SUBJECT: Urban Hamilton Official Plan – Changes and Responses to Additional Letters Received after June 22, 2009 (City Wide) (PED09164b)

RECOMMENDATION:

That the following additional changes be made to the Urban Hamilton Official Plan:

(a) To change the designation on the lands bounded by the QEW, North Service Road and Lakeview Drive from Neighbourhoods to Arterial Commercial on Schedule E-1 and add an Area Specific Policy USC-4 to allow for District Commercial uses within the Arterial Designation, as shown on Appendix “B” to PED09164b.

(b) To change the designation on the lands on the southerly portion of Pier 15 (Sherman/Burlington) from Employment Area – Industrial Land to Employment Area - Shipping and Navigation to recognize the Hamilton Port Authority’s ownership, as shown on Appendix “B” to PED09164b.

(c) To approve the text and schedule changes for the Urban Hamilton Official Plan, attached as Appendix “C” to this Report which are required to provide clarification and correct typographical errors.
EXECUTIVE SUMMARY:

The purpose of this Report is to summarize the comments and letters received after the completion of the June 22, 2009, Economic Development and Planning Committee meeting and to identify and recommend any additional changes to the Urban Hamilton Official Plan. This report is an addendum to Report PED09164a.

BACKGROUND:

The Planning Act allows submissions of letters regarding an Official Plan (OP) to be submitted up until Council considers the OP. To date, an additional 8 letters have been received and Appendix “A” to this Report details the comments and the responses. One letter received since June 22, 2009 resulted in Staff’s recommendation for a change to the Urban Hamilton Official Plan. In addition, staff is recommending one other change to the Plan.

ANALYSIS/RATIONALE:

Recommended Changes resulting from letters:

One change is recommended in response to the letters.

1. **Lands bounded by the QEW, North Service Road and Lakeview Drive**

   Change the designation on the lands bounded by the QEW, North Service Road and Lakeview Drive Neighbourhoods to Arterial Commercial on Schedule E-1 and shown on Appendix “B” to this Report. Add an Area Specific Policy USC-4 to allow for District Commercial uses on these sites.

   The designation change can be supported since these lands are highly accessible at the intersection of the QEW and Fruitland Road. The Area Specific policy recognizes that a variety of commercial uses ranging from local commercial uses to arterial commercial would be appropriate in these locations to serve the surrounding neighbourhoods.

Additional Changes:

1. The designation on the lands on the southerly portion of Pier 15 (Sherman/Burlington) is changed from Employment Area – Industrial Land to Employment Area - Shipping and Navigation on Schedule E-1 to recognize the Hamilton Port Authority’s ownership, as shown on Appendix “B” to PED09164b.

   Staff noted the southern portion of Pier 15 (Sherman/Burlington) is owned by the Hamilton Port Authority and therefore the designation of Shipping and Navigation is more appropriate than Industrial Land.
ALTERNATIVES FOR CONSIDERATION:

Retain the seven existing OPs for the former Region of Hamilton-Wentworth and the area municipalities. This option would not meet the City’s obligation to have an OP that conforms to the Growth Plan for the Greater Golden Horseshoe by June 2009.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: N/A
Staffing: N/A
Legal: The Plan must conform to and be consistent with Provincial legislation.

POLICIES AFFECTING PROPOSAL:

The Urban Hamilton OP is affected by Provincial policy and legislation, as described in Section 1.0 (Background) of this Report.

In addition, the City has approved Strategies such as Vision 2020, the City’s Strategic Plan, GRIDS, master plans for transportation, storm water and water/waste water, that all have a direct impact on the Urban OP.

RELEVANT CONSULTATION:

Staff consulted Legal Services, Public Works Department and other divisions within the Planning and Economic Development Department.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No

The Plan contains goals and policies to achieve a compact, complete community where people can live, work, play and learn. New sections to the Plan include comprehensive urban design directions. Vibrant, active and attractive cities are generally more successful.

Environmental Well-Being is enhanced. ☑ Yes ☐ No

The Plan has strong policies to protect and enhance the natural heritage system, hazard lands, air and water quality.

Economic Well-Being is enhanced. ☑ Yes ☐ No

The Plan contains policies that focus on land uses that are critical to the City’s economic base such as the employment land designations, creating partnerships with others to focus on job creation, and
poverty. It provides more flexibility to introduce different land uses in areas where the previous policy allowed ground floor commercial only.

**Does the option you are recommending create value across all three bottom lines?**
- ☒ Yes  ☐ No

The urban OP is a holistic Plan which focuses on economic, community well being and environmental matters with the overall goal of providing land use planning direction to achieve a healthy, sustainable and economically vibrant community. The OP provides for complete communities, protects our resources, focuses development in a way that is attractive, and encourages, making the City a desirable place to live, work, play, and learn.

**Do the options you are recommending make Hamilton a City of choice for high performance public servants?**
- ☒ Yes  ☐ No

JHE/dkm

Attachs. (3)
**Letters received After June 22, 2009 – Comments on OP**

**Summary Table**

<table>
<thead>
<tr>
<th>Letters Received and Location</th>
<th>Request</th>
<th>Action Required</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>IBI Group 560 Grays Rd</td>
<td>Change on Schedule E-1 back to a highway commercial – type designation</td>
<td>No</td>
<td>The lands are located north of the QEW. However, they have limited accessibility as they are not located at an interchange. The site is also too small to be designated on the Schedule. The Neighbourhoods designation is appropriate since it allows for a wide range of commercial uses that could serve the neighbourhood on the north side of the QEW.</td>
</tr>
<tr>
<td>IBI Group 84 and 96 Lakeview Drive</td>
<td>Change on Schedule E-1 back to a highway commercial – type designation  (Arterial Commercial)</td>
<td>Yes</td>
<td>These properties along with the properties on the east side of Fruitland Road are designated for highway commercial uses in the Stoney Creek OP. Together, these areas are of a substantial size and have good accessibility with the interchange. An Arterial Commercial designation for lands north of the QEW on both side of the interchange is appropriate. An Area Specific Policy will also be added to these properties to permit District Commercial on these sites to allow the existing residential uses and to permit uses that could better serve the residential neighbourhoods on the north side of the QEW.</td>
</tr>
<tr>
<td>Chamber of Commerce</td>
<td>Add new arts and culture policies to the OP</td>
<td>No</td>
<td>There are number of additional policies in the OP supporting arts and culture.</td>
</tr>
<tr>
<td>Susan Rogers</td>
<td>Comments on June 22 meeting</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Rudolph Law Office on behalf of Briar Hill Cres. residents</td>
<td>Request confirmation of urban boundary in this area.</td>
<td>No</td>
<td>The Urban Hamilton Official Plan in this area does not alter the urban boundary.</td>
</tr>
<tr>
<td>Rudolph Law Office on behalf of Woodland Estates, Norman Vartanian, Freeland</td>
<td>General concerns with the Natural Heritage policies.</td>
<td>No</td>
<td>Concerns noted. There is not enough information provided to respond to the comments.</td>
</tr>
<tr>
<td>Developer/Consultant</td>
<td>Concern/Request</td>
<td>Response</td>
<td>Notes</td>
</tr>
<tr>
<td>--------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
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<td>---------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Developments Ltd., Gino and Olindo DalBello, Sukhdip Singh Johal, Rosslyn Armstrong, Larry Couldridge, Linda Wybraniak, Randy Wozney and July Edwards</td>
<td>Concern with natural heritage system policies</td>
<td>No</td>
<td>Property is in the Rural area</td>
</tr>
<tr>
<td>Rudolph Law Office on behalf of Ponderosa Nature Centre</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Georgina Beattie</td>
<td>Concerned with employment conversions, generally.</td>
<td>No</td>
<td>Employment land conversions have been addressed in Staff Report PED09164a. No further information was provided in this correspondence (site specific or otherwise) to which staff could respond.</td>
</tr>
<tr>
<td>Starward Development Services</td>
<td>Concerned with Core Areas and Linkages shown on Schedule B for four areas.</td>
<td>No</td>
<td>Was addressed in Attachment 2 to Appendix “C” to Report PED09164 (June 10, 2009). Schedule B shows wetlands and streams on these properties. Wetlands are based on MNR mapping and were retained on Schedule B as Core Areas. Streams and Linkages were removed, as they are disturbed or on draft approved lands. Further information was requested for one area.</td>
</tr>
<tr>
<td>Fothergill Planning &amp; Development on Behalf of Shawcor Ltd.</td>
<td>Requesting Secondary Corridor be extended to the entire property on Schedule E.</td>
<td>No</td>
<td>The locations of the corridors are approximate and are to provide general guidance for land use designations. Corridor locations are to generally indicate lands on either side of the road. Future corridor studies and secondary planning will further define properties to be included in study areas and provide further direction on future mix of uses, heights, density built form and design.</td>
</tr>
<tr>
<td>385 Nebo Road/1280 Rymal Road</td>
<td>Requesting Business Park designation be changed to Arterial Commercial designation</td>
<td>No</td>
<td>These properties were not considered to be appropriate conversion sites in the Employment Lands Conversion Analysis Site/Area Selection Process. The properties did not meet any of the conversion analysis criteria.</td>
</tr>
<tr>
<td>Stephen Fraser, AJ Clarke &amp; Associates</td>
<td>Concerns regarding interpretations of several sections of the OP (all of B.3.3, Urban Design; B.3.4, Cultural Heritage; and, C.2.0 Natural Heritage) – request flexible interpretations of these policies</td>
<td>No</td>
<td>An operational matter</td>
</tr>
</tbody>
</table>
VIA E-MAIL (alexandra.rawlings@hamilton.ca)

Ms. Alexandra Rawlings, A.M.C.T.
Coordinator, Economic Development and Planning Committee
City of Hamilton, 77 James Street North, Suite 220
Hamilton, ON  L8R 2K3

Dear Ms. Rawlings:

RE: COMMENTS ON NEW CITY OF HAMILTON URBAN OFFICIAL PLAN 84 AND 96 LAKEVIEW DRIVE, HAMILTON

We commend City staff for all their hard work on the proposed Urban Official Plan. We act on behalf of the Ontario Realty Corporation ("ORC"), manager of provincially owned lands. ORC manages lands known municipally as 84 and 96 Lakeview Drive, Hamilton ("the subject property") and which are approximately 3.1 ha (7.6 ac) in area. The lands can be legally described as Part of Lot 15, Broken Front Concession (Saltfleet Twp.), Part of Lots 23-26, R.P. 723 and Part of Lots 18-21, R.P. 673, in the City of Hamilton. The lands can also be described as Part 1 on Plan 62R-15669. For your convenience, please find attached a location map with the subject property highlighted.

The subject property is currently designated "Highway Commercial" on Schedule "A" of the former City of Stoney Creek Official Plan and within the Bayview Neighbourhood Plan, as well as "Lakeshore Protection on Schedule "B" of the Official Plan. In addition, the property is zoned "Highway Commercial – Holding" within the former City of Stoney Creek Zoning By-law 3692-92.

We have reviewed the City of Hamilton proposed Urban Official Plan and it appears that the subject property is proposed to be designated "Neighbourhoods" within the new Plan. The proposed Plan states that the following uses are permitted in the "Neighbourhoods" designation:

a) residential dwellings, including second dwelling units and housing with supports;

b) open space and parks;

c) local community facilities/services; and,

d) local commercial uses.

The proposed Plan also states that, "Local commercial uses that primarily cater to the weekly and daily needs of residents within the surrounding neighbourhood may be permitted within the Neighbourhoods designations." It also states that the following uses are permitted:

a) retail and service uses such as a craftsperson shop, day nursery, commercial school, financial establishment, medical office, business office, professional office, motor vehicle service station, personal service, personal service, places of worship,
repair service, restaurant, retail, studio, tradesperson shop, and veterinary service; and,

b) medical clinic, provided it has direct access to an arterial road and is adjacent to other local commercial uses.

c) Residential uses, in accordance with Policy E.3.8.9.

When providing our client's due diligence information last year, we were informed by City staff that they would prefer that the subject property remain commercial. In addition, due the property's location adjacent to the Q.E.W. it would be logical that a higher order use that would cater to the travelling public, e.g. a hotel, may be more suitable for this site. Further to this, within the Hamilton Commercial Strategy Study Module 3: Planning Mechanisms, dated December, 2006 and as prepared by Sorensen Gravely Lowes in association with Robin Dee & Associates, the subject property is shown as a commercially zoned property, a vacant retail designated land and is identified within an Intensification on the Preferred GRIDS Growth Option. As mentioned, after review of the Study, staff informed us that they would prefer these lands remain commercial.

We thank you for this opportunity to submit comments. If you have any questions or concerns, please do not hesitate to contact the undersigned.

Yours truly,

IBI Group

George T. Zajac, BA (Hons.)
Planner

GZ/

attach.

cc: Ms. Lindsay King and Ms. Joanne Hickey-Evans, City of Hamilton, via e-mail
Ms. Hodan Egeh and Mr. John Chaves, Ontario Realty Corporation, via e-mail
VIA E-MAIL (alexandra.rawlings@hamilton.ca)

Ms. Alexandra Rawlings, A.M.C.T.
Coordinator, Economic Development and Planning Committee
City of Hamilton, 77 James Street North, Suite 220
Hamilton, ON L8R 2K3

Dear Ms. Rawlings:

RE: COMMENTS ON NEW CITY OF HAMILTON URBAN OFFICIAL PLAN
560 GRAYS ROAD, HAMILTON

We commend City staff for all their hard work on the proposed Urban Official Plan. We act on behalf of the Ontario Realty Corporation ("ORC"), manager of provincially owned lands. ORC manages lands known municipally as 560 Grays Road, Hamilton ("the subject property") and which are approximately 1.12 ha (2.765 ac.) in area. The lands can be legally described as Part of Lot 22, Broken Front Concession, in the Geographic Township of Saltfleet, in the City of Hamilton and also are known as Parts 1 and 2 on Plan 62R-15557. For your convenience, please find attached a location map with the subject property highlighted.

The subject property is currently designated "Highway Commercial" on Schedule "A" of the former City of Stoney Creek Official Plan and within the Lakeshore Neighbourhood Plan, as well as "Lakeshore Protection" on Schedule "B" of the Plan. The property is zoned "Highway Commercial – Holding" within the former City of Stoney Creek Zoning By-law 3692-92. In addition, the subject property is also designated "Open Space" within the City of Hamilton Official Plan and zoned "AA-Agricultural" within the City of Hamilton Zoning By-law 6593. For your convenience, please also find attached a map that shows the split-zoning of the subject property.

We have reviewed the City of Hamilton proposed Urban Official Plan and it appears that the subject property is proposed to be designated "Neighbourhoods" within the new Plan as well as "Linkages" on Schedule B, entitled Natural Heritage System. Due to the location of the subject property being bounded by Grays Road (which is elevated due to the QEW) to the west, Frances Avenue to the north, Drakes Drive to the east and North Service Road to the south it is unclear as to why these lands are designated "Linkages".

In addition, for your information, through our due diligence last year of the subject property, City staff were unclear as to why a portion of the subject property was designated "Open Space". They thought that this may exist because a watercourse was once shown to traverse the subject property on some of the older plans the City had, however, the watercourse is no longer in existence.

Finally, also due to the location of the subject property, it would be logical that the uses related to "Highway Commercial" continue. This would not only be beneficial to the local residents, but also the travelling public for this area.
We thank you for this opportunity to submit comments. If you have any questions or concerns, please do not hesitate to contact the undersigned.

Yours truly,
IBI Group

George T. Zajac, BA (Hons.)
Planner
GZ/

attach.

cc: Ms. Lindsay King and Ms. Joanne Hickey-Evans, City of Hamilton, via e-mail
    Ms. Hodan Egeh and Mr. John Chaves, Ontario Realty Corporation, via e-mail
June 25, 2009

City Clerk, Economic Development & Planning Committee
City of Hamilton
77 James St. N., Suite 200
Hamilton, ON L8R 2K3
Attn: Alexandra Rawlings

Dear Ms. Rawlings:

Re: Urban Hamilton Official Plan

Please accept this submission on behalf of Shawcor Ltd., the owner of a property at 385 Nebo Road and 1280 Rymal Road. From a review of the proposed new official plan, it appears that the property is intended to be designated as "Employment Area" in Schedule E, and as "Business Park" in Schedule E-1. Please be advised that my client wishes to have Schedule E amended to include part of the property as "Secondary Corridor" designation, consistent with the designation on lands on either side of their property in Schedule E south of Rymal Road. They also wish to have the land designated as "Arterial Commercial" in Schedule E-1 in a manner consistent with lands on either side of their property south of Rymal Road.

It is noted that the northern portion of the site is designated as Restricted Commercial and Restricted Industrial/Commercial in the West Hannon Secondary Plan which was approved by Council November 30, 1971.

The property is currently zoned M-12, M-15, and M-12/S-1198. The M1-12 zone complements the West Hannon Secondary Plan and permits a number of retail and commercial uses along the south side of Rymal Road. My client wishes to retain the range of commercial uses permitted on the site by virtue of the existing zoning designation. They wish to have the official plan designation changed to allow for a greater range of commercial uses on that portion of the property currently zoned M-12.

It is also noted that the property at 1280 Rymal Road which has been purchased by Shawcor Ltd., was previously used for commercial purposes as a garden centre.

The request would contribute to the consistency of designations along the south side of Rymal Road which extend almost continuously from Upper James Street to First Road West.

Given the existing secondary plan designation, the current zoning and the history of the property, my client believes the proposed request is reasonable and consistent with policies applied elsewhere on similar sites on the south side of Rymal Road.

Can you please include this submission with the formal submissions made to the City with respect to the new Official Plan and please keep me advised of any other developments with respect to this matter.

Sincerely,

E.J. Fothergill, MCIP, FRPP
President

cc. Mr. George Brandon, Shawcor Ltd.
To: The City of Hamilton  
Planning and Economic Development Department  
Strategic Services/Special Projects Division

Attn: Joanne Hickey-Evans, MCIP, RPP  
Manager – Policy Planning

From: Stephen Fraser, MCIP, RPP

Date: June 25, 2009

Re: Urban Hamilton Official Plan  
City Staff Report PED09164  
City Staff Report PED09164a

Dear Madame:

Further to the recent statutory public meetings held to adopt the new Urban Official Plan for the City of Hamilton, our office would like to congratulate you and your Staff for all your hard work in preparation of the Urban Official Plan.

Our office acknowledges the recent amendments made to certain areas of the proposed Official Plan as identified in Report PED09164a and do not disagree in principle with such changes. We would like to express our agreement with Council’s previous decision to remove the lands located north of Wilson Street West and east of Mason Drive from their Employment Designation to a Non-Employment Designation as established through the municipal comprehensive review.

We do still have concerns with the potential interpretations of specific sections of the Official Plan once adopted. The specific sections (i.e., policies and schedules) that we feel need to entail greater flexibility in their interpretations at the implementation/development stage are as follows:

1. Chapter B - Communities, Section B.3.0, Subsection 3.3 (Urban Design Policies).
2. Chapter B - Communities, Section B.3.0, Subsection 3.4 (Cultural Heritage Policies).
3. Chapter C – City Wide Systems and Designations, Section C.2.0 (Natural Heritage Systems).

We trust this request will be considered and thank you for your co-operation in this matter. If you need additional information or clarification regarding the above, please do not hesitate to contact our office.
City of Hamilton
Re: City Staff Reports PED09164 & PED09164a

June 25, 2009

Yours very truly,

Stephen Fraser, MCIP, RPP
Planner
A. J. Clarke and Associates Ltd.

Encl.

Copy: Alexandra Rawlings, MSc, RPP, AMCT, Co-ordinator – Economic Development and Planning Committee & Council, City of Hamilton
Newbold, Christine

From: Janssen, Bill
Sent: Thursday, June 25, 2009 8:32 AM
To: Newbold, Christine
Subject: FW: The Urban Official Plan

fyi

-----Original Message-----
From: Rawlings, Alexandra
Sent: June 25, 2009 8:31 AM
To: 'The Beatties'
Cc: Hickey-Evans, Joanne; Janssen, Bill; Rawlings, Alexandra
Subject: RE: RE: The Urban Official Plan

thank you for your note.

In order to comply with the requirements of the Planning Act, more detail is needed respecting the issue(s) you have noted.. Please indicate the reasons for your concerns, the area(s) you are referencing, and any other relevant detail.

regards,

Alexandra Rawlings MSc, RPP, AMCT
Co-ordinator
Economic Development and Planning Committee/Advisory Committees
Office of the City Clerk
77 James Street North,
Hamilton, Ontario L8R 3K3
905 546 2424 ext 2729 fax 905 546 2095
alexandra.rawlings@hamilton.ca

-----Original Message-----
From: The Beatties [mailto:thebeatties@sympatico.ca]
Sent: Wednesday, June 24, 2009 11:53 PM
To: Rawlings, Alexandra
Subject: The Urban Official Plan

Dear Alexandra:
Since I was unable to attend the Public meetings regarding the review of the Hamilton Urban Official Plan, please consider this my written response to the O.P. I am concerned about the conversion of Employment/industrial lands within the Urban Plan and wish to have my name added to the list of correspondents regarding the Urban Official Plan process.

Thank you,

Georgina Beattie
905-643-3834

6/25/2009
June 22, 2009
Via Email, Original by Mail

City of Hamilton
Economic Development & Planning Committee
Community Planning & Design Section
Attention: Ms Maria Pearson, Chair

77 James Street North
Hamilton, ON L8R 2K3

Dear Chairman Pearson:

Re: DRAFT Natural Heritage Policies for the City of Hamilton Official Plan

On behalf of a number of clients, on May 6, 2009, we submitted to the City of Hamilton a letter (attached) outlining a number of concerns with the above-noted policies as they relate to certain properties.

As we have not received a formal response to these questions, please be advised that we continue to have concerns over the accuracy of the mapping and potential implications to the development potential of each property and as such, we wish to register a formal concern with the Natural Heritage Policies.

As noted in our letter, we appreciate the importance of setting out new policies for the City of Hamilton. However, we feel that the accuracy needs to be addressed. Should you have any questions or require additional information, please do not hesitate to contact me at 905.648.7000.

Respectfully Submitted,

STARWARD DEVELOPMENT SERVICES

[Signature]
Terri Johns, BA, MCIP, RPP
Président

cc: Mr. P. Mallard
    Ms. A. Rawlings
    Mr. W. Campbell
May 6, 2009
Via Email, Original by Mail

City of Hamilton
Planning & Economic Development Department
Community Planning & Design Section
Attention: Ms Cathy Plosz
Natural Heritage Planner
77 James Street North, Suite 400
Hamilton, ON L8R 2K3

Dear Ms Plosz:

Re: DRAFT Natural Heritage Policies

On behalf of a number of clients, I would like to take this opportunity to submit comments regarding the Draft Natural Heritage Policies and, specifically, with respect to the proposed schedules associated with those policies.

1. South-East Corner of Dickenson Road and Upper James (formerly Hwy 6) owned by MacStar Limited

These lands consist of two parcels with a total area of about 8.5 acres and approximately 1500 feet of frontage along Upper James and are currently zoned Airport Related Commercial. The Owners have been examining various development scenarios over the last few years. To prepare the lands for development, a fill permit has been approved, obtained and the works are complete. As part of the fill application and associated general development research, the Owners have retained an environmental consultant to review the lands. To this point, significant review has been completed by our consultant, Mr. Rick Hubbard in consultation with the Niagara Peninsula Conservation Authority (NPICA). Based on their review, we would like to point out that it appears that the alignment of the identified stream is incorrect. In general terms, the alignment runs perpendicular to Upper James rather than parallel.

2. 713 Garner Road owned by Stonehenge Development Limited

This property, which is just less than 10 acres, is owned by Stonehenge Development Limited which is a partnership between a Starward company and Redeemer University College. These lands will serve to assist in campus planning and the surplus is intended for residential development in keeping with the approved Secondary Plan for that area. Our environmental consultant is currently reviewing the property. We would like to point out that the mapping for these lands and, in fact, the entire Redeemer campus does not appear to be accurate. Specifically, the alignment of the streams as well as the significance is incorrect for 713 Garner. Further, the streams and linkage areas on the campus appear inaccurate and do not reflect built structures.
3. **790 Shaver Road owned by Starward Homes and Starward Homes (Shaver) Limited**

This property, with a total size of about 5 acres (including the portion just sold to Ontario Alliance of Christian Schools) is an industrially zoned property. There are existing structures on these lands and a site plan has been submitted for additional buildings. The entire 5 acres have been identified as a linkage. Further, the City’s road allowance (Trustwood) has been identified as a hydrological feature. This is a key access point into the entire industrial park. The City has recently spent significant funds to ensure that the industrial lands to the west can be serviced and access is equally important.

4. **Trustwood Draft Plan of Subdivision owned by Shaver Development Limited**

Shaver Development Limited has submitted an industrial Draft Plan of Subdivision for lands totaling approximately 25 hectares. This Draft Plan is actually an update to the Shaver Industrial Park Subdivision that was registered in the 80s. As part of this process, we are currently working with the Grand River Conservation Authority regarding an environmental area within the southern portion of the plan. We anticipate that our study will serve to further refine the limits of the identified Core Area. However, we note that the extent of the linkage shown on the draft schedule does not reflect what exists on the site. Finally, we note that the southerly area is also identified as a “lake and littoral zone” and we request clarification as to the implication and rationale for this. As noted above, the City has invested resources to ensure that these lands have services but it appears that the natural heritage policies are now restricting their development potential. As a general comment, we also see that the remainder of the industrial park appears as having existing streams which are within a built development area. Given the short supply of industrial land within the City, the importance of balance between the environmental features and shovel-ready land must be recognized.

We appreciate the importance of setting out new policies for the City of Hamilton. However, we would like to express our concern over the nature of the mapping and the implications it will have on the development rights of these properties. Therefore, we respectfully request that the policies and associated mapping be revisited in light of our notes. Should you have any questions or require additional information, please do not hesitate to contact me at 905.648.7000.

Respectfully Submitted,

**STARWARD DEVELOPMENT SERVICES**

Terri Johns, BA, MCIP, RPP
President

cc:  
Mr. W. Campbell  
Mr. J. Pitts  
Mr. J. Pakin  
Mr. R. VanStaalduinen, Redeemer University College  
Mr. R. Hubbard  
Mr. A. Irani, A. J. Clarke  
Ms. S. Mammel, A. J. Clarke  
Mr. P. Maitland, City of Hamilton
Via Email: alexandra.rawlings@hamilton.ca

Ms. Alexandra Rawlings
Office of the City Clerk
77 James Street North,
Hamilton, Ontario
L8R 3K3

Dear Ms. Rawlings:

Re: Draft Official Plan
Woodlands Estates, Norman Vartanian, Freeland Developments Limited
Gino and Olindo DalBello, Sukhdip Singh Johal, Rosslyn Armstrong,
Larry Couldridge, Linda Wybraniak, Randy Wozney and Judy Edwards

The above-noted property owners have concerns about the City’s proposed Urban Plan Policies. In particular, concerns about the proposed Natural Heritage System Policies, including, but not limited to the following, need to be addressed:

1. Wording in the proposed policies delagates responsibility for the review and approval of land use applications and supporting documentation to other authorities and agencies such as the Conservation Authority;

2. The policies are too restrictive and fail to achieve the necessary balance between the interests of the public and private property owners;

3. The policies are too restrictive and fail to achieve the proper balance between the public interest of environmental protection and compact urban form;

4. The policies lack appropriate technical foundation;

5. The flaws in the policies lead to inappropriate designations and schedules;

6. The flaws in the policies lead to inappropriate and unnecessary review and study requirements for land use applications;

In Association with Sullivan Festeryga LLP
7. Such further and other issues that may arise in a contextual review of the integrate web of policies put forward by the City.

We look forward to discussing these matters with staff and, if needed, the province.

Yours very truly,

RUDOLPH LAW OFFICE
Per:

Manfred Rudolph

MR/lj
cc Joanne Hickey-Evans
    Cathy Plosz
June 22, 2009

Ms. Alexandra Rawlings
Office of the City Clerk
77 James Street North,
Hamilton, Ontario
L8R 3K3

Dear Ms. Rawlings:

Re: Draft Official Plan
Briar Hill Crescent Residents

I represent a number of concerned property owners in the former Town of Ancaster. They were concerned at an attempt to develop adjacent lands designated Provincial Plan/Escarpment Protection/Natural Area.

I understand that the present Urban Official Plan process will maintain the status quo as far as urban boundaries in the City are concerned. We have concerns, however, that the switch from a local plan to a city wide plan will result in the blurring of what is now a very distinct urban boundary line in this particular location.

I would appreciate confirmation that the previous boundary in this location is being maintained and that it is not subject to any interpretative exercise given the very exact features on the ground in this location.

It is our understanding that the new Plan includes policies that provide for the determination of an exact boundary in these sorts of situations. We would like confirmation that the new Plan policies serve to identify the boundary previously identified in the Local Plan which is scheduled for repeal.

We have spoken about this issue before. There is no particular hurry as the earlier attempts to develop the sensitive lands adjacent to my clients' properties have been abandoned. Once the major issues in the Official Plan process have been dealt with, we would appreciate some time with staff to confirm the above.

In Association with Sullivan Festeryga LLP
Thank you for your attention to this matter.

Yours very truly,

RUDOLPH LAW OFFICE
Per:

Manfred Rudolph

MR/lj
cc Joanne Hickey-Evans
Schedule E-1: Urban Land Use Designations

Legend

Change in Designation from Industrial Land to Shipping and Navigation (Pier 15).

Change in Designation from Neighbourhoods to Arterial Commercial. Add Area Specific Policy USC-4.
## Proposed additional modifications to Hamilton Urban Official Plan – Volume 1

### Vol. 1 Text Changes

<table>
<thead>
<tr>
<th>May 2009 Official Plan Section</th>
<th>Change</th>
<th>Modified Policy</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>C.4.0 Integrated transportation network</td>
<td>C.4.2.16 b) edit reference to Ontario-Quebec continental gateway corridor- rearrange policy</td>
<td>b) The Ontario-Quebec Continental Gateway and Trade Corridor Study will develop a multi-modal strategy to improve goods movement and trade.</td>
<td>More complete study reference</td>
</tr>
<tr>
<td>Section E.2 - Urban Structure</td>
<td>Amend policy 2.3.3 Community Node to add the new Upper James and Rymal Road node to the list of community nodes</td>
<td>E.2.3.3.1 the following areas identified as Community Nodes… b) …the east Mountain/Heritage Green Centre and the Upper James Street/Rymal Road area</td>
<td>New node added at the June 22 special EDPC meeting</td>
</tr>
<tr>
<td>Section G - Glossary</td>
<td>Revise the definition of “Intensification Areas” to replace the words “Minister of Public Infrastructure Renewal” with the word “Province”</td>
<td>... means lands identified by municipalities or the Province within a settlement area...</td>
<td>Ministry of Public Infrastructure Renewal no longer exists.</td>
</tr>
</tbody>
</table>

### Vol. 1 Schedule Changes

<table>
<thead>
<tr>
<th>Existing Secondary Plan</th>
<th>Change</th>
<th>Modified Schedule</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schedule A – Provincial Plans</td>
<td>Defer the Niagara Escarpment Plan designations for the lands south of Highway 5, east of Waterdown Road</td>
<td>Include a reference on Schedule A” to identify the lands to be deferred. Do not repeal the lands on Schedule C of the Flamborough OP related to these lands.</td>
<td>This deferral would remain in place unit such time and the landowners and the NEC can resolve legal issues related to the Greenbelt Act and the Niagara Escarpment Plan.</td>
</tr>
<tr>
<td>Schedule E – Urban Structure</td>
<td>Add a new Community Node at the intersection of Upper James and Rymal</td>
<td>General outline of a node area added</td>
<td>Direction from EDPC on June 22, 2009 to add a new Community Node at Upper James and Rymal</td>
</tr>
<tr>
<td>Schedule E-1 – Urban Land Use Designations</td>
<td>Add the Hester St. employment area (1050-1090 Upper Wellington) to the Urban Structure as an Employment Area</td>
<td>Add employment area to Urban Structure Map</td>
<td>EDPC approved designation change at the June 22 meeting – land owners agreed</td>
</tr>
<tr>
<td>Schedule E-1 – Urban Land Use Designations</td>
<td>Change the Employment Area – Industrial land designation to Employment Area – Shipping and Navigation for a portion of Pier 15</td>
<td>Change the designation to Shipping and Navigation for a portion of Pier 15</td>
<td>The Hamilton Port Authority owns a portion of Pier 15 and the appropriate designation should be Shipping and Navigation</td>
</tr>
</tbody>
</table>
### Proposed additional modifications to Hamilton Urban Official Plan - Volume 2

**Vol. 2 Text Changes**

<table>
<thead>
<tr>
<th>Existing Secondary Plan</th>
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<th>Modified Policy</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shaver Neighbourhood</td>
<td>Change density limit from 62 to 110 units per gross/net residential hectare</td>
<td>B.2.2.15a) the density shall not exceed 110 units per gross/net residential hectare.</td>
<td>Incorrect transfer from existing site specific policy into secondary plan text - change is needed to maintain approved density permissions</td>
</tr>
</tbody>
</table>

### Proposed additional modifications to Hamilton Urban Official Plan - Volume 3

**Vol. 3 Text Changes**

<table>
<thead>
<tr>
<th>Existing Official Plan</th>
<th>Change</th>
<th>Modified Policy</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area Specific Policy USC-3 1.1 b)</td>
<td>SC-3 should read SC-2</td>
<td>1.1 b) – Fruitland/Winona</td>
<td>Typographical error</td>
</tr>
<tr>
<td>1.1 b)i) 2.</td>
<td>Replace the words “public and private cultural facilities” with the words “arts and cultural uses”</td>
<td>1.1 b)i) 2. arts and cultural uses</td>
<td>Correct wording inconsistency</td>
</tr>
<tr>
<td>1.1 e) i)</td>
<td>Parcel D should be Parcel C</td>
<td>Parcel C</td>
<td>Typographical error</td>
</tr>
<tr>
<td>---</td>
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</tr>
<tr>
<td><strong>Area Specific Policy UF-2 Waterdown south area</strong></td>
<td>Policy 1.0 f) ii) Replace the words “Environmentally Significant” with the word “Core”.</td>
<td>A minimum 5 metre open space buffer shall be provided adjacent to Core Areas as defined in Schedule B.</td>
<td>Typographical error</td>
</tr>
<tr>
<td></td>
<td>Policy 1.0 f) iv) Replace the word “Town” with the word “City”.</td>
<td>...between the City and Area C, the City agrees to work ...</td>
<td>Typographical error</td>
</tr>
<tr>
<td><strong>Area Specific Policy UH-3 (new)</strong></td>
<td>Add a new Area Specific Policy for the Upper James/Rymal Rd. community node</td>
<td><strong>UH-3 Lands located along the east side of Upper James Street from Stone Church Road East to Rymal Road, and 1616 Upper James Street (west side of Upper James Street), 16-24 Stone Church Road East, 19-55 Rymal Road East (north side of Rymal Road East), 20 and 30 Rymal Road East (south side of Rymal Road East), and 25-79 Rymal Road West</strong></td>
<td>A new node was approved at EDPC on June 22, 2009 – Area Specific Policy allows current uses to continue.</td>
</tr>
<tr>
<td></td>
<td>1.0 Area Specific UH-3, shown on Map H-7 includes the following lands located:</td>
<td>1.1 In addition to Policies E.2.3.3 – Community Nodes and E.4.6 – Mixed</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) east of Upper James Street, south of Stone Church Road East, and north of Rymal Road;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) 1616 Upper James Street (west side of Upper James Street);</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) 16-24 Stone Church Road East;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>d) 9-55 Rymal Road East (north side of Rymal Road East);</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>e) 20 and 30 Rymal Road East (south side Rymal Road East); and,</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>f) 25-79 Rymal Road West.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Area Specific Policy USC-4 (new) | Add a new Area Specific Policy for the lands north of the QEW on both sides of the Fruitland Road interchange as USC-4 | USC-4  Lands located north of the QEW on the east and west side of the Fruitland Road/QEW interchange and south of North Service Road and Lakeview Drive.  
1.0 For the lands shown as USC-4 on Map SC-3, the following policies shall apply:  
a) In addition to the Arterial Commercial uses permitted under policy E.4.8.2 of Volume 1, District Commercial uses specified in Policy E.4.7.2 of Volume 1 shall be permitted. | District Commercial permits a wider range of commercial uses that would serve the adjacent residential neighbourhoods. |
| Site Specific Policy UDOS-2 | Modified policy 1.0 – removed “automobile” | Notwithstanding Section C.3.3 – Open Space Designations of Volume 1, for lands designated Open Space, located at the southeast corner of Dundas Street and Cootes Drive, the only permitted use shall be parking. | Specifying automobiles is not necessary. The parking lot is actually used for school bus parking. |
### Site Specific Policy UHC-4

Modify Policy UHC-4 to delete the existing policy and include site specific requirements for lands at 480 and 500 Centennial Parkway North and 20 Warrington Street.

### UHC-4 Lands located at 480 and 500 Centennial Parkway North and 20 Warrington Street, former City of Hamilton

1.0 In addition to the uses permitted in Policy E.4.7.2 – District Commercial of Volume 1, the lands designated District Commercial, located at 480 and 500 Centennial Parkway North and 20 Warrington Street, shall be developed with a mix of retail and non-retail uses and serve as a mixed use gateway into the City. The following uses shall be permitted:
   a) one department store;  
   b) hotel and convention centre;  
   c) entertainment uses; and  
   d) arts and cultural uses.

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### Vol. 3 Map Changes

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Map 1 – Area Specific Policies Key Map</td>
<td>Add new Area Specific marker labelled as “UH-3” at the intersection of Upper James and Rymal</td>
<td>New marker added</td>
<td>A new node was approved at EDPC on June 22, 2009 – Area Specific Policy allows current uses to continue.</td>
</tr>
<tr>
<td>Add new Area Specific marker labelled as “USC-4” marker added</td>
<td>New marker added</td>
<td>expand the permitted uses is appropriate in this site to serve the neighbourhood</td>
<td></td>
</tr>
<tr>
<td>Vol. 3 Chapter B</td>
<td>Add a new Area Specific Map labelled as “H-7” – Area specific map shows existing parcels within the new Upper James/Rymal Rd. Community Node</td>
<td>New map added to Area Specific section showing new area specific “UH-3”</td>
<td>A new node was approved at EDPC on June 22, 2009 – Area Specific Policy allows current uses to continue.</td>
</tr>
<tr>
<td>Add new Area Specific Map labelled as “SC-3” – Area Specific Map showing lands north of the QEW on both sides of the Fruitland Road interchange as USC-4</td>
<td>New map added to Area Specific section showing new area specific “USC-4”</td>
<td>District Commercial permits a wider range of commercial uses that would serve the adjacent residential neighbourhoods.</td>
<td></td>
</tr>
</tbody>
</table>