



**City of Hamilton**  
**PLANNING COMMITTEE REVISED**

**Meeting #:** 18-007  
**Date:** May 1, 2018  
**Time:** 9:30 a.m.  
**Location:** Council Chambers, Hamilton City Hall  
71 Main Street West

Ida Bedioui, Legislative Coordinator (905) 546-2424 ext. 4605

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	<b>Pages</b>
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8.1	Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 1518, 1530, and 1540 Upper Sherman Avenue, Hamilton (Ward 7) (PED18086)	240
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8.2	Hamilton Municipal Heritage Committee Report 18-004	314

## 9. MOTIONS

## 10. NOTICES OF MOTION

## 11. GENERAL INFORMATION / OTHER BUSINESS

### 11.1 Outstanding Business List

- 11.1.a Item Identified as completed to be removed:  
Item “F” – Deferral of Item 5 of HMHC Report 15-005 proposing inclusion of 1021 Garner Rd E on register of properties of cultural heritage value or interest to allow consultation with property owner and to correct wording. (Item 8.2 on this agenda.)

## 12. PRIVATE AND CONFIDENTIAL

- 12.1 Appeal of Non-Decision of Proposed Urban Hamilton Official Plan (UHOP) Amendment and Zoning By-law Amendment for lands located at 1117 Garner Road East, Ancaster (LS17011(a)/PED17066(a)) Ward 12 (Distributed under separate cover.)  
*Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (e) and (f) of the Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City and the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.*

## 13. ADJOURNMENT



## **PLANNING COMMITTEE**

### **MINUTES 18-006**

**9:30 a.m.**

**Tuesday, April 17, 2018**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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**Present:** Councillors A. Johnson, (Chair), J. Farr (1<sup>st</sup> Vice-Chair), C. Collins, M. Pearson, B. Johnson, D. Skelly, R. Pasuta and J. Partridge

**Absent with**

**Regrets:** Councillor D. Conley (2<sup>nd</sup> Vice Chair), illness  
Councillor M. Green, personal

**Also Present:** Councillor L. Ferguson

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#### **THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:**

- 1. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (City Wide) (PED18087) (Item 5.1)**

**(Skelly/Pearson)**

That Report PED18087 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications be received.

**CARRIED**

- 2. Application for Amendment to Zoning By-law No. 6593 for Lands Located at 500 Upper Wellington Street, Hamilton (Ward 7) (PED18079) (Item 6.1)**

**(Pearson/Skelly)**

- (a) That Amended Zoning By-law Application ZAC-17-061, by BFM Foundation Real Estate Management (Garry Glasbergen and Frank Oostdyk, Owner), for a change in zoning from the "C" (Urban Protected Residential, etc.) District (Block 1) and the "H" (Community Shopping and Commercial, etc.) District (Block 2) to the "H/S-1759" (Community Shopping and Commercial, etc.) District, Modified, in the City of Hamilton Zoning By-law No. 6593, to permit the phased redevelopment of the existing thrift store for commercial uses on lands located at 500 Upper

Wellington Street (Hamilton), as shown on Appendix “A” to Report PED18079, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED18079, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
  - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan.
- (b) That approval be given for a change in zoning from the Mixed Use – Medium Density, Pedestrian Focus (C5a) Zone to the Mixed Use – Medium Density, Pedestrian Focus (C5a, 685) Zone in the Hamilton Zoning By-law No. 05-200, to permit the phased redevelopment of the existing thrift store on lands located at 500 Upper Wellington Street (Hamilton), as shown on Appendix “A” to Report PED18079, subject to the following:
- (i) That the draft By-law, attached as Appendix “C” to Report PED18079, be held in abeyance until such time as the Commercial and Mixed Use Zones are in force and effect; and,
  - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “C” to Report PED18079, for enactment by City Council, once the Commercial and Mixed Use Zones are in force and effect;
- (c) ***That the public submissions received regarding this matter did not affect the decision.***

**Main Motion, as Amended, CARRIED**

**3. Modifications to the Existing Residential “ER” Zone in the Town of Ancaster Zoning By-law No. 87-57 - Redevelopment in Mature Neighbourhoods (Ancaster) (Ward 12) (PED18036(a)) (Public meeting held March 20, 2018) (Item 5.3) (Item 8.1)**

**(Collins/A. Johnson)**

- (a) That the information contained in Report PED18036(a) (City Initiative CI-18-A) to amend the Existing Residential “ER” Zone regulations in the Town of Ancaster Zoning By-law No. 87-57, to address the redevelopment of single detached dwellings in mature neighbourhoods, be received;
- (b) That City Initiative CI-18-A to amend the Existing Residential “ER” Zone regulations in the Town of Ancaster Zoning By-law No. 87-57, to address the redevelopment of single detached dwellings in mature neighbourhoods, as amended, be APPROVED on the following basis:

- (i) That the Draft By-law, attached as Appendix “B” to Report PED18036(a), which has been prepared in a form satisfactory to the City Solicitor, **be amended to permit a maximum lot coverage of 35 percent for two-storey dwellings on lots with an area less than or equal to 1,650 square metres**, and be enacted by Council;
  - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (PPS) 2014, conforms to the Growth Plan for the Greater Golden Horseshoe, 2017 (P2G), and complies with the Urban Hamilton Official Plan;
  - (iii) That in accordance with Subsection 34(17) of the *Planning Act*, no additional public meeting notice is required.
- (c) That approval be given to amend Site Plan Control By-law No.15-176 to include single detached dwellings, as well additions, accessory structures, and decks for lands located in the established residential areas of Ancaster (“ER” zoned lands) attached as Appendix “C” to Report PED18036(a):
- (i) Relabel the three maps for the Beach strip from Schedule “B” of By-law No. 15-176 to “B1”, “B2” and “B3”;
  - (ii) Delete and replace Section 9.3 of By-law No. 15-170 as follows:
    - “9.3 any single detached dwelling, duplex dwelling and semi-detached dwelling, including accessory buildings and structures, decks, and additions, for lands located:
      - (i) east and west of Beach Boulevard, as shown on the maps attached to and forming part of this by-law as Schedules "B1" to “B3”;
      - (ii) in certain residential areas of Ancaster, as shown on the maps attached to and forming part of this by-law as Schedules "C1" to “C13”.”
  - (iii) Add 13 new Schedules (“C1” to “C13”) to By-law No. 15-176 identifying the area in Ancaster to which site plan control applies to any single detached dwelling, duplex dwelling and semi-detached dwelling, including accessory buildings and structures, decks, and additions.
- (d) That the Tariff of Fees By-law No. 12-282 be amended to establish a new fee of \$5,000 for a Site Plan Control By-law Application for the “ER” Zoned lands in Ancaster.

- (e) That a minimum refundable deposit of \$10,000 for performance securities indexed annually to the Consumer Price Index, in the form of a Letter of Credit or cash, be required as part of a Site Plan Control Application.
- (f) That any Building Permit Application received prior to April 26, 2018 be exempt from Site Plan Control, provided the permit is issued within 6 months of the effective date, unless already required by Section 9.1, 9.2, or 9.4 to 9.12 of Site Plan Control By-law No. 15-176;
- (g) ***That the public submissions received regarding this matter affected the decision by supporting the approval of the by-law amendments.***

**Main Motion, as Amended, CARRIED**

**4. Hess Village Paid Duty Policing (PED18081) (City Wide) (Outstanding Business List Item) (Item 8.2)**

**(Farr/Collins)**

WHEREAS; as indicated on page 5 of 7 in report PED18081, staff confirm that, "The cost for city staff to administer the current Paid Duty Policing Program exceeds the cost paid by the Hess Village Entertainment District licence holders;"

WHEREAS; if the 2018 Hess Village operators' portion of the Paid Duty fees (approximately 50k) was funded one-time through the Tax Stabilization Reserve, the City of Hamilton would not have to incur much greater costs related to administrative functions from the Hamilton Police Service, Corporate Services (Finance), Legal Services, Licensing and By-Law Services (enforcement, suspensions and tribunal preparation) and Councillors on the Tribunal would no longer be focused on the collection of fees for Paid Duty Policing;

THEREFORE, BE IT RESOLVED:

- (a) That the Hess Village licence holders' portion of the 2018 Paid Duty fee of approximately 50k be funded one-time from the Tax Stabilization Reserve;
- (b) That this portion of the Paid Duty fee be referred to the City of Hamilton and the Hamilton Police Service's 2019 budget process;
- (c) That Schedule 21 of the Business Licensing By-law 07-170 be amended to reflect the above changes respecting the Paid Duty Policing and the amending by-law, prepared in a form satisfactory to the City Solicitor, be presented to Council for enactment.

**CARRIED**

**5. GRIDS 2 and Municipal Comprehensive Review – Work Plan and Consultation Update (City Wide) (PED17010(b)) (Item 8.3)**

**(B. Johnson/Pasuta)**

That Report PED17010(b)) respecting GRIDS 2 and Municipal Comprehensive Review – Work Plan and Consultation Update (City Wide) (PED17010(b)) be received.

**CARRIED**

**6. Significant Municipal Planning Initiatives Before the Ontario Municipal Board (now the Local Planning Appeals Tribunal) (Item 9.1)**

**(Collins/Farr)**

WHEREAS the Province has introduced a new legislative process for appeals of land use planning matters;

WHEREAS the transition regulations for the new process are such that a number of “legacy” Planning Act matters will still be heard under the former Ontario Municipal Board process;

WHEREAS these “legacy” matters include appeals of significant municipal planning initiatives, such as Hamilton’s Commercial and Mixed Use Zoning By-law as well as other municipally-initiated Planning Act applications;

WHEREAS the hearing of these appeals will be delayed as a result of the new appeal process, thereby delaying when these important municipal planning initiatives can come into force and effect;

THEREFORE, BE IT RESOLVED:

- (a) That the City of Hamilton urge the Province and the Environment and Lands Tribunals Ontario to prioritize municipally-initiated matters for expedited hearings where these matters remain subject to the old Ontario Municipal Board process;
- (b) That the City of Hamilton urge the Province to provide the necessary resources to the Local Planning Appeals Tribunal to ensure that these municipally-initiated matters that are identified by the municipality for expedited hearings are dealt with as quickly as possible.

**CARRIED**

**7. Official Plan Amendment and Zoning By-law Amendment for the Downtown Hamilton Secondary Plan (Wards 2 and 3) (PED18074) (Item 13.1)**

**(Farr/Collins)**

- (a) That approval be given to Official Plan Amendment (OPA) No. XX to the Urban Hamilton Official Plan (UHOP) to amend policies, schedules and maps, to implement up-to-date mapping and policies for Downtown Hamilton, the lands bound by Cannon Street to the north, Victoria Avenue to the east, Hunter Street to the south and Queen Street to the west and the properties fronting onto James Street North from Cannon Street to the West Harbour GO Station and fronting onto James Street South from Hunter Street to Charlton Avenue, on the following basis:
- (i) That the Draft Official Plan Amendment, attached as Appendix “B” to Report PED18074, be adopted by Council; and,
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) 2014, and conforms to Growth Plan for the Greater Golden Horseshoe, 2017 (P2G).
- (b) That the West Harbour (Setting Sail) Secondary Plan (2012), in the City of Hamilton Official Plan, be amended to remove lands as shown on Appendix “C” to Report PED18074;
- (c) That City-initiated Zoning By-law Amendment to facilitate the implementation of the Downtown Secondary Plan to delete the Downtown Local Commercial (D4) Zone, delete the Downtown Central Business District (D1) Zone, Downtown Prime Retail Streets (D2) Zone and Downtown Residential (D5) Zone and replace with the Downtown Central Business District (D1) Zone, Downtown Mixed Use – Pedestrian Focus (D2) Zone and Downtown Residential (D5) Zone respectively, to add Section 13.2 Utility (U2) Zone, to add lands, to add and amend special exceptions, to amend parking provisions, to amend general provisions, and other administrative sections of Zoning By-law 05-200 to implement the revisions to the Downtown Zones, be APPROVED on the following basis:
- (i) That the Draft By-law, attached as Appendix “D” to Report PED18074 which has been prepared in a form satisfactory to the City Solicitor, ***be amended to include the following:***

***“Notwithstanding any other provisions of this By-law, parking spaces located within any Downtown Zone and approved or subject to a Formal Consultation or Development Application after May 25, 2005 and prior to the effective date of this By-law, be recognized and deemed to comply with the Zoning By-law***

***regulations in terms of length, width and are permitted by this By-law.”,***

and be enacted by Council; and,

- (ii) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. \_\_\_\_.
- (d) That the Downtown Hamilton Tall Building Study and Guidelines, attached as Appendix “E” to Report PED18074, be approved;
- (e) That the Downtown Shadow Impact Study Terms of Reference, Pedestrian Level Wind Study Terms of Reference, and Visual Impact Assessment Study Terms of Reference, attached as Appendix “F” to Report PED18074, be approved;
- (f) That upon final approval of the Draft Zoning By-law amendment staff be directed and authorized to incorporate the Heritage Character Zone Design Guidelines, Shadow Impact Study Terms of Reference, Visual Impact Assessment Terms of Reference, and Pedestrian Level Wind Study Terms of Reference into the Site Plan Guidelines;
- (g) That the Lansdale and Stinson Neighbourhood Plans be amended to remove the lands from the Neighbourhood plans that are within the Downtown Secondary Plan boundaries; and,
- (h) That the Director, Planning and Chief Planner be authorized to designate an area or specific site as a Class 4 Area in accordance with the NPC-300 for lands within the Downtown Hamilton Secondary Plan where a noise study required as a condition of development approval recommends that an area be Class 4 and a noise study has been approved by the Director, Planning and Chief Planner.
- (i) ***That the public submissions received regarding this matter supported the approval of the proposal with amendments.***

**Main Motion, as Amended, CARRIED**

**FOR INFORMATION:**

**(a) APPROVAL OF THE AGENDA (Item 1)**

The Committee Clerk advised of the following changes:

**1. ADDED DELEGATION REQUESTS**

- 4.5 Kim Zanello, 15 Ridgemount Drive, to ask the City to oppose the OMB (now LPAT) appeal from Sonoma Homes for 1518-1540 Upper Sherman Avenue (For future meeting) (Copy attached)
- 4.6 Brenda Khes, GSP Group, on behalf of 20 Miller Drive, Ancaster, respecting Item 8.1, Modifications to the Existing Residential “ER” Zone in the Town of Ancaster Zoning By-law No. 87-57 - Redevelopment in Mature Neighbourhoods (Ancaster) (Ward 12) (PED18036(a)) (For today’s meeting)
- 4.7 Shawn Murray, 127 Cayuga Avenue, Ancaster, respecting Item 8.1, Modifications to the Existing Residential “ER” Zone in the Town of Ancaster Zoning By-law No. 87-57 - Redevelopment in Mature Neighbourhoods (Ancaster) (Ward 12) (PED18036(a)) (For today’s meeting)

**2. ADDED WRITTEN COMMENTS**

The following added written comments have been received respecting Item 8.1, Modifications to the Existing Residential “ER” Zone in the Town of Ancaster Zoning By-law No. 87-57 - Redevelopment in Mature Neighbourhoods (Ancaster) (Ward12) (PED18036(a)):

- 8.1(d) Brenda Khes, GSP Group, on behalf of 20 Miller Drive, Ancaster
- 8.1(e) Ramon Akiopkian, 137 and 138 Valleyview Drive, Ancaster

**3. REVISED MOTION**

- 9.1 Significant Municipal Planning Initiatives Before the Ontario Municipal Board (now the Local Planning Appeals Tribunal) (Copy attached.)

**4. REVISED OUTSTANDING BUSINESS LIST:**

- (a) Items requiring new due dates:

Item “H” – ACPD Report 16-002 – Re: financial incentives for taxi operators to make replacement vehicles accessible  
Due date: April 17, 2018  
New due date: May 15, 2018

Item “I” – That staff be directed to present to the Planning Committee an updated digital sign by-law.  
Due date: April 17, 2018

New due date: June 5, 2018

Item “J” – That staff be directed to report back on how to revise Council’s current policy respecting OMB appeals for non-decision to ensure the public has the opportunity to provide input.

Due date: April 17, 2018

New due date: June 19, 2018

Item “K” – That staff report to the Planning Committee on a proposed scope and terms of reference for a consultant assignment to undertake the Kirkendall Neighbourhood Strategy in collaboration with the Kirkendall Neighbourhood Association.

Due date: April 17, 2018

New due date: June 19, 2018

Item “L” - That Staff report back to Committee following consultation with the Alleyway Management Strategy Working Group on a process for including appropriate permissions for laneway housing as part of the review and update of the City’s Residential Zoning By-law planned for 2017-2018.

Due date: April 17, 2018

New due date: June 19, 2018

Item “W” – Update re: Losani OMB appeal and sign variance application appeal.

Due date: April 17, 2018

New due date: June 19, 2018

(b) Item identified as complete to be removed:

Item “S” – Staff to report back on Class 4 Noise receptor status for Downtown Secondary Plan and/or broader city-wide policy.  
(Item 13.1 on this agenda)

## **5. REVISED APPENDICES AND ADDED WRITTEN COMMENTS:**

13.1 Official Plan Amendment and Zoning By-law Amendment for the Downtown Hamilton Secondary Plan (Wards 2 and 3) (PED18074)

Sections of Appendices “B”, “D” and “F” have been revised. Copies have been distributed on white paper and staff will provide an overview of the revisions in their presentation. In addition, a new clause has been added to the by-law in Appendix “D”.

13.1(e) Petition from People’s Plan for Downtown

13.1(f) Kyle Bittman, Coletara Development, respecting 15 Queen Street South

- 13.1(g) Glenn Wellings, Wellings Planning Consultants Inc., respecting 71 Rebecca Street
- 13.1(h) Beth Molnar, Property Manager, Aragon Properties
- 13.1(i) Bill Johnston, 17 Witherspoon Street, Dundas
- 13.1(j) Jeff de Bruin, resident of Downtown Hamilton
- 13.1(k) Sergio Manchia and Matt Johnston, UrbanSolutions Planning & Land Development Consultants Inc.
- 13.1(l) Matt Johnston, UrbanSolutions Planning & Land Development Consultants Inc., respecting 71 Rebecca Street
- 13.1(m) Matt Johnston, UrbanSolutions Planning & Land Development Consultants Inc., on behalf of 80 John Street North
- 13.1(n) Sergio Manchia and Matt Johnston, UrbanSolutions Planning & Land Development Consultants Inc. on behalf of 44 Hughson Street South, 75 James Street South and 9 Jackson Street East
- 13.1(o) Sergio Manchia and Matt Johnston, UrbanSolutions Planning & Land Development Consultants Inc. on behalf of 154 Main Street East & 49 Walnut Street South
- 13.1(p) Sarah Kovacs, Central Neighbourhood Association
- 13.1(q) Rick Yates, President - 2478845 Ontario Inc., respecting 154 and 156 Cannon Street
- 13.1(r) Scott Patterson, Labreche Patterson & Associates Inc., respecting 107 MacNab Street North, Copley
- 13.1(s) Christopher Redmond, President, Durand Neighbourhood Association on behalf of the Association's Board of Directors
- 13.1(t) Gabriel Zelea, respecting 156 Sanford Avenue South and 12 Fairholt Avenue South
- 13.1(u) Bryan Dykstra, Partner, Blacks Point Development Inc., respecting 107 MacNab Street North, Copley
- 13.1(v) Franz Kloibhofer, A. J. Clarke and Associates Ltd, Respecting 206-208 King Street West
- 13.1(w) Ian P. Ladd, Chief Executive Officer, CARSTAR LC Group, respecting 154 and 156 Cannon Street East, 124 Ferguson Avenue North and 66 Kelly Street

**(B. Johnson/Partridge)**

That the agenda for the April 17, 2018 meeting be approved, as amended.

**CARRIED**

**(b) DECLARATIONS OF INTEREST (Item 2)**

There were none declared.

**(c) APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 3)****(i) April 3, 2018 (Item 3.1)****(Skelly/Farr)**

That the Minutes of the April 3, 2018 meeting be approved.

**CARRIED****(d) DELEGATION REQUESTS (Item 4)****(Pearson/Partridge)**

(a) That the following delegation requests be approved to address Committee at a future meeting:

- 4.1 Mayor Ted Comiskey, Town of Ingersoll, to speak concerning the Demand the Right Campaign which is to promote municipalities gaining the right to say yes or no to proposed landfill projects within their boundaries.
- 4.2 Doug Lockhart, 108 Chamomile Drive, Hamilton to speak to the staff report regarding the Sonoma Homes' appeal to the OMB (now LPAT) respecting 1518 – 1540 Upper Sherman Avenue.
- 4.3 Bob Huget, 225 Acadia Drive, to address Committee when the report regarding the Sonoma Homes' appeal to the OMB (now LPAT) respecting 1518 – 1540 Upper Sherman Avenue is on the agenda.
- 4.5 Kim Zanello, 15 Ridgemount Drive, to ask the City to oppose the OMB (now LPAT) appeal from Sonoma Homes for 1518-1540 Upper Sherman Avenue.

(b) That the following delegation requests be approved to address Committee at today's meeting:

- 4.4 Ron Sebastian, to present information respecting the proposed changes to the Existing Residential "ER" Zone in the Town of Ancaster Zoning By-law No. 87-57, Item 8.1.
- 4.6 Brenda Khes, GSP Group, on behalf of 20 Miller Drive, Ancaster, respecting Item 8.1, Modifications to the Existing Residential "ER" Zone in the Town of Ancaster Zoning By-law No. 87-57 - Redevelopment in Mature Neighbourhoods (Ancaster) (Ward 12) (PED18036(a)).
- 4.7 Shawn Murray, 127 Cayuga Avenue, Ancaster, respecting Item 8.1 titled Modifications to the Existing Residential "ER" Zone in the

Town of Ancaster Zoning By-law No. 87-57 - Redevelopment in Mature Neighbourhoods (Ancaster) (Ward 12) (PED18036(a)).

**CARRIED**

**(e) DELEGATIONS/PUBLIC HEARING (Item 6)**

**(i) Application for Amendment to Zoning By-law No. 6593 for Lands Located at 500 Upper Wellington Street, Hamilton (Ward 7) (PED18079) (Item 6.1)**

In accordance with the provisions of the *Planning Act*, Chair A. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

Stuart Hastings and Brenda Khes of GSP Group, and the owner Gary Glasbergen were in attendance. Stuart Hasting advised that the owner is in agreement with the staff report.

**(Skelly/A. Johnson)**

That the staff presentation be waived.

**CARRIED**

**(Pearson/Skelly)**

***That the recommendations be amended by adding the following subsection (c):***

**(c) *That the public submissions received regarding this matter did not affect the decision.***

***Amendment CARRIED***

For disposition of this matter refer to Item 2.

**(f) DISCUSSION ITEMS (Item 8)**

**(i) Modifications to the Existing Residential “ER” Zone in the Town of Ancaster Zoning By-law No. 87-57 - Redevelopment in Mature Neighbourhoods (Ancaster) (Ward 12) (PED18036(a)) (Public meeting held March 20, 2018) (Item 8.1)**

**(Farr/Pearson)**

That the following written comments be received:

8.1(a) Ilango Thirumoorthi

8.1(b) Jesse Wilson, Project Director, S R Architecture Inc.

8.1(c) Drew Bellenie on behalf of Andree Bellenie, 773 Montgomery Drive

8.1(d) Brenda Khes, GSP Group, on behalf of 20 Miller Drive, Ancaster

8.1(e) Ramon Akiopekian, 137 and 138 Valleyview Drive, Ancaster

**CARRIED**

Alana Fulford, Planner, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. A copy is available for viewing on the City's website.

**(Pearson/Partridge)**

That the staff presentation be received.

**CARRIED**

Ward Councillor Ferguson was in attendance and spoke to this matter.

**Speakers**

**1. Ron Sebastian**

Ron Sebastian addressed Committee with the aid of a PowerPoint presentation which is available for viewing on the City's website. He indicated his support for the proposed regulations.

**2. Brenda Khes, GSP Group, on behalf of 20 Miller Drive, Ancaster**

Brenda Khes of GSP Group addressed Committee on behalf of 20 Miller Drive. In response to her delegation, staff confirmed that 20 Miller Drive, which is the Maple Lane School site, is exempt from the "ER" Zone.

**3. Shawn Murray, 127 Cayuga Avenue, Ancaster**

Shawn Murray addressed Committee and indicated that the proposed reduction to the maximum lot coverage for two storey dwellings is not fair.

**(Collins/Pearson)**

That the delegations be received.

**CARRIED**

Chair A. Johnson relinquished the Chair and Councillor Skelly assumed the Chair.

**(Collins/A. Johnson)**

*That the recommendations be amended:*

**(a)** *To permit a maximum lot coverage of 35 percent for two-storey dwellings on lots with an area less than or equal to 1,650 square metres;*

**(b)** *By adding the following subsection (g):*

**(g)** *That the public submissions received supported the approval of the zoning amendments.*

**Amendment CARRIED**

Chair A. Johnson assumed the Chair.

For disposition of this matter refer to Item 3.

**(ii) Hess Village Paid Duty Policing (PED18081) (City Wide) (Outstanding Business List Item) (Item 8.2)**

**Speakers**

**1. Dean Collette, representing the Hess Village Merchants**

Dean Collette addressed Committee and spoke against the staff recommendations that the merchants share the costs of the Paid Duty Policing fees.

**(Skelly/Farr)**

That the delegation be received.

**CARRIED**

**2. Sean Baird, representing the George Street Merchant Association**

Sean Baird addressed Committee and spoke against the staff recommendation that the merchants be required to share the cost of the Paid Duty Policing fees.

**(Partridge/Pearson)**

That the delegations be received.

**CARRIED**

For disposition of this matter refer to Item 4.

**(g) GENERAL INFORMATION/OTHER BUSINESS (Item 11)**

**(i) OUTSTANDING BUSINESS LIST:**

**(Skelly/Collins)**

**(a) That the following new due dates be approved:**

Item "H" – ACPD Report 16-002 – Re: financial incentives for taxi operators to make replacement vehicles accessible

Due date: April 17, 2018

New due date: May 15, 2018

Item "I" – That staff be directed to present to the Planning Committee an updated digital sign by-law.

Due date: April 17, 2018

New due date: June 5, 2018

Item "J" – That staff be directed to report back on how to revise Council's current policy respecting OMB appeals for non-decision to ensure the public has the opportunity to provide input.

Due date: April 17, 2018

New due date: June 19, 2018

Item "K" – That staff report to the Planning Committee on a proposed scope and terms of reference for a consultant assignment to undertake the Kirkendall Neighbourhood Strategy in collaboration with the Kirkendall Neighbourhood Association.

Due date: April 17, 2018

New due date: June 19, 2018

Item "L" - That Staff report back to Committee following consultation with the Alleyway Management Strategy Working Group on a process for including appropriate permissions for laneway housing as part of the review and update of the City's Residential Zoning By-law planned for 2017-2018.

Due date: April 17, 2018

New due date: June 19, 2018

Item "W" – Update re: Losani OMB appeal and sign variance application appeal.

Due date: April 17, 2018

New due date: June 19, 2018

**(b) That the following Items be identified as complete and be removed:**

Item “U” – That the appropriate City of Hamilton staff be requested to address the issue of declining establishments paying into the Paid Duty program in Hess Village and report back to the Planning Committee 45 days before the start of the 2018 Paid Duty season with solutions.

(Item 8.2 on this agenda)

Item “S” – Staff to report back on Class 4 Noise receptor status for Downtown Secondary Plan and/or broader city-wide policy.

(Item 13.1 on this agenda)

**CARRIED**

**(h) PRIVATE AND CONFIDENTIAL**

**(i) Closed Session Minutes of the April 3, 2018 Meeting**

**(Skelly/Partridge)**

(a) That the Closed Session Minutes of the April 3, 2018 meeting be approved;

(b) That the Closed Session Minutes of the April 3, 2018 meeting remain private and confidential and restricted from public disclosure.

**CARRIED**

**(i) PUBLIC HEARINGS/DELEGATIONS (Continued) (Item 13)**

**(i) Official Plan Amendment and Zoning By-law Amendment for the Downtown Hamilton Secondary Plan (Wards 2 and 3) (PED18074) (Item 13.1)**

In accordance with the provisions of the *Planning Act*, Chair A. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Official Plan and Zoning By-law Amendments for the Downtown Hamilton Secondary Plan, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

**(Pasuta/Pearson)**

That the following written comments be received:

- 13.1(a) John Boddy
- 13.1(b) Jason Leach
- 13.1(c) Jared Marcus of IBI Group on behalf of the Royal Connaught Inc.
- 13.1(d) Jared Marcus of IBI Group on behalf of Rockwater Group
- 13.1(e) Petition form People's Plan for Downtown
- 13.1(f) Kyle Bittman, Coletara Development, respecting 15 Queen Street South
- 13.1(g) Glenn Wellings, Wellings Planning Consultants Inc., respecting 71 Rebecca Street
- 13.1(h) Beth Molnar, Property Manager, Aragon Properties
- 13.1(i) Bill Johnston, 17 Witherspoon Street, Dundas
- 13.1(j) Jeff de Bruin, resident of Downtown Hamilton
- 13.1(k) Sergio Manchia and Matt Johnston, UrbanSolutions Planning & Land Development Consultants Inc.
- 13.1(l) Matt Johnston, UrbanSolutions Planning & Land Development Consultants Inc., respecting 71 Rebecca
- 13.1(m) Matt Johnston, UrbanSolutions Planning & Land Development Consultants Inc., on behalf of 80 John Street North
- 13.1(n) Sergio Manchia and Matt Johnston, UrbanSolutions Planning & Land Development Consultants Inc. on behalf of 44 Hughson Street South, 75 James Street South and 9 Jackson Street East
- 13.1(o) Sergio Manchia and Matt Johnston, UrbanSolutions Planning & Land Development Consultants Inc. on behalf of 154 Main Street East & 49 Walnut Street South
- 13.1(p) Sarah Kovacs, Central Neighbourhood Association
- 13.1(q) Rick Yates, President - 2478845 Ontario Inc., respecting 154 and 156 Cannon Street
- 13.1(r) Scott Patterson, Labreche Patterson & Associates Inc., respecting 107 MacNab Street North, Copley
- 13.1(s) Christopher Redmond, President, Durand Neighbourhood Association on behalf of the Associations Board of Directors
- 13.1(t) Gabriel Zelea, respecting 156 Sanford Avenue South and 12 Fairholt Avenue South
- 13.1(u) Bryan Dykstra, Partner, Blacks Point Development Inc., respecting 107 MacNab Street North, Copley
- 13.1(v) Franz Kloibhofer, A. J. Clarke and Associates Ltd., Respecting 206-208 King Street West

- 13.1(w) Ian P. Ladd, Chief Executive Officer, CARSTAR LC Group, respecting 154 and 156 Cannon Street East, 124 Ferguson Avenue North and 66 Kelly Street

**CARRIED**

Alissa Mahood, Senior Project Manager, and Shannon McKie, Senior Planner, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. A copy is available for viewing on the City's website. Copies of the hand-out were distributed and a copy has been retained for the public record.

### **Registered Speakers**

**1. Carol Priamo, Beasley Neighbourhood Association**

Carol Priamo of the Beasley Neighbourhood Association addressed Committee with the aid of a PowerPoint presentation which is available for viewing on the City's website. She also provided a hard copy for the public record. She spoke in support of the staff report but expressed some concerns with the building heights.

**2. Cameron Kroetsch, 211 Jackson Street East, Hamilton**

Cameron Kroetsch addressed Committee with the aid of a PowerPoint presentation which is available for viewing on the City's website. He is in favour of the Plan but thinks it needs more work.

**3. Nicole Smith, Kumon Hamilton West End**

Nicole Smith addressed Committee and indicated that more apartments are required in Corktown. More amenities would be needed and infrastructure would need to be improved for the new apartment residents.

**4. Michelle Hruschka, 78 Dundurn Street North**

Michelle Hruschka was not in attendance.

**5. Lynda Lukasik, Environment Hamilton**

Lynda Lukasik addressed Committee with the aid of a PowerPoint presentation which is available for viewing on the City's website. She outlined her concerns with the Plan. She submitted more detailed written comments to the Committee Clerk which is available for viewing on the City's website.

**6. Matias Rozenberg, 87 Wilson Street**

Matias Rozenberg addressed Committee and expressed his concerns with the Plan.

- 7. Kojo Easy Dampley, Afro-Soul Musician & Scholar-Practitioner**  
Kojo Easy Dampley addressed Committee and presented three concerns on behalf of the Hamilton arts community.
- 8. Kyle Bittman, Coletara Development, respecting 15 Queen Street South**  
Kyle Bittman was unable to attend the meeting.
- 9. Glenn Wellings, Wellings Planning Consultants Inc., respecting 71 Rebecca Street**  
Councillor Farr spoke on behalf of Mr. Wellings and indicated that Mr. Wellings has been made aware that his concerns respecting 71 Rebecca Street are best brought before the Committee of Adjustment.
- 10. Susan Creer**  
Susan Creer was unable to attend.
- 11. Lachlan Holmes, Hamilton Forward – An Urban Development Advocacy Group**  
Lachlan Holmes addressed Committee with the aid of a PowerPoint presentation which is available for viewing on the City's website. Hard copies were distributed. He expressed concerns with the height restrictions, setbacks and shadows, and the Wesanford Site Policy.
- 12. Janice Brown, Durand Neighbourhood Association**  
Janice Brown addressed Committee and indicated that Durand Neighbourhood Association is generally in favour of the Plan and asks that the City be mindful in implementing the Plan, to protect the views and to continue with public consultation.
- 13. Matt Johnson, UrbanSolutions Planning & Land Development Consultants Inc.**  
Matt Johnson explained that he no longer needs to speak to this matter.
- 14. Matt Johnson, UrbanSolutions Planning & Land Development Consultants Inc., representing the Hamilton-Halton Home Builders' Association**  
Matt Johnson addressed Committee on behalf of the Hamilton-Halton Home Builders' Association with the aid of a PowerPoint presentation which is available for viewing on the City's website.

He spoke in support of the Plan, however, he asked that the implementation of Section 37 agreements be held in abeyance until the public consultation is completed.

**15. John Ariens, IBI Group, on behalf of Royal Connaught Inc., 84-112 King Street East**

Jared Marcus spoke on behalf John Ariens who had to leave the meeting. He referred to the concerns outlined in the written comments that were submitted on behalf of Royal Connaught Inc.

**16. Jared Marcus, IBI Group, Rock Water Group, 64 Main Street East**

Jared Marcus addressed Committee and referenced the concerns that are outlined in the written comments that were submitted on behalf of Rock Water Group.

**17. Elbert van Donkergoed, Terra Coeur on behalf of Victor Veri, owner of downtown properties**

Elbert van Donkergoed indicated that Victor Veri is in support of the Plan but he is interested in providing short term housing for people who aren't ready to find permanent housing and requested that the proposed permitted uses include more categories.

**18. Leisha Dawson, 129 Bold Street**

Leisha Dawson was unable to attend.

**19. Dave Cherkewski, 160 Wilson Street**

Dave Cherkewski addressed Committee and his concerns included the trucks on Wilson Street and in the downtown and the availability of affordable housing, recreational facilities and green space.

**20. Ute Schmid-Jones, 200 Bay Street South**

Ute Schmid-Jones addressed Committee and indicated that she is a renter and is Hamilton's own Snowflake Lady and recognizes the importance of building infrastructure and of service providers. She proceeded to present an art installation which she calls Been There and Got the T-Shirt.

**21. David Falletta from Bousfields Inc. respecting 163 Jackson Street West**

David Falletta addressed Committee representing 163 Jackson Street West and expressed concerns which were outlined in written comments which he provided and which were distributed. A copy is available for viewing on the City's website.

**22. Barbara Murray, 23 Wood Street East**

Barbara Murray addressed Committee and the concerns that she expressed included the maximum building height, how the buildings will be designed, and heritage preservation.

**23. Joey Coleman, 126 Catherine Street North**

Joey Coleman addressed Committee on behalf of the members of the Executive of the Beasley Neighbourhood Association who had to leave the meeting. He indicated that the Beasley Neighbourhood is the most impacted by this Plan. There needs to be a right balance with development and implementation of the Plan is key.

**24. Rob Fiedler, 78 Simcoe Street East, member of the Beasley Neighbourhood Executive**

Rob Fiedler was able to return to the meeting. He spoke in support of the Plan and says it strikes a good balance and provides a good framework.

**(Johnson/Pearson)**

That the delegations be received.

**CARRIED**

**(Pearson/Pasuta)**

That the public meeting be closed.

**CARRIED**

**(Farr/Collins)**

- (a) That Appendix "D" to Staff Report PED18074 be amended to include the following:**

***"Notwithstanding any other provisions of this By-law, parking spaces located within any Downtown Zone and approved or subject to a Formal Consultation or Development Application after May 25, 2005 and prior to the effective date of this By-law, be recognized and deemed to comply with the Zoning By-law"***

*regulations in terms of length, width and are permitted by this By-law.”*

*(b) That the recommendations be amended by adding the following subsection (i):*

*(i) That the public submissions received supported the approval of the proposal with amendments.*

**Amendment CARRIED**

For disposition of this matter refer to Item 7.

**(j) ADJOURNMENT (Item 14)**

**(Pasuta/Pearson)**

That, there being no further business, the Planning Committee be adjourned at 4:42 p.m.

**CARRIED**

Respectfully submitted,

Councillor A. Johnson  
Chair, Planning Committee

Ida Bedioui  
Legislative Co-ordinator  
Office of the City Clerk

# 4.1

## **Form: Request to Speak to Committee of Council**

Submitted on Monday, April 23, 2018 - 12:58 pm

==Committee Requested==

**Committee:** Planning Committee

==Requestor Information==

**Name of Individual:** Scott Gallea

**Name of Organization:** 1957

**Contact Number:**

**Email Address:**

**Mailing Address:**

1021 garner road

**Reason(s) for delegation request:** asking planning committee to defer designation of 1021 Garner road east Ancaster

**Will you be requesting funds from the City?** No

**Will you be submitting a formal presentation?** No

**Form: Request to Speak to Committee of Council**

Submitted on Friday, April 27, 2018 - 2:37 pm

==Committee Requested==

**Committee:** Planning Committee

==Requestor Information==

**Name of Individual:** Glenn Wellings

**Name of Organization:** Wellings Planning Consultants Inc.

**Contact Number:** 905-681-1769 ext. 1

**Email Address:** [glenn@wellingsplanning.ca](mailto:glenn@wellingsplanning.ca)

**Mailing Address:**

513 Locust Street, Unit B

Burlington, ON L7S 1V3

**Reason(s) for delegation request:**

To speak to Item 8.1 on the May 1st agenda - re Upper Sherman Avenue appeal. Request to speak last after those residents already registered to speak.

**Will you be requesting funds from the City?** No

**Will you be submitting a formal presentation?** No



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Transportation Planning and Parking Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 1, 2018
<b>SUBJECT/REPORT NO:</b>	Adjustments to School Crossing Guard Locations (PED18090) (Wards 2, 4, and 12)
<b>WARD(S) AFFECTED:</b>	Wards 2, 4,12
<b>PREPARED BY:</b>	James Buffett (905) 546-2424 Ext. 3177
<b>SUBMITTED BY:</b>	Marty Hazell Director, Strategic Initiatives Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That the revised list of school crossing guard locations resulting from school closures, openings and lunch program changes in Wards 2, 4, and 12 as outlined in Appendix "A" attached to Report PED18090, be approved;
- (b) That staff be authorized and directed to consult with the affected Ward Councillors and to use delegated authority for adding and / or removing school crossing guards prior to City Council approval for any proposed changes by the Hamilton-Wentworth District School Board and the Hamilton-Wentworth Catholic District School Board for the 2018 / 2019 school year.

### EXECUTIVE SUMMARY

Staff undertakes an annual review of existing school crossing locations and potential school crossing locations to ensure the safe crossing of school aged children on public highways. City Council has delegated authority to staff to assign temporary school crossing guards in emergency situations until such time as Council approvals can be obtained. In addition, in areas where schools were closed / opened or where boundaries or lunch programs have been adjusted, it was necessary to use staff's delegated authority and to have new guards in place during the beginning of the 2017 / 2018 school year.

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**SUBJECT: Adjustments to School Crossing Guard Locations (PED18090) (Wards 2, 4, and 12) - Page 2 of 3**

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This comprehensive review has identified the need to:

- remove one lunch crossing as there are no children crossing at this location;
- add four new locations due to an ongoing construction project, new child walking patterns and a new school opening.

At the beginning of the 2017 / 2018 school year, staff monitored the above locations and consulted with all of the affected Ward Councillors and schools, prior to and after making these changes under delegated authority.

Staff monitored the locations contained in Appendix “A” to Report PED18090 during the last half of the 2016 / 2017 school year, and since the beginning of the 2017 / 2018 school year, and consulted with all affected Ward Councillors prior to making the recommended changes under delegated authority. While staff is confident that the recommended changes are appropriate, all locations will continue to be monitored.

***Alternatives for Consideration – See Page 3***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial / Staffing: The recommended changes will result in a net increase of six crossing guards and approximately \$18,000 annually in expenditures which can be absorbed in the current budget.

Legal: N/A

**HISTORICAL BACKGROUND**

Throughout the 2016 / 2017 school year, and at the beginning of the 2017 / 2018 school year, a comprehensive review of school crossing guard locations across the City was undertaken as a result of school closures / re-openings, boundary changes and lunch program changes initiated by the Hamilton-Wentworth District School Board and the Hamilton-Wentworth Catholic District School Board. The purpose of this review was to assess the feasibility of each school crossing location and potential new locations with respect to changes in child walking patterns and to ensure appropriately situated school crossing guards to provide the safe crossing of children on public highways.

Appendix “A” to Report PED18090 contains a detailed list of the recommended changes to school crossing guard locations in Wards 2, 4, and 12. Staff reviews confirm that the revised crossing guard locations adequately service the current child walking patterns. However, staff will continue to monitor these locations.

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**SUBJECT: Adjustments to School Crossing Guard Locations (PED18090) (Wards 2, 4, and 12) - Page 3 of 3**

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**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

N/A

**RELEVANT CONSULTATION**

In addition to consultation with each affected Ward Councillor, staff of the Hamilton-Wentworth District School Board, the Hamilton-Wentworth Catholic District School Board, various elementary school officials and Parent Councils were also consulted.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

Prior to a school crossing location being recommended, staff undertakes a comprehensive review and, in the event that there are no regular gaps in traffic or where unsafe crossing conditions exist, a school crossing guard may be assigned to a location to provide safe crossing opportunities for elementary school children. Conversely, in utilizing staff in the most effective and fiscally responsible manner, in the event that a comprehensive review determines a guard is no longer warranted, a location may be removed and the guard may be re-assigned to another location.

**ALTERNATIVES FOR CONSIDERATION**

Failure to relocate school crossing guards in accordance with the school closing / re-openings, boundary changes and lunch program changes would result in an ineffective school crossing program and could place the safety of elementary school children crossing public highways in jeopardy.

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN****Healthy and Safe Communities**

*Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.*

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED18090 – 2017 / 2018 Adjustments to School Crossing Guard Locations

JB:lem

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**Adjustments to School Crossing Locations  
 2017 - 2018 School Year**

<b>WARD 2</b>					
<b>Intersection Type</b>	<b>Hours Worked</b>	<b>Crossing Location</b>	<b>Status</b>	<b>Comments</b>	<b>School Serviced</b>
Through	1.65	Mary & Wilson	New Location	Ongoing Road Contructions Project -Temporary	Dr. Davey
All Way	1.65	Forest & Walnut	New Location	N/A	Queen Victoria
<b>WARD 4</b>					
<b>Intersection Type</b>	<b>Hours Worked</b>	<b>Crossing Location</b>	<b>Status</b>	<b>Comments</b>	<b>School Serviced</b>
Through	2.75	Britannia & Weir	Lunch Removal	0 Children Crossing and Principal Approval	W.H Ballard
<b>WARD 12</b>					
<b>Intersection Type</b>	<b>Hours Worked</b>	<b>Crossing Location</b>	<b>Status</b>	<b>Comments</b>	<b>School Serviced</b>
Traffic Circle	1.65	Raymond Dr & Whittington Rd	New Location	2 Guards Added	Tiffany Falls



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
 Planning Division

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 1, 2018
<b>SUBJECT/REPORT NO:</b>	Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 50 John Frederick Drive (Ancaster) (Ward 12) (PED18095)
<b>WARD(S) AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	Michael Fiorino (905) 546-2424 Ext. 4424
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

That **Draft Plan of Condominium Application 25CDM-201708, by WEBB Planning Consultants Inc., on behalf of 1541079 Ontario Inc. (Losani Homes Limited), owner**, to establish a Draft Plan of Condominium (Common Element) to create a condominium road network, sidewalks, landscaped areas, 12 visitor parking spaces, centralized mailboxes and exclusive use common element areas, on lands located at 50 John Frederick Drive (Ancaster), as shown on Appendix "A" attached to Report PED18095, be **APPROVED** subject to the following conditions:

- (a) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-201708 applies to the plan prepared by A.T. McLaren Limited, certified by S. D. McLaren, and dated March 12, 2018, consisting of a condominium road network, sidewalks, landscaped areas, 12 visitor parking spaces, centralized mailboxes and exclusive use common element areas, in favour of 21 townhouse dwelling units attached as Appendix "B" to Report PED18095;
- (b) That the conditions of Draft Plan of Condominium Approval 25CDM-201708, attached as Appendix "C" to Report PED18095, be received and endorsed by City Council.

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**SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 50 John Frederick Drive (Ancaster) (Ward 12) (PED18095) - Page 2 of 12**

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## **EXECUTIVE SUMMARY**

The purpose of the application is to establish a Draft Plan of Condominium (Common Element) to create the following common elements: a private condominium road network, sidewalks, landscaped areas, 12 visitor parking spaces, centralized mailboxes and also exclusive use common element areas in favour of 21 townhouse dwelling units, as approved under final approved Site Plan Control Application DA-16-180. The condominium road will provide access to John Fredrick Drive. The subject lands are being developed as townhouse dwelling units fronting onto a private condominium road. A Part Lot Control Application (File No. PLC-17-024) is currently being processed will create the parcels of land.

The proposed Draft Plan of Condominium has merit and can be supported as it is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe, and complies with the Urban Hamilton Official Plan (UHOP).

The proposed Draft Plan of Condominium conforms to the Town of Ancaster Zoning By-law No. 87-57, as amended by By-law No. 16-220. Further, it is consistent with and will implement the final approved Site Plan (Application DA-16-180).

### ***Alternatives for Consideration – See Page 11***

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for a Draft Plan of Condominium (Common Element).

## **HISTORICAL BACKGROUND**

### **Proposal:**

The purpose of the application is to establish a Draft Plan of Condominium (Common Element) to create the following common elements: a private condominium road network, sidewalks, landscaped areas, 12 visitor parking spaces, centralized mailboxes and also an exclusive use common element area (identified as R-1 to R-14 on Appendix “B” to Report PED18095), in favour of 21 townhouse dwelling units, as approved under final approved Site Plan Control Application DA-16-180 attached as Appendix “B” to

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**SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 50 John Frederick Drive (Ancaster) (Ward 12) (PED18095) - Page 3 of 12**

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Report PED18095. The private condominium road will provide access to John Fredrick Drive.

**Chronology:**

September 14, 2017: Condominium Application 25CDM-201708 “Block 14 - Ancaster Glen – Phase 2” is deemed complete.

September 21, 2017: Circulation of Notice of Complete Application and Preliminary Circulation for Condominium Application 25CDM-201708 sent to 12 property owners within 120 m of the subject lands.

September 28, 2017: Public Notice Sign placed on the subject lands.

April 4, 2018: Public Notice Sign updated to indicate Public Meeting date.

April 13, 2018: Notice of Public Meeting circulated to 12 property owners within 120 m of the subject lands.

**Details of Submitted Application:**

**Location:** 50 John Fredrick Drive (Ancaster)  
(See Location Map attached as Appendix “A” to Report PED18095)

**Owner / Applicant:** 1541079 Ontario Inc. c/o: Losani Homes Ltd.

**Agent:** WEBB Planning Consultants Inc., c/o: James Webb

**Property Description:** Lot Frontage: ± 131.90 m (John Fredrick Drive)

Lot Depth: ± 55.98 m (East to West)

Lot Area: 0.57 ha

**Servicing:** Full Municipal Services

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**SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 50 John Frederick Drive (Ancaster) (Ward 12) (PED18095) - Page 4 of 12**

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**EXISTING LAND USE AND ZONING**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Townhouse dwellings under construction	Residential Multiple “RM5-678” Zone, Modified
<b><u>Surrounding Lands:</u></b>		
<b>North</b>	Semi-detached dwellings	Neighbourhood Institutional (I1) Zone
<b>South</b>	Single detached dwelling	Residential Multiple “H-RM6-603” Holding Zone, Modified
<b>East</b>	Public Open Space	Public Open Space (O2) Zone
	Single detached dwelling	Agricultural “A-216” Zone, Modified
<b>West</b>	Townhouse Dwellings	Residential Multiple “RM5-660” Zone, Modified

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (PPS 2014):**

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. However, the UHOP has not been updated with respect to the cultural heritage policies of the Provincial Policy Statement. The subject property meets four of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- 1) Within 250 m of known archaeological sites;

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**SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 50 John Frederick Drive (Ancaster) (Ward 12) (PED18095) - Page 5 of 12**

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- 2) Within 300 m of a primary watercourse or permanent waterbody, 200 m of a secondary watercourse or seasonal waterbody, or 300 m of a prehistoric watercourse or permanent waterbody;
- 3) In an area of sandy soil in areas of clay or stone; and,
- 4) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2.6.2 of the *Provincial Policy Statement* applies to the subject application.

As part of Site Plan Control Application DA-16-180, a Stage 1-2 archaeological report (P384-0233-2014) was submitted to the City of Hamilton and Ministry of Tourism, Culture and Sport. The Province signed off on the reports for compliance with licensing requirements in a letter dated August 6, 2016. Staff are of the opinion that the municipal interest in the archaeology of this portion of the site has been satisfied.

As the application for a Draft Plan of Condominium complies with the UHOP, it is staff's opinion that the application is:

- consistent with Section 3 of the *Planning Act*, and,
- consistent with the Provincial Policy Statement (2014).

**Growth Plan for the Greater Golden Horseshoe (2017)**

The following policies, amongst others, from the Growth Plan for the Greater Golden Horseshoe are applicable to the proposal.

- “2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:
- a) the vast majority of growth will be directed to settlement areas that:
    - i. have a delineated built boundary;
    - ii. have existing or planned municipal water and wastewater systems; and,
    - iii. can support the achievement of complete communities.
  - c) within settlement areas, growth will be focused in:

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**SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 50 John Frederick Drive (Ancaster) (Ward 12) (PED18095) - Page 6 of 12**

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- iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and,
- iv. areas with existing or planned public service facilities.”

The subject lands are located within a settlement area, outside of the built boundary, as shown on Appendix “G” – Boundaries Map of the Urban Hamilton Official Plan (UHOP). The lands are located on the north side of Garner Road East, east of John Frederick Drive. The subject lands are located in the vicinity of existing commercial uses and future employment lands which contribute to a complete community. The lands are also located along the S Line of the BLAST network, which is serviced by HSR Route #44, ensuring that the location is serviced by planned and existing transit. As part of the Registered Plan of Subdivision 62M-1226 and Site Plan Control Application DA-16-180, planned municipal water and wastewater systems were reviewed to ensure that sufficient municipal systems are in place to support the proposal. Accordingly, the proposal conforms to the Growth Plan for the Greater Golden Horseshoe (2017).

**Urban Hamilton Official Plan (UHOP):**

The subject lands are designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations and as “Low Density Residential 2c” on Map B.2.3-1 – Garner Neighbourhood Secondary Plan. The following policies, amongst others, apply to the application.

- “C.2.3 It is the intent of this policy to preserve and enhance Core Areas and to ensure that any development or site alteration within or adjacent to them shall not negatively impact their natural features or their ecological functions.
- C.2.3.3 The natural features and ecological functions of Core Areas shall be protected and where possible and deemed feasible to the satisfaction of the City enhanced. To accomplish this protection and enhancement, vegetation removal and encroachment into Core Areas shall generally not be permitted, and appropriate vegetation protection zones shall be applied to all Core Areas.”

A Core Area has been identified within and adjacent to (east) of the subject property. This Core Area is identified as a Significant Woodland (Southcote Woodland). This woodland has been designated as Natural Open Space within the Garner Neighbourhood Secondary Plan. Areas that are designated Natural Open Space shall remain in their natural state, subject to any protection, conservation and replanting required by the City and the Hamilton Conservation Authority (HCA).

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To aid in mitigating possible impacts such as encroachment, dumping and invasive species, a 2.0 m landscape area was identified adjacent to the woodland. A Tree Protection Plan and Landscape Plan were reviewed and approved through Site Plan Control Application DA-16-180 to ensure the natural features and their ecological function were not negatively impacted. Furthermore, a Compensation Planting Plan was included as a special condition of Site Plan Control approval which required compensation and replanting of trees to ensure protection and that the natural state of the woodlot be preserved. Condition No. 12 of Appendix “C” to Report PED18095 has been included to ensure that required warning clauses notifying home owners of the features and restrictions are included in all purchase and sale agreements and any rental or lease agreements required for occupancy, in accordance with the approved Site Plan (DA-16-180).

Based on the foregoing, staff are of the opinion that the proposal complies with Volume 1 of the Urban Hamilton Official Plan.

**Garner Neighbourhood Secondary Plan:**

The subject lands are designated “Low Density Residential 2c” on Map B.2.3-1 – Garner Neighbourhood Secondary Plan. The proposal has been reviewed in accordance with Low Density Residential 2c policies of Section B.2.3.1.3 which states:

“B.2.3.1.3 Low Density Residential Designations

Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the Low Density Residential designations identified on Map B.2.3-1 – Garner Neighbourhood – Land Use Plan.

- e) In the Low Density Residential 2c designation:
  - i) the permitted uses shall be street townhouses, block townhouses, courtyard townhouse and other innovative ground-oriented attached housing forms; and,
  - ii) the density shall not exceed 37 dwelling units per gross/net residential hectare.”

Townhouse dwellings are considered low density residential in accordance with policy B.2.3.1.3 of the Garner Neighbourhood Secondary Plan in Volume 2 of the Official Plan. Furthermore, the proposal has a density of 36.84 units per hectare and therefore, the proposal complies with the Garner Neighbourhood Secondary Plan.

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**Ancaster Zoning By-law No. 87-57**

The subject lands are zoned Residential Multiple “RM5-678” Zone, Modified, in the Town of Ancaster Zoning By-law No. 87-57, as amended by By-law 16-220. The amending By-law permits residential uses in accordance with the provisions of the Residential Multiple “RM5” Zone, which permits various forms of multiple dwellings, including townhouse dwellings. Site Plan Control Application DA-16-180 was granted final approval on December 8, 2017. Condition Nos. 1 and 2 of Appendix “C” to Report PED18095 have been included to ensure the proposal is developed in accordance with these approvals.

**RELEVANT CONSULTATION**

The following departments and agencies had no comments or objections:

- Hydro One;
- Recreation Division (Community and Emergency Services Department); and,
- Landscape Architectural Services Section (Public Works Department).

**Vector Borne Disease (Public Health Services)** have advised that a Pest Control Plan, focusing on rats and mice, shall be developed and implemented for the demolition, construction / development phase of the project and continue until the project is complete. Staff notes that these comments were addressed through the approved Site Plan Control Application DA-16-180.

**Recycling and Waste Disposal (Public Works Department)** have advised that the property is eligible for waste collection service, however, based on the current site design, may not be serviceable and, as such, the following note be added to and addressed through the Site Plan Application:

“This property is eligible for weekly collection of garbage, recycling, organics and leaf and yard waste through the City of Hamilton subject to compliance with specifications indicated by the Public Works Department and subject to compliance with the City’s Solid Waste Management By-law 09-067, as amended”.

Staff note that this notation was addressed through the approved Site Plan Control Application DA-16-180. Condition No. 5 to Appendix “C” Report PED18095 has been included as the service for the collection of waste on private property requires an “Agreement for on-site Collection of Municipal Solid Waste” prior to the commencement of Municipal collection.

**Transportation Management (Public Works Department)** have advised that the development must consider the needs of pedestrians with disabilities, ensure sidewalks

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**SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 50 John Frederick Drive (Ancaster) (Ward 12) (PED18095) - Page 9 of 12**

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are a minimum of 1.5 m and that the Transit Oriented Development (TOD) guidelines be implemented. Staff note that these comments were addressed through Site Plan Control Application DA-16-180, which was granted final approval on December 8, 2017.

**Forestry and Horticulture Section (Public Works Department)** have requested confirmation that the Landscape Plan demonstrated that the applicant has provided sufficient street tree plantings at this development. Staff notes that these comments were addressed through the approved Site Plan Control Application DA-16-180.

**Canada Post Corporation** noted that mail delivery services will be provided to the condominium through centralized mail facilities (Lock Bock Assembly) to be installed within the common element at the developer's expense. Canada Post requests updates if the project description changes in order to assess if there are any impacts. If the application is approved Canada Post requires notification of the civic address as soon as possible. The centralized mail box location has been determined through the approved Site Plan Control Application DA-16-180. Further, the requested conditions have been addressed through Condition Nos. 6 (iv), 7, 8, 9, 10 and 11 in Appendix "C" to Report PED18095.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

- 1) The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow);
  - (ii) It complies with the policies of the Urban Hamilton Official Plan; and,
  - (iii) The proposal establishes condominium tenure for a form of development permitted under the Town of Ancaster Zoning By-law No. 87-57 as amended by By-law No. 16-220. It will implement the approved Site Plan Control Application DA-16-180, which provides for a form of development that is compatible with surrounding land uses.
  
- 2) The proposed Draft Plan of Condominium (Common Element) is comprised of the following common elements: a condominium road network, sidewalks, landscaped areas, 12 visitor parking spaces, centralized mailboxes and exclusive use common element areas identified as R-1 to R-14, as shown on the attached plan, marked as Appendix "B" to Report PED18095. The private condominium road will provide access to Garner Road East. All units will hold an interest in the Condominium Corporation to benefit from the common visitor parking spaces and landscaped areas. Twenty-one townhouse dwelling units will have access from

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**SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 50 John Frederick Drive (Ancaster) (Ward 12) (PED18095) - Page 10 of 12**

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- the private condominium road network and will hold an interest in the Common Element Condominium Corporation.
- 3) The applicant must ensure that the final Plan of Condominium complies with the final approved Site Plan Control Application DA-16-180, approved on December 8, 2017, to the satisfaction of the Director of Planning and Chief Planner (Condition No. 2 of Appendix “C” to Report PED18095).
  - 4) The land proposed for the common element condominium and the lots for all of the townhouse dwelling units will be created through Part Lot Control Application PLC-17-024. In this regard, final approval and registration of the common element condominium cannot occur until such time as the future Part Lot Control Application is approved and the By-law removing the lands from Part Lot Control has been passed by Council (Condition No. 3 of Appendix “C” to Report PED18095). The applicant has submitted a Part Lot Control Application, PLC-17-024 which is currently under review.
  - 5) The applicant must also enter into a Development Agreement with the City of Hamilton as a condition of Draft Plan of Condominium approval. This Agreement will ensure that the tenure of the proposed common elements (as shown on the Draft Plan of Condominium included in Appendix “B” to Report PED18095) becomes “tied” to the proposed Draft Plan of Condominium. This will have the effect of ensuring that individual townhouse lots are not sold until the condominium has been registered as a Common Elements Condominium under the *Condominium Act* (Condition No. 4 of Appendix “C” to ped PED18095).
  - 6) The proposed condominium road will be privately owned and maintained. As a condition of approval, the applicant must include warning clauses in the Development Agreement and all purchase and sale agreements and rental or lease agreements to advise perspective purchasers that the City of Hamilton will not provide maintenance or snow removal and that the provided garages are for parking (including that on-street, overflow parking may not be available and cannot be guaranteed in perpetuity) (Condition No. 6 (i) and (iii) of Appendix “C” to Report PED18095).
  - 7) Development Engineering has advised that all issues pertaining to the grading, drainage and servicing have been reviewed as per approved Site Plan Control Application DA-16-180 and are subject to the terms and conditions therein. Furthermore, Development Engineering has advised that it is the responsibility of the Condominium Corporation to ensure that the maintenance and repair of all utilities within the Common Elements be maintained at the Corporations own expense. The above comments have been included as Condition Nos. 6 (ii) and 13 of Appendix “C” to Report PED18095.

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- 8) Growth Management staff have advised that the following note be added to the Draft Plan of Condominium Conditions as Note 1 (see Appendix “C” to Report PED18095):

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

In addition, the Condominium Corporation will be required to maintain the Common Elements, including all utilities, at their own expense. This requirement has been addressed as Condition No. 13 in Appendix “C” to Report PED18095.

- 9) The Draft Plan of Condominium has two exclusive use common element areas. The common element areas identified as R-1 to R-14 on Appendix “B” to Report PED18095 are exclusive use common element areas where no structures or pools will be permitted, along with very limited grading, allowing for transitional grading to be permitted. A chain link fence will be installed and the lands shall remain in private ownership in favour of all 21 townhouse dwelling units. Condition No.12 of Appendix “C” to Report PED18095 identifies that the owner shall include warning clauses in all purchase and sale agreements and any rental or lease agreements required for occupancy to ensure that these exclusive use lands be preserved with only limited transitional grading being permitted.
- 10) The subject lands are intended to function with the abutting lands to the north. As such, a Joint Use Agreement was required with the City as a condition of Draft Plan of Condominium approval for the lands to the north in order to permit the use of shared storm and water services across the property line(s) and to establish a private sewer and water servicing easement over the common element private condominium road in addition to easements for vehicular and pedestrian access to the satisfaction of the Senior Director of Growth Management. Staff note that servicing, access and maintenance easements were established through Part Lot Control Application PLC-16-019 (By-law No. 17-078) and a Joint Use Agreement which was registered on November 9, 2017 as Instrument No. WE1249097.
- 11) The owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton (Condition No. 15 in Appendix “C” to Report PED18095).

## **ALTERNATIVES FOR CONSIDERATION**

Should the proposed Plan of Condominium (Common Element) not be approved, the applicant / owner could develop the lands as a standard block condominium

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development or as a rental development. A change in tenure from the proposed common element condominium to a standard form condominium would require a new Draft Plan of Condominium application.

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Community Engagement & Participation**

*Hamilton* has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

**Healthy and Safe Communities**

*Hamilton* is a safe and supportive city where people are active, healthy, and have a high quality of life.

**Built Environment and Infrastructure**

*Hamilton* is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

**APPENDICES AND SCHEDULES ATTACHED**

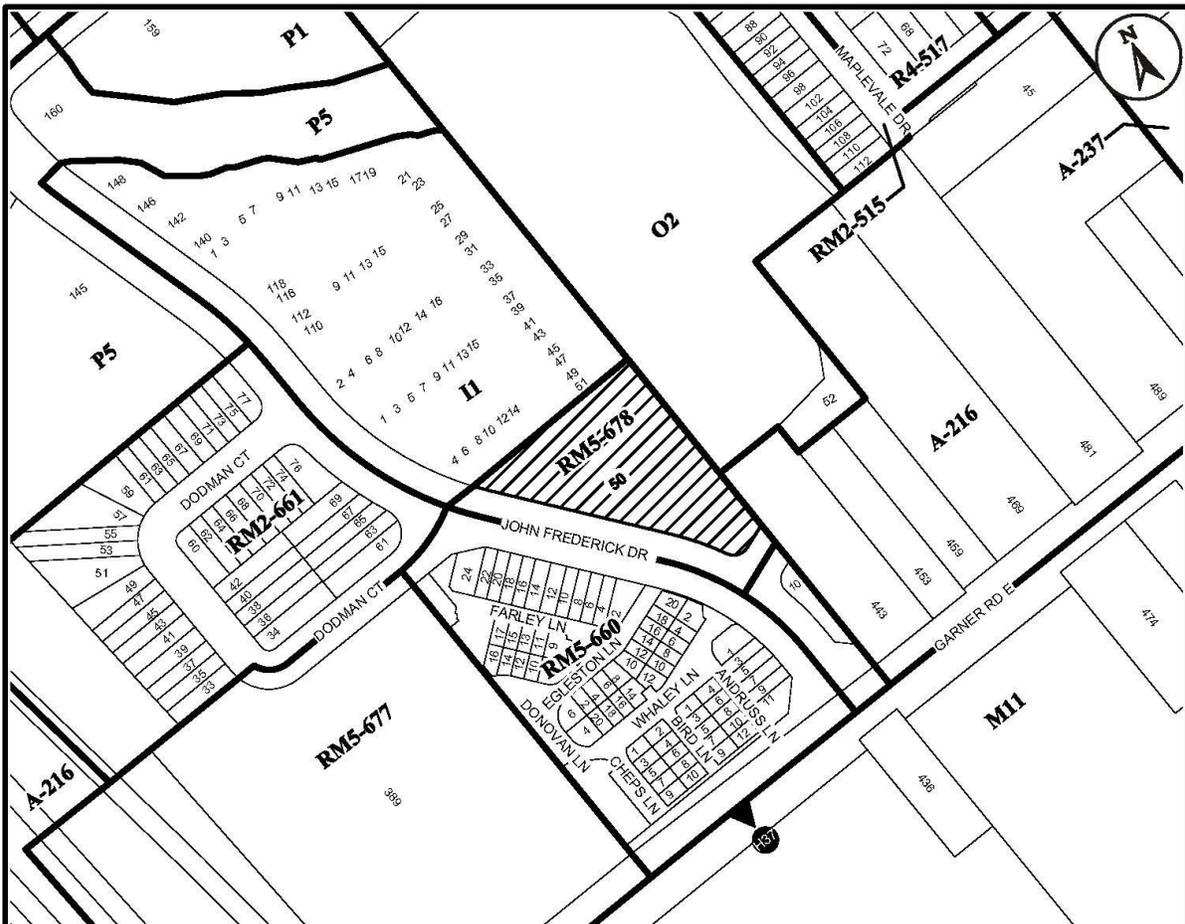
- Appendix “A”: Location Map
- Appendix “B”: Proposed Draft Plan of Condominium
- Appendix “C”: Recommended Conditions of Approval
- Appendix “D”: Approved Site Plan Control Application DA-16-180

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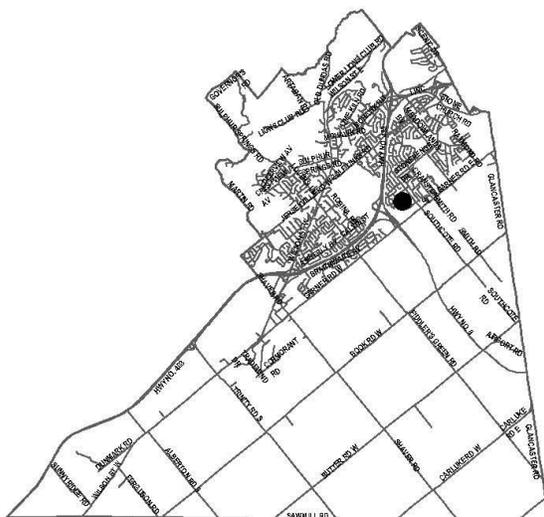
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● Site Location



Key Map - Ward 12

N.T.S.

# Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
25CDM-201708

Date:  
August 24, 2017

Appendix "A"

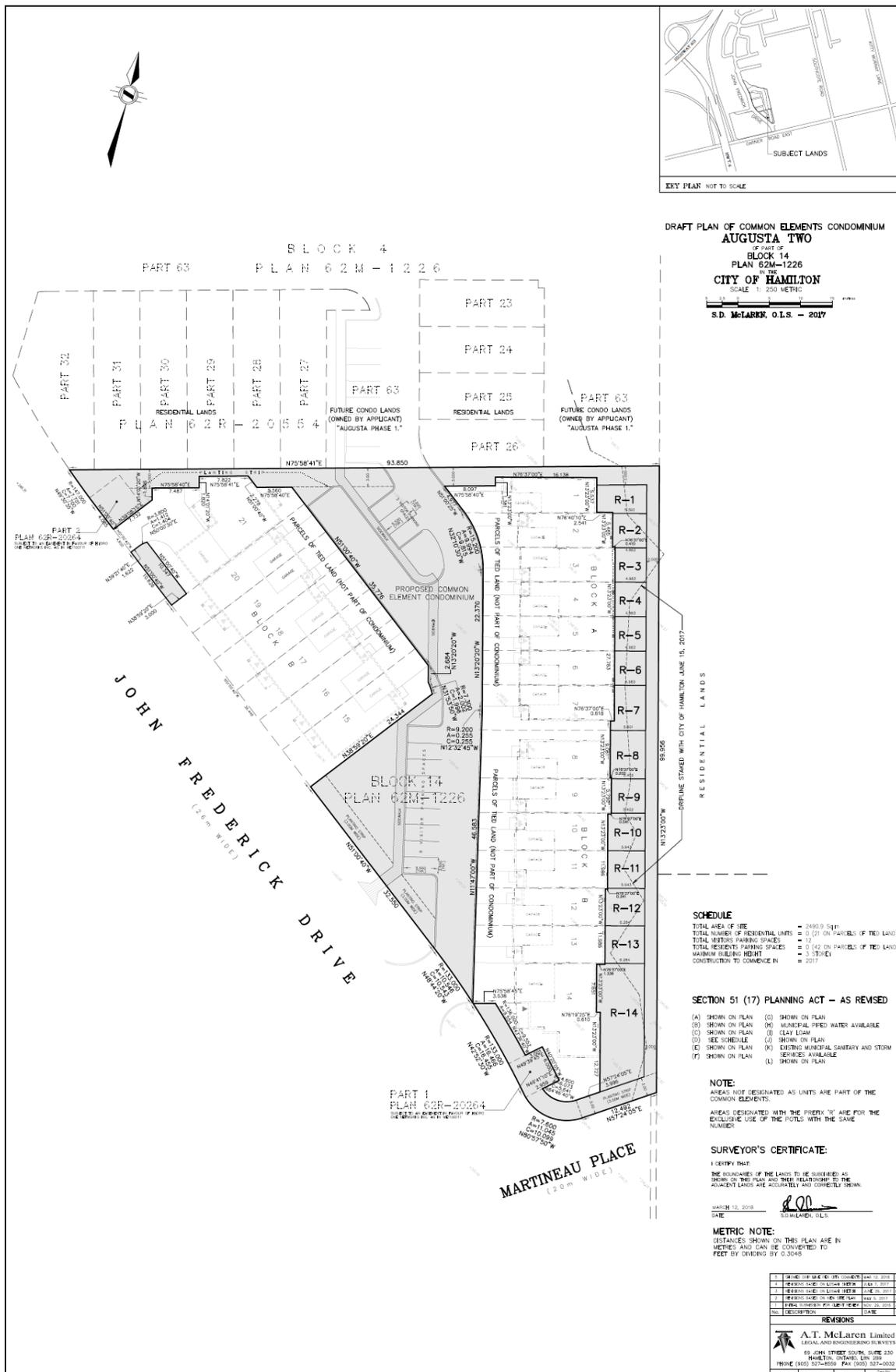
Scale:  
N.T.S.

Planner/Technician:  
MF/AL

### Subject Property



50 John Frederick Drive



**Recommended Conditions of Draft Plan of Condominium Approval**

That this approval for the **Draft Plan of Condominium Application 25CDM-201708, by WEBB Planning Consultants Inc., on behalf of 1541079 Ontario Inc. (Losani Homes Ltd, Owner,** to establish a Draft Plan of Condominium (Common Element) to create a condominium road network, sidewalks, landscaped areas, 12 visitor parking spaces, centralized mailboxes and exclusive use common element areas, on lands located at 50 John Frederick Drive (Ancaster), be received and endorsed by City Council with the following special conditions:

1. That the final Plan of Condominium shall comply with all of the applicable provisions of the Town of Ancaster Zoning By-law No. 87-57, as amended by By-law No. 16-220, or in the event the City of Hamilton has repealed and replaced the Town of Ancaster Zoning By-law No. 87-57 with By-law No. 05-200, the final Plan of Condominium shall comply with all of the applicable provisions of the Zoning By-law in force and effect at the time of registration of the Draft Plan of Condominium.
2. That the subject lands be developed in accordance with the approved Site Plan Control Application DA-16-180 and that the final Plan of Condominium complies with the approved Site Plan, to the satisfaction of the Director of Planning and Chief Planner.
3. That the owner shall receive final approval of Part Lot Control Application PLC-17-024, including the enactment and registration on title of the associated Part Lot Control Exemption By-law, to the satisfaction of the Director of Planning and Chief Planner.
4. That the owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed townhouse dwellings having frontage on the condominium road has legal interest, in common, to the common elements condominium, to the satisfaction of the City Solicitor.
5. That the owner shall agree to, prior to the commencement of collection service on private property, an "Agreement for on-site Collection of Municipal Solid Waste" must be completed and submitted to the City. A certificate of insurance naming the City as additional insured (in relation to waste collection services) must also be submitted prior to the start of service to the satisfaction of the Manager of Public Works Department (Operations Division).
6. That the owner shall agree to include the following in all Purchase and Sale Agreements and Rental or Lease Agreements and in the Development Agreement, to the satisfaction of the Senior Director of Growth Management:
  - (i) Purchasers are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road. In addition, City Waste Management services may not be available to residents

- and that the provision of such services may require agreements with private contractors.
- (ii) Purchaser are advised that that there is an approved grading plan and that the purchaser agrees not to alter the approved grading plan without approval from the City of Hamilton. Additionally, no grade alteration within 0.45 metres of the property line will be permitted including retaining walls, walkways, curbs, etc.
  - (iii) Garages are provided for the purpose of parking a vehicle. It is the responsibility of the owner / tenant to ensure that their parking needs (including those of visitors) can be accommodated onsite. On-street, overflow parking may not be available and cannot be guaranteed in perpetuity.
  - (iv) The home mail delivery will be from a Community Mail Box.
7. That the owner will be responsible for officially notifying the purchasers of the exact Community Mail Box locations, to the satisfaction of Senior Director of Growth Management and Canada Post prior to the closing of any home sales.
  8. That the owner work with Canada Post to determine and provide temporary suitable Community Mail Box locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision, to the satisfaction of the Senior Director of Growth Management.
  9. That the owner install a concrete pad in accordance with the requirements of, and in locations to be approved by the Senior Director of Growth Management and Canada Post, to facilitate the placement of Community Mail Boxes.
  10. That the owner identify the concrete pads for the Community Mail Boxes on the engineering / servicing drawings. Said pads are to be poured at the time of the sidewalk and / or curb installation within each phase, to the satisfaction of the Senior Director of Growth Management.
  11. That the owner determine the location of all mail receiving facilities in co-operation with the Senior Director of Growth Management and Canada Post, and to indicate the location of mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s), showing specific mail facility locations.
  12. That the owner shall agree to include the following in all Purchase and Sale Agreements and Rental or Lease Agreements and in the Condominium Declaration, to the satisfaction of the Director of Planning and Chief Planning:

- (i) Grading may have an impact on the roots of trees within the Southcote Woodland. Grading and tree removal will be prohibited within the Southcote Woodland.
  - (ii) The Southcote Woodland is regulated under the Urban Woodland Conservation By-law (By-law No. 14-212) and the Town of Ancaster By-law (By-law No. 2000-118). There is to be no maintenance of the woodland by homeowners. If there are overhanging hazard trees, the City's Forestry Conservation By-law Officer shall be contacted to assess the tree.
  - (iii) To protect the Southcote Woodland, access shall be restricted to the woodland. A heavy duty chain link fence is to be placed along the rear lot line. Gates of any kind are prohibited within the fencing. The fencing is to remain in place and shall not be replaced with different material (i.e. wooden fencing).
  - (iv) To protect the Southcote Woodland, in ground pools and accessory structures that would require a building permit are prohibited in the rear yards of Blocks A and B as identified on Appendix "D" to Report PED18095.
  - (v) Purchasers / tenants will be provided a Stewardship Brochure that describes the importance of the Significant Woodland and how the homeowner can minimize their impact on this feature.
13. That the owner / developer ensure the following wording is included in the associated Condominium Declaration to the satisfaction of the Senior Director of Growth Management:
- (i) The Corporation shall maintain and repair the Common Elements at its own expense. The Corporation shall also maintain and repair all utilities (including without limitation, water mains, storm and sanitary sewers, catch basins, and fire hydrants) which services more than one Parcel of Tied Land (POTL), whether located within the Common Elements or wholly or partly within the POTL and the Corporation and its designated agents shall have full access to a POTL to carry out its obligation pursuant to this paragraph. If the Corporation is required to maintain or repair any utility or service on a POTL, the Corporation shall only be responsible to return the POTL to its original stage and shall not be responsible to repair or replace, or to correct any upgrade or improvement performed or added to the POTL by the POTL owner.
14. That the owner / developer provide to Union Gas the necessary easements and / or agreements required by Union Gas for the provision of gas services, in a form satisfactory to Union Gas.

15. That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

#### NOTES TO DRAFT PLAN APPROVAL

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





**CITY OF HAMILTON**  
**PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 1, 2018
<b>SUBJECT/REPORT NO:</b>	Application to Amend City of Hamilton Zoning By-law No. 05-200 for Lands Located at 240 Butter Road West, Ancaster (Ward 12) (PED18078)
<b>WARD AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	Ryan Ferrari (905) 546-2424 Ext. 5865
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

That **Zoning By-law Amendment Application ZAA-18-004, by A.B Ventures Inc. (Owner)**, for a modification to the Agricultural (A1) Zone and the Conservation / Hazard Land - Rural (P6) Zone in order to prohibit the construction of a single detached dwelling and residential care facility and to recognize the lot size of the lands to be retained as shown on Appendix "A" to Report PED18078, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED18078, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law be added to Schedule "C" of Zoning By-law No. 05-200;
- (c) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Greenbelt Plan (2017), and complies with the Rural Hamilton Official Plan (RHOP).

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**SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 05-200 for Lands Located at 240 Butter Road West, Ancaster (Ward 12) (PED18078) - Page 2 of 10**

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## **EXECUTIVE SUMMARY**

The purpose of this Zoning By-law Amendment Application is to rezone the subject lands to prohibit the construction of a single detached dwelling and a residential care facility on a portion of the consolidated farm parcel known as 240 Butter Road, Ancaster. The requested amendment is required to satisfy the lot creation policies of the Provincial Policy Statement (PPS), the Greenbelt Plan (2017), and the Rural Hamilton Official Plan (RHOP). This application will also add a modification to the Agricultural (A1) Zone to recognize the lot area of the retained agricultural lands. The amendment will also address Condition Nos. 3 and 6 of Consent for Severance approval AN/B-17:75 to facilitate the severance of a surplus farm dwelling as a result of a consolidation of non-abutting farm parcels.

The proposed application has merit and can be supported as it is consistent with the Provincial Policy Statement (2014), conforms to the Greenbelt Plan (2017), and complies with the Rural Hamilton Official Plan (RHOP).

***Alternatives for Consideration – See Page 10***

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one public meeting prior to considering an application for an amendment to the Zoning By-law.

## **HISTORICAL BACKGROUND**

### **Consent for Severance Application AN/B-17:75**

In August of 2017, an application was made to the Committee of Adjustment in order to sever an existing single detached dwelling from the farm operation. The application was heard at the Committee of Adjustment in October of 2017 and subsequently approved.

### **Description of the Subject Lands**

As shown on the Location Map attached as Appendix “A” to Report PED18078, the subject lands are zoned Agricultural (A1) Zone and Conservation / Hazard Land – Rural

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**SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 05-200 for Lands Located at 240 Butter Road West, Ancaster (Ward 12) (PED18078) - Page 3 of 10**

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(P6) Zone. The current and future use of the retained lands is Agricultural. The severed lands contain an existing single detached dwelling.

### **Proposal**

The purpose of Zoning By-law Amendment Application ZAA-18-004 is to rezone the farmed portion of the subject lands from the Agricultural (A1) Zone and the Conservation / Hazard Land - Rural (P6) Zone to a site specific Agricultural (A1, 675) Zone, and Conservation / Hazard Land - Rural (P6, 675) Zone, to prohibit the development of a single detached dwelling and residential care facility in order to satisfy Condition Nos. 3 and 6 of Consent Application AN/B-17:75 where an existing farm dwelling was severed through a farm consolidation severance. The application will also add a site specific exception to the Agricultural (A1) Zone in order to recognize the lot area of 39 ha (96.3 ac) for the retained lands.

### **Chronology**

- October 5, 2017: Consent for Severance application AN/B-17:75 was heard at the Committee of Adjustment and was approved.
- November 2, 2017: Consent for Severance application AN/B-17:75 received final and binding approval.
- December 15, 2017: Application for a Zoning By-law Amendment ZAA-18-004 was received.
- January 8, 2018: Zoning By-law Amendment application ZAA-18-004 was deemed complete.
- January 15, 2018: Zoning By-law Amendment application ZAA-18-004 was circulated to 27 property owners within 120m of the subject lands.
- January 18, 2018: Public Notice sign was installed on the subject lands.
- April 4, 2018: Public Notice sign was updated to include Public Meeting Date.
- April 13, 2018: Circulation of Notice of Public Meeting to 27 property owners within 120m of the subject lands.

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**SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 05-200 for  
Lands Located at 240 Butter Road West, Ancaster (Ward 12)  
(PED18078) - Page 4 of 10**

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**Details of Submitted Application**

**Location:** 240 Butter Road, Ancaster (see Appendix “A” to Report PED18078)

**Agent:** Urban Solutions Inc. c/o Matt Johnson

**Applicant / Owner:** A.B Ventures Inc.

**Property Description**

**(Lands to be retained)**

**As shown on Appendix  
“D” to Report PED18078**

<u>Total Lot Area:</u>	± 39 ha (96.3 ac)
<u>Total Lot Frontage:</u>	522.38 m
<u>Lot Depth:</u>	682.51 m

**Property Description**

**(Lands to be conveyed):**

**As shown on Appendix  
“D” to Report PED18078**

<u>Total Lot Area:</u>	1.50 ha (3.70 ac)
<u>Total Lot Frontage:</u>	30 m
<u>Total Lot Depth:</u>	210.13 m

**Existing Land Use and Zoning**

**Subject Lands:**

**Existing Land Use**

Agriculture  
Single Detached Dwelling

**Existing Zoning**

Agriculture (A1) Zone,  
Conservation / Hazard Land -  
Rural (P6) Zone

**Surrounding Lands:**

**North**

Agriculture  
Single Detached  
Dwellings

Agriculture (A1) Zone

**South**

Agriculture

Agriculture (A1) Zone  
Conservation / Hazard Land -  
Rural (P6) Zone

**East**

Agriculture  
Single Detached  
Dwellings

Agriculture (A1) Zone

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**SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 05-200 for Lands Located at 240 Butter Road West, Ancaster (Ward 12) (PED18078) - Page 5 of 10**

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<b>West</b>	Agriculture Single Detached Dwellings	Agriculture (A1) Zone
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## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Planning Policy Framework**

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use, balanced growth and environmental protection) are reviewed and discussed in the Official Plan analysis below.

As the application for a change in zoning complies with the Rural Hamilton Official Plan, it is staff's opinion that the application is:

- Consistent with Section 3 of the *Planning Act*, and,
- Consistent with the Provincial Policy Statement (2014).

### **Greenbelt Plan (2017)**

The *Greenbelt Act* requires that all municipal land use decisions made under the *Planning Act* conform to the Greenbelt Plan (2017). As of July 1, 2017, all planning decisions must conform to the new Greenbelt Plan. The Greenbelt Plan (2017) designates the subject lands as "Protected Countryside".

The following policies, amongst others, are applicable:

"4.6.1 f) Lot Creation is discouraged and may only be permitted for:

The severance of a residence surplus to a farming operation as a result of a farm consolidation, on which a habitable residence was an existing use, provided that:

**SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 05-200 for Lands Located at 240 Butter Road West, Ancaster (Ward 12) (PED18078) - Page 6 of 10**

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- i. The severance will be limited to the minimum size needed to accommodate the use and appropriate sewage and water services; and,
- ii. The planning authority ensures that a residential dwelling is not permitted in perpetuity on the retained lot of farmland created by this severance. Approaches to ensuring no new residential dwellings on the retained lot of farmland may be recommended by the Province, or municipal approaches that achieve the same objective should be considered.”

As per the above policy, it was found through the Consent for Severance Application process (AN/B-17:75) that the proposed severance complied with policy 4.6.1 f) i). With regards to 4.6.1 f) ii), a condition was placed on the Consent Application to rezone the farmland to prohibit a residential dwelling in perpetuity on the subject lands to ensure that the retained farm parcel cannot be developed for a single detached dwelling. This application serves to satisfy this requirement, and as such, the proposal conforms to the Greenbelt Plan (2017).

### **Rural Hamilton Official Plan**

The subject lands are designated “Greenbelt Protected Countryside” on Schedule “A”- Provincial Plans of the RHOP. The subject lands are designated “Agricultural” on Schedule “D” – Rural Land Use Designations in the RHOP. The following policy, amongst others, is applicable:

- “F.1.14.2.8 c) In cases of a farm dwelling made surplus as a result of acquisition as part of a farm operation that does not result in the merging in title of parcels of land, applications for severance of the surplus dwelling shall comply with the following conditions:
- v) Prior to granting of final consent, one of the following conditions shall be met for the retained farm parcel as a result of a surplus farm dwelling severance:
    1. The land owner shall apply for and receive final approval to rezone the farm parcel to prohibit the construction of a dwelling unit; or
    2. The land owner shall grant in favour of the City, a restrictive covenant which prohibits the construction of any dwelling unit.”

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**SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 05-200 for Lands Located at 240 Butter Road West, Ancaster (Ward 12) (PED18078) - Page 7 of 10**

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It was found through the Consent for Severance Application Process (AN/B-17:75) that the proposed severance complied with the RHOP through restricting the development of a single detached dwelling on the subject lands. Based on the foregoing, this application will satisfy Policy F.1.14.2.8 c) iv).

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

The subject lands are currently zoned Agriculture (A1) and Conservation / Hazard Land – Rural (P6) Zone. Agriculture is a permitted use throughout the subject lands. The lands to be severed are zoned Agriculture (A1) Zone and contain an existing single detached dwelling which is a permitted use. The lands to be retained are zoned Agriculture (A1) and Conservation / Hazard Land – Rural (P6) and are currently being used for agricultural purposes.

The purpose of Zoning By-law Amendment application ZAA-18-004 is to modify the existing Agricultural (A1) and Conservation / Hazard Land – Rural (P6) Zones that are on the retained lands to prohibit the development of a single detached dwelling and residential care facility.

**RELEVANT CONSULTATION**

The following internal Departments and external Agencies have no concerns or objections with respect to the proposed application:

- Infrastructure & Sourcewater Division, Public Works Department;
- Development Approvals, Growth Management, Public Works Department;
- Grand River Conservation Authority; and,
- Enbridge Pipelines Inc.

**Public Consultation:**

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, a Notice of Complete Application and Preliminary Circulation was circulated to 27 property owners within 120 m of the subject property on January 15, 2018, requesting public input on the application. A Public Notice sign was also posted on the property on January 18, 2018 and updated on April 4, 2018 with the date of the Public Meeting. Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on April 13, 2018.

To date, staff has received three letters from the public concerning the proposed Zoning By-law Amendment. The correspondence received by staff will be further discussed in the Analysis and Rationale for Recommendation Section of the Report.

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**SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 05-200 for Lands Located at 240 Butter Road West, Ancaster (Ward 12) (PED18078) - Page 8 of 10**

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**Public Consultation Strategy:**

As per the City's Public Consultation and Strategy Guidelines, the applicant proposed a consultation strategy through the notice requirements of the previous Consent to Sever application through which notice was given under Section 53 of the *Planning Act*. Neighbours within 60 m of the subject property were notified of the application. One written concern was received from the public and two members of the public attended the public meeting to express their concerns before the Committee of Adjustment. The correspondence received did not affect the Committee's Decision on the Application.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposed Zoning By-law Amendment application has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement, and conforms to the Greenbelt Plan (2017);
  - (ii) It complies with the policies of the RHOP; and,
  - (iii) The proposed amendment satisfies Conditions Nos. 3 and 6 of Consent for Severance application AN/B-17:75, which was approved by the Committee of Adjustment in October, 2017 and the decision of the Committee being final on November 2, 2017 (see Appendix "C" to Report PED18078).
2. The policies of the PPS and Greenbelt Plan (2017) indicate that a residence may be severed as surplus to a farming operation. It was found, through the Consent Application process, the application was consistent with the PPS and conforms to the Greenbelt Plan in effect at the time of the application. The PPS indicates that the intent of the plan is to maintain Agricultural Uses for the long-term period of the Plan and the restriction of development of the subject lands is consistent with the PPS. The Greenbelt Plan supports and permits Agricultural Uses on lands located outside of prime agricultural and specialty crop lands as designated within the Plan. Staff are of the opinion that the application is consistent with the PPS and conforms to the Greenbelt Plan (2017) by restricting the development of a single detached dwelling and residential care facility on the subject lands in order to preserve the existing farm practice.
3. The proposal complies with the policies in the Rural Hamilton Official Plan (RHOP) which speak to surplus farm dwelling severances as a result of a farm consolidation. This application is made with respect to fulfilling the requirement that a Zoning By-law Amendment is required as a condition of a surplus farm dwelling severance. The application seeks to preserve the primary long-term land use of agriculture

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**SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 05-200 for Lands Located at 240 Butter Road West, Ancaster (Ward 12) (PED18078) - Page 9 of 10**

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within the Agricultural area. Therefore, staff are supportive of the removal of single detached dwellings and residential care facilities as permitted uses from the “A1” and “P6” Zones.

The following uses will continue to be permitted on the retained farm parcel in accordance with the Agricultural “A1” Zone:

- Agriculture;
- Secondary Uses to Agriculture; and,
- Veterinary Service – Farm Animal

The following uses will continue to be permitted on the retained farm parcel in accordance with the Conservation / Hazard Land - Rural (P6) Zone:

- Agriculture;
- Conservation;
- Flood and Erosion Control Facilities;
- Recreation, Passive; and,
- Secondary Uses to Agriculture.

4. The proposed modification to permit a reduced minimum lot area for the retained agricultural lands to be 39 ha instead of the required minimum lot area of 40.4 ha can be supported. The retained lands have supported the existing agricultural operation for decades and the decrease in minimum lot area will not hinder the existing and future agricultural potential of the subject property. The proposed lot area will not hinder the future agricultural viability of the lands. Additionally, the land to be severed have always contained the existing single detached dwelling and is not in agricultural production.

Therefore, staff support this modification.

5. Staff received three letters regarding the proposed Zoning By-law Amendment. The letters included questions with regards to the size of the proposed parcel to be severed, the nature and purpose of the proposed Zoning By-law Amendment, the location and time for the public meeting on the proposed Zoning By-law Amendment and the nature of Severance Application AN/B-17:75. Included in the aforementioned inquiries were concerns in relation to the construction of a Medical Marihuana Growing and Harvesting Facility on the lands to be retained. Staff note that the applicant submitted a Site Plan Control Application on January 2, 2018 in order to facilitate a 2,000 sq m Medical Marihuana Growing and Harvesting Facility on the lands to be retained and that the Site Plan has been Conditionally Approved

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**SUBJECT: Application to Amend City of Hamilton Zoning By-law No. 05-200 for Lands Located at 240 Butter Road West, Ancaster (Ward 12) (PED18078) - Page 10 of 10**

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as of March X, 2018. The applicant is currently in the process of clearing conditions prior to final approval.

## **ALTERNATIVES FOR CONSIDERATION**

Should the application be denied, the conditional approval of Consent Application AN/B-17:75 will lapse, and the applicant will not be able to sever the surplus dwelling from the property. The use of the subject property will continue to be regulated by the existing Agricultural (A1) Zone and the Conservation / Hazard Land - Rural (P6) Zone in the City of Hamilton Zoning By-law No. 05-200.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement & Participation**

*Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.*

### **Economic Prosperity and Growth**

*Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.*

### **Clean and Green**

*Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.*

## **APPENDICES AND SCHEDULES ATTACHED**

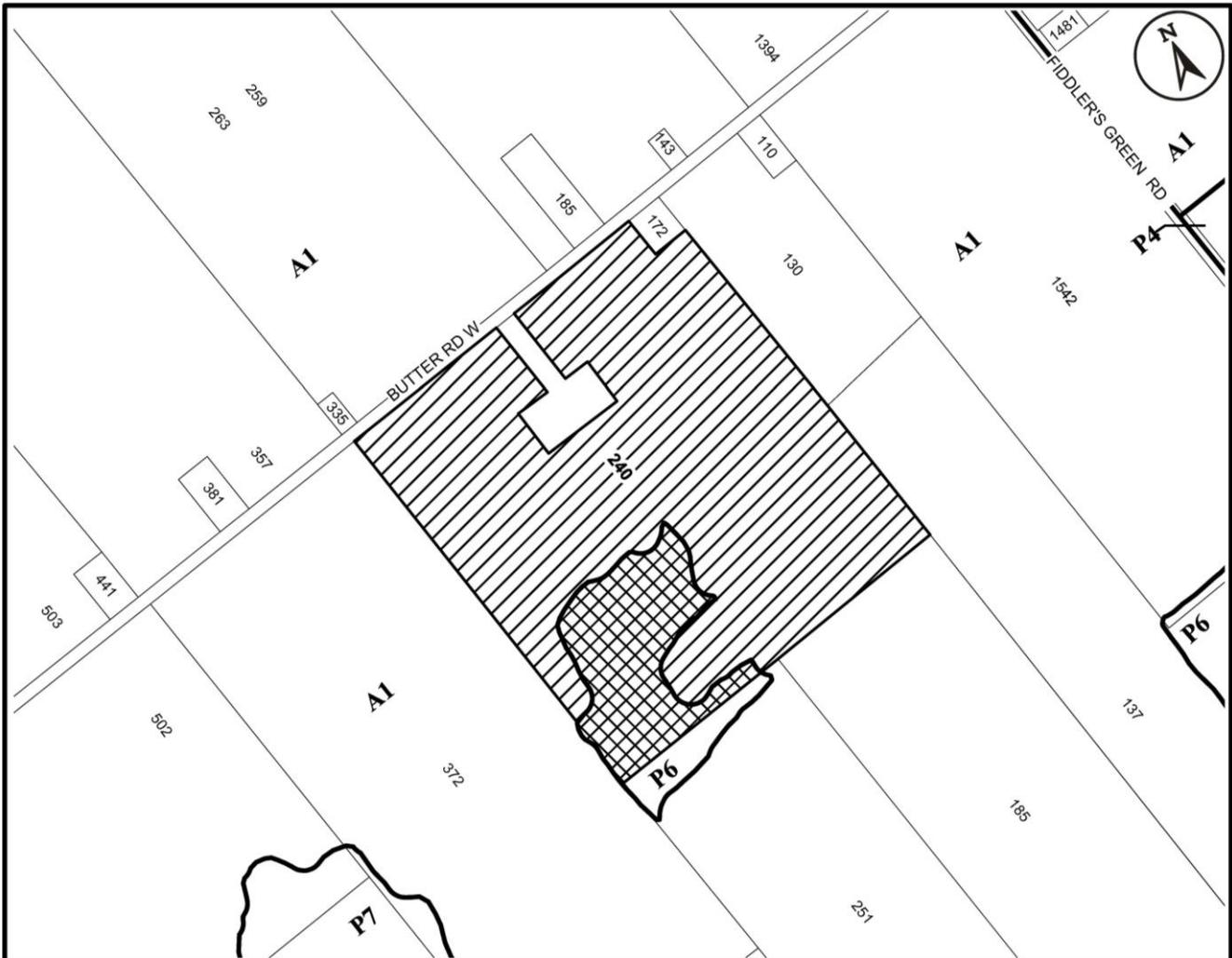
- Appendix “A”: Location Map
- Appendix “B”: Draft Amendment to Zoning By-law No. 05-200
- Appendix “C”: Committee of Adjustment Decision for AN-B/17:75
- Appendix “D”: Proposed Land Severance Sketch
- Appendix “E”: Public Correspondence

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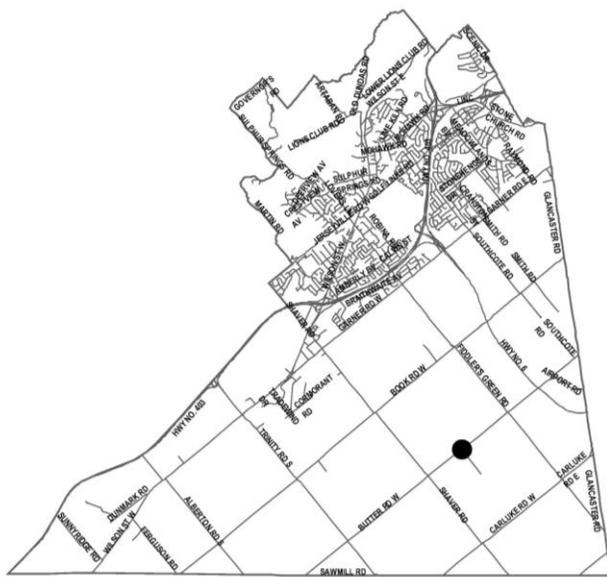
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● Site Location



Key Map - Ward 12

N.T.S.



# Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAA-18-004

Date:  
February 21, 2018

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
RFVS

### Subject Property

240 Butter Road West



**Block 1** - Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 675) Zone



**Block 2** - Change in Zoning from Conservation / Hazard Land - Rural (P6) Zone to Conservation / Hazard Land - Rural (P6, 675) Zone

**Authority:** ,  
Report  
CM:

**Bill No.**

## **CITY OF HAMILTON**

### **BY-LAW NO.**

#### **To Amend Zoning By-law 05-200 Respecting Lands Located at 240 Butter Road West, Ancaster**

**WHEREAS** the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by Virtue of the *City of Hamilton Act*, 1999 S.O. 1999, Chap. 14;

**WHEREAS** the City of Hamilton is the lawful successor of the former Municipalities identified in Section 1.7 of By-law No, 05-200;

**WHEREAS** the first stage of Zoning By-law, being By-law No. 05-200 came into force and effect on the 25<sup>th</sup> day of May, 2005;

**WHEREAS** the Council of the City of Hamilton, in adopting Item XX of Report 18XXX of the Planning Committee, at its meeting held on the X day of X, 2018, recommended that Zoning By-law No. 05-200 be amended as hereinafter provided; and.

**WHEREAS** this By-law amendment is in conformity with the Rural Hamilton Official Plan.

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

1. That Map No. 175 of Schedule "A" to Zoning By-law No. 05-200 is amended by changing the zoning from the Agriculture (A1) Zone and Conservation / Hazard Land - Rural (P6) Zone to the Agriculture (A1, 675) Zone and Conservation / Hazard Land - Rural (P6, 675) Zone, to the extent and boundaries of which are shown on Schedule "A" annexed hereto and forming part of this By-law.
2. That Schedule "C" Special Exceptions, of By-law No. 05-200 is amended by adding an additional exception, 675 as follows:
  675. Within those lands zoned Agriculture (A1) Zone and Conservation/Hazard Land – Rural (P6) Zone, identified on Maps 175, of Schedule "A" – Zoning Maps and described as:

Property Address	Map number
280 Butter Road West	175

The following special provisions apply:

- a) Notwithstanding 7.6.1, the following use shall be prohibited:
    - i) single detached dwelling.
  - b) Notwithstanding 12.1.1, the following uses shall be prohibited:
    - i) single detached dwelling; and,
    - ii) residential care facility.
  - c) Notwithstanding Section 12.2.3.1 a), for the lands located at No. 280 Butter Road, the minimum lot area shall be 39 hectares.
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*.
  4. That this By-law No. XXX shall come into force and deemed to come into force in accordance with Subsection 34(21) of the *Planning Act*, either upon the date of passage of the By-law or as otherwise provided by the said subsection.

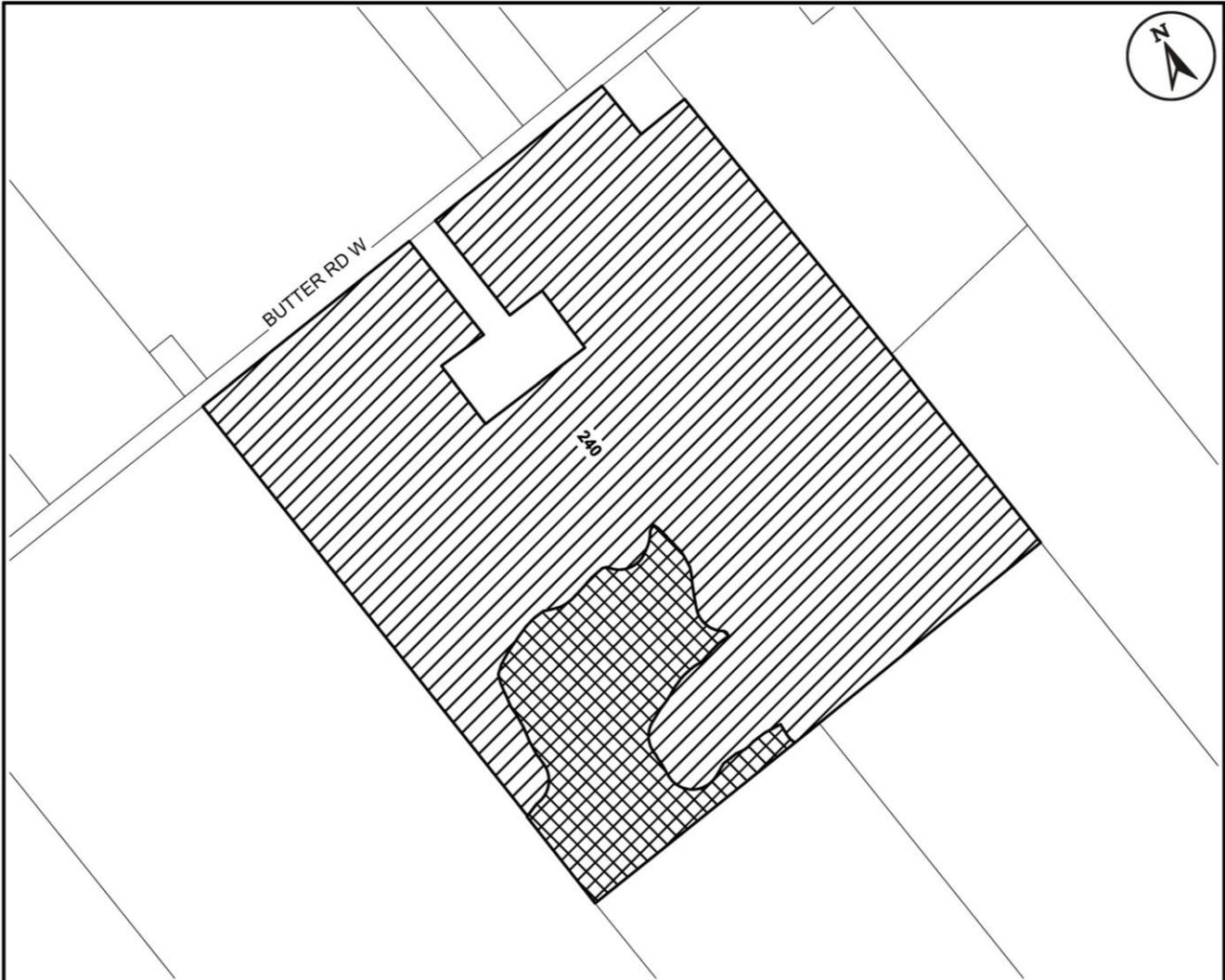
**PASSED** this May 1st, 2018.

---

F. Eisenberger  
Mayor

---

City Clerk



This is Schedule "A" to By-law No. 18-

Passed the ..... day of ....., 2018

-----  
Mayor

-----  
Clerk

## Schedule "A"

Map Forming Part of  
By-law No. 18-\_\_\_\_\_

to Amend By-law No. 05-200  
Map 175

### Subject Property

240 Butter Road West



Change in Zoning from Agriculture (A1) Zone  
to Agriculture (A1, 675) Zone



Change in Zoning from  
Conservation / Hazard Land - Rural (P6) Zone  
to Conservation / Hazard Land - Rural  
(P6, 675) Zone

Scale:  
N.T.S.

File Name/Number:  
ZAA-18-004

Date:  
Feb. 21, 2018

Planner/Technician:  
RF/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



Committee of Adjustment  
Hamilton City Hall  
71 Main Street West, 5<sup>th</sup> floor  
Hamilton, ON L8P 4Y5  
Telephone (905) 546-2424, ext. 4221  
Fax (905) 546-4202

## COMMITTEE OF ADJUSTMENT

### NOTICE OF DECISION

#### APPLICATION FOR CONSENTLAND SEVERANCE

**APPLICATION NO. AN/B-17:75**  
**SUBMISSION NO. B-75/17**

**IN THE MATTER OF** The Planning Act, R.S.O. 1990, Chapter P13, Section 53(1);

**AND IN THE MATTER OF** the Premises known as Municipal number 240 Butter Road West, formerly in the Town of Ancaster, now in the City of Hamilton;

**AND IN THE MATTER OF AN APPLICATION** by the agent Urban Solutions *c/o* Katie Rauscher on behalf of the owner A.B. Ventures Inc. *c/o* Marc Ripa, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a parcel of land measuring 40.0m± x 210.13m± and having an area of 1.29 ha± containing an existing single detached dwelling, existing remains of an old barn and a shed (single detached dwelling and shed is proposed to remain) and to retain a parcel of land measuring 512.41m± x 682.60m± and having an area of 40.10ha± for a 2,000m<sup>2</sup> marijuana growing and harvesting facility.

#### **THE DECISION OF THE COMMITTEE IS:**

That the said application, as set out in paragraph three above, **IS APPROVED**, for the following reasons:

1. The proposal does not conflict with the intent of the Rural Hamilton Official Plan.
2. The Committee considers the proposal to be in keeping with development in the area.
3. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.

**Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions:**

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
3. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-Law as determine necessary by the Planning and Economic Development Department (Building division – Zoning Section).

AN/B-17:75

Page 2

requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determine necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

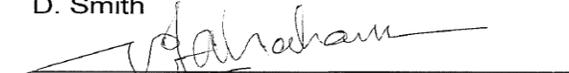
5. The owner/applicant shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearances requirements of Part 8 of the Ontario Building Code for the lands to be severed to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
6. The applicant / proponent shall receive final and binding approval of a zoning by-law amendment in order to restrict the development of a single detached dwelling on the retained farm parcel to the satisfaction of the Manager, Development Planning, Heritage & Design.
7. That the applicant / proponent apply for and receive a demolition permit for the existing barn on the lands to be severed to the satisfaction of the Manager, Development Planning, Heritage & Design.
8. The applicant must enter into and the City of Hamilton register on title, a consent agreement, having an administrative fee of \$4,005.00 (2017 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the severed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on grading plan); cash payment requirements for items such as trees (each street-tree/lot @ \$601.80 + HST), inspection of grading and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing municipal infrastructure and any damage during construction (unknown costs at this time).
9. That the Owner provide separate independent wastewater and water services to the lands to be severed and retained or provide proof thereof if they already exist.
10. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
11. The owner submit to the Committee of Adjustment office an administration fee of \$17.35 payable to the City of Hamilton to cover the costs of setting up a new tax account for the newly created lot.

DATED AT HAMILTON this 5th day of October, 2017.

  
M. Dudzic (Chairman)

  
D. Serwatak

  
D. Smith

  
V. Abraham

  
N. Mleczko

  
L. Gaddy

  
W. Pearce

  
P. Mallard

  
M. Smith

AN/B-17:75

Page 3

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS October 12th, 2017.  
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (October 12th, 2018) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS **November 1st, 2017.**

**NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.**

**NOTES:**

1. Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be conveyed will remain as 240 Butter Road West and the lands to be retained will be assigned the address of 280 Butter Road West
2. As part of previous application FC-17-135, Staff required an archaeological assessment be conducted for the subject lands. Staff do not have an archaeological assessment for the property on file and will be requiring that an archaeological assessment be completed and submitted prior to site plan approval for the subject property. Staff do not require that the assessment be completed as a condition of severance.



**Ferrari, Ryan**

---

**From:** Janice Currie <janice@shakerroads.com>  
**Sent:** January-23-18 1:24 PM  
**To:** Ferrari, Ryan  
**Cc:** Ferguson, Lloyd  
**Subject:** Re: ZAA-18-004 Notice of Complete Application for zoning by-law amendment, 240 Butter Road West

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Ferrari,

Thank you again for responding.

I understand, now, the 'rule' about future sale of the non-abutting property. I think, though, that the error in your analogy is that I wouldn't have been required to buy the home in Ancaster in order to be permitted to buy the home in Glanbrook.

I still don't understand, or agree, with the rules about severance, but we'll leave it at that.

I'm corresponding with you via email, in part, on behalf of my neighbours. Not all of them have received your letter of January 15 and, as such, are not able to remain up-to-date on the activities surrounding the subject property.

I'm sure that you, and other City officials, would like it if we did not weigh the merits of this proposed severance vis-a-vis the 'merits' of the proposed grow-op. The reality is that we can't, and you mustn't expect us to. The applicant/'farmer' has reported publicly that he "plans to construct five production facilities on the new land totaling 100,000 square feet". Allowing him to also sever the house so he doesn't have the hassle of a tenant is nothing more than greed on his part.

Hamilton seems willing to allow by-law amendments, and other precedents, while doing little to protect neighbouring residents' way of life, safety and security, right to quiet and absence of toxic fumes, and property values.

I will be responding, in writing, prior to the deadline.

Sent from my iPad

On Jan 23, 2018, at 12:43 PM, Ferrari, Ryan <[Ryan.Ferrari@hamilton.ca](mailto:Ryan.Ferrari@hamilton.ca)> wrote:

Hi Janice,

To answer your first question all of the individual parcels are individual parcels that comprise of his/her farm operation. They can choose to sell one or all or some of the parcels at a future date, but they would just be selling the parcels, not necessarily the farm operation. The parcels are not tied together as they are separate. Put in another way, if you owned a home in Glanbrook and a home in Ancaster and sold the home in Ancaster, you would be just selling home in Ancaster, the home in Glanbrook would not automatically be part of that sale because they are separate parcels.

If a farmer who owns at least 95 acres of total land and farms that land buys your whole parcel including your house, they can sever off your house as part of a farm consolidation. You cannot sever your house by yourself. There are policies that indicate that a purchase of additional lands needs to occur first before the severance can take place.

I'm hoping this is making sense. Again, this information may translate better over the phone. Unfortunately I am attending training the next couple days so I will have limited access to phone and email.

Regards,

### **Ryan Ferrari**

Planning Technician I  
Development Planning, Heritage & Design (Rural Team)  
Planning & Economic Development Department  
City of Hamilton, 71 Main Street West, Hamilton, ON, Canada, L8P 4Y5;  
Tel: 905-546-2424 ext. 5865; e-mail: [ryan.ferrari@hamilton.ca](mailto:ryan.ferrari@hamilton.ca)

---

**From:** Janice Currie [<mailto:janice@shakerroads.com>]

**Sent:** January-22-18 5:06 PM

**To:** Ferrari, Ryan

**Cc:** Ferguson, Lloyd; Christy, June; Fabac, Anita; Robichaud, Steve

**Subject:** Re: ZAA-18-004 Notice of Complete Application for zoning by-law amendment, 240 Butter Road East

Mr. Ferrari,

Thank you again for your response.

I apparently was not sufficiently clear in my question about a future sale. You indicated in a previous email that 'the other lands that the farmer owns is not abutting 240 Butter Road West'. My question is: if the applicant/farmer were to sell his other lands (i.e. those lands not abutting 240 Butter Road West), would the land at 240 Butter Road West be part of that sale? Are his non-abutting lands considered independent parcels, or do they form part of his 'primary' farm?

I'm afraid I must also ask for clarification on your last paragraph: you state that "this non-abutting farm consolidation severance is the only situation in which someone can sever off a residential dwelling on the property ....".

Just to put it into context - I live on a 100 acre farm, in a house at the end of a long, skinny driveway, surrounded by a large manicured lawn.

If I understand correctly, I could NOT sell my farm to the next door farm and then sever the house, but I could sever the house and drive and lawn if I sold to someone not abutting? Surely that can't be the case.

Sent from my iPad

On Jan 22, 2018, at 12:17 PM, Ferrari, Ryan <[Ryan.Ferrari@hamilton.ca](mailto:Ryan.Ferrari@hamilton.ca)> wrote:

Janice,

I've attached a plan which hopefully depicts the Zoning By-law Amendment much better.

Currently on the part of the property used for Agriculture and Zoned A1, one of the permitted uses is "Single Detached Dwelling". The Zoning By-law Amendment will remove "Single Detached Dwelling" as a permitted use on the property.

If the farmer chose to sell this property they would be buying the farm parcel and not the home as it would be severed off and presumably owned by someone else. It would become part of someone else's farm operation. The City requires that a farmer have at least 95 acres of total land of which comprises their operation in order to be eligible.

You are correct, severances for new residential dwellings are not permitted and would be denied. This non-abutting farm consolidation severance is the only situation in which someone can sever off a residential dwelling on the property and in return, we ask that the farm parcel be rezoned so that no new homes can be built on the property, thus meeting the intent of the Greenbelt Plan.

Please don't hesitate to ask if you have any further questions.

Regards,

**Ryan Ferrari**

Planning Technician I

Development Planning, Heritage & Design (Rural Team)

Planning & Economic Development Department

City of Hamilton, 71 Main Street West, Hamilton, ON, Canada, L8P 4Y5;

Tel: 905-546-2424 ext. 5865; e-mail: [ryan.ferrari@hamilton.ca](mailto:ryan.ferrari@hamilton.ca)

---

**From:** Janice Currie [<mailto:janice@shakerroads.com>]

**Sent:** January-22-18 10:28 AM

**To:** Ferrari, Ryan

**Cc:** Ferguson, Lloyd; Christy, June; Fabac, Anita; Robichaud, Steve

**Subject:** Re: ZAA-18-004 Notice of Complete Application for zoning by-law amendment, 240 Butter Road East

Thank you for your response.

Could you kindly clarify what the actual by-law amendment is?

There are a lot of farmhouses in Carluke, including my own, which are at the end of 'long, skinny driveways'. My understanding is that, until now, Hamilton has vehemently denied applications to sever these, even when the farmlands are abutting.

What happens if/when the applicant sells his other farm property? Is the land at 240 Butter Road West considered to be part of the other farm?

Thank you

Sent from my iPad

On Jan 22, 2018, at 9:25 AM, Ferrari, Ryan <[Ryan.Ferrari@hamilton.ca](mailto:Ryan.Ferrari@hamilton.ca)> wrote:

Hi Janice and Councillor Ferguson,

Thank you for your inquiry.

The applicant had applied to the Committee of Adjustment to sever off the existing home and demolished barn from the farm. When farmers purchase additional lands for their farm operation sometimes there are existing homes on the agricultural parcel that they buy. The farmers don't want to be landlords so we give them the option of severing off the unfarmed portion and dwelling so that they can sell it off. This is what is referred to as a "non-abutting farm consolidation", as the other lands that the farmer owns is not abutting 240 Butter Road W.

The Committee of Adjustment reviewed the proposal File AN/B-17:75 and approved it with conditions. One of those conditions is that the farmer must rezone his retained Agricultural Parcel so that they cannot build a single detached dwelling on the property. If we did not do this we would effectively be creating new parcels for dwellings to be constructed on, which is not permitted. The rezoning application that you see is attempting to fulfill that condition. That is the extent of the application.

In regards to the severed lot itself, unfortunately the size is a consequence of the location of the dwelling on the subject property as there is a long skinny driveway and then an existing manicured lawn area. The thinking was that the severance should occur around the lands that were not farmed. The severed lot complies with the Zoning By-law.

For your information, this stretch of Butter Road is protected by the Greenbelt Plan (2017) so the extent of the land uses allowed are Agricultural Uses and Single Detached Dwellings.

Janice, if you would like to discuss further feel free to give me a call. We have just started to review the application.

Regards,

**Ryan Ferrari**

Planning Technician I  
Development Planning, Heritage & Design (Rural Team)  
Planning & Economic Development Department  
City of Hamilton, 71 Main Street West, Hamilton, ON, Canada,  
L8P 4Y5;  
Tel: 905-546-2424 ext. 5865; e-mail: [ryan.ferrari@hamilton.ca](mailto:ryan.ferrari@hamilton.ca)

-----Original Message-----

From: Janice Currie [<mailto:janice@shakerroads.com>]  
Sent: January-22-18 8:11 AM  
To: Ferguson, Lloyd  
Cc: Ferrari, Ryan  
Subject: Re: ZAA-18-004 Notice of Complete Application for zoning by-law amendment, 240 Butter Road East

Mr. Ferguson,

I will leave it to Mr. Ferrari to respond to your specific question. From reading the correspondence, though, it would appear that the application is to sever a large-ish parcel (5 acres?) which includes the existing dwelling, and to then create a 'non-abutting farm consolidation' which can never be built on (or, at least, can never have a house built on it). Even if this resulting land is somehow 'consolidated' with another, existing, farm property, the fact remains that there appear to be several

precedents being set: namely, the proposed severance appears larger than the allowable; and, there is already a small severance on the property.

If I am mis-understanding Mr. Ferrari's letter, perhaps someone will be good enough to enlighten me. I am assuming that the reference to a zoning by-law 'amendment' implies a variance from the current by-law(s) and I seek to better understand what those variances are, and to understand the motivations and rationale of both the applicant and the City.

It does seem, to me, to be a dangerous precedent to allow existing farmhouses to be severed from their farmland. Where would this end? By the stroke of a pen, you would permanently change Carluke from an historically interesting hamlet, to an unappealing commercial land grab. I look forward to receiving clarification in due course.

Regards,  
Janice Currie

Sent from my iPad

> On Jan 22, 2018, at 7:26 AM, Ferguson, Lloyd  
<Lloyd.Ferguson@hamilton.ca> wrote:  
>  
> Ryan  
>  
> Is this a farm consolidation severance?  
>  
> Councillor Lloyd Ferguson  
> Ward 12 Ancaster  
> 905-546-2704  
> <http://www.hamilton.ca>  
>  
>  
> The lobbying of members of the City of Hamilton's Mayor, Council and Senior Management Team are subject to the City's Lobbyist By-Law. It's the responsibility of lobbyists to register their lobbying activity. For more information about the Lobbyist Registry, please visit [www.hamilton.ca/lobbyistregistry](http://www.hamilton.ca/lobbyistregistry)  
>  
>  
> -----Original Message-----  
> From: Janice Currie [mailto:[janice@shakerroads.com](mailto:janice@shakerroads.com)]  
> Sent: January-21-18 11:14 AM  
> To: Ferrari, Ryan  
> Cc: Ferguson, Lloyd  
> Subject: ZAA-18-004 Notice of Complete Application for zoning by-law amendment, 240 Butter Road East  
>  
> Your letter dated January 15, 2018 concerning the subject refers.  
>  
> Your letter refers to a 'condition of a consent application AN/B-17:75' to sever a parcel of land containing an existing dwelling .... '

- > What does 'condition of consent application' mean, and what are the specifics of the application AN/B17-75?
- >
- > What is the size of the proposed severance? Based on the location map, the severance appears to be quite large, especially when compared to other severances shown on the same map. What is the allowable by-law severance guideline?
- > If, as it appears, this proposed severance is larger than current by-law standards, why is a precedent being considered?
- >
- > Your letter further states that the resulting vacant parcel of land for agricultural purposes would form a 'non-abutting farm consolidation'. Further, that a condition of the consent requires the applicant/owner to apply for and receive a zoning by-law amendment application to prohibit the development of a dwelling on the lands to be retained as a result of the severance.
- > Again, is this not a precedent? What would prevent other farm properties from severing the dwelling from the property and creating 'non-abutting farm consolidations'?
- > Additionally, such an amendment, with such a condition attached, seems short-sighted: what happens in the future when this applicant/owner no longer has interest in this parcel?
- > I would appreciate receiving answers to the above at your convenience.
- > Janice Currie
- > 251 Carluke Road West
- > Ancaster, ON L9G 3L1
- > 905-304-8474
- >
- > Sent from my iPad

<240 Butter Road.pdf>

**Ferrari, Ryan**

---

**From:** Shelley Yeudall <yeudall.family@gmail.com>  
**Sent:** February-02-18 2:42 PM  
**To:** Ferrari, Ryan  
**Subject:** RE: ZAA - 18-004

Can you please let me know when the public meeting is? Thanks!

On Jan 25, 2018 8:55 AM, "Ferrari, Ryan" <[Ryan.Ferrari@hamilton.ca](mailto:Ryan.Ferrari@hamilton.ca)> wrote:

Hi Shelly.

I can briefly explain the purpose of the application.

The applicant applied to sever off the existing dwelling from the farmed land. The application was approved subject to a bunch of conditions. One of the conditions is that they rezone the existing farmed portion of the property so that they remove the ability to construct a single detached dwelling on the farmed portion. That is the extent of the application.

If you have any further questions please don't hesitate to ask.

Regards,

**Ryan Ferrari**

Planning Technician I

Development Planning, Heritage & Design (Rural Team)

Planning & Economic Development Department

City of Hamilton, 71 Main Street West, Hamilton, ON, Canada, L8P 4Y5;

Tel: 905-546-2424 ext. 5865; e-mail: [ryan.ferrari@hamilton.ca](mailto:ryan.ferrari@hamilton.ca)

**From:** Shelley Yeudall [mailto:[yeudall.family@gmail.com](mailto:yeudall.family@gmail.com)]  
**Sent:** January-24-18 5:49 PM  
**To:** Ferrari, Ryan  
**Cc:** Andrew Yeudall  
**Subject:** ZAA - 18-004

More info please.

Thanks

**Ferrari, Ryan**

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**From:** Karina <klidstone@gmail.com>  
**Sent:** February-13-18 5:52 PM  
**To:** Ferrari, Ryan  
**Cc:** Meneray, Elyse; Christy, June  
**Subject:** Re: ZAA-18-004

Thank you for this information. I am not quite that concerned with the severing of land, more so the marijuana greenhouse.

Elyse- could you please let me know how I can raise my concerns about this, or anything else I can do?

Thanks again,

Karina West

On Feb 12, 2018, at 8:56 AM, Ferrari, Ryan <[Ryan.Ferrari@hamilton.ca](mailto:Ryan.Ferrari@hamilton.ca)> wrote:

Hi Karina,

Thanks for your inquiry.

The purpose of the application is to facilitate the severance of the existing farm house from the property. The applicant purchased the lands for the purposes of farming and since they own other farm lands in the City they are eligible to sever off the dwelling. They applied for this back in August and received approval based on a number of conditions. One of these conditions was that they make an application to rezone the farm lands so that they cannot build a single detached dwelling.

That is the purpose of the application at this time.

Currently there is an ongoing application to construct a Medical Marihuana Greenhouse Operation on this property. Elyse Meneray is the planner on that file and I have copied her on this email.

We are currently collecting comments for a staff report going to Planning Committee with regards to the severance. If you have any concerns regarding my application you can submit them to myself and I can make sure that they are included so that the Councillors see it.

Please let me know if you have any further questions.

Regards,

**Ryan Ferrari**

Planning Technician I  
Development Planning, Heritage & Design (Rural Team)  
Planning & Economic Development Department  
City of Hamilton, 71 Main Street West, Hamilton, ON, Canada, L8P 4Y5;  
Tel: 905-546-2424 ext. 5865; e-mail: [ryan.ferrari@hamilton.ca](mailto:ryan.ferrari@hamilton.ca)

-----Original Message-----

From: Karina [<mailto:klidstone@gmail.com>]

Sent: February-11-18 3:25 PM

To: Ferrari, Ryan

Subject: ZAA-18-004

Hello,

I have received a notice about a zoning amendment on Butter road west. I am aware that the intention of this land is for marijuana growth. Is this what the letter is for? I am unsure exactly what the letter is stating is the intention of the land.

Please clarify for me as I would like to submit a disagreement and concern about this.

Thank you,

Karina West



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 1, 2018
<b>SUBJECT/REPORT NO:</b>	Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) (PED18077)
<b>WARD(S) AFFECTED:</b>	Ward 11
<b>PREPARED BY:</b>	Elyse Meneray (905) 546-2424 Ext. 6360
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That **Rural Hamilton Official Plan Amendment Application RHOPA-17-039, by Willow Valley Holdings Inc. (Owner)**, for an amendment to the Rural Hamilton Official Plan Schedule D - Rural Land Use Designations to re-designate the lands from Open Space to Rural to permit the creation of two new residential lots, for the lands located at 8475 English Church Road East, Glanbrook, as shown on Appendix "A" to Report PED18077, be **DENIED** on the following basis:
- (i) The proposed Application is not consistent with the Provincial Policy Statement (2014) and does not comply with the Provincial Policy Statement airport regulation, agriculture and lot creation policies;
  - (ii) The proposed Application does not comply with the Rural Area and Goods Movement policies of the Growth Plan for the Greater Golden Horseshoe (2017);
  - (iii) The proposed Application does not comply with the policies and intent of the Rural Hamilton Official Plan airport development regulation policies and lot creation policies;
  - (iv) The proposed development does not represent good planning as it is proposing a sensitive land use within the 35-40 NEF contour and the

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**SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) (PED18077) - Page 2 of 19**

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creation of two new lots for non-agricultural purposes in the Rural Hamilton Area.

- (b) That **Zoning By-law Amendment Application ZAC-17-082, by Willow Valley Holdings Inc. (Owner)**, for a change in zoning from the Open Space (P4) Zone to the Rural (A2) Zone in order to permit the development of two new residential lots, for lands known as 8475 English Church Road East (Glanbrook), as shown on Appendix "A" to Report PED18077 be **DENIED** on the following basis:
- (i) The proposed Application is not consistent with the Provincial Policy Statement (2014);
  - (ii) The proposed Application does not comply with the Rural Area and Goods Movement policies of the Growth Plan for the Greater Golden Horseshoe (2017);
  - (iii) The proposed Application does not comply with the policies and intent of the Rural Hamilton Official Plan airport regulation policies, lot creation policies and is not an appropriate use for the area;
  - (iv) The proposal does not meet the general intent of the City of Hamilton Zoning By-law No 05-200.

## **EXECUTIVE SUMMARY**

The applicant has applied for a Rural Hamilton Official Plan (RHOP) Amendment and a Zoning By-law Amendment for a portion of the lands at the Willow Valley Golf Course located at 8475 English Church Road East. The purpose of the applications is to permit the creation of two new residential lots, with the intention of constructing a single detached dwelling on each lot. The applicant, as noted in the Planning Justification Report submitted with the applications, proposes to consolidate two vacant properties zoned Rural (A2) Zone located at 3005 (2.01 ha) and 3065 Upper James Street (2.5 ha) with an abutting 30.1 ha property, zoned Rural (A2) Zone at 2907 Upper James Street which is used as a sod farming operation and is also owned by the applicant. There are no provisions in the Provincial Policy documents or the City's Official Plans to allow for the applicant's proposal and as such an Official Plan Amendment Application was submitted to reverse the City's Consent / Lot Creation policies to give effect to the development course of action proposed by the applicant.

The applications do not have merit and cannot be supported as they are not consistent with the Provincial Policy Statement (2014), the Places to Grow Plan (2017) and do not conform to the intent of the Rural Hamilton Official Plan (RHOP) specifically the, airport development and lot creation policies.

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**SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) (PED18077) - Page 3 of 19**

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***Alternatives for Consideration – See Page 18***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold as least one Public Meeting to consider an application for Amendment to the Rural Hamilton Official Plan and Zoning By-law.

**HISTORICAL BACKGROUND**

The subject lands at 8475 English Church Road East are part of the Willow Valley Golf Course and located at the south east corner of the intersection at English Church Road, East and Upper James Street. They are also located to the west of the Airport Employment Growth District Secondary Plan and to the southwest of the Mount Hope Secondary Plan. The subject lands are located in the Airport Influence Area, Primary Airport Zoning Regulation Area and between the 35-40 Noise Exposure Forecast Contours.

The subject lands are located within the “White Belt”, (the rural area outside of the Greenbelt Plan area), in the Rural Hamilton Official Plan. Therefore, Greenbelt policies do not apply. Although, the subject lands are not regulated by Greenbelt Plan policies, there are Rural Area policies in the Growth Plan for the Greater Golden Horseshoe that provide guidance on what should be permitted on rural lands outside of the rural settlement area and as such, the application must conform to the Growth Plan (2017).

**Proposal**

The applicant is proposing to create two new residential lots fronting onto English Church Road from the subject lands at the Willow Valley Golf Course, as shown on Appendix “B” to Report PED18077. They are proposed to be created through Consent for Severance Applications GL/B-15:65 and GL/B-15:66 which were tabled at the September 17, 2017 Committee of Adjustment meeting. It should be noted that staff did not support the applications, and the Committee determined that the merits of the application should best be first considered by City Council through an Official Plan and Zoning By-law Amendment with respect to the principle of land use and lot creation. The first residential lot (shown as Part 1 on Appendix “B” to Report PED18077) is proposed to have a frontage of 62.267 m and an area of .0405 ha and the second proposed residential lot (shown as Part 2 on Appendix “B” to Report PED18077) is an irregular shaped lot with a proposed frontage of 169.8 m and an area of .782 ha.

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**SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) (PED18077) - Page 4 of 19**

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As stated in the Planning Justification Report submitted with the application, the applicant proposes that, as a condition of creating the two lots, two vacant properties zoned Rural (A2) Zone located at 3005 and 3065 Upper James Street (2.01 ha and 2.5 ha in size) would be consolidated with an abutting 30.1 ha property, zoned Rural (A2) Zone at 2907 Upper James Street. The larger property is used as a sod farming operation, and all of the above mentioned properties are owned by the applicant. This proposal is shown on Appendix “C” to Report PED18077.

The purpose and effect of the proposed Official Plan Amendment to the Rural Hamilton Official Plan is to re-designate the subject lands from “Open Space” to “Rural” to permit the creation of two new residential lots. The purpose and effect of the proposed Zoning By-law Amendment to Zoning By-law No. 05-200 is to change the zoning from the Open Space (P4) Zone to the Rural (A2) Zone in order to permit the development of two new residential lots.

**Previous (2005) Consent for Severance Application**

In 2005, the applicant submitted a Regional (ROPA-05-02) and Local Official Plan (OPA-05-08) Amendment and Zoning By-law (ZAC-05-58) Amendment Applications to allow for the severance and creation of three lots for single detached dwellings on the Willow Valley Golf Course. Two of the proposed lots (8271 English Church Road East and 8321 English Church Road East) had existing dwellings on the property which were being used as a clubhouse and a residence for the groundskeeper. The third proposed lot was vacant. The applications were heard at Planning Committee on May 16, 2006.

Planning Committee agreed to approve the severances for Lot 1 (8271 English Church Road) and Lot 2 (8321 English Church Road) conditional upon the owner agreeing to replace the additional dwelling use with the clubhouse. Planning Committee amended the original application to remove the third lot to be created, as there was no existing dwelling on the lot.

On June 28, 2006, Hamilton City Council approved Official Plan Amendment No. 27 to the former Region of Hamilton-Wentworth Official Plan and Official Plan Amendment No. 55 to the former Township of Glanbrook Official Plan and amended Zoning By-law No. 464 (Glanbrook), for lands located at 8271 and 8321 English Church Road East, which permitted the creation of the two lots for the existing single detached dwellings. In 2006, the two lots were severed (GL/B-06:117 & GL/B-06:118) from the Willow Valley Golf Course. See Appendix “D” and Appendix “E” to Report PED18077 for Committee of Adjustment applications GL/B-06:117 & GL/B-06:118 meeting minutes and staff comments.

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**SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) (PED18077) - Page 5 of 19**

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**Chronology:**

- September 17, 2017: Committee of Adjustment meeting to consider Consent for Severance Applications GL/B-15:65 and GL/B-15:66. Applications were tabled.
- November 10, 2017: Applications for a Rural Hamilton Official Plan Amendment (RHOPA-17-039) and Zoning By-law Amendment (ZAC-17-082) received.
- November 17, 2017: Applications for a Rural Hamilton Official Plan Amendment (RHOPA-17-039) and Zoning By-law Amendment (ZAC-17-082) deemed complete.
- November 24, 2017: Notice of Complete Application was sent to 93 property owners within 120 m of the subject lands.
- December 4, 2017: Public Notice Sign posted on site.
- April 13, 2018: Statutory Public Notice published in the Hamilton Spectator.
- April 13, 2018: Circulation of the Notice of Public Meeting mailed to 93 property owners within 120 m of the subject property.

**Details of Submitted Application:**

- Owner/Applicant:** Willow Valley Holdings Inc. (c/o Steve Schiedel)
- Agent:** Fothergill Planning & Development Inc. (c/o Ed Fothergill)
- Location:** 8475 English Church Road East (see Appendix "A" to Report PED18077)
- Property Description:**
- |                      |                                    |
|----------------------|------------------------------------|
| <u>Lot Frontage:</u> | 680.9 m (English Church Road East) |
| <u>Lot Depth:</u>    | 477 m (irregular)                  |
| <u>Lot Area:</u>     | 61.2 ha                            |
| <u>Servicing:</u>    | No municipal services              |

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**SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) (PED18077) - Page 6 of 19**

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**EXISTING LAND USE AND ZONING:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Open Space (Willow Valley Golf Course)	Open Space (P4) Zone, Special Exception 164 and 3T (not final and binding)

**Surrounding Land Uses:**

<b>North</b>	Residential, Agriculture and Open Space (Cameron Speedway and Amusements)	Rural (A2) Zone Open Space (P4) Zone, Special Exception 160
<b>South</b>	Willow Valley Golf Course	Open Space (P4) Zone, Special Exception 164 and 3T (not final and binding)
<b>East</b>	Agriculture	Agriculture (A1) Zone
<b>West</b>	Residential and Willow Valley Golf Course	Rural (A2) Zone Open Space (P4) Zone, Special Exception 164 and 3T (not final and binding)

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The proposed Rural Hamilton Official Plan Amendment (RHOPA-17-039) and Zoning By-law Amendment (ZAC-17-082) were reviewed against the Provincial Policy Statement (2014) and the Growth Plan for the Greater Golden Horseshoe (2017) and the Rural Hamilton Official Plan.

Two of the most relevant policies in all documents are: land use compatibility of sensitive land uses in proximity to an airport and the residential development in the rural area.

The subject property is located in the rural area in close proximity to the John C. Munro International Airport. The purpose of the application is to create two new residential lots for single-detached dwellings.

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**SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) (PED18077) - Page 7 of 19**

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**Provincial Policy Statement (2014)**

The Provincial Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS, 2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS.

The applications have been reviewed against the policies of the Provincial Policy Statement (PPS, 2014).

**Land Use Compatibility**

The subject property was identified as being located within the Airport Influence Area, Primary Airport Zoning Regulation Area and the 35-40 Noise Exposure Forecast Contour, as such, the following policies, amongst other, apply to the proposal:

- “1.2.6.1      *Major facilities and sensitive land uses* should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long term viability of *major facilities*.
- 1.6.9.1      Planning for land uses in the *vicinity of airports, rail facilities and marine facilities* shall be undertaken so that:
- a) their long term operation and economic role is protected; and,
  - b) airports, rail facilities and marine facilities and sensitive land uses are appropriately designed, buffered and/or separated from each other, in accordance with policy 1.2.6.
- 1.6.9.2      *Airports* shall be protected from incompatible land uses and development by:
- a) prohibiting new residential *development* and other sensitive land uses in areas near *airports* above 30 NEF/NEP;
  - b) considering redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in area above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long term function of the *airport*; and,
  - c) discouraging land uses which may cause a potential aviation safety hazard.”

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The proposal is not consistent with the Airport, Rail and Marine policies of the Provincial Policy Statement. The PPS protects airports from incompatible land uses and development by prohibiting new residential development and other sensitive land uses in areas near airports above the 30 NEF contour. This proposal is to create two new residential lots within the 35-40 NEF contour. John C. Munro International Airport staff have advised that any residential development permitted in the area (i.e. within the 35-40 NEF Contour) will be significantly impacted by aircraft noise. This can result in complaints against routine airport operations and the intent of the NEF contour land use policies is to ensure the long term viability of the airport for 24/7 operations. It is better to avoid a potential land use conflict, rather than to try and mitigate it. Therefore, the proposal does not meet the intent of the PPS as the proposed development is not an appropriate distance from the airport to prevent or mitigate adverse effects from noise.

In addition, by allowing for residential development within this area the long-term operation and economic role of the Airport is not being protected.

#### Residential Development

1.1.4.2 In *rural areas*, rural *settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.

1.1.5.2 On *rural lands* located in municipalities, permitted uses are:

- a) the management or use of resources;
- b) resource-based recreational uses (including recreation dwellings);
- c) limited residential development;
- d) home occupations and home industries;
- e) cemeteries; and,
- f) other rural land uses.”

The proposed use is not consistent with Policy 1.1.4.2 which focuses of growth within Rural Settlement Areas. However, Policy 1.1.5.2 does allow for some limited residential development. It is the intent of the PPS to allow municipalities to determine the extent of residential development in the rural area.

#### Agriculture and Lot Creation

The subject property has been identified as a prime agricultural area as such, the following policies, amongst others, apply to the proposal:

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- “2.3.1 *Prime agricultural areas* shall be protected for long-term use for agriculture.
- 2.3.3.1 In *prime agricultural areas*, permitted uses and activities are: *agricultural uses, agriculture-related uses and on-farm diversified uses*.
- 2.3.4.1 Lot creation in *prime agricultural areas* is discouraged and may only be permitted for:
- a) *agricultural uses*, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
  - b) *agriculture-related uses*, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*;
  - c) a residence surplus to a farming operation as a result of farm consolidation, provided that:
    1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*; and
    2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and
  - d) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.
- 2.3.4.3 The creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with policy 2.3.4.1(c).”

The proposed use is not consistent with Policy 2.3.1 and 2.3.3.1, which protects prime agricultural areas for long-term use for agriculture and permits only agricultural uses, agriculture-related uses and on-farm diversified uses. Furthermore, the proposed development is not consistent with Policy 2.3.4.3, which does not permit the creation of new residential lots in prime agricultural areas except for a residence surplus to a

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farming operating as a result of a farm consolidation in accordance with policy 2.3.4.1 (c).

**Growth Plan for the Greater Golden Horseshoe (2017)**

The following applicable policies, amongst others, apply as it relates to the airport:

“3.2.4.2 The Province and municipalities will work with agencies and transportation service providers to:

- a) co-ordinate, optimise, and ensure the long-term viability of major goods movement facilities and corridors.

3.2.5.1 In planning for development, optimization, or expansion of existing and *planned corridors* and supporting facilities, the Province, other public agencies and upper- and single-tier municipalities will:

- b) ensure that existing and *planned corridors* are protected to meet current and projected needs in accordance with the transportation and *infrastructure* corridor protection policies in the PPS;

3.2.5.2 The planning, location, and design of *planned corridors* and the land use designations along these corridors will support the policies of this Plan, in particular that development is directed to *settlement areas*.”

The development is not consistent with the Airport policies of the Growth Plan (2017). Therefore, this development conflicts with Policies 3.2.5.1 b) and 3.2.5.2 of the Growth Plan (2017).

**Rural Hamilton Official Plan (RHOP)**

The two most important RHOP policies are the Noise policies and the severance policies. The policies, not above, apply to any residential development in the rural area, regardless of land use designation.

**Airport Influence Area Policies**

The subject lands are identified as Airport Influence Area on Schedule “F” Airport Influence Area, Primary Airport Zoning Regulation Area and between the 35-40 Noise Exposure Forecast Contours on Appendix “D” – Noise Exposure Forecast Contours and Primary Zoning Regulation Area. The following policies, amongst others, apply to the proposed development:

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- “B.3.6.3.2 Development of noise *sensitive land uses*, in the vicinity of provincial highways, parkways, arterial roads, collector roads, truck routes, railway lines, railway yards, airports or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines standards.
- B.3.6.3.8 *Development* within the vicinity of John C. Munro International Airport shall be in accordance with Section C.4.8 – Airport.
- C.4.8.5 The City shall minimize the future conflicts between operation of the Airport and surrounding land uses to ensure:
- a) There shall be no negative impact on the long-term operations of the Airport;
  - b) The opportunities for expansion of airport operations shall not be limited; and,
  - c) There are no land uses in the vicinity which may cause a potential aviation hazard; and,
  - d) Development that is noise or land use sensitive to airport operations or will limit the opportunities for expansion of airport operations shall be restricted.
- C.4.8.7 All *development* and *redevelopment* shall comply with all provincial and municipal standards, criteria and guidelines regarding noise and vibration from air traffic sources, including section B.3.6.3 – Noise, Vibration and Other Emissions.
- C.4.8.8 Proposals for *development*, infill development and *redevelopment* of residential or other *sensitive land use* shall comply with the following requirements in Table C.4.8.1 – Requirement for Development in the Vicinity of John C. Munro International Airport, based on all applicable location criteria. Proposals may meet more than one locational criteria and thereby be subject to more than one set of requirements.”

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**Table C.4.8.1: Requirements for Development in the Vicinity of John C. Munro International Airport**

	Locational Criteria	Requirements
1	35 NEF and greater, and/or within the Airport Influence Area	<p>a) All new <i>development</i> of residential and other <i>sensitive land uses</i>, including infill <i>development</i> and <i>redevelopment</i>, shall be prohibited.</p> <p>b) New land uses which may cause a potential aviation hazard shall be prohibited.</p>

The proposal conflicts with Policy B3.6.3.2 and C.4.8.4 since it is contrary to the PPS and Growth Plan. In addition, it is also contrary to Policies C.4.8.5 and C.4.8.8. The proposed residential use is located between the 35-40 NEF contours and the Airport Influence Area. As per policy C.4.8.8, all proposals for development, infill development and redevelopment of residential or other sensitive land uses shall comply with Table C.4.8.1 – Requirements for Development in the Vicinity of John C. Munro International Airport, based on all applicable location criteria.

The locational criteria applicable for the proposal is 35 NEF or greater and / or within the Airport Influence Area. Therefore, all new development of residential and other sensitive land uses, including infill development and redevelopment shall be prohibited. Furthermore, policy C.3.3.2 (d) states that development that is noise or land use sensitive to airport operations or will limit the opportunities for expansion of airport operations shall be restricted. The proposal is for a sensitive land use and therefore shall be restricted so that there is no adverse effect on the airport or surrounding land uses.

#### Residential Development — Severance Policies

The following lot creation policies, amongst others apply to the proposed development:

F.1.14.2.1 The following policies apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agricultural, Rural, Speciality Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D – Rural Land Use Designations:

- a) Severances that create a new lot for the following purposes shall be prohibited:
  - i) Residential uses except in accordance with:

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- 1) Policies F.1.14.2.1 b) iii) and F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation; and,
- 2) Policies F.1.14.2.1 b) iv) and F.1.14.2.4, where a dwelling within a designated Rural Settlement Area may be severed.

Based on Policy F.1.14.2.1 the creation of non-surplus dwelling farm lots is prohibited.

### Land Use Designation

The subject lands are currently designated “Open Space” on Schedule “D” – Rural Land Use Designations of the Rural Hamilton Official Plan (RHOP). The following policies, amongst others, apply to the proposed development:

- “C.3.3.1      Lands designated as Open Space on Schedule D – Rural Land Use Designations are public or private areas where the predominant use of or function of the land is for recreational activities, conservation management and other open space uses. These include, but are not limited to parks for both active and passive recreational activities including *resource-based* recreational and tourism uses, recreation/community centres, pedestrian pathways, trails, bikeways and walkways, seasonal campgrounds, marinas, woodlots, forestry and wildlife management areas, fishing reserves, *hazard lands* and cemeteries. Ancillary commercial uses may be permitted as defined by section B.3.5.1, Parkland Policies and section C.2, Natural Heritage System policies of this Plan.
- C.3.3.2      Open Space designations shall be further refined in Secondary Plans and Rural Settlement Area Plans or identified in an Appendix to this Plan in accordance with Section B.3.5.1 Parkland Policies of this Plan.

The following ancillary uses shall be permitted subject to the following:

- a) Ancillary commercial uses such as but not limited to food concessions, recreational equipment rentals and water oriented recreational uses that are complimentary to supporting and in conjunction with a *resource-based* recreational and tourism use, or recreational/community centre, may be permitted provided they do not interfere with or have any negative impacts on the open space nature of the land; and

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- b) One ancillary residential dwelling may be permitted in conjunction with a *resource-based* recreational and tourism use provided it does not interfere with or have any negative impacts on the open space nature of the land.

C.3.3.3 Where land is designated as Open Space and is under private ownership, it is not intended that this land shall necessarily remain so indefinitely, nor shall the Plan be construed as implying these areas are free and open to the general public or shall be purchased by the City.”

The intent of the Open Space designation is to permit Open Space uses. The Open Space designation does not permit residential uses except for an ancillary residential dwelling in conjunction with a *resource-based* recreational and tourism use provided that it does not interfere with or have any negative impacts on the open space nature of the land. As the proposal is not for an ancillary residential dwelling in conjunction with a *resource-based* recreational and tourism use, the proposal does not meet the intent of the Open Space policies of the Rural Hamilton Official Plan.

Notwithstanding the designation of the subject lands, residential development is contrary to the Noise and Airport Influence policies. These policies directly implement the provincial policy. Furthermore, the RHOP does not allow severances for residential dwelling lots unless they are related to a farming operation.

**City of Hamilton Zoning By-law 05-200**

The subject lands are zoned Open Space (P4) Zone – Special Exception 164 in Zoning By-law No. 05-200. The lands are also subject to Special Exception 3T, a pilot project for entertainment on outdoor commercial patios for areas of Downtown Hamilton and for certain lands zoned Open Space (P4) and Settlement Commercial (S2) Zone in the Rural Area. As of writing this Report, Special Exception 3T is under appeal and therefore, not final and binding. Special Exception 164 applies only to 8475 English Church Road and permits the following additional provisions:

- a) A clubhouse shall be set back a minimum of 200.0 m from English Church Road East and Upper James Street, and a minimum of 900.0 m from the adjacent livestock building and manure facility on the lands to the east described as 8149 English Church Road East;
- b) Minimum yards for all golf tees, fairways, greens and practice areas shall be 30.0 m from any lot line that abuts a public street or a lot used for residential or institutional purposes;

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- c) A landscaped area with a minimum width of 10.0 m shall be provided adjacent to any lot line that abuts a public street or a lot used for residential or institutional purposes.

The P4 Zone permits Botanical Gardens, Cemetery, Community garden, Conservation, Golf Course (excluding mini-golf), Nature Centres, Marina, Recreation, Seasonal Campground and Urban Farms, subject to a set of performance standards. Residential uses are not permitted, and a Zoning By-law Amendment is required to permit the residential use on the subject lands.

## **RELEVANT CONSULTATION**

The following Departments and external Agencies provided comments with respect to the proposed applications:

**Niagara Peninsula Conservation Authority (NPCA)** advised that current regulations do not permit development (including but not limited to: structures, septic systems, ponds and fill) within floodplain areas. The lands to be severed, shown as Part 1 on the *Sketch for Land Severance prepared by A.T.McLaren limited (dated May 1, 2015)* is located outside of any features of interest. NPCA Staff conducted a site visit in November 2014 to assess Three Mile Creek where the lands shown as Part 2 is to be severed.

Based on NPCA staff assessment, it was determined that a 3.0 m setback from the bank of the watercourse to the rear lot line of Part 2 was required. The 3.0 m buffer should be naturally vegetated to protect the watercourse from future development proposals on Part 2. Further, the NPCA will require a topographic survey showing the floodplain elevation of 218.81 m GSC and a building envelope for Part 2 that is located outside the regulatory floodplain.

The NPCA has no objection to the applications subject to the circulated sketch being revised to meet the requirements outlined in this letter. NPCA Staff recommend that the revisions be made prior to the applications being approved in order to ensure that the appropriate lands are amended.

Should any development and/or site alterations (i.e. grading / fill) be proposed in an NPCA regulated area a work permit will be required from our office in accordance with the "Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (O. Reg. 155/06).

The circulated sketch does not contain the above noted information and should be revised accordingly in order to meet NPCA's "Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (O. Reg. 155/06).

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**John C. Munro International Airport** advised that as per the City of Hamilton By-law #05-196 no sensitive land uses are permitted to be developed within areas exposed to noise disturbance levels greater than the 28 NEF, except where the lands are currently designated Urban. The proposed residential severances falls under Noise Exposure Forecast (NEF) contour 40 and the Airport Influence Area therefore; any residential development permitted in the area will be significantly impacted by aircraft noise and will conflict with the Hamilton Airport Zoning Regulations and the City of Hamilton By-law.

**Ministry of Transportation** advised that the property is not within the ministry's permit control area, and therefore permits are not required. In addition, the ministry has no concerns with the Official Plan Amendment or Zoning By-law Amendment.

**Transportation Planning (Public Works Department)** has identified a future Right-of-Way width for Upper James Street at 45 m from Rymal Road to 150 m north of new Highway No. 6 and a future Right-of-Way width for English Church Road –Collector Roads of 36 m.

Chapter C - City Wide Systems and Designations 4.5 Road Network Functional Classification; Daylighting Triangles 4.5.7 has identified the need for a 15 m by 15 m daylighting triangle for Arterial to Collector or Arterial roads. The BLAST Line corridors need to be protected for future rapid transit.

**Recycling and Waste Disposal (Environmental Services Division, Public Works Department)** advised that residential developments are eligible for municipal waste collection service and that the following note be added to any future site plan:

“This property is eligible for weekly collection of Garbage, Recycling, Organics, and Leaf and Yard Waste through the City of Hamilton subject to compliance with specifications indicated by the Public Works Department and subject to compliance with the City's Solid Waste Management By-law 09-067, as amended.”

## **PUBLIC CONSULTATION**

In accordance with the *Planning Act* and Council's Public Participation Policy, the proposal was circulated as part of the Notice of Complete Application to 93 property owners within 120 m of the subject lands on November 24, 2017. A public notice sign was posted on the property December 4, 2017. The statutory notice of this Public Meeting was given by publishing of notice in the Hamilton Spectator and additional notice was given by mail that was circulated to 93 property owners within 120 m of the subject lands on April 12, 2018. At the time of writing this Report, no correspondence has been received; however, staff received one phone call from a resident to the north of the subject lands in opposition to the proposal. The caller indicated that the proposal for creating two new residential lots did not comply with the RHOP policies and that a precedent would be set for the area.

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**Public Consultation Strategy**

The applicant held an Open House for area neighbours on May 6, 2015. Notice of the Open House was distributed to 41 properties along English Church Road. Seven neighbours and the local Councillor attended the Open House. The applicant's Planning Justification Report indicated that there were no major concerns with the proposal.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal does not have merit and cannot be supported for the following reasons:
  - (i) The proposal is not consistent with the Provincial Policy Statement (2014);
  - (ii) The proposal does not comply with the policies and intent of the Rural Hamilton Official Plan (RHOP) in regards to airport development and lot creation policies;
  - (iii) The proposal does not meet the general intent of Hamilton Zoning By-law No. 05-200; and,
  - (iv) The proposed development does not represent good planning as it is recommending the development of a sensitive land use (residential) within the 35-40 NEF noise contours and the creation of two new lots for residential purposes in the Hamilton rural area.
  
2. The applicant proposes to consolidate two vacant properties zoned Rural (A2) Zone located at 3005 (2.01 ha) and 3065 Upper James Street (2.5 ha) with an abutting 30.1 ha property, zoned Rural (A2) Zone at 2907 Upper James Street. There are no policies in either the PPS or Growth Plan to permit the development scheme proposed. The proposed lot severances on English Church Road East do not comply with the airport development and lot creation policies of the Rural Hamilton Official Plan.
  
3. The applicant has requested a change in zoning from the Open Space (P4) Zone to the Rural (A2) Zone. Since staff do not support the Official Plan Amendment application and the proposal, staff do not support the associated Zoning By-law Amendment, which would implement the proposed zoning change. Staff are not supportive of a change in zoning because the applicant is recommending the development of a sensitive land use (residential) within the 35-40 NEF noise contours and the creation of two new lots for residential purposes in the Hamilton rural area.

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4. City staff advise that should development occur, and based on the topography and site conditions, no development or site alteration should occur within a minimum Vegetation Protection Zone (VPZ) of 15 m, measured from the stable top of bank of the stream. The rear lot line should be revised to pull it outside of the recommended Vegetation Protection Zone. This would create a longer, narrower lot, but there will be sufficient space for a home, septic, driveway and accessory structure.
5. Should development proceed, the applicant shall ensure all future work aligns with the peer review comments and the City's Hydrogeological Guidelines and Technical Standards for Private Services. As per the City's Hydrogeological Guidelines, the applicant shall complete hydrogeologic cross sections to demonstrate isolation between surface activities and bedrock aquifer wells within 500 m. The applicant is also encouraged to review MOECC Guideline D-5-4 to ensure that future work conforms with conditions stated in this Guideline.

#### **ALTERNATIVES FOR CONSIDERATION**

1. If the proposed Official Plan Amendment and Zoning By-law Amendments are approved, staff should be directed to prepare a draft Official Plan and draft Zoning By-law Amendments that implement the proposed Concept Plan attached as Appendix "B" to Report PED18077.
2. Alternatively, if the Official Plan Amendment and Zoning By-law Amendments are denied, the subject lands could be developed in accordance with the Open Space (P4) Zone, which permits such uses as a botanical garden, cemetery, community garden, conservation, golf course (excluding mini-golf), nature centres, recreation, seasonal campground and urban farm.

#### **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

##### **Community Engagement & Participation**

*Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.*

##### **Healthy and Safe Communities**

*Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.*

##### **Our People and Performance**

*Hamiltonians have a high level of trust and confidence in their City government.*

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**APPENDICES AND SCHEDULES ATTACHED**

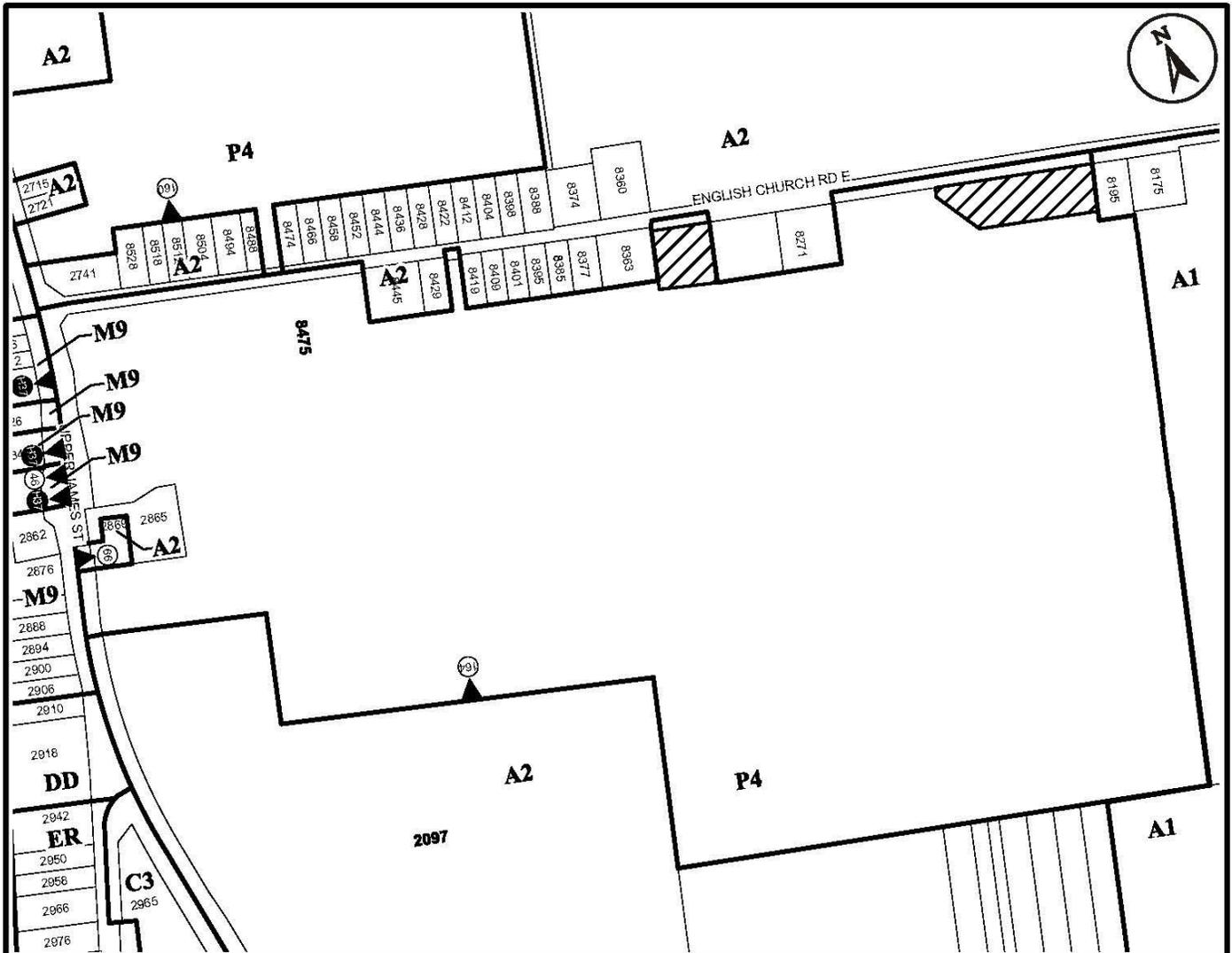
- Appendix "A": Location Map
- Appendix "B": Concept Plan
- Appendix "C": Lot Consolidation Plan
- Appendix "D": September 17, 2015 Committee of Adjustment Meeting Minutes
- Appendix "E": September 17, 2015 Committee of Adjustment Staff Comments

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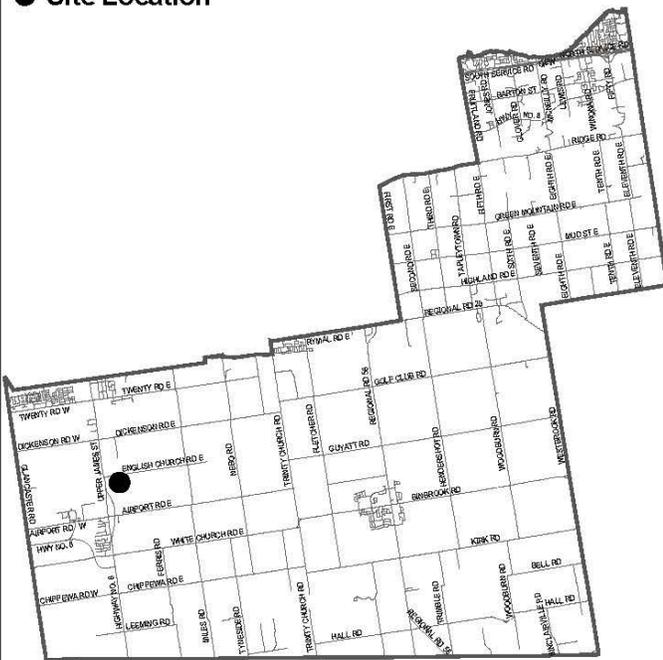
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● Site Location



Key Map - Ward 11

N.T.S.

# Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
 ZAC-17-082/RHOPA-17-39

Date:  
 March 12, 2018

Appendix "A"

Scale:  
 N.T.S.

Planner/Technician:  
 EM/NB

### Subject Property

8475 English Church Road East





**Legend**

 2097, 3005 & 3065 Upper James Street

**Appendix "C"**

Date:  
March 7, 2018



**Hamilton**

September 17th, 2015

GL/B-15:65  
GL/B-15:66

Willow Valley Holdings  
8475 English Church Rd. E., Glanbrook

Appearances were: Steve Schiedel, owner. Interested parties were: nil

Those members present for the hearing of this application were: M. Dudzic (Chairman), W. Pearce, M. Smith, L. Gaddy, P. Mallard.

A summary comment from the Planning and Economic Development Division together with comments from other departments and agencies were entered into the record.

Letters were entered into the record from: nil

- S. Schiedel
  - read from a prepared statement and submitted it for the record
  
- L. Gaddy  
(Committee member)
  - staff's comments do not explain the background information only talking about a severance
  
- W. Pearce  
(Committee member)
  - does not know about the creative tradeoffs, but has staff reviewed this prior to this application
  
- M. Fiorino  
(Staff)
  - property was subject to a pre-consultation review in 2014 which outlined all concerns and policies
  
- S. Schiedel
  - lesser of the two evils thought it would be more beneficial to live off of English Church Road rather than Upper James
  - thought that this Committee could deal with these types of decisions
  - what would the ramifications be to Committee to deal with the application; thought that realistically it would be more appropriate if the lots were off of English Church Road rather than Upper James
  
- W. Pearce  
(Committee member)
  - Committee can deal with the applications but proper process needs to be followed; Official Plan and rezoning needs to be done first
  - Committee is bound by policies
  - minor variance can be reviewed but severance difficult to

innesse if it does not comply with any policies

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P. Mallard  
(Committee member)

- creative approach, but reality is no grey area with the PPS or City's Official Plan
- policies do not allow for lot creation at all
- can go seek approvals from Council

L. Gaddy  
(Committee member)

- maintaining the character of the neighbourhood
- plenty of space to accommodate septic systems
- infill situation and cleaning up the area
- everything is being done to eliminate access from Upper James
- looked at other properties on English Church Road and they are smaller than what is being proposed
- did speak with the Councillor of the Ward and she was not opposed but could not support the application

Following discussion it was moved by Mr. Pearce and seconded by Mr. Mallard that the application be **TABLED** Sine Die.

**CARRIED.**

September 17th, 2015

**GL/B-15:65 & GL/B-15:66 (8475 English Church Road East, Glanbrook)****PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Rural:****GL/B-15:65**

The purpose of this application is to permit the conveyance of an irregular-shaped vacant parcel of land (having a frontage of approximately 169 metres and an area of approximately 0.78 hectares) for residential purposes, and to retain an irregular-shaped parcel of land (having a frontage 273 metres and an area of approximately 59 hectares) containing an existing golf course, club house, and service buildings.

This application is scheduled to be heard in conjunction with Consent application GL/B-15:66.

**Provincial Policy Statement**

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff note that there are no policies which speak to lot creation within Open Space designations; however, the following policy relating to lot creation applies:

- 1.1.4.2 In *rural* areas, rural *settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.

Given that this proposal is to create a new parcel for residential purposes in the rural area, and given that the creation of the proposed lot is not directed to a rural settlement area, the subject proposal is not consistent with the policies of the PPS.

Additionally, Staff note Policy 1.2.6.1 and 1.6.9.2 of the Provincial Policy Statement (PPS), as the proposed lot (Part 2 on the attached survey) is intended to be developed for residential purposes and is located within the Noise Exposure Forecast (NEF) of the John C. Munro Hamilton International Airport. Specifically, Part 2 on the attached survey is within the 35-39 NEF. Staff note that Policy 1.6.9.1 a) states that "airports shall be protected from incompatible land uses and development by prohibiting new residential development and other sensitive land uses in areas near airports above 30 NEF/NEP." Accordingly, staff advise that the proposed severance is not consistent with the PPS.

**Greenbelt Plan**

The subject property is located outside of the Protected Countryside of the Greenbelt Plan. As such, there are no lot creation policies that pertain to this area.

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### Rural Hamilton Official Plan

The subject property is located within the “Open Space” designation on Schedule D – Rural Land Use Designations of the Rural Hamilton Official Plan (RHOP).

Chapter C, Policy 3.3 outlines that Planning policies ensure sufficient and viable open spaces are retained, enhanced, expanded, and appropriately acquired. Lands designated as “Open Space” are public or private areas where the predominant use of or function of the land is for recreational activities, conservation management, and other open space uses.

Staff note that residential dwellings are not permitted within this designation, except where one ancillary residential dwelling may be permitted in conjunction with a resource-based recreational and tourism use, provided that it does not interfere with or have any negative impacts on the open space nature of the land (as per Policy C.3.3.2 b)). Staff also note that any proposed dwellings would not be ancillary to the existing open space uses.

The following policies apply with respect to lot creation in the “Open Space” designation:

F.1.14.2.1 a) Severances that create a new lot for the following purposes shall be prohibited:

i) Residential uses except in accordance with:

1) Policies F.1.14.2.1 b) iii) and F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation; and,

2) Policies F.1.14.2.1.b iv) and F.1.14.2.4, where a dwelling within a designated Rural Settlement Area may be severed.

As this proposal is to create a parcel for a new residential dwelling, it does not meet the intent of the Rural Hamilton Official Plan.

Staff also note that given that the “Open Space” designation does not permit the construction of a residential dwelling, a successful Official Plan Amendment would be required in order to proceed.

The Rural Hamilton Official Plan’s archaeology Policy B.3.4.4.3 states that “in areas of *archaeological potential* identified on Appendix F-2 – Rural Archaeological Potential, an archaeological assessment:

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a) May be required and submitted prior to or at the time of application submission for the following planning matters under the *Planning Act* when they involve *soil disturbance* or *site alteration*:

i) site plan applications; and,

ii) plans of condominium.

b) May be required for the following planning matters under the *Planning Act* when they involve soil disturbance or site alteration:

i) minor variances; and,

ii) consents / severances.

c) Shall only be required for the lands on which soil will be disturbed or *site alteration* will be conducted as a direct result of the proposal.

The subject property meets two (2) of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,

2) Along historic transportation routes.

Notwithstanding current surface conditions, these criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this severance is granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment of Caution #1.

#### Township of Glanbrook Zoning By-law No. 464

The New Rural Zoning By-law was passed by Council on July 10, 2015, but is not yet final and binding. Until such time that it is final and binding, both the Township of Glanbrook Zoning By-law 464 and the rural zones of the City of Hamilton Zoning By-law 05-200 are in force and effect, with the most restrictive provisions of the two By-laws applying to the property.

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The subject property is split-zoned Private Open Space "OS1-131" Zone, Modified and Open Space Conservation "OS3-132" Zone, Modified in the Township of Glanbrook. These zones restrict uses to the following:

OS1-131 Zone: a golf course, practice range, clubhouse including one (1) accessory dwelling unit for a manager/greenskeeper, parking area, and accessory uses, buildings and structures.

OS3-132 Zone: a golf course and accessory uses. No buildings or structures shall be permitted on the lands zoned OS3-132.

The portion of the property labelled as Part 2 on the attached survey appears to be located within the OS3-132 Zone. As such, a successful Zoning By-law Amendment would be required to permit structures on the property, residential uses, and any site-specific performance standards.

#### City of Hamilton Zoning By-law 05-200

The subject property is zoned Open Space "P4-164" Zone, Modified in the new Rural Zoning By-law, as part of City of Hamilton Zoning By-law 05-200.

The zone permits the following uses: Botanical Gardens, Cemetery, Community Garden, Conservation, Golf Course (excluding mini-golf), Nature Centres, Marina, Recreation, and Urban Farms, subject to a set of performance standards. Staff note that residential uses are not permitted.

Special Exception 164 has the effect of regulating the location of golf course-related structures on the property.

Staff note that a successful Zoning By-law Amendment would be required to implement residential uses and any site-specific performance standards.

#### Recommendation

It is the opinion of Staff that the proposed severance is not consistent with the Provincial Policy Statement, does not comply with the Rural Hamilton Official Plan, and does not conform to the Township of Glanbrook Zoning By-law 464 and City of Hamilton Zoning By-law 05-200. As such, Staff recommend that this application be denied.

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**CAUTION:**

1. Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Tourism, Culture and Sport (MTCS) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTCS and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).

**CONDITIONS (If Approved):**

1. That the proponent successfully obtain an Official Plan Amendment to permit the proposed use.
2. That the proponent successfully obtain a Zoning By-law Amendment to permit the proposed use and performance standards.

**GL/B-15:66**

The purpose of this application is to permit the conveyance of an irregular-shaped vacant parcel of land (measuring approximately 62 metres by 65 metres, and having an area of 0.4 hectares) for residential purposes, and to retain an irregular-shaped parcel of land (having a frontage 380 metres and an area of approximately 59 hectares) containing an existing golf course, club house, and service buildings.

This application is scheduled to be heard in conjunction with Consent application GL/B-15:65.

**Provincial Policy Statement**

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff note that there are no policies which speak to lot creation within Open Space designations; however, the following policy relating to lot creation applies:

- 1.1.4.2 In *rural* areas, *rural settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.

Given that this proposal is to create a new parcel for residential purposes in the rural

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area, and given that the creation of the proposed lot is not directed to a rural settlement area, the subject proposal is not consistent with the policies of the PPS.

Additionally, Staff note Policy 1.2.6.1 and 1.6.9.2 of the Provincial Policy Statement (PPS), as the proposed lot (Part 1 on the attached survey) is intended to be developed for residential purposes and is located within the Noise Exposure Forecast (NEF) of the John C. Munro Hamilton International Airport. Specifically, Part 1 on the attached survey is within the 40+ NEF. Staff note that Policy 1.6.9.1 a) states that "airports shall be protected from incompatible land uses and development by prohibiting new residential development and other sensitive land uses in areas near airports above 30 NEF/NEP." Accordingly, staff advise that the proposed severance is not consistent with the PPS.

#### Greenbelt Plan

The subject property is located outside of the Protected Countryside of the Greenbelt Plan. As such, there are no lot creation policies that pertain to this area.

#### Rural Hamilton Official Plan

The subject property is located within the "Open Space" designation on Schedule D – Rural Land Use Designations of the Rural Hamilton Official Plan (RHOP).

Chapter C, Policy 3.3 outlines that Planning policies ensure sufficient and viable open spaces are retained, enhanced, expanded, and appropriately acquired. Lands designated as "Open Space" are public or private areas where the predominant use of or function of the land is for recreational activities, conservation management, and other open space uses.

Staff note that residential dwellings are not permitted within this designation, except where one ancillary residential dwelling may be permitted in conjunction with a resource-based recreational and tourism use, provided that it does not interfere with or have any negative impacts on the open space nature of the land (as per Policy C.3.3.2 b)). Staff also note that any proposed dwellings would not be ancillary to the existing open space uses.

The following policies apply with respect to lot creation in the "Open Space" designation:

F.1.14.2.1 a) Severances that create a new lot for the following purposes shall be prohibited:

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- i) Residential uses except in accordance with:
  - 1) Policies F.1.14.2.1 b) iii) and F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation; and,
  - 2) Policies F.1.14.2.1.b iv) and F.1.14.2.4, where a dwelling within a designated Rural Settlement Area may be severed.

As this proposal is to create a parcel for a new residential dwelling, it does not meet the intent of the Rural Hamilton Official Plan.

Staff also note that given that the “Open Space” designation does not permit the construction of a residential dwelling, a successful Official Plan Amendment would be required in order to proceed.

The Rural Hamilton Official Plan’s archaeology Policy B.3.4.4.3 states that “in *areas of archaeological potential* identified on Appendix F-2 – Rural Archaeological Potential, an archaeological assessment:

a) May be required and submitted prior to or at the time of application submission for the following planning matters under the Planning Act when they involve *soil disturbance* or *site alteration*:

- i) site plan applications; and,
- ii) plans of condominium.

b) May be required for the following planning matters under the *Planning Act* when they involve *soil disturbance* or *site alteration*:

- i) minor variances; and,
- ii) consents / severances.

c) Shall only be required for the lands on which soil will be disturbed or *site alteration* will be conducted as a direct result of the proposal.

The subject property meets two (2) of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

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- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,
- 2) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this severance is granted, Staff require that the Committee of Adjustment attach Condition #1 to the application.

#### Township of Glanbrook Zoning By-law No.464

The New Rural Zoning By-law was passed by Council on July 10, 2015, but is not yet final and binding. Until such time that it is final and binding, both the Township of Glanbrook Zoning By-law 464 and the rural zones of the City of Hamilton Zoning By-law 05-200 are in force and effect, with the most restrictive provisions of the two By-laws applying to the property.

The subject property is split-zoned Private Open Space "OS1-131" Zone, Modified and Open Space Conservation "OS3-132" Zone, Modified in the Township of Glanbrook. These zones restrict uses to the following:

OS1-131 Zone: a golf course, practice range, clubhouse including one (1) accessory dwelling unit for a manager/greenskeeper, parking area, and accessory uses, buildings and structures.

OS3-132 Zone: a golf course and accessory uses. No buildings or structures shall be permitted on the lands zoned OS3-132.

The portion of the property labelled as Part 1 on the attached survey appears to be located within the OS1-131 Zone. As such, a successful Zoning By-law Amendment would be required to permit residential uses and any site-specific performance standards.

#### City of Hamilton Zoning By-law 05-200

The subject property is zoned Open Space "P4-164" Zone, Modified in the new Rural Zoning By-law, as part of City of Hamilton Zoning By-law 05-200.

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The zone permits the following uses: Botanical Gardens, Cemetery, Community Garden, Conservation, Golf Course (excluding mini-golf), Nature Centres, Marina, Recreation, and Urban Farms, subject to a set of performance standards. Staff note that residential uses are not permitted.

Special Exception 164 has the effect of regulating the location of golf course-related structures on the property.

Staff note that a successful Zoning By-law Amendment would be required to implement residential uses and any site-specific performance standards.

#### Recommendation

It is the opinion of Staff that the proposed severance is not consistent with the Provincial Policy Statement, does not comply with the Rural Hamilton Official Plan, and does not conform to the Township of Glanbrook Zoning By-law 464 and City of Hamilton Zoning By-law 05-200. As such, Staff recommend that this application be denied.

#### **CONDITIONS (If Approved):**

1. That the proponent successfully obtain an Official Plan Amendment to permit the proposed use.
2. That the proponent successfully obtain a Zoning By-law Amendment to permit the proposed use and performance standards.
3. That the proponent shall carry out an archaeological assessment of the portion of the property to be conveyed (shown as **Part 1** on the submitted plans) and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism, Culture and Sport.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Tourism, Culture and Sport (MTCS) should be notified immediately (416.314.7143). In the event

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that human remains are encountered during construction, the proponent should immediately contact both MTCS and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).

**Growth Management:**

Note: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be Retained will remain as 8475 English Church Road East, and the lands to be conveyed (Part 1) will be assigned the municipal address of 8345 English Church Road East; and the lands to be conveyed (Part 2) will be assigned the municipal address of 8211 English Church Road East .

**Building Division:**

1. The subject lands are presently zoned "OS3-131" and "OS3-132" according to Glanbrook Zoning By-law 464. Be advised that By-law 15-173 was passed on July 10, 2015 which changed the zoning of this property from the "OS3-131" and "OS3-132" zones to the "P4, Special Exception 164" zone under Hamilton Zoning By-law 05-200. However, By-law 15-173 has been appealed to the Ontario Municipal Board and is therefore not yet final. At present, all proposed development is reviewed under both the existing and the proposed Zoning By-laws with the more restrictive zoning regulations of both Zoning By-laws being applied. If By-law 15-173 is approved at the Ontario Municipal Board, the zoning under this By-law will be applicable.
2. Both the "OS3-131 and OS3-132" and the "P4, Special Exception 164" do not permit the proposed use of single detached dwellings. As such, as a condition of approval, final approval of a zoning amendment shall be required.
3. The applicant should obtain an appropriate municipal address for the proposed parcels from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
4. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.

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5. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance review and pay the relevant fees.
6. The applicant, as a condition of approval, shall be required to provide evidence from a qualified professional that the existing septic system will be in compliance with the Ontario Building Code with respect to its location to the new property lines. The septic system shall be located entirely within the lands to be retained or the lot lines shall be reconfigured to accommodate the existing septic system. A septic system is not permitted to be located on adjacent lands.
7. Details regarding the proposed single detached dwellings have not been provided. As such zoning compliance cannot be determined for the proposed future residential buildings.

**CONDITIONS:**

1. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Building Engineering Section).
2. The applicant shall apply for and receive final approval of a Zoning By-law Amendment as determined necessary by the Planning and Economic Development Department (Building Division - Zoning Section).
3. The owner shall submit survey evidence that the lands to be retained, including any existing structures, conform to the requirements of the Zoning By-law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
4. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be retained, to the satisfaction of the Planning and Economic Development Department (Building Division – Building Engineering Section).

**Source Water Protection:**

For the proposed applications to permit the conveyance of 2 parcels of land with 0.78ha (Part2) and 0.4ha (Part 1) for residential purposes and to retain a parcel of land with an area of 59ha containing an existing golf course, club house and service buildings,

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Source Protection Planning (SPP) offers the following comments:

- The proposed severances will rely on private water and sewage services; the preliminary soil characterization indicates the presence of clayey soils in this area;
- SPP will require a Site Plan with location of the new septic systems and wells for both severed lots and existing well and septic system for retained lot including distances from neighbouring wells and septic systems to demonstrate compliance with clearance requirements of Part 8 of the Ontario Building Code; the septic systems shall be located downgradient of the proposed wells on site and the wells on the adjoining properties;
- SPP will require a Design Brief and a complete Hydrogeological Study, prepared by a qualified professional. The Design Brief shall identify the expected water source, expected water usage/flows and any treatment required in consideration of raw water quality and intended water use for the severed lots. The Design brief should also describe the expected wastewater flows, identify any unusual effluent contaminants outside of typical sanitary flows and the intended location, nature and general design of the proposed wastewater treatment system and tile bed.
- A complete Hydrogeological Study shall identify from a water source perspective:
  - o the preferred water source for the severed lots including location of the new wells and reference the design brief with respect to their ability to provide the capacities and quality of water required to service the proposed development;
  - o the proponent shall provide a copy of the well record(s) for the new wells servicing the lots to be severed;
  - o in order to assess the raw groundwater quality of the proposed new wells, the proponent shall provide water quality data from the new wells to be installed on the lots to be severed; the Groundwater Quality Parameters to be tested shall follow the parameters stated in the Technical Support Document for Ontario Drinking Water Standards, Objectives and Guidelines (MOECC 2003) including Tables 1, 2 and 4, the Radiological Parameters to be tested shall be only Gross Alpha and Gross Beta;
  - o if the sampling results demonstrate that there are exceedances the report shall include recommendations for water treatment, SPP and Public Health will review the recommendations;
  - o pump testing is advised to demonstrate that adequate supply is available without unreasonably interfering with the well supplies of existing users in the area; in this case, a selection of area wells should be monitored during the pump testing, the investigation should follow MOE Guideline D-5-5 Technical Guideline for Private wells: Water Supply Assessment.

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- A complete Hydrogeological Study shall identify from sewage treatment perspective:
  - o clarify the suitability of soils on-site for septic and tile (Class 4 system) treatment and disposal, in reference to the flows and expected quality as identified by the Design Brief;
  - o the study should include a nitrate boundary calculation (MOE Guideline D-5-4 Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment) to ensure that the effluent flowing off-site meets Reasonable Use Guidelines (MOE Guideline B-7) and that the lot sizes are adequate to ensure natural infiltration is sufficient to attenuate contaminant concentrations at the lot boundaries.

A copy of the *Guidelines for Hydrogeological Studies and Technical Standards for Private Services (Final, Nov 2013)* can be made available to the proponent to ensure that the Hydrogeological Study contains appropriate investigation and calculations.

### **Development Engineering – East:**

The subject properties are located on the south side of English Church Road lying east of Upper James Street.

The applicants are requesting consents for the purpose of conveying the two vacant parcels of land (Parts 1 and 2) for future single detached residential development both fronting on English Church Road. A 59.64 ha. +/- parcel of land is to be retained for continued golf course use (Willow Landing).

There are no municipal services along this section of English Church Road. The proposed new lots are to be serviced by privately owned and operated wells and individual septic systems.

Schedule "C" – Rural Functional Road Classification of the City of Hamilton Rural Official Plan designates English Church Road as a collector road and is to have an ultimate road allowance width of 36.58m (120 feet). A previous road widening was taken in 2008 along the frontage of the lands [Part 5 and 10, 62R-17859] in order to widen the roadway to 20.1m [66 feet]. English Church Road was previously identified in Schedule "E" of the former Township of Glanbrook Official Plan and classified only as a local road. A further road widening dedication will be required as a condition of consent

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approval. The proposed remnant lands also fronts on to the east limit of Upper James Street. This roadway is to have an ultimate roadway width of 45.0m (150 feet). A road widening dedication will also be required from the original centreline of this roadway as a condition of consent approval.

The Owner/applicant will be required to enter into a Consent Agreement with the City in order to ensure that the future residential development on the new lots proceeds in a proper and orderly manner. This Agreement is required to ensure that drainage from this parcel will be contained and directed to the appropriate outlet without affecting adjacent properties. Please note that the Owner will be responsible for the relocation of any street furniture (i.e. fire hydrant, utility poles etc.) that may be required as a result of this development.

**Should this application be approved we recommend that it be subject to the following conditions:**

1. That the Owner enters into with the City of Hamilton and registers a Consent Agreement to deal with and address issues including, but not limited to: grading and drainage; cash payment requirements for items such as trees, inspection of grading and services to be installed; and securities for items such as: lot grading, driveway approaches, and any damages to the existing City infrastructure or public property during construction.
2. That sufficient land is dedicated to the City along English Church Road along the entire frontage of the new lots to be created and the remnant lands in order to establish the property line 18.28 metres (60 feet) from the centreline of the original English Church Road allowance and 22.86m (75 feet) from the original centreline of Upper James Street.

**Hamilton Municipal Parking System (Parking Services):**

No Comment

**PUBLIC WORKS DEPARTMENT**

**Traffic, Engineering and Operations Division:**

**GL/B-15:65**

The Applicant, or future builder, will be responsible for confirming that appropriate sightlines will be provided at any proposed driveway in a future development proposal.

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Any new or change in access requires an Access Permit from the Municipal Parking Office. Details on the permit process can be obtained from Dave Lavalley at ext. 4578.

**CORPORATE SERVICES:**

**Budgets, Taxation & Policy (outstanding taxes):**

The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

Steve / Rose Dean  
8404 English Church Road  
Mount Hope, ON

Co-ordinator, Planning Committee  
71 Main Street West, 1<sup>st</sup> Floor  
Hamilton, Ontario, L8P-4Y5

**RE: Applications by Willow Valley Holdings Inc. (c/o Steve Schiedel) for an Official Plan Amendment and Zoning By-Law Amendment for lands located at 8475 English Church Road East, Glanbrook (Ward 11)**

Co-ordinator:

Rose and I have enjoyed being residents here on English Church Road since 1980 and have seen many changes. Although we welcome more residential development on English Church Road we worry about the capacity of the current aquifer system we all draw from. Our concerns are as follows:

- Will a city water line be planned and installed on English Church Road East to support the additional residential properties.
- Has a study been done to ensure the current aquifer system can sustain additional residential wells?
- If no city water line will be considered for English Church Road East will there then be restrictions on allowing irrigation systems installed on residential properties which draw off the current aquifer system.
- Restrict residential property owners with wells to one working well per property and not allow a second well for irrigation purposes.

In closing Rose and I have noticed a decrease in the amount of available water to us over the past few years and do get concerned during times of drought to see residents irrigation systems being used to water lawns with the excess water running off into a ditch while other property owner wells run dry. We just want to ensure that all residents on English Church Road East Road can be assured that any new developments on this road will not put our current aquifer system at risk. We would welcome the installation of a city water line down English Church Road East. Installing a city water line would ensure a reliable water source to all current and future residential properties for now and years to come.

Thank You

Rose / Steve Dean



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
 Planning Division

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 1, 2018
<b>SUBJECT/REPORT NO:</b>	Applications to Amend the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek) (Ward 10) (PED18085)
<b>WARD(S) AFFECTED:</b>	Ward 10
<b>PREPARED BY:</b>	Alana Fulford (905) 546-2424 Ext. 4771
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That **Amended Urban Hamilton Official Plan Amendment Application UHOPA-17-009, by DeSantis Rose Joint Venture Inc., Owner,** to amend the Urban Hamilton Official Plan to: redesignate the lands from “Arterial Commercial” to “Neighbourhoods” and “Mixed Use – Medium Density”; to add a Site Specific Policy Area for lands designated “Neighbourhoods” to establish a density range of 40 to 100 units per hectare for medium density residential uses; to add Site Specific Policies for the lands designated “Mixed Use – Medium Density” to prohibit drive-through facilities and ground related housing forms; to require that permitted residential uses be located within a mixed use building; to permit a residential development consisting of 94 maisonette dwellings and 42 stacked townhouse dwellings for a total of 136 dwelling units on a private road, and a future mixed-use development, for the lands known as 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek), as shown on Appendix “A” to Report PED18085, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18085, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

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**SUBJECT: Applications to Amend the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek) (Ward 10) (PED18085) - Page 2 of 68**

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- (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).
- (b) That **Amended Zoning By-law Amendment Application ZAC-17-020, by DeSantis Rose Joint Venture Inc., Owner**, for a change in zoning from the Highway Commercial (Holding) “HC(H)” Zone, to the Multiple Residential (Holding) “RM3-64 (H)” Zone, Modified on a portion of the subject lands, and the “Mixed Use Commercial (Holding) “MUC-10 (H)” Zone, Modified, on the remaining portion of the subject lands, in City of Stoney Creek Zoning By-law No. 3692-92, to permit a residential development consisting 94 maisonette dwellings and 42 stacked townhouse dwellings for a total of 136 dwelling units on a private road, and a future mixed-use development for the lands known as 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek), as shown on Appendix “C” to Report PED18085, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED18085, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the amending By-law, attached as Appendix “C” to Report PED18085, be added to Map No. 2 of Schedule “A” of By-law No. 3692-92;
  - (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. \_\_
- (c) That approval be given to add the lands located at 86, 88, 90, 92, and 94 Lakeview Drive and a portion of 84 and 96 Lakeview Drive, Stoney Creek, to Zoning By-law No. 05-200 and zone said lands Mixed Use Medium Density – Pedestrian Focus (C5a, 682, H104) Holding Zone in Zoning By-law No. 05-200, subject to the following:
- (i) That the draft By-law, attached as Appendix “D” to Report PED18085, be held in abeyance until such time as the Commercial and Mixed Use Zones are in force and effect; and,
  - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “D” to Report PED18085, for enactment by City Council, once

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Zoning By-law No. 17-240, the by-law to establish the Commercial and Mixed Use Zones, is in force and effect.

- (d) That the amending By-law apply the holding provisions of Section 36(1) of the *Planning Act* to the subject lands by introducing the Holding Symbol “H” as a suffix to the proposed zoning; the holding provision Multiple Residential (Holding) “RM3-64 (H)” Zone, Modified, and Mixed Use Commercial (Holding) “MUC-10 (H)” Zone, Modified, shall apply until such time as:

The Ministry of the Environment and Climate Change issues acknowledgement of the submission by the Owner / Applicant of a Record of Site Condition, to the satisfaction of the Director of Planning and Chief Planner, City of Hamilton.

- (e) That the Bayview Neighbourhood Plan be amended by redesignating the subject lands from “Highway Commercial” to “Medium / High Density Residential” (Block 1 of Schedule “A” to the draft By-law attached as Appendix “C” to Report PED18085), and to “General Commercial” (Block 2 of Schedule “A” to the draft By-law attached as Appendix “C” to Report PED18085), upon finalization of the Zoning By-law Amendment as shown as Appendix “C” attached to Report PED18085.

## **EXECUTIVE SUMMARY**

The purpose of the applications is: to amend the Urban Hamilton Official Plan (UHOP) to redesignate the subject lands from “Arterial Commercial” to “Neighbourhoods” and “Mixed Use – Medium Density” on Schedule E-1 – Urban Land Use Designations; to add a number of site specific policies; to rezone the subject lands from the Highway Commercial (Holding) “HC(H)” Zone, to the Multiple Residential (Holding) “RM3-64 (H)” Zone, Modified on a portion of the subject lands, and the “Mixed Use Commercial (Holding) “MUC-10 (H)” Zone, Modified, on the remaining portion of the subject lands. The applications have been submitted to permit a residential development consisting of 94 maisonette dwellings and 42 stacked townhouse dwellings for a total of 136 dwelling units, and a future mixed-use development. Two hundred and seventy-two parking spaces (two spaces per unit) are proposed along with 42 spaces for visitor parking (0.3 spaces per unit), along with a number of site specific modifications to implement the proposed development for the Multiple Residential portion of the site.

A Holding “H” symbol is required on the subject lands as the Owner / Applicant must submit a Record of Site Condition (RSC) to the City of Hamilton and Ministry of the Environment and Climate Change (MOECC). The Holding symbol may be removed by

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City Council and development may proceed at such time as the MOECC issues acknowledgement of the submission of the RSC.

The applicant intends to develop the proposal over two phases. The residential development comprised of stacked townhouse dwellings and maisonette dwellings represents Phase One of the proposal and is illustrated on the Site Plan attached as Appendix “E” to Report PED18085. Phase Two represents a proposed future mixed use or residential development and comprises the remaining portion of the subject lands. The subject lands are identified on the Location Map attached as Appendix “A” to Report PED18085. No concept plan has yet been submitted for these additional lands.

The applicant is proposing to rezone the Phase Two lands to permit the potential future development of a six storey mixed use or stand-alone residential building. While staff can support the applicant’s Official Plan and Zoning By-law amendments for this second phase, any future development should include a local commercial component to support the existing and expanding residential population base that is proposed for the subject lands and surrounding areas and have thus recommended a site specific requirement to permit residential only in conjunction with a commercial use.

The amended proposal has merit and can be supported as it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe (Growth Plan) and complies with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. \_\_\_.

***Alternatives for Consideration – See Page 67***

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for an amendment to the Zoning By-law.

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## **HISTORICAL BACKGROUND**

### **Proposal (as amended):**

The subject lands are predominantly vacant. 84 & 96 Lakeview Drive were used for agricultural purposes in the past, while 86 – 94 Lakeview Drive contained single family dwellings at one time. The only dwelling currently remaining is at 86 Lakeview Drive.

The applicant intends to develop the subject lands in two phases: the first phase consisting of 94 maisonette dwellings and 42 stacked townhouse dwellings for a total of 136 dwelling units; and, the second phase will be a future mixed use or residential development.

All of the dwelling units proposed in Phase One will be three storeys in height, as shown on the Elevation drawings attached as Appendix “F” to Report PED18085. Two hundred and seventy-two parking spaces along with 42 spaces for visitor parking are proposed. Site access is proposed in two locations off of North Service Road, with access to the dwelling units via private internal roads. The proposed stacked townhouses are located along North Service Road, with primary access to the dwelling units via entrances along North Service Road. Parking and secondary access to the dwellings is proposed via an internal private road. The applicant is proposing a pedestrian connection across North Service Road, to provide a more direct connection between the proposed development and the nearby Bayview West Park, located on the west side of North Service Road. The proposed Site Plan is appended as Appendix “E” to Report PED18085. As well, the applicant has identified 36 additional visitor parking spaces which are located within MTO’s required 14 m setback. These proposed visitor parking spaces are provided in addition to the required visitor parking spaces. This matter is discussed further under Item No. 8 to the Analysis and Rationale for Recommendation section of the Report.

The applicant intends to subdivide the Phase One portion of the subject lands and establish tenure through future Draft Plan of Subdivision, Part Lot Control, and Draft Plan of Condominium applications.

The applicant is proposing to amend the UHOP to redesignate the Phase One portion of the subject lands from “Arterial Commercial” to “Neighbourhoods” and the Phase Two portion from “Arterial Commercial” to “Mixed Use – Medium Density” on Schedule E-1 – Urban Land Use Designations, to implement the proposed residential development and permit a future mixed use or stand-alone residential development on the remainder of the subject lands. The applicant is proposing a modified Multiple

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Residential “RM3” Zone in City of Stoney Creek Zoning By-law No. 3692-92, with site specific modifications, to implement the proposed residential development.

The Phase Two lands of these applications are proposed for a future mixed use or residential development, with the applicant proposing an amendment to Zoning By-law No. 3692-92 to accommodate a potential six storey mixed use or stand-alone residential building. The applicant has submitted a draft By-law which proposes a modified Mixed Use Commercial “MUC” Zone in Zoning By-law No. 3692-92, with site specific modifications to expand the uses permitted to include additional commercial uses, as well as to permit apartment dwelling units as a stand-alone use, whereas the “MUC” Zone requires apartment dwelling units to be located above commercial uses in a mixed use built form.

New Commercial and Mixed Use (CMU) Zones in Zoning By-law No. 05-200 have been adopted by Council. However, the implementing By-law (By-law No. 17-240), has been appealed to the Ontario Municipal Board. Certain lands, including the subject lands, were excluded from the CMU Zones as they were subject to existing planning applications. A draft By-law has been prepared with this Report (attached as Appendix “D” to Report PED18085) to add a portion of the subject lands into Zoning By-law No. 05-200 at such time as the CMU Zones are in force and effect. The draft By-law will be held in abeyance until the CMU Zones are in force and effect, at which time the by-law will be brought forward to City Council for enactment. The applicant is proposing a Mixed use Medium Density (C5) Zone in Zoning By-law No. 05-200 to implement the proposed development for the Phase Two lands. In addition to commercial uses, the C5 Zone permits dwelling units as a stand-alone use.

Staff note that at the time of application submission, the applicant had not assembled all the lands subject to the application, although they have received authorization from the owner of 92 – 94 Lakeview Drive to include these lands in the subject applications. The owner of the one remaining property, at 86 Lakeview Drive, has also since given authorization for the applicant to act as their agent in preparing and submitting applications for these lands. Thus, the Phase Two lands include both the lands identified as “additional lands of the applicant” on the Site Plan attached as Appendix “E” to Report PED18085, and 86 Lakeview Drive.

**Proposed Official Plan Amendment:**

Staff are recommending approval of the applicant’s proposal to redesignate the Phase One portion of the subject lands from “Arterial Commercial” to “Neighbourhoods” and the Phase Two portion of the subject lands from “Arterial Commercial” to “Mixed Use – Medium Density”.

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A site specific policy is required for the Phase One portion of the subject lands that are to be designated “Neighbourhoods”, as the proposed development does not meet the minimum density requirement of 60 units per hectare for medium density residential uses. The proposed development has a density of 49 units per hectare.

Staff are recommending further site specific policies for the Phase Two portion of the subject lands to be designated “Mixed Use – Medium Density”, to modify three policies in Chapter E, Section 4.6 Mixed Use – Medium Density Designation, to prohibit drive-through facilities and ground related housing forms, and to require that permitted residential uses be located within a mixed use building, given staff’s recommendation to retain a commercial component on the Phase Two lands.

The proposed redesignation of the subject lands and staff’s recommendation to establish site specific policies, is further discussed in the Analysis and Rationale for Recommendation section of the Report.

**Proposed Zoning By-law Amendment:**

For the Phase One lands, staff are recommending approval of the applicant’s proposed Zoning By-law Amendment application to rezone the lands from the Highway Commercial (Holding) “HC(H)” Zone, to the Multiple Residential (Holding) “RM3-64 (H)” Zone, Modified, to permit the proposed residential development. As discussed in more detail in the Analysis and Rationale for Recommendation section of the Report, site specific modifications are proposed with respect to:

- Permitted uses;
- Minimum front yard and side (flankage) requirements;
- Minimum distance required between buildings on the same lot;
- Maximum density permitted;
- Maximum building height permitted;
- Privacy area minimum depth;
- Minimum landscaped open space requirements;
- Permitted yard encroachments; and,
- Parking regulations.

For the Phase Two lands, staff are recommending approval of an amended Zoning By-law Amendment to rezone the lands from the Highway Commercial (Holding) “HC(H)” Zone, to the “Mixed Use Commercial (Holding) “MUC-10 (H)” Zone, Modified, to permit a future mixed use development. As discussed in more detail in the Analysis and

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Rationale for Recommendation section of the Report, site specific modifications are proposed to:

- Front yard, side yard and rear yard setbacks;
- Maximum residential density;
- Landscape strips; and,
- Parking and loading requirements.

Staff are also proposing an amending By-law for Zoning By-law No. 05-200, attached as Appendix “D” to Report PED18085, for a modified Mixed Use Medium Density – Pedestrian Focus (C5a) Holding Zone in order to recognize site specific zoning permissions established through the proposed “Mixed Use Commercial (Holding) “MUC-10 (H)” Zone, Modified, and in recognition of the intended mixed use function of the lands, rather than stand-alone residential, as proposed by the applicant, who is proposing the Mixed use Medium Density (C5) Zone. The draft By-law will be held in abeyance until the CMU Zones are in force and effect, at which time the by-law will be brought forward to City Council for enactment.

**Chronology:**

<u>January 19, 2017:</u>	Submission of Official Plan Amendment Application UHOPA-17009 and Zoning By-law Amendment Application ZAC-17-020 by IBI Group, on behalf of DeSantis Rose Joint Venture Inc.
<u>February 16, 2017:</u>	Official Plan Amendment Application UHOPA-17-009 and Zoning By-law Amendment Application ZAC-17-020 deemed complete.
<u>February 21, 2017:</u>	Neighbourhood Information Meeting
<u>March 3, 2017:</u>	Circulation of Notice of Complete Application and Preliminary Circulation for Applications UHOPA-17-009 and ZAC-17-020 to 66 property owners within 120 m of the subject lands.
<u>March 16, 2017:</u>	Public Notice sign erected on the subject property.
<u>April 4, 2018:</u>	Public notice sign updated with Public Meeting Information.

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April 13, 2018: Circulation of the Notice of Public Meeting to 66 property owners within 120 m of the subject lands.

**Details of Submitted Application:**

**Location:** 84, 86, 88, 90, 92, 94, 96 Lakeview Drive, Stoney Creek (see Appendix “A” to Report PED18085)

**Owner/Applicant:** DeSantis Rose Joint Venture Inc. (Applicant)

**Agent:** IBI Group (c/o John Ariens)

**Property Description:** Lot Frontage: + / - 290 m (North Service Road)

Lot Depth: 135 m (irregular)

Lot Area: + / - 3.3 ha

**Servicing:** Full Municipal Services

**EXISTING LAND USE AND ZONING:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Vacant / Residential	High Commercial (Holding) “HC(H)” Zone
<b><u>Surrounding Land Uses:</u></b>		
<b>North</b>	Residential	Single Residential “R2” Zone
<b>South</b>	Provincial Highway / Business Park	QEW, Prestige Business Park (M3) Zone
<b>East</b>	Vacant, Residential	Highway Commercial (Holding) “HC(H)” Zone (Note: these lands have been zoned Arterial Commercial (C7, 327) Zone in Zoning By-law No. 05-200), Multiple Residential “RM3-19” Zone.

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<b>West</b>	Neighbourhood Park (Bayview West Park), Open Space, Residential	Open Space (OS) Zone, Neighbourhood Park (P1) Zone, Single Residential "R3" Zone
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## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Planning Policy Framework**

The applications have been reviewed with respect to the Provincial Policy Statement 2014 (PPS) policies. The following policies, amongst others, apply.

The applications contribute to the development of healthy, liveable, and safe communities as per Policy 1.1.1, as discussed below.

"1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs; and,
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs."

With respect to settlement areas, the following policies apply:

"1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

1.1.3.2 Land use patterns within *settlement areas* shall be based on:

- a) densities and a mix of land uses which:
  1. efficiently use land and resources;

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2. are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
  3. minimize negative impacts to air quality and climate change, and promote energy efficiency;
  4. support *active transportation*;
  5. are *transit-supportive*, where transit is planned, exists or may be developed; and,
  6. are *freight-supportive*; and,
- b) a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.”

With respect to employment, the following policy is applicable:

- “1.3.1 Planning authorities shall promote economic development and competitiveness by:
- c) Encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities;”

Finally, the following housing policy is applicable to the proposed development:

- “1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the *regional market area* by:
- b) permitting and facilitating:
    1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including *special needs* requirements; and,

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2. all forms of *residential intensification*, including second units, and *redevelopment* in accordance with policy 1.1.3.3;
- c) directing the development of new housing towards locations where appropriate levels of *infrastructure* and *public service facilities* are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, *infrastructure* and *public service facilities*, and support the use of *active transportation* and transit in areas where it exists or is to be developed; and,
- e) Establishing development standards for *residential intensification*, *redevelopment* and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.”

The proposed residential development is consistent with Policy 1.1.3.1 in that the proposal directs growth to Settlement Areas and implements Policy Nos. 1.1.3.2 and 1.4.3 with respect to the promotion of densities which efficiently use land and resources. The proposal encourages a more compact form of development that provides for a mix of housing types in the neighbourhood to meet the requirements of current and future residents. The proposed mixed use development contributes towards the liveable and resilient community objective of Policy 1.3.1.

Staff note the Cultural Heritage policies have not been updated within the UHOP in accordance with the PPS (2014). The following policy of the PPS also applies:

“2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”

The subject land meets three of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- 1) Within 300 m of a primary watercourse or permanent waterbody, 200 m of a secondary watercourse or seasonal waterbody, or 300 m of a prehistoric watercourse or permanent waterbody;
- 2) In an area of sandy soil in areas of clay or stone; and,

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3) Along historic transportation routes.

A Stage 1 - 2 archaeological report (P064-071) was submitted to the City of Hamilton and Ministry of Tourism, Culture and Sport. Staff concur with the recommendations made in the report, and the archaeology condition for the subject application has been met to the satisfaction of Municipal Heritage Planning staff. Through a letter dated November 30, 2005, Provincial interest has been signed off by the Ministry. The City has no further interests with respect to archaeology.

Based on the foregoing, the proposal is consistent with the policies of the PPS.

### **Growth Plan for the Greater Golden Horseshoe (2017)**

The subject lands are located within the built-up area, as defined by the Growth Plan. The proposal conforms to the Guiding Principles, Section 1.2.1, as it provides higher densities to make efficient use of land and infrastructure, supports a mix of housing options, and contributes to the achievement of complete communities.

The Growth Plan is focused on accommodating forecasted growth in complete communities and provides policies on managing growth. The following policies, amongst others, apply:

- “2.2.1.4 Applying the policies of the Growth Plan will support the achievement of *complete communities* that:
- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*;
  - c) provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes; and,
  - d) expand convenient access to:
    - iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities;

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- 2.2.2.4 All municipalities will develop a strategy to achieve the minimum intensification target and *intensification* throughout *delineated built-up areas*, which will:
- a) encourage *intensification* generally to achieve the desired urban structure; and,
  - d) ensure lands are zoned and development is designed in a manner that supports the achievement of *complete communities*;

The proposal will contribute to achieving a complete community by providing a mix of housing types that vary in built form and that complement the existing built forms in the surrounding residential neighbourhood. The potential future mixed use development contributes to the provision of a diverse mix of land uses and is intended to provide more convenient access to commercial uses for surrounding residents.

Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (2017).

### **Urban Hamilton Official Plan (UHOP)**

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “Arterial Commercial” on Schedule E-1 – Urban Land Use Designations.

The following policies are applicable to the subject applications.

#### **Arterial Commercial**

- “E.4.8.1 The range of permitted uses is intended to cater to the traveling or drive-by consumer. As well, the designation is intended to accommodate a limited range of land extensive retail stores which require outdoor storage or sales.
- E.4.8.2 The following uses shall be permitted on lands designated Arterial Commercial on Schedule E-1 – Urban Land Use Designations:
- a) commercial uses including banquet halls, restaurants, garden centres, furniture stores, building and lumber supply establishment, home improvement supply store, and retail primarily for the sale of building supplies;

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- b) automotive related uses primarily for vehicle sales, service and rental, parts sales, gas bars, car washes, and service stations;
- c) commercial recreational uses, commercial entertainment uses, excluding theatres;
- d) industrial supply and service and contractor sales;
- e) accommodation, excluding residential uses;
- f) enclosed storage including mini warehousing; and,
- g) *accessory uses.*”

The subject lands were designated Arterial Commercial in the previous City of Stoney Creek Official Plan and were subsequently carried over into the current Urban Hamilton Official Plan as “Arterial Commercial”. The lands on the east side of Fruitland Road, directly opposite the subject lands, are also designated “Arterial Commercial” in the UHOP. While commercial uses of this nature serve an important function in the commercial landscape, the type and function of commercial uses is undergoing significant change due to changes in consumer preferences and shopping patterns. With the prominence of large format “big box” retailers like Walmart and Costco, a shrinking number of retail players in the marketplace, an increasing percentage of online sales, and the cost of land in urban areas, there is less need for large commercial sites. Further, with respect to the subject lands, the abutting residential uses and adjacent park make residential a compatible land use. Accordingly, in evaluating the merits of this application, staff are satisfied that appropriate arterial commercial designated lands exist in the broader community, including in the vicinity of the subject lands and on this basis, support the redesignation of the subject lands to Neighbourhoods and Mixed Use – Medium Density in the UHOP.

However with the removal of the subject lands from the Arterial Commercial designation, staff strongly support retaining a more local scale commercial component to the overall development proposal, and are recommending the Mixed Use – Medium Density designation on a portion of the subject lands, including site specific modifications to ensure that any future residential uses on these lands are developed in conjunction with a commercial use, thereby ensuring a commercial intent is maintained. This recommendation is in line with the broader goal of planning for complete communities.

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In terms of compatibility, the proposed residential development and the specific housing forms proposed are considered compatible with the surrounding predominantly residential neighbourhood context, which is discussed in further detail in the policy review that follows.

### Phase One Lands

As noted previously, the applicant proposes to develop the lands in phases. The Phase One lands are proposed to be redesignated from “Arterial Commercial” to “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations.

The following policies, amongst others, are applicable to this portion of the subject applications.

### Neighbourhoods

“E.3.2.1 Areas designated Neighbourhoods shall function as *complete communities*, including the full range of residential dwelling types and densities, as well as supporting uses intended to serve the local residents.

E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E -1 – Urban Land Use Designations:

- 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.”

### Intensification

The subject lands are considered residential intensification as the proposed development is located on vacant and / or underutilized lots within previously developed areas. The following policies thus apply:

“B.2.4.1.4 *Residential intensification* developments shall be evaluated based on the following criteria:

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- a) a balanced evaluation of the criteria in b) through g) as follows;
- b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) the development's contribution to maintaining and achieving a range of dwelling types and tenures;
- d) the *compatible* integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- e) the development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.

B.2.4.2.2 When considering an application for a residential intensification *development* within the Neighbourhoods designation, the following matters shall be evaluated:

- a) the matters listed in Policy B.2.4.1.4;
- b) *compatibility* with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;

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- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhood;
- i) the conservation of *cultural heritage resources*; and,
- j) infrastructure and transportation capacity and impacts.”

In reviewing Section B.2.4, it is noted that the subject development is a permitted form of residential intensification within the built-up area, whereby 40% of the residential intensification target is anticipated to occur within Neighbourhoods until such time as the City completes the municipal comprehensive review.

The proposed maisonette and stacked townhouse dwellings contribute to achieving a range of dwellings types within the community, building on established patterns of housing forms in the surrounding neighbourhood. The three storey height proposed is of an appropriate scale in the context of the surrounding neighbourhood, which has a range of mainly one and two storey dwellings. As there is separation between the proposed development and the nearest adjacent residential dwellings by way of Lakeview Drive, issues of transition are minimized. While the amount of communal amenity space proposed on site is limited, the proposed pedestrian connection to the adjacent open space and Neighbourhood Park is considered a beneficial link to connect residents to existing public amenity space and has the added benefit of better integrating the proposed development with the existing community. The stacked townhouses proposed along North Service Road have the opportunity to create a streetscape presence, where there currently isn't one, as the nearby residential dwellings on the north side of Lakeview Drive, opposite the subject lands, are well set back from the road (back lotted). The stacked townhouses are proposed to be built close to the street, with primary pedestrian access off of North Service Road and driveways and garages at the rear of the dwellings. Contributing to the streetscape presence is the public sidewalk that is required along the perimeter of the subject lands, along North Service Road / Lakeview Drive. At the Site Plan Control stage of development, design elements can be further assessed to identify opportunities to enhance the streetscape presence of these units. Design matters are discussed further in the review of design policies that follow. Finally, infrastructure and transportation

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capacity to support and accommodate the proposed development is available and can accommodate the proposed development, as discussed in further detail in this Report.

### Medium Density Residential

- “E.3.5.1 Medium density residential areas are characterized by *multiple dwelling* forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads.
- E.3.5.5 Medium density residential uses shall be located within safe and convenient walking distance of existing or planned *community facilities*, public transit, schools, active or passive recreational facilities, and local or District Commercial uses.
- E.3.5.6 Medium density residential built forms may function as transitions between high and low profile residential uses.”

The proposed maisonette and stacked townhouse dwellings are forms of multiple dwellings. It is envisioned that such developments be located on the periphery of neighbourhoods in proximity to major or minor arterial roads, such as North Service Road, Lakeview Drive and Fruitland Road. The location of the site, situated between the Queen Elizabeth Way (QEW) and Lake Ontario, impacts the ability of the neighbourhood to achieve the extent of walkability to facilities and other land uses within the community. However, as the community evolves over time, it may take on more of these characteristics, with this proposed development being part of that evolution, along with the potential mixed use development for the Phase Two lands of the applicant. Finally, the proposed development functions as an appropriate transition between the Queen Elizabeth Way and the surrounding neighbourhood.

### Scale

- “E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. *Residential intensification* within these areas shall enhance and be *compatible* with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.
- E.3.5.7 For medium density residential uses, the *net residential density* shall be greater than 60 units per hectare and not greater than 100 units per hectare.

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E.3.5.8 For medium density residential uses, the maximum height shall be six storeys.”

The proposed height of three storeys for the maisonette and stacked townhouse dwellings conforms to the maximum height for medium density residential uses in Neighbourhoods. However, the proposed 49 units per hectare falls below the permitted net residential density range for medium density residential uses. With the type of housing form proposed, located on internal private roads, there are no public lands to exclude from the calculation and thus the result is a lower overall density number. Staff are supportive of a modification to the density range as it maintains the intent of the Medium Density Residential policies of the UHOP and is a compatible development with the existing surrounding housing form of generally one to two storey height.

### Design

“B.3.3.2.3 Urban design should foster a sense of community pride and identity by:

- a) respecting existing character, development patterns, built form, and landscape;
- b) promoting quality design consistent with the locale and surrounding environment;
- f) demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;
- g) contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;

B.3.3.2.6 Where it has been determined through the policies of this Plan that *compatibility* with the surrounding areas is desirable, new *development* and *redevelopment* should enhance the character of the existing environment by:

- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
- d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,

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E.3.2.7 The City shall require quality urban and architectural design. *Development* of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:

- b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.

E.3.5.9 *Development* within the medium density residential category shall be evaluated on the basis of the following criteria:

- a) Developments should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may gain access to the collector or major or minor arterial roads from a local road only if a small number of low density residential dwellings are located on that portion of the local road.
- b) *Development* shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations.
- c) *Development* shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures shall be compatible with existing and future uses in the surrounding area.
- d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.”

The proposed residential development will have direct access to a minor arterial road (North Service Road). There are no existing dwellings located in the vicinity of the two proposed accesses to the development. As discussed previously, the built form proposed and arrangement of the built form on the subject lands will contribute to a streetscape presence along North Service Road, as will the addition of a public sidewalk along the perimeter of the subject lands, with multiple connections to the internal sidewalk network planned for the proposed development. The location of garages and parking areas at the rear of dwelling units fronting on North Service Road and internal to

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the site, reduces the dominance of these elements and is consistent with the above policies.

Design matters including façade treatment, material considerations, site layout and function have been reviewed for these applications, with staff recommending a number of revisions to the Site Plan. Improvements to site circulation for pedestrians, the introduction of variation in material treatments for the rear of the stacked townhouse dwellings, and the introduction of a number of small common amenity space on site have been incorporated into the revised Site Plan, which is attached as Appendix “E” to Report PED18085.

At the future Site Plan Control application stage of development, further design matters are to be addressed, including architectural design and treatment, pavement and landscape treatment, and pedestrian connectivity, as discussed in more detail under Item No. 11 in the Analysis and Rationale for Recommendation Section of the Report.

### Built Form

“B.3.3.3.2 *New development* shall be designed to minimize impact on neighbouring buildings and public spaces by:

- a) creating transitions in scale to neighbouring buildings;
- b) ensuring adequate privacy and sunlight to neighbouring properties; and,
- c) minimizing the impacts of shadows and wind conditions.

B.3.3.3.5 Built form shall create comfortable pedestrian environments by:

- a) locating principal façades and primary building entrances parallel to and as close to the street as possible;
- c) including a quality landscape edge along frontages where buildings are set back from the street;
- d) locating surface parking to the sides or rear of sites or buildings, where appropriate.”

The proposed development maintains a relationship with the existing neighbourhood character and is an appropriate transition in built form between the surrounding low

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topology residential neighbourhood and the QEW and employment lands to the south. The location of the stacked townhouse dwellings close to the street, with primary pedestrian entrances located at the street frontage and driveway and garage access at the rear, contributes to a more comfortable pedestrian environment, with connections between the internal sidewalk network and the planned public sidewalk, along the perimeter of the proposed development.

### Noise

Policy Section B.3.6.3.1 of Volume 1 of the UHOP requires that:

“B.3.6.3.1 *Development of noise sensitive land uses*, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.

B.3.6.3.2 Any required noise or vibration study shall be prepared by a qualified professional, preferably a professional engineer with experience in environmental acoustics, in accordance with recognized noise and vibration measurement and prediction techniques, to the satisfaction of the City, and in accordance with all applicable guidelines and standards.”

An Environmental Noise Feasibility Study prepared by Valcoustics Canada Inc, dated December 22, 2016, was submitted in support of the subject applications. Staff have reviewed the study and are generally satisfied with the recommended noise control measures to satisfy indoor and outdoor noise level criterion. However, a final noise study may be required with future Site Plan Control / Draft Plan of Subdivision / Draft Plan of Condominium Applications in consideration of the potential future mixed use development on the remainder of the subject lands to the north. At the future application(s) stage, the required warning clauses and the specific building materials highlighted in the study will be implemented.

### Road Widening and Daylight Triangles

“C.4.5.6 The City shall reserve or obtain road widenings for rights-of-way as described in Schedule C-2 – Future Road Widenings. Where a road right-of-way is not described in Schedule C-2 – Future Road Widenings, the City shall reserve or obtain road widenings for rights-of-way as described in Section C.4.5.2. The aforesaid road widenings shall be reserved or obtained through subdivision approval, condominium approval, land

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severance consent, site plan approval or by gift, bequeathment, purchase or through expropriation where necessary and feasible.

C.4.5.6.5 Notwithstanding Policies C.4.5.6, C.4.5.6.1, C.4.5.6.3, and C.4.5.7, and in addition to Policy C.4.5.3, the City may waive or accept less lands to be dedicated than the maximum road widening and/or daylighting triangle requirements where, in the opinion of the City:

- a) It is determined through a development planning approval process that due to significant adverse impacts on:
- i. existing built form;
  - ii. natural heritage features;
  - iii. an existing streetscape; or,
  - iv. a known cultural heritage resource;

it is not feasible or desirable to widen an existing road allowance to the maximum road widening or provide the full daylight triangle as set in Section C.4.5.2, Schedule C-2 – Future Road Widening, or Section C.4.5.7, and that the City’s objectives for sustainable infrastructure, complete streets and mobility can be achieved;

C.4.5.7 The City shall require the conveyance of property for appropriate daylighting triangles and corner rounding on existing roads at such times as the property is to be developed or redeveloped, as a condition of site plan approval, consent, or plan of subdivision approval, in accordance with City standards based on the intersecting roadways of the functional road classification detailed in Section C.4.5.2. Daylighting triangles at intersections shall generally be as follows:

- c) Arterial to collector or arterial (Urban): 12.19 m x 12.19 m triangle.”

Lakeview Drive, North Service Road and Fruitland Road are identified as Minor Arterial roads on Schedule C – Functional Road Classification and in accordance with Schedule C-2 – Future Road Widening, have a future right-of-way width of 36.576 m. Neither Lakeview Drive or North Service Road is presently at the ultimate right-of-way width as identified in the UHOP. As discussed in more detail under Item No. 7 in the Analysis and Rationale for Recommendation Section, at the February 28, 2018 meeting of City

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Council, Council resolved to reduce the road widening dedication for the westerly portion of the subject lands where there is currently an uneven right-of-way.

With respect to the daylight triangle requirements of the UHOP, the City requires conveyance of property for appropriate daylighting triangles and corner rounding on existing roads generally to a measurement of 12.19 m by 12.1.9 m for arterial to collector or arterial roads in the urban context. As discussed in more detail under Item No. 7 in the Analysis and Rationale for Recommendation Section, Transportation Planning has recommended an enlarged daylight triangle at the corner of North Service Road and Lakeview Drive, which has been shown on the Site Plan, attached as Appendix “E” to Report PED18085. Council has confirmed this daylight triangle requirement through a resolution of Council at the February 28, 2018 meeting of City Council.

Based on the foregoing, staff is of the opinion that the proposed residential development (Phase One lands), complies with the policies of the Urban Hamilton Official Plan noted above.

#### Phase Two Lands

The Phase Two lands consisting of the properties fronting on Lakeview Drive, are proposed to be redesignated from “Arterial Commercial” to “Mixed Use – Medium Density” on Schedule E-1 – Urban Land Use Designations.

The following policies, amongst others, are applicable to this portion of the subject applications.

#### Mixed Use – Medium Density

- “E.4.6.1 The range of commercial uses is intended to serve the surrounding community or series of neighbourhoods as well as provide day-to-day retail facilities and services to residents in the immediate area. These areas shall also serve as a focus for the community, creating a sense of place.
- E.4.6.3 Newer areas designated Mixed Use - Medium Density shall evolve over time into compact, mixed use people places where people can live, work, and shop.
- E.4.6.5 The following uses shall be permitted on lands designated Mixed Use - Medium Density on Schedule E-1 – Urban Land Use Designations:

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- a) commercial uses such as retail stores, *auto and home centres*, *home improvement supply stores*, offices, medical clinics, personal services, financial establishments, live-work units, artist studios, restaurants, gas bars, and drive-through facilities;
- b) Notwithstanding Policy E.4.6.5 a), drive-through facilities on *pedestrian predominant streets* shall only be permitted in accordance with Section E.4.6.29 and all other applicable policies of this Plan.
- c) institutional uses such as hospitals, places of worship, and schools;
- d) arts, cultural, entertainment, and recreational uses;
- e) hotels;
- f) *multiple dwellings*; and,
- g) *accessory uses.*”

In consideration of the applicant’s proposal for either a future six storey mixed use building or stand-alone residential building, and staff’s support for a future mixed use building, it is recommended the lands be designated Mixed Use – Medium Density in the UHOP. Although development plans for the Phase Two lands owned by the applicant are conceptual at this time, the Mixed Use – Medium Density designation promotes a range of commercial uses to serve the surrounding community, with a mixed use focus, which is considered appropriate. This designation is also appropriate for the adjacent lands owned by others as it provides flexibility for future development either stand-alone or with land consolidation, and is dealing with all of the Phase Two lands comprehensively.

### Scale

- “E.4.6.7 Lands designated Mixed Use - Medium Density shall contain a range of building heights and densities to a maximum height of six storeys, which shall be set out in the implementing zoning by-law. The specific permitted heights and densities shall depend on the area and be established through secondary plans where one exists and the zoning by-law.
- E.4.6.9 The predominant built form shall be mid-rise and low-rise buildings. The intent is to increase the proportion of multiple storey, mixed use buildings

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that have retail and service commercial stores at grade; however, single use commercial buildings and medium density ground related housing forms shall be permitted, except for pedestrian predominant streets as listed by Policy E.4.3.1.

E.4.6.10 Permitted uses shall be located in single or mixed use buildings.

E.4.6.15 Although residential *development* is permitted and encouraged, it is not the intent of the Plan for the Mixed Use - Medium Density designated areas to lose the planned retail and service commercial function set out in this Plan.”

The built form envisioned and maximum height permitted in the Mixed Use – Medium Density designation is considered appropriate for this site, in consideration of the proposed residential development on the Phase One lands as well as the existing surrounding neighbourhood context. There are a range of existing housing types including single detached dwellings and various forms of townhouse dwellings in the area. The single detached dwellings located on the north side of Lakeview Drive are set back considerably from the road and thus an appropriate transition distance exists when considering the potential height of a future development proposal. Further, any future development proposal should be designed to appropriately transition to the residential development proposed for the Phase Two lands and should establish pedestrian connections to link the two developments. The future development proposal has the opportunity to be a focal point for the surrounding neighbourhood.

Staff are recommending a site specific policy for the draft Official Plan Amendment for the Phase Two lands which affects a number of the policies identified above. Medium density ground related housing forms and buildings containing strictly residential uses are not supported as the commercial intent of the lands would not be realized and the opportunity to provide for a complete community that offers a more local scale of commercial development would be lost. Furthermore, this site is well situated to provide some form of mixed use, given its proximity to the QEW and the limited number of local commercial opportunities on the north of the QEW. The draft Official Plan Amendment is discussed in more detail under Item No. 2 in the Analysis and Rationale for Recommendation section of the Report.

In support of commercial uses on these lands, staff note policy E.4.6.15, which specifies that the intent of the Mixed Use – Medium Density designated areas is to retain a retail and service commercial function.

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Design

- “B.3.3.2.3 Urban design should foster a sense of community pride and identity by:
- a) respecting existing character, development patterns, built form, and landscape;
  - b) promoting quality design consistent with the locale and surrounding environment;
  - f) demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;
  - g) contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;
- E.4.6.16 New *development* shall be designed and oriented to create comfortable, vibrant and stimulating pedestrian oriented streets within each area designated Mixed Use - Medium Density.
- E.4.6.17 Areas designated Mixed Use - Medium Density are intended to develop in a *compact urban form* with a streetscape design and building arrangement that supports pedestrian use and circulation and create vibrant people places.
- E.4.6.21 On *non-pedestrian predominant streets*, buildings shall be located close to the street with no parking, drive-throughs, or stacking lanes between the building and the street.
- E.4.6.22 *Development* applications shall be encouraged to provide a mix of uses on the site.
- E.4.6.24 New *development* shall respect the existing built form of adjacent neighbourhoods by providing a gradation in building height and densities, and by locating and designing new *development* to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.
- E.4.6.25 Areas designated Mixed Use - Medium Density shall be integrated with the surrounding neighbourhoods through frequent street and pedestrian linkages.”

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As discussed previously, the built form supported by staff for this portion of the subject lands can achieve these design objectives of the UHOP through strong planning and design. Site specific zoning regulations are proposed to support these built form and design policy objectives.

### Noise

The relevant noise policies of the UHOP and the recommended noise control measures to satisfy indoor and outdoor noise level criterion was reviewed previously as part of the policy analysis of the Phase One lands. Any future development proposal for the Phase Two lands will be required to address the noise policies of the UHOP as part of a complete application submission.

### Road Widening

As part of a future development application for the Phase Two lands of the applicant, there may be road widening requirements along Lakeview Drive, in accordance with the road widening policies of the UHOP, which were referenced in the policy analysis of the Phase One lands.

Based on the foregoing, staff is of the opinion that a future mixed use development (Phase Two lands), will comply with the policies of the Urban Hamilton Official Plan noted above, as modified by staff to ensure a commercial component is retained as part of any future mixed use development.

### Bayview Neighbourhood Plan

The subject site is designated “Highway Commercial” in the Bayview Neighbourhood Plan. There are no associated policies for this neighbourhood plan. As the proposed development consists of residential and a future mixed use development, it does not conform to the “Highway Commercial” designation.

The following policies of the UHOP apply in relation to amendments to Neighbourhood Plans:

- “F.1.2.8 Any amendment to the *Neighbourhood Plan* must be evaluated using the provisions of Policies F.1.1.3 and F.1.1.4 and shall require a formal Council decision to enact the amendment.

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F.1.1.3 Amendments to this Plan, including secondary plans, shall be required to create, modify or expand land use designations and policies which do not comply with this Plan.

F.1.1.4 Amendments to this Plan shall be undertaken by the City:

- a) to update this Plan to reflect new provincial or municipal planning policies at the time of Official Plan Five Year review or other appropriate time through a City initiative; or,
- b) to update and streamline administration of municipal planning policies.”

For the reasons noted in the preceding policy review, the development applications, as amended, can be supported and as such, an amendment to the Bayview Neighbourhood Plan will be required.

The proposed amendment to the Bayview Neighbourhood Plan is as follows:

- Redesignate the Phase One portion of the subject lands from “Highway Commercial” to “Medium / High Density Residential”; and,
- Redesignate the Phase Two portion of the subject lands from “Highway Commercial” to “General Commercial”.

The Medium / High Density Residential designation is the appropriate category for the proposed residential development as the density proposed falls within the range captured by this designation. As for the remaining portion of the subject lands, the Bayview Neighbourhood Plan does not include a mixed use designation. In the absence of an appropriate land use designation to capture the future proposed mixed use development, staff recommend that this portion of the subject lands be designated General Commercial to reflect the commercial intent for these lands.

## **RELEVANT CONSULTATION**

The following Departments have no comments or objections to the application:

- Landscape Architectural Services, Strategic Planning Division, Public Works Department; and,
- Growth Planning, Planning and Economic Development Department.

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**Recreation Division, Community and Emergency Services Department** suggested an appropriate and safe crossing from the proposed development to Bayview West Park.

The applicant has proposed a connection to this park across North Service Road which has been illustrated on the Site Plan, attached as Appendix “E” to Report PED18085. A pedestrian access will necessitate an opening in the fence that currently exists along the North Service Road frontage of the park and can be addressed as part of the future Site Plan Control process.

**Forestry and Horticultural Section, Public Works Department** have advised there are no municipal tree assets on site, therefore, a Tree Management Plan is not required. A detailed Landscape Plan, prepared by a Registered Landscape Architect, is required showing the placement of trees on internal and external City property. Further, the City of Hamilton’s Public Tree Preservation and Sustainability Policy in conjunction with the Tree By-law 15-125 requires new developments to provide payment per tree for road allowance street trees. All street tree plantings shall be planted by the City of Hamilton, as approved through the review of a proposed street tree planting scheme.

**Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department,** provided the following comments:

- Consider the needs of Pedestrians with disabilities (i.e. AODA regulations and barrier free designs), built environmental standard, etc. - these regulations must be followed;
- Paved shoulders along both sides of the ROW are required to be a minimum of 2.0 m and sidewalks through the site are required to be a minimum of 1.5 m;
- Include the provision for trees in the boulevard; and,
- Maintain bike lanes along Lakeview Drive.

A Transportation Demand Management (TDM) Report was required to be submitted. The following comments were provided upon review of the submitted report:

Overall, the TDM initiatives included in this application do not meet the objectives of the City, as outlined in the ‘TDM for Development’ document.

### Cycling

Recommendations: Short-term exterior visitor bicycle parking should be shown on the site plan and provided at the rate referred to in the TDM for development guidelines, 0.05 - 0.2 spaces / unit = 7 - 28 spaces for this development.

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Walking

Recommendations: Sidewalks should be provided on the frontage of Lakeview Drive and Fruitland Road and should provide ease of access to surrounding HSR bus stops Pedestrian amenities on-site (benches, landscaping, lighting).

Parking

Parking is oversupplied by eight spaces.

Recommendations: TDM does not support the oversupply of parking. The difference in parking spaces is minimal and can be mitigated by the installation of short-term bicycle parking.

In response to the comments provided, staff note that the provision of short-term visitor bicycle parking is a matter that will be addressed at the Site Plan Control stage of development. Sidewalks will be provided along the frontage of the subject lands, with connections to the internal sidewalk network. The applicant has illustrated a number of common amenity spaces on the Site Plan, consisting of sitting areas. The specific elements and design matters related to the public amenity spaces will be dealt with at the Site Plan Control stage.

Finally, the recognized parking provided meets the requirements for each residential unit but does not meet the requirements for visitor parking spaces and thus a variance has been requested to reduce the required visitor parking. There are additional visitor parking spaces (36 in total), proposed to be located within the lands subject to the Ministry of Transportation's required setback. These parking spaces are subject to MTO approval and it is understood that MTO could require a portion of these lands as part of future highway improvements.

**Corridor Management, Public Works Department** provided the following comments:

A Traffic Impact Study (TIS) was submitted and reviewed (Crozier & Associates Inc., December 2016). The following has been indicated in the Report:

- North Service Road and Fruitland Road intersection is projected to operate at a Level of Service "F" under 2031 future background conditions and 2031 total traffic conditions. A traffic control signal is warranted for this intersection under 2026 future background conditions. Therefore, any capacity improvements would not be the responsibility of the applicant;
- A new signal for this intersection is planned, pending MTO approval;
- Fruitland Road and the QEW westbound and eastbound off ramps are projected to operate at Level of Service "F" and "E";

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- North Service Road and Lakeview Drive is projected to remain at a Level of Service “C” with minimal vehicle delay; and,
- North Service Road and the proposed site accesses are projected to operate at a Level of Service “B” and “C” with minimal vehicle delay.

#### General Site Plan Comments

An Access Permit from the Public Works Department is required for any new or changes to existing accesses. Prior to commencing any work within the road allowance, it is recommended that the owner / applicant contact all the respective utilities. The applicant must also remove all, if any, abandoned accesses and restore the boulevard at their expense. All access works within road allowance must be completed by a contractor bonded by the City of Hamilton. Prior to completing any access work a site meeting between the applicant’s contractor and City staff will be required.

For new development applications, a 5.0 m by 5.0 m visibility triangle is required, measured between the driveway limits and the road allowance limit of North Service Road to provide drivers exiting the driveway sufficient sightlines to see approaching pedestrians, cyclists and vehicles.

A minimum of 1.2 m separation must be provided within the City’s road allowance area between an access and any utility, fire hydrant, tree, sign, etc. Any costs for traffic sign or utility relocation are the sole responsibility of the owner / applicant. It is the applicant’s responsibility to coordinate with the appropriate departments ahead of time.

During construction, all vehicles, equipment, and materials must be kept on private property and cannot occupy the municipal sidewalk or roadway. Should occupancy be required, a Road Occupancy permit must be obtained from the Corridor Management Section. Should long-term occupancy be required (three months or more), a Construction Management Site Plan (CMSP) will be required as a condition of Building Permit that illustrates any lane/sidewalk closures, crane locations, and truck haul routes.

Staff note that at the Neighbourhood Information Meeting held on February 21, 2017, public concerns were expressed regarding traffic issues related to traffic volume (traffic counts), queuing at the North Service Road / Fruitland Road intersection, and pedestrian safety. As a result, the applicant prepared a TIS Addendum to address the concerns expressed.

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The following additional comments were provided upon review of the Traffic Impact Study Addendum (Crozier & Associates Inc., September 2017):

The TIS addendum was submitted to include missing data which wasn't included in the previous report and also to address some safety concerns that the public had expressed. The TIS has addressed these concerns and there are no further comments. Once the North Service Road and Fruitland Road signal is fully operational, it will relieve the majority of the existing queueing issues. The City will continue to monitor traffic flows / speeds and adjust signal timing accordingly after full build out.

**Public Health Services (Health Protection Division), Public Works Department** have advised of the following requirements at the Site Plan Control stage of development:

1. A pest control plan, focusing on rats and mice, shall be developed and implemented for the demolition, construction/development phase of the project and continue until the project is complete. The plan must outline steps involved in the potential control of vermin during all of development/construction and must employ integrated pest management practices. The plan must be formulated by a professional exterminator licensed by the MOECC and shall include monitoring, removing potential food and water sources, and eliminating or preventing areas for harbourage. The plan can include trapping and/or baiting but special consideration should be aimed at ensuring any/all bait stations are tamper-resistant and deceased rats are removed to prevent secondary poisoning of other animals. The plan is to be implemented when work activity at the site begins including but not limited to demolition, bush clearing, grading etc.
2. A written dust management plan be formulated. The plan should identify all potential sources of dust generation from site clearance to final construction and lot development. Details should be provided regarding effective practices to be used (i.e., wetting, sodding etc.) through all stages of development for the purpose of dust abatement. The plan should also include dust control measures for adjacent lands including but not limited to roadways, sidewalks etc.

**Operations Division, Public Works Department** indicated the proposed residential development is eligible for waste collection service. However, serviceability may not be guaranteed as the road layout does not permit continuous forward movement for all units.

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The following criteria shall be met:

1. Construction material will not be collected. Collection arrangements must be made with a private contractor.
2. Road layout must be designed to permit the continuous forward movement of collection vehicles, including the radius of a cul-de-sac turning circle. Continuous forward movement must be provided exclusive of any parking spaces and stored snow. A drive through access route, a 13 m radius turning circle or a turnaround area allowing for a maximum three-point turn of not more than one truck length are all acceptable options for accommodating this requirement.
3. The City of Hamilton will provide waste collection service in a development only when Consistent Service can be offered.
4. Internal roads must have a pavement width not less than 6.0 m.
5. Adequate manoeuvring space for the collection vehicle must be provided exclusive of any on-site parking spaces and stored snow.
6. The City of Hamilton is committed to providing safe and effective waste collection service and will fully comply with the *Ontario Occupational Health and Safety Act's* (OHSA) regulations at all times. Regulation 213/91 section 104(1) of the 2012 OHSA Consolidated Edition states: "Every project shall be planned and organized so that vehicles, machines and equipment are not operated in reverse or are operated in reverse as little as possible".
7. Waste collection service will commence when the site is substantially completed and there is free and clear access. The developer or owner is required to contact the City (905-546-2489) to request the start of waste collection service.
8. Prior to the commencement of City waste collection service, the developer is responsible for the collection of all waste (garbage, recycling, organics, etc.) from any and all occupied units.
9. A site visit by City staff is required prior to the start of waste collection service.
10. Waste collection will be curbside in front of each unit.

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11. For collection of waste on Private Roads, an Agreement for On-Site Collection of Municipal Solid Waste must be executed and submitted to the City prior to the start of waste collection service.

**Hamilton Street Railway (HSR)** indicated that with respect to service, the HSR currently operates Trans-Cab in the area with no planned changes in service at this time.

HSR's Ten Year Transit Strategy is a plan to stabilize the local transit system while incrementally building service and increasing transit modal split. This phased strategy includes actions and resources to address current deficiencies, align service with updated Service Standards, accommodate ongoing growth and promote ridership. HSR Planning will continue to evaluate the needs of communities in the Annual Service Plan.

**Alectra Utilities (formerly Horizon Utilities)** has commented that the relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense and that Alectra Utilities should be contacted in order to facilitate this work. Also, the applicant shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment. The applicant shall acquire an easement, if required.

In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of six months notification is required.

Alectra Utilities also notes that: excavation should not occur within 2 m of hydro poles and anchors; excavation within 1 m of an underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Costs associated with this task shall be at the owner's expense; Alectra Utilities must be contacted if the removal, isolation or relocation of an existing plant is required, all cost associated with this work will be at the owners expense; the arrangement for underground hydro cable locate(s) should occur before the beginning of construction by contacting Ontario One; and, clearances from overhead and underground existing electrical distribution system must be maintained in according to: the Ontario Building Code (1997) Section 3.1 (3.1.18.1), the Electrical Safety Code Rule 75-312, the *Occupational Health and Safety Act (OH&SA)* - Construction Projects, CAN/CSA-C22.3 No. 1 - 10, Overhead System, and C22.3 No. 7 - 10 Underground Systems.

**Ministry of Transportation (MTO)** note that the site is within the Ministry Permit Control Area. As such, the applicant is required to obtain a Building and Land Use Permit prior to any grading or construction on site;

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In addition, MTO has indicated the following:

As part of our permit review process, we will require the submission of a site plan, site grading/drainage plan, site servicing plan, illumination plan and calculations. Please note that all external illumination must be directed away from the highway right-of-way. This Ministry will require a minimum 14 m setback from the Highway QEW right-of-way to any buildings / structures above and below ground. Further, any feature deemed essential to the operation and viability of the site (including parking spaces required by municipal by-law, fire routes, driveway aisles, loading docks and access to loading docks, garbage access, underground structures, servicing, storm-water management ponds etc.) must be setback a minimum of 14 m from the Highway QEW right-of-way. The Highway Right-of-Way and the 14 m setback must be clearly shown and labeled on all the plans.

As part of the permit application process, prior to the issuance of any permits, the applicant will be required to submit a Traffic Impact Study indicating the existing and future projected traffic volumes and patterns as it impacts the Highway QEW and Fruitland Road Interchange and the intended mitigating measures, for this Ministry's review and approval. The proponent is responsible for the design and construction of all highway improvements associated with the development proposal.

As part of the permit application process, prior to the issuance of any permits, the applicant will be required to submit a Stormwater Management Report including Grading and Servicing Plans indicating the changes in drainage run-off caused by the development, and the intended treatment of this calculated runoff as it impacts on the Highway QEW Right-of-way, for this Ministry's review and approval.

In general, the applicant should be made aware that no direct access shall be permitted to Highway QEW. All access to these lands shall be via the existing internal municipal street system. Access onto North Service Road will need to be located and designed in order to mitigate any safety and operational concerns with regard to the access, the Highway QEW/Fruitland Road interchange, and the Fruitland Road and North Service Road intersection. The Site will also need to be appropriately fenced.

The developer is solely responsible for all noise mitigation measures and such must be located beyond ministry property. Please note that, ideally, noise attenuators will be built outside the 14 m setback so that they will not require relocation, however:

- a. The minimum setback to setback to a noise attenuation structure (wall) or to the top of slope where an earth berm is being used, is 0.3 m. We will not approve or issue permits for any design that proposes a berm encroaching onto MTO highway right-of-way.

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- b. Please note also that the ministry's standard setback for permanent structures is 14 m. If you consider noise berms to be permanent structures (i.e. if they cannot be replaced in the future by a standard MTO type noise wall), then a 14 m setback from toe of slope will be required. This is so that, should additional right-of-way be required for future highway expansion, the 14 m setback area would be clear of major impediments that might preclude partial property takings.
- c. In the event that a noise attenuator needs to be relocated, sufficient property must be securely available so as to build the "structure" (i.e. wall, or berm, or wall on berm) in a new location that will satisfy both MTO setback policy, as well as municipal policy with regard to setbacks.

More detailed comments regarding the development proposal will be provided when a formal site plan is submitted. We note that the Ministry has received a Traffic Impact Study for the proposal, and will provide comments once the review is completed.

Please refer to Item No. 8 in the Analysis and Rationale for Recommendation section of the Report for discussion on the Traffic Impact Study and other MTO matters.

**Hamilton Conservation Authority** advised the proposed development will result in a significant increase in impermeable area. As the property drains to Lake Ontario, the applicant will be required to provide stormwater quality control to Level 2.

HCA staff have reviewed the Functional Servicing & Stormwater Management Report "Lakeview, 84 & 96 Lakeview Drive Application for Re-zoning" prepared by the S. Llewellyn and Associates and dated November, 2016 and provide following comments on the site stormwater management:

1. As the drainage area exceeds 2 ha in size, the applicant should consider a treatment train approach in order to demonstrate that the appropriate level of quality control treatment is achieved.
2. Details for a storm water detention facility should be enclosed to the next submission package. If construction of an open bottom facility is proposed, a geotechnical report prepared in support of the subject development should provide additional information about seasonally high groundwater table in order to ensure that cross-contamination of the aquifer is not an issue.
3. A quality control system inspection and maintenance procedure should be enclosed to a final submission supporting the site stormwater management.

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4. A detailed lot grading and drainage plan including appropriate sediment and erosion control measures should be submitted and demonstrate that sediment control for all catch basins is in the form of silt sacks and the silt fencing is as per OPSD 219.130/131 revised November, 2015. The Erosion and Sediment Control Guideline for Urban Construction, MNR, 2006 must be referenced for appropriate vehicle traction control at the construction site entranceway and details provided.

As the subject property does not contain any flood or erosion hazards or any wetland features, there is no concern with the proposed development from a Provincial natural hazard perspective.

As the above-noted issues regarding stormwater management and lot grading can be addressed at the site plan application stage, our office has no concerns with the application(s) and have no objection to application approval.

## **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 66 property owners within 120 m of the subject property on March 3, 2017 for the proposed Official Plan Amendment and Zoning By-law Amendment applications.

A Public Notice Sign was posted on the property on March 16, 2017, and updated on April 4, 2018, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on April 13, 2018. Thirteen letters has been received from the public through this circulation to date, and are attached as Appendix "G" to Report PED18085 and summarized in the Analysis and Rationale for Recommendation Section of this Report (Item No. 13).

### **Public Consultation Strategy**

As part of the complete application submission requirements, a Public Consultation Strategy was developed for the development proposal. The Strategy indicated that the need for a neighbourhood information meeting would be established in consultation with the Ward Councillor. The Strategy further outlined who would receive notice of the information meeting and what information would be presented. Upon consultation with the Councillor, a neighbourhood meeting was held on February 21, 2018. Just under 50 residents attended the meeting. A summary of the neighbourhood meeting and subsequent public submissions can be found in the Analysis and Rationale for Recommendation Section of this Report (Item Nos. 12 and 13 respectively).

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## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The amended proposed Urban Hamilton Official Plan Amendment and Zoning By-law Amendment have merit and can be supported for the following reasons:
  - (i) They are consistent with the Provincial Policy Statement and conform to the Growth Plan for the Greater Golden Horseshoe, as they direct growth to settlement areas, promote the efficient use of land, and contribute towards creating liveable and resilient communities;
  - (ii) They comply with the general intent of the UHOP, subject to approval of the UHOP amendment, as the proposed development provides a more compact and efficient urban form in the built up area and promotes the establishment of commercial uses in a mixed use form to meet the needs of the surrounding community;
  - (iii) The proposed modifications to the site specific zoning are considered to be compatible with the existing development in the surrounding area and appropriate for the existing and future site and surrounding context; and,
  - (iv) The proposed development is considered to be compatible with the existing residential land uses in the immediate area and represents good planning by, among other things, providing for the development of complete communities.
  
2. As discussed previously in this Report, an amendment to the Urban Hamilton Official Plan is required to implement the proposed development. Staff are recommending an amended Official Plan Amendment to:
  - Redesignate the subject lands from “Arterial Commercial” to “Neighbourhoods” and “Mixed Use – Medium Density” on Schedule E-1 – Urban Land Use Designations;
  - Add a Site Specific Policy to establish a density range of 40 to 100 units per hectare for medium density residential uses on the portion of the subject lands designated “Neighbourhoods”; and,
  - Add Site Specific Policies for the lands designated “Mixed Use – Medium Density” to prohibit drive-through facilities and ground related housing forms, and to require that permitted residential uses be located within a mixed use building.

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Staff are supportive of the land use change to “Neighbourhoods” for a portion of the subject lands as the proposed maisonette and stacked townhouse dwellings will provide additional housing forms to complement the existing single detached and townhouse dwellings that are located in the surrounding area, thus contributing to the policy goals of the Neighbourhoods designation that promote a range of housing types and densities. Staff are also supportive of the Site Specific Policy to establish a modified density range for medium density residential uses for the subject lands, from the required net residential density of greater than 60 units per hectare up to 100 units per hectare, to the proposed range of 40 units per hectare up to 100 units per hectare. With the type of housing form proposed, located on internal private roads, there are no public lands to exclude from the calculation and thus the result is a lower overall density number. While the proposed development has a density of 49 units per hectare, the applicant is requesting that the lower end of the density range be further reduced to 40 units per hectare, to provide some flexibility when a final concept plan is prepared and evaluated through the Site Plan Control process. Staff are supportive of this request and the modified density range, as it maintains the intent of the Medium Density Residential policies of the UHOP and is a compatible development with the existing surrounding lower built form context.

The subject lands were designated “Highway Commercial” in the previous City of Stoney Creek Official Plan and were subsequently carried over into the current Urban Hamilton Official Plan as “Arterial Commercial”. The lands on the east side of Fruitland Road, directly opposite the subject lands are also designated “Arterial Commercial” in the UHOP. As discussed in the preceding policy analysis, while commercial uses of this nature serve an important function in the commercial landscape, the type and function of commercial uses is undergoing significant change due to changes in consumer preferences and shopping patterns. With the prominence of large format “big box” retailers like Walmart and Costco, a shrinking number of retail players in the marketplace, an increasing percentage of online sales, and the cost of land in urban areas, there is less need for large commercial sites. Further, with respect to the subject lands, the abutting residential uses and adjacent neighbourhood park make residential a compatible land use. While arterial commercial uses still serve an important function in a community, in evaluating the merits of these applications, staff are satisfied that appropriate arterial commercial designated lands exist in the broader community, including in the vicinity of the subject lands, and thus support the redesignation of the subject lands to Neighbourhoods and Mixed Use – Medium Density.

However, with the removal of the subject lands from the “Arterial Commercial” designation, staff strongly support retaining a commercial component to the overall

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development proposal, and are thus recommending the “Mixed Use – Medium Density” designation on a portion of the subject lands, with site specific modifications to ensure that any future residential uses are developed in conjunction with a more local scale of commercial use, thus ensuring the commercial intent is maintained and to further support complete community objectives. It is anticipated that future commercial uses on the subject lands will support the existing and growing residential population base that is proposed through this development proposal, and recently approved planned developments in the vicinity of the subject lands. There is further benefit in retaining lands for commercial uses on the north side of the QEW to accommodate pedestrian opportunities, given the physical barrier created by the highway.

Finally, staff recommend prohibiting drive-through facilities as the use is not considered compatible with the intended mixed use development of these lands, and is ultimately not a permitted use in the Mixed Use Medium Density – Pedestrian Focus (C5a) Zone in Zoning By-law No. 05-200, which staff are recommending for this portion of the subject lands.

3. The purpose and effect of the amended Zoning By-law Amendment is for a change in zoning from the Highway Commercial (Holding) “HC (H)” Zone to the Multiple Residential (Holding) “RM3-64 (H)” Zone, Modified, on a portion of the subject lands, and to the Mixed Use Commercial (Holding) “MUC-10 (H)” Zone, Modified, on the remainder of the subject lands, to permit a residential development consisting of 94 maisonette dwellings and 42 stacked townhouse dwellings for a total of 136 dwelling units, and a future mixed-use development.

### **Multiple Residential (Holding) “RM3-64 (H)” Zone**

In order to implement the residential development proposed, the subject lands must be rezoned from the Highway Commercial (Holding) “HC (H)” Zone to an appropriate residential zone in the City of Stoney Creek Zoning By-law No. 3692-92. A modified Multiple Residential “RM3” Zone is considered appropriate for the proposed development as this zone permits a range of residential uses, including maisonettes and townhouses, and aligns most closely to the proposed development.

The proposed modifications to the Multiple Residential “RM3” Zone required to implement the proposed residential development are as follows:

- Permitted uses – introduce a definition for stacked townhouses and a modified definition for a dwelling group;

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- Reduce the minimum front yard and side (flankage) yard requirements;
- Reduce the minimum distance required between buildings on the same lot;
- Increase the maximum density permitted;
- Increase the maximum building height permitted;
- Reduce the privacy area minimum depth;
- Reduce the minimum landscaped open space requirements;
- Increase the permitted projection for certain yard encroachments; and,
- Modify a number of the parking regulations.

#### Permitted Uses

Townhouse dwellings are a permitted use in the “RM3” Zone, but the definition does not contemplate a stacked townhouse housing form. In order to permit the proposed stacked townhouses which consist of three buildings with twelve units in Building 1, and fifteen units each in Buildings 2 and 3, a site specific modification has been proposed to the “RM3” Zone to permit stacked townhouses of not more than fifteen dwelling units. Stacked townhouses are considered an appropriate use in the “RM3” Zone and have been established in this zone through previous site specific modifications. Further, stacked townhouses of three storeys in height are considered appropriate and complementary to the existing range of dwellings types found in the surrounding area.

A modification to the definition for Dwelling Groups, a permitted use in the “RM3” Zone, is also proposed to include stacked townhouses within the definition as it applies to the subject lands.

#### Setback Requirements

The applicant is requesting a minimum front yard of 3.5 m, whereas the Zoning By-law requires a minimum front yard of 7.5 m. North Service Road has been deemed to be the front lot line for the purposes of Zoning By-law interpretation. Buildings 1 – 3 comprising the stacked townhouse units, as identified on the Site Plan attached as Appendix “E” to Report PED18085, have a range of proposed front yard setbacks, from 3.6 m up to 7.18 m. While 3.5 m represents a reduction from the required 7.5 m, staff are supportive of the requested variance for this type of housing form. By locating the built form closer to the street, the streetscape presence is enhanced which contributes to meeting a number of the design objectives of the UHOP. Further, the requested variance is unique to this context as the North Service Road lot line is not consistent due to the unusual configuration of this site.

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A variance is requested to reduce the minimum side yard (flankage yard), from the required 7.5 m to 0.01 m. The distance applies to the setback between Building 1 and the adjusted property boundary (hypotenuse of the daylight triangle at the corner of North Service Road and Lakeview Drive), once the proposed right-of-way widening is taken, to accommodate an enlarged daylight triangle. Given the specific circumstances of these applications, where an enlarged daylight triangle has been required, beyond the general requirement of the UHOP for arterial to arterial roads, and given that sight line safety concerns resulting from a reduced setback are not a concern as the expanded daylight triangle is meant, in part, to improve sight lines, staff can support the reduced side yard (flankage yard) in this specific situation. Given the distance has been reduced to 0.01 m, staff recommend setting the flankage yard setback at 0.0 m. With no setback requirement, the built form adjacent to the hypotenuse of the daylight triangle will require particular attention at the Site Plan Control stage of development to ensure appropriate functionality and high quality design.

A further variance is requested to reduce the flankage yard abutting Lakeview Drive from the required 7.5 m, to 6.5 m. This reduced setback only applies to the end unit of Building 1, with the design of this end unit impacted by the expanded daylight triangle, discussed previously. As the reduction from the By-law requirement only applies to this one unit, the variance is considered appropriate and can be supported.

The applicant is also requesting a variance to reduce the minimum distance between buildings on the same lot from the Zoning By-law requirement of 15 m, to 14.5 m. The By-law requirements for distance between end walls and an end wall and a rear wall have been maintained. Staff are supportive of the reduction as it only applies to the distance between two of the buildings on the site and does not negatively impact site function. For these reasons, the variance request is supported by staff.

### Density

The Zoning By-law Amendment is proposing an increase in the maximum density permitted from 40 units per hectare permitted in the "RM3" Zone, to 50 units per hectare, to implement the proposed residential development. To note, while the proposed development has a density of 49 units per hectare, the applicant is requesting this number be rounded up to 50 to provide a small buffer out of an abundance of caution. Staff are supportive of the proposed increase in maximum density in recognition that the built form proposed was not contemplated for this zone category when Zoning By-law No. 3692-92 was established but is considered

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appropriate for the “RM3” Zone. Further, the density proposed is not a significant deviation from the regulation and maintains the intent of the By-law by providing a built form in keeping with the area and the site’s location abutting the QEW.

### Height

The Zoning By-law Amendment is proposing an increase in the maximum building height permitted from 11 m, to 12 m, to permit the proposed three storey maisonette and stacked townhouse dwellings. Staff support this modification as it is considered a minor variance from the existing regulation and is considered an appropriate scale for the site and within the larger neighbourhood context.

### Privacy Area

Whereas the “RM3” Zone requires each maisonette and townhouse unit have a privacy area adjacent to the dwelling unit with a minimum depth of 4.5 m, the applicant is proposing a minimum depth of 1.6 m for the maisonette units and 0.9 m for the stacked townhouse units. The privacy areas proposed are in the form of balconies, porches, and patios. The By-law regulation generally contemplates a privacy area in the form of a yard adjacent to a dwelling unit, which differs in form and function from what is proposed and the resulting space requirements. For the maisonettes, the 1.6 m depth applies to the corner units which may have an unenclosed porch of this depth (in addition to the typical front porches found on all units). All units will have an unenclosed porch and second floor balcony with a minimum depth of 2.6 m. For the stacked townhouses, the 0.9 m depth only applies to a corner unit of Building 1 which has an irregular shaped balcony with a minimum depth of approximately 1.0 m. Otherwise, the typical stacked townhouses will have upper level units with a balcony having a depth of 3 m, and ground floor units with a front patio having a depth of approximately 1.9 m. The typical privacy area depths proposed for the maisonette and stacked townhouse units are considered appropriate for the housing form proposed and the intended function of the spaces. The 0.9 m depth proposed for the end unit of Building 1 results from the enlarged daylight triangle taken at the intersection of North Service Road and Lakeview Drive and is supported by staff given this special circumstance. For the reasons discussed, the variance requested is considered reasonable and supported by staff.

### Landscaped Open Space

The Zoning By-law Amendment proposes a reduction in minimum landscaped open space from the “RM3” requirement of not less than 50% of the lot area for

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maisonettes and townhouses, including privacy areas, to the proposed 35% of the lot area. For the purposes of determining overall landscaped open space for the subject lands, the entirety of the Phase One lands are used to determine the percentage. The minimum landscaped open space regulation contemplates a built form where the privacy areas are in the form of yards and are included in the calculation of landscaped open space. While maisonettes are a permitted use in the “RM3” Zone, stacked townhouses are not contemplated. The design of these built forms results in privacy areas that are of a different form and function. The development proposed is more urban in form with the accompanying expectation that public and communal open space replace the traditional private rear yards. The applicant has introduced a series of small communal amenity spaces which will contribute to providing green space. It is also noted there are a number of nearby public amenity spaces that are available to future residents of the proposed development, which are considered in the context of evaluating this proposed modification. For the reasons noted, staff are supportive of the reduction in landscaped open space proposed.

The Zoning By-law further requires that a landscaped strip of not less than 1.5 m shall be provided between any privacy area and any lot line. The applicant is requesting a reduction to a 0.0 m separation between the privacy area and lot line (hypotenuse of a daylight triangle at the corner of North Service Road and Lakeview Drive), for the end units of Building 1. Given the specific circumstances where an expanded daylight triangle has been required, staff support the variance to ensure comprehensive compliance with other setback variances being proposed. Staff note that the remainder of the dwelling units are in conformity with this regulation.

Finally, the “RM3” Zone requires a landscaped strip having a minimum width of 4.5 m be provided and maintained adjacent to every portion of any lot that abuts a street except for points of ingress and egress. The applicant is requesting a variance to reduce the minimum width to 0.0 m for the flankage yard abutting the hypotenuse of the daylight triangle. As discussed above, while this represents a substantial deviation from the by-law requirement, this distance applies to the setback between Building 1 and the adjusted property boundary at the intersection of North Service Road and Lakeview Drive (daylight triangle). Staff can support the reduction in this specific circumstance. A further reduction from the Zoning By-law requirement is also requested for the landscape strip adjacent to the front line lot, to 1.0 m. The 1.0 m applies to the distance between a visitor parking space and the lot line. With respect to the built form, a varied landscape strip width is proposed adjacent to Buildings 1 – 3 along North Service Road, with the shortest distance being 1.46 m to the leading edge of the porch stairs, and 3.68 m to the

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front wall of the dwelling unit. The reduction is considered appropriate for this development and specific housing form, and will enhance the streetscape presence along North Service Road. For the reasons noted, the variances are considered reasonable and supported by staff.

### Parking Regulations

A number of modifications to the parking regulations of the “RM3” Zone and the parking regulations contained within Section 6.1 “General Provisions for Residential Zones” are proposed. While the “RM3” Zone requires a minimum of two parking spaces and 0.5 visitor parking spaces for each maisonette and townhouse dwelling unit, the applicant is proposing a reduction in parking to 0.3 visitor parking spaces for each dwelling unit. The reduction proposed is considered an appropriate current standard for this type of built form. Although Parking staff initially expressed concern with the amount of visitor parking space proposed on the basis that there are few public transit options in this area, this standard has been established in other developments in Stoney Creek with similar built forms. Staff are of the opinion that the site can appropriately function with the amended parking standard in place. Further, the applicant has proposed an additional 36 visitor parking spaces within MTO’s required 14 m setback. While it is acknowledged that these lands could be required by MTO at a future point in time to accommodate future highway improvements and thus these additional visitor parking spaces have to be considered as unrequired, they are nevertheless available although not in the analysis of required parking spaces. For the reason noted, the variance to the parking standard is considered reasonable and supportable by staff.

The applicant is also proposing a reduction in the distance between a parking space and any lot line, where the required minimum number of parking spaces is four or more. Whereas the Zoning By-law requires a minimum distance of 3 m separation distance, the Zoning By-law Amendment proposes a minimum of 0.4 m. A 0.5 m setback distance is found where 11 visitor parking spaces abut the adjacent lands of the application. As these adjacent lands are additional lands of the applicant and the properties are vacant save and except for 86 Lakeview Drive, there is no direct impact on adjacent land uses. One further occurrence of a reduced setback for visitor parking spaces is located adjacent to North Service Road. The end parking space is located 1.5 m from the lot line. Given the angle of the parking spaces, only the top corner of the end space requires this variance from the lot line and can be supported, as the intent of the regulation is otherwise maintained. For the reasons noted, staff can support the modification as proposed.

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The applicant is further proposing a reduction in the distance required between a parking space and any dwelling unit located on the same lot, where there is a grouping of three or more parking spaces. The Zoning By-law requires a minimum of 3 m separation distance, whereas the applicant proposes to reduce this requirement on the subject lands. The applicant is proposing all the resident parking spaces be located at the rear of the stacked townhouse buildings, providing a 0.0 m setback between the parking spaces and dwelling units. This parent by-law regulation is not consistent with current design practices for this form of housing, where parking is located close to the building. Staff note there are a number of visitor parking spaces that also do not meet this parent Zoning By-law requirement. However, the visitor parking spaces captured are small in overall number – ranging from five to seven spaces, thus reducing the overall impact. The next greatest departure from the By-law requirement is 1.4 m. These visitor parking spaces are angled away from the nearest dwelling such that only the top corner of the end visitor parking space provides a 1.4 m distance from the dwelling, again reducing the impact. Further, the variances requested are reflective of the urban form of development that is being proposed. For these reasons, staff can support deleting the regulation as it applies to the subject lands.

With respect to barrier free parking, the Zoning By-law requires a minimum parking space size of 4.4 m by 5.8 m for parking designated for vehicles for physically challenged. The amending By-law is requesting a reduction in parking space size to 4.15 m by 5.8 m. Two of the three required barrier free parking spaces do not meet the By-law requirement for parking space width. The two spaces have been identified on the Site Plan with widths of 3.40 m and 3.60 m respectively, with a shared space of 1.5 m in between. In accordance with the accessibility standards for the design of public spaces under the *Accessibility for Ontarians with Disability Act, 2005 (AODA)*, the minimum parking space width for Type A vehicles (van accessible) is 3.4 m, with an access aisle of 1.5 m, and 2.4 m for a Type B vehicle (standard size), with an access aisle of 1.5 m. The access aisle can be shared by two accessible parking spaces. Thus, the two barrier free parking spaces in question conform to the size requirements of the AODA accessibility standards. Staff can thus support the variance requested. However, from a by-law interpretation perspective, the 1.5 m shared space has been evenly distributed between the two spaces, resulting in parking spaces with widths of 4.15 m and 4.35 respectively, and a resulting variance to permit a minimum parking space size of 4.15 m by 5.8 m. At the Site Plan stage, the layout and functionality of these spaces will be further reviewed to ensure the intent of this regulation is met.

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Yard Encroachments

The applicant is requesting an increase in the projection of eaves or gutters into any required yard a distance of not more than 0.6 m, whereas the By-law permits a projection of more than 0.5 m. This distance represents a minor deviation from the By-law requirement and is not expected to have a negative impact on form or function. Staff thus support the variance proposed.

The applicant is further requesting a variance to permit unenclosed porches and their associated stairs to project into any required front yard 2.2 m, whereas the Zoning By-law permits balconies, canopies, unenclosed porches and decks, including a cold cellar underneath same, to project into any required front yard 1.5 m. Buildings 1 – 3 comprising the stacked townhouse units are proposing unenclosed porches and their associated stairs, to project into the required front yard at a distance of 1.5 m to 2.2 m. Staff are supportive of the requested variance for this type of housing form which is to be located closer to the street, thereby enhancing the streetscape presence and meeting a number of the design objectives of the UHOP. Further, the unenclosed porch feature is considered an appropriate design element that will complement these objectives. On a technical matter, the part of the regulation which speaks to balconies and decks that project into a privacy area of a townhouse is to be deleted as it is not applicable to the housing form proposed where balconies function as privacy areas.

Technical Variances

There are a number of additions to the draft By-law and additional modifications to the regulations that are of a technical nature. For the purposes of the By-law, the lot line abutting North Service Road has been deemed to be the front lot line. Further, a private common element condominium road shall be deemed to be a street, and parking, landscaping and amenity areas shall be permitted within the common element condominium road. As well, the boundary of the “RM3-64 (H)” Zone is deemed to be the lot line for the purpose of determining zoning compliance.

In addition, the regulation for special setbacks – daylight triangles, which requires a minimum yard of 3 m from the hypotenuse of the daylight triangle, is to be deleted as it is no longer applicable since this flankage yard setback has been reduced to 0.0 m. The final technical variance is to replace the term “townhouse” with “stacked townhouse” to reflect the housing type proposed in this development.

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### **Mixed Use Commercial (Holding) “MUC-10 (H)” Zone**

In order to implement a potential future mixed use development on the remainder of the subject lands, these lands must be rezoned from the Highway Commercial (Holding) “HC (H)” Zone to an appropriate mixed use zone in the City of Stoney Creek Zoning By-law No. 3692-92. The Mixed Use Commercial “MUC” Zone is considered an appropriate zone category as it is the only zone in the Stoney Creek Zoning By-law permitting a mixed use commercial and residential built form.

The applicant has proposed a modified Mixed Use Commercial “MUC” Zone for the Phase Two portion of the subject lands, with modifications to add additional commercial uses and permit apartment dwelling units as a stand-alone use. Staff are recommending the following additional commercial uses as they are predominantly local commercial uses that serve the daily needs of the surrounding community:

- Bakery Shop;
- Convenience Food Stores;
- Drug Stores;
- Dry Cleaning Depot;
- Food Stores;
- Medical Offices or Clinics;
- Private or Commercial Schools;
- Restaurant – Convenience;
- Restaurant – Fast Food;
- Restaurant – Outdoor Patio; and,
- Veterinary Facility.

Staff do not support the following additional uses, as proposed by the applicant:

- Apartment Dwellings (as a stand-alone use); and,
- Parking Lot.

In addition, staff are proposing a number of modifications to the Mixed Use Commercial “MUC” Zone, that will establish performance standards that are aligned with the performance standards established for the Commercial and Mixed Use Zones in Zoning By-law No. 05-200, recently adopted by Council. The parameters established for the built form have also taken into consideration the site context and potential future character of the area. The proposed modifications are as follows:

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- A minimum and maximum front yard setback (instead of the existing minimum);
- Reduced minimum side yard and rear yard setbacks;
- An increased maximum residential density permitted;
- Reduced minimum landscape strip widths;
- A reduced minimum parking requirement;
- Removal of requirement to separate commercial and residential parking; and,
- Removal of loading requirements.

### Permitted Uses

Staff are supportive of the proposed additional commercial uses as they strengthen the commercial intent of the lands, provide additional flexibility for the future use of the lands, and are appropriate uses to serve the needs of the surrounding community. Further, the uses are considered to be compatible with the permitted residential use as part of a mixed use built form envisioned. Finally, the uses proposed are consistent with the uses permitted in the Mixed Use Medium Density – Pedestrian Focus (C5a) Zone which staff are proposing for the subject lands for when the Commercial and Mixed Use Zones are in force and effect and the subject lands are subsequently incorporated into Zoning By-law No. 05-200.

Staff do not support the Parking Lot use as it does not contribute to nor support the mixed use commercial and residential intent of the lands. Further, staff do not support the Apartment Dwelling use as a stand-alone use as staff strongly support maintaining a local scale commercial component on the subject lands for the benefit of the growing surrounding community.

### Setbacks

Staff are recommending the minimum front yard setback requirement of 7.5 m be deleted and replaced with minimum front yard setback of 1.5 m, up to a maximum of 4.5 m. A front yard setback within this range is consistent with setback distances that have been established for the Commercial and Mixed Use Zone of Zoning By-law No. 05-200, with further consideration of the site context. It is intended that any future buildings be located closer to the street, with parking located at the side or rear of the building to reduce its prominence and to create a more pedestrian friendly environment. By establishing this front yard setback range instead of the existing minimum, there is more control on the placement of the future built form.

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Correspondingly, the required minimum side yard and rear yard setbacks have been reduced from 9 m to 7.5 m, again with consideration of the setbacks established in the Commercial and Mixed Use Zones and the ultimate built form envisioned and promoted through the Mixed Use – Medium Density policies of the UHOP.

#### Density

Whereas the Zoning By-law permits a maximum residential density of 80 units per hectare, the applicant is requesting that this regulation be deleted. While staff are not in support of deleting this provision outright, staff can support an increase in the maximum density permitted to up to 100 units per hectare. Establishing a maximum residential density of 100 units per hectare is consistent with the UHOP policy for Medium Density Residential uses which permits a net residential density of up to 100 units per hectare. Further, this maximum density is considered appropriate when contemplating the built form that could be conceived for the site, based on the setback and parking regulations established in the draft By-law. Finally, to note, the Commercial and Mixed Use Zones of Zoning By-law No. 05-200 do not include regulations for density, but instead regulate the built form through setback and height provisions, as well as associated built form regulations. For the reasons outlined, staff are recommending this increase to the maximum residential density permitted.

#### Landscaped Open Space

Whereas the Zoning By-law requires a landscaped strip having a minimum width of 5 m adjacent to any street, staff are proposing a landscaped strip minimum width of 1.5 m. Further, whereas the Zoning By-law requires a landscaped strip having a minimum width of 9 m adjacent to every portion of any lot line that abuts any zone other than a commercial or industrial zone, staff are proposing a landscaped strip minimum width of 1.5 m. These reduced landscaped strip requirements are consistent with the planting strip requirements in the Commercial and Mixed Use Zones, although it is noted that Zoning By-law No. 05-200 does not have planting strip requirements for the area of the lot immediately adjacent to the street, unless there is parking located between the building and the street. In this regard, the 1.5 m landscaped strip proposed adjacent to the street is in recognition of the particular site context. Further, the proposed modified landscaped strip requirements are consistent with and work together with the recommended modifications to the front, side and rear setback requirements.

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In addition, whereas the Zoning By-law has requirements for the overall percentage of the lot area containing landscaped open space, with a minimum percentage in one area other than the front yard, staff are proposing to delete this part of the regulation since the modifications proposed to required setbacks and the minimum width of landscape strips means this regulation is no longer relevant.

#### Parking and Loading

Whereas the “MUC” Zone establishes a minimum parking requirement of 1.5 spaces per dwelling unit for residential uses, staff are recommending a minimum parking requirement of 1.3 spaces per dwelling unit for residential uses. This parking requirement is consistent with the visitor parking requirement of 0.3 spaces per dwelling unit that staff are supporting for the residential development proposed for the remainder of the subject lands. While a reduction from the Zoning By-law requirement, it is greater than the parking requirement established for the Commercial and Mixed Use Zones, which range based on dwelling type, size and overall total number of units. Staff are of the opinion this reduction is supportable in recognition of the land’s suburban context. As staff are of the view that this parking requirement is appropriate for the future mixed use development envisioned, staff are further supportive of the request by the applicant to remove the requirement to separate commercial and residential parking. Shared parking is not expected to negatively impact the functionality of the site, given the parking standard recommended by staff.

With respect to loading, the Zoning By-law requires one loading space for apartments greater than 4,000 sq m in size, and at least one loading space for a commercial building depending on its size. However, there are no loading requirements in Zoning By-law No. 05-200. Given that the subject lands are intended to be incorporated into Zoning By-law No. 05-200 once the Commercial and Mixed Use Zones are in force and effect, it is appropriate to establish consistent loading requirements and thus delete the requirement in the amending By-law.

Staff have also recommended deleting the provision that limits the number of buildings per lot to one in order to allow more flexibility for any future development proposal.

4. As previously noted, the Phase Two portion of the subject lands will be incorporated into Zoning By-law No. 05-200 once the Commercial and Mixed Use Zones of Zoning By-law No. 05-200 are in force and effect. A draft By-law has been prepared to add this portion of the subject lands to Zoning By-law No. 05-200

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and establish a modified Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, and will be held in abeyance until the Commercial and Mixed Use Zones are in force and effect, at which time the draft By-law will be brought forward to City Council for enactment.

The implementing By-law for Zoning By-law No. 05-200 attached as Appendix “D” to Report PED18085, proposes a modified Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, in order to reflect the mixed use intent of the lands as well as to recognize a number of site specific permissions of the Mixed Use Commercial (Holding) “MUC-10 (H)” Zone, Modified. The proposed modifications are as follows:

- Modify the parking requirement;
- Establish a minimum and maximum building setback requirement from a street line; and,
- Delete or modify façade requirement.

As discussed previously under Item No. 3 to this section, a number of modifications were made to the Mixed Use Commercial “MUC” Zone that will align with the performance standards established for the Commercial and Mixed Use Zones. In addition, in consideration of the site context and built form layout of any future development proposal, a number of modifications to façade regulations are proposed.

The analysis and rationale for recommending a number of the modifications listed has already been discussed under Item No. 3 to this section. Additional site specific provisions are discussed in more detail below.

### Parking

Notwithstanding the parking requirements of Section 5.6 c) of Zoning By-law No. 05-200, the amending By-law proposes a parking requirement of 1.3 spaces per dwelling unit, consistent with what has been established in the draft By-law for Stoney Creek Zoning By-law No. 3692-92 for the mixed use block (Block “2” on Appendix “A” to Report PED18085) . This parking requirement is an increase from the requirement in By-law No. 05-200 but is in recognition of the suburban context of the site. Further analysis of this parking requirement can be found under Item No. 3 to this section.

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### Building Setback

Where the Mixed Use Medium Density – Pedestrian Focus (C5a) Zone establishes a maximum building setback from a street line of 3 m for the first storey, the amending By-law proposes to introduce a minimum and maximum setback from a minimum of 1.5 m, up to a maximum of 4.5 m for the first storey. A minimum is proposed to recognize the suburban context of the site so that a planting strip may be provided between the building and the lot line. The maximum setback has been increased to 4.5 m, again in recognition of the site context. This setback requirement is consistent with the setback standard in a number of the other comparable CMU Zones i.e. Mixed Use High Density (C4) Zone and Mixed Use Medium Density (C5) Zone. This maximum building setback allows some flexibility in building location but is not large enough to permit parking, stacking lanes or aisles between the building façade and the front lot line. For the reasons noted, staff recommend this variance.

### Façade Requirements

The Mixed Use Medium Density – Pedestrian Focus (C5a) Zone has established a number of built form regulations to promote development that has an active street frontage. There are regulations requiring a minimum width of the ground floor façade facing the street. In recognition of the site context and in order to allow for flexibility in the site layout and built form design of a future development proposal, staff recommend that the provisions requiring a minimum width of the ground floor façade facing the front lot line or flankage lot line be deleted. However, the regulation requiring that a minimum of 60% of the area of the ground floor façade facing the street be composed of door and windows shall remain, but is modified to only be required along Lakeview Drive, not along Fruitland Road given that an active streetscape is not anticipated along Fruitland Road in the future. For the reasons noted, staff recommend these variances.

5. Engineering matters have been addressed through comments received from the Development Engineering Approvals Section. They have indicated no concerns with the Official Plan or Zoning By-law Amendment applications proceeding to approval. All outstanding servicing, stormwater management, grading, water servicing, wastewater generation assessment, municipal road improvements, etc. will be reviewed in more detail at the Site Plan application review and approval stage. The following more detailed comments were provided:

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### Road Widening

Lakeview Drive, North Service Road and Fruitland Road are shown as minor arterial roadways on Schedule C – Functional Road Classification in accordance with the City of Hamilton Urban Official Plan [UHOP] and are to have an ultimate road allowance width of 36.576 m (120 ft). Therefore, if the existing road allowance widths do not currently meet these minimums a condition of future development approval will be that the Owner dedicates sufficient land to the City of Hamilton to establish these widths. The Site Plan illustrates that the applicant owns a 4,185 sq m piece of land at the SW corner of Lakeview Drive and Fruitland Road abutting the subject lands. Should these lands be developed at a future date they would also be subject to a road widening dedication including a daylight triangle realignment along with potential intersection improvements. The applicant / owner will be responsible for all costs related to the preparation and registration of legal documents and a Reference Plan for any required road widenings.

Staff note as it pertains to the Phase One portion of the subject lands, through Council resolution at the February 28, 2018 meeting of City Council, Council has approved a reduced road widening dedication along North Service Road, and an irregular daylight triangle at the corner of North Service Road and Lakeview Drive. This matter is discussed in further detail under Item No. 7 to this section.

### Stormwater

Our records show that there is an existing 200 mm watermain on Lakeview Drive. The FSR indicates that the watermain may have to be upgraded to a 250 mm watermain due to fire flow requirements. Stormwater is proposed to outlet to an existing 1050 mm storm sewer on Fruitland Road and not the existing 900 mm storm sewer due to capacity restrictions. There is an existing 450 mm sanitary sewer on Lakeview Drive north of the proposed development. There is no existing sanitary sewer adjacent to the proposed development on North Service Road and Fruitland Road.

### Source Protection Planning

1. Please circulate the Phase Two Environmental Site Assessment (ESA) upon completion for our review and record, based on the recommendation from Soil Engineers Ltd. Phase One Environmental Site Assessment Report.
2. If dewatering is required for construction activities, the proponent is reminded that dewatering discharge must comply with City of Hamilton Sewer Bylaw

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standards. It is recommended to consult with the Superintendent of Environmental Monitoring and Enforcement Group within Hamilton Water as early as possible in the approval process. Email sewerusebylaw@hamilton.ca to better understand water discharges to City infrastructure. If dewatering is expected to exceed 50,000 L/day, registration with the Environmental Activity Sector Registry or a Permit to Take Water from the Ministry of Environment and Climate Change may be required.

3. Given the proximity to the shoreline, it is strongly recommended that erosion and sedimentation control should be a major focus of this project and have redundancy built into the design to reduce excess sediment entering Lake Ontario.
4. Finally, the site falls within conservation authority regulated area. As a result, Hamilton Conservation Authority should have an opportunity to review the application.

Upon review of the Phase Two ESA, Source Protection Planning provided the following additional comments:

“Given the Phase Two ESA showed no site contamination above regulatory standards, we offer the following comments:

The proponent is reminded that dewatering discharge must comply with City of Hamilton Sewer Use Bylaw standards. It is recommended to consult with the Superintendent of Environmental Monitoring and Enforcement Group within Hamilton Water as early as possible in the approval process, given that additional review may be required by Hamilton Water to verify the wastewater system could accept the quantity and/or quality of the discharge. Email sewerusebylaw@hamilton.ca to better understand water discharges to City infrastructure. If dewatering is expected to exceed 50,000 L/day, registration with the Environmental Activity Sector Registry or a Permit to Take Water from the Ministry of Environment and Climate Change may be required.”

**Sanitary Sewer Servicing and Minor Storm Sewer Servicing**

The applicant is required to provide a wastewater generation assessment using Part 8 of the latest edition of the Code and Guide for Sewage Systems to establish an equivalent population density for our records.

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We note the following discrepancy in the documents accompanying the application: The application (UHOPA-17-009 & ZAC-17-020) indicates for the land located at 84, 88, 90 and 96 Lakeview Drive, whereas the Functional Servicing and Stormwater Management Report indicates only 84 & 96 Lakeview Drive and the catchment areas include 84 to 96 Lakeview Drive.

The applicant is required to illustrate clearly by means of a storm drainage area plan the extent of the property which will contribute surface water and ground water to the public road allowances and toward adjoining public or private properties if applicable. Appropriate runoff coefficients are to be assigned for our records.

#### Water Servicing

The Functional Servicing & Stormwater Management Report for 84 & 96 Lakeview Drive (S. Llewellyn & Associates Limited, dated November 2016) has been screened for completeness with respect to the standard criteria noted in bold:

- **How the proponent intends to provide water servicing.** This is included in a general way. The site will be serviced by a future 200 mm or 250 mm watermain. There is an existing watermain on Lakeview Drive (200 mm), which may be used as the connection.
- **The domestic ICI demands are to be provided using the fixture unit methods as per OBC Table 7.6.3.1, and converted to gallons per minute using OBC Table 7.4.10.5 or via AWWA. The flow should be converted to L/S. All utilized tables, etc., should be referenced in the Report.** A population based approach has been used, as the development is in the initial phases and the fixtures are not yet known. The fixture unit approach shall be required in site plan approval.
- **The Required Fire Flow (RFF) calculated per “Water Supply for Public Fire Protection, 1999, Fire Underwriters Survey” (FUS), and supplemented where appropriate by NFPA 13; Details to support the RFF calculation (e.g. floor area, type of construction, fire wall location and fire resistance rating, sprinkler system credit and exposure charges, as applicable, etc.) shall be clearly identified.** The preliminary RFF has been calculated as 300 L/s and shall be confirmed in site plan approval. We note that more recent hydrant test data is available for existing hydrant SC01H006, indicating the available flow is 327 L/s and greater than the preliminary RFF. The proponent notes that firewalls will be incorporated

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at the detailed design phase to address the RFF. Hydraulic modelling may be required to confirm that the available flow is sufficient.

- **The domestic ICI demand and Fire Flow Report(s) must be signed and sealed by a professional engineer (P. Eng.).** This has been completed.
- **The proponent should ensure that the Fire Department/Building Department is satisfied with the hydrant coverage, accessibility and firefighting provisions.** The proponent proposes to install eight future hydrants.
- Updated calculations will need to approved prior to Site Plan Approval.

#### Infrastructure Planning

The following comments were provided on the Functional Servicing and Stormwater Management Report:

#### Release Rate

1. It is noted that five year post development runoff from sub-catchment 204 exceeds five year pre-development level. Although the level of exceedance is small, we recommend to control the post development flows to the pre-development levels for all return periods up to and including 100 year.
2. It is our understanding that the design proposes the 100 year release rate from post development sub-catchments 201 and 202 based on the capacity analysis of the 1050 mm storm sewer on the east side of Fruitland Road. The existing capacity of 1050 mm storm sewer is to be calculated based on the actual inverts and pipe lengths up to Lake Ontario. In case of variable slope along the run of the sewer up to the outlet at Lake Ontario, the lowest pipe slope should be utilized in the determination 85% capacity of 1050 mm storm sewer. Based on this, please review and confirm that if 37% of the capacity of the 1050 mm storm sewer is utilized for five year flow under existing condition.
3. Further to the item above, please review and confirm the allowable 100 year release rate from sub-catchment 201 and 202 based on the remaining (of 85% capacity) capacity of the 1050 mm storm sewer.

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Underground Storage

4. Please review the orifice flow calculations.
5. Please review and check the underground storage volume requirements based on release rate as per comment No. 3.
6. Please identify 100 year operating in the level on the stage-storage-discharge table for the underground storage tank.
7. We recommend that the inside top of the tank should be at least 0.3 m above 100 year operating level in the storage tank.
8. Please provide supporting calculations for available volume in pipes.

Preliminary Site Servicing Plan

9. Please review and confirm that the pipe immediate downstream (i.e. 29 m 600 mm pipe at 0.52% grade) of the underground storage tank is designed to convey 100 year post development uncontrolled flow (with free flow condition at 85% capacity of the pipe).
10. Please review the design of 675 mm pipes downstream of MH2 connecting (via CBMH1) to existing 1050 mm sewer (on the east side of Fruitland Road); please ensure that these pipes are designed for free flow condition with 85% maximum capacity utilization for the 100 year released flow through the upstream orifice.
11. Design should demonstrate that 100 year overland flow is fully captured in the minor system upstream of the orifice to facilitate the 100 year controlled release through the orifice.
12. It is noted that proposed 46.9 m long 675 mm diameter storm sewer (at 0.68% slope) between MH2 and CBMH1 runs through the middle of lots (Lot No. 23, 24 and 25). We do not support sewers running through middle of the lots. Please review and check.
13. What is the purpose of the proposed swale (at south east corner of lot No. 23)? Please provide the riprap design details in the swale (considering flow, velocity etc.).

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Preliminary Grading Plan

14. The design should demonstrate an emergency spillway for the uncontrolled flow (from sub catchment 202) passing through existing 900 mm culvert (at the intersection of Lakeview Drive and Fruitland Road Intersection) to avoid flooding due to flow backup.

The City of Hamilton supports and encourages the construction of sustainable developments. As such, we request that the proposed development incorporate green infrastructure (low impact development practices) to address stormwater management needs for the site.

The following standard items will be required as conditions of future development approval:

- A updated Functional Servicing Report;
- A detailed grading plan prepared and stamped by an Engineer, Architect or Landscape Architect must be submitted for review and approval;
- A detailed erosion and sedimentation control plan will be required;
- For all proposed “on-site” sewer and water servicing works external to the proposed building, including service abandonments the applicant/owner will be required to submit a Servicing Plan and pay the applicable servicing review fee at the time of submission;
- In addition to the above noted standard conditions, the Owner will be required as a condition of future development approval to provide a cash payment for future 1.5 m wide concrete sidewalks along the frontage / flankage of these lands on the North Service Road and Lakeview Drive;
- The Owner should be advised that any upgrades to municipal infrastructure and / or road works necessitated by the re-development of the subject lands will require them to enter into an External Works Agreement at the Site Plan stage to the satisfaction of the City Manager of Engineering Design and Construction; and,
- An administration fee for the City’s review and supervision of the Owner’s engineering services and administration of security in connection with the construction and installation of the Works will be required along with the

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signed copies of the External Works Agreement in accordance with the City's current User Fee Schedule. All costs associated with the works, including the cost of Agreement preparation, securities etc., will be at the expense of the Owner.

6. A historical Holding "H" symbol applies to the subject lands. Historically, the "H" symbol was applied to properties to ensure the lands were vetted through the appropriate development review process that comprehensively evaluates a proposal and addresses any site issues that may arise, such as servicing. While the "H" symbol is no longer applicable as it pertains to the provisions of Section 3.8 "Holding Zones" of Zoning By-law No. 3692-92, staff are recommending the "H" symbol continue to apply to the subject lands until such time as a Record of Site Condition is submitted.

A Phase One Environmental Site Assessment was submitted with the application (Soil Engineers Ltd., November 8, 2016). The Phase One Report recommended completion of a Phase Two ESA to assess the environmental concerns identified. A Phase Two ESA was subsequently completed and submitted (Soil Engineers Ltd., January 18, 2017). Given the recommendations of the Phase One Report, the City requires that a Record of Site Condition be filed with the Ministry of the Environment and Climate Change (MOECC).

The Holding symbol may be removed by City Council and development may proceed at such time as the MOECC issues acknowledgement of the submission by the Owner / Applicant of the RSC, to the satisfaction of the Director of Planning and Chief Planner.

7. Lakeview Drive, North Service Road and Fruitland Road are identified as Minor Arterial roads on Schedule C – Functional Road Classification of the UHOP, and in accordance with Schedule C-2 – Future Road Widening, have a future right-of-way width of 36.576 m. Neither Lakeview Drive or North Service Road is at the ultimate right-of-way width. However, it has been resolved through Council resolution at the February 28, 2018 meeting of City Council that a reduced road widening dedication of 0.99 m along North Service Road, where there is currently an uneven right-of-way be accepted. The amending by-law to Zoning By-law No. 3692-92 has established regulations that are based on the lot dimensions resulting from this road widening and the daylight triangle requirements discussed below.

With respect to the daylight triangle, the City requires conveyance of property for appropriate daylighting triangles and corner rounding on existing roads generally to the extent of 12.19 m by 12.1.9 m for arterial to collector or arterial roads in the

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urban context. Through further analysis of the existing road conditions at the corner of North Service Road and Lakeview Drive, it was identified that the existing daylight triangle (property boundary) is very close to the travelled portion of the road and existing curb. In consideration of road safety, including adequate sight lines, intersection requirements, and infrastructure requirements, Transportation Planning staff recommend an enlarged daylight triangle at this corner, with a hypotenuse of 35.1 m, an increase from the existing 22.08 m. This enlarged daylight triangle has been identified on the Site Plan attached as Appendix “E” to Report PED18085. At the February 28, 2018 meeting of City Council, Council resolved to accept an irregular daylight triangle having minimum dimensions of 10 m by 2.2 m by 35 m, which is reflective of the daylight triangle illustrated on the Site Plan.

Staff note that as part of a future application for the Phase Two lands of the applicant, there may be road widening requirements along Lakeview Drive, in accordance with the road widening policies of the UHOP. Any required road widening along the Phase Two lands would be addressed as part of a separate development application.

8. The Traffic Impact Study (TIS) prepared by Crozier & Associates Inc. (December 2016) and the subsequent TIS Addendum (September 2017), have been circulated to the Ministry of Transportation (MTO) for review and comment. It is expected that formal comments on these documents will be received at the Site Plan Control stage of development.

With respect to MTO’s 14 m setback requirement from the Highway QEW right-of-way, the applicant has proposed an additional 36 visitor parking spaces and a number of small scale amenity features (public benches and landscaping) within this 14 m setback (please refer to Appendix “E” to Report PED18085). Staff note that the 36 visitor parking spaces proposed are above and beyond the required parking as identified in the amending Zoning By-law. It is understood that MTO could require a portion of these lands as part of future highway improvements and as such, any feature deemed essential to the operation and viability of the site may not be located within this setback.

9. For Building 1 of the proposed residential development, a setback of 0.1 m is proposed from the building to the hypotenuse of the daylight triangle at the corner of North Service Road and Lakeview Drive. Should eaves, gutters or any other features of the building project over the lot line, the Owner will be required to make application for an encroachment agreement with the City at the Site Plan Control

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**SUBJECT: Applications to Amend the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek) (Ward 10) (PED18085) - Page 64 of 68**

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stage of development, to address any projections or features that encroach into the municipal right-of-way.

10. Due to the proximity of the proposed development to Lake Ontario, the incorporation of bird-friendly design elements should be taken into consideration during the Site Plan Control stage. Bird-friendly design elements include:
  - The use of masonry or non-reflective surfaces (buildings with a high component of glass in their exteriors are more prone to bird strikes);
  - If the buildings are to be glass, the buildings should use specialty glazing with visual markings on the glass or muted reflections (to mitigate strikes as birds move through the area); and,
  - All exterior lighting for the property should be designed and installed to direct light downwards to avoid attracting birds migrating at night.
  
11. The following matters will be addressed at the Site Plan Control stage of development:
  - High quality architectural design and treatment for all built forms;
  - Enhanced pavement treatment will be required for the entire parking area located at the rear of the stacked townhouse blocks;
  - High quality landscaping and pedestrian connectivity for the amenity areas located in the MTO buffer; and,
  - The landscape buffer within the MTO buffer will be required to be densely planted with coniferous and deciduous trees, to provide an adequate visual buffer between the QEW ramp and the residential development.

In addition, staff in Public Works will be consulted regarding implementation of the proposed pedestrian connection linking the proposed development to the existing path that connects to Bayview West Park, with specific consideration of road network function and pedestrian safety.

12. A Neighbourhood Information Meeting was held on February 21, 2017. Just under 50 people were in attendance. The majority of the discussion and concerns expressed by residents was with respect to traffic issues, specifically traffic volume, queuing at the North Service Road / Fruitland Road intersection, and pedestrian safety. As a result of the concerns expressed, the applicant prepared a TIS Addendum which was submitted in September, 2017. Further discussion of the TIS Addendum and public comments received can be found in the Relevant Consultation section of the Report and under Item No. 13 to this Section, respectively.

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13. To date, thirteen letters of correspondence have been received through the public circulation. The predominant concern expressed respects traffic volume, both existing and proposed through this development proposal and other planned residential developments in the surrounding area. While some of the correspondence expressed support for the development proposal, subject to road improvements, other letters expressed opposition and supported revising the development proposal to reduce the number of proposed units or change the proposed housing form to single family dwellings. The issues are generally summarized as follows:

Traffic

- Traffic volume increases due to proposed development on a road network that is already heavily travelled and experiencing back-ups and long queues at intersections.
- Traffic overflow onto North Service Road due to QEW congestion.
- Road safety concerns due to traffic volumes, with specific comments on:
  - The curves in the road along North Service Road adjacent to the subject lands and sight line concerns at the intersection of North Service Road and Lakeview Drive.
  - Existing state of North Service Road – rural cross section with lack of turn lanes etc.
  - The location of the proposed pedestrian crossing – safety concerns due to proposed location vis-à-vis the curve in the road where North Service Road intersects Lakeview Drive.
- A number of changes were proposed to the existing road network through the comments received:
  - Realign North Service Road to extend east to Fruitland Road, to parallel the Fruitland Road QEW on-ramp.
  - Move the access location to the proposed development to the southern extent of the subject lands.
  - Create new accesses to the QEW
  - Improve road network function and safety through infrastructure improvements including traffic calming measures, road widening, and speed limit decreases.
  - Reduce congestion on the QEW (and overflow onto surrounding road network) through lane re-alignments, and changes to merging lanes.

With respect to traffic volume, the Traffic Impact Study (TIS) submitted with the application and subsequent addendum to the TIS indicated that the North Service Road / Fruitland Road intersection is operating at a reduced level of function,

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resulting in delays, and at times, long queue lengths. A traffic control signal is planned for this intersection and is awaiting Ministry of Transportation approval.

With respect to QEW volume, the operation and function of the QEW is under the jurisdiction of the Ministry of Transportation. MTO's jurisdiction includes all access ramps to the highway and a 14 m setback from the highway right-of-way. MTO is circulated all development proposals that fall within 400 m of an MTO controlled highway. The MTO reviews TIS reports comprehensively in consideration of all planned developments in a given area and establishes highway improvements accordingly.

Regarding road safety, the curve in the road where North Service Road meets Lakeview Drive has been identified for an expanded daylight triangle, as discussed in more detail under Item No. 7 to this Section. This requirement to provide an additional setback from the travelled portion of the existing road was identified to accommodate infrastructure requirements and for safety considerations, specifically related to sight lines. As well, as noted previously in the Report, the proposed pedestrian crossing linking the proposed development with nearby Bayview West Park, which the applicant has offered to construct as part of this development proposal, will be subject to further review at the Site Plan Control stage of development with the appropriate staff consulted on matters of roadway function, traffic volumes, and pedestrian safety.

With respect to the comments received pertaining to possible road network improvements, the signalized intersection planned at North Service Road and Fruitland Road will help to improve road network function and safety. Regarding the comments proposing a realignment of North Service Road to connect more directly to Fruitland Road, such a realignment would likely be unable to meet road network standards, given the location of the QEW westbound on-ramp at Fruitland Road vis-à-vis a realigned North Service Road and relocated intersection at Fruitland Road. The two access locations proposed for the residential development along North Service Road have been reviewed by the City's Corridor Management staff and are supported at their present location. The planned road network improvement related to the expanded daylight triangle may also alleviate some of the concerns related to access location vis-à-vis road safety. Finally, respecting comments received on possible QEW improvements, QEW highway improvements are beyond the jurisdiction of the City of Hamilton and reside under the purview of the MTO.

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### Parking

Comments were received expressing concern that the proposed development does not provide enough parking for residents, given that garages are often used for overflow storage. Further, concern was expressed that visitor parking is insufficient and could result in overflow parking onto nearby residential streets.

The proposed provision of two parking space per dwelling unit meets the Zoning By-law requirement. In recognition of the potential for garages to be used for storage purposes, staff recommend the following clause be included in all future Development Agreements and Offers of Purchase and Sale or Lease / Rental Agreements as part of Site Plan approval:

“Garage space for these units is provided and intended for the purposes of parking a vehicle. It is the Owner / Lessee’s responsibility to ensure that their parking needs can be accommodated on the site. Public, on-street parking is not permitted on Lakeview Drive / North Service Road”

As discussed under Item No. 3 to this section, the reduction in visitor parking proposed is considered an appropriate current standard for this type of built form. Staff are of the opinion that the site can appropriately function with the amended parking standard in place.

### Infrastructure

One comment was received expressing concern about the impact of increased population on drainage and the water table and changes to natural drainage patterns.

The City’s Development Engineering Approvals Section and the Hamilton Conservation Authority were circulated the applications and provided comments on the Functional Servicing & Stormwater Management Report (S. Llewellyn & Associates Limited, November, 2016) submitted with the applications indicating no concerns with the development as proposed from a servicing, stormwater management and grading perspective. These matters will be reviewed in further detail at the Site Plan Control stage.

## **ALTERNATIVES FOR CONSIDERATION**

- Planning Committee could recommend approval of the applications in part; or,

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- Planning Committee could recommend denial of the applications. The subject property would remain Highway Commercial (Holding) “HC(H)” Zone in the City of Stoney Creek Zoning By-law No. 3692-92, and would be subject to the provisions of this zone category.

As part of a future City initiated amendment to Zoning By-law No. 05-200, the subject property would be rezoned to an appropriate Commercial and Mixed Use Zone in Zoning By-law No. 05-200.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Economic Prosperity and Growth**

*Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.*

### **Healthy and Safe Communities**

*Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.*

### **Built Environment and Infrastructure**

*Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.*

## **APPENDICES AND SCHEDULES ATTACHED**

- Appendix “A”: Location Map
- Appendix “B”: Draft Urban Hamilton Official Plan Amendment
- Appendix “C”: Draft Zoning By-law No. 3692-92 Amendment
- Appendix “D”: Draft Zoning By-law No. 05-200 Amendment
- Appendix “E”: Site Plan
- Appendix “F”: Elevations (Phase One lands)
- Appendix “G”: Public Submissions

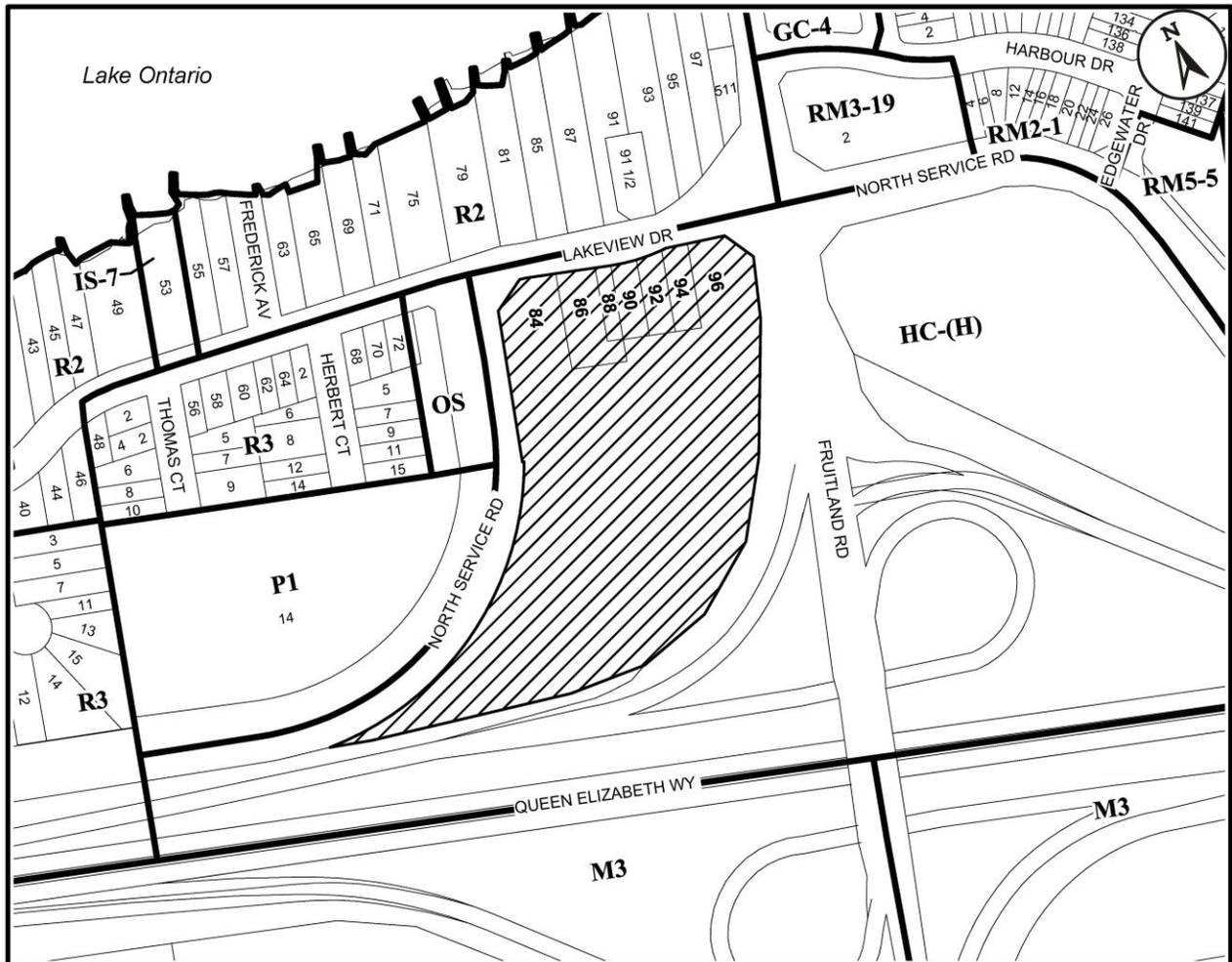
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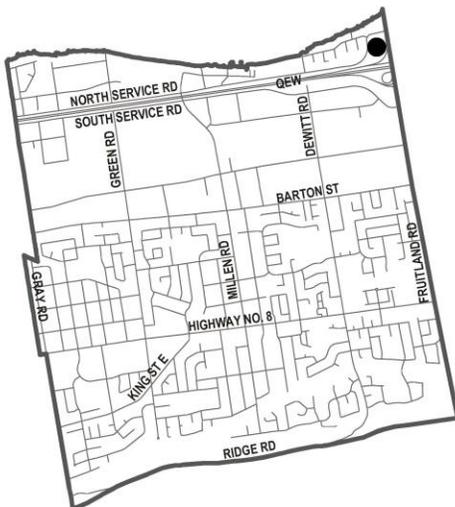
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● Site Location



Key Map - Ward 10

N.T.S.

## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-17-020 & UHOPA-17-09

Date:  
February 14, 2018

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
VM/VS

**Subject Property**

84, 86, 88, 90, 92, 94 & 96 Lakeview Drive

**Schedule 1**

**DRAFT Urban Hamilton Official Plan  
Amendment No. X**

The following text, together with:

Appendix "A"      Volume 1, Schedule E-1 – Urban Land Use Designations

Appendix "B"      Volume 3, Map 2 – Urban Site Specific Key Map

attached hereto, constitutes Official Plan Amendment No. **XX** to the Urban Hamilton Official Plan.

**1.0 Purpose and Effect:**

The purpose and effect of this Amendment is to redesignate the subject lands and to establish Site Specific Policies to permit the proposed development of 94 Maisonette Dwellings and 42 Stacked Townhouse Dwellings on a private road, having a net residential density of 49 units per hectare, and to permit a future mixed use development.

**2.0 Location:**

The lands affected by this Amendment are known municipally as 84, 86, 88, 90, 92, 94 and 96 Lakeview Drive, in the City of Hamilton (former City of Stoney Creek).

**3.0 Basis:**

The basis for permitting this Amendment is:

- The proposal satisfies all characteristics and requirements of the medium density residential policies, save and except the prescribed residential density range.
- The proposed Amendment promotes the establishment of commercial uses appropriate to meet the needs of the surrounding residential neighbourhood.
- The proposed Amendment is compatible with the existing and planned development in the immediate area.

- The proposed Amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.

#### **4.0 Actual Changes:**

#### **4.1 Volume 1 – Parent Plan**

##### ***Schedules and Appendices***

##### **4.1.1 Schedule**

- a. That Volume 1: Schedule E-1 – Land Use Designations be amended by redesignating the subject lands from “Arterial Commercial” to “Mixed Use – Medium Density” and from “Arterial Commercial” to “Neighbourhoods”, as shown on Appendix “A” attached to this Amendment.

#### **4.2 Volume 3 – Special Policy Areas, Area & Site Specific Policies**

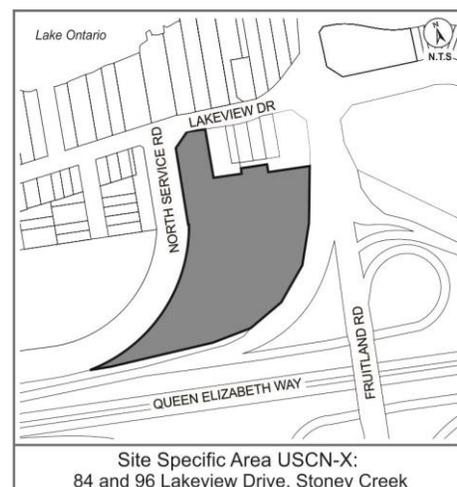
##### ***Text***

##### **4.2.1 Chapter C – Urban Site Specific Policies**

- a. That Volume 3: Chapter C – Urban Site Specific Policies – Stoney Creek Neighbourhoods be amended by adding a new site specific policy, as follows:

**“USCN-X      Lands located at 84 and a portion of 96 Lakeview Drive, former City of Stoney Creek**

1.0 Notwithstanding Policy E.3.5.7 of Volume 1, on the lands designated Neighbourhoods, located at 84 and a portion of 96 Lakeview Drive, for medium density residential uses, the net residential density shall be between 40 units per hectare and 100 units per hectare.”



b. That Volume 3: Chapter C – Urban Site Specific Policies – Stoney Creek Commercial be amended by adding a new site specific policy, as follows:

**"USCC-XX Lands located at 86, 88, 90, 92, 94 and a portion of 96 Lakeview Drive, former City of Stoney Creek**

1.0 In addition to Section E.4.6 Mixed Use – Medium Density Designation, on the lands designated Mixed Use – Medium Density, located at 86, 88, 90, 92, 94 and a portion of 96 Lakeview Drive, the following policies shall also apply:



- a) Notwithstanding Policy E.4.6.5 a) and in addition to Policy E.4.6.6 of Volume 1, drive-through facilities shall be prohibited.
- b) Notwithstanding Policy E.4.6.9 and in addition to Policy E.4.6.6 of Volume 1, ground related housing forms shall be prohibited.
- c) Notwithstanding Policy E.4.6.10 of Volume 1, residential uses shall be located within mixed use buildings."

## Maps

### 4.2.2 Maps

a. That Volume C: Map 2 – Urban Site Specific Key Map be amended by identifying the subject lands as USCN-XX and USCC-XX, as shown on Appendix "B" to this Amendment.

## 5.0 Implementation:

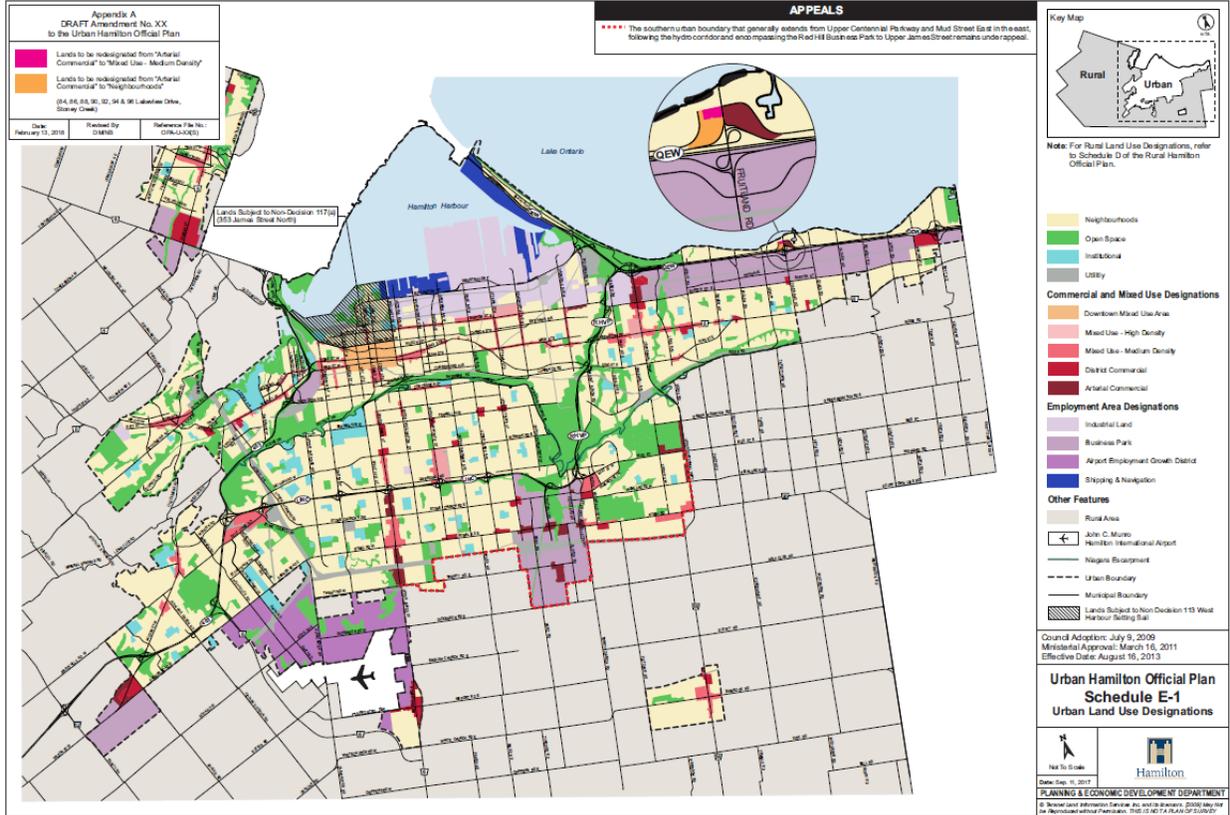
An implementing Zoning By-Law Amendment will give effect to the intended uses on the subject lands.

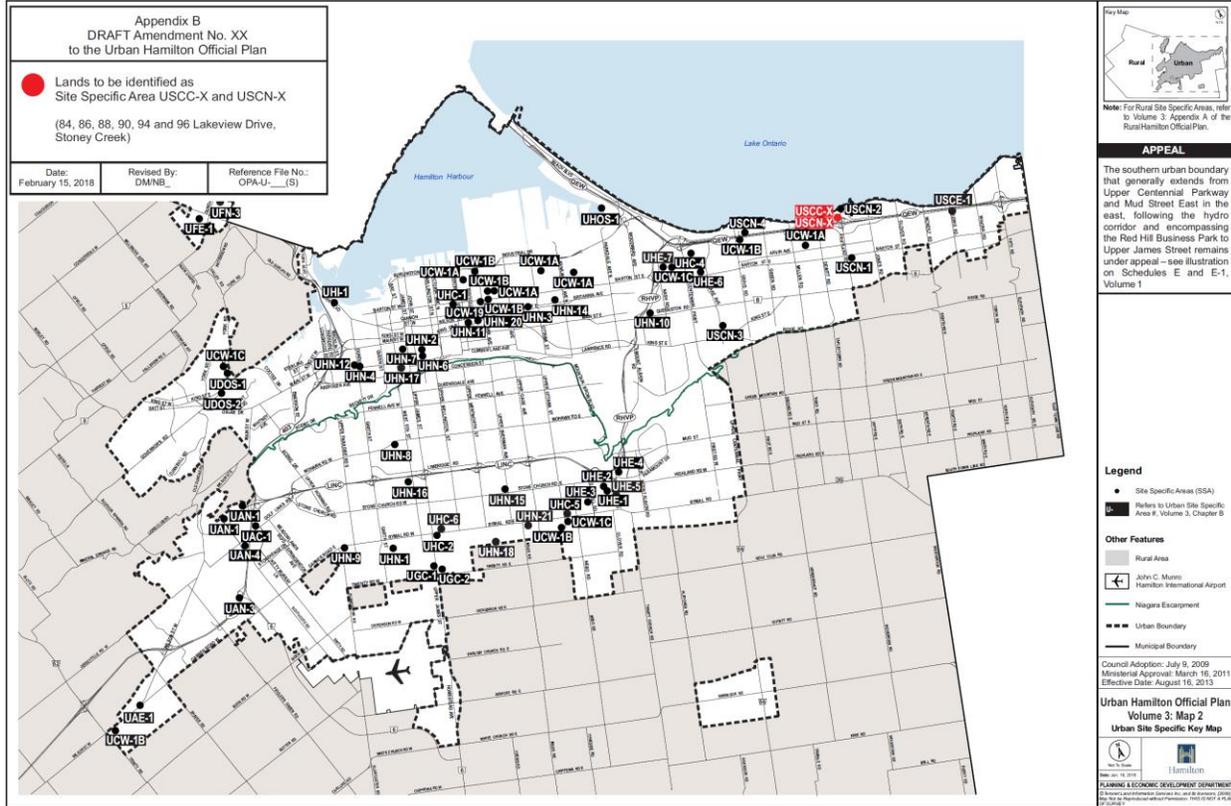
This Official Plan Amendment is Schedule "1" to By-law No. [REDACTED] passed on the [REDACTED] of [REDACTED], 2018.

**The  
City of Hamilton**

\_\_\_\_\_  
Fred Eisenberger  
MAYOR

\_\_\_\_\_  
CITY CLERK





**Authority:** Item  
Planning Committee  
Report 18-  
CM:

**Bill No.**

## CITY OF HAMILTON

### BY-LAW NO. \_\_\_\_\_

#### To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Lands Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive

**WHEREAS** the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1<sup>st</sup>, 2001, the municipality "City of Hamilton";

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Stoney Creek" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

**AND WHEREAS** the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8<sup>th</sup> day of December, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1994;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item \_\_\_\_\_ of Report 18-\_\_\_\_\_ of the Planning Committee, at its meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018, recommended that Zoning By-law No. 3692-92 (Stoney Creek) be amended as hereinafter provided;

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan.

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

1. That Map No. 2 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended as follows:
  - a. by changing the zoning from the Highway Commercial (Holding) "HC(H)" Zone, to the Multiple Residential "RM3-64" Zone, Modified, on the lands the

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Lands  
Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive

extent and boundaries of which are shown as "Block 1" on a plan hereto annexed as Schedule "A"; and,

- b. by changing the zoning from the Highway Commercial (Holding) "HC(H)" Zone, to the Mixed Use Commercial "MUC-10" Zone, Modified, on the lands the extent and boundaries of which are shown as "Block 2" on a plan hereto annexed as Schedule "A".
2. That Subsection 6.10.7, "Special Exemptions" of Section 6.10, Multiple Residential "RM3" Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption, "RM3-64", as follows:

**"RM3-64"                      84 & 96 Lakeview Drive, Schedule "A", Map No. 2**

For the purposes of this By-law, the lot line abutting North Service Road shall be deemed to be the front lot line; the easterly lot line adjacent to Fruitland Road and the southerly lot line adjacent to the QEW on ramp shall collectively be deemed to be the rear lot line; and all other lot lines shall be deemed to be side lot lines.

For the purposes of this By-law, a private common element condominium road shall be deemed to be a street, and parking, landscaping and amenity areas shall be permitted within the common element condominium road.

For the purpose of the definitions contained in Part 2 and the regulations contained in Sections 4.10, 4.13, 4.19, 6.1, and 6.10 of the City of Stoney Creek Zoning By-law No. 3692-92, as amended by this By-law, the boundary of the "RM3-64" Zone, shall be deemed to be the lot lines for this purpose, and the regulations of the "RM3-64" Zone shall be from the boundaries of this zone, and not from individual property boundaries of the dwelling units created by registration of a condominium plan or created by Part Lot Control.

That in addition to the requirements of Part 2 of Zoning By-law No. 3692-92, the following definitions shall apply to those lands Zoned "RM3-64" of this By-law:

**Dwelling – Stacked Townhouse**

Means a building divided vertically and horizontally, not more than two dwelling units in height, containing not less than three and not more than fifteen dwelling units, with a separate outside entrance to each unit at grade.

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Lands  
Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive

### Dwelling Group

Means a group of more than one maisonette, townhouse, stacked townhouse or apartment or any combination thereof.

That notwithstanding the provisions of Paragraphs (c), (d), (h), (i) 1., (j), (l), (m) 1., 3. and 4. of Subsection 6.10.3 "Zone Regulations" of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-64" by this By-law, the following shall apply:

- (c) Minimum Front Yard - 3.5 m
- (d) Minimum Side Yard for Maisonettes,  
Stacked Townhouses and Dwelling Groups
  - 6 metres, except for 0.0 metres for the flankage yard abutting the hypotenuse of the daylight triangle at intersection of North Service Road and Lakeview Drive, 6.5 metres for the flankage yard abutting Lakeview Drive, 7.5 metres abutting a zone for single detached, semi-detached or duplex dwellings and 3 metres where an end unit abuts a lot line of a street townhouse.
- (h) Minimum Distance Between Buildings on the Same Lot
  - 14.5 metres, except 3 metres between end walls and 9 metres between an end wall and a rear wall.
- (i) Maximum Density
  - 1. 50 units per hectare
- (j) Maximum Building Height - 12 m
- (l) Privacy Area
  - Notwithstanding the yard requirements above, each maisonette and stacked townhouse unit shall have at least one area which serves as a privacy area which shall be adjacent to the dwelling unit and shall have a minimum depth of 1.6 metres for each maisonette unit, and 0.9 metre for each stacked townhouse unit.
- (m) Minimum Landscaped Open Space
  - 1. Not less than 35 percent of the lot area for maisonettes, street townhouses and dwelling groups shall be landscaped including privacy areas.

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Lands  
Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive

3. No landscaped strip shall be provided between any privacy area and the flankage yard abutting the hypotenuse of the daylight triangle at the intersection of North Service Road and Lakeview Drive, and not less than 1.5 metres of landscaped strip shall be provided between any privacy area and the front lot line.
4. No landscaped strip shall be provided adjacent to the portion of the lot abutting the hypotenuse of the daylight triangle at the intersection of North Service Road and Lakeview Drive, and a landscaped strip having a minimum width of 1.0 metres shall be provided and thereafter maintained adjacent to the portion of the lot abutting the front lot line, except for points of ingress and egress.

That notwithstanding the provisions of Paragraph (c) and (d) of Subsection 6.1.8 "Parking Restrictions In Residential Zones" of Zoning By-law No. 3692-92, on those lands zoned "RM3-64" by this By-law, the following shall apply:

- (c) Where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 0.4 metres to any lot line, except that the provision of this clause shall not apply to any parking space located within a private garage.
- (d) Parking spaces shall have a width of not less than 2.75 metres and a length of not less than 5.8 metres and parking spaces for physically challenged persons shall have a width of not less than 4.15 metres and a length of not less than 5.8 metres, exclusive of any land used to permit ingress or egress to said parking spaces, maneuvering areas, driveways or aisles. One parking space within a private residential garage shall not be less than 3 metres in width or less than 6 metres in length;

That notwithstanding the provisions of Paragraphs (a) 1., (c), (d), and (e) of Subsection 6.10.5 "Regulations for Parking" of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-64" by this By-law, the following shall apply:

- (a) Minimum Number of Parking Spaces
  1. 2 parking spaces and 0.3 visitor parking spaces for each maisonette and stacked townhouse dwelling unit. Tandem parking is permitted for non-visitor parking spaces.
- (c) For maisonettes or stacked townhouses, only one of the required parking spaces per unit may be provided in the required front yard.

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Lands  
Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive

(d) Where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 0.4 metres to any lot line, except that the provision of this clause shall not apply to any parking space located within a private garage.

(e) Shall not apply.

That notwithstanding the provisions of Paragraph (a) of Subsection 4.10.4 "Requirement For Parking Designated for Vehicles of Physically Challenged" of Zoning By-law No. 3692-92, on those lands zoned "RM3-64" by this By-law, the following shall apply:

(a) have minimum rectangular dimensions of 4.15 metres by 5.8 metres.

That on those lands zoned "RM3-64" by this By-law, the provisions of Subsection 4.13.1 "Daylight Triangles" of Zoning By-law No. 3692-92 shall not apply.

That notwithstanding the provisions of Paragraph (b) and (d) of Subsection 4.19.1 "Yard Encroachments" of Zoning By-law No. 3692-92, on those lands zoned "RM3-64" by this By-law, the following shall apply:

(b) Eaves or gutters, for other than an accessory building, which may project into any required yard a distance of not more than 0.6 metres;

(d) Balconies, canopies, unenclosed porches and decks and their associated stairs, including a cold cellar underneath same, may project into any required front yard 2.2 metres. Balconies, canopies, unenclosed porches and decks and their associated stairs may project into any required rear yard not more than 4 metres. Notwithstanding the foregoing, any deck or patio which is less than 0.3 metres in height may be located in any required yard.

All other regulations of the Multiple Residential "RM3" Zone shall apply.

3. That Subsection 8.8.4, "Special Exemptions" of Section 8.8, Mixed Use Commercial "MUC" Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption, "MUC-10", as follows:

**"MUC-10"                      86, 88, 90, 92, 94, 96 Lakeview Drive, Schedule "A", Map No. 2**

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Lands  
Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive

In addition to the uses permitted in Subsection 8.8.2 "Permitted Uses for Each Lot" of the Mixed Use Commercial "MUC" Zone, on those lands zoned "MUC-10" by this By-law, the following uses shall also be permitted:

- (a) Bakery Shop
- (b) Convenience Food Stores
- (c) Drug Stores
- (d) Dry Cleaning Depot
- (e) Food Stores
- (f) Medical Offices or Clinics
- (g) Private or Commercial Schools
- (h) Restaurant – Convenience
- (i) Restaurant – Fast Food
- (j) Restaurant – Outdoor Patio
- (k) Veterinary Facility

That notwithstanding the provisions of Paragraphs (e), (f), (g), (h), (k), (l), (n) 1. and 4., and (o) of Subsection 8.8.3 "Zone Regulations" of the Mixed Use Commercial "MUC" Zone, on those lands zoned "MUC-10" by this By-law, the following shall apply:

- (e) Front Yard
  - Minimum 1.5 metres up to a maximum 4.5 metres
- (f) Minimum Side Yard
  - 7.5 metres, except 12 metres for a flankage yard
- (g) Minimum Rear Yard
  - 7.5 metres
- (h) Maximum Residential Density
  - 100 units per hectare
- (k) Shall not apply
- (l) Minimum Landscaped Open Space
  1. A landscaped strip having a minimum width of 1.5 metres shall be provided adjacent to Lakeview Drive.

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Lands  
Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive

2. A landscaped strip having a minimum width of at least 1.5 metres shall be provided adjacent to every portion of any lot line that abuts any zone other than a commercial or industrial zone.
  3. A landscaped strip having a minimum width of 1.5 metres shall be provided adjacent to every portion of any lot line that abuts another lot.
- (n) Minimum Parking Requirement
1. Residential Uses – 1.3 spaces per dwelling unit.
  4. Shall not apply.
- (o) Shall not apply.

All other regulations of the Mixed Use Commercial "MUC" Zone shall apply.

4. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Multiple Residential "RM3" Zone provisions and Mixed Use Commercial "MUC" Zone provisions, subject to the special requirements referred to in Section 2 and 3.
5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

**PASSED and ENACTED** this            day of            , 2018.

---

Fred Eisenberger  
Mayor

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City Clerk

ZAC-17-020

## Appendix "C" to Report PED18085

Page 8 of 9

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Lands  
Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive

*For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law*

Is this by-law derived from the approval of a Committee Report? No

Committee: Chair and Members

Report No.: PED18085

Date: 05/01/2018

Ward(s) or City Wide: Ward: 10

(MM/DD/YYYY)

Prepared by: Alana Fulford

Phone No: 905-546-2424, ext. 4771

*For Office Use Only, this doesn't appear in the by-law*



<p>This is Schedule "A" to By-law No. 18-</p> <p>Passed the ..... day of ....., 2018</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 18-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 3692-92</p>	<p><b>Subject Property</b> 84, 86, 88, 90, 92, 94 &amp; 96 Lakeview Drive</p> <p> <b>Block 1</b> - Change in zoning from Highway Commercial (Holding) "HC (H)" Zone, to a Multiple Residential "RM3-64" Zone, Modified</p> <p> <b>Block 2</b> - Change in zoning from Highway Commercial (Holding) "HC (H)" Zone, to a Mixed Use Commercial "MUC-10" Zone, Modified</p>
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Scale: N.T.S.	File Name/Number: ZAC-17-020/UHOPA-17-009	<p><b>Hamilton</b></p>
Date: April 23, 2018	Planner/Technician: AF/VS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

**Authority:**

**Ward:** 10

**Bill No.**

## **CITY OF HAMILTON**

**BY-LAW NO. \_\_\_\_\_**

**A by-law to amend Zoning By-law 05-200 to permit the development of a future mixed use development on lands located at 86, 88, 90, 92, and 94 Lakeview Drive and a portion of 84 and 96 Lakeview Drive (Stoney Creek)**

**WHEREAS** Council approved Item \_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on \_\_\_\_\_, 2018;

**AND WHEREAS** this By-law conforms to the Urban Hamilton Official Plan;

**NOW THEREFORE** Council enacts as follows:

1. That Map No. 1100 of Schedule "A" - Zoning Maps, of Zoning By-law No. 05-200, be amended as follows:
  - a. by adding to the City of Hamilton Zoning By-law No. 05-200, the lands the extent and boundaries of which are shown as Schedule "A" to this By-law; and,
  - b. by establishing a Mixed Use Medium Density – Pedestrian Focus (C5a, 682) Zone, to the lands the extent and boundaries of which are shown as Schedule "A" to this By-law.
2. That Schedule "C" – Special Exceptions, of By-law No. 05-200 is hereby amended by adding an additional special exception as follows:

"682 Within the lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, identified on Map No. 1100 of Schedule "A" – Zoning Maps and described as 86, 88, 90, 92, and 94 Lakeview Drive and a portion of 84 and 96 Lakeview Drive, the following special provisions shall apply:

  - a) Notwithstanding Section 5.6 c), the parking requirement shall be 1.3 per dwelling unit.

- b) Notwithstanding Subsection 10.5a.3 a) i), the minimum building setback from a street line shall be 1.5 metres, up to a maximum of 4.5 metres for the first storey, except where a visibility triangle is required for a driveway setback.
  - c) Subsection 10.5a.3 h) ii) shall not apply.
  - d) Subsection 10.5a.3 h) iii) shall not apply.
  - e) Subsection 10.5a.3 h) iv) shall not apply.
  - f) Notwithstanding Subsection 10.5a.3 h) ix), a minimum of 60% of the area of the ground floor façade facing Lakeview Drive shall be composed of doors and windows."
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 and ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

---

F. Eisenberger  
MAYOR

---

CLERK

ZAC-17-020

*For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law*

Is this by-law derived from the approval of a Committee Report? Yes

Committee: PC

Report No.: PED18085

Date: 05/01/2018

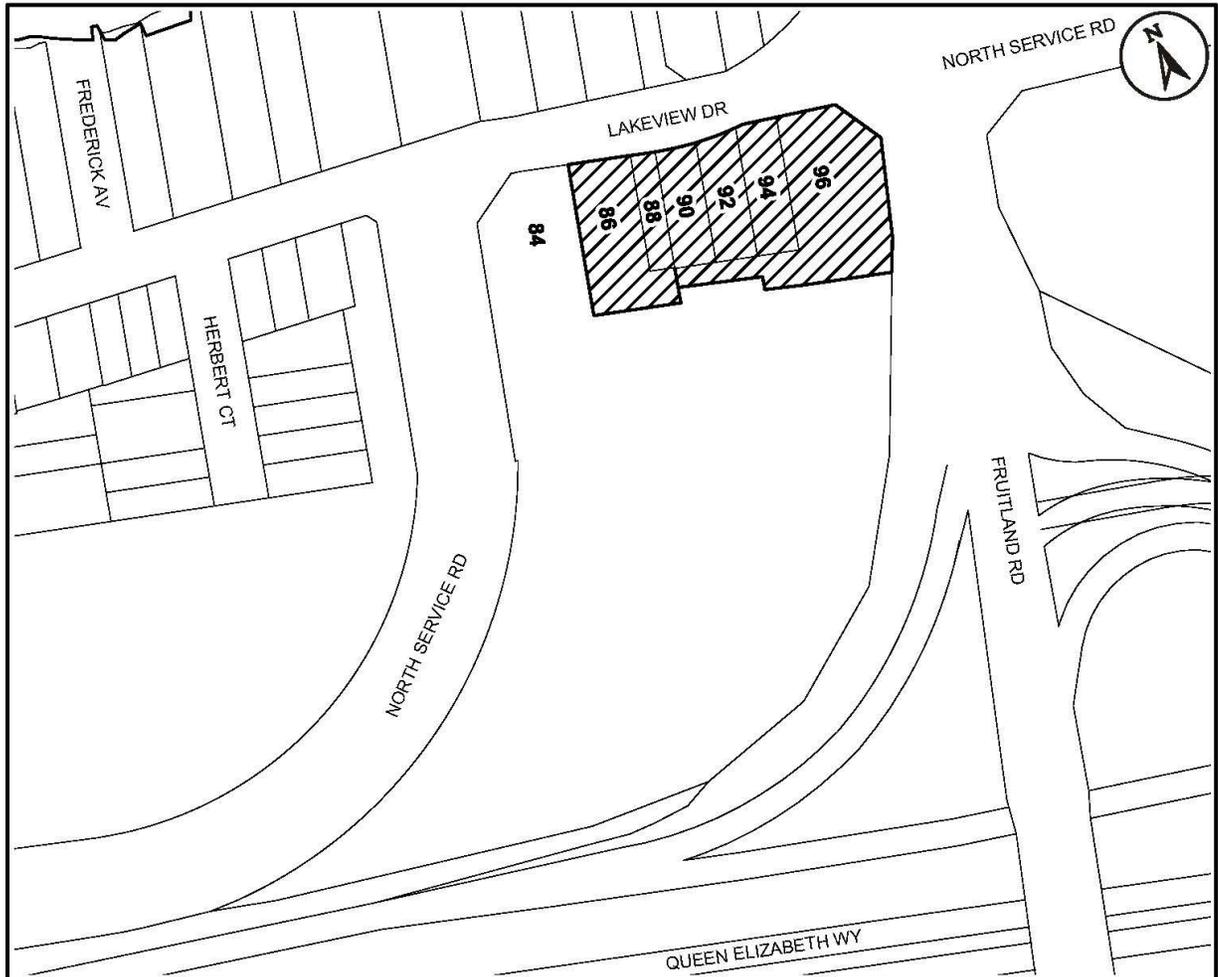
Ward(s) or City Wide: Ward 10

(MM/DD/YYYY)

Prepared by: Alana Fulford

Phone No: 4771

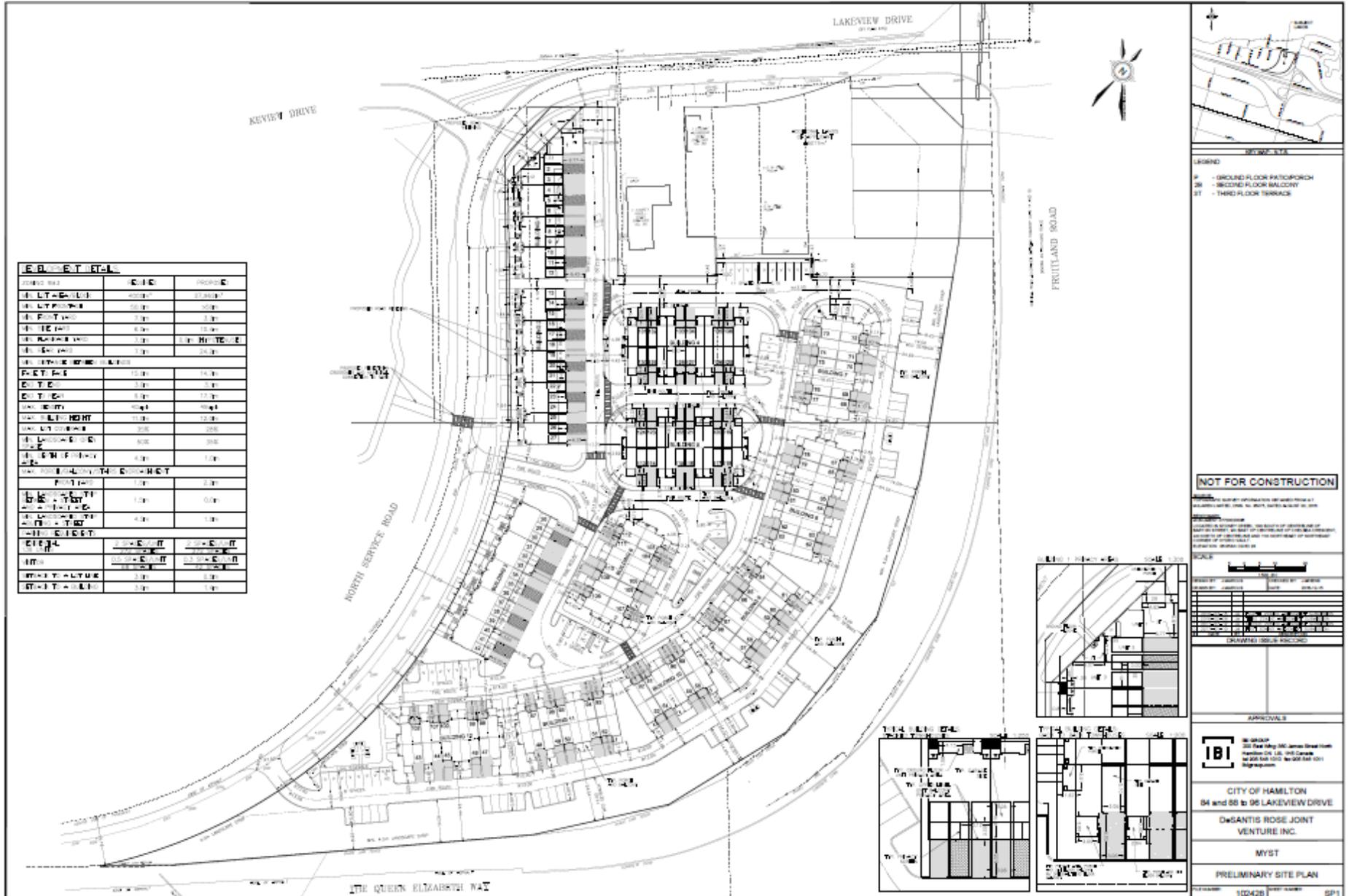
*For Office Use Only, this doesn't appear in the by-law*



<p>This is Schedule "A" to By-law No. 18-</p> <p>Passed the ..... day of ....., 2018</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 18-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Map 1100 &amp; 1149</p>	<p><b>Subject Property</b> 84, 86, 88, 90, 92, 94 &amp; 96 Lakeview Drive</p> <p> Lands added to By-law No. 05-200 and zoned Mixed Use Medium Density - Pedestrian Focus (C5a, 682) Zone</p>
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Scale: N.T.S.	File Name/Number: ZAC-17-020/UHOPA-17-009	
Date: April 23, 2018	Planner/Technician: AF/VS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		



AREA SCHEDULE		
ITEM NO.	DESCRIPTION	AREA (SQ. METERS)
1	LOT AREA	10,000
2	ROADWAY	1,000
3	PARKING	2,000
4	LANDSCAPING	1,000
5	UTILITIES	500
6	OTHER	500
7	TOTAL	15,000

LEGEND

- 01 - GROUND FLOOR PATIO/PORCH
- 02 - SECOND FLOOR BALCONY
- 03 - THIRD FLOOR TERRACE

**NOT FOR CONSTRUCTION**

THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. ANY CHANGES TO THIS PLAN MUST BE APPROVED BY THE ENGINEER AND ARCHITECT.

APPROVALS

DATE	DESCRIPTION

**IBI GROUP**  
300 King Street West  
Hamilton, ON, L8N 1K5  
Tel: 905.571.1111  
www.ibigroup.com

CITY OF HAMILTON  
84 and 88 to 96 LAKEVIEW DRIVE  
DeSANTIS ROSE JOINT VENTURE INC.

MYST  
PRELIMINARY SITE PLAN

PROJECT NO: 100428  
DATE: 2018-08-01  
SCALE: 1:100





March 17, 2017.

Dear Valeria Maurizio,

MAR 21 2017

"City of Hamilton"  
 Planning + Economic Development Department  
 Development Planning, Heritage + Design - Suburban Team  
 71 Main Street West, 5<sup>th</sup> Floor, Hamilton, Ont., L8P-4Y5

Re- UHOPA-17-009 + ZAC-17-020.



"1<sup>st</sup> Complaint" - Even now between the hours 7 to 8 a.m. and 5 to 6 p.m. the traffic is bumper to bumper in front of our house. If there's an accident on the Q.E.W. Toronto bound or Niagara bound, our North Service Road problem has now doubled. Snow + bad weather also puts cars off the Q.E.W. + again onto our North Service Road. [Refer to my Map #1.]

"2<sup>nd</sup> Complaint" - There is a large apartment building being built on the North side of the North Service Road. There's now over a hundred townhouses being built in this area now. This will extremely add to our now problem. I'm referring to Millen Road between the North Service Road + the Lake Ontario. [Refer to my Map #1.]

"3<sup>rd</sup> Complaint" - In the area just East off Green Road, there's a massive new apartment building now being built. →

Page 2.

There's also over another hundred or so townhouses now being built in this area. I'm referring to the area between the North Service Road + Lake Ontario east of Green Road. Our traffic problem has now just amplified itself again. [Refer to my Map #1].

"4<sup>th</sup> Complaint" - Now I'll add again on our already overtaxed traffic problem. This refers to the access to the Red Hill Parkway. Firstly, you can't get onto the Red Hill Pkwy. By going West down the North Service Rd. to Centennial Pkwy.!! You would have to go West down the North Service Rd. to Centennial Pkwy. + then go South to Barton St. then you would go West on Barton St. until you get to the Red Hill Pkwy. access point. You're looking at travelling about 3 miles + going through a lot of traffic. So therefore, people will drive East on the North Service Rd. + take the Fruitland Rd. access off ramp to Q.E.W. Toronto whereas they'll be able to get onto the Red Hill Pkwy Southbound. This adds another straw on the camels already broken back concerning excess traffic going through Lakeriew Drive to get to the Fruitland Rd. access to the Red Hill Pkwy.!!

"5<sup>th</sup> Complaint" - Now we go to Mr. De Santis's planned 42 stacked townhouses + 98 back to back townhouses. Allowing 2 cars per family adults + 1 extra for their adult children. We're looking at over 200 cars in this area alone if not more with guests. I see on this planned area by Mr. De Santis, that there are 2 separate roads →

Page 3.

going in & out of that survey. I feel that separate merge lanes off the east & west main lanes won't help. That's because if you get 30 to 50 cars backed up either way or both [before 9 a.m. or after 5 p.m.], how would cars get in or out of that survey?

"6<sup>th</sup> Complaint" - Adding everything I said together, what if someone had a heart attack. How would the ambulance be able to get to that person in that area at the prime busy times? What if there was a house fire, how would the fire truck also be able to get there during the prime busy times?

### "Conclusion"

There are 2 ways to solve these traffic problems.

- ① Firstly, the North Service Road going onto Lakeview Drive must be "eliminated" [refer to my map #2]. The North Service Road (A) will be re-routed to go "alongside" of the off ramp that goes Toronto bound from Fruitland road. Refer to (B) on my map #2. Where Mr. De Santis will lose land at (B), he will gain it back from (A). The two entrances to his survey will then be made to go directly onto our Lakeview Drive. Our problem concerning traffic will be reduced to a few hundred cars instead of a few thousand vehicles.
- ② The other main traffic problem is the access to the →

Page 4.

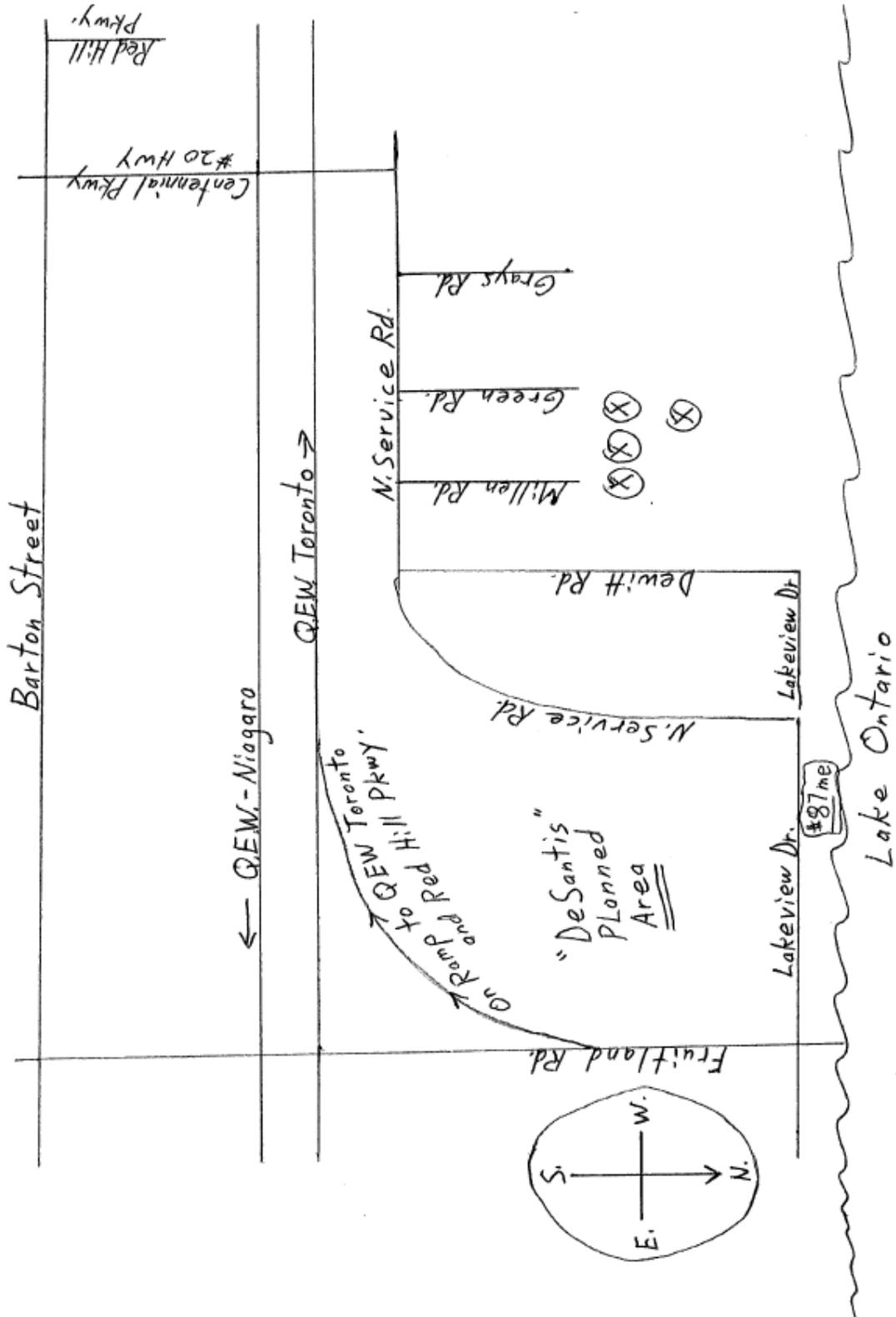
Red Hill Pkwy. Go to my map #2 & look at where (C) is marked at the corner of the North Service road & Dewitt road. Here is exactly where an on ramp to the Q.E.W. Toronto bound must be made. This will be the new access way to get to the Red Hill Pkwy. instead of going to Fruitland road. Even if you didn't eliminate my (A) North Service road, it would help to take away massive traffic trying to get to the Red Hill Pkwy. from the Fruitland road access.

I think the new people moving into Mr. De Santis's new survey would appreciate my number (1) & (2) being done. If you's refuse to make any changes here, do you's "guarantee" to the new home buyers that the real estate agents will point out all of my concerns "before" they decide to buy?

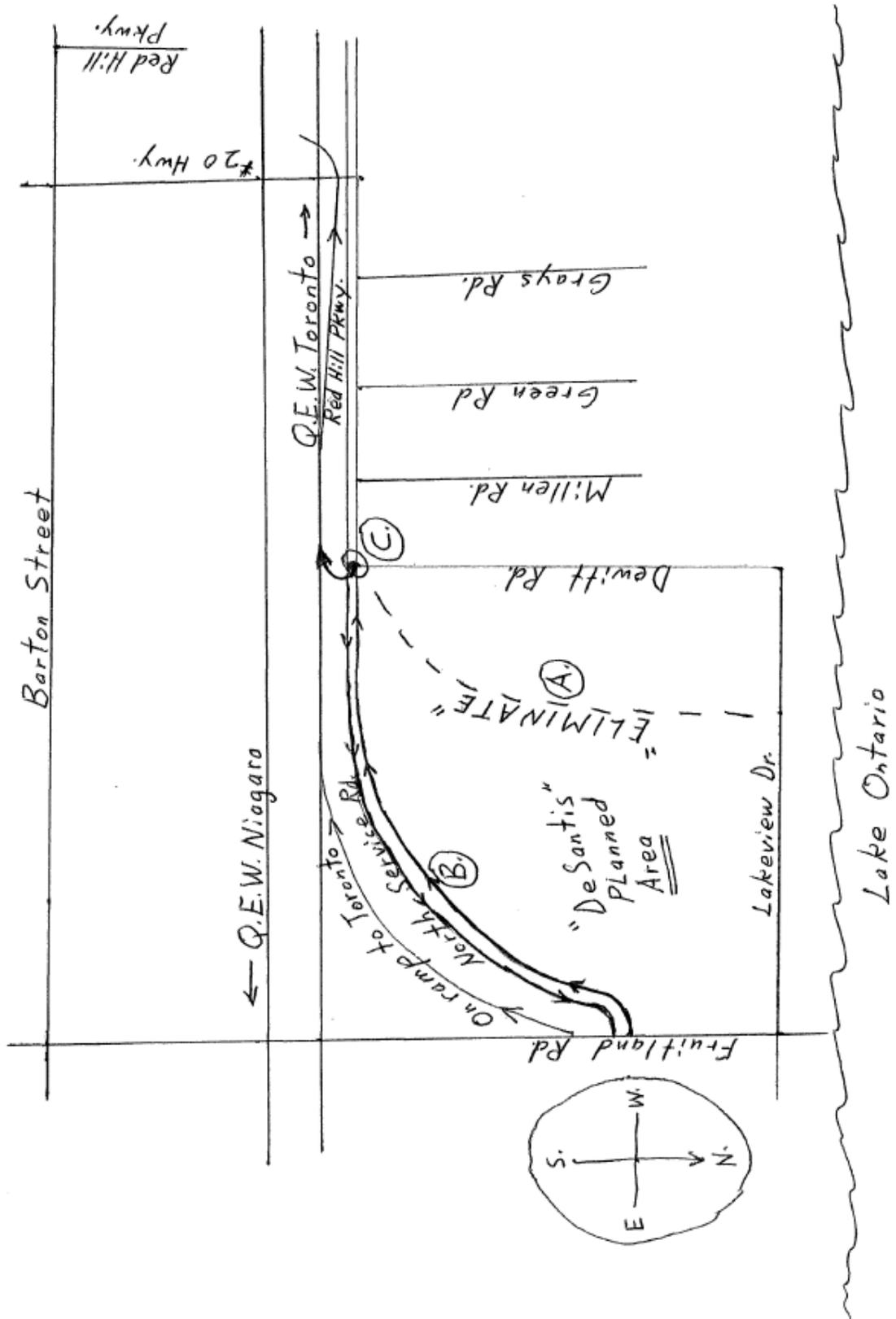
Overall, if my (1) & (2) road changes are not made, I'm 100% against Mr. De Santis's new survey here. You might as well put back the 4 residential homes that were here before or "make it another park."

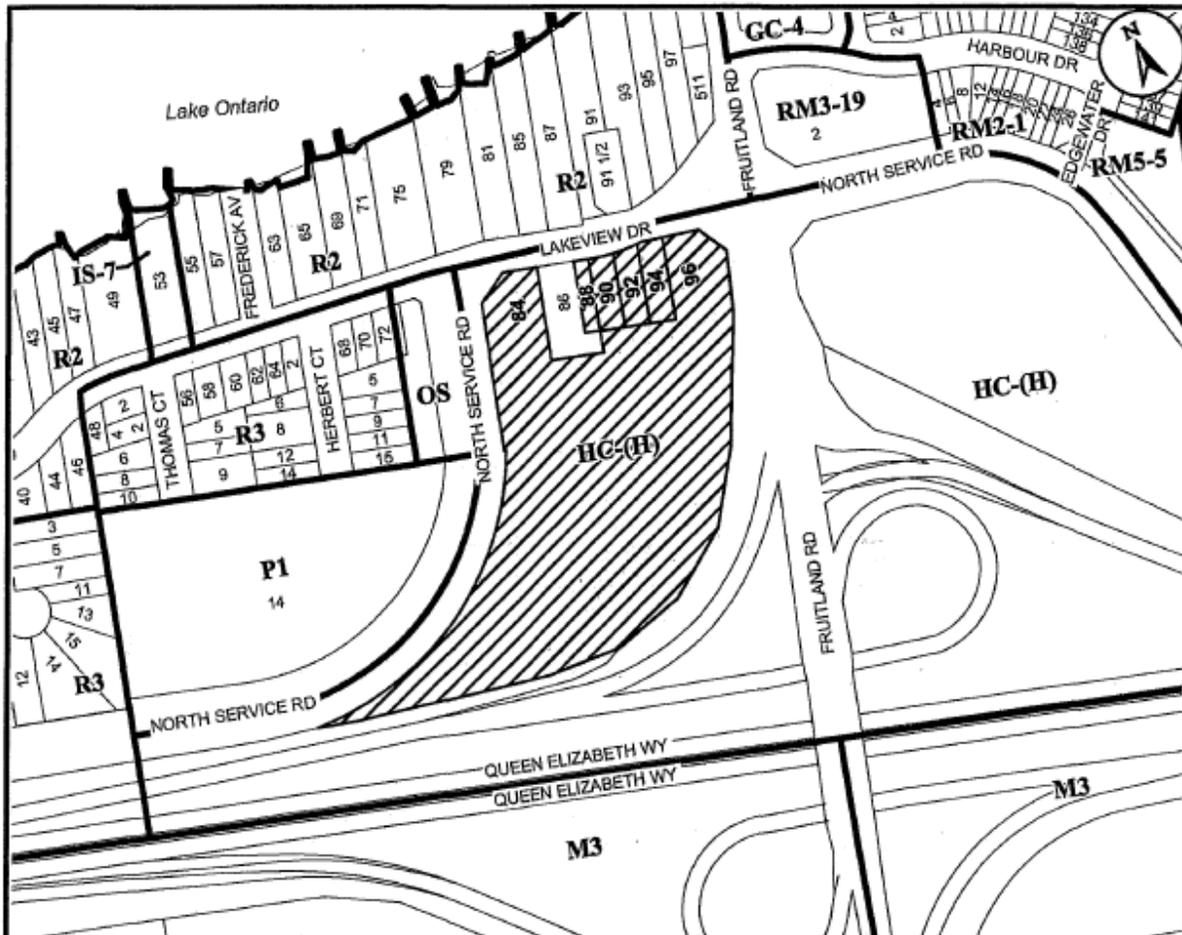
Thank You,  
For reading this,

MAP #1.



MAP #2.





● Site Location



Key Map - Ward 10

N.T.S.

## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-17-020 & UHOPA-17-09

Date:  
February 21, 2017

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
VM/VS

**Subject Property**

84, 88, 90, 92, 94 & 96 Lakeview Drive

Fax

To: **Valeria Maurizio**

Fax: **905-546-4202**

From:

[REDACTED]

Date: **3/22/2017**

Re: **Development Lakeview Drive  
Stoney Creek**

Pages: **7 including Cover**

Urgent    For review    Please comment    Please reply    Please recycle

---

We fully agree and support what our neighbor Robert Lloyd Hampson is requesting.  
We agree with the complaints and the ways to solve the traffic problems.

We support his recommendations as we are concerned about the traffic situation.

Thank-you,

March 20/2017.

To Valeris Maurizio,

RECEIVED  
RECEIVED MAR 24 2017  
MAR 24 2017

'City of Hamilton'  
 Planning + Economic Development Department  
 Development Planning, Heritage + Design  
 Suburban Team  
 71 Main Street West, 5th floor  
 Hamilton ONT, L8P-4Y5

Re = UHOPA-17-009 \* ZAC-17-020.

My Husband and I

we officially moved here end of December 2016,  
 already we notice lot of traffic, sometimes  
 it takes along time just to back out of my  
 driveway, when a few Toronto bound is busy  
 we see truck trailers, coaches go pass  
 our house, a few is always busy.

we see  
 alot of traffic, especially since many  
 houses from Green Road lake side and  
 almost ready houses on millen Road.  
 These people in their cars will be  
 using north Service Road to fruitland to  
 use highways going to Toronto, Niagara  
 Falls, and Red hill exit, its the  
 fastest and easiest way for  
 residential people.

I was at the  
 meeting concerning Desantis project of

(2)

building 110 townhouses, which means  
 now also cars coming to this neighborhood.

They want to make a bike way  
 a crossing to the park; but bend at  
 north Service Road is a very dangerous  
 area, with people crossing, walking,  
 bike riding, mothers with strollers,  
 little kids with bikes and lots of  
 traffic you just waiting for an  
 accident to happen, we do not see  
 any access for Ambulances or Fire  
 truck to get in + out of this area.

The only way we would agree  
 to this if Desantis has to  
 Re route traffic, not use the  
 bend from north Service Road into  
 Lakeview drive, Lakeview front homes  
 + area should be quiet + peaceful,  
 cottage Area, much less traffic.  
 just convert traffic jam Area  
 Re Route traffic.

Please let us know when next  
 meeting will be held. Thank You.

March 23, 2017

To: Valeria Maurizio, City of Hamilton  
Planning and Economic Development Department  
71 Main Street West, 5<sup>th</sup> Floor, Hamilton, On, L8P 4Y5

Re: UHOPA-17-009 and ZAC-17-020

Hello Valeria

I, [REDACTED] has some serious reservations about your subject project facing my property. Even right now, we are facing traffic hazards on our street. Every time, the QEW has some sort of traffic Jam, Our street is used as an alternate to pass by hundreds of vehicles. Rush hour is always tedious for us to take our own vehicles from our driveway.

I strongly oppose this project as it will create so much traffic on our street. I want the city to come up with better solution to tackle the traffic situation on Lakeview drive before we can give our consent to you to go ahead with such project.

Hoping my suggestion would be of consideration.

Sincerely,

Attention: Ms. Valerie Maurizio  
City of Hamilton  
Planning and Economic Development Department

RE: New Housing Developments along the North Service Road at Gray's, Millen, and Fruitland Road...

Dear Ms. Maurizio

I am concerned about the traffic congestion that is happening now and will only be compounded by the number of new residents who will shortly move into this area.

The 2 lane road with call the North Service Road (NSR) will no longer be suitable for the car and truck traffic (add the bike lanes) once all these new housing units are sold. It is already a dangerous drive between Dewitt and Lakeview due to that S curve. Oftentimes I feel I am taking my life in hand when I am being followed too closely and must left turn onto that zigzag to Lakeview going west... you must try it one day and see for yourself... the incoming cars from Fruitland aren't visible until it's pretty much too late. Better to turn on Dewitt... safer!

The City must look into this situation. Some reconfiguration of the NSR and possibly a new entrance onto the QEW going North would be most appropriate before any additional homes are built. Presently, the NSR is very narrow, it doesn't have shoulders on either side due to the bike lanes. That road needs to be widened like at Millen and Green, with right turn lanes and a median space in between.

A new entrance going QEW Toronto bound would save a lot of people time and gasoline as well as aiding in the congestion before reaching Fruitland Road. This would clear the traffic quit a bit. I'm thinking at the intersection of Gray and NSR which a lot of the truckers borrow, put up a set of lights as well...

Another alternative or add-on would be to decrease the 80-kph speed limit in this area. That S curve is why too sharp for that speed, taking in consideration that many people drive even faster than 80... maybe bringing it down to 50 or 60 would be more secure for bikers and dog-walkers as well as residents trying to turn into their respective side roads.

Alternatively, a few STOP signs on the NSR would help slow things down, corner Dewitt and definitely at that major curve leading into Lakeview (west).

We have thought about the DeSantis development and the need thereafter of a new configuration for the NSR in that area. From the curve, maintain the name Lakeview, and make it a side street for home owners. Have the NSR continue straight through to where DeSantis wants to build and have it merge to the side of the existing QEW entrance.

Traffic congestion was not intended when this service road was originally built. It is not meant for the heavy trucks, the bike lanes, the constant flow of cars that it presently bears. It needs to be widened, made secure with the addition of lights and stops and even better, a new exit to the QEW heading to Red Hill or Toronto bound.

Thank you for considering our ideas. They are meant to help all of us feel more secure on our roads.

Sincerely



March 23, 2017

Valeria Maurizlo

City of Hamilton  
Planning and Economic Development Department  
Development Planning, Heritage and Design – Suburban Team  
71 Main Street West, 5<sup>th</sup> Floor, Hamilton, ON, L8P 4Y5

Re: UHOPA-17-009 / ZAC-17-020

I am writing this letter with regards to the proposed 140 townhome development located at the corner of Lakeview Drive and Fruitland Road.

In my opinion, the transportation infrastructure is not present to support a development of this size. Traffic backlogs in this area are already a problem for local residents. Those of us that live in the lakeside community that is bordered by the Lakeview/N. Service Rd bend on one side, and Dewitt Rd on the other, are already experiencing difficulty leaving our community to head east toward Fruitland.

Traffic is frequently lined up from Fruitland Road to past Dewitt on the North Service Road, making it next to impossible to turn left toward Niagara. One sometimes is required to turn west, toward Hamilton, and travel until a suitable spot to turn around is found. One is then sitting at the end of a long line of traffic waiting to pass through the Fruitland/N. Service Road intersection.

When problems occur on the Queen Elizabeth Way, Dewitt road and Lakeview are used as an ineffective throughway for travelers, as they then face the same issue turning left. This further compounds the problem for local residents.

With the current development of the area north of the QEW already under way, (townhomes, condominium complexes, and a seniors' residence), this issue only stands to get worse. Not to mention the massive development taking place on the other side of the highway, from Fruitland to Fifty Road. I believe I read somewhere that there will be an additional 10,000 homes being erected in that area. This, as well as the commercial development that is ongoing (COSTCO etc) will only bring more traffic to our already overburdened roads.

Clearly, one cannot stop development, and I understand the value to the city with regards to property taxes etc, but the density of this project is simply too high. I'd estimate an additional 300 vehicles will reside in the proposed development, travelling in and out daily, compounding the traffic issue.

Effective public transit is not available in this area, so people have no choice but to drive everywhere they go, whether that be shopping, work, or out for recreational activities.

Please consider a density reduction of the proposed development. Somewhere in the neighborhood of 80 townhomes or less would be more appropriate for this area that mainly consists of single family homes. I am opposed to the current development proposal as it currently stands.

Hello,

I have some serious concerns regarding the density of the proposed development referenced by UHOPA-17-009 and ZAC-17-020. While I do prefer a residential development and I understand the importance of intensification, I believe that the density of the proposed development is significantly too large for the area and existing neighborhood. I believe the major issues will be parking and traffic.

As many people noted at the public meeting, the traffic on this curve is already a serious problem that the addition of 140 units will only exacerbate. If we assume that most homes will have two vehicles, especially in a location handy for commuters, then we are talking about adding 280 vehicles to this local route.

The other issue is parking. We were told that each unit has parking for two vehicles. However, when I questioned the presenter for more details, the reality is that there is a single car garage with one space in front of the garage. I don't believe this provides enough parking given that:

- many people use their garage for storage (especially since the units do not have basements)
- a two car family will likely need to be shifting cars around depending on work schedules.

I believe that the reality will be that many people will use the visitor parking lot or park on the closest side street, Lakeview Drive.

Which brings me to my next concerns. There are not enough visitor parking spots. As I understand the rules, there are to be .5 parking spaces per unit; which amounts to 70 spaces. In order to allow for this number of visitor parking spaces, the developer has placed 37 parking spaces on MTO (Ministry of Transportation) land allowance. If the MTO ever needs to expand the QEW these spaces will be lost. The 37 MTO parking spaces must be considered "extra" visitor parking and not counted as the mandatory required.

As well these parking spaces are quite far from many of the homes that will line the North Service Road. I fear that people in that section will use Lakeview Drive for their regular parking, as it is closer, which will impact the Lakeview residents.

Based on these concerns, I request the following:

- significantly reduce the density of the proposed development to something that is reasonable;
- ensure that the required minimum visitor parking is on site (not on MTO land);
- visitor parking is in close proximity to the units on the north west section.

Thank you,

Hello :

As was quite evident at the meeting, traffic is an issue. Thank you for responding to my plea. If the root cause of the majority of the volume was addressed, at least some of the traffic volume would be alleviated – \*please see below. Of course with the traffic apps there is also the requirement to deter traffic from using the North Service Road instead of the QEW. Perhaps this could be done by introducing more stop lights/stop signs at the major intersections along the North Service Road – Grays, Green, Millen, Dewitt, Lakeview. Even before the issues arose from congestion or development, we've been concerned about the danger at Lakeview Drive and the North Service Road which should have a 3 way stop. (see collage below)

\*The congestion on the QEW Niagara bound is a regular occurrence and is not due to construction or an accident. It is a sure thing during rush hour and is also experienced during spring/summer weekends with the Niagara bound volume. Traffic then spills over onto the North Service Road and it is not a rarity that the traffic is backed up from Fruitland around to the other side of the park. People are utilizing Lakeview Drive to cut in making it difficult for us from the neighbourhood to turn left from Lakeview onto the North Service Road as those who have waited think we are cutting in.

We propose that the congestion could be reduced by ending 'right hand merge lanes' earlier at two points along the QEW Niagara bound:

1) Extra far right (fourth) lane used to pass - Currently the extra far right (fourth) lane that starts just before Skyway Niagara bound ends 1300 meters past the Centennial Parkway exit and drivers are using it as a passing lane to merge in front of those cars that were ahead of them in the 3<sup>rd</sup> right lane. Drivers in the 3 standard lanes observe these inconsiderate drivers and prevent them from butting in thereby causing the congestion.

Suggested solution: either end after the Red Hill exit or shortly after (500m) the Centennial Parkway exit. Paint a solid line just after the Centennial Parkway exit to prevent passing on the right.

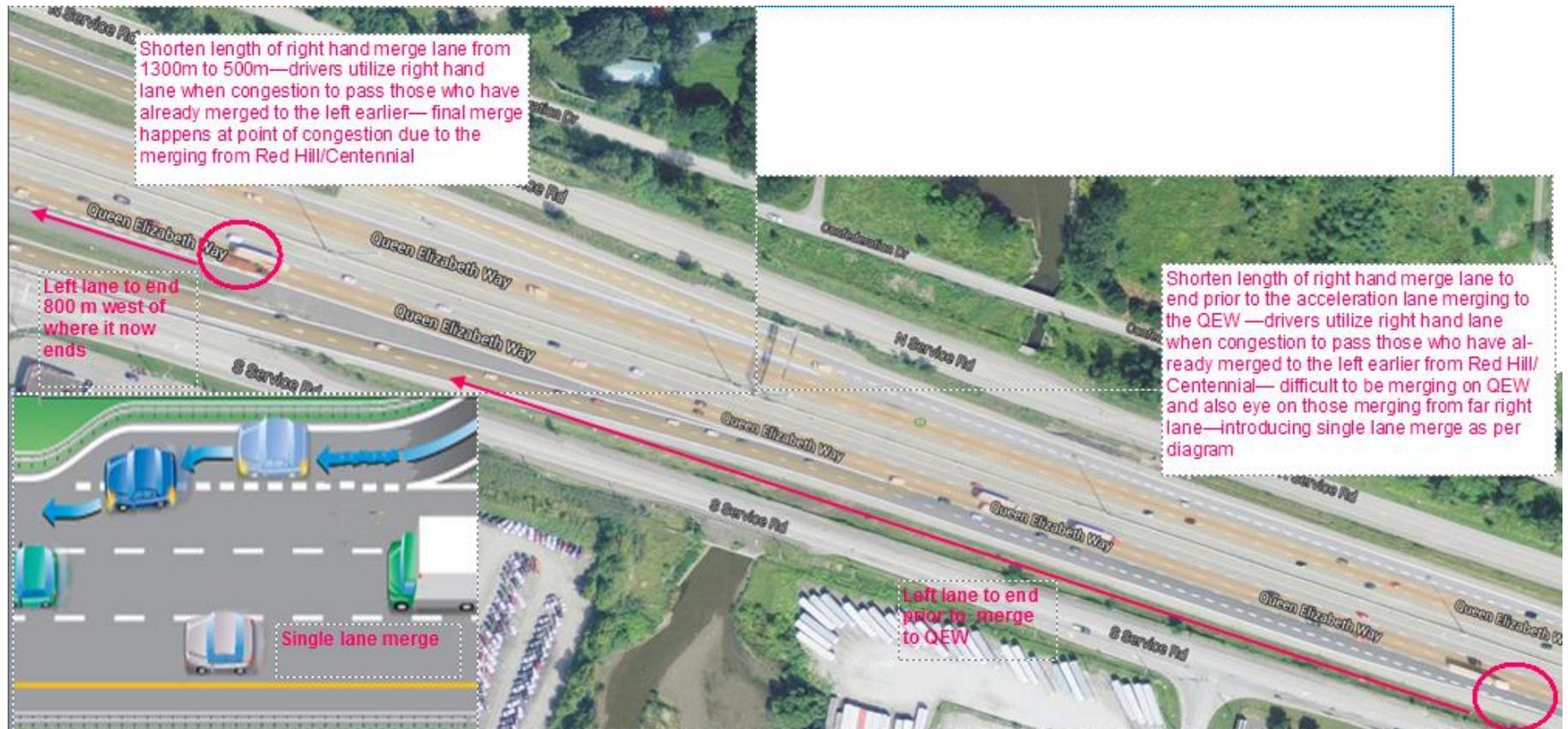
2) Two lanes merging from Red Hill and Centennial onto QEW Niagara bound – Currently two lanes merge to the QEW, far right hand lane ends after the left lane starts to merge with the QEW. Inconsiderate drivers pass on the right to get in front of those first to merge. As well, traffic on the QEW in the right (third) lane are required to consider to merges rather than just one.

Suggested solution: end the far right merging lane before the left lane starts to merge with the QEW, with the result being that only one single lane merges with the QEW.

In 2010, we raised the issue of congestion to the Ministry of Transportation. The Ministry's response was that they had not identified any issues and the planning was correct, that we should report drivers who move to the right hand lane to pass those that have already merged onto the QEW to the Police.

Thank you for your attention and action to this matter





1) Extra far right (fourth) lane used to pass - Currently the extra far right (fourth) lane that starts just before Skyway Niagara bound ends 1300 meters past the Centennial Parkway exit and drivers are using it as a passing lane to merge in front of those cars that were ahead of them in the 3<sup>rd</sup> right lane. Drivers in the 3 standard lanes observe these inconsiderate drivers and prevent them from butting in thereby causing the congestion.

Suggested solution: either end after the Red Hill exit or shortly after (500m) the Centennial Parkway exit. Paint a solid line just after the Centennial Parkway exit to prevent passing on the right.



2) Two lanes merging from Red Hill and Centennial onto QEW Niagara bound – Currently two lanes merge to the QEW, far right hand lane ends after the left lane starts to merge with the QEW. Inconsiderate drivers pass on the right to get in front of those first to merge. As well, traffic on the QEW in the right (third) lane are required to consider to merges rather than just one.

Suggested solution: end the far right merging lane before the left lane starts to merge with the QEW, with the result being that only one single lane merges with the QEW.



Red Hill/Centennial on ramp to  
QEW Niagara - end right lane  
prior to left lane merging onto  
QEW

### Lakeview/North Service Road intersection

See issues in collage below.

Suggest: 1) 3 way stop 2) as was presented at the neighbourhood meeting before the intersection was changed, there was to be a neighbourhood sign and vegetation. This would deter cars from driving right through (this occurred as recently as 3 weeks ago)



Left: May 2014 accident

Below: June 2014 regular backup at Fruitland and around curve west along North Service Road

Typical for 100s of cyclists on the weekend, some in groups of 20+



Above: February 2014 traffic along Lakeview/North Service Road, causing backup on Lakeview Drive proper, transports crossing lanes, coach buses detouring off QEW  
Right: cars missing the curve

To: Valerie Maurizio  
Sent via Email  
City of Hamilton  
Planning and Economic Development Dept.  
71 Main St. W., 5<sup>th</sup> Floor, Hamilton L8P 4Y5

Dear Valerie

Further to our conversation today we have the following input regarding projects/flies  
UHOPA -17-009 and ZAC – 17-020  
84-96 Lakeview Drive, Stoney Creek (DeSantis Rose)

The bottom line is the current proposal is not in the best interests of the community at Lakeview Drive as it will more than double the size of the current freehold community without any contribution other than maximizing the developers return.

Single family dwellings would be far more consistent and /or traditional townhomes. Back to back towns are no better than cages and not suited in an established waterfront community where homes are now selling over \$1,325,000. Two sold in the last few months for \$1,450,000 and \$1,470,000.

- 1) Demographics - Almost all the houses in the Lakeview area are freehold detached single family dwellings with a few freehold townhomes on the other side of Fruitland. This is an aspirational neighbourhood with the older homes being replaced with upscale larger single family dwellings. Typical lot value alone is over \$550,000.
- 2) The Conservation Authority needs to become involved as the drainage/water table is now under pressure from the overloaded drainage and catch basins between the QEW and the Lake. We are concerned about the impact of more than doubling the infrastructure and changing or eliminating natural drainage for this proposal.
- 3) Existing traffic on the North Service Rd is sporadic to dead stop as it is also the overflow for the QEW traffic, including Casino buses and Go Transit. This will undergo huge traffic increase with over 300 cars (2 per family + visitors) in the DeSantis proposal. The egress back up and merging, will be compounded by other developers just coming on line from the North Service Rd. as well.  
The Fruitland/QEW interchange is the only access to the Red Hill Parkway for current and future traffic.
- 4) The access for the DeSantis proposal is on a sharp S curve on the North Service Rd with limited visibility both ways. The only way for DeSantis tenement residents to access the only public park is to cross the already heavy traffic on the North Service Rd at the blind spot. Compound this with more vehicles and it certainly will not be a safe passage for anyone let alone children!
- 5) The specifics of the commercial segment of the project facing Lakeview has not been disclosed. Since it fronts on our house as well as other neighbours we have a right to know what the proposal is. Where will the access be, how many stories, parking, garbage handling just to name a few concerns.

Many of the neighbours are not in favor of this high-density project because of the already heavy traffic we need to contend with not to mention the safety factor for the children and cyclists. Lakeview is a residential street, not a main artery for commuters which is what it will

become if this is approved against our wishes. One solution is rerouting the North Service Rd to run parallel to the QEW and exit onto Fruitland bypassing Lakeview altogether. This will eliminate congestion, traffic load and provide safety for the residents. DeSantis will gain the road property and be joined with the existing park - a win win! Without this option, we are not in favour nor support this project.

Regards

RECEIVED

NOV 27 2017

November 22, 2017. ①

Dear Valerie Maurizio,

I live at [REDACTED] Stoney Creek. On November 18<sup>th</sup>, I attended an open house on Green Road whereas Mr. De Santis was showing his new home development. I've attached a picture of his new planned survey. I've written to you in the past if you remember. My concern now is about where his "entrance + exit" are to be located.

I've included a map drawn by me to show you what I'm trying to explain. At the speeds that people travel nowadays, there's going to be a lot of accidents + even deaths in putting the entrance + exit in that place (A). Drivers going East or West will have no time to slow down if cars are going into or out of that development.

If (A) is eliminated + placed at (B), people going eastward can go easily get into that new survey non-stop. People leaving that area survey can easily see traffic both ways before going onto the North Service Road westward.

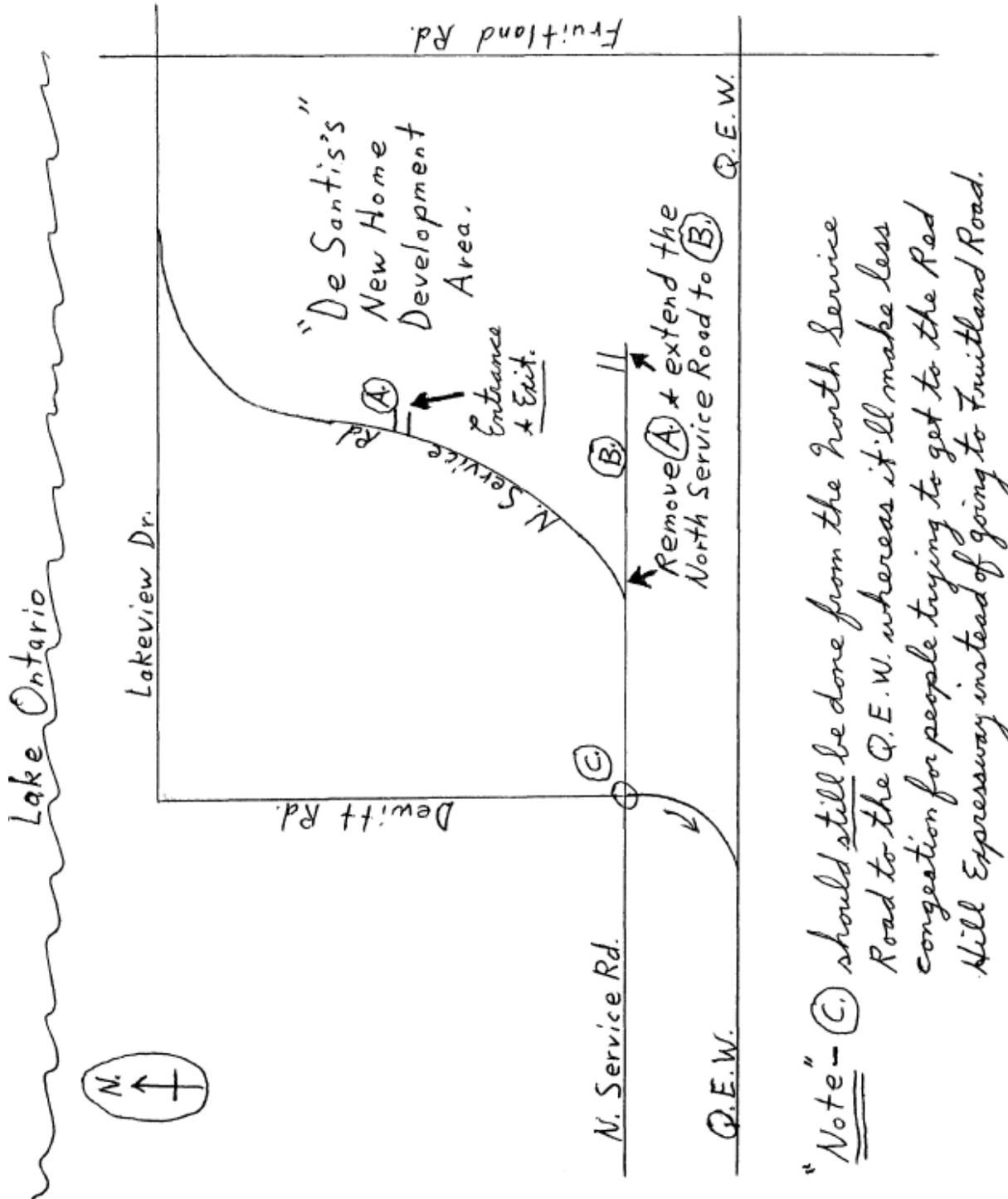
You must also see that putting a main highway [North Service Road] going onto a residential side road [Lakeriew Drive] is 100% wrong! →

②

As I've said before, the North Service Road to Lakerview Drive should be eliminated whereas it should go eastward along the North side of the West bound lane going Toronto way from off Fruitland Road.

The traffic congestion from all the new surveys now being built at Millen Road, Green Road & now near Fruitland Road is going to be a nightmare a hundred times worse than it already is now! I'm referring to the future time when those new surveys are finished & lived in.

Thank You,



"Note" (C) should still be done from the North Service Road to the Q.E.W. whereas it will make less congestion for people trying to get to the Red Hill Expressway instead of going to Fruitland Road.



## 6.4(a)

April 18, 2018

Co-ordinator, Planning Committee  
City of Hamilton  
71 Main Street West, 1<sup>st</sup> Floor  
Hamilton, Ontario  
L8P 4Y5

RE: Applications by IBI Group (c/o Mr. John Ariens) on behalf of Desantis Rose Joint Venture Inc. for UHOPA-17-009 and ZAC-17-020 for Lands located at 84 -96 Lakeview Drive, Stoney Creek (Ward 10)

Dear Sir/Madam;

I live at 97 Lakeview Drive and have received the Notice of Public meeting on May 1<sup>st</sup>, 2018. Unfortunately I will not be able to attend; however, I have the following questions/ comments regarding the proposed plan:

1. What measures/plans are in place to handle the additional traffic on Lakeview Dr./North Service Road?
2. Will Lakeview Dr. need to be widened?
3. Will the developer be required to provide landscaping?
4. Is there a requirement for a park area/open spaces?
5. Will the new homeowners be allowed to park on Lakeview Dr.?
6. Will sidewalks be provided on 84 – 96 Lakeview Dr side of the road?
7. What is intended for the mix use?
8. Are these high-end or low-end units?
9. Will all the units have garages?
10. If approved, when will construction start and for how long?

Sincerely,

Eudora LeBlanc  
97 Lakeview Dr.  
Stoney Creek, ON

**This recommendation deletes and replaces the one printed in the agenda.**

**6.4 Applications to Amend the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek) (Ward 10) (PED18085)**

**RECOMMENDATION**

- (a) That **Amended Urban Hamilton Official Plan Amendment Application UHOPA-17-009, by DeSantis Rose Joint Venture Inc., Owner,** to amend the Urban Hamilton Official Plan to: redesignate the lands from “Arterial Commercial” to “Neighbourhoods” and “Mixed Use – Medium Density”; to add a Site Specific Policy Area for lands designated “Neighbourhoods” to establish a density range of 40 to 100 units per hectare for medium density residential uses; to add Site Specific Policies for the lands designated “Mixed Use – Medium Density” to prohibit drive-through facilities and ground related housing forms; to require that permitted residential uses be located within a mixed use building; to permit a residential development consisting of 94 maisonette dwellings and 42 stacked townhouse dwellings for a total of 136 dwelling units on a private road, and a future mixed-use development, for the lands known as 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek), as shown on Appendix “A” to Report PED18085, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18085, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).
- (b) That **Amended Zoning By-law Amendment Application ZAC-17-020, by DeSantis Rose Joint Venture Inc., Owner,** for a change in zoning from the Highway Commercial (Holding) “HC(H)” Zone, to the Multiple Residential “RM3-64” Zone, Modified on a portion of the subject lands, and the “Mixed Use Commercial “MUC-10” Zone, Modified, on the remaining portion of the subject lands, in City of Stoney Creek Zoning By-law No. 3692-92, to permit a residential development consisting 94 maisonette dwellings and 42 stacked townhouse dwellings for a total of 136 dwelling units on a private road, and a future mixed-use development for the lands known as 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek), as shown on Appendix “C” to Report PED18085, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED18085, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (ii) That the amending By-law, attached as Appendix “C” to Report PED18085, be added to Map No. 2 of Schedule “A” of By-law No. 3692-92;
  - (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. \_\_\_
- (c) That approval be given to add the lands located at 86, 88, 90, 92, and 94 Lakeview Drive and a portion of 84 and 96 Lakeview Drive, Stoney Creek, to Zoning By-law No. 05-200 and zone said lands Mixed Use Medium Density – Pedestrian Focus (C5a, 682) Zone in Zoning By-law No. 05-200, subject to the following:
  - (i) That the draft By-law, attached as Appendix “D” to Report PED18085, be held in abeyance until such time as the Commercial and Mixed Use Zones are in force and effect; and,
  - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “D” to Report PED18085, for enactment by City Council, once Zoning By-law No. 17-240, the by-law to establish the Commercial and Mixed Use Zones, is in force and effect.
- (d) That the Bayview Neighbourhood Plan be amended by redesignating the subject lands from “Highway Commercial” to “Medium / High Density Residential” (Block 1 of Schedule “A” to the draft By-law attached as Appendix “C” to Report PED18085), and to “General Commercial” (Block 2 of Schedule “A” to the draft By-law attached as Appendix “C” to Report PED18085), upon finalization of the Zoning By-law Amendment as shown as Appendix “C” attached to Report PED18085.



## INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 1, 2018
<b>SUBJECT/REPORT NO:</b>	Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 1518, 1530 and 1540 Upper Sherman Avenue, Hamilton (Ward 7) (PED18086)
<b>WARD(S) AFFECTED:</b>	Ward 7
<b>PREPARED BY:</b>	Jennifer Roth (905) 546-2424 Ext. 2058
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### Council Direction:

In accordance with subsection 34(11), of the *Planning Act*, prior to Bill 139, a Zoning By-law Amendment Application, may be appealed to the Ontario Municipal Board (OMB) after 120 days if Council has not made a decision on the application.

A motion to direct staff to advise the Planning Committee on matters relating to appeals regarding lack of decision by Council, pursuant to the *Planning Act* was passed by City Council on May 18, 2010. This Information Report has been prepared in accordance with Council's policy for staff to advise the Planning Committee and City Council of appeals for non-decision to the OMB.

The following information is provided for Planning Committee's information with regards to Zoning By-law Amendment Application ZAC-17-078. The Zoning By-law Amendment Application has been appealed for lack of decision. At the time of preparation of this Staff Report, Bill 139 was not in effect. Bill 139 will take effect on April 3, 2018. It is anticipated that this matter will be heard by the Local Planning Appeal Tribunal (LPAT) as per the transition regulations.

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

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

**SUBJECT: Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 1518, 1530 and 1540 Upper Sherman Avenue, Hamilton (Ward 7) (PED18086) - Page 2 of 3**

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**Information:**

The subject property is municipally known as 1518, 1530 and 1540 Upper Sherman Avenue (refer to Appendix "A" to Report PED18086).

The subject property is irregular in shape, having a lot area of 1.839 ha (4.54 ac) and is located along two frontages, being Upper Sherman Avenue and Acadia Drive. Cartier Crescent, to the north, currently terminates on the south side of the subject property, with an extension being proposed as part of this application, to extend Cartier Crescent to intersect with Acadia Drive. Acadia Drive currently divides the subject property. The property is located within the Butler Neighbourhood.

The majority of the property was previously developed with a single detached dwelling that has since been demolished in anticipation of accommodating the proposed development. In addition, a portion of 1530 Upper Sherman Avenue, formerly part of Billy Sherring Park, was deemed surplus by the City of Hamilton and was subsequently sold to the applicant in 2017. The remainder of the property is vacant agricultural land.

The applications were submitted on October 23, 2017 and were deemed complete on November 8, 2017.

**PROPOSED DEVELOPMENT**

The application is proposed to permit a 489 unit multiple dwelling development in the form of an eight, a nine and two, eleven storey towers, with 623 parking spaces contained in one level of below grade parking and some surface parking spaces. The two, 11 storey towers containing 288 units are located on the northwest side of the intersection of Upper Sherman Avenue and Acadia Drive and will be joined at the base with a 1 storey connection. The eight storey tower containing 110 units is located on the northwest corner of Acadia Drive and the extension of Cartier Crescent. The nine storey tower containing 91 units is located on the southwest corner of the intersection of Upper Sherman Avenue and Acadia Drive. The applicant has proposed both interior and exterior amenity space. Access to the site will be provided from Upper Sherman Avenue and from Cartier Crescent which is planned to connect to Acadia Drive.

At this time, the Official Plan Amendment (OPA) has not been appealed as the legislated date for appeal of the OPA is May 2, 2018. The applicant is considering adjustments to the proposal that would potentially eliminate the need for an Official Plan Amendment by reducing the scale and density of the proposal.

The applicant applied for an Official Plan Amendment Application to re-designate a portion of the lands from "Open Space" to "Neighbourhoods" and for an increase in the

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**SUBJECT: Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 1518, 1530 and 1540 Upper Sherman Avenue, Hamilton (Ward 7) (PED18086) - Page 3 of 3**

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overall density from 100-200 units per net hectare to 293 units per net hectare to permit four multiple dwellings.

Zoning By-law Amendment Application:

The Zoning By-law Amendment Application has been appealed for non-decision.

The applicant has applied for a Zoning By-law Amendment to re-zone the lands from the "AA" (Agricultural) District, "AA/S-684" (Agricultural) District, Modified, "C" (Urban Protected Residential, Etc.) District and Community Park (P2) Zone to the "E-3" (High Density Multiple Dwellings) District, Modified in the Former City of Hamilton Zoning By-law No. 6593. A number of site specific modifications are proposed to implement the proposed development, including an increase in height, reduction in front, side and rear yard requirements and a reduction in the parking stall size. Refer to Appendix B to Report PED18086 for the proposed site drawings that illustrate the requested zoning modifications.

Public Consultation:

As per the statutory requirements of the *Planning Act*, and the Applicant's Public Consultation Strategy, an Open House was held on January 23, 2018. Notice of the Open House was mailed to all property owners within 300 metres of the subject lands, expanded from the 120 metres, as requested by the Ward Councillor. One hundred and twenty-six people attended the Open House and 67 written submissions were received by residents opposed to the development. In addition, a petition was received, signed by 274 individuals opposed to the development.

A number of outstanding issues remain, including the massing of the proposed structure, the proposed height, concerns with shadows and overlook, compatibility with adjacent single detached dwellings and sanitary capacity.

The appeal of the Zoning By-law Amendment was received by the City Clerk's Office on February 27, 2018, 127 days after the receipt of the initial application (refer to Appendix "C" to Report PED18086).

**APPENDICES AND SCHEDULES ATTACHED**

- Appendix "A": Location Map
- Appendix "B": Site Plan
- Appendix "C": Letter of Appeal

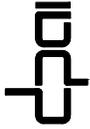
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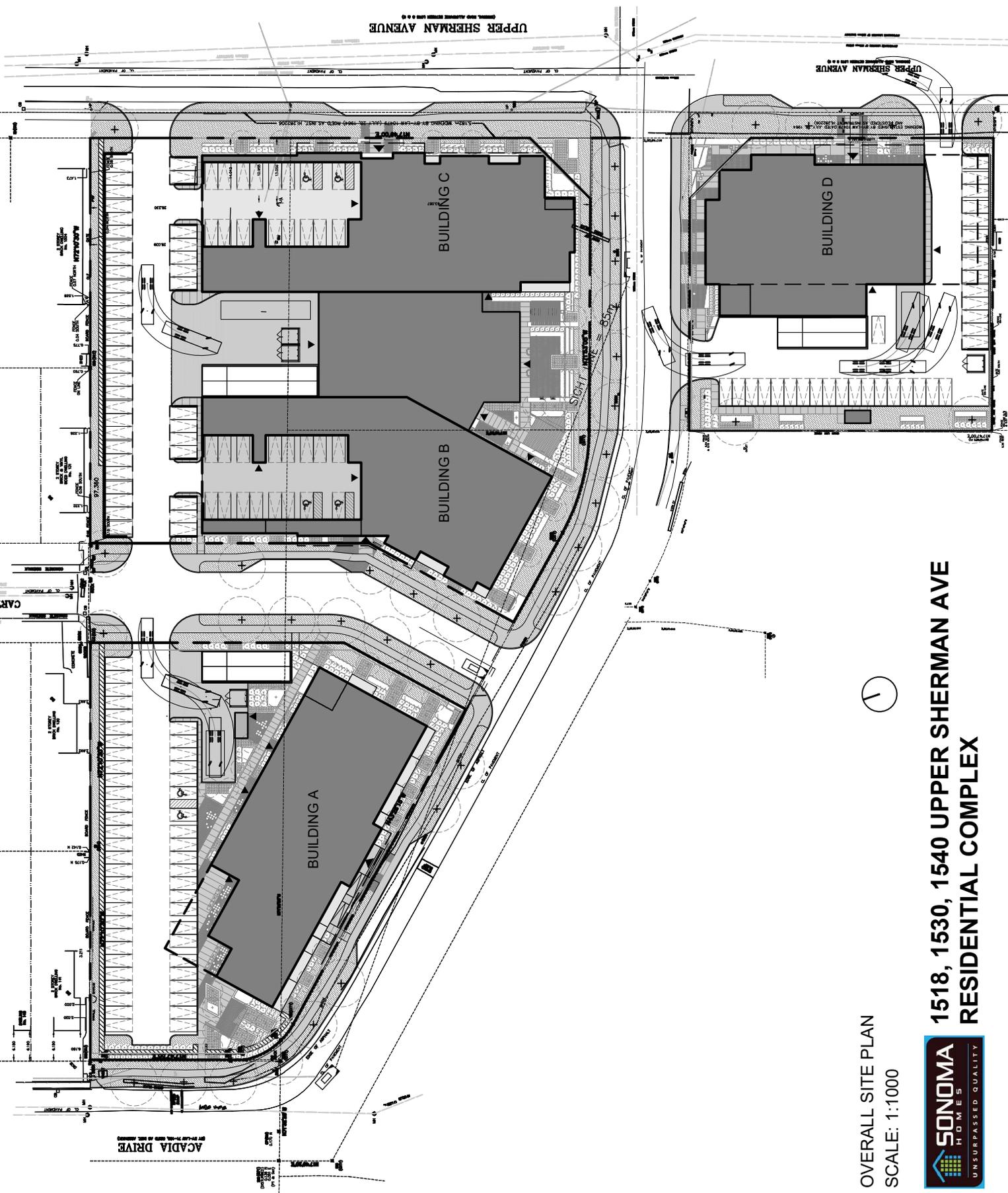
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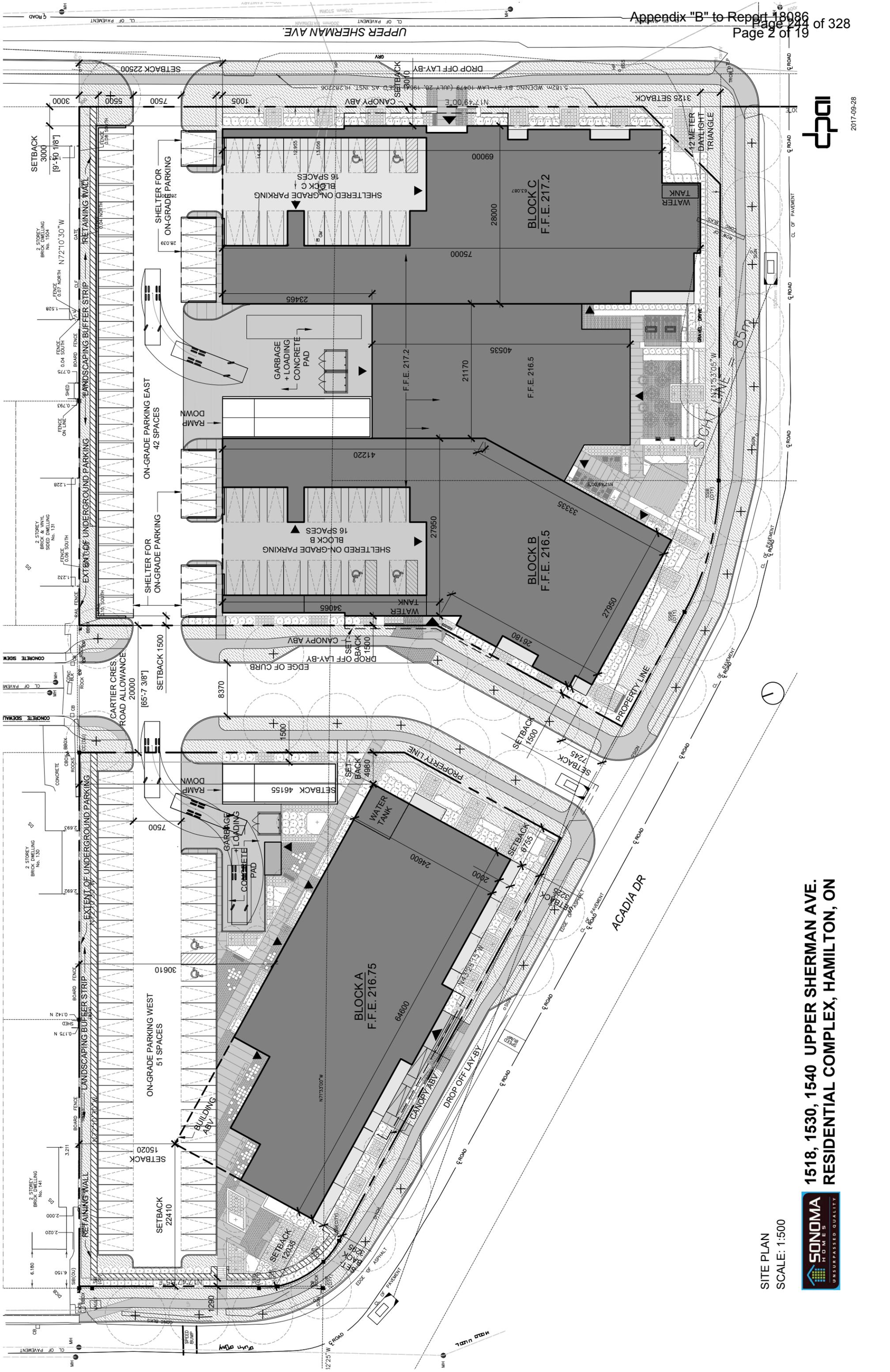
2017-09-27



OVERALL SITE PLAN  
SCALE: 1:1000

**1518, 1530, 1540 UPPER SHERMAN AVE  
RESIDENTIAL COMPLEX**





SITE PLAN  
 SCALE: 1:500

1518, 1530, 1540 UPPER SHERMAN AVE.  
 RESIDENTIAL COMPLEX, HAMILTON, ON



2017-09-28



1

BASEMENT LEVEL PARKING  
 SCALE: 1:500



1518, 1530, 1540 UPPER SHERMAN AVE.  
 RESIDENTIAL COMPLEX, HAMILTON, ON



2017-09-28

CARTIER CRES.  
 ROAD ALLOWANCE

1500 [4'-11"]  
 20000 [65'-7 3/8"]  
 1500 [4'-11"]

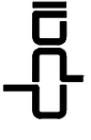


1

GROUND LEVEL PLAN  
 SCALE: 1:500



1518, 1530, 1540 UPPER SHERMAN AVE.  
 RESIDENTIAL COMPLEX, HAMILTON, ON



2017-09-28





1

LEVEL 6  
 SCALE: 1:500



1518, 1530, 1540 UPPER SHERMAN AVE.  
 RESIDENTIAL COMPLEX, HAMILTON, ON



2017-09-28



1

LEVEL 7  
 SCALE: 1:500



1518, 1530, 1540 UPPER SHERMAN AVE.  
 RESIDENTIAL COMPLEX, HAMILTON, ON



2017-09-28





1

LEVEL 9  
 SCALE: 1:500



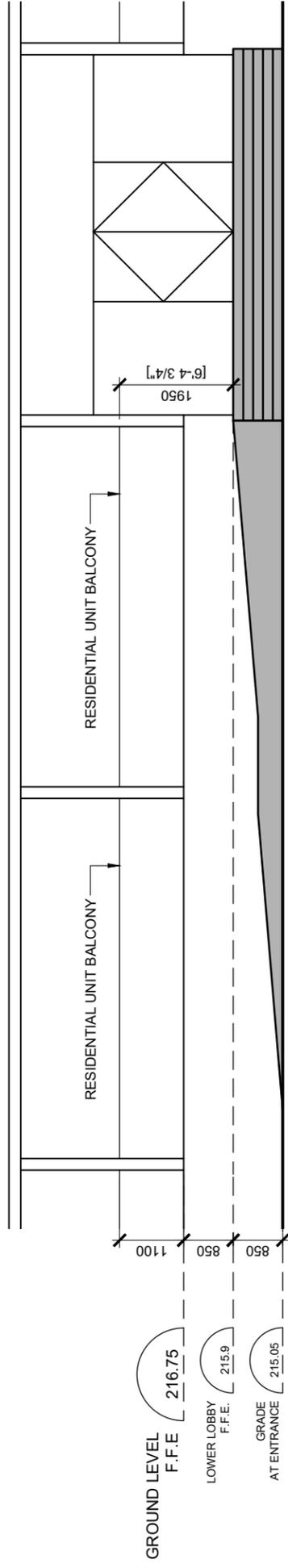
1518, 1530, 1540 UPPER SHERMAN AVE.  
 RESIDENTIAL COMPLEX, HAMILTON, ON



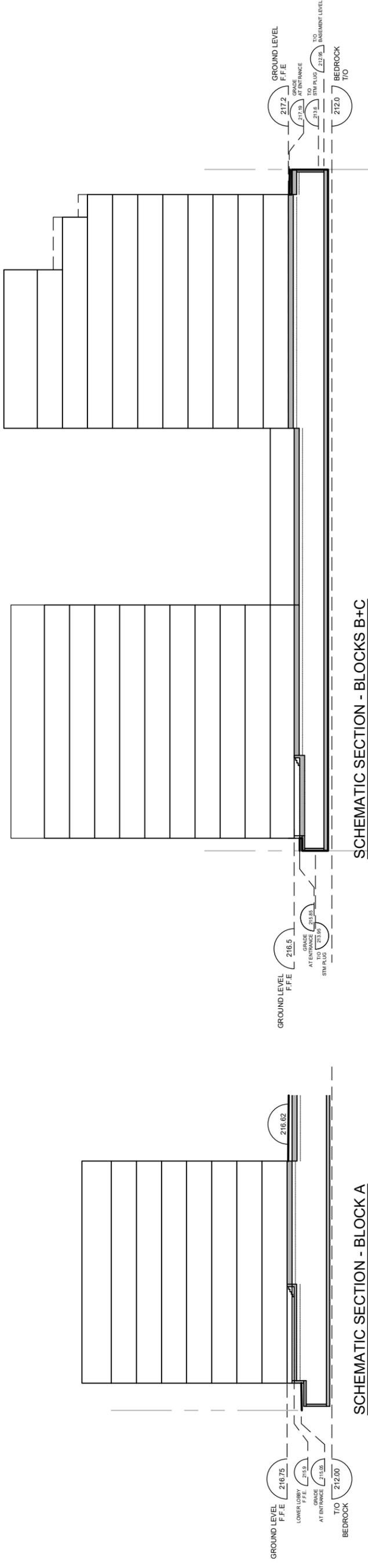
2017-09-28







**SCHEMATIC ELEVATION - BLOCK A - RAMP AT ENTRANCE**  
 SCALE 1:100



**SCHEMATIC SECTION - BLOCKS B+C**

**SCHEMATIC SECTION - BLOCK A**

1

**SCHEMATIC SECTIONS**  
 SCALE: 1:500



**1518, 1530, 1540 UPPER SHERMAN AVE.  
 RESIDENTIAL COMPLEX, HAMILTON, ON**



2017-09-28



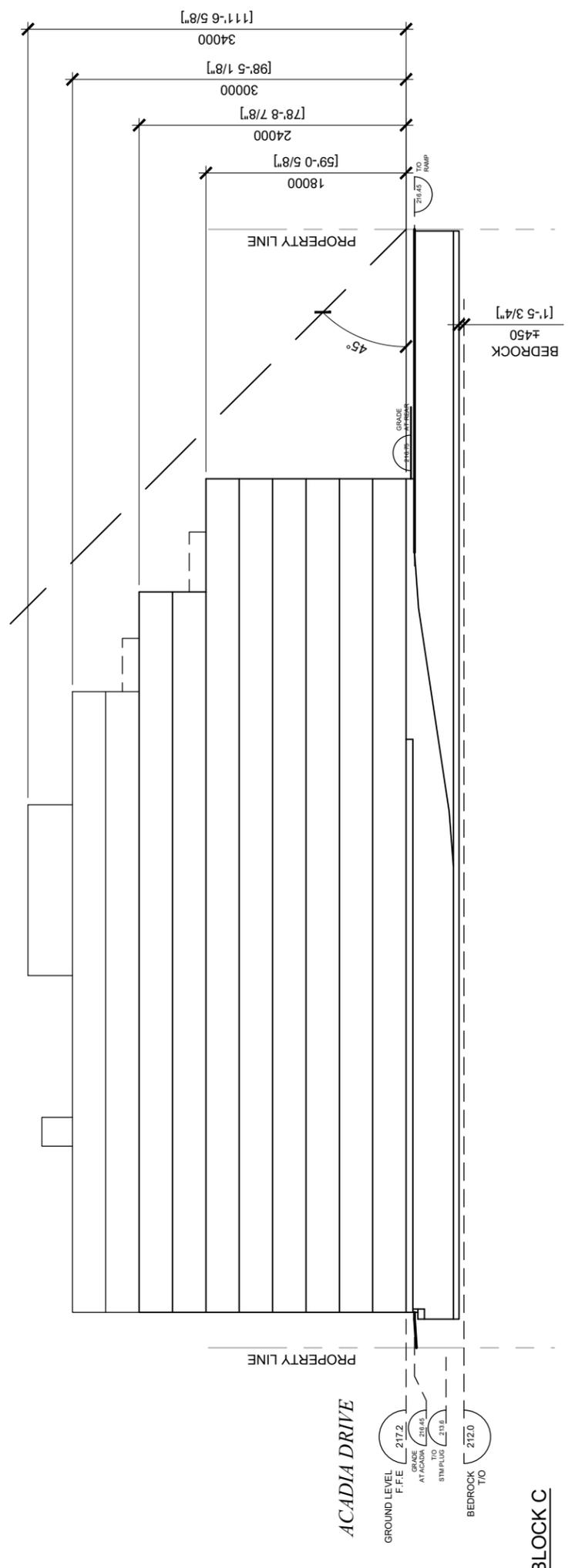
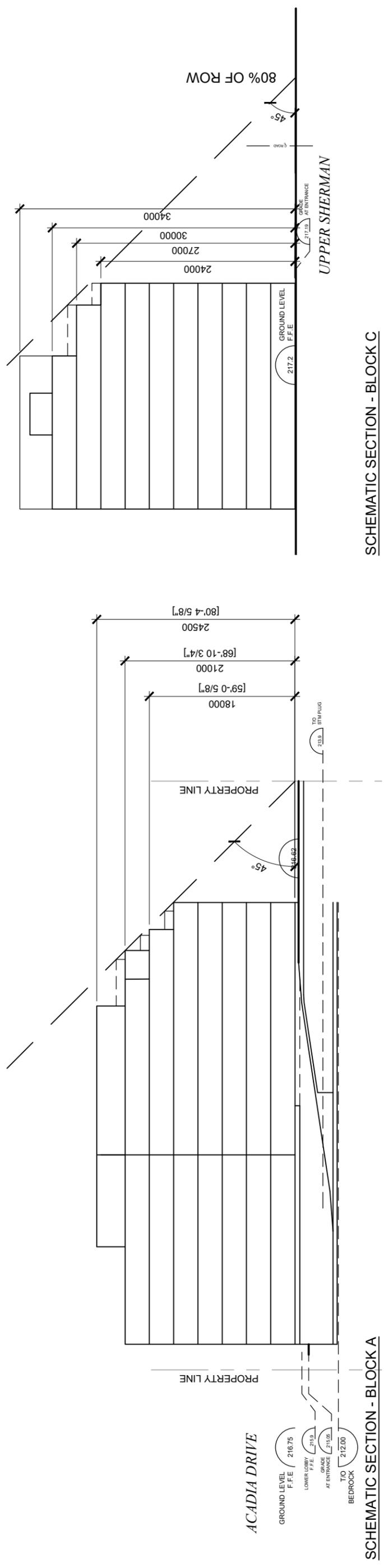
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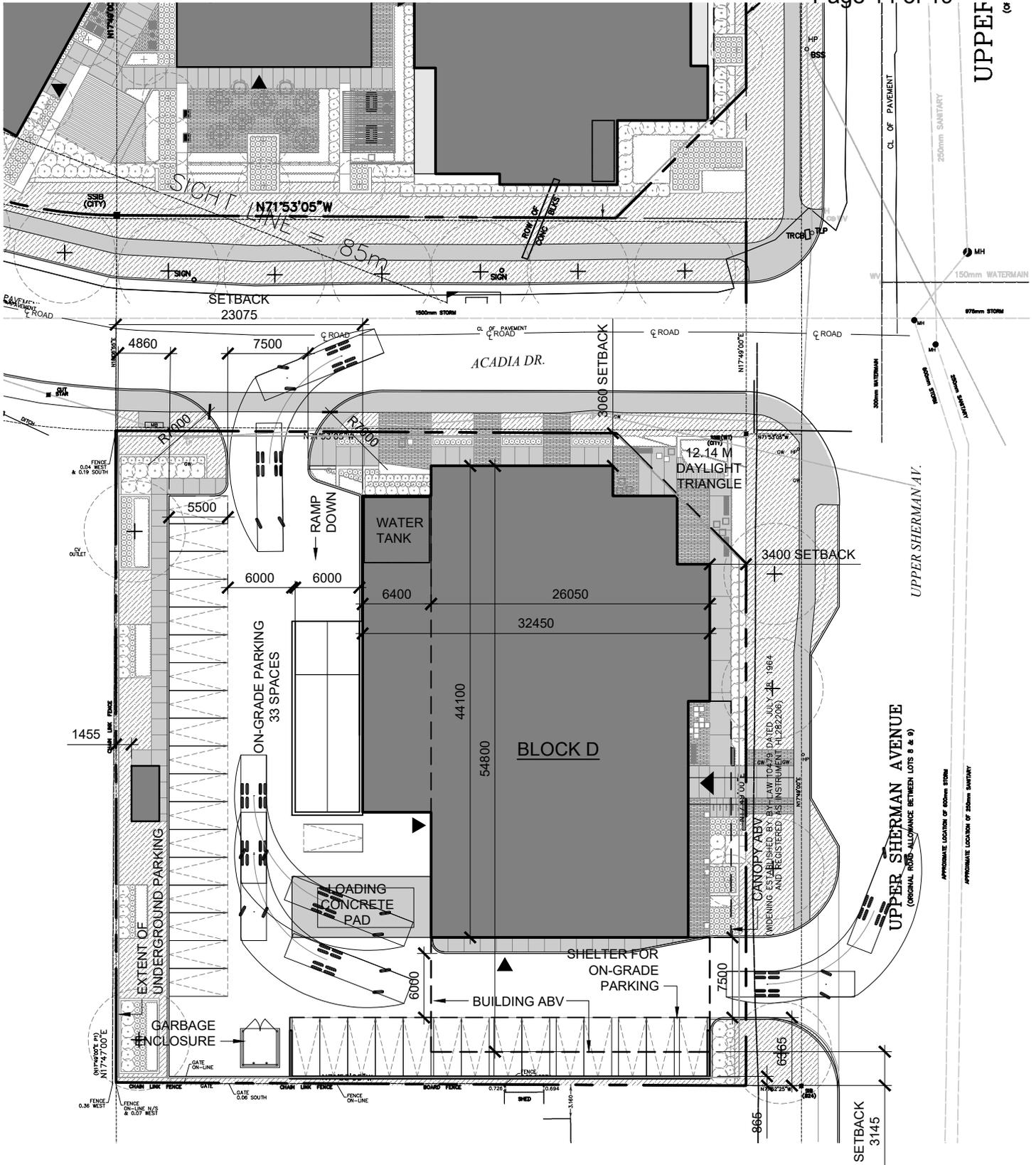
1518, 1530, 1540 UPPER SHERMAN AVE.  
 RESIDENTIAL COMPLEX, HAMILTON, ON



SCHEMATIC SECTIONS  
 SCALE: 1:500

1



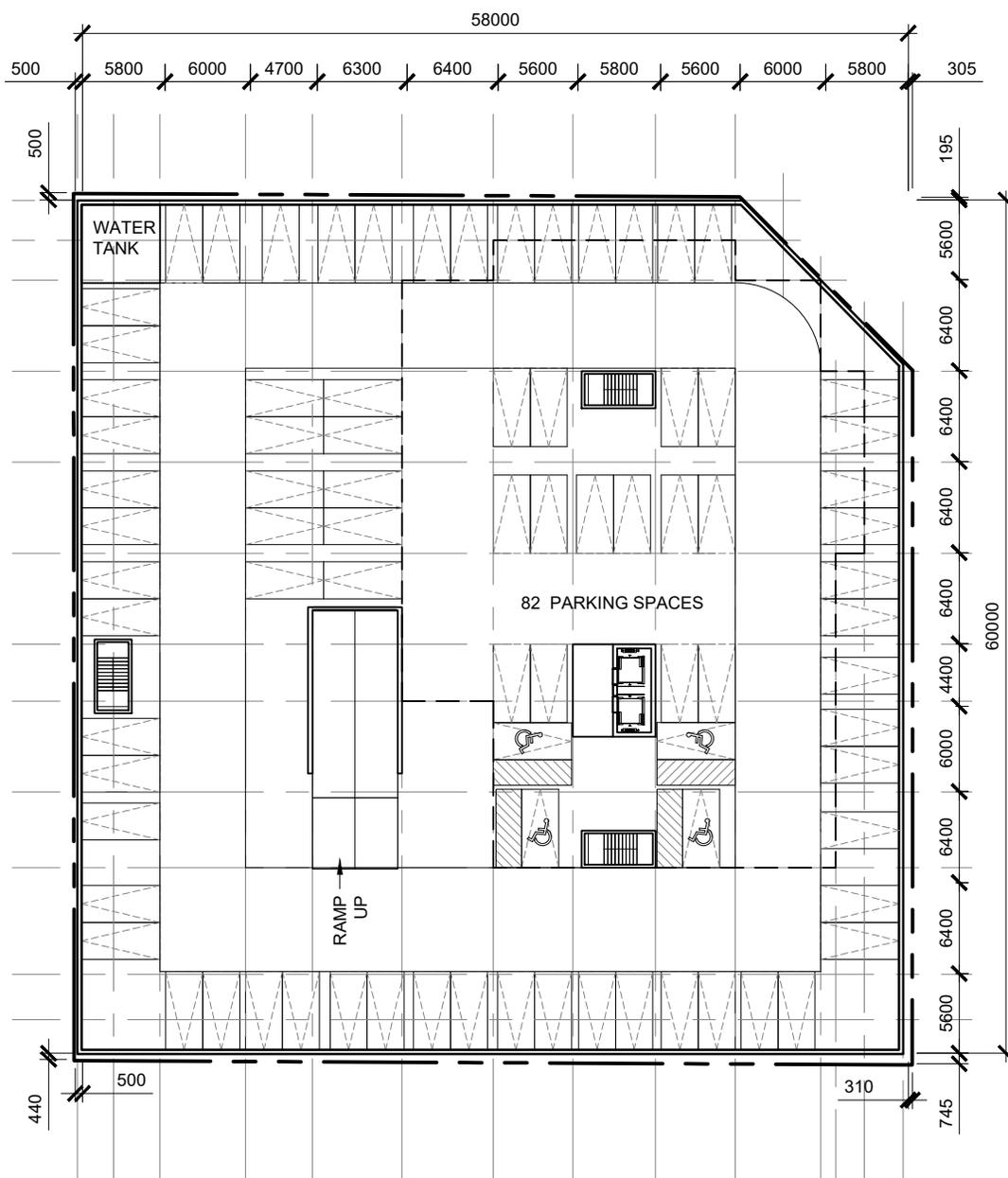


SITE PLAN / GROUND LEVEL PLAN  
 SCALE: 1:500



**1518, 1530, 1540 UPPER SHERMAN AVE  
 RESIDENTIAL COMPLEX**



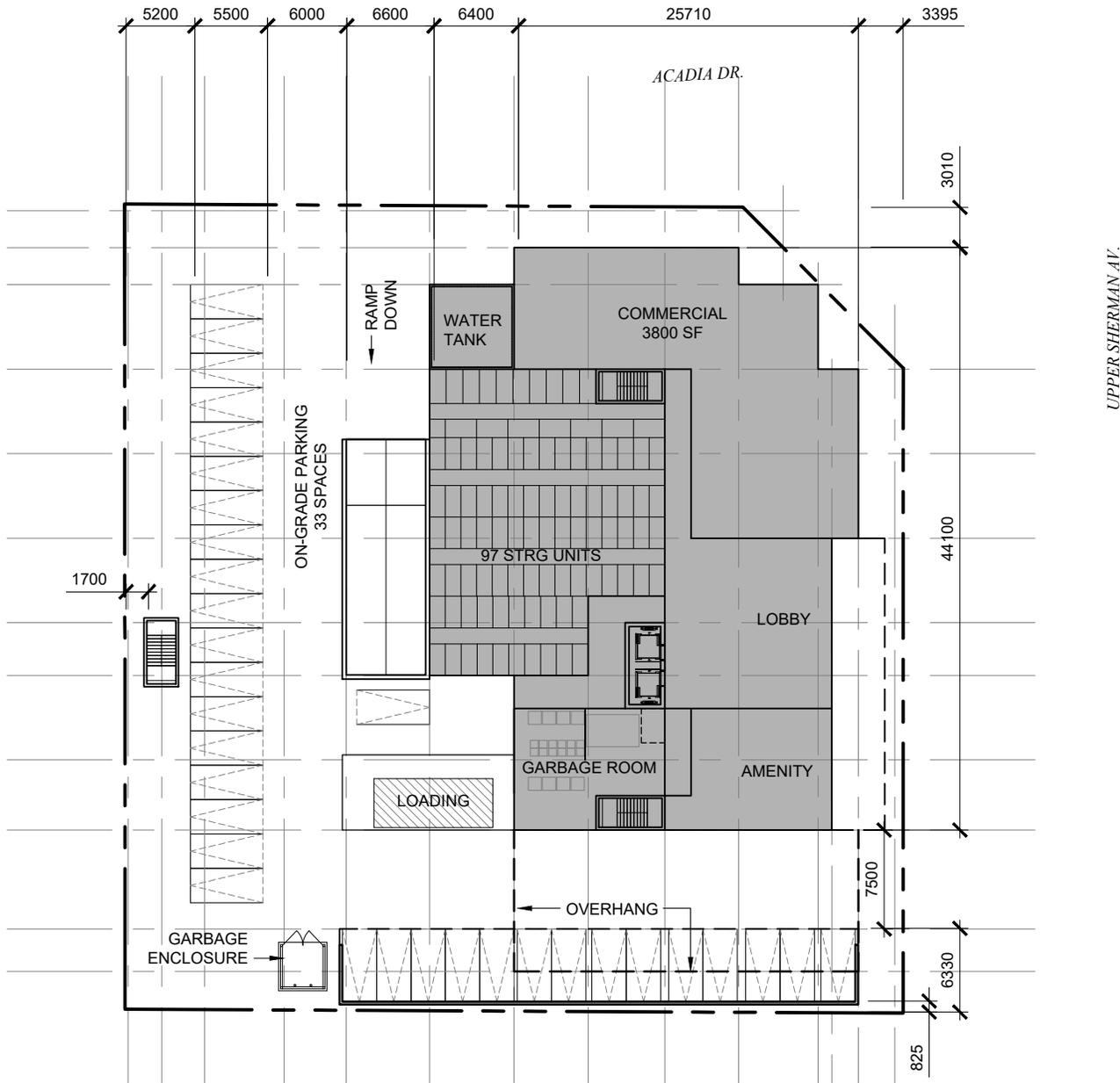


BASEMENT LEVEL PLAN  
SCALE: 1:500



**1518, 1530, 1540 UPPER SHERMAN AVE  
RESIDENTIAL COMPLEX**





SITE PLAN / GROUND LEVEL PLAN  
 SCALE: 1:500



**1518, 1530, 1540 UPPER SHERMAN AVE  
 RESIDENTIAL COMPLEX**



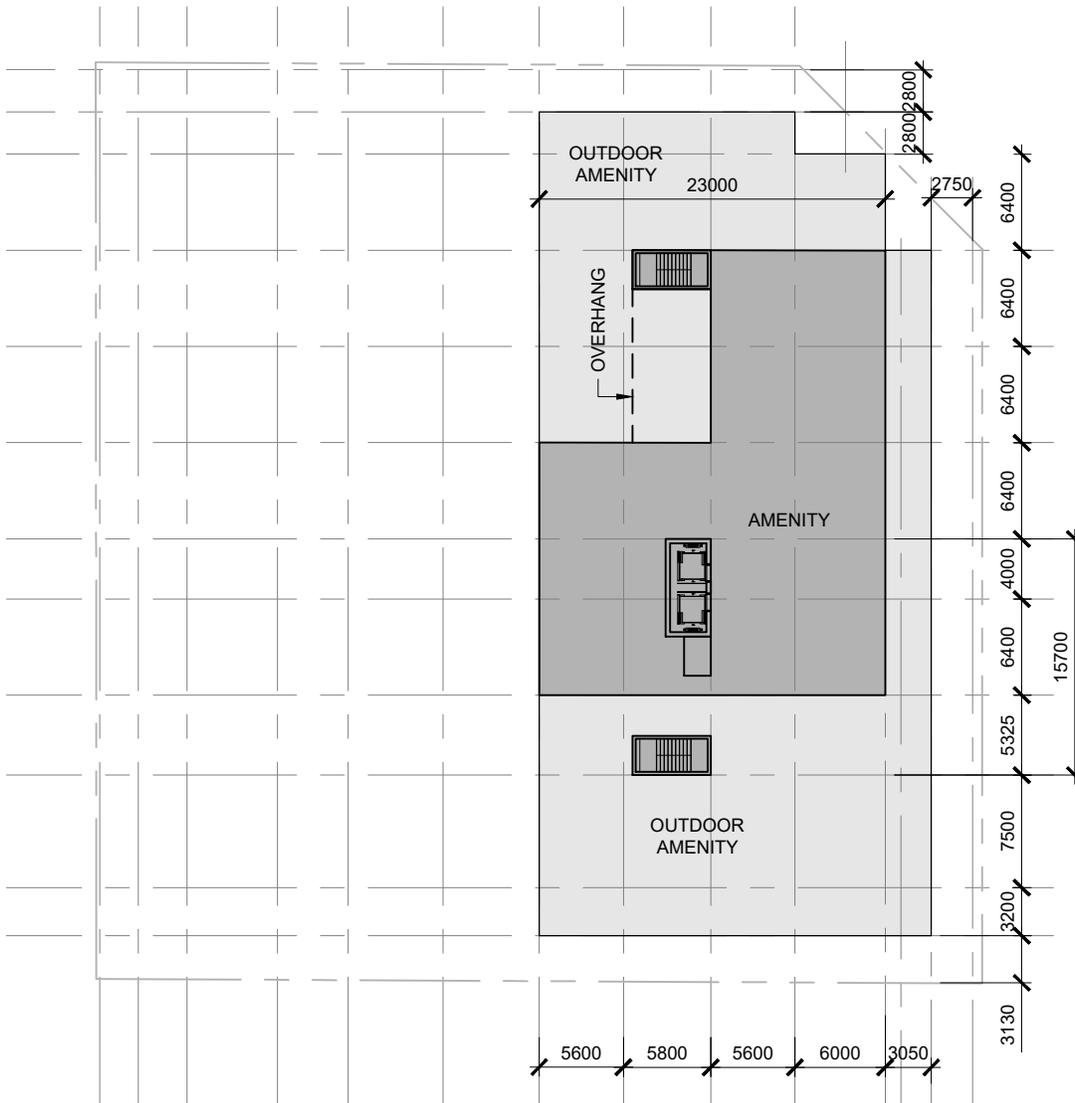


LEVELS 2-8 FLOOR PLAN  
SCALE: 1:500



**1518, 1530, 1540 UPPER SHERMAN AVE  
RESIDENTIAL COMPLEX**



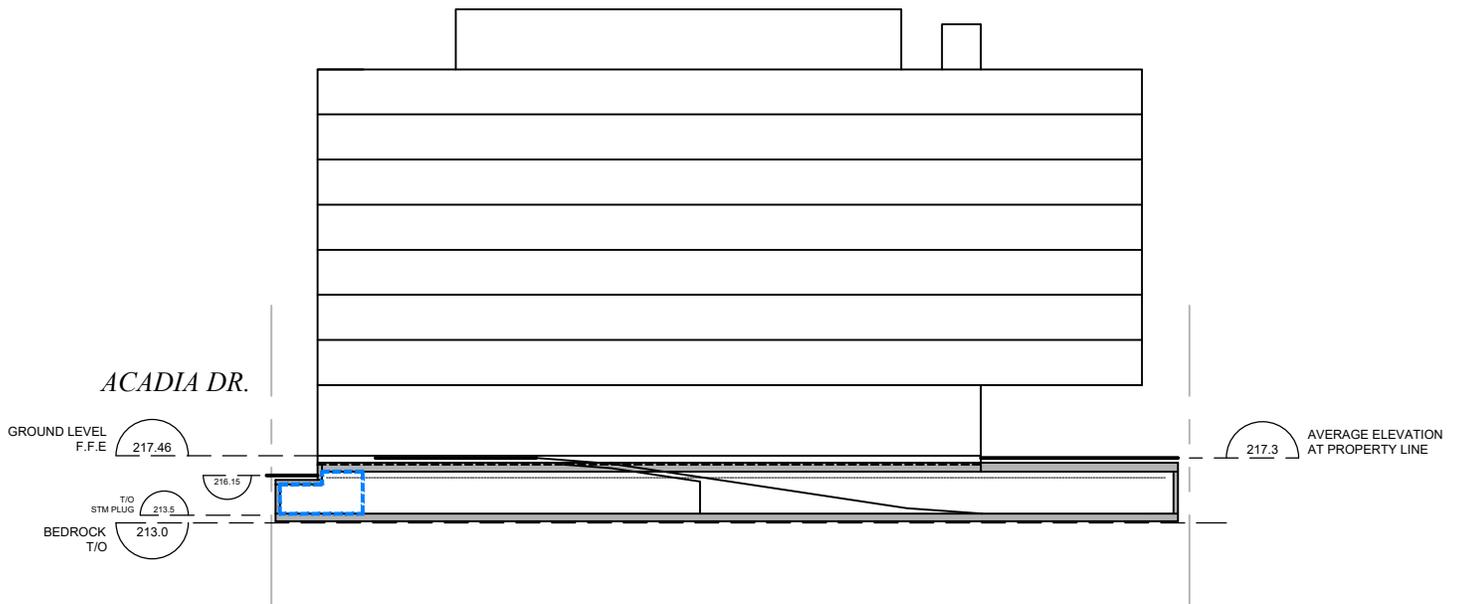
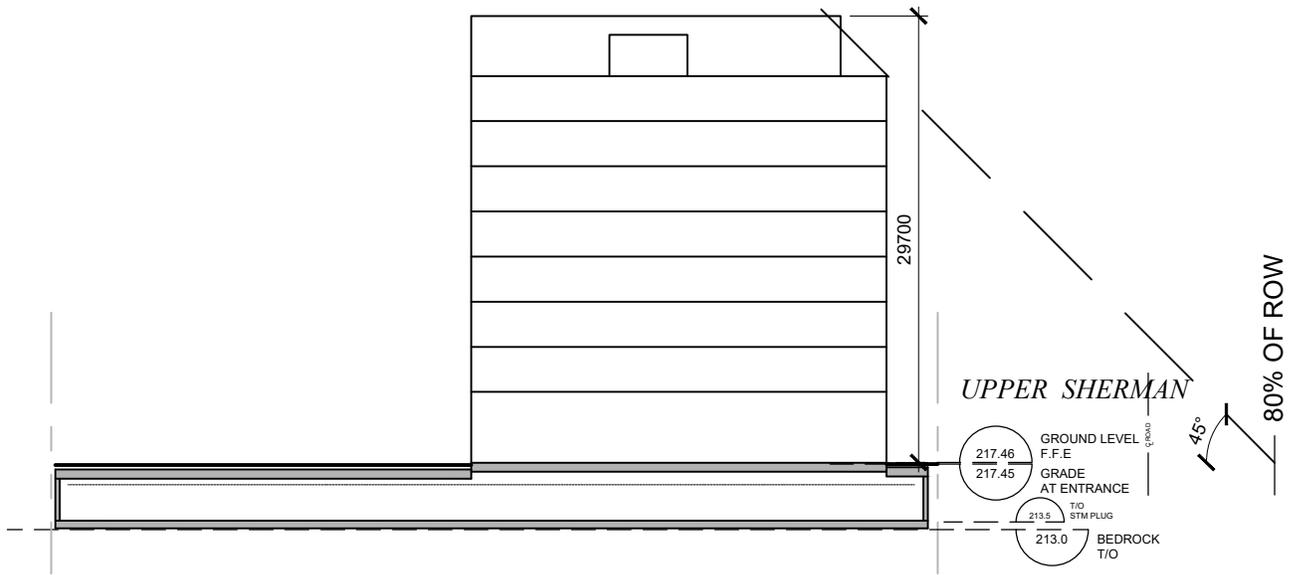


LEVEL 9 FLOOR PLAN  
SCALE: 1:500



**1518, 1530, 1540 UPPER SHERMAN AVE  
RESIDENTIAL COMPLEX**





SCHEMATIC SECTIONS  
 SCALE: 1:500



1518, 1530, 1540 UPPER SHERMAN AVE  
 RESIDENTIAL COMPLEX



Barristers & Solicitors

<b>OFFICE OF THE CITY CLERK</b>
FEB 28 2018
REF'D TO _____
REF'D TO _____
REF'D TO _____
ACTION _____
_____

February 27, 2018

Ms. Rose Caterini  
City Clerk  
City of Hamilton  
Office of the City Clerk  
71 Main Street West, 1st Floor  
Hamilton, ON L8P 4Y5

Denise Baker  
Partner  
T: 905-829-8600  
dbaker@weirfoulds.com

File 16056.00006

Dear Ms. Caterini:

**Re: Notice of Appeal of Zoning By-law Amendments  
1518, 1530 and 1540 Upper Sherman Avenue, City of Hamilton  
Zoning By-law Nos. 05-200 and 6593**

We are counsel to Sonoma Homes Inc. ("**Sonoma**"), owners of the properties municipally known as 1518, a portion of 1530 and 1540 Upper Sherman Avenue (the "**Properties**"), in the City of Hamilton (the "**City**").

On October 23, 2017, Wellings Planning Consultants Inc., on behalf of Sonoma, filed concurrent applications to amend the City's Official Plan ("**OPA**") and Zoning By-law ("**ZBLA**"), together with all of the required studies and supporting documentation. To date there has not been a decision made with respect to either of the applications. That being said, we are working with staff at this time with the end goal being that the OPA will no longer be required.

We are however appealing to the Ontario Municipal Board (the "**Board**"), the ZBLA application for failure to make a decision within 120 days after the filing of the ZBLA application.

**THE SITE**

The Properties are located within the Butler Neighbourhood on the west side of Upper Sherman Avenue at Acadia Drive, north of Rymal Road East and south of Stone Church Road East and consist of three (3) separate parcels:

1518 Upper Sherman Avenue, which contained a single detached dwelling that was demolished; a portion of 1530 Upper Sherman Avenue (surplus parkland acquired by Sonoma); and 1540 Upper Sherman Avenue.

## THE APPLICATION

The ZBLA application was filed to allow amendments to City Zoning By-law Nos. 6593 and 05-200 to facilitate the development of four residential condominium apartment buildings; one at eight storeys; one at nine storeys; and two at eleven storeys.

Through the development process, two new parcels of land are proposed to be created through the southerly extension of Cartier Crescent to Acadia Drive, which would result in two new blocks for development, which will contain three buildings. 1540 Upper Sherman Avenue will contain the fourth building.

The parcels have four different zones that apply to them as follows:

- The surplus parkland (portion of 1530 Upper Sherman Ave.) is zoned P2 in By-law No. 05-200;
- The remainder of the Properties, are zoned:
  - o AA/S-684 (Agricultural District — Special Provision 684)
  - o C (Urban Protected Residential etc.); and
  - o 1540 Upper Sherman Avenue, located on the south side of Acadia Drive, is zoned AA (Agricultural District).

We have proposed that the Properties be rezoned E-3 District in By-law No. 6593 together with the necessary site specific modifications to implement the proposed development.

## ZONING BY-LAW AMENDMENT APPEAL

While there is no statutory requirement to provide reasons for an appeal from the refusal or neglect by a municipality to make a decision on the ZBLA within the 120 day period prescribed under section 34(11) of the Act, we nevertheless note the following reasons in support of Sonoma's appeal of the ZBLA:

1. The proposed redevelopment of the Site is consistent with and conforms to the applicable planning policy framework as noted below:
  - (a) The Provincial Policy Statement (2014) ("**PPS**") - by providing increased residential density at the periphery of the Butler Neighbourhood and promoting a healthy, liveable and safe community through the efficient use of land and infrastructure and at minimized land consumption;

- (b) The Provincial Growth Plan for the Greater Golden Horseshoe (2006) ("**Growth Plan**") - by providing a new form of housing in the Butler Neighbourhood other than single detached dwellings and townhouses, by expanding convenient access to existing public service facilities (community park and schools) and supporting existing and future modes of public transit along Upper Sherman Avenue and Rymal Road East located approximately 400 metres to the south;
  - (c) The Urban Hamilton Official Plan ("**UHOP**") - the proposed high density, mid-rise residential buildings with proposed local commercial ground floor space at 1540 Upper Sherman Avenue (commercial facing Upper Sherman Avenue) is in keeping with the Neighbourhood structural element goal of providing for a complete community; and,
  - (d) The Butler Neighbourhood Plan, adopted in 1976 - the proposed higher density housing on the Properties will expand convenient access to the public service facilities and will introduce high density residential development in the vicinity of Billy Sherring Community Park and St. Jean de Brebeuf Catholic Secondary School, two major community facilities at the periphery of the Butler Neighbourhood.
2. The proposed development is mid-rise intensification at the periphery of the Butler Neighbourhood. Both the Growth Plan and the UHOP policies support the achievement of complete communities and encourage the location of housing at higher densities in close proximity to a grouping of community services, which would include Billy Sherring Park (Community Park) and St. Jean de Brebeuf Catholic Secondary School and football field.
  3. A 45 degree angular plane has been implemented in the design of the four buildings. For Buildings A, B and C, the angular plane is implemented from the north property line in recognition of the single detached dwellings to the north. The proposed buildings have been stepped and would be located wholly within the angular plane. The 45 degree angular plane has also been implemented for Building D in relation to the lower profile dwellings on the east side of Upper Sherman Avenue.
  4. The rear yards for Buildings A, B and C (adjacent to single detached dwellings) exceed the maximum rear yards required for multiple dwellings proposed in an "E3" District.

5. The Butler Neighbourhood is essentially "built-out" with limited infill opportunities, with the exception of the Properties. The Butler Neighbourhood consists primarily of single detached dwellings with a number of townhouse developments. The ongoing widening and upgrading of services on Upper Sherman Avenue (Minor Arterial) provides the infrastructure necessary to support additional density at the corner of Acadia Drive and Upper Sherman Avenue.
6. 1518 Upper Sherman Avenue is a large property with an area of approximately 1.1 hectares. The purchase of the adjacent surplus parkland provides for the consolidation of these two parcels and creates the opportunity to provide the extension of Cartier Crescent to the south to intersect with Acadia Drive. This addition to the local road network improves the servicing network and provides appropriate vehicular circulation as well as appropriate access for emergency and waste management vehicles.
7. The development of the Properties provides the opportunity for a mid-rise gateway to the Butler Neighbourhood along both sides of Acadia Drive. A small amount of commercial space is also proposed on the ground floor of the proposed nine storey building, to provide neighbourhood convenience uses.
8. The proposed development will add a different type of dwelling unit into the neighbourhood consistent with the current provincial and City policies. The compatible integration of the proposed mid-rise buildings with existing lower profile dwellings, in terms of scale, form and character is specifically addressed through the ZBLA. The use of angular planes, parking areas to the rear of the buildings, screening and landscaping all contribute to a compatible form of new development.
9. The Transportation Impact Study/Parking and Transportation Demand Management Options Study submitted with the ZBLA application concludes that the surrounding transportation network can support the proposed development.
10. Such further and other reasons as counsel may advise and the Board may permit.

In satisfaction of the Board's filing requirements, attached please find the following:

- Board appeal form entitled "Appellant Form (A1)" duly completed and signed; and
- One cheque, in the amount of \$300.00, payable to the Minister of Finance representing the Board's filing fee for the appeal herein.

Barristers & Solicitors

In the interim, kindly acknowledge the receipt of this letter and advise that the appeal has been forwarded to the Board in accordance with the provisions of the *Planning Act*.

Despite this appeal, Sonoma remains committed to working with staff on the ZBLA application as it remains our hope that this matter can be resolved without the need for a contested Board hearing.

Thank you for your attention to this matter. Should you have any questions or require further information, please do not hesitate to contact the undersigned.

Yours truly,

**WeirFoulds LLP**



Denise Baker

DB/nd  
Encls.

cc client

11465581.1



Environment and Land Tribunals Ontario  
**Ontario Municipal Board**  
 655 Bay Street, Suite 1500  
 Toronto ON M5G 1E5  
 Telephone: 416-212-6349  
 Toll Free: 1-866-448-2248  
 Fax: 416-326-5370  
 Website: [www.elfto.gov.on.ca](http://www.elfto.gov.on.ca)

Receipt Number (OMB Office Use Only)

Date Stamp - Appeal Received by Municipality  
**OFFICE OF THE CITY CLERK**  
**FEB 28 2018**

**1. Appeal Type (Please check all applicable boxes) \***

Subject of Appeal	Type of Appeal	Act Reference (Section)
<b>Planning Act Matters</b>		
<b>Official Plan or Official Plan Amendment</b>	<input type="checkbox"/> Appeal a decision by local council that adopted an OP or OPA (exempt from approval by Minister or Approval Authority)	17(24)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved or did not approve all or part of a plan or amendment	17(36)
	<input type="checkbox"/> Approval Authority failed to make a decision on the plan within 180 days	17(40)
	<input type="checkbox"/> Council failed to adopt the requested amendment within 180 days	22(7)
	<input type="checkbox"/> Council refused the requested amendment	22(7)
<b>Zoning By-law or Zoning By-law Amendment</b>	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input checked="" type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	34(11)
<b>Interim Control Zoning By-law</b>	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
<b>Minor Variance</b>	<input type="checkbox"/> Appeal a decision of the Committee of Adjustment that approved or refused the application	45(12)
<b>Consent/Severance</b>	<input type="checkbox"/> Appeal a decision that approved or refused the application	53(19)
	<input type="checkbox"/> Appeal conditions imposed	53(19)
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Application for consent – Approval Authority failed to make a decision on the application within 90 days	53(14)
<b>Plan of Subdivision</b>	<input type="checkbox"/> Application for a plan of subdivision – Approval Authority failed to make a decision on the plan within 180 days	51(34)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that <b>approved</b> a plan of subdivision	51(39)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that did <b>not approve</b> a plan of subdivision	51(39)
	<input type="checkbox"/> Appeal a lapsing provision imposed by an Approval Authority	51(39)
	<input type="checkbox"/> Appeal conditions imposed by an Approval Authority	51(39)
	<input type="checkbox"/> Appeal conditions - after expiry of 20 day appeal period but before final approval (only applicant or public body may appeal)	51(43)
	<input type="checkbox"/> Appeal changed conditions	51(48)

Subject of Appeal	Type of Appeal	Page of Reference (Section)
<b>Development Charges Act Matters</b>		
Development Charge	<input type="checkbox"/> Appeal a Development Charge By-law	14
	<input type="checkbox"/> Appeal an amendment to a Development Charge By-law	19(1)
Development Charge	<input type="checkbox"/> Appeal municipality's decision regarding a complaint	22(1)
	<input type="checkbox"/> Failed to make a decision on the complaint within 60 days	22(2)
Front-ending	<input type="checkbox"/> Objection to a front-ending agreement	47
	<input type="checkbox"/> Objection to an amendment to a front-ending agreement	50
<b>Education Act Matters</b>		
Education Development	<input type="checkbox"/> Appeal an Education Development Charge By-law	257.65
	<input type="checkbox"/> Appeal an amendment to an Education Development Charge By-law	257.74(1)
Education Development	<input type="checkbox"/> Appeal approval authority's decision regarding a complaint	257.87(1)
	<input type="checkbox"/> Failed to make a decision on the complaint within 60 days	257.87(2)
<b>Aggregate Resources Act Matters</b>		
Aggregate Removal	<input type="checkbox"/> One or more objections against an application for a 'Class A' aggregate removal licence	11(5)
	<input type="checkbox"/> One or more objections against an application for a 'Class B' aggregate removal licence	
	<input type="checkbox"/> Application for a 'Class A' licence – refused by Minister	11(11)
	<input type="checkbox"/> Application for a 'Class B' licence – refused by Minister	
	<input type="checkbox"/> Changes to conditions to a licence	13(6)
	<input type="checkbox"/> Amendment of site plans	16(8)
	<input type="checkbox"/> Minister proposes to transfer the licence – applicant does not have licensee's consent	
	<input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant is licensee or has licensee's consent to transfer	18(5)
	<input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant does not have licensee's consent to transfer	
	<input type="checkbox"/> Revocation of licence	20(4)
<b>Municipal Act Matters</b>		
Ward Boundary By-law	<input type="checkbox"/> Appeal the passing of a by-law to divide the municipality into wards	
	<input type="checkbox"/> Appeal the passing of a by-law to redivide the municipality into wards	222(4)
	<input type="checkbox"/> Appeal the passing of a by-law to dissolve the existing wards	
<b>Ontario Heritage Act Matters</b>		
Heritage	<input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation study area	40.1(4)
	<input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation district	41(4)
<b>Other Matters</b>		
Subject of Appeal	Act/Legislation Name	Section Number

## 2. Location Information

Address and/or Legal Description of property subject to the appeal \*  
 1518, 1530, and 1540 Upper Sherman Avenue

Municipality \*  
 City of Hamilton

Upper Tier (Example: county, district, region)

## 3. Appellant/Objector Information

**Note:** You must notify the OMB of any change of address or telephone number in writing. Please quote your OMB Case/File Number(s) after they have been assigned.

Last Name | First Name

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation) \*  
 Sonoma Homes Inc.

Professional Title

Email Address

Daytime Telephone Number * 905-538-2617 ext.	Alternate Telephone Number	Fax Number 905-538-2717
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### Mailing Address

Unit Number 210	Street Number * 1059	Street Name * Upper James Street	PO Box
City/Town * Hamilton	Province * Ontario	Country * Canada	Postal Code * L9C 3A6

## 4. Representative Information

I hereby authorize the named company and/or individual(s) to represent me

Last Name | First Name  
 Baker | Denise

Company Name  
 WeirFoulds LLP

Professional Title  
 Barrister and Solicitor

Email Address  
 dbaker@weirfoulds.com

Daytime Telephone Number 416-947-5090 ext.	Alternate Telephone Number 905-829-8600	Fax Number 905-829-2035
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### Mailing Address

Unit Number 10	Street Number 1525	Street Name Cornwall Road	PO Box
City/Town Oakville	Province ON	Country Canada	Postal Code L6J 0B2

**Note:** If you are representing the appellant and are **not** a solicitor, please confirm that you have written authorization, as required by the OMB's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

**5. Appeal Specific Information**

Municipal Reference Number(s)  
Zoning By-law Nos. 05-200 & 6593

Outline the nature of your appeal and the reasons for your appeal \*  
See attached correspondence

**Oral/written submissions to council**

Did you make your opinions regarding this matter known to council?

Oral submissions at a public meeting     Written submissions to council

**6. Related Matters**

Are there other appeals not yet filed with the Municipality?

Yes     No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application)

Yes     No

**7. Scheduling Information**

How many days do you estimate are needed for hearing this appeal?

1 day     2 days     3 days     4 days     1 week

More than 1 week

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?  
Two

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.)  
Traffic and planning

Do you believe this matter would benefit from mediation?

(Prior to scheduling a matter for mediation, the OMB will conduct an assessment to determine its suitability for mediation)

Yes     No

**8. Required Fee**

Total Fee Submitted \*    \$ 300

Payment Method \*     Certified cheque     Money Order     Solicitor's general or trust account cheque

**9. Declaration**

I solemnly declare that all of the statements and the information provided, as well as any supporting documents are true, correct and complete.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Denise Baker		2018/02/27

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

## Written Submission

### To:

**The Chairperson and Planning Committee Members**

### Regarding:

**The Sonoma Homes' appeal to the OMB (now LPAT) respecting 1518 – 1540 Upper Sherman Avenue**

### Date of Submission:

April 30, 2018 (for May 01.2018)

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## Some Major Concerns Raised and Submitted to the City of Hamilton are Listed Below:

- **Traffic:**

- Traffic is extreme on Acadia Drive in front of St Jean de Brebeuf. Catering to 1700 students plus associated teachers and staff, there are at least 6 school buses, HSR buses, student pickups and drop offs, as well as school buses and cars for students going outside the neighbourhood. Traffic on Acadia is extreme during the day AND it continues all throughout the evening, the night and early morning hours (dead of night) making any increases in traffic truly unbearable.
- The First Traffic study used by Sonoma was actually an old city Study decades old and was erroneous because the school at that time only had about 700 students. A second study was done while construction at the school was limiting or diverting traffic because of the construction vehicles. Both studies done were flawed and also do not account for the future additional traffic that will come with the completion of the school admin and upgrading the old admin to classrooms potentially upping the students to 2000 along with more staff.
- St Jean de Brebeuf also rents out their facilities and the traffic continues throughout the summer where St Jean de Brebeuf rents out their gymnasium in the evenings and the weekends all already affecting traffic and parking in this neighbourhood,
- The St Jean de Brebeuf Football Field and the Track Field are utilized by many local high schools which also bring in associated traffic. Both the Football Field and the Track Field are used though much of the year but EXTENSIVELY from May through to October. All having significant traffic and parking issues without any new influx of traffic.
- St Jean de Brebeuf and Billy Sherring Park also utilized in the evening and late evening hours for various activities while St Jean de Brebeuf also runs night classes adding to traffic issues and parking

- Billy Sherring Park is utilized by the neighbourhood especially small children and students from St Jean de Brebeuf during their breaks and outsiders and has its associated traffic. This traffic is increased when the 3 Soccer Fields are being utilized by the neighbourhood and professional youth and adult organizations. Increasing density at this location means increasing traffic which in most probability would destroy the integrity and intended use of this area's park and facilities for the neighbourhood and so many others that worked to achieve it
  - Sonoma Homes also show 18 Wheeler arriving and unloading at every building which would add significantly to Traffic on Acadia and Upper Sherman
  - Upper Sherman is the MAIN ARTERY to the Juravinski Hospital which is the only hospital on the mountain (going northbound) and to the new Nora Francis high school and Our Lady of Lourdes Church at Rymal and Upper Sherman (going southbound). All significant traffic issues as well as SAFETY RISKS.
- 

- **Population Density Increases (Population Intensification):**

- St Jean de Brebeuf's population density needs to be counted into the tally for density in this neighbourhood and that means about 2000 people being at the school 5 days a week at least 8 hours a day for 10 months of the year – it's real. An additional population count for transient bodies that are picking up or dropping students off, workers and more need to be added too. And the numbers will rise even without the added density of the proposed monstrous FOUR (4) Sonoma towers
  - The 489 Sonoma units with probably house over 1,227 people based on Census Canada 2016 for Hamilton breakdowns. It also does not account for visitors (short and long term) and workers at the units. This is huge.
  - The population density also needs to include the transient density that come for Billy Sherring Park, the 3 Soccer Fields, the Football and Track fields as well as the rented school facilities throughout the year.
  - The Butler and adjacent Neighbourhood is defined as an Established Neighbourhood with a density stated as 70 units per hectare as per the **Residential Intensification Guide (Achieving Appropriate Intensification)** from the **Strategic Services/Special Projects Division of the City of Hamilton**. Increasing population density beyond this value is not right nor mandated by either the city nor the province. This means that by the guide about a 130 units are allowed on the Total Space proposed for the FOOOR Towers and probably less when Flood Plain footage of 30 metres on either side of Acadia from the road are calculated - another reason why the Billy Sherring Park parcel was never intended on being sold to anyone before in the past.
-

- **High Risk of Flooding:**

- This area is constantly at Risk of Flooding especially in years of heavy rainfall and/or heavy snowfall. A Flood Plain ditch at Billy Sheering Park across from the proposed rezoning site has helped along with the open field of the parcel of Billy Sherring Park sold off by the city in 2017 to Sonoma Homes which has for years played a significant role in preventing flooding on Acadia and Cartier as well as around Upper Sherman. There is also a ditch that goes all around the Billy Sherring Park parcel now owned by Sonoma which is significant in maintaining watershed activities in check, mainly preventing flooding. Losing the open space of the Billing Sherring parcel on top of replacing it with towers WOULD SIGNIFICANTLY INCREASE THE FLOODING POTENTIAL of the Butler Neighbourhood and St Jean de Brebeuf
  - We have not seen flooding in the area since at least 1993 as the Billy Sherring Park parcel, the ditch along Acadia, huge above ground sewers (at that location) and the Flood Plain have prevented this from happening. There were years where it looked like Niagara Falls on Acadia at the Billie Sherring Park parcel. Removing open space and the ditch will significantly increase all flooding risks for all the homes and St Jean de Brebeuf.
  - Additionally, we should not have to pay for higher flood insurance OR for backflow flood protection from the city as we never needed it before because of the open space of the Billy Sheering parcel and Flood Plain.
  - **The Sonoma Towers are also NOT 30 meters from the road** as I believe that is the flood plain requirement and that will pose significant watershed issues on this area as well as affect the natural habit
  - The current Storm Water controls will be heavily overburdened. It is very evident that there is a very delicate balance between the existing storm water controls and the environment here. As per document from the "PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT, Planning Division", there is a 1500mm storm sewer located at the intersection of Upper Sherman Avenue and Acadia Drive intended to accommodate the 5 year minor flows and the 100 year major overland flows from the subject lands. Storm drainage from the subject lands is intended to drain to the storm water quantity control facility located on the south side of Acadia Drive, west of Upper Sherman Avenue. Storm drainage from this pond ultimately drains to the centralized storm water management quality control pond located west of the intersection of Mountain Brow Boulevard and Arbour Road. It definitely looks like the Flood Plain Pond is at a maximum and will be over challenged by the loss of the open land and ditch at this location. Flooding is definitely a probable risk to the neighbourhood.
-

- **Access/Egress:**

- The Acadia / Upper Sherman access at which the FOUR Sonoma Towers are proposed is a MAJOR Access/Egress to the neighbourhood, St Jean de Brebeuf high school (including school and HSR buses), Emergency (Fire, Police, Ambulance, etc.) vehicles as well as Billy Sherring Park, the THREE Soccer fields, the Football and Track Fields as well as activities sponsored directly and indirectly by St Jean de Brebeuf
  - Upper Sherman is also the main artery to the only hospital on the mountain, Juravinski, as well as an artery to the new large high school at Rymal and Upper Sherman, Nora Francis, and the new Our Lady of Lourdes Church
  - The added vehicular traffic including the potential of having 18 wheeler trucks blocking Acadia or Upper Sherman here is a REAL and HIGH RISK situation where seconds could mean life or death. Case in point is that Hamilton ambulance already are suffering with extremely large turn around pickup times and any more slowdown in a large area as this would be disastrous and lives could suffer. Reference Traffic and Parking items
- 

- **Carbon Footprint:**

- The proposed FOUR Sonoma Towers at least quadruples the neighbourhood's population. This becomes a real threat for the neighbourhood's wellbeing in terms health and everything else from huge increases in carbon monoxide and other vehicle (an addition of more than 1,000 vehicles – see Census Canada for Hamilton in Traffic, Density and Parking), equipment (A/C, heating, etc. – again, that is at least 500 units considering the 489 units then the building infrastructure and retail on top), and other machinery emissions. This is a negative impact on the Carbon Footprint rather than a positive one in a neighbourhood by both Federal and Provincial standards and by most green cities.
  - In reference, see the Traffic and Parking for the increased The Carbon Footprint is also impacted
  - You also need to include St Jean de Brebeuf high school already in existence in this neighbourhood for the Carbon Footprint impacts. The school houses 1700 students plus teachers and other staff that add to the carbon footprint in terms of bodies as well as associated vehicles (including student pickups and drop offs, teacher and staff vehicles, School and HSR busses) and normal waste (food, fecal and more) – ALL which already significantly impact the Carbon Footprint of the neighbourhood. St Jean de Brebeuf needs to be counted because it is not a transient population as the school operates 10 months of the year at 5 days a week and at least 8 hours a days which is very significant and not transient.
  - The Sonoma Towers would turn this neighbourhood “black and brown” rather than “green”. Truly a negative appeal on Hamilton while destroying this neighbourhood. Intensification by the provincial government does not mean densification of population but a balanced increase to make everything better not worse like overcrowding by the Sonoma proposal.
-

- **Parking:**

- The Traffic on Acadia is extremely heavy throughout the year and that is why here is no parking allowed on the street. Any parked vehicle during school hours cause an extensive issue with vehicle trying to get by including cars going into neighbour driveways to turn around.
- Based on Census Canada 2016 for Hamilton (reference Density above), 83% of all people, male and female, drive to work and based on the density distribution above, this means there will be a need for approximately 1018 parking spaces not including visitors or workers at the units or buildings. Sonoma is proposing about half that which means the neighbourhood will be engorged with people parking everywhere on the streets, the park, the school and anywhere they can. A disaster waiting happen.
- Sonoma is proposing a little over 600 parking spaces which is about one vehicle per unit and significantly less than Canada Statistics 2016 for Hamilton predicts.
- The parking at St Jean de Brebeuf is already an issue because of the immense size of the school body and students who come from areas without buses or other means are allowed to park in the Billy Sheering Park Parking Lot. All these spaces and more become threatened by the proposed Sonoma Towers which as indicated based on Census Canada 2016 for Hamilton the spaces proposed are severely lacking and not planned well and street parking would add significant Safety Risks and Issues for Access.

- **The FOUR Sonoma Towers Do Not Conform to the Neighbourhood Character, Persona or Aesthetics:**

- The Butler neighbourhood is mostly comprised of single family dwellings with some single dwelling two story townhouses along with a two story high school (St Jean de Brebeuf) and a one story elementary school (Blessed Pope John Paul II) and nothing beyond two stories in height.
- Anything taller would definitely be out of character for the neighbourhood and would likely be perceived negatively by anyone coming to and from our neighbourhood which includes the neighbourhood, the school children, users of Billie Sherring Park and its three Soccer Fields, users of St Jean de Brebeuf for night classes, Football Field, Track Field and all associated rental activities – it would be like walking through a dark tunnel from Upper Sherman down Acadia Drive.
- From the **Residential Intensification Guide (Achieving Appropriate Intensification)** from the **Strategic Services/Special Projects Division of the City of Hamilton: (1)** taller buildings cast shadows on adjacent properties; (2) taller or bulkier buildings create wind impacts at the ground level along the street, impacting pedestrian comfort; (3) taller buildings create visual sightlines from units in the taller building into the yards of surrounding residential lots, impacting privacy especially with the proposed Towers having balconies
- The proposed Towers would be a plain aesthetic eye sore in this Neighbourhood something akin to dropping a bucket of paint onto a white floor

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- **Shallow Bedrock:**

- The Butler neighbourhood especially around Acadia and Cartier are burdened by shallow bedrock which impedes digging foundations. This was evident in many homes seen on Cartier where the bedrock was too shallow because drilling was futile and blasting improbable leaving many home foundations significantly above grade.
  - Shallow Bedrock also adds to the potential risk of flooding if not enough open space is available to take in excessive rain and snow from heavy wet years.
  - Shallow bedrock also means that any and all construction projects will be heavily felt in the neighbourhood from digging and any other construction activities. A perfect smaller scale example is the construction the city approved at St Jean de Brebeuf where the noise, vibration, dirt, cement dust and construction traffic has been excruciating to anyone in this neighbourhood especially those close by and actually not so close by too
- 

- **Tremors Can Occur:**

- Isolated Tremors and Shocks can occur in this area.
  - As per Union Gas, there is the risk of “pockets of gas/air” abruptly coming to the surface in isolated spots because of the shallow bedrock. What this means is that a single home can experience an isolated “tremor or shock” that can be of significant size. This was told to me by a Union Gas Technologist about two years ago after I experienced one of these shocks in my home that actually caused a heavy “Ikea” dining table to jump about 6 inches off the floor along with an immense “bang” noise. I actually called Union Gas fearing it was a gas explosion but that was not the case rather it was a “pocket of gas/air” coming through under my house. An incident like this in the proposed Sonoma Towers location potentially has many associated risks for the neighbourhood in particular homes close by and pedestrians.
- 

- **Infrastructure:**

- Infrastructure issues are a concern and include extreme OVERUSE with OUTAGES/ISSUES with Sewers (and Flooding), Hydro (PowerGrid), Water Pressure, Snow Removal, Flood Plain (and not providing the 30 metre Flood Plain allowance on either side of Acadia at the proposed site), Mobile Cell Towers, Internet Services and other utilities missed here
  - The Waste and Sanitary Sewers are definitely a concern because of the high risk for flooding and hence contamination since the open space and ditch around the proposed rezoning would be gone and hence no longer assist in excessive water take up in the neighbourhood during extreme rain and snow years
-

- **Waste:**
  - Waste, Smell, Rodents and other vermin will definitely be an issue introduced to the Neighbourhood by the proposed towers from both the 489 units as well as from the retail space
  - The potential for spreading disease becomes real and the smell especially during hot periods will be excessive especially with the close proximity of the FOUR buildings to the existing homes no matter what waste containment system is used

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- **Privacy Invasion and Overlooking the Existing Neighbourhood:**
  - This is a real concern for the neighbourhood as their privacy is being threatened from the onlookers in the Towers especially with balconies. Not only will backyards be affected for enjoyment but the pools in the area will be as well as people will no longer feel their privacy is safe at all for any activities from potentially so many onlooker from the Towers. Just having this as a risk for happening is itself a real risk and destroys everyone's enjoyment of their property and is not what we expected from owning our homes here.
  - The balconies on the proposed Sonoma Towers will definitely invoke privacy issues and destroy the neighbourhood's ability to enjoy their backyards, decks and swimming pools. You will always feel that over 2,000 eyes are watching everything you do where you once never had to worry or feel concerned about.
  - As per the **Residential Intensification Guide (Achieving Appropriate Intensification)** from the **Strategic Services/Special Projects Division of the City of Hamilton: (1)** taller buildings may cast shadows on adjacent properties depending on the nature and height of the buildings and the distance to other properties; (2) taller or bulkier buildings may create wind impacts at the ground level along the street, impacting pedestrian comfort; (3) taller buildings may create visual sightlines from units in the taller building into the yards of surrounding residential lots, impacting privacy. All these scenarios are more than likely: shadows will be permanently cast at many of the homes as well as on Acadia and Upper Sherman darkening the whole neighbourhood considering the would be 4 Condo Towers; this area is already prone to extremely high winds (we have seen tornado events like on July 4, 1999), so the towers will add to ground wind issues; the towers would impact privacy of everyone on Acadia and Cartier and other homes in the area not only because of the tower height to overlooking visibility but also due to the balconies proposed on all the condo units where enjoyment of neighbourhood backyard activities would become non-existent.

**Other Issues that are Real Concerns Which are Probably Not Considered by the OMB:**

- **Property Value Decreases in this Neighbourhood:**

- This is Real and became a reality immediately on the rezoning proposal
  - Our homes were immediately hit with significant depreciations (\$50K and more) with the announcement of the rezoning proposal
  - It has now made it financially difficult for many of us to try and sell their home and move without incurring significant financial losses. These losses are actually close to \$100K based on several realtor requests and that is a shame because the area was a very desirable area one time. The rezoning of the Towers will hit everyone in the neighbourhood hard and the city's approval of the St Jean de Bebeuf expansion to the sidewalk adds additional financial devaluation to everyone directly across from that
- 

- **Risk of Increased Crime:**

- With a greatly expanded population over what is normal to this Neighbourhood, the Risk and Potential for Criminal activities will increase in the Neighbourhood, in Billy Sheering Park and in the shadows behind St Jean de Brebeuf high school
  - Criminal activity like break ins and heavy drug dealing would definitely be seen. I have seen this with homes on Mohawk Road where there are homes and apartments relatively close together. I had a home there at one time and had to deal with that all the time. And the apartments on Mohawk were spread out with more open space and more parking and more visibility. Neighbourhood insurance rates would increase significantly as well – a cost we should not have to be burdened by while Sonoma reaps profits.
  - Criminal activity focused on our Neighbourhood Children and the Children from St Jean de Brebeuf and Blessed Pope John Paul II schools is a given. The potential for illicit are extremely high Risk potentials in terms of everything from drug trafficking to children, sex crimes and even kidnapping.
  - These are real concerns in this Neighbourhood that we are not comfortable with
- 

- **Safety, Noise and Other Nuisances:**

- From a Safety perspective, the roads will become unsafe for our children, pets and resident in general with the increased traffic
- The Noise will also increase in the entire Neighbourhood as the increased population density and the buildings are guaranteed to act as a sounding board into the neighbourhood
- Overall so many problems of daily life will be multiplied so many times more and not even envisioned with any population increases. Imagine during any holidays, where these people get visitors and the traffic, parking, noise and so much more gets

compounded by the amount of visitors which has not been accounted for in the Sonoma Towers

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- **Duration and Nuisances During Construction:**

- Sonoma Homes already stipulated that construction would last at least 5 years which in reality could very well translate to many more years than 5 years.
  - The construction duration itself also compounds many of the issues already mentioned especially Traffic, Access/Egress (especially for emergency vehicles), Snow Removal issues, and the Noise would be continuous and constant every day for an established neighbourhood. The city By-Law also allows construction 16 hours a day at least (7am to 11pm) and 7 days a week. Something that has to be addressed and mitigated to avoid major and continuous construction noise disruptions in the neighbourhood for extended periods of time.
  - From my own recent experience with construction related noise disturbance, I can cite the new addition at St Jean de Brebeuf which started June 2017 and continues today. I live directly across from the construction site and where 90% of the construction vehicles, deliveries and grinding/sawing took place which typically was continuous from 7am to 5pm five days a week (and occasionally 6 and 7). As I am mobility challenged, I had to endure this construction noise constantly as I was predominantly at home and this directly affected my health (not in discussion here)
- 

**Submitted By:**

**Joe Pyziak  
177 Acadia Drive  
Hamilton ON**

**Submitted On:**

Apr.30.2018 (For May.01.2018)

# Neighbours Against Sonoma Towers

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# Proposed Overall Density Increase

**“The applicant applied for an Official Plan Amendment to re-designate a portion of the lands from “Open Space” to “Neighbourhoods” and for an increase in the overall density from 100-200 units per hectare to 293 units per hectare to permit four multiple dwellings.”**

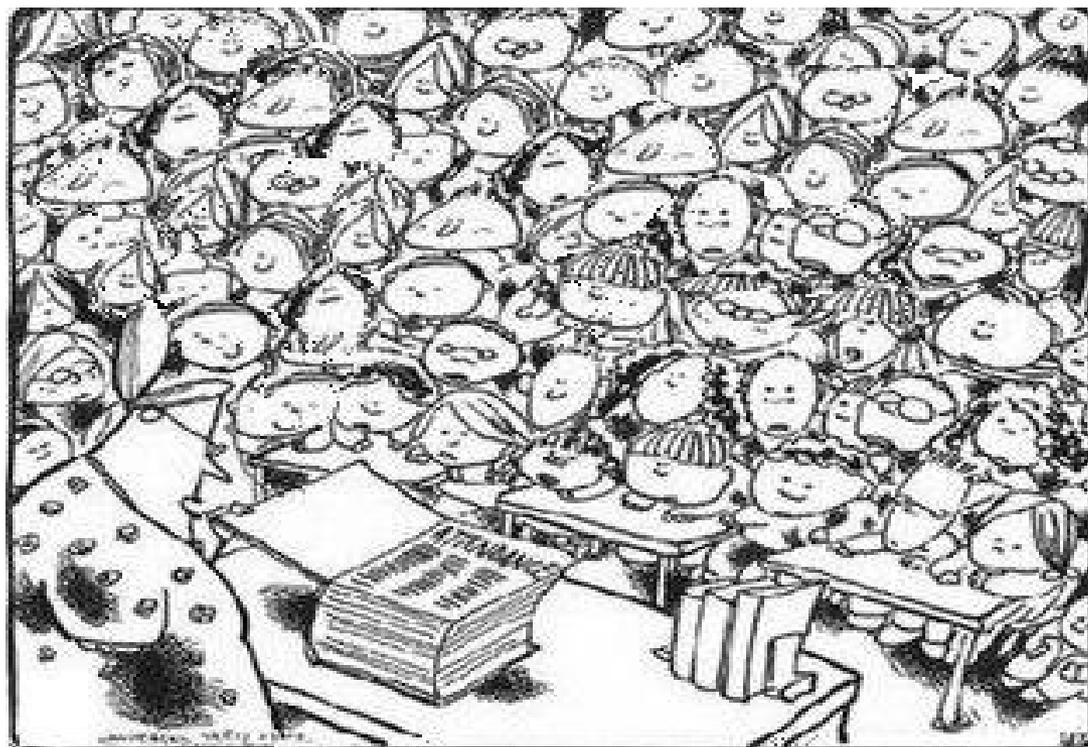
Raising the overall density to  
293 units per hectare from 100-200  
units is a

**47% → 193%**

increase in density.

# 41 - 82

students in one classroom



# 489 units in less than 2 hectares





**Equivalent  
to a 30  
Storey Tower**

**Towers** → **489 units**  
→ **1000-2000+ people**

- Extra CARS and visitors
- Traffic Issues
- Parking Issues
- Extra Garbage
- Noise
- Too much height
- Loss of privacy
- Loss of sunlight
- Wind issues
- And DOES **NOT** fit with overall character

- **Setting the building back a few meters**
- **Stepping the levels**
- **Planting a row of trees**

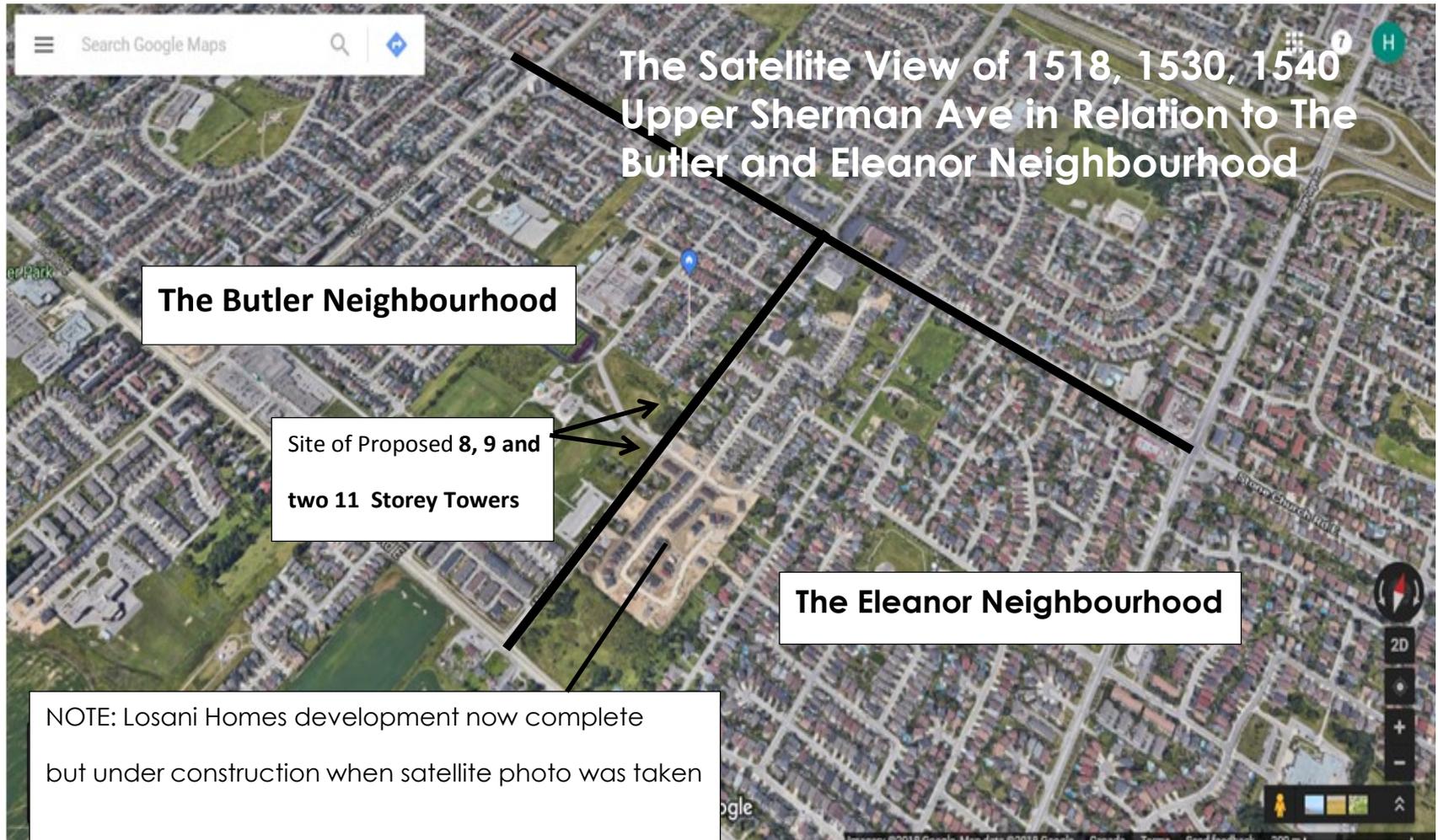
**will NOT make 11 , 9  
and 8 storey building  
disappear**



# Submitted Appeal to the OMB

- 1a) The Provincial Policy Statement (2014) (“PPS”) – by providing increased residential density at the **periphery of the Butler Neighbourhood** and promoting a healthy, liveable and safe community through the efficient use of land and infrastructure and at minimized land consumption;
- 1b) The Provincial Growth Plan for the Greater Golden Horseshoe (2006) (“Growth Plan”) – by **providing a new form of housing** in the Butler Neighbourhood other than single detached dwellings and townhouses, by expanding convenient access to existing public service facilities (community parks and schools) and supporting existing and future modes of public transit along Upper Sherman Avenue and Rymal Road East located approximately 400 m to the south;
- 1c) The Urban Hamilton Official Plan (“UHOP”)- the proposed high density, mid-rise residential buildings with **proposed local commercial ground floor space** at 1540 Upper Sherman Avenue (commercial facing Upper Sherman Avenue) is in keeping with the Neighbourhood structural element goal of **providing a complete community**.

# Periphery?

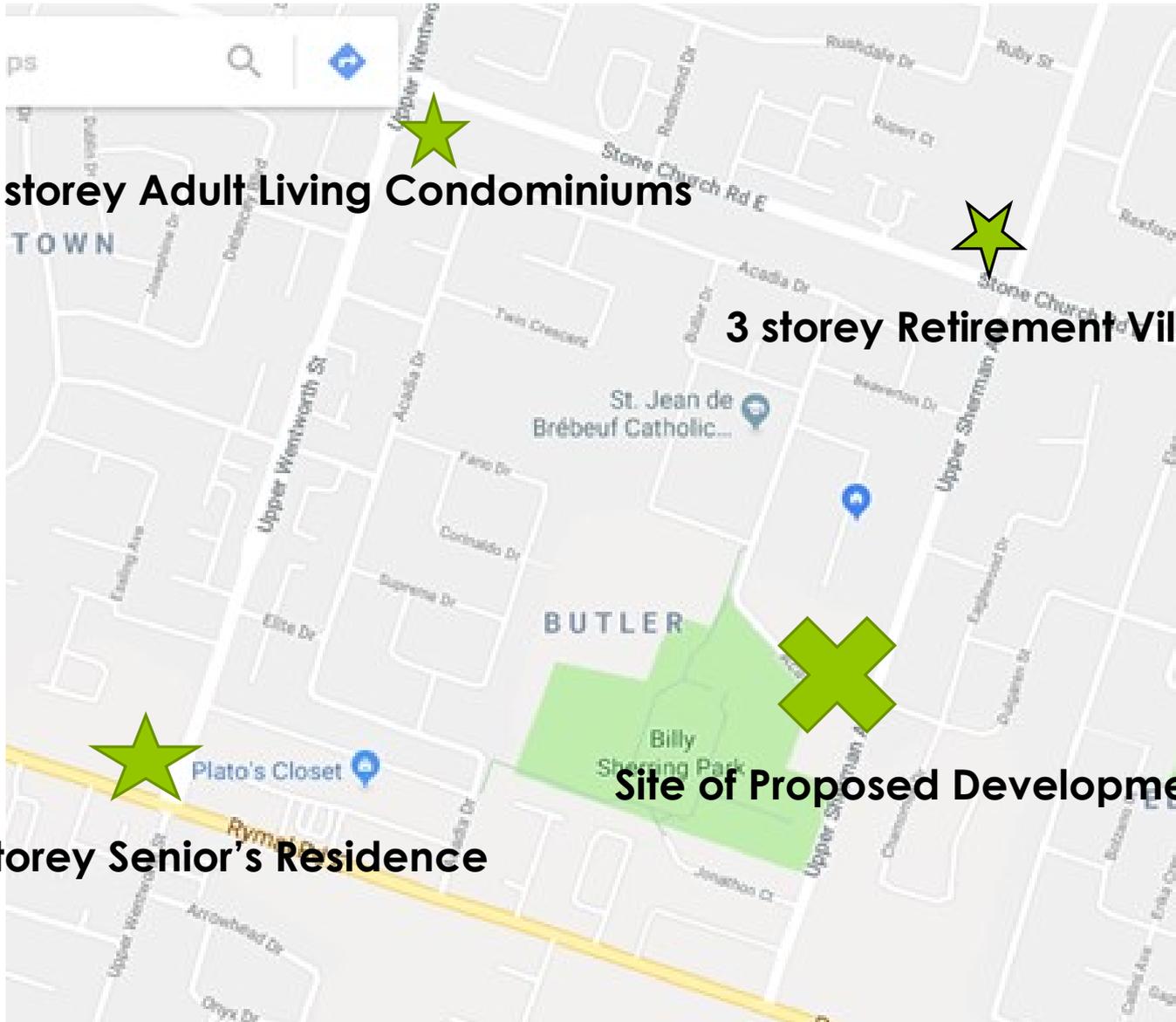


## Housing Options:

- Ridgeview Residence-8 storey
- Courts at Rushdale-3 storey The
- Villages of Wentworth Heights-10 storey
- Semi-Detached Homes-Jonathon Court
- City Housing Hamilton
- Co-operative Housing (Stoneworth , Appleridge, Los Andes)
- Hamilton East Kiwanis Non-Profit Housing (525 Rymal Rd E and 1560 Upper Wentworth St)
- Victoria Park Community Homes (Lolcoma Court , Sprucedale Gardens, Cedar Ridge)

## Commercial Space

- Rymal Square
- Redmond Dr Plaza
- Shopper's Drug Mart
- Ridgeview Residence Commercial Space



**8 storey Adult Living Condominiums**

**3 storey Retirement Villa**

**Site of Proposed Development**

**10 storey Senior's Residence**

# **TAKE ACTION:**

**OPPOSE this Proposal  
and Fight the Appeal at  
the OMB on our behalf**

# BUTLER/DULGAREN RESIDENTS AGAINST SONOMA TOWERS

May 1, 2018

# Issues/Concerns

- Parking
- Aesthetics/Character of the Neighbourhood
- Overlook/Privacy
- Traffic

# Parking

- Proposed development to consist of 489 units with 623 parking spaces provided for tenants and visitors.
- Average Ontario household has 1.5 vehicles. At this rate 733.5 parking spaces would be required for residents, this does not include visitor parking.
- Currently on street parking in the area of Dulgaren St, Chamomile Drive, Acadia Drive and Cartier Crescent is limited in various ways.

# Parking on Dulgaren Street

First block of Dulgaren St to the south of the proposed development has parking limited to one side of the street, which usually always full.



# Parking on Chamomile Drive

Parking on Chamomile Drive is limited to one side of the street, often times vehicles parked illegally on the wrong side of the street.



# Parking on Acadia Drive

Acadia Drive that is immediately adjacent to the development is a no parking area.



# Parking on Acadia Drive

The area in front of SJB has time of day restrictions and no parking allowed on the east side.



# Parking on Cartier Crescent

Entrance to Cartier Court has parking on only one side of the street and weekday parking restrictions.



# Parking on Cartier Crescent

On dead end stretch of Cartier Court parking on only one side of the road and weekday parking restrictions.



# Aesthetics/Character of Neighbourhood

- The type of development proposed does not fit the character of the neighbourhood.
- The neighbourhood consists of mostly single family and townhomes.
- The closest multi residential buildings that are of a similar height as the proposed buildings are located at Rymal Road and Upper Wentworth and Upper Wentworth and Stone Church Road, both are almost 1km from the proposed development.

# Aesthetics/Character of Neighbourhood

Rymal Rd and Upper Wentworth  
10 Storey Building



Upper Wentworth and Stone  
Church  
8 Storey Building



# Traffic

- The area of Upper Sherman St and Acadia Drive is already an area that is overwhelmed with traffic at certain times during each week day.
- High traffic times are at the start and end of the school days when students are being picked up and dropped off at school. SJB enrollment of approximately 1300 students.
- In the very near future Nora Henderson High School will be built at Rymal Road and Upper Sherman which will cause a further increase in traffic.

# Traffic

- Any buildings of the size proposed in this development are located at the intersection of main arterial roads that are located on streets with direct access to The Link.
- This proposed development will be located at the intersection of an arterial road and a secondary road with no direct access to The Link, this will cause an increase in east and westbound traffic on Rymal Road and Stone Church Road during peak traffic times as the residents try to access The Link.
- Rymal Road and Stone Church Road are already backed up during peak traffic times in the morning and afternoon, they cannot handle anymore traffic without being widened.

# Traffic

Traffic on Rymal is often backed up from one light to the next and it is very similar on Stone Church Road as well.

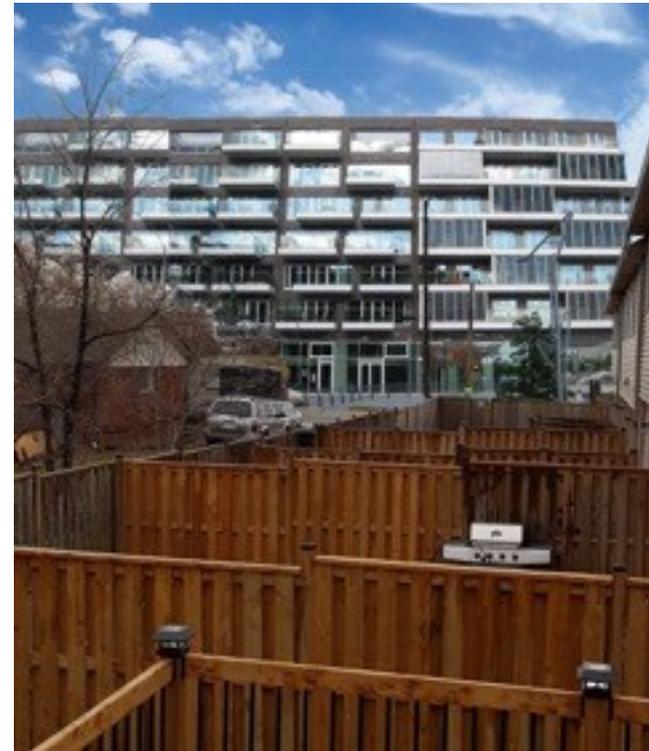


# Overlook and Privacy

Current View From My Deck



Future View From My Deck?



# Overlook and Privacy

Current View From My Deck



Potential View From My Deck



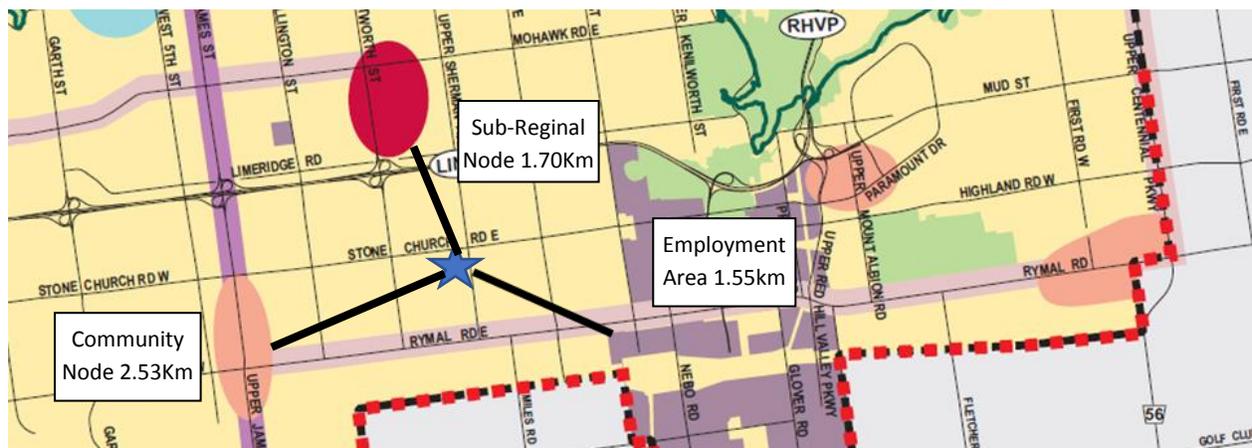
# Closing Comments

- As a community we are opposed to the development being proposed by Sonoma homes for many reasons that have been outlined by myself and others speaking at this meeting today.
- I believe the message is loud and clear, 67 written submissions and a petition with 274 residents' signatures in opposition to this development were received by the City. Also a public meeting was held with over 200 residents in attendance.
- It is incumbent on the planning committee to and council to hear our voice and represent our interests by opposing the appeal being submitted to the OMB by Sonoma Homes.

My name is Kim Zanello and I am a resident of the Butler Neighbourhood. I am opposing the amendments to the Hamilton By-Laws and the Urban Hamilton Official Plan for the development at 1518 Upper Sherman Avenue. This development would not only have a negative effect on the residents of the Butler neighbour but also a negative effect on all Hamiltonians as this would show that any developer can and will amend the UHOP to their benefit. This would be an example for all future developers to use. Five minutes is not nearly enough time to go into all the requirements and Policy Goals that this development does not meet, so I will only go through a few.

### **Location and Size**

For high density residential uses, the proximity to certain areas shall be considered when determining if the area for high density residential uses is desirable. The proposed development is 1.70km from a Sub-Regional Node, 2.53km to a Community Node and 1.55km to an Employment area. This location is not in close proximity to any of these areas and would therefore not be considered desirable for high density Residential (UHOP Chapter E 3.6.5).



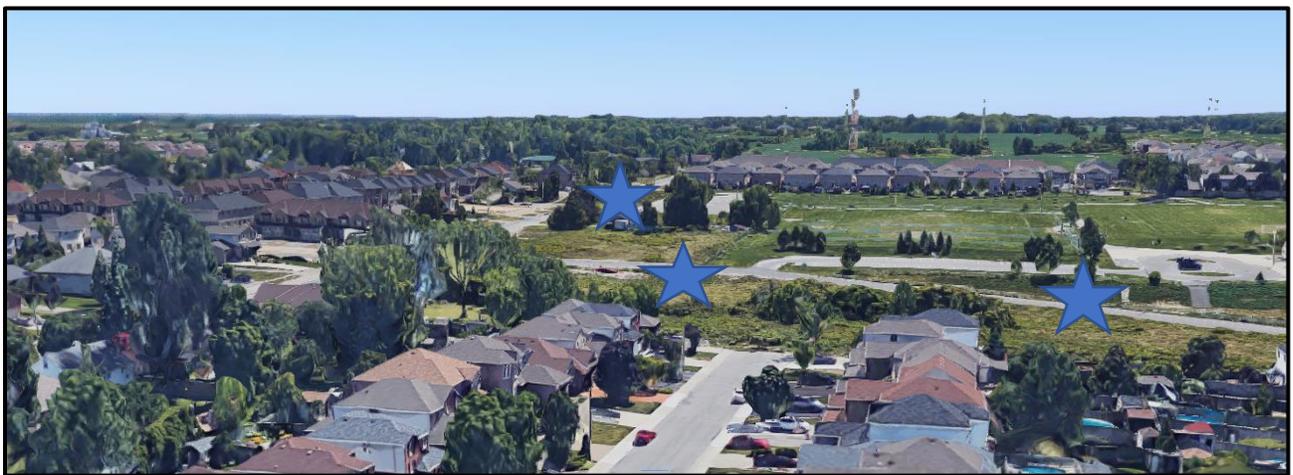
In high density residential areas, the permitted net residential densities are a minimum of 100 units per hectare and not greater than 200 units per hectare. All of the proposed buildings exceed this requirement. Building A is 229 units per hectare, Building B and C is 344 units per hectare and Building D is 259 units per hectare (UHOP Chapter E 3.6.6 b).

One of the Policy Goals stated in the UHOP is to promote and support residential intensification of appropriate scale and in appropriate locations throughout neighbourhoods. This development is clearly not inline with the goals for residential intensification set out by the UHOP (UHOP Chapter E 3.1.5.).

### **Character**

Consideration of transitions in height and density to adjacent residential buildings is required to be made. The proposed development, with over 480 units and over 8 storeys in height, is adjacent to residential buildings that are only 2 storeys in height. Clearly, this shows that very little consideration was given to this requirement. A stepped design, landscaping and parking area is not an adequate attempt.

Please see the images below of the proposed development site. A development of this size in this area will cause unacceptable impacts. Careful consideration must be given to design and compatibility with existing uses. This will change the feel of the existing character of this neighbourhood. This area is mainly low density. Is this really where the City of Hamilton wants to go?



Another Policy Goal is to promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution (UHOP Chapter E 3.1.4). Again, this development is out of character with the vision for residential intensification set out by the UHOP.

### **Compatibility**

The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood (UHOP Chapter E 3.2.4.). I am aware how the Urban Hamilton Official Plan defines Compatible. I understand that this does not mean “the same as” or even as “being similar to”. I believe that the intent of this definition was to make it clear to people that something can be different and still work. With careful consideration, a change can be made that is different from its surroundings that will enhance the area. The butler neighbourhood currently consists of mainly single family dwellings. In terms of scale, form and character, 4 buildings that are 8, 9 and 11 stories in height adjacent to 2 storey single family dwellings, is in no way compatible.

This proposed development does not comply with many requirements in the existing 6593 Hamilton By-Law, the Urban Hamilton Official Plan and the City’s overall view in what makes Hamilton a great place to live. Intensification is what this City needs, provided the existing residents are not paying the price. All I ask is that you please take into consideration all of the requirements and make sure that they comply with them. I have a young growing family and I am scared of the effect this development will have on my neighbourhood. Traffic is already horrible and adding over 480 dwelling units will only compound this ongoing problem, making it much worse. I know that Traffic studies have been completed showing this traffic will be fine; however, I live in this neighbourhood and see it every day, and can tell you it will not be fine.

I went to the park that is located near this development on the weekend with my daughter and husband. I looked at my husband and said “If this development goes through, this park will be will be so busy, we will no longer be able to use it”. Please stay true to the vision of the City to be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities. We are not planners or builders. We do not complete traffic studies and noise studies. We are the residents of this City and trust that the City of Hamilton staff and councillors will protect us and listen to us. City staff have spent countless hours making this Official plan that Council has approved. Why would we let anybody amend a plan that has the entire City’s best interest at heart? Thank you.



## Hamilton

**HAMILTON MUNICIPAL HERITAGE COMMITTEE  
REPORT 18-004  
12:00 p.m.  
April 19, 2018  
Room 264, 2<sup>nd</sup> Floor  
Hamilton City Hall  
71 Main Street West**

**Present:** Councillor M. Pearson  
A. Denham-Robinson (Chair), W. Arndt, D. Beland, G. Carroll,  
K. Garay, M. McGaw, T. Ritchie, R. Sinclair and K. Stacey

**Absent with  
Regrets:** Councillors A. Johnson and J. Partridge – Personal, C. Dmitry and  
T. Wallis

**THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 18-004  
AND RESPECTFULLY RECOMMENDS:**

1. **Recommendation to Remove the Property Located at 167 Book Road East, Ancaster from the Register of Properties of Cultural Heritage Value or Interest and Staff's Work Plan for Designation under Part IV of the Ontario Heritage Act (Ward 12) (PED18083) (Item 8.1)**
  - (a) That the property located at 167 Book Road East, Ancaster, shown on Appendix "A" to Report PED18083, currently included in the City of Hamilton's Register of Properties of Cultural Heritage Value or Interest NOT be designated as a property of cultural value or interest under Part IV of the Ontario Heritage Act;
  - (b) That the subject property be removed from staff's designation work plan entitled "Requests to Designate Properties under Part IV of the Ontario Heritage Act: Priorities (as amended by Council on February 28, 2018)", attached as Appendix "E" to Report PED18083;
  - (c) That the subject property be removed from the City's Register of Properties of Cultural Heritage Value or Interest as a non-designated property;
  - (d) That the Documentation and Salvage Report, to be submitted by the applicant, be circulated to Council, to the Hamilton Municipal Heritage Committee, and to the Hamilton Public Library's Local History & Archives Department for archival purposes; and

- (e) That Planning staff be directed to explore the potential of having an historical interpretive plaque erected on site detailing the history of the Book family.

**2. Recommendation to Designate 111 Kenilworth Access, Hamilton, under Part IV of the Ontario Heritage Act (Ward 4) (PED18088) (Item 8.2)**

- (a) That the designation of 111 Kenilworth Access, Hamilton (Barton and Kenilworth Reservoirs), shown in Appendix “A” to Report PED18088, as a property of cultural heritage value pursuant to the provisions of Part IV of the *Ontario Heritage Act*, be approved;
- (b) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix “A” to Report 18-004, be approved;
- (c) That the City Clerk be directed to take appropriate action to designate 111 Kenilworth Access, Hamilton (Barton and Kenilworth Reservoirs) under Part IV of the *Ontario Heritage Act*, in accordance with the Notice of Intention to Designate, attached as Appendix “C” to Report PED18088;
- (d) That the Public Works Department be directed to report back to Council on the preparation of a combined heritage conservation plan and management plan in consultation with Development Planning, Heritage and Design, Heritage Resource Management, and Municipal Law Enforcement staff, to guide the short to long term protection and preferred conservation treatment of the east portion of the property and to explore options for the future use of the property; and
- (e) That Council direct the Tourism and Culture Division of the Planning and Economic Department to include the Barton Reservoir, the Pipeline Trail and the Hamilton Waterworks National Historic Site of Canada in the Cultural Heritage Landscape Assessment Study.

**3. Recommendation to Designate 378 Main Street East, Hamilton under Part IV of the Ontario Heritage Act (Ward 3) (PED18089) (Item 8.3)**

That Report PED18089 respecting a Recommendation to Designate 378 Main Street East, Hamilton under Part IV of the Ontario Heritage Act (Ward 3), be DEFERRED to the May 10, 2018 meeting, to allow for the representative of the property to attend the discussion of the report.

4. **Recommendation to Designate 1021 Garner Road East, Ancaster (Lampman House) Under Part IV of the Ontario Heritage Act (Ward 12) (PED18094) (Item 8.4)**
- (a) That the designation of 1021 Garner Road East, Ancaster, shown in Appendix "A" to Report PED18094, as a property of cultural heritage value pursuant to the provisions of Part IV of the Ontario Heritage Act, be approved;
  - (b) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report 18-004, be approved;
  - (c) That the City Clerk be directed to take appropriate action to designate 1021 Garner Road East, Ancaster under Part IV of the Ontario Heritage Act, in accordance with the Notice of Intention to Designate, attached as Appendix "C" to Report PED18094.

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 1)**

The Clerk advised the Committee of the following changes to the agenda:

**1. ADDED DELEGATION REQUESTS**

- 4.1 Scott and Laurel Gallea, respecting Item 8.4, Recommendation to Designate 1021 Garner Road East, Ancaster (for today's meeting)
- 4.2 Jane Mulkewich, respecting Item 8.1, a Recommendation to Remove the Property Located at 167 Book Road East, Ancaster from the Register of Properties of Cultural Heritage Value or Interest and Staff's Work Plan for Designation (for today's meeting)

Item 7.1, St. Clair Boulevard Heritage Conservation District Review – Meeting No.1 with the Hamilton Municipal Heritage Committee, Item 8.1, Recommendation to Remove the Property Located at 167 Book Road East, Ancaster from the Register of Properties of Cultural Heritage Value or Interest and Staff's Work Plan for Designation under Part IV of the Ontario Heritage Act (Ward 12) (PED18083), and Item 8.4, Recommendation to Designate 1021 Garner Road East, Ancaster(Lampman House) Under Part IV of the Ontario Heritage Act (Ward 12)(PED18094), were moved up the agenda after Delegation Requests, to accommodate the delegates and presenters.

The Agenda for the April 19, 2018 Hamilton Municipal Heritage Committee was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 2)**

None.

**(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)**

**(i) March 15, 2018 (Item 3.1)**

The Minutes of the March 15, 2018 meeting of the Hamilton Municipal Heritage Committee were approved, as presented.

**(d) DELEGATION REQUEST (Item 4)**

**(i) Scott and Laurel Gallea, respecting Item 8.4, Recommendation to Designate 1021 Garner Road East, Ancaster (for today's meeting) (Added Item 4.1)**

The delegation request from Scott and Laurel Gallea, respecting Item 8.4, Recommendation to Designate 1021 Garner Road East, Ancaster, was approved, for today's meeting.

**(ii) Jane Mulkewich, respecting Item 8.1, a Recommendation to Remove the Property Located at 167 Book Road East, Ancaster from the Register of Properties of Cultural Heritage Value or Interest and Staff's Work Plan for Designation (for today's meeting) (Added Item 4.2)**

The delegation request from Jane Mulkewich, respecting Item 8.1, a Recommendation to Remove the Property Located at 167 Book Road East, Ancaster from the Register of Properties of Cultural Heritage Value or Interest and Staff's Work Plan for Designation, was approved, for today's meeting.

**(e) CONSENT ITEM (Item 5)**

**(i) Information Report Regarding Discovery of Time Capsule at J.L. Grightmire Arena, Dundas (Ward 13) (PED18059) (Item 5.1)**

Jeremy Parsons, Cultural Heritage Planner, addressed the Committee with an overview of Report PED18059, respecting an Information Report Regarding Discovery of Time Capsule at J.L. Grightmire Arena, Dundas, with the aid of several photographic images. The images have been included in the official record and are available at [www.hamilton.ca](http://www.hamilton.ca).

Report PED18059, respecting the Discovery of Time Capsule at J.L. Grightmire Arena, Dundas, was received.

**(f) DELEGATIONS (Item 6)**

**(i) Scott and Laurel Gallea, respecting Item 8.4, Recommendation to Designate 1021 Garner Road East, Ancaster (Added Item 6.1)**

Scott Gallea addressed the Committee respecting Item 8.4, Recommendation to Designate 1021 Garner Road East, Ancaster. He addressed the Committee with his plans for lifting and rebuilding the basement of the house located at 1021 Garner Road East, Ancaster.

The delegation from Scott Gallea respecting Item 8.4, Recommendation to Designate 1021 Garner Road East, Ancaster, was received.

For further disposition of this matter, refer to Items 4 and (h)(ii)

**(ii) Jane Mulkewich, respecting Item 8.1, a Recommendation to Remove the Property Located at 167 Book Road East, Ancaster from the Register of Properties of Cultural Heritage Value or Interest and Staff's Work Plan for Designation (Added Item 6.2)**

Jane Mulkewich addressed the Committee with a brief history of the property located at 167 Book Road East, Ancaster.

The delegation from Jane Mulkewich, respecting Item 8.1, a Recommendation to Remove the Property Located at 167 Book Road East, Ancaster from the Register of Properties of Cultural Heritage Value or Interest and Staff's Work Plan for Designation, was received.

For further disposition of this matter, refer to Items 1 and (h)(i)

**(g) STAFF PRESENTATIONS (Item 7)**

**(i) St. Clair Boulevard Heritage Conservation District Review – Meeting No.1 with the Hamilton Municipal Heritage Committee**

Chelsey Tyers, Cultural Heritage Planner, distributed copies of a presentation respecting a St. Clair Boulevard Heritage Conservation District Review, and introduced Lashia Jones, Cultural Heritage Specialist, Stantec Consulting Ltd.

Lashia Jones, Cultural Heritage Specialist, Stantec Consulting Ltd., addressed committee with an overview of the St. Clair Boulevard Heritage Conservation District Review, with the aid of a PowerPoint presentation. A copy of the presentation has been included in the official record, and is available at [www.hamilton.ca](http://www.hamilton.ca).

The presentation respecting the St. Clair Boulevard Heritage Conservation District Review – Meeting No.1 with the Hamilton Municipal Heritage Committee, was received.

**(h) DISCUSSION ITEM (Item 8)**

**(i) Recommendation to Remove the Property Located at 167 Book Road East, Ancaster from the Register of Properties of Cultural Heritage Value or Interest and Staff's Work Plan for Designation under Part IV of the Ontario Heritage Act (Ward 12) (PED18083) (Item 8.1)**

Jeremy Parsons, Cultural Heritage Planner, distributed copies of a presentation and addressed the Committee respecting Report PED18083, a Recommendation to Remove the Property Located at 167 Book Road East, Ancaster from the Register of Properties of Cultural Heritage Value or Interest and Staff's Work Plan for Designation under Part IV of the Ontario Heritage Act (Ward 12). The presentation has been included in the official record and are available at [www.hamilton.ca](http://www.hamilton.ca).

The presentation respecting Report PED18083, a Recommendation to Remove the Property Located at 167 Book Road East, Ancaster from the Register of Properties of Cultural Heritage Value or Interest and Staff's Work Plan for Designation under Part IV of the Ontario Heritage Act (Ward 12), was received.

M. McGaw, D. Beland, G. Carroll, and K. Garay requested to be recorded as OPPOSED to the recommendations in Report PED18083, a Recommendation to Remove the Property Located at 167 Book Road East, Ancaster from the Register of Properties of Cultural Heritage Value or Interest and Staff's Work Plan for Designation under Part IV of the Ontario Heritage Act.

For disposition of this matter, refer to Item 1.

**(ii) Recommendation to Designate 111 Kenilworth Access, Hamilton under Part IV of the Ontario Heritage Act (Ward 4) (PED18088) (Item 8.2)**

Chelsey Tyers, Cultural Heritage Planner, distributed copies of a presentation on Report PED18088 respecting a Recommendation to Designate 111 Kenilworth Access, Hamilton under Part IV of the Ontario Heritage Act (Ward 4). The presentation has been included in the official record, and available at [www.hamilton.ca](http://www.hamilton.ca).

The presentation on Report PED18088 respecting a Recommendation to Designate 111 Kenilworth Access, Hamilton under Part IV of the Ontario Heritage Act (Ward 4), was received.

For disposition of this matter, refer to Item 2.

**(iii) Recommendation to Designate 1021 Garner Road East, Ancaster (Lampman House) Under Part IV of the Ontario Heritage Act (Ward 12) (PED18094) (Item 8.4)**

Jeremy Parsons, Cultural Heritage Planner, distributed copies of a presentation and addressed the Committee with an overview of Report PED18094, respecting a Recommendation to Designate 1021 Garner Road East, Ancaster (Lampman House) Under Part IV of the Ontario Heritage Act (Ward 12). A copy of the presentation has been included in the official record, and is available at [www.hamilton.ca](http://www.hamilton.ca).

For disposition of this matter, refer to Item 4.

**(i) GENERAL INFORMATION/OTHER BUSINESS (Item 11)**

**(i) Correspondence from the Ministry of Tourism, Culture and Sport respecting the 2018 Ontario Heritage Conference, in Sault Ste. Marie, June 7 – 9, 2018 (Item 11.1)**

The Correspondence from the Ministry of Tourism, Culture and Sport respecting the 2018 Ontario Heritage Conference, in Sault Ste. Marie, June 7 – 9, 2018, was received.

The following members of the Hamilton Municipal Heritage Committee were approved to attend the 2018 Ontario Heritage Conference, in Sault Ste. Marie, June 7 – 9, 2018:

- G. Carroll
- K. Stacey

**(ii) Buildings and Landscapes (Item 11.2)**

- (a) The property at 1021 Garner Road East, Ancaster (Lampman House), was added to the list of Buildings and Landscapes of Interest (YELLOW), and
- (b) M. McGaw will report on 1021 Garner Road East, Ancaster (Lampman House) when appropriate.

The following updates were received:

- (a) **Endangered Buildings and Landscapes (RED):**  
**(Red = Properties where there is a perceived immediate threat to heritage resources through: demolition; neglect; vacancy; alterations, and/or, redevelopment)**
- (i) Tivoli, 108 James Street North, Hamilton (D) – A. Johnson  
No report.
- (ii) Book House, 167 Book Road East, Ancaster (R) – M. McGaw  
This property will be removed from the list upon Council ratification of the report.  
For further disposition, refer to Item 1.
- (iii) Andrew Sloss House, 372 Butter Road West, Ancaster (D) – M. McGaw  
No report.
- (iv) Century Manor, 100 West 5th Street, Hamilton (D) – K. Garay  
No report.
- (v) Beach Canal Lighthouse (D) – J. Partridge  
No report.
- (vi) 18-22 King Street East, Hamilton (R)(NOI) – K. Stacey  
No report.
- (vii) 24-28 King Street East, Hamilton (R)(NOI) – K. Stacey  
No report.
- (viii) 1 St. James Place, Hamilton (D) – K. Stacey  
No report.
- (ix) 2 Hatt Street, Dundas – K. Stacey  
No report.
- (x) James Street Baptist Church, 98 James Street South, Hamilton (D) – A. Denham-Robinson  
No report.

- (b) Buildings and Landscapes of Interest (YELLOW):**  
**(Yellow = Properties that are undergoing some type of change, such as a change in ownership or use, but are not perceived as being immediately threatened)**
- (i) Delta High School, 1284 Main Street East, Hamilton (D) – D. Beland  
  
No report.
  - (ii) St. Giles United Church, 85 Holton Avenue South (L) – D. Beland  
  
No report.
  - (iii) 2251 Rymal Road East, Stoney Creek (R) – C. Dimitry  
  
No report.
  - (iv) Former Valley City Manufacturing, 64 Hatt Street, Dundas – K. Stacey  
  
No report.
  - (v) St. Joseph’s Motherhouse, 574 Northcliffe Avenue, Dundas - K. Stacey  
  
No report.
  - (vi) Copley Building, 104 King Street West; 56 York Blvd., and 63-76 MacNab Street North – G. Carroll  
  
No report.
  - (vii) 1021 Garner Road East, Ancaster (Lampman House) – M. McGaw  
  
For further disposition, refer to Item 4.
- (c) Heritage Properties Update (GREEN):**  
**(Green = Properties whose status is stable)**
- (i) The Royal Connaught Hotel, 112 King Street East, Hamilton (R) – T. Ritchie  
  
No report.
  - (ii) Auchmar, 88 Fennell Avenue West, Hamilton (D) – K. Garay  
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K. Garay reported that discussions continue between City staff and the Royal Hamilton Light Infantry (RHLI).

- (iii) Jimmy Thompson Pool, 1099 King Street E., Hamilton (R) – T. Ritchie

No report.

- (iv) Treble Hall, 4-12 John Street North, Hamilton (R) – T. Ritchie

No report.

- (v) 104 King Street West, Dundas (Former Post Office) – K. Stacey

No report.

**(d) Heritage Properties Update (black):  
(Black = Properties that HMHC have no control over and may be demolished)**

- (i) Auchmar Gate House, Claremont Lodge 71 Claremont Drive (R) – K. Garay

Jeremy Parsons reported that staff have been in touch with the property owner regarding a site visit. The Councillor of the ward has been apprised of the current situation. A report on the property is partially completed but other details are currently being explored.

A. Denham-Robinson relinquished the Chair to discuss the next item.

**(iii) Information respecting a Workshop on Regenerating Places of Faith coordinated by a partnership between the National Trust for Canada, and Faith and the Common Good (Item 11.3)**

A. Denham-Robinson addressed the Committee respecting a Workshop on Regenerating Places of Faith coordinated by a partnership between the National Trust for Canada, and Faith and the Common Good. She is currently working with Jeremy Parsons, Cultural Heritage Planner, regarding the set up on a workshop in the Hamilton area. The workshop would be a partnership with the Hamilton Municipal Heritage Committee and the National Trust for Canada, and other heritage organizations.

The information respecting a Workshop on Regenerating Places of Faith coordinated by a partnership between the National Trust for Canada, and Faith and the Common Good, was received.

A. Denham-Robinson assumed the Chair.

**(j) ADJOURNMENT (Item 12)**

There being no further business, the Hamilton Municipal Heritage Committee, be adjourned at 2:18 p.m.

Respectfully submitted,

Alissa Denham-Robinson, Chair  
Hamilton Municipal Heritage Committee

Loren Kolar  
Legislative Coordinator  
Office of the City Clerk

111 Kenilworth Access, Hamilton  
Barton and Kenilworth Reservoirs

## **STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST AND DESCRIPTION OF HERITAGE ATTRIBUTES**

### **Statement of Cultural Heritage Value or Interest**

The Barton and Kenilworth Reservoirs, at 111 Kenilworth Access in the east end of the City of Hamilton, are situated on a long and narrow 8-hectare terrace below the crest of the Niagara Escarpment, between the former Hamilton and Lake Erie Railway (now the Escarpment Trail) and the Toronto, Hamilton and Buffalo Railway. The property includes mid-to-late 19th century elements associated with the Barton Reservoir, a component of Hamilton's first municipal waterworks, which were superseded in the mid-20th century by the Kenilworth Reservoir and associated structures.

The property that includes the Barton and Kenilworth Reservoirs is of cultural heritage value for its architectural, associative, and contextual elements, and collectively as a cultural heritage landscape. Constructed as a key element of the Hamilton Waterworks between 1856 and 1857, the Barton Reservoir is an 11-million gallon (3,785,412 litre) capacity, stadium-shaped basin lined with coursed limestone rubble and ashlar clay blocks, and supported on three sides by substantial earthworks. Associated with the basin are three (3) cast-iron pipes that empty into the basin, stone and concrete access stairs, cast-iron manhole covers for the valve shafts, and a two-stage standpipe built in ashlar limestone. East of the reservoir was the former Superintendent's Residence and public gardens, which were removed after 1970. To the west is the large and subterranean Kenilworth Reservoir, constructed in 1958, and its associated brick and poured concrete facilities. While the Kenilworth Reservoir is still in use, the Barton Reservoir is no longer operational and is covered in thick vegetation growth.

Barton Reservoir is of cultural heritage value as a component of the Hamilton Waterworks National Historic Site of Canada, the earliest surviving municipal waterworks system in Canada and one designed by Thomas Coltrin Keefer, an influential and highly respected hydraulic engineer recognized as a National Historic Person of Canada. Keefer selected the site for the reservoir and specified its construction in a combination of clay and stone. Under the leadership of Chairman of the Board of Water Commissioners, Adam Brown, the reservoir was completed as part of the larger waterworks infrastructure for an official opening by the Prince of Wales in 1860. Shortly afterward Barton Reservoir was upgraded with a stone standpipe and turbine, and a two-storey Italianate Superintendent's Residence surrounded by public gardens built nearby. Of these later features only the standpipe remains but it is of historical and physical value as a rare and well-preserved example of its type. Construction of the Kenilworth Reservoir in 1958 made the Barton Reservoir obsolete. As a result of the waterworks system's success and by providing water for fire

suppression and disease-free consumption, Hamilton could expand exponentially into its rural countryside. The Kenilworth Reservoir is of associative value for its connection to Hamilton's large and complex urban water supply system, and the continuous use of the property for municipal waterworks for 160 years.

Although now overgrown with vegetation, the Barton Reservoir has a high level of heritage integrity for its physical remains and the visual and historical connections it maintains with other elements of Hamilton Waterworks system, specifically the Pipeline Trail and the Hamilton Waterworks near the Lake Ontario shore. As an element of Hamilton's first municipal waterworks, the Barton Reservoir played a critical role in the City's 19th century expansion and development into one of Ontario's major population and industrial centres. The efficiency of the waterworks system became a source of civic pride for Hamiltonians, as represented by the numerous public fountains including the central Gore Park, and in the beautification of Barton Reservoir as a public park.

### **Description of Heritage Attributes**

The key attributes that support the heritage value of Barton Reservoir include its:

- Large, stadium-shaped reservoir with:
  - Lining of puddled clay, stone chippings, and coursed rubble and clay blocks;
  - Large cast iron pipes, one supported on a brick pad;
  - Stone and concreted access stairway; and,
  - Large earthen embankment.
- Two-stage standpipe with:
  - Slanted walls constructed in large ashlar rusticated stone with cyclopean (rock or quarry faced) rustication and tooled and chamfered margins chiselled margins;
  - Intact riveted iron casing with guide wires; and,
  - Access ladder and railing made using iron pipe and elbows.
- Features associated with the reservoir including the cast iron valve manhole covers, hydrant, and wide drainage ditch.
- Archaeological remains of the Superintendent's Residence complex and Reservoir Park.
- Expansive and clear views of the City of Hamilton, the Pipeline Trail, the Hamilton Waterworks National Historic Site, and Lake Ontario.

The key attributes that support the heritage value of Kenilworth Reservoir include its:

- Brick pumphouse with metal strip art installation;
- Brick reservoir access structure with Roman relieving arches; and,
- Expansive and clear views of the City of Hamilton.

## **Statement of Cultural Heritage Value or Interest**

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### **1021 Garner Road East, Ancaster (Lampman House)**

#### **Description of Historic Place**

The Lampman House is a one and a half storey stone dwelling that was constructed ca. 1854-1858 in the Neo-Classical architectural style. The dwelling is located along Garner Road within the original settlement lands of the Lampman family (Lot 52, Concession 3, Ancaster Township). The property is addressed as 1021 Garner Road East, Ancaster and is located on the north side of Garner Road East, between Raymond Road and Springbrook Avenue.

#### **Statement of Cultural Heritage Value**

The property at 1021 Garner Road East, Ancaster has cultural heritage value as a stone dwelling built between 1854-1858 by John Lampman and as representative example of Neo-Classical architecture. The Lampman House includes decorative quoins, voussoirs, sidelights, and a transom window. The modest, symmetrical plan was typical of Loyalist architecture in Ontario at the time.

The Lampman family were German-American Loyalists who settled in British Canada following the culmination of the American Revolutionary War. John Lampman and his family were formational members of the establishment of the New Connection Methodist sect in Canada, a Protestant denomination which seceded from the Wesleyan Methodist Church. Some sources indicate that the sect's first meeting in Canada was held in the Lampman House.

The property is significant in its historical associations with the Lampman Family, one of the region's earliest settler families and United Empire Loyalists. Contextually, the property was once part of a much larger parcel of land granted to Matthias Lampman in 1792-93. The property is located along Garner Road East, formerly known as "Methodist Row" and is nearby a number of historic churches forming part of this unique cultural landscape of religious settlement.

#### **Heritage Attributes**

The heritage attributes of the property at 1021 Garner Road East, Ancaster that display its cultural heritage value include:

South (Front) Façade:

- Symmetrical three-bay façade profile;
- Limestone rubble walls;

- Sandstone cut quoin corner blocks;
- Roof profile and roofline;
- Westerly chimney;
- Symmetrical windows including sills and stone voussoirs; and,
- Entrance envelope including,
  - o Front door;
  - o Sidelights; and,
  - o Transom window.

West, East, and North (Rear) Elevations:

- Limestone rubble walls;
- Sandstone cut quoin corner blocks;
- Roof profile and roofline;
- All windows, doors, and connections to stone masonry; and,
- Unique sandstone voussoirs.