

August 31, 2020

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Dear Ms. Dear and Ms. McKie,

**RE: UHOPA-20-012 and ZAC20-016
1107 Main Street West, Hamilton (Ward) 1
Possible Errors and lack of legislative authority in new Zoning Map B.6.2-1
Request for City of Hamilton to revert back to the 2016 Zoning Map B.6.2-1 and
To postpone Application pending the determination of the Zoning on Dow Avenue**

In reviewing the background information for the rezoning of the 6 houses on Dow Avenue by the City of Hamilton, I examined the Submission dated October 4, 2016 to the Planning Committee of the City of Hamilton regarding the TOC1 rezoning for residential properties in Ward 1. I was able to ascertain that the municipal addresses of these 6 houses, being **1, 9, 15, 19, 25, & 31 Dow Avenue, were never set out in the rezoning Submission.** Rather on page 10 of the report the municipal address of **65-71 Dow Avenue** is set out, but this address does not exist. (Perhaps 65-71 was referring to Dalewood Avenue and Dow was inserted in error).

The Submission also refers to 1190 Main Street West as being rezoned from Institutional to Mixed Use – Medium Density, however, **no mention is made of 1107 Main Street West** which are subject lands in the Application, as being rezoned from Institutional to Mixed Use – Medium Density. (see page 10 of Zoning By-Law: Proposed Transit Corridor Zones (PED16100(a) (Wards 1-4) – Page 10 of 22).

The Submission, however, does contain Appendix “A” and Appendix “A1” that purport to locate by sketch some of the houses on Dow Avenue and 1107 Main Street West which were to be rezoned, **even though the municipal addresses have been omitted from the Submission itself.** It is also clear that the proposed maps set out on **Page 14 of Appendix “A”** to the Report and on **Page 15 of Appendix “A1”** to the Report, the property known municipally as 31 Dow Street was never included. Yet when Zoning Map B.6.2-1 was finalized, the property known as 31 Dow

Street was somehow included in the new TOC1 map, which is attached to the Notice of Complete Applications for Preliminary Circulation dated March 20, 2020.

It therefore appears that there were two categories of errors made in the Report Submission of October 4, 2016 which was presented to the Planning Committee. The first was the complete omission of the relevant properties being 1, 9, 15, 19, 25 & 31 Dow Avenue, and 1107 Main Street West. The second was the arbitrary inclusion of land which was never set out in either Appendix "A" or "A1" to the Report, into a revised Zoning Map B.6.2-1 without proper legislative authority.

The apparent justification for the redesignation of all these lands were to "allow for redevelopment of blocks for a wider range of uses which are more consistent with higher order transit". Yet in creating this larger sized block the City of Hamilton may have failed to adhere to their own planning guidelines for Cultural Heritage properties and Cultural Heritage Landscapes, to the detriment of the single detached homeowners in the neighbourhood. Many of the issues raised against the subject Application are equally valid and relevant in a review of the justification for the expansive rezoning of 6 houses on Dow Avenue (being one half of the existing street), in light of the location of these houses across the road from the Church, the Synagogue, the day school and the public parkette, and the relationship of these very homes to the cultural history and character of the neighbourhood from the time of its creation by CMHC.

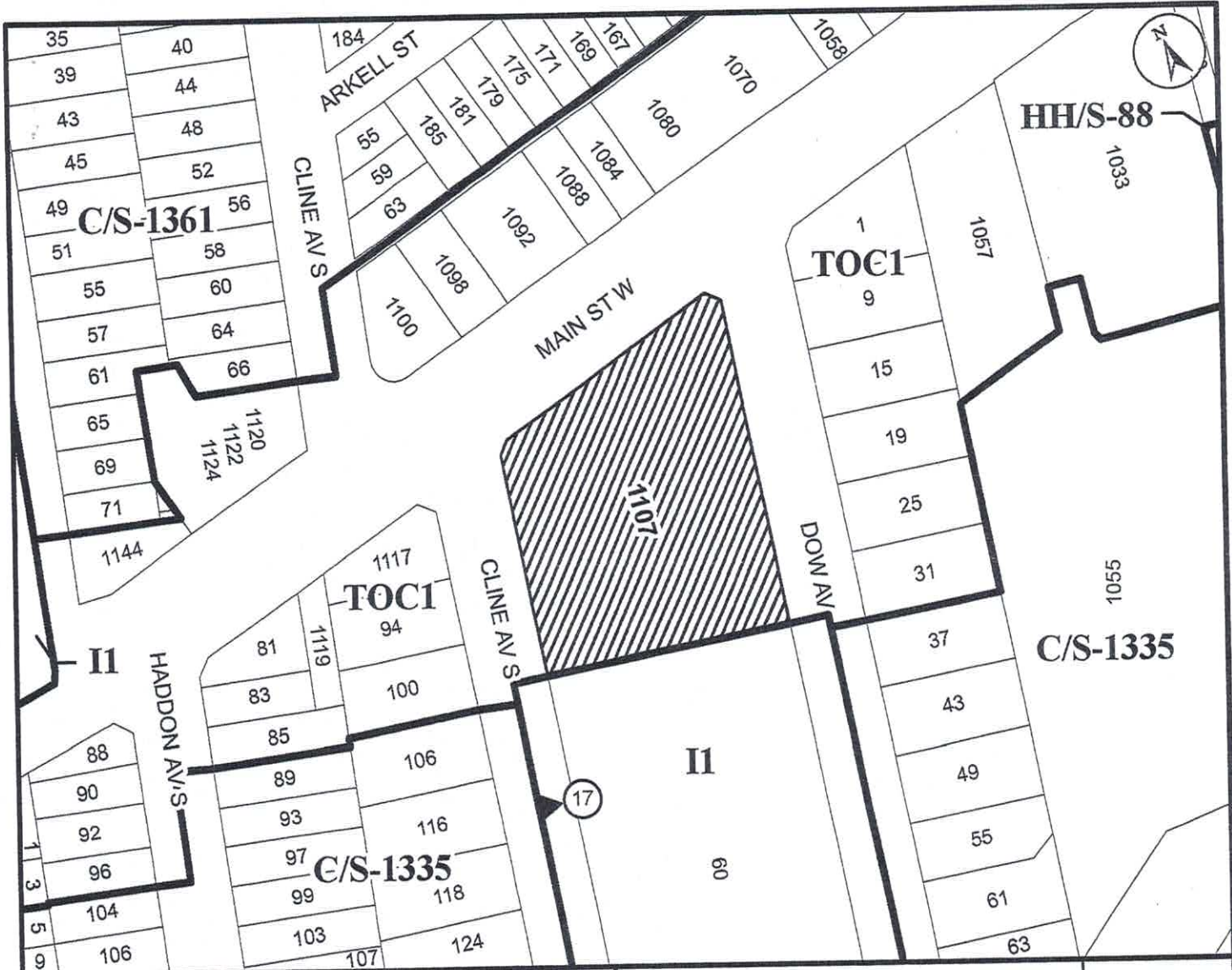
If there were other Submissions or Reports to the Planning Committee or Council concerning the rezoning of 1, 9, 15, 19, 25 & 31 Dow Avenue or 1107 Main Street West, either directly referring to these municipal addresses or correcting the errors in the sketches made on page 14 of Appendix "A" and page 15 of Appendix "A1", it would be most appreciated if you could kindly provide me with the documentation or a link to the meeting in which these errors were remedied.

If, however, there were no subsequent meetings, reports or By-laws correcting these matters or addressing the rezoning of these lands, it is my belief that Zoning Map B.6.2-1 which was attached to the Notice of Complete Application is invalid, and that the Planning Department must revert back to the pre-2016 Zoning Map B.6.2-1 for the purpose of reviewing the subject Application, and postpone the hearing of the Application until such time.

I kindly ask if you could please notify and advise me of the position of the Planning Department in respect to the matters which I have raised in this letter. Thank you for your assistance herein.

Yours very truly,


John Ross

● Site Location



Key Map - Ward 1

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-20-016 & UHOPA-20-012

Date:
March 4, 2020

Appendix "A"

Scale:
N.T.S

Planner/Technician:
AD/VS

Subject Property

 1107 Main Street West, Hamilton

SUBJECT: City of Hamilton Comprehensive Zoning By-law: Proposed Transit Oriented Corridor Zones (PED16100(a)) (Wards 1 - 4) - Page 10 of 22

detailed analysis of each of the proposed amendments is outlined in Appendix “A-1” to Report PED16100(a).

2.4.1 Volume 1

Amendments to Volume 1 are required to:

- amend Policy E.2.4 Urban Corridors to add a new policy to prepare Station Area plans for certain stops along the LRT corridor;
- amend Schedule E-1 – Urban Land Use Designations to redesignate lands at proposed Station Area Locations along the LRT corridor from Neighbourhoods to Mixed Use – Medium Density;
- amend Appendix B – Major Transportation Facilities and Routes to identify the LRT Corridor; and,
- add a new Appendix B-1 – LRT Corridor Proposed Station Area Locations to identify proposed Station Area Locations.

2.4.2 Volume 2

Amendments to Volume 2 are required to:

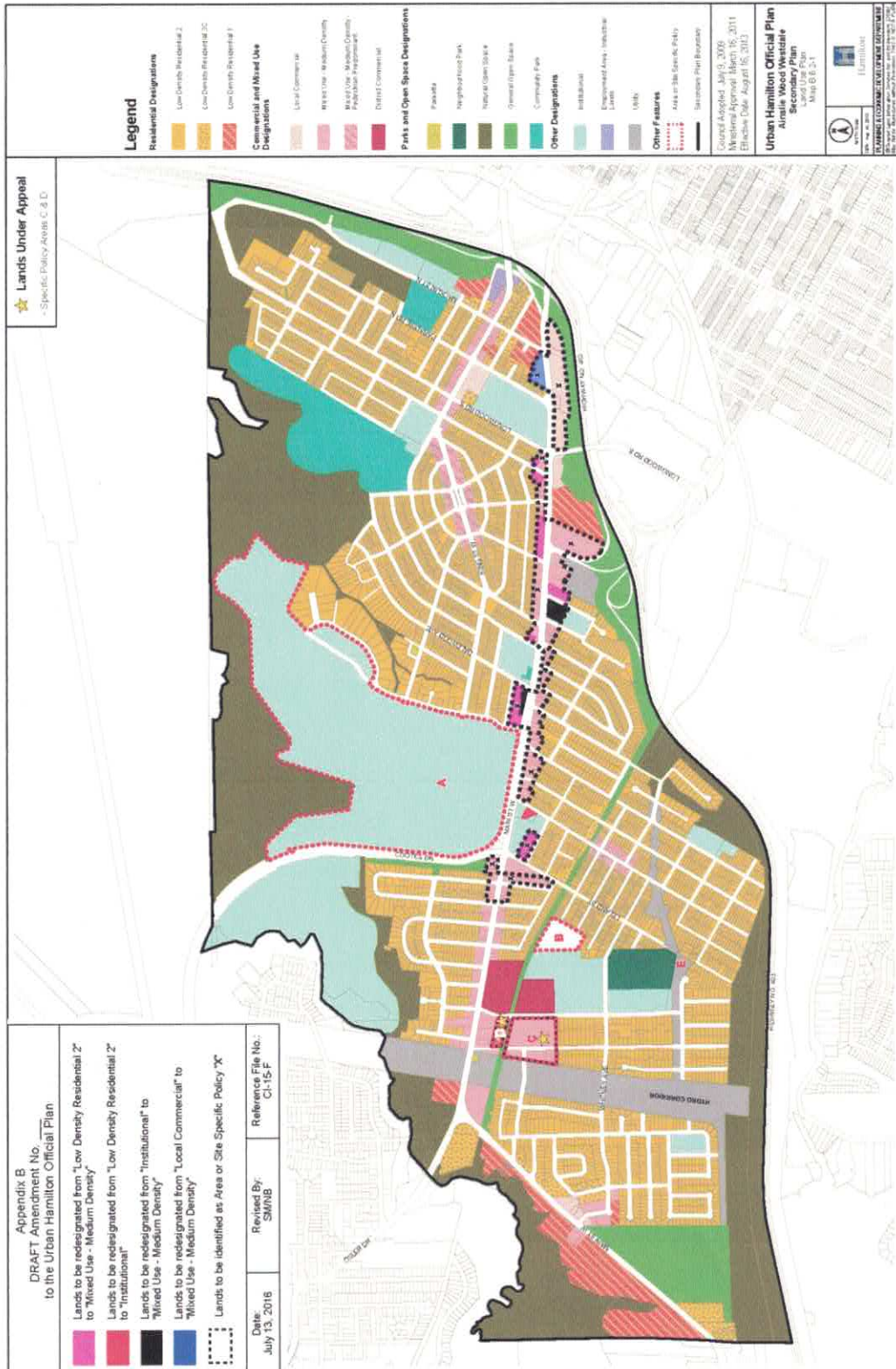
- amend the policies of Section B.6 Ainslie Wood Westdale Secondary Plan to implement new policy directions for lands along Main Street West. This plan was originally adopted in 2005 and was not planned with higher order transit as a transportation option;
- amend Map B.6.2-1 Ainslie Wood Westdale – Land Use Plan (included in Appendix “A” to Report PED16100(a)) to redesignate lands from:
 - Low Density Residential 2 to Mixed Use – Medium Density
 - North East Corner of Leland Street and Sussex Street
 - South side of Treymore Avenue between Forsyth Avenue South and Dalewood Avenue
 - 65-71 Dow Avenue
 - North side of Main Street West between Newton Avenue and Paisley Avenue South
 - 127-131 and 150-158 Bond Street South
 - Institutional to Mixed Use – Medium Density
 - 1190 Main Street West
 - Low Density Residential 2 to Institutional
 - Portion of 38 Emerson Street
 - Local Commercial to Mixed Use – Medium Density
 - 690 Main Street West
- add a new Area Specific policy to the Ainslie Wood Westdale and Strathcona Secondary Plans to prohibit drive-through facilities, gas bars, car washes and motor

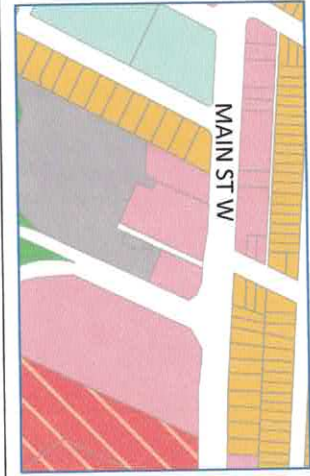
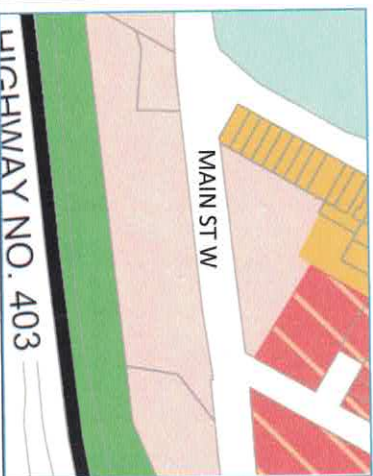
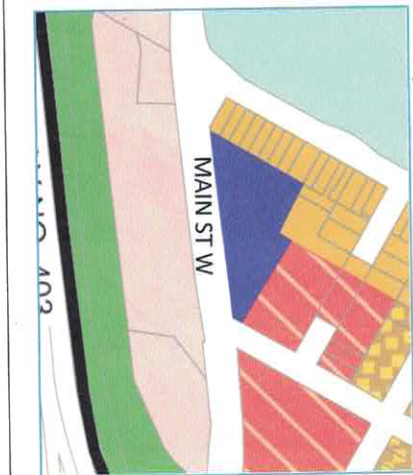
OUR Vision: To be the best place to raise a child and age successfully.

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

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

Schedule "1"



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|---|---|---|--|
| <p>Ainslie Wood Westdale Secondary Plan Map B.6.2-1</p> | <p>Map B.6.2-1</p>  | <p>Revise Map B.6.2-1 to redesignate lands from:</p> <ol style="list-style-type: none"> 1. Low Density Residential 2 to Mixed Use – Medium Density 2. Institutional to Mixed Use – Medium Density | <p>Redesignations would allow for redevelopment of blocks for a wider range of uses which are more consistent with higher order transit.</p> |
| <p>Ainslie Wood Westdale Secondary Plan Map B.6.2-1</p> | <p>Map B.6.2-1</p>  | <p>Revise Map B.6.2-1 to redesignate lands from:</p> <p>Local Commercial to Mixed Use – Medium Density</p>  | <p>Redesignation would allow for redevelopment of the block for a wider range of uses which are more consistent with higher order transit.</p> |



Hamilton

CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

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|---------------------------|---|
| TO: | Chair and Members Planning Committee |
| COMMITTEE DATE: | October 4, 2016 |
| SUBJECT/REPORT NO: | City of Hamilton Comprehensive Zoning By-law: Proposed Transit Oriented Corridor Zones (PED16100(a)) (Wards 1 - 4) |
| WARD(S) AFFECTED: | Wards 1, 2, 3 and 4 |
| PREPARED BY: | Shannon McKie Senior Planner (905) 546-2424 Ext. 1288 Diana Yakhni Planner (905) 546-2424 Ext. 7582 Steve Robichaud Director of Planning and Chief Planner |
| SUBMITTED BY: | Jason Thorne General Manager Planning and Economic Development Department |
| SIGNATURE: | |

RECOMMENDATION

- (a) That approval be given to Official Plan Amendment (OPA) No. XX to the Urban Hamilton Official Plan (UHOP) to amend policies, schedules and maps, to implement up-to-date mapping and policies on the Transit Oriented Corridor located along Main Street from McMaster University to Hwy. 403, King Street from Hwy 403 to the Delta and along Main Street East to the Queenston Traffic Circle on the following basis:
- (i) That the Draft Official Plan Amendment, attached as Appendix "A" to Report PED16100(a), be adopted by Council; and,
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) 2014, conforms to Growth Plan for the Greater Golden Horseshoe, 2006 (P2G).

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