



City of Hamilton

PLANNING COMMITTEE

AGENDA

Meeting #: 25-007
Date: May 23, 2025
Time: 9:30 a.m.
Location: Council Chambers
Hamilton City Hall
71 Main Street West

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

Pages

1. CALL TO ORDER
2. CEREMONIAL ACTIVITIES
3. APPROVAL OF AGENDA
(Added Items, if applicable, will be noted with *)
4. DECLARATIONS OF INTEREST
5. APPROVAL OF MINUTES OF PREVIOUS MEETING
 - 5.1 April 29, 2025 4
6. DELEGATIONS
7. ITEMS FOR INFORMATION
 - 7.1 PED25100 25
Current Practices with respect to the Protection of Agricultural Lands and Sustainable Development in Relation to Provincial Projects and Excess Soil Management Practices (City Wide)
8. PUBLIC HEARINGS

8.1	PED25093	56
	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 559 Garner Road East, Ancaster (Ward 12) (Deferred from the April 29, 2025 meeting)	
	a. Written Submissions:	111
	(i) David Lloyd	
	(ii) Elizabeth Knight	
	(iii) Karin Hewlett	
	b. Registered Delegations:	
	(i) Karin Hewlett	
8.2	PED25118	118
	Applications for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 515 Jones Road, Stoney Creek (Ward 10)	
8.3	PED25123	162
	Application for a Zoning By-law Amendment for Lands Located at 255 Lewis Road, Stoney Creek (Ward 10)	
8.4	PED24163(b)	186
	Implementation of the Pilot Downtown Hamilton Office Conversion Grant Program (Ward 2)	
9.	ITEMS FOR CONSIDERATION	
9.1	PED25121	213
	Application for Cash-in-Lieu of Parking for Lands Located at 121 and 135 Mary Street, Hamilton (Ward 2)	
9.2	HMHC 25-005	222
	Hamilton Municipal Heritage Committee Minutes dated April 25, 2025	
10.	MOTIONS	
11.	NOTICES OF MOTION	
12.	PRIVATE AND CONFIDENTIAL	

12.1 LS25011

Appeal to the Ontario Land Tribunal for lands located at 1494 Upper Wellington Street for lack of decision on Zoning By-law Amendment (ZAC-24-020) Application (Ward 8)

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.

12.2 LS25014

Appeal to the Ontario Land Tribunal for Lands Located at 9451, 9517, 9569, 9579, 9593 & 9867 Dickenson Road and 1199 & 1205 Glancaster Road, Glanbrook, for Zoning By-law Amendment Applications (ZAH-22-021) and Draft Plan of Subdivision Application (25T-202203) (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.

13. ADJOURNMENT



PLANNING COMMITTEE MINUTES PLC 25-006

9:30 a.m.

April 29, 2025

Council Chambers (Hybrid), City Hall, 2nd Floor
71 Main Street West, Hamilton, Ontario

Present: Councillors T. Hwang (Chair), M. Tadeson (Vice-Chair),
J. Beattie, C. Cassar, M. Francis (virtual) C. Kroetsch, T. McMeekin,
N. Nann (virtual), E. Pauls (virtual), A. Wilson

Absent
with Regrets: Councillor J.P. Danko – Personal
Councillor M. Wilson – City Business

1. CALL TO ORDER

Committee Chair T. Hwang called the meeting to order at 9:30 a.m.

2. CEREMONIAL ACTIVITIES

There were no ceremonial activities.

3. APPROVAL OF AGENDA

(Cassar/McMeekin)

That the consideration of Item 8.2, respecting Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 559 Garner Road East, Ancaster (Ward 12), be deferred to the May 23, 2025 Planning Committee meeting.

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

NOT PRESENT – Ward 1 Councillor M. Wilson
YES – Ward 2 Councillor C. Kroetsch
NOT PRESENT – Ward 3 Councillor N. Nann
YES – Ward 4 Councillor T. Hwang
YES – Ward 5 Councillor M. Francis
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
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

(Kroetsch/Beattie)

That the agenda for the April 29, 2025 Planning Committee meeting, be approved, as amended.

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

NOT PRESENT – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 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
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. APPROVAL OF MINUTES OF PREVIOUS MEETING

5.1 April 8, 2025

(Cassar/A. Wilson)

That the Minutes of the April 8, 2025 Planning Committee, be adopted, as presented.

CARRIED

6. DELEGATIONS

The following Delegations addressed the Committee:

- 6.1 Mike Collins-Williams, West End Home Builders' Association, respecting Green Building Standards (Item 9.1) (in-person)
- 6.2 Mackenzie Meek, Ancaster Mill respecting Demolition Permit for 535 Old Dundas Road (Item 9.2) (in-person)

- 6.3 Mike Collins-Williams, West End Home Builders' Association, respecting the 2024 Canadian Home Builders' Association Municipal Benchmarking Report (in-person)

(McMeekin/Hwang)

That the time limit for Mike Collins-Williams, West End Home Builders' Association delegation respecting the 2024 Canadian Home Builders' Association Municipal Benchmarking Report (Item 6.3), be extended by five minutes.

CARRIED

- 6.4 Andrew Selman respecting Homes in Disrepair on Ottawa Street North (in-person)
- 6.5 Lucia Iannantuono, Hamilton Climate Change Advisory Committee, respecting Green Building Standards (Item 9.1) (in-person)
- 6.6 Victoria Coffin, Bay Area Climate Change Council, respecting Green Building Standards (Item 9.1) (in-person)

(McMeekin/Francis)

That the following delegations be received:

- 6.1 Mike Collins-Williams, West End Home Builders' Association, respecting Green Building Standards (Item 9.1)
- 6.2 Mackenzie Meek, Ancaster Mill respecting Demolition Permit for 535 Old Dundas Road (Item 9.2)
- 6.3 Mike Collins-Williams, West End Home Builders' Association, respecting the 2024 Canadian Home Builders' Association Municipal Benchmarking Report
- 6.4 Andrew Selman respecting Homes in Disrepair on Ottawa Street North
- 6.5 Lucia Iannantuono, Hamilton Climate Change Advisory Committee, respecting Green Building Standards (Item 9.1)
- 6.6 Victoria Coffin, Bay Area Climate Change Council, respecting Green Building Standards (Item 9.1)

CARRIED

7. ITEMS FOR INFORMATION

(McMeekin/Beattie)

That the following Items for Information be received:

- 7.1 **PED25035(a)**
Update on Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Applications for Lands Located at 228 McNeilly Road and 1069 Highway No. 8, Stoney Creek (Deferred from the February 4th meeting)
- 7.2 **PED25086**
Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (City Wide)
- 7.3 **PED24209(a)**
Fruitland-Winona Secondary Plan Block 1 Servicing Strategy (Ward 10)
CARRIED

8. PUBLIC HEARINGS

In accordance with the *Planning Act*, Chair T. Hwang 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.

If a person or public body would otherwise have an ability to appeal the decision of Council, City of Hamilton to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of Hamilton before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Hamilton before the by-law is passed, 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.

- 8.1 **PED25036**
Applications for Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 387, 397, 405 and 409 Hamilton Drive, Ancaster (Ward 12) (Deferred from the April 8th Planning Committee meeting)

Jennifer Catarino, Area Planning Manager, addressed the Committee respecting Applications for Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 387, 397, 405 and 409 Hamilton Drive, Ancaster (Ward 12), with the aid of a PowerPoint presentation.

- (a) **(Cassar/Kroetsch)**
That the staff presentation from Jennifer Catarino, Area Planning Manager, respecting Applications for Zoning By-law Amendment and

Draft Plan of Subdivision for Lands Located at 387, 397, 405 and 409 Hamilton Drive, Ancaster (Ward 12), be received.

CARRIED

Martin Quarcoopome with Weston Consulting, addressed the Committee and indicated support for the staff report.

(b) (Cassar/Beattie)

That the presentation from Martin Quarcoopome with Weston Consulting, be received.

CARRIED

(c) Registered Delegations

The following Delegations addressed the Committee:

- (i) Katie Krelove, Wilderness Committee (virtual) – Concerns
- (ii) Lesia Mokrycke (virtual) - Concerns

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

(d) (Cassar/A. Wilson)

(a) That the following public submissions were received and considered by the Committee; and,

(1) Written Submissions:

- (i) Imtiaz Kiani - Concerns
- (ii) Tim Cushen - Opposed
- (iii) Mary Love - Opposed
- (iv) Don McLean – Opposed
- (v) Marie Covert – Opposed
- (vi) Kate Whalen – Opposed
- (vii) Peter Appleton – Opposed
- (viii) Lesia Mokrycke - Concerns
- (ix) Neil San – Concerns
- (x) Payton Mitchell, Mississaugas of the Credit First Nation – Concerns
- (xi) John O'Connor – Opposed
- (xii) Brian McHattie – Opposed
- (xiii) James and Janet Mackey - Opposed
- (xiv) Jean Wilson - Opposed
- (xv) Miriam Sager - Opposed
- (xvi) Andrew Holden - Opposed
- (xvii) Sandra Emery - Opposed
- (xviii) Ethan Patterson - Opposed

- (xix) Emmett Vanson, Six Nations of the Grand River
Elected Council Lands and Resources
Department – Concerns
- (xx) Lyn Folkes – Opposed
- (xxi) Rosemarie Morris - Opposed

(2) Registered Delegations:

- (i) Katie Krelove, Wilderness Committee - Concerns
- (ii) Lesia Mokrycke - Concerns

(b) That the public meeting be closed.

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

NOT PRESENT – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 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
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

(e) (Beattie/Hwang)

That Report PED25036, dated April 29, 2025, respecting Applications for Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 387, 397, 405 and 409 Hamilton Drive, Ancaster (Ward 12) (Deferred from the April 8th Planning Committee meeting), be received, and the following recommendations be approved:

- (a) That Amended Zoning By-law Amendment Application ZAC-18-048, by Weston Consulting, c/o Martin Quarcoopome, on behalf of Lux 387 M.D. Holdings Inc, Lux 397 M.D. Holdings Inc, Lux 405 M.D. Holdings Inc, Lux 409 M.D. Holdings Inc, c/o Hamid Hakimi, Owner, for a change in zoning from the Agricultural “A-216” Zone, Modified to a site specific Low Density Residential (R1, 930) Zone, Open Space (P4, 931) Zone and Conservation/Hazard Land (P5, 932) Zone to permit the development of a residential subdivision containing 17 lots for single detached dwellings, for lands located at 387, 397, 405 and 409 Hamilton Drive, Ancaster, as shown in Appendix

A attached to Report PED25036, BE APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix B to Report PED25036, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed changes in zoning are consistent with the Provincial Planning Statement (2024) and comply with the Urban Hamilton Official Plan.
- (b) That Amended Draft Plan of Subdivision Application 25T-201809, by Weston Consulting, c/o Martin Quarcoopome, on behalf of Lux 387 M.D. Holdings Inc, Lux 397 M.D. Holdings Inc, Lux 405 M.D. Holdings Inc, Lux 409 M.D. Holdings Inc, c/o Hamid Hakimi, Owner, on lands located at 387, 397, 405 and 409 Hamilton Drive, Ancaster, Lots 39 and 40, Concession 3, Geographic Township of Ancaster, in the City of Hamilton, as shown in Appendix A attached to Report PED25036, BE APPROVED, in accordance with By-law No. 07-323 being the delegation of the City of Hamilton's Assigned Authority Under the *Planning Act* for the Approval of Subdivisions and Condominium, on the following basis:
- (i) That this approval apply to the Draft Plan of Subdivision certified by Bruce MacLeod, O.L.S, dated January 22, 2025, consisting of 17 lots for single detached dwellings (Lots 1 to 17), one stormwater management block (Block 18), one right-of-way widening block (Block 19), and the extension of Braithwaite Avenue, as shown on the Draft Plan of Subdivision in Appendix C attached to Report PED25036;
 - (ii) That the Owner enter into a standard form Subdivision Agreement as approved by City Council and that the Special Conditions of Draft Plan of Subdivision Approval 25T-201809, as shown in Appendix D attached to Report PED25036, be received and endorsed by City Council;
 - (iii) That in accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual, there will not be any City of Hamilton cost sharing for this subdivision; and,
 - (iv) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the

day prior to the issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

Result: Motion DEFEATED by a vote of 8 to 2, as follows:

NOT PRESENT – Ward 1 Councillor M. Wilson
 NO – Ward 2 Councillor C. Kroetsch
 NO – Ward 3 Councillor N. Nann
 NO – 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
 NO – Ward 10 Councillor J. Beattie
 NO – Ward 11 Councillor M. Tadeson
 NO – Ward 12 Councillor C. Cassar
 NO – Ward 13 Councillor A. Wilson
 NO – Ward 15 Councillor T. McMeekin

(Cassar/McMeekin)

That the Committee Recess from 1:07 p.m. to 1:40 p.m.

CARRIED

The Committee reconvened at 1:43 p.m.

(f) (Cassar/A. Wilson)

That Report PED25036, dated April 29, 2025, respecting Applications for Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 387, 397, 405 and 409 Hamilton Drive, Ancaster (Ward 12) (Deferred from the April 8th Planning Committee meeting), be received, and the following recommendations be approved:

- (a) That Amended Zoning By-law Amendment Application ZAC-18-048, by Weston Consulting, c/o Martin Quarcoopome, on behalf of Lux 387 M.D. Holdings Inc, Lux 397 M.D. Holdings Inc, Lux 405 M.D. Holdings Inc, Lux 409 M.D. Holdings Inc, c/o Hamid Hakimi, Owner, for a change in zoning from the Agricultural "A-216" Zone, Modified to a site specific Low Density Residential (R1, 930) Zone, Open Space (P4, 931) Zone and Conservation/Hazard Land (P5, 932) Zone to permit the development of a residential subdivision containing 17 lots for single detached dwellings, for lands located at 387, 397, 405 and 409 Hamilton Drive, Ancaster, as shown in Appendix A attached to Report PED25036 BE DENIED: and,

- (b) That Amended Draft Plan of Subdivision Application 25T-201809, by Weston Consulting, c/o Martin Quarcoopome, on behalf of Lux 387 M.D. Holdings Inc, Lux 397 M.D. Holdings Inc, Lux 405 M.D. Holdings Inc, Lux 409 M.D. Holdings Inc, c/o Hamid Hakimi, Owner, on lands located at 387, 397, 405 and 409 Hamilton Drive, Ancaster, Lots 39 and 40, Concession 3, Geographic Township of Ancaster, in the City of Hamilton, as show in Appendix B attached to Report PED25036, BE DENIED;
- (c) That the reasons for the DENIAL of Application ZAC-18-048 and 25T-201809, for Lands Located at 387, 397, 405 and 409 Hamilton Drive, Ancaster, include, but are not limited to, the following:
 - (i) Secondary Plan is out-of-date with current needs of the city and does not represent good land use planning;
 - (ii) Does not comply with the Official Plan;
 - (iii) Not consistent with Official Plan direction to protect the natural environment;
 - (iv) Not consistent with the natural heritage policies of the Provincial Policy Statement;
 - (v) The loss of 632 mature trees is a direct contradiction to Hamilton's:
 - (1) Urban Forest Strategy
 - (2) Biodiversity Action Plan
 - (3) Climate Action Strategy

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

8.3 PED25114

Application for Draft Plan of Condominium (Vacant Land) for Lands Located at 541 and 545 Fifty Road, Stoney Creek (Ward 10)

(a) (Beattie/Kroetsch)

That the staff presentation from Michael Fiorino, Planner II, be waived.

CARRIED

Matt Johnston with UrbanSolutions, addressed the Committee and indicated support for the staff report.

(b) (Beattie/Cassar)

That the presentation from Matt Johnston with UrbanSolutions, be received.

CARRIED

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

(c) (Beattie/A. Wilson)

(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

NOT PRESENT – Ward 8 Councillor J.P. Danko

YES – Ward 10 Councillor J. Beattie

NOT PRESENT – Ward 11 Councillor M. Tadeson

YES – Ward 12 Councillor C. Cassar

YES – Ward 13 Councillor A. Wilson

YES – Ward 15 Councillor T. McMeekin

(d) (Beattie/Cassar)

That Report PED25114, dated April 29, 2025, respecting Application for Draft Plan of Condominium (Vacant Land) for Lands Located at 541 and 545 Fifty Road, Stoney Creek (Ward 10), be received, and the following recommendations be approved:

(a) That Draft Plan of Condominium (Vacant Land) Application 25CDM-202406, by UrbanSolutions Planning and Land Development Consultants Inc. (c/o Matt Johnston) on behalf of Fifty Road Inc. (c/o Peter DeSantis), Owner, to establish a Draft

Plan of Condominium (Vacant Land), on lands located at 541 and 545 Fifty Road, Stoney Creek, as shown on Appendix A attached to Report PED25114, BE APPROVED subject to the following:

- (i) That this approval apply to the Draft Plan of Condominium (Vacant Land) 25CDM-202406, prepared by UrbanSolutions Planning and Land Development Consultants Inc., and certified by R.A. McLaren, O.L.S., dated November 13, 2024, consisting of 15 vacant land units for single detached dwellings, a private condominium road with associated sidewalks, 11 visitor parking spaces, two barrier free parking spaces, and centralized mailboxes, as shown in Appendix B attached to Report PED25114;
- (ii) That the Owner enter into a Standard Form Condominium Agreement as approved by City Council and with the Special Conditions as shown in Appendix C attached to Report PED25114;
- (iii) That the Special Conditions of Draft Plan of Condominium Approval 25CDM-202406, as shown on Appendix C attached to Report PED25114, be received and endorsed by City Council;
- (iv) That Payment of Cash-in-Lieu or dedication of Parkland will be required, pursuant to Section 51 of the Planning Act, with the calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-laws, as approved by Council; and,
- (v) In accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2019) there will be no cost sharing for this development.

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

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

9. ITEMS FOR CONSIDERATION

9.1 PED24114(a) Green Building Standards Enhanced Engagement and Recommendations - Urban Areas (City Wide)

Mallory Smith, Planner I, Robert Rappolt and Antoni Paleshi with WSP Consultants, addressed the Committee respecting Green Building Standards Enhanced Engagement and Recommendations - Urban Areas (City Wide), with the aid of a PowerPoint presentation.

(a) (A. Wilson/Cassar)

That the staff presentation from Mallory Smith, Planner I, Robert Rappolt and Antoni Paleshi with WSP Consultants, respecting Green Building Standards Enhanced Engagement and Recommendations - Urban Areas (City Wide), be received.

CARRIED

(b) (A. Wilson/Cassar)

That the following public submissions respecting Green Building Standards Enhanced Engagement and Recommendations - Urban Areas (City Wide), be received:

Written Submissions:

- (i) Michelle Giovis
- (ii) Hannah Wenrich

Added Written Submission:

- (i) Mike Collins-Williams, West End Home Builders' Association

CARRIED

(c) (A. Wilson/Cassar)

That Report PED24114(a), dated April 29, 2025, respecting Green Building Standards Enhanced Engagement and Recommendations - Urban Areas (City Wide), be received and the following recommendations be approved:

- (a) That the memorandum titled 'Hamilton Green Building Standards Building Energy Performance Refinement Technical Memorandum', attached as Appendix A to Report PED24114a, BE RECEIVED;
- (b) That the Green Building Standards Guidebook, attached as Appendix B to Report PED24114a, BE ENDORSED;
- (c) That the Green Building Standards Checklist, attached as Appendix C to Report PED24114a, BE ENDORSED.

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

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

9.2 PED25134

Demolition Permit – 535 Old Dundas Road, Ancaster (Ward 12)

(a) (Cassar/A. Wilson)

That Report PED25134, dated April 29, 2025, respecting Demolition Permit – 535 Old Dundas Road, Ancaster (Ward 12), be received, and the following recommendations be approved:

- (a) That the request to issue a demolition permit for 535 Old Dundas Road, Ancaster BE DENIED as compliance with Section 6 of the Demolition Control By-law 22-101, pursuant to Section 33 *The Planning Act*, has not been demonstrated and staff consider the application to be premature.

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

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

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

(b) (Cassar/McMeekin)

That Report PED25134, dated April 29, 2025, respecting Demolition Permit – 535 Old Dundas Road, Ancaster (Ward 12), be received, and the following recommendations be approved:

- (a) That the Chief Building Official BE AUTHORIZED to issue a demolition permit for 535 Old Dundas Road in accordance with By-law 22-101, pursuant to Section 33 of the Planning Act as amended, without having to comply with Section 6 of the Demolition Control Area By-law 22-101.

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

9.3 PED25077

Municipal Addressing and Street Naming By-law and Related Policy Updates (City Wide)

(A. Wilson/Beattie)

That Report PED25077, dated April 29, 2025, respecting Municipal Addressing and Street Naming By-law and Related Policy Updates (City Wide), be received and the following recommendations be approved:

- (a) That the Municipal Addressing and Street Naming By-law, attached as Appendix “A” to Report PED25077, prepared in a form satisfactory to the City Solicitor, BE ENACTED;

- (b) That the amendments to the City of Hamilton Municipal Addressing Policy (the “Municipal Addressing Policy”), required to implement the Municipal Addressing and Street Naming By-law and effect best practices, attached as Appendix “B” to Report PED25077, BE APPROVED;
- (c) That the amendments to the Farm 911 – Emergency Access Point Policy (the “Farm 911 - EAP Policy”), attached as Appendix “C” to Report PED25077, BE APPROVED;
- (d) That the amendments to the City of Hamilton Local Street Naming Policies, Guidelines and Procedures (the “Street Naming Procedures”), required to implement the Municipal Addressing and Street Naming By-law and effect best practices, attached as Appendix “D” to Report PED25077, BE APPROVED;
- (e) That the City of Hamilton Multiple Unit Identification Sign Specifications, required to implement the Municipal Addressing and Street Naming By-law and effect best practices, attached as Appendix “E” to Report PED25077, BE APPROVED;
- (f) That subject to the approval of Recommendation (a), the By-law to amend the Administrative Penalty System (“APS”) By-law 17-225 to include various penalties for contraventions of the Municipal Addressing and Street Naming By-law, attached as Appendix “F” to Report PED25077, BE ENACTED;
- (g) That staff BE DIRECTED to take any steps necessary to enforce the Municipal Addressing and Street Naming By-law attached as Appendix “A” to Report PED25077, including enforcement actions by Municipal Law Enforcement.

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

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

9.5 PED25137

Adjustment to School Crossing Guard Locations (City Wide)

(Beattie/A. Wilson)

That Report PED25137, dated April 29, 2025, respecting Adjustment to School Crossing Guard Locations (City Wide), be received, and the following recommendations be approved:

- (a) That the revised list of school crossing guard locations resulting from school closures, openings, construction projects, walking patterns, and lunch program changes in Wards 2, 5, 7, and 8, as outlined in Appendix A attached to Report PED25137, BE APPROVED;
- (b) That an increase of 0.19 FTE BE APPROVED and funded within the existing Transportation Planning and Parking budget;
- (c) That staff BE AUTHORIZED and BE DIRECTED to consult with the affected Ward Councillors and to use delegated authority for adding and/or removing school crossing guards prior to City Council approval for any proposed changes by the Hamilton-Wentworth District School Board, and the Hamilton-Wentworth Catholic District School Board for the 2024/2025 and 2025/2026 school year.

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

10. MOTIONS

There were no Motions.

11. NOTICES OF MOTION

11.1 Additional Modifications to the Official Plan Amendment and Final Framework for Processing and Evaluating Urban Boundary Expansion Applications

(a) **(Cassar/Kroetsch)**

That the rules of order be suspend Additional Modifications to the Official Plan Amendment and Final Framework for Processing and Evaluating Urban Boundary Expansion Applications.

Result: Motion CARRIED by a 2/3rds 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
 NOT PRESENT – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 NOT PRESENT – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

(b) **(Cassar/A. Wilson)**

WHEREAS, staff have identified additional modifications to be made to the Draft Urban and Rural Hamilton Official Plan to better ensure that the ecological services value of lands proposed to be urbanized through an urban boundary expansion application.

THEREFORE, BE IT RESOLVED:

That Minute Item 8.3 of Planning Committee Report 25-005, respecting Report PED24109(b), Official Plan Amendment and Final Framework for Processing and Evaluating Urban Boundary Expansion Applications (City Wide) of the Planning Committee minutes, **be amended**, as follows:

**8.3 PED24109(b)
 Official Plan Amendment and Final Framework for
 Processing and Evaluating Urban Boundary Expansion
 Applications (City Wide)**

That Report PED24109(b), dated April 8, 2025, respecting Official Plan Amendment and Final Framework for Processing and Evaluating Urban Boundary Expansion Applications (City Wide), be received, and the following recommendations, as amended, be approved:

- (a) That the Urban Hamilton Official Plan Amendment, attached hereto as Appendix A, **as amended**, to establish a policy Framework for Processing and Evaluating Urban Boundary Expansion Applications, BE APPROVED on the following basis:
 - (i) That the Draft Official Plan Amendment, attached hereto as Appendix A, as amended, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Planning Statement (2024) and conforms to the Greenbelt Plan; as amended;
- (b) That the Rural Hamilton Official Plan Amendment attached hereto as Appendix B, **as amended**, to establish a policy Framework for Processing and Evaluating Urban Boundary Expansion Applications, BE APPROVED on the following basis:
 - (i) That the Draft Official Plan Amendment, attached hereto as Appendix B, **as amended**, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Planning Statement (2024) and conforms to the Greenbelt Plan; as amended;
- (c) That the Final Framework for Processing and Evaluating Urban Boundary Expansion Applications, attached as Appendix C to Report PED24109(b), BE APPROVED; and,
- (d) That the Terms of Reference for the following submission technical submission materials BE APPROVED;
 - (i) Subwatershed Study (Phase 1) (Urban Boundary Expansion Application), attached as Appendix F to Report PED24109(b);

- (ii) Energy and Climate Change Assessment Report (Urban Boundary Expansion), attached as Appendix F1 to Report PED24109(b);
- (iii) Housing Assessment (Urban Boundary Expansion), as Appendix F2 to Report PED24109(b)
- (iv) Financial Impact Analysis (Urban Boundary Expansion), attached as Appendix F3 to Report PED24109(b)
- (v) Emergency Services Assessment (Urban Boundary Expansion), attached as Appendix F4 to Report PED24109(b);
- (vi) School Accommodation Issues Assessment (Urban Boundary Expansion), attached as Appendix F5 to Report PED24109(b); and,
- (vii) Concept Plan (Urban Boundary Expansion), as Appendix F6 to Report PED24109(b).

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

12. PRIVATE & CONFIDENTIAL

Committee determined that discussion of Items 12.1 and 12.2 was not required in Closed Session; therefore, the matters were addressed in Open Session, as follows:

12.1 Closed Session Minutes – April 8, 2025

(A. Wilson/Beattie)

That the Closed Session Minutes of the April 8, 2025 Planning Committee meeting, be approved 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
 YES – Ward 7 Councillor E. Pauls
 NOT PRESENT – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 NOT PRESENT – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

12.2 LS25003

Appeal to the Ontario Land Tribunal for lands located at 2876 Upper James Street for lack of decision on Official Plan Amendment (UHOPA-22-014), Zoning By-law Amendment (ZAC-22-027) and Draft Plan of Subdivision (25T-202204) Applications (Ward 11)

(A. Wilson/Kroetsch)

- (a) That Report LS25003, dated April 29, 2025, respecting Appeal to the Ontario Land Tribunal for lands located at 2876 Upper James Street for lack of decision on Official Plan Amendment (UHOPA-22-014), Zoning By-law Amendment (ZAC-22-027) and Draft Plan of Subdivision (25T-202204) Applications (Ward 11), be received, and the following recommendations be approved:
 - (i) That the directions to staff within Report LS25003, BE APPROVED;
 - (ii) That the directions to staff within Report LS25003 BE RELEASED to the public, following approval by Council; and
 - (iii) That the balance of the Report LS25003, including Appendix “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
YES – Ward 7 Councillor E. Pauls
NOT PRESENT – Ward 8 Councillor J.P. Danko
YES – Ward 10 Councillor J. Beattie
NOT PRESENT – Ward 11 Councillor M. Tadeson
YES – Ward 12 Councillor C. Cassar
YES – Ward 13 Councillor A. Wilson
YES – Ward 15 Councillor T. McMeekin

13. ADJOURNMENT

There being no further business, the Planning Committee adjourned at 3:24 p.m.

Respectfully submitted,

Lisa Kelsey
Legislative Coordinator
Office of the City Clerk

Councillor T. Hwang,
Chair, Planning Committee



City of Hamilton Report for Information

To: Chair and Members
Date: May 23, 2025
Report No: PED25100
Subject/Title: Current Practices with respect to the Protection of
 Agricultural Lands and Sustainable Development in
 Relation to Provincial Projects and Excess Soil
 Management Practices
Ward(s) Affected: (City Wide)

Recommendations

- 1) That Report PED25100 regarding current practices with respect to the Protection of Agricultural Lands and Sustainable Development in Relation to Provincial Projects and Excess Soil Management Practices be **RECEIVED** for information.

Key Facts

- The purpose of the report is to identify the City's current practices with respect to the movement of excess soils generated from municipal, provincial and development related construction projects, onto Agricultural Lands within the City of Hamilton. The report details the City's current enforcement protocols, restrictions and Site Alteration Permit requirements.
- Excess soil, often generated through construction, infrastructure, and development projects, presents both an environmental and logistical challenge in Ontario. With increasing urban development, the province has implemented new Excess Soil Regulations to ensure the proper management and reuse of this soil. The Ministry of Environment, Conservation and Parks (MECP) Excess Soil Regulation, O.Reg 406/19, provides a framework for excavating, removing, and transporting excess soil generated from construction projects, defining when excess soil is considered waste and where it can be reused based on quality. These regulations aim to promote beneficial reuse of excess soil, ensure contaminated soil is not improperly moved, and reduce the environmental impacts of soil dumping. The regulation is implemented under the *Environmental Protection Act of Ontario* and in response to

Current Practices with respect to the Protection of Agricultural Lands and Sustainable Development in Relation to Provincial Projects and Excess Soil Management Practices (City Wide)
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concerns about soil dumping practices, including impacts on water quality, noise, traffic, and road damage. Recent changes to the regulation aim to minimize environmental impacts by promoting beneficial reuse and preventing illegal dumping.

- On December 18, 2024, the City of Hamilton received notice (attached as Appendix A to Report PED25100) from the Ministry of the Environment, Conservation and Parks (MECP) with respect to proposed amendments to the Excess Soil Regulation 406/19. The notice advised that the Ministry is updating the Excess Soil Regulation to change the in-effect date of a provision preventing the landfilling of cleaner soil by two years and to clarify the exemptions to this provision. The Ontario government's Excess Soil Regulation aims to minimize landfill use by encouraging reuse and recycling of clean soil. The regulation delays the ban on landfilling of excess soil meeting residential, parkland, and institutional standards from January 1, 2025, to January 1, 2027. These changes will provide more time for industry to learn about and prepare for this provision and respond to concerns that current lack of awareness could result in project delays and illegal soil dumping.
- The existing exemptions from the restriction have been revised to make it clear when excess soil meeting Table 2.1 Residential/Parkland/Institutional (RPI) standards may still be taken to a landfill. The amendment clarifies that this exemption applies if a qualified person determines that the excess soil is inappropriate for reuse because it:
 - contains other chemicals for which there are no applicable excess soil quality standards and that may result in an adverse impact if finally placed;
 - contains invasive species that should not be relocated; or
 - is geotechnically unstable and cannot be used at a reuse site for structural purposes and after reasonable efforts were made, another reuse site where the soil could be used for another beneficial purpose was not identified.

Additional amendments to the Excess Soil Regulation were proposed to enable greater reuse of excess soil and avoid it being landfilled, including:

- exempting certain soil management depots from waste approvals;
- flexibility for reuse of aggregate and stormwater pond sediment;
- and greater reuse of soil within the project area and between infrastructure projects.

The purpose of these amendments is to encourage beneficial re-use of excess soils.

- While the Province regulates Excess Soil and how it can be re-used, *the Municipal Act* grants a municipality the authority to:
 - (a) prohibit or regulate the placing or dumping of fill;
 - (b) prohibit or regulate the removal of topsoil;
 - (c) prohibit or regulate the alteration of the grade of the land;

Current Practices with respect to the Protection of Agricultural Lands and Sustainable Development in Relation to Provincial Projects and Excess Soil Management Practices (City Wide)
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- (d) require that a permit be obtained for the placing or dumping of fill, the removal of topsoil or the alteration of the grade of the land; and
 - (e) impose conditions to a permit, including requiring the preparation of plans acceptable to the municipality relating to grading, filling or dumping, the removal of topsoil and the rehabilitation of the site. 2006, c. 32, Sched. A, s. 76 (1).
- The City's Site Alteration By-Law 19-286 (attached as Appendix B to Report PED25100), Being a By-law for Prohibiting and Regulating the Alteration of Property Grades, the Placing or Dumping of Fill, and The Removal of Topsoil was created to:
 - (a) control and regulate site alteration on lands within the City of Hamilton;
 - (b) ensure site alteration is undertaken for necessary or beneficial purposes, not primarily for financial gain;
 - (c) minimize adverse impacts on infrastructure, environment and community in respect of site alteration undertakings; and
 - (d) to promote and protect agricultural resources.
 - To obtain a Site Alteration Permit for the purpose of importing excess soils onto an Agricultural property within the City of Hamilton, the property owner must demonstrate a beneficial re-use such as improving site drainage or soil fertility in a manner consistent with Normal Farm Practice, as defined in the *Farming and Food Production Protection Act, 1998*; and,
 - Enforcement of the Site Alteration By-Law is conducted on a complaint basis by the City's Municipal By-Law Enforcement Officers with technical support from the Growth Management Division Development Inspector/Coordinators.

Financial Considerations

Not Applicable

Background

On November 27th, 2024, Council received correspondence from the Township of Puslinch (attached as Appendix C to Report PED25100) requesting support for their resolution for the Protection of Agricultural Lands and Sustainable Development in Relation to Provincial Projects and Excess Soil Management Practices. Council recommended that the correspondence be endorsed and referred to the General Manager of Planning and Economic Development to report back on the City of Hamilton's current process in this regard.

The municipal By-Law regulates the properties within the City of Hamilton that wish to receive Excess Soil generated from any municipal or provincial infrastructure project or development project. The Ministry of Environment, Conservation and Parks (MECP) Excess Soil Regulation, O.Reg 406/19, requires the generator of the Excess Soils from all infrastructure or development projects to export Excess Soils to a suitable and

Current Practices with respect to the Protection of Agricultural Lands and Sustainable Development in Relation to Provincial Projects and Excess Soil Management Practices (City Wide)
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permitted receiving site governed by instrument i.e. Registered Subdivision Agreement or Site Alteration Permit or landfill.

In response to Council direction to prepare a new by-law focused on the protection of Agricultural lands thereby restricting the act of filling for financial gain and the importation of unsuitable soils, a new By-Law was passed November 19th, 2019. Council passed a revised Site Alteration By-Law (By-Law 19-286 Attached as Appendix B to Report PED25100) that focused on the protection of Agricultural lands. Specifically, every rural property would now require a permit for the importation of excess soils. The previous By-Law (By-Law 03-126) permitted the importation of excess soils on rural agricultural properties with no consideration with respect to the purpose of the filling and grading and contained exemptions that relieved the property owner from any oversight of the work by the City.

Analysis

There is a one-time provision to exempt a rural property from permit provided the City has been notified, the property owner is limited to 500 cubic meters of excess soil from an approved source and the purpose of the soil is to address minor drainage issues or improve soil fertility.

Given the limited exemptions within the By-Law, enforcement with respect to the illegal importation of excess soils has improved significantly since the passing of By-Law 19-286 (Attached as Appendix A to Report PED25100).

One key feature of the current Site Alteration By-Law is that excess soils generated from outside the City of Hamilton City limits are prohibited. This provision was added to address the influx of excess soils coming into the City of Hamilton, mainly Flamborough, that were generated from both infrastructure and development projects within the Greater Toronto Area. This provision provides the City with greater control of the sources of excess soils normally generated by development projects where the City has first hand knowledge of the soil quality and receiving sites.

With respect to permitting, if an application is made for a site where an agricultural operation is carried on OR is intended to be carried, the application shall contain information with respect to the purpose, such as increasing soil fertility or resolving a drainage issue and evidence that the proposed work falls within the scope of "Normal Farm Practice" and;

- (a) is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances, or;
- (b) makes use of innovative technology in a manner consistent with proper advanced farm management practices;

Current Practices with respect to the Protection of Agricultural Lands and Sustainable Development in Relation to Provincial Projects and Excess Soil Management Practices (City Wide)
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The application shall also contain:

- (a) A statement of nature of the agricultural operation;
- (b) The farm business registration number of the agricultural operation or proof of membership in an accredited farm organization;
- (c) A description of the normal farm practice; and,
- (d) Any plans or evidence supporting normal farm practice, including the qualifications of any person providing such evidence or plans.

The intent of these requirements are to protect rural agricultural resources and eliminate the practice of obtaining fill for profit and illegal dumping.

In considering whether to issue a Site Alteration Permit, the Director and Chief Development Engineer in the Growth Management Division shall have regard to:

- (a) whether the primary use of the site is the depositing of fill on the site;
- (b) whether the proposed site alteration is necessary for the purpose identified in the application;
- (c) whether the proposed site alteration is part of a normal farm practice.

A full list of criteria maybe found in Section 11 (4) of the By-Law (Attached as Appendix A to Report PED25100).

As all rural properties are subject to a Site Alteration Permit, the City will be in position to mitigate any impacts to the environment and drainage patterns and enforcement will be carried out in accordance with the Site Alteration By-Law.

The City may impose any other conditions specific to the site and nature of the application.

Relationship to Council Strategic Priorities

The current practices with respect to the protection of agricultural lands and sustainable development in relation to provincial projects and excess soil outlined in this Report (PED25100) will support Council Priority 1, Sustainable Economic & Ecological Development

- 1. Sustainable Economic & Ecological Development
 - 1.1. Reduce the burden on residential taxpayers
 - 1.2. Facilitate the growth of key sectors
 - 1.3. Accelerate our response to climate change
 - 1.4. Protect green space and waterways

**Current Practices with respect to the Protection of Agricultural Lands and
Sustainable Development in Relation to Provincial Projects and Excess Soil
Management Practices (City Wide)**
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Previous Reports Submitted

- [New Site Alteration By-Law \(PED19201\)](#)
- [Amendments to Site Alteration By-law 19-286 \(PED23067\)](#)

Consultation

Not Applicable

Appendices and Schedules Attached

Appendix A: By-law No. 19-286

Prepared by: Carlo Ammendolia, Manager
Planning and Economic Development, Growth Management
Division

**Submitted and
recommended by:** Ashraf Hanna, Director and Chief Development Engineer
Planning and Economic Development, Growth Management
Division

Authority: Item 6, Planning Committee
Report 19-018 (PED19201)
CM: November 27/28, 2019
Ward: City Wide

Bill No. 286

CITY OF HAMILTON

BY-LAW NO. 19-286

To Repeal and Replace By-law No. 03-126, Being a By-law for Prohibiting and Regulating the Alteration of Property Grades, the Placing or Dumping of Fill, and the Removal of Topsoil

WHEREAS the *Municipal Act, 2001*, particularly section 142, authorizes the City of Hamilton to pass by-laws respecting these matters; and

WHEREAS Council deems it necessary to enact this by-law for the purposes set out in section 2 of this by-law.

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

Short Title

- 1 This By-law may be cited as the Site Alteration By-law.

Purposes

- 2 The purposes of this By-law are,
 - (a) to control and regulate site alteration on lands within the City of Hamilton;
 - (b) to ensure site alteration is undertaken for necessary or beneficial purposes, not primarily for financial gain;
 - (c) to minimize adverse impacts on infrastructure, environment and community in respect of site alteration undertakings; and
 - (d) to promote and protect agricultural resources.

Definitions

- 3 In this By-law:

“agricultural operation” has the same meaning as under the *Farming and Food Production Protection Act, 1998*, which is, for ease of reference, an agricultural, aquacultural, horticultural or silvicultural operation that is carried on in the expectation of gain or reward;

“building” has the same meaning as under the *Building Code Act, 1992*;

To Repeal and Replace By-law No. 03-126, Being a By-law for Prohibiting and Regulating the Alteration of Property Grades, the Placing or Dumping of Fill, and the Removal of Topsoil

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“City” means the City of Hamilton;

“Director” means the Senior Director of Growth Management or designate;

“fill” means earth or rock fill or material of a similar nature;

“land” includes land covered by water;

“normal farm practice” has the same meaning as under the *Farming and Food Production Protection Act, 1998*, which is, for ease of reference, a practice that,

(a) is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances, or

(b) makes use of innovative technology in a manner consistent with proper advanced farm management practices;

“qualified person” has the same meaning as in section 5 of Ontario Regulation 153/04;

“Rural Area” means all lands within the City of Hamilton except those designated as “Urban Area” on Schedule “D” to the Rural Hamilton Official Plan;

“topsoil” means those horizons in a soil profile, commonly known as the “O” and the “A” horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat.

Application

4 The provisions of this By-law regarding “site alteration” apply to all land within the City of Hamilton in respect of,

- (a) excavating, depositing or stockpiling fill or topsoil,
- (b) removing topsoil, and
- (c) altering the grade of land.

Statutory Exemptions

5 (1) This By-law does not apply to site alteration undertaken,

- (a) as a condition to the approval of or a condition of or a requirement of any of the following, imposed after December 31, 2002 pursuant to the *Planning Act*:
 - (i) a site plan or site plan agreement under section 41;

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- (ii) a plan of subdivision or a subdivision agreement under section 51;
- (iii) a consent under section 53;
- (iv) a development permit or agreement under a regulation made under section 70.2;
- (b) by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act, 1998*, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- (c) on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*;
- (d) on land in order to lawfully establish and operate or enlarge any pit or quarry on land;
 - (i) that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act, and
 - (ii) on which a pit or quarry is a permitted land use under a by-law passed under section 34 of the *Planning Act*;
- (e) as an incidental part of drain construction under the *Drainage Act* or the *Tile Drainage Act*; or
- (f) as part of the use, operation, establishment, alteration, enlargement or extension of a waste disposal site within the meaning of Part V of the *Environmental Protection Act*.

Normal Farm Practices

(2) Subject to subsection (3), this By-law does not apply to the removal of topsoil as an incidental part of a normal farm practice including such removal as an incidental part of sod-farming, greenhouse operations and nurseries for horticultural products undertaken as a permitted or legal non-conforming use of land.

Removal of Topsoil

(3) The removal of topsoil as an incidental part of a normal farm practice does not include the removal of topsoil for sale, exchange or other disposition.

Stockpiling for Agricultural or Commercial Operations

6 (1) Despite subsection 11(1), this By-law does not prohibit or require a site alteration permit for the stockpiling of fill or topsoil on land for sale or exchange or use as an

To Repeal and Replace By-law No. 03-126, Being a By-law for Prohibiting and Regulating the Alteration of Property Grades, the Placing or Dumping of Fill, and the Removal of Topsoil

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incidental part of an agricultural or commercial operation undertaken as a permitted use of the land, provided that any such stockpiles,

- (a) are used, depleted and refreshed on a continuous basis during periods when the stockpiles are actively in use in the agricultural or commercial operation;
- (b) are removed and the existing grade restored while the agricultural or commercial operation is suspended or during periods when the stockpiles are not actively in use in the agricultural or commercial operation; and
- (c) no stockpile remains substantially unchanged for longer than 6 months.

Existing Commercial Stockpiles

(2) Subsection (1) applies to stockpiles existing on the date this By-law comes into force that were exempt from the requirement for a permit pursuant to section 3.14 of By-law No. 03-126.

Exceptions from Permit Requirement

7 (1) Despite subsection 11(1), no permit is required for site alteration undertaken,

- (a) for the purposes of lawn maintenance, landscaping or gardening, provided that:
 - (i) the depth of fill deposited on the site does not exceed 15 centimetres at any location;
 - (ii) there is no change in the location, direction or rate of drainage to neighbouring properties; and
 - (iii) there is no change or blockage of any swale.
- (b) for the installation of a pool where a permit has been issued pursuant to By-law No. 16-184, provided that:
 - (i) any previously approved grading plan is maintained or if there is no previously approved grading plan applicable to the property, a minimum 60-centimetre strip of undisturbed ground remains along the rear and side property lines within the rear yard; and
 - (ii) any retaining walls are limited to 0.5 metres in height, measured from existing ground elevations.
- (c) incidental to the construction of a building for which a building permit has been issued by the Chief Building Official, provided that the accompanying

To Repeal and Replace By-law No. 03-126, Being a By-law for Prohibiting and Regulating the Alteration of Property Grades, the Placing or Dumping of Fill, and the Removal of Topsoil

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application provides sufficient information for the Chief Building Official to determine that such site alteration conforms with this By-law.

Rural Area Exceptions from Permit Requirement

(2) Despite subsection 11(1), no permit is required for site alteration undertaken in the Rural Area,

- (a) for the purposes of improving site drainage or soil quality provided that:
 - (i) the site alteration involves a maximum of 500 cubic metres of fill or topsoil, which may include imported fill or topsoil only from within the City of Hamilton;
 - (ii) the Director is notified of the intended site alteration at least 48 hours in advance of commencing site alteration; and
 - (iii) this exception may be used only once with respect to a property, and otherwise a permit is required.
- (b) for the purposes of dredging existing ponds provided that:
 - (i) the surface area of the existing pond is not increased;
 - (ii) the depth of the existing pond is not increased beyond its original depth; and
 - (iii) where possible, dredged fill is deposited on the same property without altering existing drainage patterns, and piles or berms of dredged fill are not created adjacent to the pond.
- (c) for the purpose of maintaining existing granular driveways, roads, farm field access roads, or parking areas with appropriate imported granular material including native granular, recycled aggregate, recycled asphalt or recycled concrete provided that previously existing grades are being re-instated and provided the material is obtained from a commercial supplier.

City Undertakings

8 (1) Subject to subsection (2), this By-law does not apply to site alteration undertaken by the City or a local board of the City on lands owned by the City or local board.

Receiving Site

(2) Where the City or a local board of the City deposits fill on a site not owned by the City or local board, the owner of the site shall be required to obtain a site alteration permit in accordance with this By-law.

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No Permit Granted for *Planning Act* Applications

9 No site alteration permit shall be issued for a site which is the subject of or included within any outstanding application to the City for any of the approvals listed in clause 5(1)(a) on the date of application for a site alteration permit.

Prohibitions and Permit Requirements

Consent of Owner

10 No person shall undertake site alteration or cause site alteration to be undertaken except with the consent of the owner of the site.

Permit Required

11 (1) No person shall undertake site alteration or cause site alteration to be undertaken unless a site alteration permit has been issued to undertake such site alteration.

Permit Application

(2) An owner of a site, or a person with the consent of an owner of a site, may apply to the Director for a site alteration permit to undertake site alteration on the site in accordance with section 14 or 15.

Issuance of Permits

(3) The Director shall not issue a site alteration permit unless,

- (a) the application is complete;
- (b) the applicant, and any other required parties, have entered into a site alteration agreement required by section 19;
- (c) the applicant has paid all fees required by section 20;
- (d) the applicant has provided security required by section 21; and
- (e) the Director is satisfied the proposed site alteration will be undertaken in accordance with this By-law.

Criteria

(4) In considering whether to issue a site alteration permit, the Director shall have regard to,

- (a) whether the primary use of the site is the depositing of fill on the site;

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- (b) whether the proposed site alteration is necessary for the purpose identified in the application;
- (c) whether the proposed site alteration is part of a normal farm practice;
- (d) whether the proposed site alteration is likely to be completed within the term of the site alteration permit;
- (e) any effects on ground and surface water resources;
- (f) any effects on drainage;
- (g) if the use of the site is residential, whether the proposed site alteration complies with the City's Lot Grading Policy, Criteria and Standards;
- (h) any effects on agricultural resources;
- (i) any effects on the environment;
- (j) any planning and land use considerations;
- (k) any effects on nearby communities;
- (l) any comments provided by external bodies or agencies;
- (m) the suitability of the proposed erosion and sediment control measures;
- (n) the suitability of the proposed construction site control and security measures;
- (o) the final grading and rehabilitation plans for the site;
- (p) the main haulage routes and proposed truck traffic to and from the site;
- (q) the quality of the fill proposed to be transported to the site from any other source site or moved from one area of the site to another;
- (r) the applicant's history of compliance with this By-law or similar By-laws of other municipalities or similar Acts; and
- (s) such other matters as are considered appropriate.

Reasons

- (5) If an application is refused, the Director shall provide written reasons for the refusal.

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Revocation

- (6) The Director may revoke a site alteration permit if,
- (a) it was issued on false or incorrect information;
 - (b) it was issued in error; or
 - (c) a provision of this By-law has not been complied with.

Notice of Change

(7) No person shall make or cause a material change to be made to a plan, specification, document or other information on the basis of which a permit was issued without notifying, filing details with and obtaining the authorization of the Director.

Prohibition

(8) No person shall undertake site alteration or cause site alteration to be undertaken except in accordance with the plans, specifications, documents and any other information on the basis of which a permit was issued or any changes to them authorized by the Director.

Commenting Agencies

12 The Director may circulate an application for comment by such external bodies or agencies as the Director determines to be necessary.

Compliance with Other Law

13 The issuance of a site alteration permit or an exception from the permit requirements pursuant to this By-law does not relieve a person from compliance with any other applicable legislation, regulations or permit requirements, including the requirements of the Niagara Escarpment Commission or a conservation authority.

Site Alteration Permit Applications

Minor Agricultural Application Requirements

14 (1) This section applies to an application for a site alteration permit for a site alteration proposal involving a maximum of 500 cubic metres of fill or topsoil for a site where an agricultural operation is carried on and the proposed site alteration is part of a normal farm practice, other than as described in subsection 5(2).

(2) An application for a site alteration permit pursuant to this section shall contain:

- (a) the address, legal description and registered owner of the site;
- (b) the area of the site in hectares;

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- (c) up-to-date contact details of the owner of the site, and of the applicant, if not the owner of the site;
- (d) the past, current and intended future uses of the site;
- (e) the purpose of the proposed site alteration;
- (f) the volume of soil involved in the proposed site alteration in cubic metres;
- (g) intended start date and completion date for the proposed site alteration;
- (h) an approximate sketch of the site showing:
 - (i) the property lines;
 - (ii) such dimensions and absolute or relative elevations as are required to permit the Director to determine whether to issue a site alteration permit;
 - (iii) buildings and other structures including retaining walls;
 - (iv) highways, driveways and paths;
 - (v) easements and rights-of-way;
 - (vi) above- and below-ground private, municipal or utility infrastructure including the size and invert elevations of drainage swales, ditches, pipes and culverts;
 - (vii) bodies of water and watercourses;
 - (viii) wetlands and floodplains;
 - (ix) Conservation Authority regulation boundaries;
 - (x) trees measuring 150 mm or greater in diameter at breast height including species;
 - (xi) vegetation masses by canopy outline;
- (i) design details and specifications for any proposed retaining walls;
- (j) design details and specifications for any proposed drainage or stormwater management systems;
- (k) if required by the Director, in a form satisfactory to the Director,

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- (i) an excess soil management plan prepared by a qualified person,
- (ii) a dust management plan,
- (iii) an erosion and sediment control plan,
- (iv) a groundwater management plan,
- (v) a stormwater management plan,
- (vi) a traffic management plan; and
- (l) any other information, plans or studies the Director requires to determine whether the site alteration proposal complies with this By-law.
- (m) the contact details of the farmer responsible for the agricultural operation;
- (n) a statement of nature of the agricultural operation;
- (o) the farm business registration number of the agricultural operation or proof of membership in an accredited farm organization;
- (p) a description of the normal farm practice;
- (q) any plans or evidence supporting the normal farm practice that the applicant wishes to rely upon, including the qualifications of any person providing such plans or evidence;
- (r) if the proposed site alteration on a site involves fill being transported to the site from any other source site, a statement from the farmer responsible for the agricultural operation or a qualified person that the fill to be transported to the site is suitable for use at the site; and
- (s) the proposed haul routes, daily truck volume and hours of operation of truck traffic to and from the site.

(3) If an application pursuant to this section is refused, an applicant may reapply pursuant to the requirements of section 15.

General Application Requirements

15 (1) This section applies to all applications other than those to which section 14 applies.

(2) An application for a site alteration permit pursuant to this section shall contain:

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- (a) the address, legal description and registered owner of the site;
- (b) the area of the site in hectares;
- (c) up-to-date contact details of the owner of the site, and of the applicant, if not the owner of the site;
- (d) the past, current and intended future uses of the site;
- (e) the purpose of the proposed site alteration;
- (f) the volume of soil involved in the proposed site alteration in cubic metres;
- (g) intended start date and completion date for the proposed site alteration;
- (h) a control plan of the site and the area within 30 metres of the property lines of the site drawn to scale, prepared by a licenced surveyor, professional engineer or professional geoscientist, showing the property lines and all existing and proposed:
 - (i) elevation contours at 0.5 metre intervals or less;
 - (ii) spot elevations at 15 metre intervals along the property lines;
 - (iii) predominant native soil types;
 - (iv) buildings and other structures including retaining walls;
 - (v) highways, driveways and paths;
 - (vi) impermeable surfaces;
 - (vii) easements and rights-of-way;
 - (viii) above- and below-ground private, municipal or utility infrastructure including the size and invert elevations of drainage swales, ditches, pipes and culverts;
 - (ix) bodies of water and watercourses;
 - (x) wetlands and floodplains;
 - (xi) Conservation Authority regulation boundaries;
 - (xii) trees measuring 150 mm or greater in diameter at breast height including species;

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- (xiii) vegetation masses by canopy outline;
- (xiv) tree protection measures;
- (xv) erosion and sediment control measures;
- (xvi) construction site control and security measures;
- (xvii) locations of site alteration including temporary stockpiles, specifying the volumes, source and type of fill involved;
- (xviii) final ground covering;
- (i) design details and specifications for any proposed retaining walls;
- (j) design details and specifications for any proposed drainage or stormwater management systems;
- (k) if required by the Director, in a form satisfactory to the Director,
 - (i) an excess soil management plan prepared by a qualified person,
 - (ii) a dust management plan,
 - (iii) an erosion and sediment control plan,
 - (iv) a groundwater management plan,
 - (v) a stormwater management plan,
 - (vi) a traffic management plan; and
- (l) any other information, plans or studies the Director requires to determine whether the site alteration proposal complies with this By-law.

Transportation of Excess Soil

(3) Subject to section 25, if the proposed site alteration on a site involves fill being transported to the site from any other source site, the application shall contain:

- (a) the address and legal description of each source site;
- (b) a statement of the nature of the project on each source site that is generating the fill to be transported to the site;
- (c) the volume of fill to be transported to the site from each source site;

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- (d) the contact details for the person responsible for the project on each source site;
- (e) the past uses of each source site;
- (f) a copy of the detailed sampling and analysis plan for all fill excavated from each source site, and confirmation from a qualified person retained by the registered owner of the source site stating that the fill to be transported to the site is suitable for use at the site;
- (g) a letter from the registered owner of the source site confirming (a) to (f);
- (h) the contact details of a person from the source site, which is located in the City of Hamilton, who has knowledge of any past uses of the source site and who is able to provide information with respect to Records of Site Condition of the source site; and
- (i) the proposed haul routes, daily truck volume and hours of operation of truck traffic to and from the site.

Site Alteration as Normal Farm Practice

(4) If an application for a site alteration permit is made for a site where an agricultural operation is carried on or is intended to be carried on and the proposed site alteration is part of a normal farm practice, other than as described in subsection 5(2), the application shall contain:

- (a) the contact details of the farmer responsible for the agricultural operation;
- (b) a statement of nature of the agricultural operation;
- (c) the farm business registration number of the agricultural operation;
- (d) a description of the normal farm practice; and
- (e) any plans or evidence supporting the normal farm practice, including the qualifications of any person providing such plans or evidence.

Waiver of Application Requirements

16 Despite section 15, the Director may waive any application requirement the Director determines to be unnecessary in the circumstances of the proposed site alteration.

Application Form

17 An application shall be made in such form as may be determined by the Director from time to time.

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Appeal for Normal Farm Practices

18 (1) Where section 14 or subsection 15(4) applies, if the Director refuses to issue a site alteration permit, the applicant may appeal the refusal to the Planning Committee or any successor Committee by requesting an appeal in writing to the Clerk within 30 days of being notified of the refusal.

(2) Upon receipt of a written request for an appeal, the Clerk shall:

- (a) schedule a hearing of the appeal before the Committee;
- (b) give the applicant notice of the appeal date at least 7 days prior to the hearing date; and
- (c) give notice of the request for an appeal to the Director, who shall forward the complete application and reasons for refusal to the Clerk for distribution to the Committee.

(3) If the applicant does not attend the appointed time and place for the appeal, the appeal may proceed in the absence of the applicant and the applicant shall not be entitled to further notice in the proceeding.

(4) On an appeal, the Committee has all the powers and duties of the Director in considering whether to issue a site alteration permit to the applicant.

(5) The applicant shall not be entitled to a further hearing on the matter before Council.

(6) The decision of the Committee, once confirmed by Council, is final and binding.

Fee, Security and Agreement

Site Alteration Agreement

19 Prior to the issuance of a site alteration permit, the Director may require the applicant, registered owner of the site, and such other persons as the Director deems appropriate to enter into a site alteration agreement with the City, which may be registered on title to the site, which agreement may address any of the matters relevant to this By-law, including indemnification of the City and insurance, and the Director is authorized to enter such agreement.

Application Fee

20 (1) The Director shall determine the application fee to be paid by the applicant in accordance with Schedule "A".

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Fee Where Contravention

(2) Where an applicant applies for a site alteration permit for a site where site alteration has occurred in contravention of this By-law, the application fee to be paid by the applicant shall be twice the amount otherwise payable, subject to the discretion of the Director.

Security

21 (1) An applicant shall provide financial security to the City to ensure compliance with this By-law, including to ensure:

- (a) maintenance of construction site control and security measures;
- (b) remediate fouling or damage to municipal roads and other infrastructure; and
- (c) rehabilitation and restoration of the site to a condition consistent with this By-law.

Amount of Security

(2) The Director shall determine the amount of the security to be provided to the City by the applicant, being:

- (a) fifty percent of the value of the earthworks involved in the proposed site alteration; plus
- (b) one hundred percent of the estimated cost to restore lands and infrastructure affected by the earthworks

Form of Security

(3) Security shall be provided in cash or an irrevocable letter of credit issued by a financial institution or equivalent in a form satisfactory to the City Solicitor.

Drawing Upon Security

(4) The City may draw upon the security to remedy any breach of this By-law, including a breach of the terms of an issued site alteration permit or a site alteration agreement with the City, and the for payment of any costs set out in section 36.

Release of Security

(5) The City shall not release the security until,

- (a) site alteration is complete in accordance with the site alteration permit;

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- (b) if applicable, the permit holder has provided a certificate of compliance prepared by the person who prepared the control plan required by clause 15(2)(h), or a person of equivalent qualifications, confirming that site alteration has been completed in accordance with the approved control plan; and
- (c) the City has carried out a final inspection of the site, and the Director is satisfied that the site alteration is in accordance with this By-law, the site alteration permit and the site alteration agreement, if applicable.

Compliance Letter

22 Upon paying any applicable fee, a permit holder may obtain a letter from the Director confirming that a final inspection has been carried out and the Director is satisfied that the site alteration is in accordance with this By-law, the site alteration permit and the site alteration agreement, if applicable.

Site Alteration Undertakings

Public Notice

23 (1) At least 14 days prior to commencing site alteration pursuant to an issued site alteration permit, the permit holder shall provide written notice, at the permit holder's expense, of the approved site alteration undertaking to neighbouring property owners likely to be impacted by the site alteration undertaking in a form approved by the Director.

Same

(2) Prior to commencing site alteration pursuant to an issued site alteration permit, the permit holder shall provide certification to the Director that subsection (1) has been complied with, including a list of the addresses or a map showing the properties where the written notice has been delivered.

Pre-Construction Meeting for General Application

24 (1) No person shall undertake site alteration pursuant to a site alteration permit to which section 15 applies without first participating in pre-construction meeting with Growth Management Division staff and obtaining the approval of the Director to commence site alteration.

Notification for Minor Agricultural Application

(2) No person shall undertake site alteration pursuant to site alteration permit to which section 14 applies without first notifying the Director 48 hours in advance of commencing site alteration

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Fill From Outside Hamilton Prohibited

25 No person shall transport fill or topsoil to a site from any other source site that is located outside the City of Hamilton.

General Conditions

26 No person shall undertake site alteration or cause site alteration to be undertaken except in accordance with the following conditions:

- (a) no fill deposited on the site shall contain garbage, asphalt, glass, plastic, metals, petroleum products, putrescible material, soluble or decomposable chemical substances, or similar materials;
- (b) no fill transported to the site from any other source site or moved from one area of the site to another shall exceed the soil quality standards determined in accordance with section 28;
- (c) topsoil shall be removed and stockpiled on the site from all areas likely to be disturbed by any other site alteration, and shall be replaced on the site to the extent practicable;
- (d) the permit holder shall maintain such written or electronic records of fill transported to the site from any other source site as the Director may require;
- (e) fill transported to the site from any other source site or moved from one area of the site to another shall be finally placed in accordance with the approved control plan within 14 days of being deposited or moved, except as stockpiled in accordance with the approved control plan;
- (f) fill deposited on the site shall be compacted in accordance with good engineering practices;
- (g) site alteration shall not cause adverse impacts, on the site or any other lands, on any of the following:
 - (i) surface water drainage;
 - (ii) groundwater or a water source intended for agricultural use or human consumption;
 - (iii) bodies of water or watercourses;
 - (iv) private, municipal or utility infrastructure;
 - (v) buildings or other structures;

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- (vi) trees or vegetation;
- (vii) wildlife;
- (viii) agricultural production;
- (h) no site alteration shall be undertaken:
 - (i) on any Saturday, Sunday, or statutory holiday;
 - (ii) using highways to transport fill to or from the site except those highways approved as a haul route by the Director, and in accordance with Traffic By-law No. 01-215;
 - (iii) in contravention of the Noise By-law No. 11-285;
 - (iv) at any time when a wind warning issued by Environment Canada is in effect for the area of the site; or
 - (v) during or within 48 hours of the site receiving 15 mm or more of precipitation within a 24-hour period.

Potential Contamination

27 (1) If, at any time, any person performing site alteration, or an employee, agent or contractor of a person performing site alteration makes an observation of the site or any fill being excavated, moved, transported or deposited on the site, including any visual or olfactory observation, that the fill may be affected by contaminants, the site alteration shall stop immediately.

Notice to Director

(2) Any person who makes an observation described in subsection (1) and the permit holder shall immediately notify the Director if there has been an observation described in subsection (1).

Remediation

(3) The permit holder shall take steps to remove and remediate the potentially contaminated fill to the satisfaction of the Director.

Prohibition

(4) No person shall resume site alteration until authorized by the Director.

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Soil Quality Standards

28 The soil quality standards referred to in clause 26(b) shall be the standards set out in Table 1 of the Soil, Ground Water and Sediment Standards, referenced in O. Reg. 153/04, as applicable to the use of the site described in the permit application unless the applicant submits an excess soil management plan prepared by a qualified person and demonstrates to the satisfaction of the Director that a less stringent standard is appropriate.

Additional Conditions

29 (1) In addition to the general conditions set out in section 25, the Director may impose such conditions to the issuance of a permit as in the Director's opinion are reasonable to ensure compliance with this By-law.

Variance of Conditions

(2) The Director may vary any of the conditions set out in section 25 provided that the general intent of this By-law is still met.

Restoration Upon Revocation or Incompleteness

30 If a permit is revoked by the Director or the permit holder is unable to or determines not to complete the approved site alteration proposal, the permit holder shall promptly restore the site to a condition consistent with this By-law to the satisfaction of the Director.

Permit Expiry

31 (1) A site alteration permit shall be valid for a period of 2 years from the date of issuance.

Permit Renewal

(2) A site alteration permit may be renewed for a period of 2 years upon application within 90 days of the date of expiry.

Not Transferrable

(3) A site alteration permit is issued for a particular site and is not transferrable to another site.

Deemed Revocation

(4) A site alteration permit shall be deemed to be revoked upon the transfer of ownership of the site unless the new owner provides a written undertaking to comply with all of the terms of the site alteration permit, including assuming any agreement executed by the former owner, and the requirement to provide security.

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Administration and Enforcement

Administration

32 This By-law shall be administered and enforced by the Director, who may designate inspectors for the purposes of this By-law from time to time.

Experts and Consultants

33 The Director may engage such persons possessing special or expert knowledge, including legal counsel, that the Director requires to

- (a) evaluate or peer review a site alteration permit application;
- (b) provide advice as to any matter relevant to a site alteration permit application, site alteration permit or site alteration agreement;
- (c) perform inspections, testing or sampling required to enforce this By-law;
- (d) provide advice or project management with respect to work carried out by the City pursuant to subsection 35(3)0; or
- (e) otherwise enforce this By-law.

Entry on Land

34 (1) An inspector may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not any of the following are being complied with:

- (a) this By-law;
- (b) a condition of a site alteration permit;
- (c) an order under the *Municipal Act, 2001* or this By-law;
- (d) a site alteration agreement.

Inspection Powers

(2) An inspector carrying out an inspection under subsection (1) may:

- (a) require the production for inspection of documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;

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- (c) require information from any person concerning a matter related to the inspection; and
- (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

Biosecurity Practices

(3) An inspector or other person entering upon land where an agricultural operation occurs shall observe appropriate biosecurity practices.

Orders

35 (1) An inspector who is satisfied that a contravention of this By-law has occurred may make one or more orders requiring any person who contravened the By-law,

- (a) to discontinue the contravening activity, or
- (b) to do work to correct the contravention.

Immediate Effect

(2) An order under subsection (1) may take immediate effect.

Remedial Action

(3) If a person fails to comply with an order under subsection (1), the Director or persons acting upon the Director's instructions may enter on land at any reasonable time to do the things required by the order at the person's expense.

Recovery of Costs

36 The City may recover any of the following costs by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes:

- (a) its actual costs plus 15% for administration and staff costs plus interest at the rate of 15% per year to engage persons possessing special or expert knowledge pursuant to section 33;
- (b) its actual costs plus 50% for project management, administration and staff costs plus interest at the rate of 15% per year for work performed by the City pursuant to subsection 35(3).

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Offences and Penalties

Offence

37 (1) Any person other than a corporation who contravenes any provision of this By-law or an order made under this By-law is guilty of an offence and on conviction is liable to a maximum fine of \$10,000 for a first offence, and \$25,000 for a subsequent offence.

Officers and Directors

(2) Any officer or director who knowingly concurs in the contravention of this By-law or an order made under this By-law is guilty of an offence and on conviction is liable to a maximum fine of \$10,000 for a first offence and \$25,000 for a subsequent offence.

Corporations

(3) Any corporation which contravenes any provision of this By-law or an order made under this By-law is guilty of an offence and on conviction is liable to a fine of \$50,000 for a first offence and \$100,000 for any subsequent offence.

Economic Advantage

(4) In addition, if any person convicted of an offence under this By-law has gained economic advantage from the contravention of the By-law, they are liable to a special fine equal to the economic advantage gained.

Continuing Offence

38 Each day or a part of a day that a contravention of this By-law continues is deemed to be a separate offence.

Administrative Penalties

39 In the alternative to a charge for the offences described in section 37, an inspector may issue an administrative penalty notice for any contravention of this By-law.

Administrative Provisions

Severability

40 In the event that any provision or part of a provision in this By-law is found to be invalid or unenforceable then the particular provision or part thereof shall be deemed to be severed from the remainder of the By-law and all other provisions or parts thereof shall remain in full force and effect and shall be valid and enforceable to the fullest extent permitted by law.

Administrative Penalty Table

41 Administrative Penalty By-law No. 17-225 is amended by adding Table 20:

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TABLE 20: BY-LAW NO. 19-286 PROHIBITING AND REGULATING THE ALTERATION OF PROPERTY GRADES, THE PLACING OR DUMPING OF FILL, AND THE REMOVAL OF TOPSOIL					
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 EARLY PAYMENT	COLUMN 4 SET PENALTY
1	19-286	11(1)	Site alteration without permit	\$400.00	\$500.00
2	19-286	25	Transporting Fill to a site from a source site that is located outside the City of Hamilton	\$400.00	\$500.00

Transition

42 (1) Despite section 44, the provisions of By-law No. 03-126, as amended, continue to apply to a permit issued pursuant to that By-law.

No Renewals

(2) The Director shall not grant any extensions or renewals of permits issued under By-law No. 03-126.

Schedules

43 (1) The following Schedules are attached to and form part of this By-law:

- (a) Schedule “A” – Site Alteration Permit Application Fees
- (b) Schedule “B” – Financial Security

(2) Schedule “A” and any other fees arising from this By-law may be amended by Council through the City’s User Fees and Charges By-law from time to time.

(3) Schedule “B” may be revised by the Director.

Repeal

44 City of Hamilton By-law No. 03-126, as amended, is repealed.

Coming Into Force

45 This By-law comes into force on the day it is passed.

PASSED this 28th day of November, 2019.

F. Eisenberger
Mayor

A. Holland
City Clerk

To Repeal and Replace By-law No. 03-126, Being a By-law for Prohibiting and Regulating the Alteration of Property Grades, the Placing or Dumping of Fill, and the Removal of Topsoil

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Schedule “A” to By-law No. 19-286

Site Alteration Permit Application Fees

- I. Minor Permit Fee for Residential Applications and Minor Agricultural Applications
\$696.00 (includes HST)
- II. Major Permit Fee for non-residential applications and Major Agricultural Applications - \$2,770.00 (includes HST)

To Repeal and Replace By-law No. 03-126, Being a By-law for Prohibiting and Regulating the Alteration of Property Grades, the Placing or Dumping of Fill, and the Removal of Topsoil

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Schedule “B” to By-law No. 19-286

Financial Security

Security deposit to be used by the City as in accordance with Section 21 of the Agreement, which amount is calculated to be the sum of 50% of the value earthworks and 100% of the value of restoration of the lands affected by earthworks.

Item	Amount	Basis
Earthworks		Cost of importing/exporting per cubic meter (50%)
Restoration		Grade and seed (100%)
Soil Testing		As per recommendations of Soil Management Plan (100%)
Siltation Erosion Control		Cost of implementation of Erosion and Siltation Control measures (100%)
Municipal Road Remediation		Remediate fouling or damage to municipal roads and other infrastructure



City of Hamilton Report for or Consideration

To: Chair and Members
Planning Committee

Date: May 23, 2025

Report No: PED25093

Subject/Title: Applications for an Official Plan Amendment and
Zoning By-law Amendment for Lands Located at 559
Garner Road East, Ancaster

Ward(s) Affected: Ward 12

Recommendations

- 1) That **Amended Official Plan Amendment Application UHOPA-21-022, by UrbanSolutions Planning & Land Development Consultants Inc. (c/o Matt Johnston) on behalf of Garner South M.D Developments Inc. (c/o Hamid Hakimi), Owner**, to amend the Meadowlands Neighbourhood III Secondary Plan by redesignating the subject lands from the “Low Density Residential (Infill/Existing)” designation to the “Low Density Residential 3b” designation with a site specific policy to permit the development of a seven storey multiple dwelling, containing 99 dwelling units, with a density range of a minimum of 270 units per net hectare and a maximum density of 300 units per net hectare, for lands located at 559 Garner Road East, as shown in Appendix A attached to Report PED25093, **BE APPROVED** on the following basis:
 - a) That the draft Official Plan Amendment, attached as Appendix B to Report PED25093, be adopted by City Council; and,
 - b) That the proposed Official Plan Amendment is consistent with the Provincial Planning Statement (2024).
- 2) That **Amended Zoning By-law Amendment Application ZAC-21-047, by UrbanSolutions Planning & Land Development Consultants Inc. (c/o Matt Johnston) on behalf of Garner South M.D Developments Inc. (c/o Hamid Hakimi), Owner**, for a change in zoning from the Agricultural “A” Zone to the

**Applications for an Official Plan Amendment and Zoning By-law Amendment for
Lands Located at 559 Garner Road East, Ancaster (Ward 12)**

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Holding Residential Multiple “H-RM6-719” Zone, Modified, to permit the development of a seven storey multiple dwelling, containing 99 dwelling units with a total of 146 parking spaces, for lands located at 559 Garner Road East, as shown on Appendix A attached to Report PED25093, **BE APPROVED** on the following basis:

- a) That the draft By-law, attached as Appendix C to Report PED25093, 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 Planning Statement (2024);
- c) That the proposed change in zoning will comply with the Urban Hamilton Official Plan and the Meadowlands Neighbourhood III Secondary Plan upon adoption of the Official Plan Amendment; and,
- d) 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 “H” symbol to the proposed Holding Residential Multiple “H-RM6-719” Zone, Modified.

The Holding Provision is to be removed conditional upon:

- 1. That the Owner submit for review and approval, a revised Functional Servicing Report, and related drawings to demonstrate:
 - i. That suitable storm and sanitary outlets are provided for the subject site, including extension of any municipal sewers, as required, in accordance with City standards to accommodate the proposed development, all to the satisfaction of the the Director of Growth Management and Chief Development Engineer; and,
 - ii. To 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, in accordance with the Functional Servicing Report accepted by the Director, Growth Management and Chief Development Engineer.

Key Facts

- The purpose of the applications is to redesignate the subject lands from the “Low Density Residential (Infill/Existing)” designation to the “Low Density Residential 3b” designation and add a new Site Specific Policy to permit a minimum density of 270 units per net hectare and a maximum density of 300 units per hectare; and, for a

**Applications for an Official Plan Amendment and Zoning By-law Amendment for
Lands Located at 559 Garner Road East, Ancaster (Ward 12)**

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change in zoning from the Agricultural “A” Zone to the Holding Residential Multiple “H-RM6-719” Zone, Modified.

- The proposed development consists of a seven storey multiple dwelling, containing 99 dwelling units with 15 surface parking spaces and 131 underground parking space for a total of 146 parking spaces, as shown in Appendix E attached to Report PED25093.
- The subject lands are designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan, designated “Low Density Residential (Infill/Existing)” in the Meadowlands Neighbourhood III Secondary Plan, and zoned Agricultural “A” Zone in Ancaster Zoning By-law No. 87-57.
- Staff recommends approval of the applications for Official Plan Amendment and Zoning By-law Amendment as shown in Appendices B and C attached to Report PED25093.

Financial Considerations

Not applicable.

Analysis

The subject lands are municipally known as 559 Garner Road East in Ancaster and are located on the northeast corner of the intersection of Garner Road East and Southcote Road with proposed low density to the north and existing neighbourhood commercial to the east, as shown on Appendices A and A1 attached to Report PED25093. The subject lands are approximately 0.37 hectares in size and generally rectangular in shape with frontage along Garner Road East and Southcote Road. The proposed development consists of a seven storey “L” shaped multiple dwelling with 99 dwelling units with a total of 146 parking spaces and will have vehicular access from Southcote Road only, as outlined in Appendix D attached to Report PED25093.

A full review of the applicable Provincial Planning Statement (2024), Urban Hamilton Official Plan, and Meadowlands Neighbourhood III Secondary Plan is provided in Appendix F attached to Report PED25093.

Provincial Planning Statement (2024)

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Planning Statement (2024). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the Provincial Planning Statement (2024).

The proposed development has been reviewed against the Provincial Planning Statement (2024). A full policy analysis of the applicable Provincial Planning Statement (2024) policies is provided in Appendix F attached to Report PED25093.

**Applications for an Official Plan Amendment and Zoning By-law Amendment for
Lands Located at 559 Garner Road East, Ancaster (Ward 12)**

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The proposal supports the development of healthy, liveable, and complete communities and implementing the targets for housing by intensifying underutilized lands. The proposal has been reviewed against the Provincial Planning Statement (2024), including policies 2.3.1.1 and 2.3.1.2, among others. The proposed development is within a settlement area and efficiently uses land and resources, optimizes existing and planned infrastructure and public service facilities, supports active transportation, and is transit supportive. The proposed development introduces a multiple dwelling on the periphery of the neighbourhood, achieves appropriate residential densities within a planned settlement area and is designed to be compatible with the existing surrounding development and is located within walking distance to several community facilities.

Based on the foregoing, the proposal is consistent with the Provincial Planning Statement (2024).

Urban Hamilton Official Plan and Meadowlands Neighbourhood III 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 subject lands are further designated “Low Density Residential (Infill/Existing)” in the Meadowlands Neighbourhood III Secondary Plan. A full policy analysis of the development proposal and adjacent surrounding land uses is provided in Appendix F attached to Report PED25093.

The Meadowlands Neighbourhood III Secondary Plan establishes land uses, the basic transportation network, community facilities, infrastructure requirements and development standards to guide the development and/or redevelopment of the Secondary Plan area. The proposed development will introduce residential intensification on a vacant and underutilized site, thereby promoting the efficient use of land and infrastructure, as well as introduce a built form that was not previously anticipated in the Meadowlands Neighbourhood III Secondary Plan on the periphery of the neighbourhood. The neighbourhood is low density residential and is well supported with community facilities as well as commercial and institutional land uses to serve the neighbourhood. The proposal supports the development of healthy, liveable, and safe communities in a compact development.

The proposed “L” shaped building design and site organization addresses the contextual fit and site functionality by providing setbacks and a transition of building height towards the low density residential uses to the north, on-site amenity areas and pedestrian connectivity.

A Shadow Study prepared by SRM Architects Inc. by E. Thomas dated August 20, 2021, and revised February 22, 2023, and September 18, 2024, was submitted. The proposed building has been designed to be compatible with the adjacent land uses with respect to matters such as shadowing and overlook. The submitted Shadow Study exceeds the minimum requirements for sun through March 21st to September 21st,

**Applications for an Official Plan Amendment and Zoning By-law Amendment for
Lands Located at 559 Garner Road East, Ancaster (Ward 12)**

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demonstrating compliance with a 45° angular plane. In addition, there are no shadow impacts on public open spaces or parks in the immediate area.

The development screens the surface parking (19 parking spaces for visitors and short term use) by locating the building closer to the street and activates the streetscape and public realm. A landscape planting area and visual barrier will screen the adjacent residential and commercial uses. The proposed residential use is within a compact midrise multiple dwelling form that supports the neighbourhood and allows for a mix of one bedroom, one bedroom plus den and two bedroom plus den units, including ground floor amenity space and services for the residents. The proposed housing form represents a higher residential density than originally contemplated in the Secondary Plan; however, the development is not anticipated to negatively impact the surrounding established neighbourhood and provides for a diverse range of housing options.

Transportation Planning staff have approved the Transportation Assessment and support the proposed development, subject to right-of-way and daylight triangle dedications being provided. Staff are of the opinion the proposed development has addressed the requirements by incorporating the necessary land dedications into the proposed design. The dedications will be acquired through the future Site Plan Control application.

Trees have been identified within the subject property and are proposed to be removed as part of the development. An Arborist Report was submitted which inventoried a total of 71 trees including 25 Manitoba Maple, 19 White Spruce, 8 Black Walnut, 5 White Ash, 2 Silver Maple, Downy Hawthorn, Norway Maple, Weeping Willow, Black Walnut, White Ash, Siberian Elm, Catalpa, Black Cherry, White Oak, White Elm, Staghorn Sumac, Sugar Maple, Black Willow and White Cedar. The development proposes to remove 63 trees and injure 5 trees. The tree conditions vary in health with 35 trees in good health, 15 in fair condition, 11 in poor condition and 8 dead trees. There are 38 trees are proposed to be replanted and compensation in the form of cash-in-lieu will be required for the remaining 32 trees. The decision to retain trees is to be based on condition, aesthetics, age, and species of the tree. It is recognized that there are limited opportunities to retain all trees on site due to the majority of mature trees being centrally located and in conflict with the siting of the building and parking areas.

The proposed development has municipal water and wastewater infrastructure available. Development Engineering through the review of a submitted Functional Servicing and Stormwater Management report supports the proposal subject to a Holding 'H' Provision which is to demonstrate that suitable storm and sanitary outlets are provided for the subject site, including extension of any municipal sewers. A Holding 'H' Provision has been added to the draft Zoning By-law Amendment requiring the submission of a revised Functional Servicing Report to ensure suitable storm and sanitary outlets are provided to accommodate the proposal.

**Applications for an Official Plan Amendment and Zoning By-law Amendment for
Lands Located at 559 Garner Road East, Ancaster (Ward 12)**

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Based on the foregoing, the proposal complies with the Urban Hamilton Official Plan and Meadowlands Neighbourhood III Secondary Plan subject to adoption of the Official Plan Amendment.

Ancaster Zoning By-law No. 87-57

The purpose of the Zoning By-law Amendment application is for a change in zoning from the Agricultural “A” Zone to Holding Residential Multiple “H-RM6-719” Zone, Modified, to permit the development of a seven storey multiple dwelling containing 99 dwelling units including 146 parking spaces inclusive of six barrier free parking spaces. The applicant has also provided 54 bicycle parking spaces of which 49 is indoor parking and five outdoor short terms spaces. The applicant acknowledged and is committed to meeting the Hamilton Green Building Standards applicable to the development and materials, appliances and fixtures to be included in the development proposal will place an emphasis on energy efficiency and water conservation through the detail design work of the future Site Plan Control application. Site specific modifications to the Holding Residential Multiple “H-RM6-719” Zone, Modified, are proposed to accommodate the proposed development, which are discussed in Appendix H attached to Report PED25093.

Rationale For Recommendation

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

- (i) It is consistent with the Provincial Planning Statement (2024);
- (ii) It complies with the general intent and purpose of the Urban Hamilton Official Plan and the Meadowlands Neighbourhood III Secondary Plan upon adoption of the Official Plan Amendment; and,
- (iii) It is compatible with existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units, contributing to a complete community through the establishment of housing forms that are in keeping with existing and planned development in the surrounding area, making efficient use of existing infrastructure within the urban boundary, and supporting public transit.

2. Official Plan Amendment

The purpose of the Official Plan Amendment application is to redesignate the subject lands from the “Low Density Residential (Infill/ Existing)” designation to the “Low Density Residential 3b” designation and adding a new Site Specific Policy to permit a minimum density of 270 units per net hectare and a maximum density of 300 units per net hectare.

**Applications for an Official Plan Amendment and Zoning By-law Amendment for
Lands Located at 559 Garner Road East, Ancaster (Ward 12)**

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The Official Plan Amendment can be supported as the proposed development contributes to the development of healthy, liveable, and safe communities. The proposed development represents a compatible form of development. The change in designation is appropriate as the proposed residential form is a compatible land use within the surrounding neighbourhood, provides for sufficient on site resident and visitor parking, and the density can be accommodated by existing municipal infrastructure capacities.

Based on the foregoing and the analysis provided in Appendix F attached to Report PED25093, staff supports the proposed Official Plan Amendment.

3. Zoning By-law Amendment

The proposed Zoning By-law Amendment application is for a change in zoning from the Agricultural “A” Zone to the Holding Residential Multiple “H-RM6-719” Zone, Modified, to permit the development of a seven storey multiple dwelling containing 99 dwelling units including 146 parking spaces inclusive of six barrier free parking spaces.

The proposed amendments meet the general intent of the Zoning By-law and the modifications requested will represent an efficient residential development while preserving the character of the surrounding lands within the Meadowlands Neighbourhood III Secondary Plan. An analysis of the requested modifications is provided in Appendix H attached to Report PED25093.

A Holding ‘H’ Provision is proposed to be added to the subject lands for the purpose of requiring the submission of a revised Functional Servicing Report to demonstrate that suitable storm and sanitary outlets are provided for the subject site, including extension of any municipal sewers, to be executed through 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. Upon submission and approval of the above noted report, the Holding ‘H’ Provision may be lifted.

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

Alternatives

Should the applications be denied, the subject property can be used in accordance with the Agricultural “A” Zone which permits agricultural uses.

Relationship to Council Strategic Priorities

- Priority 1: Sustainable Economic & Ecological Development
 - 1.2: Facilitate the growth of key sectors.

Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 559 Garner Road East, Ancaster (Ward 12)

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- Priority 2: Safe & Thriving Neighbourhoods
 - Increase the supply of affordable and supportive housing and reduce chronic homelessness.

Consultation

The applications were circulated to internal departments and external agencies. Refer to comment summary and response provided in Appendix G attached to Report PED25093.

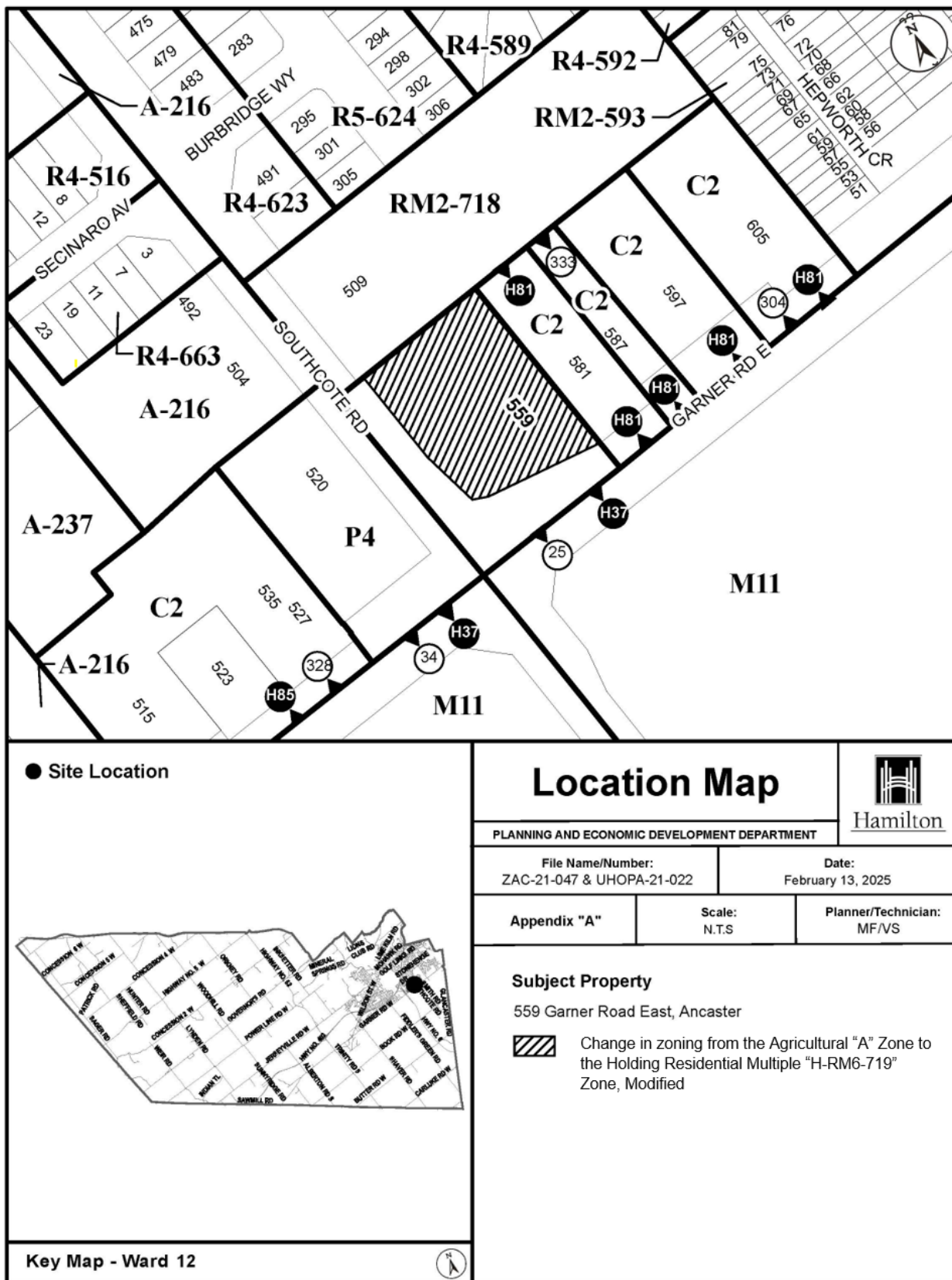
In addition to the requirements of the *Planning Act*, the applicant submitted a Public Consultation Strategy with the supporting materials and created a microsite for the proposed development. The microsite provided a portal for members of the public to access the submitted reports, studies and supporting information that were provided to the City. Updates on the project were posted on the microsite, as they occurred. The applicant has advised that no comments from the microsite were received. In addition, at the time of writing this report no comments have been received from the public by staff.

Appendices and Schedules Attached

Appendix A:	Location Map
Appendix A1:	Existing and Surrounding Land Uses and Zoning
Appendix B:	Amendment to Urban Hamilton Official Plan
Appendix C:	Amendment to Ancaster Zoning By-law No. 87-57
Appendix D:	Historical Background Report Fact Sheet
Appendix E:	Concept Plan and Draft Plan
Appendix F:	Policy Review
Appendix G:	Department and Agency Comments
Appendix H:	Zoning Modification Table

Prepared by: Michael Fiorino, Planner II
Planning and Economic Development Department,
Development Planning

Submitted and recommended by: Anita Fabac, Acting Director of Planning and Chief Planner
Planning and Economic Development Department



Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Vacant.	Agricultural "A" Zone.
Surrounding Lands:		
North	Single detached dwelling and two accessory buildings (to be demolished for proposed townhouse development).	Residential Multiple "RM2-718" Zone, Modified.
South	Golf course (driving range and mini putt).	Airport Light Industrial (M11, 25, H37) Zone.
East	Existing commercial uses.	Neighbourhood Commercial (C2, H81) Zone.
West	Cemetery.	Open Space (P4) 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 redesignate the subject lands from “Low Density Residential (Infill/Existing)” to “Low Density Residential 3b” and to add a new Site Specific Policy to the Meadowlands Neighbourhood III Secondary Plan to permit the development of a seven storey multiple dwelling containing a total of 99 dwelling units.

2.0 Location:

The lands affected by this Amendment are known municipally as 559 Garner Road East, in the former Town of Ancaster.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed development is consistent with and implements the Residential Intensification policies of the Urban Hamilton Official Plan;
- The proposed development supports the policies of the Urban Hamilton Official Plan, as it contributes to a range and mix of housing forms at a scale that is compatible with the immediate area; and,
- The Amendment is consistent with the Provincial Planning Statement, 2024.

4.0 Actual Changes:

4.1 Volume 2 – Secondary Plans

Text

- 4.1.1 Chapter B.2.0 – Ancaster Secondary Plans – Section B.2.5 - Meadowlands Neighbourhood III Secondary Plan

- a. That Volume 2: Chapter B.2.0 – Ancaster Secondary Plans, Section B.2.5 Meadowlands Neighbourhood III Secondary Plan be amended by adding a new Site Specific Policy, as follows:

“Site Specific Policy – Area “X”

- B.2.5.7.X For the lands identified as Site Specific Policy – Area “X” on Map B.2.5-1 Meadowlands Neighbourhood III Secondary Plan – Land Use Plan, designated Low Density Residential 3b, and known as 559 Garner Road East, the following policies shall apply:
- a) In addition to Policy B.2.5.1.2 e) i), a multiple dwelling shall also be permitted.
 - i) Notwithstanding Policy E.3.4.5 of Volume 1, Policies E.3.5.8 and E.3.5.9 shall apply to the multiple dwelling use.
 - b) Notwithstanding Policy B.2.5.1.2 e) ii), the permitted density shall range from 270 to a maximum of 300 units per net residential hectare.”

Maps

4.1.2 Map

- a. That Volume 2: Map B.2.5-1 – Meadowlands Neighbourhood III Secondary Plan – Land Use Plan be amended by:
- i) Redesignating the subject lands from “Low Density Residential (Infill/Existing)” to “Low Density Residential 3b”; and,
 - ii) Identifying the subject lands as Site Specific Policy - Area “X”,
- as shown on Appendix “A”, attached to this Amendment.

5.0 Implementation:

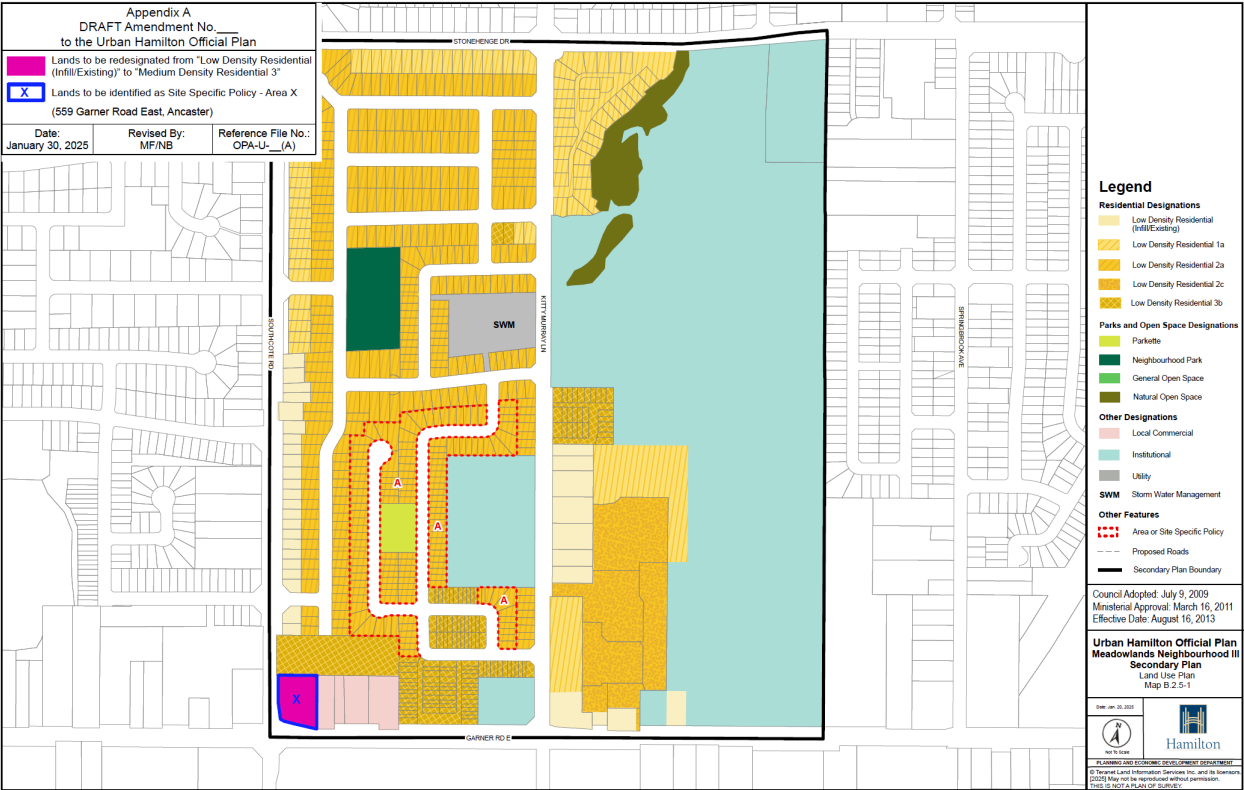
An implementing Zoning By-Law Amendment and Site Plan approval will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule “1” to By-law No. ____ passed on the ____th day of ___, 2025.

The
City of Hamilton

A. Horwath
MAYOR

M. Trennum
CITY CLERK



Council Adopted: July 9, 2009

Ministerial Approval: March 16, 2011

Effective Date: August 16, 2013

Urban Hamilton Official Plan

Meadowlands Neighbourhood II

Secondary Plan

Land Use Plan

Map B.2.5-1

Date: Jan 30, 2025

Map to Scale

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

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THIS IS NOT A PLAN OF SURVEY.

Authority: Item ,
Report (PED25093)
CM:
Ward: 12

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 87-57 Respecting Lands Located at 559 Garner Road East (Ancaster)

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 Town of Ancaster” 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. 87-57 (Ancaster) was enacted on the 22nd day of June 1987, and approved by the Ontario Municipal Board on the 23rd day of January 1989;

AND WHEREAS Council approved Item__ of Report _____ of the Planning Committee, at its meeting held on _____, 2025;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. X;

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

1. That Map No. 1-B to Schedule “B”, appended to and forming part of Zoning By-law No. 87-57 (Ancaster), is amended by changing the zoning from the Agricultural “A” Zone to the Holding Residential Multiple “H-RM6-719” Zone, Modified, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.
2. That Section 34: Exceptions, to Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following Subsection:

“RM6-719”

- a) That notwithstanding Section 7.11 a), the maximum building height shall be 14.0 metres and 24.5 metres and in accordance with Special Figure #4.
- b) That notwithstanding Section 7.12 c), balconies shall be permitted to project into a required rear yard to a maximum distance of 2.0 metres.
- c) That notwithstanding Section 7.14 a) vii) and viii), the minimum side yard and rear yard setback to a below grade communal parking structure shall be 0.5 metres, or 0.0 metres when abutting a daylight triangle.
- d) That notwithstanding Section 7.14 a) xv), a planting strip shall not be required abutting the northerly rear lot line.
- e) That notwithstanding Section 7.14(b)(i)(C), 1.3 parking spaces per dwelling unit shall be provided and shall be inclusive of visitor parking.
- f) Notwithstanding Sections 3.84, 3.85, and 3.86:
 - i) The shortest lot line abutting Garner Road East measuring 5.25 metres shall be considered the front lot line;
 - ii) The hypotenuse of the daylight triangle and the longest lot line abutting Garner Road East shall be considered side lot lines; and,
 - iii) All remaining lot lines shall be considered rear lot lines.
- g) Notwithstanding the provisions of Paragraphs (a), (c), (d), (g), (h), (j), (k) and (l) of Section 19.2 of Zoning By-law No. 87-57, the following special provisions shall apply to the lands zoned "RM6-719":

REGULATIONS

(a)	Minimum Lot Area	0.37 hectares
(d)	Minimum Lot Frontage	5.25 metres
(g)	Minimum Front Yard	2.0 metres
(h)	Minimum Side and Rear Yard	i. 3.0 metres to the side lot line abutting Garner Road East; ii. 0.0 metres to the hypotenuse of the daylight triangle;

- iii. 3.0 metres to the rear lot line abutting Southcote Road;
 - iv. 19.0 metres abutting the northerly rear lot line;
 - v. 25.0 metres to the easterly rear lot line to the portion of the multiple dwelling as shown on Special Figure #4; and,
 - vi. 3.0 metres to the easterly rear lot line to the portion of the multiple dwelling as shown on Special Figure #4.
- (k) Maximum Height 14.0 metres and 24.5 metres and in accordance with Special Figure #4.
- (l) Minimum Landscaping 25 percent.

In addition to the regulations of Subsection 19.2 of Zoning By-law No. 87-57, the following special provisions shall apply to the lands zoned "RM6-719":

- (a) Percentage of Multiple Bedroom Units Within a Multiple Dwelling
 - i. A minimum of 25 percent of the Dwelling Unit(s) shall be units with two or more bedrooms.
 - ii. Where the application of subsection i. above results in a numeric fraction, the fraction shall be rounded up to the nearest whole number of dwelling units.
- (b) That for the purposes of this By-law, no vehicular ingress or egress shall be provided from Garner Road East.

3. 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 "H" symbol to the proposed Holding Residential Multiple "H-RM6-719" Zone, Modified.




The Holding Provision is to be removed conditional upon:

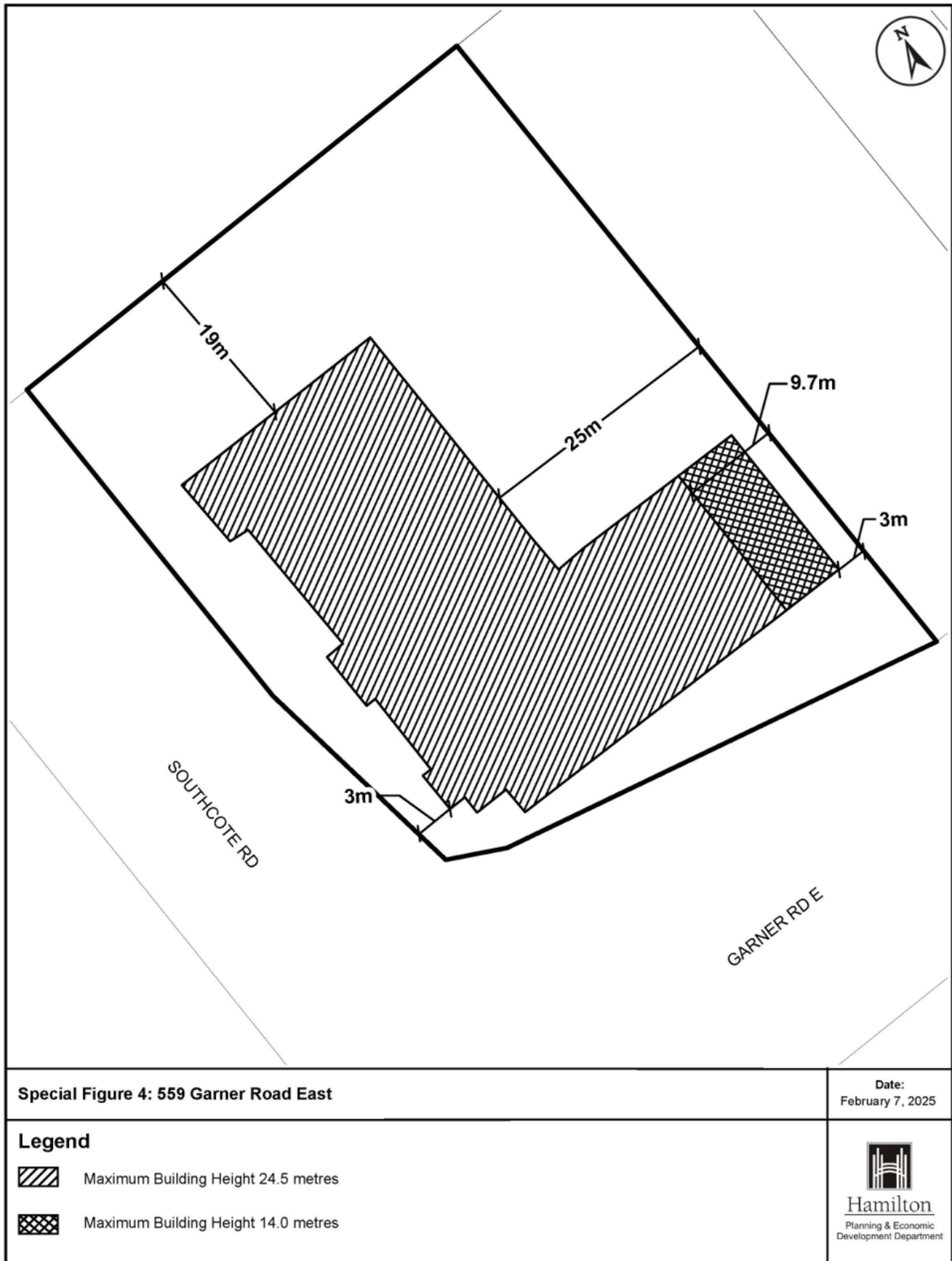
- (1) That the Owner submit for review and approval, a revised Functional Servicing Report, and related drawings to demonstrate:
 - i. That suitable storm and sanitary outlets are provided for the subject site, including extension of any municipal sewers, as required, in accordance with City standards to accommodate the proposed development, all to the satisfaction of the the Director of Growth Management and Chief Development Engineer; and,
 - ii. To 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, in accordance with the Functional Servicing Report accepted by the Director, 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 Residential Multiple "RM6" Zone provisions, subject to the special requirements referred to in Section 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*.

PASSED this _____ day of _____, 2025.

A. Horwath
Mayor

M. Trennum
City Clerk

	
<p>This is Schedule "A" to By-law No. 25-</p> <p>Passed the day of, 2025</p>	<p>-----</p> <p>Mayor</p> <p>-----</p> <p>Clerk</p>
<p>Schedule "A"</p> <p>Map forming Part of</p> <p>By-law No. 25-_____</p> <p>to Amend By-law No. 87-57</p>	
<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-21-047 & UHOPA-21-022</p>
<p>Date: January 30, 2025</p>	<p>Planner/Technician: MF/AL</p>
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	
<p>Subject Property</p> <p>559 Garner Road East, Ancaster</p> <p> Change in zoning from the Agricultural "A" Zone to the Holding Residential Multiple "H-RM6-719" Zone, Modified</p>	
<p> Hamilton</p>	

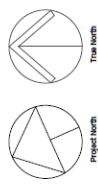


Historical Background

Application Details	
Owner:	Garner South M.D Developments Inc. (c/o Hamid Hakimi).
Applicant/Agent:	UrbanSolutions Planning & Land Development Consultants Inc. (c/o Matt Johnston).
File Number:	UHOPA-21-022 and ZAC-21-047.
Type of Applications:	Urban Hamilton Official Plan Amendment and Zoning By-law Amendment.
Proposal:	<p>The purpose of the Official Plan Amendment application is to amend the Meadowlands Neighbourhood III Secondary Plan by redesignating the subject lands from “Low Density Residential (Infill/ Existing)” to “Low Density Residential 3b” designation and adding a new Site Specific Policy to permit a density range of a minimum of 270 units per net hectare and a maximum density of 300 units per net residential hectare.</p> <p>The proposed Zoning By-law Amendment application is for a change in zoning from the Agricultural “A” Zone to a site specific Residential Multiple “RM6” Zone.</p> <p>The purpose of the application is to facilitate the development of a seven storey multiple dwelling consisting of 99 dwelling units with a mix of one bedroom, one bedroom plus den, and two bedroom plus den units, including ground floor amenity space and services for the residents. The development will provide 146 parking spaces with 15 surface parking spaces and 131 underground parking space for inclusive of six barrier free parking spaces. Two barrier free spaces will be provided at grade with the remaining four spaces located underground. Vehicular access to the subject lands will be from Southcote Road.</p>
Property Details	
Municipal Address:	559 Garner Road East, Ancaster.
Lot Area:	± 0.37 ha.
Property Details	
Servicing:	Existing municipal services.
Existing Use:	Vacant.

Documents	
Provincial Planning Statement:	The proposal is consistent with the Provincial Planning Statement (2024).
Official Plan Existing:	“Neighbourhoods” on Schedule E-1 – Urban Land Use Designations.
Secondary Plan Existing:	“Low Density Residential (Infill/Existing)” on Map B.2.5-1 – Meadowlands Neighbourhood III Secondary Plan – Land Use Plan.
Secondary Plan Proposed:	“Low Density Residential 3b” and adding “Site Specific Policy – Area X” on Map B.2.5-1 – Meadowlands Neighbourhood III Secondary Plan – Land Use Plan.
Zoning Existing:	Agricultural “A” Zone.
Zoning Proposed:	Holding Residential Multiple “H-RM6-719” Zone, Modified.
Modifications Proposed:	<p>The applicant proposed the following modifications to the Holding Residential Multiple “H-RM6-719” Zone, Modified, in Ancaster Zoning By-law No. 87-57:</p> <ul style="list-style-type: none"> • Defining the front, side, and rear lot lines; • To increase the maximum building height from 10.5 metres to 14.0 metres and 24.5 metres; • To permit an increase in rear yard balcony projections from 1.5 metres to 2.0 metres; • To permit a rear and side yard setback of 0.0 metres to a communal parking structure and a 0.5 metre setback abutting a daylight triangle; • To remove the requirement for a planting strip from the northerly rear lot line; • To permit a reduction in parking from two parking spaces per dwelling unit plus 0.33 visitor parking spaces to a ratio of 1.3 parking spaces per dwelling unit inclusive of visitor parking; • To reduce the minimum lot area from 0.4 hectares to 0.37 hectares; • To reduce the minimum lot frontage from 30 metres to 5.25 metres; • To reduce the minimum front yard from 7.5 metres to 2.0 metres; and, • To reduce the minimum side and rear yard from 9.0 metres to: <ul style="list-style-type: none"> • 3.0 metres to the side lot line abutting Garner Road East; ○ 0.0 metres to the hypotenuse of the daylight triangle;

Modifications Proposed: (continued)	<ul style="list-style-type: none"> ○ 3.0 metres to the rear lot line abutting Southcote Road; ○ 19.0 metres abutting the northerly rear lot line; ○ 25.0 metres to the easterly rear lot line to the portion of multiple dwelling as shown on Special Figure #4; and, ○ 3.0 metres to the easterly rear lot line to the portion of multiple dwelling as shown on Special Figure #4; <p>Staff proposed the following modification to the Holding Residential Multiple “H-RM6-719” Zone, Modified:</p> <ul style="list-style-type: none"> • A minimum of 25 percent of the Dwelling Unit(s) shall be units with two or more bedrooms. <ul style="list-style-type: none"> ○ The applicant/owner has agreed to the staff recommended modification.
Processing Details	
Received:	October 15, 2021.
Deemed Complete	October 20, 2021.
Notice of Complete Application:	Sent to 31 property owners within 120 metres of the subject property on October 27, 2021.
Public Notice Sign:	Posted on November 8, 2021, and updated on April 30, 2025.
Notice of Public Meeting:	Sent to 31 property owners within 120 metres of the subject property on May 9, 2025.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix G attached to Report PED25093.
Public Consultation:	In addition to the requirements of the <i>Planning Act</i> , the applicant submitted a Public Consultation Strategy that included the creation of a microsite for the proposed development. The microsite provided a portal for members of the public to access the technical reports, studies and supporting information that were submitted to the City. Updates on the applications were also posted on the microsite, as they occurred. The applicant has advised that no comments from the microsite were received.
Public Comments:	No comments were received from the public at the time of this report being written.
Processing Time:	1317 days, 228 days from the sixth submission.



- GENERAL NOTES**
1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
 2. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE ZONING BY-LAW AND THE ZONING MAP.
 3. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE ZONING BY-LAW AND THE ZONING MAP.
 4. ALL CONTRACTORS AND SUB-CONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
 5. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE ZONING BY-LAW AND THE ZONING MAP.
 6. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE ZONING BY-LAW AND THE ZONING MAP.
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 8. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE ZONING BY-LAW AND THE ZONING MAP.
 9. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE ZONING BY-LAW AND THE ZONING MAP.
 10. THE PROPOSED DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE ZONING BY-LAW AND THE ZONING MAP.

No.	Date	Revision
1	2023-06-07	ISSUED FOR PERMITTING
2	2023-06-07	ISSUED FOR PERMITTING
3	2023-06-07	ISSUED FOR PERMITTING
4	2023-06-07	ISSUED FOR PERMITTING

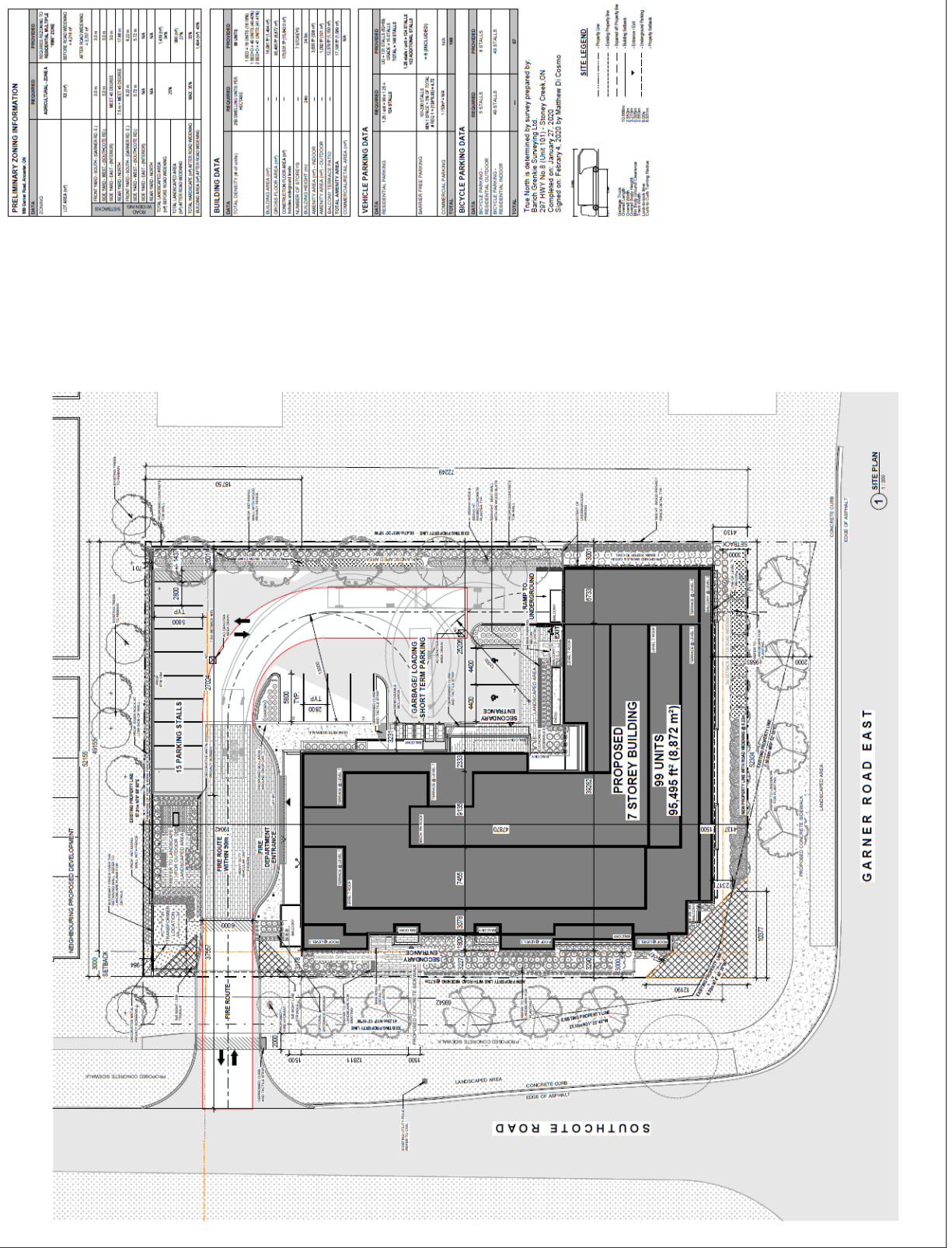
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urban designers

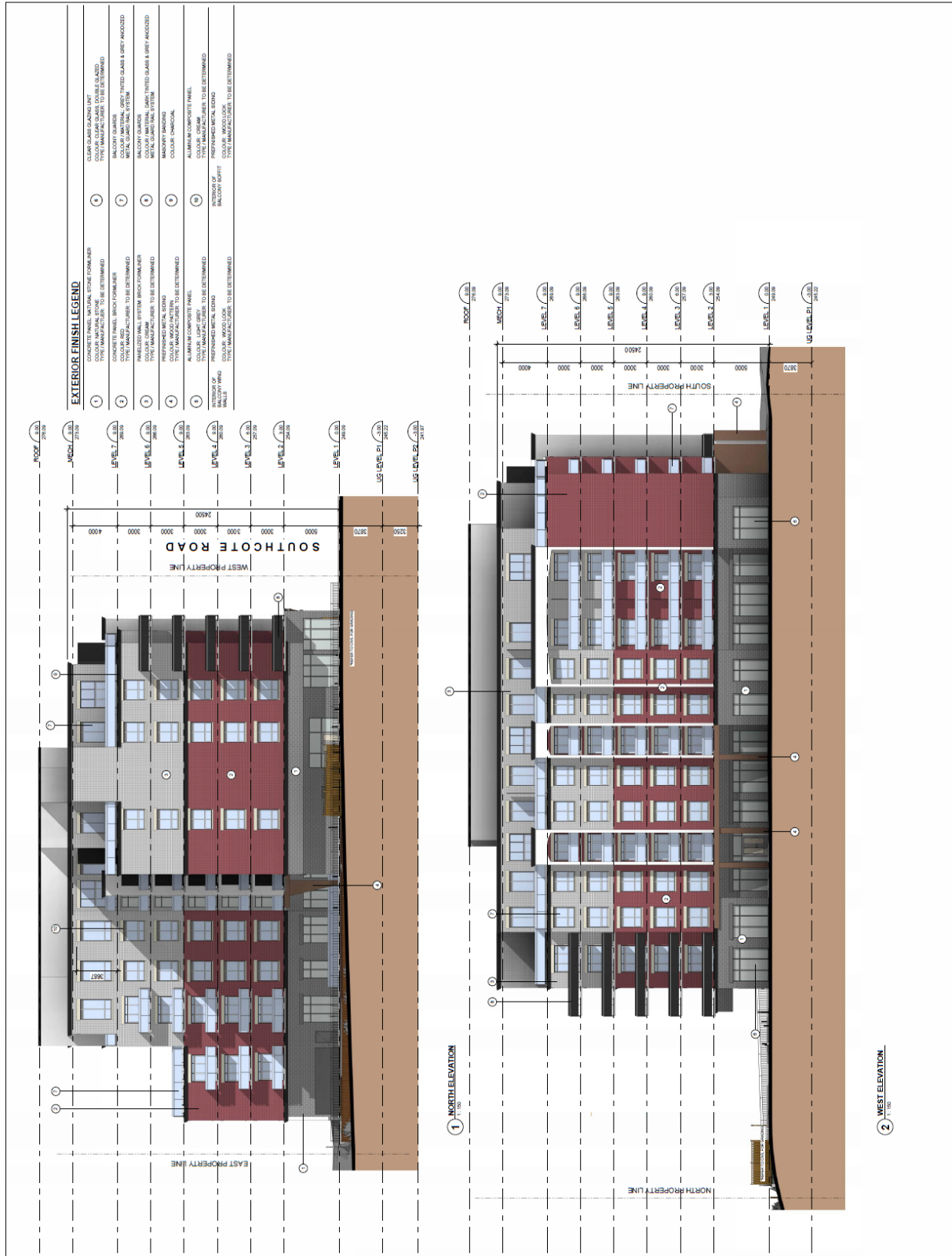
569 GARNER ROAD,
ANCASTER, ONTARIO

SITE PLAN

Project No. 21002
Project Name 2023-06-07
Drawing No. 1000002
Drawing Date 05
Drawing Title 05
Drawing Scale 1:200
Drawing Date 2023-07-14 2:22:57 PM

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OF
ARCHITECTS
REGISTERED
ARCHITECT
A1.1 - r3





GENERAL NOTES

1. ALL MATERIALS SHALL BE SUPPLIED BY THE CONTRACTOR AND SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AUTHORITIES.

3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.

4. ALL CONTRACTORS AND SUBCONTRACTORS SHALL BE REQUIRED TO MAINTAIN ADEQUATE RECORDS OF ALL WORK DONE AND TO PROVIDE COPIES OF THESE RECORDS TO THE ARCHITECT UPON REQUEST.

5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.

6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AUTHORITIES.

7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.

NO.	DATE	REVISION
1	2023-09-15	ISSUED FOR PERMITTING
2	2023-09-15	ISSUED FOR PERMITTING
3	2023-09-15	ISSUED FOR PERMITTING

Project No.	21002
Client	2023-09-15
Design	2023-09-15
Drawn	2023-09-15
Checked	2023-09-15
Scale	1:100
Sheet No.	006
Sheet Date	2023-09-15 4:21:27 PM

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urban+designers

559 GARNER ROAD,
ANCASTER, ONTARIO

NORTH & WEST
ELEVATIONS

ASSOCIATION
OF
ARCHITECTS
OF
ONTARIO
A3.1 - 12

GENERAL NOTES

1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
3. CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND MATERIALS BEFORE PROCEEDING TO THE WORK.
4. ALL CONTRACTORS AND SUBCONTRACTORS SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF TORONTO.
5. ALL DOCUMENTS REMAIN THE PROPERTY OF THE ARCHITECT AND SHALL BE RETURNED TO THE ARCHITECT UPON COMPLETION OF THE PROJECT.
6. THE MATERIALS AND FINISHES SHOWN IN THESE ELEVATIONS ARE FOR INFORMATION ONLY. THE ARCHITECT DOES NOT WARRANT THE AVAILABILITY OR PERFORMANCE OF ANY MATERIALS OR FINISHES.
7. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF TORONTO.
8. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE BUILDING.

No.	Date	Revision
1	2023-05-17	ISSUED FOR PERMITTING
2	2023-05-17	ISSUED FOR PERMITTING

SRM
architects
urban-designers

Project No.	21002
Project Name	2023-05-17
Project No.	21002
Project Name	2023-05-17

555 GARNER ROAD,
ANCASTER, ONTARIO

SOUTH AND EAST
ELEVATIONS



EXTERIOR FINISH LEGEND

1	CLAY TILE ROOFING SYSTEM	CLAY TILE ROOFING SYSTEM
2	COLOR: NATURAL STONE	COLOR: NATURAL STONE
3	COLOR: RED	COLOR: RED
4	COLOR: GRAY	COLOR: GRAY
5	COLOR: BROWN	COLOR: BROWN
6	COLOR: WHITE	COLOR: WHITE
7	COLOR: BLACK	COLOR: BLACK
8	COLOR: BLUE	COLOR: BLUE
9	COLOR: GREEN	COLOR: GREEN
10	COLOR: YELLOW	COLOR: YELLOW
11	COLOR: PURPLE	COLOR: PURPLE
12	COLOR: PINK	COLOR: PINK
13	COLOR: ORANGE	COLOR: ORANGE
14	COLOR: LIGHT BLUE	COLOR: LIGHT BLUE
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100	COLOR: LIGHT PINK	COLOR: LIGHT PINK



1 SOUTH ELEVATION



2 EAST ELEVATION

SUMMARY OF POLICY REVIEW

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

Provincial Planning Statement (2024)		
Theme and Policy	Summary of Policy Review	Staff Response
Planning for People and Homes Policies: 2.1.6 and 2.3.1.2	<p>Planning authorities should support the achievement of complete communities by 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 childcare facilities, long term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long term needs.</p> <p>Planning authorities should improve social equity and overall quality of life for people of all ages, abilities, and incomes, including equity deserving groups.</p>	<p>The proposed development represents intensification within the built boundary where infrastructure and public service facilities are available. The proposal will introduce a new form of development to the area which will contribute to an appropriate range and mix of residential units in the neighbourhood utilizing and making efficient use of serviced land within the settlement area. The subject lands are in proximity to commercial uses, employment uses, parks, and recreation facilities, with access to public transit.</p> <p>The proposal is consistent with these policies.</p>
Management of Land Use, Settlement Area, Housing, Transportation Systems, Long-Term Economic Prosperity Policies: 2.2.2, 2.3.1.2, 2.3.3, 2.3.4 and 2.4.3	<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</p>	<p>The proposed development is within a settlement area and the Official Plan Amendment and Zoning By-law Amendment will facilitate a development which supports healthy, liveable, and safe communities. Compact development is to occur within designated growth areas and having the proposal promotes the efficient use of land, infrastructure, and public service facilities. The proposal will introduce a new built form in the neighbourhood which will intensify a vacant and underutilized site.</p>

Theme and Policy	Summary of Policy Review	Staff Response
Management of Land Use, Settlement Area, Housing, Transportation Systems, Long-Term Economic Prosperity Policies: 2.2.2, 2.3.1.2, 2.3.3, 2.3.4 and 2.4.3 (continued)	planning, transit supportive development, and by encouraging a sense of place through promoting well designed built form.	The proposal is consistent with these policies.
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 Criteria Policy: B.2.4.1.4	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, contribution towards supporting transit, availability of public community facilities/services, ability to retain natural attributes of the site, and compliance with all other applicable policies.	The policy provides criteria to evaluate residential intensification. The intent of the criteria is to ensure considerations such as integration of the proposal with the existing neighbourhood and compatibility of land uses to support the existing and planned urban structure. The Official Plan Amendment and Zoning By-law Amendment propose a built form, which was not anticipated in the Meadowlands Neighbourhood III Secondary Plan and introduces a new form of development at the exterior of the neighbourhood. The neighbourhood is predominantly residential and is well supported with community facilities, commercial and institutional land uses to serve the neighbourhood. Multiple dwellings shall not generally be permitted immediately adjacent to low profile residential uses. However, the proposed “L” shaped design and site organization addresses the contextual fit

Theme and Policy	Summary of Policy Review	Staff Response
Residential Intensification Criteria Policy: B.2.4.1.4 (Continued)		<p>and site functionality by providing adequate setbacks, amenity areas and pedestrian connectivity. The development screens the surface parking area with the placement of the building closer to the street, activating the street and public realm. The proposed built form represents a higher residential density of dwelling units than currently exists in the surrounding area and contributes to providing a diverse range of housing options. The proposal is within a compact midrise multiple dwelling with a built form that allows for a range of housing options that support the neighbourhood. The form of development also allows for a mix of one bedroom, one bedroom plus den, and two bedroom plus den units, including ground floor amenity space and services for the residents.</p> <p>The proposal complies with this policy.</p>
Urban Design Policies – General Policies and Principles Policies: B.3.3.2.2 – B.3.3.2.10	<p>The principles in Policies B.3.3.2.3 through B.3.3.2.10 inclusive, shall apply to all development and redevelopment, where applicable. These principles include:</p> <ul style="list-style-type: none"> • Fostering a sense of community pride and identity; • Creating quality spaces; • Creating places that are safe, accessible, connected, and easy to navigate; • Enhancing the character of the existing environment; • Creating places that are adaptable to future changes; • Promoting the reduction of greenhouse gas emission and protecting and enhancing the natural environment; 	<p>The proposal represents a compatible form of development, and the “L” shaped building design has been positioned towards Garner Road East and Southcote Road to define the street edge and screen the surface parking, loading area and the entrance to the underground parking from the public realm. The proposal 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. The development of the land for residential uses is compatible with the surrounding land uses, helps increase the housing supply, promotes efficient use of land, and utilizes existing infrastructure.</p> <p>A 19 metre setback is proposed to the northerly property line to provide separation between the multiple dwelling and proposed residential use. In addition, the proposed design incorporates a gradual transition of building height with stepbacks from the ground floor at the sixth storey on the north side of the building.</p>

Theme and Policy	Summary of Policy Review	Staff Response
Urban Design Policies – General Policies and Principles Policies: B.3.3.2.2 – B.3.3.2.10 (Continued)	<ul style="list-style-type: none"> Enhancing physical and mental health; and, Designing streets as a transportation network and as a public spaces. 	<p>The portion of the building facing the easterly rear lot line (abutting the commercial property) includes a stepback of 6.7 metres from the building edge at the fifth storey.</p> <p>Landscaping is also proposed internal to the site to screen the surface parking from the proposed and existing residential. In addition, waste collection will occur internal to the proposed building and be screened from the public realm.</p> <p>The proposal complies with these policies.</p>
Cultural Heritage Policies: B.3.4.1.4, B.3.4.2.1 g), and B.3.4.2.1 h)	<p>Ensure that all new development, site alterations, building alterations, and additions are contextually appropriate and maintain the integrity of all on site or adjacent cultural heritage resources.</p>	<p>The subject property is adjacent to 581 Garner Road East, a property included in the City's Inventory of Heritage Buildings, and to 520 Southcote Road, known as Garner's Corners Cemetery, which is included in the City's Inventory of Cemeteries and Burial Grounds.</p> <p>Notwithstanding that the adjacent properties are included in the City's Inventory of Heritage Buildings; staff have reviewed the applications and are of the opinion that the cultural heritage value or interest of the property will be conserved as archaeological resources or intact soil profiles were not encountered during the survey.</p> <p>The proposal complies with these policies.</p>
Archaeology Policy B.3.4.4.3	<p>In areas of archaeological potential identified on Appendix F-4 – Archaeological Potential, an archaeological assessment shall be required and submitted prior to or at the time of application submission for the following planning matters under the <i>Planning Act</i>, R.S.O., 1990 c. P.13.</p>	<p>The subject property meets six of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential.</p> <p>A Stage 1 and 2 (P398-0096-2021) Archaeological Report prepared by ASI dated July 22, 2021, was submitted to the City of Hamilton and the Ministry of Citizenship and Multiculturalism.</p>

Theme and Policy	Summary of Policy Review	Staff Response
Archaeology Policy B.3.4.4.3 (continued)		<p>The Province has acknowledged the Stage 1 and 2 reports for compliance with licensing requirements in a letter dated August 16, 2021. Cultural Heritage planning staff concur with the study's conclusion and are of the opinion that the municipal interest regarding the archaeology of this portion of the site has been adequately assessed. Staff request a copy of the letter for the Stage 3 report from the Ministry when available. The letter will be requested through the future Site Plan Control application.</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 City shall ensure that all development or redevelopment with the potential to create conflicts between sensitive land uses and point source or fugitive air emissions such as noise, vibration, odour, dust, and other emissions complies with all applicable federal and provincial legislation, provincial and municipal standards, and provincial guidelines, and shall have regard to municipal guidelines.</p>	<p>A Noise Assessment, prepared by dBA Acoustical Consultants Inc. dated June 2021 was submitted, with revisions dated March 2022, May 2022, and February 2023. The study analyzed vehicular traffic impacting the proposed development to determine if and what noise mitigation measures would be required.</p> <p>The report recommends mitigation measures to address the impact from traffic noise including the requirement of air conditioning for the entire building, warning clauses registered on title and/or in purchase and sale and/or lease or rental agreements and building materials. These measures will be addressed through the future Site Plan Control and Building Permit stages. In addition, noise mitigation measures, such as, but not limited to, the registration of warning clauses, will be required during the Draft Plan of Condominium stage if condominium tenure is considered.</p> <p>The proposal complies with this policy.</p>

Theme and Policy	Summary of Policy Review	Staff Response
<p>Trees</p> <p>Policy: C.2.11.1</p>	<p>The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.</p>	<p>An Arborist Report has been prepared by Davey Resource Group (Joseph Stanfield; certified arborist) dated September 20, 2022, and revised September 23, 2024. A total of 70 trees have been inventoried on the subject lands of which 63 are proposed to be removed and 38 trees are proposed to be replanted. The decision to retain trees is to be based on condition, aesthetics, age, and species. It is recognized that there are limited opportunities to retain all trees on site due to the majority of mature trees being centrally located on the site.</p> <p>The applicant has designed the multiple dwelling in accordance with the urban design policies and guidelines. The majority of the parking has been located underground. There are 15 surface parking spaces located in the interior of the site and screened from public view by the dwelling. To increase the opportunities for vegetation planting on site, the applicant has widened the landscaping width along the entire easterly lot line to 3 metres, necessitating the removal of one excess surface parking space. In addition, the design was modified to increase the soil depth to ensure that the site can accommodate and support the successful growth of the proposed vegetation.</p> <p>Trees has been identified along the northerly property line as being boundary trees. The applicant has provided a letter of permission from the adjacent landowner (509 Southcote Road) for the removal of these trees. The lands at 509 Southcote Road were subject to an appeal which the Ontario Land Tribunal issued a decision on January 20, 2025 (OLT-23-000673). The removal of the trees will be in accordance with the Tree Protection Plan reviewed through the Ontario Land Tribunal settlement.</p> <p>Further evaluation of the Tree Protection Plan and Landscape Plan will be required as part of the Site Plan Control process with</p>

Theme and Policy	Summary of Policy Review	Staff Response
Trees Policy: C.2.11.1 (Continued)		<p>a 1 to 1 compensation required for any trees (10 cm DBH or greater) that are proposed to be removed.</p> <p>The proposal complies with this policy.</p>
Transportation Policies: C.4.5.2, 4.5.6, 4.5.7 and C.4.5.12	<p>A Transportation Impact Study shall be required for an Official Plan Amendment and/or a major Zoning By-law Amendment and shall identify and required road widening dedication requirements.</p>	<p>A Transportation Assessment, prepared by R.J. Burnside and Associates Limited, dated March 8, 2024, was submitted. Transportation Planning staff have approved the Transportation Assessment and support the proposed development, subject to the applicant dedicating the right-of-way widening and daylighting requirements from both Garner Road East and Southcote Road.</p> <p>The existing right-of-way on Southcote Road at the subject property is approximately 22 metres. Southcote Road is identified with an Offset Right-of-Way Dedication on Schedule C-2 – Future Right-of-Way Dedications in Volume 1 of the Urban Hamilton Official Plan. Southcote Road from Alexander Graham Bell Parkway/ Chedoke Expressway (Highway 403) to Garner Road East is to be widened by 3.048 metres from the original road allowance limit on the west side and 8.84 metres from the original road allowance on the east side. The proposal has demonstrated the correct dedications being approximately 8.84 metres.</p> <p>Garner Road East is planned to have an ultimate width of 36.57 metres and the existing right-of-way at the subject property varies from 28 to 36 metres. A road right-of-way dedication on Garner Road East with an irregular width up to 8.22 metres is required and will be obtained through a future Site Plan Control condition of approval.</p> <p>As both Garner Road East and Southcote Road are minor arterial roads, a daylighting triangle dedication of 12.19 metres by 12.19</p>

Theme and Policy	Summary of Policy Review	Staff Response
Transportation Policies: C.4.5.2, 4.5.6, 4.5.7 and C.4.5.12 (Continued)		<p>metres is required. The required dedication has been demonstrated in Appendix E attached to Report PED25093.</p> <p>Staff are of the opinion that the proposed development has incorporated the right-of-way and daylight requirements into the design and the dedications will be required through the future Site Plan Control application.</p> <p>The proposal complies with these policies.</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 Odan Detech Group Inc., dated August 2021 with revisions May 11, 2022, February 7, 2023, and January 18, 2024, was submitted. The proposed development has municipal water and wastewater infrastructure available. Development Engineering support the proposal, subject to a Holding 'H' Provision to demonstrate that suitable storm and sanitary outlets are provided for the subject site, including the extension of any municipal sewers.</p> <p>Development Engineering staff have indicated that there are no concerns with the proposed stormwater discharge rate from the proposed storm tank to the municipal sewer; however, Development Engineering will require the applicant to demonstrate that stormwater is discharged from the site to the outlet via gravity drainage and not mechanically pumped. Additional quantity control measures may be required within the parking area of the site to account for redesign of the proposed stormwater management tank to support the development.</p> <p>The applicant is required to demonstrate that no long-term dewatering (due to groundwater) will be conveyed to the municipal sewer infrastructure.</p>

Theme and Policy	Summary of Policy Review	Staff Response
Infrastructure Policy: C.5.3.6 (Continued)		<p>A Hydrogeological Brief demonstrating soil / groundwater conditions to properly characterize potential dewatering needs will be required. The requirement for a Hydrogeological Brief will be addressed through a future Site Plan Control application.</p> <p>Staff are of the opinion that the proposal complies with the policy, subject to the Holding 'H' Provision.</p>
Medium Density Residential – Function Policies: E.3.5.1, E.3.5.2, E.3.5.5 and E.3.5.6	<p>Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads.</p> <p>Medium density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities, public transit, schools, active or passive recreational facilities, and local or District Commercial uses.</p> <p>Medium density residential built forms may function as transitions between high and low profile residential uses.</p>	<p>The Official Plan Amendment and Zoning By-law Amendment propose a built form, which was not anticipated in the Meadowlands Neighbourhood III Secondary Plan and introduces a new form of development at the exterior of the neighbourhood. The proposal while designated “Low Density Residential 3b” has been reviewed against the relevant policies of the Medium Density designation to ensure the function align with the scale and design ensuring compatibility and transition between uses, and overall impact.</p> <p>The proposed development is an “L” shaped multiple dwelling located at the northeast corner of Garner Road East and Southcote Road, which is on the periphery of the Meadowlands III Neighbourhood Secondary Plan. Garner Road East and Southcote Road are classified as minor arterial roads on Schedule C – Functional Road Classification. The proposal introduces a multiple dwelling close to public transit, which services the area through the arterial street system by Hamilton Street Railway bus route 44 along Garner Road East with the bus stop located on the Garner Road East frontage.</p> <p>The neighbourhood is predominantly residential and is well supported with community facilities to serve the neighbourhood including Immaculate Conception Catholic Elementary School, Moorland Park, and Ancaster Arbour Parkette. In addition, district</p>

Theme and Policy	Summary of Policy Review	Staff Response
<p>Medium Density Residential – Function</p> <p>Policies: E.3.5.1, E.3.5.2, E.3.5.5 and E.3.5.6</p> <p>(continued)</p>		<p>commercial uses such as Meadowlands commercial district and the Ancaster Smart Centres are 2.5 kilometres away and accessible by bus.</p> <p>The proposed development will assist in the completion of the multi-use trail along Southcote Road and extension of the sidewalk connection along Garner Road East.</p> <p>The proposal complies with these policies.</p>
<p>Medium Density Residential – Scale and Design</p> <p>Policies: E.3.5.8 and E.3.5.9</p>	<p>For a medium density area, the maximum height is six storeys. For a Medium Density Residential use a proposal shall be evaluated against the following policies:</p> <ul style="list-style-type: none"> • Development should have direct access to a collector road or arterial road. If direct access is not possible, the development may gain access to a collector road or local road from a local road only if a small number of low density residential dwellings are located on that portion of the local road; • Development shall be integrated with other lands in the “Neighbourhood’s” designation with respect to density, design, and physical and functional considerations; • Development shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and 	<p>The proposed seven storey “L” shaped multiple dwelling is a form of development permitted within the “Medium Density Residential” designation. The policy permits a maximum of six storeys with the ability to increase the height up to 12 storeys, subject to various criteria being met. Access to the subject lands is limited to Southcote Road which is designated a minor arterial road.</p> <p>The use is within a compact midrise multiple dwelling form that allows for a range of housing options that would support the neighbourhood. The form of development also allows for a mix of one, one bedroom plus den, and two bedroom plus den units, including ground floor amenity space and services for the residents. The use of energy modelling will be incorporated during detailed design through a future Site Plan Control application to secure compliance with the green building standards and building envelope design, energy code requirements, and greenhouse gas reductions as required by the Ontario Building Code. In addition, other measures were incorporated such as the extension of the planting strip running along the easterly lot line to the northern property line to provide for additional permeable surfaces, landscaped areas, and buffering which resulted in the removal of one surface parking space and the addition of one native tree</p>

Theme and Policy	Summary of Policy Review	Staff Response
<p>Medium Density Residential – Scale and Design</p> <p>Policies: E.3.5.8 and E.3.5.9 (continued)</p>	<p>buffering, if required. The height, massing, and arrangement of buildings and structures shall be compatible with the existing and future uses;</p> <ul style="list-style-type: none"> • Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on site and on surrounding streets; • The City may require studies to demonstrate the height, orientation, design and massing of the building or structure shall not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses; and, • 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 through the submission of a Visual Impact Assessment. 	<p>species and other vegetative plantings within the planting strip extension.</p> <p>The proposed orientation of the seven storey “L” shaped multiple dwelling will define the street edge along Garner Road East and Southcote Road and activate the public realm. The proposed design and site organization addresses the contextual fit and site functionality by providing adequate setbacks, amenity areas and pedestrian connectivity. The siting and shape of the building, as well as the increased setback of 19 metres to the low density residential dwellings to the north, reduces the potential for shadowing or overlook impacts.</p> <p>Staff are satisfied that the proposal provides sufficient internal amenity space for larger gatherings with attached communal balcony space. The current concept plan shows a total of 100 square metres of amenity space internal to the site and approximately 340 square metres of communal indoor amenity area.</p> <p>A Shadow Study prepared by SRM Architects Inc. by E. Thomas dated August 20, 2021, and revised February 22, 2023, and September 18, 2024, was submitted. The proposed building has been designed to be compatible with the adjacent land uses with respect to matters such as shadowing and overlook. The submitted Shadow Study exceeds the minimum requirements for sun through March 21st to September 21st, demonstrating compliance with a 45° angular plane. In addition, there are no shadow impacts on public open spaces or parks in the immediate area.</p> <p>The subject land is located at the periphery of the neighbourhood with direct access limited to Southcote Road, designated a minor</p>

Theme and Policy	Summary of Policy Review	Staff Response
Medium Density Residential – Scale and Design Policies: E.3.5.8 and E.3.5.9 (continued)		<p>arterial road, to minimize conflicts between traffic and pedestrians both on site and on surrounding streets. A Transportation Assessment, prepared by R.J. Burnside and Associates Limited, dated March 8, 2024, was submitted. Transportation Planning concurred with the traffic assessment that demonstrated that the road network can accommodate the trips and the forecasted future conditions indicate no significant effect on the surrounding road and transportation network.</p> <p>The proposal complies with these policies.</p>
Meadowlands III Neighbourhood Secondary Plan		
Residential Designations Policies: B.2.5.1 and B.2.5.1.1	<p>The residential policies shall define the location and scale of each type of residential use and shall help ensure that a variety of residential types are provided to meet the needs of all area residents.</p> <p>The Meadowlands Neighbourhood III Secondary Plan consists of various Low Density Residential designations and the proposal has introduced the Medium Density 3 designation into the Secondary Plan.</p>	<p>The development will introduce an additional housing type that is designed in character with the existing residential neighbourhood. It is anticipated that the new dwelling units will provide a range of affordability, contributing to a complete community by providing opportunities for a full range of dwelling types and tenures, while also increasing the supply of housing in proximity to transit routes and community facilities to serve residents.</p> <p>To foster a complete community, the proposal facilitates an efficient use of land at the periphery of the neighbourhood while preserving the lower density residential within the interior of the existing neighbourhood. In addition, the increased setback from the proposed townhouse dwellings to the north of the subject lands will create a gradual transition between dwelling types.</p> <p>The proposed development will complete the streetscape along Southcote Road improving the pedestrian infrastructure. The development will also continue the streetscape along the frontage of Garner Road East to define the street edge. As demonstrated on the Concept Plan the pedestrian infrastructure will also continue along the frontage of Garner Road East.</p>

Theme and Policy	Summary of Policy Review	Staff Response
Residential Designations Policies: B.2.5.1 and B.2.5.1.1 (continued)		The proposal complies with these policies.

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; and, • Canada Post. 	No comment.	Noted.
Development Engineering Section, Growth Management Division, Planning and Economic Development Department.	<p>A Functional Servicing and Stormwater Management Report, prepared by Odan Detech Group Inc., dated August 2021 with revisions May 11, 2022, February 7, 2023, and January 18, 2024, were submitted.</p> <p>Development Engineering is satisfied with the proposed discharge rate of 16 L/s from the proposed Stormwater Management tank, however, will require the stormwater to outlet via gravity drainage and not mechanically pumped which may require additional quantity control measure because of the Stormwater Management tank redesign.</p> <p>Staff advise that through the future Site Plan Control application conditions will be required for the registration for dewatering activities with an Environmental Sector and Registry Posting (EASR) Application; and a dewatering plan showing the locations of settlement tanks (if applicable) and discharge location (sewer hole ID) in order to comply with the Discharge Permit requirements. In addition,</p>	<p>A Holding 'H' Provision is proposed to be added to the subject lands for the purpose of demonstrating that suitable storm and sanitary outlets are provided for the subject site, including extension of any municipal sewers.</p> <p>The detailed design work associated with the report will be completed through a future Site Plan Control application condition of approval.</p>

Department/Agency	Comment	Staff Response
<p>Development Engineering Section, Growth Management Division, Planning and Economic Development Department.</p> <p>(continued)</p>	<p>the civil drawings as well as the Foundation permit and the Construction Management Plan, will need to clearly state that the proposed below-grade parking structure is to be constructed as water-tight.</p>	
<p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department</p>	<p>Transportation Planning staff have approved the Transportation Assessment submitted by R.J. Burnside and Associates Limited, dated March 8, 2024. The proposal can be accommodated within the surrounding road network provided key improvements, including the future pedestrian realm, and cycling infrastructure, are implemented to accommodate an increase in vehicle volume to the surrounding transportation network.</p> <p>The existing right-of-way on Southcote Road at the subject property is approximately 22 metres. Southcote Road is a road with an Offset Right-of-Way Dedication in Volume 1 of the Urban Hamilton Official Plan. Southcote Road from Alexander Graham Bell Parkway/Chedoke Expressway (Highway 403) to Garner Road East is to be widened by 3.048 metres from the original road allowance limit on the west side and 8.84 metres from the original road allowance on the east side. The proposal has demonstrated the correct dedications being approximately 8.84 metres.</p>	<p>Staff are of the opinion that the proposed development has incorporated the land required for the dedications which will be addressed through the future Site Plan Control application. Access to the subject lands is limited to Southcote Road.</p> <p>Staff are of the opinion that the Concept Plan has demonstrated that the requirement for visibility triangles can be addressed through the future Site Plan Control application.</p>

Department/Agency	Comment	Staff Response
<p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department</p> <p>(continued)</p>	<p>Garner Road East is planned to have an ultimate width of 36.57 metres and the existing right-of-way at the subject property varies from 28 to 36 metres. A road dedication to the right-of-way on Garner Road East with an irregular width up to 8.22 metres is required.</p> <p>As both Garner Road East and Southcote Road are arterial roads, a daylighting triangle dedication of 12.19 metre by 12.19 metre is required. The requirement has been demonstrated on the Concept Plan.</p> <p>The proposal will be required to include 5.0 metre by 5.0 metre visibility triangles for the driveway access to Southcote Road. 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). No object or mature vegetation can exceed a height of 0.6 metres above the corresponding perpendicular centreline elevation of the adjacent street.</p>	
<p>Waste Policy and Planning Section, Waste Management Division, Public Works Department</p>	<p>The proposed development will require front end collection for the collection of garbage and cart collection for recyclable containers, recyclable papers, and organic waste. The storage area will require an overhead clearance of at least 3.1 metres and submitted drawings must annotate the vertical clearance of the storage area. In addition, the loading area cannot be shared with the short term parking or</p>	<p>Waste storage and collection matters will be addressed at the future Site Plan Control stage and the Draft Plan of Condominium stage if condominium tenure is considered.</p>

Department/Agency	Comment	Staff Response
Waste Policy and Planning Section, Waste Management Division, Public Works Department (continued)	storage area and must not interfere with pedestrian traffic or vehicular traffic. The waste staging area must demonstrate a staging pad area adjacent to or shared with the waste loading area.	
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<p>The Tree Inventory and Preservation Plan (revision #3), prepared by Davey Resource Group, dated September 19, 2024, and Landscape Plan (revision #15), prepared by Marton Smith Landscape Architects, dated September 17, 2024, were satisfactory.</p> <p>All trees to be acquired within the road widening are shown to be removed. No public tree permit or associated fees are required with the removal of these trees. The applicant will be required to pay for the planting of street trees along the entirety of frontage.</p>	The planting of street trees will be addressed through a future Site Plan Control application.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<p>It is noted that should a Draft Plan of Subdivision or Draft Plan of Condominium application be submitted, PIN Abstracts will be required to be provided.</p> <p>The owner has been made aware that municipal addressing for the subject proposal will be determined after conditional Site Plan approval is granted. Staff will require the owner to submit a list of unit numbers and floor plans of all existing and proposed residential units in the development.</p>	<p>Noted.</p> <p>These matters will be addressed at the future Site Plan Control stage.</p>

Department/Agency	Comment	Staff Response
<p>Landscape Architectural Services, Strategic Planning Division, Public Works Department.</p>	<p>Garner Road East is scheduled for reconstruction and road widening along the frontage of the subject lands in 2026. Efforts should be made to complete any servicing, underground, and surface works prior to this construction and while taking into consideration the future design of Garner Road East. As well, Southcote Road was scheduled for reconstruction, urbanization, and widening in 2022 and design work was to take into consideration the final configuration of the reconstructed Southcote Road. Staff note that right-of-way resurfacing of Southcote Road has since occurred and sidewalks have been installed on the west side of Southcote Road. The completion of the trail along the east side of Southcote Road will occur with the completion of construction.</p> <p>As per the Recreational Trails Master Plan, a multi-use recreational path is proposed along Southcote Road.</p> <p>Cash-in-lieu of parkland dedication is requested, as required at the Building Permit stage.</p>	<p>The proposed development has demonstrated all required road widening dedications to accommodate the future multi-use recreational trail within the municipal right-of-way.</p> <p>Cash-in-lieu of parkland will be addressed during the Building Permit stage.</p>

Site Specific Modifications to the Holding Residential Multiple “RM6-719” Zone, Modified

Regulation	Required	Modification	Analysis
<p>Interpretation – Lot Lines</p> <p>3.84, 3.85 and 3.86</p>	<p>“Lot Line, Front”</p> <p>(a) means the lot line that divides the lot from the street; or</p> <p>(b) in the case of a corner lot, the shorter street line; or</p> <p>(c) if a corner lot has a partially curved street line, the front lot line shall be the shortest street line determined by the bisection of the curve, and the remaining portion of the street line shall be a side lot line, however if a corner lot has a continuously curved street line, the street line shall be the front lot line; or</p> <p>(d) if a corner lot or through lot has two street lines of equal length, the owner of such lot may designate either street line as the front lot line, subject to reserve requirements.</p>	<p>Notwithstanding Sections 3.84, 3.85, and 3.86:</p> <p>i. The shortest lot line abutting Garner Road East measuring 5.25 metres shall be considered the front lot line;</p> <p>ii. The hypotenuse of the daylight triangle and the longest lot line abutting Garner Road East shall be considered side lot lines; and,</p> <p>iii. All remaining lot lines shall be considered rear lot lines.</p>	<p>The proposed modification has been included to ensure that the lot lines are identified for the purpose of administering the By-law. The modification is technical in nature and provides clarity due to the irregular lot lines created after the right-of-way widening and daylighting triangle dedications.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
	<p>“Lot Line, Side” means a lot line which meets the front lot line.</p> <p>“Lot Line, Rear” means the lot line opposite the front lot line, or in the case of an irregular lot, the lot line or lot lines remaining after the determination of the side lot lines and on a lot with only three boundaries, there will be no rear lot line.</p>		
<p>Building Height</p> <p>7.11 (a)</p>	<p>No person shall erect in any Zone:</p> <p>(a) a building, dwelling or structure that exceeds a height of 10.5 metres.</p>	<p>Notwithstanding Section 7.11 a), the maximum building height shall be 24.5 metres.</p>	<p>The intent of the provision is to ensure the scale of the development is compatible with existing and planned development in the area. The increase in height is supported as it allows for an alternative housing form to be introduced at an appropriate location on the periphery of the neighbourhood while also screening the parking, loading, and servicing facilities from the public realm.</p> <p>Therefore, staff supports this modification.</p>
<p>Yard Encroachment</p> <p>7.12 (c)</p>	<p>Subject to any other applicable provisions of this By-law, all minimum yards shall be open and unobstructed from the ground upwards, except that the following are permitted:</p>	<p>Notwithstanding Section 7.12 c), balconies shall be permitted to project into a required rear yard to a maximum distance of 2.0 metres.</p>	<p>The applicant is requesting a minor increase of 0.5 metres to allow for articulation and variation in the building design. The modification is considered minor in relation to the overall design of the site which includes a 19 metre setback from the residential dwellings to the north. The setback from the property line to the building reduces overlook and privacy concerns. The proposed modification can be supported as the request incorporates</p>

Regulation	Required	Modification	Analysis
	(c) balconies or open stairways that project into any minimum front or minimum rear yard a distance of not more than 1.5 m, or into any minimum side yard a distance of not more than 45 centimetres.		articulation along the façade of the multiple dwelling. Therefore, staff support the modification.
Parking and Loading 7.14 (a) (vii) and (viii)	<p>Permanently maintained off-street parking and loading facilities shall be provided for every building or structure erected for, altered for, or converted to, any use permitted in any Zone, and the required facilities shall be provided at the time of construction, alteration or conversion.</p> <p>(vii) Any above-grade communal parking structure shall require the same setback regulations as the principal building.</p> <p>(viii) Any below-grade communal parking structure shall require a minimum side yard and minimum rear yard setback</p>	Notwithstanding Section 7.14 a) (vii) and (viii), the minimum side yard and rear yard setback to a below grade communal parking structure shall be 0.5 metres, or 0.0 metres when abutting a daylight triangle.	<p>The intent of the provision is to ensure that adequate landscape buffers and spacing between dwellings are provided between off-street parking and loading facilities and residential uses. In this case, the modification is requested due to the size and shape of the lot which would require an additional level of underground parking if the modification were not approved. Furthermore, due to the change in grade to the rear of the subject lands the underground parking area is considered above grade which creates a deficiency to the By-law.</p> <p>Staff note that the applicant is providing enhanced landscaping to buffer the parking and loading facilities from the easterly rear lot and fencing will be installed along the northerly rear lot line. The reduced setback to the daylighting triangle is a result of the multiple dwelling sited along the front lot line to activate the street edge.</p> <p>Therefore, staff support the modification.</p>

Regulation	Required	Modification	Analysis
	of 1.5 metres and shall require from any street line the same setback as the principal building.		
Parking and Loading 7.14 (a) (xv)	<p>Permanently maintained off-street parking and loading facilities shall be provided for every building or structure erected for, altered for, or converted to, any use permitted in any Zone, and the required facilities shall be provided at the time of construction, alteration, or conversion.</p> <p>(xv) Where a parking area which is required to provide for more than four vehicles abuts a lot containing a dwelling comprising one or two dwelling units, a permanently maintained planting strip of a minimum width of 3 metres shall be provided, except that in a "C2" Zone such width shall be 6 metres and shall include fencing to provide a solid and effective screen.</p>	Notwithstanding Section 7.14 b) xv), a planting strip shall not be required abutting the northerly rear lot line.	<p>The intent of the provision is to ensure that adequate landscaping and buffering is incorporated into the design as well as provide permeable surfaces to create and maintain a consistent streetscape, and for drainage purposes. The proposal includes a 3.0 metre wide landscaping and planting strip along the frontage of Garner Road East and Southcote Road with the exception of the portion of the building along the daylighting triangle. In addition, 3.0 metres of landscaping and planting along the easterly rear lot line are demonstrated on the concept plan. Only the portion of the site where the surface parking spaces are located along the northerly lot line will the proposed design not include a planting strip. Staff are of the opinion that the reduction is minor in nature and the proposal provides adequate landscaping and buffering to the anticipated residential uses to the north as well as provides permeable surfaces reducing the dependence on stormwater management infrastructure.</p> <p>Therefore, staff support the modification.</p>

Regulation	Required	Modification	Analysis
<p>Required Parking</p> <p>Section 7.14 (b) (i) (C)</p>	<p>(i) Residential Uses</p> <p>(C) Apartment Building - requires 2 parking spaces per dwelling unit plus 0.33 visitor parking spaces</p>	<p>Notwithstanding Section 7.14(b)(i)(C), 1.3 parking spaces per dwelling unit shall be provided and shall be inclusive of visitor parking.</p>	<p>The intent of the provision is to ensure that sufficient parking for residents and visitors is provided. The applicant has requested a minor modification to reduce the parking ratio from 2.33 to 1.45 parking spaces per dwelling unit inclusive of visitor parking. It is understood that the parking rates for multiple dwelling developments in Ancaster are among the highest of all the former municipalities that make up the City of Hamilton. The subject lands are located in front of a transit stop which is serviced by Hamilton Street Railway route 44 Rymal. A Transportation Assessment, prepared by R.J. Burnside and Associates Limited, dated March 8, 2024, was submitted, and the findings were accepted by Transportation Planning staff.</p> <p>The City of Hamilton recently completed a technical review and amendment to Hamilton Zoning By-law No. 05-200, and the subject lands are located within Parking Rate Area #3, which would align with the requirements of the By-law. The parking rate of 1.3 will provide adequate parking for residents and visitors and exceeds the overall rate of Parking Rate Area 3 in Zoning By-law No. 05-200 which is 0.85 spaces per unit for residents, plus 0.25 visitor parking spaces per unit. Given the location on the periphery of the neighbourhood and the transit options available, staff are of the opinion that the parking rate is acceptable and support the modification.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
Minimum Lot Area 19.2 (a)	0.40 hectares.	0.37 hectares.	<p>The intent of the provision in the By-law is to ensure an adequate lot area is provided to accommodate dwelling units while providing required yards including elements such as outdoor amenity, access, maintenance, privacy, and drainage. Staff note that the reduction is minor and is a result of the required right-of-way widening and daylighting triangle dedications to be taken from the subject lands.</p> <p>Therefore, staff supports this modification.</p>
Maximum Density 19.2 (c)	60 dwelling units per hectare plus an additional 10 dwelling units per hectare where all required parking spaces (excluding required visitor parking) are provided under landscaped grounds or inside the building, to a maximum density of 70 dwelling units per hectare.	Shall not apply.	<p>Although the applicant has requested a modification to the provision, staff have elected to remove the density to provide flexibility as minimum and maximum density is captured in the proposed Official Plan Amendment to the Meadowlands Neighbourhood III Secondary Plan. The proposed development represents an increase in the number of permitted units on the subject lands. Staff support the increase in density as the development incorporates features such as landscaping and private amenity areas as well as development standards to ensure compatibility. The proposed "L" shaped building design is appropriate as the design mitigates shadowing and overlook of the low density residential dwellings to the north. The proposal utilizes enhanced landscaping features and plantings on site to buffer from the neighbouring dwellings.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
Minimum Lot Frontage 19.2 (d)	30 metres.	5.25 metres.	<p>The intent of the provision in the By-law is to ensure lot widths are consistent with the surrounding neighbourhood and to ensure that an adequate building envelope with appropriate setbacks can be provided. As a result of the required right-of-way widening and daylight triangle dedications it is noted that there are multiple lot lines along Garner Road East. Staff note that the reduction requested to the minimum lot frontage is a technical amendment as the 5.25 metres represents the shortest lot line along Garner Road East due to the irregularly shaped daylighting triangle lot line. The actual width of the lot along Garner Road East is approximately 50 metres wide.</p> <p>Therefore, staff supports this modification.</p>
Minimum Front Yard 19.2 (g)	7.5 metres, plus any applicable distance as specified in Schedule "C".	2.0 metres.	<p>The proposed modification will permit the building to be located closer to the street, which will contribute to a more defined and animated streetscape on a corner lot. The reduction is requested to accommodate a compact multiple dwelling that responds to urban design requirements to create an attractive, lively, and safe community. The proposed front yard setback has sufficient space to accommodate landscaping, private amenity areas as well as contributes to an improved pedestrian scaled streetscape and a multi-use path along Southcote Road and a sidewalk along Garner Road East.</p> <p>Therefore, staff support the modification.</p>

Regulation	Required	Modification	Analysis
<p>Minimum Side and Rear Yard</p> <p>19.2 (h)</p>	<p>9 metres, plus any applicable distance as specified in Schedule "C" except in no case shall an apartment building be closer than 18 metres to a dwelling on an adjacent lot.</p>	<p>i. 3.0 metres to the side lot line abutting Garner Road East;</p> <p>ii. 0.0 metres to the hypotenuse of the daylight triangle;</p> <p>iii. 3.0 metres to the rear lot line abutting Southcote Road</p> <p>iv. 19.0 metres abutting the northerly lot line;</p> <p>v. 25.0 metres to the easterly rear lot line to the portion of the multiple dwelling as shown on Special Figure #4; and,</p> <p>vi. 3.0 metres to the easterly rear lot line to the portion of multiple dwelling as shown on Special Figure #4.</p>	<p>The proposed modification will permit the building to be located closer to the street, which will contribute to a more defined and animated streetscape. Staff note the proposed main entrance is on the side of the building facing Southcote Road and will bring activity to the street and contribute to defining the Southcote Road street edge. The development of the multiple dwelling along the street frontage will contribute to the enhancement of pedestrian oriented places that are safe, accessible, and connected through the completion of the remaining portion of the multi-use path along Southcote Road.</p> <p>Therefore, staff support the modification.</p>
<p>Children's Outside Play Area</p> <p>19.2 (j)</p>	<p>A curbed or fenced children's outside play area that has a minimum area of 2.5 square metres per bedroom excluding master bedrooms, shall be provided and maintained.</p>	<p>Shall not apply.</p>	<p>The intent of the provision is to ensure that there is an amenity area for children within a multiple dwelling development. As per the City of Hamilton Site Plan Guidelines, outside play areas for children should be provided for developments containing 20 units or more but is to be considered in the context of other publicly accessible facilities which may</p>

Regulation	Required	Modification	Analysis
			<p>eliminate the need to provide on site facilities. The proposed development includes private balconies, as well as 101 square metres of outdoor amenity area and 338 square metres of ground floor indoor amenity space. In addition, various public amenities are within walking distance (mix of sidewalks and pedestrian pathways) including Ancaster Harbour Parkette, approximately 335 metres from the subject lands, Immaculate Conception Catholic Elementary School, approximately 435 metres from the subject lands, Moorland Park, approximately 565 metres from the subject lands, and Bookjans Park approximately 770 metres from the subject lands. The parks provide amenity space for the future residents of the development.</p> <p>Therefore, staff supports this modification.</p>
<p>Maximum Height</p> <p>19.2 (k)</p>	10.5 metres.	14.0 metres and 24.5 metres and in accordance with Special Figure 4: 559 Garner Road East, Ancaster.	<p>The intent of the provision is to ensure a scale of development that is compatible with the existing and planned development in the area. The proposal will introduce a new residential dwelling type to the periphery of the neighbourhood, which is primarily comprised of single detached and townhouse dwellings. To mitigate any compatibility concerns the building massing and built form are designed as street oriented and pedestrian friendly. The proposed design, with setbacks and stepbacks, is sensitive to the scale of the surrounding neighbourhood by mitigating shadow impacts to adjacent properties. The increase in height is supported as it allows for an alternative housing form to be introduced at an appropriate location on the periphery of the neighbourhood while also</p>

Regulation	Required	Modification	Analysis
			<p>screening the parking, loading, and servicing facilities from the public realm.</p> <p>Therefore, staff supports this modification.</p>
<p>Minimum Landscaping</p> <p>19.2 (l)</p>	40 percent of the lot area (excluding children's outside play areas.)	25 percent.	<p>The intent of the minimum landscape area provision is to ensure that adequate landscaping and permeable surfaces are provided to create and maintain a consistent streetscape, provide for amenity areas and for drainage purposes. The modification to reduce the minimum landscaping requirement can be supported as the proposal will allow for compatible design achieved through architectural massing, height, scale, and enhanced landscaping. In addition, the reduction in landscaped area was not considered to negatively impact the discharge rate for stormwater management. The applicant will be encouraged to incorporate Low Impact Development (LID) measures within the hardscaped areas at the future Site Plan Control stage to further improve permeability on the site.</p> <p>Therefore, staff supports this modification.</p>
		<p>Percentage of Multiple Bedroom Units Within a Multiple Dwelling</p> <p>i. A minimum of 25 percent of the Dwelling Unit(s) shall be units with two or more bedrooms.</p>	<p>The provision has been added into the amending Zoning By-law by staff to ensure that the proposal implements a mix of unit sizes to accommodate a range of household sizes and income levels. Staff have secured that a minimum of 25 percent of the dwelling units are two bedroom units or larger, although as currently proposed the applicant has demonstrates a higher percentage of units sizes to accommodate a range of household sizes and income levels.</p>

Regulation	Required	Modification	Analysis
		ii. Where the application of subsection i. above results in a numeric fraction, the fraction shall be rounded up to the nearest whole number of dwelling units.	Therefore, staff supports this modification

From: David Lloyd
Sent: May 14, 2025 8:45 AM
To: clerk@hamilton.ca
Cc: Cassar, Craig <Craig.Cassar@hamilton.ca>; Fiorino, Michael <Michael.Fiorino@hamilton.ca>;
Subject: Please add to May 23 planning agenda

External Email: Use caution with links and attachments

Planning meeting May 23, 2025 regarding 559 Southcote Road, Ward 12



Dear Planning Committee members,

I am a [REDACTED] who is fully in favour of infill development and green development standards. We need sustainability, height and density all through the city, including Ancaster.

However, will one of you please speak up at this meeting and let residents know when the City will stop recommending approval to raze EVERY SINGLE TREE ON THE LOT? We were

promised a tree protection bylaw that seems to be taking years to become a reality and so many trees are being lost in the meantime.

In this instance, please reflect on why the massive heritage weeping willow tree with a trunk that is almost two meters in diameter, and in good condition according to the tree plan, is considered ok to remove along with every single one of the 40 trees on this site? Why not save some around the edges? It has been done before by just one kilometer up the road at 389 Southcote Road where the builder Zeina Homes agreed to create space for the row of conifers on the property line by reducing the footprint of their build.

Thank you Zeina Homes! See google street image below.



Tree preservation seems to be an afterthought in Hamilton despite the rah rah about increasing our tree canopy.

The property right next door to this proposal, at 509 Southcote, has also been the go ahead to remove all of the 370s trees on that lot and they are massive, mature trees. Does the City not understand **cumulative impacts**? How can total removal be of any benefit to citizens and nature?

I will be watching and I sincerely hope to hear one of you explain we continue to approve destruction of every single tree on the lot with no thought to leaving some trees/nature in place and building density beside it.

Thank you,
David Lloyd

From: Elizabeth Knight
Sent: May 14, 2025 10:52 AM
To: clerk@hamilton.ca; Fiorino, Michael <Michael.Fiorino@hamilton.ca>; Cassar, Craig <Craig.Cassar@hamilton.ca>
Subject: 559 Southcote trees

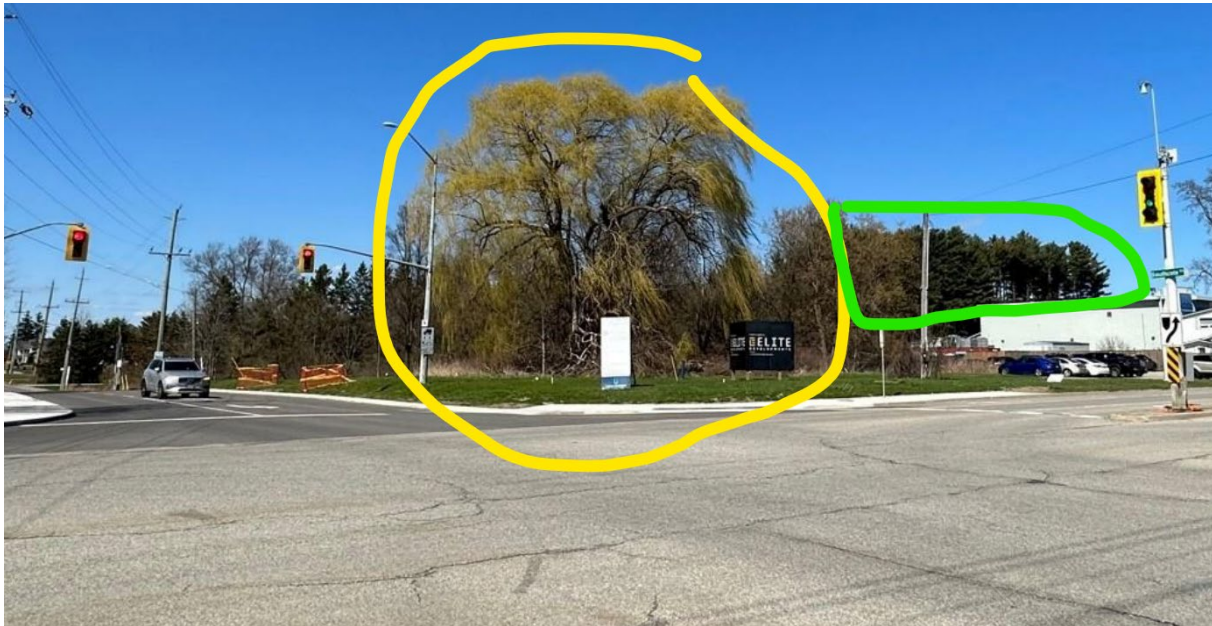
External Email: Use caution with links and attachments

Hello,

I am writing to advocate for the 40 trees that will be cut down at this corner, leaving no tree standing. Please add my letter to the May 23 Planning agenda.

I'd like to make Committee members aware that between this property (559 Southcote) and the one next door (509 Southcote) - over 400 mature trees will be removed to develop both properties.

How can this clear cut be allowed? Only four trees (at 509 Southcote) will remain at both locations. At 559 Southcote, zero trees will be preserved including the majestic centurian Willow which is front and centre in the staff presentation images. I've circled the Willow in yellow and the giant conifers next door at 509 in green, in the image below.



Staff comments from Appendix G from Forestry and Horticulture: "All trees to be acquired within the road widening are shown to be removed. No public tree permit or associated fees are required with the removal of these trees."

-WHY is the removal of public trees a slam dunk?

Staff comments on trees in Appendix F: "Trees have been identified along the northerly property line as being boundary trees. The applicant has provided a letter of permission from the adjacent landowner (509 Southcote Road) for the removal of these trees."

-Of course they have! They are both represented by the same planning company, Urban Solutions, who, in my observation, rarely considers the environment in their projects.

I am in favour of infill development and of building up, not out. But the price should not be to sacrifice every single tree on the property. Other builders in Ancaster work around trees, why not Elite?

Where is the balance between infill and preservation of our green spaces?

Please insist the developers save at the very least, the trees around the edges or include the willow in their plans.

Thank you,
Elizabeth Knight

From: Karin Hewlett

Sent: Tuesday, May 6, 2025 1:42 PM

To: clerk@hamilton.ca

Cc: Cassar, Craig <Craig.Cassar@hamilton.ca>; Ward 12 Office <ward12@hamilton.ca>; Fiorino, Michael <Michael.Fiorino@hamilton.ca>

Subject: Notice of public meeting of the planning committee letter: Subject: 559 Garner Rd. East Ancaster

External Email: Use caution with links and attachments

Good afternoon,

As per the “Notice of public meeting of the planning committee” letter dated April 18, 2025 I just received in the mail for UHOPA-21-010, subject: 559 Garner Rd. East Ancaster. I wanted to note a few of my questions and concerns.

1. This development along with the massive town house construction just at 509 Southcote will cause a huge increase in traffic in the area. How is the infrastructure set up to handle the massive increase in people, cars, and construction?
 - a. Increase in water/electricity usage in a small area
 - b. Massive increase in traffic -road quality, safety
 - c. The project includes provisions for underground parking which can have various impacts to the environment. Environmental impacts include soil disturbance, eventual erosion, sedimentation, and soil compaction. Subsequently, this development can also generate significant noise and vibration which can disturb local residents, wildlife, and impact surrounding infrastructure.
2. The loss of green space can have a significant impact on the local wildlife and their natural habitats. We need to take into account the impact of development on our ecosystem and ensure that we preserve and even enhance the natural habitat in the area.
 - a. Ancaster is choosing to destroy the green space to accommodate developers.
3. The residents have already had a Southcote road closure which will be 2 years when it's completed (if all goes well). This construction will cause more road work and traffic interruption to the area -we have already put up with to so much!
4. The tree protection plans for the build site 559 Garner Road and there are specific species of protected trees provisioned for removal including Black Cherry (*Prunus serotina*), Black Walnut (*Juglans nigra*), White Ash (*Fraxinus americana*) and White Oak (*Quercus alba*). These trees are protected under Hamilton's Tree By-law (No. 10-150) which exists to ensure their continued health and preserve the benefits they

provide to the environment. Can you please confirm why this will be cut if they are part of the tree by-law?

- a. Its also noted that all 40 trees are indicated to be removed. Not any ability to keep any? How is it a *tree protection plan* when all the trees are set to be removed? What exactly is being *protected*?
5. Further to the argument of biodiversity, Ancaster is home to several important species of wildlife whose presence in beneficial to the environment. The area proposed for development provides a safe corridor to many different species – some of which are endangered. Here are a few:
 - a. Birds: Ancaster is home to a diverse range of bird species, including several that are considered at-risk or endangered, such as the Eastern Meadowlark and the Chimney Swift. Birds play an important role in controlling insect populations, pollinating plants, and dispersing seeds.
 - b. Bats: Several species of bats are found in Ancaster and surrounding area. In particular, the Little Brown Bat (*Myotis lucifugus*) and the Northern Myotis (*Myotis septentrionalis*) are both listed as Endangered under the federal Species at Risk Act (SARA). These bats and others are important pollinators and insectivores and can help to control mosquito and other insect populations.
 - c. Bees: Hamilton is home to a wide variety of bee species, including the Rusty-patched Bumblebee, which is considered at-risk. Bees play a crucial role in pollinating plants, which is essential for maintaining healthy ecosystems and food production.
6. How are the [Green Development Standards](#) being considered? This new build will not:
 - a. improve air quality OR
 - b. Protect and enhance ecological functions, integrate landscapes and habitats and decrease building-related bird collisions and mortalities
7. Will the condos be family friendly? [Family Friendly Housing | City of Hamilton](#)
 - a. If so and they will be is there any park space included? Safety protocols for increased road safety to address an increase of children in the high traffic area?
8. Hamilton is aiming for a canopy coverage of 40%, which is critical for supporting the health and well-being of our community. Currently, Hamilton sits below that mark at roughly 18%. This makes our goal of 40% canopy cover by 2040 seem nearly unattainable. Just a note that the cutting of all these trees will only keep us well under this 40%. .

9. At a recent development of yours at 467 Charlton Avenue East, Hamilton your website indicates that *“The goal of the design to provide a unique residential development that would respond to both the natural character of the site and the proximity to downtown. To the north and west, the site offers views of downtown, the Stinson Neighbourhood and Hamilton Harbour. To the south is an uninterrupted view of escarpment trees. The buildings are situated to permit a clear view of the escarpment from the north-south neighbourhood streets below, and during the design process, they were reduced in width to ensure these views were preserved and enhanced.”* In this project it seemed to incorporate the tree views and embrace the nature landscape in the area. Is this something that you would also consider with the 2 properties 559 Garner Road East (Ancaster, ON) and 509 Southcote Road Ancaster Ontario?
10. At the 509 southcote development there is already a plan to remove 376 trees. Only **4** trees are remaining. The removal of all these trees is a large detriment to the neighbors and surrounding business as well as the potential buyers as without these trees there will an increase in noise traffic from Garder road. There is a great tree line bordering the surrounding houses and yet this was not even considered.
11. A recent development - Zeina homes (382 Southcote Road) worked with the city to keep 10 bordering giant conifer trees. This is a great example of a developer that has the balance of development and city needs and wants.

Our city needs to focus on the current city state and the green space for our children and current residents. I understand there is a housing issue, and this is high density but given the town house development around the corner the impact is significant to this small area of our community. At what point do we stop tearing apart our greenspace and natural animal habitats? How come some of the trees are not being kept? Its not as easy? There needs to be a balance between building and environmental impact and preservation.

Please confirm receipt of this email.

clerk@hamilton.ca please add this to the May 23 agenda concerning 559 Southcote Road E. Ancaster.

Thank you for your time

Karin



City of Hamilton Report for Consideration

To: Chair and Members
Planning Committee

Date: May 23, 2025

Report No: PED25118

Subject/Title: Applications for a Zoning By-law Amendment and
Draft Plan of Subdivision for Lands Located at 515
Jones Road, Stoney Creek

Ward(s) Affected: Ward 10

Recommendations

- 1) That **Zoning By-law Amendment Application ZAC-25-008, by Urban in Mind (c/o Victoria Colantonio), on behalf of 2787685 Ontario Ltd. (c/o Salman Rehan), Owner**, for a change in zoning from the Low Density Residential – Large Lot (R2) Zone to the Low Density Residential (R1) Zone, for lands located at 515 Jones Road, Stoney Creek, as shown in Appendix A attached to Report PED25118, **BE APPROVED** on the following basis:
 - (i) That the draft By-law, attached as Appendix B to Report PED25118, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed change in zoning is consistent with the Provincial Planning Statement (2024) and complies with the Urban Hamilton Official Plan.
- 2) That **Redlined Draft Plan of Subdivision Application 25T-202501, by Urban in Mind (c/o Victoria Colantonio), on behalf of 2787685 Ontario Ltd. (c/o Salman Rehan), Owner**, on lands located at 515 Jones Road, Stoney Creek, as shown in Appendix A attached to Report PED25118, **BE APPROVED**, in accordance with By-law No. 07-323 being the delegation of the City of Hamilton's Assigned Authority Under the *Planning Act* for the Approval of Subdivisions and Condominium, on the following basis:

**Applications for a Zoning By-law Amendment and Draft Plan of Subdivision for
Lands Located at 515 Jones Road, Stoney Creek (Ward 10)**

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-
- (i) That this approval apply to the redlined Draft Plan of Subdivision certified by Moe Tavallae, O.L.S, dated April 17, 2025, consisting of five lots for single detached dwellings (Lots 1 to 5), one block for a road right-of-way widening and daylight triangle (Block 1), and one future development block (Block 2), as shown in Appendix C attached to Report PED25118;
 - (ii) That the Owner enter into a standard form Subdivision Agreement as approved by City Council and with the Special Conditions of Draft Plan of Subdivision Approval 25T-202501, as shown in Appendix D attached to Report PED25118, be received and endorsed by City Council;
 - (iii) That in accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual, there will be no City of Hamilton cost sharing for this subdivision; and,
 - (iv) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

Key Facts

- The application is for a Zoning By-law Amendment to change the zoning from the Low Density Residential – Large Lot (R2) Zone to the Low Density Residential (R1) Zone.
- The proposed redlined Draft Plan of Subdivision will facilitate the development of a residential subdivision consisting of one lot for the relocation of the existing heritage building, four lots for single detached dwellings, a block for a municipal road right-of-way widening and a daylight triangle, and a block for future development.
- The proposal was circulated to 80 property owners within 120 metres of the subject lands as per the requirements of the *Planning Act* and no comments were received.
- Staff recommends that the proposed Zoning By-law Amendment and Draft Plan of Subdivision with conditions be approved as shown in Appendices B, C and D attached to Report PED25118.

Financial Considerations

Not applicable.

Analysis

The subject property at 515 Jones Road, Stoney Creek is a corner lot in the City of Hamilton, abutting both Jones Road and Lakeside Drive. It has a lot of area of 0.29 ha,

**Applications for a Zoning By-law Amendment and Draft Plan of Subdivision for
Lands Located at 515 Jones Road, Stoney Creek (Ward 10)**

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with frontages of 55 metres along Jones Road and 53 metres along Lakeside Drive. The site contains a single detached dwelling, a detached garage, and a shed, with vehicular access from Jones Road. The property is included in Hamilton's Inventory of Heritage Buildings but is not listed or designated under the *Ontario Heritage Act* (Sections 27, 29, or 41).

The proposed development is to permit four lots for single-detached dwellings, one lot for relocating the existing heritage building, a block for future development, and a block for a municipal road right-of-way widening and a daylight triangle providing access via Jones Road, as shown in Appendix C attached to Report PED25118.

A full review of the applicable Provincial Planning Statement (2024) and Urban Hamilton Official Plan policies is provided in Appendix F attached to Report PED25118.

Provincial Planning Statement (2024)

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Planning Statement (2024). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the Provincial Planning Statement (2024).

The proposal promotes the development of healthy, liveable, and complete communities by introducing residential uses on underutilized urban lands. The development is compatible with the surrounding neighbourhood, which consists of similar low density residential uses, and efficiently utilizes existing municipal infrastructure, including roads, water, and wastewater services. Additionally, natural features such as Lake Ontario and open space are located within 100 metres of the proposed development. The applicant also intends to protect and preserve the cultural heritage of the site by relocating the existing heritage building to a separate block within the subdivision, ensuring its continued presence within the community while accommodating new development.

Based on the foregoing, the proposal is consistent with the Provincial Planning Statement (2024).

Urban Hamilton Official Plan

The subject lands are designated "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations. Lands designated "Neighbourhoods" are characterized as complete communities that include a range of residential dwelling types, densities and supporting uses to serve local residents. The proposed development would facilitate the development of four new single detached dwellings, the preservation of a heritage building, and the completion of a public road right-of-way widening extension.

Residential intensification is a key part of Hamilton's growth strategy, helping to meet population and employment targets while making efficient use of land, services, and infrastructure. The applicant's proposal to create four lots for single detached dwellings

**Applications for a Zoning By-law Amendment and Draft Plan of Subdivision for
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aligns with this strategy by accommodating more residents within the existing built-up area.

The proposal has been evaluated against Policy F.1.14.1.2, complying with the criteria for Draft Plans of Subdivision. It aligns with relevant policies and land use designations, can be serviced with adequate infrastructure and community facilities, does not adversely impact the transportation system or natural environment, is integrated with adjacent lands and roadways, and meets all the requirements of the *Planning Act*. Additionally, the proposal has been evaluated against B.3.4 due to the existing non-designated heritage property on-site. The applicant intends to preserve the heritage building and has submitted a Cultural Heritage Impact Assessment, with staff satisfied that there will be no impact on the building. A detailed policy analysis is provided in Appendix C attached to Report PED25118.

Based on the foregoing, the proposal complies with the applicable policies of the Urban Hamilton Official Plan.

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

The purpose of the Zoning By-law Amendment application is to change the zoning from the Low Density Residential – Large Lot (R2) Zone to the Low Density Residential (R1) Zone to permit the development of four new single detached dwellings accessible through a new municipal road via Jones Road and the relocation of a heritage building. No modifications are proposed to the Low Density Residential (R1) Zone.

Rationale For Recommendation

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Planning Statement (2024);
 - (ii) It complies with the general intent and purpose of the Urban Hamilton Official Plan; and,
 - (iii) The proposal is compatible with existing land uses in the immediate area and represents good planning by, among other things, preserving a cultural heritage asset, increasing the supply of housing units contributing to a complete community through the establishment of housing forms that are in keeping with existing and planned development in the surrounding area, and making efficient use of existing infrastructure within the urban boundary.

**Applications for a Zoning By-law Amendment and Draft Plan of Subdivision for
Lands Located at 515 Jones Road, Stoney Creek (Ward 10)**

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2. Zoning By-law Amendment

The proposed Zoning By-law Amendment application is to rezone the lands from the Low Density Residential – Large Lot (R2) Zone to the Low Density Residential (R1) Zone to permit the development of four single detached dwellings with access to a new municipal road via Jones Road and the relocation of a heritage building.

Staff are satisfied that the proposed Zoning By-law Amendment complies with the policies of the Urban Hamilton Official Plan, in particular with respect to the policies related to the “Neighbourhoods” designation and infrastructure policies in the Urban Hamilton Official Plan.

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

3. Draft Plan of Subdivision

Staff have reviewed the application against criteria set out in the *Planning Act* subsection 51(24) to assess the appropriateness of the proposed subdivision, and advise that:

- (i) It is consistent with the Provincial Planning Statement (2024);
- (ii) The proposal represents a logical and timely extension of existing development and services and is in the public interest;
- (iii) It complies with the applicable policies of the Urban Hamilton Official Plan;
- (iv) The land is suitable for the purposes for which it is to be subdivided;
- (v) The dimensions and shape of the lots and blocks are appropriate;
- (vi) Restrictions and regulations for the development of the subdivision are included in the implementing Zoning By-law Amendment in Appendix B attached to Report PED25118, conditions of draft plan approval in Appendix D attached to Report PED25118, and in the Subdivision Agreement;
- (vii) The subject lands can be appropriately used for the purposes for which it is to be subdivided and will not negatively impact natural heritage features, and flood control will be addressed through stormwater management plans that will be required as conditions of draft plan approval;
- (viii) Adequate municipal services will be available, the particulars of which will be determined as part of the conditions of draft plan approval and the

**Applications for a Zoning By-law Amendment and Draft Plan of Subdivision for
Lands Located at 515 Jones Road, Stoney Creek (Ward 10)**

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Subdivision Agreement;

- (ix) Public land will be conveyed to create road rights-of-way, the particulars of which will be determined as part of the conditions of draft plan approval, and final registration of the Plan of Subdivision including any required subdivision agreements; and,
- (x) The proposed development optimizes the available supply, means of supplying, efficient use, and conservation of energy.

Redline revisions are discussed of page 5 of Appendix G attached to Report PED25118. Therefore, staff are supportive of the proposed redlined Draft Plan of Subdivision and recommend its approval.

Alternatives

Should the applications be denied, the subject property can be used in accordance with the Low Density Residential – Large Lot (R2) Zone in Zoning By-law No. 05-200.

Relationship to Council Strategic Priorities

Priority 1: Sustainable Economic & Ecological Development

- 1.2: Facilitate the growth of key sectors.

Priority 2: Safe & Thriving Neighbourhoods

- Increase the supply of affordable and supportive housing and reduce chronic homelessness.

Consultation

The applications were circulated to internal departments and external agencies. Refer to the comments provided in Appendix H attached to Report PED25118.

The public consultation strategy for 515 Jones Road included a Neighbourhood Meeting held on November 28, 2024. A Summary of the Public Meeting and Public comments can be found in Appendix H attached to Report PED25118.

Appendices and Schedules Attached

Appendix A: Location Map

Appendix A1: Existing and Surrounding Land Uses and Zoning Chart

Appendix B: Amendment to Zoning By-law No. 05-200

Appendix C: Proposed Concept Plan and Proposed Redlined Draft Plan of Subdivision

Appendix D: Draft Plan of Subdivision Special Conditions

Appendix E: Historical Background Report Fact Sheet

Appendix F: Policy Review

**Applications for a Zoning By-law Amendment and Draft Plan of Subdivision for
Lands Located at 515 Jones Road, Stoney Creek (Ward 10)**

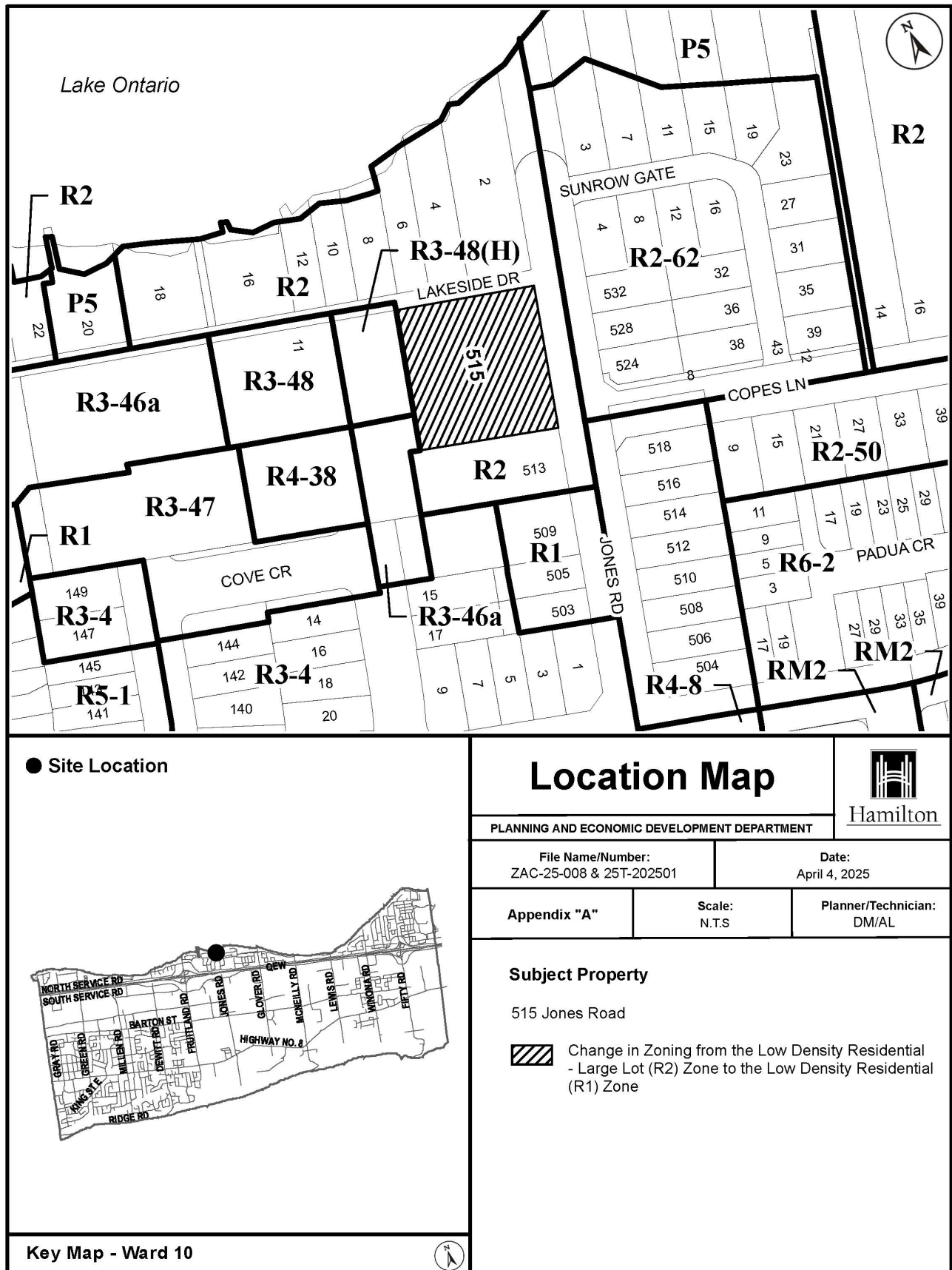
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Appendix G: Department and Agency Comments

Appendix H: Public Consultation Summary and Public Comments

Prepared by: Dhruv Mehta, Planner II
Development Planning, Planning and Economic
Development Department

**Submitted and
recommended by:** Anita Fabac, Acting Director of Planning and Chief Planner
Planning and Economic Development Department



Existing and Surrounding Land Uses and Zoning Chart

	Existing Land Use	Existing Zoning
Subject Lands:	Single Detached Dwelling, Accessory Detached Garage and Accessory Detached Shed	Low Density Residential – Large Lot (R2) Zone.
Surrounding Lands:		
North:	Single detached dwellings.	Low Density Residential – Large Lot (R2) Zone.
South:	Single detached dwelling.	Low Density Residential – Large Lot (R2) Zone.
East:	Single detached dwellings.	Single Residential “R2-62” Zone, Modified.
West:	Vacant.	Single Residential “R3-48(H)” Zone, Modified, Holding, and Single Residential “R3-46a” Zone, Modified.

Authority: Item,
Report (PED25118)
CM:
Ward: 10

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 05-200 with respect to lands located at 515 Jones Road, Stoney Creek

WHEREAS Council approved Item ___ of Report ___ of the Planning Committee, at its meeting held on May 23, 2025;

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

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

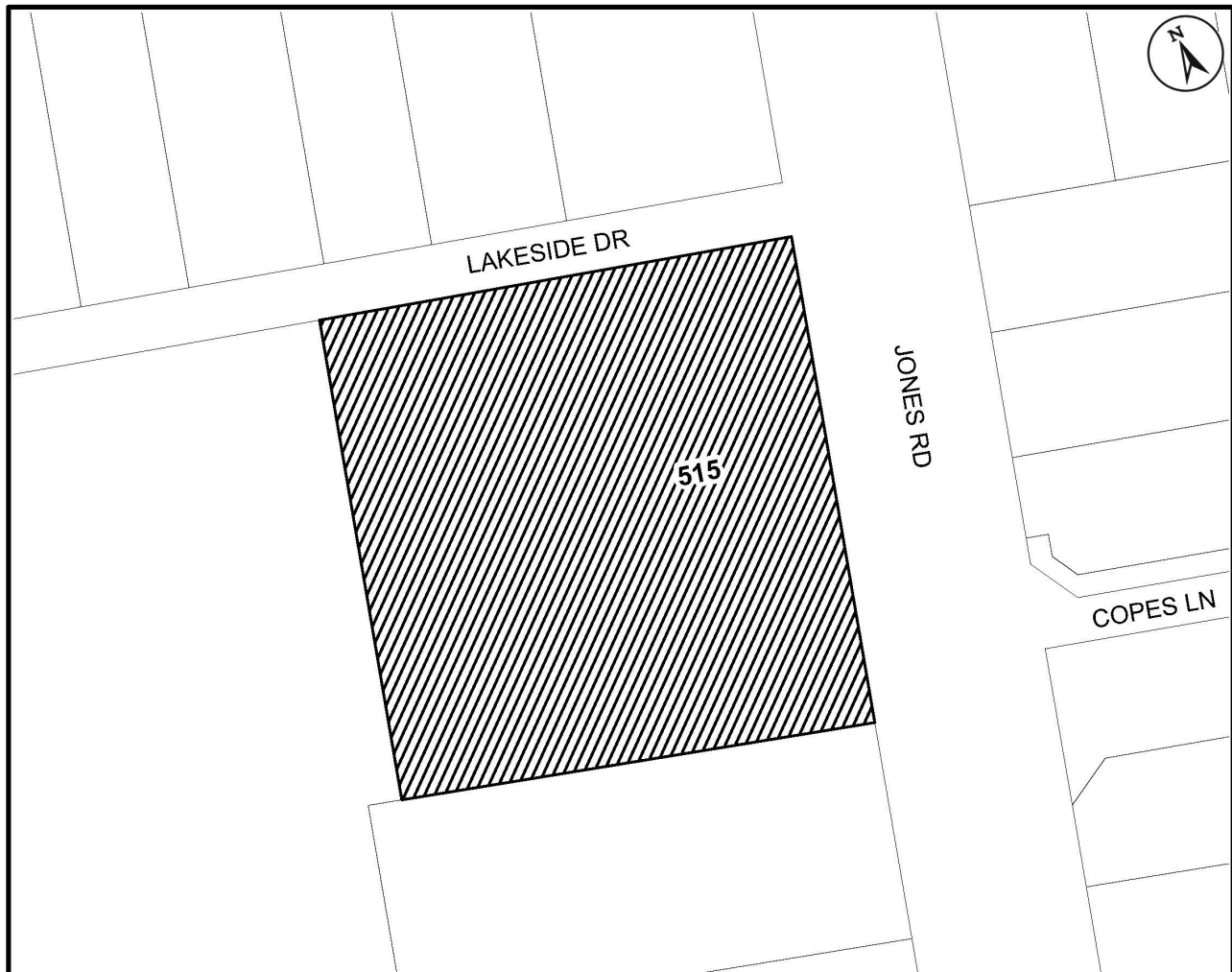
1. That Schedule "A" – Zoning Map, Map No. 1150 is amended by changing the zoning from the Low Density Residential – Large Lot (R2) Zone to the Low Density Residential (R1) Zone, for the lands known as 515 Jones Road, Stoney Creek the extent and boundaries of which are shown on Schedule "A" to this By-law.
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 Low Density Residential (R1) Zone.
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

PASSED this _____, 2025

A. Horwath
Mayor

M. Trennum
City Clerk

ZAC-25-008



This is Schedule "A" to By-law No. 25-

Passed the day of, 2025

Mayor

Clerk


Schedule "A"

Map forming Part of
By-law No. 25-_____

to Amend By-law No. 05-200
Map 1150

Subject Property

515 Jones Road, Stoney Creek

 Change in Zoning from the Low Density Residential - Large Lot (R2) Zone to the Low Density Residential (R1) Zone

Scale:
N.T.S

File Name/Number:
ZAC-25-008 & 25T-202501

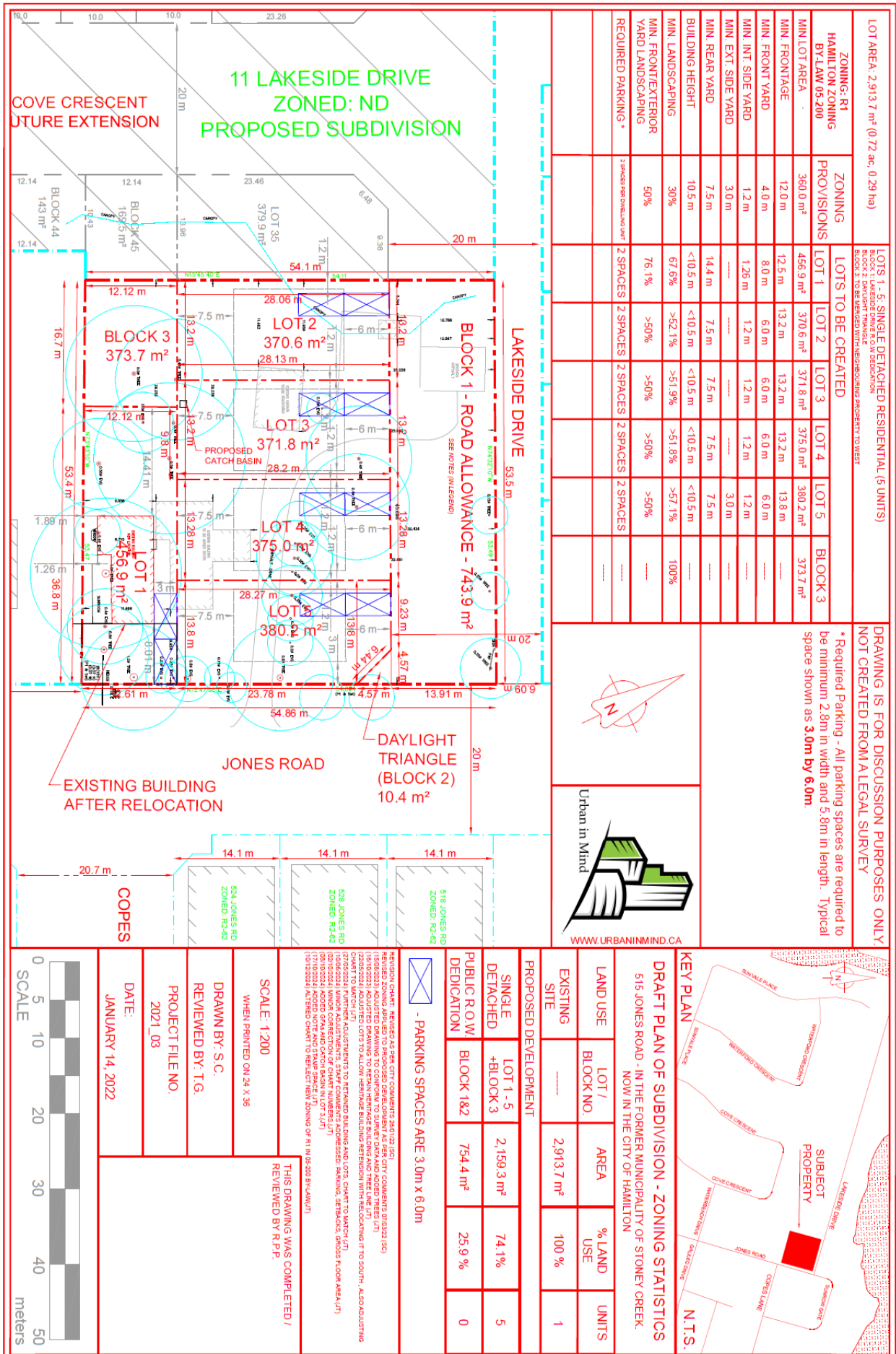
Date:
April 1, 2025

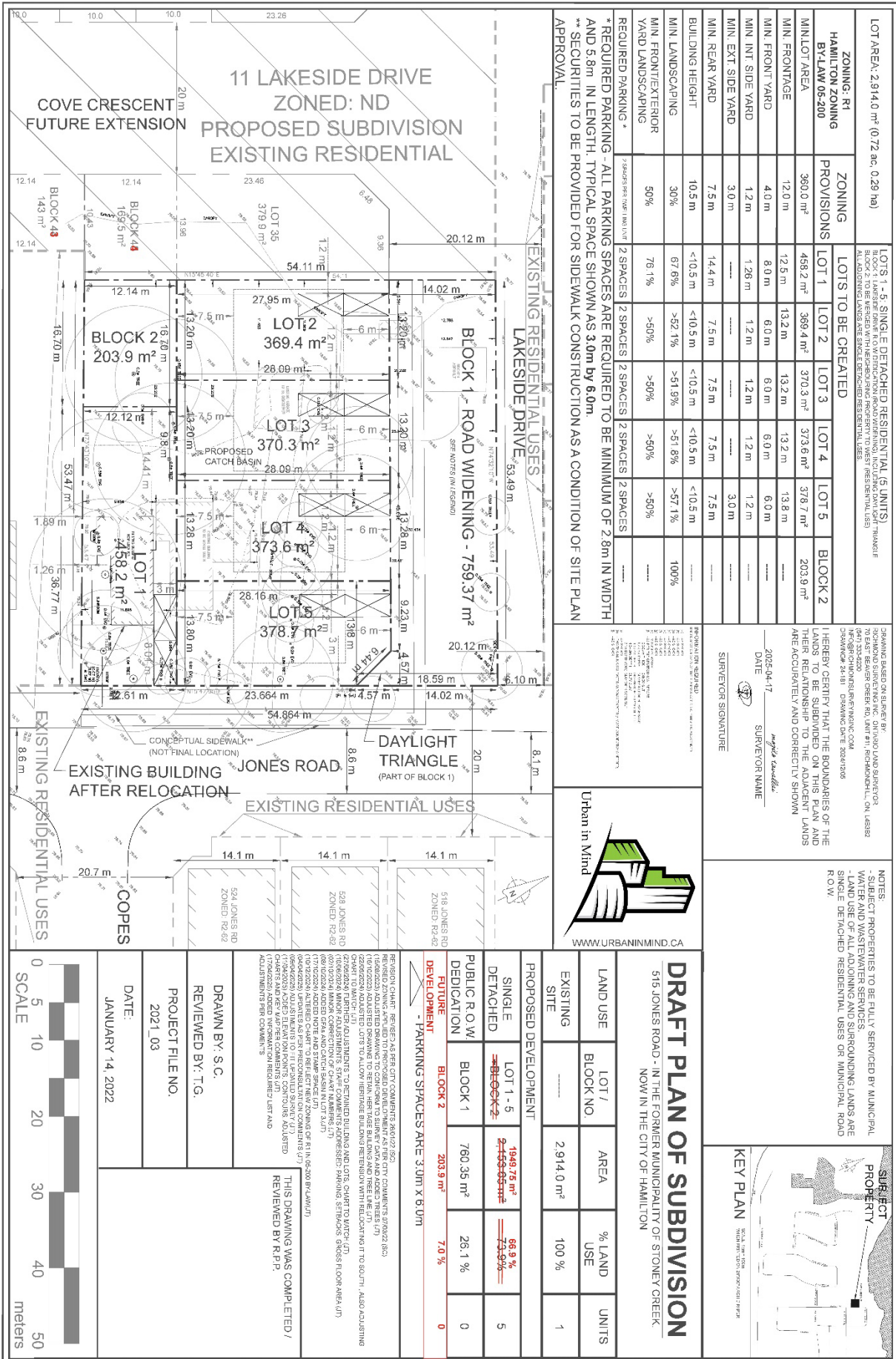
Planner/Technician:
DM/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT





Special Conditions for Draft Plan of Subdivision Approval for 25T-202501

That this approval apply to the Draft Plan of Subdivision, certified by Moe Tavallae, O.L.S, dated April 17, 2025, consisting of five lots for single detached dwellings (Lots 1 to 5), one block for a road right-of-way widening and daylight triangle (Block 1), and one future development block (Block 2), be received and endorsed by City Council with the following special conditions:

Development Engineering

1. That, **prior to registration**, the owner shall prepare a reference plan for the transfer of Block 1 to the City and dedicate it as municipal right-of-way to achieve an ultimate right-of-way width of 20.117 metres on Lakeshore Drive and a 4.57 metre x 4.57 metre daylighting triangle at the intersection of Lakeshore Drive and Jones Road upon request and within 45 days advanced written notice from the City, to the satisfaction of the Director, Growth Management and Chief Development Engineer and Manager of Transportation Planning. The owner shall be responsible for all associated costs to dedicate and transfer the land.
2. That, **prior to registration**, the owner shall enter into a private agreement with the adjacent landowner under approved Draft Plan of Subdivision application 25T-201703 to secure their share of the extension of Lakeside Drive from the west limit of the subject lands to the east limit of the subject lands at the intersection with Jones Road including but not limited to: storm, sanitary and water mains, utility relocates, pole relocates, hydro vault relocates, permanent pavement marking and signage, street signs, stop signs, stop bars, pedestrian crossings, restoration of the road and boulevards, extension of sidewalk, intersection improvements, etc., entirely at the owner's cost, all to the satisfaction of the Director, Growth Management and Chief Development Engineer.
3. That, **prior to registration of Lot 1**, Block 2 shall be merged with the adjacent Block 44 from Draft Plan of Subdivision 25T-201703 (Newport Yacht Club), to the satisfaction of the Director, Growth Management and Chief Development Engineer. Further, the owner acknowledges and agrees to maintain Block 2 in perpetuity or until such time as the adjacent Draft Plan of Subdivision 25T-201703 is registered and these lands are comprehensively redeveloped or merged, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
4. That, **prior to registration of the final plan of subdivision**, the Lakeside Drive extension to Jones Road shall be constructed and fully operational including all servicing works by the adjacent developer under approved Draft Plan of Subdivision application 25T-201703. The owner will be required to pay their share for, including but not limited to, the construction of Lakeside Drive from the west limit of Block 1 to the intersection with Jones Road, winter maintenance, waste collections services, streetlighting, permanent pavement marking,

signage, etc., all to the satisfaction of the Director, Growth Management and Chief Development Engineer.

5. That, **prior to registration of the final plan of subdivision**, the owner shall pay any outstanding costs/best efforts assessed for the subject lands, to the satisfaction of the Director, Growth and Chief Development Engineer.
6. That, **prior to preliminary grading**, the owner shall submit an updated Functional Servicing and Stormwater Management (SWM) Report prepared by a qualified Professional Engineer and in accordance with City of Hamilton Drainage Policy and Current Comprehensive Development Guidelines by considering the following parameters:
 - a) Up-to-date two-hydrant flow test data at the closest municipal hydrant through a licensed private contractor by the proponent,
 - b) Servicing details for Lots 1-5 (inclusive),
 - c) Signed consent will be required from the adjacent developer to the west to permit drainage from the rear of lots 2, 3 and Block 3 to the proposed future Catch Basin (CB) on the adjacent land. If interim measures are required, the applicant will be responsible for implementing any interim drainage features in order to self-contain drainage,
 - d) To demonstrate how drainage will be maintained for the existing lots on the north side of Lakeside Drive,

all to the satisfaction of the Director, Growth Management and Chief Development Engineer.

7. That, **prior to servicing**, the owner shall submit a Geotechnical Report prepared by a qualified professional engineer in accordance with City standards, and implement the recommendations of the report, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
8. That, **prior to servicing**, the owner shall submit a revised Hydrogeological Report prepared by a qualified professional engineer in accordance with City standards, including a Groundwater Monitoring and Contingency plan that outlines the protocol for action during the construction period and foundation design of the dwellings, and implement the recommendations of the report, all to the satisfaction of the Director, Growth Management and Chief Development Engineer.
9. That, **prior to servicing**, the owner shall prepare and submit a driveway location/on street parking plan showing:
 - a) the location of driveways based on achieving on-street parking for 40% of the total dwelling units;

- b) the driveways ramps and curb openings for all lots; the pairing of driveways;
- c) where lots in the subdivision abut a park entrance or a public walkway, as the case may be;
- d) the location of transit pads, community mailbox pads and fire hydrants, where the location has been determined by the appropriate authorities; and,
- e) parking on one side of the street only;

all to the satisfaction of the Manager, Transportation Planning.

10. That, **prior to preliminary grading**, the owner agrees in writing that the removal of all existing septic beds, garages, playground equipment, wells, fencing, and or any structures will be at the sole cost to the owner to the satisfaction of the Director, Growth Management and Chief Development Engineer.

Growth Planning

11. That, **prior to registration**, the owner and agent work with Legislative Approvals / Staging of Development staff to finalize municipal addressing, to the satisfaction of the Director, Growth Management and Chief Development Engineer.

Transportation Planning

12. That, **prior to registration**, the owner submits and receives approval of a Transportation Assessment, to the satisfaction of the Manager of Transportation Planning.
13. That, **prior to servicing**, the owner shall provide 1.5 metre wide sidewalks along the frontage of Lakeside Drive and Jones Road to the satisfaction of the Manager, Development Engineering.

Natural Heritage

14. That, **prior to preliminary grading and servicing**, the owner is to submit a Tree Protection Plan (TPP) prepared by a recognized tree management professional (i.e., certified arborist, registered professional forester, landscape architect) showing the location of drip lines, edges of existing plantings, the location of all existing trees, and the methods to be employed in retaining trees to be protected to the satisfaction of the Director of Planning and Chief Planner. A Verification of Tree Protection Letter would need to be provided as part of this Plan. This is to confirm that all tree protection measures have been installed in accordance with the approved Tree Protection Plan.
15. That, **prior to registration**, the owner is to prepare a Landscape Plan showing planting and surfacing details for all areas not covered by buildings, structures,

loading areas, or parking areas, to the satisfaction of the Director of Planning and Chief Planner.

Cultural Heritage

16. That, **prior to preliminary grading and/or servicing**, the owner shall submit the letter from the Ministry of Citizenship and Multiculturalism confirming that Provincial interest for the Stage 1 & 2 archaeological report (P379-511-2022) has been signed off, to the satisfaction of the Director of Heritage and Urban Design.
17. That, **prior to preliminary grading**, the owner shall submit:
 - a) A Relocation Plan, prepared by a contractor with experience relocating heritage buildings;
 - b) Detailed plans for renovation and restoration of the heritage dwelling;
 - c) A Revised Cultural Heritage Impact Assessment or Cultural Heritage Impact Assessment Addendum which addresses the following items:
 - i. Recommended measures for long term conservation of the historic dwelling once it is relocated, including designation under the *Ontario Heritage Act*; and,
 - ii. Recommendations for interpretive or commemorative measures for the site; and,
 - d) Financial securities, informed by the Relocation Plan and Revised Cultural Heritage Impact Assessment or Cultural Heritage Impact Assessment addendum, for the costs of relocation and renovation of the historic dwelling after it has been moved;

all to the satisfaction of the Director of Heritage and Urban Design.

18. That, **prior to registration**, the owner is responsible for fulfilling the conditions for the implementation of the Relocation Plan and Revised Cultural Heritage Impact Assessment or Cultural Heritage Impact Assessment addendum for the relocation and renovation of the historic dwelling after it is moved, to the satisfaction of the Director of Heritage and Urban Design.

Urban Forestry

19. That, **prior to preliminary grading**, the owner shall submit any applicable fees for any municipal trees related to the subdivision, to the satisfaction of the Director of Environmental Services.

Hamilton Conservation Authority

20. That, **prior to preliminary grading**, the owner shall submit and receive approval of a Hamilton Conservation Authority (HCA) permit pursuant to Ontario Regulation 41/24 (Prohibited Activities, Exemptions, and Permits), to the satisfaction of the Hamilton Conservation Authority.

Bell Canada

21. That, **prior to registration of the final plan of subdivision**, the owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the owner shall be responsible for the relocation of any such facilities or easements at their own cost, to the satisfaction of Bell Canada.

Canada Post

22. That, **prior to registration of the final plan of subdivision**, the owner shall include in all offers of purchase and sale and lease or rental agreements to the satisfaction of the Director of Growth Management and Chief Development Engineer and Canada Post, a statement that advises the prospective purchaser:
- a) That the home/ business mail delivery will be from a designated Centralized Mail Box; and,
 - b) That the owner be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
23. That, **prior to registration of the final plan of subdivision**, to the satisfaction of the Director of Growth Management and Chief Development Engineer and Canada Post, the owner agrees to:
- a) Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision;
 - b) Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes;
 - c) Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision;

- d) Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans; and,
 - e) Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
24. That, **prior to registration of the final plan of subdivision**, Canada Post's multi-unit policy, which requires that the owner provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly and more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space, to the satisfaction of the Director of Growth Management and Chief Development Engineer and Canada Post.

Enbridge Gas Inc.

25. That, **prior to registration of the final plan of subdivision**, the owner agrees to provide Enbridge Gas Inc. with necessary easements and/or agreements required for the provision of gas services, to the satisfaction of Enbridge Gas Inc.

NOTES TO DRAFT PLAN APPROVAL

1. Pursuant to Section 51(32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received two months before the draft approval lapses.

Recycling and Waste Disposal

2. This property is eligible for municipal waste collection service, subject to meeting the City's requirements as indicated by the Public Works Department and compliance with the City's Solid Waste Management By-law No. 20-221, as amended. Until municipal waste collection services are initiated, the developer is responsible for all waste removal. Additionally, prior to the start of municipal waste collection service, the development must be free of construction debris and construction-related activities.

The property owner must contact the City by email wastemanagement@hamilton.ca or by telephone 905-546-CITY (2489) to request waste collection service. Waste Management staff will complete a site visit to determine if the property complies with the City's waste collection requirements.

HISTORICAL BACKGROUND**Report Fact Sheet**

Application Details	
Owner:	2787685 Ontario Ltd. c/o Salman Rehan.
Applicant:	Urban in Mind c/o Victoria Colantonio.
File Number:	ZAC-25-008 and 25T-202501.
Type of Applications:	Zoning By-law Amendment and Draft Plan of Subdivision.
Proposal:	<p>The purpose of the Zoning By-law Amendment application is for a change in zoning from the Low Density Residential – Large Lot (R2) Zone to the Low Density Residential (R1) Zone.</p> <p>The Redlined Draft Plan of Subdivision consists of five single detached dwelling lots (Lots 1-5), one block for a road right-of-way widening and daylight triangle (Block 1), and one future development block (Block 2), as shown in Appendix C attached to Report PED25118.</p> <p>The effect of these applications is to facilitate the relocation of the existing heritage building (Lot 1) and the development of four single detached dwellings (Lots 2-5).</p>
Property Details	
Municipal Address:	515 Jones Road, Stoney Creek
Lot Area:	0.29 ha.
Servicing:	Existing full municipal services.
Existing Use:	Single Detached Dwelling
Documents	
Provincial Planning Statement:	The proposal is consistent with the Provincial Planning Statement (2024).
Official Plan Existing:	“Neighbourhoods” on Schedule E-1 – Urban Land Use Designations.
Zoning Existing:	Low Density Residential – Large Lot (R2) Zone
Zoning Proposed:	Low Density Residential (R1) Zone
Processing Details	
Received:	February 7, 2025.

Deemed Complete:	February 7, 2025.
Notice of Complete Application:	Sent to 80 property owners within 120 metres of the subject property on February 14, 2025.
Public Notice Sign:	Posted February 14, 2025, and updated with the Public Meeting date on March 26, 2025.
Notice of Public Meeting:	Sent to 80 property owners within 120 metres of the subject property on May 14, 2025.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix G attached to Report PED25118.
Public Consultation:	The public consultation strategy included a public consultation meeting held on November 28, 2024. Public consultation meeting invitations were distributed door-to-door to 80 residences within 120 metres. Ward Councillor Beattie was invited via email on the same day the public notice was sent. The summary of the comments are attached in Appendix H to Report PED25118.
Public Comments:	No comments were received at the time of this report being written.
Processing Time:	105 days.

SUMMARY OF POLICY REVIEW

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

Provincial Planning Statement (2024)		
Theme and Policy	Summary of Policy or Issue	Staff Response
Housing Policies: 2.2, 2.3.1.1, 2.3.1.2 and 2.3.1.3	Healthy, liveable, and safe communities are, in part, an appropriate range and mix of housing options and densities to meet the projected needs of future and current residents by permitting and facilitating all housing options in order to meet the social, health, economic and well-being requirements. This also includes permitting and facilitating all types of residential intensification including the development and redevelopment of underutilized commercial and institutional sites. When promoting densities for new housing it should efficiently use land, resources, infrastructure, public service facilities and support the use of transit and active transportation.	<p>The proposal is to permit four single detached dwellings on a municipal road within an existing residential area in the urban boundary. Along with the proposed Draft Plan of Subdivision, the application is for a change in zoning, and the existing single detached dwelling on the property is to be relocated, ensuring the preservation of its cultural heritage.</p> <p>Staff are of the opinion the proposed residential units are compatible with the surrounding area in terms of use, scale, and built form. The proposal also supports the efficient use of existing water, wastewater, and stormwater infrastructure while continuing the approved road network by connecting to the previous Draft Plan of Subdivision approvals.</p> <p>Therefore, the proposal is consistent with these policies.</p>
Urban Hamilton Official Plan		
Theme and Policy	Summary of Policy or Issue	Staff Response
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 an Official Plan Amendment or Zoning By-law Amendment unless the development proposed does not involve any site alteration or soil disturbance	A Stage 1 and 2 Archeological Assessment Report (P379-511-2022), prepared by Irvin Heritage Inc. dated September 3, 2022, has been submitted to the City of Hamilton and the Ministry of Citizenship and Multiculturalism. While the Provincial interest has yet to be signed off by the Ministry, staff concur with the recommendations in the report and advise that municipal interest has been cleared for the subject lands. Condition

Theme and Policy	Summary of Policy or Issue	Staff Response
Archaeology Policy: B.3.4.4.3 (continued)	and plans of subdivision under the <i>Planning Act, R.S.O., 1990 c. P.13.</i>	<p>No. 16 in Appendix D attached to Report PED25118 has been included to ensure that the applicant submits a copy of the letter from the Ministry.</p> <p>Therefore, the proposal complies with this policy.</p>
Cultural Heritage Impact Assessments Policies: B.3.4.2.11 to B.3.4.2.14	<p>A Cultural Heritage Impact Assessment is required when a proposed development, site alteration, or redevelopment could negatively affect cultural heritage resources, including designated heritage properties, listed properties, archaeological sites, or cultural heritage landscapes. These assessments help ensure potential impacts are understood and managed early in the planning process.</p> <p>The City may impose conditions to protect heritage features before any site alteration or disturbance begins. If preservation is not feasible, proper documentation and salvage of significant features may be required at the applicant's expense. All Cultural Heritage Impact Assessments must be approved by the City prior to development proceeding.</p>	<p>The subject property is comprised of 515 Jones Road, Stoney Creek, known as the Charles Carpenter House, constructed circa 1870, which is listed on the City's Inventory of Heritage Properties. A Cultural Heritage Impact Assessment, prepared by LHC Heritage Planning and Archaeology Inc. dated May 31, 2024, and a Relocation Feasibility Study, prepared by Tacoma Engineers dated April 7, 2025, were submitted. Staff are supportive of the proposed mitigation measures to retain and relocate the historic dwelling on site. The relocation study provides sufficient evidence to confirm that relocation is possible, revisions to the Cultural Heritage Impact Assessment are required to include recommended measures for long term conservation and interpretation or commemoration of the historic dwelling and site, including designation under the <i>Ontario Heritage Act</i>. A Relocation Plan, detailed plans and financial securities for the renovation and restoration of the historic dwelling are also required.</p> <p>Condition Nos. 17 and 18 in Appendix D attached to Report PED25118 have been included to ensure that the applicant submits a revised Cultural Heritage Impact Assessment, detailed plans and financial securities for relocation, renovation, and restoration of the historic dwelling, and implements the approved Relocation Plan.</p> <p>Therefore, the proposal complies with these policies.</p>

Theme and Policy	Summary of Policy or Issue	Staff Response
Urban Design Policies Policies: B.2.4 and B.3.3	Urban design shapes the physical form of the city, enhancing its civic image, economic potential, and quality of life. Good urban design integrates buildings, infrastructure, open spaces, and amenities to create attractive, safe, and liveable communities where people want to live, and businesses can thrive. This Plan promotes compact, pedestrian-oriented, and transit-supportive communities by carefully considering both public and private spaces. The City's vision focuses on developing nodes and corridors with higher density and mixed uses while preserving existing built form where appropriate. Urban design policies must align with the scale, function, and intent outlined in Chapter E – Urban Systems and Designations.	<p>The proposal aligns with urban design principles by integrating new residential development within an existing neighbourhood while preserving cultural heritage. It supports a compact, pedestrian-friendly community by constructing four new single detached dwellings on the extension of a municipal road. The relocation of the existing heritage home ensures continuity with the area's character, contributing to a well-designed, livable environment in line with the City's vision for sustainable growth.</p> <p>Therefore, the proposal complies with this policy.</p>
Tree and Woodland Protection Policy: C.2.11.1	The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.	An Arborist Report and Tree Preservation Plan, prepared by GLN Farm and Forest, dated May 5, 2023, were submitted. A total of 55 trees were inventoried, with 25 trees proposed for removal which are primarily non-native species such as Black Locust, Common Lilac, and Blue Spruce. Given site constraints, additional tree retention is limited. To maintain tree cover, a 1:1 compensation is required for any tree (10 cm DBH or greater) removed. A Conceptual Landscape Plan, prepared by Path Landscape Architecture, dated September 26, 2024, identifies trees to the rear of the proposed lots. Natural Heritage Staff recommends a 3.0 metre setback in the zoning by-law to support vegetation protection and compensation planting and the minimum 7.5 metre rear yard requirement of the Low Density Residential (R1) Zone is being maintained. The existing vegetation to the

Theme and Policy	Summary of Policy or Issue	Staff Response
Tree and Woodland Protection Policy: C.2.11.1 (continued)		<p>west is slated for future residential development and is subject to approved Draft Plan of Subdivision application 25T-201703.</p> <p>Staff acknowledge the challenges of tree preservation due to road construction, requiring off-site compensation for trees that cannot be replanted on-site. To address this, the owner must submit a Tree Protection Plan before grading and servicing, prepared by a qualified professional, outlining tree retention methods. A Verification of Tree Protection Letter is also required to confirm proper measures are in place. A Landscape Plan must be prepared before registration to detail planting and surfacing for non-built areas. Condition Nos. 14 and 15 in Appendix D attached to Report PED25118 address these requirements and other outstanding comments related to tree protection and landscaping.</p> <p>Therefore, the proposal complies with this policy.</p>
Transportation Policies: C.4.5.2 f), C.4.5.7, and C.4.5.12	<p>The City sets a standard 20.12 metre right-of-way width for local roads. The City also requires 4.57 metre daylighting triangles at local road intersections.</p> <p>The City shall require transportation impact studies to assess the impact of proposed developments on current travel patterns and/or future transportation requirements. These studies must be submitted as part of a complete application for a Zoning By-law Amendment and Draft Plan of Subdivision.</p>	<p>As a condition of Draft Plan of Subdivision approval, the applicant must provide right-of-way dedications for a 20.117 metre width on Lakeshore Drive and a 4.57 metre x 4.57 metre daylighting triangle at Lakeshore Drive and Jones Road prior to registration. Additionally, prior to servicing, sidewalks must be provided along the frontage of Lakeside Drive and Jones Road. Condition No. 1 in Appendix D attached to Report PED25118 addresses these requirements.</p> <p>A Transportation Assessment must be submitted. Condition No. 12 in Appendix D attached to Report PED25118 addresses this requirement.</p> <p>Therefore, the proposal complies with these policies.</p>

Theme and Policy	Summary of Policy or Issue	Staff Response
Infrastructure Policies: C.5.3.6, C.5.3.17 and C.5.4.3	<p>All new development and redevelopment within the urban area shall be connected to the City's water and wastewater system. The City shall be satisfied that adequate infrastructure services can be provided prior to any development or intensification proceeding.</p> <p>A detailed stormwater management plan prior to development is required to properly address on site drainage and to ensure that new development has no negative impact on offsite drainage.</p>	<p>A Functional Servicing Report, prepared by S. Llewellyn & Associates Ltd. dated October 2024, and a Preliminary Civil Drawing Set, prepared by S. Llewellyn & Associates Ltd dated January 2025, were submitted. Condition Nos. 1 to 10 in Appendix B attached to Report PED25118 implement the necessary servicing and infrastructure requirements, including coordination with the adjacent lands to the west of the subject lands subject to approved Draft Plan of Subdivision application 25T-201703.</p> <p>Therefore, the proposal complies with these policies.</p>
Neighbourhoods Designation and Low Density Residential Policies: E.3.2, E.3.4.1, E.3.4.2, E.3.4.3, E.3.4.5 and E.3.4.6	<p>Low-density residential uses are located within the interior of neighbourhoods and are characterized by lower-profile, grade-oriented buildings with direct access at ground level. Permitted uses include single detached, semi-detached, duplex, triplex, fourplex, and street townhouse dwellings, with a maximum height of three storeys.</p> <p>Development in these areas should discourage direct access to arterial roads, backlotting along public streets, and frontage onto parks. When infilling or creating new public roads, subdivisions are generally preferred. The design should incorporate a mix of lot widths and dwelling types that are compatible with the surrounding streetscape in terms of character, scale, and appearance.</p>	<p>The proposed development extends an existing low density residential neighbourhood. Single detached dwellings are a permitted use within this designation.</p> <p>Staff confirm that the development does not back onto public streets or parks and that the Draft Plan of Subdivision aligns with low-density residential policies. The proposed lot sizes and conceptual elevations are compatible with the surrounding neighborhood.</p> <p>Therefore, the proposal complies with these policies.</p>

Theme and Policy	Summary of Policy or Issue	Staff Response
Division of Land Policy: F.1.14.1.2	Subdivisions shall meet a number of criteria ensuring the development of blocks and lots in conjunction with the road network can support the intent of the land use designations.	<p>The proposed Redlined Draft Plan of Subdivision is for the development of a residential subdivision consisting of one lot for the relocation of the existing heritage building, four lots for single detached dwellings, a block for a municipal road right-of-way widening and a daylight triangle, and a block for future development. The proposed development supports the intent of the “Neighbourhoods” designation by adding residential uses. The proposed subdivision will implement the proposed residential development subject to the approval of the draft Zoning By-law in Appendix B attached to Report PED25118. The proposal also aligns with the Bayview Neighbourhood Plan by completing the road connection established through adjacent draft plan approval 25T-201703, ensuring integration with the surrounding road network.</p> <p>Therefore, the proposal complies with these policies.</p>

CONSULTATION – DEPARTMENTS AND AGENCIES

Department or Agency	Comment	Staff Response
<ul style="list-style-type: none"> • Hydro One; and, • Ministry of Transportation. 	No comment.	Noted.
Cultural Heritage Planning, Heritage and Urban Design Section, Planning Division, Planning and Economic Development Department	<p>Archaeology:</p> <ul style="list-style-type: none"> • A Stage 1 and 2 Archeological Assessment Report (P379-511-2022), prepared by Irvin Heritage Inc. dated September 3, 2022, was submitted to the City of Hamilton and the Ministry of Citizenship and Multiculturalism. While the Provincial interest has yet to be signed off by the Ministry, staff concur with the recommendations in the report and advise that municipal interest has been cleared for the subject lands. <p>Built Heritage:</p> <ul style="list-style-type: none"> • The subject property is located at 515 Jones Road, Stoney Creek, known as the Charles Carpenter House, constructed circa 1870, which is listed on the City's Inventory of Heritage Properties. • A Cultural Heritage Impact Assessment, prepared by LHC Heritage Planning and Archaeology Inc. dated May 31, 2024, and a Relocation Feasibility Study, prepared by Tacoma Engineers dated April 7, 2025, were submitted. • While staff are supportive of the proposed mitigation measures to retain and relocate the historic dwelling on site, and the relocation 	<p>Condition No. 16 in Appendix D attached to Report PED25118 has been included to ensure that the applicant submits a copy of the letter from the Ministry of Citizenship and Multiculturalism.</p> <p>Condition Nos. 17 and 18 in Appendix D attached to Report PED25118 have been included to ensure that the applicant submits a revised Cultural Heritage Impact Assessment, detailed plans and financial securities for relocation, renovation, and restoration of the historic dwelling, and implements the approved Relocation Plan.</p>

Department or Agency	Comment	Staff Response
Cultural Heritage Planning, Heritage and Urban Design Section, Planning Division, Planning and Economic Development Department (continued)	study provides sufficient evidence to confirm that relocation is possible, revisions to the Cultural Heritage Impact Assessment are required to include recommended measures for long term conservation and interpretation or commemoration of the historic dwelling and site, including designation under the <i>Ontario Heritage Act</i> . A Relocation Plan and detailed plans and financial securities for the renovation and restoration of the historic dwelling are also required.	
Natural Heritage Planning, Heritage and Urban Design Section, Planning Division, Planning and Economic Development Department	<p>A Core Area (Lake Ontario) has been identified adjacent to the subject property. Lake Ontario functions as an important migratory corridor. Any development or site alteration within or adjacent to Core Areas shall not negatively impact their natural features or their ecological functions. While a Conservation/Hazard Land (P5) Zone is not required, it is important that the design of the buildings consider Canadian Standards Association's Bird-Friendly Design Standard A4601.</p> <p>An Arborist Report and Tree Preservation Plan, prepared by GLN Farm and Forest, dated May 5, 2023, were submitted. A total of 55 trees were inventoried, with 25 trees proposed for removal which are primarily non-native species such as Black Locust, Common Lilac, and Blue Spruce. Given site constraints, additional tree retention is limited. A Verification of Tree Protection Letter is also required to confirm proper measures are in place.</p>	<p>The minimum 7.5 metre rear yard requirement of the Low Density Residential (R1) Zone is being maintained. The existing vegetation to the west is slated for future residential development and is subject to approved Draft Plan of Subdivision application 25T-201703.</p> <p>Condition Nos. 14 and 15 in Appendix D attached to Report PED25118 address tree protection and landscaping requirements.</p>

Department or Agency	Comment	Staff Response
<p>Natural Heritage Planning, Heritage and Urban Design Section, Planning Division, Planning and Economic Development Department (continued)</p>	<p>To maintain tree cover, a 1:1 compensation is required for any tree (10 cm DBH or greater) removed. A Conceptual Landscape Plan, prepared by Path Landscape Architecture, dated September 26, 2024, identifies trees to the rear of the proposed lots. Staff acknowledge that off-site compensation plantings are also required. Natural Heritage Planning staff recommend a 3.0 metre setback in the zoning by-law to support vegetation protection and compensation planting.</p>	
<p>Development Engineering Section, Growth Management Division, Planning and Economic Development Department</p>	<p>The registration of the draft plan will not proceed until the Lakeside Drive extension to Jones Road is constructed and fully operational, including all servicing works by the adjacent developer under Draft Plan of Subdivision application 25T-201703. The Owner must contribute their share for the construction of Lakeside Drive from the west limit of Block 1 to its intersection with Jones Road and dedicate any required blocks or easements for servicing, utilities, or drainage per the City's guidelines. Additionally, all outstanding costs or best efforts assessed for the property, including the cost recovery for the existing storm sewer on Jones Road, must be settled.</p> <p>Grading considerations must also be addressed. The existing property line grades adjacent to 513 Jones Road must be maintained unless a signed consent from the private landowner is obtained for modifications. The preliminary grading plan suggests a significant grade increase near the existing carport,</p>	<p>Condition Nos. 1, 2, 4, and 5 in Appendix D attached to Report PED25118 address road dedication, construction, operability, and cost sharing related to the Lakeside Drive extension.</p> <p>Condition Nos. 6 to 10 of Appendix D attached to Report PED25118 address grading and servicing considerations.</p> <p>Condition No. 3 in Appendix D attached to Report PED25118 addresses the servicing and access constraints of Block 2, as well as the preparation of a</p>

Department or Agency	Comment	Staff Response
<p>Development Engineering Section, Growth Management Division, Planning and Economic Development Department (continued)</p>	<p>which requires confirmation. Furthermore, the maximum ponding depth at catch basin #1 must not exceed 0.3 metres, and revisions are needed where current designs surpass this limit. The proposed emergency overland flow route for Block 2 directs water to the future Cove Crescent extension, but existing grades indicate otherwise, requiring verification. Drainage for existing lots on the north side of Lakeside Drive must be maintained despite planned elevation changes, necessitating cross-sections at 10 metre intervals and possibly additional topographical surveys. Coordination with the adjacent developer to the west is required to allow rear lot drainage from Lots 2, 3, and Block 3 to the proposed future catch basin on adjacent lands. If interim measures are necessary, the applicant must implement them and obtain signed consent for any grading or drainage affecting adjacent properties.</p> <p>Block 3 is currently landlocked with no frontage on a municipal right-of-way and, therefore, cannot be serviced independently. To resolve this, Block 3 must be merged with adjacent Block 44 from draft plan 25T-201703. Additionally, within 45 days of advanced written notice from the City, the Owner must prepare a reference plan and transfer Blocks 1 and 2 to the City for the Lakeside Drive right-of-way construction, covering all associated costs.</p>	<p>reference plan and transfer of Block 1 to the City for the Lakeside Drive right-of-way construction, covering all associated costs.</p>

Department or Agency	Comment	Staff Response
Legislative Approvals / Staging of Development, Growth Management Division, Planning and Economic Development Department	<p>Block 1 is identified as a dedication in the Land Use Schedule, whereas Block 1 is identified as a Road Widening on the face of the Draft Plan, and therefore it should be confirmed what mechanism will be used for the City to acquire Block 1.</p> <p>Block 2 has no frontage on a public road (landlocked), and if the intent is to merge with Block 44 of Draft Plan of Subdivision application 25T-201703, the owner must maintain Block 2 in perpetuity or until the adjacent Draft Plan 25T-201703 is registered and the lands are comprehensively redeveloped or merged. A Deeming By-law may be required following registration since whole blocks within a plan of subdivision do not merge in title which deregistration cannot occur until a Plan of Subdivision has been registered for a minimum of eight years per the <i>Planning Act</i>. Further, it appears that Block 2 is proposed for future development, and the Land Use Schedule should be updated accordingly.</p> <p>Municipal addressing will be finalized after Draft Plan Approval, and prior to registration, the owner must work with city staff to finalize addressing.</p> <p>Pursuant to Section 51 (32) of the <i>Planning Act</i>, draft approval shall lapse if the plan is not given final approval within three years. Extensions may be considered if they are received two months before the lapsing date.</p>	<p>Condition No. 1 of Appendix D attached to Report PED25118 addresses dedication requirements for Block 1.</p> <p>Condition No. 3 of Appendix D attached to Report PED25118 has been included to address requirements for Block 2. Redline revisions to the Draft Plan of Subdivision in Appendix C attached to Report PED25118 clarify the Land Use for Block 2.</p> <p>Condition No. 11 of Appendix D attached to Report PED25118 has been included to address municipal addressing requirements.</p> <p>Note No. 1 of Appendix D attached to Report PED25118 has been included to demonstrate the timeframe for approval and registration of the Draft Plan of Subdivision.</p>

Department or Agency	Comment	Staff Response
<p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department</p>	<p>A Transportation Assessment must be submitted by a qualified Transportation Consultant and include all supporting analysis files and references. The study should follow the City's Transportation Assessment Guidelines and consider existing signal timings, background traffic estimates, and approved developments.</p> <p>All roadwork, design modifications, and infrastructure improvements related to the municipal road network will be at the applicant's sole expense. Any required modifications to pavement markings or signage must be completed by a qualified consultant and approved by the City. The owner/applicant must contact traffic operations to obtain existing signal timing plans and ensure compliance with Hamilton's engineering and design standards.</p> <p>The existing right-of-way on Lakeside Drive is approximately 6 metres, requiring an additional ± 14 metres of dedication as per the Council Approved Urban Official Plan. As a condition of Draft Plan of Subdivision approval, the applicant must provide right-of-way dedications to achieve an ultimate width of 20.117 metres on Lakeshore Drive and dedicate a 4.57 x 4.57 metre daylighting triangle at the intersection of Lakeshore Drive and Jones Road. Block 1 (Road Allowance) and Block 2 (Daylighting Triangle), as shown on the Draft Plan of Subdivision as shown in Appendix C attached to Report PED25118, must be dedicated to the City of Hamilton.</p>	<p>Condition No. 1 of Appendix D attached to Report PED25118 address the preparation of a reference plan and transfer of Blocks 1 and 2 to the City for the Lakeside Drive extension.</p> <p>Condition No. 12 of Appendix D attached Report PED25118 addresses the requirement that a Transportation Assessment be submitted and approved.</p> <p>Condition No. 13 of Appendix D attached Report PED25118 addresses sidewalk installation requirements.</p>

Department or Agency	Comment	Staff Response
<p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department (continued)</p>	<p>A survey conducted by an Ontario Land Surveyor will determine the final dimensions, and the applicant's surveyor must confirm requirements with Geomatics and Corridor Management.</p> <p>The owner/applicant is required to construct 1.5 metre wide municipal sidewalks along Lakeside Drive and Jones Road at the owners expense, which must be illustrated on the subdivision plan. Securities may be accepted instead of immediate sidewalk construction if additional connections are pending.</p>	
<p>Forestry and Horticulture Section, Environmental Services Division, Public Works Department</p>	<p>The Arborist Report and Tree Preservation Plan, prepared by GLN Farm and Forest dated May 5, 2023, are approved, with applicable fees. However, the Landscape Concept Plans, prepared by Path Landscape Architecture dated September 26, 2024, are not approved and require revisions.</p> <p>While Forestry supports the proposed planting locations in principle, the plans must clearly show all retained trees as per the Arborist Report and Tree Preservation Plan. Additionally, all proposed trees within the municipal road allowance on Jones Road and Lakeside Drive must be spaced 8-10 metres apart. The plans must also specify that all trees planted within the municipal road allowance will be selected and planted by the City of Hamilton's Forestry Section.</p>	<p>Noted. The Standard Form Subdivision Agreement (Clause 2.8) addresses the Landscape Plan and any requirement for street tree plantings.</p> <p>Condition No. 19 of Appendix D attached to Report PED25118 addresses payment of applicable fees.</p>
<p>Waste Management Division, Waste Management Public</p>	<p>Residential dwellings in this development are eligible for municipal waste collection and must comply with</p>	<p>Note No. 2 of Appendix D attached to Report</p>

Department or Agency	Comment	Staff Response
Works, Public Works Department	<p>the City of Hamilton Solid Waste Management By-law 20-221. Each dwelling must have a designated waste storage area of at least 2.5 square metres, separate from the living space, to accommodate recycling boxes, a green cart, garbage container, and yard waste bags. Additionally, a curbside set-out area of at least 2.5 square metres must be provided within the property line, ensuring waste containers are not placed on sidewalks. Waste collection for dwellings on public roads will occur at the curbside in front of each unit. Developers are responsible for waste removal until municipal services begin, and the site must be free of construction debris before service starts.</p> <p>As of April 1, 2025, the City of Hamilton will no longer provide recycling services due to Ontario's transition to a full producer responsibility framework under the Resource Recovery and Circular Economy Act, 2016. Developers must apply for waste collection services by contacting Waste Management Customer Service via email at wastemanagement@hamilton.ca or by calling 905-546-2489. Further details on waste collection requirements can be found in the City's Waste Requirements for Design of New Developments and Collection document.</p>	PED25118 has been included as the proposal is eligible for municipal collection.
Hamilton Conservation Authority	The subject property is located adjacent to Watercourse 5.1. However, the northwest corner lies approximately 40 metres from the shore wall on 8	Condition No. 20 in Appendix D attached to Report PED25118

Department or Agency	Comment	Staff Response
	<p>Lakeside Drive, and Hamilton Conservation Authority staff have confirmed there are no concerns regarding shoreline hazards. As the site is not impacted by flood or erosion risks associated with the Lake Ontario shoreline or Watercourse 5.1, the application aligns with the natural hazard policies of the Provincial Planning Statement, 2024.</p> <p>While portions of the site fall within Hamilton Conservation Authority's regulated area due to its proximity to Lake Ontario and Watercourse 5.1, Hamilton Conservation Authority has no objection to the proposed Zoning By-law Amendment or the Draft Plan of Subdivision.</p> <p>However, prior to any development or site alteration, the applicant must obtain a permit from Hamilton Conservation Authority under Ontario Regulation 41/24. Approval of this permit is a condition of subdivision approval.</p>	addresses the owner's obligation to obtain approval of a permit from the Hamilton Conservation Authority.
<p>Alectra</p> <p>Alectra (continued)</p>	Alectra Utilities has reviewed the subdivision application and provided several technical requirements for development. For subdivisions, early contact with their Engineering Design Department is encouraged, ideally at least six months in advance due to long lead times for transformers. Developers must maintain minimum clearances from existing hydro infrastructure and are responsible for costs related to relocation, modifications, duct work, and transformer foundations. Easements may also be required.	Should the applications be approved, Alectra will be included in the review of the detailed design of the draft plan of subdivision application.

Department or Agency	Comment	Staff Response
	Excavation near hydro infrastructure is restricted unless approved and supervised by Alectra. All work must comply with applicable codes and standards, and a utility locate must be arranged through Ontario One Call prior to construction. All associated costs for required utility work are to be borne by the owner.	
Bell Canada	Bell Canada has requested the appropriate easements be included to service the subject lands.	Condition No. 21 in Appendix D attached to Report PED25118 addresses Bell Canada's requirements.
Canada Post	Canada Post has requested that conditions be added to the draft Plan of Subdivision approval which are related to warning clauses being included in all purchase and sale agreements advising that home / business mail will be from a designated centralized mailbox. Until the ultimate locations of the centralized mailbox can be constructed, the owner agrees to work with Canada Post to find the location of the temporary centralized mailbox location until the curbs, boulevards and sidewalks are in place within the subdivision. Canada Post requires that any mail infrastructure required as a result of new construction is provided at the owner's expense.	Condition Nos. 22, 23 and 24 in Appendix D attached to Report PED25118 address Canada Post comments.
Enbridge Gas Inc.	As a condition of final approval, the owner/developer will provide to Enbridge Gas Inc. the necessary easements and/or agreements required by Enbridge	Condition No. 25 in Appendix D attached to Report PED25118

Department or Agency	Comment	Staff Response
	Gas Inc. for the provision of gas services for this project, in a form satisfactory to Enbridge Gas Inc.	addresses Enbridge comments.
Six Nations of the Grand River	With the site having archaeological potential, requests a minimum stage 1 archaeology assessment. Any archaeology that would proceed after the stage 1 assessment Six Nations requests archaeological monitor participation.	A Stage 1 and 2 Archeological Assessment, prepared by Irvin Heritage Inc. dated September 3, 2022, was circulated to Six Nations of the Grand River on March 10, 2025.

Public Consultation Overview

515 Jones Road

Open House Invitations and Public Notice:

The formal notification was circulated to all landowners within 120 metres of the subject lands, and the public notice sign was posted in a location which is clearly visible and accessible to the public. The open house was open to all residents of Stoney Creek.

The invitations were distributed door-to-door to addresses within 120 metres of the subject property as directed by the City of Hamilton Planning Department.

Ward Councillor Beattie was invited to the meeting via email on the same day the Public Notice was circulated.

Open House:

Information prepared to be discussed:

- Details of Proposed Development
- List of Studies Undertaken
- Brief Planning Justification
- Future Development Potential of Subject Property
- Questions/Concerns of Neighbours

Post-Open House:

The Public Consultation was set for Thursday, November 28th, at 6:00 p.m. in person at 565 Seaman Street in Stoney Creek. The address was included within the Public Notice / Invitation, along with the planner's contact information for any questions or concerns.

The Public Consultation Meeting commenced promptly at 6:00 pm on Thursday, November 28th. Attendees consisted of:

- Terrance Glover (Principal of Urban in Mind)
- Victoria Colantonio (Planner / Senior Development Coordinator at Urban in Mind)
- Salman Rehan (Property Owner)
- Bart Kurpan (neighbour)
- Maureen Molony (neighbour)
- Orion Scolz
- Sayed Shakour
- Councillor Jeff Beattie

The sign-in sheet is attached to this document for additional information.

A summary of the concerns of neighbours can be found below. Physical copies of comments are attached.

Comments:

1. Sewer connections / servicing (will all services be upgraded as a result of our proposed development and the Losani Homes development on the abutting property?)
2. Timing
 - When will work begin?
 - Timeline of submission
3. Costs
 - Who is paying for the connection of services
4. Road Work Phases
 - Will it be all at once or piecemeal?

Additional requests were made via email to obtain copies of the presentation by adjacent neighbours (attached).

SIGN-IN SHEET

[illegible]

Comments/Questions/Suggestions

- Hydrc poles
- Sewer connectin - sealed
- root work Passes
- timing
- cost / who pays for connectin - Best
-

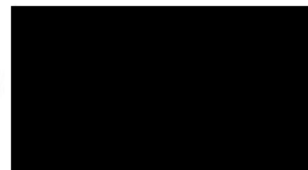
Please leave this sheet at the sign-in desk, or submit via email to victoria@urbaninmind.ca

Comments/Questions/Suggestions

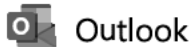
- * Did you coordinate with westside developer?
- * is there any disturbance to the service?
- * Will you connect our current service to the new utilities?

*

Sayed



Please leave this sheet at the sign-in desk, or submit via email to victoria@urbaninmind.ca




Re: Community Meeting Nov 28th

From Victoria Colantonio <victoria@urbaninmind.ca>

Date Fri 11/29/2024 12:25 PM

To Shelly [REDACTED]

 1 attachment (4 MB)

515 Jones Road, Hamilton - Public Consultation Meeting.pdf;

Hi Shelly,

Thanks for reaching out!

I've attached our presentation from last night. There are no official minutes, but if you have any questions/concerns about the proposed development, I am more than happy to address them.

Let me know.

Thanks again!

Victoria Colantonio, RPP

Planner/Senior Development Coordinator

Urban in Mind, Professional Urban Planning, Land Development & CPTED Consultants

3390 South Service Road, Unit 204, Burlington

Victoria@urbaninmind.ca

(647) 534-2198

From: Shelly [REDACTED]

Sent: Friday, November 29, 2024 11:38 AM

To: Victoria Colantonio <victoria@urbaninmind.ca>

Subject: Community Meeting Nov 28th

Hello Victoria

My husband and I were not able to make the community meeting at 515 Jones Road , Stoney Creek yesterday due to our work schedule.

Can you please send me the minutes of the meeting. Will there be a follow up meeting if so when and what time.

Shelly & Wayne
[REDACTED]



City of Hamilton Report for Consideration

To: Chair and Members
Planning Committee

Date: May 23, 2025

Report No: PED25123

Subject/Title: Application for a Zoning By-law Amendment for
Lands Located at 255 Lewis Road, Stoney Creek

Ward(s) Affected: Ward 10

Recommendations

That **Zoning By-law Amendment application ZAC-25-014, by Ashenhurst Nouwens & Associates Inc (c/o Harry Kalantzakos), on behalf of 11323881 Canada Inc. (c/o Enzo Prato & Sharad Sharma), Owners**, for a change in zoning from the Agricultural Specialty (AS) Zone to a site specific Low Density Residential (R1) Zone, to permit the development of six street townhouse dwelling units on a portion of the lands located at 255 Lewis Road, Stoney Creek, as shown in Appendix A attached to Report PED25123, **BE DENIED** on the following basis:

- a) That the proposal is not consistent with the Provincial Planning Statement (2024) and does not comply with the Urban Hamilton Official Plan and Fruitland-Winona Secondary Plan as:
 - (i) It does not meet the intent of the Fruitland-Winona Secondary Plan's Block Servicing Strategies and applicable policies;
 - (ii) The proposal is premature as it has not demonstrated that adequate infrastructure capacity is available;
 - (iii) The proposal is premature as it lacks a Draft Plan of Subdivision for the remaining lands, preventing comprehensive and orderly development;
 - (iv) The submitted Noise Study has not adequately demonstrated that the proposed development will comply with all applicable provincial and municipal noise guidelines and standards; and,
 - (v) The proposal has not demonstrated that trees have been sufficiently protected, including the proposed removal of a Species at Risk.

**Application for a Zoning By-law Amendment for Lands Located at 255 Lewis Road
(Ward 10)
Page 2 of 6**

Key Facts

- The application is for a Zoning By-law Amendment to change the zoning from the Agricultural Specialty (AS) Zone under the Stoney Creek Zoning By-law No. 3692-92 to a site specific Low Density Residential (R1) Zone under the City of Hamilton Zoning By-law No. 05-200.
- The proposed development includes six street townhouse dwelling units at the southeast corner of the subject lands, as shown in the Concept Plan in Appendix C attached to Report PED25123.
- The subject lands are designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan and designated “Low Density Residential 3” on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan, which permits street townhouse dwellings.
- Staff recommends denial of the proposed Zoning By-law Amendment application.

Financial Considerations

Not applicable.

Analysis

The subject lands are municipally known as 255 Lewis Road, Stoney Creek, located on the west side of Lewis Road in proximity to Highway No. 8 to the south. The proposed development will be located on the southeastern portion of the site. The existing land is vacant with treed areas in the south portions as well as a few trees with scattered shrubs across the site. The Concept Plan as shown in Appendix C attached to Report PED25123, identifies future development for the remainder of the subject lands. The portion of the subject lands subject to this application are approximately 0.13 hectares in size and have a rectangular shape with frontage along Lewis Road. Details on surrounding land uses are included in Appendix A1, the Concept Plan in Appendix C, and the Historical Background Factsheet in Appendix B attached to Report PED25123.

A full review of applicable Provincial Planning Statement (2024) and Urban Hamilton Official Plan policies is provided in Appendix D attached to Report PED25123.

Provincial Policy Framework

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Planning Statement (2024). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the Provincial Planning Statement (2024).

The proposal for six street townhouse dwelling units is premature as it does not demonstrate adequate infrastructure capacity and lacks a Draft Plan of Subdivision application, preventing comprehensive and orderly development. This approach does

**Application for a Zoning By-law Amendment for Lands Located at 255 Lewis Road
(Ward 10)
Page 3 of 6**

not align with long-term planning goals to transform undeveloped vacant lands into integrated urban communities through the division of land by a registered plan of subdivision where a new road or an extension to an existing road is required and where it is deemed in the public interest for the proper and orderly development of lands.

The proposal has not demonstrated whether it protects specialty crop areas. The lands south of Highway No. 8 are designated "Specialty Crop" in the Rural Hamilton Official Plan, and air drainage patterns exist between these lands and Lake Ontario over the subject property. Modifications to the street layout and building height could disrupt the air drainage patterns, yet no Air Drainage Analysis was submitted for review.

As the application for a Zoning By-law Amendment does not comply with the Urban Hamilton Official Plan, it is staff's opinion that the application is:

- Inconsistent with Section 3 of the *Planning Act*; and,
- Inconsistent with the Provincial Planning Statement (2024).

Urban Hamilton Official Plan and Fruitland-Winona 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 of the Urban Hamilton Official Plan. The subject lands are further designated "Low Density Residential 3" Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan.

The subject property falls within the City's Block 3 Servicing Strategy area, which outlines land uses, road networks, and servicing design. The proposed development focuses only on a single block located in the southeast portion of the subject lands, and the applicant has not submitted a Draft Plan of Subdivision application that would detail the plans for the entire property, including alignment and dedication of the interior collector and local road network for the immediate neighbourhood. This lack of a comprehensive plan and failure to demonstrate adequate infrastructure capacity make the proposal for six street townhouse dwelling units premature. It also hinders the development of a cohesive, integrated urban community. As such, the proposal does not align with long term planning goals aimed at transforming undeveloped vacant lands into a well-planned, fully serviced urban area.

An Arborist Report prepared by Urban Arboretum, dated October 1, 2024, proposes the removal of two endangered Butternut trees, which fall under the jurisdiction of the Ministry of Environment, Conservation, and Parks. A Butternut Health Assessment, as well as correspondence from the Ministry authorizing the removal of the Butternut trees, have not been provided. Therefore the Tree Preservation Plan has not yet been approved.

**Application for a Zoning By-law Amendment for Lands Located at 255 Lewis Road
(Ward 10)
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Based on the policy analysis provided in Appendix D attached to Report PED25123, the proposal does not comply with the Urban Hamilton Official Plan or the Fruitland-Winona Secondary Plan.

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

The amended Zoning By-law Amendment application proposes a change in zoning of the subject lands from the Agricultural Specialty (AS) Zone to the site-specific Low Density Residential (R1) Zone under Hamilton Zoning By-law No. 05-200, to permit the development of Block 1 for six street townhouse dwelling units on the subject lands located at 255 Lewis Road, Stoney Creek, as shown in Appendix A attached to Report PED25123.

Rationale For Recommendation

1. The proposal does not have merit and cannot be supported for the following reasons:
 - (i) It is not consistent with the Provincial Planning Statement (2024);
 - (ii) It does not comply with the Urban Hamilton Official Plan and the Fruitland-Winona Secondary Plan; and,
 - (iii) The proposal is considered premature and not an orderly development due to the absence of a Draft Plan of Subdivision application.
2. Zoning By-law Amendment

The proposed Zoning By-law Amendment is to rezone a portion of the subject lands from the Agricultural Specialty (AS) Zone to a site specific Low Density Residential (R1) Zone to permit the development of six street townhouse dwelling units.

Staff are not satisfied that the proposed Zoning By-law Amendment complies with the policies of the Urban Hamilton Official Plan or the Fruitland-Winona Secondary Plan. The proposal is considered premature due to the lack of a comprehensive plan, the absence of a Draft Plan of Subdivision application, and the failure to demonstrate adequate infrastructure capacity, as further outlined in the detailed policy analysis in Appendix D of report PED25123.

Therefore, staff does not support the proposed Zoning By-law Amendment.

**Application for a Zoning By-law Amendment for Lands Located at 255 Lewis Road
(Ward 10)
Page 5 of 6**

Alternatives

Should the applications be approved, that staff be directed to prepare a Zoning By-law Amendment, in a form satisfactory to the City Solicitor, to add the portion of the subject lands to a site specific Low Density Residential (R1) Zone with modifications consistent with the Concept Plan provided in Appendix C, and with inclusion of Holding 'H' Provision(s) to address matters including but not limited to the submission or resubmission of an updated Hydrogeological Assessment Report, Landscape Plan, Tree Protection Plan, Air Drainage Assessment, Butternut Health Assessment, as well as correspondence from Ministry of Environment, Conservation and Parks, a complete Draft Plan of Subdivision application, if required, an Official Plan Amendment application, Urban Design considerations, road right-of-way dedications, and other necessary items to implement Council's direction.

Relationship to Council Strategic Priorities

- Priority 1: Sustainable Economic & Ecological Development
 - 1.2: Facilitate the growth of key sectors.
- Priority 2: Safe & Thriving Neighbourhoods
 - Increase the supply of affordable and supportive housing and reduce chronic homelessness.

Consultation

The applications were circulated to internal departments and external agencies. Refer to the comment summary and responses provided in Appendix E attached to Report PED25123.

The public consultation strategy for 255 Lewis Road included a mailout and a Public Meeting organized by Ashenhurst Nouwens & Associates Inc. The mailout, sent to 14 residences within a 400 metre radius of the subject lands, provided an overview of the proposal, included a site plan for reference, and invited feedback to address public concerns throughout the application process. The Public Meeting featured a presentation covering the proposal, strategic plan, site location, proposed road alignment, concept plan, site plan, and building elevations, followed by a question-and-answer period. A total of 14 people attended the meeting.

Appendices and Schedules Attached

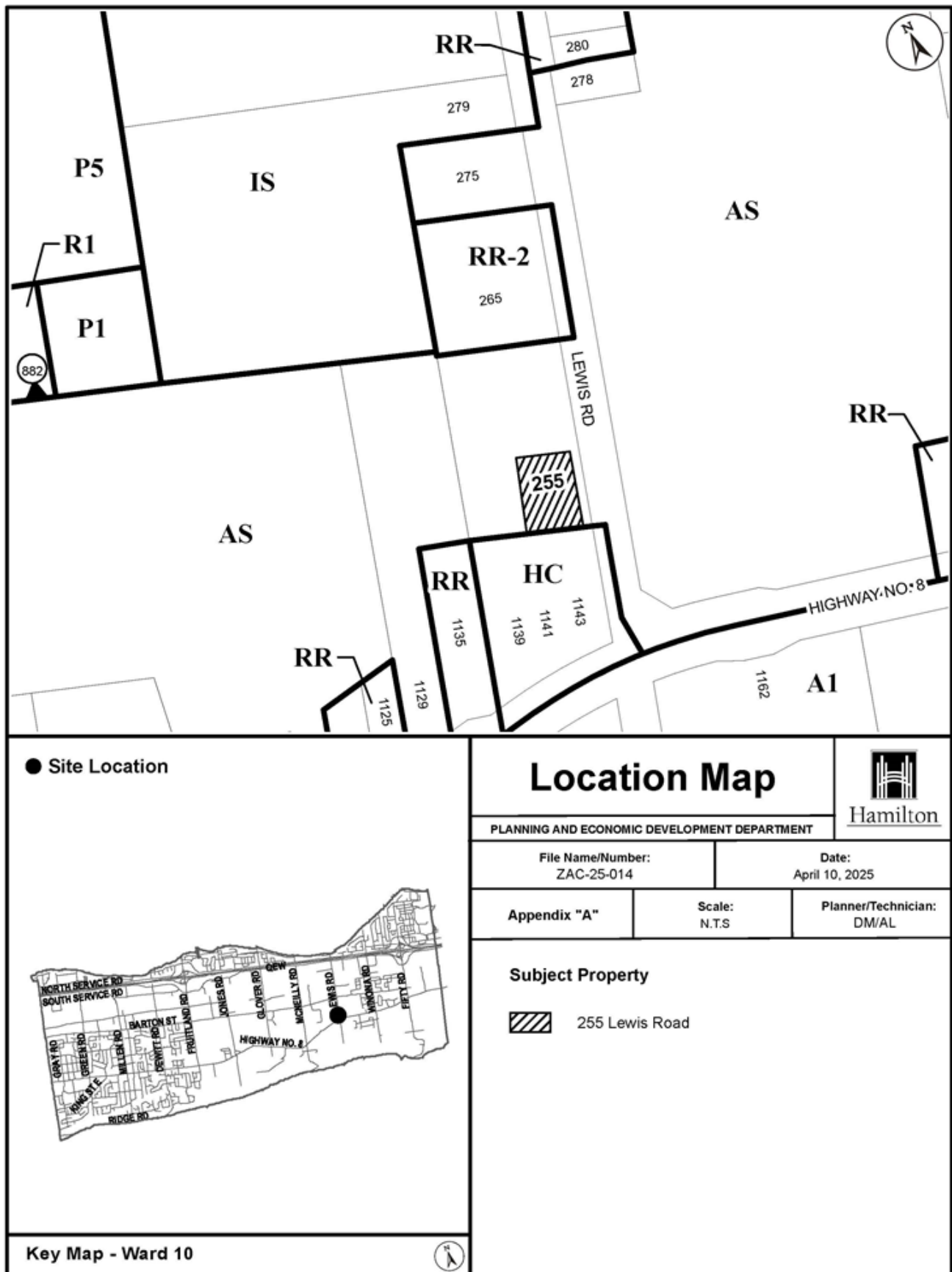
Appendix A:	Location Map
Appendix A1:	Existing and Surrounding Land Uses and Zoning
Appendix B:	Historical Background Report Fact Sheet
Appendix C:	Concept Plan
Appendix D:	Policy Review
Appendix E:	Department and Agency Comments

**Application for a Zoning By-law Amendment for Lands Located at 255 Lewis Road
(Ward 10)**

Page 6 of 6

Prepared by: Dhruv Mehta, Planner II
Planning and Economic Development Department,
Development Planning

**Submitted and
recommended by:** Anita Fabac, Acting Director of Planning and Chief Planner
Planning and Economic Development Department



Existing and Surrounding Land Uses and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Vacant	Agricultural Speciality (AS) Zone

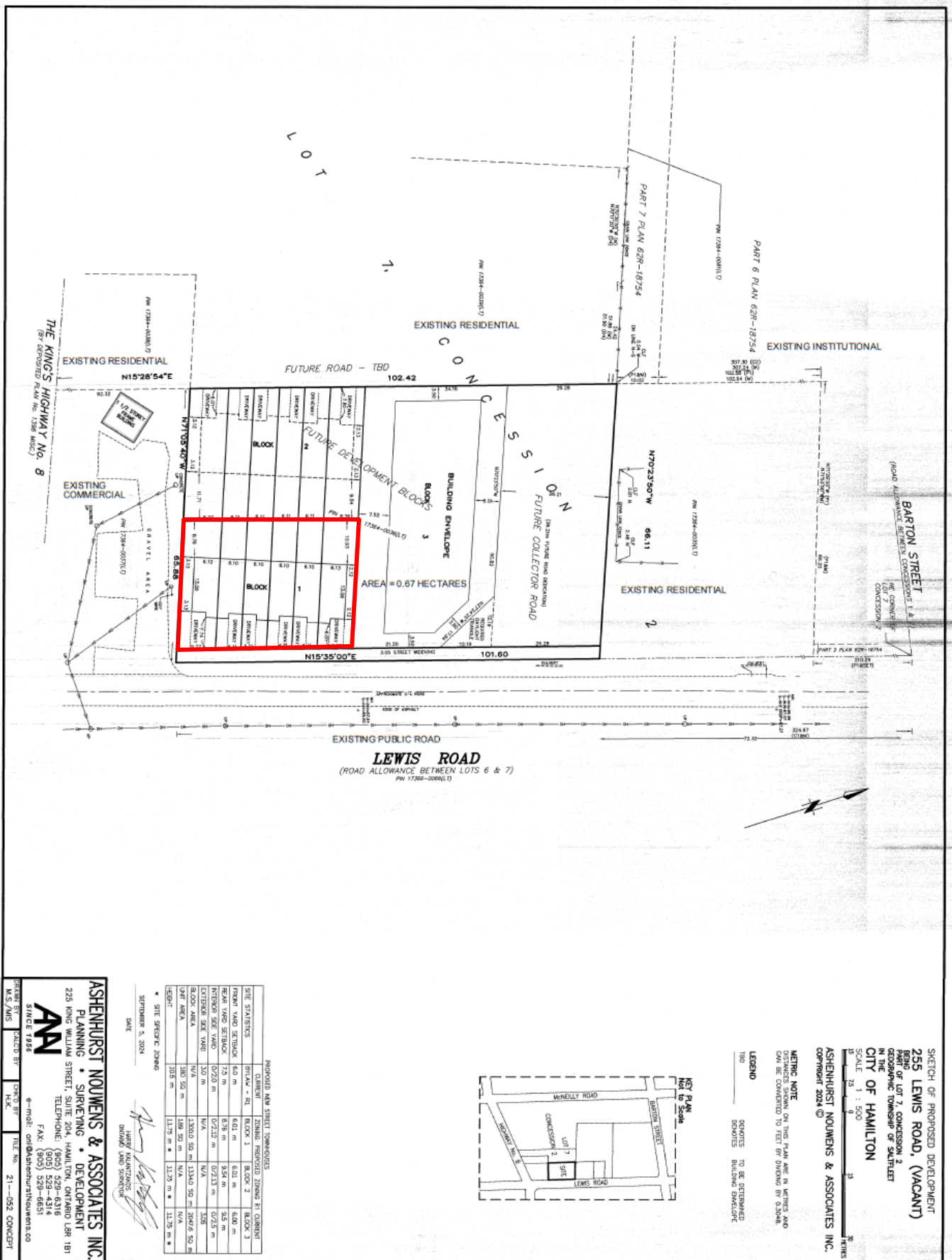
Surrounding Land Uses:

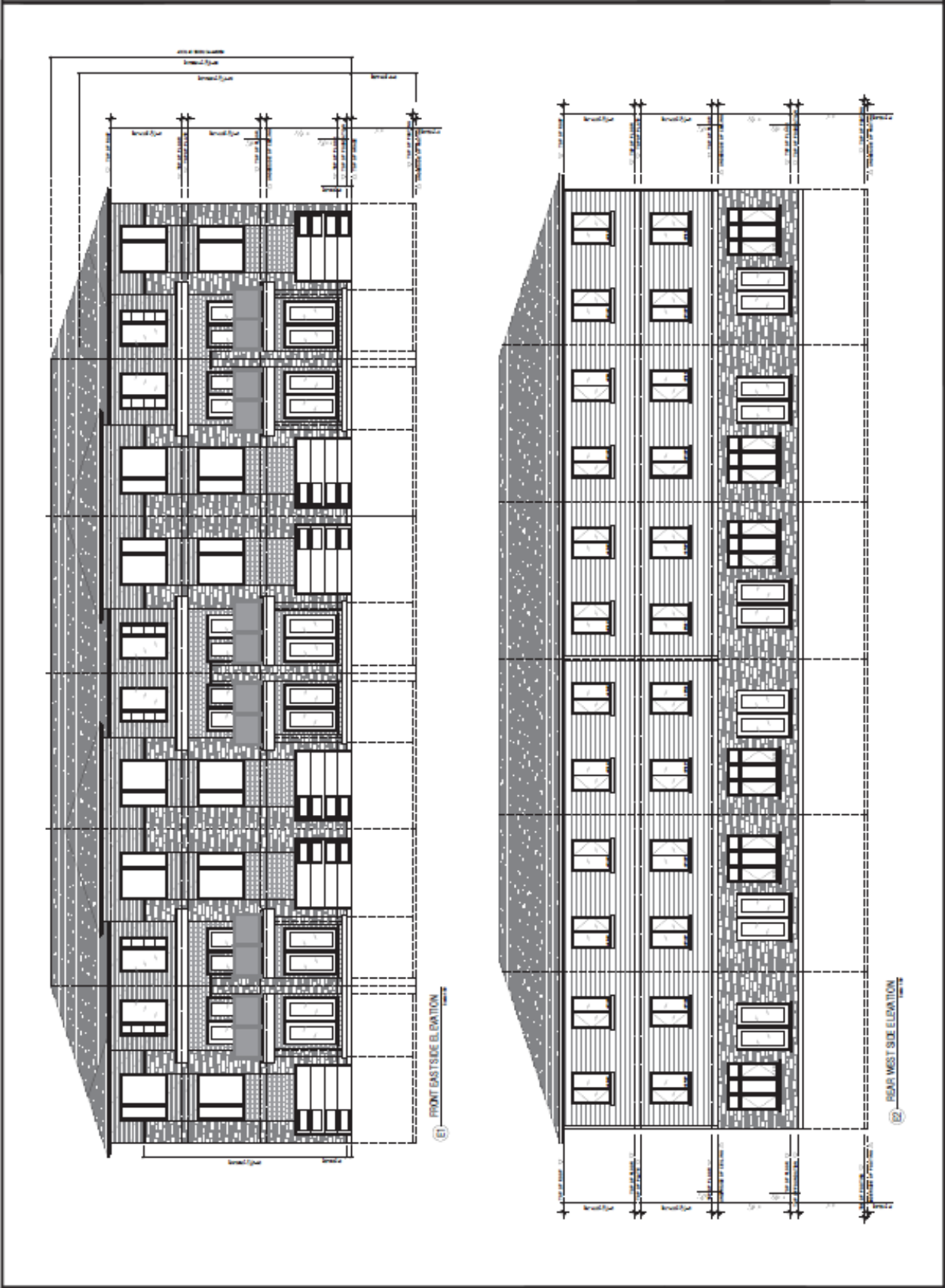
North	Single detached dwelling (Designated and Protected Heritage Property)	Rural Residential "RR-2" Zone, Modified
South	Hotel	Highway Commercial "HC" Zone
East	Agriculture	Agricultural Speciality "AS" Zone
West	Agriculture	Agricultural Speciality "AS" Zone

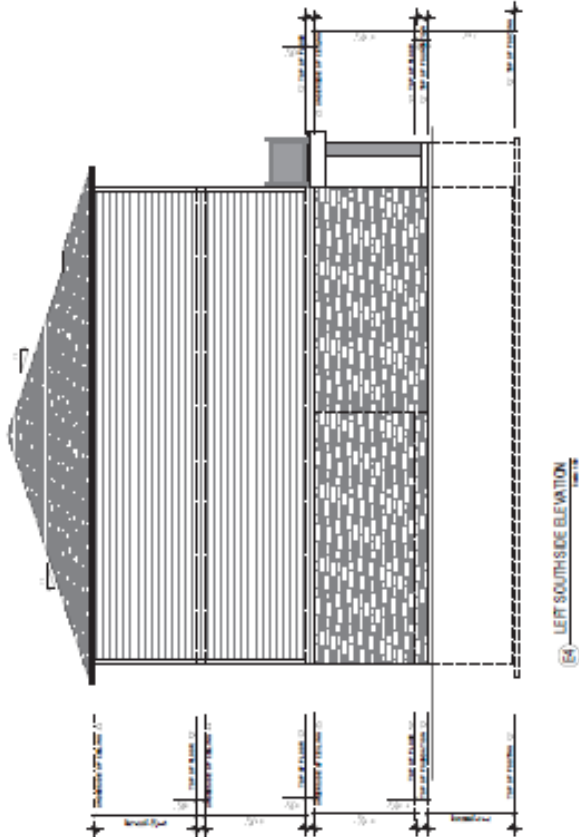
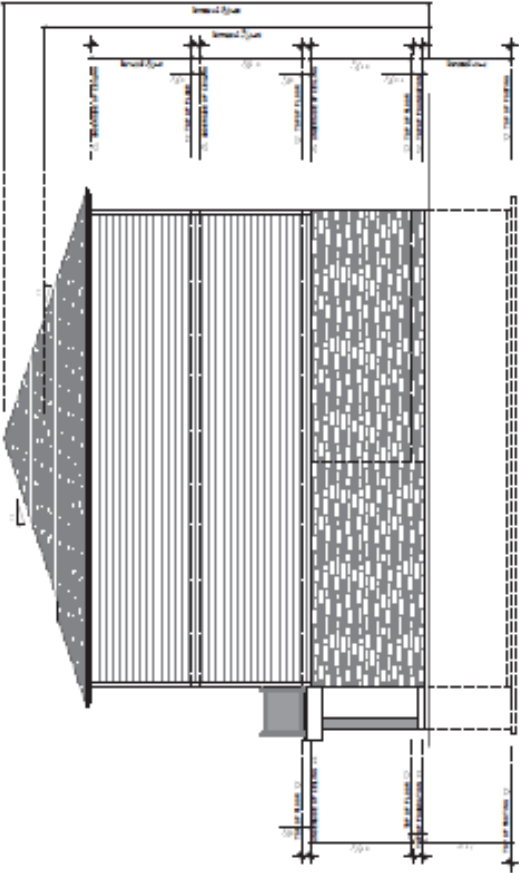
Historical Background

Application Details	
Owner:	11323881 Canada Inc. (c/o Enzo Prato and Sharad Sharma)
Applicant:	Ashenhurst Nouwens & Associates Inc. (c/o Harry Kalantzakos).
File Number:	ZAC-25-014.
Type of Applications:	Zoning By-law Amendment.
Proposal:	The purpose of the Zoning By-law Amendment is for a change in zoning from the Agricultural Specialty (AS) Zone to a site specific Low Density Residential (R1) Zone to permit the development of Block 1 for six street townhouse dwelling units at the southeast corner of the subject lands, with frontage and access onto Lewis Road.
Property Details	
Municipal Address:	255 Lewis Road (See Location Map in Appendix A attached to Report PED25123).
Lot Area:	0.13 ha.
Servicing:	Full municipal services.
Existing Use:	Vacant.
Documents	
Provincial Planning Statement:	The proposal is not consistent with the Provincial Planning Statement (2024).
Official Plan Existing:	"Neighbourhoods" on Schedule E – Urban Structure and Schedule E-1 – Urban Land Use Designations.
Secondary Plan Existing:	"Low Density Residential 3" on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan.
Zoning Existing:	Agricultural Specialty (AS) Zone.
Zoning Proposed:	Site Specific Low Density Residential (R1) Zone.
Modifications Proposed:	<ul style="list-style-type: none"> • Increase the maximum building height from 10.5 metres to 11.75 metres; and, • Each street townhouse dwelling unit may not need to be on a separate lot.
Processing Details	
Received:	March 3, 2025.
Deemed Complete:	March 3, 2025.
Notice of Complete Application:	Sent to 14 property owners within 120 metres of the subject property on March 12, 2025.
Public Notice Sign:	Posted March 10, 2025

Notice of Public Meeting:	Sent to 14 property owners within 120 metres of the subject property on May 14, 2025.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix F attached to Report PED25123.
Public Consultation:	The public consultation strategy for 255 Lewis Road included a mailout and a Public Meeting organized by Ashenhurst Nouwens & Associates Inc. The mailout, sent to 14 residences within a 400 metre radius of the subject lands on January 6, 2025, which provided an overview of the proposal, included a site plan for reference, and invited feedback to address public concerns throughout the application process. The Public Meeting, held on January 20, 2025, featured a presentation covering the proposal, strategic plan, site location, proposed road alignment, concept plan, site plan, and building elevations, followed by a question-and-answer period. A total of 14 people attended the meeting.
Public Comments:	No comments from the public were received at the time of this report being written.
Processing Time:	81 days.







SUMMARY OF POLICY REVIEW

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

Theme and Policy	Summary of Policy or Issue	Staff Response
Provincial Planning Statement (2024)		
Planning for People and Homes Policy: 2.1.6. a), b), c) Housing Policy: 2.2.1 b)	Planning authorities should promote complete communities by accommodating a diverse mix of land uses, housing, transportation options, employment, and public services to meet long-term needs; enhancing accessibility for people of all ages and abilities by addressing land use barriers; as well as improving social equity and quality of life for all, including equity deserving groups.	<p>The proposed development of six new street townhouse dwellings introduces additional housing options within the neighbourhood, contributing to a diverse range of residential choices. However, the proposal is premature as it lacks comprehensive and orderly development for the remainder of the subject lands. The concept plan fails to show that the proposed development is organized in a logical manner with surrounding lands. The development lacks cohesive pedestrian infrastructure, and the future street network is not being proposed in an orderly manner through a Draft Plan of Subdivision with the balance of the subject lands, further undermining connectivity and walkability.</p> <p>The proposal is not consistent with these policies.</p>
Cultural Heritage and Archaeology Policies: 4.6.2 and 4.6.3	Planning authorities shall not permit development or site alteration on lands with archaeological resources or potential unless significant resources are conserved. Similarly, development on adjacent lands to protected heritage properties is prohibited unless heritage attributes are preserved.	<p>The subject lands are adjacent to a Protected Heritage Property, which is Designated under Part IV of the <i>Ontario Heritage Act</i>. A Cultural Heritage Impact Assessment, prepared by NPG Planning Solutions Inc. dated September 13, 2024, was submitted and concluded that the proposed development will not negatively impact the heritage property. Additionally, as the Subject Lands are in an area of archaeological potential, a Stage I & II Archaeological Assessment, prepared by AS & G Archaeological Consulting dated November 16, 2023, which identified no archaeological resources. The report was reviewed by staff, who recommended that no further assessment is required.</p> <p>The proposal is consistent with these policies.</p>

Theme and Policy	Summary of Policy or Issue	Staff Response
Settlement Area Policy: 2.3.1.1	Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.	<p>The proposed development is located within a settlement area.</p> <p>The proposal is consistent with this policy.</p>
General Policies for Agriculture Policy: 4.3.1.3	Specialty crop areas shall be given the highest priority for protection.	<p>The proposed development has not demonstrated that it protects specialty crop areas with the lands south of Highway No. 8 designated “Specialty Crop” in the Rural Hamilton Official Plan. Air drainage patterns exist between these lands and Lake Ontario over the subject lands and modifications to the street layout and building height have the potential to disrupt these drainage patterns. An Air Drainage Analysis/Plan was not submitted with the application.</p> <p>The proposal is not consistent with this policy.</p>
Urban Hamilton Official Plan		
Cultural Heritage Policies: B.3.4.1.4; B.4.1.2.1; B.3.4.2.11 to B.3.4.2.14; and F.3.2.3.1	The City of Hamilton is committed to the protection, conservation, and management of cultural heritage resources, including archaeological, built heritage, and cultural heritage landscapes. New development, site alterations, and building additions must be contextually appropriate and maintain the integrity of on-site or adjacent cultural heritage resources. The city works in partnership with other stakeholders to safeguard tangible cultural heritage for present and future generations. This is achieved through planning and design measures or as conditions of development approvals, in accordance with the Planning Act, R.S.O. 1990. Additionally, development proposals may require a Cultural Heritage Impact Assessment, particularly when they could affect designated properties under the Ontario Heritage Act or properties in the City’s	<p>A Cultural Heritage Impact Assessment, prepared by NPG Planning Solutions Inc. dated September 13, 2024, was submitted. The Cultural Heritage Impact Assessment aligns with Hamilton's guidelines for cultural heritage impact assessments and follows best practices, including the Standards and Guidelines for the Conservation of Historic Places in Canada and the Eight Guiding Principles for the Conservation of Built Heritage Properties.</p> <p>The Cultural Heritage Impact Assessment determined that the proposed residential development on the subject lands, adjacent to a Protected Heritage Property, will not negatively impact the heritage property. The development is contextually compatible with adjacent cultural heritage resources and will maintain the integrity of the adjacent Protected Heritage Property, known as the Lewis House, located at 265 Lewis Road. The distance between the development and the Lewis House is sufficient to avoid any adverse effects on its heritage attributes.</p>

Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Cultural Heritage</p> <p>Policies: B.3.4.1.4; B.4.1.2.1; B.3.4.2.11 to B.3.4.2.14; and F.3.2.3.1 (continued)</p>	<p>Inventory of Buildings of Architectural or Historical Interest.</p> <p>Cultural Heritage Impact Assessments are required prior to development applications that may adversely affect cultural heritage resources, including those identified in the City's guidelines. The assessments must be prepared by qualified professionals and include a detailed evaluation of affected cultural heritage resources, a description of the proposed development, alternative options, potential impacts, and necessary mitigation measures. The City may impose conditions on development approvals to ensure the continued protection of cultural heritage resources. Before site alteration or soil disturbance, the City must approve the CHIA in writing, ensuring no further cultural heritage concerns exist and agreeing with the final resource management strategy.</p>	<p>The proposal complies with these policies.</p>
<p>Archeology</p> <p>Policy: B.3.4.4.3</p>	<p>In areas of archaeological potential identified on Appendix F-4 – Archaeological Potential, an archaeological assessment shall be required and submitted prior to or at the time of application submission.</p>	<p>The subject lands are located in an area of archaeological potential, meeting four of the ten criteria used by the City of Hamilton and the Ministry of Citizenship and Multiculturalism: within 250 metres of known archaeological sites, presence of sandy soil in a clay or stone area, location within a pioneer Euro-Canadian settlement, and proximity to historic transportation routes. A Stage I & II Archaeological Assessment, prepared by AS & G Archaeological Consulting, dated November 16, 2023, was submitted and concluded that no archaeological resources were found on the property. The report was reviewed by staff, who recommended that no further archaeological assessment is necessary. While Provincial sign-off is still pending, staff have confirmed that the archaeology condition has been satisfied.</p> <p>The proposal complies with this policy.</p>

Theme and Policy	Summary of Policy or Issue	Staff Response
Noise and Vibration Policies: B.3.6.3.9; B.3.6.3.18; and B.3.6.3.19 a)	A noise feasibility and detailed noise study will be required by the City prior to or at the time of application submission for residential or noise sensitive developments located within 400 metres of an arterial road and in the vicinity of other uses with the potential to create conflicts between sensitive land uses and stationary noise sources.	<p>A Noise Feasibility Study, prepared by HGC Engineering dated September 4, 2024, was submitted. The study is required to be revised or updated to clarify whether the elementary school north of the site is considered a stationary noise source and include further analysis if applicable. Additionally, since Lewis Road is classified as a collector road and a future collector is planned through the site, the study should include further analysis to evaluate potential noise impacts in accordance with applicable provincial and municipal guidelines for sensitive land uses.</p> <p>The proposal does not comply with this policy.</p>
Tree Management Policy: C.2.11.1	The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.	<p>An Arborist Report, prepared by Urban Arboretum dated October 1, 2024, was submitted. The report inventoried 46 trees, with 14 proposed for removal. Tree retention decisions are based on condition, aesthetics, age, and species, though retention opportunities are limited due to the presence of invasive species including Black Locust and Norway Maple. However, there is a concern over the proposed removal of a Species at Risk (Butternut – Endangered), which falls under the jurisdiction of the Ministry of Environment, Conservation, and Parks. A Butternut Health Assessment and Ministry correspondence have not been provided, and the Tree Protection Plan remains unapproved.</p> <p>The proposal does not comply 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 Ashenhurst Nouwens & Associates Inc. and dated August 30, 2024, was submitted. Development Engineering does not support the rezoning application until services within Lewis Road and the future municipal roads on the site and adjacent lands are fully installed and operational as per the approved Fruitland-Winona Block 3 Servicing Strategy. Specifically, Block 1 cannot proceed until the watermain upgrade and storm</p>

Theme and Policy	Summary of Policy or Issue	Staff Response
Infrastructure Policy: C.5.3.6 (continued)		sewer installation on Lewis Road are complete to ensure proper water and wastewater servicing. The proposal does not comply with this policy.
Implementation Policies: F.1.1.2 and F.1.14.1.1	<p>There are instances where zoning for certain urban lands has not yet been finalized and remain zoned for agricultural use. It is intended that not all lands be pre-zoned in order that amenity and design, population density, public works requirements, environmental concerns and all other related policies of the Urban Hamilton Official Plan may be reviewed prior to development proceeding and appropriate zoning regulations applied. Accordingly, development proposals shall be required to conform to the Zoning By-law that implements the provisions of the Urban Hamilton Official Plan.</p> <p>Land division shall occur by registered plan of subdivision when a new road is required and when it is in the public interest to support proper and orderly development.</p>	<p>The proposed development is considered premature since the submission did not include a Draft Plan of Subdivision application for the balance of the subject lands, preventing comprehensive and orderly development. A draft plan of subdivision is required where new roads are proposed and where it serves the public interest to ensure proper and orderly development, in accordance with the Urban Hamilton Official Plan.</p> <p>The proposed development is not adhering to the Block 3 Servicing Strategy, which is intended to guide coordinated infrastructure, public works, and community design. The concept plan fails to demonstrate cohesive pedestrian infrastructure, which discourages active transportation, and does not show a logical organization with surrounding lands. The future street network is not being proposed in an orderly manner through a Draft Plan of Subdivision with the balance of the subject lands, and municipal services on the site and adjacent lands are fully installed and operational. As such, the proposal does not align with the intent of the Urban Hamilton Official Plan, Fruitland-Winona Secondary Plan, or Block 3 Servicing Strategy, which require that amenity, design, infrastructure, and related planning considerations be fully evaluated prior to development.</p> <p>The proposal does not comply with these policies.</p>
Fruitland-Winona Secondary Plan		
Low Density Residential 3 Designation Policy: B.7.4.4.5	In accordance with Section E.3.4 – Low Density Residential Policies of Volume 1 and the site-specific policies for lands designated Low Density Residential 3 on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use	The proposed development of six street townhouse dwellings aligns with the “Low Density Residential 3” policies outlined in Section E.3.4 of Volume 1 and the Fruitland-Winona Secondary Plan. As permitted under Policy E.3.4.3, the development introduces townhouse

Theme and Policy	Summary of Policy or Issue	Staff Response
Low Density Residential 3 Designation Policy: B.7.4.4.5 (continued)	Plan, and notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following additional uses shall be permitted: all forms of townhouse dwellings and existing places of worship. The net residential density shall be greater than 40 units per hectare and shall not exceed 60 units per hectare.	<p>dwellings, expanding housing options in the area. The net residential density of 46.2 units per hectare falls within the required range of 40 to 60 units per hectare, in accordance with Policy E.3.4.4.</p> <p>The proposal complies with this policy.</p>
Streetscape and Built Form Policy: B.7.4.10.2, B.7.4.10.3, B.7.4.10.4, B.7.4.10.6	Architectural variation should be encouraged through the use of varied rooflines, materials, colours, number of storeys, porch designs, architectural styles, and building types to create visual interest between buildings. Continuous rows of repetitive façades are discouraged. The design and layout of streets, lots, and building siting should avoid reverse lotting, promote continuity along streets and open spaces, create meaningful views within the community and toward natural features and encourage pedestrian connections to public streets and outdoor spaces.	<p>As shown in the Concept Plan as shown in Appendix C attached to Report PED25123, the proposed townhouse dwelling is aligned to the side lot lines rather than parallel to Lewis Road. The front elevation should be aligned to Lewis Road to promote continuity along the street. Additionally, the proposed plans do not clarify where future roads are planned to surround the site with the balance of the subject lands through a Draft Plan of Subdivision, potentially undermining pedestrian connectivity through the public street network.,</p> <p>The proposal does not comply with these policies.</p>
Active Transportation Network Policy: B.7.4.13.1	Active transportation, including walkability shall be promoted in the design of the Fruitland-Winona Secondary Plan area through the provision of transit facilities, transportation demand management, pedestrian facilities, and connections between all major destinations such as schools, parks, and commercial areas.	<p>The Fruitland-Winona Secondary Plan supports active transportation by promoting walkability and enhancing connectivity within the Plan area. The subject lands are situated close to commercial, institutional, and recreational uses and located approximately 320 metres from a transit stop to support pedestrian access and existing transit routes. The compact design of the six street townhouse units contributes to a more walkable neighbourhood and supports nearby amenities, aligning with the Secondary Plan's goals to connect major destinations. However, as noted in previous comments, the current approach to pedestrian connectivity, road network design, and related infrastructure is not being cohesively implemented and may require further coordination to fully realize these objectives.</p> <p>The proposal does not comply with this policy.</p>

Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Daylight Triangles and Right-of-Way Dedications</p> <p>Policies: B.7.4.13.8, B.7.13. 9 b), B.7.4.13.9 e), B.7.4.13.9 f), B.7.4.13.11, and B.7.4.13.12</p>	<p>Daylighting triangles at neighbourhood roundabout intersections shall generally be established at 12.19 metres by 12.19 metres. This dimension may be reduced on a location-by-location basis as determined by the City once engineering designs have been approved and any surplus lands identified.</p> <p>The alignment of the local road network shall be detailed within the plans of subdivision in accordance with the Block Servicing Strategy and policies of Section 7.4.14. The rights-of-way of all streets within and bordering the Secondary Plan area shall be protected and dedicated to the City in accordance with Section C.4.5.6 – Right-of-Way Dedications of Volume 1.</p>	<p>The proposal does not provide for an adequate daylight triangle to accommodate a potential roundabout at the intersection of Lewis Road and the future collector road through the subject lands, which has been identified on Map B.7.4-3 – Fruitland-Winona Secondary Plan – Transportation Classification Plan. Additionally, the existing right-of-way on Lewis Road at the subject property is approximately 20 metres, with an additional 3.05 metres to be dedicated on each side in accordance with the Schedule C-2 - Future Right-of-Way Dedications of the Urban Hamilton Official Plan, to bring the total right-of-way to 26.213 metres. A planned Collector Road 'D' is shown as intersecting with Lewis Road on Map B.7.4-3 – Fruitland-Winona Secondary Plan – Transportation Classification Plan, requiring the full 26.213 metre right-of-way. A Draft Plan of Subdivision application is required when new public roads are required.</p> <p>The proposal does not comply with this policy.</p>
<p>Block Servicing Strategy and Implementation</p> <p>Policies: B.7.4.14.1 c), B.7.4.14.1 j) viii), B.7.4.14.1 n), B.7.4.14.1 t), B.7.4.17.2, and B.7.4.17.3, B.7.4.17.9</p>	<p>Block Servicing Strategies include plans for phasing of development including the size and location of future draft plans of subdivision application to ensure the orderly development of the lands. All development applications shall proceed in a coordinated and comprehensive manner and demonstrate that they comply and proceed in accordance with the approved Block Servicing Strategy.</p>	<p>The Functional Servicing and Stormwater Management Report, prepared by civilGo Engineering Inc. on behalf of Ashenhurst Nouwens & Associates Inc. dated August 30, 2024, indicates the proposed development is intended to connect to future storm sewers on Lewis Road and the future collector road north of the site. However, the lack of an offsite stormwater management facility and storm sewers could cause downstream flooding. Additionally, the proposed development has a higher impervious ratio than the approved Block 3 Servicing Strategy. Therefore, staff does not recommend approval until municipal storm infrastructure is in place or a mitigation strategy is provided. Development Engineering staff do not support the rezoning application until all services within Lewis Road and future municipal roads are installed and operational, as per the Block 3 Servicing Strategy. Furthermore, Block 1 cannot proceed until the watermain upgrade and storm sewer on Lewis Road are completed. The proposal lacks sufficient information regarding the</p>

Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Block Servicing Strategy and Implementation</p> <p>Policies: B.7.4.14.1 c), B.7.4.14.1 j) viii), B.7.4.14.1 n), B.7.4.14.1 t), B.7.4.17.2, and B.7.4.17.3, B.7.4.17.9 (continued)</p>		<p>daylight triangle for a roundabout at the intersection of Lewis Road and Street 'A'. A Draft Plan of Subdivision application is required when new public roads are required and when it is in the public interest to support proper and orderly development. Therefore, the proposal is not proceeding in accordance with the approved Block Servicing Strategy.</p> <p>The proposal does not comply with these policies.</p>

CONSULTATION – DEPARTMENTS AND AGENCIES

Department/Agency	Comment	Staff Response
<ul style="list-style-type: none"> • Public Health Services, Healthy and Safe Communities Department; • Enbridge; • Bell Canada; • Hamilton Conservation Authority; and, • Alectra Utilities. 	No Comment/No Objection.	Noted.
Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	Development Engineering does not support the Zoning Bylaw Amendment application for Block 1 until all services within Lewis Road and the future municipal roads shown on the subject site and abutting lands to the west have been installed and are fully operational in accordance with the Block 3 Servicing Study approved by Council. In addition, Block 1 cannot proceed until the existing watermain upgrade from 150 mm to 300 mm and a future storm sewer on Lewis Road have been installed and are fully operational to provide watermain services and a storm outlet for Block 1.	<p>The application cannot be supported as no subdivision application was submitted. Both development applications are required to provide a fulsome analysis. The Zoning By-law application is considered premature.</p> <p>Servicing upgrades, right-of-way dedications, costs and requirements can be addressed with a future Draft Plan of Subdivision application.</p>

Department/Agency	Comment	Staff Response
<p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department</p>	<p>Transportation Planning has no objections to the proposal in principle as it does not hinder the implementation of the Fruitland-Winona Secondary Plan and the Block 3 Servicing Strategy, including the planned land uses and transportation network. Staff indicated that with the absence of a Draft Plan of Subdivision application the proposal is premature.</p> <p>Future right-of-way dedications are required, including a 3.05 metre widening along Lewis Road to achieve a total right-of-way of 26.213 metres.</p> <p>Additionally, the planned Collector Road 'D' will intersect Lewis Road through the subject property and requires a full 26.213 metre right-of-way dedication. A 12.19 metre x 12.19 metre Daylighting Triangle at the intersection of Lewis Road and Collector Road 'D' must also be dedicated, as this location is identified for a potential neighbourhood roundabout in the Fruitland-Winona Secondary Plan.</p>	<p>The application cannot be supported as no subdivision application was submitted. Both development applications are required to provide a fulsome analysis. The Zoning By-law application is considered premature.</p> <p>Infrastructure improvements, right-of-way dedications, daylighting triangle dedications, costs and requirements can be addressed with a future Draft Plan of Subdivision application.</p>
<p>Waste Policy and Planning Section, Waste Management Division, Public Works Department</p>	<p>As currently designed, the development is eligible and serviceable for municipal curb side collection services.</p> <p>The future Draft Plan of Approval should include the following notations: 1. Prior to the start of municipal waste collection service, the development must be substantially complete and be free of construction debris and construction related activities. 2. The developer is responsible for all waste removal up until the time that municipal collection services are approved and initiated.</p>	<p>Noted. The notations can be addressed within the future Draft Plan of Subdivision application.</p>

Department/Agency	Comment	Staff Response
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<p>Forestry completed the review of the Arborist report, prepared by Arborwood Tree Service Inc. dated October 1, 2024, and has determined that there are no municipal trees noted or impacted by this development. Forestry will not require a public tree permit at this time.</p> <p>Forestry does not approve of the landscape plans, prepared by Adesso Design Inc. dated January 6, 2025, as revisions are required.</p>	Noted. The landscape plan can be addressed with a future Draft Plan of Subdivision application. The Standard Form Subdivision Agreement (Clause 2.8) addresses requirements for street tree plantings.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<p>It has been determined that 255 Lewis Road is currently an unofficial address. To formalize the address, the applicant must complete and submit the Change/Additional Address form to initiate the formal addressing process.</p> <p>As the proposal is not subject to Site Plan Control, a municipal address will be assigned only after the Zoning By-law Amendment is finalized and prior to the Building Permit application. The owner and agent should also ensure that the assigned municipal addresses are visibly affixed to the dwellings once constructed.</p>	Noted.



City of Hamilton Report for Consideration

To: Chair and Members
Planning Committee

Date: May 23, 2025

Report No: PED24163(b)

Subject/Title: Implementation of the Pilot Downtown Hamilton
Office Conversion Grant Program

Ward(s) Affected: Ward 2

Recommendations

- 1) That draft amending by-law number one to By-law 21-163 (Revitalizing Hamilton's Commercial Districts Community Improvement Project Area), prepared in a form satisfactory to the City Solicitor and attached as Appendix A to Report PED24163(b), **BE ENACTED**;
- 2) That draft amending by-law number one to By-law 21-164 (Revitalizing Hamilton's Commercial Districts Community Improvement Plan), prepared in a form satisfactory to the City Solicitor and attached as Appendix B to Report PED24163(b), **BE ENACTED**;
- 3) That the implementing Downtown Office Conversion Grant Program description and terms, attached as Appendix C to Report PED24163(b), **BE APPROVED** and appended as Appendix L to the Revitalizing Hamilton's Commercial Districts Community Improvement Plan on such day that amending by-law number one to By-law 21-164, comes into effect; and
- 4) That draft amending by-law number one to By-law 21-165 (delegated authority to the General Manager of Planning and Economic Development for financial incentive programs), prepared in a form satisfactory to the City Solicitor and attached as Appendix D to Report PED24163(b), **BE ENACTED** and come into effect on such day that amending by-law number one to By-law 21-164, comes into effect.

Implementation of the Pilot Downtown Hamilton Office Conversion Grant Program (Ward 2) Page 2 of 8

Key Facts

- The purpose of this Report is to fulfil the Council approved recommendations of Report PED24163(a) to bring forward the necessary implementing by-law amendments required to implement a Pilot Downtown Hamilton Office Conversion Grant Program (the Program).
- The recommended Program is intended to remove financial barriers associated with office conversions which have the potential to mitigate future increases in the Downtown office vacancy rate and transition underutilized and vacant spaces into new housing and hotel opportunities supporting Downtown revitalization.

Financial Considerations

No new funding or staffing resources are required to implement any of the recommendations in this Report PED24163(b).

Following Council's approval of the recommendations contained in Report PED24163(a) on March 26, 2025, a new Downtown Office Conversion Program Project ID 8202503001 has been established and funded with \$2,500,000 the necessary project ID has been established and funded with an initial \$2,500,000 from existing resources currently allocated to the Economic Development Division.

Background

On December 11, 2024, Council approved the following recommendation from the Downtown Hamilton Office and Storefront Commercial Sector Update and Action Report (PED24163):

- “(c) That staff be directed to develop a pilot Downtown Office to Residential Conversion Financial Incentive Program, to be funded from existing annual budget allocations to the Economic Development Division, and that the draft Program be brought forward for consideration to a General Issues Committee meeting in the first quarter of 2025;”

On March 19, 2025, the proposed Program was presented and discussed at General Issues Committee with the following recommendation from PED24163(a), approved by Council on March 26, 2025, giving rise to the recommendations of this Report PED24163(b):

- “1) That staff **BE DIRECTED** to bring forward to the Planning Committee the proposed pilot Downtown Hamilton Office Conversion Grant program, contained in Appendix A to Report PED24163(a), along with all necessary implementing by-law amendments, including those required to the Revitalizing Hamilton's Commercial Districts Community Improvement Plan and Community Improvement Project Area, for a statutory public

**Implementation of the Pilot Downtown Hamilton Office Conversion Grant Program
(Ward 2)
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meeting and Planning Committee consideration in accordance with Section 28 of the *Planning Act*.”

Analysis

Why is an incentive needed?

As further discussed in Report PED24163(a), office vacancies Downtown have increased as existing tenants ‘right-size’ their office needs as leases come up for renewal to reflect current and on-going hybrid work arrangements; a trend staff anticipate continuing for the foreseeable future. The resulting increase in underutilized/vacant office space means fewer office employees in the Downtown on any given weekday and reduced activity, vibrancy and demand for commercial services and amenities.

The conversion of excess office space for residential/hotel uses provides an opportunity to turn under-utilized buildings into new housing and attract additional tourists and events to Downtown that have the potential to support City revitalization efforts.

However, staff’s review has identified the following potential barriers to the viability of conversion projects Downtown:

- Prohibitive costs due to significant retrofits required, particularly in terms of upgrades and expansions required to key services including electricity and plumbing within an existing structure;
- The inherent inefficiency of many typical office floor plates for residential uses when compared to new residential builds making conversions less profitable and thus less appealing to undertake; and,
- The unpredictability of potentially unknown additional costs that must be considered when working with older, existing buildings including the potential for asbestos and other hazardous materials requiring abatement and removal.

In many instances, these challenges, and their associated costs, have meant many conversion projects have not been financially viable for the private sector relative to other potential development opportunities that may exist.

Furthermore, in secondary office markets, such as Hamilton, where office supply remains generally unchanged year-over-year and where ownership consists of long-term investors with a primary focus on office/commercial holdings with limited residential experience, there is evidence of a stronger sentiment to maintain the status quo even in the face of rising vacancies and diminished demand.

It is further noted that current owners of office buildings may be unwilling to ‘surrender’ to the realities of the current market due to concerns that reducing lease rates or selling existing properties could realize building valuation losses due to the current market conditions.

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As such, staff's recommended Program is intended to not only to mitigate the costs of office conversions, but also serve as a catalyst for current office owners to reexamine their long-term plans for existing vacant/under-utilized office space Downtown.

Notable Eligibility Criteria

The recommended Program contains key eligibility criteria highlighted below with accompanying rationale:

- The conversion must be in a building containing at least 465m² (~5,000ft²) of office space which is intended to ensure alignment with the City's annual Office vacancy survey in terms of reporting key performance metrics and program success as it relates to its impact on the Downtown office vacancy;
- Only units created above the first storey will be eligible in order to recognize the importance of continuing to support active, and engaging street facing uses Downtown to maintain a vibrant and pedestrian-focused public realm; and,
- Conversions may include those established via a long-term lease hold of no less than 99 years to provide greater flexibility for owners to consider housing opportunities involving a variety of long-term ownership structures and potential partnerships, particularly where a conversion will occur in only a portion of an existing office building.

Area of Program Availability

The majority of current City Downtown incentive programs intended to support investment and revitalization are made available in the current Downtown Community Improvement Project Area approved by Council via By-law 21-163. This existing area is delineated in Appendix A to Report PED24163(b).

Staff believe that the current Downtown Hamilton Community Improvement Project Area encompasses a far greater area then needed for the purposes of the recommended Program, as the vast majority of the City's major office supply is concentrated in a concentrated area generally comprising the City's former Urban Growth Centre.

As such, recommendation 1) delineates and implements a new "Sub-Area 1: Central Business District" within the Downtown Hamilton Community Improvement Project Area in which the recommended Program would be made available. This new sub-area is based on the former Urban Growth Centre boundary and identified in Appendix A Report PED24163(b).

Hotels as an Eligible Conversion

As further discussed in Report PED24163(a), staff identified an additional area of opportunity to support Downtown revitalization through the conversion of office space to hotels. Such conversions incur many of the same costs required to convert office space to residential (such as electrical and plumbing retrofits) and face similar financial viability challenges as a result.

**Implementation of the Pilot Downtown Hamilton Office Conversion Grant Program
(Ward 2)
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Incentivizing the creation of new hotel space in the Downtown will support a number of City objectives respecting tourism and major event attraction and directly supports Action 16 of the recently approved 2024-2028 Tourism Strategy to “Execute a tourism business attraction strategy to secure business investments that enhance Hamilton's destination offerings by filling identified gaps in accommodations, attractions, and cultural venues”.

Grant Amounts

In developing the per unit grant amounts, staff recognized an opportunity to leverage the Program to incentivize not only conversions of surplus Downtown office space for residential and hotel uses, but also support additional community and Council priorities respecting family friendly housing. As such, grants under the Program have been scaled to provide increasing per unit incentives based on the number of bedrooms provided per unit as detailed below:

Use	Minimum Bedrooms	Grant Amount
Residential	0 Bedroom (studio)	\$10,000 per unit
	1 Bedroom	\$12,500 per unit
	2 Bedroom	\$15,000 per unit
	3+ Bedroom	\$20,000 per unit
Hotel	n/a	\$10,000 per hotel room

Eligible units will be required to meet the Building Code’s minimum size requirement for a bedroom of 7m² (75ft²) along with any other applicable requirements under the Building Code.

Eligibility of Feasibility Studies

The recommended Program includes the ability to provide cost-sharing grants to support the undertaking of feasibility studies that may be required by the City through the Site Plan process. These studies could include requirements associated with, but not limited to, waste collection, noise/vibration and water/wastewater capacity.

A maximum of one application under the Program may be submitted per site for such feasibility studies with the maximum grant being 50% of the total cost to a maximum of \$20,000.

Legislated Requirements

- *Planning Act* Compliance

**Implementation of the Pilot Downtown Hamilton Office Conversion Grant Program
(Ward 2)
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Under Section 28 of the *Planning Act*, municipalities with enabling policies in their official plans may adopt a community improvement plan for the purposes of providing grants and/or loans which would otherwise be prohibited under Subsection 106(2) of the *Municipal Act*. These grants/loans may be provided to the registered owner(s), assessed owner(s) or tenant(s) (or their respective assignees) of lands within an area delineated as a community improvement project area via by-law.

Municipal authorization for the establishment of a community improvement plan is contained in Chapter F, Section 1.15 of the Urban and Rural Hamilton Official Plans.

The adoption of a community improvement plan by a municipality must be conducted in accordance with the applicable policies under Sections 17 and 28 of the *Planning Act* as well as the City's Public Participation and Notification Policies contained in Chapter F, Section 1.17 of the Urban and Rural Official Plans. These policies include requirements for stakeholder engagement, public notice and a statutory public meeting.

In accordance with the above, public notice of the statutory public meeting at which this Report PED24163(b)'s recommendations are being considered was published in The Hamilton Spectator on May 2, 2025.

- **By-laws Forming part of this Report PED24163(b)**

The draft amending by-law to the existing Revitalizing Hamilton's Commercial Districts Community Improvement Project Area By-law 21-163, contained in Appendix A to Report PED24163(b), establishes a new Sub-Area 1: Central Business District of the Downtown Hamilton Community Improvement Project Area in which the recommended Program will be made available.

The draft amending by-law to the existing Revitalizing Hamilton's Commercial Districts Community Improvement Plan By-law 21-164, contained in Appendix B to Report PED24163(b), incorporates the new Program into the existing community improvement plan to provide the authorization for the Program's implementation. This amending by-law will come into effect in accordance with subsection 28(4) of the *Planning Act* after the conclusion of the applicable appeal period.

The draft amending by-law to the existing delegated authority By-law 21-165, contained in Appendix D to Report PED24163(b), provides delegated authority to the General Manager of Planning and Economic Development to approve grants under the Program to a maximum of \$200,000 consistent with existing delegated authority provided to the General Manager for other programs under this community improvement plan.

Alternatives

- Delaying Program implementation so as to form part of the scheduled comprehensive review of the Revitalizing Hamilton's Commercial Districts Community Improvement Plan and all associated financial incentive programs made

Implementation of the Pilot Downtown Hamilton Office Conversion Grant Program (Ward 2) Page 7 of 8

available Downtown. This review is scheduled to commence in late 2025 with Recommendations to Council in 2026; or

- Not pursue the recommended Program at all.

Given the urgency for action needed to support the Downtown, the need for housing in our community and a rising risk for office vacancies in the near future, staff do not recommend delaying or not pursuing the recommended Program.

Relationship to Council Strategic Priorities

Staff's recommendations are intended to support key Council priorities respecting Downtown revitalization and increasing the supply of housing.

Previous Reports Submitted

- [Proposed Pilot Downtown Hamilton Office Conversion Grant Program \(PED24163\(a\)\)](#)
- [Downtown Hamilton Office and Storefront Commercial Sector Update and Action Report \(PED24163\)](#)

Consultation

- Michael Kovacevic, Solicitor, Corporate Services Department; and,
- Internal and external consultation undertaken throughout the original development of the recommended Program is detailed in Report PED24163(a).

Appendices and Schedules Attached

Appendix A: Draft Amending By-law Number One to By-law 21-163 to Designate the Revitalizing Hamilton's Commercial Districts Community Improvement Project Area

Appendix B: Draft Amending By-law Number One to By-law 21-164 to Adopt the Revitalizing Hamilton's Commercial Districts Community Improvement Plan

Appendix C: Pilot Downtown Hamilton Conversion Grant Program Description

Appendix D: Draft Amending By-law Number One to By-law 21-165 to Delegate Authority to the General Manager Planning and Economic Development for Certain Grants and Loans under the Revitalizing Hamilton's Commercial Districts Community Improvement Plan and *Ontario Heritage Act*

**Implementation of the Pilot Downtown Hamilton Office Conversion Grant Program
(Ward 2)**

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Prepared by: Phil Caldwell, Senior Business Development Consultant
Planning and Economic Development Department, Economic
Development Division

**Submitted and
recommended by:** Norm Schleeahn, Director Economic Development,
Planning and Economic Development Department

Authority: Item ,
Report (PED24163(b))
CM:
Ward: City Wide

Bill No.

CITY OF HAMILTON

BY-LAW NO. 25-__

Amendment No. 1 to By-law 21-163 to Designate the Revitalizing Hamilton's Commercial Districts Community Improvement Project Area

WHEREAS the Council of the City of Hamilton enacted By-law 21-163 to Designate the Revitalizing Hamilton's Commercial Districts Community Improvement Project Area;

WHEREAS Schedule A of By-law 21-163 contains delineates a number of commercial districts and corridors in the City of Hamilton that together comprise the Revitalizing Hamilton's Commercial Districts Community Improvement Project Area

WHEREAS City Council deems it appropriate to establish a new Sub-Area 1: Central Business District as part of the Revitalizing Hamilton's Commercial Districts Community Improvement Project Area for the purposes of defining a new area of eligibility for a new Downtown Hamilton Office Conversion Grant Program;

NOW THEREFORE the Council of the City of Hamilton amends By-law 21-163 as follows:

1. That Schedule 'A' be amended by deleting the map defining the Downtown Hamilton Commercial District, dated January 2021, and replacing with the following, dated January 2025:



PASSED this ____ day of May, 2025

A. Horwath
Mayor

M. Trennum
City Clerk

Authority: Item ,
Report (PED24163(b))
CM:
Ward: City Wide

Bill No.

CITY OF HAMILTON

BY-LAW NO. 25-__

Amendment No.1 to By-law 21-164 to Adopt the Revitalizing Hamilton's Commercial Districts Community Improvement Plan

WHEREAS the Council of the City of Hamilton passed By-law 21-164 to Adopt the Revitalizing Hamilton's Commercial Districts Community Improvement Plan;

WHEREAS By-law No. 25-__ passed on the __ day of May 2025 introduced a new Sub-Area 1: Central Business District in the Downtown Hamilton Commercial District of the Revitalizing Hamilton's Commercial Districts Community Improvement Project Area By-law 21-163;

WHEREAS Section 28(4) of the *Planning Act* states that where a by-law has been passed to designate a community improvement project area, the Council may provide for the preparation of a plan suitable for adoption as a community improvement plan for the community improvement project area;

WHEREAS under Section 28(1) of the *Planning Act* "community improvement" means "the planning or re-planning, design or redesign, re-subdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary"

WHEREAS Chapter F, Section 1.15 of the Urban Hamilton Official Plan and Rural Hamilton Official Plan contains provisions relating to community improvement;

WHEREAS Council, by its Planning Committee, held a public meeting on May 23, 2025 to discuss and receive public input regarding the adoption of an amending By-law to the Revitalizing Hamilton's Commercial Districts Community Improvement Plan By-law 21-164 to introduce a new Downtown Hamilton Office Conversion Grant Program to Schedule A, and has taken other steps, prior to the enactment of this By-law, required to adopt an amendment to the community improvement plan for the Revitalizing Hamilton's Commercial Districts Community Improvement Project Area, as amended, and as required by the *Planning Act* and Chapter F – Implementation, Section 1.17 of the Urban Hamilton Official Plan and Rural Hamilton Official Plan; and,

NOW THEREFORE the Council of the City of Hamilton amends By-law 21-164 as follows:

1. That Schedule A, Section 8.0: Incentive Programs and Other Initiatives be amended to insert a new subsection as follows:

“8.12.1 Downtown Hamilton Office Conversion Grant Program

The Downtown Hamilton Office Conversion Grant (DHOCG) Program is intended to provide financial incentives to support the creation of new housing and/or hotel accommodations within all or a portion of existing purpose-built office buildings located within the Central Business District of Downtown Hamilton.

The program will provide Grants to improve the financial viability of such conversions and support important goals respecting Downtown revitalization efforts including reducing the City’s surplus office supply and corresponding vacancy rate, increasing housing supply, supporting the tourism and hospitality industry and event attraction and increasing Downtown’s resident population to support added activity, vibrancy and demand for commercial services and amenities.

A maximum of two applications are permitted per site under this program of which:

- 1) no more than one application shall be for funding in respect of feasibility studies required by the City as part of a Site Plan application for Eligible Units on a Site; and
- 2) no more than one application for funding supporting the construction of Eligible Units.

This program applies to sites wholly located within Sub Area 1: Central Business District of the Downtown Hamilton Community Improvement Project Area as defined through the Revitalizing Hamilton’s Commercial Districts Community Improvement Project Area By-law, as amended.

This program’s description, including but not limited to: program terms, eligibility criteria, ability to assign the grant, grant calculation and administrative procedures, as adopted by City Council resolution, are contained in Appendix F.

2. That Schedule A, Section 11.0: Appendices be amended by adding the following:

“Appendix L Downtown Hamilton Office Conversion Grant Program Description”

PASSED this ____ day of May, 2025

A. Horwath
Mayor

M. Trennum
City Clerk

Pilot Downtown Hamilton Office Conversion Grant Program Terms

DOWNTOWN HAMILTON OFFICE CONVERSION GRANT PROGRAM



A. PROGRAM DESCRIPTION

The Downtown Hamilton Office Conversion Grant Program (the Program) is intended to provide financial incentives to support the creation of new housing and/or hotel accommodations within all or a portion of existing purpose-built office buildings located within the Central Business District of Downtown Hamilton.

The Program will provide Grants to improve the financial viability of such conversions and support important goals respecting Downtown revitalization efforts including reducing the City's surplus office supply and corresponding vacancy rate, increasing housing supply, supporting the tourism and hospitality industry and event attraction and increasing Downtown's resident population to support added activity, vibrancy and demand for commercial services and amenities.

A maximum of two applications are permitted per Site under this Program of which:

- 1) no more than one application shall be for funding in respect of feasibility studies required by the City as part of a Site Plan application for Eligible Units on a Site; and
- 2) no more than one application for funding supporting the construction of Eligible Units.

The maximum Grant under this Program for feasibility studies required by the City as part of a Site Plan application respecting Eligible Units on a Site is the lesser of:

- 1) 50% of the total cost of the feasibility studies to a maximum of \$20,000; or
- 2) Available funding under this Program.

The maximum Grant under this Program for construction of Eligible Units on a Site is the lesser of:

- 1) 100 Eligible Units at the prescribed rates contained in Table 1;
- 2) The actual costs to construct the Eligible Units; or
- 3) Available funding under this Program.

Table 1 – Prescribed per Eligible Unit Grant Amounts

Use	Minimum *Bedrooms	Grant Amount
Residential	0 Bedroom (studio)	\$10,000 per Eligible Unit
	1 Bedroom	\$12,500 per Eligible Unit
	2 Bedroom	\$15,000 per Eligible Unit
	3+ Bedroom	\$20,000 per Eligible Unit
Hotel	n/a	\$10,000 per Hotel Room

**For the purposes of this Program, 'Bedroom' shall have the same meaning, and be subject to the same requirements and regulations, as that established and required under the Ontario Building Code, as amended.*

This Program applies to Sites wholly located within Sub Area 1: Central Business District of the Downtown Hamilton Community Improvement Project Area as defined through the Revitalizing Hamilton's Commercial Districts Community Improvement Project Area By-law (RHCD CIPA).

Applications under this Program are subject to approval, and the availability of funds, at the absolute discretion of:

- The Manager of Commercial Districts and Small Business in respect of Grant applications for feasibility studies to a maximum of \$20,000; and
- For Grant applications respecting the construction of Eligible Units:
 - The General Manager of Planning and Economic Development Department (GM) for Grants up to a maximum of \$200,000; or
 - City Council for total Grants greater than \$200,000.

An Applicant to this Program may include the property owner or the lessee of all or part of a building subject to a long-term lease of no less than 99 years. An application by a lessee shall be accompanied by a letter of consent to apply to this Program from the registered property owner.

All costs associated with the development and the requirements of this Program are to be borne by the Applicant including construction, design, community benefit charges, development charges, parkland dedication fees (except where exempt through provision of affordable housing), administration fees, appraisals, inspections, legal, discharge and registration fees (plus applicable taxes), where applicable.

For the purposes of this Program:

- 'Site' shall mean all properties/parcels of land associated with the building subject to an application under this Program.
- 'Eligible Unit' shall include only the following which shall also be in compliance with Section B, Paragraph 2 herein:
 - A residential 'Dwelling Unit' or 'Dwelling Unit, Mixed Use', as defined in Hamilton Zoning By-law 05-200, as amended; or
 - A 'Hotel Room' meaning an individual room(s) providing sleeping accommodations and sanitary facilities, which may or may not include kitchen facilities, and which comprises part of a 'Hotel' use as defined under Hamilton Zoning By-law 05-200;and shall exclude any of the foregoing that is owned in whole or in part or operated by or leased by an Education Establishment as defined herein.
- 'Educational Establishment' shall mean a non-for-profit university or college (established pursuant to the Ontario Colleges of Applied Arts and Technology Act, 2002, and its regulations) for academic instruction receiving funds from the Province of Ontario and shall include a hospital or institution.

The Planning and Economic Development Department, through the Economic Development Division, will periodically review the terms and availability of this Program and undertake updates from time to time subject to City Council approval and/or direction.

B. PROGRAM ELIGIBILITY AND CRITERIA

1. Applications to this Program must meet the goals of the Revitalizing Hamilton's Commercial Districts Community Improvement Plan (RHCD CIP).
2. Eligible Unit(s) shall be:
 - a. Located on a Site within Sub Area 1: Central Business District of the Downtown Hamilton Community Improvement Project Area as defined through the RHCD CIP;
 - b. Planned to be constructed in a private, non-public-sector owned building containing a minimum of 5,000 square feet of purpose-built office space; and
 - c. Be located above the ground floor and occupy areas of the building where the last confirmed use was an 'Office', as defined in Hamilton Zoning By-law 05-200.

3. This Program shall not apply to a Site where a designated heritage building, or any designated part thereof, has been demolished in contravention of the *Ontario Heritage Act* or any applicable City by-law or Official Plan policy respecting designated heritage buildings, or parts thereof.
4. A minimum of 10 new Eligible Units must be planned/created on a Site for eligibility under this Program subject to the Grant limits provided for in Section A herein.
5. Eligible Units may be established via a long-term leasehold provided the lease term is no less than 99 years.
6. An Applicant to this Program must be the registered owner of the Site or be the lessee of all or part of the building being converted to accommodate Eligible Unit(s) and which is the subject of a long term lease in accordance with paragraph 5 herein.
7. Grants are only payable to the approved Program Applicant and cannot be assigned or directed to any other payee including, but not limited to, any subsequent owner of the Site unless provided for in the Program Administration section herein.
8. Applications and approvals under this Program shall be provided on a first come first serve basis, subject to the availability of funding, and with priority given to conversion proposals containing the greatest number of Eligible Units and/or those proposing the greatest number of units containing two (2) or more bedroom units.
9. Prior to any application approval and/or Grant payment being provided:
 - a. There shall be compliance with the Building Code Ontario Regulation 332/12 as amended or replaced, the Fire Code Ontario Regulation 213/07 as amended or replaced, property standards orders, all applicable law and any other order or directive by any judicial, governmental or regulatory authority; and
 - b. Any tax arrears on the Site shall be paid.
10. Approval and the receiving of a Grant under this Program shall not preclude eligibility, approval and the receiving of financial assistance for the same Site under any other available municipal program with the exception of the following which shall not be permitted to be combined with Grant provided in respect of the construction of Eligible Units under this Program:
 - a. A municipal tax increment or tax cancellation-based program; and/or
 - b. The Rapid Transit Multi-Residential Rental Housing Incentive Program or the Housing Acceleration Incentive Program where the incentive to be provided under

either program is a forgivable loan related to the provision of affordable housing units.

11. Applications under this Program are subject to approval, and the availability of funds, as follows:
 - a. The Manager of Commercial Districts and Small Business in respect of Grant applications for feasibility studies to a maximum of \$20,000; and
 - b. For Grant applications respecting the construction of Eligible Units:
 - i. The General Manger of Planning and Economic Development Department (GM) for Grants up to a maximum of \$200,000; or
 - ii. City Council for total Grants greater than \$200,000.
12. Without limiting the discretion as set out in paragraph 11 herein, City Council, or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application received from an Applicant where, in the opinion of City Council, or its delegate, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the Applicant being involved in litigation with the City. For the purposes of this section Applicants shall include but not be limited, jointly and severally to the following: (a) the Applicant identified on the application form; (b) a, if a corporation, any person or entity with an interest in the corporation, any shareholder of the corporation, or any officer or director of the corporation, as determined by the GM in their sole, absolute and unfettered discretion; (c) if a partnership or limited partnership any partner or limited partner and if a partner or limited partner is a corporation any person or entity with an interest in the corporation, any shareholder of the corporation, or any officer or director of the corporation, as determined by the General Manager in their sole, absolute and unfettered discretion.
13. Without limiting the discretion as set out in paragraph 11 herein, City Council, or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in is sole discretion, reject any application without further consideration where due diligence undertaken by the City identifies municipal property tax arrears owed on the subject Site, non-compliance with respect to Zoning By-law regulations or there exist outstanding property standards, Building Code or Fire Code orders in respect of the subject Site or any other judicial, regulatory or governmental order in respect of the subject Site.
14. Without limiting the discretion as set out in paragraph 11 herein, City Council, or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in

its sole discretion, reject any application where City Council, or its delegate determines in their sole discretion that there is a financial risk to the City in terms of the financial capabilities of the Applicant to complete the development subject to the Program application.

15. Without limiting the discretion as set out in paragraph 11, herein, City Council, or its delegate, whether or not an Applicant satisfies the requirements of the Program, may in its sole discretion, reject any application received from an Applicant where there is credible information that the Applicant has been involved recently or repeatedly in illegal activity supporting the conclusion that they will not conduct themselves with honesty and integrity in undertaking the activity, operation or business for which a Grant/Loan under this Program is being sought. For corporate Applicants, the Applicant, for the purposes of this paragraph 15, will be considered to be the corporation, the officers and directors of the corporation and the shareholders and this paragraph 15 shall apply jointly and severally to each of them.
16. Buildings use, development and work to create the Eligible Units on the subject Site shall conform to the City's Official Plan(s), applicable Secondary Plan(s), Zoning By-Laws(s), Site Plan approval and any other applicable and approved municipal policies, by-laws or guidelines (e.g. urban design guidelines) and any other laws applicable to the building use, development and work to create the Eligible Units.
17. A Program application may be denied by City Council, or its delegate, if the development is not supported by City Council notwithstanding any approval of *Planning Act* applications by any other authority including but not limited to the Ontario Land Tribunal or the Minister of Municipal Affairs and Housing.
18. Approval, part approval or denial of a Program application shall not fetter City Council's discretion regarding any *Planning Act* applications regarding the subject Site or the creation of the Eligible Units or any other decisions by City Council regarding the subject Site or creation of the Eligible Units.
19. Approval of a Program application by City Council, or its delegate, may provide for a reduced Grant amount such that no Grant is provided in respect of any portion of the development which City Council does not support notwithstanding any approval of *Planning Act* applications by any other authority including but not limited to the Ontario Land Tribunal or the Minister of Municipal Affairs and Housing, and that City Council's decision on the application will not fetter its discretion on *Planning Act* applications. In such cases, the Applicant shall be required to provide additional supporting

documentation, at the Applicant's own expense, to support the providing of financial assistance in accordance with City Council's approval/direction.

20. For Grants respecting feasibility studies required by the City as part of a Site Plan application, the following additional requirements apply:
 - a. An eligible feasibility study shall include any study/report required by the City as part of a Site Plan application submitted in respect of the development of Eligible Units;
 - b. Applications shall be accompanied by a proposed work plan and quote for the eligible feasibility study;
 - c. A Grant may be reduced or cancelled if the feasibility study is not completed, not completed as approved, not completed within two (2) years of the City's application approval or if the consultant conducting the study is not paid in full;
 - d. Completed feasibility studies will be reviewed and approved by the City's Manager of Commercial Districts and Small Business (Manager) for consistency with the quote and work plan submitted in support of the application and for compliance under the Program terms contained herein. If the feasibility study is found to be insufficient by the Manager, in their sole, absolute and unfettered discretion, the Grant may be reduced or cancelled unless it is resubmitted in a form and content satisfactory to the Manager, in their sole, absolute and unfettered discretion;
 - e. The Applicant shall be required to submit, to the satisfaction of the City, one digital copy of the completed feasibility study, invoices for the subject feasibility study and proof that the feasibility study consultants have been paid in full; and
 - f. The City reserves the right to audit the cost of the feasibility study prior to advancing the Grant.
21. For Grants respecting the construction of Eligible Units the following additional requirements shall apply:
 - a. Eligible Units shall be constructed and be capable of occupancy within two (2) years of the date of application approval by City Council or their designate. A one-time, extension of up to one (1) year may be granted for phased/comprehensive developments or due to development specific extenuating circumstances outlined in a formal request submitted by the Applicant to the City prior to the lapsing of the above time period and subject to consideration and approval at the sole discretion of the General Manager;

- b. Applications must be submitted prior to the issuance of a Building Permit for the construction of Eligible Units subject to the Program application. An Applicant shall assume the risk of any costs incurred after an application has been submitted but prior to approval under this Program having been received;
- c. A Grant shall not exceed the cost to construct the Eligible Units, excluding HST, with such costs to be confirmed through the submission of a Quantity Surveyors Report and accepted at the sole discretion of the City. Eligible construction costs may include soft costs required for the construction of the units such as, but not limited to, architectural and engineering services but shall not include any fees levied by the City including those associated with Building or Planning applications. The Quantity Surveyor's Report may be subject to a City or independent third-party audit, at the Applicant's expense, where deemed required by the City in its sole discretion; and
- d. A Grant in respect of the construction of Eligible Units will be payable in a single lump-sum subject to the following conditions being met:
 - i. All Eligible Units have been subject of Building Permit issuance and are capable of being occupied as determined by the City in its sole discretion;
 - ii. The Applicant has submitted a Quantity Surveyors Report, or such other means confirming total cost for the construction of the Eligible Units at the discretion, and to the satisfaction of, the City; and
 - iii. demonstrated satisfactory compliance with all Program terms contained herein and the required executing legal agreement as determined by the City in its sole discretion; and
- e. A Project Monitor may be required unless waived at the sole, absolute and unfettered discretion of the Economic Development Division, and if required, the Applicant must provide supervision of the development by a Project Monitor acceptable to the Economic Development Division. The Project Monitor will be at the cost of the Applicant and shall provide proof, to the satisfaction of the Economic Development Division, that the structural, mechanical and electrical work complies with the approved plans and specifications and all applicable law.

C. PROGRAM APPLICATION CRITERIA

A complete Program application shall be submitted to the Economic Development Division prior to

- The commencing of work on a eligible feasibility study for Grant applications respecting the funding for feasibility studies required by the City through a Site Plan application.
- The issuance of Building Permit for Grant applications respecting the construction of Eligible Units.

Required documents and information forming a complete application shall be identified within the Program's application form. The application date for the purposes of the Program will be the date on which City staff have deemed the application complete in their sole discretion.

D. PROGRAM ADMINISTRATION

Economic Development Division staff will review applications for eligibility in accordance with the RHCD CIP, RHCD CIPA, the Program terms contained herein and in collaboration with other City departments as required. Acceptance of the application by the City in no way implies application approval.

The Site and Applicant will be the subject of due diligence undertaken by the City prior to any recommendation on the application being brought to City Council, or its delegate, for consideration and prior to payment of the Grant. This will include, but may not be limited to, confirmation of the following: all municipal property taxes are paid and current on the subject Site, the Site is in compliance with Zoning By-law regulations, that there are no outstanding property standards violations or orders, Building Code violations or orders or Fire Code violation or orders, any violations of law or any orders by any other judicial, governmental or regulatory authority, regarding the subject Site or the development on the subject Site and that the Applicant is not in litigation with the City. Failure to comply with any of the above will result in an application not being recommended for approval to City Council or its delegate, except where otherwise directed by City Council, or its delegate, or, if the application has been approved, non-payment of a Grant under this Program.

If an application is approved, the Applicant will be provided an approval letter that outlines the terms and conditions of the Grant.

Where an application has been submitted but not yet approved by City Council, or its delegate, and the subject Site is sold/transferred to a new owner, the City may permit the transfer or assignment of the application to the new owner at the sole, absolute and unfettered discretion of the GM. An assignment or transfer may require the assignee or transferee to submit an application, assignment or transfer agreement and/or such other documents as determined by the GM in their sole, absolute and unfettered discretion. The new owner shall be subject to all applicable due diligence required under this Program, including, but not limited to, applicable

corporate title and litigation searches and financial risk, to the satisfaction of the City prior to the assignment being considered by the GM.

The City reserves the right to require the submission of any additional documentation or enter into any additional agreements as deemed necessary by the City to ensure the goals and purpose of this Program and the RHCD CIP are met.

The City is not responsible for any costs incurred by the Applicant in any way relating to the Program, including without limitation, costs incurred in anticipation of an application approval or Grant being provided.

Applications to this Program not yet approved shall be subject to any changes to the terms of this Program approved by City Council prior to the application being approved.

City Council may discontinue this Program at any time. However, Applicants with approved applications will still continue to receive the Grant subject to meeting the Program terms contained herein.

With respect to Grant applications for feasibility studies the following shall also apply:

- Upon feasibility study completion, paid Invoices for the subject feasibility study will be supplied to the City along with a digital copy of the completed feasibility study. The eligible Grant payment will be based on the City's review, satisfaction and acceptance of the feasibility study and the aforesaid invoices and all supporting City of Hamilton reports and documentation submitted outlining the full scope and cost of the work completed. Any and all of these costs may be subject to audit, at the expense of the Applicant, at the City's discretion;
- Once the terms of the Program have been satisfied, a cheque will be requisitioned and issued, in the approved Program Applicant's name, in an amount equal to the maximum identified in Section A herein. Grant calculation and payment exclude HST;
- If a Site is sold after a Grant application is approved under this Program, but before the feasibility study is completed and invoices have been submitted in accordance with paragraph 20 d. and e. herein, the Grant application and approval are cancelled, and no grant shall be payable; and
- If a Site is sold after a Grant application is approved under this Program and after the City has determined the completed feasibility study and invoices are in compliance with paragraph 20 d. and e. herein, the Grant will continue to be paid to the approved Applicant and provided that all other applicable terms contained herein are satisfied at the discretion of the City.

With respect to Grant applications for the construction of Eligible Units the following shall also apply:

- No decision will be made on an application until a building permit application for the Eligible Units has been submitted to the City's Building Division;
- If a Site is sold after a Grant application is approved under this Program, but before the requirements of Section B, paragraph 21 c. herein have been met, the Grant application and approval are cancelled, and no grant shall be payable; and
- If a Site is sold after a Grant application is approved and requirements of Section B, paragraph 21 c. have been met, the Grant will continue to be paid to the approved Applicant if the approved Applicant incurred the cost to construct the Eligible Units and provided that all other applicable terms contained herein are satisfied at the discretion of the City.

Authority: Item ,
Report (PED24163(b))
CM:
Ward: City Wide

Bill No.

CITY OF HAMILTON

BY-LAW NO. 25-___

Amendment No. 1 to By-law 21-165 to Delegate Authority to the General Manager Planning and Economic Development for Certain Grants and Loans under the Revitalizing Hamilton's Commercial Districts Community Improvement Plan and Ontario Heritage Act

WHEREAS the Council of the City of Hamilton enacted By-law 21-165 to delegate authority to the General Manager Planning and Economic Development for Certain Grants and Loans under the Revitalizing Hamilton's Commercial Districts Community Improvement Plan and *Ontario Heritage Act*;

WHEREAS Section 3 of By-law 21-165 delegates to the General Manager power to approve grants/loans, which was given to City Council under Subsection 28(7) of the *Planning Act*, as amended;

WHEREAS the powers of the General Manager to approve grants, loans and/or rebates is limited to a maximum of \$200,000 per loan/grant under Section 5 of By-law 21-165; and

NOW THEREFORE the Council of the City of Hamilton amends By-law 21-165 as follows:

1. That Section 3 be amended by adding the following:

“(g) Downtown Hamilton Office Conversion Grant Program”

2. That Section 6 be deleted and replaced with the following:

“(a) The City enter into Agreements for any grants/loans approved by the General Manager for any incentive programs established under the Revitalizing Hamilton's Commercial Districts Community Improvement Plan whose Program descriptions require agreements for the provision of the grant/loan on terms and that the General Manager be authorized to sign the agreements on terms compliant with the applicable program description and on such additional terms acceptable to the General Manager and in a form acceptable to the City Solicitor and that the General Manager be authorized to sign the agreements and any ancillary documents thereto.

- (b) The General Manager in addition to the delegates authority provided for in Subsection 6 (a) hereto is authorized to undertake all acts necessary to carry out the delegated power under Sections 3, 4 and 6 herein, including the authority to sign any required documents.”

3. This By-law shall come into effect on the day By-law 25-____ comes into effect.

PASSED this ____ day of May, 2025

A. Horwath
Mayor

M. Trennum
City Clerk



City of Hamilton Report for Consideration

To: Chair and Members
Planning Committee

Date: May 23, 2025

Report No: PED25121

Subject/Title: Application for Cash-in-Lieu of Parking for Lands
Located at 121 and 135 Mary Street, Hamilton

Ward(s) Affected: Ward 2

Recommendations

- 1) That **Cash-in-Lieu of Parking Application CILP-25-001 by Landwise c/o Katelyn Gillis, for Good Shepherd Non-Profit Homes c/o Dmytro Petrov, Owner**, for an exemption from the parking provisions of Zoning By-law No. 05-200 for 11 parking spaces, for lands located at 121 and 135 Mary Street, Hamilton, as shown on Appendix A attached to Report PED25121, **BE APPROVED** on the following basis:
 - (a) That the owner pays the Cash-in-Lieu of Parking sum of \$1.00 for each of the 11 parking spaces;
 - (b) That the City Solicitor be authorized and directed to prepare the appropriate Cash-in-Lieu of Parking Agreement in accordance with Section 40 of the *Planning Act* and authorized to register the agreement on title of the subject lands; and,
 - (c) That the City Clerk be authorized to provide a certificate in accordance with Section 40 (5) of the *Planning Act* when all money payable to the City under the Cash-in-Lieu of Parking Agreement has been paid or the agreement has been terminated.

Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 121 and 135 Mary Street, Hamilton (Ward 2) - Page 2 of 5

Key Facts

- The subject lands are designated “Downtown Mixed Use Area” in the Urban Hamilton Official Plan, and “Downtown Residential” in the Downtown Hamilton Secondary Plan. The subject lands are zoned Downtown Residential (D5, H17, H19, H20) Zone in Zoning By-law No. 05-200.
- The parking provisions of Zoning By-law No. 05-200 stipulate that 43 parking spaces are required for the development. The applicant, Good Shepherd, has applied for Cash-in-Lieu of Parking for relief from Zoning By-law No. 05-200 for 11 parking spaces that they cannot accommodate on the subject lands.
- The Cash-in-Lieu of Parking facilitates Site Plan Control application DA-22-095 for the development of a ten storey mixed use building consisting of 157 square metres of space for social service uses on the first and second floors and 156 units proposed in the upper eight storeys with affordable rental tenure.
- As per the City of Hamilton Cash-in-Lieu of Parking Policy (Report PED21028), the City may consider a reduction to \$0 for each parking space for affordable housing developments that provide supportive housing for persons of low income, as determined by the City’s Housing Division.
- Staff support Good Shepherd’s contribution of Cash-in-Lieu of Parking to support the proposed mixed use development.

Financial Considerations

The City’s current Cash-in-Lieu of Parking Policy, as amended by Planning Committee on April 6, 2021, states that for affordable housing developments for individuals with low income, as determined by the City’s Housing Division, the City may provide for a reduction to \$0 for each parking space.

Analysis

The subject lands are municipally known as 121 and 135 Mary Street and are located on the west side of Mary Street, south of Cannon Street East as outlined in Appendix A of this report. Good Shepherd applied on December 4, 2024, for Cash-in-Lieu of Parking, seeking relief for 11 parking spaces, where 43 parking spaces are required, and 35 parking spaces are proposed to be provided.

Good Shepherd received conditional Site Plan approval (DA-22-095) on November 2, 2022, as outlined in Appendix B of this Report. The conditionally approved Site Plan permits the construction of a ten storey mixed use building with 157 square metres of space for the Good Shepherd to provide additional social services in the community and 156 units of low income supportive housing on the upper eight floors.

**Applications for an Official Plan Amendment and Zoning By-law Amendment for
Lands Located at 121 and 135 Mary Street, Hamilton (Ward 2) - Page 3 of 5**

Planning Act

Section 40(1) and 40(2) of the *Planning Act* allows municipalities to enter into an agreement with an owner or occupant that effectively allows for the payment of “cash-in-lieu” of any requirement.

Urban Hamilton Official Plan

The Urban Hamilton Official Plan provides for cash-in-lieu of parking through policy F.1.20 as follows:

Cash-in-Lieu of Parking

“F.1.20.1 Where a proponent is required, under the Zoning By-law, to provide and/or maintain parking facilities, the City may require a cash payment in lieu of all or part of the parking requirements, in accordance with the City’s Cash-in-Lieu of Parking Policy. Such funds shall be used for the acquisition of lands and/or the provision of off-street parking as deemed appropriate by the City:

- a) The acquisition of lands and/or the provision of off-street parking;
- b) Support for measures that reduce or shift the demand for parking through outreach, education, and targeted programs; and,
- c) Provision of infrastructure and services that support micro-mobility including bicycles, shared bicycles, E-scooters, and electric bicycles. (OPA 155)”

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

The subject lands are zoned Downtown Residential (D5, H17, H19, H20) Zone in the City of Hamilton Zoning By-law No. 05-200.

Conditional approval of Site Plan Control application DA-22-095 was granted prior to April 10, 2024, therefore the transitional policy as it pertains to Section 5 of Zoning By-law No. 05-200 applies. The parking provisions of the Zoning By-law which existed prior to April 10, 2024, apply to the proposed development. As a condition of Site Plan approval, Good Shepherd, is required to apply for and receive approval to reduce the required number of parking spaces. The applicant, Good Shepherd, has selected to pursue relief of the zoning requirements for parking through the Cash-in-Lieu of Parking Policy.

Rationale For Recommendation

The cost to construct one parking space for a structured parking facility was determined by the Real Estate Section to be \$60,000.00. The land value was estimated to be \$27.00 per square foot for a below grade parking level, with each parking spacing

**Applications for an Official Plan Amendment and Zoning By-law Amendment for
Lands Located at 121 and 135 Mary Street, Hamilton (Ward 2) - Page 4 of 5**

containing 350 square feet. The cost of \$69,450.00 per parking space is used to estimate construction and land costs.

The calculation of the cost of a parking space is based on the formula below:

$$\text{Surface Parking} = (C1 + (L \times S1)) \times N \times 50\%$$

C1 = Current estimate of construction cost of a parking space.

L = Current estimate of land cost of a parking space based on the current market value of the lands where development and/or redevelopment is proposed.

S1 = Size of each parking space including space required for aisles and driveways.

N = Number of parking spaces for which payment is requested by the proponent.

$$(\$60,000 + (\$27 \times 350)) \times 50\%$$

$$= \$34,725 \text{ per parking space.}$$

The total value of cash-in-lieu of parking for the 11 parking spaces is \$381,975.

The Cash-in-Lieu of Parking Committee received the submission and recommended approval of application CILP-25-001 for the following reasons:

- The need of Good Shepherd, to contribute Cash-in-Lieu of Parking for the subject lands, in accordance with the *Planning Act* is permitted under Zoning By-law No. 05-200, Section 5.1 a) ii), by the City of Hamilton;
- Zoning By-law No. 05-200 requires the development to provide a total of 43 parking spaces, whereas the applicant is providing 35 parking spaces to avoid the construction of a second level of underground parking. Good Shepherd, is seeking relief for 11 parking spaces;
- Good Shepherd, is providing affordable housing units for individuals with low income which has been confirmed by the City's Housing Division;
- Good Shepherd is providing 128 long term and seven short term bicycle parking spaces, which complies with Zoning By-law No. 05-200; and,
- The area is serviced by the local transit systems and within 450 metres of the proposed Light Rail Transit station at King Street East and Mary Street.

Therefore, staff recommends that the Cash-in-Lieu of Parking application CILP-25-001 for lands located at 121 and 135 Mary Street be approved.

Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 121 and 135 Mary Street, Hamilton (Ward 2) - Page 5 of 5

Alternatives

Should the application be denied, Good Shepherd would be required to provide the 11 parking spaces in accordance with Zoning By-law No. 05-200 or reduce the number of residential units which would have the effect of reducing the number of parking spaces required. Good Shepherd could also submit an application to the Committee of Adjustment for a further reduction of the parking ratio in Zoning By-law No. 05-200.

Relationship to Council Strategic Priorities

1. Priority 1: Sustainable Economic & Ecological Development
 - 1.2 Facilitate the growth of key sectors
2. Priority 2: Safe & Thriving Neighbourhoods
 - 2.1. Increase the supply of affordable and supportive housing and reduce chronic homelessness

Consultation

Staff in the following Divisions were consulted in the preparation of this Report:

- Planning and Economic Development Department, Planning Division, Transportation Planning & Parking Division, Development Engineering, Growth Management Division, and the Corporate Real Estate Office Section.

The above Divisions had no objections to the Cash-in-Lieu of Parking application for the subject lands as it is Council Policy to charge \$0 per parking space. However, Legal staff have advised that notwithstanding the previous direction to charge \$0 per space, that a nominal amount of \$1.00 per space is more appropriate.

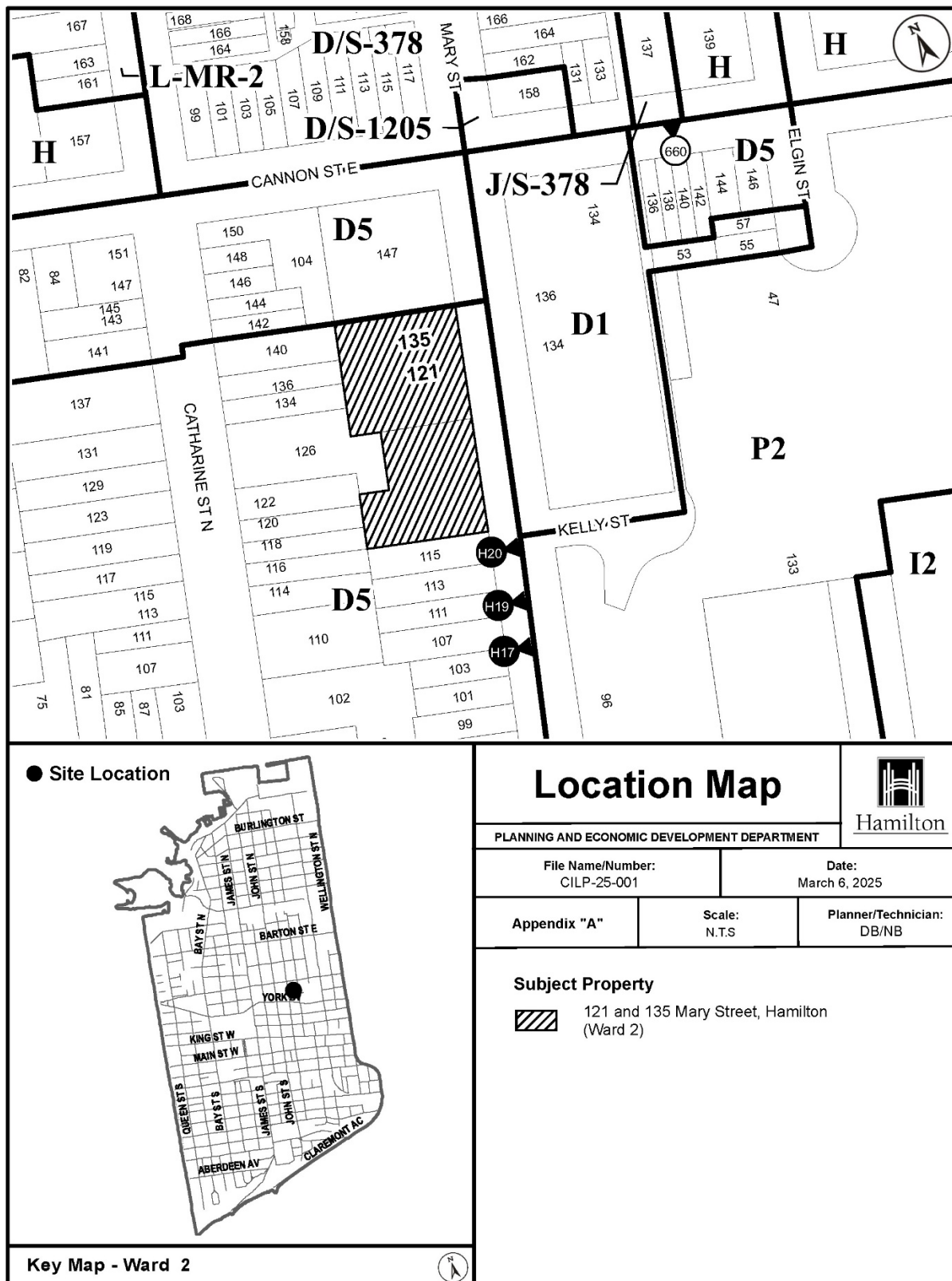
Appendices and Schedules Attached

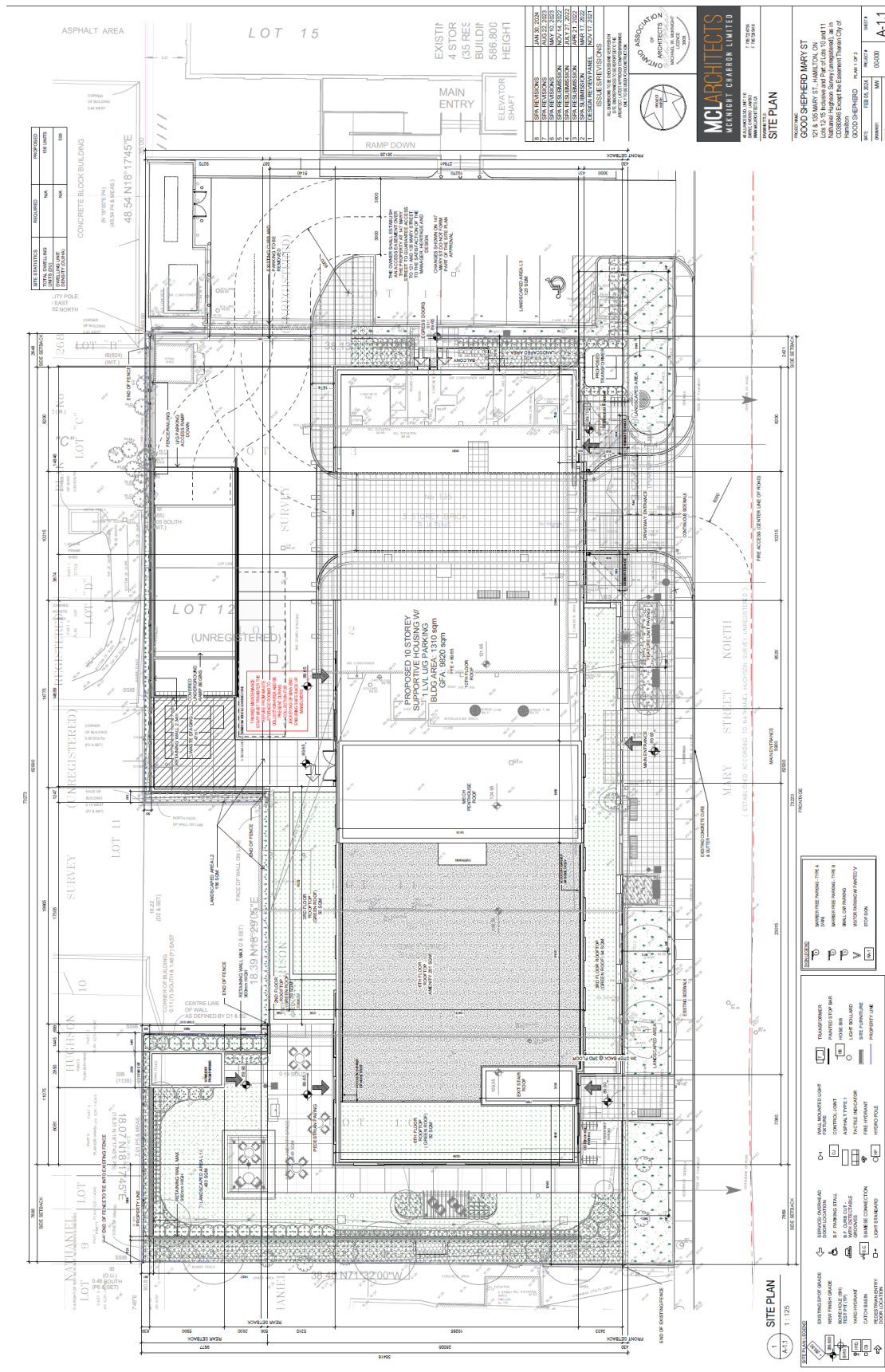
Appendix A: Location Map

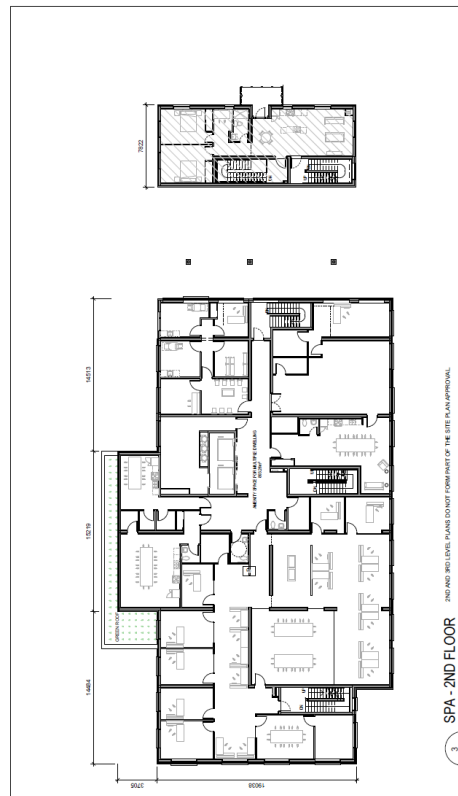
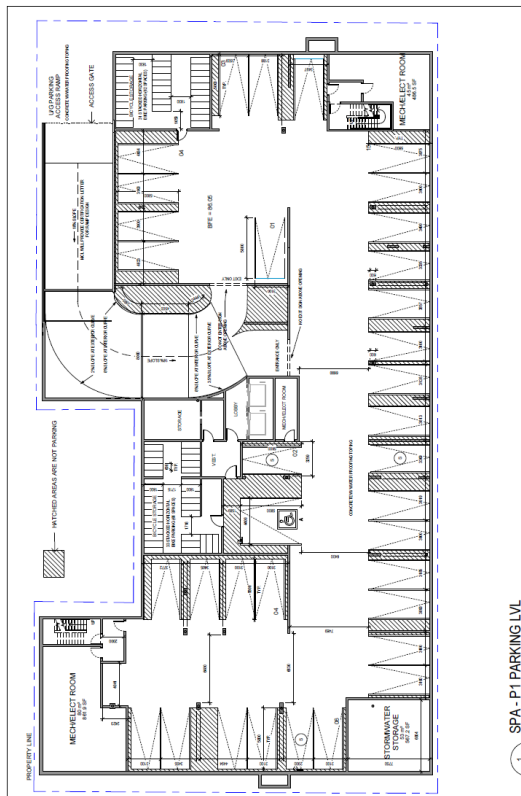
Appendix B: Concept Plan

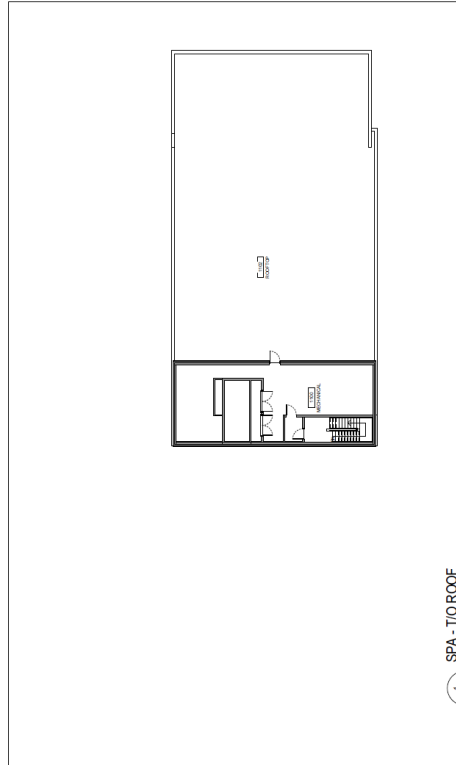
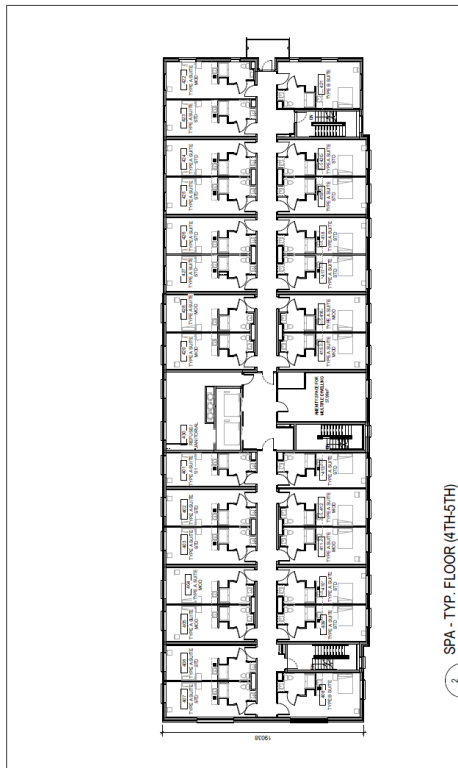
Prepared by: Daniel Barnett, Planner II
Planning and Economic Development Department,
Development Planning West

Submitted and recommended by: Anita Fabac, Acting Director of Planning and Chief Planner
Planning and Economic Development Department





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ASSOCIATION
OF
ONTARIO
ARCHITECTS
REGISTERED ARCHITECTS
OF ONTARIO

MCLARCHITECTS
MCKNIGHT CHARRON LIMITED
400 KENNEDY RD. UNIT 104
SCARBOROUGH, ONTARIO M1T 3B5
TEL: (416) 291-1111
WWW.MCLARCHITECTS.COM

SPA - FLOOR PLANS

PROJECT NAME
GOOD SHEPHERD MARY ST
121 & 135 MARY ST., HAMILTON, ON
N8H 1S9 (Inclusive and Part of Lots 10 and 11)
N8H 1S9 (Inclusive and Part of Lots 10 and 11)
CD000946 Except the Easement Thruway City of
Hamilton
CD000946
CD000946

DATE: FEB 05, 2024
DRAWN BY: MCM
CHECKED BY: MCM
SCALE: 1:200
SHEET: A-22



HAMILTON MUNICIPAL HERITAGE COMMITTEE MINUTES HMHC 25-005

12:00 p.m.

April 25, 2025

Room 264, 2nd Floor (Hybrid)
Hamilton City Hall
71 Main Street West

Present: Councillor C. Kroetsch
A. Denham-Robinson (Chair), K. Burke, A. Douglas, L. Lunsted,
and A. MacLaren

**Absent with
Regrets:** G. Carroll (Vice-Chair) and S. Spolnik

1. CALL TO ORDER

Committee Chair Denham-Robinson called the meeting to order at 12:00 p.m.

2. CEREMONIAL ACTIVITIES

There were no Ceremonial Activities.

3. APPROVAL OF THE AGENDA

(Kroetsch/Burke)

That the agenda for the April 25, 2025, meeting of the Hamilton Municipal Heritage Committee be approved, as presented.

CARRIED

4. DECLARATIONS OF INTEREST

A. Denham-Robinson declared a disqualifying interest to Item 10.1, Hamilton Municipal Heritage Committee's Heritage Recognition Awards Nominees (2024-2025), as her family member works for the architect of record for multiple properties listed as nominees under the Heritage Landscape Streetscape Revitalization Category.

Due to the above declared conflict A. Denham-Robinson refrained from voting on the above matter.

5. APPROVAL OF MINUTES OF PREVIOUS MEETING

(Lunsted/MacLaren)

That the following Minutes of the meetings of the Hamilton Municipal Heritage Committee, be adopted as presented:

5.1 HMHC 25-003 – No Quorum

Hamilton Municipal Heritage Committee No Quorum Minutes from the meeting held on March 28, 2025.

5.2 HMHC 25-004

Hamilton Municipal Heritage Committee Minutes from the meeting held on April 4, 2025.

CARRIED

6. DELEGATIONS

6.1 Dr. Richard Douglass-Chin, Afro Canadian Caribbean Association, respecting the Importance to Hamilton-Dundas history of commemorating Sophia Pooley in the 2 Hatt Street Heritage Designation

Dr. Richard Douglass-Chin, Afro Canadian Caribbean Association, addressed Committee respecting the Importance to Hamilton-Dundas history of commemorating Sophia Pooley in the 2 Hatt Street Heritage Designation.

6.2 Cathy Calvin, Trinity Lutheran Church Hamilton Inc, and Holland Young, Invizij Architects Inc., respecting Item 8.5 - PED25139, Notice of Intention to Demolish the Building Located at 39 Wilson Street, Hamilton, being a Non-Designated Property Listed on the Municipal Heritage Register (Ward 2)

Cathy Calvin, Trinity Lutheran Church Hamilton Inc., and Holland Young, Invizij Architects Inc., addressed Committee respecting Item 8.5 - PED25139, Notice of Intention to Demolish the Building Located at 39 Wilson Street, Hamilton, being a Non-Designated Property Listed on the Municipal Heritage Register (Ward 2).

(Kroetsch/Douglas)

That the following Delegations be received:

6.1 Dr. Richard Douglass-Chin, Afro Canadian Caribbean Association, respecting the Importance to Hamilton-Dundas history of commemorating

Sophia Pooley in the 2 Hatt Street Heritage Designation

- 6.2 Cathy Calvin, Trinity Lutheran Church Hamilton Inc, and Holland Young, Invizij Architects Inc., respecting Item 8.5 - PED25139, Notice of Intention to Demolish the Building Located at 39 Wilson Street, Hamilton, being a Non-Designated Property Listed on the Municipal Heritage Register (Ward 2)

CARRIED

7. ITEMS FOR INFORMATION

(MacLaren/Kroetsch)

That the following Items for Information, be received:

- 7.1 **Education & Communication Working Group Meeting Notes - March 6, 2025**
- 7.2 **PED25140
Delegated Approvals Respecting Heritage Permit Applications:
HP2025-008, HP2025-010, and HP2025-011 (Wards 2, 3 and 12)**
- 7.3 **PED25126
Notice of By-law Passing to Designate Properties in Dundas under
Part IV of the *Ontario Heritage Act* (Ward 13)**

CARRIED

8. ITEMS FOR CONSIDERATION

- 8.1 **PED25107
Recommendation to Designate 2 Hatt Street, Dundas under Part IV of
the *Ontario Heritage Act* (Ward 13)**

Maryssa Barras, Cultural Heritage Planning Technician, addressed Committee respecting Report PED25107, Recommendation to Designate 2 Hatt Street, Dundas under Part IV of the *Ontario Heritage Act* (Ward 13), with the aid of a PowerPoint presentation.

(Kroetsch/Douglas)

That Report PED25107, dated April 25, 2025, respecting the Recommendation to Designate 2 Hatt Street, Dundas under Part IV of the *Ontario Heritage Act* (Ward 13), and the accompanying presentation, be received, and the following recommendations be approved:

- (a) That the City Clerk BE DIRECTED to give notice of Council's intention to designate 2 Hatt Street, Dundas, shown in Appendix A attached to Report PED25107, 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 PED25107, 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.
- (b) That Tourism and Culture staff BE DIRECTED to continue discussions with representatives from Hamilton's Black communities in the development of a strategy for interpreting the history of Sophia Burthen Pooley.

CARRIED

8.2 PED25071

Recommendation to Designate 252 Caroline Street South, Hamilton (Central Presbyterian Church), under Part IV of the *Ontario Heritage Act* (Ward 2)

Scott Dickinson, Cultural Heritage Planner, addressed Committee respecting Report PED25071, Recommendation to Designate 252 Caroline Street South, Hamilton (Central Presbyterian Church), under Part IV of the *Ontario Heritage Act* (Ward 2), with the aid of a PowerPoint presentation.

(Burke/Douglas)

That Report PED25071, dated April 25, 2025, respecting the Recommendation to Designate 252 Caroline Street South, Hamilton (Central Presbyterian Church), under Part IV of the *Ontario Heritage Act* (Ward 2), be received, and the following recommendations be approved:

- (a) That the City Clerk BE DIRECTED to give notice of Council's intention to designate 252 Caroline Street South, Hamilton (Central Presbyterian Church), shown in Appendix A attached to Report PED25071, 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 PED25071, 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.

CARRIED

8.3 PED25102

Recommendation to Designate 54 King Street East, Hamilton, (Former Bank of Nova Scotia) under Part IV of the *Ontario Heritage Act* (Ward 2)

Maryssa Barras, Cultural Heritage Planning Technician, addressed Committee respecting Report PED25102, Recommendation to Designate 54 King Street East, Hamilton, (Former Bank of Nova Scotia) under Part IV of the *Ontario Heritage Act* (Ward 2), with the aid of a PowerPoint presentation.

(Kroetsch/Lunsted)

That Report PED25102, dated April 25, 2025, respecting the Recommendation to Designate 54 King Street East, Hamilton, (Former Bank of Nova Scotia) under Part IV of the *Ontario Heritage Act* (Ward 2), and the accompanying presentation, be received, and the following recommendations be approved:

- (a) That the City Clerk BE DIRECTED to give notice of Council's intention to designate 54 King Street East, Hamilton (Former Bank of Nova Scotia), shown in Appendix A attached to Report PED25102, 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 PED25102, 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.

CARRIED

8.4 PED25127

Notice of Intention to Demolish the Building Located at 96 John Street South, Hamilton, being a Non-Designated Property Listed on the Municipal Heritage Register (Ward 2)

(Kroetsch/Douglas)

That Report PED25127, dated April 25, 2025, respecting the Notice of Intention to Demolish the Building Located at 96 John Street South, Hamilton, being a Non-Designated Property Listed on the Municipal Heritage Register (Ward 2), be received, and the following recommendation be approved:

- (a) That the Notice of Intention to Demolish the structure located at 96 John Street South, Hamilton, attached as Appendix A to Report PED25127, BE RECEIVED.

CARRIED

8.5 PED25139

Notice of Intention to Demolish the Building Located at 39 Wilson Street, Hamilton, being a Non-Designated Property Listed on the Municipal Heritage Register (Ward 2)

(Kroetsch/MacLaren)

That report PED25139, dated April 25, 2025, respecting the Notice of Intention to Demolish the Building Located at 39 Wilson Street, Hamilton, being a Non-Designated Property Listed on the Municipal Heritage Register (Ward 2), be received, and the following recommendation be approved:

- (a) That the Notice of Intention to Demolish the detached building located at 39 Wilson Street, Hamilton, attached as Appendix B to Report PED25139, BE RECEIVED.

CARRIED

9. MOTIONS

There were no Motions.

10. NOTICE OF MOTIONS

Due to a declared conflict on Item 10.1 and in order to introduce Item 10.2, A. Denham-Robinson relinquished the Chair to L. Lunsted.

10.1 Hamilton Municipal Heritage Committee's Heritage Recognition Awards Nominees (2024-2025)

(Burke/Kroetsch)

That the Rules of Order be suspended to allow for the introduction of a Motion respecting Hamilton Municipal Heritage Committee's Heritage Recognition Awards (2024-2025).

CARRIED on a 2/3 Majority

(Burke/Lunsted)

WHEREAS the mandate of the Hamilton Municipal Heritage Committee includes advising City staff and Council on programs and activities to increase public awareness and knowledge of heritage conservation issues, and to participate in heritage events and activities, such as the Annual Hamilton Municipal Heritage Committee Heritage Recognition Awards; and

WHEREAS the Education and Communication Working Group of the Hamilton Municipal Heritage Committee has reviewed the nominations for this year's Recognition Awards and have coordinated the proposed awards event date and location.

THEREFORE, BE IT RESOLVED:

- (a) That the list of award nominations for the Hamilton Municipal Heritage Committee's Heritage Recognition Awards, be approved, subject to confirmation by the owner that the property is in good standing with the City of Hamilton, as follows:

- (i) Heritage Property Conservation

- (1) 58 Wellington Street South, Hamilton
- (2) 207, 209, 211 Caroline Street South, Hamilton
- (3) 130 Victoria Ave North, Hamilton
- (4) 163 Emerald Street North, Hamilton
- (5) 182 Market Street, Hamilton
- (6) 239 Park Street North, Hamilton
- (7) 812 King Street East, Hamilton
- (8) 1651 King Street East, Hamilton
- (9) 5 Ravenscliffe Avenue, Hamilton

- (ii) Heritage Property Developer

- (1) 414 King Street East, Hamilton

- (2) 837 King Street East, Hamilton
- (iii) Adaptive Reuse of Heritage Property
 - (1) 400 King Street East, Hamilton
 - (2) 44 Charlton Avenue West, Hamilton
 - (3) 425 Wilson Street East, Ancaster
 - (4) 667 Harvest Road, Dundas
- (iv) Making Heritage Accessible
 - (1) 115 Hunter Street West, Hamilton
- (v) Education in Heritage
 - (1) HSR 150 Campaign
 - (2) Larry Smith – Canada’s Largest Collection of International Harvester Antiques and Memorabilia
 - (3) Stephen Lechniak - Archivist and Collector of Stelco Memorabilia, creator of the Stelco Rod and Bar and Brightside Memories Facebook Pages
- (vi) Art of Heritage
 - (1) All Our Relations – Public Art Installation [Collaboration of Angela DeMontigny, Paull Rodrigue, Cobalt Connects and LaFontaine Iron Works]
 - (2) RMC Digital Art – Ryan Carpenter
- (vii) Heritage Specialty Group, Society or Specialty Team
 - (1) Beach Canal Lighthouse Group
 - (2) Lady Hamilton Club
 - (3) Women’s Canadian Club of Hamilton
- (viii) Heritage Street Scape Revitalization
Augusta Street Business/Entertainment District
 - (1) 17 Augusta Street, Hamilton
 - (2) 18 Augusta Street, Hamilton
 - (3) 19 Augusta Street, Hamilton
 - (4) 20 Augusta Street, Hamilton
 - (5) 21 Augusta Street, Hamilton
 - (6) 23 Augusta Street, Hamilton
 - (7) 25 Augusta Street, Hamilton
 - (8) 26 Augusta Street, Hamilton
 - (9) 29 Augusta Street, Hamilton
- (ix) Specialized Heritage Craft and Trade

- (1) Truwall for Masonry Restoration at 99 Mountsberg Road, Flamborough
- (2) EGD Glass for Stained Glass Restoration at Magnolia Hall

CARRIED

10.2 Hamilton Wentworth Heritage Association Volunteer Recognition

(Dunham-Robinson/Burke)

That the Rules of Order be suspended to allow for the introduction of a Motion respecting Hamilton Wentworth Heritage Association Volunteer Recognition.

CARRIED on a 2/3 Majority

(Dunham-Robinson/Burke)

WHEREAS, the Hamilton Municipal Heritage Committee is a member organization of the Hamilton Wentworth Heritage Association; and

WHEREAS, the Education and Communication Working Group, at its meeting held on March 6, 2025, has suggested that the Hamilton Municipal Heritage nominate Janice Brown to recognize her outstanding dedication and contributions to the Hamilton Municipal Heritage Committee over her four-year term and her ongoing volunteer efforts.

THEREFORE, BE IT RESOLVED:

That the Hamilton Municipal Heritage Committee submit a Volunteer Recognition nomination to the Hamilton Wentworth Heritage Association for Janice Brown to recognize her volunteer efforts.

CARRIED

A. Denham-Robinson assumed the Chair.

11. GENERAL INFORMATION / OTHER BUSINESS

11.1 Verbal Update respecting the Status of 86 Homewood Avenue, Hamilton (Outstanding Business List Item)

Alissa Golden, Cultural Heritage Program Lead, addressed Committee respecting the Status of 86 Homewood Avenue, Hamilton.

(Douglas/Burke)

That the verbal update from Alissa Golden, Cultural Heritage Program Lead, respecting the Status of 86 Homewood Avenue, Hamilton, be received.

CARRIED

11.2 Heritage Buildings and Landscapes Watch List

Committee members provided brief updates on properties of interest.

(MacLaren/Lunsted)

(a) That 265 Mill Street South, Waterdown, Braebourne House, be added to the Buildings and Landscapes of Interest (YELLOW) listing; and

(b) That the property be monitored by A. MacLaren.

CARRIED

(MacLaren/Lunsted)

That the following updates, 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) 378 Main Street East, Cathedral Boys School (R) – S. Spolnik
- (19) 679 Main Street East / 85 Holton Street South, Former St. Giles Church (I) – G. Carroll
- (20) 120 Park Street North (R) – C. Kroetsch
- (21) 828 Sanatorium Road, Long and Bisby Building (D) – G. Carroll
- (22) 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 (NOID) – 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
- (29) 33 Bowen Street (Bradley Stable, Court House Hotel Stable) (R) – C. Kroetsch
- (30) 200 Main Street East, Hamilton (First-Prilgrim United Church) – C. Kroetsch

Stoney Creek

- (31) 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

- (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,
(NOID) Notice of Intention to Designate, (NHS) National Historic
Site

CARRIED

12. ADJOURNMENT

There being no further business, the Hamilton Municipal Heritage Committee meeting was adjourned, at 1:06 p.m.

Respectfully submitted,

Matt Gauthier
Legislative Coordinator
Office of the City Clerk

Alissa Denham-Robinson
Chair, Hamilton Municipal Heritage
Committee