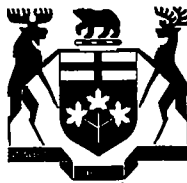


Rec'd Jan 23/08.
OIS-07

ISSUE DATE:
January 18, 2008



PL070386

08-140

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: Hamilton Metal Trading Corp. and Aberdeen (Hamilton) Holdings Inc. and Trinity Property Investments Inc.
Subject: Proposed Official Plan Amendment No. 210
Municipality: City of Hamilton
OMB Case No.: PL070386
OMB File No.: O070052

IN THE MATTER OF subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: Hamilton Metal Trading Corp. and Aberdeen (Hamilton) Holdings Inc. and Trinity Property Investments Inc.
Subject: Zoning By-law No. 07-043
Municipality: City of Hamilton
OMB Case No.: PL070386
OMB File No.: R0070071

APPEARANCES:

Parties

Hamilton Metal Trading Corp. and Aberdeen (Hamilton) Holdings Inc. and Trinity Property Investments Inc.

The Gore District Land Trust Corporation (McMaster Innovation Park)

City of Hamilton

Counsel

Joel Farber

Eric Nanayakkara

Nancy Smith

OFFICE OF THE CITY CLERK	
JAN 23 2008	
AR	
REC'D BY: T. McCabe	DATE
FILED BY: P. Mallon	DATE
REF'D TO: A. Smith	DATE
REF'D TO: L. Ross	DATE
ACTION:	

MEMORANDUM OF ORAL DECISION DELIVERED BY R. ROSSI ON 15 JANUARY 2008 AND ORDER OF THE BOARD

This is the fifth Pre-hearing conference related to these appeals. At the December 2007 Pre-hearing conference, the Municipality reached a settlement with the Gore District Land Trust Corporation (known as the McMaster Innovation Park).

Specifically, the West Hamilton Innovation District is the entire piece of land that the City has envisioned as a research and development park. A portion of these lands comprises the McMaster Innovation Park and this is the portion of land that was dealt with in the December Pre-hearing conference settlement. At that time and on consent, the Board approved both Official Plan Amendment 210, as amended, and the Zoning By-law Amendment 07-043 as it related to the City and Gore. At that Pre-hearing conference, Mr. Farber, on behalf of the "Trinity" group, expressed no objection to the settlement that the City and Gore had reached.

Mr. Farber advised the Board at today's fifth Pre-hearing conference that the owners of Aberdeen (Hamilton) Holdings Inc. and Hamilton Metal Trading Corp. wrote to Mr. Farber to dispute details of Mr. Farber's retainer. Mr. Farber provided the Board with their letter, his letter of response to the principals and a related Agreement of Purchase and Sale binding Trinity Properties Investments Inc. and Hamilton Metal Trading Corp. and Aberdeen (Hamilton) Holdings Inc. The Board received those documents and it placed the items on the file but they are not exhibits to these proceedings.

The Board met privately with the Parties to consider the matter of the disputed retainer and to determine the impact of that matter on these proceedings. After fruitful discussions, the Board determines that at the time of the December 2007 pre-hearing and the presentation of settlement details, all Parties were in agreement regarding the resolution of the Gore (McMaster) appeal. At that time, the principals in Aberdeen and Hamilton Metal had not expressed a concern with Mr. Farber's retainer. The Board determines that his clients' concern and resolution of the retainer issue are matters clearly beyond the purview of the Board's jurisdiction and do not affect the agreement reached in December 2007.

The Board also agrees with Ms Smith that the City must know with whom it is dealing and the Board is satisfied that the components of the "Trinity" group and its representing Counsel, Mr. Farber, were known to all Parties in December 2007 and that no objection to the resulting McMaster settlement was raised. The Board will provide the "Trinity" group with a period of up to four weeks to meet with Mr. Farber to discuss how they intend to proceed with the balance of the pre-hearing and hearing processes so that the City, and by extension, interested participants and the general public might

know who will represent Hamilton Metal Trading Corp. and Aberdeen (Hamilton) Holdings Inc. in respect of the balance of the appeals and these entities' relationship with Trinity Property Investments Inc. The Board also directs Mr. Farber to advise the Board on the precise nature of Trinity Property Investments Inc.'s status in these and subsequent proceedings. Mr. Farber will provide the Board with as much information as possible in this regard and furnish all relevant supporting documentation.

Mr. Farber provided some contextual information regarding the Parties he has represented during the Pre-hearing conferences. He advised the Board that the implementing planning instruments for the subject lands were approved in February 2007. The impact of that approval on the Hamilton Metal Trading Corp. and Aberdeen (Hamilton) Holdings Inc. renders the existing uses as legal nonconforming. Mr. Farber submitted that the approval hampered the development potential of those lands by removing existing uses that would have been allowed in the broader underlying K zoning that currently exists. The aforementioned two Parties have appealed those planning instruments to the board in their entirety.

In November 2007, Trinity Property Investments Inc. entered into an agreement of purchase and sale (on file) with these two vendors, at which time it assumed carriage of the appeals. The Parties' intention was to pursue a mixed-use proposal including an office component and a retail commercial component on the vendors' lands – something that would not be permitted by the planning instruments. The Board reaffirms its direction for Mr. Farber to inform all Parties as to the status of Trinity in respect of the Aberdeen and Hamilton Metal appeals.

Mr. Farber noted that there was an apparent sense of urgency on the City's and McMaster's parts to at least have the McMaster Innovation Park proposal proceed as soon as possible, which is why an April 2008 hearing date was set. However, with today's Order approving the December 2007 settlement (approving the zoning the permit the McMaster Innovation Park scheme to proceed), there is no need for the April 2008 hearing.

Could the Board reasonably require the Trinity group to proceed on the April date? The Board notes that the Trinity group joined these proceedings in November 2007, representing Aberdeen and Hamilton Metals in their appeals. With the Parties'

proximity to the McMaster lands, Mr. Farber advised the Board that there is a substantial amount of background work for the Trinity group to complete in order to justify its project. In addition to determining the feasibility of the development itself regarding environment issues, traffic, engineering, etc, there is also work to be done on the justification for the proposed land use. The Board appreciates that the Trinity group would be unable to have a complete package ready to proceed in April. Further, the City advised the Board that its planning department also requires sufficient time to review the Trinity materials and time to allow for public consultation on what they will propose.

In this regard, the Board determines that the timeframes are not feasible for all Parties to meet and it hereby cancels the April 2008 hearing date. However, the Board directs the three components of the Trinity group to have their completed materials filed with the City of Hamilton on or before June 15, 2008 and to furnish electronic copies to persons listed on the attached mailing list.

A sixth Pre-hearing conference will be held on Monday, September 15, 2008 at 10:00 a.m. in Hamilton. The Parties will keep the Board fully apprised of ongoing discussions and developments. In respect of the retainer issue, the Board may be spoken to insofar as that matter results in confirmation of Mr. Farber's status or retention of alternate counsel. The Parties must also advise the Board whether there is the potential for settlement discussions. Should such an opportunity not present itself, the Board intends to set a subsequent date for submission of a consolidated issues list shortly after the September 15th date with a hearing date set for late-Fall 2008. Parties are hereby notified through this Order to make themselves available for the Board-assigned dates. No further notice will be given.

Having now received the finalized settlement document presented at the December 2007 Pre-hearing conference, the Board orders that the appeal of The Gore District Land Trustee Corporation on behalf of The Gore District Land Trust be allowed in part. The Board amends the former City of Hamilton Official Plan with the attached Official Plan Amendment (Attachment 1) in relation to 270 and 175 Longwood Road South as shown on the Location Map (Attachment 2). The Board amends the City of Hamilton Zoning By-law with Zoning By-law No. 07-043 (Attachment 3) in relation to 270 and 175 Longwood Road South as shown on the Location Map. The Board orders that

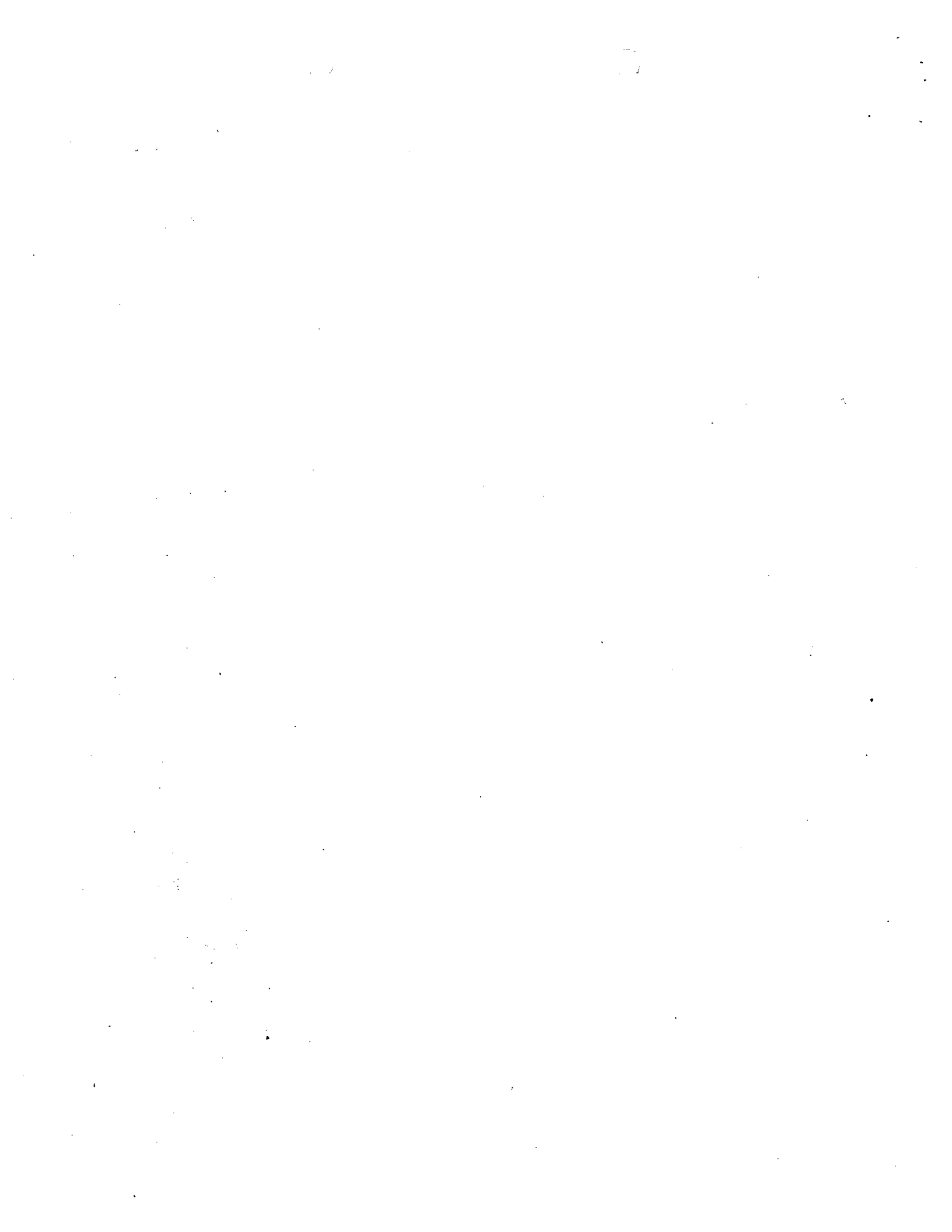
Interim Control By-law 05-041, as extended by 06-028, be repealed over 270 and 175 Longwood Road as shown on the Location Map but will remain in full force and effect in relation to the balance of the lands to which it applies.

The Member continues to be seized for the administrative management of this file for the balance of the Trinity appeals.

So Orders the Board.

"R. Rossi"

R. ROSSI
MEMBER



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***The following wish only to receive a
copy of the order:***

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Amanda Hobbins for
Ted McMeekin, MPP
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Waterdown, ON L0R 2H0

Attachment 1

Official Plan Amendment No. to the former City of Hamilton Official Plan

The following text, together with:

- Schedule "A" (Schedule "A" - Land Use Concept, City of Hamilton Official Plan);
- Schedule "B" (Schedule "B" - Special Policy Areas, City of Hamilton Official Plan);
- Schedule "C" (Schedule "G" - Planning Units, City of Hamilton Official Plan);
- Schedule "D" (Schedule "O-1" - Land Use Plan, West Hamilton Innovation District); and,
- Schedule "E" (Schedule "O-2" - Design Elements, West Hamilton Innovation District).

attached hereto, constitutes Official Plan Amendment No. 210 to the City of Hamilton Official Plan.

Purpose and Effect:

The purpose of the Amendment is to:

- Add the West Hamilton Innovation District Secondary Plan to the former City of Hamilton Official Plan to identify the land uses, the types of permitted uses, urban design, transportation and servicing policies, and provide for protection of existing natural features and heritage resources; and,
- Amend various policies and the land use and special policy area schedules to reflect the principles and policies contained in the Secondary Plan.

The effect of the Amendment is to establish the policy framework to guide the development and redevelopment of the subject lands as a research and innovation district.

Location:

The lands affected by this Amendment comprise 15 hectares (37 acres) located east and west of Longwood Road South, north of Aberdeen Avenue and south of Highway 403 in the City of Hamilton.

Basis:

The Amendment can be supported on the following basis:

- The Secondary Plan is consistent with the City's Economic Development Strategy to encourage the development of economic clusters, including various clusters for research

- The Secondary Plan conforms to the general intent and objectives of the Places to Grow Plan and the Provincial Policy Statement by maintaining and enhancing existing employment land; promoting the rehabilitation of brownfield sites; improving the level of compatibility with neighbouring residential uses; encouraging excellence in urban design; and promotes sustainable development and improvements to the natural environment.
- The Secondary Plan conforms with the general intent and objectives of the City of Hamilton Official Plan;
- The servicing of this area is subject to the Area-specific Master Servicing Plan which is to be completed through the Environmental Assessment process. Therefore, it is desirable to establish a land use pattern at this time through the adoption of the Secondary Plan;
- Secondary Plan policies will guide transportation improvements that are consistent with the recommendations of the Kirkendall Neighbourhood Master Transportation Study.

Actual Changes:

- (a) Schedule "A" - Land Use Concept is revised by redesignating:
 - (i) the lands on the west side of the CPR Railway line, south of Chatham Street from "Utilities" to "Industrial" and;
 - (ii) the lands on the west of Dundurn Street from Main Street West to Chatham Street from "Industrial" to "Commercial";as shown on the attached Schedule "A" to this amendment
- (b) Schedule "B" – Special Policy Areas is revised by deleting Special Policy Area 11 from the lands south of Main Street West, west of Dundurn Street South and the Canadian Pacific Railway line, north of Aberdeen Avenue and east of Highway 403, as shown on the attached Schedule "B" to this amendment.
- (c) Schedule "G" – Planning Units is revised by incorporating the lands south of Main Street West, west of Dundurn Street South and the Canadian Pacific Railway line, north of Aberdeen Avenue and east of Highway 403 as part of the new planning area, as shown on the attached Schedule "C" to this amendment
- (d) The City of Hamilton Official Plan is amended by adding a new Schedule "O-1" - Land Use Plan, to the Official Plan as shown on the attached Schedule D" to this amendment.

- (e) The City of Hamilton Official Plan is amended by adding a new Schedule "O-2" - Design Elements, to the Official Plan as shown on the attached Schedule "E" to this amendment.
- (f) Section A.6 is amended by adding a new Subsection A.6.5 as follows:

"6.5 WEST HAMILTON INNOVATION DISTRICT SECONDARY PLAN

6.5.1 Vision

The West Hamilton Innovation District Secondary Plan Area will function as a centre of innovation for corporate, academic and government research in science and technology and will be recognized as a major entry point into the City. This prestige employment community will establish architectural presence along Highway 403 and a street-oriented design along the interior public roads. The development of knowledge-based activities will allow for the eventual production of goods and materials enabling companies to remain and grow within the Innovation District.

The establishment of partnerships between education, the City, other levels of government and the business community will spark the development of a dynamic community and create synergies that will encourage innovation, economic growth and new business opportunities. The Innovation District will be enhanced by supportive commercial, educational and residential uses which will contribute to the transformation of the area into an integrated first rate research community. Pedestrian activity and interaction will be encouraged through the creation of attractive streetscapes, innovative building design and the provision of publicly accessible spaces. The improvement and development of existing and new linkages will enhance access to accommodate motorists, pedestrians, cyclists, public transit and goods movement within, through and around the Innovation District.

6.5.2 Objectives

The following objectives constitute the fundamental guidelines which will direct the development of the West Hamilton Innovation District:

- i) To encourage the redevelopment of brownfield lands to a prestige research district comprised mainly of uses related to research, science and technology which are remediated to a high standard to ensure public health and safety.
- ii) To encourage the development of the McMaster Innovation Park generally identified on Schedule "O-2", Design Elements as an integrated and comprehensive research community and employment area in a campus-like setting.
- iii) To support and recognize the benefits of partnerships between McMaster University, various levels of government and the

business community in the creation of synergies and economic development opportunities in the development of the Innovation District.

- iv) To enhance linkages and connections between West Hamilton Innovation District and McMaster University, the adjacent residential neighbourhoods and the Hamilton Trail System.
- v) To recognize and encourage the transition of existing uses to research, science and technology uses over time.
- vi) To promote compatible development adjacent to existing residential uses.
- vii) To recognize the continued importance of the Canadian Pacific Railway to existing and future uses within the West Hamilton Innovation District as a provider of the regional transportation of goods and materials.
- viii) To promote supportive commercial, education and residential activities to serve the needs of the Innovation District.
- ix) To foster the economic growth of biosciences, advanced manufacturing and other research sectors consistent with the City's Economic Development Strategy.

6.5.3 Development Policies

6.5.3.1 New Development

Lands designated *Research District* on Schedule "O-1", Land Use Plan, will be oriented to activities associated with the research and development sector. The following uses will be permitted:

- i) Research, science and innovation facilities and knowledge intensive uses;
- ii) Computer, electronic, data processing and printing establishments;
- iii) Offices;
- iv) Pharmaceutical and medical industries;
- v) Hotel and conference facilities;

- vi) Limited manufacturing and warehousing accessory to the uses described in i) through iv), above;
- vii) Existing railway uses requiring direct railway access located on lands abutting the railway right-of-way; and,
- vii) Limited supportive commercial uses to serve the needs of the employment community.

6.5.3.2 McMaster Innovation Park

In addition to the policies of Section 6.5.3.1, the following policies will apply to the lands shown as *McMaster Innovation Park* on Schedule "O-2", Design Elements:

- i) Educational, residential and commercial uses permitted ancillary to McMaster Innovation Park will be developed in accordance with the long-term vision to create a dynamic, integrated state-of-the-art research community that will foster innovation, entrepreneurialism and creativity.
- ii) Limited accommodations for visiting scholars, professors and/or professionals will be permitted.

6.5.3.3 Transitional Uses

Warehousing, light manufacturing and service and repair uses will be permitted as principle uses within existing buildings until such time as redevelopment occurs.

6.5.3.4 Extended Commercial

Lands designated *Extended Commercial* on Schedule "O-1", Land Use Plan, will be subject to the *Extended Commercial* Policies A.2.2.14 to A.2.2.24 and all other applicable commercial policies of Section A.2.2 of the Official Plan.

6.5.3.5 General Development Policies

- i) Loading and servicing areas will be encouraged to locate indoors or at the rear or side of main buildings, and will be kept clean and screened from view of public streets or highways.
- ii) Development will be in accordance with the applicable Urban Design policies of Section 6.5.5 of this Plan.

- iii) Development adjacent or proximate to Highway 403 will be subject to the setback requirements of the Ministry of Transportation.
- iv) Telecommunication and other utilities will be located in common trenches, within public road allowances or within appropriate easements, wherever possible, to avoid over-digging and disruption of municipal rights-of-way.
- v) Free-standing office buildings will have less than 10,000 square metres of gross floor area.
- vi) Supportive commercial uses will be permitted only on the ground floor of a multi-storey building with individual retail establishments also restricted in size.
- vii) New buildings requiring underground parking facilities will be subject to the requirements of the Ministry of the Environment with respect to site remediation.

6.5.4 Heritage

6.5.4.1 Heritage resources associated with the original Westinghouse Company Limited Complex, which include the former Office Building and the Boiler/Power House, as identified as "A" and "B" on Schedule "O-2", Design Elements, will be conserved and incorporated into future development proposals. A museum of industrial and scientific technology will also be permitted in the Boiler/Power House.

6.5.4.2 New development adjacent to the heritage resources identified on Schedule "O-2, Design Elements, will complement the character, scale and materials of these buildings.

6.5.5 Urban Design

The urban design policies for the West Hamilton Innovation District are based on an integrated approach which considers built form, views and vistas and connections and linkages, as identified on Schedule "O-2", Design Elements, to create a well designed and attractive employment area providing pedestrian linkages to adjacent residential neighbourhoods.

6.5.5.1 Objectives

The following objectives constitute the fundamental guidelines which will direct the design of the West Hamilton Innovation District:

- i) To create a safe and accessible environment with linkages for pedestrians and cyclists.
- ii) To encourage a unique sense of place and identity by promoting excellence in building construction and design, attractive streetscaping, public art and the integration of publicly accessible open space areas.
- iii) To establish architectural presence along Highway 403 complemented by the views and natural amenities of the Escarpment as a backdrop.
- iv) To encourage innovation in the development of open spaces, storm water management, building design and parking accommodation that will promote environmental sustainability.

6.5.5.2 Built Form

Built form refers to the architectural design and massing of buildings to establish the character and identity of the area.

6.5.5.2.1 Development will have a street orientation that will allow for the creation of a pedestrian-friendly environment.

6.5.5.2.2 The following urban design policies will apply to development within the *Research District* land use designation on Schedule "O-1", Land Use Plan:

- i) A high standard of architectural and site design will be encouraged for properties along Longwood Road South through the appropriate use of architectural features, massing and scale;
- ii) Maximum building height will be 10 storeys;
- iii) Buildings will front onto the street with accessible, at-grade entrances. Multi-storey buildings are encouraged to be stepped back above the ground floor to reduce the scale of the buildings as perceived by pedestrians;
- iv) Building elements such as lighting, signage, awnings and plantings will be provided to reinforce a high quality employment environment;
- v) Extensive use of clear glazing in windows, exterior wall panels, and entrance openings at the ground floor level of buildings containing

retail, restaurant or hotel uses is encouraged to allow for open views at the street level and to promote public activity and interest;

- vi) New development will have regard for the light, views and privacy enjoyed by adjacent residential development;
- vii) Wherever possible, loading and service areas will be screened from view of Highway 403 and public streets, and will be located at the side or rear yards of main buildings;
- viii) Rooftop mechanical equipment will not be visible from abutting public streets, Highway 403 or public amenity areas;
- ix) Buildings visible from Highway 403 will have prominent elevations addressing the highway, and elevations fronting on any other principle street will be designed to address the public street through appropriate use of architectural features, massing, and scale; and,
- x) Above-ground public utility infrastructure such as transformers will be located and designed to be compatible with the environment. Innovative methods of containing the above-ground infrastructure will be encouraged. The clustering or grouping of above-ground infrastructure, will be considered where possible, to minimize visual impacts.

6.5.5.2.3 The following urban design policies will apply to development within the *Extended Commercial* land use designation on Schedule "O-1", Land Use Plan:

- i) Buildings will be constructed at the street-line, where possible, to establish a defined street edge;
- ii) The development of a landmark mid-rise building on the north-west corner of Chatham Street and Dundurn Street South will be encouraged as an eastern gateway into the District;
- iii) Parking areas will be located in the side or rear yards; and,
- iv) Buildings will be well-designed and will be a maximum of 6 storeys in height.

6.5.5.3 Views and Vistas

Existing significant views and vistas contribute to the unique identity and character of the Innovation District. They will be protected by careful placement of building mass within a well integrated network of open spaces which is sensitive to the context and natural amenities of the surrounding area.

6.5.5.3.1 The following significant view corridors, as identified on Schedule "O-2", Design Elements, will be maintained and enhanced, where possible:

- i) The view corridor to the Niagara Escarpment south from Longwood Road South;
- ii) The view corridor south through the Chedoke Creek Valley towards the Escarpment; and,
- iii) The view corridor southeast from Longwood Road South to the Escarpment.

6.5.5.3.2 The design of buildings will be encouraged to maintain the view toward the Escarpment, and buildings will be appropriately scaled in relation to the adjacent built form.

6.5.5.3.3 A landscaped buffer will be provided adjacent to the Canadian Pacific Railway to buffer and filter views of development within the Innovation District from local residential streets.

6.5.5.4 Connections and Linkages

Connections and linkages will contribute to the development of a pedestrian, bicycle and transit friendly environment within the Innovation District and provide improved access to surrounding neighbourhoods and the Hamilton Nature Trail System.

6.5.5.4.1 Public street improvements to enhance pedestrian movement will be in accordance with recommendations provided in the approved Kirkendall Neighbourhood Traffic Management Study and an approved Streetscape Master Plan, and may include the following elements:

- i) A continuous public sidewalk network, including Urban Braille for high pedestrian traffic areas adjacent to roadways;
- ii) Landscaped boulevards and street trees;
- iii) Enhanced pedestrian crossings and control at intersections and abutting publicly accessible space areas;

- iv) Pedestrian-scale lighting and other street furniture;
- v) Transit shelters and street furniture; and,
- vi) Installation of public art.

6.5.5.4.2 Entrance features will be addressed through Site Plan Approval in accordance with an approved Streetscape Master Plan and will be located at the following key intersections as identified on Schedule "O-2", Design Elements:

- i) Longwood Road South at Aberdeen Avenue, including any future traffic roundabout;
- ii) Lands adjacent to the south side of the Longwood Road Bridge;
- iii) Chatham Street at Dundurn Street South; and,
- iv) Frid Street at Main Street West.

6.5.5.4.3 Entrance features may consist of publicly accessible open space areas with street furniture, distinctive signage, public art installations such as statues or sculptures, and landscaping or a combination of these elements to develop the area's visual identity and a unique sense of place. The use of public art will be encouraged and will be administered by the City's Public Art Coordinator.

6.5.5.4.4 The provision of landscaped publicly accessible spaces for passive recreation, storm water management purposes, and in conjunction with entrance features will be encouraged at appropriate locations as generally identified on Schedule "O-2", Design Elements and will be addressed through the Site Plan Approval process.

6.5.5.4.5 Landscaped publicly accessible spaces for passive recreation and enjoyment will be encouraged to locate adjacent to buildings in which there are ground floor supportive commercial uses.

6.5.6 Transportation

6.5.6.1 The Transportation System will include public and private roads, a bicycle network, the City's public transit system, and sidewalks.

6.5.6.2 Longwood Road South, Chatham Street and Frid Street will function as the principle transportation routes for the Innovation District. These routes will be developed with high quality streetscaping in accordance with the Kirkendall Neighbourhood Traffic Management Study and an approved

Streetscape Master Plan. In accordance with the Study and Plan mentioned above, the following elements may be included:

- i) Wide sidewalks with decorative banding; street furniture and lighting;
- ii) Tree planting to create a landscaped canopy along the boulevards;
- iii) Bicycle lanes;
- iv) Pedestrian crossings to access publicly accessible amenity spaces;
- v) Identifiable entrance features south of the Longwood Road Bridge and at Aberdeen Avenue; and,
- vi) Transit features.

6.5.6.3 The redevelopment of property located at 606 Aberdeen Avenue (Samee/Hamilton Metals) will require a traffic study to review the adequacy of vehicular access to and from Aberdeen Avenue.

6.5.6.4 The provision of connecting publicly accessible amenity areas east and west of Longwood Avenue South as identified on Schedule "O-2", Design Elements will be considered prior to the planned improvements of Longwood Road south.

6.5.6.5 All transportation improvements will be in accordance with the recommendations of the Kirkendall Neighbourhood Traffic Management Study except for the Frid Street extension. The Frid Street Extension will be subject further study

Frid Street

6.5.6.6 The east and west sides of the West Hamilton Innovation District will be connected by a future road from Longwood Road South to the intersection of Frid Street and Chatham Street.

6.5.6.7 The right-of-way width for the Frid Street Extension will not exceed 23 metres.

Bicycle Network

6.5.6.8 A bicycle network will be established by the City as a future capital project to incorporate public streets in accordance with the West Hamilton Bicycle

Network Review and the City approved Kirkendall Neighbourhood Traffic Management Study.

Public Transit

- 6.5.6.9 New local public transit services will be consistent with the Council-approved Transit Ridership Growth Plan and will be determined by the Transit Division, in consultation with relevant stakeholders within the District and adjacent neighbourhoods.
- 6.5.6.10 Street furniture and transit shelters to encourage transit ridership will be provided at appropriate locations along future transit routes.
- 6.5.6.11 Connecting walkways and building entrances should be coordinated with the sidewalk network to minimize walking distances to transit stops.

Future Public Streets

- 6.5.6.12 Future public streets will be developed through the development approval process and will be designed to accommodate two lanes of traffic, an on-street bicycle network, on-street parking along one or both sides of the street and pedestrian sidewalks on both sides of the street with an ultimate right-of-width of 20-23 metres.

Aberdeen/Longwood Intersection

- 6.5.6.13 A potential traffic roundabout at the intersection of Aberdeen Avenue and Longwood Road South will be investigated by the City of Hamilton in consultation with adjacent landowners, applicable agencies and the Ministry of Transportation.

6.5.7 Servicing

- 6.5.7.1 The servicing of lands west of Chedoke Creek will proceed in accordance with an Area Specific Master Servicing Plan, approved by the City.
- 6.5.7.2 Any sewer construction that is required to service the lands west of Chedoke Creek will consist of a separate sanitary sewer and storm sewer system for construction within the City-owned road allowance. New combined sewers will not be permitted. Easements will be dedicated to the City, if required, to facilitate trunk works to provide adequate services in this area.
- 6.5.7.3 Innovative servicing technologies to improve storm water management such as green roofs, gray water recycling in accordance with the Waterworks By-law for cross connections and bio-retention facilities will be

encouraged in building design, where practical, and in accordance with an approved Area Specific Master Servicing Plan and Ministry of the Environment guidelines. Any external wastewater to be conveyed through the area will be reviewed through the Area Specific Master Servicing Plan.

6.5.7.4 Storm water ponds which can be integrated into the design of publicly accessible open space areas will be encouraged, where appropriate.

6.5.8 Hazard and Conservation Regulated Lands

6.5.8.1 The Hamilton Conservation Authority (HCA) regulates the Chedoke Creek, the adjacent valley slopes and setbacks from the top of bank, as identified on Schedule "O-1", Land Use Plan and Schedule "O-2", Design Elements. Any development which includes construction, fill placement and removal, and/or re-contouring and re-grading for lands located within the HCA regulated area identified on Schedule "O-1", Land Use Plan will be subject to the requirements of the Hamilton Conservation Authority.

6.5.8.2 Development on lands adjacent to Chedoke Creek will be subject to storm water quality and quantity controls in accordance with the Ministry of Environment's requirements and enhanced landscaping using native species, where required, to the satisfaction of the City of Hamilton and the Hamilton Conservation Authority.

6.5.9 Implementation

6.5.9.1 Contaminated sites will require a Record of Site Condition as a requirement of development approval, prior to building permit issuance in accordance with Ministry of the Environment Guidelines in order to permit sensitive uses as regulated by the Ministry of the Environment.

6.5.9.2 The City will prepare an enhancement to the ERASE (Environmental Remediation and Site Enhancement) Community Improvement Plan (CIP) and the development of an Implementation Strategy specifically for the West Hamilton Innovation District that will encourage the redevelopment of this area. Additional financial incentives for initiatives such as LEED (Leadership in Energy and Environmental Design) certification will complement the existing incentives for brownfield remediation and serve as a catalyst for the transformation of the West Hamilton Innovation District to an economic hub of research and development activity.

6.5.9.3 The City will prepare a 10 year Capital Budget Improvement Plan to identify, rank and co-ordinate the public improvements required for the West Hamilton Innovation District which may include associated Environmental Assessment works, enhanced pedestrian walkways,

gateway features, public art and similar improvements, through the following:

- i) Short, medium and long-term capital projects arising from this plan;
- ii) Cost estimates for the capital projects identified above; and,
- iii) Special studies and projects arising from this plan, including timing for their completion and their estimated cost.

6.5.9.4 The City will incorporate capital projects and additional studies arising from this Plan into the municipal budgeting process.

6.5.9.5 The City will prepare a Streetscape Master Plan for Longwood Road, Frid Street and Chatham Street west of Dundurn Street South and Aberdeen Avenue west of Studholm Drive, in consultation with the public.

6.5.9.6 The City will undertake a comprehensive traffic study to review the function, capacity, and alignment of the intersections of Main Street West with Frid Street, Highway 403 ramp and Dundurn Street South.

6.5.9.7 The City will provide new Zoning By-law regulations to implement the aforementioned Official Plan policies for the West Hamilton Innovation District."

Implementation:

An implementing Zoning By-law will give effect to this Amendment.

This is Schedule '1' to By-law No. _____ passed on the XXrd day of XXXXXX, 2007.

The
City of Hamilton

Mayor

City Clerk

