feasible without major alterations to the current traffic flow, quite possible diverting even more volume through existing residential neighbourhoods. As I understood it some of the studies completed including traffic are only available at City Hall during its opening hours. *How can it be that existing resident families, many of which have 2 jobs and small children have to bear the cost in time and expense of accessing this study, rather than the expense of communicating results being on the developer?* The comments that were made at the meeting about traffic counts that have taken place absolutely do not line up with the day to day experience of everyone at the meeting, and that was clearly communicated. Any review by City staff needs to take into account the specific pushbacks against this report as the report appears to be factually incorrect (I believe others have already provided these comments but please let me know if not and we'll make sure they are communicated)

- *The basic concept of privacy also seems to have been disregarded for all units in the immediate proximity of this development* (we all know that noise and privacy

impacts are absolutely unavoidable regardless of what may be claimed, particularly if the proposal to include rooftop terraces goes ahead), not to mention the unavoidable change in the amount of shade/light etc that will be cast onto surrounding lots.

- As discussed at the meeting, this proposal differs from recent approvals as the property is not currently zoned commercial, and is more in line with the declined 2015 proposal ZAR-014-013 to sever a single residential lot at 12 McDonald Ct (which is in the immediate neighbourhood) to build two detached homes. This application was denied citing the following reasons:

-it "represents an over-intensification of development within an established residential neighbourhood that would detract from the residential character of the neighbourhood"

-it "does not comply with the Urban Hamilton Official Plan, in that it is not compatible with the existing character of the neighbourhood"

-"approval of the application would encourage other similar applications, which, if approved, would undermine the intent of the Official Plan and Zoning By-law."

As such it is impossible to see how this proposal can even be approved by the City without contradicting its own recent decisions. Despite MHBC Planning's Urban Design Brief's claim, allowing townhouse in this location is a fundamental change to the existing character of the neighbourhood even though other developments have been allowed further along Dundas St. The nature of the Scott St/McDonald Court area is very different to the area that backs onto the Bohemian development as those houses already 'faced' commercial operations.

Although we could list additional points we'll stop at the main ones above for clarity, but do want to add that regardless of which government set what policy it is astounding that a developer that doesn't even live locally can buy a property *knowing its existing zoning* and then force residents to actively resist the continued degradation of their neighbourhood. This system really is broken.

We appreciate that you effectively sit between your constituents and the applicable by-laws and policies so I genuinely appreciated your acknowledgement during the town hall that the strong and widely shared level of dissatisfaction with this proposal precludes any possibility of you voting in favour, and we hope your colleagues on the committee feel the same obligation regardless of whether the proposal is put as is or even if it is scaled back.

Thankyou for taking the time to read these concerns and please feel free to forward this email as appropriate. Also, we'd appreciate being kept informed of any upcoming activities related to this proposal and would especially like to receive notification of the planning meeting when/if it is scheduled, and of course, please let us know if there's

anything else we can do to voice our concerns.

Regards

[REDACTED]

From: [REDACTED]
To: [Baldassarra, Alaina](#)
Cc: [REDACTED] Proposed Townhouse Development - Dundas Street, Waterdown
Date: Tuesday, December 11, 2018 9:47:46 AM
Attachments: [\(F\)Letter to City re- Townhouse Development.pdf](#)

Dear Ms. Baldassarra:

We are homeowners on Scott Street in Waterdown. Please find attached our letter registering our opposition to the application of Hawk Ridge Homes for Official Plan Amendment and Zoning By-law Amendment currently before you for consideration.

Yours truly,

[REDACTED]

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Date: [REDACTED] 18-20, ZAC-18-045: declared opposition
Friday, September 28, 2018 3:58:01 PM

Dear Brynn Nheiley,

My husband Steve and I live on [REDACTED] and strongly oppose and changes to zoning or additional building to the corner of Riley and Dundas Street in Waterdown.

Intensification of homes in this area would not be unsafe due to traffic concerns in this area. As you know we are experiencing a crisis with our roads.

It would also not be consistent with the neighbourhood that surrounds it. It is ludicrous to think that any and every spot could be changed into high density housing.

There are many other high density areas being built in Waterdown and this does not need to be part of it.

Sincerely,

[REDACTED]

From: [REDACTED]
To: [Baldassarra, Alaina](#)
Subject: Fwd: Rezoning of 173-177 Dundas for Townhouses proposal
Date: Thursday, December 6, 2018 8:53:46 PM

Hi Alaina, copying you on the email message below that I sent to the developer based on our session Wednesday eve.
Thanks. [REDACTED]

Begin forwarded message:

From: [REDACTED]
Date: December 5, 2018 at 18:43:43 EST
To: [REDACTED]
Subject: Fwd: Rezoning of 173-177 Dundas for Townhouses proposal

Re unacceptable project: my comments below.

Begin forwarded message:

From: [REDACTED]
Date: September 25, 2018 at 09:03:36 EDT
To: brynn.nheiley@hamilton.ca
Cc: [REDACTED]
Subject: Rezoning of 173-177 Dundas for Townhouses proposal

We are providing feedback as part of the process related to the application for rezoning of the lands at 173-177 Dundas St. East for the development of townhouses. Writing to share our thoughts on the proposal, which we do not support. As new retirees and new residents of Waterdown, we are very disappointed to learn of this proposal which we believe has many negative impacts on our community.

These are the primary impacts from our perspective on Riley Street East side, and noting that there are fundamentally worse impacts for the Riley Street west side and Scott Street homeowners and residents/ taxpayers:

- 1)Increased Traffic- both on Dundas and on Riley, where there are already traffic volume, speed and congestion issues.
- 2)Safety- related to traffic and parking- concern that on Riley, where there is already significant unsolved issues of speeding north from, and south to, Dundas, this will only get worse. Increased parking will enable hidden dangers, such as residents, children, pets stepping out onto Riley between parked cars.
- 3)Noise- loss of trees from the current properties will increase road noise from Dundas. With increased resident density, there will naturally be increased human noise.
- 4)Wind break- loss of trees will eliminate the natural wind break in a relatively high wind area.
- 5)Parking- worry that overflow for visitors to the proposed townhouses will likely use Riley and Scott, making for increased congestion.
- 6)Reduction in comparative property values- with the mix change of higher density, lower value properties. High density block and row townhouses do not conform with the nature of the neighbourhood. Will The taxes we pay to Hamilton be reduced?
- 7)Disruption during construction- creating excessive noise and dust.

Please keep us in the loop on any new information and meetings related to this issue.

Thanks for listening, hopeful for action.



From: [REDACTED]
To: [Nheiley, Brynn](#)
Subject: In reference to applications RHOPA-18-20 and ZAC-18-045
Date: Wednesday, September 26, 2018 12:45:05 PM

Dear Ms. Nheiley,

We are opposed to applications RHOPA-18-20 and ZAC-18-045 for rezoning and building high density housing on Dundas Street East.

Although the property is on Dundas St, it is still part of our residential neighborhood of detached homes. The height and density of the development don't fit with the look and feel of the existing neighborhood.

It is adjacent to the main entrance into our subdivision. We are concerned (as drivers and pedestrians who use this portion of Dundas St daily) about the large increase in traffic going in and out of this property and corresponding impact on traffic flow and safety. Visibility from the entrance to the property is negatively impacted by its proximity to the crest of the hill at Riley St making it a dangerous place to have so many cars entering and exiting the property.

We hope you will consider these concerns during the review process.

Thank you,

[REDACTED]

From: [REDACTED]
To: [Nheiley, Brynn](#)
Cc: [REDACTED]
Subject: Letter of Concern RE: RHOPA-18-20, ZAC-18-045
Date: Wednesday, September 26, 2018 9:17:44 PM
Importance: High

Attn: Brynn Nheiley, Senior Planner, City of Hamilton

RE: File:RHOPA-18-20, ZAC-18-045

We are in receipt of the notice dated August 27, 2018 regarding the Application for Proposed Re-zoning By-law Amendment and Proposed Townhouse Development at 173-177 Dundas Street East in Waterdown.

My family resides at [REDACTED] in Waterdown, our property backs onto 173-177 Dundas Street East. As you can see from looking at the location map provided on the back of the notice we are one of the multiple properties that surround the perimeter of the proposed development property lot. We are writing to express our concerns for the information expressed within the letter as well as advise of our opposition to the proposal as it stands now.

Based on our understanding of the information outlined in the letter we have come to realize that there are some glaringly obvious issues as well as some significant secondary issues that will be of major concern should the proposals proceed. Since we are land owners who share a property line with 177 Dundas Street East we have found the following issues which we would like to bring to your attention:

Water Run Off - due to the grading of 177 Dundas Street East heading downwards to our property on [REDACTED] we have experienced significant water runoff and consequent flooding in our yard during seasonal spring melts and heavy multi-season downpours. These floods have occurred at a minimum of 4 times per year and upwards to 8 times per year in recent years. Just last spring the water level in our back yard was so high that we were very concerned about flooding/drainage into our basement foundation leading us to require a submersible pump which pumped out thousands of litres of water off and on over a few days. Just yesterday (September 25th, 2018) we experienced a rainfall overnight which left our yard drenched and spongy with some water pooling in the lowest laying areas. We are concerned that the proposed building of 18/19 townhomes on the Dundas Street lots will decrease drainage by reducing soil and grass covered land with homes and driveways. Also we understand that in order to build said townhomes the land at 173-177 Dundas Street East will need to be leveled further adding to the dramatic drop in grading between their lots and ours. This difference in grading will also cause secondary run off moving down Melissa Court

towards the creek therefore affecting additional properties.

Privacy - it is obvious that we will lose the privacy which we so value in our backyard. With the proposed townhomes built on such a high grade difference we will have many residences towering over our yard. The removal of mature trees including the 100+ year old tree located behind our property will also effect the privacy issue severely.

Traffic/Safety - as you might be aware Dundas Street East is a very busy and at times congested area of Waterdown. During rush hour it almost always stop and go traffic. Adding an entrance driveway to a multi unit townhome complex will add to and create additional concerns for that area.

Decrease in Property Values - we have consulted with two unbiased real estate agents who have both come to our home to assess the property and the proposed development properties. Both agents have advised us to expect a decrease in our property value anywhere from 5-10% should the proposal be granted. This translates to a loss of anywhere from \$40,000 upwards to \$80,000. This property value decrease would then extend in varying amounts throughout the entire neighbourhood.

Additional issues we have considered are increased noise and pollution, loss of mature trees, and parking/traffic overflow onto side streets.

Our neighbourhood consists of an area that has been zoned for single family detached homes. We purchased our residence in 2012 specifically with that in mind as we appreciate the privacy that this type of area provides. If the proposal was approved it would change the landscape of our coveted quiet and private family oriented neighbourhood.

In conclusion, we have given this notice very through consideration and have presented our comments for your review. We ask that you please keep us updated with respects to both proposals outlined in the letter dated August 27, 2018 and notify us of any upcoming public meetings with respect to the same.

We ask that you kindly respond to confirm your receipt of our letter.

Regards,

Jennifer & Brett Gallant

[REDACTED]

From: [REDACTED]
To: [REDACTED]; [Baldassarra, Alaina](#)
Subject: Proposed development for Dundas St E / Riley in Waterdown
Date: Sunday, December 9, 2018 5:28:43 PM

Hi [REDACTED]

Thank you so much for your input at the meeting in the Flamborough Seniors Centre. This is my input on the proposed Townhouses.

After attending the meeting at the Flamborough Seniors Centre about the proposed development on Dundas Street I want to address my concerns below.

The area on Dundas St E that this proposed development would be located is designated for single family dwellings only and to put townhouses on this site would be incompatible with this area. The townhouses on Hwy # 5 would also be 3 story, which being at the top of a hill would be totally out of character with the other houses.

One of the biggest issues involved is the traffic problems on Dundas Street. I have lived at [REDACTED] in Waterdown for 50 years and have seen many changes in this community. When we moved into our new house we were told there would be a Waterdown bypass built very soon. Since then there has been so much growth and a steady increase of traffic on Dundas Street but still no bypass. It is always busy now and some days quite difficult to get out of my driveway. There are many days that the traffic is bumper to bumper along the Highway all the way from Highway 6 and beyond right through to Evans Road and further. When an accident happens on the 403 Hwy it is even worse.

The Riley Street intersection is at the top of a hill and traffic driving west from Waterdown cannot see over the hill until they get most of the way up. I have memories of a young man on a bike being killed on the road just over the top of the hill because the driver did not see him in time. This was some years ago when the highway was not as busy but it raises concerns now. I believe extra traffic entering and exiting Dundas St in this area should not be considered at this time - it is already far too congested going through Waterdown but also this location is not a safe area to have an entrance to townhouses.

We were told the back of the lot (north side) would be raised up 6 feet in order to stop flooding of the houses on Scott Street. This means that the townhouses behind Scott Street would be far higher and not only affect the view for the neighbours but also property values.

I am totally opposed to this development in this area and ask that you would not allow it.

Yours sincerely,

[REDACTED]

From: [REDACTED]
To: [Nheiley, Brynn](#)
Subject: Proposed re zoning
Date: Wednesday, September 26, 2018 9:55:27 AM

Dear Ms. Nheiley,

We were disappointed to see the proposed rezoning and development application on Dundas Street (file RHOPA-18-20 & ZAC-18-045) and we oppose this application. This site is just west of the entrance to our subdivision at an already very busy section of Dundas Street.

We frequently walk our dog in this area and our children often ride their bikes to the library. We are concerned that the increase in cars/traffic along this part of Dundas Street as well as cars turning in and out of this property will create added traffic and safety concerns for cyclists and pedestrians.

The intersection at Riley and Dundas is very busy and there's often a backlog of eastbound cars waiting to turn north onto Riley. The proximity of this property to the intersection will compound this issue.

Thank you for considering our concerns as part of the application process.

Sincerely,

[REDACTED]

From: [REDACTED]
To: [Nheiley, Brynn](#)
Subject: Proposed Townhouse Bruce and Nancy Nelson development RHOPA-18-20/ZAC-18-045
Date: Monday, September 17, 2018 2:53:58 PM

Hello Brynn,

Our neighbors have just informed us of a proposed townhouse development at 173-177 Dundas Street East, Flamborough. We live at [REDACTED]. Although we are not directly behind this development we are 100% against it for a number of reasons.

- 1) Will be a huge increase in traffic at an already busy intersection Dundas/Riley which increases noise and pollution
- 2) Townhouse tenants will use the side streets to park their extra vehicles (Riley St. & Scott St.). I can tell you we already have enough people using Scott street as a parking lot when the library lot is full and it is a nuisance. Scott street was a quiet street and one of the reasons we chose to live here. Building this townhouse complex will create more traffic and safety concerns for Scott street.
- 3) The houses directly impacted by the development will see their property value decreased which could affect my property value.
- 4) loss of mature trees
- 5) Will change the overall look and feel of our neighbourhood
- 6) possible increased flood risk to homes behind (Scott St. & Melissa Cres.) due to the elevation change from the townhouse units

We DO NOT support this development!

Please do not include our personal information on the City's website.

thanks.

[REDACTED]

From: [REDACTED]
To: [Nheiley, Brynn](#)
Subject: Proposed Townhouse Development at 173-177 Dundas Street East
Date: Tuesday, September 11, 2018 9:45:34 PM

Re RHOPA-18-20 / ZAC-18-045

This is to express opposition to the proposed bylaw zoning change to allow construction of a number of townhouse units on what are currently single home residential lots at 173 - 177 Dundas Street East.

In addition to the obvious inappropriate proposed building construction between remaining houses which will significantly alter to feel of the neighbourhood, the land structure has potential for serious water runoff which will further impact problems, which already occur to the houses on Scott Street, and may expand further North onto Melissa Crescent.

Another issue concerns traffic problems. Since the opening of the new library, Scott Street is at times already being used for overflow parking. Also current tenants are parking on Riley close to the junction with Dundas Street, thus causing potential hazards on the blind hill. Drivers frequently run the red traffic lights across Dundas Street causing a dangerous situation for traffic attempting to turn East (and possibly West) from Riley. This is compounded in the winter when there are snow banks on the North east corner of the junction causing vision to be obscured from traffic traveling West on Dundas Street. All of this would be compounded by the development of a town house complex close to this area.

Please do not make my personal information available to the general public.

Sincerely

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Baldassarra, Alaina](mailto:Alaina.Baldassarra@hamilton.ca)
Subject: Re: Proposed development for Dundas St E / Riley in Waterdown
Date: Monday, December 10, 2018 10:06:53 AM

Thank you Alaina.

This is my mailing address: -

[REDACTED]

[REDACTED]

On Mon, Dec 10, 2018 at 9:43 AM Baldassarra, Alaina <Alaina.Baldassarra@hamilton.ca> wrote:

Dear [REDACTED],

I have added your comments to the application. If you would like to be notified directly about the public meeting at city hall or decisions about the application, please provide your address for the purposes of future mailings.

If you have any further questions or concerns do not hesitate to contact me.

Regards,

Alaina Baldassarra, B.E.S.
Planner II
Development Planning, Heritage & Design Section (Rural Team)
Planning and Economic Development Department
City of Hamilton

71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5
T: (905) 546-2424 x7421
F: (905) 546-4202
E: Alaina.Baldassarra@hamilton.ca

From: [REDACTED]
Sent: December-09-18 5:28 PM

To: [REDACTED] Baldassarra, Alaina
Subject: Proposed development for Dundas St E / Riley in Waterdown

Hi [REDACTED],

Thank you so much for your input at the meeting in the Flamborough Seniors Centre. This is my input on the proposed Townhouses.

After attending the meeting at the Flamborough Seniors Centre about the proposed development on Dundas Street I want to address my concerns below.

The area on Dundas St E that this proposed development would be located is designated for single family dwellings only and to put townhouses on this site would be incompatible with this area. The townhouses on Hwy # 5 would also be 3 story, which being at the top of a hill would be totally out of character with the other houses.

One of the biggest issues involved is the traffic problems on Dundas Street. I have lived at [REDACTED] in Waterdown for 50 years and have seen many changes in this community. When we moved into our new house we were told there would be a Waterdown bypass built very soon. Since then there has been so much growth and a steady increase of traffic on Dundas Street but still no bypass. It is always busy now and some days quite difficult to get out of my driveway. There are many days that the traffic is bumper to bumper along the Highway all the way from Highway 6 and beyond right through to Evans Road and further. When an accident happens on the 403 Hwy it is even worse.

The Riley Street intersection is at the top of a hill and traffic driving west from Waterdown cannot see over the hill until they get most of the way up. I have memories of a young man on a bike being killed on the road just over the top of the hill because the driver did not see him in time. This was some years ago when the highway was not as busy but it raises concerns now. I believe extra traffic entering and exiting Dundas St in this area should not be considered at this time - it is already far too congested going through Waterdown but also this location is not a safe area to have an entrance to townhouses.

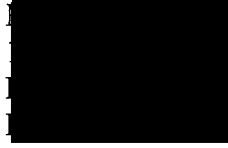
We were told the back of the lot (north side) would be raised up 6 feet in order to stop flooding of the houses on Scott Street. This means that the townhouses behind Scott Street would be far higher and not only affect the view for the neighbours but also property values.

I am totally opposed to this development in this area and ask that you would not allow it.

Yours sincerely,

[Redacted signature]

September 20, 2018



Director of Growth Planning
Growth Management Division
Planning and Economic Development Department
City of Hamilton
71 Main Street West
5th Floor
Hamilton, ON
L8P 4Y5

RECEIVED
SEP 24 2018

FILE(S): RHOPA-18-20, ZAC-18-045

To the Co-ordinator:

RE: NOTICE OF COMPLETE APPLICATION(S) AND PRELIMINARY CIRCULATION FOR APPLICATION(S) BY MHBC PLANNING, C/O OZ KEMAL FOR A RURAL HAMILTON OFFICIAL PLAN AMENDMENT AND ZONING BY-LAW AMENDMENT FOR LANDS LOCATED AT 173-177 DUNDAS STREET EAST, FLAMBOROUGH (WARD 15)

I wish to be notified of the decision of the City of Hamilton in respect of the proposed Draft Plan of Subdivision regarding the above subject/reference.

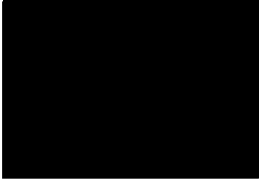
I have sent a letter stating my concerns for the proposed Amendment to Mr Brynn Nheiley, Senior Planner for the City of Hamilton. I am a property owner at [REDACTED] in Waterdown and my property is one of the properties that backs onto the properties of 173 – 177 on Dundas Street East.

Concerned Property Owner



→ Steve Robichaud
cc Alvin Chan

From:



September 21, 2018.

RECEIVED

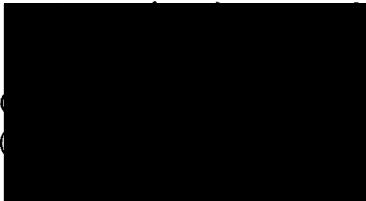
SEP 24 2018

TO: The Director of Growth Planning,
Growth Management Division,
Planning and Economic Development Department,
City of Hamilton.

Re.: File: RHOPA-18-20, ZAC-18-045

Please note that I am hereby requesting to be notified of the decision of the City of Hamilton in respect of the proposed Draft Plan of Subdivision relating to the above mentioned file.

Thank you.



→ Steve Robichaud
cc: Alvin Chan

From: [REDACTED]
To: [Nheiley, Brynn](#)
Cc: [REDACTED]
Subject: Rezoning of 173-177 Dundas for Townhouses proposal
Date: Tuesday, September 25, 2018 9:03:39 AM

We are providing feedback as part of the process related to the application for rezoning of the lands at 173-177 Dundas St. East for the development of townhouses. Writing to share our thoughts on the proposal, which we do not support. As new retirees and new residents of Waterdown, we are very disappointed to learn of this proposal which we believe has many negative impacts on our community.

These are the primary impacts from our perspective on Riley Street East side, and noting that there are fundamentally worse impacts for the Riley Street west side and Scott Street homeowners and residents/ taxpayers:

- 1) Increased Traffic- both on Dundas and on Riley, where there are already traffic volume, speed and congestion issues.
- 2) Safety- related to traffic and parking- concern that on Riley, where there is already significant unsolved issues of speeding north from, and south to, Dundas, this will only get worse. Increased parking will enable hidden dangers, such as residents, children, pets stepping out onto Riley between parked cars.
- 3) Noise- loss of trees from the current properties will increase road noise from Dundas. With increased resident density, there will naturally be increased human noise.
- 4) Wind break- loss of trees will eliminate the natural wind break in a relatively high wind area.
- 5) Parking- worry that overflow for visitors to the proposed townhouses will likely use Riley and Scott, making for increased congestion.
- 6) Reduction in comparative property values- with the mix change of higher density, lower value properties. High density block and row townhouses do not conform with the nature of the neighbourhood. Will The taxes we pay to Hamilton be reduced?
- 7) Disruption during construction- creating excessive noise and dust.

Please keep us in the loop on any new information and meetings related to this issue.

Thanks for listening, hopeful for action.

[REDACTED]

Sent from my iPad

From: [REDACTED]
Subject: RHOPA 18 20
Date: Thursday, September 13, 2018 10:22:33 AM

After our conversation last week i have a few more thoughts on the proposed development at 177/173 Dundas street

I have measured that the properties on Scott st directly behind the proposed site are approximately 12 feet below the grade and if townhouses are to be built we would be looking up at the equivalent of a low rise apartment building and only 25 ft. From the lot line The backyards on Scott street are very wet due to run off but manageable but I feel that changing the balance might increase the chance of flooding

I moved here one year ago because of the private backyard and have spent over \$200,000 in renovations and oppose the idea of multiple residences towering over my backyard at the equivalent of 4 to 5 stories high

I also think that the traffic impact on Dundas so close to the traffic lights at Riley would be an issue

Thanks [REDACTED]
[REDACTED]

[Sent from Yahoo Mail on Android](#)

From: [REDACTED]
To: [Nheiley, Brynn](#)
Subject: RHOPA-18-20 / ZAC-18-045
Date: Friday, September 28, 2018 4:22:00 PM

I wish to forward my comments regarding the above proposed land use amendment proposal:

I am a resident of Waterdown, in close proximity to these proposed development lots and emphatically want to relay my opinion that these lands should remain as single family residential. A town home development will not blend in with the surrounding properties. This area west of Riley does not have any high density development and it is not amenable with either the density or lay of the land of this area. There is a high grade to the street below, and would impinge on the current amount of privacy the homes this area backs onto, as well as the properties on either side.

Dundas Street is not able to have street parking, due to its design and the fact that it is the only east-west road servicing all the traffic through Waterdown. In fact.....that alone is a problem that needs immediate attention and remedy. This type of development only compounds the traffic problems of Waterdown. I suspect because we are so removed from the Hamilton per se, that nobody at city council gives a hoot about us except for the exorbitant taxes they enjoy from our area. We are pretty well ignored for anything that can enhance the appearance of our neighbourhoods, or the heavy traffic that we all have to contend with on #5 highway. Services other than garbage pickup is pretty well ignored eg. The broken glass at the library which has been this way for over a year!

Attention to the speed limit on #5, and police presence in town is almost nil.....which leads me to believe that the only reason the rampant development in both the centre of town and the perimeter is a tax grab on the part of the City of Hamilton.

I hope these comments will be taken into consideration and the amendments will NOT go forward

Regards,
[REDACTED]

From: [REDACTED]
To: [Nheiley, Brynn](#); [REDACTED]
Subject: RHOPA-18-20/ZAC-18-045 comments
Date: Monday, September 24, 2018 2:36:00 PM

Brynn Nheiley, Senior Planner

Sept. 24/18

City of Hamilton

Planning and Economic Development Department

Development Planning, Heritage and Design – Rural Team

71 Main Street West, 5th Floor

Hamilton, ON L8P 4Y5

Dear Brynn Nheiley,

Below are comments and concerns relating to RHOPA-18-20/ZAC-18-045

These are the major concerns regarding the above Planning request:

1. This will be a major invasion of privacy. Owners will be able to view many neighbourhood yards and windows, reinforcing Peeping Toms.
2. This is a single family home area.
3. This will present yet another major problem on Highway 5.
4. This will cause major flooding onto/into not only the Scott St. homes, but also down onto the Melissa Crescent homes.
5. Any tree removal will create even more flooding issues, due to the fact that these trees retain some of the moisture around the neighbourhood homes.
6. Removing trees this size causes erosion and environmental damage.
7. Housing in the area will decrease in value due to lower status townhouses.
8. Typically there is never enough parking in townhouse areas, so guest parking will roll over to Scott St. This will create major problems with through traffic, especially if Fire Trucks, Ambulance, or Police are required to drive on Scott St.
9. There will be more traffic on Scott St. and Riley St. This will create grave dangers to children from schools visiting the library, as well as young children visiting the library from neighbourhood homes.
10. Because Waterdown is already frustrating many drivers as they come through town, due to improper road planning, there is already much speeding along Riley and Scott Streets.
11. Many drivers already run through the red lights at Riley and Highway 5. These townhouses will create even MORE problems at this area.

Thank you,

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Nheiley, Brynn](#)
Subject: Waterdown Re-zoning
Date: Wednesday, September 26, 2018 12:07:10 PM

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

RE: RHOPA-18-20/ZAC-18-045

Brynn Nheiley
Senior Planner, City of Hamilton
Planning and Economic Development Department
71 Main St West, 5th Floor
Hamilton, ON, L8P 4Y5

September 26th, 2018

Dear Brynn Nheiley:

We are writing to express our concern with the proposed townhouse development at 173-177 Dundas Street East, Waterdown. Along with many others in our community, we oppose this proposed re-zoning amendment and the proposed townhouse development project.

For some of our neighbours, these multi-residential units will tower above their properties, eliminating privacy and creating serious water runoff issues due to the property's location atop a hill. And for every household in town that uses this section of Dundas Street to travel to work, home, school and shops, this proposed development will create traffic and safety issues along an already very busy section of Dundas St. It is already very difficult to turn onto Dundas St from Bayview Ave, Dennis Ave, McDonald Ct, homes along Dundas St, the library and even Riley St where there are traffic lights.

If this re-zoning application and development are approved, it sets a precedent for future developments along Dundas Street, creating further traffic and safety concerns and will negatively alter the landscape of this residential neighbourhood. Please keep our community safe by rejecting this proposal.

Please keep us updated on the status of this application.

[REDACTED]

Sincerely,



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SEP 20 11 17

September 15, 2018

ATTENTION: Coordinator,

City of Hamilton, Planning Committee

71 Main St. West, First floor,

Hamilton, Ontario, L8P 4Y5

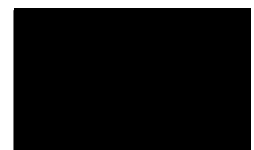
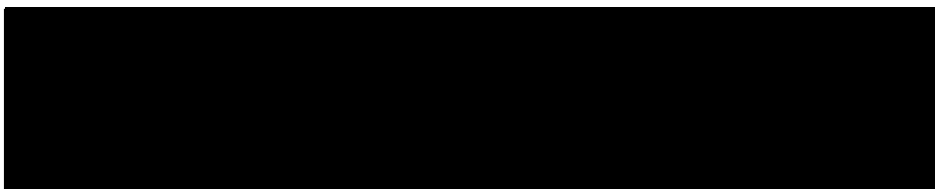
Re: Proposed Townhouse Development at 173-177 Dundas St. East, Waterdown/Flamborough, Ward 15, Ontario. (file # RHOPA-18-20, ZAC-18-045)

We are writing to declare our opposition to the proposed change of zoning and proposed development of the above noted address 173-177 Dundas St. East for the following reasons:

- A) When we purchased our home, it was with the understanding that the area was zoned single family residential.
- B) It will create increased traffic congestion on Dundas Street especially during rush hour.
- C) The development will create safety issues with 53 to 106 cars entering and exiting onto Dundas Street. (allowing for one to two car families.)
- D) The addition to street parking in front/beside existing homes. This impedes the use of parking for existing homes and visitors to those homes when the area is clogged with cars from the proposed development.
- E) Thus, snow removal becomes difficult.
- F) The additional cars, and homes create pollution, both environmental and noise.
- G) The development further impacts the infrastructure. (water, sewers)
- H) The development would cause further congestion to our schools that are already over capacity.
- I) Development would create water run off issues and flooding of existing homes.
- J) This proposed development would create a loss of privacy for all existing homes as multi storey buildings are planned.
- K) Such developing would interfere with the amount of sun received on existing properties, causing the yards to be in shade. This is particularly pertinent to 169 and 181 Dundas St. and IA Riley depending on the time of the day.)

There is also a gross lack of consideration in the development of Waterdown/Flamborough towards seniors who require one floor dwellings. I am not speaking of nursing home seniors but the retiring bracket who are looking for one storey homes. This is apparent in the development in the Waterdown area in the past 10+ years. This lack of planning and consideration for this demographic is of great concern. The use of 173-177 Dundas St. E. is a prime example of this. Here the destruction of two single family dwellings where living on one floor is viable brings wisdom to question. We wish to be notified of the following: a) all changes to the proposal; b) all plans for the proposed site; and c) any and all decisions made by the City of Hamilton regarding this matter.

Sincerely,



RECEIVED
SEP 21 2018

RE: RHOPA-18-20/ZAC-18-045

Brynn Nheiley
Senior Planner, City of Hamilton
Planning and Economic Development Department
71 Main St West, 5th Floor
Hamilton, ON
L8P 4Y5

Thursday September 13, 2018

Dear Ms. Nheiley,

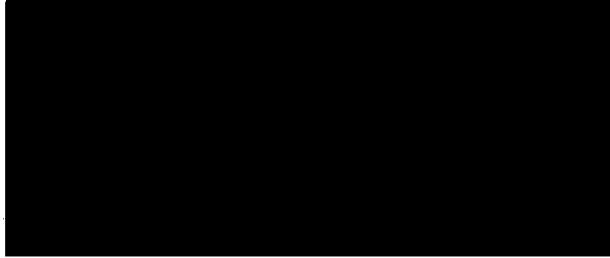
This letter is to express our concerns over the proposed townhouse development at 173-177 Dundas St E in Waterdown.

We are opposed to the re-zoning and opposed to the development proposal for several reasons.

- Although technically a Dundas St location, it is still part of our residential neighbourhood of single family homes. We do not think the density and height of this development is appropriate.
- There are already many traffic problems in Waterdown and this will add to them. The much anticipated Waterdown bypass has been delayed again.
- This particular area of Dundas St is complicated. The presence of a traffic light at Riley helps but when the light is green cars proceed very quickly. Vehicles traveling westbound up over the crest of the hill do not easily see or anticipate what is happening on the other side of the hill. Turning in and out of such a development would be a safety concern for potential residents and all other road users.
- These are yards with beautiful mature trees which everyone enjoys. They are part of the beauty of the area. Residents of such a townhouse development would probably love to have the trees outside their windows too, but of course to accommodate the density the trees will have to come down.
- This area is the crest of a hill. We are concerned about water runoff. How it would affect us at [REDACTED] is hard to say but we already have a lake in front of our driveway whenever it rains and in some weather/seasons, the lake remains for days. We are opposed to additional development in this area that covers permeable yards with impermeable buildings.

- We are concerned for all our neighbours with properties abutting the proposed development in terms of privacy, enjoyment of their properties, and property value. We are concerned it could have a ripple effect to all our property values. We are concerned about setting a precedent for even more development in our neighbourhood.

Sincerely,



Name(s): C
Address: 14

Phone: _____

RE: RHOPA-18-zU/ZAC-18-045

Brynn Nheiley
Senior Planner, City of Hamilton
Planning and Economic Development Department
71 Main St West, 5th Floor
Hamilton, ON, L8P 4Y5

Date: SEPT 19 2018

Dear Brynn Nheiley:

We are writing to express our concern with the proposed townhouse development at 173-177 Dundas Street East, Waterdown. Along with many others in our community, we oppose this proposed re-zoning amendment and the proposed townhouse development project.

For some of our neighbours, these multi-residential units will tower above their properties, eliminating privacy and creating serious water runoff issues due to the property's location atop a hill. And for every household in town that uses this section of Dundas Street to travel to work, home, school and shops, this proposed development will create traffic and safety issues along an already very busy section of Dundas St. It is already very difficult to turn onto Dundas St from Bayview Ave, Dennis Ave, McDonald Ct, homes along Dundas St, the library and even Riley St where there are traffic lights.

If this re-zoning application and development are approved, it sets a precedent for future developments along Dundas Street, creating further traffic and safety concerns and will negatively alter the landscape of this residential neighbourhood. Please keep our community safe by rejecting this proposal.

Please keep us updated on the status of this application.

Sincerely,

Name(s) 

Name(s):

Address: _

-

-

Phone: ___

RE: RHOPA-18-20/ZAC-18-045

Brynn Nheiley
Senior Planner, City of Hamilton
Planning and Economic Development Department
71 Main St West, 5th Floor
Hamilton, ON, L8P 4Y5

Date: SEP 7 19 2018

Dear Brynn Nheiley:

We are writing to express our concern with the proposed townhouse development at 173-177 Dundas Street East, Waterdown. Along with many others in our community, we oppose this proposed re-zoning amendment and the proposed townhouse development project.

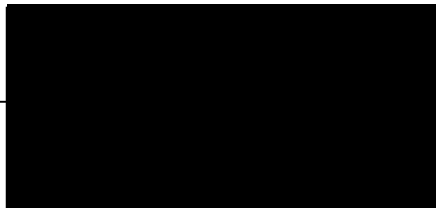
For some of our neighbours, these multi-residential units will tower above their properties, eliminating privacy and creating serious water runoff issues due to the property's location atop a hill. And for every household in town that uses this section of Dundas Street to travel to work, home, school and shops, this proposed development will create traffic and safety issues along an already very busy section of Dundas St. It is already very difficult to turn onto Dundas St from Bayview Ave, Dennis Ave, McDonald Ct, homes along Dundas St, the library and even Riley St where there are traffic lights.

If this re-zoning application and development are approved, it sets a precedent for future developments along Dundas Street, creating further traffic and safety concerns and will negatively alter the landscape of this residential neighbourhood. Please keep our community safe by rejecting this proposal.

Please keep us updated on the status of this application.

Sincerely,

Name(s):



SEP 24 2018

September 19, 2018

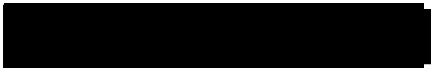
Brynn Nheiley,
Senior Planner, City of Hamilton.

Ms. Nheiley

We are adding our names to this petition to stop the proposed development at Dundas and Riley St's in Waterdown. We are very familiar with this already congested area and can see no justification for changing a environmentally friendly existing zoning regulation.

Waterdown is blessed with large tracts of land suitable for the development of future housing projects that can, with proper planning, include the multi story town house units. Plunking this type of housing into an existing residential community is an act of disrespect to the residents in the area.

Here's hoping the new Local Planning Appeal Tribunal (LPAT) has the where-with-all to stand up to the developers and consider the wishes of the home owners and municipal governance and not fall into the same colluded trap as the previous Ontario Municipal Board (OMB).



SEP 24 2018

From: [REDACTED]

Re.: RHOPA-18-20 /ZAC-18-045.

To: Brynn Nheiley, Senior Planner,
City of Hamilton Planning and Economic Development Department,
Development Planning, Heritage and Design – Rural Team.

Dear Brynn Nheiley:

I can not express strongly enough my utter dismay at receiving the notice of applications referred to in the above mentioned file.

To me it is utterly unacceptable to think that after 37 years in our home, my wife and I are going to have to wake up every day with some some kind of structure looming over our yard, giving strangers direct view into our property, resulting in loss of privacy, and potentially causing major damage to our back gardens by substantially changing sunlight patterns.

If by-laws have to be changed to permit destruction of perfectly viable homes to allow building what is currently not allowed for obvious reasons, and if those laws can be changed, then it becomes clear that those of us who live adjacent to the properties in question, are completely at the mercy of certain individuals "chasing the almighty dollar"!

Changing the laws will not obviate or cause to disappear, those very important reasons why large housing projects are currently not allowed on the subject properties.

In addition to the huge question of safety created by the introduction of dozens more vehicles entering and exiting this site on to a very busy roadway near a clearly dangerous intersection, the contemplated construction raises many other major issues, as outlined briefly below.

It will involve:

- destruction of perfectly viable homes, and several mature trees;
- loss of shade to homes that will have to depend more on air-conditioning on hot days;
- loss of the wind breaking effect of those trees;
- changes in sunlight patterns affecting our gardens;
- increased home-owner expense for adjacent properties;
- the question of grade differential – our homes are significantly below the elevation of Dundas St., and of the backyards of the subject properties;
- massive re-grading of the sloping properties, with potential for damaging the adjacent part of our properties- (destroying trees and plants?)
- potential for water runoff destructive to our gardens and yards, raising the possibility of flooded basements;
- lowered property values suffered by surrounding properties - (Key question – will we see a reduction in property taxes?)
- dealing with an already very busy Dundas St. intersection at Riley, requiring extreme caution as

- it is at the peak of three slopes;
- increased traffic on McDonald Ct. and Scott St., which has 40 km./hr. speed limit that is rarely obeyed now!;
- increased congestion on neighbouring streets with families with small children, as visitors and others seek parking not available on the subject property;
- increased noise, pollution and attendant unpleasantness from multiple units in an area where there is currently one.

Additional questions need answers, questions that in no way indicate any kind of approval on our part :

- How many units are contemplated?
- What kind of retaining wall will have to be built to level the properties?
- What assurances will we have that our fences and properties will not see any deleterious effects?
- Who will be responsible for any damage done?
- Who will ensure that we neighbours will have the full force of law to effect repairs of damages caused by construction?
- What is the anticipated process for these applications to make their way through the system?
- What kind of precedent would this set...what prevents another person from doing the same thing on my street?

I realize that not all questions can be answered at this time, but am asking so that there is a record of my concerns.

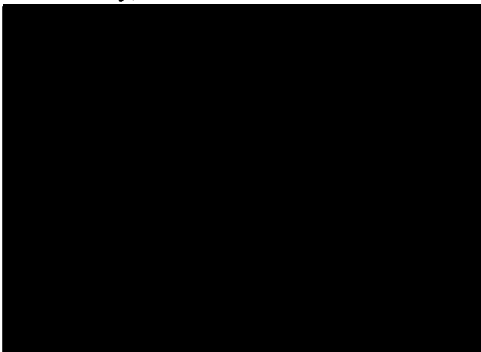
Amending current by-laws to allow this project to go ahead would be, in my opinion, unacceptable from so many points of view.

It would be so wrong... morally, environmentally, safety-wise, economically for the neighbours.

I am adamantly against this application.

I am requesting to be kept informed of the status of this application as the process unfolds, and to be allowed to speak at whatever meetings ensue in the process.

Sincerely,



September 19, 2018

Brynn Nheiley, Senior Planner, City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design – Rural Team
71 Main Street West, 5th Floor,
Hamilton, ON
L8P 4Y5

FILE(S): RHOPA-18-20, ZAC-18-045

Dear Mr Nheiley & Other Parties to Whom This May Pertain:

RE: NOTICE OF COMPLETE APPLICATION(S) AND PRELIMINARY CIRCULATION FOR APPLICATION(S) BY MHBC PLANNING, C/O OZ KEMAL FOR A RURAL HAMILTON OFFICIAL PLAN AMENDMENT AND ZONING BY-LAW AMENDMENT FOR LANDS LOCATED AT 173-177 DUNDAS STREET EAST, FLAMBOROUGH (WARD 15)

First of all, I would like to express as a resident that has lived at [REDACTED] in Waterdown for 37 years **my utter dismay, disappointment and disgust regarding the above application.** When my husband and myself purchased this property, Scott and Dundas Streets were **zoned residential.** It has **been a peaceful and quiet neighbourhood. We would very much like it to remain so.**

It baffles me that 2 houses are allowed to be torn down and re-zoning would be allowed. Why not instead build 4 houses and and keep the residential zoning and allow the neighbourhood to keep its peacefulness and privacy? **I suppose it is all in the aid of more tax dollars no matter what??**

Below, I have listed my reasons for not wanting the above subject reference to be approved:

1) **PRIVACY ISSUES & PROPERTY ELEVATION DIFFERENTIAL**

The properties on Dundas Street are already at a much higher elevation backing onto the properties on Scott Street. **At least an elevation of 10 feet or higher because the Dundas properties (173 – 177) are higher at street level and slope down to the Scott Street backyard property lines.** The application is to allow street and block townhouses with a density of 53 units per net residential hectare. We have found out that the application is for approximately 18 townhomes. The total size properties 173 – 177 is about .36 hectare. With the properties already at a much higher elevation on Dundas Street, you can imagine the concern regarding privacy with buildings towering over us. Right now the backyards are very quiet and peaceful. And we get many singing birds in our yards. Are we now going to be looking into each others bedrooms and bathrooms? People will be peering down into our once quiet and peaceful backyard. They will be peering down into our kitchens. It will feel like a fish bowl. A very uncomfortable feeling!! We will experience a much higher noise level. **How is the developer going to ensure our privacy and peacefulness?**

PAGE 2

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2) FLOODING FROM WATER RUNOFF

As stated, the properties located at 173 – 177 Dundas Street East are at a much higher elevation to properties on Scott Street (& certainly at a much higher elevation for Scott Street properties 18, 14, 10, and 6) and the intended townhomes will be directly behind these properties. The properties on Dundas Street are sloping downward to the backyards on Scott Street. There are homes on Scott Street that have experienced flooding from the water runoff above us. Some Scott Street property owners in the past have had flooding in their basements. The development of all these townhomes are now going to contribute greatly to this issue?? **The construction and development of these properties will be of such excellence that they will guarantee no water flooding problems???** **No basement flooding on Scott Street??**

If there are townhomes allowed to be built with an asphalt parking lot, the runoff will increase. In the winter time, the runoff flows down towards our houses and between the houses. When it is a heavy runoff in cold winter weather, ice forms along the walkway on the side of the house, down the driveway and onto the Scott Street sidewalk making it very dangerous for pedestrians. You then have to dose the driveway and sidewalk heavily with ice melter.

3) PROPERTY VALUES & FAIRNESS

Another **BIG ISSUE** for this neighbourhood **will be our property values.** A check was done with a local realtor, and the estimate for drop in property value is 10+ percent. I would say my house would sell for at least \$750,000. 10% is \$75,000 lower. That starts to make the Scott Street property owners behind the proposed townhome development even more concerned and upset. **Is the City of Hamilton going to make up the loss in the property values? Not likely. We will be left to hang out and dry.**

My uneasy feelings are the realtor is correct & our property values will go down considerably due to the privacy issues; the elevation of the townhomes behind us; the number of townhomes; how close the buildings will be to the Scott Street backyard property lines; worry about potential flooding of backyards and basements due to the elevation differential; loss of a quiet and peaceful neighbourhood, more traffic congestion; higher noise level.

Is this considered fair that people move into a zoned residential neighbourhood of **single-family detached dwellings** and to now expect that single-family detached homes should be allowed to be torn down and an approved amendment go through to replace the single-family detached homes with townhomes/condos and thus have the potential to affect our property values to the downside. It is not as if we moved into a neighbourhood of mixed development because we chose to do so. We moved into a neighbourhood zoned residential for single-family detached homes and expected it to remain so. Some newer house owners in the neighbourhood have done extensive renovations and purchased their homes at a higher market price, and now suddenly they are about to lose equity in their home.

PAGE 3

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3) PROPERTY VALUES & FAIRNESS (CONT'D)

Retirees such as myself and my husband, who are depending on our investment in our home to increase over the years and perhaps is money we will need in future years to move into a retirement home, do not want to hear that we will lose a value of \$75,000.

This is not fair and not reasonable to expect us to be very happy about this situation. The City of Hamilton and the ALPAT should for once back the concerns of a neighbourhood and not approve this re-zoning amendment for townhouses Build 4 single homes instead. We are looking to be treated fairly and with respect for our concerns. We may be the little guy in this situation, but the little guy needs to have a win once in a while and not to be continually turned down! The people fighting the Cannon Nursery sale to not allow the building of condos/townhomes on the Cannon Nursery property lost that battle. Must the people in Waterdown lose every battle with no support from our City Hall and the planners!! No support from ALPAT. An opportunistic person/developer buys 2 properties on Dundas Street East that never had "for sale" signs nor "sold signs", sideswipes the neighbourhood with his big plans to build townhouse units. And the neighbourhood should be okay with that??

4) TRAFFIC DENSITY/CONGESTION/SAFETY & PARKING

With the increase in the number of people and vehicles, we are now adding to the congestion being experienced on Dundas Street East. I am retired now, but coming home six years ago from the office, traffic on Dundas Street East coming into Waterdown from the direction of Burlington was backed up already at Evans Road. It tested one's patience every work day to make it from Evans Road to Mill Street. I can't imagine what the traffic congestion is like now and is going to be like in the near future.

There are people that leave the Waterdown Municipal Building/Seniors' Centre/Library turning right onto Dundas Street East, right onto McDonald Street, right onto Scott Street and then turn right onto Riley Street just so they can make a left turn onto Dundas Street East at the traffic light. There are a number of kids that live in the neighbourhood and those numbers are increasing, we don't need more traffic pulling the same stunt. Also, more traffic leads to more noise and pollution. And as it is now, we seem to have acquired overflow parking from tenants on Dundas Street coming onto our street with their extra vehicles and/or visitor's vehicles. Parking is happening on the north side of Scott Street pretty close to the Riley Street corner. How is this good for vehicles turning at this corner. And this does not seem to bother the people doing this parking. The extra parking occurs on Riley, Melissa, and McDonald Streets as well.

PAGE 4

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5) FACE OF THE NEIGHBOURHOOD & BEYOND

The landscape of our residential neighbourhood will now be greatly changed with approval of this application for amendment to allow townhouses to be built in the place of single family dwellings and approval of this re-zoning application will be setting even more of a precedent than has already been occurring along Dundas Street East.

City of Hamilton or ALPAT has allowed for the development of quite a number of townhomes on Dundas Street East and other streets, and they are being built like there is no tomorrow:

- 1) Between Perelli Street and Riley Street, immediately east of the Dairy Queen, Dawn Victoria is in the process of building several townhomes/condos. Travelling east on Dundas Street from Riley Street, you can barely notice the Dairy Queen sign for all the townhomes/condos.
- 2) Travelling east from Riley Street towards Perelli Street on the north side of Dundas Street East, the first set of townhomes/condos are the Bohemian Units built by Brant Haven, 3 blocks deep.
- 3) There are condos on the south side at the corner of Dundas Street and Hamilton Street which is the old Waterdown High School that got converted to Condos.
- 4) Another several condos/townhomes have been built on Barton Street between Hamilton Street and Flamboro Street. The church on the corner of Barton and Flamboro St was converted to condos. On the corner of Hamilton & Barton Streets, Chelton Homes is **building 96 units**.

Barton Street is 1 block south of Dundas Street. All of this will add much more to the traffic congestion on Dundas Street East/Hwy #5.

- 5) There are townhomes/condos built on the north side of Dundas Street East between Spring Creek and Avonsyde.
- 6) There are condos/townhome units to be built on the site where Cannon Nursery existed, corner of Dundas Street East and First Street.
- 7) There are several townhomes/condos built on the south side of Dundas Street East between Howlandmills Street and McDonald Street.
- 8) There are townhomes/condos built on the north side of Dundas Street East between Spring Creek and Avonsyde.

PAGE 5

RE: NOTICE OF COMPLETE APPLICATION(S) AND PRELIMINARY CIRCULATION FOR APPLICATION(S) BY MHBC PLANNING, C/O OZ KEMAL FOR A RURAL HAMILTON OFFICIAL PLAN AMENDMENT AND ZONING BY-LAW AMENDMENT FOR LANDS LOCATED AT 173-177 DUNDAS STREET EAST, FLAMBOROUGH (WARD 15)

5) FACE OF THE NEIGHBOURHOOD & BEYOND (CONT'D)

- 9) All the above townhomes built on Dundas Street East appear to be 3 stories high. With the property elevation difference between Scott Street (being the lower land elevation properties) and Dundas Street (being the higher land elevation properties), can you imagine how high they will tower over us if they are 3 stories high. Even if they are 2 stories high. Right now, from my patio I can see the roof top and the upper floor for property 177. The property is closer to the street. Can you imagine the townhomes closer to the Scott Street property lines.
- 10) The one thing the townhome/condo properties mentioned above re items numbered 1 to 8, **they do not have the land elevation differential to their surrounding buildings and properties.**

If you approve this latest group of townhomes on Dundas Street East behind our properties on Scott Street in Waterdown; Dundas Street East will look even more like the jungle of brick and concrete that you are letting it become. **An alleyway of townhomes and condos so to speak. Waterdown Village is fast losing its charm, and I am pretty sure, all in the name of more tax dollars. For the developer, all in the name of big bucks, residential neighbourhood be dammed.** Have the decency to slow it down and preserve what is left of this section of Dundas Street East. If you must allow new building on Dundas Street East properties 173 – 177, can we not just have 4 single-family dwellings maximum built instead of townhomes. How do blocks of townhouses fit into this type of neighbourhood setting?

6) VEHICLE ACCIDENTS ON HWY 403

If there is a traffic accident on Highway 403, and people are coming from Toronto to get home to Hamilton, they detour onto Walkers Line or Guelph Line or Brant Street and then onto Dundas Street; or get onto Parkside by travelling north on Guelph Line and crossing Dundas Street and continuing north on Guelph Line to Side Road 1 and eventually to Parkside, and then onto the side streets leading onto Dundas Street. I can understand that people naturally want to get home, they have had a long day at the office. But this just adds to our traffic congestion on the side streets in Waterdown and of course then onto Dundas Street. Remember, the neighbourhood now has more kids living in the homes on these side streets, and safety is an issue. We need to have considerate forethought into the planning of the many developments going on along Dundas Street as well as the rest of Waterdown.

PAGE 6

RE: NOTICE OF COMPLETE APPLICATION(S) AND PRELIMINARY CIRCULATION FOR APPLICATION(S) BY MHBC PLANNING, C/O OZ KEMAL FOR A RURAL HAMILTON OFFICIAL PLAN AMENDMENT AND ZONING BY-LAW AMENDMENT FOR LANDS LOCATED AT 173-177 DUNDAS STREET EAST, FLAMBOROUGH (WARD 15)

7) SAFETY ISSUE

If the townhomes are approved to be built, there will now be more traffic on Dundas Street East at the time in the morning when kids are crossing Dundas Street East from the south side to the north side making their way to school. This could also occur at the time in the afternoon when kids are returning home from school.

8) TREES

There are very old trees on the Dundas Street East properties (173 - 177). It will be again affecting our gardens, the shading of our backyards as well, and again our privacy. It will be affecting the environment which is important as well.

Is the developer just going to be allowed to tear down all the mature trees? Some of the trees are close to the Scott Street backyard property lines. One of the trees on property 177 is over 100 years old and is close to the backyard property lines of some of the houses on Scott Street. I imagine the roots are quite extensive, and probably the roots of some of the other mature trees on the properties are quite extensive. What happens if the mature trees are allowed to come down and they are pretty close to the property lines of the Scott Street properties? Will the excavating end up causing property damage to our fences, and to our plants in our gardens? Will there be sinking of the ground at the backyard property lines? We at [REDACTED] have a terraced backyard with a number of plantings that were expensive and come fairly close to the property line backing onto the 177 Dundas Street East property. We have taken good care of these plants for many years. **Can we expect to have damage and are we going to be compensated? Will we be chasing people for compensation?**

Another fallout from this is we will lose the birds singing in the trees in our backyards. Right now we can sit out in our backyards, enjoy the peace and quiet, listen to the singing birds, and just take in the nature that surrounds us. How are we supposed to now be expected to have buildings towering over us? The townhouses really do not fit in this residential neighbourhood.

PAGE 7

RE: NOTICE OF COMPLETE APPLICATION(S) AND PRELIMINARY CIRCULATION FOR APPLICATION(S) BY MHBC PLANNING, C/O OZ KEMAL FOR A RURAL HAMILTON OFFICIAL PLAN AMENDMENT AND ZONING BY-LAW AMENDMENT FOR LANDS LOCATED AT 173-177 DUNDAS STREET EAST, FLAMBOROUGH (WARD 15)

9) MHBC PLANNING AND OZ KEMAL

Questions - Who or what is MHBC Planning? Who or what is OZ Kemal?

10) MY ATTITUDE

Just another opportunistic developer seeing a chance to make big bucks at the expense of the neighbourhood and what does he care what we think or feel. This will be more tax dollars to be obtained by the City of Hamilton. City of Hamilton and ALPAT get to play gods and have the final word. In fact, in light of all the other approved building on Dundas Street East, one gets a hopeless feeling of you cannot win, but one has to try because it is just not right nor fair.

I sincerely hope that the City of Hamilton and ALPAT will not consider us just another group of residents to be brushed aside. Perhaps for ALPAT, we are just a group of residents in a town/city somewhere in Ontario. They do not know our neighbourhood or us personally. They have not been in our backyards and will not see our backyards from our point of view. However, we are the tax payers who probably pay the ALPAT salaries and are looking for fair justice and consideration in this matter.

I do have to say that many people are advising us that it is a losing battle in these situations, and that the city and ALPAT will just re-zone no matter what, and put the amendment through.

COMMENT

I am glad the developer has agreed to meet with us at the next public meeting in November 2018. I would like to ask him to give one good reason why he thinks this neighbourhood should like the idea of townhomes being built and towering over their properties. I cannot think of one! If it comes to a judge making the decision, hope he is not friends with the developer. Sorry, but that is how one starts to feel.

REQUEST

[REDACTED] would like to be added as a party to the hearing of an appeal that goes before the Ontario Municipal Board. We would like to be notified of the date for the public meeting in this matter. Also it would be good for the [REDACTED] to arrange backyard visits.

Respectfully,

[REDACTED]

Baldassarra, Alaina

Hi there, here is a letter regarding some developments in town. Can you help with this?

We are writing to express our concern with the proposed townhouse development at 173-177 Dundas Street East, Waterdown. Along with many others in our community, we oppose this proposed re-zoning amendment and the proposed townhouse development project.

For some of our neighbours, these multi-residential units will tower above their properties, eliminating privacy and creating serious water runoff issues due to the property's location atop a hill. And for every household in town that uses this section of Dundas Street to travel to work, home, school and shops, this proposed development will create traffic and safety issues along an already very busy section of Dundas St. It is already very difficult to turn onto Dundas St from Bayview Ave, Dennis Ave, McDonald Ct, homes along Dundas St, the library and even Riley St where there are traffic lights.

If this re-zoning application and development are approved, it sets a precedent for future developments along Dundas Street, creating further traffic and safety concerns and will negatively alter the landscape of this residential neighbourhood. Please keep our community safe by rejecting this proposal.

Please keep us updated on the status of this application.

Name(s): [REDACTED]

Address:

Phone: __

RE: RHOPA-18-20/ZAC-18-045

Brynn Nheiley
Senior Planner, City of Hamilton
Planning and Economic Development Department
71 Main St West, 5th Floor
Hamilton, ON, L8P 4Y5

Date: Sept 17, 2018 ____

Dear Brynn Nheiley:

We are writing to express our concern with the proposed townhouse development at 173-177 Dundas Street East, Waterdown. Along with many others in our community, we oppose this proposed re-zoning amendment and the proposed townhouse development project.

For some of our neighbours, these multi-residential units will tower above their properties, eliminating privacy and creating serious water runoff issues due to the property's location atop a hill. And for every household in town that uses this section of Dundas Street to travel to work, home, school and shops, this proposed development will create traffic and safety issues along an already very busy section of Dundas St. It is already very difficult to turn onto Dundas St from Bayview Ave, Dennis Ave, McDonald Ct, homes along Dundas St, the library and even Riley St where there are traffic lights.

If this re-zoning application and development are approved, it sets a precedent for future developments along Dundas Street, creating further traffic and safety concerns and will negatively alter the landscape of this residential neighbourhood. Please keep our community safe by rejecting this proposal.

Please keep us updated on the status of this application.

Sincerely,

Name(s): [REDACTED]

Nheiley, Brynn

From:
Sent:
To:
Subject:

Re RHOPA-18-20 / ZAC-18-045

This is to express opposition to the proposed bylaw zoning change to allow construction of a number of townhouse units on what are currently single home residential lots at 173 - 177 Dundas Street East.

In addition to the obvious inappropriate proposed building construction between remaining houses which will significantly alter to feel of the neighbourhood, the land structure has potential for serious water runoff which will further impact problems, which already occur to the houses on Scott Street, and may expand further North onto Melissa Crescent.

Another issue concerns traffic problems. Since the opening of the new library, Scott Street is at times already being used for overflow parking. Also current tenants are parking on Riley close to the junction with Dundas Street, thus causing potential hazards on the blind hill. Drivers frequently run the red traffic lights across Dundas Street causing a dangerous situation for traffic attempting to turn East (and possibly West) from Riley. This is compounded in the winter when there are snow banks on the North east corner of the junction causing vision to be obscured from traffic traveling West on Dundas Street. All of this would be compounded by the development of a town house complex close to this area.

Please do not make my personal information available to the general public.

Sincerely

Nheiley, Brynn

From:
Sent:
To:
Subject:

Brynn Nheiley, Senior Planner

Sept. 24/18

City of Hamilton

Planning and Economic Development Department

Development Planning, Heritage and Design – Rural Team

71 Main Street West, 5th Floor

Hamilton, ON L8P 4Y5

Dear Brynn Nheiley,

Below are comments and concerns relating to RHOPA-18-20/ZAC-18-045

These are the major concerns regarding the above Planning request:

1. This will be a major invasion of privacy. Owners will be able to view many neighbourhood yards and windows, reinforcing Peeping Toms.
2. This is a single family home area.
3. This will present yet another major problem on Highway 5.
4. This will cause major flooding onto/into not only the Scott St. homes, but also down onto the Melissa Crescent homes.
5. Any tree removal will create even more flooding issues, due to the fact that these trees retain some of the moisture around the neighbourhood homes.
6. Removing trees this size causes erosion and environmental damage.
7. Housing in the area will decrease in value due to lower status townhouses.
8. Typically there is never enough parking in townhouse areas, so guest parking will roll over to Scott St. This will create major problems with through traffic, especially if Fire Trucks, Ambulance, or Police are required to drive on Scott St.
9. There will be more traffic on Scott St. and Riley St. This will create grave dangers to children from schools visiting the library, as well as young children visiting the library from neighbourhood homes.
10. Because Waterdown is already frustrating many drivers as they come through town, due to improper road planning, there is already much speeding along Riley and Scott Streets.
11. Many drivers already run through the red lights at Riley and Highway 5. These townhouses will create even MORE problems at this area.

Thank you,



Nheiley, Brynn

From:
Sent:
To:
Cc:
Subject: Letter of Concern RE: RHOPA-18-20, ZAC-18-045
Importance: High

Attn: Brynn Nheiley, Senior Planner, City of Hamilton

RE: File:RHOPA-18-20, ZAC-18-045

We are in receipt of the notice dated August 27, 2018 regarding the Application for Proposed Re-zoning By-law Amendment and Proposed Townhouse Development at 173-177 Dundas Street East in Waterdown.

My family resides at [redacted] in Waterdown, our property backs onto 173-177 Dundas Street East. As you can see from looking at the location map provided on the back of the notice we are one of the multiple properties that surround the perimeter of the proposed development property lot. We are writing to express our concerns for the information expressed within the letter as well as advise of our opposition to the proposal as it stands now.

Based on our understanding of the information outlined in the letter we have come to realize that there are some glaringly obvious issues as well as some significant secondary issues that will be of major concern should the proposals proceed. Since we are land owners who share a property line with 177 Dundas Street East we have found the following issues which we would like to bring to your attention:

Water Run Off - due to the grading of 177 Dundas Street East heading downwards to our property on [redacted] we have experienced significant water runoff and consequent flooding in our yard during seasonal spring melts and heavy multi-season downpours. These floods have occurred at a minimum of 4 times per year and upwards to 8 times per year in recent years. Just last spring the water level in our back yard was so high that we were very concerned about flooding/drainage into our basement foundation leading us to require a submergible pump which pumped out thousands of litres of water off and on over a few days. Just yesterday (September 25th, 2018) we experienced a rainfall overnight which left our yard drenched and spongy with some water pooling in the lowest laying areas. We are concerned that the proposed building of 18/19 townhomes on the Dundas Street lots will decrease drainage by reducing soil and grass covered land with homes and driveways. Also we understand that in order to build said townhomes the land at 173-177 Dundas Street East will need to be leveled further adding to the dramatic drop in grading between their lots and ours. This difference in grading will also cause secondary run off moving down Melissa Court towards the creek therefore affecting additional properties.

Privacy - it is obvious that we will lose the privacy which we so value in our backyard. With the proposed townhomes built on such a high grade difference we will have many residences towering over our yard. The removal of mature trees including the 100+ year old tree located behind our property will also effect the privacy issue severely.

Traffic/Safety - as you might be aware Dundas Street East is a very busy and at times congested area of Waterdown. During rush hour is it almost always stop and go traffic. Adding a entrance driveway to a multi unit townhome complex will add to and create additional concerns for that area.

Decrease in Property Values - we have consulted with two unbiased real estate agents who have both come to our home to assess the property and the proposed development properties. Both agents have advised us to expect a decrease in our property value anywhere from 5-10% should the proposal be granted. This translates to a loss of anywhere from \$40,000 upwards to \$80,000. This property value decrease would then extend in varying amounts throughout the entire neighbourhood.

Additional issues we have considered are increased noise and pollution, loss of mature trees, and parking/traffic overflow onto side streets.

Our neighbourhood consists of an area that has been zoned for single family detached homes. We purchased our residence in 2012 specifically with that in mind as we appreciate the privacy that this type of area provides. If the proposal was approved it would change the landscape of our coveted quiet and private family oriented neighbourhood.

In conclusion, we have given this notice very through consideration and have presented our comments for your review. We ask that you please keep us updated with respects to both proposals outlined in the letter dated August 27, 2018 and notify us of any upcoming public meetings with respect to the same.

We ask that you kindly respond to confirm your receipt of our letter.

Regards,



Brynn Nheiley
Sr Planner, City of Hamilton
Planning & Economic Development Dept.
71 Main Street West, 5th Floor
Hamilton, ON, L8P 4Y5

RE: RHOPA-18-20/ZAC-18-045

September 25, 2018

Dear Ms. Nheiley,

We were devastated to learn that there is an application before the City of Hamilton to re-zone and build multiple townhouses at the properties adjacent to our home. Our home – [REDACTED] –backs directly onto this proposed development site (our lot is highlighted in orange on the attached site map. As you can see, the full width of our backyard faces onto the mid-to-lower portions of 177 Dundas Street E). We feel that we, along with our neighbours at 6-18 Scott Street, we be the most impacted by this proposed development and therefore are vehemently opposed to this proposed re-zoning and development project.

One of our main concerns our loss of privacy. We bought our home because of the positioning of the lot and its park-like and peaceful setting looking onto green space and beautiful tall mature trees. There were many things we liked about the house when we bought it in 2005, but the main deciding factor was the beautiful view which we can enjoy from the windows in our master bedroom, living room, kitchen, son's bedroom, and basement playroom, as well as our deck. Our seven-year-old son loves to play in the yard, especially in his playhouse. He said he will no longer feel comfortable and safe playing in our yard if this development is approved because there will be several strangers mere feet from our fence who will be able to see into our yard (see attached letter from [REDACTED]). We will not only lose privacy in our yard, but also in our home. As noted above, our bedroom, living room, kitchen, child's bedroom and playroom all face west directly out onto the mid-to-lower portion of the yard at 177 Dundas St E. We will certainly lose privacy in those sections of our home where we spend the majority of our time, if these townhouse units are built on that lot. We didn't buy a home backing onto a commercial lot, vacant field or high density housing. We bought one backing onto other single-family detached homes in a neighbourhood zoned for single-family detached homes – is it not unreasonable to expect that it will remain that way?

Another major concern is traffic safety. The Riley/Dundas St intersection is already very busy and plagued with volume and speed issues. It is very difficult to turn off of side streets on the north and south sides of Dundas St as well as the library. Riley Street is located at the crest of a hill, and it is difficult to see vehicles approaching the intersection from the East until they are pretty much at the intersection. This is also true for the driveways at the proposed development site. In winter, the large snowbanks along the sidewalks compound this issue when they further obscure the view of vehicles traveling west on Dundas Street approaching Riley Street. At rush hour (and often other times of day as well), the left turn lane to turn north onto Riley Street is backed up several cars deep and stretching well beyond Bayview Ave preventing anyone from entering the shared turning lane to turn south on Bayview. Adding 18 units (and the corresponding 1-2 vehicles per household) to this already busy stretch of Dundas St would only compound traffic issues and possibly lead to accidents.

This is also the main pedestrian route for many in the extended neighbourhood to walk to the library (P-1 on the planning map). We often walk there with our child and believe that adding a driveway offering access in and out of this development to 18 households (and the corresponding 1-2 vehicles per household) will create a safety issue for anyone who walks this route to visit the library, particularly children, the elderly and cyclists. There are also dozens of children and teens who walk and bike along this portion of Dundas Street to get to Guy Brown Elementary School and Waterdown District High School, as well as those who walk or bike to the plazas in either direction.

Along with traffic, we are also concerned about parking. We don't wish to see the grass and trees behind us paved and turned into parking lots, and we are also concerned about overflow parking from the development. If there isn't sufficient parking available for residents and visitors of this development, they will park on side streets such as Riley, Scott and McDonald. Street parking at the upper portion of Riley (in front of our home) creates a bottleneck at busy times of the day, preventing people from using both left and right turn lanes and backing traffic up well down the street. It also prevents the snow removal and waste management crews from efficiently and effectively performing their jobs.

Another huge concern for us is the potential water runoff issue. The properties at 173-177 Dundas St E sit atop a hill that slopes until it reaches the creek (just prior to Braeheid Dr). We estimate, that, at the midpoint of our yard, we sit approximately seven or more feet below the house at 177 Dundas Street. The slope continues through the extent of our yard and there's another large drop in the yards of our neighbours homes on Scott Street. Even with the extensive surface area of grass, trees, shrubs and flowers in the yard at 177 Dundas St E, we still have wet/unusable sections of the lowest point of our yard during the spring thaw and rainfall. Removing all or most of the greenspace at this property and replacing it with high density housing and parking lots will certainly exacerbate this issue for us and many others in the neighbourhood, especially those on Scott St and Melissa Cres.

We have also consulted with two area realtors who have both stated that our property value will decrease by 5-10% if this development proceeds, due to the drastic change in the view from our home as well as the close proximity to high density housing. They said our home would also be much more difficult to sell if this project proceeds.

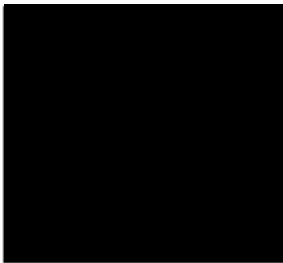
This high-density, multi-residential plan does not conform to the existing neighbourhood of single-family detached homes on mid-to-large lots. In fact, in 2014 an application (ZAR-14-013) to sever one lot at 12 McDonald Court and build two single detached homes was denied due to the smaller lot size not keeping in character with the neighbourhood. If two homes on ¼ acre lots (just 300 metres away from this proposed development) was considered too high in density for the neighbourhood, then surely the density of this proposed development (18 units on just under 1 acre) is much too high and doesn't conform with the existing neighbourhood. Approving this application will set a precedent for anyone with an oversized lot to tear down single-detached homes and replace them with high-density housing, completely and permanently altering the look and feel of our neighbourhood.

And finally, from an environmental perspective, this development will result in the loss of several mature trees (including one maple that is estimated to be approximately 100 years old), grass and plants. The trees cleanse the air, provide shade and are home to a variety wildlife and birds. This will change drastically if they are removed to make way for concrete, asphalt and cars.

I invite you to please come to our house to see the vantage point of this development first-hand from our yard prior to making any recommendations. Our view, the elevation/steepness of the property and the blind hill and traffic concerns aren't things that anyone can accurately assess just by reading documents or looking at a site plan or map. Please call or email at your earliest convenience to set up a time to visit and see first-hand all of the reasons why we believe this application should be denied.

Thank you for the opportunity to provide our input.

Sincerely,



September 25 2018

To Miss Nheiley

PLEASE DON'T LET THEM BUILD
TOWN HOUSES RIGHT BY MY
BACK YARD. I WON'T WANT TO
PLAY IN MY YARD WITH LOTS OF
STRANGERS LOOKING AT ME.

DUNDAS IS ALWAYS TOO
BUSY THANK YOU

Oliver

P.S. IT WOULD NOT BE VERY
NICE TO CUT DOWN THE TREES.



RE: RHOPA-18-20/ZAC-18-045

Brynn Nheiley
Senior Planner, City of Hamilton
Planning and Economic Development Department
71 Main St West, 5th Floor
Hamilton, ON, L8P 4Y5

September 24, 2018

Dear Brynn Nheiley:

We are writing to express our concern with the proposed townhouse development at 173-177 Dundas Street East, Waterdown. Along with many others in our community, we vehemently oppose this proposed re-zoning amendment and the proposed townhouse development project.

For some of our closest neighbours, these multi-residential units will tower above their properties, eliminating privacy and creating serious water runoff issues due to the property's location atop a hill. There is already a drastic change in elevation from the crest of the hill at Dundas Street to the creek at the bottom of Melissa Crescent and the significant change to the ground flow that these units would create will only add to the problem. For every household in town that uses this section of Dundas Street to travel to work, home, school and shops, this proposed development will create traffic and safety issues along an already very busy section of Dundas St. It is already very difficult to turn onto Dundas St from Bayview Ave, Dennis Ave, McDonald Ct, and from the homes along Dundas St, from the library and even Riley St where there are traffic lights. The intersection of Riley and Dundas is already dangerous, even with a set of lights, because it is at the crest of a blind hill AND motorists routinely run the red light as though it does not even exist to begin with. We ourselves, who live in the neighbourhood, have witnessed and almost been in accidents at this stop light because of reckless and thoughtless drivers. Adding the density that is proposed will also create parking issues on our already busy streets, side streets and at the library because visitors to the property will have limited parking available to them.

If this re-zoning application and development are approved, it sets a precedent for future developments along Dundas Street, creating further traffic and safety concerns and will negatively alter the landscape of this residential neighbourhood. This project will also drastically alter the look and feel of our well established neighbourhood, which is made up exclusively of single family homes on large lots with mature trees. Please keep our community safe by rejecting this proposal.

Nheiley, Brynn

From:
Sent:
To: Nheiley, Brynn
Subject: Waterdown Re-zoning

RE: RHOPA-18-20/ZAC-18-045

Brynn Nheiley
Senior Planner, City of Hamilton
Planning and Economic Development Department
71 Main St West, 5th Floor
Hamilton, ON, L8P 4Y5

September 26th, 2018

Dear Brynn Nheiley:

We are writing to express our concern with the proposed townhouse development at 173-177 Dundas Street East, Waterdown. Along with many others in our community, we oppose this proposed re-zoning amendment and the proposed townhouse development project.

For some of our neighbours, these multi-residential units will tower above their properties, eliminating privacy and creating serious water runoff issues due to the property's location atop a hill. And for every household in town that uses this section of Dundas Street to travel to work, home, school and shops, this proposed development will create traffic and safety issues along an already very busy section of Dundas St. It is already very difficult to turn onto Dundas St from Bayview Ave, Dennis Ave, McDonald Ct, homes along Dundas St, the library and even Riley St where there are traffic lights.

If this re-zoning application and development are approved, it sets a precedent for future developments along Dundas Street, creating further traffic and safety concerns and will negatively alter the landscape of this residential neighbourhood. Please keep our community safe by rejecting this proposal.

Please keep us updated on the status of this application.

Sincerely,



Dear Brynn Nheiley,

I am writing to let you know that I am vehemently opposed to the proposed building of town houses on 173-177 Dundas St. East in Waterdown.

This is most definitely not a suitable site to build anything other than single dwellings. These town houses will tower over the existing family homes located on Riley + Scott St. They will eliminate all privacy + create a lot of flooding for all the neighbours behind.

Parking is already an issue along Scott St. due to the lack of adequate parking at the new library. I live on [REDACTED] I never had to deal with cars being parked all along Scott St. until the Town Hall was torn down + the new library was erected. As there is such inadequate parking on the library property this will be a nightmare if these town houses are built.

I respectfully ask you to deny the request to change the zoning on these properties. Dundas St. is already way too busy at this location!

I would like to be kept informed of all matters pertaining to this issue.

Sincerely,
[REDACTED]

RECEIVED

SEP 26 2018

SEPT. 26 / 2018

CITY OF HAMILTON
RE: FINANCE PROPOSED TOWNHOUSE DEVELOPMENT AT
173-177 DUNDAS STREET EAST

I AM WRITING THIS LETTER TO EXPRESS MY OPPOSITION TO THIS NEW DEVELOPMENT AND CHANGE TO THE NEIGHBOURHOOD IN WHICH I RESIDE. MY RESIDENCE IS ON [REDACTED] LESS THAN 200 FT NORTH OF THE PROPOSED DEVELOPMENT.

THERE ARE SEVERAL OBVIOUS PROBLEMS WITH THIS APPLICATION. THIS INCREASE IN THE SKYLINE ELEVATION IS ALREADY ON THE HIGHEST POINT IN THE NEIGHBOURHOOD, AN UNWANTED CHANGE.

RUNOFF PROBLEMS FROM THE INCREASE IN PAVEMENT AND LOSS OF YARD COVERAGE WILL AFFECT RESIDENTS OF SCOTT AVE. ADJACENT TO THOSE PROPERTIES AS WELL AS THE RUNOFF AREAS ON MELISSA CRESENT.

THIS SHIFT AWAY FROM ^A 100% SINGLE DWELLING NEIGHBOURHOOD IS A DANGEROUS PRECEDENT THAT MUST BE CONSIDERED.

ALREADY COMPROMISED PARKING AVAILABILITY ON RILEY ST AND SCOTT AVENUE WILL BE FURTHER IMPACTED.

ONE OF THE WORST PROBLEMS WILL INVOLVE DANGEROUS TRAFFIC CONCERNS ON DUNDAS ST. E. THIS DEVELOPMENT IS ONLY ONE PROPERTY AWAY FROM AN ALREADY DIFFICULT AND DANGEROUS INTERSECTION AT RILEY AND DUNDAS. IT IS ALSO ONE PROPERTY AWAY FROM THE

ENTRANCE TO THE NEW WATER DOWN
PUBLIC LIBRARY AND SENIOR CENTRE.

I'M SURE THERE ARE MANY MORE INTERESTING
PROBLEMS WITH THIS PROPOSAL. THESE ARE
BUT A FEW TO CONSIDER.

THANK YOU IN ADVANCE

Nheiley, Brynn

From:
Sent: September-27-18 10:30 AM
To: Nheiley, Brynn
Subject: Re: Proposed re zoning

Sent from my iPhone

On Sep 27, 2018, at 9:42 AM, Nheiley, Brynn <Brynn.Nheiley@hamilton.ca> wrote:

Good morning [REDACTED]

Thank you for providing comment regarding these applications. They will be incorporated into a future report to the Planning Committee.

Can you please provide your full mailing address? We ask this of all who provide comment so that we can be sure that you are circulated on any future public notifications.

Do not hesitate to contact me further on this matter.

Best regards,

Brynn Nheiley, MCIP RPP
Senior Planner – Development Planning
Planning Division
Planning and Economic Development, City of Hamilton
71 Main Street West, 5th Floor
Hamilton, Ontario, L8P 4Y5

Phone: 905-546-2424 ext. 4283
www.Hamilton.ca

From: [REDACTED]
Sent: September-26-18 9:55 AM
To: Nheiley, Brynn
Subject: Proposed re zoning

Dear Ms. Nheiley,

We were disappointed to see the proposed rezoning and development application on Dundas Street (file RHOPA-18-20 & ZAC-18-045) and we oppose this application. This site is just west of the entrance to our subdivision at an already very busy section of Dundas Street.

We frequently walk our dog in this area and our children often ride their bikes to the library. We are concerned that the increase in cars/traffic along this part of Dundas Street as well as cars turning in and out of this property will create added traffic and safety concerns for cyclists and pedestrians.

The intersection at Riley and Dundas is very busy and there's often a backlog of eastbound cars waiting to turn north onto Riley. The proximity of this property to the intersection will compound this issue.

Thank you for considering our concerns as part of the application process.

Sincerely,

A solid black rectangular redaction box covering the signature area.

Nheiley, Brynn

From:
Sent: September-28-18 3:10 PM
To: Nheiley, Brynn
Cc: [REDACTED]
Subject: 173-177 Dundas st E, Flamborough - files RHOPA-18-20, ZAC-18-045

Dear Ms Nheiley, I am writing with regards to the above-mentioned files concerning the development proposal at 173-177 Dundas st in Flamborough. I am disappointed and concerned that these single family home lots are being considered for development of the density being discussed. This area, stuck in between private homes was never intended for such high density development, and is likely to cause issues with the surrounding neighborhood. Water runoff, garbage and traffic safety immediately come to mind. The elevation change combined with recurring wind patterns mean that all water runoff and most wind-blown debris end up on Scott st below. Regarding traffic on Dundas st, with the intersection at Riley st, it is already very busy and the entrance to both 173 and 177 Dundas being hidden from westbound traffic can only make matters worse. I would have real concerns about traffic safety if these changes were to be allowed at this location.

I am told we will have more time to discuss this, i just wanted to make my concerns known.

Thank You

[REDACTED]
Address:

RE: RHOPA-18-20/ZAC-18-045

Brynn Nheiley
Senior Planner, City of Hamilton
Planning and Economic Development Department
71 Main St West, 5th Floor
Hamilton, ON, L8P 4Y5

19 September 2018

Dear Brynn Nheiley:

We are writing to express our concern with the proposed townhouse development at 173-177 Dundas Street East, Waterdown. Along with many others in our community, we oppose this proposed re-zoning amendment and the proposed townhouse development project.

For some of our neighbours, these multi-residential units will tower above their properties, eliminating privacy and creating serious water runoff issues due to the property's location atop a hill. And for every household in town that uses this section of Dundas Street to travel to work, home, school and shops, this proposed development will create traffic and safety issues along an already very busy section of Dundas St. It is already very difficult to turn onto Dundas St from Bayview Ave, Dennis Ave, McDonald Ct, homes along Dundas St, the library and even Riley St where there are traffic lights. Our daughter, son-in-law and grandson reside at [REDACTED] and their quality of life will be significantly reduced with this development. We moved from Burlington to Waterdown because the same thing happened to us. A developer was given the green light to build behind us and we ended up with 5 three storey townhouses almost in our back yard.

If this re-zoning application and development are approved, it sets a precedent for future developments along Dundas Street, creating further traffic and safety concerns and will negatively alter the landscape of this residential neighbourhood. Please keep our community safe by rejecting this proposal.

It just begs the question. Why are developers allowed to come into an established neighbourhood and jam in multi unit developments with no thought to other residents, traffic patterns, impact on schools and greenspaces? How much is the developer required to pay towards the changes in infrastructure that their high density developments are causing?

Sept. 24 2018

RHOPA-18-20/
ZAC-18-04

Dear Sir or Madam:

This letter is in response to an application for a Rural Hamilton Official Plan Amendment and Zoning Bylaw Amendment for lands located at 173-177 Dundas St. East, Flamborough.

As a Resident of [redacted] for over 30 years I am totally against this application. I see no need with all the high density development around Waterdown for more town homes at this location. Why can we not have a few homes that don't have tiny lots? I see this as the beginning of more and more amendments in the future. Now long before 181 and 169 are added to the mix. Will every corner, pie shaped lot be converted to town homes in the future? I see no problem with rebuilding the existing houses but see no need to change the original official plan.

Sincerely



Nheiley, Brynn

From:
Sent: September-28-18 4:21 PM
To: Nheiley, Brynn
Subject: RHOPA-18-20 / ZAC-18-045

I wish to forward my comments regarding the above proposed land use amendment proposal:

I am a resident of Waterdown, in close proximity to these proposed development lots and emphatically want to relay my opinion that these lands should remain as single family residential. A town home development will not blend in with the surrounding properties. This area west of Riley does not have any high density development and it is not amenable with either the density or lay of the land of this area. There is a high grade to the street below, and would impinge on the current amount of privacy the homes this area backs onto, as well as the properties on either side.

Dundas Street is not able to have street parking, due to its design and the fact that it is the only east-west road servicing all the traffic through Waterdown. In fact.....that alone is a problem that needs immediate attention and remedy. This type of development only compounds the traffic problems of Waterdown. I suspect because we are so removed from the Hamilton per se, that nobody at city council gives a hoot about us except for the exhorbitant taxes they enjoy from our area. We are pretty well ignored for anything that can enhance the appearance of our neighbourhoods, or the heavy traffic that we all have to contend with on #5 highway. Services other than garbage pickup is pretty well ignored eg. The broken glass at the library which has been this way for over a year!

Attention to the speed limit on #5, and police presence in town is almost nil.....which leads me to believe that the only reason the rampant development in both the centre of town and the perimeter is a tax grab on the part of the City of Hamilton.

I hope these comments will be taken into consideration and the amendments will NOT go forward

Regards,

Nheiley, Brynn

From:
Sent: September-28-18 3:58 PM
To: Nheiley, Brynn
Cc:
Subject: File RHOPA-18-20, ZAC-18-045: declared opposition

Dear Brynn Nheiley,

My husband [REDACTED] and I live on Melissa Crescent and strongly oppose and changes to zoning or additional building to the corner of Riley and Dundas Street in Waterdown.

Intensification of homes in this area would not be unsafe due to traffic concerns in this area. As you know we are experiencing a crisis with our roads.

It would also not be consistent with the neighbourhood that surrounds it. It is ludicrous to think that any and every spot could be changed into high density housing.

There are many other high density areas being built in Waterdown and this does not need to be part of it.

Sincerely,

[REDACTED]

Name(s):

Address:

Phone:

RE: RHOPA-18-20/ZAC-18-045

Brynn Nheiley
Senior Planner, City of Hamilton
Planning and Economic Development Department
71 Main St West, 5th Floor
Hamilton, ON, L8P 4Y5

Date: _____

Dear Brynn Nheiley:

We are writing to express our concern about the proposed townhouse development at 173-177 Dundas Street East, Waterdown. Along with many of our neighbours, we oppose this proposed re-zoning amendment and the proposed townhouse development project.

For some of our neighbours, these multi-residential units will tower above their properties, eliminating privacy and creating water runoff issues. For all of us in the neighbourhood, it will create traffic and safety issues along an already very busy section of Dundas St. Other concerns are increased noise and pollution, loss of mature trees, and parking/traffic overflow onto side streets.

Our homes were built in an area zoned for single-family detached homes. If this re-zoning application and development are approved, it sets a precedent for future developments along Dundas Street, creating further traffic and safety concerns and changing the landscape of our residential neighbourhood.

Please keep us updated on the status of this application.

Sincerely,

Name(s):

REVISIONS		
NO.	DESCRIPTION	DATE
	OPEN HOUSE	NOV. 30/18

PROJECT

**PROPOSED TOWNHOMES
 173-177 DUNDAS ST. E.
 HAMILTON, ONTARIO**

OWNER

**HAWK RIDGE INC.
 P.O. BOX 849
 WATERDOWN, ON
 LOR 2H0**

TEL: 905-690-4295

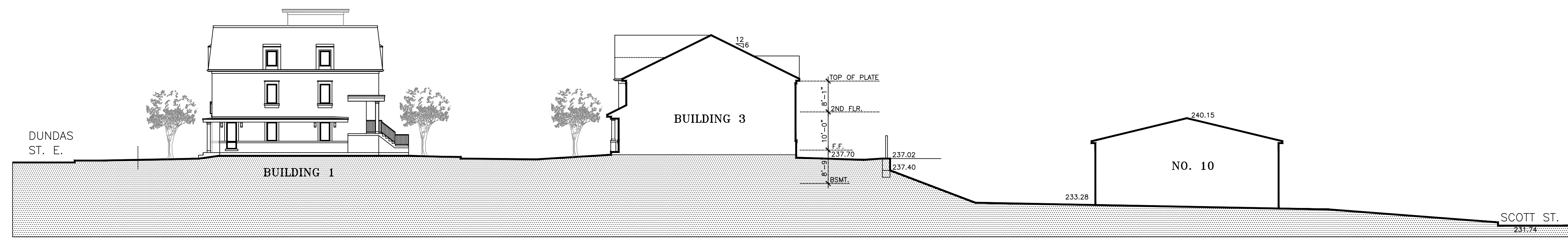
J. MILCIC ARCHITECT

191 WYNDHAM STREET
 MISSISSAUGA, ON, L5M 1N4
 TEL: (905) 816-1784
 FAX: (905) 816-1784
 E-MAIL: jmilcicarch@gmail.com

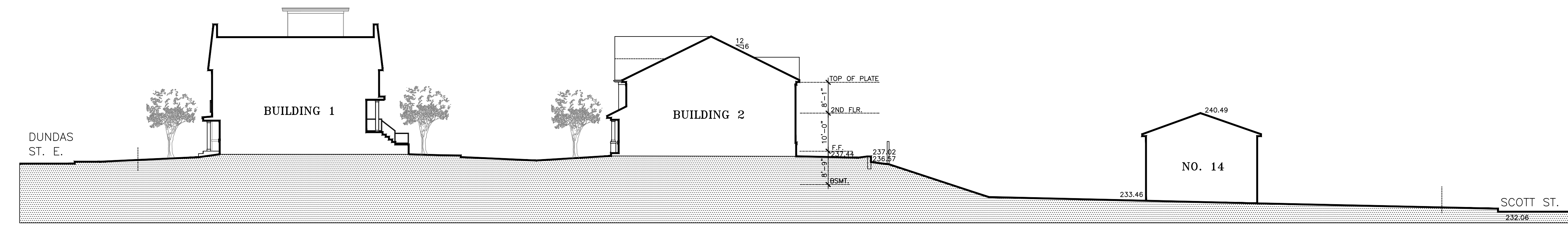
DRAWING TITLE

DEVELOPMENT CROSS SECTIONS

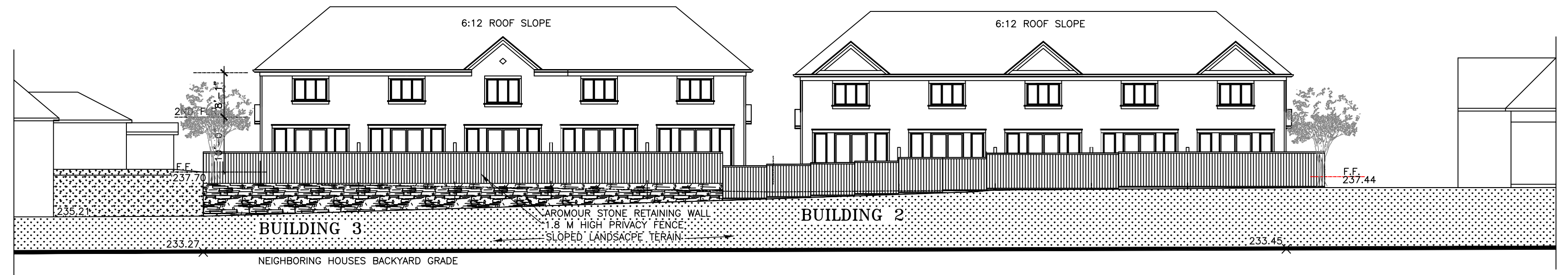
SCALE 1/16" = 1'-0"	PROJECT NO. 18.001
DATE NOVEMBER, 2018	SHEET NO. A-7
DRAWN BY	



CROSS SECTION 1



CROSS SECTION 2



DEVELOPMENT VIEW FROM NEIGHBORING HOUSES ON SCOTT STREET

COMMENT SHEET

We have many concerns with this development as it is proposed. Entry and exit from Dundas will be problematic, it is already a very busy road. The land towers above the surrounding properties and will destroy their privacy and damage their property values. Runoff is already an issue in this area and will be made worse by catering more ~~to~~ green with roofs and parking. This area does not need any more traffic. The development does not complement the neighbourhood. It is a poor fit as proposed and no amendments

Please note your information is being collected for notification purposes only and will be shared with the Municipality. *Should be granted by the city.*
Your information will not be used for marketing purposes.

COMMENT SHEET

To whom it may concern:
I am vehemently opposed to the proposed construction of the town/condo's slated for Riley St & Dundas. I have already forwarded my views & would just like to re-affirm my opinion.



Please note your information is being collected for notification purposes only and will be shared with the Municipality.
Your information will not be used for marketing purposes.

COMMENT SHEET

You have my letter. The points on it haven't changed. - traffic entrance, schools, changes to zoning, size of proposal, over load infrastructure in general, street congestion. Dwellings blocking our sun ^{most of the day.}
I would, perhaps, find it less disagreeable ^{much} if the the units were less and **ONLY TWO STORY OR ONE PREFERABLE**

Please note your information is being collected for notification purposes only and will be shared with the Municipality.
Your information will not be used for marketing purposes.

No more tax grab please!



COMMENT SHEET

This project is tremendously unacceptable and I cannot stress how opposed myself and my family are opposed to this project. ^{can}

Concerns: ① Traffic - that is a lot of new traffic turning out onto the already dangerous street (Hwy 5)

② Land-use does not fit with the community - it is a great community of single detached houses and to start the process of allowing property owners to sell their properties to be allowed to build these sorts of high-density properties to be constructed.

Please note your information is being collected for notification purposes only and will be shared with the Municipality.
Your information will not be used for marketing purposes.

③ Rnd precedent, - ... into to stop this from continuing later

COMMENT SHEET

This proposed project is on the property DIRECTLY BEHIND MY AND MY WIFE'S HOME. To state that we are opposed to this is putting it mildly! The damage to ~~our~~ garden, the possible flooding from run-off water, the noise, and destruction of viable trees which provide valuable shade in the summer, all are cause for serious objections.

Please note your information is being collected for notification purposes only and will be shared with the Municipality.

Your information will not be used for marketing purposes.

Just because something can be done, does not mean it should be!

I LOVE MY HOUSE,
BUT YOU ARE GOING
TO FORCE MY YOUNG
FAMILY TO MOVE.

This does not
fit with our
neighbourhood

18 units is
FAR too many.

THIS IS REALLY A
TERRIBLE IDEA ON
ALL FRONTS!

SHITSHOW!

Haphazard
Planning!

Library, House, 18 Townhomes
House, Garage

HAPHAZARD

Degrees?

From where?

We are concerned
about parking,
traffic, drainage
and property
values ruined

What is so difficult to understand about NO!?

Wrong place wrong proposal, wrong time!

Reasons? Where to start: water, traffic, noise, destruction, infrastructure...

UNACCEPTABLE PROJECT

1) traffic on Dundas Riley (where congestion & speed problems exist and are unresolved)

2) Decreased safety from traffic-increased parking on Riley - hidden dangers for kids

3) Noise - lead noise / people noise / traffic noise

4) Wind Bleak lost due to tree canopy removal in a high wind area

5) Noise / Dust / Traffic disruption during construction

6) Reduced comparative Property Values - will they be reduced?

Fix THE INFRASTRUCTURE
LESSEN THE TRAFFIC
(offering better safety)
+ BRING BACK SERVICES WE
LOST THROUGH AMALGAMATION
FIRST !!

THIS IS THE
WORST IDEA AT
THIS POINT OF TIME
DON'T LIKE IT

If you want
TRAFFIC DEATHS,
GO FOR IT -
Riley + Dundas is
a disaster as it is

Neighbourhood Meeting Comments: December 5, 2018

- Traffic concerns
- Grading for the existing neighbourhood (existing house is at the roof of the neighbours houses at the rear)
- Stormwater Management for the development
- Flooding for the existing residential properties at the rear
- Concern with privacy of existing residential and enjoyment of the backyard
- Can the Study information be made available to the public
- Will set a negative precedent for redevelopment within the neighbourhood
- Will property values be affected for the neighbouring properties
- Concern with the safety of the bike lanes in the area
- Asked the Councillor if the By-pass was going to be built to help alleviate traffic
- How much weight does the Councillors comments have?
- Concern with the safety of the intersection for Riley Street and Dundas Street East
- How will the developer address the artisan wells on the property?
- Concern with overflow on-street parking for the existing residential neighbourhood from visitors
- Will emergency vehicles be able to access if there is an over flow of on-street parking
- Concern with possible shadow from the redevelopment of the property on existing residential
- Concern with overall development in Waterdown
- Concern with possible "mud slide" given the significant change in grade on lower properties
- Concern with damage from the construction phase of the development
- Would a Noise Study need to be submitted for the property
- Concern with the impact on lighting for the neighbouring properties (for both the parking area and driveway)
- Do they have any plans to upgrade the schools in the neighbourhood?
- Is there an amenity area on the site for the residential development?
- Concern that leveling the grade of the property will increase the difference in grade?
- Can they put all the required parking spaces within a garage?
- Does the developer plan on taking the application to the LPAT if they do not get approval?

Van Rooi, James

From: Toman, Charlie
Sent: Tuesday, January 3, 2023 3:46 PM
To: Van Rooi, James
Subject: FW: 187 Dundas st. proposed development

Hi Jimmy,

Could you respond back to this resident, copying the councilor, anita, steve etc. I have saved the most recent submission for this application here which you can provide a link to. <https://cityshare.hamilton.ca/s/cjzEwKkwfjWWGic>

There's a lot of interest in this application. I meet with the Councillor before the holidays and he had a lot of concerns. The two of us should go for a site visit. Ideally with the owners permission so we take a look at where the retaining wall would go.

Sorry for the e-mails!

Charlie

-----Original Message-----

From: [REDACTED]
Sent: Tuesday, January 3, 2023 3:11 PM
To: Toman, Charlie <Charlie.Toman@hamilton.ca>; McMeekin, Ted <Ted.McMeekin@hamilton.ca>
Subject: 187 Dundas st. proposed development

Hi Charlie,

We are the owners of [REDACTED] in Waterdown. We were concerned four years ago when a developer announced plans to rezone the two properties immediately adjacent to our home (177 and 173 Dundas Street) but hadn't heard any more about it until last week after speaking with some neighbours. We have now seen the latest documents filed by the developer last week in regards to these properties and have several concerns with this proposal.

Our home is a small bungalow fronting onto Dundas Street, set back several meters from the road. We noticed in all of the documents submitted by the developer that he justifies the height of the buildings by stating that they fit in with the two-story homes in the area. The drawing shows that the eight-unit building at the front of the property will be 10.77 meters high plus several 1.32 meter high towers on top of the roof. We aren't sure of the exact height of our house, but it's a bungalow so this massive building will tower over our home creating privacy issues and lack of sunlight. Nowhere in any of the documents is our house, a bungalow which will be adjacent to this massive block of units, mentioned by the developer.

We are also concerned about the plan to reduce the front yards of the building to 2.5m from the required 7.5m and move the sidewalk (will this mean we will lose a portion of our front yard when the sidewalk is moved?). The driveway will be immediately adjacent to our driveway which will make it more difficult to safely come and go from our property due to the increased traffic coming and going from a driveway servicing 18 households (each likely with at least two vehicles). There is also a dip in the road east of the Riley St lights which often makes it difficult to see oncoming traffic so adding that many more vehicles coming and going at an already busy intersection will only increase safety concerns in

the area. There are also many pedestrians who use the sidewalk and crosswalk, including families and children walking to school and the library. Adding a driveway there will also be a safety issue for pedestrians.

We are also concerned about the developer's plan for a 2m planting strip around the perimeter rather than the 3m required. It seems that he is cutting a lot of corners and requesting many modifications based on fitting a higher number of units on the property than what is allowed.

We noticed that the developer seems to want curbside waste pickup since City garbage trucks can't maneuver within the development. 18 households worth of green bins, garbage cans and recycling bins will create safety hazards for pedestrians and cars especially on windy days. What is the plan for snow removal as well?

We are concerned about additional noise from having 18 households next to us instead of two, including noise from air conditioners, pets, traffic coming and going etc. With the driveway and visitor parking abutting our property the noise from vehicles will definitely impact quality of life in our house and yard.

We are also concerned about our neighbours on Riley and Scott Streets who are at a much lower elevation than the proposed development, especially with the developer's plan to raise the back of the property by more than 2 meters which will dramatically impact our neighbours in a negative way.

On paper this might look like a good spot for a development but if you were to see the site in person I think you would understand why we are concerned. Please file this letter as our official opposition to this development.

Thank you for your time.

Best regards,

Van Rooi, James

From: Toman, Charlie
Sent: Friday, December 23, 2022 9:13 AM
To: Van Rooi, James
Subject: Fwd: Follow up re: proposed 173-177 Dundas St development

For the file.

Get [Outlook for iOS](#)

From: McMeekin, Ted <Ted.McMeekin@hamilton.ca>
Sent: Thursday, December 22, 2022 6:01:15 PM
To: Toman, Charlie <Charlie.Toman@hamilton.ca>
Cc: Scally, Maureen <Maureen.Scally@hamilton.ca>
Subject: Fwd: Follow up re: proposed 173-177 Dundas St development

Hi Charlie - trust things are well. Thanks for yesterdays helpful meet-up.

As mentioned there are many concerns with the proposed development at 173-177 Dundas Street development. I attach the comments just received by [REDACTED] on behalf of local impacted residents.

Hope you catch a couple of weeks of great family contact out west. Merry Christmas!

All good things.....Ted

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]
Date: December 21, 2022 at 8:53:59 PM EST
To: "McMeekin, Ted" <Ted.McMeekin@hamilton.ca>
Cc: "Scally, Maureen" <Maureen.Scally@hamilton.ca>, [REDACTED]
[REDACTED]
Subject: Follow up re: proposed 173-177 Dundas St development

Hi Ted,

Thank you for coming out to meet with us earlier this week to have a look at the proposed building site at 173-177 Dundas St. As promised, here are some of the concerns and issues we have with this proposed development:

- the original application/information circular was sent to households in the neighbourhood in August 2018. We are requesting that a new circular be issued as soon as possible so that people who have moved into the neighbourhood during the past four years will be made aware of the proposal, and that those who have heard no updates

regarding the original proposal be brought up to date with the latest submissions from the developer;

- for the same reasons noted above, we would like to request an open house for area residents at the library so the developer can answer our questions and hear the concerns we have;
- we oppose the proposed number of units. Building 18 units on two *single family residential lots* is much too high density (it translates to 53 units per hectare when the allowable density is 40 units per hectare);
- in 2018 an application at 12 McDonald Cres (only 300m away from the proposed development site at 173-177 Dundas St) was denied by the City because it "represents an over-intensification of development within an established residential neighbourhood that would detract from the residential character of the neighbourhood". That application was for two homes on one single residential lot. A proposal to build 18 townhouses on two residential lots detracts from the residential character of our neighbourhood. Other than the library, all buildings within a 350+m radius of the proposed site are 1-2 story homes on large single detached lots;
- the developer says that each application must "stand on its own merits" but references other townhouse developments to attempt to justify his application. However, none of the other developments he cites is at the top of a hill, they are all on flat ground where a 2-story townhouse is comparable in height to existing 2-story homes. The other developments are also in closer proximity to plazas, offices, gas stations etc and fit in better with their surrounding neighbourhood, whereas these will stick out amongst the surrounding 1 and 2-story homes on large, mature, single-detached lots;
- the elevation difference between the back of the proposed site and the homes on Scott St is more than 2 meters. The developer's proposal to build up the north side of the property by more than 2 meters leads to a 4+ meter difference in elevation between the ground level of the homes on Scott St and the ground level of the proposed townhouses. We oppose this for several reasons including:
 - loss of privacy
 - loss of sunlight
 - light pollution from 18 units vs the current two homes.
 - water runoff concerns (particularly in the area designated by the developer as Catchment E which he says "will drain uncontrolled off the site to the north" due to the trees in this section being at a lower elevation from Dundas St). Flooding is already an issue in many of our yards
 - There is a live spring on the slope in the backyard of #22 Scott as that runs when the ground water is high so we are concerned about natural springs/artesian wells in and adjacent to the site that will contribute to the flooding issues when water flow is displaced due to development.
 - concerns with the proposed retaining wall and how it alters the look of our yards, impacts our existing landscaping, and future maintenance issues with it (who will maintain it once the development is complete?)
 - loss of enjoyment of our yards due to loss of privacy, sunlight and mature trees.
- will these lots be able to support the weight of that many units
- increased noise from 18 households (air conditioners, lawn mowers, snow blowers, pets, music, vehicles etc) versus only currently backing onto one single-detached home will also lead to the loss of enjoyment of our homes and yards;
- waste removal - the developer has proposed curbside pick up since the City waste management vehicles are too large to maneuver within the complex. Having 18 households' worth of green bins, garbage bins and recycling bins at the curb will create pedestrian and traffic hazards, especially on windy days.

- snow removal - the City plows will be too large to maneuver and turn around within the complex. These are not condos so who will be responsible for snow clearing and where will the snow be placed?
- the proposal to reduce the interior side yards to 2m from 3m puts the buildings closer to the adjacent homes;
- parking - while there are technically two parking spots per unit (one in each single car driveway and one in each single car garage which leads to the need for tandem parking), Due to the lack of outdoor space from such a high density of units, households will need to use their garages to store snow blowers, lawnmowers, yard tools etc. most likely resulting in only one usable space per unit. This will lead to excess cars parking on area side streets and at the library.
- for the block of 8 units fronting onto Dundas Street - the developer is proposing a block of units that is 3-stores and 10.77m high (plus 1.32m towers on the rooftop terraces). This will tower over all of the homes adjacent to and across from the development. In particular, it will tower over the bungalow immediately adjacent to the site at 181 Dundas St. The bungalow and corresponding height difference with the 10.77m building proposed right next to it is not mentioned in their proposal despite it being pointed out numerous times in previous letters submitted.
- the proposal to reduce the front yards to 2.5m from 7.5 will alter the streetscape dramatically. All other homes in the area are significantly set back from the road.
- we have several traffic concerns, including:
 - the location of the traffic study provided to the City by the developer. A resident at 182 Dundas St (located 40-50m to the east of the proposed driveway site and on the south side of the road) said at least a portion of the traffic study was taken from her driveway. This is concerning because it definitely impacts the sightline study in favour of the developer;
 - there is a large dip in the road on Dundas St. to the east of Riley St which negatively impacts sightlines from the proposed driveway
 - this is a busy pedestrian and cycling corridor (in addition to vehicular traffic). Adding 18-36 cars coming and going from the driveway will impact safety for pedestrians, cyclists and vehicles
 - many families live in the subdivision to the south of Dundas St and use the crosswalk at Riley/Dundas to walk to and from elementary school, high school, parks and the library. It is already a dangerous intersection and having that many added vehicles entering and exiting Dundas St in such close proximity to the crosswalk is a safety issue.
 - traffic already regularly backs up to the west of the Riley/Dundas St intersection (at all hours of the day, not just rush hour), which creates issues for 18-36 vehicles from the proposed development to safely merge with traffic
 - when vehicles attempting to exit the proposed driveway are unable to make a left turn due to traffic, they will likely turn right and cut through the subdivision using McDonald Crt and Scott St to get to Riley St to turn at the lights. This will increase traffic and safety concerns on these side streets that aren't meant to be used as shortcuts.
- we consulted with a local realtor who told us that our property values will decrease by at least 10% if this proposal is approved. We are aware that property values go up and down over time due to a variety of factors, but when a single action by a single person (i.e. building 18 townhouses on two single-detached lots) reduces our property values by that amount, it is unfair and unnecessary;
- it seems like all of the modifications the developer is requesting to the R6 zone could be avoided by having fewer units on such a small parcel of land. His lack of concern for existing residents - some who have been here since their homes were built - all appear to

stem from corporate greed and his goal to fit an unreasonable number of units onto a tiny parcel of land.

In addition to our request for a new information circular to be distributed, we would also like to request that the new planner assigned to our file, Charlie Toman, come out to meet with us to see the site in person from the vantage point of our yards so he can see our concerns firsthand. It is really difficult on paper to truly understand how the elevation difference makes this an inappropriate location for 18 units. We would also like a representative from the traffic department to meet with us to explain the justification for approving the traffic study paid for and provided by the developer. We disagree with the study for the reasons [REDACTED] above and know the area and it's corresponding safety issues better than anyone since we walk, bike and drive here daily.

These concerns are shared by dozens of other residents in our neighbourhood and several letters have been registered with the Planning Department since the application was initially filed in 2018.

Thanks again for coming out. Please let us know if you have any follow up questions.

Sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

From: [Redacted]
Subject: 173-177 Dundas St
Date: Tuesday, February 28, 2023 2:29:56 PM

Hi James & Charlie,

I just wanted to follow up with you regarding the proposed development at 173-177 Dundas St, Waterdown.

When we met and also in my previous emails I asked if the developer could send a new information circular out to the community in the radius of the proposed development since the original one was issued in August 2018. Several homes changed ownership in the area over the past 4.5 years and a lot of existing residents are unaware that this proposed development is still a possibility since there has been no information shared with them by the City or the developer.

At the moment, the only way for residents to become aware of the proposed development is via the sign posted on the lawn of 173 Dundas St. As you can see in the attached photo (taken on Feb. 20), the sign has faded significantly over the past 4.5 years. It is set well back from the road with weeds and branches obscuring portions of it. It is also on a portion of Dundas Street with a speed limit of 60 km/h so it's very difficult for residents to read the information on it while driving past the property.

Due to the deterioration of the sign and the fact that the original information was circulated 4.5 years ago, I would like to again request that the developer issue a new information circular with links to the latest plan submissions and to also update the sign at 173 Dundas so that the information on it is all clearly visible from the sidewalk and the road.

Thank you!



From: Adam P
Sent: July 26, 2024 10:47 AM
To: Baldassarra, Alaina <Alaina.Baldassarra@hamilton.ca>; clerk@hamilton.ca
Cc: Scally, Maureen <Maureen.Scally@hamilton.ca>; McMeekin, Ted <Ted.McMeekin@hamilton.ca>;
Fabac, Anita <Anita.Fabac@hamilton.ca>; Catarino, Jennifer <Jennifer.Catarino@hamilton.ca>;
Collingwood, Tricia <Tricia.Collingwood@hamilton.ca>; Dal Bello, Rino <Rino.DalBello@hamilton.ca>
Subject: Proposed 18-unit townhouse development at 173 & 177 Dundas St E

External Email: Use caution with links and attachments

Hello,

I have a scheduling conflict (family vacation) and I cannot make it to the meeting on August 13. I did not receive enough notice to make this meeting as I was notified by mail July 23.

I OPPOSE this development for reasons below.

I am the homeowner at [REDACTED] of the proposed development.

My young family and I just moved here last fall with our baby and love our new mature neighbourhood. We love walking around the sidewalks and enjoy the parks and trails with our stroller. Some of the reasons we chose to buy in this neighborhood were the quietness of a crescent, the ravine trails, and larger properties.

I am concerned about the proposed development at 173 and 177 Dundas St. E because of the traffic congestion it will bring, as well as excess noise. The library right next to the planned development is great to have, but already brings many cars parking on our side streets. I believe as a previous townhouse owner, that adding 18 townhouses to two plots will add at least 18 cars to street parking. Every family has at least two cars and the townhomes will only have one driveway spot. The garage that is included in the plans, nobody will use for a car since realistically garages are used far more often as storage for things rather than parking for cars. At least my townhome had two dedicated parking spots in front of the house for vehicles only.

With excess traffic I am concerned for the safety of the children in the community as many often walk, bike, and scooter around, as well as babies in strollers. The traffic is already getting very crazy along Dundas street all the way through Waterdown. The townhomes and condo buildings along that busy road I think are a mistake and that high density housing should be concentrated around transit services like the GO Train and municipal hubs in Hamilton and Burlington city centres.

That being said I am a fan of townhomes and the rooftop patios, although this location is not ideal as it does not fit the maturity and density of the existing neighbourhood. As well, the height of the units and being on a hill is a concern for privacy and sunlight. In my opinion, townhomes belong closer to shopping centres and apartment buildings, such as my old home was in Tansley, Burlington.

If development needs to happen in Waterdown, a more realistic development site should be on Clappison Avenue, which is currently starting to be developed, and is much closer to existing duplexes

and shopping areas. Alternatively, building a couple duplexes would much more closely match the neighbourhood, than adding 18 homes.

At the end of the day, I want all neighbours new and old to love it here as much as we do. I believe anyone moving into one of the 18 proposed units will dislike the neighbourhood as much as the current residents for reasons stated above, that affect everyone. **The only beneficiary here is the developer.**

Sincerely,

Adam Peters

From: Brian Peggie
Sent: August 5, 2024 3:15 PM
To: clerk@hamilton.ca
Cc: Stephanie Card; Kim Peggie
Subject: 173/177 Dundas St E Townhouse Development

External Email: Use caution with links and attachments

My name is Brian Peggie and I live at [REDACTED] directly behind the proposed townhouse development I have submitted various letters over the last 5 years opposing this build for various reasons. For a start the elevation of the property is 4 meters higher than my backyard as it is now, that is already one and half stories before there is another two story townhouse built so for the residents of Scott Street that is three and half stories we have to deal with. Now you may look at the two townhouse developments built East of this site at 215 Dundas St (Bohemian) and 219 Dundas St (Tannery) as a possible residence but it is definitely not the same situation as they were built on level ground with the single family homes behind not 4 meters above. The proposed site is directly on the highest point in the vicinity if not the whole of Waterdown which also brings to light that the building closest to the road is planned to have rooftop terraces which will overlook the houses on the opposite side of the road all the way down to the properties behind them.

My next major concern is traffic safety the proposed entrance to the complex is about 20 meters west of the intersection of Dundas St and Riley St which as it is now a very busy intersection, the lights are at the same highest point on the road in all 4 directions there is a long open stretch on either side East and West and you can't see all the way ahead of you until close to the light which results a lot of vehicles picking up speed to get through the light and many running red light, I have called Traffic dept on numerous occasions about this to no avail. So the way I see it there will be approximately 36 cars coming in and out of this townhouse complex that can barely turn in and out of the westbound direction of traffic safely but to try and turn in and out of Eastbound crossing the left turning lane for Riley would be insanely dangerous, so traffic wanting to go east will drive all around to Scott Street and turn on to Dundas from Riley but human nature will have people in a hurry to make dangerous turns in and out for access Eastbound traffic.

Proposed 5 visitor parking spaces is hardly enough considering there is no parking on the street for overflow so there will be illegal parking at the library and or in front of my house on Scott St I'm also concerned about garbage pickup and snow removal is the garbage going to be piled up by the entrance and blowing around on Dundas St?

I urge any member of the committee who is considering approving this development to please visit the site and stand on Dundas St where the entrance is proposed at 4pm in the afternoon on a weekday before you decide because this is definitely not doing anything positive for traffic safety

Thank you
Brian Peggie

From: Carolyn Ann Baumgartl
Sent: August 5, 2024 12:25 PM
To: clerk@hamilton.ca
Subject: Hawk Ridge homes August 13,2024

External Email: Use caution with links and attachments

Request to circulate to Planning Committee and to include on the agenda of meeting August 13, 2024 at 9:30 A.M.

We own [REDACTED] and have SERIOUS Concerns re this proposed development.

1. WATER RUN OFF with the creation of more hard surfaces from the development.
The water run off towards the escarpment is already causing swamping to occur on the side lot of 82 Overdale avenue! With the changes in our weather patterns this will only worsen.
2. The INTERSECTION at Dundas Street E. and Riley Street is a blind spot for cars in both directions
Adding more homes and more cars will create more traffic hazards.
3. Turning onto Bayview From Dundas St.E. dangerous due to cars pulling into turning lane well before the light to Riley Street.
4. Real Estate values will be impacted especially for homes on Riley and Scott Str.

Thank you for your consideration,

Carolyn Ann Baumgartl and Peter Baumgartl

-----Original Message-----

From: Kelly Matthews

Sent: August 5, 2024 10:47 PM

To: clerk@hamilton.ca; Baldassarra, Alaina <Alaina.Baldassarra@hamilton.ca>

Cc: McMeekin, Ted <Ted.McMeekin@hamilton.ca>; Scally, Maureen <Maureen.Scally@hamilton.ca>; Fabac, Anita <Anita.Fabac@hamilton.ca>; Catarino, Jennifer <Jennifer.Catarino@hamilton.ca>; Collingwood, Tricia

<Tricia.Collingwood@hamilton.ca>; Dal Bello, Rino <Rino.DalBello@hamilton.ca>;

Subject: Opposing the Townhouse Development on Dundas

External Email: Use caution with links and attachments

Hello,

We live at [REDACTED], directly behind the proposed property.

We are in great opposition to this development being built.

We are very concerned about the amount of flooding that will occur in our backyard and basement. We already deal with a great deal of water in our yard when there is a hard rainfall and in the spring when the snow melts. The surface water from the development will be running directly, unabated into our backyard, we are part of what is referred to as Catchment E on the design plans.

We are also very concerned about the safety of the intersection of Dundas St and Riley St. This is a safety concern due to the lack of visibility drivers have coming up the hill in both directions on Dundas St. we have personally witnessed numerous close calls for vehicles turning from Riley onto Dundas, as well as pedestrians trying to cross with the light. We frequently hear brakes screeching and horns blaring due to near misses. The increased amount of cars turning in and out of the housing development will only exacerbate all of these problems.

The elevation of these developments are much higher than our house. We would invite you to come view our backyard and see how these buildings will tower over our backyard and house. This was completely unexpected and is unacceptable in a single dwelling, residential area. Would we be approved a building permit to add a 3 storey addition on our home? Of course not.

Other concerns we have are the parking allotments. The builder's design for parking is completely inadequate, regardless of what bylaw states is required. The overflow will result in Scott street being the backup parking lot. This will result in more traffic on the street and making our street less safe. It will add to the already difficult snow removal situation in the winter. We know there are no transit options available so there is no doubt there will be much more vehicle traffic.

Unfortunately we work full time and are unable to attend the council meeting to have our say in person opposing this development. We stand unified with our neighbours against this project, it goes completely against what this neighborhood currently is.

Kelly & Rick Matthews

Sent from my iPhone

-----Original Message-----

From: Ed Johnston

Sent: August 2, 2024 11:36 AM

To: clerk@hamilton.ca; McMeekin, Ted <Ted.McMeekin@hamilton.ca>; Scally, Maureen <Maureen.Scally@hamilton.ca>; Fabac, Anita <Anita.Fabac@hamilton.ca>;

Catarino, Jennifer <Jennifer.Catarino@hamilton.ca>; Collingwood, Tricia

<Tricia.Collingwood@hamilton.ca>; Dal Bello, Rino <Rino.DalBello@hamilton.ca>

Subject: Re proposed Hawk Ridge Home townhouses at 173 and 177 Dundas St. East, Flamborough

External Email: Use caution with links and attachments

Hello,

Writing re the proposed townhouse development per title line. I am unable to attend to speak at the August 13th meeting as I will be out of town, and am writing with the expectation of being heard as a concerned citizen.

I believe this proposal will lead to several issues in this area of Waterdown, namely negative expected realities:

-Noise increases with Tall tree removal and high density residents, turning our quiet street into a noisy one.

-Traffic increases on an already busy and dangerous area of Dundas, plus overflow onto Riley Street.

-Parking overflow from visitors of proposed townhouses will very likely end up onto Riley Street.

-Water flow- still concerned for water flow from the Dundas level down to the residents/homeowners level on Riley St and Scott St.

-Home values-impact of townhouses negatively impacting single family dwelling prices.

-Builders adjustments made compared to original 2018 design- I believe these to be of immaterial value, possibly not to code, and thus these issues remain of concerns to local residents.

Thanks for listening and having my voice represented. Ed

Ed Johnston

Sent from my iPad

From: Pauline Blanchard
Sent: August 6, 2024 4:30 PM
To: clerk@hamilton.ca
Subject: Proposed Townhouse Development /Waterdown

External Email: Use caution with links and attachments

I would like to resubmit my opposition letter regarding the Proposed 18 Unit Townhouse Development at 173-177 Dundas St. E. Waterdown.

My original letter was sent to Brynn Nheiley on September 24th 2018. I am vehemently opposed to this construction. I live at [REDACTED] Since the new library was built, there has been inadequate parking on that site which has resulted in heavy parking along Scott St and down Melissa Cr. I sometimes have a great deal of difficulty getting out of my street as I can't see beyond the parked cars whether or not there is traffic coming. The thought of another 18 units on Dundas St. which we all know will result in insufficient parking is beyond belief.... Where else will they park but along Scott St. and Melissa Cr.

There is certainly no shortage of building sites in Waterdown, let this builder go elsewhere!!!

I would like to be kept informed of all matters concerning this potential build.

Sincerely,
Pauline Blanchard.
Sent from my iPhone

From: Jennifer Williams
Sent: August 1, 2024 10:18 PM
To: clerk@hamilton.ca; Baldassarra, Alaina <Alaina.Baldassarra@hamilton.ca>
Cc: Collingwood, Tricia <Tricia.Collingwood@hamilton.ca>; Dal Bello, Rino <Rino.DalBello@hamilton.ca>; McMeekin, Ted <Ted.McMeekin@hamilton.ca>; Scally, Maureen <Maureen.Scally@hamilton.ca>; Fabac, Anita <Anita.Fabac@hamilton.ca>; Catarino, Jennifer <Jennifer.Catarino@hamilton.ca>
Subject: Concerns re: Development Proposal at 173/177 Dundas Street Waterdown

External Email: Use caution with links and attachments

RHOPA-18-20/ZAC-18-045 Proposed Development at 173-177 Dundas Street Waterdown

Dear Alaina and Gerry,

This email serves to follow-up and reiterate the tremendous concerns we have with the proposed development at 173/177 Dundas Street in Waterdown which to-date have not been adequately addressed by the developer.

Our initial concerns were sent to the previous City of Hamilton Planner, Brynn Nheiley on September 26/2018, a follow-up email was also sent December 4/2018 (containing photos for reference) as well as a subsequent email sent May 19/2019 which outlined more detailed information and concerns that were brought to light after our thorough review of the additional documentation that was submitted to the city by the developer. This is our fourth email formally submitted to the city yet again expressing our immense concerns regarding the proposed development.

We ask that you ensure the previous emails (including all photos) dated September 26/2018, December 4/2018 and May 19/2019 are included and reviewed by all involved parties prior to the meeting set to take place on August 13/2024 at City Hall in Hamilton. To date, NONE of the issues that we as the home owners of [REDACTED] or our neighbourhood homeowners have presented have been adequately addressed or resolved. It would seem that the legitimate concerns and requests for more information/further explanation of the entire neighbourhood have fallen on deaf ears. The mailed single page "up-date" from July 2024 as it was referred to was worth little more then the paper it was printed on and seemed to only serve to meet the basic requirement that the developer contact the home owners of the adjoining properties. As it contained no explanation or further information to indicate that any of our concerns were being addressed or considered in any way whatsoever.

As a result, we would like to make note of the following issues/concerns yet again in hopes to have them addressed and resolved in some fashion prior to the August 13th vote.

Density and Building Concerns

The development exceeds the City of Hamilton's intensification requirements of 40 units per hectare, at approximately 53 units per hectare. If one recalls there was a submission by a property owner on McDonald court in 2018 (located less than 300, metres away from the proposed development) to build 2 single family detached homes which was denied as the City of Hamilton explained that it represented an "over-intensification of development within an existing residential neighbourhood that would detract from the residential character of the neighbourhood". Surely building 18; 2-3 storey townhomes on what is currently 2 single family detached home lots also meets this criteria. If this isn't a prime ideal example of "over-intensification" then I would like to know is. Also to note is that the style of the proposed townhomes, height of the proposed townhomes, and residential character of the proposed townhomes is absolutely not in keeping with any of the surrounding homes or neighbourhood as a whole. Rather, it is exactly the opposite.

Water Run Off and Flooding

Water Run Off - due to the grading of 173-177 Dundas Street East heading downwards to our property on [REDACTED] we have experienced significant water runoff and consequent flooding in our yard during seasonal spring melts and heavy multi-season downpours. These floods have occurred at a minimum of approximately 8 times per year and upwards to 12+ times per year in recent years which sometimes require pumping out by a sump pump. The development plans indicate that the rear portion of the property will be heightened by 2 meters to create a flat surface for building which will be almost entirely covered in pavement or structures. This will only serve to exacerbate the height difference and will create an environment where water will simply have no place to drain or be absorbed resulting in water running or seeping downhill into all of the adjoining properties on Scott Street. To date we have not received an adequate explanation as to how this can be rectified in a manner that will ensure with certainty that our properties and homes will not be damaged if this development goes forward in any manner.

Privacy

We think it goes without saying that we will stand to lose the vast majority of the coveted privacy that we currently enjoy in our backyard. Having 2 and 3 storey townhomes which will already have a foundation built on the top of a hill 2 meters higher than ours plus 2 and 3 stories on top will quite literally tower over the entire neighbourhood. This will absolutely not be in keeping with the style of the neighbourhood and will also require the removal of multiple very old large trees which we all immensely benefit from and contribute greatly to our current level of privacy.

The proposed 6 foot tall fence on top of the armour stone retaining wall which will run along only half of [REDACTED] (and along the full of other adjoining homes on Scott Street) will be an absolute eye sore and will not help to create privacy from the dozens of 2 and 3 storey windows, and terraces which will have an unobstructed view into all of the backyards along Scott Street. A 6 foot tall fence will do little to nothing to rectify the massive privacy issue this development will create.

Surrounding Road Safety

We think it goes without saying that the traffic along Dundas Street through this section of Waterdown is often dangerous and unsafe. This is supported by the idea that children attending a local school who are within walking distance are offered school bus rides as crossing Dundas Street at anytime of day especially during morning and afternoon rush hour is so unsafe that transportation was deemed necessary to ensure these children can get to school safely. There are many near miss and full-on accidents do to speeding, ignoring traffic signals, congestion and poor visibility due to the location of the hill. During rush hour it is almost always stop and go traffic with many vehicles lined up in both directions of the traffic lights on Riley/Dundas Street. Adding a driveway for a large townhome complex in this stretch would only serve to exacerbate this problem and create potentially deadly results.

Parking

The proposal as well as the recent mailed document from the developer indicates that there will be 2 parking spots per unit with an additional 5 visitor spaces available. It is crucial to note that 1 of the 2 spots per unit are located inside of the tiny 1 car garage which is built into the townhome. It is absolutely unrealistic to assume and expect that this space will be used for parking. As we all know the public transit system in Waterdown is extremely minimal and due to the location of our town and the adjacent cities very few people are able to utilize public transit in order to commute to and from their jobs. The vast majority of Waterdown couples/families own multiple vehicles per household in order to get around. To assume that this remaining 1 parking spot per unit will be adequate for a home which in all likelihood will be filled by a couple or family is ridiculous. Where will all of these extra vehicles park? On surrounding streets like Scott Street and by parking illegally in the Library parking lot. This unacceptable and frankly unfair to the entire neighbourhood surrounding this development not to mention creating safety issues during snow removal from winter snowfall events.

Decrease in Property Values

Since the development was presented in 2018 we have consulted with two unbiased real estate agents who have both come to our home to assess the property and the proposed development properties. Both agents have advised us to expect a decrease in our property value anywhere from 5-10% should the proposal be granted. This property value decrease would then extend in varying amounts throughout the entire neighbourhood. Should dozens of neighbourhood tax paying residents of Waterdown/Hamilton be forced to accept this in order to allow a large development firm to over-intensify yet another quiet residential area of the city? That not only is unfair but also careless and serves to only benefit one involved party.

Our neighbourhood consists of an area that has been zoned for single family detached homes. We purchased our residence in 2012 specifically with that in mind as we appreciate the privacy that this type of area provides. If the proposal was approved it would change the landscape of our coveted quiet and private family oriented neighbourhood.

To conclude, we ask that you please provide us with the steps to be taken so that we may apply to speak at the August 13th meeting. Our concerns deserve to be heard and we intend to ensure that they are. We trust this information will be provided as soon as possible.


Regards,

Jennifer Gallant & Brett Gallant

Kim Parkes Hallmark & Steve Hallmark



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 13, 2024
SUBJECT/REPORT NO:	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 196, 198, 200 and 202 Upper Mount Albion Road, Stoney Creek (PED24041) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	James Van Rooi (905) 546-2424 Ext. 4283
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Official Plan Amendment Application UHOPA-23-011, by NPG Planning Solutions Inc. (c/o Rob Fiedler) on behalf of SS Stoney Creek Inc., Owner**, by changing the identification from “Area Specific Policy – Area A, Block A-3” to “Area Specific Policy – Area A, Block A-3-1” within the West Mountain Area (Heritage Green) Secondary Plan, to permit a nine storey mixed use building with a maximum density of 460 units per hectare, for lands located at 196, 198, 200 and 202 Upper Mount Albion Road, as shown on Appendix “A” attached to Report PED24041, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED24041, 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-23-026, by NPG Planning Solutions Inc. (c/o Rob Fiedler) on behalf of SS Stoney Creek Inc., Owner**,

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 196, 198, 200 and 202 Upper Mount Albion Road, Stoney Creek (PED24041) (Ward 9) - Page 2 of 12

for a change in zoning from the Mixed Use Medium Density (C5, 319) Zone to the Mixed Use Medium Density (C5, 894, H171) Zone, to permit a nine storey mixed use building with 232 dwelling units and 337 square metres of ground floor commercial use, for lands located at 196, 198, 200 and 202 Upper Mount Albion Road, as shown on attached Appendix "A" to Report PED24041, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix "C" to Report PED24041, 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 the West Mountain Area (Heritage Green) Secondary Plan subject to the adoption of the Official Plan Amendment;
- (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 proposed Mixed Use Medium Density (C5, 894, H171) Zone:

The Holding Provision 'H171', is to be removed conditional on the following:

- (1) That the owner upgrades the sanitary sewer from MH SA15A107 to SO20A007 along Cornerstone Drive, MH SA20A007 to HO18A031 along Cedarville Drive, and MH HO 18A031 to HO18A005 along Old Mud Street/Kingsview Drive, in accordance with the Functional Servicing Report prepared by Walter Fedy dated January 19, 2024, at the Owner's expense, and to the satisfaction of the Director of Growth Management and Chief Development Engineer;
- (2) That the owner makes satisfactory arrangements with the City's Growth Management Division to enter into and register on title of the lands, an External Works Agreement with the City for the design and construction of the sanitary sewer improvements to the existing municipal infrastructure at the Owner's cost, to the satisfaction of the Director of Growth Management and Chief Development Engineer;

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 196, 198, 200 and 202 Upper Mount Albion Road, Stoney Creek (PED24041) (Ward 9) - Page 3 of 12

- (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 nine storey mixed use building with 232 dwelling units and 337 square metres of ground floor commercial use for lands located at 196, 198, 200 and 202 Upper Mount Albion Road, Stoney Creek, as shown on Appendix “I” attached to Report PED24041 subject to the following:
- (i) That the draft By-law, attached as Appendix “I” to Report PED24041, 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 PED24041, 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 196, 198, 200 and 202 Upper Mount Albion Road in Stoney Creek and are located on the east side of Upper Mount Albion Road north of Artfrank Drive. The applicant has applied for an Urban Hamilton Official Plan Amendment and a Zoning By-law Amendment.

The purpose of the Official Plan Amendment application is to change the identification from “Area Specific Policy – Area A, Block A-3” to “Area Specific Policy – Area A, Block A-3-1” within the West Mountain Area (Heritage Green) Secondary Plan. The change to “Block A-3-1” would have the effect of permitting a density of up to 460 units per net hectare on the subject lands, whereas the existing permitted density is 50-99 units per net hectare.

The purpose of the Zoning By-law Amendment application is for a change in zoning from the Mixed Use Medium Density (C5, 319) Zone to the Mixed Use Medium Density (C5, 894, H171) Zone to permit a nine storey mixed use building with 232 dwelling units and 337 square metres of ground floor commercial uses, as shown on Appendix “E” to Report PED24041. Site specific modifications to the Mixed Use Medium Density (C5) Zone are proposed to accommodate the proposed development, which are discussed in detail in Appendix “D” attached to Report PED24041.

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

- They are consistent with the Provincial Policy Statement (2020);

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 196, 198, 200 and 202 Upper Mount Albion Road, Stoney Creek (PED24041) (Ward 9) - Page 4 of 12

- They conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- They will comply with the Urban Hamilton Official Plan and West Mountain Area (Heritage Green) Secondary Plan upon adoption of the Official Plan Amendment; and,
- The proposal is compatible with the existing land uses in the immediate area, 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 11

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Application Details	
Owner:	SS Stoney Creek Inc.
Applicant:	NPG Planning Solutions Inc. (c/o Rob Fiedler).
File Number:	UHOPA-24-002 and ZAC-24-006.
Type of Applications:	Urban Hamilton Official Plan Amendment and Zoning By-law Amendment.
Proposal:	The purpose of the Official Plan Amendment application is to change the identification from “Area Specific Policy – Area A, Block A-3” to “Area Specific Policy – Area A, Block A-3-1”, within the West Mountain Area (Heritage Green) Secondary Plan. The existing policies applicable to “Area Specific Policy – Area A, Block A-3” will remain and the new Area Specific Policy would have the effect of permitting a density of up to 460 units per net hectare in addition to the existing policies on the subject lands.

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 196, 198, 200 and 202 Upper Mount Albion Road, Stoney Creek (PED24041) (Ward 9) - Page 5 of 12

Application Details	
Proposal: (Continued)	<p>The purpose of the Zoning By-law Amendment application is for a change in zoning from the Mixed Use Medium Density (C5, 319) Zone to the Mixed Use Medium Density (C5, 894, H171) Zone.</p> <p>The effect of these applications is to facilitate the development of a nine storey mixed use building with 232 dwelling units, 337 square metres of ground floor commercial uses, 246 parking spaces, and 146 long term bicycle parking spaces with access to Upper Mount Albion Road.</p> <p>The development is proposed to include 64 studio units (28%), 60 one bedroom units (26%), 14 one bedroom plus den units (6%), 90 two bedroom units (39%) and four, two bedroom plus den units (1%). There are two levels of underground parking proposed with 116 spaces on each level and 13 spaces and one car share space are proposed on the surface behind the commercial units.</p>
Property Details	
Municipal Address:	196, 198, 200 and 202 Upper Mount Albion Road.
Lot Area:	0.505 ha.
Servicing:	Existing full municipal services.
Existing Use:	Single detached dwellings and a commercial vehicle rental establishment at 202 Upper Mount Albion Road.
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:	“Community Node” and “Mixed Use – Medium Density”.
Secondary Plan Existing:	“Mixed Use – Medium Density”, “Area Specific Policy – Area A, Block A-3”.
Secondary Plan Proposed:	“Mixed Use – Medium Density”, “Area Specific Policy – Area A, Block A-3-1”.

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 196, 198, 200 and 202 Upper Mount Albion Road, Stoney Creek (PED24041) (Ward 9) - Page 6 of 12

Documents	
Zoning Existing:	Mixed Use Medium Density (C5, 319) Zone.
Zoning Proposed:	Mixed Use Medium Density (C5, 894, H171) Zone.
Modifications Proposed:	<p>The following modifications were proposed by the applicant and are supported by staff:</p> <ul style="list-style-type: none"> • To limit the permitted uses to Home Business, Multiple Dwelling, Financial Establishment, Office, Personal Service Establishment, Restaurant, Retail and Veterinary Service. • To establish a maximum density of 460 units per net hectare; • To establish a minimum landscaped area of 35%; • To decrease the minimum façade height along a street line from 7.5 metres to 6 metres; • To increase the building height from 22.0 metres to 31.0 metres; • To permit a wholly or partially enclosed structure belonging to an amenity area on the rooftop to be setback 3 metres from the north, south and west exterior walls of the storey directly beneath and to be setback 31 metres from the eastern property line; • To permit a minimum of one principal entrance for residential uses at grade and accessible from a pedestrian pathway connected to a municipal sidewalk; • To permit a minimum of one principal entrance for each commercial unit at grade and accessible from the municipal sidewalk; and, • To increase balcony encroachments from 1.0 metre to 1.6 metres into the rear yard. <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" attached to Report PED24041):</p> <ul style="list-style-type: none"> • To permit a minimum of 25% Electric Vehicle parking spaces of all parking spaces being provided. <p>A complete analysis of the proposed modifications is attached as Appendix "D" to Report PED24099.</p>

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**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 196, 198, 200 and 202 Upper Mount
Albion Road, Stoney Creek (PED24041) (Ward 9) - Page 7 of 12**

Processing Details	
Received:	December 12, 2022.
Deemed Incomplete	January 5, 2023.
Deemed Complete:	January 30, 2023.
Notice of Complete Application:	Sent to 17 property owners within 120 metres of the subject property on January 27, 2023.
Public Notice Sign:	Posted February 13, 2023, and updated on July 17, 2024.
Notice of Public Meeting:	Sent to 17 property owners within 120 metres of the subject property on July 26, 2024.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix "G" attached to Report PED24041.
Public Consultation:	In addition to the Public Notice Sign the applicants posted a sign that provided a micro-site (website) for further information on the proposal and provided a contact to the project planner for further engagement.
Public Comments:	Staff received one written submission, and one phone call requesting further information. The comments and summary response to comments is provided in Appendix "H" attached to Report PED24041.
Processing Time:	610 days.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Single detached dwellings and a commercial vehicle rental establishment at 202 Upper Mount Albion Road.	Mixed Use Medium Density (C5, 319) Zone.
Surrounding Lands:		
North	Single detached dwelling	Mixed Use Medium Density (C5, 319) Zone.
South	Single detached dwellings.	Mixed Use Medium Density (C5, 319) Zone.

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 196, 198, 200 and 202 Upper Mount Albion Road, Stoney Creek (PED24041) (Ward 9) - Page 8 of 12

Surrounding Lands (Continued):

East	Vacant.	Mixed Use Medium Density (C5, 319) Zone.
West	Commercial retail development.	Mixed Use Medium Density (C5, 319) 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 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" attached to Report PED24041.

Provincial Policy Statement (2020)

The proposal supports the development of healthy, liveable, and safe communities. The subject site is located in a Community Node which is intended to further develop as a mixed-use area. Hamilton Street Railway operated bus routes are in proximity and the Heritage Green Terminal is less than 200 metres south of the subject site and the Eramosa Karst Conservation Area is located approximately 800 metres to the south. Commercial uses are also in the vicinity of the area west and south of the subject site.

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).

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 196, 198, 200 and 202 Upper Mount
Albion Road, Stoney Creek (PED24041) (Ward 9) - Page 9 of 12**

Urban Hamilton Official Plan and West Mountain (Heritage Green) Secondary Plan

The subject lands are identified as “Community Node”, designated “Mixed Use – Medium Density” in the Urban Hamilton Official Plan, and further designated “Mixed Use – Medium Density” and identified as “Area Specific Policy – Area A, Block A-3” in the West Mountain Area (Heritage Green) Secondary Plan. A policy analysis of the applicable Urban Hamilton Official Plan policies is provided in Appendix “F” attached to Report PED24041.

The “Mixed Use – Medium Density” designation is intended to serve the surrounding community or series of neighbourhoods as well as provide day-to-day retail facilities and services to residents in the immediate area. These areas shall also serve as a focus for the community, creating a sense of place. Newer areas designated “Mixed Use – Medium Density” shall evolve over time into compact, mixed use, people places where people can live, work, and shop.

The purpose of the Official Plan Amendment is to change the identification to “Area Specific Policy – Area A, Block A-3-1” and have the new identification apply to the subject lands to permit a density of up to 460 units per net hectare.

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 “Mixed Use – Medium Density”, “Area Specific Policy – Area A, Block A-3” designation and identification of the West Mountain Area (Heritage Green) Secondary Plan permits mixed use buildings up to nine storeys at a density of 50-99 units per net hectare.

The proposed increase in density can be supported as there will be sufficient municipal infrastructure to support the population anticipated for the development, provided the Holding Provision is placed on the subject lands. The proposed development meets the criteria to permit height above six storeys. The proposed development contains a mix of unit sizes, incorporates sustainable building and design principles, which will be determined during the future Site Plan Control Stage, does not have any adverse shadow impacts, provides appropriate setbacks from adjacent residential development, and minimizes height appearance from the street, as outlined in Appendix “F” attached to Report PED24041.

Based on the foregoing, and subject to the Holding Provision, the proposal complies with the Urban Hamilton Official Plan and West Mountain Area (Heritage Green) Secondary Plan subject to the adoption of the Official Plan Amendment.

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 196, 198, 200 and 202 Upper Mount Albion Road, Stoney Creek (PED24041) (Ward 9) - Page 10 of 12

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

The proposed Zoning By-law Amendment is for a change in zoning from the Mixed Use Medium Density (C5, 319) Zone to the Mixed Use Medium Density (C5, 894, H171) Zone to permit a nine storey mixed use building with 232 dwelling units and 337 square metres of ground floor commercial use. Modifications to the Mixed Use Medium Density (C5) 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 PED24041). All requested modifications are summarized in the Report Fact Sheet above and further discussed in Appendix “D” attached to Report PED24041.

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 West Mountain Area (Heritage Green) Secondary Plan subject to the adoption of the Official Plan Amendment; and,
 - (iii) It is compatible with existing development 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.

2. Official Plan Amendment

The purpose of the Official Plan Amendment is to change the identification from “Area Specific Policy – Area A, Block A-3” to “Area Specific Policy – Area A, Block A-3-1”, within the West Mountain Area (Heritage Green) Secondary Plan to permit an increase in density to 460 units per net hectare on the subject lands, whereas 50-99 units per net hectare is permitted.

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 196, 198, 200 and 202 Upper Mount Albion Road, Stoney Creek (PED24041) (Ward 9) - Page 11 of 12

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. The increased density will support the use of existing and planned transit and commercial uses.

Based on the foregoing and the analysis provided in Appendix “F” of Report PED24041, staff supports the proposed Official Plan Amendment.

3. Zoning By-law Amendment

The subject lands are zoned Mixed Use Medium Density (C5, 319) Zone in Zoning By-law No. 05-200. The Zoning By-law Amendment proposes to change the zoning to the Mixed Use Medium Density (C5, 894, H171) Zone. Staff are satisfied that the proposal meets the intent of the “Mixed Use – Medium Density” designation policies in the Urban Hamilton Official Plan and the “Mixed Use – Medium Density” designation policies in the West Mountain (Heritage Green) Secondary Plan upon adoption of the proposed Official Plan Amendment, and the applicable urban design policies of the Urban Hamilton Official Plan as outlined in Appendix “F” to Report PED24041.

The proposed amendments meet the general intent of the Zoning By-law. An analysis of the requested modifications is provided in Appendix “D” to Report PED24041.

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

4. Holding Provisions

The proposed Zoning By-law Amendment includes a proposed Holding Provision (H171) which requires the owner to upgrade sanitary sewers along portions of Cornerstone Drive, Cedarville Drive, and along Old Mud Street/Kingsview Drive, and requires the Owner enter into and register on title an External Works Agreement for the sanitary sewer improvements. Upon completion of the conditions, the Holding Provision can be lifted.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the subject property can be used in accordance with the Mixed Use Medium Density (C5, 319) Zone in Zoning By-law No. 05-200.

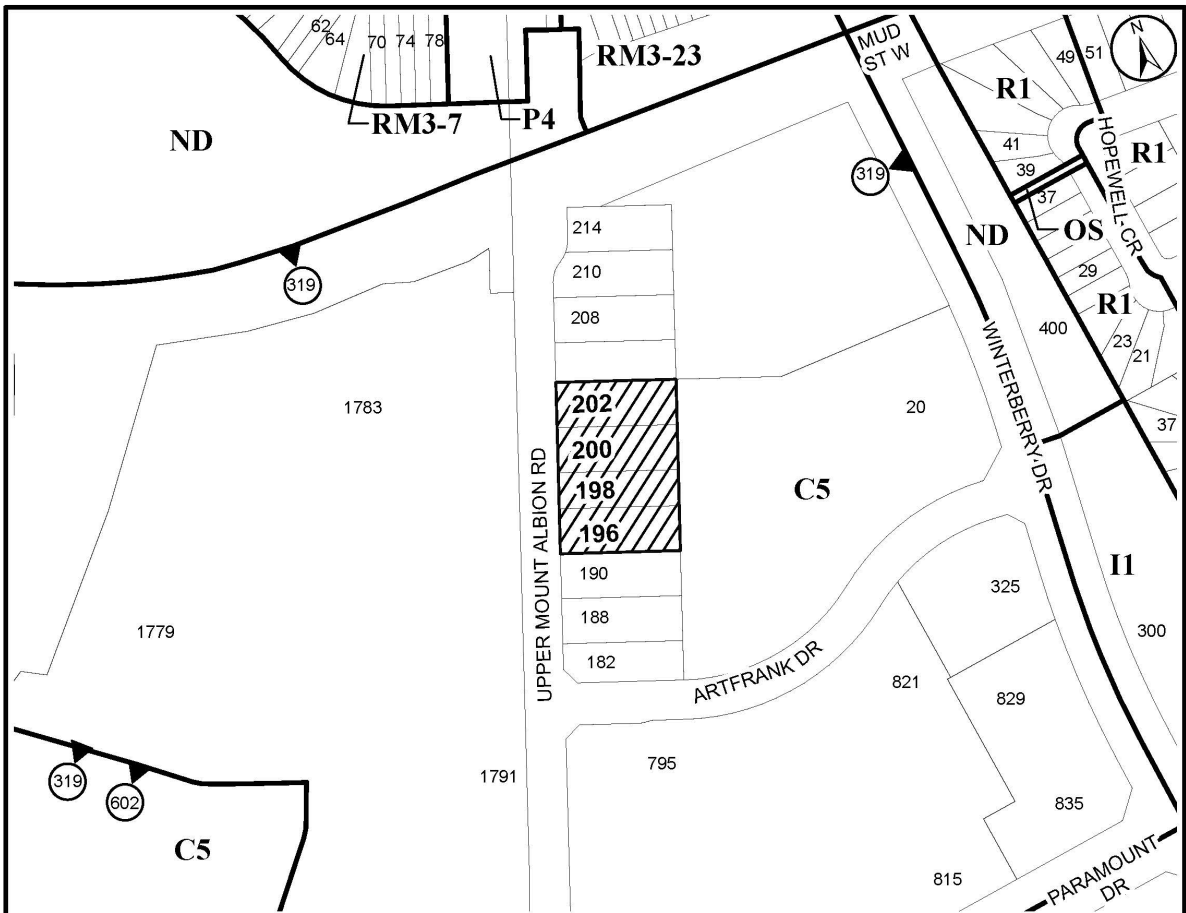
**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 196, 198, 200 and 202 Upper Mount
Albion Road, Stoney Creek (PED24041) (Ward 9) - Page 12 of 12**

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED24041 – Location Map
Appendix "B" to Report PED24041 – Amendment to Urban Hamilton Official Plan
Appendix "C" to Report PED24041 – Amendment to Zoning By-law No. 05-200
Appendix "D" to Report PED24041 – Zoning Modification Table
Appendix "E" to Report PED24041 – Concept Plan
Appendix "F" to Report PED24041 – Policy Review
Appendix "G" to Report PED24041 – Staff and Agency Comments
Appendix "H" to Report PED24041 – Public Comments
Appendix "I" to Report PED24041 – Held in Abeyance Zoning By-law Amendment

JVR:sd

Appendix "A" to Report PED24041
Page 1 of 1



● Site Location



Key Map - Ward 9

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-23-026 & UHOPA-23-011

Date:
June 5, 2024

Appendix "A"

Scale:
N.T.S

Planner/Technician:
JV/AL

Subject Property

196, 198, 200 & 202 Upper Mount Albion Road



Change in zoning from the Mixed Use Medium Density (C5, 319) Zone to the Mixed Use Medium Density (C5, 894, H171) Zone

Schedule "1"

Urban Hamilton Official Plan Amendment No. X

The following text, together with Appendix "A" – Volume 2: Map B.7.6-1 West Mountain Area (Heritage Green) 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 West Mountain Area (Heritage Green) Secondary Plan to permit the development of a nine storey mixed use building with a maximum density of 460 units per net hectare on the subject lands.

2.0 Location:

The lands affected by this Amendment are known municipally as 196, 198, 200 and 202 Upper Mount Albion Road, 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 West Mountain Area (Heritage Green) Secondary Plan, as it contributes to the range of housing forms and efficient use of land;
- The proposed development is compatible with existing and planned development in the immediate area and represents good planning by providing for the development of a complete community, enhancing, and continuing the streetscape within the neighbourhood, and making efficient use of land and existing infrastructure within the urban boundary.
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 Actual Changes:

4.1 Volume 2 – Secondary Plans

Text

4.2.1 Chapter B.7 – Stoney Creek Secondary Plans – Section B.7.6 – West Mountain Area (Heritage Green) Secondary Plan

- a. That Volume 2: Chapter B.7 – Stoney Creek Secondary Plans, Section B.7.6.9 – Site and Area Specific Policies, Policy B.7.6.9.5 b) be amended by adding a new Block to Area Specific Policy Area – A-3:

"Block A-3-1

- iv) Block A-3-1

Notwithstanding Policy B.7.6.2.3 b), for lands identified as Area Specific Policy – Area A, Block A-3-1 on Map B.7.6-1 West Mountain Area (Heritage Green) Secondary Plan – Land Use Plan, designated Mixed Use – Medium Density, and known as 196, 198, 200 and 202 Upper Mount Albion Road, the maximum permitted density shall be 460 units per net hectare."

Maps

4.2.2 Map

- a. That Volume 2: Map B.7.6-1 – West Mountain Area (Heritage Green) Secondary Plan – Land Use Plan be amended by changing the identification of the subject lands from "Area Specific Policy – Area A, Block A-3" to "Area Specific Policy – Area A, Block A-3-1" as shown on Appendix "A", attached to this Amendment.

5.0 Implementation:

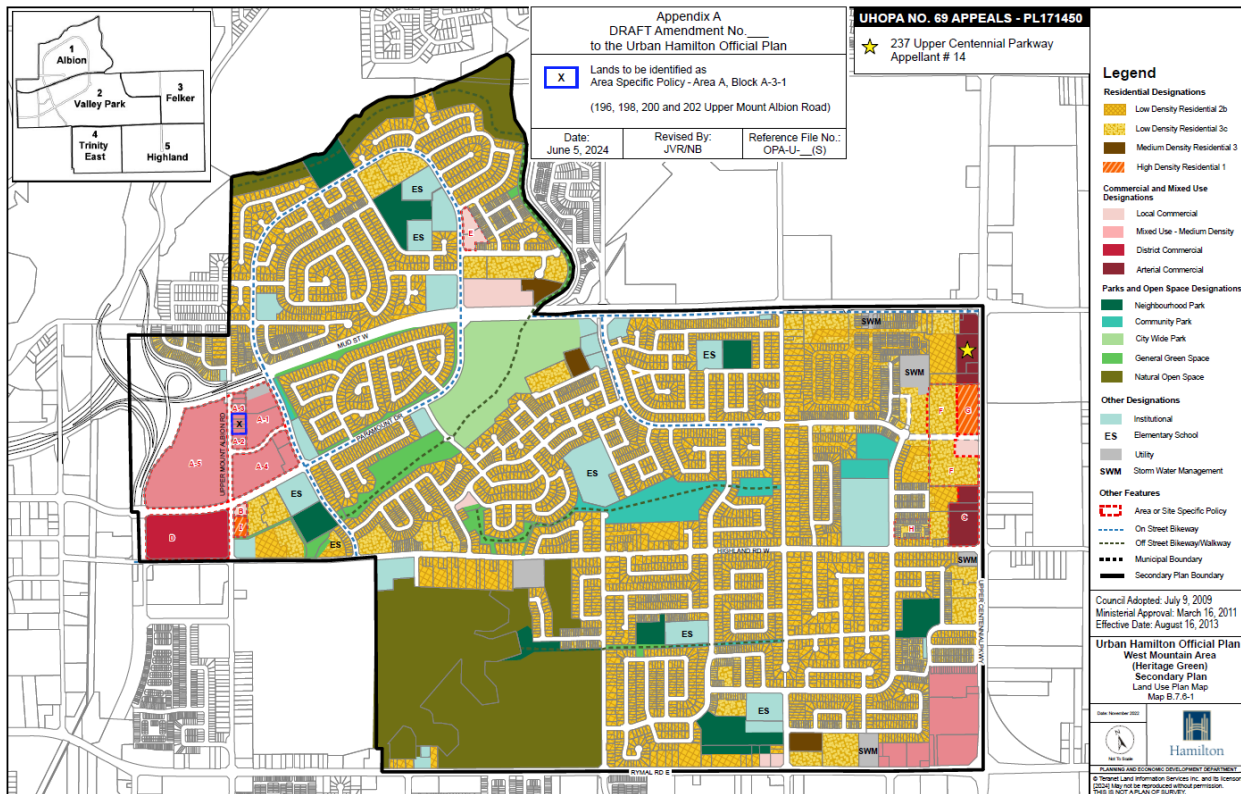
An implementing Zoning By-Law Amendment and Site Plan Control will give effect to the intended uses on the subject lands.

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

**The
City of Hamilton**

A. Horwath
MAYOR

M. Trennum
CITY CLERK



**Appendix “C” to Report PED24041
Page 1 of 5**

Authority: Item,
Report (PED099)
CM:
Ward: 9

Bill No.

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

To Amend Zoning By-law No. 05-200 with respect to lands located at 196, 198, 200 and 202 Upper Mount Albion Road, Stoney Creek

WHEREAS Council approved Item __ of Report _____ of the Planning Committee, at its meeting held on August 13, 2024;

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

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

1. That Schedule “A” – Zoning Maps, Map No. 1453 is amended by changing the zoning from the Mixed Use Medium Density (C5, 319) Zone to the Mixed Use Medium Density (C5, 894, H171) Zone, for the lands known as 196, 198, 200 and 202 Upper Mount Albion Road, 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:

“894. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Map No. 1453 of Schedule “A” – Zoning Maps and described as 196, 198 200 and 202 Upper Mount Albion Road, Stoney Creek, the following special provisions shall apply:

a) Notwithstanding Section 10.5.1, only the following uses shall be permitted:

- | | | |
|----|----------------|---|
| i) | Permitted Uses | Home Business
Multiple Dwelling
Financial Establishment
Office
Personal Service Establishment |
|----|----------------|---|

Appendix “C” to Report PED24041**Page 2 of 5**

Restaurant
Retail
Veterinary Service

b) In addition to Section 10.5.3, the following regulations shall apply:

- i) Maximum Density 460 units per net hectare.
- ii) Minimum Landscaped Area 35% of the total Lot Area.

c) Notwithstanding Sections 10.5.3 d) i), ii) and iv) B and g) vii), the following regulations shall apply:

- iii) Building Height Minimum 6.0 metre façade height for any portion of a building along a street line.
- iv) Maximum Building Height 31.0 metres.

B. 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 be setback a minimum of 3.0 metres from the north, south and west exterior walls of the storey directly beneath. 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 be setback a minimum of 31 metres from the eastern property line.

- v) Built Form for New Development A minimum of one principal entrance for residential uses shall be provided at grade and be accessible from a pedestrian walkway connected to the public sidewalk.

A minimum of one principal entrance for each commercial unit shall be provided:

Appendix “C” to Report PED24041
Page 3 of 5

1. within the ground floor façade that is setback closest to the street; and,
 2. shall be accessible from the building façade with direct access from the public sidewalk.
- d) Notwithstanding Section 4.6 e), Balconies shall be permitted to encroach into the required rear yard to a maximum of 1.6 metres and into any other required yard a maximum of 1.0 metre.
3. That Schedule “D” – Holding Provisions be amended by adding the additional Holding Provision as follows:

“171. Notwithstanding Section 10.5 of this By-law, within land zoned Mixed Use Medium Density (C5, 894) Zone, identified on Map No. 1453 of Schedule “A” – Zoning Maps and described as 196, 198, 200 and 202 Upper Mount Albion Road, no development shall be permitted until such time as:

 - a) That the owner upgrades the sanitary sewer from MH SA15A107 to SO20A007 along Cornerstone Drive, MH SA20A007 to HO18A031 along Cedarville Drive, and MH HO 18A031 to HO18A005 along Old Mud Street/Kingsview Drive, in accordance with the Functional Servicing Report prepared by Walter Fedy dated January 19, 2024, at the Owner’s expense, and to the satisfaction of the Director of Growth Management and Chief Development Engineer.
 - b) That the owner makes satisfactory arrangements with the City’s Growth Management Division to enter into and register on title of the lands, an External Works Agreement with the City for the design and construction of the sanitary sewer improvements to the existing municipal infrastructure at the Owner’s cost, to the satisfaction of the Director of Growth Management and Chief Development Engineer.”
4. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the provisions of the Mixed Use Medium Density (C5, 894, H171) Zone, subject to the special requirements referred to in Section No. 2 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 PED24041
Page 4 of 5

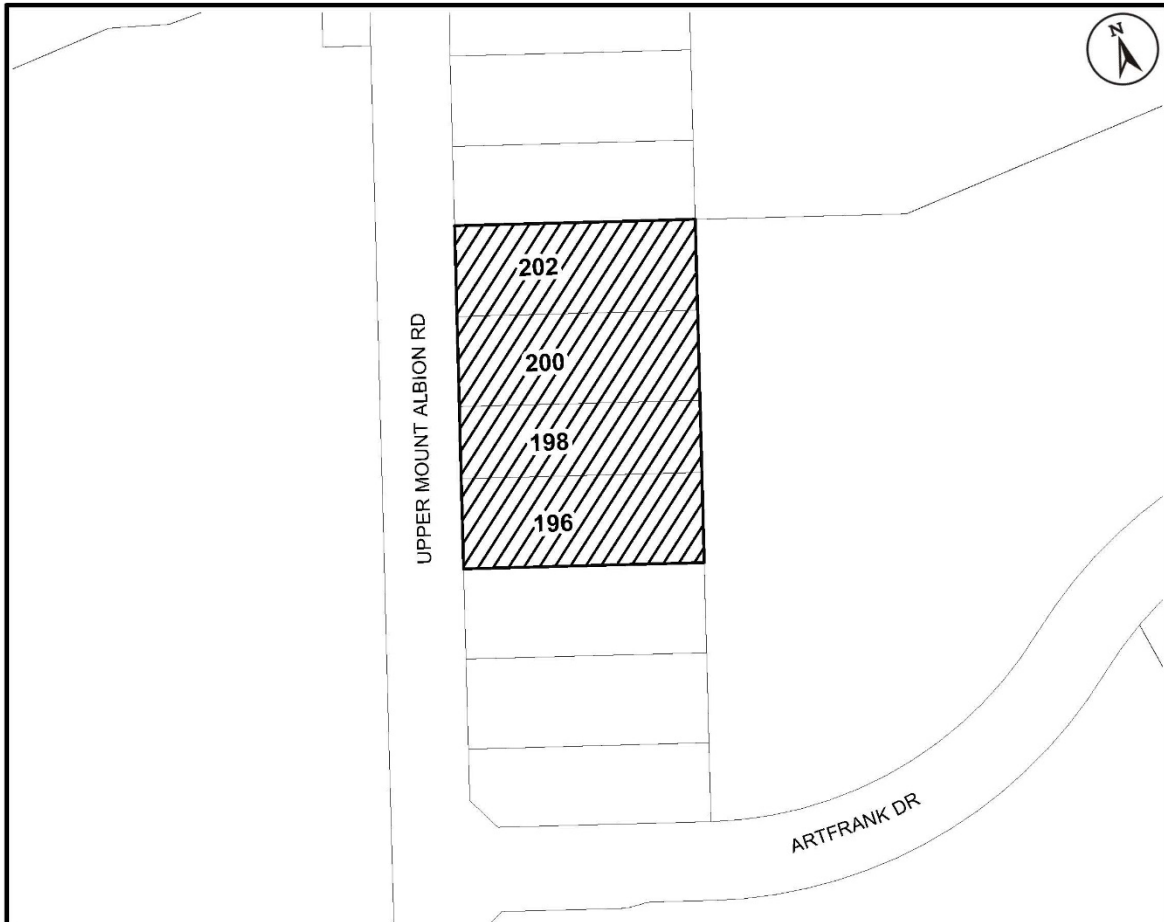
PASSED this _____ , 2024

A. Horwath
Mayor

M. Trennum
City Clerk

ZAC-23-026 and UHOPA-23-011

Appendix "C" to Report PED24041
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 1453

Subject Property
 196, 198, 200 & 202 Upper Mount Albion Road

 Change in zoning from the Mixed Use Medium Density (C5, 319) Zone to the Mixed Use Medium Density (C5, 894, H171) Zone

Scale: N.T.S	File Name/Number: ZAC-23-026 & UHOPA-23-011
Date: June 5, 2024	Planner/Technician: JV/AL



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Appendix “D” to Report PED24041

Page 1 of 5

Proposed Site Specific Modifications to the Mixed Use Medium Density (C5) Zone

Regulation	Required	Modification	Analysis
Permitted Uses	Permits a range of retail, service, commercial, entertainment, and residential uses including but not limited to: Artist Studio, Catering Service, Day Nursery, Funeral Home, Hotel, Multiple Dwelling, Office, Personal Services, Restaurant, Tradesperson’s Shop.	Limit the uses permitted to only: <ul style="list-style-type: none"> • Home Business, • Multiple Dwelling, • Financial Establishment, • Office, • Personal Service, Establishment, • Restaurant, • Retail, and • Veterinary Service 	<p>The lands are currently zoned Mixed Use Medium Density (C5, 319) Zone. The proposed Zoning By-law Amendment is to remove the subject lands from Special Exception 319, which limited permitted uses on the subject lands to Home Business, Multiple Dwelling, and a Stormwater Management Facility. The modifications proposed by the applicant maintain limited permitted uses while expanding to include several additional ground floor commercial uses appropriate for mixed use development and appropriate to the location and scale as permitted within the West Mountain Core Area, “Area Specific Policy – Area A” of the West Mountain Area (Heritage Green) Secondary Plan.</p> <p>The proposed modification will permit uses that are compatible and supportive to residential use on the subject lands and nearby.</p> <p>Therefore, staff support the proposed modification.</p>

Appendix “D” to Report PED24041
Page 2 of 5

Regulation	Required	Modification	Analysis
Maximum Density	N/A	460 units per net hectare.	<p>The introduction of a density requirement has been proposed by the applicant to implement the site specific maximum residential density that would be allowed upon approval of the Official Plan Amendment.</p> <p>A Holding Provision is included in the Zoning By-law Amendment attached as Appendix “C” to Report PED24041 to ensure adequate sanitary servicing is provided in the future and will ensure the additional density can be accommodated.</p> <p>The introduction of a maximum density will allow for an appropriate intensification by providing a mix of housing types and add to the range of housing in the immediate area.</p> <p>Therefore, staff supports this modification.</p>
Minimum Landscaped Area	N/A	35%	<p>The introduction of a landscaped area provision is required to implement the West Mountain (Heritage Green) Secondary Plan policy requiring that the zoning by-law regulation identify a minimum landscaped area.</p> <p>The Mixed Use Medium Density (C5) Zone does not have a minimum landscaped open space requirement for multiple dwellings. The 35% landscaped area will permit a compact form of development while balancing landscaped area with driveways, sidewalks, and other paved areas.</p> <p>Therefore, staff support this modification.</p>

Appendix “D” to Report PED24041

Page 3 of 5

Regulation	Required	Modification	Analysis
Building Height	<p>i) Minimum 7.5 metre façade height for any portion of a building along a street line;</p> <p>ii) Maximum 22 metres; and,</p> <p>iv) B. 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 be setback a minimum of 3.0 metres from the exterior walls of the storey directly beneath.</p>	<p>Minimum 6.0 metre façade height for any portion of a building along a street line.</p> <p>Maximum 31.0 metres.</p> <p>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 be setback a minimum of 3.0 metres from the north, south and west exterior walls of the storey directly beneath. 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 be setback a minimum of 31 metres from the eastern property line.</p>	<p>The intent of the minimum 7.5 metre façade height is to ensure a positive relationship between the pedestrian public realm and to ensure that the building base heights are in keeping with the scale of adjacent buildings and uses and provide an animated street edge.</p> <p>The proponents are requesting relief of 1.5 metres and propose a 6 metre façade height with a stepped back 2 metre terrace on the third floor. Staff do not have concerns with the reduced façade height as the 6 metre height is provided at a human scale and provides an animated street edge.</p> <p>The applicants have requested a 31 metre maximum building height. This complies with the West Mountain Area (Heritage Green) Secondary Plan which permits building heights of three to nine storeys. A Sun Shadow Study, prepared by Jonathan Weizel Architect and dated October 13, 2022, concluded that the development maintains a minimum of three hours of sunlight between 10 am and 4 pm on the surrounding public sidewalks, and public and private outdoor amenity spaces.</p> <p>The intent of setting back an enclosed or partially enclosed amenity structure on the roof 3 metres from the storey beneath is to screen the structure from public view at street level. The building proposed is a horseshoe design rather than a typical rectangular design. There is an 11.3 metre section at the bottom of the horseshoe shape that does not technically meet the requirement for a 3 metre setback from the storey directly beneath.</p>

Appendix “D” to Report PED24041
Page 4 of 5

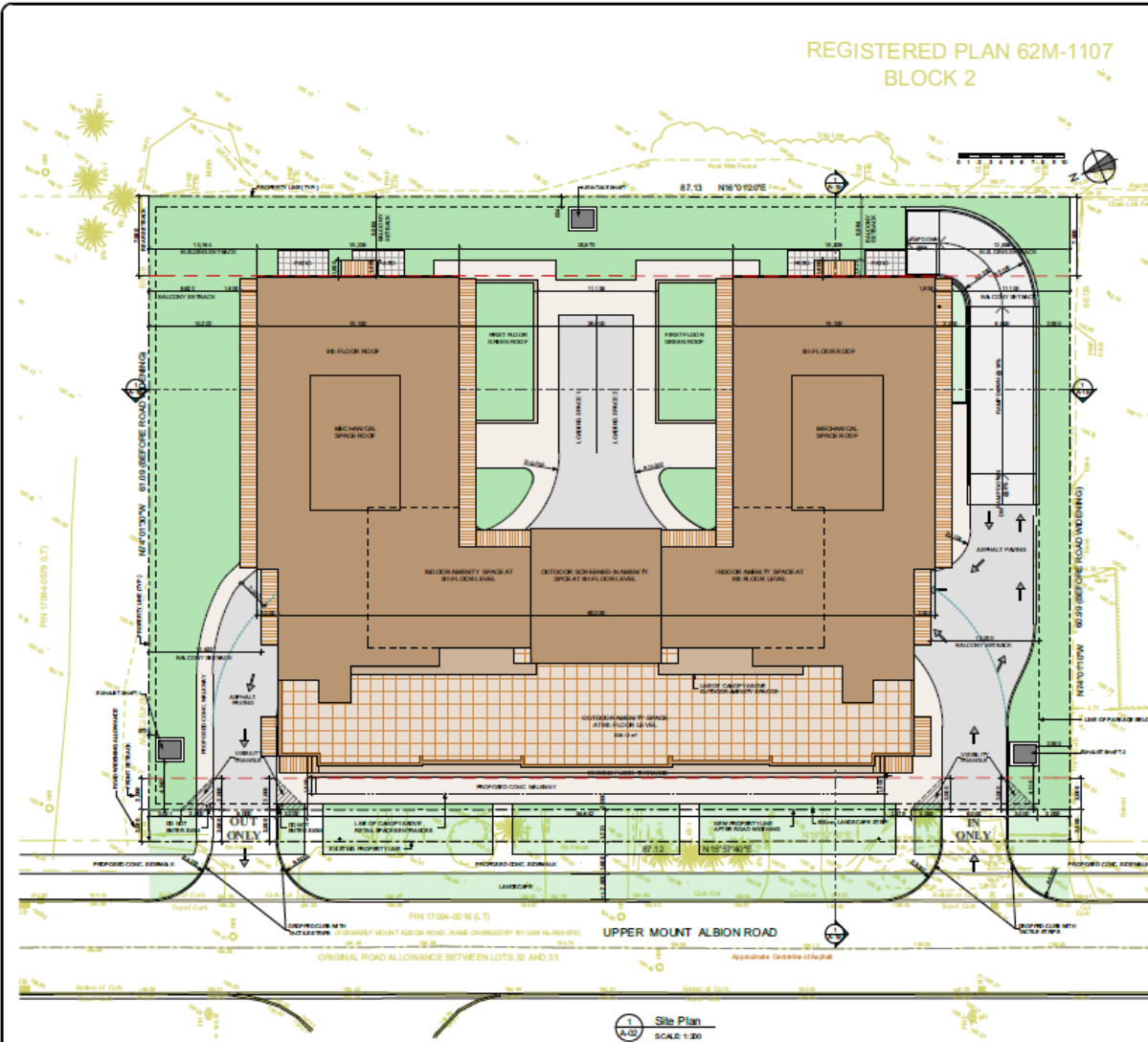
Regulation	Required	Modification	Analysis
Building Height (Continued)			<p>The amendment maintains the requirement of the setback from all other sides of the building.</p> <p>Therefore, staff support these modifications.</p>
Built Form for New Development	<p>A minimum of one principal entrance shall be provided:</p> <p>1. within the ground floor façade that is set back is closest to a street.</p>	<p>A minimum of one principal entrance for residential uses shall be provided at grade and be accessible from a pedestrian walkway connected to the public sidewalk.</p> <p>A minimum of one principal entrance for each commercial unit shall be provided within the ground floor façade that is setback closest to the street and shall be accessible from the building façade with direct access from the public sidewalk.</p>	<p>The modification includes the entrance requirements for buildings within the Mixed Use Medium Density (C5) Zone to ensure the proposed commercial units are easily accessible from the public sidewalk.</p> <p>Therefore, staff supports this modification.</p>
Permitted Yard Encroachments	<p>A balcony may encroach into any required yard to a maximum of 1.0 metre, except into a required side yard of not more than one-third of its width or 1.0 metre, whichever is the lesser.</p>	<p>Balconies shall be permitted to encroach into the required rear yard to a maximum of 1.6 metres and into any other required yard a maximum of 1.0 metre.</p>	<p>The intent of the regulation is to prevent overlook onto neighbouring properties. The proposal provides wider balconies at its rear, however this proposal does not back onto any private amenity area.</p> <p>Therefore, staff supports this modification.</p>

Appendix “D” to Report PED24041
Page 5 of 5

Regulation	Required	Modification	Analysis
Minimum Number of Electric Vehicle Parking	100% of all parking spaces, excluding any visitor parking space.	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.	The applications were submitted in December of 2022, 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. The applicant has committed to providing 25% of all provided parking spaces to be Electric Vehicle Parking Spaces. This results in approximately 125 Electric Vehicle Parking Spaces based on the current provision of parking.

Appendix "E" to Report PED24041
Page 1 of 10

REGISTERED PLAN 62M-1107
BLOCK 2



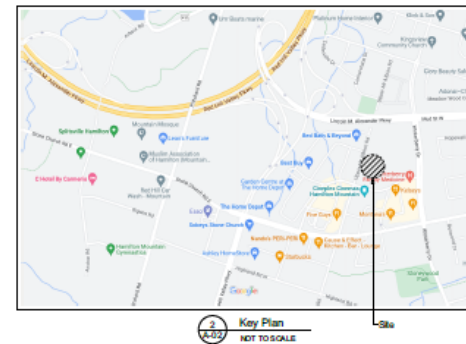
1 Site Plan
SCALE: 1:300

Units' Mix

	Studio	1 Bedroom	1 Bedroom + Den	2 Bedroom	2 Bedroom + Den	Total Units
1 st Floor					4	4
2 nd Floor	8	8	2	12		30
3 rd Floor	8	8	2	12		30
4 th Floor	8	8	2	12		30
5 th Floor	8	8	2	12		30
6 th Floor	8	8	2	12		30
7 th Floor	8	8	2	12		30
8 th Floor	8	8	2	12		30
9 th Floor	8	8	2	12		30
10 th Floor	8	8	2	12		30
11 th Floor	8	8	2	12		30
12 th Floor	8	8	2	12		30
Total	96	96	14	90	4	232

AMENITY SPACE SCHEDULE

SPACE	FLOOR	AREA
INDOOR AMENITY SPACE A	04 th Floor	168.96
INDOOR AMENITY SPACE C	04 th Floor	168.96
OUTDOOR AMENITY SPACE	04 th Floor	537.96
SCREENED-IN AMENITY SPACE	04 th Floor	137.40
		1,012.79 m ²
BALCONIES AND TERRACES AREA (ALL FLOORS)		2,483.15m ²



Preliminary Site Statistics

SITE AREA	6,068.69 m ²
TOTAL BUILDING'S COVERAGE AREA FROM ALL FLOORS	2,475.41 m ²
LOT COVERAGE	48.95%
ASPHALT AREA (NOT COVERED BY FLOORS 2 nd TO 9 th)	551.68 m ²
RAMP AREA	175.80 m ²
LANDSCAPE AREA	1,853.70 m ²
LANDSCAPE PERCENTAGE	36.66%
TOTAL NUMBER OF RESIDENTIAL UNITS	232 UNITS
TOTAL COMMERCIAL AREA	336.99 m ²

NOTE: ALL STATISTICS SHOWN ARE AFTER ROAD WIDENING

PARKING PROVIDED

ON GRADE SPACES	13	SPACES
ON GRADE CAR SHARE SPACES	1	SPACE
PARKADE LEVEL P-1	116	SPACES
PARKADE LEVEL P-2	116	SPACES
TOTAL PROVIDED	246	SPACES
ACCESSIBLE PARKING (INCLUDED)	7	SPACES

BIKE SPACES PROVIDED

	LONG TERM	SHORT TERM
ON GRADE SPACES	134	41
PARKADE LEVEL P-1	5	
PARKADE LEVEL P-2	5	
TOTAL PROVIDED	146	41

PRELIMINARY

NO.	DESCRIPTION	DATE	BY
1	Issue For Client Review	May 10, 2022	JW
2	Issue For Client Review	May 10, 2022	JW
3	Issue For Client Review	May 10, 2022	JW
4	Issue For Client Review	May 10, 2022	JW
5	Issue For Client Review	May 10, 2022	JW
6	Issue For Client Review	May 10, 2022	JW
7	Issue For Client Review	May 10, 2022	JW
8	Issue For Client Review	May 10, 2022	JW
9	Issue For Client Review	May 10, 2022	JW
10	Issue For Client Review	May 10, 2022	JW
11	Issue For Client Review	May 10, 2022	JW
12	Issue For Client Review	May 10, 2022	JW
13	Issue For Client Review	May 10, 2022	JW
14	Issue For Client Review	May 10, 2022	JW
15	Issue For Client Review	May 10, 2022	JW
16	Issue For Client Review	May 10, 2022	JW
17	Issue For Client Review	May 10, 2022	JW
18	Issue For Client Review	May 10, 2022	JW
19	Issue For Client Review	May 10, 2022	JW
20	Issue For Client Review	May 10, 2022	JW

JONATHAN WEIZEL ARCHITECT

36 JAMESVILLE ROAD
Toronto, Ontario L4J 6Z9
Telephone: (905) 707-1996
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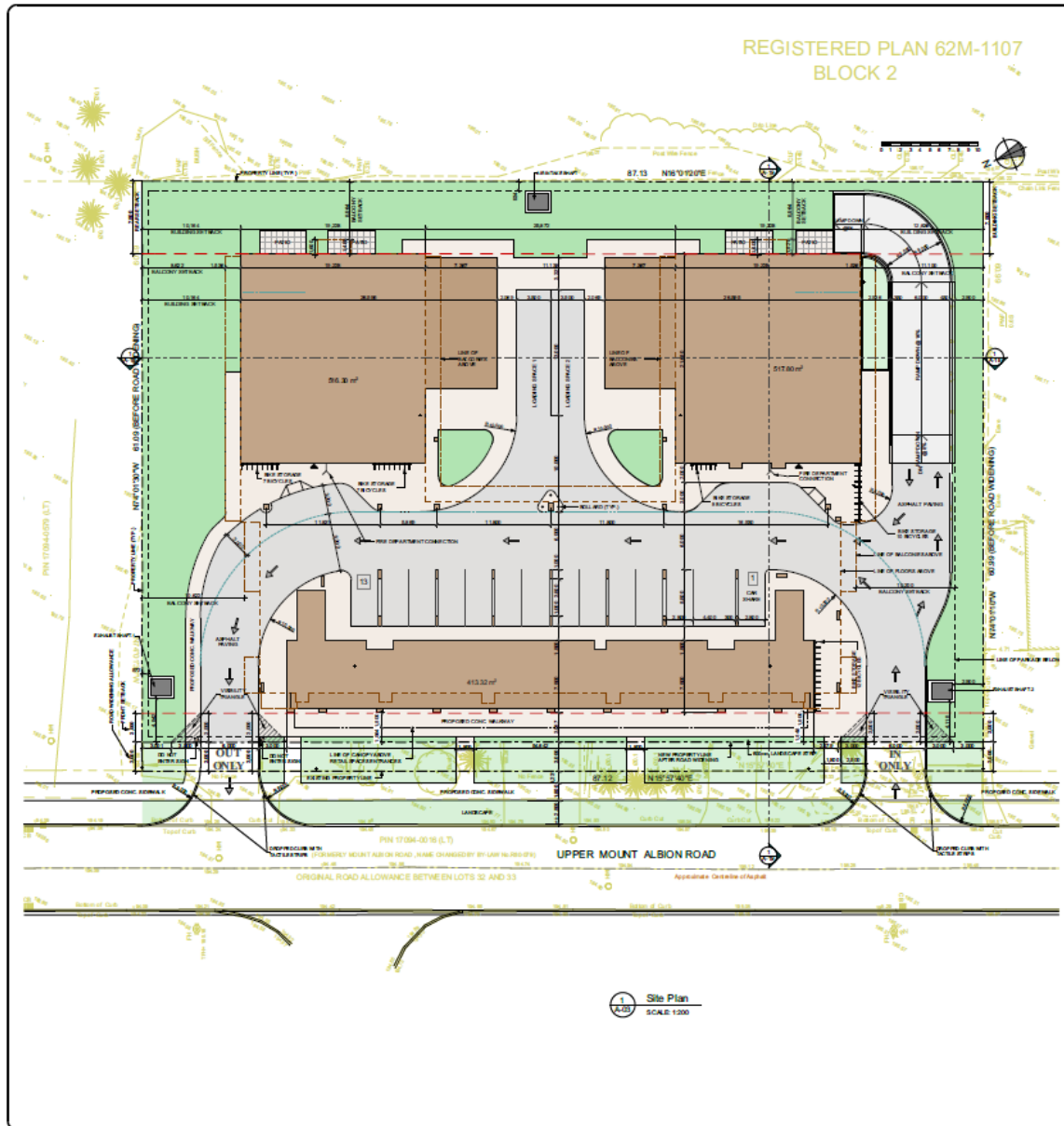
9 Storey Mixed-Use Condominium Development

186-303 UPPER MOUNT ALBION ROAD, STONEY CREEK
Drawing Title

Preliminary Concept Site Plan

Sheet Print Size: 24" x 36"

Drawn by	Checked by
JW	JW
Date: 1:200	May 2022
Project Number: 222/21	Drawing Number: A-02



Preliminary Units Area

1st Floor Unit's Areas			
Level	Model	Unit Number	Unit Area
1st Floor	2B D+DEN	101L	79.46
1st Floor	2B D+DEN	102L	96.59
1st Floor	2B D+DEN	103L	96.66
1st Floor	2B D+DEN	104L	79.46
		4	292.17 m ²

1st Floor Mezzanine Unit's Areas			
Level	Model	Unit Number	Unit Area
Mezzanine	2B D+DEN	101U	49.32
Mezzanine	2B D+DEN	102U	39.66
Mezzanine	2B D+DEN	103U	49.06
Mezzanine	2B D+DEN	104U	49.32
		4	178.60 m ²

2nd to 8th Floor Unit's Areas			
Level	Model	Unit Number	Unit Area
3rd Floor	STUDIO	301	42.71
3rd Floor	2B D	302	96.12
3rd Floor	STUDIO	303	41.49
3rd Floor	2B D	304	96.12
3rd Floor	STUDIO	305	42.77
3rd Floor	1B D	306	51.92
3rd Floor	1B D	307	52.13
3rd Floor	2B D	308	63.85
3rd Floor	2B D	309	96.30
3rd Floor	1B D	310	53.17
3rd Floor	1B D	311	53.30
3rd Floor	2B D	312	102.76
3rd Floor	1B D	313	53.30
3rd Floor	1B D	314	53.17
3rd Floor	2B D	315	96.30
3rd Floor	2B D	316	63.85
3rd Floor	1B D	317	52.13
3rd Floor	1B D	318	51.92
3rd Floor	STUDIO	319	42.77
3rd Floor	2B D	320	96.12
3rd Floor	STUDIO	321	41.49
3rd Floor	2B D	322	96.12
3rd Floor	STUDIO	323	42.71
3rd Floor	STUDIO	324	44.68
3rd Floor	2B D	325	104.02
3rd Floor	1B D+DEN	326	67.31
3rd Floor	1B D	327	102.27
3rd Floor	1B D+DEN	328	67.31
3rd Floor	2B D	329	104.02
3rd Floor	STUDIO	330	44.68
		30	1,915.81 m ²

9th Floor Unit's Areas			
Level	Model	Unit Number	Unit Area
9th Floor	STUDIO	901	42.71
9th Floor	2B D	902	96.12
9th Floor	STUDIO	903	41.49
9th Floor	2B D	904	96.12
9th Floor	STUDIO	905	42.77
9th Floor	1B D	906	51.92
9th Floor	1B D	907	52.13
9th Floor	2B D	908	63.85
9th Floor	2B D	909	96.30
9th Floor	1B D	910	53.17
9th Floor	1B D	911	53.30
9th Floor	STUDIO	912	42.77
9th Floor	2B D	913	96.12
9th Floor	STUDIO	914	41.49
9th Floor	2B D	915	96.12
9th Floor	STUDIO	916	42.71
9th Floor	STUDIO	917	44.68
9th Floor	STUDIO	918	44.68
		18	961.58 m ²

62 UNITS UNDER 50.0m²

Project G.F.A.	
Floor	Area
9th Floor	1,694.57
8th Floor	2,115.81
7th Floor	2,115.81
6th Floor	2,115.81
5th Floor	2,115.81
4th Floor	2,115.81
3rd Floor	2,115.81
2nd Floor	2,115.81
Mezzanine	158.85
Mezzanine	157.25
1st Floor	391.76
1st Floor	406.44
1st Floor	406.51
	17,946.05 m ²

2
A-03
G.F.A. Above Grade
NOT TO SCALE

1 G.F.A. All Levels	
Floor	Area
9th Floor	1,694.57
8th Floor	2,115.81
7th Floor	2,115.81
6th Floor	2,115.81
5th Floor	2,115.81
4th Floor	2,115.81
3rd Floor	2,115.81
2nd Floor	2,115.81
Mezzanine	158.85
Mezzanine	157.25
1st Floor	391.76
1st Floor	406.44
1st Floor	406.51
Parkade Level P-1	4,860.71
Parkade Level P-2	4,860.71
	27,267.47 m ²

3
A-03
G.F.A. All Levels
NOT TO SCALE

1 G.F.A. Below Grade	
Floor	Area
Parkade Level P-1	4,860.71
Parkade Level P-2	4,860.71
	9,721.42 m ²

4
A-03
G.F.A. Below Grade
NOT TO SCALE

PRELIMINARY

10	Change Order #1 (Revised 1st Floor for A. Approved setbacks)	Jan. 03, 2022
11	1st Floor Unit and Unit Numbers added and Unit #	July 26, 2022
12	1st Floor Unit and Unit Numbers changed	July 26, 2022
13	1st Floor Unit and Unit Numbers changed	July 26, 2022
14	1st Floor Unit and Unit Numbers changed	July 26, 2022
15	1st Floor Unit and Unit Numbers changed	July 26, 2022
16	Revised and issued	April 14, 2022
17	Revised and issued	Dec. 01, 2022
18	P-1 & P-2 Parkade Level for Client Review	Dec. 21, 2022
19	Revised and issued for Client Review	Dec. 21, 2022
20	1st Floor Unit and Unit Numbers changed	Dec. 21, 2022
21	1st Floor Unit and Unit Numbers changed	Dec. 21, 2022
22	1st Floor Unit and Unit Numbers changed	Dec. 21, 2022
23	1st Floor Unit and Unit Numbers changed	Dec. 21, 2022
24	1st Floor Unit and Unit Numbers changed	Dec. 21, 2022
25	1st Floor Unit and Unit Numbers changed	Dec. 21, 2022
26	1st Floor Unit and Unit Numbers changed	Dec. 21, 2022
27	1st Floor Unit and Unit Numbers changed	Dec. 21, 2022
28	1st Floor Unit and Unit Numbers changed	Dec. 21, 2022
29	1st Floor Unit and Unit Numbers changed	Dec. 21, 2022
30	1st Floor Unit and Unit Numbers changed	Dec. 21, 2022

THE GENERAL CONTRACTOR SHALL CHECK A VERIFY ALL CHANGES AND REPORT ALL ERRORS AND OMISSIONS TO THE ARCHITECT. THE ARCHITECT DOES NOT SCALE. MEASUREMENTS FROM DIMENSIONS SHALL NOT BE USED FOR CONSTRUCTION. MEASUREMENTS SHALL BE THE ARCHITECT'S.

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ONARIO ASSOCIATION OF ARCHITECTS INC.
MEMBER & LICENSEE
2017

Project
9 Storey Mixed-Use Condominium Development

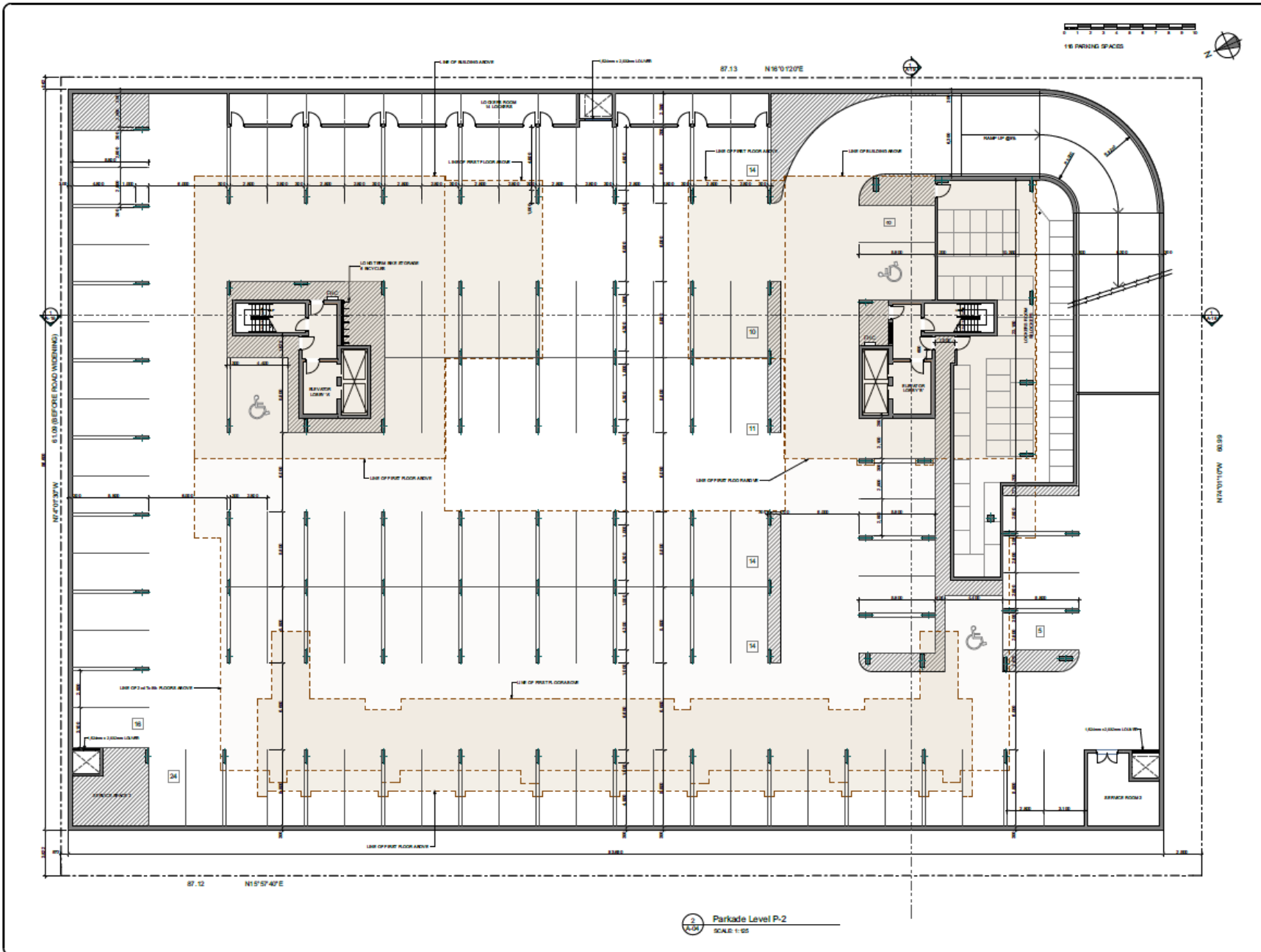
148-203 UPPER MOUNT ALBION ROAD, STONEY CREEK, ONTARIO

Preliminary Site Plan (at Grade view)

Sheet Print Size: 24" x 36"

Drawn by	Checked by	Date
		May 2022

Project Number: **222/21** Drawing Number: **A-03**



PRELIMINARY

All entry doors and doors to all circulation areas are 900mm wide

No.	Description	Date
16	Client Review @ Parkade P-2 Plan and Section A. Submission 2/20/23	Jan. 15, 2023
17	1st Review Meeting and Revision with Client	Jan. 26, 2023
18	1st Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
19	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
20	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
21	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
22	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
23	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
24	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
25	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
26	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
27	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
28	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
29	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
30	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
31	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
32	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
33	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
34	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
35	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
36	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
37	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
38	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
39	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
40	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
41	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
42	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
43	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
44	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
45	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
46	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
47	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
48	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
49	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
50	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
51	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
52	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
53	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
54	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
55	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
56	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
57	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
58	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
59	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
60	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
61	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
62	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
63	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
64	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
65	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
66	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
67	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
68	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
69	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
70	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
71	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
72	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
73	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
74	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
75	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
76	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
77	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
78	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
79	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
80	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
81	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
82	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
83	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
84	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
85	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
86	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
87	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
88	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
89	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
90	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
91	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
92	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
93	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
94	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
95	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
96	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
97	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
98	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
99	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023
100	2nd Review Meeting for Utility (Ramp and Stair)	Jan. 26, 2023

THE ORIGINAL CONTRACTOR SHALL CHECK & VERIFY ALL DIMENSIONS AND REPORT ALL ERRORS AND OMISSIONS TO THE ARCHITECT. DO NOT SCALE THIS DRAWING. THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNLESS SOLELY BY THE ARCHITECT.

JONATHAN WEIZEL ARCHITECT

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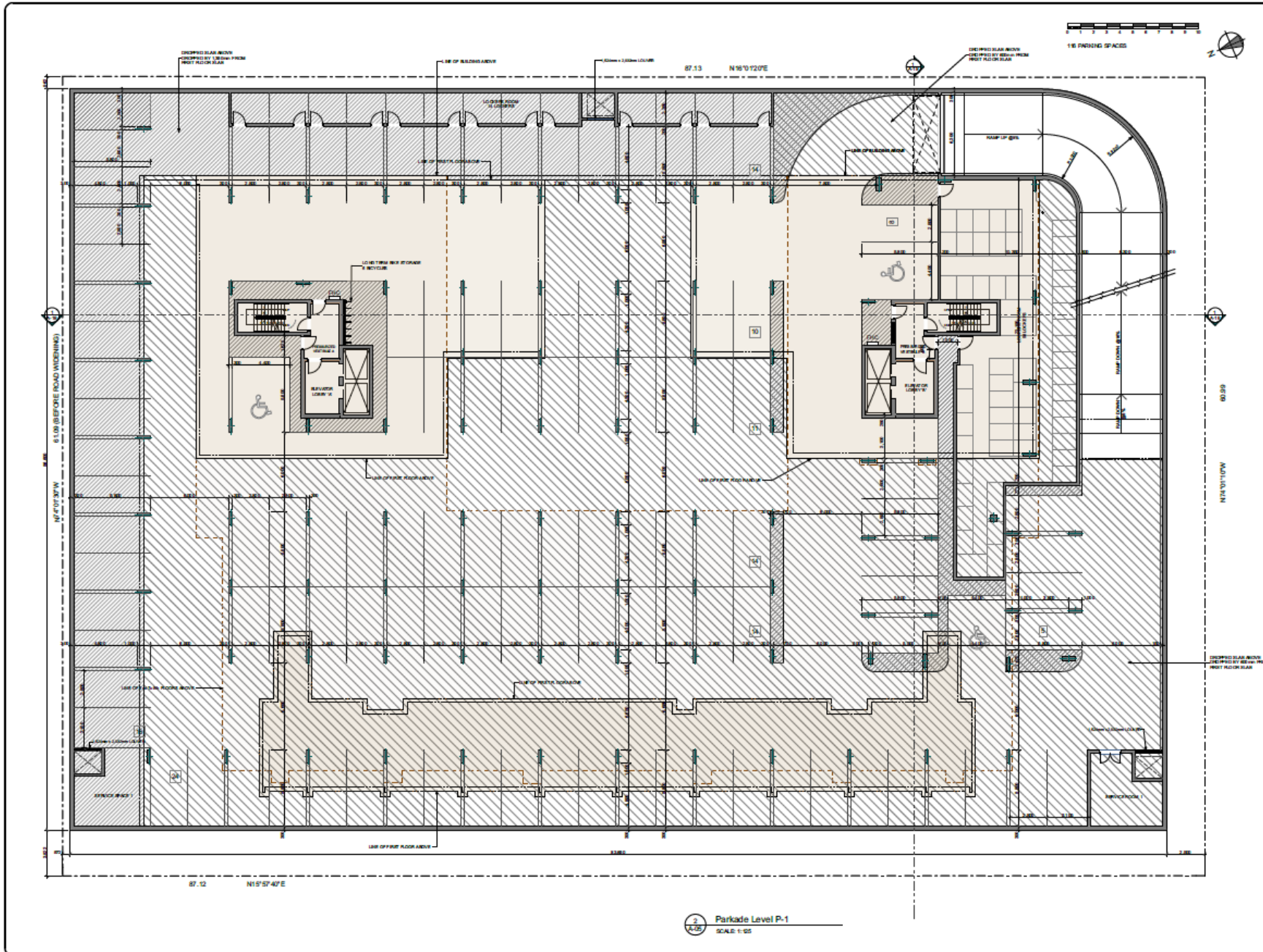
Project
9 Storey Mixed-Use Condominium Development

180-205 UPPER MOUNT ALBION ROAD, STONEY CREEK
 Cooking Tile
Parkade P-2 Level Plan

Sheet Print Size: 24" x 36"

Drawn by: BR	Checked by: JW
Scale: 1:125	Date: May 2022
Project Number: 222/21	Drawing Number: A-04

2 Parkade Level P-2
 SCALE: 1:50



PRELIMINARY

When by close and doors to all dimensions are 300mm wide

No.	Description	Date
01	Client Initials @ Parkade P-1	Jan 23, 2024
02	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
03	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
04	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
05	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
06	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
07	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
08	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
09	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
10	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
11	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
12	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
13	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
14	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
15	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
16	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
17	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
18	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
19	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
20	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
21	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
22	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
23	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
24	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
25	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
26	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
27	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
28	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
29	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
30	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
31	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
32	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
33	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
34	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
35	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
36	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
37	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
38	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
39	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
40	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
41	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
42	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
43	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
44	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
45	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
46	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
47	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
48	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
49	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023
50	Set Floor Plate Release and 2nd Floor walls and Slab	July 26, 2023

THE GENERAL CONTRACTOR SHALL CHECK & VERIFY ALL DIMENSIONS AND ELEMENTS ALL WORKING AND CONDITIONS TO THE ARCH BCI 1. DO NOT SCALE. BE AWARE THAT DIMENSIONS SHALL NOT BE USED FOR CONTRACTOR PURPOSES UNLESS SIGNIFIED BY THE ARCH BCI 1

JONATHAN WEIZEL ARCHITECT

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Project
9 Storey Mixed-Use Condominium Development
 186-202 UPPER MOUNT ALBION ROAD, STONEY CREEK
 Conking Title
Parkade P-1 Level Plan

Sheet Print Size: 24" x 36"

Drawn by: SH	Checked by: JW
Scale: 1:125	Date: May 2022
Project Number: 222/21	Drawing Number: A-05



1 West Elevation
SCALE: 1:25

PRELIMINARY

NO.	DESCRIPTION	DATE
01	Complete Initial & Preliminary Title Block and DTA, Client Information sheet	June 03, 2022
02	Site Plan (Final Review and Comments added and Issued)	July 06, 2022
03	Site Plan (Per City of St. Catharines / Niagara District Office)	July 06, 2022
04	Preliminary Construction Permit	June 10, 2022
05	Permit (As Per City of St. Catharines and Issued)	April 06, 2022
06	Exterior and Interior	April 14, 2022
07	Interior and Exterior	June 01, 2022
08	Final 2D Floor Plan Issued For Client Review	June 21, 2022
09	Exterior and Interior For Client Review	June 21, 2022
10	Final 3D Render (Site Plan/Arch) Issued	June 15, 2022
11	Final 3D Render (Interior/Arch) Issued	June 21, 2022
12	Exterior and Interior For Client Review	June 22, 2022
13	Exterior and Interior For Client Review	June 22, 2022
14	Interior and Exterior For Client Review	Aug 30, 2022
15	Interior and Exterior For Client Review	Aug 30, 2022
16	Interior and Exterior For Client Review	Aug 30, 2022
17	Interior and Exterior For Client Review	Aug 30, 2022
18	Interior and Exterior For Client Review	Aug 30, 2022
19	Interior and Exterior For Client Review	Aug 30, 2022
20	Interior and Exterior For Client Review	Aug 30, 2022
21	Interior and Exterior For Client Review	Aug 30, 2022
22	Interior and Exterior For Client Review	Aug 30, 2022
23	Interior and Exterior For Client Review	Aug 30, 2022
24	Interior and Exterior For Client Review	Aug 30, 2022
25	Interior and Exterior For Client Review	Aug 30, 2022
26	Interior and Exterior For Client Review	Aug 30, 2022
27	Interior and Exterior For Client Review	Aug 30, 2022
28	Interior and Exterior For Client Review	Aug 30, 2022
29	Interior and Exterior For Client Review	Aug 30, 2022
30	Interior and Exterior For Client Review	Aug 30, 2022

THE GENERAL CONTRACTOR SHALL CHECK & VERIFY ALL DIMENSIONS AND REPORT ALL ERRORS OR OMISSIONS TO THE ARCHITECT IMMEDIATELY UPON DETECTION. THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNLESS APPROVED BY THE ARCHITECT.

JONATHAN WEIZEL ARCHITECT

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ONTARIO ASSOCIATION OF ARCHITECTS
JONATHAN A. WEIZEL
LICENSED
SINCE 1992

Project
9 Storey Mixed-Use Condominium Development
190-202 UPPER MOUNT ALBION ROAD, STONEY CREEK
Drawing Title
West Elevation

Sheet Print Size: 24" x 36"
Client: SR
Drawn by: JW
Scale: 1:125
Date: May 2022
Project Number: 222/21
Drawing Number: A-11



1 East Elevation
A-12
SCALE: 1/80

PRELIMINARY

16	Column removed @ Penthouse 1 & 2 for use of A.C. Staircase and elevator shaft	June 03, 2022
15	1st Floor Stair Removal and 2 windows added and moved	July 28, 2021
14	Window opening to 8 existing 1/2 height windows removed	July 28, 2021
13	Column removed at 2nd floor	July 15, 2021
12	Column removed at 2nd floor	April 26, 2021
11	Window and door	April 14, 2021
10	Window and door	Oct 11, 2020
9	1/2 of 1/2 of the door to remove the Glass Partition	Oct 11, 2020
8	Window and door for 2nd floor	Oct 21, 2020
7	Door 30 inch in Study View to 8 inch	Oct 13, 2020
6	Door 30 inch in Study View to 8 inch	Sept 21, 2020
5	Window and door for 2nd floor	Sept 02, 2020
4	Window and door for 2nd floor	Aug 20, 2020
3	Window and door for 2nd floor	Aug 18, 2020
2	Door for 2nd floor	Aug 11, 2020
1	Window and door for 2nd floor	July 18, 2020

JONATHAN WEIZEL ARCHITECT

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Project
9 Storey Mixed-Use Condominium Development

186-80 UPPER MOUNT ALBION ROAD, STONEY CREEK
Cooking Tile

East Elevation

Sheet Print Size: 24" x 36"

Scale: 1:125 Date: May 2022

Project Number: 222/21 Drawing Number: A-12



1 North Elevation
A-13 SCALE: 1/125

PRELIMINARY		
No.	Description	Date
10	Column layout @ Plate and Taper and 1st & 2nd Floor Slabs	Jul. 03, 2024
9	1st Floor Column and Taper and 1st and 2nd Floor Slabs	Jul. 26, 2023
8	Column layout @ 2nd Floor Slab	Jul. 26, 2023
7	Column layout @ 3rd Floor Slab	Jul. 26, 2023
6	Column layout @ 4th Floor Slab	Jul. 26, 2023
5	Column layout @ 5th Floor Slab	Jul. 26, 2023
4	Column layout @ 6th Floor Slab	Jul. 26, 2023
3	Column layout @ 7th Floor Slab	Jul. 26, 2023
2	Column layout @ 8th Floor Slab	Jul. 26, 2023
1	Column layout @ 9th Floor Slab	Jul. 26, 2023

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Project
9 Storey Mixed-Use Condominium Development

146-80 UPPER MOUNT ALBION ROAD, STONEY CREEK

Drawing Title
North Elevation

Sheet Print Size: 24" x 36"

Scale	Date
1:125	May 2022
Project Number	Drawing Number
222/21	A-13



1 South Elevation
A-14
SCALE: 1:125

PRELIMINARY

No.	Description	Date
16	Contract issued @ Preliminary 1st Floor and 1st A Floor Level (see 23.02)	July 25, 2022
17	1st Floor Construction and 2nd Floor Level	July 25, 2022
18	2nd Floor Construction and 3rd Floor Level	July 25, 2022
19	3rd Floor Construction and 4th Floor Level	July 25, 2022
20	4th Floor Construction and 5th Floor Level	July 25, 2022
21	5th Floor Construction and 6th Floor Level	July 25, 2022
22	6th Floor Construction and 7th Floor Level	July 25, 2022
23	7th Floor Construction and 8th Floor Level	July 25, 2022
24	8th Floor Construction and 9th Floor Level	July 25, 2022
25	9th Floor Construction and 10th Floor Level	July 25, 2022
26	10th Floor Construction and 11th Floor Level	July 25, 2022
27	11th Floor Construction and 12th Floor Level	July 25, 2022
28	12th Floor Construction and 13th Floor Level	July 25, 2022
29	13th Floor Construction and 14th Floor Level	July 25, 2022
30	14th Floor Construction and 15th Floor Level	July 25, 2022
31	15th Floor Construction and 16th Floor Level	July 25, 2022
32	16th Floor Construction and 17th Floor Level	July 25, 2022
33	17th Floor Construction and 18th Floor Level	July 25, 2022
34	18th Floor Construction and 19th Floor Level	July 25, 2022
35	19th Floor Construction and 20th Floor Level	July 25, 2022
36	20th Floor Construction and 21st Floor Level	July 25, 2022
37	21st Floor Construction and 22nd Floor Level	July 25, 2022
38	22nd Floor Construction and 23rd Floor Level	July 25, 2022
39	23rd Floor Construction and 24th Floor Level	July 25, 2022
40	24th Floor Construction and 25th Floor Level	July 25, 2022
41	25th Floor Construction and 26th Floor Level	July 25, 2022
42	26th Floor Construction and 27th Floor Level	July 25, 2022
43	27th Floor Construction and 28th Floor Level	July 25, 2022
44	28th Floor Construction and 29th Floor Level	July 25, 2022
45	29th Floor Construction and 30th Floor Level	July 25, 2022
46	30th Floor Construction and 31st Floor Level	July 25, 2022
47	31st Floor Construction and 32nd Floor Level	July 25, 2022
48	32nd Floor Construction and 33rd Floor Level	July 25, 2022
49	33rd Floor Construction and 34th Floor Level	July 25, 2022
50	34th Floor Construction and 35th Floor Level	July 25, 2022
51	35th Floor Construction and 36th Floor Level	July 25, 2022
52	36th Floor Construction and 37th Floor Level	July 25, 2022
53	37th Floor Construction and 38th Floor Level	July 25, 2022
54	38th Floor Construction and 39th Floor Level	July 25, 2022
55	39th Floor Construction and 40th Floor Level	July 25, 2022
56	40th Floor Construction and 41st Floor Level	July 25, 2022
57	41st Floor Construction and 42nd Floor Level	July 25, 2022
58	42nd Floor Construction and 43rd Floor Level	July 25, 2022
59	43rd Floor Construction and 44th Floor Level	July 25, 2022
60	44th Floor Construction and 45th Floor Level	July 25, 2022
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63	47th Floor Construction and 48th Floor Level	July 25, 2022
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93	77th Floor Construction and 78th Floor Level	July 25, 2022
94	78th Floor Construction and 79th Floor Level	July 25, 2022
95	79th Floor Construction and 80th Floor Level	July 25, 2022
96	80th Floor Construction and 81st Floor Level	July 25, 2022
97	81st Floor Construction and 82nd Floor Level	July 25, 2022
98	82nd Floor Construction and 83rd Floor Level	July 25, 2022
99	83rd Floor Construction and 84th Floor Level	July 25, 2022
100	84th Floor Construction and 85th Floor Level	July 25, 2022

THE GENERAL CONTRACTOR SHALL CHECK & VERIFY ALL DIMENSIONS AND REPORT ALL ERRORS AND OMISSIONS TO THE ARCH BCT. THE ARCH BCT SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNLESS SUBMITTED BY THE ARCH BCT.

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Project:
**9 Storey Mixed-Use
Condominium Development**

116-80 UPPER MOUNT ALBION ROAD, STONEY CREEK
Ontario, T6E

South Elevation

Sheet Print Size: 24" x 36"

Client: B20 Client No: JN

Scale: 1:125 Date: May 2022

Project Number: 222/21 Drawing Number: A-14



1 Artist's Concept
A-15
NOT TO SCALE



1 Artist's Concept
A-15
NOT TO SCALE

PRELIMINARY

NO.	DESCRIPTION	DATE
1	Initial Review @ 100% (1/17/21) and 100% (1/20/21)	Jan 17, 2021
2	For Plan Check review and 2nd date when approved	July 28, 2021
3	100% plan check (100% liability) Meeting with City Council	July 28, 2021
4	Final plan check review	July 28, 2021
5	Final 100% Construction and Issue	April 28, 2022
6	Final and Issue	April 28, 2022
7	Final and Issue	April 28, 2022
8	Final and Issue	April 28, 2022
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10	Final and Issue	April 28, 2022
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49	Final and Issue	April 28, 2022
50	Final and Issue	April 28, 2022

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Project
9 Storey Mixed-Use Condominium Development
180-80 UPPER MOUNT ALBION ROAD, STONEY CREEK
Drawing Title
Artist's Concept

Sheet Print Size: 24" x 36"
Drawn by: SPJ
Checked by: JAW
Date: May 2022
Project Number: 222/21
Drawing Number: A-15



1 Artist's Concept
A-15
NOT TO SCALE



2 Artist's Concept
A-16
NOT TO SCALE

PRELIMINARY

No.	Description	Date
1	Issue for Client Review	May 27, 2022
2	Issue for Client Review	June 16, 2022
3	Issue for Client Review	July 19, 2022
4	Issue for Client Review	Aug 16, 2022
5	Issue for Client Review	Aug 30, 2022
6	Issue for Client Review	Aug 30, 2022
7	Issue for Client Review	Aug 30, 2022
8	Issue for Client Review	Aug 30, 2022
9	Issue for Client Review	Aug 30, 2022
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16	Issue for Client Review	Aug 30, 2022
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42	Issue for Client Review	Aug 30, 2022
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47	Issue for Client Review	Aug 30, 2022
48	Issue for Client Review	Aug 30, 2022
49	Issue for Client Review	Aug 30, 2022
50	Issue for Client Review	Aug 30, 2022

THE ORIGINAL CONTRACTOR SHALL CHECK & VERIFY ALL DIMENSIONS AND REPORT ALL ERRORS TO ARCHITECT IMMEDIATELY UPON DISCOVERY. THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNLESS SOLELY BY THE ARCHITECT.

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Project:
**9 Storey Mixed-Use
Condominium Development**

18-20 UPPER MOUNT ALBION ROAD, STONEY CREEK
Drawing Title:

Artist's Concept

Sheet Print Size: 24" x 36"

Author: JTW Date: 05/2022

Scale: Date: May 2022

Project Number: 222/21 Drawing Number: A-16

Appendix “F” to Report PED24041
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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, 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 within a “Community Node” as identified on Schedule E – Urban Structure of the Urban Hamilton Official Plan, which is intended to develop as a mixed-use area.</p> <p>Hamilton Street Railway operated bus routes 11, 21 and 43 are in proximity and the Heritage Greene Bus Terminal is less than 200 metres south of the subject site. The Eramosa Karst Conservation Area is located approximately 800 metres to the south and the site is in proximity to commercial uses.</p> <p>The proposed development consists of 232 dwelling units with ground floor commercial space within a nine storey building and 246 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 as bicycle lanes exist along Stone Church Road East, Paramount Drive, and Winterberry Drive which are in proximity to the site.</p> <p>The proposal is consistent with these policies.</p>

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A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)		
Theme and Policy	Summary of Policy or Issue	Staff Response
<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>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>	<p>The subject site is within the delineated built-up area which is where growth and intensification are focused.</p> <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 a vibrant public realm.</p> <p>The proposal conforms to these policies.</p>
Urban Hamilton Official Plan		
<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 Arcadis dated January 12, 2024, was submitted in support of the development. A total of 57 individual trees were inventoried and 50 are proposed to be removed. The trees proposed for removal conflict with the mixed-use building, underground parking garage, proposed sidewalk, and existing overhead wires. Permits for municipal tree removal will be required. 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.</p> <p>A Landscape Plan, prepared by Arcadis Studio Inc., dated January 12, 2024, was submitted in support of the development, and shows 28 tree plantings proposed. The Tree Protection Plan has not yet been approved. The decision to retain trees is to be based on condition, aesthetics, age, and species. 45 of the trees proposed to be removed are in “good” or “fair” condition. This matter, along with the implementation of tree protection measures, will be addressed at the Site Plan Control stage.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
Transportation Policy: C.4.5.12	A Transportation Impact Study shall be required for an Official Plan Amendment and/or a major Zoning By-law Amendment.	<p>A Transportation Impact Study, prepared by Paradigm Transportation Solutions Limited, dated November 2022, has been submitted and Transportation Planning approves the study and supports the proposed development, subject to right of way dedications, the underground ramp certified by a licensed architect or engineer, and turning plans for large vehicles. These matters will be addressed at the future Site Plan Control stage.</p> <p>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 Walter Fedy, dated November 2022 and revised January 2024, has identified that sanitary sewer upgrades are required to support this development. Development Engineering recommends that a Holding Provision be provided to ensure downstream sanitary sewer upgrades are completed to accommodate the proposed development.</p> <p>The proposed development complies with this policy subject to the proposed Holding Provision.</p>
Archaeology Policy B.3.4.4.3	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 under the <i>Planning Act</i> , R.S.O., 1990 c. P.13.	<p>The subject property is located within 250 metres of known archaeological sites 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 assessment (P038-1187-2022) which examined the archaeological potential of the site to the satisfaction of the Ministry. Staff received a copy of the letter from the Ministry dated February 13, 2023, confirming that archaeological matters have been addressed.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
Archaeology Policy B.3.4.4.3 (Continued)		<p>Staff are of the opinion that the municipal interest in the archaeological potential of this site has been satisfied.</p> <p>The proposal complies with this policy.</p>
Noise Policy: B.3.6.3.1	<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 south of Lincoln M. Alexander Parkway and north of Stone Church Road East, the former is classified as a parkway and the latter a minor arterial on Schedule C – Functional Road Classification in the Urban Hamilton Official Plan. There are also several Stationary Noise sources west of the lands.</p> <p>A Noise Impact Assessment, prepared by Cambium Inc. dated November 4, 2022, was submitted. The assessment found that the potential for noise impacts from road traffic is significant while noise from stationary noise sources is below Ministry of the Environment, Conservation, and Parks regulatory limits. The report recommends mitigation measures to address the impact from traffic noise, including requiring air conditioning for any unit on the north side of the building, and the east and west facades must be designed to allow future possible air conditioning. For the south building façade, the Ontario Building Code construction regulation is sufficient for noise mitigation and for the rooftop amenity area a 2.0 metre tall parapet is required. Warning clauses must also be registered on title and in rental agreements. These measures will be addressed through the future Draft Plan of Condominium, Site Plan Control and Building Permit stages.</p> <p>The proposal complies with this policy.</p>

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Page 5 of 14

Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Residential Intensification</p> <p>Policy B.2.4.1.4</p>	<p>Residential intensification in the built-up area shall be evaluated on: the relationship with existing neighbourhood character, contribution towards achieving a range of dwelling types, compatible integration with the surrounding area, contribution towards achieving the planned urban structure, existing infrastructure capacity, incorporation of sustainable design elements, contribution towards supporting active transportation, and transit, availability of public community facilities/services, ability to retain natural attributes of the site, and compliance with all other applicable policies.</p>	<p>The proposed development represents a compatible form of infill within the neighbourhood. It will provide a greater range of housing types and achieve the planned urban structure. The residential intensification can be supported as the proposed development is located within a safe and convenient distance of several amenities.</p> <p>The development is proposed to include 64 studio units, 60 one bedroom units, 14 one bedroom plus den units, 90 two bedroom units and four, two bedroom plus den units.</p> <p>The development proposes to include sustainability measures to reduce energy use, carbon generation, and water use including increased airtightness, reduced cold joints, high efficiency electrical, mechanical equipment, high efficiency appliances, light-coloured roofing material, LED lighting, local construction materials, durable building materials, low flow fixtures, and native landscape elements.</p> <p>The proposal is less than 300 metres from the Heritage Greene Bus Terminal and within walking distance to transit stops for various Hamilton Street Railway bus routes. Additional long term and short term parking for bicycles is proposed and will contribute to active transportation.</p> <p>The proposal complies with these policies.</p>

Appendix “F” to Report PED24041

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West Mountain Area (Heritage Green) Secondary Plan		
Theme and Policy	Summary of Policy or Issue	Staff Response
General Policies Policy: B.7.6.1.1	Residential development shall be permitted only when full urban services are available.	Water and stormwater service is available for the subject lands. To facilitate the proposal sanitary service will be required to be upgraded. A Holding Provision would be placed on the lands to ensure the upgrade occurs. The proposal complies with this policy.
Area Specific Policy – Area A Policy B.7.6.9.1	<p>The West Mountain Core Area is located in the southeast corner of the intersection of the Red Hill Valley Expressway and Mud Street and is designated Site Specific Policy – Area A shown on Map B.7.6-1 - West Mountain Area (Heritage Green) - Land Use Plan.</p> <p>The West Mountain Core Area consists of five blocks designated A-1, A-2, A-3, A-4 and A-5 on Map B.7.6-1 - West Mountain Area (Heritage Green) - Land Use Plan. The West Mountain Core Area shall serve as the commercial centre of the surrounding community and shall be a destination place. Notwithstanding Section E.4.6 – Mixed Use Medium Area of Volume 1, policies B.7.6.8.1 through B.7.6.8.16, inclusive, shall apply to the West Mountain Core Area.</p>	<p>The subject lands are designated “Mixed Use - Medium Density” in the West Mountain Core Area and are further identified as Block A-3.</p> <p>Policy B.7.6.9.1 overrides Section E.4.6 policies for “Mixed Use - Medium Density” that are found in Volume 1 of the Urban Hamilton Official Plan. As such, the proposal had been evaluated against the commercial, residential, and urban design policies of the West Mountain Core Area.</p> <p>The proposal complies with this policy.</p>
Development Principles Policy: B.7.6.9.2	<p>The West Mountain Core Area is the focus for higher order land uses for the surrounding community and shall evolve as an urban centre with built forms that are pedestrian friendly and transit supportive. The following development principles shall apply throughout the West Mountain Core Area:</p>	<p>The proposal provides a mixed-use building at a density of 460 units per net hectare. The commercial component of the building runs parallel to Upper Mount Albion Road and contributes to creating a pedestrian friendly environment and provides a ‘central street’ design.</p> <p>The proposed mixed-use building is nine storeys which complies with the direction for built form for housing within the West Mountain Core Area.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Development Principles</p> <p>Policy: B.7.6.9.2 (Continued)</p>	<p>a) Development will include high-density residential, commercial, and public spaces, promoting pedestrian activity and transit;</p> <p>b) The area will focus on community identity, pedestrian-friendly design, and high-quality urban design;</p> <p>c) It will have mixed commercial activities and medium-density housing, including low-rise and mid-rise buildings;</p> <p>d) There will be high connectivity with pedestrian/bicycle linkages, a transit node, and a storm water pond; and,</p> <p>e) Development will support transit with a central node connecting to the larger city.</p>	<p>The lands would be linked by municipal sidewalks to the nearby commercial uses and to the Heritage Greene Bus Terminal. The proposal being 460 units per net hectare and less than 300 metres from the Heritage Greene Bus Terminal and various Hamilton Street Railway bus route stops, would be transit supportive.</p> <p>The proposal complies with these policies.</p>
<p>General Land Use Policies</p> <p>Policies: B.7.6.9.3 a) and c)</p>	<p>a) The development of the West Mountain Core Area shall include a wide variety of commercial and residential uses.</p> <p>c) Medium density residential development shall be concentrated north of Artfrank Drive.</p>	<p>The proposal is a mixed-use building including commercial and residential uses and is a medium density built form that is north of Artfrank Drive.</p> <p>The proposal complies with this policy.</p>
<p>Commercial Policies</p> <p>Policies B.7.6.9.4 a) and e)</p>	<p>West Mountain Core Area shall serve as the commercial centre of the surrounding community with a variety of commercial uses including large format retail stores and retail and service/commercial uses, including restaurants, personal services, entertainment and office uses.</p> <p>All commercial development fronting both sides of Upper Mount Albion Road and adjacent to Artfrank Drive in the vicinity of the transit node shall be built close to the street edge to foster and enhance a ‘central street’ image and shall be guided by the Urban Design policies in this Secondary Plan.</p>	<p>The proposed Zoning By-law Amendment permits retail, restaurants, retail, personal services, and office uses on the ground floor.</p> <p>The proposed building will be setback 3 metres from the shared streetline / property line. The purpose of providing a building close to the streetline is to enhance the pedestrian realm.</p> <p>The proposal complies with these policies.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Residential Policies</p> <p>Policies B.7.6.9.5 a) and b) iii)</p>	<p>Residential uses in the West Mountain Core Area shall contribute to the development of a vibrant commercial area and foster increased public transit ridership. A range of housing types and tenure shall be encouraged at medium densities not exceeding nine storeys and approximately 50-99 units per net hectare. All residential development shall be located north of Artfrank Drive, between Upper Mount Albion Road and Winterberry Drive.</p> <p>The following policies shall apply to Block A-3:</p> <p>Mid-rise apartments shall be located on the east side of Upper Mount Albion Road, north of Artfrank Drive and the transit node. Heights shall range from 3 to 9 storeys.</p>	<p>The proposal is for a nine storey mixed use building with 232 dwelling units and 337 square metres of ground floor commercial use, which results in a density of 460 units per net hectare.</p> <p>An amendment to the West Mountain Area (Heritage Green) Secondary Plan is required as Policy B.7.6.2.3 requires density to be approximately 50 to 99 units per net hectare, whereas a density of 460 units per net hectare is proposed. Staff note that OPA 165 removed density requirements from Volume 1 of the Urban Hamilton Official Plan and density requirements in Volume 2 are being removed/updated in a future Official Plan Amendment.</p> <p>Staff are supportive of the increased density with a Holding Provision included to ensure the sanitary system is upgraded. The increased density will contribute to housing supply, as well as multi-unit housing and will be transit supportive and support active transportation.</p> <p>The proposal complies with these policies.</p> <p>The proposal is for a 9 storey building which complies with the Residential Policies of the West Mountain Core Area and will provide an appropriate transition in height from neighbouring lands to the east. A range of dwelling unit sizes are proposed, and the development is north of Artfrank Drive, between Upper Mount Albion Road and Winterberry Drive. The development would be transit supportive and support active transportation.</p> <p>The proposal complies with these policies subject to approval of the proposed Official Plan Amendment.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
Infrastructure and Transportation Policies Policy B.7.6.9.6 a)	All storm water runoff from the West Mountain Cores Area shall be directed to a storm water management pond located at the south-west corner of Mud Street and Winterberry Drive, identified on Map B.7.6-1 - West Mountain Area (Heritage Green) - Land Use Plan.	<p>The proposal directs stormwater to a nearby stormwater management pond northeast of the subject lands. It may require onsite quality and quantity control in addition to the existing pond.</p> <p>The proposal complies with this policy.</p>
Urban Design Policies Policy B.7.6.9.7	The West Mountain Core Area shall be developed in accordance with the urban design principles and policies found in Policies B.7.6.8.8 through B.7.6.8.16, inclusive. The urban design principles and policies provide the basis for urban design guidelines provided in the West Mountain Core Area Urban Design Guidelines adopted by City Council. The West Mountain Core Area Urban Design Guidelines shall be read in conjunction with the Site Plan Guidelines.	<p>An Urban Design Brief, prepared by Arcadis, dated November 2022, was submitted and the brief demonstrates that the proposal meets the core urban design principles of the West Mountain Core area such as directing development to create a ‘central street’ image along Upper Mount Albion Road. The proposal will incorporate landscaping to minimize visual impacts of parking and loading zones and the development will contribute to a pedestrian network linked with the Heritage Greene Bus Terminal through municipal and private walkways.</p> <p>The proposal complies with this policy.</p>
Urban Design Principles Policy B.7.6.9.7	<p>The West Mountain Core Area shall be developed in accordance with the following urban design principles:</p> <ul style="list-style-type: none"> • Urban form that is compatible with the adjacent residential neighbourhood. • A ‘central street’ and pedestrian-friendly environment. • Landscape areas that act as screens and buffers. • A pedestrian system that links all buildings to a central street and transit node. 	<p>The built form of the proposed development is compatible with the adjacent residential neighbourhood to the east where Site Plan Control application DA-18-066 has been approved for development of seven, eight, and twelve storey buildings, and three storey townhouses.</p> <p>The proposed development is designed for a pedestrian friendly environment through glazed façades, series of entrances, landscaping, and building detailing and contributes to supporting Upper Mount Albion Road as a central street.</p> <p>The Landscape Plan prepared by IBI Group, dated August 24, 2023, proposes coniferous trees along the north and south side property boundary, which will help screen the driveway and internal surface parking area.</p>

Appendix “F” to Report PED24041
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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Urban Design Principles</p> <p>Policy B.7.6.9.7 (Continued)</p>		<p>The proposal shows four walkways, that connect directly with the proposed municipal sidewalk from the commercial component of the building.</p> <p>The proposal complies with this policy.</p>
<p>Built Form</p> <p>Policy B.7.6.9.10 a)</p>	<p>Buildings shall be sited and designed to enhance the public nature of streets, open spaces and pedestrian routes by:</p> <ul style="list-style-type: none"> • Locating close to the street line; • Creating a pleasant and attractive pedestrian experience; • Providing commercial entrances at grade, easily accessible from the public sidewalk; • Creating a streetscape scaled to the pedestrian; and, • Providing design features such as varied roof lines, building fenestration and canopies. • Principal building façades/entrances shall be oriented towards the street or to exterior spaces adjacent to/visible from the street; • The main entrance of buildings shall be emphasized in the design of buildings; • Canopies and other treatments are encouraged; • Long walls along streets or pedestrian routes shall be broken up using bays and/or projections; • The ground floor coverage of buildings should be maximized; • Roof-top mechanical equipment shall be enclosed or screened; and, • All buildings on a street shall be designed with windows and signage facing the street. 	<p>A Site Plan, prepared by Jonathan Weizel Architect, dated January 3, 2024, was submitted and this site plan shows the building is located close to the street with a 3.0 metre setback, and the building steps back 2.0 metres on the second level from the base which contributes towards improving the pedestrian focus street realm.</p> <p>Commercial entrances are proposed at grade and are made accessible from the proposed public sidewalk. The implementing by-law ensures that there will be one principal entrance for each commercial use.</p> <p>An Urban Design Brief, prepared by Arcadis, dated November 2022, was submitted and the brief indicates that the proposed development with low-level trees, quality paving and materials will contribute to a vibrant pedestrian realm. The first two storeys, which represent the building base are clad in masonry, defining the pedestrian scale and has ground floor commercial uses which will contribute to the pedestrian experience of the streetscape. The proposed development is designed to increase interaction of the ground floor and the street through glazed façades, series of entrances, landscaping, building detailing and a canopy that extends along length of the building.</p> <p>The proposal provides underground parking thereby maximizing the ground floor coverage of the building and the proposal provides enclosed mechanical rooms on its rooftop.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Built Form</p> <p>Policy B.7.6.9.10 a) (Continued)</p>	<ul style="list-style-type: none"> • Buildings are to be parallel to the public street; • On-site parking shall be in consolidated parking areas to the side or rear of buildings; • Facades addressing a parking lot shall be finished with material/architectural features consistent with the principal facade and shall incorporate elements/landscaping to screen service lanes and loading zones from view. 	<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 this policy.</p>
<p>Built Form</p> <p>Policy B.7.6.9.10 c)</p>	<p>Buildings on Blocks A-1, A-2, A-3, and A-4 shall provide an enhanced and distinctive visual experience along street frontages and the following policies shall apply:</p> <ul style="list-style-type: none"> • Buildings shall be placed so the tallest buildings are interior to the planned development at the north-east corner of Upper Mount Albion Road and Artfrank Drive. Buildings shall be incrementally reduced in height towards Winterberry and Paramount Drive. • On Blocks A-1, A-2 and A-3, the range and mix of building types shall provide for a varied articulation of building heights within each residential block length. 	<p>The proposal is for a building within Block A-3 of the West Mountain Core Area. The building is placed close to the street with multiple pathways from a municipal sidewalk providing a pedestrian friendly environment.</p> <p>The building would be located generally in the north-east corner of Upper Mount Albion Road and Artfrank Drive, where the taller buildings are encouraged. The building is not adjacent to Winterberry Drive or Paramount Drive where the lower building heights are preferred.</p> <p>The proposal complies with this policy.</p>
<p>Setbacks and Building Frontage</p> <p>Policies B.7.6.9.11 a) i), b), d) and g)</p>	<p>Minimum and maximum setbacks shall be set out in the Zoning by-law according to the following policies:</p> <p>Buildings on Upper Mount Albion Road ('Central Street') shall be located as close to the street line as possible to provide a well defined and pedestrian-friendly street.</p>	<p>The building is proposed to be setback 3.0 metres from the street line. The Mixed Use Medium Density (C5) Zone permits between 3.0 and 4.5 metres for building setbacks from the street line. The proposal brings the building as close to the street as permitted by the parent zone.</p> <p>Upon approval of the proposed Official Plan Amendment, the subject lands will be located within Block A-3-1, which is an extension of Block A-3 to recognize a higher permitted density.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Setbacks and Building Frontage</p> <p>Policies B.7.6.9.11 a) i), b), d) and g) (Continued)</p>	<p>On Blocks A-1, A-2, and A-3, planted and constructed elements in the setback, such as low hedges, trees, masonry and decorative metal fences and gates, provide a transition from the public sidewalk to the building face and shall be provided.</p> <p>To create the spatial definition and a sense of enclosure that encourages a pedestrian-oriented street, the Zoning by-law regulations shall set out the minimum length of building that shall be required to be located at the build to lines along the public street on the ‘Central Street’ and Artfrank Drive.</p> <p>Buildings shall be designed to incorporate varied rooflines, canopies, decorative architectural details and/or projecting bays. Large blank walls and continuous rows of monotonous and repetitive façades shall not be permitted.</p>	<p>A landscape plan prepared by IBI Group, dated August 24, 2023, shows that shrubs, ornamental grasses, and a concrete paver walkway will be provided along the frontage of the property providing an appropriate transition from the public sidewalk to the commercial frontage of the building.</p> <p>With regards to minimum length of a building, the proposal is meeting the Mixed Use Medium Density (C5) Zone which requires the building be a minimum of 40% of its front lot line. The proposal is approximately 69% of the front lot line.</p> <p>Therefore, the proposal complies with the setbacks and building frontage policies of the Secondary Plan.</p>
<p>Pedestrian Realm</p> <p>Policy B.7.6.9.12</p>	<ul style="list-style-type: none"> • Private sidewalks and linkages shall be designed as a condition of Site Plan Approval; • Pedestrian walkways within parking lots that connect pedestrians from parking areas to building entrances shall be provided; • Pedestrian weather protection systems including awnings, canopies, colonnades, or front porches, shall be provided; and, • Buildings shall be designed with the primary windows and signage facing onto the street. • Barrier free design of buildings, streets and publicly accessible exterior spaces shall be implemented. 	<p>The proposal shows several pedestrian linkages from the building to the sidewalk. The concept plan and elevations show a canopy provided along the frontage of the building. The primary windows and signage of the commercial component of the building face along Upper Mount Albion Road.</p> <p>Pedestrian connectivity using pathways and sidewalks will be further reviewed at the future Site Plan Control stage.</p> <p>The proposal complies with this policy.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
Pedestrian Realm Policy B.7.6.9.12 (Continued)	<ul style="list-style-type: none"> • Parking areas, servicing lanes, utility and mechanical equipment and drop off and loading zones shall be designed and located in a manner that has minimal physical impact on public sidewalks. 	
Landscape Areas and Buffers Policy B.7.6.9.13	<ul style="list-style-type: none"> • Landscape areas shall be provided between commercial development and existing residential uses along Upper Mount Albion Road; • Landscaped islands shall be provided throughout parking lots to identify, reinforce and connect pedestrian routes, separate roads from parking areas, define edges, and to visually break down large parking areas into smaller quadrants; and, • The zoning by-law regulation shall identify a minimum landscaped area as a percentage of the overall property area. 	<p>The proposal is for a mixed-use development. Street trees will be provided along Upper Mount Albion Road and shrubs and ornamental grasses are proposed along the frontage of the proposed development.</p> <p>The proposal provides landscaped islands internal to the site, and the amending Zoning By-law, attached as Appendix “C” to Report PED24041, provides a minimum landscaped area of 35% (the parent Mixed Use Medium Density (C5) Zone does not have a minimum for landscaped area).</p> <p>A Landscape Plan will be required and further reviewed at the future Site Plan Control stage.</p> <p>The proposal complies with this policy.</p>
Parking Entrances, Loading Zones, and Service Lanes Policy B.7.6.9.14	<ul style="list-style-type: none"> • The location of parking entrances, loading zones and service lanes shall reinforce streets as primary public spaces; • Parking entrances, loading zones and service lanes shall have the least possible impact on the streetscape; • Vehicular access to parking areas shall be restricted to common entrances and shall be designed to minimize crossing of pedestrian routes, sidewalks and trails; and, • All loading zones and service lanes shall be screened and landscaped. 	<p>The proposal provides underground parking and a small surface parking area behind the commercial component of the building, which reinforces the pedestrian friendly design.</p> <p>The access to the site is proposed via a one way driveway that supports minimized interactions of vehicular and pedestrian traffic.</p> <p>The loading spaces are provided behind the commercial component of the building and are shared between the two residential portions of the mixed-use building.</p>

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Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Parking Entrances, Loading Zones, and Service Lanes</p> <p>Policy B.7.6.9.14 (Continued)</p>	<ul style="list-style-type: none"> • Loading zones and service lanes shall be located to avoid conflict with pedestrian and vehicular traffic; and, • Wherever possible on-site loading zones and service lanes shall be consolidated and shared. 	<p>The loading spaces will be screened by coniferous and deciduous trees. Parking, entrances, and loading will be further reviewed at the future Site Plan Control stage.</p> <p>The proposal complies with this policy.</p>
<p>Vehicular Access</p> <p>Policy B.7.6.9.15</p>	<ul style="list-style-type: none"> • The number and location of vehicular access points shall be limited so as to minimize disruption to traffic flow and to minimize the impact on local streets; and, • Shared access points shall be encouraged to reduce the number of curb cuts and facilitate pedestrian movement. 	<p>The vehicular access to the site is limited to one entrance and one exit through a one way driveway to minimize disruption to traffic flow.</p> <p>Although the U-shaped driveway will not minimize curb cuts, as a one way driveway it helps facilitate movement for pedestrians and motorists. Vehicular access will be further reviewed at the future Site Plan Control stage.</p> <p>The proposal complies with this policy.</p>
<p>Signage and Lighting</p> <p>Policy B.7.6.9.16</p>	<ul style="list-style-type: none"> • Signage shall be designed in a manner integral to the building design in terms of size, form, material and colour; • Way finding signage shall be implemented along major vehicular and pedestrian routes; • Signage along all pedestrian routes, the central street and Artfrank Drive shall be provided at pedestrian scale; and, • Lighting on the ‘central street’, Artfrank Drive and other pedestrian routes shall be pedestrian scale. 	<p>Lighting and signage will be further reviewed at the future Site Plan Control stage.</p>

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CONSULTATION – DEPARTMENTS AND AGENCIES

Department/Agency	Comment	Staff Response
<ul style="list-style-type: none"> • Commercial Districts Small Business Section, Economic Development Division, Planning and Economic Development Department; • Corporate Real Estate, Economic Development Division, Planning and Economic Development Department; • Hamilton Conservation Authority; and, • Canada Post. 	No Comment.	Noted.
Development Engineering Section, Growth Management Division, Planning and Economic Development Department.	<p>Stormwater Management: No Comments.</p> <p>Water Servicing:</p> <ol style="list-style-type: none"> 1. Water Demands: The maximum day domestic water usage calculation for the development based on the approximate fixture unit approach, has been calculated as 21.63 L/s. This calculation is acceptable. 2. Required Fire Flow: The required fire flow has been calculated using the Ontario Building Code Fire Protection Water Supply Guideline. 	To ensure there is appropriate sanitary servicing capacity for the subject lands and downstream, a Holding Provision is recommended (see Appendix “C” attached to Report PED24041).

Appendix "G" to Report PED24041
Page 2 of 4

Department/Agency	Comment	Staff Response
<p>Development Engineering Section, Growth Management Division, Planning and Economic Development Department. (Continued)</p>	<p>2. The building floor area, building height, building materials, occupancy and exposure distances should be checked to be compliant with the Required Fire Flow calculations at the Site Plan Control and building permit stages.</p> <p>The City's target available fire flow for multi-residential and commercial land uses is 150 L/s. Hydrant testing completed by L&D Waterworks Inc. on September 21, 2022, resulted in a theoretical available flow of 322 L/s.</p> <p>Sanitary Servicing:</p> <p>The applicant has acknowledged that the proposed development will exceed allocated capacity in the municipal system, as well as acknowledged that there are existing capacity constraints downstream.</p> <p>Development Engineering recommends that this application is subject to the following Holding Provisions:</p> <p>1. That the Owner shall upgrade the sanitary sewer from MH SA15A107 to SO20A007 along Cornerstone Drive, MH SO20A007 to HO18A031 along Cedarville Drive, and MH HO18A031 to HO18A005 along Old Mud Street/Kingsview Drive, in accordance with the Functional Servicing Report prepared by Walter Fedy dated January 19th, 2024, at the Owner's expense, prior to the issuance of the building permit, to the satisfaction of the Director of Development Engineering.</p>	

Appendix “G” to Report PED24041
Page 3 of 4

Department/Agency	Comment	Staff Response
Development Engineering Section, Growth Management Division, Planning and Economic Development Department. (Continued)	2. That the Owner makes satisfactory arrangements with the City’s Growth Management Division to enter into and register on title of the lands, an External Works Agreement with the City for the design and construction of the sanitary sewer improvements to the existing municipal infrastructure at the Owner’s cost, to the satisfaction of the Director of Development Engineering.	
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<p>Transportation Planning supports the proposed development as long as the following can be provided:</p> <ul style="list-style-type: none"> • ±3.048 metre right-of-way dedication on Upper Mount Albion Road; • Turning plans demonstrating how large vehicles can maneuver in and out of the site including the loading area without limitations; and, • The underground parking ramp being certified by a licensed Architect or licensed Engineer. 	At the Site Plan Control stage, a right-of-way dedication, turning plans and certified underground parking ramp will be required.
Waste Policy and Planning Section, Waste Management Division, Public Works Department	<p>The Waste Management Division has no objections to the Zoning By-law Amendment and the Official Plan Amendment applications.</p> <p>This application has been reviewed for municipal waste collection service. As currently presented, the development is not serviceable.</p> <p>The commercial portion of this development is ineligible for municipal waste collection. A private waste hauler will be required to collect the waste materials from the commercial portion and revised drawings must show a separate waste storage area for the commercial portion of the development.</p>	Waste collection will be reviewed at the future Site Plan Control stage. If the site is not able to meet the City’s requirements, private waste collection will be required.

Appendix “G” to Report PED24041
Page 4 of 4

Department/Agency	Comment	Staff Response
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<p>Forestry approves of the tree protection plans, TPP-1 & TPD-1, revision No. 2, dated 2023-04-26, requiring fees.</p> <p>Forestry approves of the landscape plans-L-1, revision No. 3, dated 2024-01-12.</p>	<p>Noted.</p> <p>Tree Management Plans and a Landscape Plan 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 if there are any implications arising from the adjacent Registered Plan of Subdivision, 62M-1107 (25T-200509), e.g. cost recoveries relating to the registered plan or any reserves to be lifted.</p> <p>The subject lands are within a defined area of cost recoveries.</p> <p>A PIN abstract will be required for any Draft Plan of Condominium application. If a phased Condominium is proposed, Schedules “G” and “K” per the <i>Condominium Act</i> will be required for future phases.</p> <p>Municipal addressing for the subject proposal will be determined when a future Site Plan Control application is submitted.</p>	<p>Cost recoveries relating to the registered plans or any reserves to be lift and addressing will be addressed at the Site Plan Control stage.</p> <p>The PIN abstract and Schedules “G” and “K”, if a phased Condominium is proposed, will be required at the Draft Plan of Condominium stage.</p>

**Appendix “H” to Report PED24041
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SUMMARY OF PUBLIC COMMENTS RECEIVED

Comment Received	Staff Response
Concerns with noise, truck traffic and dust.	A Construction Management Plan, which deals with dust and trucking routes, will be addressed at the future Site Plan Control and Building Permit stages.
Timelines for when the development would begin	Following the Official Plan Amendment and Zoning By-law Amendment, the proponents will have to go through the Site Plan Control process. The timing of this is dependent on the response and review from both the applicants and reviewers and can vary based on the complexity of an application.

COPY OF PUBLIC COMMENTS RECEIVED**Van Rooi, James**

From: Van Rooi, James
Sent: Thursday, February 16, 2023 4:01 PM
To: [REDACTED]
Subject: ZAC-23-026 and UHOPA-23-011 , 196-202 Upper Mount Albion Road

Good afternoon [REDACTED]. Thank you for your call this morning as per your request, a link to the full submission of studies and reports provided by the applicants for the above noted files is below.

<https://cityshare.hamilton.ca/s/4iWeAz8KNiXRK9N>

Please do not hesitate to contact me if you have any questions or concerns.

Thank you.

James Van Rooi, *MCIP, RPP*
 Senior Planner (Rural Team)

Development Planning,
 Planning & Economic Development Department
 City of Hamilton
 71 Main Street West, 5th Floor
 Hamilton ON L8P 4Y5
 p. 905.546.2424 ext. 4283
 f. 905.546.4202
 e. James.VanRooi@hamilton.ca

Appendix “H” to Report PED24041
Page 2 of 2**Van Rooi, James**

From: [REDACTED]
Sent: Friday, February 17, 2023 7:41 PM
To: Van Rooi, James
Subject: Upper Mount Albion, File(s) ZAC-23-026 UHOPA-23-011

Follow Up Flag: Follow up
Flag Status: Completed

Hi James,

We spoke on Thursday regarding the development on Upper Mount Albion, you mentioned you could send some drawings as well as other information.

Thanks for your help. My in-laws, who are in their 80's, are quite stressed about the potential development in their neighbourhood. Obviously they are concerned with noise, truck traffic, dust etc. They've been in their home for more than 40 years and have lived through a lot of development in the area, not pleasant. Do you have any timelines as to when/if the development will begin?

Thanks,

[REDACTED]

**Appendix “I” to Report PED24041
Page 1 of 2**

**Authority: Item XX, Planning Committee
Report (PED24096)
CM: June X, 2024
Ward: 5**

Bill No.

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

To amend Zoning By-law No. 05-200 with respect to lands located at 196, 198, 200 and 202 Upper Mount Albion Road, Stoney Creek

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

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

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 894:

“e) Notwithstanding Section 5.7.4 a), 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.
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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 Mixed Use Medium Density (C5, 894, H171) 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*.

Appendix "I" to Report PED24041
Page 2 of 2

PASSED and ENACTED this ____ day of _____, 2024.


A. Horwath
Mayor

M. Trennum
City Clerk

ZAC-23-026 and UHOPA-23-011



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

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 13, 2024
SUBJECT/REPORT NO:	455 King Street East and 457- 459 King Street East Demolition (PED24048(a)) (Ward 3)
WARD(S) AFFECTED:	Ward 3
PREPARED BY:	RJ Reddy (905) 546-2424 Ext. 2547
SUBMITTED BY:	Monica Ciriello Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That Licensing and By-law Services be approved for an additional amount of \$456,000 to demolish the vacant and adjoining properties located at 455 King Street East and 457- 459 King Street East, and that all associated costs for carrying out the demolition be added to the property tax rolls for the corresponding properties.

EXECUTIVE SUMMARY

On April 24th, 2024, Council approved PED24048 to demolish the existing buildings at 455 King Street East and 457- 459 King Street East at an estimated cost of \$242,246.00. Upon contractor inspection, additional costs to address the presence of asbestos, remedial work, and other health and safety factors increased the cost to a total quoted amount of \$697,335.71.

Staff recommend approval for an additional amount of \$456,000 to cover additional factors to demolish the existing buildings. All costs will be added to the property tax rolls for the corresponding properties.

Alternatives for Consideration – See Page 3

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: 455 King Street East and 457- 459 King Street East Demolition
(PED24048(a)) (Ward 3) - Page 2 of 3**

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Staff are requesting approval for \$456,000 to cover additional factors to demolish the existing building. This request is in addition to the pre-approved amount of \$242,246.00.

Staffing: Not Applicable.

Legal: Not Applicable.

HISTORICAL BACKGROUND

The adjoining properties located at 455 King Street East and 457- 459 King Street East consist of three-story buildings that were of mixed residential and commercial use but have been vacant since approximately 2022.

Report PED24048 was approved by Council on April 24, 2024, allowing for the vacant and adjoining properties to be demolished to grade at a cost of \$242, 246. This was following the appeal of two property standards orders to request additional time to complete the necessary repairs. The Property Standards Hearing Committee extended the compliance date from July 2, 2023, to August 30, 2023. By the extended compliance date, the orders were not complied with.

The existing buildings remain vacant, in a state of extreme disrepair and continue to deteriorate in their current condition.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Staff's review considered the following applicable provincial legislation and municipal by-laws:

- *Building Code Act, 1992, S.O. 1992, c.23.*
- City of Hamilton Property Standards By-law NO. 23-162.
- *Municipal Act, 2001, S.O. 2001, c.25.*

RELEVANT CONSULTATION

In preparing the recommendations and alternative highlighted herein, the following internal divisions were consulted:

- Corporate Services Department, Legal and Risk Management Services Division, Legal Services;
- Planning and Economic Development Department, Building Division; and,

**SUBJECT: 455 King Street East and 457- 459 King Street East Demolition
(PED24048(a)) (Ward 3) - Page 3 of 3**

- Planning and Economic Development Department, Growth Management Division.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Upon Council approval, staff initiated the demolition process including collaboration with the engineer and contractor for an inside site inspection. Prior to entering, the City has a legal obligation to provide written notice (7 days) to the property owner. The original engineers report concluded various types of asbestos are presenting throughout the buildings, this was confirmed during the site inspection. As a result, an increased cost for remediation must be included in addition to the previously approved amount for demolition of the buildings.

Furthermore, to ensure and maintain health and safety of those on site and in the community, other additional fees such as dust control/suppression, the proper disconnection of municipal services (water and sewer) and traffic control measures, were identified. This has increased the cost of demolition to a total not exceeding \$697,335.71.

The total costs for carrying out the demolition will be added to the property tax rolls for the corresponding properties to ensure the City recovers these costs.

ALTERNATIVES FOR CONSIDERATION


Council may not approve the cost for demolition, and request staff to bring back a report to the Planning Committee on the approximate costs to remediate the buildings.

APPENDICES AND SCHEDULES ATTACHED

Not applicable.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Transportation Planning and Parking Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 13, 2024
SUBJECT/REPORT NO:	Toys for Tickets (PED24145) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	James Buffett (905) 546-2424 Ext. 3177
SUBMITTED BY:	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That Council approve the implementation of a Toys for Tickets pilot program for 2024 that provides a one-week window of opportunity, December 2 to 6, 2024, for recipients of parking administrative penalties to pay a penalty with a toy donation equal to or greater in monetary value of the issued penalty with the Director of Transportation Planning and Parking (or delegate) to authorize the donation value as payment, the donations be directed to United Way Halton and Hamilton, and for staff to report back in the first quarter of 2025 with program results and further recommendations for a possible ongoing annual program offering.

EXECUTIVE SUMMARY

Following a motion which was passed in December 2023 by Council, staff were directed to examine existing Toys for Tickets programs in other municipalities and bring forward recommendations for possible implementation in Hamilton in 2024.

Several municipalities across Ontario offer programs whereby during the December holiday season, toys are accepted as payment for parking penalties. Based on a review of these municipalities, it can be concluded that, there are positive outcomes in terms of community interaction and engagement with minimal financial impact.

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: Toys for Tickets (PED24145) (City Wide) - Page 2 of 3

Accordingly, it is recommended that the City of Hamilton pilot test a similar Toys for Tickets initiative. It is expected, that, there will be modest impacts to the operating budget, in terms of fine revenue, with an upper range of approximately \$12,000 in revenues forgone. It is not expected, nor has any municipality reported, a high level of participation (percentage of penalties paid via donation) in such a program.

Hamilton Municipal Parking System Staff would collaborate with City of Hamilton Communication Staff on public notification and messaging. Hamilton's Toys for Tickets program can be implemented utilizing the Hamilton Municipal Parking System Office during the week of December 2 to 6, 2024.

Alternatives for Consideration – Not Applicable**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

- Financial:** During 2023 and 2024, the City of Hamilton received an average of \$120,000 per week of administrative penalty payments (voluntary payment of penalties via online payment portal, mail, or Municipal Service Centres). The vast majority of payments are related to parking penalties (98%), while some fall under Licensing and By-law Services (2%). Forecasting a conservative estimate of 10% of payments via donation during the week of the program, approximately \$12,000 in penalty revenue would be “lost”, and, in-turn, provide \$12,000 or more in donated toys for a charitable organization.
- Staffing:** Existing staff within Hamilton Municipal Parking System would be able to administer the program at no extra cost.
- Legal:** Parking Enforcement Officers, or Screening Officers, will not be utilized for the administration portion, so as, to not conflict with the Administrative Penalty By-law Section 27 that speaks to Officers not being able to accept payment for administrative penalties.

HISTORICAL BACKGROUND

On December 5, 2023, the Planning Committee passed a motion that staff examine existing “toys for tickets” payment programs in applicable municipalities and report back in Q2 2024 with recommendations with a possible implementation of a similar program in Hamilton in 2024. This was ratified by Council on December 13, 2023.

SUBJECT: Toys for Tickets (PED24145) (City Wide) - Page 3 of 3

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

A review of existing City of Hamilton Policies, and present legislation, concluded that there are no legal or legislative barrier which would prevent a program such as this from being implemented. The financial impact is the main area of concern with there being a minimal impact to budgeted fine revenues.

The Administrative Penalty System Financial Reporting Policy speaks to the tracking of Penalty payments. Every penalty that is paid via this program would be tracked and reported on via annual budget process.

RELEVANT CONSULTATION

Legal, Finance, and Licensing and By-law Services have all been consulted with prior to the submission of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Several municipalities within Ontario offer a “Toys for Tickets” program including Bradford West Gwillimbury, Clearview, New Tecumseh, Orillia, Oshawa, Aurora, Ajax, and Kingston, as examples. Each program has some unique variables, but the consistent unifying element of each program is the provision of a small window of time for recipients of penalties to donate an equal to or greater value toy instead of a monetary payment for penalty.

A penalty payment substitution program like this offers for persons receiving a parking ticket to give back to the community for the betterment of a person or family in need, thus, turning the experience of receiving a parking ticket into a more positive one. The program can also partner with a local charity or existing relationships the City of Hamilton has formed, like that of the United Way.

Municipalities reported as low as 0.2% and as high as 6% of penalties during their respective donation windows. Utilizing a conservative estimate of 10% would equate to a penalty revenue value of \$12,000 being remitted.

ALTERNATIVES FOR CONSIDERATION


Council could choose to direct staff to investigate other potential approaches for parking payment substitution during the holiday season, however, the Toys for Tickets model appears to be the most common model in Ontario.

APPENDICES AND SCHEDULES ATTACHED

Not Applicable.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 13, 2024
SUBJECT/REPORT NO:	Draft Framework for Processing and Evaluating Urban Boundary Expansion Applications under the proposed Provincial Planning Statement (PED24109) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Dave Hayworth (905) 546-2424 Ext. 1279 Charlie Toman (905) 546-2424 Ext. 5863
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the Draft Framework for Processing and Evaluating Urban Boundary Expansion Applications, attached in Appendix “A” to Report PED24109, be used by staff in reviewing Official Plan Amendment urban boundary expansion applications until established in the Urban and Rural Official Plans through Official Plan Amendments, be **APPROVED**;
- (b) That Council direct Planning and Economic Development staff to:
- (i) consult on the Draft Framework for Processing and Evaluating Urban Boundary Expansions, attached in Appendix “A” to Report PED24109; and,
 - (ii) prepare for Council’s consideration Official Plan Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan to establish the Official Plan Amendment Submission Requirements, Evaluation and Locational Considerations, and Application Submission and Review Process for urban boundary expansions;
- (c) That Council direct Planning and Economic Development staff to establish a new team within the Planning and Economic Development Department to be funded

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in 2024 from the Development Fees Stabilization Reserve Account No. 110086, and through development application fees starting in 2024, for the coordinated review of urban boundary expansion applications, Ontario Land Tribunal appeals, and implementation of planning and related work should an Official Plan Amendment urban boundary expansion application be approved;

- (d) That Council authorizes \$1,500,000 be added to the tax supported Official Plan OLT Appeals Capital Budget (8142455800) as part of the 2025 budget process;
- (e) That the amending By-law to By-law No. 12-282 (Tariff of Fees), as amended, attached as Appendix “C” to PED24109, to establish new fees for an Official Plan Amendment application for urban boundary expansions be **APPROVED** on the following basis:
 - (i) That public notice of the proposal to amend the Tariff of Fees By-law to establish new fees has been provided in accordance with the City of Hamilton’s Public Notice By-law No. 707-351;
 - (ii) That the draft By-law, attached as Appendix “C” to PED24109, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

EXECUTIVE SUMMARY

The purpose of this Report is to inform Council of the implications of new urban boundary expansion applications under the proposed Provincial Planning Statement and the changes to the Planning Act through Bill 185, *Cutting Red Tape to Build More Homes Act* and to seek approval of a draft Framework for processing and evaluating these applications.

The province has released a draft Provincial Planning Statement which removes the requirement for a Municipal Comprehensive Review before a municipality or landowner can expand the urban boundary more than 40 hectares, opening the door for urban boundary expansions applications at any time and with no limit on the size. Bill 185, *Cutting Red Tape to Build More Homes Act, 2024* received Royal Assent on June 6, 2024, which, among other things, would allow landowners to appeal urban boundary expansion applications to the Ontario Land Tribunal. Bill 185 also allows applicants to opt out of consulting with municipalities (e.g., Formal Consultation) to determine application submission requirements which may impact what is included in an urban boundary expansion application.

These Provincial changes undermine and could reverse the City’s urban boundary expansion growth strategy which was solidified in December 2023 with the Province’s

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adoption of Bill 150, *Planning Statute Law Amendment Act, 2023*. In adopting Bill 150, the province confirmed that the no urban boundary expansion growth strategy conforms to the A Place to Growth, Growth Plan for the Greater Golden Horseshoe (Growth Plan) and Provincial Policy Statement.

The City's Official Plans maintain a strong no urban boundary expansion growth strategy which does not contemplate urban boundary expansion applications under the proposed Provincial Planning Statement. There is a lack of clear policy direction to consider private urban boundary expansion applications. There are no restrictions under the *Planning Act* preventing a landowner from submitting an Official Plan Amendment to modify or remove the Urban Hamilton Official Plan's no urban boundary expansion policies and without the City establishing its own submission requirements or evaluation considerations, urban boundary expansion proponents would only need to apply the general criteria under the proposed Provincial Planning Statement.

Through on-going updates to the Official Plan and Zoning By-law, the City has been putting in place land use permissions to facilitate planned growth within the urban area. Staff are not recommending the City move away from the no urban boundary expansion growth strategy, which was recently reaffirmed by City Council on November 22, 2023, and the recommended framework is not intended to be a list of conditions to be satisfied by applicants to obtain municipal support for an urban boundary expansion. Rather, as a direct result of the recent/expected Provincial legislative and policy changes, the recommended Draft Framework for Processing and Evaluating Urban Boundary Expansion Applications (Draft Framework), would require that any urban boundary applications received:

- Consider and assess broader design, intensification, land use compatibility, environmental, climate change and financial implications to the City to ensure higher quality applications; and,
- Require enhanced notification of and consultation with the public, First Nations, and Indigenous communities.

Staff recommend that prior to finalizing this framework through amendments to the City's Official Plans, the city commence public and stakeholder consultation on the different components of the framework. This would include external review agencies like the Conservation Authorities and School Boards, First Nations, Indigenous and Metis communities and the development industry. Should new urban boundary expansion applications be received before this work is completed, staff recommends that the Draft Framework be used by staff in assessing the application.

Alternatives for Consideration – See Page 16

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FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Urban Boundary Expansion Fee

The 2024 Tariff of Fees for the Planning and Economic Development Department includes a \$82,320 Official Plan Amendment fee for Urban Boundary Expansion applications. This fee was first established in 2020 and considers the current restriction in the Growth Plan limiting urban boundary expansion applications to 40 hectares outside the Greenbelt Plan area.

Staff have assessed the time and resources anticipated to process urban boundary expansion applications under the proposed Provincial Planning Statement which does not limit the size of the expansion.

Based on the principle of full cost recovery and in recognition that the larger the area of the proposed urban boundary expansion and the greater number of properties within the expansion area, the greater amount of time required to review and comment on technical submissions, staff are recommending a graduated fee structure where the application cost increases based on the size of the urban expansion area as follows:

- \$82,320 – Under 40 hectares (current fee)
- \$120,048 – Between 40 to 100 hectares
- \$177,535 – Between 100 to 500 hectares
- \$234,925 – Greater than 500 hectares

The above noted fees are reflected in the proposed amending By-law to By-law No. 12-282 (Tariff of Fees By-law) attached as Appendix “C” and referenced in recommendation (e) of this report. Staff note that *Planning Act* application fees are appealable to the Ontario Land Tribunal.

Ontario Land Tribunal Appeal Expenses

There are significant costs to the city to defend its refusal or failure to make a decision on an urban boundary expansion application at the Ontario Land Tribunal. For context in 2021 the cost of retaining external legal counsel, including a planner, to represent the City through a scheduled 55 day Ontario Land Tribunal merit hearing on the Elfrida urban boundary expansion lands stemming from Council’s original approval of the Urban Hamilton Official Plan in 2009 was \$1.065 million (plus HST). This appeal was ultimately withdrawn before the hearing occurred. Note

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that this amount does not account for any city staff time or additional consultants retained by the city to submit evidence at an Ontario Land Tribunal Hearing nor has any cost indexing been applied. Also, with Bill 185 the City may receive multiple urban boundary expansion applications that may be appealed.

Recognizing that under Bill 185 and the proposed Provincial Planning Statement there may be multiple urban boundary expansion appeals, staff recommend Council authorize \$1,500,000 be added to the tax supported Official Plan OLT Appeals Capital Budget (8142455800) as part of the 2025 budget process, as referenced in Recommendation (d) of this report.

Long Term Financial Implications of Urban Boundary Expansions

Determining the long-term financial implications of new urban boundary expansions is complex and dependent on several variables including the location and size of the expansion area, the land uses that would be developed and the time horizon considered.

Staff note that a developer/proponent of new urban expansion areas would be required to front end any new infrastructure associated with servicing and developing the expansion lands. Staff also anticipate that proponents of urban boundary expansions will reference anticipated Development Charge revenue as well as previous consultant financial analysis completed by the City as part of the Growth Related Integrated Development Strategy (see Report PED17010(o)) stating replacement of existing linear water and wastewater infrastructure costs more than putting new sewer and water mains in greenfield areas.

However, 100% of the lifecycle replacement costs of the infrastructure and 100% of the operational costs associated with servicing the urban expansion lands (e.g., providing emergency services, snow clearing, operating new municipal recreational facilities) would be the responsibility of the city in perpetuity. In addition, the removal of any open space and natural heritage features would have additional costs due to the ecological services value these natural features provide. To understand and assess the long-term financial implications to the City, the recommended evaluation framework identifies several municipal finance considerations which would be evaluated through the submission of a Financial Impact Analysis and Financial Strategy. The Draft Framework recommends that the time horizon assessed in any analysis extend past the lifecycle replacement costs of new infrastructure.

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Staffing: The General Manager of the Planning and Economic Development Department has delegated authority to hire additional staff relative to the processing of development applications.

Large urban boundary expansions are complex and require significant staff resources to review and provide corresponding coordinated comprehensive recommendations. To implement a coordinated review of what could be multiple expansion applications, staff recommend, as referenced in Recommendation (c) of this report, the formation of a new dedicated cross-departmental team to process and evaluate these applications. The team would include planning, transportation planning and engineering staff. Should expansion applications be approved by Council or at the Ontario Land Tribunal, this team would be the lead in establishing new Secondary Plans for the expansion lands.

The new full-time temporary positions should be established and filled as soon as possible. For 2024, the positions will be funded from the Development Reserve Fund, and in 2025 the position will be funded through development application fees. These positions would be temporary but likely expected for the next 5 years and would be renewed as required.

Legal: To defend against a boundary expansion appeal at the Ontario Land Tribunal would require substantial staff time, legal counsel, and qualified external consultants. Staff note that multiple Ontario Land Tribunal urban boundary expansion hearings would also impact Legal Services overall capacity as experience has shown that such hearings will be very costly as discussed under the financial implications and the potential number of applications and associated appeals is unknown at this point in time.

Legal Services and the Planning Division will continue to monitor the proposed Provincial Planning Statement, 2024 and report back where necessary with recommendations for the implementation of the proposed Provincial Planning Statement, 2024.

Historical Background

Appendix “B” attached to Report PED24109 provides a detailed chronology of reports, applications and decisions related to urban boundary expansions since 2020. Reports PED23145(a) and PED24097 were submitted to Planning Committee on May 14, 2024, recommending Council adopt staff’s submission to the province on the second draft of the Provincial Planning Statement, 2024 and

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Bill 185. Report PED23145(a) included the following recommendation which was adopted by Council on May 22, 2024:

“Council direct staff to assess the implications of existing or potential urban boundary expansion Official Plan Amendment applications and report back with recommendations on the processing and evaluation of these applications relative to requirements for a complete application, potential staffing and consultant resources for the processing of applications and potential Ontario Land Tribunal appeals, changes to existing application fees, and any necessary capital budget enhancements.”

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020)

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement. It provides municipal governments with the direction and authority to guide development and land use planning through official plans, secondary plans, and zoning by-laws. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with policy statements and plans issued by the province. The Provincial Policy Statement represents minimum standards and allows municipalities to be more restrictive provided it does not conflict with any other Provincial policy.

Section 1.1.3.8 of the Provincial Policy Statement states that expansions to settlement area boundaries may only be identified through a Municipal Comprehensive Review of its Official Plan policies to determine if the expansion is required to bring it into conformity with Provincial plans. The Provincial Policy Statement does not allow landowners or developers to initiate a Municipal Comprehensive Review.

Proposed Provincial Planning Statement (2024)

The proposed Provincial Planning Statement, 2024 proposes to rescind the Growth Plan and remove the requirement for municipalities to undertake a Municipal Comprehensive Review before considering urban boundary expansions. This combined with the *Planning Act* changes proposed in Bill 185 would allow landowners to submit Official Plan Amendment applications for urban boundary expansions at any time and with no limit on the size of a boundary expansion provided it is outside of the Greenbelt Plan area. The Greenbelt Plan covers 88,505 hectares of land within the City of Hamilton. There is approximately 4,320 hectares of land outside of the Greenbelt Plan Area and outside of the existing urban boundary (referred to as the white belt) which is

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shown in the map attached as Appendix “D” to Report PED24109. The proposed Provincial Planning Statement (2024) will result in the elimination of minimum required intensification rates and density targets for greenfield areas.

In place of the Municipal Comprehensive Review requirement, the proposed Provincial Planning Statement, 2024 states municipalities shall consider certain criteria for expanding a settlement area including: whether there is a need for additional land to accommodate an appropriate range and mix of land uses; if there is sufficient infrastructure capacity available or planned; and general avoidance of expansions into prime agricultural areas.

Overall, the proposed Provincial Planning Statement combined with the rescinding of the Growth Plan makes it easier for privately initiated urban boundary expansions to be considered for approval by allowing privately initiated applications and reducing or eliminating the criteria that must be considered. The province has not provided a date by which the new Provincial Planning Statement will come into effect.

Urban Hamilton Official Plan

The Urban Hamilton Official Plan implements a no urban boundary expansion growth strategy, directing all urban population and employment growth identified in the Growth Plan to the year 2051 to lands within the Urban Boundary.

Growth Management Policies

“A.2.3 Growth Management – Provincial

The Province of Ontario’s *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* (2019) (*Growth Plan*), as amended, sets out a vision to 2051 for how much growth should occur in the Greater Golden Horseshoe (GGH) and how it should be planned for. This area is expected to grow by 4.6 million people by 2051 with Hamilton projecting to take a 5.1% share of the GGH growth. (OPA 167)

Although the total population is expected to grow, certain demographic trends will shape Hamilton over the next three decades. These demographic changes will influence how, where, and when we will grow.

Notably, the provincial growth forecasts are based on assumptions that household size [or persons per unit (PPU)] will slowly decline in varying degrees over the next 30 years. This trend is influenced by lower birth rates, an aging population contributing to a growing number of empty nester households and

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growth in non-traditional households (e.g. single person households, single parent households).

One of the principal components of the *Growth Plan* is a series of population and employment forecasts for upper and single-tier municipalities within the GGH. The *Growth Plan* requires these forecasts be used by municipalities for planning and managing growth. The *Growth Plan* also identifies a series of density and *intensification* targets which municipalities must plan to achieve".

With respect to future urban boundary expansions, the Urban Hamilton Official Plan states:

"B.2.2 Urban Boundary Expansions

2.2.1 The City's urban boundary is firm and expansion to accommodate growth to the year 2051 is not required. All planned growth to 2051 shall be accommodated through development of the City's existing designated *greenfield area*, and intensification throughout the *Urban Area*, and a limited amount of infill development within *Rural Hamilton*. (OPA 167)

2.2.2 Notwithstanding Policy B.2.2.1, adjustments to the *urban boundary* may be permitted through a municipal comprehensive review provided:

- a) There is no net increase in land within the *urban area*;
- b) The adjustment would support the City's ability to meet *intensification* and *redevelopment* targets provided in Section A.2.3 – Growth Management Provincial;
- c) *Prime agricultural areas* are avoided where possible. Alternative locations will be evaluated, prioritized, and determined based on avoiding, minimizing, and mitigating impacts on the Agriculture System;
- d) The lands are not located within the *Greenbelt Area*;
- e) For lands within the *Niagara Escarpment Plan* area, the lands are designated Urban Area in the *Niagara Escarpment Plan*; and,
- f) There is sufficient reserve *infrastructure* capacity to service the lands. (OPA 167)

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2.2.3 Expansions of the Urban Area of 40 hectares or less in accordance with policy 2.2.8.5 and 2.2.8.6 of the A Place to Grow: Growth Plan shall not be permitted in advance of a municipal comprehensive review. (OPA 167)”

As the Urban Hamilton Official Plan policies as established through Official Plan amendment No. 167 to the Urban Hamilton Official Plan do not contemplate any privately initiated urban boundary expansions, any Official Plan Amendment to expand the urban boundary would need to also amend the growth policies of the Official Plan to provide this permission.

Application Submission Requirements

Chapter F of the Urban and Rural Hamilton Official Plan sets out the various implementation tools available to the city in considering development proposals. This includes policies setting out the City’s complete application and Formal Consultation requirements as well as the public participation and notification processes. The recommended Draft Framework expands upon these policies to include enhanced submission and consultation requirements for urban boundary expansion applications.

Following the recommended community engagement, these requirements would be incorporated into the Official Plans through a city initiated Official Plan Amendment.

Staff note that the city initiated Official Plan Amendment to reflect and respond to the removal of a requirement for an applicant to go through mandatory pre-consultation is scheduled for Q4 2024.

Rural Hamilton Official Plan

Similar to the Urban Hamilton Official Plan, the Rural Hamilton Official Plan implements a firm urban boundary growth strategy. As a result, the Rural Hamilton Official Plan does not contain any policies identifying or establishing criteria for where urban boundary expansions are to be located.

RELEVANT CONSULTATION

Staff from within Planning, Growth Management, Climate Change Initiatives, Transportation Planning, Public Works, Finance, and Legal Services were consulted in the drafting of this report, recommendations, and appendices. Staff also consulted the City’s Senior Leadership Team on the recommendations of this report.

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As per the City's Public Notice By-law No. 07-351, notice of the proposed amendment to the Tariff of Fees By-law was provided in the Hamilton Spectator on Monday, July 29, 2024.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

As detailed in the City's submission to the Province through Reports PED23145(a) and PED24097, the proposed Provincial Planning Statement and amendments to the *Planning Act* through Bill 185 result in a shift from "Residential Intensification First" to ad hoc urban boundary expansions that significantly erodes the City's ability to make coordinated land use decisions based on Council's directed Urban Hamilton Official Plan's no urban boundary expansion growth strategy as well as, public engagement, local conditions, and municipal priorities.

With these Provincial changes, staff anticipate that the city will receive multiple new urban boundary expansions of various sizes and locations which, under Bill 185, can ultimately be approved or refused by the Ontario Land Tribunal, rather than City Council or the Ministry of Municipal Affairs and Housing.

The rationale for staff's recommendations respecting staffing, legal costs and application fees is discussed above. Staff's rationale for the recommended Draft Framework and next steps is discussed below.

Framework for Processing and Evaluating Urban Boundary Expansion Applications

The Draft Framework provided in "Appendix A" to Report PED24109 sets out how the city would receive, process, and assess new Official Plan Amendment applications to expand Hamilton's urban boundary under the most recent version of the Provincial Planning Statement, 2024. The Draft Framework clearly communicates the City's expectations for urban boundary expansions to applicants, external review agencies, First Nations, Indigenous and Metis communities and the general public. Amendments to the Urban and Rural Hamilton Official Plan will be required to enshrine the requirement of the Framework in policy.

It is emphasised that it is not the intent of the Draft Framework to constitute a list of minimum submission requirements or criteria to determine whether an urban boundary expansion can receive municipal approval. Rather, as a direct result of the recent/expected Provincial legislative and policy changes, the recommended framework has been proactively established to ensure that any urban boundary expansion applications received are comprehensively assessed and the review process is clear and transparent. The draft Framework is broken into three parts.

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Part A – Urban Boundary Expansion Submission Requirements

This part of the Draft Framework sets out what technical plans and studies must be submitted as part of an urban boundary expansion application. Urban boundary expansion applications are unique from typical *Planning Act* development applications and not contemplated in the Urban Hamilton Official Plan or Rural Hamilton Official Plan. As a result, this part of the Draft Framework identifies new plans and studies not currently identified in the Official Plans including a Housing Supply (Needs) Assessment and Emergency Services Assessment. A Housing Needs Assessment is a broader examination of the housing market and assesses not only unit need but also unit size, number of bedrooms, tenure and affordability considerations. In addition, the Framework provides guidance on the Terms of Reference for other plans and studies required to assess the impact of the proposed expansion. This includes additional direction on the required Subwatershed Impact Study, Energy and Environmental Assessment Report and Financial Impact Analysis and Financial Strategy. The submission requirements were developed in collaboration with various City Departments as well as Dillon Consulting who was retained to provide additional technical expertise of the identified submission requirements. Dillon Consulting submitted a technical memo that is appended to the Draft Framework and is provided in Appendix “A1” attached to Report PED24109.

Typically, the list of submission requirements would be determined through the submission of a Formal Consultation application to the City. However, under Bill 185, applicants are no longer required to submit a Formal Consultation application meaning that an applicant could submit minimal information as part of an application and the City would have limited time under the *Planning Act* to review and respond. As a result, it is imperative that these requirements be included within the Framework as well as be incorporated into the Official Plans as policy to ensure that the City has grounds to deem an urban boundary expansion incomplete if the required materials have not been submitted.

Following consultation on the draft Framework an additional city-initiated amendment should be required to the Urban and Rural Hamilton Official Plans will be brought forward to specifically reflect the submission requirements for urban boundary expansion applications.

Part B – Evaluation and Locational Considerations

Building upon the proposed Provincial Planning Statement, the City’s Urban and Rural Official Plan as well as recent work undertaken through the City’s Growth Related Integrated Development Strategy (GRIDS 2) and Municipal Comprehensive Review, the City has identified thematic considerations to be used by applicants in preparing an

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urban boundary expansion application and City staff to assess urban boundary expansion applications. The table below identifies each theme and a general description of what is being considered.

Theme	General Description
Agricultural Systems	Does the proposed urban boundary expansion prioritize development of areas that are non-prime agricultural?
Climate Change	Does the proposed urban boundary expansion contribute to the City's long-term goal of carbon neutrality by providing opportunities for reductions in greenhouse gas emissions?
Complete Communities	Does the proposed urban boundary expansion provide a diverse mix of land uses in a compact built form, with a range of housing options to accommodate people at all stages of life and to accommodate the needs of all household sizes and incomes?
Cultural Heritage Resources	Does the proposed urban boundary expansion prevent or minimize impacts cultural heritage resources including designated heritage properties, and can they be conserved?
Growth Allocation	Does the proposed urban boundary expansion demonstrate the expansion growth will not negatively impede the City's growth strategy including intensification targets and housing forecasts to the year 2051?
Infrastructure and Public Service Facilities	Does the proposed urban boundary expansion prevent or minimize impacts to the City's existing or planned infrastructure and public service facilities?
Theme	General Description
Land Use Compatibility	Does the proposed urban boundary expansion protect the major facilities, including the Hamilton International Airport, from incompatible land uses and supports its long term operation?
Municipal Finance	Does the proposed urban boundary expansion demonstrate an avoidance of significant municipal

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	financial risks associated with the proposed urban boundary expansion?
Natural Heritage and Water Resources	Does the proposed urban boundary expansion demonstrate an avoidance of potential negative impacts on watershed conditions and the water resource system including quality and quantity of water?
Natural Hazards	Is the proposed urban boundary expansion area directed away from hazardous lands?
Transportation Systems	Does the proposed urban boundary expansion area demonstrate an avoidance of significant impacts to the City's existing or planned transportation infrastructure?

In evaluating an urban boundary expansion application, City staff will provide commentary on each identified consideration to provide Council with a wholesome analysis of its implications.

Part C – Application Submission and Review Process

This part of the Draft Framework sets out in detail how urban boundary expansion applications will be processed from preliminary discussions with landowners to what happens after an Ontario Land Tribunal decision. As part of the Framework, staff have identified several additional public, First Nations, and Indigenous community consultation requirements that go beyond the *Planning Act* requirements and current Official Plan policies. This includes:

- Requesting the applicant to contact First Nations and local Indigenous communities prior to the submission of a Formal Consultation and/or Official Plan Amendment application. Note that while the Framework identifies this requirement, under the *Planning Act*, the city cannot require that this early consultation occur.
- Requesting the applicant to hold a community meeting in coordination with the local Councillor(s) office prior to the submission of its Official Plan Amendment application.
- Circulate any urban boundary expansion Formal Consultation application and/or Official Plan Amendment application to First Nations and local Indigenous communities for input through both a Development Review Team meeting and direct in-person meetings.

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- Posting all materials submitted as part of an urban boundary expansion application on the City's website for review and comment.
- Increasing the circulation to surrounding residents from 120 metres to 400 metres.
- Requiring public notice signs to be posted facing all roads surrounding and bisecting the proposed urban boundary expansion area.
- Holding an Open House prior to the statutory public meeting for the city to receive additional input.

Several of these requirements, including increasing the range of written notice to residents and enhanced signage requirements would be included in the proposed city initiated Official Plan Amendment.

Engagement on the Framework

Staff recommend that the city undertakes community engagement on the Framework prior to bringing forward city initiated amendments to the Urban and Rural Hamilton Official Plans. Planned engagement is scheduled to occur from September to November 2024 and will include consultation with:

- First Nations, Indigenous and Metis Communities;
- External review agencies including the Conservation Authorities, School Boards and Hamilton International Airport;
- The Agriculture and Rural Affairs Sub-Committee;
- Community Climate Change Advisory Committee;
- The Development Industry Liaison Group; and,
- Other interested community groups.

In addition, at least one in-person Open House will be held to receive input from landowners within the white belt lands as well as the general public. Notice of the open house will be mailed to all residents within the rural area outside of the Greenbelt Plan Area as well as sent out through the City's Growth-Related Integrated Development Strategy e-mail list of approximately 700 contacts.

Staff note that there are challenges in obtaining public feedback on what should be included as part of a Framework for processing and evaluating urban boundary expansion applications when there is significant interest and debate associated with the Provincial decisions that have led up to this point. Specifically, the proposed Provincial Planning Statement and adoption of Bill 185 that enables urban boundary expansions to be decided on by the Ontario Land Tribunal once appealed, despite Council's approval of a no urban boundary expansion growth strategy.

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The Planning Division will work with the City's Public Engagement office in the preparation of engagement materials and in the planning of the Open House so that it is clearly communicated to the public the City's position respecting urban boundary expansions and the purpose of establishing the Framework. As part of the communications strategy, staff will prepare materials that informs the public of how urban boundary expansion applications will now be considered considering all the changes to Provincial policy and legislation that has occurred in recent years.

Planning staff will update the growth Related Integrated Development strategy (GRIDS 2) notification list and maintain this list, adding people who request to be notified, as the Project Mailing List for notification.

Transition Period

The Draft Framework has been developed under the new Provincial policy approach proposed under the Provincial Planning Statement. However, Bill 185 is now in effect and the City has already received appeals for the three Official Plan Amendment applications seeking an urban boundary expansion of the Twenty Road West lands which was discussed in Information Report PED24142 received by Planning Committee on July 9, 2024. Should the Province propose additional changes to the proposed Provincial Planning Statement, staff will review and make any modifications to the Draft Framework as necessary.

Should an urban boundary expansion application be submitted after the new Provincial Planning Statement comes into effect but before the City's Framework and Rural and Urban Hamilton Official Plan has been finalized, staff recommends that the Draft Framework attached as Appendix "A" to Report PED24109 be used by staff in processing the application.

ALTERNATIVES FOR CONSIDERATION

Not adopting the proposed Framework

Council may direct staff not to establish a Framework and subsequent amendments to the Official Plan for processing urban boundary expansion applications. Staff recommend against this option as it does not enable the city to:

- Establish greater submission requirements from what currently exists in the Urban Hamilton Official Plan;
- Establish broader land use considerations to evaluate an urban boundary expansion application than what exists in the proposed Provincial Planning Statement and Urban Hamilton Official Plan; and,

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- Clearly set out its expectations with respect to the review and processing of urban boundary expansion applications, including enhanced Indigenous and community consultation.

Not Providing Additional Staff Resources

Council may direct staff to not establish appropriate staff resources however this alternative is not recommended as it would slow down planning work to support intensification within the existing urban boundary, including updating and creating new Secondary Plans for established neighbourhoods and planning for intensification within Major Transit Station Areas, as staff time would need to be reallocated for the processing of expansion applications or Ontario Land Tribunal hearings.

An alternative to hiring additional staff is to retain an external consultant firm to process and evaluate an Official Plan Amendment urban boundary expansion application on the City's behalf. Estimated costs are approximately \$200,000 to \$250,000 per application. Note that under this option one new project manager position within the Planning Division would still be required to manage the consultant and coordinate the City's review of the application.

Not Authorizing \$1,500,000 to The Capital Budget to Defend Ontario Land Tribunal Appeals

Council may decide not to authorize additional funds be added to the capital budget however this alternative is not recommended as it may result in there not being sufficient funds available to defend Council's decisions. It is anticipated that additional capital funds may be needed annually.

Not Authorizing New Application Fees for Urban Boundary Expansion Applications

Council may decide not to approve the creation of new application fees however this alternative is not recommended as the current fee for an urban boundary expansion is \$82,000. This fee was established when the largest expansion for a single application permitted by provincial policy was 40 ha. Keeping the current application fee for larger urban boundary expansions would not meet the objective of full cost recovery given the significant staff resources required to process, review, and arrive at recommendations on these applications.

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APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED24109 - Draft Framework for Processing and Evaluating Urban Boundary Expansion Applications

Appendix "A1" to Report PED24109 - Dillon Consulting Memo

Appendix "B" to Report PED24109 - Chronology of Reports, Applications and Decisions Since 2020 related to Urban Boundary Expansions

Appendix "C" to Report PED24109 - Amending By-law to By-law No. 12-282 (Tariff of Fees)

Appendix "D" to Report PED24109 - Potential Urban Expansion Areas under the Provincial Planning Statement

CT/DH:sd



Draft Framework for Processing and Evaluating Urban Boundary Expansion Applications

PURPOSE:

This document explains the framework in which the City of Hamilton will receive, process, and assess new Official Plan Amendment applications to expand Hamilton’s urban boundary under a Provincial Planning Statement, 2024 policy regime. The City of Hamilton has adopted, and the Province of Ontario has approved, a no urban boundary expansion growth strategy to the year 2051 through its Municipal Comprehensive Review in 2022. While the City’s Official Plan does not support any urban boundary expansions outside of a city initiated Municipal Comprehensive Review or Official Plan review, the city also recognizes that under the proposed Provincial Planning Statement, 2024 and recent legislative changes made to the *Planning Act* through Bill 185, new privately initiated urban boundary expansion applications would be able to be received and approved at any time.

The purpose of this framework is to ensure that any urban boundary expansion applications submitted are complete and comprehensively assess the implications of the proposal against municipal land use priorities including accommodating growth through intensification, farmland preservation, infrastructure capacity and costs, planning for the impacts of climate change, protection of the natural environment, and supporting an active transportation network. This framework does not constitute a list of minimum submission requirements or criteria to determine whether an urban boundary expansion can receive municipal approval.

The framework is broken into three parts:

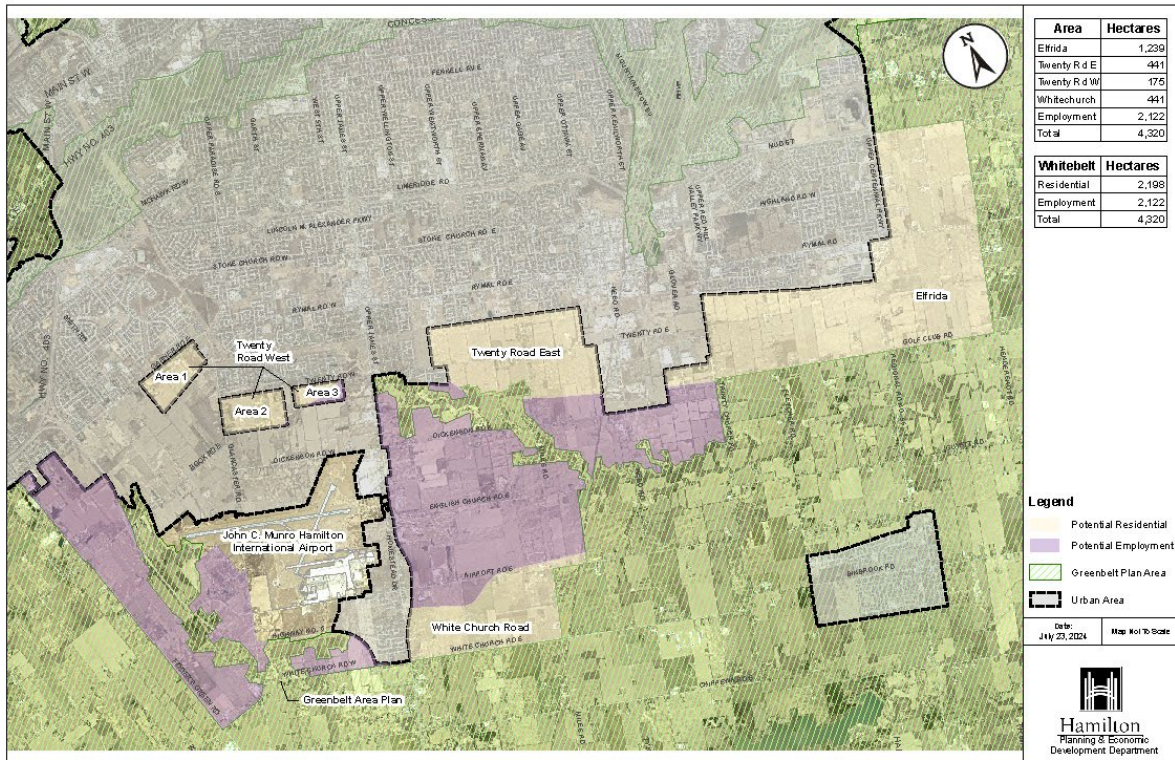
- Part A – Official Plan Amendment Submission Requirements
- Part B – Evaluation and Locational Consideration
- Part C – Application Submission & Review Process

City of Hamilton Potential Urban Expansion Areas

Under the proposed Provincial Planning Statement lands that are outside of an approved settlement area and outside of the Greenbelt Plan area may be considered for future urban boundary expansions. This area of land is sometimes referred to as the White Belt. Within the City of Hamilton’s Rural Hamilton Official Plan there is currently 4,320 hectares of these lands. Based on the City’s Official Plan policies which restrict sensitive land uses above 28 Noise Exposure Forecast (or NEF) contours,

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approximately 2,198 hectares could accommodate future community land uses and the other 2,122 hectares could accommodate employment uses.



**PART A – Urban Boundary Expansion Submission Requirements
Minimum Submission Requirements**

Unless specifically removed as a submission requirement through the Formal Consultation process, the technical plans and studies below must be submitted with any Official Plan Amendment application to expand Hamilton’s urban boundary expansion application.

Minimum Submission Requirement	Department / Agency Responsible for Reviewing Terms of Reference and Assessing the Technical Submission
Concept Plan	Planning Division
Planning Justification Report	Planning Division
Energy and Climate Change Assessment Report	Planning Division / Office of Climate Change Initiatives

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Minimum Submission Requirement	Department / Agency Responsible for Reviewing Terms of Reference and Assessing the Technical Submission
Financial Impact Analysis and Financial Strategy	Planning Division / Growth Management / Asset Management / Municipal Finance
Phasing Plan	Growth Management
Noise Impact Study	Planning Division
Transportation Impact Study	Transportation Planning
Transit Assessment	Transit Services
Pedestrian Route and Sidewalk Analysis	Transportation Planning
Functional Servicing Report	Growth Management
Subwatershed Study (Phase 1)	Planning Division
Geotechnical Study	Growth Management
Karst Assessment	Conservation Authority
Community Facilities and Recreational Needs Assessment	Public Works
School Accommodation Issues Assessment	School Boards
Emergency Services Assessment (Policy / Fire / Ambulance)	Planning Division Emergency Service Providers
Agricultural Impact Assessment	Planning Division
Cultural Heritage Impact Study	Planning Division
Archaeological Assessment	Planning Division
Public Consultation Summary and Comment Response Report	Planning Division
Minimum Distance Separation (MDS) Formulae	Planning Division
Draft Official Plan Amendment	Planning Division

Mandatory Locational Submission Requirements

The following submission requirements are required where, based on historic use of the lands or its proximity to other types of land uses, are required as minimum requirements. These additional submission requirements will be confirmed through a Formal Consultation process. In the absence of Formal Consultation, these are required to deem an application complete.

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Locational Submission Requirement	When Required	Department / Agency Responsible for Reviewing Terms of Reference and Assessing the Technical Submission
Noise Impact Study	The urban expansion lands are within the Airport Influence Area identified within the 25+ Noise Exposure Forecast contours Rural Hamilton Official Plan Appendix D.	Planning Division / Hamilton International Airport
Odour Impact Assessment	The proposed urban expansion area includes sensitive land uses in the vicinity of commercial, industrial, agricultural or any other uses with the potential to produce point source fugitive odour emissions.	Planning Division
Employment Assessment	The urban expansion area includes lands intended for Employment uses.	Planning Division
Housing Assessment	The urban expansion area includes lands intended for Residential uses.	Planning Division

Additional Submission Requirements

Depending on the location and size of the urban boundary expansion application, the City may identify the following additional technical submission requirements through the Formal Consultation process or, where Formal Consultation is waived by an applicant, following the City’s review of the applicant’s submission.

Terms of References

The City has approved draft Terms of Reference which are available on the City’s [website](#). Urban boundary expansion applications are unique, and the submission requirements may differ than what is submitted as part of a typical development application. The city strongly encourages that any proponent of an urban boundary expansion application consults with the municipality prior to undertaking any of these technical submissions.

At this time, the City has not finalized Terms of Reference for all plans and studies identified within the City’s Official Plans. The thematic considerations identified in Part B of this framework together with the additional direction provided for the submission items below are to assist in determining the scope of technical submissions.

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Planning Justification Report

A component of the Planning Justification Report is to include a response to each consideration identified in Part B of this Framework.

Functional Servicing Report

Building upon the City’s existing Terms of Reference and guidance on Functional Servicing Reports, new urban boundary expansion applications must submit a Functional Servicing Report that includes the following components:

Natural Hazards Components	Land Development Components
<ul style="list-style-type: none"> • Floodline Delineation Study/Hydraulic Analysis • Erosion Hazard Assessment • Meander Belt Assessment • Slope Stability Study & Report • Channel Design & Geofluvial Assessment • Cut-Fill Analysis • Karst Assessment (or may be a stand-alone report) 	<ul style="list-style-type: none"> • Grading Plan • Survey Plan • Erosion & Sediment Control Plan • Water Servicing Study (or may be stand-alone report) • Wastewater Servicing Study (or may be stand-alone report) • Hydrogeological Study (or may be stand-alone report) • Geotechnical Study (or may be stand-alone report) • Master Drainage Plan

Emergency Services Assessment

The purpose of an Emergency Services Assessment is to identify the location of nearby emergency service providers (Police, Fire and EMS) and assess the emergency response time to the proposed urban expansion area. The Emergency Services Assessment and Concept Plan will be reviewed by emergency service providers to determine if the proposed urban expansion would necessitate the expansion of existing facilities or the development of new facilities as well as any projected increases in operational costs to service the urban expansion lands.

Additional Technical Guidance from Dillon Consulting

In addition to the existing Terms of References and guidance within this Framework, Dillon Consulting has prepared a Technical Memo, attached as Appendix “A1” to Report PED24109 which provides specific guidance with respect to the Terms of Reference for the urban boundary expansion submission requirements identified below. This guidance shall be applied to any urban boundary expansion applications received by the City prior to this Framework being finalized.

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Submission Requirements	Terms of Reference Guidance
Housing Assessment	Section 2.2 of Dillon Consulting Technical Memo
Energy and Environmental Assessment Report	Section 4.2 of Dillon Consulting Technical Memo
Fiscal Impact Analysis and Financial Ecological Services Valuation Strategy	Section 3.2 of Dillon Consulting Technical Memo
Subwatershed Study (Phase 1)	Section 6.2 of Dillon Consulting Technical Memo
Public Engagement	Section 5.2 of Dillon Consulting Technical Memo

PART B

Urban Boundary Expansion Application - Draft Evaluation and Locational Considerations

Built upon the Provincial policies and plans, the City’s Urban and Rural Official Plans as well as recent work undertaken through the City’s Growth Related Integrated Development Strategy (GRIDS 2) and Municipal Comprehensive Review, the City has identified thematic considerations for urban boundary expansion applications that will be used by the City to assess urban boundary expansion applications.

The considerations do not represent minimum criteria which if addressed will result in a positive recommendation from City staff. This framework also does not include a formal scoring process to assess each consideration. The information collected and considered in the following framework is intended to help City staff formulate planning recommendations for expansion applications.

Theme	Considerations	Submission Requirement
Growth Allocation (Base Considerations)	How does the Urban Boundary Expansion impact the City’s ability to meet its residential intensification and redevelopment targets in Section A.2.3 of the UHOP? (New)	Housing Assessment
	Is there a need to designate and plan for additional land to accommodate an appropriate range and mix of land uses within the Urban Hamilton Official Plan’s growth forecast? (PPS 2.3.2.1 a)	Concept Plan Housing Assessment

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Theme	Considerations	Submission Requirement
Growth Allocation (Base Considerations) (continued)	<p>Are the residential and/or employment uses within proposed Urban Boundary Expansion area based on the approved population and employment forecasts and time horizon in the Urban Hamilton Official Plan, specifically A.2.3.1-2.3.3?</p> <p>If so, what time-frame? (e.g. 2031-2041)?</p> <p>If not, what population and employment forecasts were used? (New)</p>	<p>Housing Assessment</p> <p>Employment Needs Assessment</p>
	<p>The impact of the proposed expansion on the City’s vision for a sustainable community, as it relates to the objectives, policies and targets established in this Plan; and the impact of the proposed expansion on the City’s communities, environment and economy and the effective administration of the public service. (UHOP F.1.1.5)</p>	<p>Planning Justification Report</p> <p>Energy and Climate Change Assessment Report</p> <p>Financial Impact Analysis and Financial Strategy</p>
	<p>A comprehensive review and land budget analysis is required to determine the need for an urban boundary expansion, which includes an assessment of occupied and vacant urban land, brownfield availability, greenfield densities, and intensification targets to determine if sufficient opportunities to accommodate forecasted growth contained in the UHOP are not available. (Former UHOP Policy deleted by OPA 167)</p>	<p>Housing Assessment</p>
	<p>The timing of the urban boundary expansion and the phasing of development within the greenfield areas shall not adversely affect the achievement of the residential intensification target and Greenfield density targets. (Former UHOP Policy deleted by OPA 167)</p>	<p>Phasing Plan and Planning Justification Report</p> <p>Housing Assessment</p>

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Theme	Considerations	Submission Requirement
Growth Allocation (Base Considerations) (continued)	Is there a landowner group established representing all landowners within the proposed Urban Boundary Expansion Area? If so, do they have a formalized cost-sharing agreement? If not, what efforts have been undertaken prior to the submission of the application to inform all landowners of the proposed Urban Boundary Expansion. (New)	Application Form with all Ownership Information
Growth Allocation (Locational Considerations)	Are the expansion lands located within the Greenbelt Plan area? (New)	Location Map
	Are the expansion lands contiguous with the current Hamilton Urban Boundary and Built-Up Area? Are there any physical (e.g. highways, hydro lines) or natural barriers (watercourses) separating the proposed expansion lands to Hamilton’s current built up area? (New)	Location Map Planning Justification Report
	Does the new or expanded settlement area provide for phased progression of urban development? (PPS 2.3.2.1 g)	Phasing Plan Planning Justification Report
Land Use Compatibility (Locational Considerations)	Does the expansion area and proposed land uses protect the Hamilton International Airport from incompatible land uses and supports its long term operation? (PPS 3.4.1, 3.4.2)	Noise Impact Study Concept Plan
	Does the expansion area and proposed land use avoid other Major Facilities from sensitive land uses and where avoidance is not possible, protect the long-term viability of existing or planned industrial, manufacturing, or other major facilities (PPS 3.5)	Noise/Odour Impact Study Planning Justification Report Concept Plan
	For employment area urban boundary expansions, does the proposed uses maintain land use compatibility between sensitive land uses and employment areas in accordance with policy 3.5.1 to maintain the long-term operational and economic viability of the planned uses and function of these areas? (PPS 2.8.2.4)	Planning Justification Report

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Theme	Considerations	Submission Requirement
Land Use Compatibility (Locational Considerations) (continued)	Does the proposed expansion area and proposed land uses maintain the UHOP and RHOP prohibition of new sensitive land uses within 28+ NEF? (UHOP Table C.4.8.1)	Noise Impact Study Concept Plan
Climate Change (Base Considerations)	What mitigation measures are proposed to mitigate the impacts of a changing climate? (PPS 5.2.4)	Energy and Climate Change Assessment Report
	Does the growth scenario contribute to the City’s long-term goal of carbon neutrality by providing opportunities for reductions in greenhouse gas emissions? (GRIDS2)	Energy and Climate Change Assessment Report
	Does the expansion area present any significant opportunities to address risks and challenges associated with climate change? (GRIDS2)	Energy and Climate Change Assessment Report
	Does the expansion area present any significant risks associated with climate change? (GRIDS2)	Energy and Climate Change Assessment Report
Climate Change (Base Considerations)	<p>Does the proposed development incorporate any of the energy efficient and environmental designed development criteria under B.3.7.2, including:</p> <ul style="list-style-type: none"> - Use of environmental building rating system (LEED). - Designs with renewable or alternative energy systems. - Designs with cogeneration energy systems. - Designs to minimum heat loss in winter / heat island effect in summer. - Designs to include sustainable forms of transportation. - Pilots new community energy plans. - Passive House. - Canadian Home Builders Association Net Zero Homes Label. 	Energy and Climate Change Assessment Report

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Theme	Considerations	Submission Requirement
Climate Change (Locational Considerations)	Does the location of the expansion area have the ability to promote a community form that reduces reliance on private automobiles helping to reduce transportation GHG’s? (GRIDS2)	Energy and Climate Change Assessment Report Transportation Impact Study Transit Assessment Pedestrian Route and Sidewalk Analysis
	Does the location provide an opportunity for district energy, wind, or solar power generation? (GRIDS2)	Energy and Climate Change Assessment Report
	Is there sufficient capacity in existing stormwater management systems to manage potential changes in weather patterns and increased climate variability? Does the proposed stormwater management provide resilience and consider climate change adaptability? Does the proposed stormwater management consider Low Impact Development Best Management Practices (GRIDS2) - Other green infrastructure measures (e.g. Rain/ green streets, sponge parks, etc.)	Functional Servicing Report
	Does the expansion area support the maintenance and enhancement of the existing tree canopy? (GRIDS2)	Subwatershed Study (Phase 1)
Natural Hazards (Base Considerations)	Are the Urban Expansion lands directed away from hazardous lands? (GRIDS2, PPS)	Karst Assessment Floodline Delineation Study / Hydraulic Analysis

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Theme	Considerations	Submission Requirement
Municipal Finance (Base Considerations)	Is the required infrastructure and public service OF ¹ facilities required to service the urban expansion area financially viable over their lifecycle, leverage the capacity of development proponents and meet current and projected needs? (PPS 3.1.1).	Financial Impact Analysis and Financial Strategy
	Will the urban expansion increase the City’s Infrastructure Deficit? (New)	Financial Impact Analysis and Financial Strategy
Infrastructure and Public Service Facilities (Base Considerations)	Would the proposed expansion remove planned infrastructure capacity for new development within the existing built-up area? (GRIDS2)	Community Facilities and Recreational Needs Assessment
	Is there sufficient capacity in existing or planned water/wastewater/stormwater distribution and treatment systems? (GRIDS2)	School Accommodation Issues Assessment
Infrastructure and Public Service Facilities (Locational Considerations)	Are significant extensions / expansions beyond planned/budgeted trunk infrastructure required to service this area? (GRIDS2)	Functional Servicing Feasibility/Options Report
	Does the expansion area maximize existing capacity within the available water/wastewater and stormwater distribution systems? (GRIDS2)	Transportation Impact Study
	Is there sufficient capacity in planned waste management facilities? (GRIDS2)	Emergency Service Assessment (Policy / Fire / Ambulance)
	Is the expansion area serviceable from a police / fire / medical emergency response perspective? If not, will new infrastructure be required?	
	Does the expansion area protect corridors and right-of-ways for infrastructure including transportation, transit, and electricity generation to meet current and projected needs? (PPS 3.3.1)	

¹ Infrastructure and public service facilities includes water, wastewater and stormwater, transportation, public transit, recreational facilities, public schools as well as police, fire, and ambulance services.

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Theme	Considerations	Submission Requirement
Transportation Systems (Base Considerations) Transportation Systems (Base Considerations) (continued)	Does the expansion area provide an urban form that will expand convenient access to a range of transportation options including active transportation, to promote complete communities? (GRIDS2)	Transportation Impact Study Transit Assessment Pedestrian Route and Sidewalk Analysis Concept Plan
	Does the expansion area prioritize development of areas that would be connected to the planned BLAST network, the (Re)envision Plan and existing transit? (GRIDS2)	Transportation Impact Study Transit Assessment
	Does the expansion area make use of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible? (PPS 3.2.2)	Transportation Impact Study Transit Assessment Concept Plan
Transportation Systems (Locational Considerations)	Does the expansion area contain or is adjacent to existing City transit routes or stops? (GRIDS2)	Transit Assessment
	Can the expansion lands be connected to a planned City transit route or stop in a way that is financially feasible? (GRIDS2)	Financial Impact Analysis and Financial Strategy
	Does the expansion area contain an existing or planned pedestrian or cycling networks? (GRIDS2)	Pedestrian Route and Sidewalk Analysis
	Is there sufficient reserve capacity in the existing street network (with consideration to the proposed street network) to accommodate the proposed increase in population and/or employment? (GRIDS2)	Transportation Impact Study

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Theme	Considerations	Submission Requirement
	<p>Is the proposed or potential street network within the expansion area a logical extension of the existing street network? Does it connect the expansion area to surrounding areas and key destinations? (GRIDS2)</p>	<p>Transportation Impact Study</p> <p>Transit Assessment</p>
<p>Natural Heritage and Water Resources (Base Considerations)</p>	<p>Would the expansion protect natural features and areas for the long-term? (PPS 4.1.1)</p>	<p>Subwatershed Study (Phase 1)</p>
	<p>Would the expansion protect, improve, or restore the quality and quantity of water by (PPS 4.2.1):</p> <ul style="list-style-type: none"> a) using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development; b) minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts; c) identifying water resource systems; d) maintaining linkages and functions of water resource systems; e) implementing necessary restrictions on development and site alteration to; <ul style="list-style-type: none"> a. protect drinking water supplies and designated vulnerable areas; and b. protect, improve, or restore vulnerable surface and ground water, and their hydrologic functions; f) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality; and; g) ensuring consideration of environmental lake capacity, where applicable? 	<p>Subwatershed Study (Phase 1)</p>

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Theme	Considerations	Submission Requirement
Natural Heritage and Water Resources (Locational Considerations)	Protect Water Resource Systems - Does the expansion area demonstrate an avoidance and/or mitigation of potential negative impacts on watershed conditions and the water resource system including quality and quantity of water? (GRIDS2)	Subwatershed Study (Phase 1) Species Habitat Assessment
	Avoid Key Hydrological Areas - Does the expansion area avoid key hydrologic areas including significant groundwater recharge areas, vulnerable aquifers, surface water contribution areas, and intake protection zones? (GRIDS2)	
	Connected and Protected Natural Heritage System - Does the expansion area avoid and protect Natural Heritage Systems as identified by the City and Province? (GRIDS2)	
	Mitigate Impact on Natural Heritage - Does the expansion area maintain, restore, or enhance the functions and features of the area including diversity and connectivity of natural features, the long-term ecological function and biodiversity of natural heritage systems? (GRIDS2)	
Complete Communities (Base Considerations)	Is there a clear vision for the urban boundary expansion lands and how these lands would function and be integrated with the broader community? (NEW)	Planning Justification Report Draft Official Plan Amendment
	Does the expansion area provide a diverse mix of land uses in a compact built form, with a range of housing options to accommodate people at all stages of life and to accommodate the needs of all household sizes and incomes? (GRIDS2)	Housing Needs Assessment Concept Plan
	Does the expansion area improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes? (GRIDS2)	Housing Needs Assessment Recreational Needs Assessment
	Does the urban expansion support the achievement of complete communities by (PPS 2.1.6):	Housing Needs Assessment

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Theme	Considerations	Submission Requirement
Complete Communities (Base Considerations) (continued)	<ul style="list-style-type: none"> a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including, schools and associated child care facilities, long-term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs; b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and, c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups. 	<p>Community Facilities and Recreational Needs Assessment</p> <p>Concept Plan</p>
Complete Communities (Locational Considerations)	Is the expansion area contiguous to the existing settlement area boundary? (New)	Concept Plan
	Based on identified gaps in specific geographies, does the expansion area contribute to the surrounding community’s completeness? (GRIDS2)	<p>Concept Plan</p> <p>Housing Needs Assessment</p>
	Does the expansion area have access to planned community facilities ? (GRIDS2)	Community Facilities and Recreational Needs Assessment
	Does the expansion area have access to existing community facilities? Are there gaps in the types of facilities currently available? (GRIDS2)	
	Can the expansion area function as a complete community including an appropriate mix of jobs, stores, services, housing, transportation options, and public service facilities for all ages and abilities? (GRIDS2)	<p>School Accommodation Issues Assessment</p> <p>Recreational Needs Assessment</p>
	Taking into consideration protection of natural heritage areas and other development constraints (e.g. public infrastructure, NEF contours etc.) is there sufficient, consolidated developable land	Subwatershed Study (Phase 1)

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Theme	Considerations	Submission Requirement
Complete Communities (Locational Considerations) (continued)	within the proposed urban expansion area to create a comprehensive, integrated, complete community?	
Agricultural System (Base Considerations)	Does the expansion area prioritize development of areas that are non-prime agricultural? (GRIDS2)	Agricultural Impact Assessment
	Does the expansion area comprise specialty crop lands? (PPS 2.3.2.1 c))	Planning Justification Report
	Does the expansion area avoid prime agricultural areas and, where avoidance is not possible, consider reasonable alternatives on lower priority agricultural lands in prime agricultural areas ?(PPS 2.3.2.1 e))	
	Does the expansion area comply with the minimum distance separation formulae? (PPS 2.3.2.1 f))	
	Does the expansion area impact on the agricultural system avoided, or where avoidance is not possible, minimized and mitigated to the extent feasible as determined through an agricultural impact assessment or equivalent analysis, based on provincial guidance ? (PPS 2.3.2.1 g))	
	Does the expansion area promote healthy, local, and affordable food options, including urban agriculture? (GRIDS2)	
	How does the proposed expansion area impact community food security from a climate emergency point of view? (Action 6.1 Hamilton Food Strategy)	
Agricultural System (Locational Considerations)	Does the expansion area include an evaluation of alternative locations which avoid prime agricultural areas and, where avoidance is not possible, consider reasonable alternatives on lower priority agricultural lands in prime agricultural areas (PPS 2.3.2.1 d))	Agricultural Impact Assessment Planning Justification Report

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Theme	Considerations	Submission Requirement
Cultural Heritage Resources (Base Considerations)	Does the expansion area have the potential to impact cultural heritage resources including designated heritage properties, and can they be conserved? (GIRDS2)	Cultural Heritage Impact Assessment
	Does the expansion area have the potential to impact significant archaeological resources? (GRIDS2 / PPS)	Archaeological Assessment
	Has the proponent engaged early with Indigenous communities and First Nations whose traditional territories are located within the City of Hamilton municipal boundary and ensure their interests are considered when identifying, protecting, and managing archaeological resources, built heritage resources and cultural heritage landscapes? (PPS 4.6.5)	Public Consultation Summary and Comment Response Report

PART C – Application Submission & Review Process

1. Pre-Submission Discussions with the City

Proponents for future urban boundary expansion applications are encouraged to contact the City’s Planning Division as early as possible to discuss their forthcoming application including any questions related to this framework, most notably the scoping of technical studies. In any preliminary discussions with the City, the proponent must clearly identify the landowners they are representing. These discussions would be without prejudice to any future urban boundary expansion application.

2. First Nations, Indigenous and Metis Communities Consultation

The City of Hamilton supports meaningful early engagement with Indigenous communities and First Nations whose traditional territories are located within the City of Hamilton municipal boundary and strongly encourages proponents of new urban boundary expansion applications to contact Indigenous and First Nations communities which may have an interest in the land prior to the submission of a Formal Consultation and/or Official Plan Amendment application. Initial notification shall include an offer to meet to discuss the project. Where no response to commencement notice is received, a follow-up email and phone call will occur to confirm whether there are any interests related to the proposal. Where an interest has been expressed, the proponent shall begin constructive, cooperative discussions to ensure that their interests are considered through the formation of the proposal and to confirm when and how they would like to participate in the planning of these lands moving forward. Any discussions with Indigenous and First Nations communities must be documented and shared with the City as part of its Formal Consultation and/or Official Plan Amendment submission to the City.

The City will also circulate any urban boundary expansion Formal Consultation application and/or Official Plan Amendment application to First Nations and local Indigenous communities for input through both a Development Review Team meeting and direct in-person meetings.

3. Formal Consultation

The City’s Official Plan requires that an applicant undertake Formal Consultation with the City prior to the submission of an Official Plan Amendment application to receive preliminary comments on the proposal and to confirm technical submission requirements prior to deeming the application complete. Bill 185 amended the *Planning Act* to allow applicants to opt out of this process. Given the complexity of any urban boundary expansion proposal the City strongly encourages applicants to proceed through the Formal Consultation application process.

Where a Formal Consultation application has been submitted for an urban boundary expansion application the City may waive the requirement to submit specific technical plans and studies identified in Part A where it has been determined that they are not

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required to fully assess the application. City staff will also work with the applicant to ensure that the timing, length, and agenda of the Development Review Team meeting best enables a productive discussion on the proposal.

Opting out of Formal Consultation

Where an applicant opts out of the Formal Consultation, the applicant must submit the complete list of technical plans and studies identified in Part A prior to the City deeming the application complete. The City will not issue a Formal Consultation waiver that removes specific technical submission requirements.

In addition, once the application has been deemed complete and circulated, the City and external review agencies may identify additional technical submission requirements to fully assess the application. In the absence of this new information a fulsome review would not be possible which would, delay the completion of the City’s review.

4. Pre-Submission Community Meeting/Event

Early public engagement is a critical part of an urban boundary expansion application to ensure that local residents are informed of the proposal and have an opportunity to provide any input prior to the application being deemed complete. The City strongly supports public participation in any urban boundary expansion proposal above and beyond the minimum requirements set out under the *Planning Act* and Official Plans. Nothing in this guideline is intended to restrict additional public engagement from taking place.

Building upon the Terms of Reference for a [Public Consultation Summary and Comment Response](#), the City strongly encourages that prior to the submission of an Official Plan Amendment application to expand the urban boundary, the applicant will:

- Send written notice to all landowners and residents within the proposed urban expansion area and within 400 metres of the subject lands advising of their intention to submit an urban boundary expansion application to the City. The notice shall clearly identify the names of the individuals(s) and/or corporation(s) that will be making the application as well as providing contact information for the applicant (or agent) who residents can contact if they have any questions.
- Using the same notification list and working with City staff and the local Ward Councillor(s) to identify any additional residents or community organizations, and scheduling a community meeting or event open to the public that residents can attend to receive information regarding the proposal, ask questions of the applicant and provide input.

Additional direction of scheduling a community meeting/event and the required documentation is provided within the Public Consultation Summary and Comment Response Terms of Reference.

5. Deeming an Urban Boundary Expansion Applications Complete

Urban boundary expansion Official Plan Amendments applications, including application fees and technical studies, shall be submitted to the City’s Planning Division in the same manner as typical Official Plan Amendment applications. Upon receipt, the Planning Division will notify the applicant within the prescribed *Planning Act* timeframe whether the application has been deemed complete or if any other information or material is required. This notification will also provide a primary contact within the Planning Division that has been assigned the application.

6. Enhanced Public Notification for Urban Boundary Expansion Applications

Given the potential for urban boundary expansion applications covering a large geographic area as well as the significant impacts of urbanizing rural lands, the City has established enhanced public notification requirements above and beyond what is required for a standard Official Plan Amendment. This will include:

- Providing written notice of the application being deemed complete and of the statutory public meeting to every owner of land within the urban expansion area and within 400 metres of the subject lands.
- Requiring multiple public notice signs be posted on the property with one (1) public notice sign installed approximately every 500 metres of frontage along any public right-of-way surrounding the proposed expansion area and along any right-of-way that bisects the area. Each sign must clearly illustrate the location of the proposed urban expansion area, providing appropriate labels so the size and locational context can be clearly understood. The locations and design of the public notice signs must be approved by the City.
- Posting all application materials on the City of Hamilton’s webpage for public review.
- Sending notice via e-mail to the Growth Related Integrated Development Strategy (GRIDS 2) notification list.

7. Circulation & Review

Once the application has been deemed complete and the notice has been issued, the Planning Division will circulate the application to all applicable City Departments and external review agencies for comment. **Acceptance by City Departments and/or External Review agencies of technical plans and studies as part of the urban boundary expansion application does not imply or constitute a positive staff recommendation of the application.**

The planner assigned the application will provide the applicant with a consolidated set of comments and coordinate any requested meetings between the applicant and the commenting department/agency to discuss. The Planning Division may advise the applicant that a subsequent technical submission is required to respond to the

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comments prior to the scheduling of the statutory Public Meeting and preparation of Staff’s recommendation report to Planning Committee.

External Peer Reviews

As per section F.1.19.7 of the Urban Hamilton Official Plan, the City may request or conduct a peer review of any other information and materials submitted where the City lacks the appropriate expertise to review such other information and materials. Such peer review shall be completed by an appropriate agency or professional consultant retained by the City, at the applicant’s expense. The City will identify which technical plans and studies may be subject to an external peer review through the Formal Consultation process.

8. Statutory Public Meeting & Open House

The Planning Division will determine whether the statutory Public Meeting to receive input on the urban boundary expansion application will be held in advance of or at the same Planning Committee meeting in which staff’s recommendation report will be submitted.

In addition, depending on the level of community interest in the application and input from the local Councilor(s), the city and the applicant may jointly attend an Open House prior to the statutory public meeting. The Planning Division would determine the time, location and format of the Open House as well as prepare all consultation materials with input from the Applicant.

9. Planning Division Recommendation Report

Once the urban boundary expansion application has been fully assessed, the Planning Division will prepare a recommendation report to Planning Committee. The Project mailing list will be utilized to notify people of the Planning Committee’s consideration of the report.

10. Appeal to the Ontario Land Tribunal

Under the *Planning Act*, the applicant may appeal Council’s refusal or non-decision on an Official Plan Amendment application to expand an urban boundary to the Ontario Land Tribunal within 120 days. The City’s Planning Division will provide the link to the Ontario Land Tribunal Website where residents can get information on application appeals.

11. Final Decision Issued

If the urban boundary expansion application is refused, the subject lands will remain within the Rural Hamilton Official Plan and the existing rural land use designation(s) shall continue to apply.

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If the urban boundary expansion application is approved, Secondary Planning must be completed prior to development occurring in accordance with the Urban Hamilton Official Plan and [Secondary Planning Guidelines For Urban Expansion Areas](#). The approved Official Plan Amendment that implements the urban boundary expansion may include additional policies to be implemented through the Secondary Plan.

Memo

To: Charlie Toman, Program Lead, Policy Planning and MCR, City of Hamilton
Dave Heyworth, Manager, Sustainable Communities, City of Hamilton

From: Paddy Kennedy, RPP, Partner
Antony Lorius, RPP, PLE, Associate
Ashley North, RPP, Associate
Alison Luoma, RPP, PLE

Date: July 26, 2024

Subject: City of Hamilton, Review of Urban Area Expansion Criteria

Our File: 24-7609

Executive Summary

The recent and expected changes to Ontario's planning system will have significant implications on how the City plans for future growth, in particular future potential urban boundary expansions. The current Urban Hamilton Official Plan (UHOP) does not provide comprehensive guidance for large-scale, private landowner-led applications for settlement area expansion. At the time the City completed its Municipal Comprehensive Review, private applications for settlement area expansion were restricted under previous versions of the UHOP/Planning Act/PPS/Growth Plan, etc. Based on the recent and proposed changes to Ontario's planning system, the City will need to develop and incorporate a planning framework to assess and respond to urban boundary expansion applications. The key findings of our review are as follows:

- **Growth Allocation:** Future UAE applications should include a Housing Assessment Report which clearly addresses the need for the expansion. The Housing Assessment Report should also address the impact on City-wide Intensification objectives/targets, densification of existing neighbourhoods and DGA supply, impacts on the UHOP Greenfield Density Target and overall phasing of development.
- **Fiscal Impact Assessment:** FIA prepared to support future UAE should include an assessment of the initial round of growth-related infrastructure, including requirements such as storm, water and wastewater and transportation (roads and or transit) which are assumed to be largely paid for by developers through capital revenues generated from such sources as Development Charges and Building Permits. In addition, the FIA should identify preliminary provisions for operating and replacement costs, an assessment of the ecological value of natural heritage features, consideration of broader municipal fiscal implications and conclusions on the net fiscal impact.

- **Energy and Climate Change Assessment Submission Requirements¹:** Applicants should demonstrate the impact of the potential settlement area expansion on the City’s ability to achieve carbon neutrality and demonstrate the opportunities to reduce climate change impacts and avoid climate change risks.
- **Public Engagement Requirements:** The *Planning Act* requirements provide the minimum level of public engagement required for an Official Plan Amendment. Given the limitations on third party appeals and the extensive prior engagement with the public and stakeholders, the City should provide an opportunity for applicants who wish to undertake enhanced public and stakeholder engagement for proposed UBEs. The enhanced opportunities could include, but are not limited to, increased number of events, increased mail outs/invitations, enhanced notifications, inclusion of virtual engagement, etc.
- **Subwatershed Study Requirements:** A phased approach to subwatershed planning should be a requirement for an UBE application, and it is recommended that the Subwatershed Study may be completed in phases as per the draft Provincial Subwatershed Planning Guide (2022) recommended for any future UBE. Phase 1 would confirm the objectives for the Subwatershed Study, refine boundaries based on water resources and natural heritage systems, identify mapping of existing natural features, hydrologic features and hazard lands, complete initial hydrological modelling, confirm existing land uses and complete an initial assessment of the potential impact of development on the water resource and natural systems (including the associated hydrological and ecological functions).
- **Secondary Planning:** Secondary planning is a valuable tool for undertaking comprehensive planning for complete communities. In scenarios where a private landowner applies for an UBE, it would be expected that a comprehensive secondary plan is completed should there be a decision to include the lands come into the urban boundary, where the broader criteria under the UHOP and Proposed PPS (2024) have been met. A complete secondary plan would not likely be required at the initial application stage for an UBE, however, various components of a traditional secondary plan are likely to be needed to address the UHOP and Proposed PPS (2024) criteria. Some examples are noted in this memo.

¹ The UHOP uses the phrase “Energy and Environmental Assessment Report”. One of the recommendations of this Memo is that the City update the terms of reference for this Report and consider changing the title of the report to “Energy and Climate Change Assessment Report”.

1.0

Introduction

1.1

Memo Purpose

The purpose of this Memo is to provide input into the City's review of implications on the Urban Hamilton Official Plan's (UHOP) current growth management framework resulting from various recent and on-going provincial policy and legislative changes. Specifically, this Memo identifies and provides recommendations for technical studies/plans required to evaluate future urban boundary expansions initiated by private sector applicants. This Memo is not exhaustive and addresses a series of topics that the City has identified for Dillon to consider.

1.2

Policy Context

The City of Hamilton's UHOP provides a long-term vision for growing the City based on an intensification first strategy, whereby the majority of the City's future growth is planned to be accommodated through intensification and the uptake of any remaining undeveloped greenfield lands within the existing urban boundary. The City's vision for growth came into force and effect through Bill 150, the *Planning Statute Law Amendment Act (2023)*, which removed a series of provincial modifications to the Council adopted 2022 Official Plan. Subsequent to the passing of Bill 150, the Province initiated a series of further changes to the land use planning system in Ontario. The relevant legislative and policy changes include the passing of Bill 185 the *Cutting the Red Tape to Build More Homes Act (2024)*, which allows private land owners to appeal a municipality's refusal or failure to adopt or approve an application to expand an urban boundary and the proposed Provincial Planning Statement, 2024 (prosed PPS). The proposed PPS (2024) is not in force and effect at this time, however, the proposed policy changes would allow for expansions without a Municipal Comprehensive Review, as well as revised decision-making criteria for settlement area expansions and further changes to the manner in which municipalities plan for long term population, housing and employment growth. Collectively, these changes will have a significant impact on the City's current in force and effect growth management framework. The following section outlines in more detail the nature of the changes.

1.2.1

Urban Hamilton Official Plan

On December 6, 2023, Bill 150, the *Planning Statute Law Amendment Act, 2023* received royal assent enacting the Official Plan Adjustments Act, 2023. As a result of Bill 150, the City of Hamilton's council-adopted UHOP from June 2022 was largely restored, effectively re-establishing the City's no urban boundary expansion growth strategy. Key aspects of the UHOP growth management framework are as follows:

- By 2051, the City is expected to grow to achieve a population of 820,000 and 360,000 jobs. Policy A.2.3 identifies incremental growth of 236,000 people, 110,300 households and 119,000 jobs between 2021 and 2051.

- The majority of future residential growth will be accommodated through intensification, as the City plans to achieve a minimum of 80% of all residential development occurring annually within its built-up area. A total of 88,280 units are to be accommodated within the built-up area between 2021 and 2051 (Policy A.2.3.4.4).
- Hamilton’s Downtown Urban Growth Centre has been planned to achieve a minimum gross density of 500 people and jobs per hectare by 2051 (Policy A.2.3.4.1).
- Greenfield areas shall be planned to achieve an overall minimum density of 60 people and jobs per hectare (A.2.3.4.2).
- The UHOP does not contemplate a framework for future settlement area expansions outside of a Municipal Comprehensive Review (MCR) process. Rather, the UHOP acknowledges the value and importance of integrated, long-range planning, identifying the GRIDS process as the principal manner for planning the City’s long-term growth and development (A.2.4.1). The GRIDS process is considered as the MCR process, and this process has historically been the mechanism for the contemplation of urban boundary expansions. The *Growth Plan for the Greater Golden Horseshoe (2020)* allowed for settlement area expansions up to 40 hectares to occur outside of a Municipal Comprehensive Review (2.2.8.5-6) – however, it is important to note that the City’s UHOP does not allow for these types of expansions, reinforcing the importance of comprehensive, integrated, long range planning for boundary expansions (B.2.2.3). Accordingly, the current in-force and effect UHOP does not provide guidance for privately initiated urban boundary expansions outside of a MCR process².

1.2.2 Planning Act Changes through Bill 185, Cutting the Red Tape to Build More Homes Act

Bill 185 introduces a number of changes to the planning system in Ontario, intended to speed up the construction of new homes and help the Province meet the goal of building 1.5 million homes by 2031. Within the context of this Memo, the key legislative changes are as follows:

- Bill 185 limits third party appeal for official plan amendments (OPA) and zoning by-law amendments (ZBAs) to only the applicant, the Minister, the approval authority, registered land owners, a public body and specified persons (i.e. Hydro One, telecommunications providers).
- Bill 185 allows an applicant to appeal a municipality’s refusal or failure to adopt or approve an application for to expand part of a settlement boundary in a municipality (provided that the proposed expansion does not include Greenbelt Area lands)³.

² OPA 218 was adopted in July 2024. OPA 218 included housekeeping modifications to the UHOP to provide general guidance for future proposed urban boundary expansions. At the time of writing OPA 218 was not in force and effect.

³ Registered landowners included in a settlement area expansion OPA are understood to have appeal rights under Bill 185.

- Previous versions of the *Planning Act* have required or permitted municipalities to pass by-laws requiring “pre-consultation”. Bill 185 has removed this as a requirement and made it available at the applicants’ discretion.

1.2.3 Proposed Provincial Planning Statement (April 2024)

The current, in-effect Provincial Policy Statement (2020) permits the expansion of a settlement area boundary at the time of a Municipal Comprehensive Review (MCR) subject to the criteria of Section 1.1.3.8 and 1.1.3.9 of the PPS⁴. The 2020 PPS places the municipality led MCR process as the main vehicle for assessing and addressing long term population, housing and employment growth pressures in municipalities⁵. The Proposed PPS (2024) modifies the current Provincial approach such that a MCR would no longer be a prerequisite to an application for a settlement boundary expansion. As a result, a privately initiated settlement boundary application could be submitted to the City at any time, subject to the identified tests of Section 2.3.2 of the proposed PPS (2024) and the transition provisions of Section 6.1 which provide that the City’s planning instruments must still be consistent with the Proposed PPS (2024) even if the Official Plan has not yet been updated to reflect new Provincial requirements.

The Urban Hamilton Official Plan (UHOP) (November 2022) provides that the City’s urban boundary is firm, and that any expansion of the existing settlement boundary is not required in order to accommodate growth to 2051 (B.2.2.1). Thus, while the modifications to the Proposed PPS (2024) would make it possible for the City to consider an expansion of the settlement boundary, an Official Plan Amendment would be required.

1.3 Contents and Organization of Memo

The following Memo is organized into 8 short sections. This first section provides the context and background of the Memo and the following six sections present analysis and commentary on a selection of specific topics identified by the City. These topics are as follows:

- Growth allocation criteria and housing submission requirements;
- Fiscal impact assessment criteria and submission requirements;
- Energy and Environmental Assessment submission requirements;
- Public engagement requirements;

⁴ Policy 1.1.3.9 of the PPS (2020) allows for expansions to settlement areas outside of a MCR, provided there is no net increase in land within settlement areas, the adjustment supports the municipality’s ability to meet intensification targets, prime agricultural lands are addressed and there is reserve infrastructure capacity to accommodate the planned growth.

⁵ As noted earlier, the *Growth Plan for the Greater Golden Horseshoe* allows for settlement area expansions under 40 hectares outside of Municipal Comprehensive Review process. The UHOP however does not enable this aspect of the Growth Plan and it is understood that the City has received applications for this form of development which are now under appeal at the Ontario Land Tribunal.

- Approach to subwatershed planning and subwatershed study requirements;
- Approach to secondary planning for proposed UAEs; and,

The final section provides a short summary of findings.

1.4 Assumptions and Limitations

This Memo draws largely on the April 6th, 2024, version of the Proposed PPS. The Proposed PPS (2024) is not presently in force and effect in Ontario and further revisions may be included when the Province finalizes its Planning Statement. Accordingly, the analysis, opinions and recommendation contained within this Memo are based on the information available at the time of writing.

2.0 Growth Allocation Criteria and Housing Submission Requirements

2.1 Context

As part of the City's GRIDS 2 process, in March 2021, the final results of the City's Land Needs Assessment (LNA) were presented to the General Issues Committee (GIC). The 2021 LNA was based on the requirements of the Growth Plan and associated guidance on assessment methodology, including a "market-based" forecast of housing demand followed by a series of adjustments to the housing mix to reflect higher rates of residential intensification and higher rates of greenfield density embodied in the various LNA scenarios. At the March 2021 meeting City staff recommended that Council adopt the Ambitious Density Scenario, which included an urban expansion of approximately 1,300 net ha combined with aggressive targets for residential intensification and greenfield density. The LNA also identified that the supply and demand for employment area lands were in balance, with no new lands required: a conclusion also predicated on a very efficient use of the existing land and building supply.

At the time, Council chose to defer the decision and directed staff to further evaluate and model a no Urban Boundary Expansion (UBE) scenario (among other matters) and report back on results. The results of this work, including an evaluation of growth options (Ambitious Density Scenario vs. the no UBE option) were presented in November 2021. After consideration of the options, Council supported the no UBE option. There was clear direction from Council that all future growth is to be accommodated within the existing urban boundary.

There were many reasons for Council's adoption of the no UBE option, including the need to address climate change, protect farmland, reduce the costs of growth especially major infrastructure requirements, and promote more compact urban forms to encourage transit and reduce greenhouse gas emissions. Among the market shifts required to accommodate growth within a fixed urban boundary are the need for more (and larger, i.e. family-sized) apartments in the housing mix, many more accessory units such as "laneway houses" and "garden suites" as well as accelerating the delivery of

other forms of 'gentle densification' through lot splits, multi-plex conversions and new housing construction in existing areas.

The creation of large numbers of ground-related housing forms within existing neighbourhoods is critically important to the success of the no UBE option, since these are the unit types that drive demand for new greenfield lands to accommodate the full range of housing market demand by unit type. Accordingly, the growth allocation policies of the current UHOP envision 30% of future intensification occurring within older existing neighbourhoods where population has been declining or stable, 30% of growth within the Downtown Urban Growth Centre (UGC) and the remaining 40% within the remaining urban nodes and corridors identified in Section E2.0 – Urban structure, excluding the Downtown UGC.

With the proposed repeal of the Growth Plan and proposed PPS (2024), the context for growth allocation has changed. In particular, the former stringent tests applied to urban expansion - a fundamental aspect of growth management and long-range planning in Ontario for nearly 20 years - will come to an end. Moreover, the proposed PPS (2024) also introduces the notion of basing population and employment growth forecasts on the Ministry of Finance 25-year projections, which are higher than the current UHOP forecasts but are neither forecasts nor predictions. The results also tend to vary from year to year, given that the method is based in large measure on recent patterns of migration and population growth and does not consider other key factors such as infrastructure capacity, affordability, land supply or other matters bearing on the actual distribution of growth in southern Ontario.

The Province has also not yet confirmed whether it will be replacing the current Growth Plan Land Needs Assessment methodology with new Provincial regulations or guidelines or taking an alternative approach. However, the current method may remain the preferred approach since it follows with remarkable consistency the commonly accepted industry practice originally established through the 1995 Provincial Projection Methodology Guidelines. As a result, it would be prudent to prepare for expansion requests justified on the basis of the current "market based" LNA approach and higher Ministry of Finance population forecasts to the plan horizon.

From a growth allocation and housing submission requirements perspective, therefore, key questions to be addressed relate to the impacts of any proposed boundary expansion on the City's no UBE growth strategy, and in particular the implications for the City-wide intensification targets, housing mix and distribution of units to the existing neighbourhoods and existing nodes and corridors.

2.2 Key Findings & Recommendations

In light of the City's objectives to accommodate all urban growth within the existing urban boundary, any application for urban boundary expansion would not be consistent with the UHOP which was prepared and approved under Growth Plan and 2020 Provincial Policy Statement. As noted, applications and potential appeals are expected to be submitted based on provisions contained in Bill 185 and the proposed PPS (2024) that would eliminate the need for a municipal comprehensive review for boundary expansions. As such, it is recommended that submission requirements include materials to address the following five key topic areas:

- **Need for the Expansion.** Recognizing that under the Proposed PPS (2024) municipalities will be required to consider the need for settlement area expansion, proponents should be required to demonstrate that any proposed expansion is necessary to accommodate the range and mix of land uses, including housing by type based on the City's approved UHOP housing targets. The justification would not necessarily be a full 'market-based' assessment of land need to the plan horizon at 2051, since the no UBE scenario by definition requires that a significant shift away from historic patterns to accommodate all growth within the existing urban boundary. Rather, the proponent should be required to support the need to provide additional supply for 'ground-related' housing, at the time of application, and show that this type of supply cannot reasonably be provided within the existing urban area. This position would need to be less in the form of an overall "market-based" demand argument, but rather a supply-based assessment of the likelihood of the City accommodating its ground-related housing needs within the existing urban area, through the delivery of detached accessory units, like laneway houses and garden suites, lot splits, multiplex conversions and other gentle densification options. Work undertaken as part of the March 2021 LNA concluded that delivering the necessary number of larger, family-sized apartments and ground-related units within existing areas would be a challenge.
- **Impact on City-wide Intensification objectives.** Proponents should be required to show that the proposed expansion would not adversely affect City-wide intensification objectives including demand for higher-density apartment forms within the downtown UGC and other priority nodes and corridors, notably the Major Transit Station Areas (MTSA) along the planned Light Rail Transit (LRT) and other transit lines. To the extent that higher density apartment forms are proposed as part of 'complete communities' in new greenfield areas the proponent should be required to show that these units would not compete or otherwise reduce demand within other local apartment markets, especially the downtown and key transit-oriented nodes. Implications for the planned distribution of intensification should also be addressed in terms of the shares of growth anticipated for the downtown, other nodes and corridors and established neighbourhoods.
- **Densification of Existing Neighbourhoods and DGA Supply.** Recognizing that a critical aspect of the City's no UBE strategy is to 'redirect' greenfield demand for ground-related housing to other potential opportunities within existing residential communities in the form of detached accessory units (i.e. laneway housing) proponents should be required to show how any proposed expansion would not impede that objective. The proponent should also be required to show that there are no opportunities for the reasonable densification of existing vacant DGA supply.
- **The Greenfield Density Target.** At a minimum, any new expansion areas should be required to achieve the planned greenfield density of new urban areas proposed as part of the Ambitious Density Scenario (approximately 77 residents and jobs per ha) which at the time was one of the highest DGA densities proposed within the Greater Toronto and Hamilton Area (GTHA). It is

likely that innovative approaches will be required to deliver such a high DGA target without planning for significant greenfield apartment units, which are currently envisioned to be accommodated largely within the existing urban area. The City may wish to encourage new and flexible approaches achieving both high DGA density and intensification targets supported by fiscal impact analysis to illustrate implications to the municipal corporation.

- **Phasing of Development.** And finally, consistent with long-standing planning practice at the City and other fast-growing municipalities within the GTHA, and in accordance with both the 2020 PPS (Section 1.1.3.7) and proposed PPS (2.3.1.6) the proponent should be required to show that any new expansion is orderly and aligns with the timely provision of infrastructure and public service facilities and avoids the uneconomical expansion of infrastructure into rural areas. The timing of growth, especially to the 2031 horizon is key. The likelihood of achieving the current 10 -year housing targets by interim period should be addressed, along with associated implications for the orderly provision of servicing infrastructure to the plan horizon. The issue of infrastructure spending, fiscal impact criteria and submission requirements is addressed in more detail in the next section.

3.0 Fiscal Impact Assessment Criteria and Submission Requirements

3.1 Context

One of the key issues that arose during the discussion and debate around the various urban growth options in 2021 was infrastructure funding, and in particular the overall costs of providing infrastructure to greenfield areas compared to intensification. Reference was also made to the need to address the City's 'infrastructure deficit', generally referring to capital projects that are necessary to maintain a state of good repair but exceed current funding capacity. Tax revenue generated from any proposed expansion is an important consideration to this end, in particular the role that ongoing revenue generated from new greenfield development plays in maintaining a state of good infrastructure repair on a City-wide basis.

Accordingly, Municipal Finance was one of the key considerations in the evaluation of growth options, noted previously, along with other matters such as conformity with climate change, transportation, and Provincial policy. On the specific matter of financing growth, however, there was some disagreement over the anticipated costs involved:

- Generally speaking, from a fiscal perspective, opponents of expansion at the time argued that the no UBE option was preferred because it relied on existing infrastructure to accommodate growth and was therefore much less costly.

- Work undertaken by Watson and Associates as part of the evaluation of growth options noted previously, on the other hand, reached a different conclusion: that servicing the same amount of growth under a no UBE scenario would be considerably more expensive.

The cost difference relates mainly to the need to upgrade existing infrastructure across the built-up area which tends to be more expensive than providing linear services to new greenfield areas. Land costs to required to develop parks and recreational facilities also tend to be more in existing urban areas. Since these needs are unlikely to be totally fulfilled through parkland dedication, higher land costs for open space will be a direct impact to the City's property tax base. Moreover, under the no UBE option there may be a need to replace existing infrastructure well in advance of its useful life, which will cause any associated fiscal impacts to occur sooner than initially planned.

There are also some challenges, and therefore risk, to the recovery of growth-related capital costs through Development Charges (DCs) under the no UBE option because infrastructure upgrades would confer a benefit to the existing community and must be deducted as a non-growth component of the DC calculation. Accordingly, there would be works required to service growth within existing areas that are not recoverable through Development Charges (DC) and would need to be funded through user rates and property taxes. This situation is in contrast to infrastructure that is primarily located in new urban areas where there would be limited non-growth components of the capital works.

Generally speaking, existing municipal financial tools are better suited to providing infrastructure in new greenfield areas compared to the no UBE option. At the same time, however, the infrastructure provided under either new greenfield areas or a more intensified urban form would have to be operated and eventually replaced over time, which has additional fiscal impacts to the community. City staff are currently in the process of updating the Traffic Zone (TZ) forecast distribution to identify implications for water and wastewater servicing provision, as a first step in assessing the implications of implementing a no UBE scenario from a servicing perspective. The overall results, however, have yet to be confirmed including the comparative costs to service intensification versus new greenfield areas. From a fiscal impact assessment perspective, therefore, the key questions to be addressed relate to the costs of providing and maintaining infrastructure over time in any proposed expansion area, including long-term capital and operating costs to the municipal corporation. Given the challenges associated with maintaining park and open space standards within an intensified urban environment, the ecological value of any natural heritage features could also be taken into account.

3.2 Key Findings & Recommendations

Given the City's current infrastructure deficit, and ongoing debate over which type of urban growth option is more fiscally responsible, it is recommended that submission materials for any proposed urban expansion provide an assessment of fiscal impacts and implications for infrastructure funding going forward. It is recommended that the City require that the assessment be prepared by a qualified urban land economist or municipal finance practitioner with clearly demonstrable experience in fiscal impact analyses prepared for public sector clients. At a minimum the assessment should broadly include:

- **An assessment of the initial round of growth-related infrastructure**, including requirements such as storm, water and wastewater and transportation (roads and or transit) which are assumed to be largely paid for by developers through capital revenues generated from such sources as Development Charges and Building Permit fees.
- **Provisions for operating and replacement costs.** While the initial round of growth-related infrastructure is paid for by developers, the cost of operation and eventual replacement of infrastructure must be funded through taxes, utility rates of other sources such as grants. Annual operations and replacement cost provisions should be considered based on standard replacement costs and useful life anticipated for each category of asset. It is recommended that the applicant be required to provide a comprehensive assessment of long-term operating and replacement costs for all components of the needed servicing infrastructure, which can range from 30 to over 100 years depending on the specific element under consideration. Guidance can be taken from available Census information on average expected useful life by asset class (pipes, pump stations, forcemains, etc.) and the expectation should be that this information be adjusted to reflect the specific expansion area request so as to properly assess long-term fiscal impacts to the municipal corporation.
- An assessment of the ecological value of natural heritage features within the context of recent Provincial directions to include green infrastructure within the traditional asset management framework as well as to recognize the increasing demand for access to open space that cannot be provided within existing urban areas. It is acknowledged that there could be benefits to understanding the value of natural heritage features, further review/analysis of an approach would be required in order to implement such a framework To ensure the assessment of ecological value is supportive of protection and not replacement costs.
- **Consideration of broader municipal fiscal implications**, including opportunities to narrow the current infrastructure gap, effects on the allocation of servicing to priority areas within the City such as the downtown and MTSAs, options to maximize existing servicing capacity through conservation, efficiency and/or other innovative approaches, as the case may be.
- **Conclusions on the net fiscal impact** of the proposed expansion, including the initial round of growth-related infrastructure and provisions for operating and replacement costs, ecological value, and more qualitative strategic implications.

4.0

Energy and Environmental Assessment Submission Requirements

The Draft UBE Evaluation and Locational Criteria provided by the City includes criteria organized in the theme of Climate Change. The identified submission requirement to respond to these criteria is an Energy and Environmental Assessment Report (EEA Report). Within the Climate Change theme, the EEA

Report is planned to provide staff with applicable information to evaluate a number of criteria related to climate adaptation and mitigation, including GHG emission reductions to achieve carbon neutrality. These criteria have been reviewed within the context as outlined in the subsequent section to provide key findings and recommendations related to the purpose of the EEA Report, what it needs to address, and if there is a specific discipline needed to sign off on it.

4.1 Context

Declaring a climate emergency in 2019, the City of Hamilton has taken strides through policy and organizational structure in response to the climate emergency. The proposed content of the Energy and Environmental Assessment Submission Report is informed by the directions of the Proposed PPS (2024), the UHOP, the Climate Change Impact Adaptation Plan (2022) and the Community Energy and Emissions Plan completed by the City.

The Proposed PPS (2024) requires planning authorities to plan to reduce greenhouse gas emission and prepare for the impacts of a changing climate (Policy 2.9). The approaches taken should: support the achievement of compact and transit-supportive complete communities; support energy conservation and efficiency; promote green infrastructure, low impact development, and active transportation; improve air quality; consider other approaches that reduce greenhouse gas emissions and build resilience to climate change impacts (Policy 2.9.1). The Proposed PPS (2024) directs planning authorities to provide opportunities for the development of energy supply including energy storage systems, district energy, renewable energy systems, and alternative energy systems (Policy 3.8).

The UHOP has integrated climate change and energy related policies throughout. The UHOP requires that a climate change lens be applied to planning decisions and that reducing GHG emissions and improving climate resiliency be required or incentivized (UHOP 1.2, 1.6). Direction #1 of the City's directions to guide development is to "Plan for climate change mitigation and adaptation and reduce greenhouse gas emissions" (UHOP 2.1). In addition to climate change policies, the UHOP outlines the requirements of an Energy and Environmental Assessment Report to support the preparation of a secondary plan for urban expansions areas (UHOP 1.2.9 and as proposed to be amended to be UHOP 1.2.8). While no Terms of Reference for the submission have been developed as of writing, the UHOP provides general guidance on what the Report should address for a proposal (UHOP 3.2.9). Per the UHOP, the report would indicate how a proposal incorporates environmental and sustainable design features; practices such as active transportation, energy efficiency through building and site design, and water conservation. The report should also demonstrate consistency with the principles and policies identified in UHOP Section B.3.7 and other applicable policies in Chapter E.

ReCharge Hamilton is the Community Energy and Emissions Plan (CEEP) approved by Council in 2022. The CEEP identifies the goal of net-zero carbon emissions by 2050. Informed by an assessment of an emissions profile for the City from a base year of 2016 (see CEEP Figure 1), the CEEP lays out five key opportunities and related actions to reduce carbon emissions and meet the net-zero objective:

1. Changes in industry technologies and processes,

2. Changing buildings through retrofit and green standards for new buildings
3. Changes in transportation through transit investment, increasing active transportation, and encouraging the adoption and use of electric vehicles,
4. Changes in energy sources through encouraging renewable energy ownership structure, expanding district energy, and proactively identifying solar energy installations.
5. Expanding green infrastructure to maintain and increase carbon sequestration through aligning long-term growth to GHG targets, requiring community energy/climate action policy directions in Official Plan Amendments, secondary plans, and tree planting.

4.2 Key Findings & Recommendations

Energy efficiency and reduced greenhouse gas emissions is a key component of both the CEEP and the City's goal of carbon neutrality. It is also supported through the policies of the Proposed PPS (2024) which includes planning to reduce GHG emissions and preparing for the impacts of a changing climate through approaches that include compact communities, energy conservation and efficiency, green infrastructure, and considering other approaches that build resilience to climate change impacts.

The following presents the recommendations for the Energy and Environmental Assessment Report as it pertains to applications for potential Urban Boundary Expansion, unless otherwise noted:

- Applicants should demonstrate within the EEA Report the impact of the potential boundary expansion application on the ability of the City to achieve carbon neutrality. It should also demonstrate the opportunities to reduce climate change impacts and avoid climate change risks. Council has endorsed a CEEP that outlines a goal of achieving net-zero emissions (carbon neutrality) by 2050. As identified within the CEEP, this goal will be influenced in part by potential future industrial uses, transportation-related decisions, building design, and decisions around future energy sources as the City grows. Consistent with the UHOP policies on the EEA Report and policies regarding energy and climate change within the PPS, the report should include information related to emissions and climate change as it pertains to: (1) site design, (2) land use patterns, (3) building design, and (4) overall GHG emissions.
 - **Site design** related impacts and opportunities should demonstrate if/how the site design elements for the potential expansion and/or proposed concept will mitigate urban heat island effect and preserve or protect natural heritage. Information related to natural heritage should include but not be limited to providing a list of natural assets (e.g., wetlands, forests, parks, water features, soil, fields, gardens) and planned management, retention, or enhancement of existing features or addition of new features
 - **Land use pattern** related impacts and opportunities should demonstrate the transportation related impacts on GHG emissions for the City as a result of the potential urban boundary expansion. This should include providing modelled GHG emissions based on vehicle

kilometres travelled to key destinations. The climate change mitigation opportunities related to land use patterns and transportation would ideally provide information on active and sustainable transportation opportunities of the potential boundary expansion. It is noted that there may be some overlap with the Transportation Impact Study/Transit Assessment/Pedestrian Route and Sidewalk Analysis submission requirements. The degree to which the new proposed area will be transit-supportive and have the ability to connect into the City's existing/planned network should also be assessed and accounted for.

- **Building design** and use related impacts and opportunities should demonstrate how the potential urban boundary expansion will allow for energy efficient building design (e.g., LEED rating system, passive housing). Applicants should also provide information on the feasibility of providing Electric Vehicle Supply Equipment to the entire boundary expansion area (as informed by proposed concept). It is noted that this may have some overlap with the Energy Supply component of the EEA Report. In addition, recognizing that some boundary expansion may be for Employment uses, the EEA Report should provide information on potential/conceptual employment use and its related GHG emission impacts.
- **Overall GHG emission** impacts of the potential boundary expansion should be modelled to demonstrate the impact on the City's net-zero goal as identified in CEEP. The results would ideally outline key assumptions related to population, employment, dwelling units, industry type, transportation modal split, energy impacts, etc. as applicable. This analysis could include the measures planned for that would reduce emissions (e.g., building design, energy sources, etc.).
- Applicants should provide information within the EEA Report on whether the potential UBE could feasibly be serviced or is planned to be serviced by renewable energy, alternative energy systems, or district energy and why. Details on how/why energy supply options are feasible should be provided (e.g., site size, design, study that has been conducted, assessments that will be conducted, etc.). Detail should be provided on whether energy providers have been contacted or engaged with as part of this consideration.
- Applicants should provide information within the EEA Report regarding the approach to water conservation, stormwater management, and low impact design. The report should demonstrate how the potential UBE will consider stormwater management and promote green infrastructure and low impact development. It should also demonstrate the feasibility and potential opportunities for water conservation at a strategic level. It is noted that this could overlap with the Functional Servicing Report submission requirement.
- Applicants should include targets/objectives as it pertains to energy and climate change within the EEA Report. These targets/objectives could form a part of the OPA for UBE. The above EEA Report requirements are assumed to be based, at a minimum, on a Preliminary Concept Plan. However, it is recognized that an OPA for UBE may be a first step in the application process whereby further assessment and more detailed planning is completed for a subsequent OPA for

a Secondary Plan. As such, the analysis and feasibility demonstrated within the EEA Report in regard to site design, GHG emissions, land use efficiency patterns, building design, and energy would ideally result in targets/objectives that would guide the secondary planning for the UBE as part of implementation.

- Building off identified targets/objectives as a result of the EEA Report, the secondary planning phase is better suited to detailed planning related to building design, energy supply, stormwater management/LID, and green infrastructure. It is anticipated that at the Secondary Plan stage further information would be required regarding energy supply, consistent with CEEP Action 22 which states that “new greenfield areas should require their own community energy system planning process” including additional detail on energy demands, supply sources, electric vehicle supply sources, and energy supply resiliency. There is also the potential for net-zero aligned building and development standards, guidelines, or policies to be in place (as identified in CEEP Action 4) in support of this secondary planning stage. It is also anticipated that stormwater management planning and low impact development including green infrastructure would be further detailed at the Secondary Plan stage in accordance with the UHOP 3.1.5 Storm Water Management Plan.
- Energy and Environmental Assessment Report submissions should not be required to be completed by a specific professional designation or post-nominal. In the field of climate change and energy management there are some existing professional designations including Certified Energy Manager (CEM) and Certified Energy Auditor (CEA). CEMs and CEAs are focused on optimizing or assessing energy performance in specific buildings being commercial, industrial, or institutional buildings. In regard to GHG emissions assessments, there have been certifications offered by different organizations related to GHG quantification and verification. However, available certification appears to be linked to standards such as ISO. These certifications do not fully align with the purpose of the EEA Report. As climate change is an emerging field and this EEA Report will provide the City a unique lens to GHG emissions, climate change risks and opportunities, it is not recommended that a specific certification, designation or post nominal be required. At a minimum, the EEA Report should be completed by staff/firms with demonstrated experience in GHG modelling and climate change mitigation/adaptation. In addition, the City could consider requiring sign off by an RPP as the objectives of this EEA Report is so closely linked to land use planning policies and objectives.
- The City should consider changing the name of the submission to Energy and Climate Change Assessment Report within the context of potential UBE applications. This may provide greater clarity to the public on what this report pertains to in terms of the evaluation framework and minimize confusion related to legislated Environmental Assessment processes.

5.0

Public Engagement Requirements

Public engagement with rights holders and interested and affected parties including Indigenous communities, advocacy groups, and the public at-large is a fundamental aspect of potential Urban Boundary Expansion applications. Public engagement is a crucial consideration by virtue of the nature of the potential applications which may impact the long-term vision for growth for the City. It is also important due to the change in process whereby for the past two decades conversations and decisions related to urban boundary expansion have been municipally-led and within in the context of long-range planning through a Municipal Comprehensive Review. The City will need to decide what role it is going to play in engagement and communications related to UBE and what will be required/requested of potential applicants.

In answer to this question, the City has developed a draft proposed Application Submission and Review Process (Part C) which outlines requirements and guidelines related to pre-submission, Indigenous consultation, formal consultation, open houses/statutory meetings, and notification requirements. The draft guidelines/requirements were reviewed by Dillon within the context as outlined below to identify key findings and recommendations related to public engagement.

5.1

Context

An application for an Urban Boundary Expansion would be completed through a request for an amendment of the Official Plan. The *Planning Act* provides the minimum legislated requirements in the context of a request for an amendment to an Official Plan that is not municipally initiated. An OPA initiated by a person or public body would trigger Section 22 of the *Planning Act* whereby Council is required to meet a number of requirements related to consultation. Per the Act, Council shall forward the request and required material to the appropriate approval authority and ensure that adequate information and material is made available to the public. Council is also required to hold at least one public meeting or comply with the alternative measures set out in the official plan. Section 22(3) states that a public meeting does not apply if council refused to adopt an amendment.

O.Reg 543/06 Official Plans and Plan Amendments under the *Planning Act* (as recently amended by O.Reg/284/24) outlines materials that must be provided as well as notification requirements. Notification requirements include mail outs to landowners within 120 metres of the subject land and posting a notice, clearly visible and legible from a public access point, at every separately assessed property (Section 3(4)). With the recent amendments, newspaper notifications are no longer required.

Under the *Planning Act*, there is the opportunity for the City to outline alternative measures related to consultation within the Official Plan. Currently the UHOP identifies Community Engagement and Participation as a strategic direction whereby “citizens are consulted and involved in making the decisions that impact them”. The UHOP also includes general policy goals related to meaningful engagement with indigenous communities regarding cultural heritage and archaeological resources

(UHOP 3.4.1.3), policies specifically related to secondary planning processes for Urban Expansion Areas (UHOP 1.2.9e) and n)), and planning applications that may require a Public Consultation Summary and Comment Response Report (UHOP 1.19.6).

The Proposed PPS (2024) requires planning authorities to undertake early engagement with Indigenous communities and coordinate on land use planning matters and ensure their interests are considered when identifying, protecting, and managing archaeological resources, built heritage resources, and cultural heritage resources (PPS 4.6.5, 6.2.2).

The Public Consultation Summary and Comment Response Terms of Reference outlines what is required in the preparation of this submission document. The report must outline key messages from the activity/event, record of notification, record of consultation, and responses to comments.

It is our understanding that the following summarizes the proposed public engagement/Indigenous engagement for potential Urban Boundary Expansion Applications:

- Applicant strongly encouraged to contact and engage with Indigenous nations pre-submission, following the applicable protocol for First Nations rights-holders,
- City will circulate Formal Consultation application and/or OPA application to Indigenous nations and undertake discussions through both a Development Review Team meeting and direct in-person meetings,
- Applicant strongly encouraged to provide notification to stakeholders and run a Community Meeting/Event pre-submission. The City will work with applicants to provide a recommended contact list for notification of community organizations, neighbourhood associations, and interested parties based on previous engagement in addition to the notified landowners,
- Applicant required to provide enhanced public notification requirements including multiple public notice sign sand City-led mailout to adjacent landowners,
- City will have a Statutory Public Meeting and make required information related to the OPA application publicly available in accordance with the *Planning Act* (a separate Council meeting may be held for decision making),
- City may host an Open House prior to the Statutory Public Meeting with City preparing all consultation materials with input from the Applicant.

5.2 Key Findings & Recommendations

Allowing for individual-led applications for urban boundary expansions outside of a Municipal Comprehensive Review process represents a major shift in the approach to growth management planning. A potential UBE, whether municipally or individually-led, is a critical question on the future of a municipality and existing and future community members. Given the extensive public interest in a decision on potential UBE, it is reasonable to require consultation that is above and beyond the *Planning*

Act requirements for Section 22 Official Plan Amendments. The following presents the recommendations based on the review of public engagement for potential UBE:

- Generally speaking, the proposed engagement and notification process as outlined in Part C of the framework appears to align with typical engagement processes. The framework encourages proactive, pre-submission engagement with Indigenous communities and the public as part of proposing an OPA for boundary expansion. This ask is reasonable in the context of the potential magnitude of impacts of the OPA for a UBE, as it infers a future proposed change in land use designation. Further, the requirements and guidance to applicants does not preclude additional pre-submission engagement in support of meaningfully consulting with the public to inform planning rationale and justification.
- **Consider encouraging or requiring applicants to provide in-person and virtual engagement opportunities.** The pandemic has fundamentally shifted expectations around opportunities for engagement. It could be viewed as very limiting and of questionable intent to offer engagement opportunities as one-time, in-person only sessions. Applicants should advertise and provide the opportunity to engage virtually as an alternative. At a minimum this should include a recording of any presentation and a digital version of any feedback/comment form (e.g., survey). This would be consistent with the Council approved Secondary Planning Guidelines for Urban Expansion Areas.
- Consider encouraging or requirement applicants to meet accessibility (AODA) related requirements for any posted materials or engagement events. As part of this request, the City could develop and provide guidance related to accessibility best practices such as accessible venues, closed caption on meetings, accessible design element for notices and materials, etc.
- **Some enhanced notification requirements for potential urban boundary expansion applications are reasonable.** It is reasonable for the City to plan to provide expanded mail-out notification beyond the 120 metres that is within the *Planning Act*. It is reasonable to suggest that the applicant also provide enhanced notification mail outs. However, it is recommended that the minimum standard should be aligned with the *Planning Act* unless specific supported rationale is provided for an expanded notification limit. The City could provide a range of 120 metre to 400 metres subject to further analysis. For notices posted, the *Planning Act* requires a notice posted at every separately assessed property within the subject land (O.Reg 543/06) or at a nearby location chosen by the clerk of the municipality. Since the lands subject to the proposed UBE are likely to be geographically large parcels that potentially front on multiple public roads, enhanced posting requirements to provide greater transparency to the public is encouraged. The City has proposed requiring notices every 500 m. Notices should be required to be oriented in such a way that make them legible from the primary mode of transport (assumed to be a vehicle in the case of potential UBE).
- **The City should provide clarity to the public on the objective and outcomes of (potential) City-led Open Houses within Part C.** It is reasonable for the City to host an Open House on a

proposed OPA for UBE, which would be a requirement under the *Planning Act* for a municipally-initiated OPA for boundary expansion (Section 26 Updating official plan). However, the City should provide clarity to the public at the outset on the desired objectives and outcomes for a potential Open House. Some questions to consider include: What information will be presented? What types of questions will be asked of the public? How will the City use the feedback? In addition, for any engagement led by the City (i.e., the potential Open House), the same standards regarding online opportunities and accessibility should be met.

- **The City should consider providing further direction to applicants on the Indigenous communities with which to engage.** To support the encouragement regarding pre-submission engagement communities, the City could update Part C to include a minimum list of rights holders to engage with. This could be organized by geography.
- The City should consider proactively engaging with Indigenous communities and educating the public and other interested and affected parties on the process change related to considering urban boundary expansions. Recent and pending policy and legislative framework reflects a significant process change as it pertains to urban boundary expansion. These changes are likely to be confusing for the public, in particular as the City and Province have approved a No Urban Boundary Expansion growth scenario. Engaging on the UBE framework provides a key opportunity to educate the public and rights holders on this change. The City could further consider additional avenues such as videos, social media posts, a dedicated web page, or Story Map-style education outreach.

6.0 Subwatershed Study Requirements

The Draft Evaluation and Locational Criteria for UBE applications identify several themes and associated criteria that must be addressed through any urban boundary expansion application process. A Subwatershed Study is identified as a required submission to address application criteria associated with the climate change, natural heritage and water resource themes. The requirements, scope and function of a Subwatershed Study have been reviewed within the policy contexts of the Proposed Provincial Policy Statement (PPPS) (2024), City of Hamilton Urban Official Plan (UHOP) and the proposed Draft Evaluation and Locational Criteria provided by the City.

6.1 Context

The proposed PPS (2024) defines watershed planning as:

"...planning that provides a framework for establishing comprehensive and integrated goals, objectives, and direction for the protection, enhancement, or restoration of water resources, including the quality and quantity of water, within a watershed and for the assessment of cumulative, cross-jurisdictional, and cross-watershed impacts. Watershed planning evaluates and considers the impacts of a changing climate on water resource

systems and is undertaken at many scales. It may inform the identification of water resource systems.” (PPPS 2024, page 54)

Subwatershed planning is simply watershed planning applied at a smaller subwatershed scale. The Provincial definition focuses narrowly on water which is inconsistent with the broader definition included in the current, in-effect Growth Plan (2020) and is not reflective of common watershed planning practices. It is notable that the definition of a Subwatershed Plan as contained in the Growth Plan for the Greater Golden Horseshoe has not been carried forward in the proposed PPS (2024). However, it is important to note that the proposed PPS (2024) allows for municipalities to maintain enhanced standards, as Section 1 notes specifically that “the policies of this Policy Statement represent minimum standards....(and) planning authorities and decision-makers may go beyond the minimum standards to address matters of local importance”, provided the enhanced standards do not conflict with other policies of the Statement. Furthermore, other aspects of proposed PPS (2024) point towards a more integrated approach to watershed/subwatershed planning. For example, policy 6.2.1. directs municipalities to use a n integrated, comprehensive approach when dealing with matters related (amongst other things) “managing natural heritage, water, agricultural, mineral and cultural and archaeological resources” (item c), “ecosystem, shoreline, watershed and Great Lakes related issues” (item e) and “natural and human made hazards” (item f). Accordingly, it is reasonable for the City to implement an approach which suits the local needs of Hamilton and recognizes the importance of comprehensive approach to watershed/subwater planning.

Other relevant references to watershed planning in the proposed PPS (2024) trigger mandatory requirements:

- Stormwater management shall consider the cumulative impacts of stormwater from development on a watershed scale (3.6.8(g));
- Planning authorities shall protect, improve or restore the quality and quantity of water by using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development (4.2.1(a)) and by minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts. (4.2.1(b)); and,
- Large and fast-growing municipalities shall undertake watershed planning to inform planning for sewage and water services and stormwater management, including low impact development, and the protection, improvement or restoration of the quality and quantity of water. (4.2.3)

The definition for a Subwatershed Plan is provided in the UHOP and further, identifies the prescribed criteria that must be included in any such study:

“Subwatershed Plan - means a plan used for managing human activities and natural resources in an area within a defined watershed. Watershed plans shall include, but are not limited to, the following components:

- a) *Characterization of hydrology, hydrogeology, aquatic environments, terrestrial environments, water quality, and water quantity;*
- b) *land and water use and management strategies;*
- c) *a framework for implementation;*
- d) *an environmental monitoring plan;*
- e) *requirements for the use of environmental management practices and programs;*
- f) *criteria for evaluating the protection of water quality and quantity, and key hydrologic features and functions; and,*
- g) *targets for the protection and restoration of riparian areas and the establishment of natural self-sustaining vegetation.”* (Glossary, page 22-23)

The criteria included within the UHOP definition establish the minimum requirements for a Subwatershed Plan however, such plans are not limited to only these prescribed requirements. The Terms of Reference for a particular Subwatershed may be modified to go beyond the above stated minimums based in order to better respond to the local context.

The UHOP policies recognize watershed planning as an important mechanism for guiding land use and infrastructure decisions. Further, the UHOP policies identify watershed planning as a tool to protect/improve or restore the quality and quantity of water and land resources by minimizing potential negative impacts, including climate change, cross-jurisdictional and cross-watershed impacts (C.2.8.1, C.2.13.1, C.2.13.2). Accordingly, the UHOP requires that all applications for development must conform to the recommendations in a Secondary Plan as it pertains to Subwatershed Plan requirements (C.2.8.4).

Amongst other matters, the policies of the UHOP provide that Subwatershed Plans may be used to:

- Refine the boundaries of various components of the Natural Heritage System (C.2.2.4);
- Identify linkages between Core Areas of the Natural Heritage System (C.2.7.1);
- Determine the appropriate width of required Minimum Vegetation Protection Zones (C.2.5.10);
- Consider the risks and vulnerabilities arising from increased extreme weather events including through the application of low impact development and green infrastructure (C.5.0);
- Inform Stormwater Management Plans (C.5.4.1); and
- May be submitted in place of an EIS where the subwatershed planning process was carried out as part of a comprehensive planning process to the satisfaction of the City in consultation with the applicable Conservation Authority (F.3.2.1.9).

The UHOP specifically identifies Subwatershed Plans amongst a list of studies which may be required to support the preparation of a Secondary Plan for the Urban Expansion Areas (F.1.2.9(x)). However, in identifying the requirements for a complete application, Subwatershed Studies are only identified as being required for Draft Plan of Subdivision or Site Plan Control applications (F.1.19.6). As a result of the

modified settlement area boundary expansion policies of the proposed PPS (2024), it would be possible that a private development application may be brought forward that would trigger the need for an associated Secondary Planning process. Table F.1.19.1 of the UHOP may need to be amended to apply Subwatershed Plans and/or an update to an existing Subwatershed Plan as a complete application requirement for Official Plan Amendments and Zoning By-law Amendments. It is understood that staff plan to address this matter through an OPA that will be brought forward for Council consideration in August of this year.

6.2 Key Findings & Recommendations

6.2.1 Consideration for a Phased Approach to Subwatershed Planning

The proposed PPS (2024) framework for assessing a settlement area boundary expansion does not explicitly direct planning authorities to consider the impacts on water resources and the natural heritage system. However, as outlined in the previous sub-section, other policies of the proposed PPS and the UHOP point towards the importance of comprehensive, integrated planning. Accordingly, it is reasonable that impacts of a privately initiated urban boundary expansion on a subwatershed are assessed and considered for as part of the broader decision-making process. A Subwatershed Study should be a requirement for an Urban Boundary Expansion application, however, the City may choose to consider a phased Subwatershed Study / phased approach as is contemplated in the Provincial Subwatershed Planning Guide (2022)⁶. Within this phased approach, the completion of Phase 1 of the Subwatershed Study would be required for submission with the Official Plan Amendment Application for the Urban Boundary Expansion. Phase 1 would focus on the identification of existing conditions and an initial impact assessment including:

- Confirmation of objectives for the Subwatershed Study;
- Refinement of the Subwatershed boundaries based on water resources and natural heritage systems;
- Identification and mapping of existing natural features, hydrologic features and hazard lands including the related hydrologic functions and conditions;
- Completion of any initial modelling (i.e. hydrological modelling);
- Identification of existing land uses; and,
- Based on a preliminary land use scenario, completion of an initial assessment of the potential impact of development on the water resource and natural systems (including the associated hydrological and ecological functions) in the Subwatershed Study Area based on a preliminary land use scenario.

⁶ Refer to the Subwatershed Planning Guide for more details (note that the Provincial Guidelines have yet to be finalized): https://prod-environmental-registry.s3.amazonaws.com/2022-01/DRAFT%20Subwatershed%20Planning%20Guide%202022_1.pdf

The data and findings of the Phase 1 Subwatershed Study may be used to inform other technical studies that support the Secondary Planning process (i.e. stormwater and flooding/hazard analysis). This Phase 1 work should apply, confirm and extend existing data sources that may be available such as the natural heritage data and mapping completed as part of the GRIDS process, available flood mapping, data available from the applicable Conservation Authority, and/or any Source Water Protection Plans that have been completed for the area. The findings of the Phase 1 study can then be considered and incorporated within the subsequent Phases 2 and 3 work for the Subwatershed Study. It should be noted however, that the collection and analysis of data will be ongoing throughout the phases of the broader Subwatershed Study. For an Urban Boundary Expansion application, a greater level of scrutiny and study may be applied to the areas intended for future development to better scope the study until such time as the Urban Boundary application is approved. However, it should be recognized that a Subwatershed Study is founded on a systems approach to environmental management and this systems approach should not be compromised in the early stages of the work.

A Phase 1 Subwatershed Study should include the following technical studies:

- Hydrogeology;
- Hydrology and Hydraulics;
- Stream Morphology;
- Surface Water Quality; and,
- Terrestrial and Aquatic Ecology.

Phases 2 and 3 of the Subwatershed Study may be completed as part of the continuing Secondary Planning process for the Urban Expansion Area should the Urban Area Expansion Area application be approved. Phase 2 of the Subwatershed Study focuses on the development of a preferred land use scenario and more refined impact assessment. Phase 3 of the Subwatershed Study focuses on the implementation of the Subwatershed recommendations and management strategies.

6.2.2 Consideration of Natural Asset Management

Subwatershed Studies provide an opportunity to feed into a program of natural asset management. Key to this approach is to identify, value and manage natural assets. Such an approach is increasingly a key element in responding to climate change as well as reducing and mitigating risk within the community. Natural assets are natural features or elements of the ecosystem, both biotic and abiotic, that can be leveraged to provide ecosystem services to communities. This includes services such as stormwater management, water filtration, protection from flooding and erosion, heat mitigation and carbon sequestration as well as social and community services such as recreation, health, culture and tourism.

One of the first stages in developing a natural asset management framework is completing a natural asset inventory. This inventory includes the identification of the natural heritage and hydrologic features and the functions they provide. The data and mapping developed for a Subwatershed Study can enhance or be integrated into a broader inventory of natural assets within the municipality. This

inventory can then be fed into the natural asset management framework that identifies how the combination of these natural features and functions relate to a variety of municipal services. The integration of natural assets within a more traditional asset management program provides opportunities for a more cost-effective and reliable delivery of these services. A Natural Asset Valuation Study assigns an economic value to the community services that are supported by these natural assets.

7.0

Approach to Secondary Planning for Proposed UAEs

A secondary plan is a detailed land use plan that is applied to a defined area of the municipality and that is integrated into the City's policy framework as an amendment to the Official Plan. Secondary Plans address such matters as land use, densities, urban design requirements, infrastructure, cultural heritage resources, natural heritage features, and/or community facilities and services. The following chronology is key to understanding the context for the City's Secondary Planning policy framework as it relates to urban expansion areas within the City:

Provincial Approval of Hamilton OPA 167 (November 4, 2022) – OPA 167 is the policy response to Phase 1 of the City's Official Plan Review and the GRIDS 2 / Municipal Comprehensive Review processes. The Province approved OPA 167 with 77 modifications to the UHOP, a number of which were significant policy and mapping modifications. A particularly significant modification was the addition of approximately 2,200 gross ha of urban expansion area to the City's urban boundary.

- **Hamilton OPA 185 (Adopted July 14, 2023/ Effective Date August 16, 2023)** – OPA 185 implemented the Secondary Planning policy framework for the Urban Expansion Areas (as per the Provincial modification to amend the settlement boundary to bring such lands into the urban area), as well as the *Secondary Planning Guidelines for Urban Expansion Areas*. OPA 185 did not address other whitebelt lands (being lands that are outside of the Settlement Area Boundary and outside of the Provincial Greenbelt) for which development applications may now be brought forward in accordance with the PPPS (2024).
- **Bill 150 (Royal Assent December 6, 2023)** – Bill 150 deemed the Provincial modifications to OPA 167 never to have been made and that OPA 167 be approved as of the date of Council adoption save and except for three of the Provincial modifications.
- **Proposed Provincial Planning Statement (April 10, 2024)** – The PPPS (2024) tables additional revisions to the previous draft of the PPPS (2023). The Province is proposing that the new PPPS will replace both the existing Provincial Policy Statement (2020) and the Provincial Growth Plan (2020). In accordance with the PPPS (2024) an urban boundary expansion would be possible in absence of a Municipal Comprehensive Review and thus, private applications to amend the Settlement Area Boundary could be brought forward at any time.

- **Bill 162 (Royal Assent May 24, 2024)** – Bill 162 reinstates 10 of the previous Provincial modifications to OPA 167 as requested by Council.
- **Bill 185 (Royal Assent June 6, 2024)** – Amongst other matters, Bill 185 permits that applicants may now appeal a decision (or non-decision) of Council regarding an amendment to the settlement area boundary provided that the subject lands are not within the Provincial Greenbelt.
- **Hamilton OPA 218 (Adopted July 12, 2024 / Presently in Appeal Period)** – Amongst other matters, OPA 218 amends the Secondary Planning policies of the UHOP to apply to all urban expansion areas and deletes reference to the six Urban Expansion Areas previously identified by the Province through the OPA 167 modifications.

7.1 Context

The City has developed a detailed policy framework to guide the preparation of Secondary Plans in response to the proposed Provincial policy modifications (PPPS 2024) and recent Provincial legislative changes (Bill 185). The policies detailing the Secondary Planning framework have been drafted to apply to future urban expansion areas (as initially identified in Hamilton OPA 185 and more recently OPA 218). The Secondary Planning policy framework establishes the minimum requirements for both city-initiated Secondary Plans as well as private applications seeking to expand existing settlement area boundaries. It should be noted that the Secondary Plan policies of the UHOP are not an endorsement or permission for new urban boundary expansion areas, but rather a recognition that if urban boundary expansion areas are approved by the Province, then these are the standards / process that shall apply.

The PPPS (2024) modifies the current approach to settlement area boundary expansions. As noted earlier, the current PPS (2020) only permits the expansion of a settlement area boundary at the time of a Municipal Comprehensive Review (MCR) subject to the criteria of Section 1.1.3.8 and 1.1.3.9 of the PPS (2020). The proposed policy framework of the PPPS (2024) removes the requirement for the MCR making it possible for a settlement area boundary expansion application to proceed subject to the identified tests of Section 2.3.2 of the PPPS (2024). The PPPS (2024) provides that Council “shall consider” a number of criteria including:

- The need to designate land;
- Whether there is sufficient capacity in existing or planned infrastructure;
- Whether the expanded settlement area provides for a phased progression of development; and,
- The impact on agricultural lands (2.3.2.1).

These criteria essentially establish the base Provincial requirements of the Secondary Planning process.

The Secondary Planning policies of the UHOP, especially those introduced through OPA 185 and OPA 218, outline the process for how development should be provided for in the City’s future urban expansion areas. These policies identify how secondary planning should occur, studies that may be

required in support of the Secondary Plan, and the requirement that the '*Secondary Planning Guidelines for Urban Expansion Areas*' be implemented as part of any Secondary Planning process. More specifically, the Secondary Planning policies for urban expansion areas address matters such as precluding development until such time as a Secondary Plan is approved (F.1.2.7) and identify a number of requirements that must be satisfied as part of the Secondary Planning process (F.1.2.9). This is in addition to the more general Secondary Planning policies that apply city-wide (F.1.2.4).

The Secondary Planning policies for new urban areas, as provided in the UHOP are supported by a set of Council-endorsed *Secondary Plan Guidelines For Urban Expansion Areas*. These Guidelines outline the expectations and standards that a Secondary Planning process is intended to follow in new urban areas. This includes directives on the timing and approval of a Terms of Reference, foundational directions for Secondary Planning (Ten Directions to Guide Development as contained in Section A.2.1 of the UHOP), prescribed process/phases for drafting a Secondary Plan, key components of a Secondary Plan along with public engagement and notification requirements. The UHOP, as amended by OPA 218, requires that Secondary Plans for urban expansion be prepared in accordance with these Guidelines (F.1.2.9(n)).

The policies of the existing UHOP as well as the '*Secondary Plan Guidelines for Urban Expansion Areas*' as build on the current Provincial requirements for settlement boundary expansions. While the *Secondary Plan Guidelines for Urban Expansion Areas* document was drafted to narrowly apply to the Urban Expansion Areas identified by the Province in November 2022, the City is now in the process of adapting this document to work in conjunction with the policy amendments of OPA 218 such that the guidelines would apply to any future urban boundary expansion application.

7.2 Key Findings & Recommendations

The UHOP provides clarity on the role of Secondary Planning as it relates to any future urban expansion areas. Generally, it is the role of Secondary Plans to provide more detailed and community specific guidance to growth and change within a delineated planning district (F.1.2). This includes ensuring the orderly and efficient use of land along with the integration of the proposed development within the broader city-wide infrastructure strategies (F.1.2.1). It is a policy objective of the UHOP that a coordinated approach to Secondary Planning for the new urban Areas will ensure that residential intensification targets for development within the built-up area are prioritized in accordance with the UHOP (A.2.4.1).

Secondary Planning new urban Areas provides the City with an opportunity to plan for new greenfield communities, whether they be residential neighbourhoods or employment districts, that reflect contemporary best practices. This includes communities that showcase the City's planning priorities and objectives such as establishing complete communities, providing for a range of housing forms and tenures at densities at transit supportive densities, providing for an integrated transportation network, protection and enhancement of the Natural Heritage System, community structures and built form that facilitate climate change adaptation, strategies to reduce greenhouse gases and development that

accounts for the full life cycle cost of infrastructure. Many of these elements are reflected in the City's 'Ten Directions to Guide Development' that are now incorporated as a policy within the UHOP (A.2.1).

7.2.1 Framework for Evaluating Urban Area Expansion Applications

The *Framework for Processing and Evaluating Urban Boundary Expansion Applications* distinguishes between two types of criteria for consideration:

- i) Base considerations which assess whether the amount of land proposed for inclusion in the urban boundary is appropriate and reflective of the City's needs; and
- ii) Locational considerations which assess the locational feasibility of the lands proposed to be brought into the urban boundary.

A third consideration is the timing or phasing of the development of the lands and whether the timing to bring the lands within the urban boundary is appropriate and reflective of the City's priorities.

Base Considerations – The base considerations are paramount to any assessment of an urban boundary expansion application. Such considerations should, in a comprehensive and detailed way, demonstrate why there is a need to designate additional lands within the urban area. Any such land needs analysis must take account of the subject lands within the greater context of the City's land needs assessment, population and/or employment projections, and impacts on intensification and/or redevelopment targets. These base considerations must also address the associated infrastructure needs (particularly servicing requirements) and evaluate such against the planned or existing capacity within the broader city-wide systems.

Increasingly, servicing capacity has become a key deciding criterion on boundary expansions specifically as it relates to the proximity of the proposed development to water/wastewater servicing facilities and the availability of plant capacity. The analysis of the above noted items should provide for a comprehensive and detailed justification for the proposed boundary expansion. At this stage, high level consideration should also be given to whether the proposed boundary expansion constitutes a phased progression of urban development and at least a preliminary assessment of the potential impacts on agriculture such that the tests of Section 2.3.2 of the PPPS (2024) may be satisfied.

As per the Ministry of Environment and Energy Guideline D-5-1, it is the position of the Province that new official plans or site-specific official plan amendments, developments committed by virtue of approved zoning, or the number of lots in approved plans of subdivisions should not exceed the design capacity of the sewage and/or water system. In order to ensure that capacity is not exceeded, it is necessary to determine what uncommitted reserve capacity is available in accordance with the methodology provided in the Ministry Guideline. If the City or an applicant brings forward a specific proposal for alternative approaches for calculating and reporting uncommitted reserve capacity, the Ministry of Environment and Energy (MOEE) will consider entering into alternative arrangements. Municipalities should not recommend approval, and approval authorities should not consider approval, for development proposals if the uncommitted reserve capacity calculation has not been prepared and submitted according to the principles set out in the Ministry Guideline D-5-1. Should the City approve

boundary expansions in the future, the Ministry Guideline D-5-1 can will be a critical tool for helping to stage and finance development.

Locational Considerations – The locational criteria functions as the supporting metrics to determine the feasibility that the subject lands may provide for future development. This includes identification of the existing conditions of the lands such as land use and any potential constraints (i.e. natural heritage, hazards lands, cultural heritage, airport noise levels). This information contributes the evaluation of the need for the urban boundary expansion but would become more detailed once the need for the urban boundary expansion is established and approved (as the case may be). Locational criteria would be further refined at a subsequent phase of the planning process as land use options begin to be developed.

7.2.2 Required Applications

In considering the modifications Proposed PPS (2024), the role of Secondary Planning in the any future urban expansion area will need to evolve into what functionally, is more of a phased process achieved through two related but distinct Official Plan Amendment processes.

1) Official Plan Amendment to Expand the Settlement Area Boundary

The base metrics for assessing an application for a settlement boundary expansion are:

- the need to bring additional lands into the urban area;
- the availability of servicing (capacity and timing of the provision of services) within the City's infrastructure network; and
- Impact on prime agricultural lands and MDS requirements.

In order to accurately assess the requirements noted above, the applicant will need to provide a sufficiently detailed land use concept plan that would then be the basis of population, housing mix, land need and density calculations for the proposed Urban Expansion Area. These calculations would then inform a preliminary servicing report to address the matter of the availability and timing of servicing. The plan would also allow the applicant to assess impacts on the agricultural and natural systems at a high level.

2) Official Plan Amendment For Secondary Plan

Step 1 is approval of a settlement boundary expansion. Once the principle has been established to expand the urban area, a Secondary Plan will then be needed to establish a detailed policy framework to guide community planning and phasing for the greenfield area. The balance of the combined Secondary Planning tests of the PPPS (2024) and the UHOP (notably more detailed land use plan, detailed servicing studies, environmental, agricultural, and community services amongst others) would be undertaken as a second Official Plan Amendment process should the initial application for the settlement boundary expansion be approved. In that regard, the UHOP provides that no plan of subdivision, zoning by-law amendment or consent to sever shall be approved for

lands within an Urban Expansion Area until a Secondary Plan is in effect, thus providing a check and balance to this approach (F.1.2.7).

8.0 Summary

The recent and expected changes to Ontario's planning system will have significant implications on how the City plans for future growth, in particular future potential urban boundary expansions. The current UHOP does not provide comprehensive guidance for large-scale, private landowner-led applications for settlement area expansion (as at the time the City completed its MCR, this form of application was not permitted or was restricted under previous versions of the Planning Act/PPS). Based on the changes to the legislative environment, the City will need to develop and incorporate a planning framework to assess and respond to urban boundary expansion applications. The key findings of our review are as follows:

- **Growth Allocation:** Future UAE applications should include a Housing Assessment Report which clearly addresses the need for the expansion. The Housing Assessment Report should also address the impact on City-wide Intensification objectives/targets, densification of existing neighbourhoods and DGA supply, impacts on the UHOP Greenfield Density Target and overall phasing of development.
- **Fiscal Impact Assessment:** FIA prepared to support future UAE should include an assessment of the initial round of growth-related infrastructure, including requirements such as storm, water and wastewater and transportation (roads and or transit) which are assumed to be largely paid for by developers through capital revenues generated from such sources as Development Charges and Building Permits. In addition, the FIA should identify preliminary provisions for operating and replacement costs, an assessment of the ecological value of natural heritage features, consideration of broader municipal fiscal implications and conclusions on the net fiscal impact.
- **Energy and Climate Change Assessment Submission Requirements:** Applicants should demonstrate the impact of the potential settlement area expansion on the City's ability to achieve carbon neutrality and demonstrate the opportunities to reduce climate change impacts and avoid climate change risks.
- **Public Engagement Requirements:** The Planning Act requirements provide the minimum level of public engagement required for an Official Plan Amendment. Given the limitations on third party appeals and the extensive prior engagement with the public and stakeholders, the City should provide an opportunity for applicants who wish to undertake enhanced public and stakeholder engagement for proposed UBEs. The enhanced opportunities could include, but are not limited to, increased number of events, increased mail outs/invitations, enhanced notifications, inclusion of virtual engagement, etc.

- **Subwatershed Study Requirements:** A phased approach to subwatershed planning should be a requirement for an UBE application and that the Subwatershed Study completed in phases as per the draft Provincial Subwatershed Planning Guide (2022) recommended for any future UBE. Phase 1 would confirm the objectives for the Subwatershed Study, refine boundaries based on water resources and natural heritage systems, identify mapping of existing natural features, hydrologic features and hazard lands, complete initial hydrological modelling, confirm existing land uses and complete an initial assessment of the potential impact of development on the water resource and natural systems (including the associated hydrological and ecological functions).
- **Secondary Planning:** Secondary planning is a valuable tool for undertaking comprehensive planning for complete communities. In scenarios where a private landowner applies for an UBE, it would be expected that a comprehensive secondary plan is completed should a decision be made to include the lands in the urban area, where the broader criteria under the UHOP and Proposed PPS (2024) have been met. A complete secondary plan would not likely be required at the initial application stage for an UBE, however, various components of a traditional secondary plan will be needed to address the UHOP and Proposed PPS (2024) criteria (as noted earlier in this Memo).

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**Chronology of Reports, Applications and Decisions Since 2020 related to Urban
Boundary Expansions**

- August 2020: The City receives three Official Plan Amendment applications to the Urban and Rural Official Plans (UHOPA-20-018, UHOPA-20-019, UHOPA-20, RHOPA-20-022, RHOPA-20-023, RHOPA-20-024), each seeking to expand Hamilton’s urban boundary by less than 40 hectares within the Twenty Road West whitebelt lands. The applications were submitted by an Upper West Side landowner group consisting of:
- Sullstar Twenty Limited (Starward Homes);
 - Spallacci & Sons Limited;
 - Oxford Road Developments (The Zahavy Group);
 - Lynmount Developments Inc.;
 - Twenty Road Developments Inc.;
 - Really Living;
 - Liv Communities; and,
 - Parente Group Holdings Ltd.
- The applications were submitted under Growth Plan policies which allows privately initiated urban boundary expansion less than 40 hectares outside of a Municipal Comprehensive Review. The applications were deemed complete by the City in September 2020.
- November 2021: Report PED17010(n) presented the final Land Needs Assessment, addendum report, and peer review. Using the Growth Plan’s methodology for Land Needs Assessments, the Report recommended the “Ambitious Density” growth option, based on an intensification target of 60% with approximately 1,310 hectares of land that needed to be added to the Urban Boundary to accommodate community-related growth to 2051. The location of where this growth would occur was not included in the staff report.
- November 2021: Council adopted a No Urban Boundary Expansion growth option to accommodate the City’s forecasted population and employment growth within the existing urban area to the year 2051. Council directed staff to prepare a draft Official Plan Amendment which implements the Council direction for No Urban Boundary Expansion.

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- June 2022: The No Urban Boundary Expansion growth scenario, based on an intensification target of 80%, was integrated into the final Urban Hamilton Official Plan and Rural Hamilton Official Plan policy amendments that were ultimately adopted by Council on June 8, 2022 through Urban Hamilton Official Plan Amendment No. 167 and Rural Hamilton Official Plan Amendment No. 34. The 80% intensification rate reflected the proportion of growth to be accommodated within the built boundary. The remaining 20% of growth was to be accommodated within designated greenfield areas already within the urban boundary. Planning Division staff submitted the Council adopted Official Plan Amendments and additional required materials to the Ministry of Municipal Affairs and Housing for their final review and approval on June 27, 2022.
- November 4, 2022: The Ministry of Municipal Affairs and Housing issued decisions to the City of Hamilton in response to the Council-adopted Official Plan Amendments No.167 and No. 34 which represented the completion of Phase 1 of the City’s Official Plan Review and the GRIDS 2 / Municipal Comprehensive Review processes. The Province approved the Official Plans with 77 modifications to the Urban Hamilton Official Plan and 25 modifications to the Rural Hamilton Official Plan. A significant modification was the addition of approximately 2,200 gross ha of urban expansion area to the City’s urban boundary, as well as other significant changes as outlined in the Analysis and Rationale Section of Report PED23252.
- November 4, 2022: The Province also posted the ERO posting for the removal of lands from the Greenbelt Plan area. Discussion of the Greenbelt removals is provided in Report PED23244.
- November 29, 2022: Planning Division staff presented Report PED21067(c) to Planning Committee, outlining the details of the Provincial modifications to Official Plan Amendments No. 167 and No. 34.

As a result of the modification to add land to the Urban Boundary by the Province, Planning Division staff began receiving inquiries for meetings with landowner groups in the expansion area lands about moving forward with secondary planning and development.

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February 14, 2023: Recommendations on the Municipal Housing Pledge were presented to Planning Committee through Report PED23056. The Housing Pledge requires a commitment from municipalities across the Province to do their part in meeting the Provincial goal of 1.5 million new homes by 2031. For Hamilton, a commitment to facilitate the construction of 47,000 new units by 2031 is requested by the Province, representing an 11,400 unit increase to the 2031 allocations assigned through the Growth Plan. City Council’s pledge included that caveat that these units would be accommodated through intensification opportunities within the urban boundary, prior to the Provincial urban boundary expansion areas added through Official Plan Amendment No. 167 modifications. The Mayor signed the Housing Pledge on March 17, 2023.

March 2023: Report PED21067(d) sought direction on how to move forward with secondary planning work for the Urban Expansion Areas. Planning staff were directed to prepare a draft policy framework to guide City-led Secondary Planning and privately initiated Secondary Plan applications in the Urban Expansion Areas. In May 2023, the City undertook consultation with the public and stakeholders on the draft policy framework and development guidelines.

While planning staff were in the process of preparing Official Plan Amendment No. 185, there were several landowner groups who made Formal Consultation submissions for a privately initiated Secondary Planning policy amendment.

April 6, 2023: A first draft of the proposed Provincial Planning Statement is posted on the Environmental Registry of Ontario website for comment. Major changes proposed through the Provincial Planning Statement included rescinding the Growth Plan and removing the requirement that municipalities must undertake a Municipal Comprehensive Review before expanding urban boundaries, opening the door for new privately initiated urban boundary expansions of any size that may be submitted at any time. City Council ratified the submissions made by staff to the Province on June 21, 2023 through Report PED23145 and subsequent Natural Heritage Systems Report PED23185 which identified several areas of concerns.

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- July 11, 2023: Report PED23144 presented the findings of the engagement activities undertaken and recommended the approval of an Official Plan Amendment to implement the Urban Expansion Areas secondary planning policy framework, as well as the Secondary Planning Guidelines for Urban Expansion Areas. Urban Hamilton Official Plan Amendment No. 185 was adopted without appeals and came into effect on August 16, 2023.
- Since the approval of Official Plan Amendment No. 185 staff have been involved in reviewing a term of reference for one privately initiated Secondary Plan and discussions for one potential hybrid (joint private/city) Secondary Plan within the urban expansion area. A substantial amount of staff time was dedicated to meeting with landowner groups and review of materials.
- September 21, 2023: The Ontario Premier announced that all lands removed from the Greenbelt Plan in December 2022 would be reinstated. On October 16, 2023, the Government of Ontario introduced Bill 136, *Greenbelt Statute Law Amendment Act, 2023* on its Environment Registry of Ontario website which if passed would return these lands to the Greenbelt Area.
- October 23, 2023: The Minister of Municipal Affairs and Housing announced its intention to reverse Provincial changes to official plans and official plan amendments, except in circumstances where construction has begun or where doing so would contravene existing Provincial legislation and regulation.
- November 14, 2023: Report PED23252 was submitted to Planning Committee recommending, among other things, that Council reconfirm its position on Urban Hamilton Official Plan Amendment No. 167 and Rural Hamilton Official Plan Amendment No. 34 to implement a no urban boundary expansion growth strategy, as adopted by Council on June 8, 2022. Council approved these recommendations on November 22, 2023 and these comments were submitted to the Minister of Municipal Affairs and Housing.
- November 16, 2023: The Province introduced Bill 150, *Planning Statute Law Amendment Act, 2023* and *Official Plan Adjustment Act, 2023* which, with the exception of three modifications,

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would reverse provincial decisions on Urban Hamilton Official Plan Amendment No. 167 and Rural Hamilton Official Plan Amendment No. 34 and approve municipally adopted official plans retroactive to the date of provincial approval, which for the City of Hamilton would be November 4, 2022.

- November 21, 2023: An Official Plan Amendment application is submitted by the Upper West Side landowner group to establish the Upper West Side Secondary Plan which includes lands located outside of the Hamilton urban boundary. The application was deemed incomplete by the City on December 19, 2023 and subsequently appealed to the Ontario Land Tribunal by the applicant on January 16, 2024.
- December 5, 2023: Report PED23261 was submitted to Planning Committee recommending Council adopt its submission to the Province on Bill 150 which reiterated the City’s position on Urban Hamilton Official Plan Amendment No. 167 and Rural Hamilton Official Plan Amendment No. 34 to implement a no urban boundary expansion growth strategy.
- December 6, 2023: Bill 150 received Royal Assent on December 6, 2023 resulting in all urban expansion areas previously approved by the Province being deemed to have never been made.
- March 21, 2024: The Upper West Side landowner group submitted another Official Plan Amendment application seeking to, among other things, re-establish the Provincial Minister’s original approval of Official Plan Amendment No. 167, prior to Bill 150 receiving Royal Assent which supported urban boundary expansions. This application was deemed incomplete by the City on April 9, 2024 and appealed by the applicant to the Ontario Land Tribunal on May 8, 2024.
- April 10, 2024: The Province introduces a second draft of the Provincial Planning Statement together with Bill 185, *Cutting Red Tape to Build More Homes Act, 2024* and requests comments through Environmental Registry of Ontario postings. The revised Provincial Planning Statement still removes the requirement for a Municipal Comprehensive Review before a municipality or

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landowner can expand the urban boundary more than 40 hectares. A significant new legislative change through Bill 185 would allow landowners to appeal urban boundary expansion applications to the Ontario Land Tribunal which could undermine and potentially reverse the City’s no urban boundary expansion growth strategy.

May 14, 2024: Reports PED23145(a) and PED24097 were submitted to Planning Committee recommending Council adopt its submission to the Province on the second draft of the Provincial Planning Statement and Bill 185. Council adopted the submissions on May 22, 2024. Report PED23145(a) also included the recommendation that:

“Council direct staff to assess the implications of existing or potential urban boundary expansion Official Plan Amendment applications and report back with recommendations on the processing and evaluation of these applications relative to requirements for a complete application, potential staffing and consultant resources for the processing of applications and potential Ontario Land Tribunal appeals, changes to existing application fees, and any necessary capital budget enhancements” .

June 6, 2024: Bill 185 receives Royal Assent.

As of the date of this report, the proposed Provincial Planning Statement has not been enacted.

June 27, 2024: The Upper West Side landowner group appeals the lack of decision on its 2020 urban boundary expansion applications (UHOPA-20-018, UHOPA-20-019, UHOPA-20, RHOPA-20-022, RHOPA-20-023, RHOPA-20-024) to the Ontario Land Tribunal. No hearing date has been set.

July 30, 2024: Official Plan Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan were received from the Elfridas Builders Group. The purpose of the proposed amendments are to identify the subject site as a Future Urban Growth District by special policy area to be a preferred location of a future transit oriented urban community to accommodate the City’s future growth. It is anticipated that when the new 2024 Provincial

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Planning Statement comes into effect, the applications will be revised such that the proposed Official Plan Amendments will add the subject site to the urban boundary, with a policy framework that includes a requirement for a secondary plan prior to any development occurring.

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Authority: Item,
Report
CM:
Ward: City Wide

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend By-law No. 12-282, as amended by By-law Nos. 19-108, 19-197, 21-079, 22-222, 23-031 and 24-110 Respecting Tariff of Fees

WHEREAS Section 69 of the Planning Act, R.S.O. 1990, Chapter 13, as amended, authorizes municipalities to enact a by-law to prescribe a Tariff or Fees for the processing of applications made in respect of planning matters;

AND WHEREAS Section 391 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes municipalities to enact by-laws to impose fees on any class of person for services or activities provided or done by or on behalf of the municipality;

AND WHEREAS Council deems it necessary to amend the existing fee to cover the costs related to processing Official Plan Amendment Applications for Urban Boundary Expansion;

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

1. The amendments in this By-law include any necessary grammatical, numbering, formatting and lettering changes.
2. That the fee for an Official Plan Amendment (Urban Boundary Expansion) Application in Schedule “A” to By-law No.12-282, as amended, be deleted, and replaced with the following new fees:

Official Plan Amendment (Urban Boundary Expansion)

Application for area under 40 hectares in size	\$82,320
Application for area from 40 to 100 hectares in size	\$120,048
Application for area from 100 to 500 hectares in size	\$177,535
Application for area greater than 500 hectares in size	\$234,925

3. The new fees for an Official Plan Amendment (Urban Boundary Expansion) are hereby approved and adopted.

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4. The fees shall be paid at the time of the submission of an application.
5. No application for an Official Plan Amendment for Urban Boundary Expansion shall be deemed to have been made, provided, or completed, and no application shall be received, unless the appropriate fees are paid in accordance with this By-law.
6. The amount of the fees for an Official Plan Amendment for Urban Boundary Expansion shall be adjusted annually by the percentage change during the preceding year of the Consumer Price Index (CPI) for Toronto, and the resulting figures shall be rounded off to the nearest five (\$5.00) dollar interval.
7. This By-law shall be deemed to have come into force on August ____, 2024.

PASSED this _____ day of _____, 20_____.

A. Horwath
Mayor

M. Trennum
City Clerk



Area	Hectares
Elfrida	1,239
Twenty Rd E	441
Twenty Rd W	175
Whitechurch	441
Employment	2,122
Total	4,320

Whitebelt	Hectares
Residential	2,198
Employment	2,122
Total	4,320

Legend

- Potential Residential
- Potential Employment
- Greenbelt Plan Area
- Urban Area

Date: July 23, 2024 Map Not To Scale



HAMILTON MUNICIPAL HERITAGE COMMITTEE REPORT 24-006

12:00 p.m.

Monday July 22, 2024

Room 264, 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

Absent

With Regrets: Councillor C. Kroetsch – Personal
K. Burke

THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 24-006 AND RESPECTFULLY RECOMMENDS:

1. **Recommendation to Designate 85 King Street East, Dundas, under Part IV of the *Ontario Heritage Act* (PED24124) (Ward 13) (Item 8.1)**
 - (a) That the City Clerk be directed to give notice of Council's intention to designate 85 King Street East, Dundas, shown in Appendix "A" attached to Report PED24124, 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 PED24124, 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 7 Rolph Street, Dundas, known as the Lennard House / Mushroom House, under Part IV of the *Ontario Heritage Act* (PED24125) (Ward 13) (Item 8.2)

- (a) That the City Clerk be directed to give notice of Council's intention to designate 7 Rolph Street, Dundas, shown in Appendix "A" attached to Report PED24125, 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 PED24125, 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. Recommendation to Designate 6 Websters Falls Road, Flamborough (Springdale), under Part IV of the *Ontario Heritage Act* (PED24122) (Ward 13) (Item 8.3)

- (a) That the City Clerk be directed to give notice of Council's intention to designate 6 Websters Falls Road, Flamborough (Springdale), shown in Appendix "A" attached to Report PED24122, 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 PED24122, 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.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

The Committee Clerk advised the Committee that there were no changes to the agenda.

The agenda for the July 22, 2024, Hamilton Municipal Heritage Committee was approved, as presented.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) June 24, 2024 (Item 4.1)

The Minutes of the June 24, 2024, meeting of the Hamilton Municipal Heritage Committee, were approved, as presented.

(d) STAFF PRESENTATIONS (Item 8)

(i) Recommendation to Designate 85 King Street East, Dundas, under Part IV of the *Ontario Heritage Act* (PED24124) (Ward 13) (Item 8.1)

Maryssa Barras, Cultural Heritage Planning Technician, addressed Committee respecting Report PED24124, Recommendation to Designate 85 King Street East, 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 PED24124, Recommendation to Designate 85 King Street East, Dundas, under Part IV of the *Ontario Heritage Act*, was received.

For further disposition of this matter, refer to Item 1.

(ii) Recommendation to Designate 7 Rolph Street, Dundas, known as the Lennard House / Mushroom House, under Part IV of the *Ontario Heritage Act* (PED24125) (Ward 13) (Item 8.2)

Maryssa Barras, Cultural Heritage Planning Technician, addressed Committee respecting Report PED24125, Recommendation to Designate 7 Rolph Street, Dundas, known as the Lennard House / Mushroom House, 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 PED24125, Recommendation to Designate 7 Rolph Street, Dundas, known as the Lennard House / Mushroom House, under Part IV of the *Ontario Heritage Act*, was received.

For further disposition of this matter, refer to Item 2.

(iii) Recommendation to Designate 6 Websters Falls Road, Flamborough (Springdale), under Part IV of the *Ontario Heritage Act* (PED24122) (Ward 13) (Item 8.3)

Scott Dickinson, Cultural Heritage Planning Technician, addressed Committee respecting Report PED24122, Recommendation to Designate 6 Websters Falls Road, Flamborough (Springdale), 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 PED24122, Recommendation to Designate 6 Websters Falls Road, Flamborough (Springdale), under Part IV of the *Ontario Heritage Act*, was received.

For further disposition of this matter, refer to Item 3.

(e) CONSENT ITEMS (Item 9)

(i) The following Consent Items were received:

- (a) Heritage Permit Review Sub-Committee Meeting Minutes - June 18, 2024 (Item 9.1)
- (b) Policy and Design Working Group Meeting Notes - June 17, 2024 (Item 9.2)
- (c) Delegated Approval: Heritage Permit Applications (Item 9.3)
 - (i) Heritage Permit Application HP2024-015: Installation of a Sign at 158 James Street South, Hamilton (Ward 2) (By-law No. 86-21) (Item 9.3(a))
 - (ii) Heritage Permit Application HP2024-016: Restoration of Front Wood Doors at 600-610 York Blvd, Hamilton (Ward 1) (Dundurn Castle, By-law No. 79-239) (Item 9.3(b))
 - (iii) Heritage Permit Application HP2024-017: Front Door Replacement at 43 Mill Street North, Flamborough (Ward 15) (Mill Street HCD, By-law No. 96-34-H) (Item 9.3(c))

(f) 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 be 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

(g) ADJOURNMENT (Item 15)

There being no further business, the Hamilton Municipal Heritage Committee adjourned, at 12:34 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 irregular polygonal-shaped 0.154 hectare property municipally-addressed as 85 King Street East, Dundas, is comprised of a one-storey stone structure built circa 1846-48 and two frame outbuildings built in the twentieth century. It is located on the north side of King Street East in Dundas, between the intersection of Court Street to the west and Thorpe Street to the east, in the community of Dundas, in the City of Hamilton.

Statement of Cultural Heritage Value or Interest

The one-storey building located at 85 King Street East, Dundas, was originally constructed circa 1846-48. The property has physical value as a representative example of a nineteenth-century stone cottage influenced by the Regency style of architecture. The property has historical value for its associations with prominent Dundas residents, including John Fairgrieve, Margaret Grafton, Joanna Chapman and Catherine Gibbon, and the early heritage conservation movement in Dundas.

The stone dwelling at 85 King Street West was originally built prior to 1848 for John Fairgrieve (circa 1813/1811-1875), who worked as a wharfinger with business interests in the Desjardins Canal, served on Dundas' town council in 1850. By 1855, Fairgrieve dissolved his business interests in the Desjardins Canal and moved to Hamilton. In 1859 Margaret Grafton, the mother of the historically prominent business of Grafton & Co. Ltd.'s co-founder James Beatty Grafton (1826-1909), purchased the property and it was affiliated with the Grafton family until it was sold in the 1880s.

In the late-1970s, the property was part of a campaign to prevent the demolition of several significant heritage properties including 79-85 King Street East, to facilitate the construction of a residential building. The Architectural Conservancy of Ontario, the Dundas Heritage Association, and the King Street East Citizen's Group were active in their efforts to preserve the properties and the green space they provided. Advocates were able to negotiate for the sale of 85 King Street East to conserve it, and in 1980 Joanna Chapman (born 1939) purchased 85 King Street East to rent it to Catherine Gibbon (1949-2021). Joanna Chapman is a prominent Dundas resident who has served on Dundas's town council, owned Chapman and Prince Booksellers (later Chapman Books), founded the Urquhart Butterfly Garden, and has been active in Dundas's environmental and historic conservation movements. Catherine Gibbon, a notable community advocate, landscape artist, student and teacher at the Dundas Valley School of Art, and co-founder of the Carnegie Gallery resided at 85 King Street East from 1980-2021, having purchased the property from Chapman in 1988 or 1989.

The property at 85 King Street East is important in defining the historic industrial character of the surrounding area and is historically and visually connected to the development of the Desjardins Canal. The nineteenth-century stone dwelling is one of

Appendix 'A' to Item 1 of HMHC Report 24-006**Page 2 of 2**

the oldest existing dwellings in the east end of Dundas and is connected with the early town development planned in the Cootes Paradise Survey. The well-preserved stone façade, which stands out as an immediately recognizable nineteenth-century heritage structure in the surrounding streetscape, combined with the unique topography and wooded character of the property maintains the historic character of the early settlement area.

Description of Heritage Attributes

Key attributes that embody the physical value of the property as being a representative example of a nineteenth-century stone dwelling with Regency influences, and its long-standing association with prominent residents and the heritage conservation movement in Dundas, include the:

- Front (south), and side (east and west) elevations and roofline of the circa 1846-1848 stone dwelling, including its:
 - One storey massing;
 - Low hip roof with a side (east) brick chimney and projecting eaves;
 - Rear rectangular field-stone summer kitchen wing with an end-gable roof;
 - Symmetrical three-bay front façade;
 - Cut-stone even coursed front façade with corner quoining;
 - Broken-course fieldstone side and rear walls;
 - Covered front porch with a low hip roof supported by Ionic wood columns atop concrete-block piers;
 - Flat-headed window and door openings with decorative rounded brickmoulds, stone voussoirs and tooled stone lug sills;
 - Six-over-six hung wood windows with wooden storms and functional wood shutters; and,
 - Central front entrance with its:
 - Four-panel solid wood door and original hardware, including letter slot, doorbell, and doorknob;
 - Four-pane wooden transom; and,
 - Flanking sidelights with three upper glass panes and wood panels below.

Key attributes that embody the contextual value of the property as a defining feature of the historical character of King Street East and Dundas, include its:

- Deep setback from the public right-of-way;
- Location fronting onto King Street East;
- Proximity to the Desjardins Canal;
- Siting of the stone dwelling on the raised topography; and,
- Wooded character with mature trees.

STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST AND DESCRIPTION OF HERITAGE ATTRIBUTES

The 0.145-hectare property municipally addressed as 7 Rolph Street, Dundas, known as the Lennard House or Mushroom House, is comprised of a two-storey steel and wood frame pedestal dwelling built in 1971. It is located on the north side of Rolph Street, near the intersection of Rolph Street and Parkside Avenue, in the community of Dundas, in the City of Hamilton.

Statement of Cultural Heritage Value or Interest

The property at 7 Rolph Street, Dundas has physical value and displays a high degree of craftsmanship and technical achievement as a rare example of a dodecagon (twelve-sided) contemporary dwelling. The two-storey cedar board clad cantilever pedestal form frame dodecagon was designed in 1969 and constructed in 1971 and is the only documented example of either a pedestal or dodecagon dwelling in Hamilton, is also a rare example of a dodecagon dwelling in Canada, and it is believed to be the only pedestaled dodecagon dwelling in Canada.

The property has historical and associative value due to its connections with the Lennard family, including Samuel Bertram Lennard (Bert) and Gladys Louisa McInnis Lennard, Harry Lennard a notable architect, and Hugh and Marjorie Clark. The dwelling at 7 Rolph Street was designed by Harry Lennard for his parents Bert (1905-1981) and Gladys Lennard (1906-1989) in 1969 and was completed in 1971. During his life Bertram was employed by the historic Dundas apparel business S. Lennard & Sons Ltd., founded by his grandfather in 1879. Throughout his architectural career Harry Lennard has played important roles in the construction of major landmarks, including the theatre complex then known as Hamilton Place now named First Ontario Concert and the restoration of St. James Anglican Church in Dundas. In 1989 the property was sold to Marjorie Hawkins Clark (1928-2007) and Hugh Clark (1932-2018). Hugh Clark was a notable Hamiltonian and businessman with a strong interest in local philanthropy, founding the Clark Family Foundation and the Marjorie Hawkins Clark Fund.

The Lennard / Mushroom House is considered to be an important landmark in its immediate residential landscape, and the property is important in defining the character of its surrounding area. The dwelling's unique 'mushroom' shape stands out in the surrounding historic and post-war residential landscape and is linked to the historic evolution of Dundas' residential landscape in the twentieth century, with its design showcasing changes in values and trends in the early contemporary period. The wooded character of the property also maintains and supports surrounding natural features like the Sydenham Creek.

Description of Heritage Attributes

The key attributes that embody the physical value of the property as a rare example of a pedestal dodecagon dwelling which demonstrates a high degree of craftsmanship and

Appendix 'B' to Item 2 of HMHC Report 24-006**Page 2 of 2**

technical skill and is associated with architect Harry Lennard and prominent twentieth-century Dundas and Hamilton businesspeople includes:

- All twelve exterior elevations and roofline of the two-storey steel cantilever frame structure, including its:
 - Cantilever pedestal 'mushroom' form and massing;
 - Dodecagon footprint and design;
 - Twelve facet hip roof;
 - Raised, central skylight and decorative collar;
 - Deep soffits with embedded lights;
 - Cedar board cladding;
 - Rear porch extension;
 - Four large square picture windows along the rear of the building;
 - Transom windows along the façade and eastern elevations;
 - Lower-level rounded glass bay which houses a spiral staircase;
 - Steel frame porch and bridge; and,
 - Angled, vertical plank fence along the porch and bridge.

- The original interior first and second storey features, including the:
 - Circular interior skylight opening lined with stained cedar board;
 - Stained cedar board ceiling lining the main living areas, including living and dining areas, kitchen, halls, and master bedroom; and,
 - Wood spiral staircase, including the second storey wood banister.

- The original landscaping features including the:
 - Cut-stone stairs;
 - Circular walkway surrounding the dwelling's pedestal;
 - Cut-stone planters; and,
 - Angled, vertical plank fence along the eastern side yard leading to the bridge.

The key attributes that embody the contextual value of the property as a landmark and as a defining feature of residential Dundas, include its:

- Unique two-storey pedestal dodecagon massing;
- Location in the Sydenham Creek floodplain; and,
- Wooded character and tree canopy of the property.

STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST AND DESCRIPTION OF HERITAGE ATTRIBUTES

Description of Property

The 0.6 hectare property municipally addressed as 6 Webster's Falls Road is comprised of a two-storey stone building constructed circa 1856. The property is located on the southern side of the terminus of Websters Falls Road, in the area historically known as Bullock's Corners in former Township of West Flamborough, in the community of Flamborough in the City of Hamilton.

Statement of Cultural Heritage Value or Interest

The circa 1856 two-storey stone structure located at 6 Webster's Falls Road has design and physical value as it is a representative example of the Georgian Revival style of architecture as applied to a dwelling and displays a high degree of craftsmanship. The historical value of the property lies in its association with Joseph Webster II (1809-1886), a locally prominent farmer, politician, miller and roadbuilder who was responsible for constructing both the subject property as well as the Ashbourne Mill, an industrial complex which once stood a short distance away and was powered by Webster's Falls itself.

Contextually, this property is important in defining the historic former industrial character of the surrounding area. This mill-owner's house acts as a physical reminder of the many mills and industries which once lined Spencer's Creek. It is visually, historically, physically, and functionally linked to its surroundings, being on its original location near to the historic Spencer's Creek waterway and close to the location of the Ashbourne Mill. This large and distinctive structure located next to the popular and well-known natural feature of Webster's Falls, is considered to be a local landmark.

Description of Heritage Attributes

Key attributes that embody the physical value of the property as being a representative nineteenth-century Georgian Revival stone dwelling and in demonstrating a high degree of craftsmanship, include:

- All elevations and roofline of the two-storey circa 1856 stone building, including its:
 - Rectangular plan;
 - Stone chimneys with cornices and caps;
 - Side gable roof with projecting eaves and plain boxed cornice;
 - Symmetrical five-bay front elevation;
 - Dressed, closely fitted stone walls;
 - Six-over-six hung windows with stone lintels and sills;
 - Central front entrance with a decorative carved 'keystone' in lintel, a door surround with wooden paneling, sidelights and transom; and,

Appendix 'C' to Item 3 of HMHC Report 24-006

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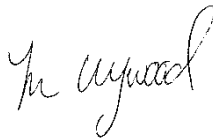
- Stone foundation.

Key attributes that embody the contextual value of the property as a defining feature of the historical character of Webster's Falls and the surrounding area known as Bullock's Corners include its:

- Location fronting onto Websters Falls Road; and,
- Proximity to Webster's Falls and Spencer Creek.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 13, 2024
SUBJECT/REPORT NO:	Application for Ministry of the Environment, Conservation and Parks Environmental Compliance Approval for a Waste Disposal Site (Waste Processing and Transfer Station), Reference # 3285-CW2P8E, 354 Nash Road North, Hamilton (PED24132) (Ward 5)
WARD(S) AFFECTED:	Ward 5
PREPARED BY:	Shaival Gajjar (905) 546-2424 Ext. 5980
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	Per: 

RECOMMENDATION

That Waste Approvals, Environmental Permissions Branch of the Ontario Ministry of the Environment, Conservation and Parks be advised that should the Ministry consider approving **Application MECP-24-01, Re-Source Disposal Inc, Owner/Applicant**, for a new Environmental Compliance Approval for a Waste Disposal Site, Reference # 3285-CW2P8E, to permit a waste processing and transfer station on the lands located at 354 Nash Road North (Hamilton), as shown on Appendix "A" attached to Report PED24132, that the City of Hamilton requests:

- (a) That, if approved, the Environmental Compliance Approval includes the following requirements:
- (i) That the applicant receives final approval of Minor Variance application (HM/A-24:36), to reduce the required separation distance between the proposed facility and nearby residentially zoned properties from 300 metres to 270 metres, to the satisfaction of the Director of Planning and Chief Planner;

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

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

SUBJECT: Application for Ministry of the Environment, Conservation and Parks, Environmental Compliance Approval for a Waste Disposal Site (Waste Processing and Transfer Station), Reference # 3285-CW2P8E, 354 Nash Road North, Hamilton (PED24132) (Ward 5) - Page 2 of 16

- (ii) That the applicant applies for and receives final approval of a Site Plan Control application or receives a Site Plan Waiver Letter from the City's Planning Division, to the satisfaction of the Director of Heritage and Urban Design;
- (iii) That a current copy of the Emergency Response Plan, Spills Containment and Contingency Plan, daily product inventory list, including product quantities and exact location within all facilities, along with the applicable Material Safety Data Sheets, be externally stored in a secure location (exterior lock box) on site in a manner such that all noted documents are readily available to Hamilton Emergency Services - Fire, 24 hours a day, 7 days a week, 365 days a year;
- (iv) That storage and housekeeping practices must be in place to allow ease of access by emergency personnel such as Hamilton Fire and/or other first responders;
- (v) That a final version of the "Plan of Operations Liquid and Excess Soil Processing Site 354 Nash Road North, Hamilton ON" stamped by a professional engineer, be provided to the City of Hamilton, Superintendent, Environmental Monitoring and Enforcement, Public Works Department;
- (vi) That the Owner obtain the City of Hamilton's Surcharge Discharge Permit and comply with the City of Hamilton's Sewer Use By-law No. 14-090;
- (vii) That the Environmental Compliance Approval limit the maximum daily receipt of non-hazardous waste to a maximum rate of 200 tonnes per day, including aggregate and soil materials, and water;
- (viii) That the Environmental Compliance Approval limit the maximum storage capacity to 1,000 tonnes of solids and 80 cubic metres of water;
- (ix) That the proponent implements spills prevention on-site, and containment measures be included in the Environmental Compliance Approval;
- (x) That the Contingency Plans for spills on-site and clean-up procedures are covered under the Environmental Compliance Approval, and that the City's Spills phone number (905) 546-2489 is included in the company's on-site Contingency Plan. The Contingency Plan shall also deal with run-off water and from any fire-fighting activity from the operation and consider

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SUBJECT: Application for Ministry of the Environment, Conservation and Parks, Environmental Compliance Approval for a Waste Disposal Site (Waste Processing and Transfer Station), Reference # 3285-CW2P8E, 354 Nash Road North, Hamilton (PED24132) (Ward 5) - Page 3 of 16

efforts to mitigate or eliminate materials and spill runoff from entering the catch basins from vehicle activity on site. Secondary containment measures must be explored to reduce spill runoff. Further, that a copy of the Contingency Plan be forwarded to the Compliance and Regulations Section, Water and Wastewater Division, Public Works Department, City of Hamilton, and be submitted to the satisfaction of the Ministry of the Environment, Conservation and Parks;

- (xi) That in case of any spills, the General Manager of the Operations must immediately contact the City of Hamilton's Spills line at 905-546-2489;
- (xii) That an effective odour / dust / noise mitigation control plan for day-to-day activities be implemented;
- (xiii) That the Owner establish a Fire Response Box providing up to date data and details (such as contents, amounts, locations, etc.) of all waste materials transferred and stored on site, to the satisfaction of the Chief Fire Prevention Officer, Hamilton Fire Department;
- (xiv) That the Owner contact the Hamilton Fire Department's Fire Prevention Division and schedule an inspection of the facility and that all violations identified as part of the inspection be resolved prior to approval, to the satisfaction of the Chief Fire Prevention Officer, Hamilton Fire Department;
- (xv) That the owner establishes a fire access route, to the satisfaction of the Chief Fire Prevention Officer, Hamilton Fire Department;
- (xvi) That an inventory of waste types stored on-site should be updated daily, and be provided to the Ministry of the Environment, Conservation and Parks;
- (xvii) That waste shall not be accepted from the United States of America and / or any other Province or Territories;
- (xviii) That the proponent be required to provide financial assurance to the Ministry of the Environment, Conservation and Parks to cover final clean-up of the site, following the cessation of use;
- (xix) That a Ministry of the Environment, Conservation and Parks staff person be identified to the City as the contact for all issues and complaints regarding the subject property;

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SUBJECT: Application for Ministry of the Environment, Conservation and Parks, Environmental Compliance Approval for a Waste Disposal Site (Waste Processing and Transfer Station), Reference # 3285-CW2P8E, 354 Nash Road North, Hamilton (PED24132) (Ward 5) - Page 4 of 16

- (b) That a copy of Report PED24132 be forwarded to the Waste Approvals, Environmental Permissions Branch of the Ontario Ministry of the Environment, Conservation and Parks for their consideration;
- (c) That the Waste Approvals, Environmental Permissions Branch of the Ontario Ministry of the Environment, Conservation and Parks be requested to forward a copy of its final decision respecting the Certificate of Approval to the Clerk, City of Hamilton.

EXECUTIVE SUMMARY

The applicant, Re-Source Disposal Inc., has applied to the Ministry of the Environment, Conservation and Parks for a new Environmental Compliance Approval for a Waste Disposal Site to permit a waste processing and transfer station facility on the lands located at 354 Nash Road North (Hamilton) (see Appendix “A” attached to Report PED24132).

The proposal is to operate a liquid soil processing site to manage excess soils and slurry created from hydrovac equipment used to uncover utilities and conduct utility locates. The proposed operations will serve as a hydrovac slurry (liquid soil) processing facility that will receive a soil-water slurry from hydrovac trucks that have been used to support utility locates and subsurface utility investigations. The operations will involve prefabricated soil-water separation process equipment that can separate the slurry into three components; water, fines (silts and sands) and larger sized materials including gravels and small rocks (aggregates). The operation will process slurry and store the processed materials in separate uncovered areas of the site. The facility proposes to reuse the separated water for future hydrovac excavations, while redistributing the fines and aggregate materials for resale/reuse as permitted. The facility will not accept material suspected of being contaminated.

The subject site is approximately 0.35 hectares in size and is zoned as General Industrial (M5) Zone under Zoning By-law No. 05-200. The proposed use of Waste Processing Facility is permitted, as per Section 9.5.1 of Zoning By-law No. 05-200.

Urban Hamilton Official Plan and Zoning By-law No. 05-200 requires waste processing and transfer facilities to be located a minimum of 300 metres from sensitive land uses such as institutional or residential. There are residential uses located approximately 270 metres to the south of the subject lands. The applicant has applied for Minor Variance application (HM/A-24:36), which was tabled at the March 12, 2024, Committee of Adjustment Hearing pending Council’s decision on this report. Based on the operations plan provided, the portion of the property closest to the sensitive residential uses to the

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south, which is approximately 270 metres, is being used for administrative offices and staff washrooms. The portion of the site where the processing of the waste is occurring is approximately 350 metres from the existing sensitive uses to the south.

Alternatives for Consideration – See Page 15

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: Environmental Compliance Approval applications are processed by the Ontario Ministry of the Environment, Conservation and Parks under the authority of the *Environmental Protection Act*. The City of Hamilton has been formally requested to provide comments to the Ministry on this specific application.

HISTORICAL BACKGROUND

Environmental Compliance Approval

An “Environmental Compliance Approval” pursuant to Part V of the *Environmental Protection Act* is a legally binding document, through which an individual, company, or municipality is permitted, by Ontario’s Ministry of the Environment, Conservation and Parks, to undertake an activity related to the processing and management of waste.

Each Environmental Compliance Approval is drafted to address the site specific considerations relevant to the proposal and contains enforceable requirements that ensure environmental and health protection, compliance with legislation, and policy requirements. The Environmental Compliance Approval stipulates the types of wastes that can be processed and managed at the facility and contains “conditions” that describe the manner in which the facility is to be operated. Failure to comply with any of the Environmental Compliance Approval conditions constitutes a violation of the *Environmental Protection Act* and is grounds for enforcement through the *Provincial Offences Act*.

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Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Transportation storage and vacant land	General Industrial (M5) Zone
Surrounding Land Uses:		
North	Industrial / commercial plaza	General Industrial (M5, 641) Zone
South	Transportation storage Offices	Light Industrial (M6, 414) Zone
East	Gas station, truck repair, truck wash, tire shop, and restaurant	General Industrial (M5) Zone
West	Wholesale and commercial shops	Light Industrial (M6, 640) 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)

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

- “1.1.1 Healthy, liveable, and safe communities are sustained by:
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;”

The application has been reviewed with respect to the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended). Staff notes that via the Environmental Compliance Approval (ECA) process,

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the applicant will demonstrate consistency with the sustainability of healthy, liveable, and safe communities, as outlined in Policy 1.1.1 (c) of the Provincial Policy Statement (2020).

Urban Hamilton Official Plan

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

“E.5.3 Employment Areas – Industrial Land Designation

The Employment Area – Industrial Land designation applies to older industrial areas of the City with a variety of industrial uses, many in older purpose- designed facilities on a variety of parcel sizes. These areas shall continue to play an important role accommodating traditional industrial uses and those which benefit from access to the Port of Hamilton. Planning for this designation must be flexible to allow new employment uses and supporting uses through redevelopment and adaptation of existing structures, while ensuring that sensitive land uses are protected from noxious and incompatible impacts.

E.5.3.2 The following uses may be permitted on lands designated Employment Area – Industrial Land on Schedule E-1 – Urban Land Use Designations, in accordance with the Zoning By-law:

e) waste processing facilities and waste transfer facilities

E.5.3.6.2 The City shall provide comments to the Ontario Ministry of the Environment concerning applications for a Certificate of Approval for Waste Disposal site, as required under Part V of the Environmental Protection Act and/or any other applicable legislation for the approval of new waste management facilities or expansions or alterations to existing waste management facilities within the City of Hamilton.

E.5.3.6.3 Existing waste management facilities shall be recognized as permitted uses in the Zoning By-law.

E.5.3.7 Waste processing facilities and waste transfer facilities, including expansions, shall be located a minimum of 300 metres from a sensitive land use within the Neighbourhoods, Institutional or Commercial and Mixed Use designations.

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- E.5.3.7.1 Notwithstanding Policy E.5.3.7 above, waste processing facilities and waste transfer facilities, including expansions, may be permitted within 70 metres to 300 metres of a sensitive land use within the Neighbourhoods, Institutional or Commercial and Mixed Use designations, subject to amendment to the Zoning By-law. In addition to the requirements of Section F.1.19 – Complete Application Requirements and Formal Consultation, the Applicant shall demonstrate, through a planning justification report or any other study as may be required by the City, an analysis of the following:
- a) The appropriateness of the proposed land use in relation to surrounding land uses;
 - b) Mitigation of potential impacts to sensitive land uses, the natural environment or cultural heritage resources located within 300 metres of the proposed waste management facility, which shall include noise, odour, vibration, dust, traffic, air quality, litter, and vermin and pest control measures; and,
 - c) On-site wastewater and storm water management measures.”

The subject property is identified as “Employment Areas” on Schedule E – Urban Structure and designated “Employment Area - Industrial Land” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan.

As per Policy E.5.3.7 of Urban Hamilton Official Plan, waste processing facilities and waste transfer facilities, including expansions, shall be located a minimum of 300 metres from a sensitive land use within the “Neighbourhoods”, “Institutional” or “Commercial” and “Mixed Use” designations. Policy E.5.3.7.1 states that waste processing facilities and waste transfer facilities may be permitted within 70 metres to 300 metres of a sensitive land use, subject to an amendment to the Zoning By-law and the satisfaction of the identified criteria. The applicant has submitted a Plan of Operations that has satisfied these criteria and the rationale is discussed below.

Traffic

The proposed facility is expected to receive a maximum of 25 hydrovac trucks per day, and it is anticipated that traffic in the area of the subject site will remain unchanged with the exception of incoming and outgoing hydrovac trucks that will not need to stop outside of the site boundary. Transportation Planning staff were circulated the proposed Environmental Compliance Approval permit for comment and had no concerns.

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Noise

The leased portion of the proposed operation is surrounded by industrial and commercial activities. The expected noise output from the processing equipment, hydrovac trucks, and associated activities is not anticipated to exceed the typical noise levels produced from the surrounding industrial and commercial operations. The operational hours are between 5:00 am and 10:00 pm, and noise occurring from hydrovac truck operations and moving materials within the site will be conducted within the hours of operations, mitigating isolated noise production from the proposed operations. The portion of the property closest to the sensitive receptors (residential) to the south (± 270 metres) is proposed to be used for staff offices, washrooms and parking, which are uses that do not generate significant noise. The portion of the lands being used for the processing of hydrovac truck slurry, which are the uses most likely to generate noise, is located over 350 metres from the existing sensitive receptors to the south. Furthermore, there is a major arterial road (Barton Street East) between the proposed operation and the existing sensitive receptors to the south, which would create a significant level of existing background noise.

Odour and Air Quality

The nature of the proposed operations will only accept liquid soil contents. Furthermore, the Plan of Operations document explains that shipments of slurry that are presumed to contain deleterious or foreign material outside of a typical soil-water complex will not be accepted at the facility. Since the proposed operations will only process water mixed with natural uncontaminated soils, extensive odour or adverse air quality impacts are not anticipated to occur at the site.

Dust

The potential for adverse impacts caused by fugitive dust is not anticipated due to low quantity of dust production expected from the proposed operations. The Plan of Operations document further explains that the possibility of dust production in warm, dry, and windy conditions may occur from the processed soils stored onsite as well as from the site's gravel surface. In such a situation where high production of fugitive dust persists, mitigation measures such as tarping and managing the height of the soil stockpiles to below the concrete walled partitions, as well as wetting the stockpiles and gravel surfaces, are expected to prevent adverse impacts. Staff have recommended that the Ministry of Environment, Conservation and Parks include a condition that an effective odour / dust / noise mitigation control plan for day-to-day activities be implemented.

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Site Drainage

The overland flow of surface water on the site is expected to follow in accordance with the local topography of the immediate area. The expected direction of surface drainage is westerly to north-westerly, directed toward the portion of the subject property that is not leased. The surface drainage will flow to stormwater catch basins located on the unleased portion of the property, and along the City of Hamilton Road right-of-way. Development Engineering staff have reviewed the Environmental Compliance Approval permit application and had no concerns.

Visual Buffering

The leased portion of the subject property is where the proposed operations will take place and it is expected to be fenced within the subject property. The leased portion is located at the rear of the subject property, away from the road right-of-way and sensitive land uses. The proposed operation will be partially screened from the street by the existing buildings located on the subject lands and will not be easily visible from the public right-of-way. Staff do not anticipate any visual impacts.

Centennial Neighbourhoods Secondary Plan

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

- “B.6.6.7.8.1 Employment Areas are designated General Industrial, Light Industrial and Business Park on Map B.6.7-1 – Centennial Neighbourhoods – Land Use Plan.
- B.6.6.7.8.2 Section E.5.3 – Employment Area – Industrial Land Use Designation of Volume 1 shall apply to lands designated General Industrial and Light Industrial.
- B.6.7.8.5 Notwithstanding the permitted uses in Policy E.5.3.2 of Volume 1, for lands designated Light Industrial on Map B.6.7-1 – Centennial Neighbourhoods Secondary Plan – Land Use Plan, new industrial uses which result in significant potential for frequent noise, vibration, odours, dust, or other emissions shall be prohibited.”

The subject lands are identified as “Light Industrial” in the Centennial Neighbourhoods Secondary Plan on Map B.6.7-1 – Centennial Neighbourhoods – Land Use Plan. Based on the submitted Plan of Operations, the proposal is not considered to have significant potential for frequent noise, vibration, odours, dust, or other emissions.

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

The subject lands are zoned General Industrial (M5) Zone under Hamilton Zoning By-law No. 05-200 and the proposed operation is considered a Waste Processing Facility. A Waste Processing Facility is a permitted use in the General Industrial (M5) Zone. Section 9.5.3 g) of the Zoning By-law No. 05-200 requires a Waste Processing Facility or a Waste Transfer Facility to be located a minimum of 300 metres from a residentially zoned or institutionally zoned property lot line. Staff have identified properties that are residentially zoned within 300 metres of the subject lands. Residential townhouse units are located at 245 Kenora Avenue and 2344 Barton Street East on the south side of Barton Street East and are zoned "DE/S-144" (Low Density Multiple Dwellings) District, Modified, and "DE-2/S-266" (Multiple Dwellings) District, Modified.

These residential zones are located approximately 270 metres from the subject lands and the applicant is subject to an amendment to the Zoning By-law, to seek a reduction in the required separation distance between the proposed Waste Processing Facility and residentially zoned lands. It should be noted that, based on the Operations Plan provided, the portion of the property closest to the sensitive residential uses to the south, which is approximately 270 metres, is being used for administrative offices and staff washrooms. The portion of the site where the processing of the waste is occurring is approximately 350 metres from the sensitive uses to the south.

Minor Variance Application HM/A-24:36

The applicant has applied for a Minor Variance application (HM/A-24:36) to reduce the separation distance requirement from a sensitive land use to 270 metres, whereas 300 metres is required. The application was tabled at the March 12, 2024, Committee of Adjustment Hearing pending more information related to land use compatibility and Council's direction on comments related to the Environmental Compliance Approval permit. The portion of the property closest to the sensitive residential uses to the south, which is approximately 270 metres, is being used for administrative offices and staff washrooms. The portion of the site where the processing of the waste is occurring is approximately 350 metres from the existing sensitive uses to the south. The City's Zoning By-law No. 05-200 requires that the separation distance be applied from the portion of the lands that are being used for a Waste Processing Facility and as the proposed administrative offices are supportive of the Waste Processing Facility use, staff have taken a conservative approach and considered it part of the use, thus triggering the requirement for the Minor Variance. Staff have reviewed the Plan of Operations and associated materials submitted with the Environmental Compliance Approval permit application and are satisfied that the four test for a Minor Variance

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under the *Planning Act* are being met. Should the submitted Minor Variance application be approved, a Zoning By-law Amendment application would not be required.

In the determination of the appropriateness of the proposed reduction in the required separation distance, the following shall be analyzed and evaluated by the City per Policy E.5.3.7.1 of the Urban Hamilton Official Plan:

- a) The appropriateness of the proposed land use in relation to surrounding land uses;
- b) Mitigation of potential impacts to sensitive land uses, the natural environment or cultural heritage resources located within 300 metres of the proposed waste management facility, which shall include noise, odour, vibration, dust, traffic, air quality, litter, and vermin and pest control measures; and,
- c) On-site wastewater and storm water management measures.

The proposed operation is located within the interior of an existing industrial area and is surrounded on all sides by existing industrial uses. Accordingly, staff find that the proposed land use is appropriate in relation to the surrounding land uses as per policy E.5.3.7.1 a). The mitigation measures submitted by the applicant that addresses Policy E.5.3.7.1 b) and c) of Urban Hamilton Official Plan have been analyzed in the Urban Hamilton Official Plan section, above.

There are sensitive land uses in proximity of the subject site. The sensitive land uses are residentially zoned and are located approximately 270 metres from the subject site, which, for the subject application would be considered a minor reduction from the required 300 metre separation distance. Through the Plan of Operations, the applicant has demonstrated mitigation measures that will be in place at the subject site. Mitigation measures range from processing, storage, and transporting of the materials, along with the Spill Response Procedure. The Committee of Adjustment, through the submitted Minor Variance application (HM/A-24:36), can impose conditions which can include limiting where on site storage related to the operations is stored and other mitigation measures related to the Environmental Compliance Approval permit, to mitigate potential impacts to the sensitive land uses.

Potential impacts related to traffic, noise, odour and air quality, dust, site drainage, visual buffering, and the environment due to operations are also identified and addressed in the document through conditions identified in the Recommendation section above and also attached as Appendix "D" to Report PED24132. It should be noted that the proposed operation will be regulated through an Environmental Compliance Approval permit, and the applicant will be required to operate in accordance with the approved Environmental Compliance Approval and the conditions

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of approval identified through the review of the application. The scale of the proposed operation is relatively minor and occupies approximately 11% of the subject lands furthest from the public street, towards the interior of the site. Staff are satisfied with the information provided within the submitted Plan of Operations and that the impact to sensitive land uses within 300 metres of the subject site will be appropriately mitigated.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Site Operations

Re-Source Disposal Inc. is proposing to operate a liquid soil processing site to manage excess soils and slurry created from hydrovac equipment used to uncover utilities and conduct utility locates. Re-Source Disposal Inc. has a lease agreement to operate on a portion of the subject property located at 354 Nash Road North, Hamilton, as shown in Appendix "B" attached to Report PED24132. The leased portion of the subject property is the easterly most 0.35 ha of the subject lands.

The proposed operations by Re-Source Disposal Inc. will serve as a hydrovac slurry (i.e., liquid soil) processing facility that will receive a soil-water slurry from hydrovac trucks that have been used to support utility locates and subsurface utility investigations. The operations will involve prefabricated soil-water separation process equipment that can separate the slurry into three components: water, fines (i.e., silts and sands), and larger sized materials including gravel and small rocks (i.e., aggregates). The operation will process slurry and store the processed materials in separate uncovered areas on the leased area of the subject parcel. The facility proposes to reuse the separated water for future hydrovac excavations, while redistributing the fines and aggregate materials for resale/reuse as permitted. The facility will not accept material suspected of being contaminated.

The leased portion on the subject parcel is approximately 0.35 ha in size and is currently zoned General Industrial (M5) Zone under the Hamilton Zoning By-law No. 05-200. The proposed use of Waste Processing Facility and Waste Transfer Facility is permitted, as per Section 9.5.1 of Zoning By-law No. 05-200, subject to meeting all other requirements of the Zoning By-law.

Staff have reviewed the proposed operation with respect to a reduction from the required 300 metre separation distance from a Waste Processing Facility to a sensitive land use in accordance with the criteria identified in Policy E.5.3.7.1 and are satisfied that adverse impacts will be appropriately mitigated, as discussed in the Urban Hamilton Official Plan section, above.. Additionally, the applicant will be required to successfully obtain an approval of a Minor Variance application to reduce the required separation

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distance from 300 metres to approximately 270 metres. Accordingly, the applicant has applied for Minor Variance application HM/A-24:36, which was tabled at the March 12, 2024, Committee of Adjustment Hearing pending Council's direction on Staff Report PED24132.

Conditions of Approval

Based on the circulation of this application to other City Departments, and the analysis undertaken by Planning staff, the Ministry of Environment, Conservation and Parks application for an Environmental Compliance Approval is considered acceptable, subject to conditions being addressed in the Environmental Compliance Approval, as discussed briefly below. These conditions have been included in the above Recommendation section and are also attached as Appendix "D" to Report PED24132. Transportation Planning, Development Engineering, Public Health, and Fire Department did not provide any comments. However, staff have included relevant standard conditions from previous Environmental Compliance Approvals to ensure all typical areas of concern will be addressed. The applicant has applied for a Minor Variance application and is pending decision from the Committee of Adjustment.

Emergency Response Plan

As noted in the Recommendations section, a current copy of the Emergency Response Plan, Spills Containment and Contingency Plan, daily product inventory list, including product quantities and exact location within all facilities, along with the applicable Material Safety Data Sheets, will be externally stored in a secure location (exterior lock box) on site in a manner such that all noted documents are readily available to Hamilton Emergency Services - Fire, 24 hours a day, 7 days a week, 365 days a year. The storage and housekeeping practices must be in place to allow ease of access by emergency personnel such as Hamilton Fire and/or other first responders.

Limitations of Amount of Waste

The City of Hamilton requires that the Environmental Compliance Approval limit the maximum daily receipt of non-hazardous waste to a maximum rate of 200 tonnes per day, including aggregate and soil materials, and water. The City of Hamilton also requires that the Environmental Compliance Approval limit the maximum storage capacity to 1,000 tonnes of solids and 80 cubic metres of water.

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Spills Containment

The City of Hamilton requires that the proponent implement spills prevention on-site, and containment measures be included in the Environmental Compliance Approval. The City of Hamilton also requires that the Contingency Plans for spills on-site and clean-up procedures are covered under the Environmental Compliance Approval, and that the City's Spills phone number (905) 540-5188 is included in the company's on-site Contingency Plan. The Contingency Plan shall also deal with run-off water from any fire-fighting activity from the operation. Further, a copy of the Contingency Plan is to be forwarded to the Compliance and Regulations Section, Water and Wastewater Division, Public Works Department, City of Hamilton, and be submitted to the satisfaction of the Ministry of the Environment, Conservation and Parks.

Standard Conditions

The City of Hamilton requires the following standard conditions covered under the Environmental Compliance Approval:

- That a final version of the "Plan of Operations Liquid and Excess Soil Processing Site 354 Nash Road North, Hamilton ON" stamped by a professional engineer, be provided to the City of Hamilton, Superintendent, Environmental Monitoring and Enforcement, Public Works Department;
- That an inventory of waste types stored on-site should be updated daily, and be provided to the Ministry of the Environment, Conservation and Parks;
- That waste shall not be accepted from the United States of America and / or any other Province or Territories;
- That the proponent be required to provide financial assurance to the Ministry of the Environment, Conservation and Parks to cover final clean-up of the site, following the cessation of use; and,
- That a Ministry of the Environment, Conservation and Parks staff person be identified to the City as the contact for all issues and complaints regarding the subject property.

ALTERNATIVES FOR CONSIDERATION

The City of Hamilton is not the approval authority for Environmental Compliance Approval applications, however, the City has been requested to submit comments on this application to the Ministry of Environmental, Conservation and Parks. The Ministry of Environment, Conservation and Parks will consider the City's comments in making a decision on the application. The following alternative is available to the City in providing comments to the Ministry of Environment, Conservation and Parks:

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- (1) The City could request that the Ministry of Environmental, Conservation and Parks deny the Environmental Compliance Approval application.

APPENDICES AND SCHEDULES ATTACHED

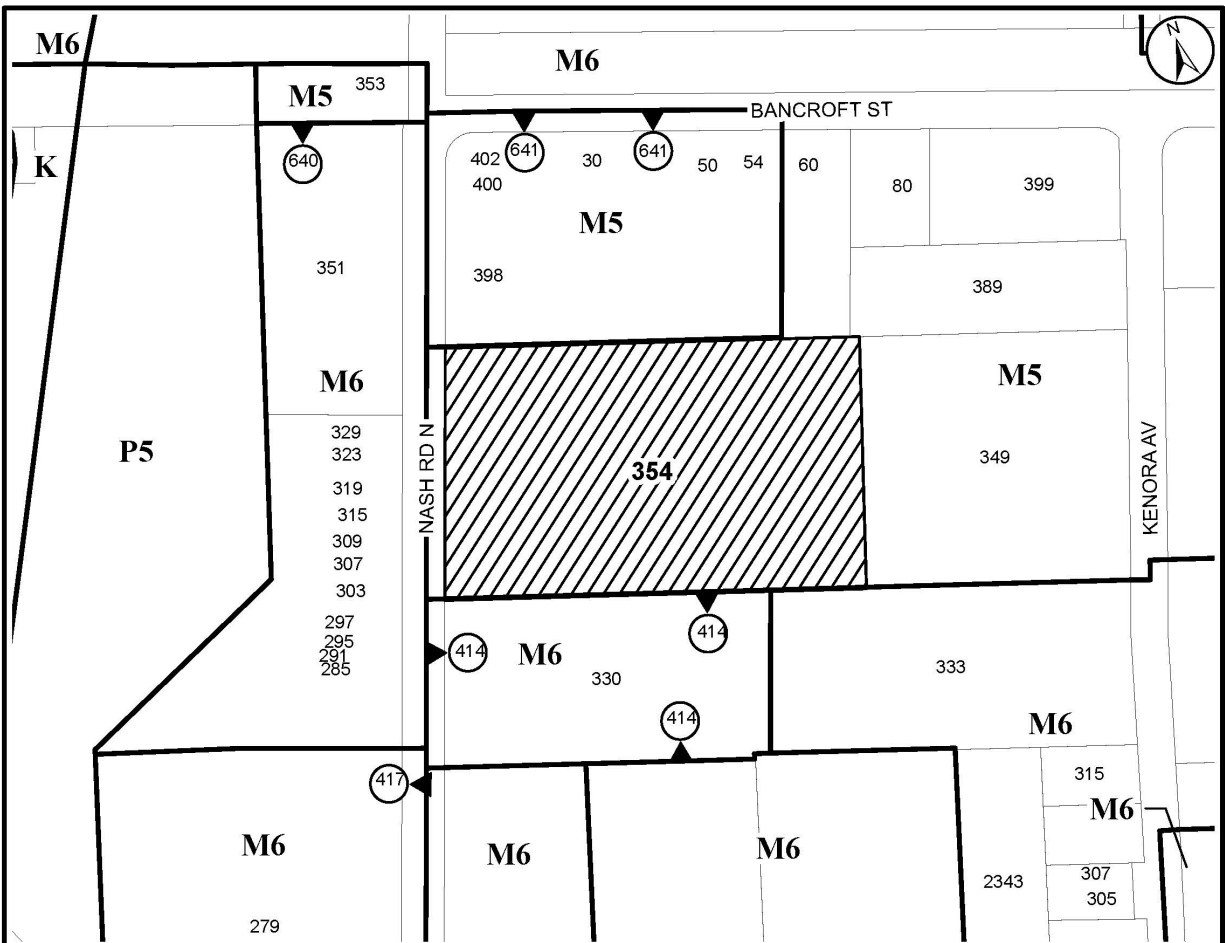
Appendix "A" to Report PED24132 – Location Map

Appendix "B" to Report PED24132 – Concept Plan

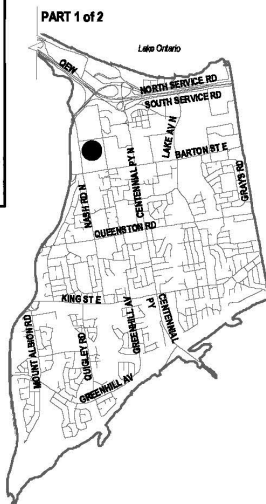
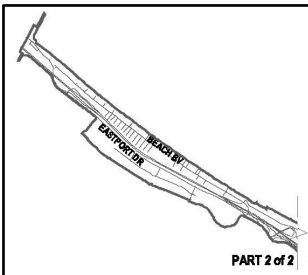
Appendix "C" to Report PED24132 – Department and Agency Comments

Appendix "D" to Report PED24132 – Recommended Conditions of Approval

SG:sd



● Site Location



Key Map - Ward 5

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
MECP-24-01


Date:
June 6, 2024

Appendix "A"

Scale:
N.T.S

Planner/Technician:
SG/AL

Subject Property

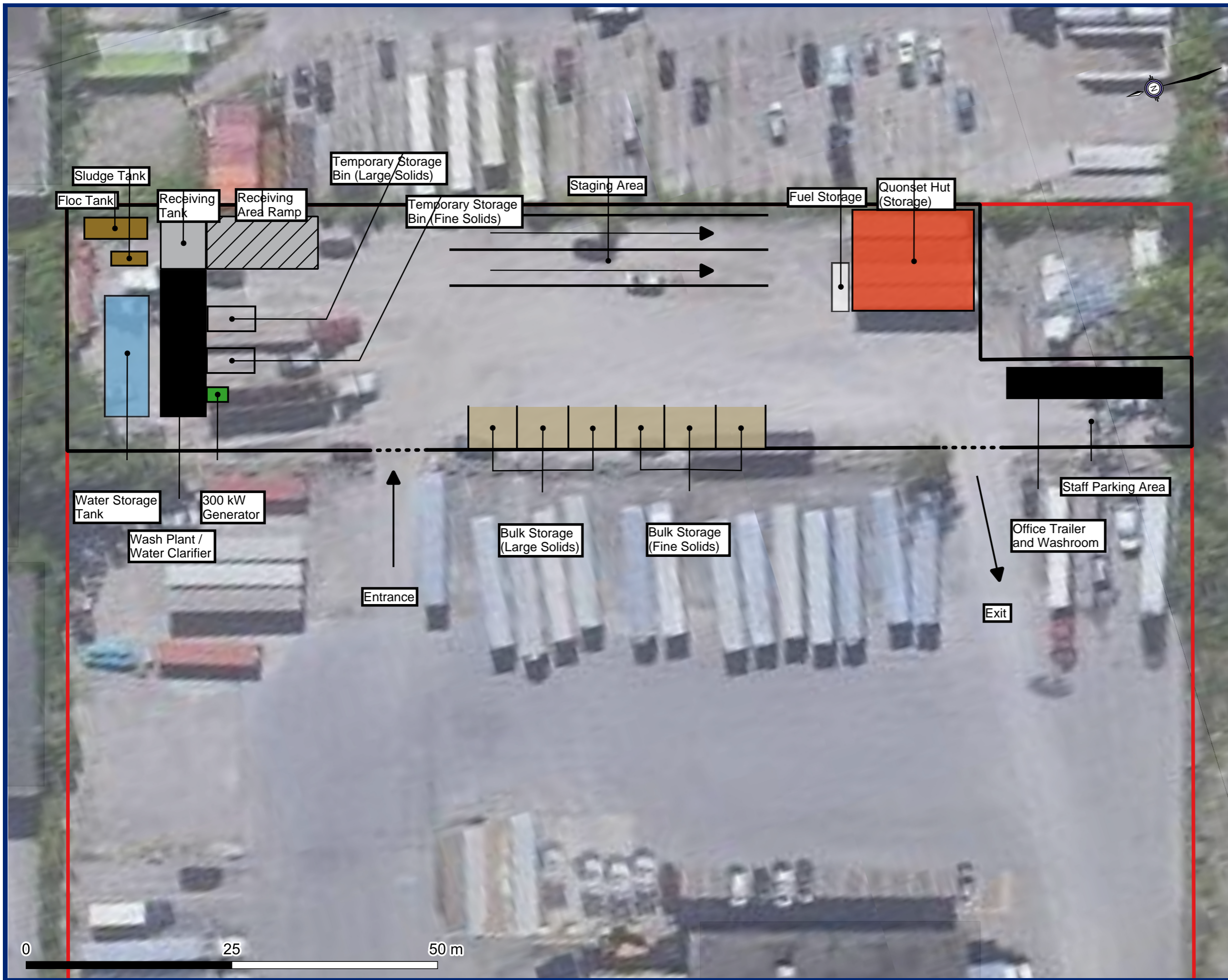
 354 Nash Road North

Re-Source Disposal Inc.

Plan of Development
 354 Nash Road North
 Hamilton ON

LEGEND

- Property Boundary
- Fenced Area
- Access Gates



Note: illustrations are not to scale. Please refer to Appendix C.

Figure 3
Operational Layout Plan

Appendix “C” to Report PED24132
Page 1 of 2

CONSULTATION – DEPARTMENTS AND AGENCIES

Department or Agency	Comment	Staff Response
Zoning and Committee of Adjustment, Planning Division, Planning and Economic Development	<p>It is noted that there are both Residentially and Institutionally Zoned properties located within 300.0 m of the proposed Waste Processing Facility site which is not permitted. Pursuant to Section 9.5.3 g) of Zoning By-law No. 05-200, a Waste Processing Facility or Waste Transfer Facility shall be located a minimum distance of 300.0m from a Residentially Zoned or Institutionally Zoned property lot line. Therefore, the owner/applicant shall receive approval of the appropriate <i>Planning Act</i> application to seek relief from the requirements of the Zoning By-law.</p> <p>A Building Permit would be required from the Building Division.</p>	The applicant has submitted a Minor Variance application (HM/A-24:36) for relief from the separation distance requirement of being 300 metres away from a sensitive land use. The application was tabled at the March 12, 2024, Committee of Adjustment Hearing pending Council’s direction on this Staff Report.
Environmental Monitoring and Enforcement, Hamilton Water, Public Works	<p>The General Manager of Operations is responsible for calling the City of Hamilton’s spills line in order to inform the City of Hamilton, in case of any spills.</p> <p>Additionally, efforts should be considered to reduce runoff, whether from wet trucks or rainfall washing material off trucks into possible catch basins. And considerations for measures such as secondary containment may prove beneficial to reducing spill runoff.</p>	Conditions have been added in the Recommendations section of the report and Appendix “D” attached to Report PED24132.

Appendix "C" to Report PED24132

Page 2 of 2

Department or Agency	Comment	Staff Response
Agencies that had no comments and/or no concerns:	<ul style="list-style-type: none">• Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department;• Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department;• Fire Department; and,• Public Health.	Noted.

RECOMMENDED CONDITIONS OF APPROVAL:

- (a) That the applicant receives final approval of Minor Variance application (HM/A-24:36), to reduce the required separation distance between the proposed facility and nearby residentially zoned properties from 300 metres to 270 metres, to the satisfaction of the Director of Planning and Chief Planner.
- (b) That the applicant applies for and receives final approval of a Site Plan Control application or receives a Site Plan Waiver Letter from the City's Planning Division, to the satisfaction of the Director of Heritage and Urban Design.
- (c) That a current copy of the Emergency Response Plan, Spills Containment and Contingency Plan, daily product inventory list, including product quantities and exact location within all facilities, along with the applicable Material Safety Data Sheets, be externally stored in a secure location (exterior lock box) on site in a manner such that all noted documents are readily available to Hamilton Emergency Services - Fire, 24 hours a day, 7 days a week, 365 days a year.
- (d) That storage and housekeeping practices must be in place to allow ease of access by emergency personnel such as Hamilton Fire and/or other first responders.
- (e) That a final version of the "Plan of Operations Liquid and Excess Soil Processing Site 354 Nash Road North, Hamilton ON" stamped by a professional engineer, be provided to the City of Hamilton, Superintendent, Environmental Monitoring and Enforcement, Public Works Department.
- (f) That the Owner obtain the City of Hamilton's Surcharge Discharge Permit and comply with the City of Hamilton's Sewer Use By-law No. 14-090.
- (g) That the Environmental Compliance Approval limit the maximum daily receipt of non-hazardous waste to a maximum rate of 200 tonnes per day, including aggregate and soil materials, and water.
- (h) That the Environmental Compliance Approval limit the maximum storage capacity to 1,000 tonnes of solids and 80 cubic metres of water.
- (i) That the proponent implements spills prevention on-site, and containment measures be included in the Environmental Compliance Approval.
- (j) That the Contingency Plans for spills on-site and clean-up procedures are covered under the Environmental Compliance Approval, and that the City's Spills phone number (905) 546-2489 is included in the company's on-site Contingency Plan. The Contingency Plan shall also deal with run-off water and from any fire-fighting activity from the operation and consider efforts to mitigate or eliminate materials and spill runoff from entering the catch basins from vehicle activity on

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site. Secondary containment measures must be explored to reduce spill runoff. Further, that a copy of the Contingency Plan be forwarded to the Compliance and Regulations Section, Water and Wastewater Division, Public Works Department, City of Hamilton, and be submitted to the satisfaction of the Ministry of the Environment, Conservation and Parks.

- (k) That in case of any spills, the General Manager of the Operations must immediately contact the City of Hamilton’s Spills line at 905-546-2489.
- (l) That an effective odour / dust / noise mitigation control plan for day-to-day activities be implemented.
- (m) That the Owner establish a Fire Response Box providing up to date data and details (such as contents, amounts, locations, etc.) of all waste materials transferred and stored on site, to the satisfaction of the Chief Fire Prevention Officer, Hamilton Fire Department.
- (n) That the Owner contact the Hamilton Fire Department’s Fire Prevention Division and schedule an inspection of the facility and that all violations identified as part of the inspection be resolved prior to approval, to the satisfaction of the Chief Fire Prevention Officer, Hamilton Fire Department.
- (o) That the owner establishes a fire access route, to the satisfaction of the Chief Fire Prevention Officer, Hamilton Fire Department.
- (p) That an inventory of waste types stored on-site should be updated daily, and be provided to the Ministry of the Environment, Conservation and Parks.
- (q) That waste shall not be accepted from the United States of America and / or any other Province or Territories.
- (r) That the proponent be required to provide financial assurance to the Ministry of the Environment, Conservation and Parks to cover final clean-up of the site, following the cessation of use.
- (s) That a Ministry of the Environment, Conservation and Parks staff person be identified to the City as the contact for all issues and complaints regarding the subject property.

CITY OF HAMILTON

MOTION

Planning Committee Meeting: August 13, 2024

MOVED BY COUNCILLOR J. Beattie

SECONDED BY COUNCILLOR

Request and Issuance of a Demolition Permit for the Property Municipally Known as 884 Barton Street, Stoney Creek

WHEREAS the residence has deteriorated to a condition that is no longer habitable;

WHEREAS the property has become a safety and operational liability;

WHEREAS the residence has been deemed beyond reasonable repair the owner cannot invest any further;

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

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 884 Barton Street, Stoney Creek, pursuant to Section 33 of the Planning Act as amended, without having to comply with conditions in Sub-Section 6(a) of Demolition Control Area By-law 22-101

CITY OF HAMILTON MOTION

Planning Committee Meeting: August 13, 2024

MOVED BY COUNCILLOR A. WILSON.....

SECONDED BY COUNCILLOR

Building and Demolition Permit Rebuild Timeframe Removal for 98 Alma St., Dundas

WHEREAS, the owner of the above-mentioned property, David Wilson, received a Demolition and Building Permit in March of 2022 to remove their existing home and build a new one in its place;

WHEREAS, the Building and Demolition Permit requirements at the time stipulated that construction must be started by Nov 7, 2023, and that the home must be complete for occupancy by September 26, 2024;

WHEREAS, demolition was complete as of September 2022, but ongoing health issues have prevented the property owners from completing construction within the stipulated time frame, through no fault of their own; and,

WHEREAS, The Ontario Planning Act provides an opportunity for relief of the time frame requirements of the Demolition Control Area By-Law #09-208 through a motion of council.

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to remove the rebuild timeframe provisions on the Building and Demolition Permit for 98 Alma St., Dundas, pursuant to Section 33 of the *Planning Act* as amended, without having to comply with the conditions in Sub-Section 6(a) of Demolition Control Area By-law 22-101.

CITY OF HAMILTON MOTION

Planning Committee Meeting: August 13, 2024

MOVED BY COUNCILLOR M. WILSON.....

SECONDED BY COUNCILLOR

Restrictive Covenants and Property Control Tools for Council

WHEREAS, Restrictive covenants and exclusivity clauses, sometimes referred to as “property controls”, are placed on a property by the original owner at a point of sale to control future uses;

WHEREAS, restrictive covenants can harm competition by making it difficult, or even impossible, for businesses to open new stores.

Whereas restrictive covenants can prohibit access to important neighbourhood amenities creating negative impacts for residents and businesses;

WHEREAS, restrictive covenants have a long history in Hamilton, including but not limited to, the Westdale neighbourhood that legally prohibited the sale or use of lands to “Negroes, Asiatics, Bulgarians, Austrians, Russians, Serbs, Rumanians, Turks, Armenians, whether British subjects or not, or foreign-born Italians, Greeks or Jews”;

WHEREAS, restrictive covenants have been used to disallow the continued availability of neighbourhood grocery stores when the property is sold, contributing to food deserts in the city of Hamilton;

WHEREAS, Canada’s Competition Bureau has obtained two court orders to advance its investigations into Empire Company Limited’s and George Weston Limited’s use of property controls in creating anti-competitive conditions;

WHEREAS, George Weston has a controlling ownership interest of 61.7 per cent in Choice Properties Real Estate Investment Trust and Empire holds a 41.5 per cent interest in Crombie Real Estate Investment Trust;

WHEREAS, Hamilton City Council has never received a report on restrictive covenants/property controls, their impacts and any legal or planning tools available to the municipality to counter their use;

THEREFORE BE IT RESOLVED:

That staff be requested to report on the use of restrictive covenants/property controls generally and Hamilton specifically and offer any recommendations necessary to uphold the health and economic well-being of Hamiltonians.