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Email: Lisa.Kelsey@hamilton.ca

Hamilton

May 19, 2021

Charles Wah
Gateway Development Group Inc.
3-35 Stone Church Road, Suite 388
Ancaster, ON L9K 1S4

Matt Johnston
Urban Solutions Planning & Land Development
3 Studebaker Pl, Unit 1
Hamilton, ON L8L 0C8

**Re: Passage of Urban Hamilton Official Plan Amendment No. 146 (By-law 21-047) and Zoning By-law 21-048
804-816 King Street West, Hamilton**

Please find enclosed a copy of the Statutory Declaration and By-laws for the above-mentioned property. The By-laws are now final and binding.

Yours truly,

A handwritten signature in black ink, appearing to read "Lisa Kelsey".

Lisa Kelsey
Legislative Coordinator
Planning Committee

Attachments

Copies to:
Steve Robichaud
Joanne Hickey Evans
Zeltite Race
Nada Belair
Christine Newbold
David Janaszek
Lou Castellani

**ZAC-19-009
UHOPA-19-004**

DOMINION OF CANADA)
)
)
 Province of Ontario)
)
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)
TO WIT:)

**IN THE MATTER OF Urban Hamilton Official
 Plan Amendment No. 146 (By-law 21-047)
 and Zoning By-law No. 21-048
 AND IN THE MATTER OF Sections 17(28)
 and 34(22) of the *Planning Act*, R.S.O.
 1990, c. P.13.
 804-816 King Street West, Hamilton**

I, Lisa Kelsey, Legislative Coordinator, City Clerk's Office, of the City of Hamilton, **DO SOLEMNLY DECLARE:**

1. That Notice of a Public Meeting for the purpose of informing the public in respect of the proposed Official Plan Amendment and Zoning By-law Amendment was given on the 5th day of March, 2021 as prescribed by law.
2. That Official Plan Amendment No. 146 (By-law 21-047) and Zoning By-law 21-048 were approved by the City of Hamilton on the 14th day of April, 2021.
3. That written Notice of Passing of the said Official Plan Amendment was given in accordance with Section 17(23) of the *Planning Act* on the 27th day of April, 2021.
4. That no Notice of Appeal was filed under Section 17(24) of the *Planning Act* on or before the 17th day of May, 2021, being twenty days from the day of the notice given of the approval of the said Official Plan Amendment.
5. That, in accordance with Section 17(27) of the *Planning Act*, I verily believe that the Official Plan Amendment is deemed to come into force on the 18th day of May, 2021, being the day following the last day for filing a notice of appeal.
6. That Notice of Passing of the Zoning By-law 21-048 was given in accordance with Section 34(18) of the *Planning Act* on the 27th day of April, 2021.
7. That no Notice of Appeal was filed under Section 34(19) of the *Planning Act* on or before the 17th day of May, 2021, being twenty days from the day of the notice given of the passing of the said By-law.
8. That, in accordance with Section 34(21) of the *Planning Act*, I verily believe that the By-law is deemed to come into force on the same day as the Official Plan Amendment.

AND I MAKE THIS solemn Declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Evidence Act*.

DECLARED before me at the
 City of Hamilton
 this 19th day of May, 2021.

)
) 



A Commissioner, etc.
ZAC-19-009
UHOPA-19-004

Loren Isabel Kolar,
 a Commissioner, etc.,
 Province of Ontario, for the City of Hamilton.
 Expires November 2, 2021.

Authority: Item 3, Planning Committee
Report: 21-004 (PED21025)
CM: March 31, 2021
Ward: 1

Bill No. 047

CITY OF HAMILTON

BY-LAW NO. 21-047

To Adopt:

**Official Plan Amendment No. 146 to the
Urban Hamilton Official Plan**

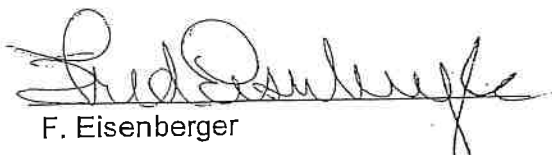
Respecting:

**804 – 816 King Street West
(Hamilton)**

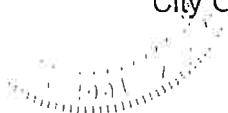
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Amendment No. 146 to the Urban Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 14th day of April, 2021.


F. Eisenberger
Mayor


A. Holland
City Clerk



Urban Hamilton Official Plan Amendment No. 146

The following text, together with Appendix "A" – Volume 2, Map B.6.2-1 – Ainslie Wood Westdale Secondary Plan – Land Use Plan attached hereto, constitutes Official Plan Amendment No. "146" to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to establish a Site Specific Policy within the Ainslie Wood Westdale Secondary Plan to permit the development of a six storey mixed use, multiple dwelling with a maximum residential density of 176 units per gross hectare.

2.0 Location:

The lands affected by this Amendment are known municipally as 804-816 King Street West, in the former City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed Amendment implements the Residential Intensification policies of the Urban Hamilton Official Plan.
- The proposed development is compatible with the existing and planned development in the immediate area.
- The proposed development supports the achievement of a complete community and is in proximity to existing community facilities / services including public transit, schools and recreational facilities.
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 Actual Changes:

4.1 Volume 2 – Secondary Plans

Text

4.1.1 Chapter B.6.0 – Hamilton Secondary Plans – Section B.6.2 – Ainslie Wood Westdale Secondary Plan

- a. That Volume 2, Chapter B.6.0 – Hamilton Secondary Plans, Section B.6.2 – Ainslie Wood Westdale Secondary Plan be amended by adding a new Site Specific Policy, as follows:

"Site Specific Policy – Area J

B.6.2.17.11 The following policies shall apply to the lands identified as Site Specific Policy – Area J on Map B.6.2-1 – Ainslie Wood Westdale Secondary Plan – Land Use Plan:

- a) Notwithstanding Policy B.6.2.7.2 b) of Volume 2 and Policy E.4.6.8 of Volume 1, a maximum height of six storeys shall be permitted.
- b) Notwithstanding Policy B.6.2.7.2 e) of Volume 2 the maximum residential density shall be 176 units per gross hectare."

Maps

4.1.2 Map

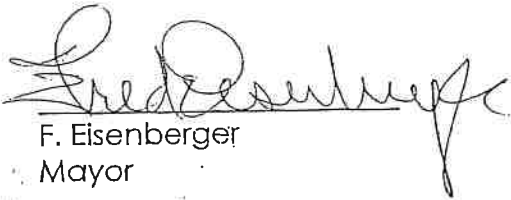
- a. That Volume 2, Map B.6.2-1 – Ainslie Wood Westdale Secondary Plan – Land Use Plan be amended by identifying the subject lands as Site Specific Policy - Area J, as shown on Appendix "A", attached to this Amendment.

5.0 Implementation:

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

This Official Plan Amendment is Schedule "1" to By-law No. 21-047 passed on the 14th day of April, 2021.

**The
City of Hamilton**



F. Eisenberger
Mayor



A. Holland
City Clerk

Appendix A
 APPROVED Amendment No. 146
 to the Urban Hamilton Official Plan

J Lands to be identified as Site Specific Policy - Area J
 (804 - 816 King Street West, Hamilton)

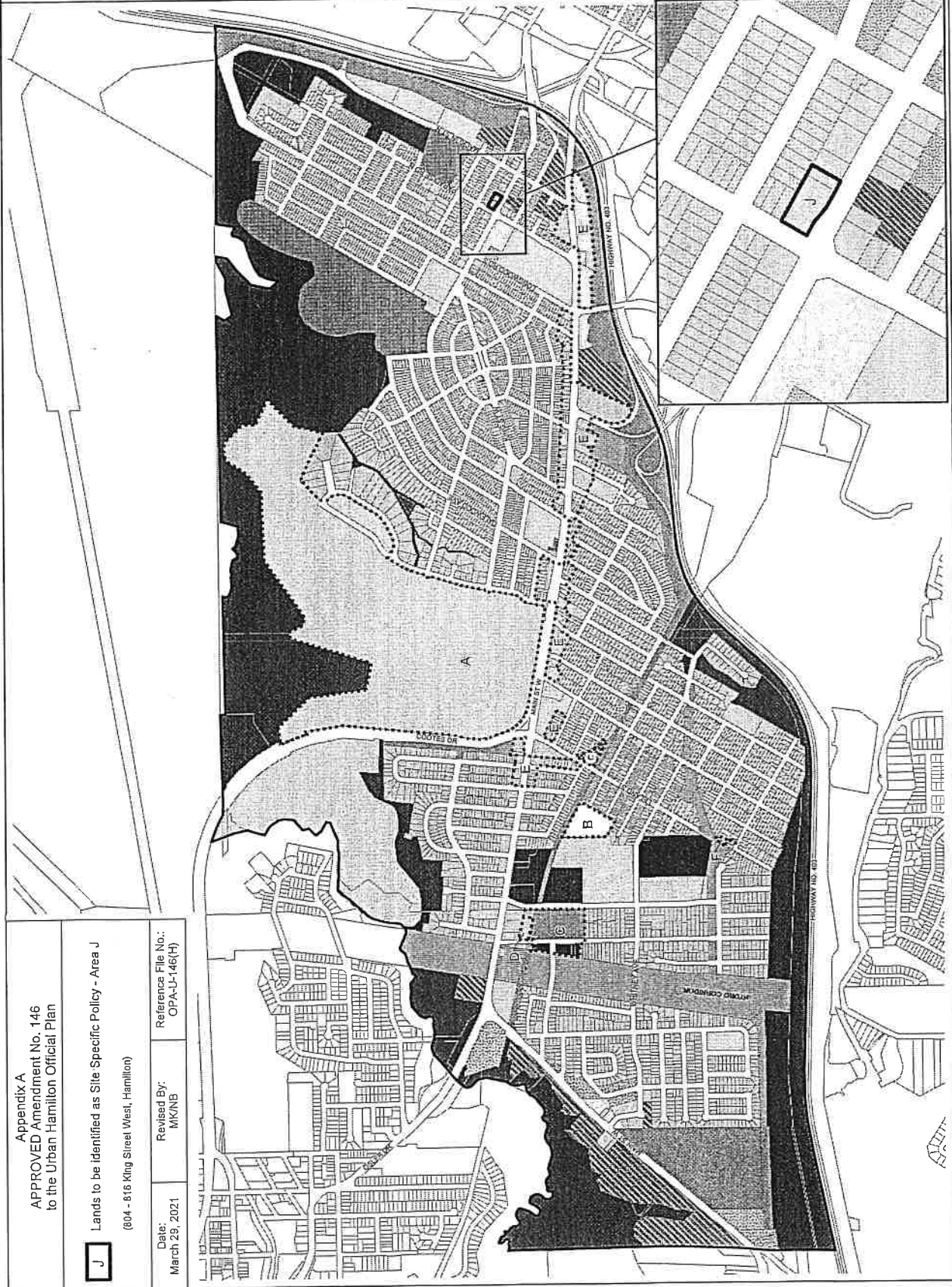
Date:
 March 29, 2021

Revised By:
 MK/NB

Reference File No.:
 OPA-U-146(H)

Legend

- Residential Designations
 - Low Density Residential 2
 - Low Density Residential 3c
 - High Density Residential 1
- Commercial and Mixed Use Designations
 - Local Commercial
 - Mixed Use - Medium Density
 - Mixed Use - Medium Density - Permitted Focus
 - District Commercial
- Parks and Open Space Designations
 - Parklets
 - Neighbourhood Park
 - Community Park
 - General Open Space
 - Natural Open Space
- Other Designations
 - Institutional
 - Employment Area - Industrial Lands
 - Utility
- Other Features
 - Area of Site Specific Policy
 - Secondary Plan Boundary



Council Adopted: July 9, 2009
 Ministerial Approval: March 16, 2011
 Effective Date: August 16, 2013

Urban Hamilton Official Plan
 Ainslie Wood Westdale
 Secondary Plan
 Land Use Plan
 Map B.6.2-1

City of Hamilton
 Planning & Economic Development Department
 100 King Street West
 Hamilton, Ontario L8N 2K5
 Tel: 905.521.2200
 Fax: 905.521.2201
 www.hamilton.ca

Authority: Item 3, Planning Committee
Report 21-004 (PED21025)
CM: March 31, 2021
Ward: 1

Bill No. 048

**CITY OF HAMILTON
BY-LAW NO. 21-048**

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 804-816 King Street West, Hamilton**

WHEREAS, Council approved Item 3 of Report 21-004 of the Planning Committee at its meeting held on the 31st day of March, 2021;

AND WHEREAS, this By-law conforms with the Urban Hamilton Official Plan upon adoption of Official Plan Amendment No. 146.

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

1. That Map No. 908 of Schedule "A" – Zoning Maps of Zoning By-law No. 05-200, is amended by changing the zoning from the Mixed Use – Medium Density (C5, 570) Zone to the Mixed Use – Medium Density (C5, 732) Zone, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" to the By-law.
2. That Schedule "C" – Special Exceptions of Zoning By-law No. 05-200, is hereby amended by adding an additional special exception as follows:

"732. Within the lands zoned Mixed Use – Medium Density (C5, 732) Zone, identified on Map No. 908 of Schedule "A" – Zoning Maps and described as 804-816 King Street West, Hamilton, the following special provisions shall apply:

- a) Notwithstanding Section 3: Definitions as it relates to the definition of "Front Lot Line", King Street West shall be deemed to be the front lot line.
- b) Notwithstanding Sections 5.6 c) and 5.7 g) as it relates to a multiple dwelling and any permitted commercial use with a gross floor area less than 450 square metres, the following shall apply:
 - i) Parking
 - 1) A minimum 0.6 parking spaces per dwelling unit shall be required.
 - 2) A total of 2 parking spaces shall be provided for any permitted commercial use

with a gross floor area less than 450 square metres.

- ii) Bicycle Parking A minimum 1.25 long term bicycle parking spaces per dwelling unit shall be required.

- c) Notwithstanding Sections 10.5.3 b), c), d) and i) the following shall apply:
 - i) Minimum Rear Yard 7.3 metres, except that a minimum 10.2 metre setback shall be provided above the fourth storey and a minimum 14.8 metre setback shall be provided above the fifth storey.

 - ii) Minimum Interior Side Yard 3.3 metres, except that a 4.2 metre setback shall be provided above the fourth storey.

 - iii) Building Height Maximum 19.5 metres.

 - iv) Planting Strip Requirements Where a property line abuts a property line within a Residential Zone, a minimum 1.25 metre wide Planting Strip shall be provided and maintained.

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 14th day of April, 2021


F. Eisenberger
Mayor


A. Holland
City Clerk

ZAC-19-009






This is Schedule "A" to By-law No. 21-048
 Passed the 14 day of Apr, 2021


[Signature]
 Mayor
[Signature]
 Clerk

Schedule "A"

Map forming Part of
 By-law No. 21-048

to Amend By-law No. 05-200
 Map 908

Subject Property
 804 - 816 King Street West
 Change in zoning from the
 Mixed Use - Medium Density (C5, 570) Zone to
 the Mixed Use - Medium Density
 (C5, 732) Zone

Scale: N.T.S.	File Name/Number: ZAC-19-009	
Date: February 1, 2021	Planner/Technician: MKAL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		