



City of Hamilton

PLANNING COMMITTEE ADDENDUM

Meeting #: 21-019
Date: December 7, 2021
Time: 9:30 a.m.
Location: Due to the COVID-19 and the Closure of City Hall (CC)

All electronic meetings can be viewed at:

City's Website:
<https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's YouTube Channel:
<https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

Lisa Kelsey, Legislative Coordinator (905) 546-2424 ext. 4605

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9. PUBLIC HEARINGS / DELEGATIONS	
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9.5 Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No.3692-92, and Hamilton Zoning By-law No. 05-200 for Lands Located at 1290 South Service Road and 5 and 23 Vince Mazza Way (Stoney Creek) (PED21223) (Ward 10)

*9.5.a	Delegations:	214
	(i) Viv Saunders, Lakewood Beach Community Council	

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14. PRIVATE AND CONFIDENTIAL

*14.3	Update Regarding Appeal to the Local Planning Appeal Tribunal of the Urban Hamilton Official Plan: Site Specific Appeal (313 Stone Church Road East) by DiCenzo Construction Company Ltd. of the Urban Hamilton Official Plan and Legal Direction (LS20018(a) / PED20124(a)) Pursuant to Section 9.1, Sub-sections (e) and (f) of the City's Procedural By-law 21-021; and, Section 239(2), Sub-sections (e) and (f) of the <i>Ontario Municipal Act</i> , 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and, advice that is subject to solicitor-client privilege, including communications necessary for that purpose.	
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Hamilton

Agriculture and Rural Affairs Advisory Committee REPORT 21-004

Monday, November 29, 2021
7:00 p.m.

Due to COVID-19 and the Closure of City Hall, this meeting was held virtually.

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- Present:** Councillors B. Clark, L. Ferguson, B. Johnson and A. VanderBeek
A. Spoelstra (Chair), D. Smith (Vice-Chair), J. Mantel,
C. McMaster, A. Payne, C. Roberts, R. Shuker and G. Smuk
- Absent:** P. Krakar, N. Mills, R. Pearce and M. Switzer
- Also Present:** Councillor J. Partridge
N. Gill-Aarts, Ontario Federation of Agriculture
S. Brenn, Chamber of Commerce (Flamborough)
-

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

The Committee Clerk advised that there were no changes to the agenda.

The agenda for the November 29, 2021 meeting of the Agriculture and Rural Affairs Advisory Committee be approved, as presented.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

(i) April 12, 2021 (Item 4.1)

The Minutes of the April 12, 2021 meeting of the Agriculture and Rural Affairs Advisory Committee be approved, as presented.

(ii) October 14, 2021 – No Quorum Notes (Item 4.2)

The No Quorum Notes of the October 14, 2021 meeting of the Agriculture and Rural Affairs Advisory Committee be approved, as presented.

(d) COMMUNICATIONS (Item 5)

Correspondence Items 5.1 to 5.5, were received, as follows:

- (i) Correspondence from Zoe Kazakos respecting Palm Products in Dairy Cows Feed (referred from Council on March 31, 2021) (deferred from the October 14, 2021 meeting) (Item 5.1)
- (ii) Correspondence from the Town on Plympton-Wyoming requesting Support for their Resolution Requesting that the Federal Government Consider the Concerns of the Agricultural Community and Move to Exempt all Primary Agriculture Producers from Current and Future Carbon Taxes (referred from Council on March 31, 2021) (deferred from the October 14, 2021 meeting) (Item 5.2)
- (iii) Correspondence from Chief Building Official respecting Inclusion of a Farm Business Registration Number on Agricultural Building Permit Applications (deferred from the October 14, 2021 meeting) (Item 5.3)
- (iv) Correspondence from the Region of Peel respecting the Peel Agricultural Advisory Working Group Update 2019, 2020 and Related Initiatives (referred from Council on June 23, 2021) (deferred from the October 14, 2021 meeting) (Item 5.4)
- (v) Correspondence from the Honourable Lisa Thompson respecting a new Canadian Agricultural Partnership (CAP) aimed at increasing deadstock management capacity throughout the province (Item 5.5)

(e) DELEGATION REQUESTS (Item 6)

The following delegation requests were approved for today's meeting:

- (i) Janet Horner, Golden Horseshoe Food and Farming Alliance, respecting their Action Plan (Item 6.1)
- (ii) Aaron Coristine, Jan Vanderhout, Ontario Greenhouse Vegetable Growers, respecting Proposed Amendments to Zoning By-law related to Temporary Agriculture Worker Residences (Item 6.2)

(f) PUBLIC HEARINGS / DELEGATIONS (Item 9)**(i) Janet Horner, Golden Horseshoe Food and Farming Alliance, respecting their Action Plan (Item 9.1)**

Janet Horner, Golden Horseshoe Food and Farming Alliance, addressed the Committee respecting their Action Plan, with the aid of a presentation.

(ii) Aaron Coristine, Jan Vanderhout, Ontario Greenhouse Vegetable Growers, respecting Proposed Amendments to Zoning By-law related to Temporary Agriculture Worker Residences (Item 9.2)

Aaron Coristine and Jan Vanderhout, Ontario Greenhouse Vegetable Growers, with aid of a presentation, addressed the Committee respecting proposed amendments to By-law 05-200, Zoning By-law of the City of Hamilton, to improve and support agricultural and economic development, specifically related to Temporary Agricultural Worker Residences.

The following delegations were received:

(i) Janet Horner, Golden Horseshoe Food and Farming Alliance, respecting their Action Plan (Item 9.1)

(ii) Aaron Coristine, Jan Vanderhout, Ontario Greenhouse Vegetable Growers, respecting Proposed Amendments to Zoning By-law related to Temporary Agriculture Worker Residences (Item 9.2)

(g) DISCUSSION ITEMS (Item 10)**(i) Salt/Saline Runoff to Agricultural Fields (Item 10.1)**

The item respecting Salt/Saline Runoff to Agricultural Fields (Item 10.1) was deferred to the next meeting of the Agriculture and Rural Affairs Advisory Committee.

(ii) Airport Employment Growth District (AEGD) Street Naming (Item 10.2)

Councillor Ferguson provided the Committee with an update respecting the Airport Employment Growth District (AEGD) Street Naming and requested that members forward suggestions of names of farmers who have historically farmed the area, as suggestions for street names in the Airport Employment Growth District.

The verbal update respecting the Airport Employment Growth District (AEGD) Street Naming was received.

(h) GENERAL INFORMATION/OTHER BUSINESS (Item 13)**(i) Comments from Councillor Johnson respecting the Truck Route Sub-Committee Meeting, November 29, 2021**

Councillor Johnson advised the Committee that at the November 29, 2021, Truck Route Sub-Committee Meeting staff were directed to review the recommendations in report PED19073(b) with prioritization given to the Terms of Reference ratified by Council and report back to the Truck Route Sub-Committee by Q1, 2022.

(ii) Comments from Councillor VanderBeek respecting Farm 911 Emergency Signs

Councillor VanderBeek advised the Committee that the Working Group is drafting a policy respecting Farm 911 emergency signs that will be brought to the Agriculture and Rural Affairs Advisory Committee for review prior to forwarding the draft policy to the Technical Working Group.

(iii) Comments from Councillor Johnson respecting Rural Grass Cutting in Urban Settlement Areas

Councillor Johnson advised the Committee that a proposed by-law respecting rural grass cutting in urban settlement areas would be brought to the Agriculture and Rural Affairs Advisory Committee for comment.

(iv) Comments from D. Spoelstra respecting the Site Alteration By-law Review Process

D. Spoelstra advised that Tyson McMann, Business Development Consultant - Food & Beverage, is working with Clerks to determine if it is within the Committee's mandate to provide advice to staff respecting the issuance of site alteration permits for applications related to agricultural practices and, if so, staff would work to have the process amended.

(h) ADJOURNMENT (Item 15)

The meeting of the Agriculture and Rural Affairs Advisory Committee adjourned at 9:02 p.m.

Respectfully submitted,

Andrew Spoelstra, Chair
Agriculture and Rural Affairs
Advisory Committee

Carrie McIntosh

Legislative Coordinator
Office of the City Clerk

Kinga Jakubowska
Przemyslaw Hatlas

03/12/2021

42 Bingham Rd.
Hamilton
L8H 1N4

Opinion for Public Meeting

(Re: 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue, Hamilton)

To Whom It May Concern:

We live nearby the proposed development and feel obligated to respond to this unacceptable proposed change to the initial project development. At first, we strongly support any construction development which makes our Hamilton a better place. However, as an architectural technologist and home owner I can not support this 41.5 m in height Residential Building being constructed in the lot between Roxanne Dr./Lang St./Hayes Ave./Bingham Rd./Ayr Ave./ Reid Ave. S.. It is low density neighbourhood where nearly all the houses are 1.5 storey and high rise building don't belong in here.

Moreover, we have nothing against these taller buildings being built along the Queenston Rd. and along the exit from the Red Hill Valley. They already proposing several high rise buildings up there. This will create extensive traffic and noise to our currently quiet area. Therefore, we are not trying to be selfish and we understand city's housing problems but we can not support another giant building in front of our little house.

To conclude, we really like the initial project with the townhouses (low rise construction), which perfectly fits into our neighbourhood appearance. However, constructing high rise building in the middle of our neighbourhood will create more traffic, reduce our privacy (backyards will be visible from the higher floors), and possible increased crime rate.

Sincerely,

Kinga and Przemyslaw

From: Peter Schultz
Sent: Sunday, December 5, 2021 10:37 AM
To: clerk@hamilton.ca
Subject: Zoning By-law Amendment application ZAR-21-034

Dir Sirs,
I am
Peter Schultz

I would like to put forward my concerns for these proposed by-law changes.

1. Approval of design, Visual Impact Assessment, Shadow Impact Study and Noise Study before requested height changes are made.
2. Consideration of population density and its effect on violence. (this area has had multiple shootings in the last year)
3. Usable green space for new people and pets within the new development.
4. Effect on use and safety of Red Hill trail.
5. Adjustments to handle traffic flow and excessive use of street parking effecting residents on Bingham Rd and Hayes Ave.

Thank you for your time and I would like to be appraised of the Council's decision on the proposed Zoning By-law Amendment.

Peter Schultz

From: Carlo Silvestri

Sent: Thursday, December 2, 2021 1:33 PM

To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>; City of Hamilton <clerk@hamilton.ca>

Cc: Pauls, Esther <esther.pauls@hamilton.ca>; mayor@hamilton.ca <mayor@hamilton.ca>;

Subject: Re: Public Meeting for UHOPA-21-005 / ZAC-21-009 / 25T-202104 - 311 and 313 Stone Church Road East

Dear Tim, City Clerk, et al.

Attached please find information regarding the properties impacted by these applications.

They are not identified properly on all of the applicant's applications and submissions.

1. 234 Sirente Drive is owned by the HWDSB. It is also identified incorrectly as Crerar Park on most public mapping including geowarehouse, google maps, safari etc.

Most of the Crerar neighbourhood residents and citizens of Hamilton incorrectly assume it is a City Park and use it as such because of the incorrect mapping and signage for Crerar Park which appears to be on or on the property boundary of the parklands and the lands of the HWDSB. Furthermore, Bethel Gospel Sports Park and Guido Debres soccer pitch are identified as public park spaces. They are not., These are private and fenced properties with no public access.

2. 1206 Upper Wentworth is the actual Crerar Park which is mostly a woodlot with the swing and play structure carved out of a small area at the northwest corner of the woodlot.

This property also includes a long future roadway around the lands of the HWDSB. These lands have been obtained and owned by the The City of Hamilton for the completion of the approved existing Crerar Neighbourhood Plan.

These lands are not correctly identified on any of the applicant's application or submissions, thus the HWDSB, nor the City of Hamilton have commented on these applications and their impact on these publicly owned lands. Mark Davidson from the HWDSB is being cc'd this email.

3. 311 and 313 Stonechurch Rd E., are the applicant's lands. They are identified as lands on the periphery of the neighbourhood to justify their proposed intensification of the neighbourhood. The property is a long, narrow strip of land clearly located at in the centre of the neighbourhood between Upper Wellington St and Upper Wentworth Street.

4. 289 Stonechurch Rd E. is a large property owned by Bethel Gospel Tabernacle. There have been no formal applications, but it would be appropriate to get their plans for their property prior to these applications being approved.

5. The proposed replacement of the sanitary sewers easterly along the existing Crerar Drive in front of 45 SF (SF means single family homes) and Guido Debres Christian High is because the existing sanitary sewers were built to accommodate the approved Crerar Neighbourhood Plan. This would cause all the existing homes to be negatively impacted. Typically infill development is restricted to onsite construction only with minimal impact to existing neighbourhoods.

Furthermore, all the existing homes were built when sewer backflow valves were not required. Is the developer going to install these for all the existing homes in the neighbourhood? This issue has not been addressed.

Under the minimum requirements of the Planning Act, only property owners within 120 metres of the applications are required to be notified by mail of the applications. The sanitary sewer and road re-construction will tear up over 500 meters of existing Crerar Dr. and impact the entire existing Crerar Drive property owners. Clearly, all impacted property owners and residents should have been and be able to make their comments before this drastic change to their neighbourhood.

I respectfully request that decisions on these applications be deferred until these as well as other concerns of the property owners of Crerar Neighbourhood are addressed.

Please submit these comments as attachments to my presentation which I am scheduled to speak on December 7, 2021.

Sincerely,

Carlo Silvestri



**234 SIRENTE DR
HAMILTON**

PIN 169420309

Report title



This report was prepared by:

Carlo Silvestri
Broker

Cell: 905-541-3510

carlo@remaxcentre.ca

**RE/MAX Real Estate Centre Inc.,
Brokerage**

Hamilton, Ontario, Canada

Office: 905-385-9200



PROPERTY REPORT

Property Details

GeoWarehouse Address:

234 SIRENTE DR
HAMILTON

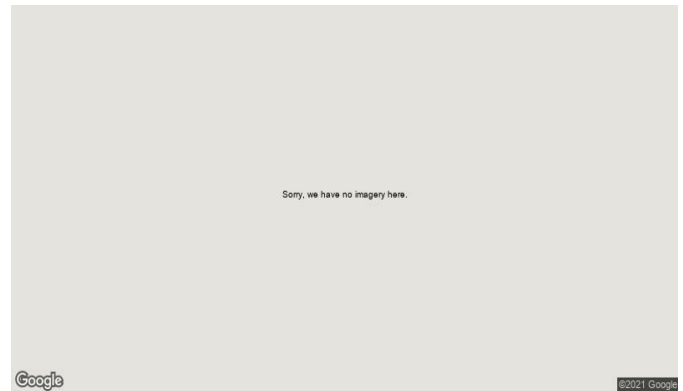
PIN: 169420309

Land Registry Office: HAMILTON WENTWORTH (62)

Land Registry Status: Active

Registration Type: Certified (Land Titles)

Ownership Type: Freehold



Ownership

Owner Name:

HAMILTON-WENTWORTH DISTRICT SCHOOL BOARD

Party To:

THE BOARD OF EDUCATION FOR THE CITY OF HAMILTON

Legal Description

PT LT 11, CON 7 BARTON , AS IN AB77587; T/W AB77587 EXCEPT PARTS 1 TO 5 ON 62R9472 ; HAMILTON (99.09.28 M.HUNTER ADLR)

Lot Size

Area: 269000.62 sq.ft

Perimeter: 2083.33 ft.

Measurements: 566.61ft. x 484.98ft. x 571.06ft. x 461.42ft.

Lot Measurement Accuracy : LOW

These lot boundaries may have been adjusted to fit within the overall parcel fabric and should only be considered to be estimates.



Assessment Information

ARN

251807084105440

Phased-In Value

\$1,500,000

2021 Tax Year

Assessed Value

\$1,500,000

Based on Jan 1, 2016

Frontage:	5691.66 ft.	Description:	Vacant residential land not on water
Depth:	140.44 ft.	Property Code:	100

Sales History

Sale Date	Sale Amount	Type	Party To	Notes
Jan 02, 1968	\$1	Transfer	THE BOARD OF EDUCATION FOR THE CITY OF HAMILTON;	

Terms and Conditions

Reports Not the Official Record. Reports, other than the Parcel Register, obtained through Geowarehouse are not the official government record and will not necessarily reflect the current status of interests in land.

Currency of Information. Data contained in the Geowarehouse reports are not maintained real-time. Data contained in reports, other than the Parcel Register, may be out of date ten business days or more from data contained in POLARIS.

Coverage. Data, information and other products and services accessed through the Land Registry Information Services are limited to land registry offices in the areas identified on the coverage map.

Completeness of the Sales History Report. Some Sales History Reports may be incomplete due to the amount of data collected during POLARIS title automation. Subject properties may also show nominal consideration or sales price (e.g. \$2) in cases such as transfers between spouses or in tax exempt transfers.

Demographic Information. Demographic Information is obtained from Environics Analytics. Environics Analytics acquires and distributes Statistics Canada files in accordance with the Government of Canada's Open Data Policy. No information on any individual or household was made available to Environics Analytics by Statistics Canada. PRIZM and selected PRIZMC2 nicknames are registered trademarks of The Nielsen Company (U.S.) and are used with permission.

The Property Information Services, reports and information are provided "as is" and your use is subject to the applicable Legal Terms and Conditions. Some information obtained from the Land Registry Information Services is not the official government record and will not reflect the current status of interests in land. Use of personal information contained herein shall relate directly to the purpose for which the data appears in land registry records and is subject to all applicable privacy legislation in respect of personal information. Such information shall not be used for marketing to a named individual.

Parcel Mapping shown on the site was compiled using plans and documents recorded in the Land Registry System and has been prepared for property indexing purposes only. It is not a Plan of Survey. For actual dimensions of property boundaries, see recorded plans and documents.



**1206 UPPER WENTWORTH ST
HAMILTON**

PIN 169420310

Report title



This report was prepared by:

Carlo Silvestri
Broker

Cell: 905-541-3510

carlo@remaxcentre.ca

**RE/MAX Real Estate Centre Inc.,
Brokerage**

Hamilton, Ontario, Canada

Office: 905-385-9200



PROPERTY REPORT

Property Details

GeoWarehouse Address:

1206 UPPER WENTWORTH ST
 HAMILTON
 L9A5G2

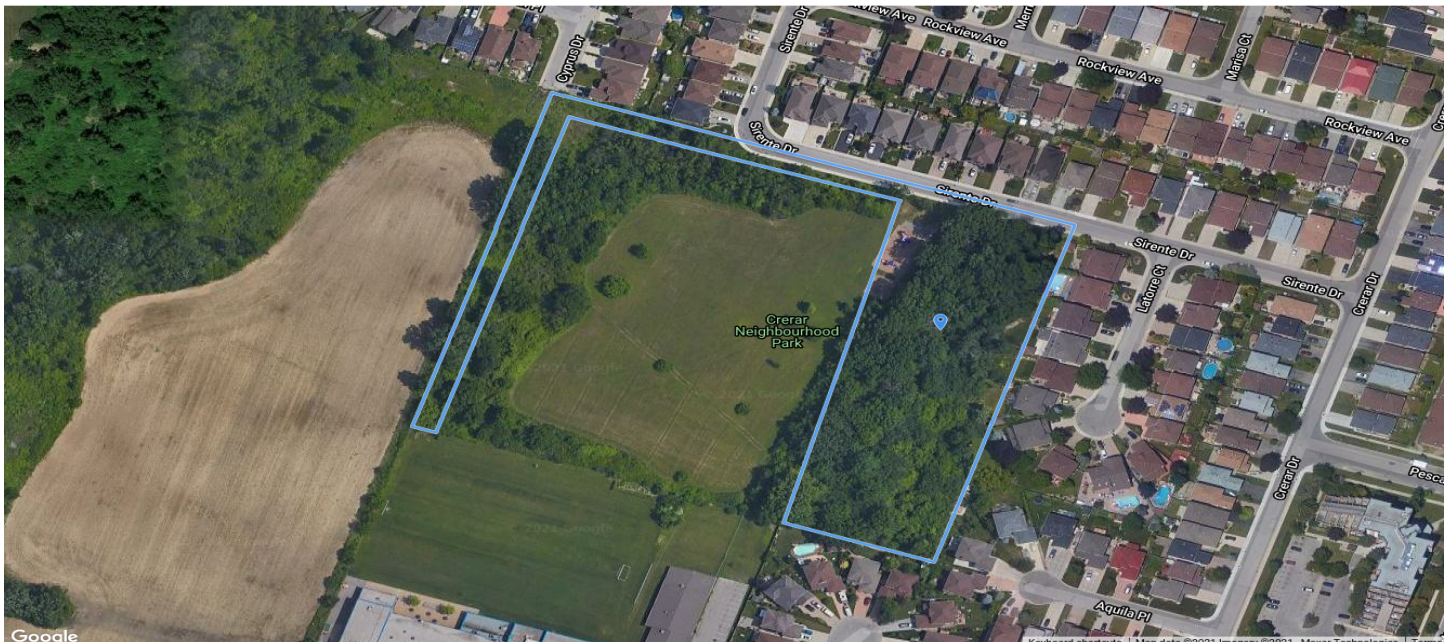
PIN: 169420310

Land Registry Office: HAMILTON WENTWORTH (62)

Land Registry Status: Active

Registration Type: Certified (Land Titles)

Ownership Type: Freehold



Ownership

Owner Name:

THE CORPORATION OF THE CITY OF HAMILTON

Legal Description

PT LT 11, CON 7 BARTON , AS IN HL161198 (FIRSTLY), EXCEPT AB77587; S/T AB77587 ; HAMILTON

Lot Size

Area: 168767.19 sq.ft

Perimeter: 3772.97 ft.

Measurements: 599.42ft. x 33.09ft. x 566.61ft. x 461.42ft. x 571.06ft.
x 209.94ft. x 604.41ft. x 727.66ft.

Lot Measurement Accuracy : LOW

These lot boundaries may have been adjusted to fit within the overall parcel fabric and should only be considered to be estimates.



Assessment Information

ARN

251807084105420

Phased-In Value	Assessed Value
\$545,000	\$545,000
2021 Tax Year	Based on Jan 1, 2016

Frontage:	571.29 ft.	Description:	Vacant residential land not on water
Depth:	70.78 ft.	Property Code:	100

Sales History

Sale Date	Sale Amount	Type	Party To	Notes
May 02, 1961	\$1	Transfer	THE CORPORATION OF THE CITY OF HAMILTON;	

Terms and Conditions

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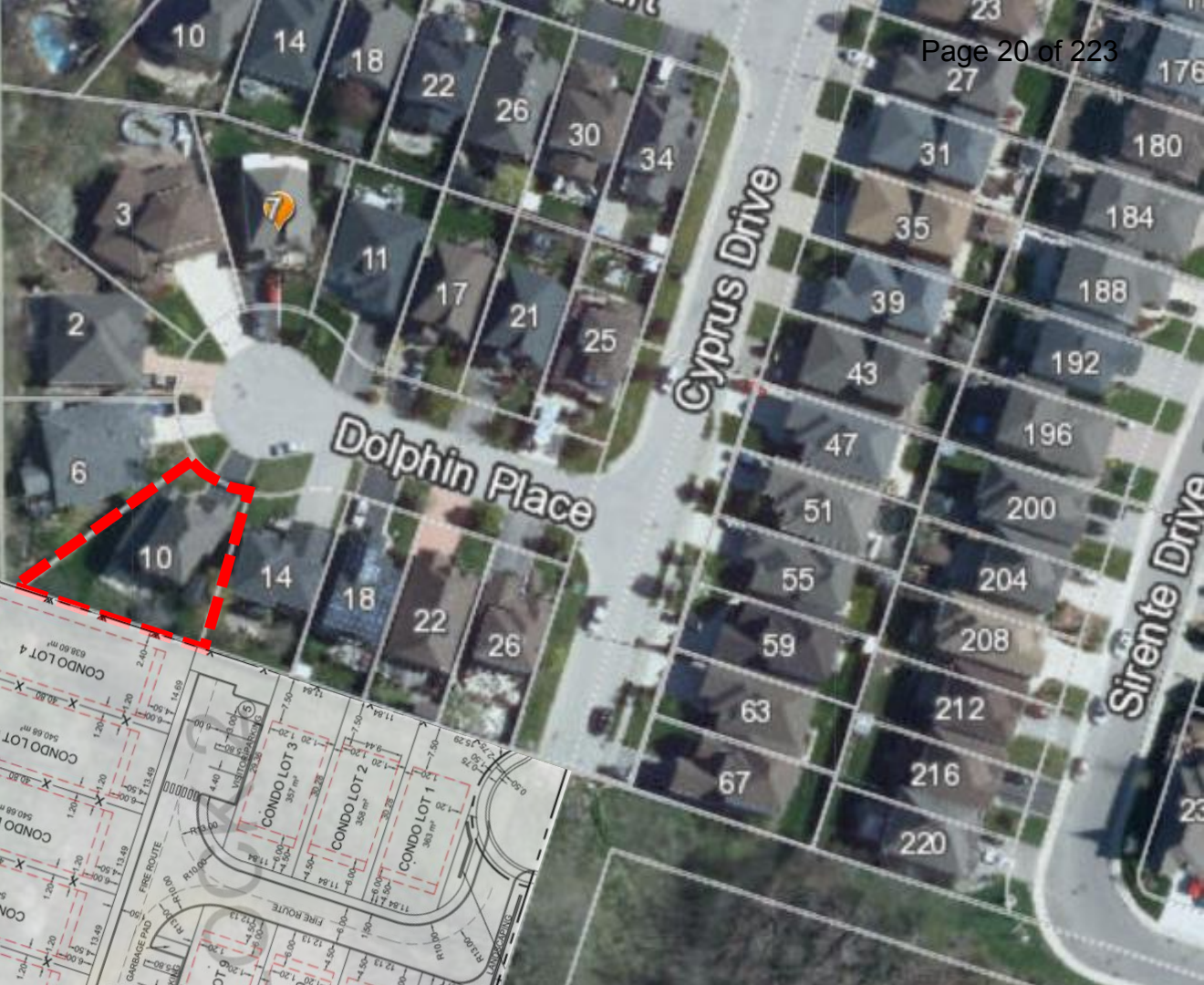
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Crerar
Natural
Open Space



234

From: Dave Castellana <
Sent: Thursday, December 2, 2021 4:14 PM
To: clerk@hamilton.ca
Cc: Pauls, Esther <Esther.Pauls@hamilton.ca>
Subject: Written Submissions for the PED21221 report - My Comments!
Importance: High

Dear Planning Committee

I have read the report in full. Please see my comments in **RED** on pages 12, 38, 64, 67, 68, 74, and 185. Please respond to my comments within.

My conclusion is the decline this proposal and revert to a single home plan only. This will be a nightmare for those of us who still live here and have to deal with this. Check with the police as I've contacted them many times as well as have a lot of other neighbours. I've put up with 14 years of just the school buses, parents, students and all the speeding and failing to stop, as well as from the neighbours themselves and you want to add 221 units and all that goes with it.

If this goes through and is a nightmare, as we all think it will be, lets hope it raises the property value and does not decrease it, when I sell my house to get away from this area!

Not happy Crerar Neighbour,

Davide Castellana



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 7, 2021
SUBJECT/REPORT NO:	Applications for Amendments to the Urban Hamilton Official Plan, City of Hamilton Zoning By-law No. 6593, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 311 and 313 Stone Church Road East (Hamilton) (PED21221) (Ward 7)
WARD(S) AFFECTED:	Ward 7
PREPARED BY:	E. Tim Vrooman (905) 546-2424 Ext. 5277
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-21-005, by UrbanSolutions Planning & Land Development Consultants Inc. (c/o Matt Johnston, Applicant) on behalf of DiCenzo Construction Company Ltd. (c/o Anthony DiCenzo, Owner)** to redesignate a portion of the subject lands from “Open Space” to “Neighbourhoods” and to establish an Urban Site Specific Policy to reduce daylighting triangle requirements, to permit a minimum net residential density of 55 units per hectare, and to permit the dedication of a woodlot to the City of Hamilton as parkland dedication, on lands located at 311 and 313 Stone Church Road East, as shown on Appendix “A” to Report PED21221, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED21221, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

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

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

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

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, City of Hamilton Zoning By-law No. 6593, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 311 and 313 Stone Church Road East (Hamilton) (PED21221) (Ward 7) – Page 2 of 39

- (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That **Zoning By-law Amendment Application ZAC-21-009, by UrbanSolutions Planning & Land Development Consultants Inc. (c/o Matt Johnston, Applicant) on behalf of DiCenzo Construction Company Ltd. (c/o Anthony DiCenzo, Owner)** for a change in zoning from the “AA” (Agricultural) District to the “C/S-1811-H” (Urban Protected Residential, Etc. - Holding) District, Modified (Block 1); from the “AA” (Agricultural) District to the “RT-20/S-1811-H” (Townhouse - Maisonette - Holding) District, Modified (Block 2); from the “AA” (Agricultural) District and the “C” (Urban Protected Residential, Etc.) District to the “RT-30/S-1811” (Street - Townhouse) District, Modified (Blocks 3 and 4); and, from the “AA” (Agricultural) District and the “C” (Urban Protected Residential, Etc.) District to the “C/S-1811” (Urban Protected Residential, Etc.) District, Modified (Blocks 5 and 6), to permit a maximum of 221 residential dwelling units consisting of a maximum of 112 block townhouse units, 80 maisonette units, 12 single detached dwellings on a private road (condominium road), five single detached dwellings on a public road, and 12 street townhouse units, on lands located at 311 and 313 Stone Church Road East, as shown on Appendix “A” attached to Report PED21221, be **APPROVED** on the following basis:
- (i) That the draft By-law attached as Appendix “C” to Report PED21221, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning for the following:
- (1) The Holding Provisions for the “C/S-1811-H” (Urban Protected Residential, Etc. - Holding) District, Modified, shall be removed conditional upon:
- (aa) That the Owner prepare and implement an emergency overland flow path and dedicate an easement of suitable width for the emergency overland flow path to the City, all to the satisfaction of the Senior Director, Growth Management Division;
- (bb) That the stormwater management facilities on the lands zoned “RT-20/S-1811-H” (Townhouse - Maisonette - Holding) District,

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SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, City of Hamilton Zoning By-law No. 6593, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 311 and 313 Stone Church Road East (Hamilton) (PED21221) (Ward 7) – Page 3 of 39

Modified, (Block 2) have been constructed and are operational, to the satisfaction of the Senior Director, Growth Management Division;

- (2) The Holding Provisions for the “RT-20/S-1811-H” (Townhouse - Maisonette - Holding) District, Modified, shall be removed conditional upon:
- (aa) That the Owner prepare and implement an emergency overland flow path and dedicate an easement of suitable width for the emergency overland flow path to the City, all to the satisfaction of the Senior Director, Growth Management Division;
 - (iii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iv) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (c) That **Zoning By-law Amendment Application ZAC-21-009, by UrbanSolutions Planning & Land Development Consultants Inc. (c/o Matt Johnston, Applicant) on behalf of DiCenzo Construction Company Ltd. (c/o Anthony DiCenzo, Owner)** for a change in zoning from the “AA” (Agricultural) District to the Conservation / Hazard Land (P5) Zone, in order to protect a significant woodland on lands located at 313 Stone Church Road East, as shown on Appendix “A” to attached Report PED21221, be **APPROVED** on the following basis:
- (i) That the draft By-law attached as Appendix “D” to Report PED21221, 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 (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (d) That **Draft Plan of Subdivision Application 25T-202104 by UrbanSolutions Planning & Land Development Consultants Inc. (c/o Matt Johnston,**

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Applicant) on behalf of DiCenzo Construction Company Ltd. (c/o Anthony DiCenzo, Owner) on lands located at 311 and 313 Stone Church Road East, as shown on Appendix “A” attached to Report PED21221, be **APPROVED**, subject to the following:

- (i) That this approval apply to the Draft Plan of Subdivision “Lavita Estates” 25T-202104, prepared by UrbanSolutions Planning & Land Development Consultants Inc., and certified by Robert McLaren, O.L.S., dated November 24, 2021, consisting of one Natural Heritage/Park block (Block 1); one block for a maximum of 12 single detached dwellings on a private condominium road (Block 2); one block for a maximum of 112 block townhouse units and 80 maisonette units (Block 3); one block for a maximum of 12 street townhouse units (Block 4); one road widening block (Block 5); one future residential block (Block 6); four 0.3 m reserve blocks (Blocks 7-10); five lots for single detached dwellings (Lots 11-15); and, three public roads (Street ‘A’ and the extensions of Crerar Drive and Cyprus Drive), attached as Appendix “G” to Report PED21221, subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with Special Conditions attached as Appendix “H” to Report PED21221;
- (ii) Acknowledgement by the City of Hamilton of its responsibility for cost sharing with respect to this development shall be in accordance with the City’s Financial Policies and will be determined at the time of development;
- (iii) That there will be no payment of Cash-in-Lieu of Parkland required upon the dedication of the Natural Heritage/Park block (Block 1) to the City of Hamilton to satisfy parkland dedication requirements for this subdivision; and, that upon the dedication of the Natural Heritage/Park block (Block 1) to the City of Hamilton there will be no parkland balance credited in favour of the owner from this subdivision;
- (e) That upon approval of Urban Hamilton Official Plan Amendment Application UHOPA-21-005, Zoning By-law Amendment Application ZAC-21-009, and Draft Plan of Subdivision Application 25T-202104, that a portion of the subject lands identified as Block 1 on the Draft Plan of Subdivision attached as Appendix “G” to Report PED21221 be re-designated from “Single and Double” to “Park and Recreation” and that a portion of the subject lands identified as Blocks 3 and 4 on the Draft Plan of Subdivision attached as Appendix “G” to Report PED21221 be re-designated from “Single and Double” to “Attached Housing” in the Crerar Neighbourhood Plan;

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- (f) That the Statutory Declarations for the Official Plan Amendment and Zoning By-law Amendments not be issued until the Ontario Land Tribunal issues its decision regarding the Urban Hamilton Official Plan appeal by DiCenzo Construction Company Ltd. as it affects the lands at 311 and 313 Stone Church Road East.

EXECUTIVE SUMMARY

The Applicant has applied for an Urban Hamilton Official Plan Amendment, a Zoning By-law Amendment, and a Draft Plan of Subdivision to permit the development of a maximum of 221 residential dwelling units consisting of a maximum of 112 block townhouse units, 80 maisonette units, 12 single detached dwellings on a private road (condominium road), five single detached dwellings on a public road, and 12 street townhouse units, as well as long term protection of an existing woodlot through a dedication to the City.

The owner has a site-specific appeal against the adoption of the Urban Hamilton Official Plan (UHOP). This appeal is subject to a separate process and negotiations to address the appeal.

The purpose of the Official Plan Amendment Application is to redesignate a portion of the subject lands from “Open Space” to “Neighbourhoods” and to establish an Urban Site Specific Policy to reduce daylighting triangle requirements, to permit a minimum net residential density of 55 units per hectare within a medium density residential area of the Neighbourhoods Designation, and to permit the dedication of a woodlot to the City of Hamilton as parkland dedication.

The Zoning By-law Amendment Application is to rezone the subject lands from the “AA” (Agricultural) District and the “C” (Urban Protected Residential, Etc.) District to the “C/S-1811-H” (Urban Protected Residential, Etc. - Holding) District, Modified (Block 1), the “RT-20/S-1811-H” (Townhouse - Maisonette - Holding) District, Modified (Block 2), the “RT-30/S-1811” (Street - Townhouse) District, Modified (Blocks 3 and 4), the “C/S-1811” (Urban Protected Residential, Etc.) District, Modified (Blocks 5 and 6), and the Conservation / Hazard Land (P5) Zone. Staff are supportive of the requested modifications except for the removal of privacy area requirements for townhouse dwellings. An Holding ‘H’ Provision is recommended for Blocks 1 and 2 (Blocks 2 and 3 on the Draft Plan of Subdivision attached as Appendix “G” to Report PED21221) to establish an emergency overland flow path through the proposed blocks along the west property limit to convey all external drainage areas which currently drain through the subject site, and an Holding ‘H’ Provision is recommended for Block 1 (Block 2 on the Draft Plan of Subdivision attached as Appendix “G” to Report PED21221) to ensure the stormwater management facilities have been constructed and are operational.

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The proposed Draft Plan of Subdivision will create a Natural Heritage/Park block, a block for a maximum of 12 single detached dwellings on a private condominium road, a block for a maximum of 112 block townhouse units and 80 maisonette units, a block for a maximum of 12 street townhouse units, a road widening block, a future residential block, four 0.3 m reserve blocks, five lots for single detached dwellings, and three public roads. Approval would be subject to the owner entering into a Standard Form Subdivision Agreement with Special Conditions, as outlined in Appendix “H” attached to Report PED21221.

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the general intent and purpose of the UHOP, in particular the function, scale and design of the Low and Medium Density Residential policies as they relate to residential greenfield development and complete communities in the Neighbourhoods designation.

The development supports a range of UHOP objectives including providing long term protection to a natural heritage feature and providing a range of housing types and densities. The proposed maximum of 221 residential dwelling units consisting of street townhouse, block townhouse, maisonette, and single detached dwellings are supportable, as they provide a built form that is compatible with the character of the area and the proposed development represents good planning by, among other things, providing a compact and efficient urban form.

Alternatives for Consideration – See Page 38

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 Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision. The proposed Official Plan Amendment and Zoning By-law Amendments are to amend the land use designations that are currently under appeal to the Ontario Land Tribunal (OLT). Therefore, Council’s approval of the Official Plan Amendment and Zoning By-law Amendments will not take effect until the OLT issues its decision regarding the UHOP appeal.

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HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	DiCenzo Construction Company Ltd. (c/o Anthony DiCenzo).
Applicant/Agent:	UrbanSolutions Planning & Land Development Consultants Inc. (c/o Matt Johnston).
File Numbers:	UHOPA-21-005 ZAC-21-009 25T-202104
Type of Applications:	Urban Hamilton Official Plan Amendment. Zoning By-law Amendment. Draft Plan of Subdivision.
Proposal:	<ul style="list-style-type: none"> • One 1.15 ha Natural Heritage/Park block (Block 1); • One block for a maximum of 12 single detached dwellings on a private condominium road (Block 2); • One block for a maximum of 112 block townhouse units and 80 maisonette units (Block 3); • One block for a maximum of 12 street townhouse units (Block 4); • One road widening block (Block 5); • One future residential block (Block 6); • Four 0.3 m reserve blocks (Blocks 7-10); • Five lots for single detached dwellings (Lots 11-15); and, • Three public roads (Street 'A' and the extensions of Crerar Drive and Cyprus Drive). <p>As shown on the Concept Plan attached as Appendix "F" to Report PED21221.</p>
Property Details	
Municipal Address:	311 and 313 Stone Church Road East.
Lot Area:	±6.13 ha.
Servicing:	Full municipal services.
Existing Use:	Agricultural and Natural Open Space.

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Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	“Neighbourhoods” on Schedule E – Urban Structure and “Neighbourhoods” and “Open Space” on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	<ul style="list-style-type: none"> • To redesignate a portion of the subject lands from “Open Space” to “Neighbourhoods”; • To reduce daylighting triangle requirements; • To permit a minimum net residential density of 55 units per hectare within a medium density residential area of the Neighbourhoods Designation; and, • To permit the dedication of a woodlot as parkland dedication.
Neighbourhood Plan:	Crerar – Single and Double.
Zoning Existing:	“AA” (Agricultural) District; and, “C” (Urban Protected Residential, Etc.) District.
Zoning Proposed:	<ul style="list-style-type: none"> • “C/S-1811-H” (Urban Protected Residential, Etc. - Holding) District, Modified (Block 1); • “RT-20/S-1811-H” (Townhouse - Maisonette - Holding) District, Modified (Block 2); • “RT-30/S-1811” (Street - Townhouse) District, Modified (Blocks 3 and 4); • “C/S-1811” (Urban Protected Residential, Etc.) District, Modified (Blocks 5 and 6); and, • Conservation / Hazard Land (P5) Zone.
Modifications Proposed:	<p>“C/S-1811” District (Block 1):</p> <ul style="list-style-type: none"> • To deem the private road as a street; • Definition and regulation of Swales; • Maximum Height; • Minimum Yards; and, • Minimum Parking Ratio.

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Documents	
<p>Modifications Proposed Continued:</p>	<p>“RT-20/S-1811” District (Block 2):</p> <ul style="list-style-type: none"> • Definition and regulation of Swales; • Maximum Height; • Minimum Required Setbacks; • Minimum Distance Between Buildings; • Minimum Lot Area; • Removal of Privacy Area requirements; however, staff do not support this request for the townhouse units; • Minimum Landscaped Area; • Minimum Parking Ratio; and, • Minimum Parking Space Length. <p>“RT-30/S-1811” District (Blocks 3 and 4):</p> <ul style="list-style-type: none"> • Maximum Height; • Minimum Front and Side Yards; • Minimum Distance Between Buildings; and, • Minimum Lot Area. <p>“C/S-1811” District (Blocks 5 and 6):</p> <ul style="list-style-type: none"> • Maximum Height; • Minimum Front Yard; and, • Removal of Manoeuvring Space for Parking Areas. <p>(See Appendix “E” attached to Report PED21221.)</p>
Processing Details	
Received:	December 23, 2020.
Deemed Complete:	January 22, 2021.
Notice of Complete Application:	Sent to 131 property owners within 120 m of the subject lands on February 19, 2021.
Public Notice Sign:	Posted February 26, 2021 and updated with Public Meeting date November 9, 2021.
Notice of Public Meeting:	Sent to 141 property owners within 120 m of the subject lands and other interested persons on November 19, 2021.

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Processing Details	
Public Comments:	33 letters / emails expressing concerns about various aspects of the proposed development (see Appendix “J” attached to Report PED21221).
Processing Time:	349 days.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Agricultural and Natural Open Space	“AA” (Agricultural) District; and, “C” (Urban Protected Residential, Etc.) District.
Surrounding Land Uses:		
North	Natural Open Space; and, Single Detached Dwellings.	Conservation / Hazard Land (P5) Zone; and, “C” (Urban Protected Residential, Etc.) District.
South	Single Detached Dwellings.	“C” (Urban Protected Residential, Etc.) District.
East	Single Detached Dwellings; Vacant Institutional Lands; Educational Establishment; and, Multiple Dwelling.	“R-4” (Small Lot Single Family Detached) District; “AA” (Agricultural) District; Community Institutional (I2) Zone; “C” (Urban Protected Residential, Etc.) District; and, “DE/S-787” and “DE/S-787a” (Low Density Multiple Dwellings) Districts, Modified.
West	Place of Worship; Natural Open Space; Agricultural; and, Single Detached Dwellings.	Major Institutional (I3, 8) Zone; “AA” (Agricultural) District; and, “C” (Urban Protected Residential, Etc.) District.

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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020)

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS (2020). The following policies, amongst others, apply to the proposed development.

- “1.1.1 Healthy, liveable and safe communities are sustained by:
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, 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;
 - e) promoting the integration of land use planning, growth management, *transit-supportive* development, *intensification* and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.”

Further, the PPS states that:

- “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 densities and a mix of land uses which:
- a) Efficiently use land and resources;
 - b) 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;
 - e) Support *active transportation*;

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- f) Are *transit-supportive*, where transit is planned, exists or may be developed;

Land use patterns within *settlement areas* shall also be based on 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.

- 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *transit-supportive* development, accommodating a significant supply and range of *housing options* through *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.”

The proposed development is located within a settlement area. The development of a mix of single detached and townhouse dwellings is an efficient use of land and represents an appropriate development of the site which is located close to an arterial road and public transit, amenities, and open spaces. The subject lands are well serviced by a comprehensive street network with nearby transit routes, which will encourage active transportation and transit usage.

Noise

“1.2.6.1

and will create havoc for parking for those who have more cars than they have space to park them in the area. Just look at Sirente drive from Upper Wellington to Newport Cres and beyond. So many cars on the street and barely room for one car to get through. The same will happen on Crerar!

avoid, or if avoidance is not possible, minimize and mitigate any potential *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of *major facilities* in accordance with provincial guidelines, standards and procedures.”

The lands front Stone Church Road East and are located ±348.5 m from the Lincoln M. Alexander Parkway, which are identified as a minor arterial road and a parkway, respectively, on Schedule C – Functional Road Classification in the UHOP. Staff have reviewed the environmental noise impact study titled “Lavita Estates Residential Development”, prepared by dBA Acoustical Consultants Inc. and dated February 2021. The study identified the acoustic mitigation requirements for this development with respect to road noise from Stone Church Road East, Upper Wellington Street, and Upper Wentworth Street. Staff concur with the recommendations of the study that a noise barrier, noise warning clauses and specific ventilation will be required. These

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matters are addressed as Condition Nos. 18 and 19 of Appendix “H” attached to Report PED21221.

Natural Heritage

“2.1.5 *Development and site alteration* shall not be permitted in:

- b) *Significant woodlands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Mary’s River);

unless it has been demonstrated that there will be no *negative impacts* on the natural features or their *ecological functions*.”

The policies of the PPS (2020) seek to provide for the long-term protection of significant woodlands. The delineation and identification of significant woodlands within settlement areas is the responsibility of the City of Hamilton, the local planning authority. The Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision (attached as Appendices “B”, “D”, and “G” to Report PED21221, respectively), would result in the long term protection of 1.15 hectares of the woodland. The long term protection of the woodland and a viable housing development will support the creation of complete communities. Therefore, the proposed development is consistent with the PPS (2020).

Archaeology

“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 property meets five of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 250 metres of known archaeological sites;
- 2) 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;
- 3) In the vicinity of distinctive or unusual landforms;
- 4) In areas of pioneer EuroCanadian settlement; and,
- 5) Along historic transportation routes.

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These criteria define the property as having archaeological potential. Stage 1-2 archaeological reports (P389-0484-2020 for 311 Stone Church Road East) and (P017-195-2011 for 313 Stone Church Road East) have been submitted to the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries. Staff concur with the recommendations made in the reports, and the archaeology requirements for the subject lands has been met to the satisfaction of staff.

Hazardous Lands

“3.1.7 ... *development* and *site alteration* may be permitted in those portions of *hazardous lands* and *hazardous sites* where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

- a) *Development and site alteration* is carried out in accordance with *floodproofing standards, protection works standards, and access standards*;
- b) Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- c) New hazards are not created and existing hazards are not aggravated; and,
- d) No adverse environmental impacts will result.”

Lands that could be unsafe for development and site alteration due to naturally occurring hazards, including unstable bedrock (karst topography), are deemed to be “hazard lands” in the PPS. The Natural Heritage Characterization Report, prepared by Colville Consulting and dated February 2018, has noted karst features on the subject lands and surrounding area. Also, staff have noted karst features within the City-owned woodland to the north (Crerar Natural Open Space). A karst assessment has not been completed. Therefore, Note No. 2 on the conditions of Draft Plan of Subdivision approval attached as Appendix “H” to Report PED21221 is included to advise the proponent that additional information pertaining to the karst inventory may be required.

Based on the foregoing, the proposal is consistent with the PPS (2020).

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A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)

The policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) apply to any planning decision.

The proposal conforms with the Guiding Principles stated in Section 1.2.1 of A Place to Grow (2019), as it supports a range and mix of housing options, supports transit viability, and improves the integration of land use planning with planning and investment in infrastructure. The following policies, amongst others, apply to this 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:
 - i. *Delineated built-up areas*;
 - ii. *Strategic growth areas*;
 - 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*;

2.2.1.4 Applying the policies of this 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*; and,

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- 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.”

The subject lands are within the Urban Boundary in a settlement area where it will provide opportunity to build a compact urban form that includes a mix of single detached and townhouse dwellings, with existing and planned municipal services. The proposed development provides an efficient use of land with appropriate densities near a minor arterial road (Stone Church Road East) with available transit services.

Based on the foregoing, the proposal conforms with the applicable policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure, shown outside of the Built Boundary on Appendix “G” – Boundaries Map, and designated “Neighbourhoods” and “Open Space” on Schedule E-1 – Urban Land Use Designations. The following policies, amongst others, apply to the proposal.

Tree Protection

- “C.2.11.1 The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

Planning and Hamilton Conservation Authority staff have reviewed the Tree Protection Plan (TPP), Landscape Plan, and Homeowner’s Stewardship Guide, prepared by Adesso Design and dated August 13, 2021. Staff have noted that there are opportunities to preserve the existing mature healthy native trees, especially those around the periphery of the site. The trees along the eastern boundary of the site are on City-owned property and part of a Linkage mapped on Schedule B – Natural Heritage System of the UHOP. These should be retained and integrated with the natural features of the site. Other technical revisions to the TPP that are required are included as Condition No. 20 of Appendix “H” attached to Report PED21221.

The TPP has identified Tree #132 as a pure Butternut which is regulated under the *Endangered Species Act* (2007). The TPP requires that this tree will be assessed by a qualified Butternut health assessor to determine its health and whether it should be removed or alternatively preserved. This recommended assessment must be

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completed and submitted to the Ministry of Environment, Conservation, and Parks (MOECP) as detailed in Condition No. 21 of Appendix “H” attached to Report PED21221.

Staff note that the preliminary grading plan, prepared by S. Llewellyn & Associates and dated August 2021, proposed grading and drainage features, which include a retaining wall and trapezoidal swale within the rear yards of condominium Lots 4-8 (within Block 2 on the Concept Plan attached as Appendix “F” to Report PED21221) to reconcile grading along the boundary of the Significant Woodland (Block 1) and address external drainage into the lands. A projecting dolostone / limestone rock face and several trees, including a Butternut, have been identified within these yards. Staff will be seeking the detailed design of environmental features, including but not limited to the projecting dolostone / limestone rock face, Butternut and other significant trees, be preserved. These edge conditions, including boundary landscaping and fencing, will be addressed through an Edge Management Plan, which is required as Condition No. 22 of Appendix “H” attached to Report PED21221.

The Landscape Plan discusses the removal of invasive species and mentions that Japanese Knotweed is present on the site, but the methods for removal are not stated in the Landscape Plan. As the City is assuming ownership of Block 1, invasive species management will be the responsibility of the City. Proposed habitat restoration plantings will be shown on the Landscape Plan as required by Condition No. 23 of Appendix “H” attached to Report PED21221.

The Landscape Plan will incorporate native species as encouraged by the HCA due to the proximity of the site to a significant natural area. As the TPP identifies approximately 121 private trees are to be removed, compensation will be required at a 1:1 ratio for all private trees to be removed. Final compensation will be determined once the TPP is approved, which shall be identified on the Landscape Plan to be reviewed at the detailed design stage, which is required as Condition No. 23 of Appendix “H” attached to Report PED21221.

Planning and HCA staff are generally satisfied with the Homeowner’s Stewardship Guide, prepared by Adesso Design, subject to some edits/corrections as addressed in Condition No. 24 of Appendix “H” attached to Report PED21221.

Neighbourhoods Designation

“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;

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- 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*; and,
 - b) Open space and parks;
- E.3.3.1 Lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas with higher density dwelling forms and supporting uses located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads; and,
- E.3.3.2 *Development or redevelopment* adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are *compatible* with existing and future uses in the surrounding area.”

The proposed mix of single detached dwellings, street and block townhouses and maisonette dwelling units are permitted uses in the Neighbourhoods designation. The policies of the Neighbourhoods designation seek to establish a full range of residential types and densities. The proposed greenfield development contributes to the establishment of a full range of housing forms, types and densities in the area.

While the subject lands are generally located in the interior the Crerar Neighbourhood, the medium density residential lands (Block 3 on the Concept Plan and Proposed Draft Plan of Subdivision (attached as Appendices “F” and “G”, respectively, to Report PED21221) gain access to a collector road (Crerar Drive) and a minor arterial road (Stone Church Road East) via local roads (Crerar Drive and Street ‘A’) with a small number of low density residential dwellings located on that portion of the roads.

The proposed development is adjacent to lower density residential uses to the north. In particular, the rear yards of the single detached dwellings along Dolphin Place back onto the 12 single detached dwellings in the proposed common element condominium (Block 2 on the Concept Plan attached as Appendix “F” to Report PED21221). It is noted that while Lots 1-3 are arranged with a rear-to-rear yard configuration, Lot 4 is oriented such that the side yard is adjacent to the rear yards of the adjacent lands. Accordingly, the Applicant has proposed an increased setback of 2.4 metres, instead of the typical 1.2 metres, for this boundary condition, which has been reflected in the proposed Zoning By-law Amendment attached as Appendix “C” to Report PED21221. In addition, 1.8 metre high wood privacy perimeter fencing is proposed, as shown on the Landscape Plan, prepared by Adesso Design and dated August 13, 2021, which would be further reviewed at the future Site Plan Control stage.

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Other matters concerning compatibility as a result of the proposed development, such as shadowing, overlook, noise, traffic, and other nuisance effects, would be negligible given the density of the proposed development on Block 2. Lighting would be reviewed in the future at the Site Plan Control stage.

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.3.5.2 Uses permitted in medium density residential areas include *multiple dwellings* except street townhouses;
- 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.3.5.7 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;
- E.3.5.8 For medium density residential uses, the maximum height shall be six storeys; and,
- 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;

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- 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; and,
- d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.”

The neighbourhood contains a mixture of low and medium density developments and community facilities/services with a network of safe and convenient pedestrian connections. The proposed maisonette and block townhouse dwellings are forms of multiple dwellings. The medium density residential lands (Block 3 on the Concept Plan and Proposed Draft Plan of Subdivision (attached as Appendices “F” and “G”, respectively, to Report PED21221) gain access to a collector road (Crerar Drive) and a minor arterial road (Stone Church Road East) via local roads (Crerar Drive and Street ‘A’) with a small number of low density residential dwellings located on that portion of the roads. As there is no existing development located in the vicinity of the two proposed accesses to the development, they do not present any conflict between traffic and pedestrians on surrounding streets. The design of the accesses will be further reviewed at the future Site Plan Control stage. The proposed medium density development respects and is compatible with adjacent developments.

The proposed height of three storeys for the maisonette and block townhouse dwellings conforms to the maximum height for medium density residential uses in Neighbourhoods. However, the proposed 57.2 units per hectare falls below the permitted net residential density range for medium density residential uses. 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 compatible with the existing surrounding dwelling form of generally 1.5 to two storey heights. A minimum of 55 units per hectare is included in the Draft Official Plan Amendment attached as Appendix “B” to Report PED21221 to provide added flexibility.

Low Density Residential

- “E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods;
- E.3.4.2 Low density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade;

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- E.3.4.3 Uses permitted in low density residential areas include single-detached, semidetached, duplex, triplex, and street townhouse dwellings;
- E.3.4.4 For low density residential areas the maximum *net residential density* shall be 60 units per hectare; and,
- E.3.4.5 For low density residential areas, the maximum height shall be three storeys.”

The proposed single detached dwellings (12 units on a private condominium road in Block 2 and five units on Lots 11-15) and 12 street townhouse dwellings on Block 4 (as shown on the Concept Plan and Proposed Draft Plan of Subdivision (attached as Appendices “F” and “G”, respectively, to Report PED21221) are permitted uses in the Low Density Residential areas. The proposed density of the 12 single detached dwelling units in Block 2 is ± 17.4 units per hectare, the density of the 12 street townhouse dwellings on Block 4 is ± 50 units per hectare, and the density of the five lots (Lots 11-15) is ± 25 units per hectare. However, these proposed densities may be adjusted slightly as a result of revisions to the Concept Plan with respect to right-of-way requirements, which is discussed in detail below in the Transportation Network and Right-of-Ways section. These revisions and adjustments would not be substantial to increase the net residential density to above 60 units per hectare, therefore the proposed development complies with the maximum net residential density permitted in Low Density Residential areas. The building heights will be a maximum of 11.5 metres, as per the Draft Amendment to Zoning By-law No. 6593 attached as Appendix “C” to Report PED21221, which is representative of a maximum of three storeys.

Residential Greenfield Design

- “E.3.7.1 New greenfield communities shall be designed with a unique and cohesive character. Buildings, streetscapes, street patterns, landscaping, open spaces, and infrastructure shall be designed to contribute to this character;
- E.3.7.2 New greenfield communities shall be designed to include a focal point. All elements of the design of the community including the layout of streets, trails, pedestrian connections, and transit routes as well as the location of land uses and transit stops, shall contribute to creation of the community focal point;
- E.3.7.3 The configuration of streets, trails, and open spaces shall ensure clear and convenient pedestrian, cycling, and vehicular connections from within the greenfield community to the focal point and adjacent neighbourhoods;

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E.3.7.5 New residential development in greenfield areas shall generally be designed and planned to:

- a) Minimize changes to existing topography; and,
- b) Preserve existing trees and natural features;

E.3.7.6 New *development* or *redevelopment* adjacent to open spaces shall:

- a) Minimize the impacts on natural heritage features;
- b) Maintain or enhance public access to trails, bikeways, and parks within these features;
- c) Preserve or enhance public views to these features; and,
- d) Use native plant material adjacent to these features.”

The subject site is located on a future Collector road (Crerar Drive), as well as in close proximity to a Minor Arterial (Stone Church Road East). The existing neighbourhood is comprised of single detached dwellings, with natural open spaces, vacant institutional and agricultural lands, a neighbourhood park, educational establishments, multiple dwellings, and places of worship surrounding the subject lands.

The subject lands constitute a greenfield development as the lands are within the Urban Boundary but outside of the Built-Up Area and are considered a greenfield area. The subject lands are located in a settlement area where full municipal services are available and will contribute to the provision of a range and mix of housing types.

The proposed maximum of 221 residential dwelling units consisting of street townhouse, block townhouse, maisonette, and single detached dwellings will be of a size, density and scale that respects the existing and proposed scale of development in the area. At proposed building heights of two to three storeys (11.5 to 13.5 metres), the proposed development is appropriate with respect to the scale of the neighbouring buildings, which range in height from one and a half to two storeys, and massing that respects the existing street proportions and lot patterns. The subject proposal is appropriately designed and constitutes an evolving built form that is in harmony with the existing architectural massing of the area.

Visitor parking is proposed within the future condominium blocks of the development (Blocks 2 and 3) and sufficient amenity area by way of private yards and landscaped

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areas will also contribute to the integration of this new development into the existing neighbourhood. The proposed development will provide landscaping and visual barriers that will buffer neighbouring properties, consistent with the amount of landscaping on other properties in the neighbourhood to eliminate potential privacy concerns for adjoining residents. The proposed development will have direct vehicular and pedestrian routes throughout the site connecting to existing and planned sidewalks along Cyprus Drive, Crerar Drive, and Street 'A', establishing direct pedestrian routes to the existing transit services (see the Concept Plan attached as Appendix "F" to Report PED21221).

Scale and Design

"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:

- a) New *development* on large sites shall support a grid system of streets of pedestrian scale, short blocks, street oriented structures, and a safe and attractive public realm;
- 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;
- c) Adequate and direct pedestrian access and linkages to *community facilities/services* and local commercial uses shall be provided; and,
- d) *Development* shall improve existing landscape features and overall landscape character of the surrounding area;

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; and,
- e) Conserving, maintaining, and enhancing the natural heritage and topographic features of the City and its communities;

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- B.3.3.2.5 Places that are safe, accessible, connected and easy to navigate shall be created by using the following design Applications, where appropriate:
- a) Connecting buildings and spaces through an efficient, intuitive, and safe network of streets, roads, alleys, lanes, sidewalks, and pathways;
- B.3.3.2.8 Urban design should promote environmental sustainability by:
- a) Achieving compact development and resulting built forms; and,
 - b) Integrating, protecting, and enhancing environmental features and landscapes, including existing topography, forest and vegetative cover, green spaces and corridors through building and site design;
- 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; and,
 - d) Locating surface parking to the sides or rear of sites or buildings, where appropriate.”

The proposed development will provide a pedestrian scale street network aligned to the general intent of the Crerar Neighbourhood Plan with the extension of Crerar Drive to Stone Church Road East. It is noted that while the Neighbourhood Plan shows a network of public roads connecting Cyprus Drive in the north to Crerar Drive in the south, private condominium roads are proposed within Blocks 2 and 3 of the proposed development (see the Concept Plan attached as Appendix “F” to Report PED21221). The Neighbourhood Plan identifies the entirety of the subject lands, including the woodland and municipal tree assets located within municipal rights-of-way, for residential development and public roads. For orderly development to proceed, in lieu of a public roadway to complete the public road connection through the neighbourhood, a walkway is proposed through the City-owned strip of land adjacent to the northeast portion of the site from the sidewalk along Cyprus Drive to the internal sidewalk through the medium density residential lands. An easement will be established along the internal sidewalk to grant public access through Block 3 to Crerar Drive. These are addressed as Condition Nos. 25 and 28 of Appendix “H” attached to Report PED21221.

With respect to integrating, conserving, protecting, maintaining, improving and enhancing existing environmental features and landscape features and the overall

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landscape character of the surrounding area, including existing topography, forest and vegetative cover, through building and site design, Block 1 (woodland) will be dedicated to the City for long term protection and stewardship. Staff note that the preliminary grading plan, prepared by S. Llewellyn & Associates and dated August 2021, proposed grading and drainage features, including a retaining wall and trapezoidal swale, within the rear yards of condominium Lots 4-8 (within Block 2 on the Concept Plan attached as Appendix “F” to Report PED21221) to reconcile grading along the boundary of Block 1 and address external drainage into the lands. A projecting dolostone / limestone rock face and several trees, including a Butternut, have been identified within these yards and are identified for removal. Staff recommend that through the detailed design additional environmental features, including but not limited to the projecting dolostone / limestone rock face, Butternut and other significant trees, should be preserved. Accordingly, a Tree Preservation / Management / Enhancement Plan, Edge Management Plan, Landscape Plan, and a Homeowner’s Stewardship Guide will be required and are addressed by Condition Nos. 20 - 24 of Appendix “H” attached to Report PED21221.

The proposed dwellings will address the public and private internal roadways with garages recessed from the principal entrances of the dwellings with most visitor parking areas located away from the public street. Where visitor parking areas are located next to a public street they will be screened from view with landscaping. This requirement will be further addressed at the future Site Plan Control stage.

Matters regarding access and linkages to surrounding supporting uses and respecting the existing character, development patterns, built form, and landscape consistent with the surrounding neighbourhood through compact development have been discussed in greater detail above.

Transportation Network and Right-of-Ways

- “C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way-widths:
- d) Minor arterial roads, subject to the following policies:
 - iii) The basic maximum right-of-way widths for major arterial roads shall be [as] described in Schedule C-2 – Future Right-of-Way Dedications;
 - e) Collector roads, subject to the following policies:

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- ii) The basic maximum right-of-way widths for urban collector roads shall be ... 26.213 metres ...; and,
- iv) Short connecting link-roads which generally connect local internal neighbourhood ring road networks to external arterial roads shall be classified as collector roads. Several connecting link-roads are located in between arterial roads and function as mid block collector roads;
- f) Local roads, subject to the following policies:
 - ii) The basic maximum right-of-way widths for local roads shall be ... 20.117 metres ...;

C.4.5.6.1 The City shall require, as a condition of site plan approval, subdivision approval, condominium approval and land severance consent, that sufficient lands are conveyed to provide for a road right-of-way dedication in accordance with the designated widths as set out in Section C.4.5.2 or Schedule C-2 – Future Right-of-Way Dedications;

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 right-of-way dedication 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 right-of-way to the maximum right-of-way width or provide the full daylight triangle as set in Section C.4.5.2, Schedule C-2 – Future Right-of-Way Dedications, or Section C.4.5.7, and that the City's

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objectives for sustainable *infrastructure*, complete streets and mobility can be achieved; or,

- b) An alternative right-of-way width or daylighting triangle size has been deemed appropriate through a City initiated environmental assessment, streetscape master plan, area master plan, secondary planning study, or other transportation or planning study approved by Council, and provided it does not affect the safe and planned operation of the roadway;

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:

- a) Local to local roads: 4.57 m triangle or radius;
- b) Collector to local or collector Roads: 9.14 m x 9.14 m triangle; and,
- c) Arterial to collector or arterial (Urban): 12.19 m x 12.19 m triangle;

C.4.5.8.3 Private access to arterial and collector roads shall be designed to minimize the number of driveways and to consolidate driveways for adjacent sites where possible; and,

C.4.5.10 Traffic calming devices shall only be installed where warranted in accordance with current City traffic standards.”

Stone Church Road East is classified as a Minor Arterial with a future right-of-way width of 30.048 metres from Golf Links Road to Upper Mount Albion Road, as specified in Schedule C-2 of the UHOP. A road widening of approximately 5.18 m to provide a right-of-way width of 15.024 m from the road centreline has been provided on the Draft Plan as Block 5 and will be dedicated to the City (see Appendix “G” attached to Report PED21221). This has been secured through Condition No. 29 of Appendix “H” attached to Report PED21221.

Crerar Drive at the intersection of Stone Church Road East functions as a midblock collector road connecting the local internal neighbourhood road network to the external

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arterial road, with a right-of-way width of 26.213 metres. The remainder of Crerar Drive is classified as a local road and shall match the existing width of Crerar Drive (± 20.12 metres). The Concept Plan and Proposed Draft Plan of Subdivision (attached as Appendices “F” and “G”, respectively, to Report PED21221) identify a proposed ± 9.6 metre x ± 9.6 metre daylighting triangle at the northwest corner of Stone Church Road East and Crerar Drive. In consultation with Transportation Planning staff, notwithstanding the daylighting triangle requirements and criteria for alternative size, the ± 9.6 metre x ± 9.6 metre daylighting triangle can be supported as it will be a consistent in size with the existing daylighting triangle at the northeast corner of Stone Church Road East and Crerar Drive. A maximum 9.60 metre x 9.60 metre daylighting triangle requirement is included in the Draft Official Plan Amendment attached as Appendix “B” to Report PED21221 and will be secured through Condition No. 30 of Appendix “H” attached to Report PED21221.

It is noted that the transition from a collector road to a local road right-of-way width has not been determined. The right-of-way of Street ‘A’ is approximately 70 metres from the ultimate right-of-way of Stone Church Road East, and there may be a pinch point if the 26.213 metre right-of-way width is not provided for the entire length from Stone Church Road East to Street ‘A’. The 26.213 metre right-of-way width of a collector road is to ensure, amongst other infrastructure need, that sufficient width for turning lanes is provided (i.e. taper and storage lengths). It will not be feasible to align the centreline of the right-of-way of the Crerar Drive extension with the centreline of Brigade Drive on the opposite side of Stone Church Road East. The new road, boulevard and sidewalk will be shifted westerly off-centre of the Crerar Drive right-of-way in order that the travel path centrelines of Crerar Drive and Brigade Drive are aligned. A southbound left turn lane and taper needs to be accommodated. Transportation Planning cannot support a reduced right-of-way for the section of Crerar Drive required to be classified as a collector road unless the Applicant can demonstrate there will be sufficient room to accommodate the infrastructure needs within the right-of-way prior to Street ‘A’, as is currently shown on the Draft Plan of Subdivision attached as Appendix “G” to Report PED21221.

Street ‘A’ is classified as a local road with a right-of-way width of 20.12 metres. 4.57 metre x 4.57 metre daylighting triangles at the northwest and southwest corners of the intersection of Crerar Drive (section classified as local road) and Street ‘A’ are required (Condition Nos. 29 and 30 of Appendix “H” attached to Report PED21221). A temporary turnaround required at the west end of Street ‘A’ and 0.3m reserve block around the perimeter are addressed as Condition No. 14 of Appendix “H” attached to Report PED21221. Revisions to the proposed cul-de-sac at the south end of Cyprus Drive to include the acquisition of a portion of City owned lands and the necessary boulevard for sidewalks and the installation of utilities is further discussed in Appendix

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“L” attached to Report PED21221 and is addressed as Condition Nos. 10 - 12 of Appendix “H” attached to Report PED21221.

A revised Transportation Impact Study, traffic signal design and installation for the Stone Church Road East and Brigade Drive/Creerar Drive extension intersection, and plans showing the ultimate right-of-way and daylighting limits, roadways, medians, pavement markings including left-turn storage and taper lengths, sidewalks, traffic calming and transportation management measures, sightline analysis and advisory statements to prospective purchasers, as further detailed in the Relevant Consultation attached as Appendix “L” to Report PED21221, are required as Condition Nos. 31 - 38 of Appendix “H” attached to Report PED21221. All required infrastructure improvements identified through an approved Transportation Impact Study will be addressed at the detailed design stage.

Approval of the Transportation Impact Study is required prior to approval of the on-street parking plan to address sightline issues and separation from intersections. In accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual, the minimum number of parking spaces shall be a ratio of 0.4 parallel on-street parking spaces per dwelling unit within reasonable walking distance for each phase of development. A revised on-street parking plan is addressed as Condition No. 4 of Appendix “H” attached to Report PED21221.

Infrastructure and Servicing

“C.5.3.11 The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system; and,

C.5.4.2 Any new *development* that occurs shall be responsible for submitting a detailed storm water management plan prior to *development* to properly address on site drainage and to ensure that new *development* has no negative impact on off site drainage.”

Development Engineering Approvals have identified several concerns with respect to the proposed grading and drainage plans, particularly the significant regrading proposed on the subject and adjacent lands, retaining wall, and trapezoidal swale along the north side and rear yards of Lots 4 to 8 on Block 2 and the west rear yards of Block 3, and overland flow routes, as further detailed in the Relevant Consultation attached as Appendix “L” to Report PED21221. The concerns are that the proposed drainage concept may not adequately contain, and redirect, stormwater flows from external lands away from the proposed development lots. As discussed above, the revisions provide an opportunity for staff to encourage, through the detailed grading design, that any

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additional environmental features be preserved. The Applicant is to confirm that the adjacent landowners for the lands located at 289 Stone Church Road East have reviewed and understand the scope and impact of the proposed grading and drainage measures, as well as the temporary cul-de-sac at the terminus of Street 'A', being proposed on their lands. This matter has been addressed as Condition No. 17 of Appendix "H" attached to Report PED21221.

Development Engineering Approvals has also identified potential issues with the proposal to replace a section of the existing sanitary sewer on Crerar Drive with larger diameter sewers. Multiple existing sewer services lack adequate minimum separations to the water services, which may present issues under the required MECP ECA Application for the new sewer.

Hamilton Conservation Authority have advised that the revised Functional Servicing Report, prepared by S. Llewellyn & Associates and dated August 2021, has not proposed sufficient quality control for the lands. They further recommend separate erosion and sediment control plans for pre-grading and initial construction stages and the plans provide additional measures and details. The above servicing, stormwater management, external drainage and grading, detailed engineering design, and sewer replacement have been addressed as Condition Nos. 1, 2, 6, 7, and 17 of Appendix "H" attached to Report PED21221.

Plan of Subdivision

"F.1.14.1.2 Council shall approve only those plans of subdivision that meet the following criteria:

- a) the plan of subdivision conforms to the policies and land use designations of this Plan;
- b) the plan of subdivision implements the City's staging of development program;
- c) the plan of subdivision can be supplied with adequate services and community facilities;
- d) the plan of subdivision shall not adversely impact upon the transportation system and the natural environment;
- e) the plan of subdivision can be integrated with adjacent lands and roadways;

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- f) the plan of subdivision shall not adversely impact municipal finances; and,
- g) the plan of subdivision meets all requirements of the *Planning Act*.”

The proposed Draft Plan of Subdivision, attached as Appendix “G” to Report PED21221, consists of one Natural Heritage/Park block (Block 1); one block for a maximum of 12 single detached dwellings on a private condominium road (Block 2); one block for a maximum of 112 block townhouse units and 80 maisonette units (Block 3); one block for a maximum of 12 street townhouse units (Block 4); one road widening block (Block 5); one future residential block (Block 6); four 0.3 m reserve blocks (Blocks 7-10); five lots for single detached dwellings (Lots 11-15); and, three public roads (Street ‘A’ and the extensions of Crerar Drive and Cyprus Drive).

Block 1 will be dedicated to the City for long term protection and stewardship of the woodland. Block 2 will allow for a future Condominium development having private roads and freehold lots, and Block 3 will allow for a future Condominium development having private roads and standard condominium units. Block 4 will allow for street townhouse dwellings, which may be divided through future Part Lot Control Applications. Block 5 dedicates the necessary road widening along Stone Church Road East and respective daylighting triangle. Two of the 0.3 m reserve blocks (Blocks 7 and 8) preclude access to lands not currently under the ownership or control of the subject Owner/Applicant, which can be lifted with future development of those lands and including Block 6 (future residential block). The other two 0.3 m reserve blocks (Blocks 9 and 10) will ensure driveway access from Cyprus Drive and Stone Church Road East, respectively, will not be permitted to the adjacent land.

The proposal complies with the applicable policies of the UHOP, subject to approval of the proposed Official Plan Amendment. It is consistent with the Criteria for Staging of Development as the site can be serviced using existing and planned infrastructure and will not adversely impact upon the transportation system and the natural environment, subject to the proposed Draft Plan conditions. The proposed development will integrate well with the existing development in the Crerar Neighbourhood, will not adversely impact municipal finances, and meets all requirements of the *Planning Act*.

Based on the foregoing, the proposal complies with the applicable policies of the UHOP, subject to approval of the proposed Official Plan Amendment.

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Crerar Neighbourhood Plan

The subject site is located within the boundaries of the Crerar Neighbourhood Plan. The neighbourhood plan was originally approved by Council in March of 1979 which established an overall framework for the neighbourhood design, including locations for park blocks and open spaces, to serve the future development of the broader area for the lands bounded by Upper Wellington Street, Lincoln M. Alexander Parkway, Upper Wentworth Street and Stone Church Road East.

The specific land use permissions and design details for individual development blocks in the neighbourhood have been, and continue to be, implemented through Zoning By-law Amendment Applications and Draft Plans of Subdivision. The site is designated “Single and Double” in the Neighbourhood Plan, which contemplates the development of single detached and semi-detached dwellings. The Block Townhouse and Street Townhouse blocks (Blocks 3 and 4, respectively, as shown on the Draft Plan of Subdivision attached as Appendix “G” to Report PED21221) would be categorized as “Attached Housing” in the Crerar Neighbourhood Plan. Portions of the subject lands are also identified for “Proposed Roads”. The woodland is not identified for protection by the Neighbourhood Plan.

An amendment to the Crerar Neighbourhood Plan is required to adjust the planned local road network and change the designations of:

- The Natural Heritage/Park block (Block 1 as shown on the Draft Plan of Subdivision attached as Appendix “G” to Report PED21221) from “Single and Double” to “Park and Recreational”; and,
- The Block Townhouse and Street Townhouse blocks (Blocks 3 and 4, respectively, as shown on the Draft Plan of Subdivision attached as Appendix “G” to Report PED21221) from “Single and Double” to “Attached Housing”.

Given:

1. The dedication of 1.15 hectares of woodland to the City;
2. The site’s frontage on a collector road (Crerar Drive) as a prominent entrance to the neighbourhood from a minor arterial (Stone Church Road East); and,
3. That the development will comply with the Urban Hamilton Official Plan upon approval of the proposed Urban Hamilton Official Plan Amendment,

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the above redesignations to “Park and Recreational” and “Attached Housing” can be supported.

Hamilton Zoning By-law Nos. 6593 and 05-200

The subject property is currently zoned “AA” (Agricultural) District and “C” (Urban Protected Residential, Etc.) District, in Hamilton Zoning By-law No. 6593, as shown on Appendix “A” attached to Report PED21221. In order to permit the proposed development, the Zoning By-law Amendment Application proposes to rezone the subject property to the:

- “C/S-1811-H” (Urban Protected Residential, Etc. - Holding) District, Modified (Block 1);
- “RT-20/S-1811-H” (Townhouse - Maisonette - Holding) District, Modified (Block 2);
- “RT-30/S-1811” (Street - Townhouse) District, Modified (Blocks 3 and 4);
- “C/S-1811” (Urban Protected Residential, Etc.) District, Modified (Blocks 5 and 6), all under Hamilton Zoning By-law No. 6593; and,
- Conservation / Hazard Land (P5) Zone under City of Hamilton By-law No. 05-200.

The proposed zoning will be discussed in the Analysis and Rationale section of this Report, and an evaluation of the proposed modifications to the “C”, “RT-20”, and “RT-30” Districts are included in Appendix “E” attached to Report PED21221.

RELEVANT CONSULTATION

Refer to Appendix “L” attached to Report PED21221 for a summary of Department and Agency comments and public input received.

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 131 property owners within 120 m of the subject lands on February 19, 2021.

A Public Notice Sign was posted on the property on February 26, 2021, and updated on November 9, 2021, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on November 19, 2021.

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Public Consultation Strategy

Pursuant to the City’s Public Consultation Strategy Guidelines, the Applicant launched a project website providing the complete Application documents and key project status dates. Further, the Applicant prepared a Public Consultation Strategy which included a neighbourhood information meeting held on June 7, 2021 and hosted by the Applicant virtually using the Microsoft Teams platform. The Applicant presented the proposal and addressed questions and concerns associated with the Applications. A notice advising of the neighbourhood information meeting was sent by the Applicant to all residents within 120 m of the subject lands. Members of the public, staff from the City and the Ward Councillor’s office, and the Applicant and their agent, attended the meeting. The meeting comments are included in Appendix “K” attached to Report PED21221.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed development has merit and can be supported for the following reasons:
 - i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - ii) It complies with the general intent and purpose of the UHOP, in particular, the function, scale and design of the Low and Medium Density Residential policies as they relate to residential greenfield development and complete communities in the Neighbourhoods designation; and,
 - iii) The proposed maximum of 221 residential dwelling units consisting of street townhouse, block townhouse, maisonette, and single detached dwellings are supportable, as they provide a built form that is compatible with the character of the area and the proposed development represents good planning by, among other things, providing a compact and efficient urban form;
2. The proposed Urban Hamilton Official Plan Amendment is required to redesignate a portion of the subject lands from “Open Space” to “Neighbourhoods” and to establish an Urban Site Specific Policy to reduce daylighting triangle requirements, to permit a minimum net residential density of 55 units per hectare within a medium density residential area of the Neighbourhoods Designation, and to permit the dedication of a woodlot to the City of Hamilton as parkland dedication.

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As per the UHOP policies identified above, the proposed Official Plan Amendment can be supported given that the Crerar Neighbourhood Plan identifies the entirety of the site for residential development and supporting infrastructure including public streets, and that the 1.15 hectare woodland is being protected through dedication to the City of Hamilton.

The Concept Plan supports a range of UHOP objectives including planning and designating lands for a range of housing types and densities and securing the woodland and the development of housing and public street connections as envisioned by the Crerar Neighbourhood Plan. Therefore, staff support the proposed Official Plan Amendment.

The proposed 57.2 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 support the modification to the density range as it maintains the intent of the Medium Density Residential policies of the UHOP by proposing a development which is a compatible with the existing surrounding dwelling form and massing. A minimum of 55 units per hectare is included in the Draft Official Plan Amendment attached as Appendix “B” to Report PED21221 to provide added flexibility.

The proposed ± 9.6 metre x ± 9.6 metre daylighting triangle at the northwest corner of Stone Church Road East and Crerar Drive is less than the required 12.19 metre x 12.19 metre daylighting triangle. In consultation with Transportation Planning staff, notwithstanding the daylighting triangle requirements and criteria for alternative size, this daylighting triangle can be supported as it will be a consistent in size with the existing daylighting triangle at the northeast corner of Stone Church Road East and Crerar Drive. A maximum 9.60 metre x 9.60 metre daylighting triangle requirement is included in the Draft Official Plan Amendment attached as Appendix “B” to Report PED21221.

3. The proposed Zoning By-law Amendments are to change the zoning:
 - From the “AA” (Agricultural) District to the “C/S-1811-H” (Urban Protected Residential, Etc. - Holding) District, Modified (Block 1);
 - From the “AA” (Agricultural) District to the “RT-20/S-1811-H” (Townhouse - Maisonette - Holding) District, Modified (Block 2);

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- From the “AA” (Agricultural) District and the “C” (Urban Protected Residential, Etc. - Holding) District to the “RT-30/S-1811” (Street - Townhouse) District, Modified (Blocks 3 and 4);
- From the “AA” (Agricultural) District and the “C” (Urban Protected Residential, Etc.) District to the “C/S-1811” (Urban Protected Residential, Etc.) District, Modified (Blocks 5 and 6); and,
- From the “AA” (Agricultural) District to the Conservation / Hazard Land (P5) Zone.

This zoning amendment will permit a maximum of 221 residential dwelling units consisting of a maximum of 112 block townhouse units, 80 maisonette units, 12 single detached dwellings on a private road (condominium road), five single detached dwellings on a public road, and 12 street townhouse units, and to protect a 1.15 hectare significant woodland.

Given that the proposed development will complement, through a compact design that includes a diverse range and mix of housing types, the existing and planned surrounding neighbourhood, will provide a mixture of lot widths and block sizes compatible with existing and planned development in the area, will be consistent with the character of the surrounding area, and will provide long term protection to a woodland, staff are supportive of the proposed Zoning By-law Amendment.

The implementing by-law proposes modifications to the “C” (Urban Protected Residential, Etc.) District, the “RT-20” (Townhouse - Maisonette) District, and the “RT-30” (Street - Townhouse) District. These are discussed in Appendix “E” attached to Report PED21221.

4. A Holding ‘H’ Provision is recommended for Blocks 1 and 2 (Blocks 2 and 3 on the Draft Plan of Subdivision attached as Appendix “G” to Report PED21221) to establish an emergency overland flow path through the proposed blocks along the west property limit to convey all external drainage areas which currently drain through the subject site. The emergency overland flow path design shall consider the following:
 - The side yard swales between dwellings have adequate space and capacity to convey the 100-year uncontrolled post development external flows without flooding the rear yards and foundation walls;

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- Provide a minimum 6 metre (or 9 metre if a pipe is required) easement over these emergency overland flow paths, subject to detailed design; and,
- Make a provision for an ultimate storm outlet (minor and major systems) through the subject lands for all external drainage areas from the west if an ultimate major system storm outlet for the external drainages is not feasible to be diverted towards Street “A”.

A further Holding ‘H’ Provision is recommended for Block 1 (Block 2 on the Draft Plan of Subdivision attached as Appendix “G” to Report PED21221) to ensure the stormwater management facilities have been constructed and are operational.

5. The proposed Draft Plan of Subdivision will consist of one Natural Heritage/Park block (Block 1); one block for a maximum of 12 single detached dwellings on a private condominium road (Block 2); one block for a maximum of 112 block townhouse units and 80 maisonette units (Block 3); one block for a maximum of 12 street townhouse units (Block 4); one road widening block (Block 5); one future residential block (Block 6); four 0.3 m reserve blocks (Blocks 7-10); five lots for single detached dwellings (Lots 11-15); and, three public roads (Street ‘A’ and the extensions of Crerar Drive and Cyprus Drive).

In review of Sub-section 51(24) of the *Planning Act*, to assess the appropriateness of the proposed subdivision, staff advise that:

- (a) It is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) The proposal represents a logical and timely extension of existing development and services and is in the public interest;
- (c) It will comply with the applicable policies of the Urban Hamilton Official Plan upon approval of the Urban Hamilton Official Plan Amendment;
- (d) The proposed roads will adequately service the proposed subdivision and can connect with the current road system;
- (e) The dimensions and shape of the lots and blocks are appropriate;
- (f) Restrictions and regulations for the development of the subdivision are included in the implementing Zoning By-law Amendment, conditions of draft plan approval and Subdivision Agreement;

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- (g) The subject lands can be appropriately used for the purposes for which it is to be subdivided and will not negatively impact natural heritage features, and flood control will be addressed through stormwater management plans that will be required as standard conditions of draft plan approval;
- (h) Adequate municipal services will be available, the particulars of which will be determined as part of the conditions of draft plan approval and Subdivision Agreement; and,
- (i) Public land will be conveyed to create road rights-of-way, the particulars of which will be determined as part of the Standard Subdivision Agreement and final registration of the Plan of Subdivision.

Therefore, staff are supportive of the proposed Draft Plan of Subdivision and recommend its approval.

6. Applications for a Draft Plan of Condominium (Common Element) (25CDM-202105) for a maximum of 12 single detached dwellings on a private condominium road for Block 2, a Draft Plan of Condominium (Phased – Standard) (25CDM-202106) for a maximum of 112 block townhouse units and 80 maisonette units for Block 3, and Site Plan Control Application (DA-21-012) for the aforementioned condominium blocks are required for the proposed development of the subject blocks, and will be further considered at later stages in the development process.

ALTERNATIVES FOR CONSIDERATION

I vote to deny this application and go ahead with ONLY, single detached dwelling...as noted below.

Should the Application be denied, the lands could be developed in accordance with the “AA” (Agricultural) District and the “C” (Urban Protected Residential, Etc.) District, which permits uses including, but not limited to, agricultural use and single detached dwellings.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and 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

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Clean and Green

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

Built Environment and Infrastructure

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED21221 - Location Map

Appendix “B” to Report PED21221 - Draft Official Plan Amendment

Appendix “C” to Report PED21221 - Draft Amendment to Zoning By-law No. 6593

Appendix “D” to Report PED21221 - Draft Amendment to Zoning By-law No. 05-200

Appendix “E” to Report PED21221 - Zoning Modification Chart

Appendix “F” to Report PED21221 - Concept Plan

Appendix “G” to Report PED21221 - Proposed Draft Plan of Subdivision

Appendix “H” to Report PED21221 - Draft Plan of Subdivision Special Conditions

Appendix “I” to Report PED21221 - Ontario Land Tribunal (Formerly OMB/LPAT) Case Nos. PL110331 et al

Appendix “J” to Report PED21221 - Public Submissions

Appendix “K” to Report PED21221 - Open House Materials

Appendix “L” to Report PED21221 - Relevant Consultation

TV:sd

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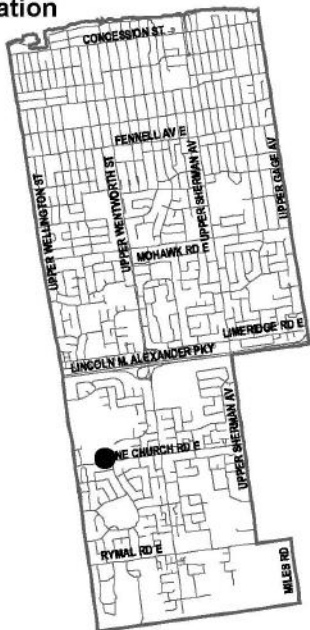
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Appendix "A" to Report PED21221
Page 1 of 1



● Site Location



Key Map - Ward 7

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-21-009, 25T-202104, 25CDM-2021005,
25CDM-2021006 & UHOPA-21-005

Date:
October 29, 2021








Appendix "A"

Scale:
N.T.S

Planner/Technician:
TV/VS

Subject Property

311 and 313 Stone Church Road East

-  Block 1 – Change in zoning from the "AA" (Agricultural) District to the "C/S-1811-H" (Urban Protected Residential, Etc. - Holding) District, Modified
-  Block 2 – Change in zoning from the "AA" (Agricultural) District to the "RT-20/S-1811-H" (Townhouse - Maisonette - Holding) District, Modified
-  Block 3 – Change in zoning from the "AA" (Agricultural) District to the "RT-30/S-1811" (Street - Townhouse) District, Modified
-  Block 4 – Change in zoning from the "AA" (Agricultural) District to the "RT-30/S-1811" (Street - Townhouse) District, Modified
-  Block 5 – Change in zoning from the "AA" (Agricultural) District to the "C/S-1811" (Urban Protected Residential, Etc.) District, Modified
-  Block 6 – Change in zoning from the "C" (Urban Protected Residential, Etc.) District to the "C/S-1811" (Urban Protected Residential, Etc.) District, Modified
-  Lands to be zoned Conservation/Hazard Land (P5) Zone

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 1: Appendix A – Parks Classification Map
Appendix “C”	Volume 3: Map 2 – Urban Site Specific Key Map

attached hereto, constitutes Official Plan Amendment No. X to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to redesignate a portion of the subject lands from “Open Space” to “Neighbourhoods”, to establish an Urban Site Specific Policy to reduce daylighting triangle requirements, to permit a minimum net residential density of 55 units per hectare within a medium density residential area of the Neighbourhoods Designation, and to permit the dedication of a woodlot to the City of Hamilton as parkland dedication.

2.0 Location:

The lands affected by this Amendment are known municipally as 311 and 313 Stone Church Road East, in the former City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed development is consistent with the Neighbourhoods policies of the Urban Hamilton Official Plan, save and except the scale policies for net residential density for Medium Density Residential areas;
- The proposed development is compatible with existing and planned development in the immediate area, implements the Residential Greenfield Design policies of the Urban Hamilton Official Plan, and contributes to the development of a range of housing forms;
- The proposed development is consistent with the Parkland Dedication

policies of the Urban Hamilton Official Plan for the dedication of land as parkland for residential proposals, save and except lands identified as woodlots are not considered eligible to satisfy parkland dedication requirements; and,

- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 Actual Changes:

4.1 Volume 1 – Parent Plan

Schedules and Appendices

4.1.1 Schedule

- a. That Volume 1: Schedule E-1 – Urban Land Use Designations be amended by redesignating a portion of the subject lands from “Open Space” to “Neighbourhoods”, as shown on Appendix “A”, attached to this Amendment.
- b. That Volume 1: Appendix A – Parks Classification Map be amended by identifying a portion of the subject lands as “Natural Open Space”, as shown on Appendix “B”, attached to this Amendment.

4.2 Volume 3 – Special Policy Areas, Area Specific Policies, and Site Specific Policies

Text

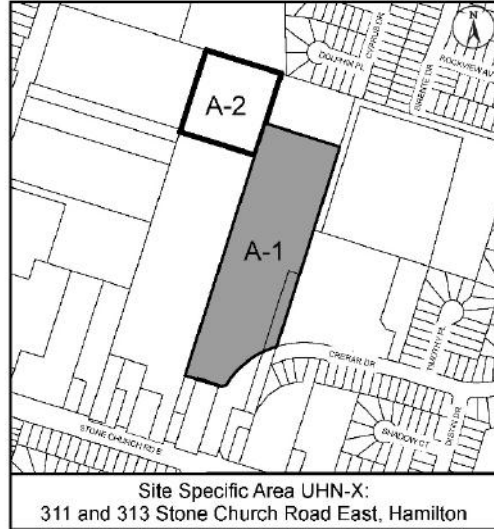
4.2.1 Chapter C – Urban Site Specific Policies

- a. That Volume 3, Chapter C – Urban Site Specific Policies – Hamilton Neighbourhoods be amended by adding a new Site Specific Policy, as follows:

“UHN-X 311 and 313 Stone Church Road East, former City of Hamilton

- 1.0 Notwithstanding Policies C.4.5.6.5 and C.4.5.7 c), for lands located at 311 Stone Church Road East, the daylighting triangle at the northwest corner of the intersection the arterial road (Stone Church Road East) and the collector road (Crerar Drive) shall be 9.60 metres x 9.60 metres.

2.0 Notwithstanding Policy E.3.5.7 of Volume 1, for lands located at 311 and 313 Stone Church Road East, identified as Area A-1, for medium density residential uses, the *net residential density* shall be between 55 and 100 units per hectare.



3.0 Notwithstanding Policy F.1.18.3 of Volume 1, for the lands located at 313 Stone Church Road East, identified as Area A-2, the existing woodlot shall be considered acceptable lands eligible to satisfy parkland dedication."

Maps and Appendices

4.2.2 Map

- a. That Volume 3: Map 2 – Urban Site Specific Key Map be amended by identifying the subject lands as UHN-X, as shown on Appendix "C", attached to this Amendment.

5.0 Implementation:

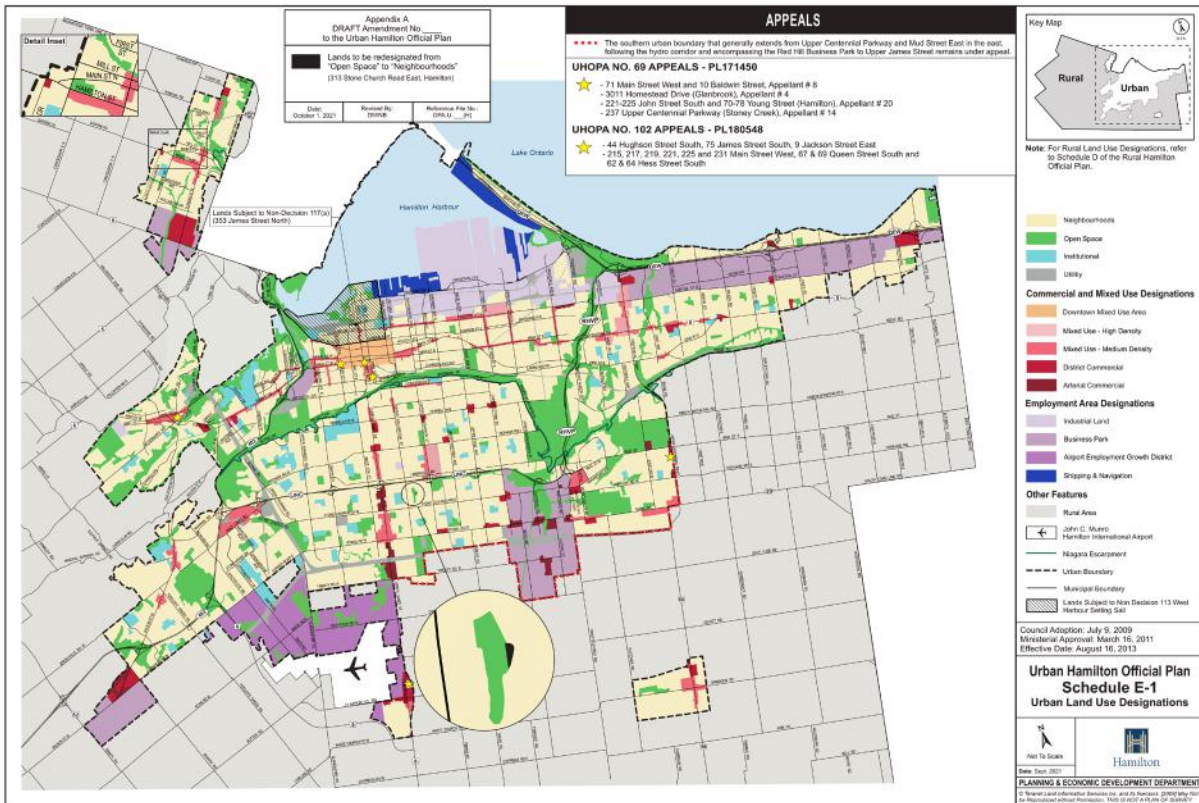
An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

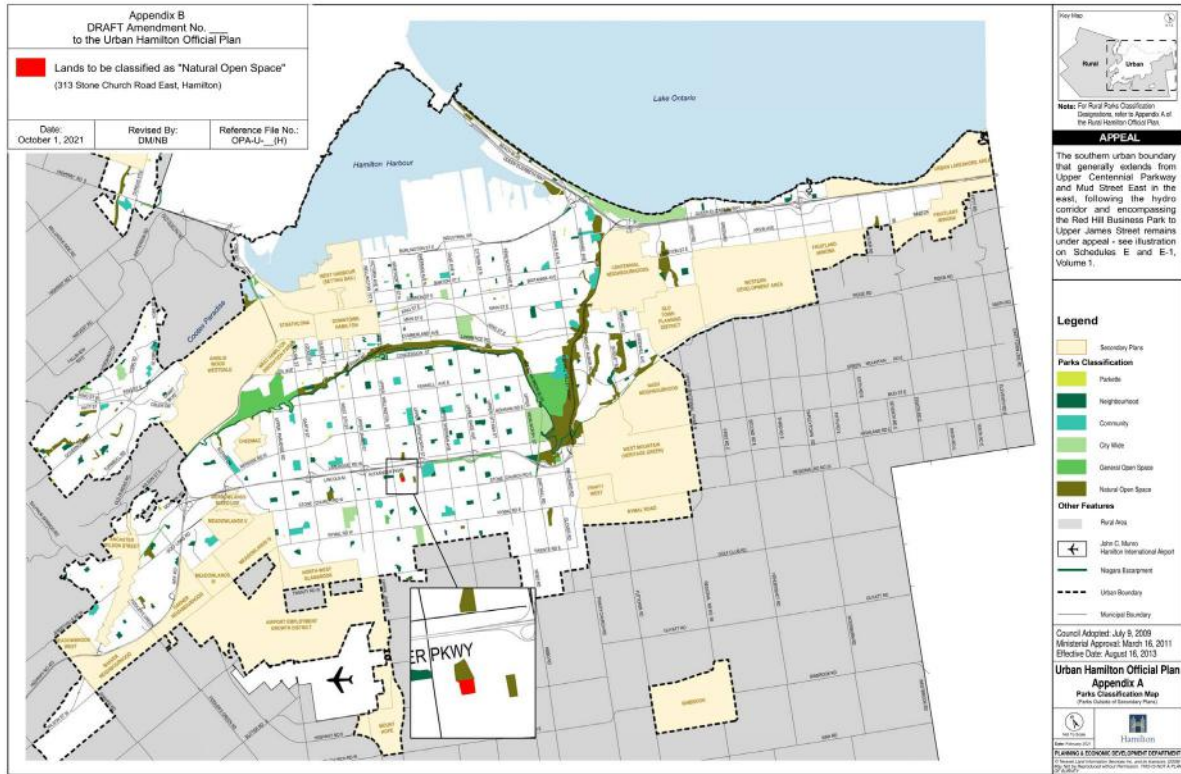
This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the ____th day of ____, 2021.

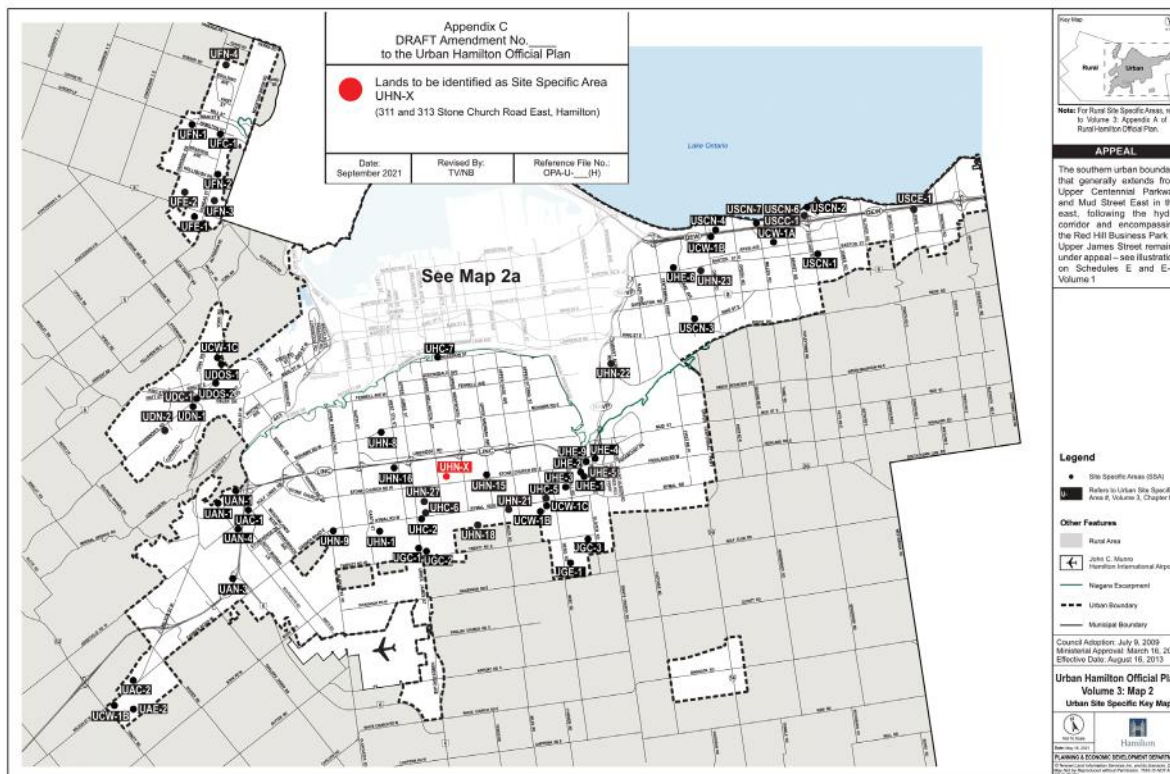
**The
City of Hamilton**

F. Eisenberger
MAYOR

A. Holland
CITY CLERK







**Appendix “C” to Report PED21221
Page 1 of 7**

Authority: Item _____, Planning Committee
Report PED21221
CM:
Ward: 7

Bill No.

CITY OF HAMILTON

BY-LAW NO. 21-_____

**To Amend Zoning By-law No. 6593, Respecting Lands Located at 311 and 313
Stone Church Road East**

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Schedule C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Hamilton” 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 and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951 (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item X of Report 21XXX of the Planning Committee at its meeting held on the ____ day of _____, 2021, which recommended that Zoning By-law No. 6593, be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. XX;

AND WHEREAS this By-law shall not come into effect until the Ontario Land Tribunal issues its decision regarding the Urban Hamilton Official Plan appeal by DiCenzo Construction Company Ltd as it effects the lands at 311 and 313 Stone Church Road East.

Appendix “C” to Report PED21221
Page 2 of 7

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

1. That Sheet Nos. E18b and E18c of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), are amended:
 - a) by changing the zoning from the “AA” (Agricultural) District to the “C/S-1811-H” (Urban Protected Residential, Etc. - Holding) District, Modified; the lands comprised of Block 1;
 - b) by changing the zoning from the “AA” (Agricultural) District to the “RT-20/S-1811-H” (Townhouse - Maisonette - Holding) District, Modified; the lands comprised of Block 2;
 - c) by changing the zoning from the “AA” (Agricultural) District to the “RT-30/S-1811” (Street - Townhouse) District, Modified; the lands comprised of Block 3;
 - d) by changing the zoning from the “C” (Urban Protected Residential, Etc.) District to the “RT-30/S-1811” (Street - Townhouse) District, Modified; the lands comprised of Block 4;
 - e) by changing the zoning from the “AA” (Agricultural) District to the “C/S-1811” (Urban Protected Residential, Etc.) District, Modified; the lands comprised of Block 5; and,
 - f) by changing the zoning from the “C” (Urban Protected Residential, Etc.) District to the “C/S-1811” (Urban Protected Residential, Etc.) District, Modified; the lands comprised of Block 6.

the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.
2. That the “C” (Urban Protected Residential, Etc.) District provisions, as contained in Section 9 of Zoning By-law No. 6593, applicable to Block 1, be modified to include the following special requirements:
 - a) For the purpose of this By-law, a private road shall be deemed to be a street, and visitor parking areas, sidewalks, landscaping including architectural feature walls, columns and gates, and outdoor amenity spaces are permitted uses within the private roads;
 - b) In addition to Section 2 Interpretation and Definitions, the following definition shall apply:

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Page 3 of 7

“Swale” shall mean a graded or engineered landscape feature, appearing as a linear, shallow, open channel for the purpose of conveying surface stormwater drainage, and includes an emergency overland flow route.

- c) Notwithstanding any other provision of this By-law, no building or structure shall be located within a swale.
 - d) Notwithstanding Subsection 9 (2), no building shall exceed two and a half storeys, and no structure shall exceed 11.5 metres in height.
 - e) Notwithstanding Subsection 9 (3) (i), a front yard depth to a garage of at least 6.0 metres and to a dwelling of at least 4.5 metres.
 - f) Notwithstanding Subsection 9 (3) (ii), a side yard depth along each lot line of a width of at least 1.2 metres, except the side yard depth along the northern boundary of Block 1, which shall be of a width of at least 2.4 metres.
 - g) Notwithstanding subsections e) and f) above, and in addition to Subsection 9 (3) (iii), where a swale is provided in a side or rear yard, the required yard shall be at least 0.6 metres measured from the uppermost interior edge of the swale’s slope to the nearest wall of any building or structure on the lot, provided that the distance between the lot line and the nearest wall of the principal building on the lot shall not be less than as required per either subsections e) or f.) above and Subsection 9 (3) (iii), as applicable.
 - h) Notwithstanding Subsections 18A. (1) (a) & (b), the minimum parking ratio required for a single detached dwelling shall be 2.0 spaces per unit and the minimum visitor parking shall be 0.4 spaces per unit.
 - i) The ‘H’ symbol applicable to the lands referred to in Section 1 of this By-law shall be removed conditional upon:
 - i) That the Owner prepare and implement an emergency overland flow path and dedicate an easement of suitable width for the emergency overland flow path to the City, all to the satisfaction of the Senior Director, Growth Management Division;
 - ii) That the stormwater management facilities on the lands zoned “RT-20/S-1811-H” (Townhouse - Maisonette - Holding) District, Modified (Block 2) have been constructed and are operational, to the satisfaction of the Senior Director, Growth Management Division.
3. That the “RT-20” (Townhouse - Maisonette) District provisions, as contained in Section 10E of Zoning By-law No. 6593, applicable to Block 2, be modified to include the following special requirements:

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- a) In addition to Section 2 Interpretation and Definitions, the following definition shall apply:

"Swale" shall mean a graded or engineered landscape feature, appearing as a linear, shallow, open channel for the purpose of conveying surface stormwater drainage, and includes an emergency overland flow route;

- b) Notwithstanding any other provision of this By-law, no building or structure shall be located within a swale;
- c) Notwithstanding Subsection 10E (3), no building shall exceed three storeys, and no structure shall exceed 13.5 metres in height;
- d) Notwithstanding Subsection 10E (4):
- i) A yard of a depth of not less than 3.0 metres from the north property line;
 - ii) A yard of a depth of not less than 3.0 metres from the south property line;
 - iii) A yard of a depth of not less than 7.0 metres from the east property line;
 - iv) A yard of a depth of not less than 7.0 metres from the southeast property line; and,
 - v) A yard of a depth of not less than 7.0 metres from the west property line;
- e) Notwithstanding Subsection 10E (5), the distance between two end walls shall not be less than 3.0 metres;
- f) Subsections 10E (8) and (9) shall not apply to a Maisonette Dwelling;
- g) Notwithstanding Subsection 10E (10), there shall be provided and maintained on the same lot an amount not less than 28% of the area of the lot on which buildings or structures are situated, as landscaped area;
- h) Notwithstanding subsection d) above, where a swale is provided in a yard, the required yard shall be at least 0.6 metres measured from the uppermost interior edge of the swale's slope to the nearest wall of any building or structure on the lot, provided that the distance between the lot line and the nearest wall of the principal building on the lot shall not be less than as required per either subsection d) above, as applicable;
- i) Notwithstanding Subsections 18A. (1) (a) & (b), the parking ratio required for townhouse dwelling with garage parking space enclosed or attached to each dwelling unit or Townhouse Dwelling and Maisonette Dwelling shall be at

Appendix “C” to Report PED21221
Page 5 of 7

least 1.25 spaces per unit and the minimum visitor parking shall be at least 0.25 spaces per unit;

- j) Notwithstanding Subsections 18A. (7), every required parking space, other than a parallel parking space, shall have dimensions not less than 2.7 metres wide and 5.8 metres long;
 - k) The ‘H’ symbol applicable to the lands referred to in Section 1 of this By-law shall be removed conditional upon:
 - i) That the Owner prepare and implement an emergency overland flow path and dedicate an easement of suitable width for the emergency overland flow path to the City, all to the satisfaction of the Senior Director, Growth Management Division;
4. That the “RT-30” (Street - Townhouse) District provisions, as contained in Section 10F of Zoning By-law No. 6593, applicable to Blocks 3 and 4, be modified to include the following special requirements:
- a) Notwithstanding Subsection 10F (3), no building shall exceed two and a half storeys, and no structure shall exceed 11.5 metres in height;
 - b) Notwithstanding Subsection 10F (4) (a), a front yard depth to a garage of at least 6.0 metres and to a dwelling of at least 4.5 metres;
 - c) Notwithstanding Subsections 10F (4) (c) (i), (ii) and (iii) and (d), the side yard depth and setback from a daylighting triangle shall be at least 1.2 metres, except for a side yard abutting Stone Church Road East the depth shall be at least 6.0 metres;
 - d) Subsection 10F (5) shall not apply; and,
 - e) Notwithstanding Subsection 10F (6), there shall be provided a lot area of not less than 165.0 square metres;
5. That the “C” (Urban Protected Residential, Etc.) District provisions, as contained in Section 9 of Zoning By-law No. 6593, applicable to Blocks 5 and 6, be modified to include the following special requirements:
- a) Notwithstanding Subsection 9 (2), no building shall exceed two and a half storeys, and no structure shall exceed 11.5 metres in height;
 - b) Notwithstanding Subsection 9 (3) (i), a front yard depth to a garage of at least 6.0 metres and to a dwelling of at least 4.5 metres; and,

Appendix "C" to Report PED21221

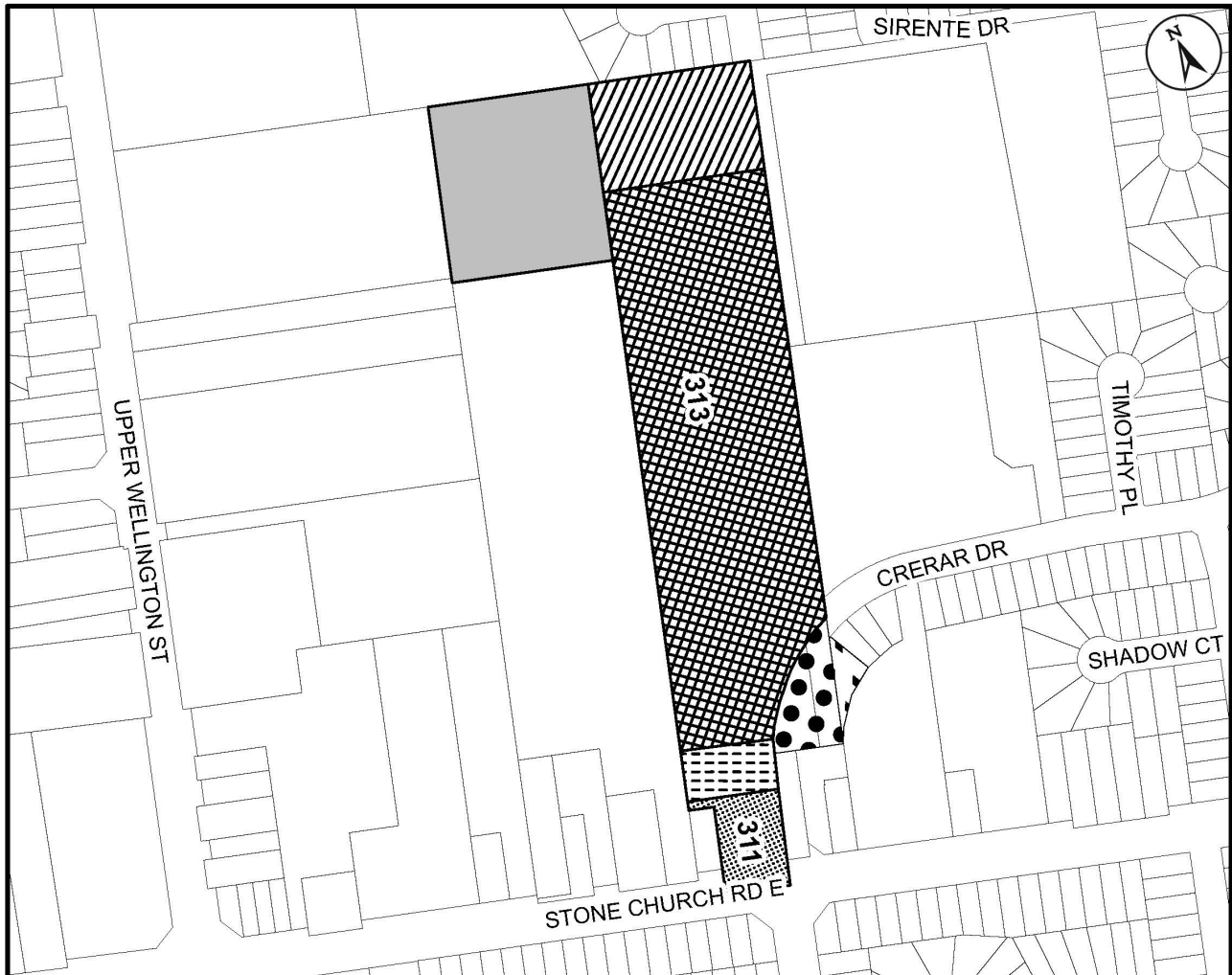
- c) Subsections 18A. (1) (f), (9) and (10) shall not apply.
6. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C" (Urban Protected Residential, Etc.) District, the "RT-20" (Townhouse - Maisonette) District, or the "RT-30" (Street - Townhouse) District provisions, as applicable, subject to the special requirements referred to in Sections 2 through 5 of this By-law.
 7. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedules S-1811 and S-1811-H;
 8. That Sheet Nos. E18b and E 18c of the District Maps are amended by marking the lands referred to in Section 1 of this By-law as S-1811 and S-1811-H; and,
 9. 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 ___, 2021.

Fred Eisenberger
Mayor

A. Holland
City Clerk

ZAC-21-009
UHOPA-21-005











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

Mayor

Clerk

Schedule "A"
Map forming Part of
By-law No. 21- _____
to Amend By-law No. 6593

- Subject Property**
311 and 313 Stone Church Road East
-  Block 1 – Change in zoning from the "AA" (Agricultural) District to the "C/S-1811-H" (Urban Protected Residential, Etc. - Holding) District, Modified
 -  Block 2 – Change in zoning from the "AA" (Agricultural) District to the "RT-20/S-1811-H" (Townhouse - Maisonette - Holding) District, Modified
 -  Block 3 – Change in zoning from the "AA" (Agricultural) District to the "RT-30/S-1811" (Street - Townhouse) District, Modified
 -  Block 4 – Change in zoning from the "C" (Urban Protected Residential, Etc.) District to the "RT-30/S-1811" (Street - Townhouse) District, Modified
 -  Block 5 – Change in zoning from the "AA" (Agricultural) District to the "C/S-1811" (Urban Protected Residential, Etc.) District, Modified
 -  Block 6 – Change in zoning from the "C" (Urban Protected Residential, Etc.) District to the "C/S-1811" (Urban Protected Residential, Etc.) District, Modified
 -  Refer to By-law No. 05-200

Scale: N.T.S	File Name/Number: ZAC-21-009, 25T-202104, 25CDM-2021005, 25CDM-2021006 & UHOPA-21-005	
Date: October 12, 2021	Planner/Technician: TV/VS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

**Appendix “D” to Report PED21221
Page 1 of 3**

Authority: Item _____, Planning Committee
Report PED21221
CM:
Ward: 7

Bill No.

CITY OF HAMILTON

BY-LAW NO. 21-_____

**To Amend Zoning By-law No. 05-200, Respecting Lands Located at 311 and 313
Stone Church Road East**

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at the meeting held on the ___ day of _____, 2021;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. XX; and,

AND WHEREAS this By-law shall not come into effect until the Ontario Land Tribunal issues its decision regarding the Urban Hamilton Official Plan appeal by DiCenzo Construction Company Ltd as it effects the lands at 311 and 313 Stone Church Road East.

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

1. That Map Nos. 1291 and 1344 of Schedule “A” – Zoning Maps is amended by adding the Conservation/Hazard Land (P5) Zone to the lands attached as Schedule “A” to this By-law.
2. 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*.

**Appendix “D” to Report PED21221
Page 2 of 3**

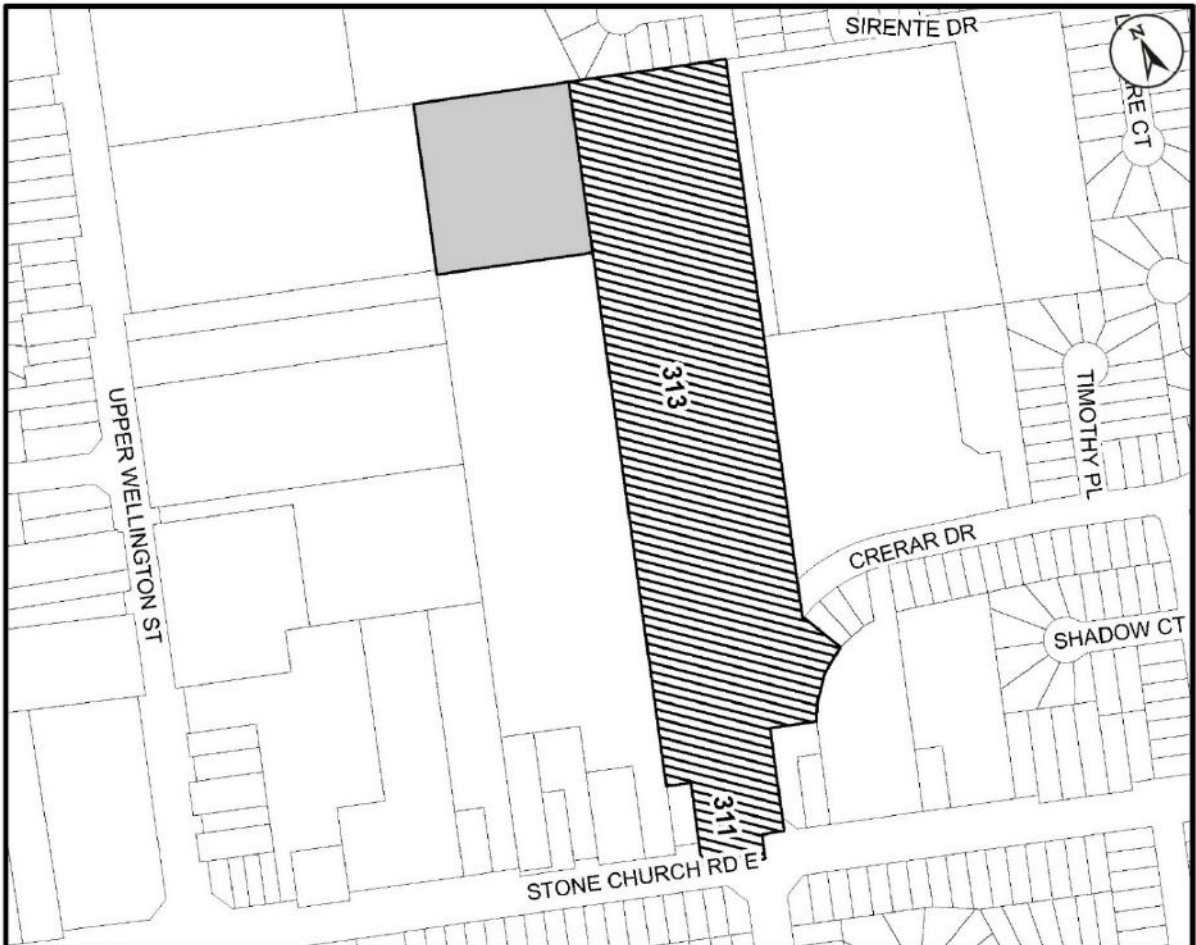
PASSED and ENACTED this __ day of __, 2021.

Fred Eisenberger
Mayor

A. Holland
City Clerk

ZAC-21-009

Appendix "D" to Report PED21221
Page 3 of 3



<p>This is Schedule "A" to By-law No. 21-</p> <p>Passed the day of, 2021</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<p style="text-align: center;">Schedule "A"</p> <p style="text-align: center;">Map forming Part of By-law No. 21-_____</p> <p style="text-align: center;">to Amend By-law No. 05-200 Maps 1291 & 1344</p>	<p>Subject Property</p> <p>311 and 313 Stone Church Road East</p> <p> Lands to be zoned Conservation / Hazard Land (P5) Zone</p> <p> Refer to By-law No. 6593</p>
--	--

<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-21-009, 26T-202104, 25CDM-2021005, 25CDM-2021006 & UHOPA-21-005</p>	 Hamilton
<p>Date: September 21, 2021</p>	<p>Planner/Technician: TV/V5</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

Site Specific Modifications to Block 1, Block 2, Block 3, Block 4, Block 5 and Block 6

Regulation	Required	Modification	Analysis
Maximum Height	All Blocks: 11.0 metres.	Blocks 1, 2, 5 and 6: 11.5 metres.	<p>The proposed increase in height is minor (an increase of 0.5 metres), which the Applicant has requested to provide flexibility to the development during the construction process, to ensure the buildings do not exceed the maximum height once finished grades, to be determined during the detailed design stage, are established.</p> <p>Therefore, staff supports this modification.</p>
		Blocks 3 and 4: 13.5 metres.	<p>The proposed increase in height will support a compact built form up to three storeys in height with 2.74 m (9 ft.) floor to ceiling heights per storey and roof pitches compatible with the surrounding context of the neighbourhood. The Applicant requested additional height to provide flexibility to the development during the construction process, to ensure the buildings do not exceed the maximum height once finished grades, to be determined during the detailed design stage, are established. The subject blocks are separated from existing dwellings by other forms of existing and proposed developments, providing sufficient transition in building height.</p> <p>Therefore, staff supports this modification.</p>
Front Yard Setbacks	Blocks 1, 3, 4, 5 and 6: 6.0 metres.	<p>Blocks 1, 3, 4, 5 and 6:</p> <ul style="list-style-type: none"> • 6.0 metres to a garage; and, • 4.5 metres to a dwelling 	<p>The proposed modification to minimum front yards allows for active frontages along the street line with recessed garages, decreasing the prominence of the garage adjacent to the public realm to achieve urban design principles for an attractive, safe and pedestrian oriented environment, while maintaining sufficient area for a parking space.</p> <p>Therefore, staff supports this modification.</p>

Setbacks	<p>Block 2:</p> <ul style="list-style-type: none"> 6.0 metres from a street line; and, 3.0 metres abutting any other lot; except 6.0 metres where there are windows to a habitable room facing the yard. 	<p>Block 2:</p> <ul style="list-style-type: none"> 3.0 metres to the north and south property lines; 7.0 metres to the east, southeast, and west property lines; and, 0.6 metres from a swale. 	<p>The proposed modifications allow for a more compact built form along the street line to achieve urban design principles for an attractive, safe and pedestrian oriented environment, while also providing increased setbacks for rear yards to each of the units to accommodate increased landscaped areas. The existing window regulations are intended to address privacy matters between end units. The number and size of windows facing an adjacent dwelling is regulated by the Ontario Building Code, and privacy matters between end units will be further reviewed at the future Site Plan Control stage.</p> <p>Therefore, staff supports these modifications.</p>
Side Yard Setbacks	<p>Block 1: Side: 1.2 metres.</p>	<p>Block 1:</p> <ul style="list-style-type: none"> Side: 1.2 metres except 2.4 metres along the northern zoning boundary. 	<p>There are no modifications to minimum side yards except to increase the setback to the northern boundary in order to respect the orientation to the adjacent rear yards along Dolphin Place.</p> <p>Therefore, staff supports this modification.</p>
	<p>Blocks 3 and 4: Side:</p> <ul style="list-style-type: none"> 1.2 metres, not exceeding one storey in height; 2.0 metres, not exceeding two storeys in height; and; 2.5 metres, not exceeding three storeys in height; and, 3.0 metres where a garage or carport is not provided. 	<p>Blocks 3 and 4: Side:</p> <ul style="list-style-type: none"> 1.2 metres, except 6.0 metres for a side yard abutting Stone Church Road East (including daylighting triangles). 	<p>The proposed modification to the side yard setback maintains the minimum side yard of 1.2 metres necessary to accommodate separation at grade for drainage, access, and maintenance purposes. The proposed modification will promote a more compact built form to achieve urban design principles for an attractive, safe and pedestrian oriented environment, regardless of building height.</p> <p>A 6.0 m setback from Stone Church Road East is proposed to maintain a consistent street edge with adjacent developments fronting onto the roadway.</p> <p>Therefore, staff supports this modification as revised.</p>

Definition and Regulation of Swales	Blocks 1 and 2: n/a	Blocks 1 and 2: “ Swale ” shall mean a graded or engineered landscape feature, appearing as a linear, shallow, open channel for the purpose of conveying surface stormwater drainage, and includes an emergency overland flow route. Notwithstanding any other provision of this By-law, no building or structure shall be located within a swale. Where a swale is provided in a yard, the required yard shall be at least 0.6 metres from the uppermost interior edge of the swale’s slope.	Swales are not defined in the zoning by-law. To match the grading of the proposed development with existing grades of adjacent properties and ensure adequate stormwater drainage, increased yards and drainage swales may be required for stormwater management. To ensure positive drainage, the swales are not to be obstructed within the side or rear yards of the subject properties. On lots where a swale is provided, the width of swales required for stormwater drainage is yet to be determined; therefore, the setback is proposed from the inside edge of the swale to ensure the necessary swale width is provided while maintaining a 0.6 m setback from the top edge to allow for ancillary structures such as air conditioning units to be located within the yard and not block the swale. Therefore, staff supports these modifications.
Minimum Distance Between Buildings	Block 2: <ul style="list-style-type: none"> • 3.5 metres between two exterior walls containing no window or windows; • 9.0 metres between two exterior walls, one of which contains at least one window to a habitable room; and, 	Block 2: 3.0 metres between two end walls.	The existing regulations are intended to address privacy matters between end units. The proposed modification will establish a consistent minimum distance between buildings in all cases. The number and size of windows facing an adjacent dwelling is regulated by the Ontario Building Code, and privacy matters between end units will be further reviewed at the future Site Plan Control stage. Therefore, staff supports this modification.

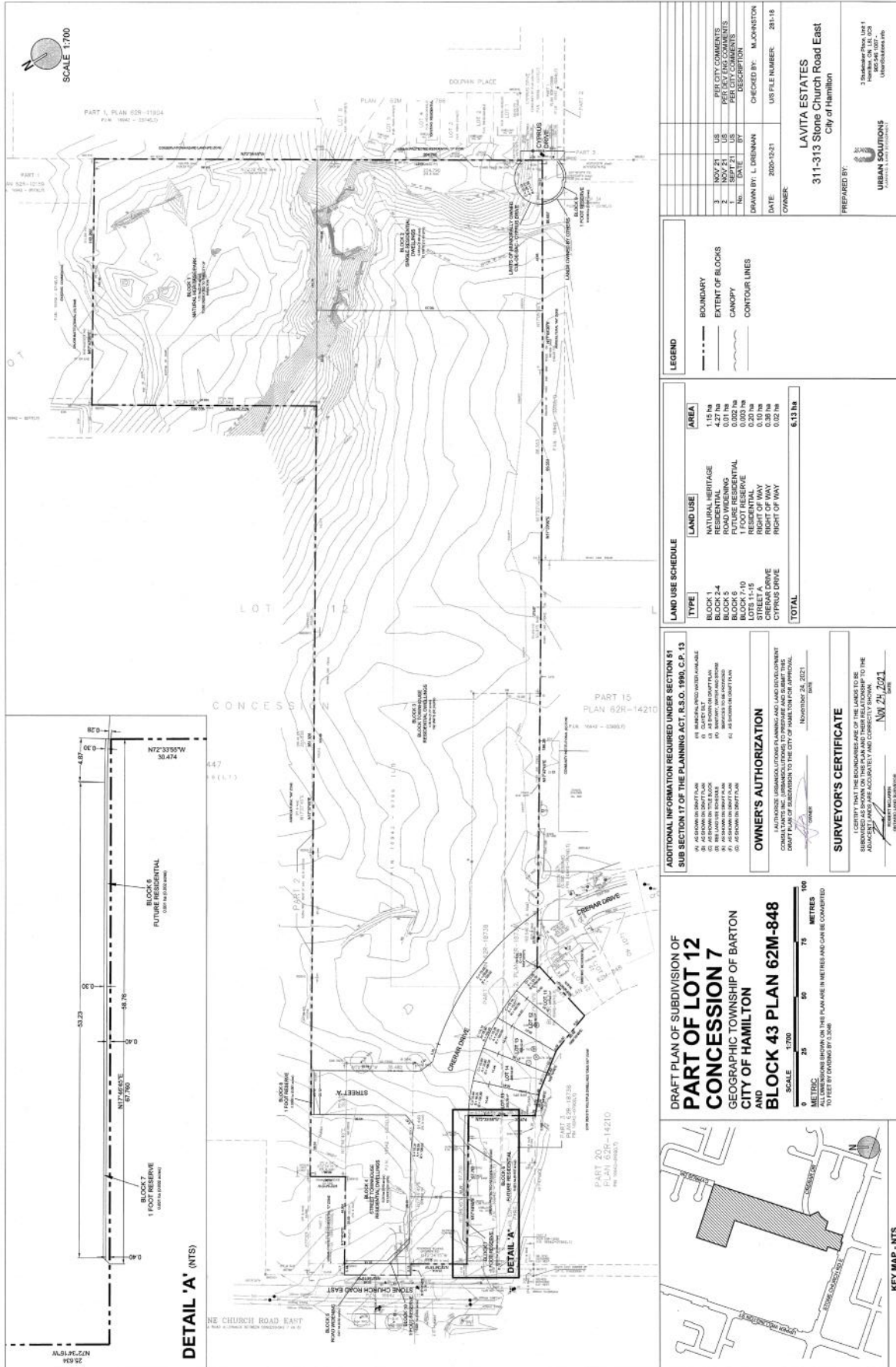
Minimum Distance Between Buildings Continued	<ul style="list-style-type: none"> • 15.0 metres between two exterior walls each of which contains at least one window to a habitable room. 		
	<p>Block 3:</p> <ul style="list-style-type: none"> • 2.5 metres, not exceeding one storey in height; • 3.5 metres, not exceeding two storeys in height; and, • 5.0 metres, not exceeding three storeys in height. 	<p>Block 3: Shall not apply.</p>	<p>As the street townhouses will be developed on separate lots, regulations regarding distance between buildings are not applicable.</p> <p>Therefore, staff supports this modification.</p>
Minimum Lot Area	<p>Blocks 3 and 4: 180.0 square metres per dwelling unit.</p>	<p>Blocks 3 and 4: 165.0 square metres per dwelling unit.</p>	<p>The Applicant has proposed a minor reduction to minimum lot area to accommodate the proposed street townhouse dwellings. The dwelling footprints are typical; however, as a result of the modifications to the front and side yard setbacks to provide a more compact built form, the area of the typical interior lot is slightly less than what is currently required.</p> <p>Therefore, staff supports this modification.</p>

<p>Privacy Areas</p>	<p>Block 2: Screening on two sides between 1.2 and 2.0 metres in height, with a minimum depth of 2.5 metres, for each dwelling unit. Where a privacy area is comprised of a required yard and/or landscaped area, those areas may be reduced by the privacy area.</p>	<p>Block 2: Applicant requested to delete entirely. Staff revised the Application to require that privacy areas not apply to maisonettes only.</p>	<p>The Concept Plan, attached as Appendix “F” to Report PED21221, provides for maisonettes (back to back townhouses) with front attached garages and driveways through the centre of the proposed development. This dwelling form does not typically accommodate at grade amenity area. Therefore, staff supports the proposed modification as it applies to maisonettes. However, the remaining townhouse blocks are afforded rear yard space which is to be landscaped and which can readily accommodate screening to satisfy privacy area requirements.</p> <p>Therefore, staff supports this modification as revised.</p>
<p>Minimum Landscaped Area</p>	<p>Block 2: 40% of the lot on which buildings are situated.</p>	<p>Block 2: 28% of the lot on which buildings are situated.</p>	<p>The intent of the landscaped area is to promote the inclusion of open spaces and provide privacy areas that enhance the proposed development, ensuring that there is an adequate balance between built form, hard surface and open space areas on a property. The request to reduce the landscaped area will permit the establishment of a compact housing form while still providing adequate private amenity areas, common landscaped strips, and permeable areas. Further, fencing is proposed along the property lines abutting adjacent residential uses to enhance privacy and screening between adjacent developments.</p> <p>A landscape plan will be required at the Site Plan Control stage and reviewed by staff to ensure high quality landscape is provided. At this stage, the Applicant will be encouraged to incorporate Low Impact Development (LID) measures within the hardscaped areas to further improve permeability on the site.</p> <p>Therefore, staff supports this modification.</p>

Common Element Condominium Roads	n/a	Block 1: A private road shall be deemed to be a street, and visitor parking areas, sidewalks, landscaping including architectural feature walls, columns and gates, and outdoor amenity spaces are permitted uses within the private roads.	The private road functions as and fulfills the intent of a public road for the intent of this development and is required to be deemed a street for the purposes of the proposed development as each future parcel of tied land (POTL) fronts onto the private road. Therefore, staff supports this modification.
Minimum Parking Ratio	Block 1: 2 parking spaces for the first 8 habitable rooms plus 0.5 parking space for each additional habitable room.	Block 1: 2.0 parking spaces and 0.4 visitor parking spaces per dwelling unit.	The Transportation Impact Study - Addendum, prepared by NexTrans Consulting Engineering and dated August 2021, concludes that the proposed development will meet the requirements for both resident and visitor parking. The proposed parking ratio is sufficient to meet the needs of future residents and visitors. Therefore, staff supports these modifications.
	Block 2: 1.3 spaces per dwelling unit of which 1 space shall be covered and attached to or enclosed within each dwelling unit; and, 0.3 visitor parking spaces per dwelling unit.	Block 2: 1.25 parking spaces and 0.25 visitor parking spaces per dwelling unit.	
Minimum Parking Space Length	Block 2: 2.7 x 6.0 metres.	Block 2: 2.7 x 5.8 metres.	The parking space design standards in the comprehensive Hamilton Zoning By-law No. 05-200 have established a minimum length of 5.8 metres, which is intended to modernize and update the zoning by-laws of the former communities. Therefore, staff supports this modification.

<p>Manoeuvring Space for Parking Areas</p>	<p>Blocks 5 and 6: Manoeuvring space abutting upon and accessory to each required parking space, having an aisle width mentioned in column 2 of Table 6 for each parking space having a parking angle mentioned in column 1. Required parking space, loading space and manoeuvring space shall be provided and maintained only on the lot on which the principle use, building or structure is located. Sufficient space additional to required parking space shall be provided and maintained on the same lot on which the parking space is located, in such a manner as to enable each and every parking space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space.</p>	<p>Blocks 5 and 6: Shall not apply.</p>	<p>As the proposed single detached dwellings with front attached garages and driveways, each with a single dwelling unit (and provisions which may permit secondary dwelling units) front onto and have direct access to the proposed Crerar Drive extension (a public road), on site manoeuvring spaces are not required. However, to increase sightlines of oncoming vehicles a statement is required in all offers of purchase and sale or lease agreements for these lots advising motorists to reverse into the driveways and exit the driveways in a forward motion, required as Condition No. 38 of Appendix "H" attached to Report PED21221.</p> <p>Therefore, staff supports this modification.</p>
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Appendix "G" to Report PED21221
Page 1 of 1



SCALE 1:700

PART 1, PLAN 62M-11904
P.L.N. 1904 - 11904

PART 2, PLAN 62M-12129
P.L.N. 1904 - 12129

PART 3, PLAN 62M-13145
P.L.N. 1904 - 13145

PART 4, PLAN 62M-14210
P.L.N. 1904 - 14210

PART 5, PLAN 62M-14210
P.L.N. 1904 - 14210

PART 6, PLAN 62M-14210
P.L.N. 1904 - 14210

DETAIL 'A' (NTS)

NO.	DATE	BY	DESCRIPTION
3	NOV 21	US	PER CITY COMMENTS
2	NOV 21	US	PER CITY COMMENTS
1	SEPT 21	US	PER CITY COMMENTS

DRAWN BY: L. DRENNAN
CHECKED BY: M. JOHNSON
DATE: 2020-12-21
US FILE NUMBER: 201-18

OWNER:
LAVITA ESTATES
311-313 Stone Church Road East
City of Hamilton

PREPARED BY:
URBAN SOLUTIONS
311-313 Stone Church Road East
City of Hamilton
311-313 Stone Church Road East
City of Hamilton
URBANSOLUTIONS.COM

LEGEND

- BOUNDARY
- EXTENT OF BLOCKS
- CANOPY
- CONTOUR LINES

LAND USE	AREA
NATURAL HERITAGE	1.15 ha
RESIDENTIAL	4.27 ha
1 FOOT RESERVE	1.15 ha
RIGHT OF WAY	0.00 ha
CONCRETE DRIVE	0.20 ha
CYPRESS DRIVE	0.38 ha
TOTAL	6.13 ha

ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51
SUB SECTION 17 OF THE PLANNING ACT, R.S.O. 1990, C.P. 13

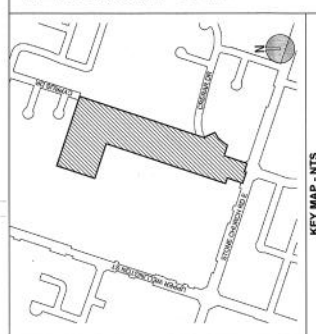
OWNER'S AUTHORIZATION

SURVEYOR'S CERTIFICATE

DRAFT PLAN OF SUBDIVISION OF
**PART OF LOT 12
CONCESSION 7
GEOGRAPHIC TOWNSHIP OF BARTON
CITY OF HAMILTON
AND
BLOCK 43 PLAN 62M-848**

SCALE 1:700

METRIC SCALE SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048



Appendix “H” to Report PED21221
Page 1 of 11

Special Conditions for Draft Plan of Subdivision Approval for 25T-202104

That this approval for the Draft Plan of Subdivision, 25T-202104, prepared by UrbanSolutions Planning & Land Development Consultants Inc., and certified by Robert McLaren, O.L.S., dated November 24, 2021, consisting of one Natural Heritage/Park block (Block 1); one block for a maximum of 12 single detached dwellings on a private condominium road (Block 2); one block for a maximum of 112 block townhouse units and 80 maisonette units (Block 3); one block for a maximum of 12 street townhouse units (Block 4); one road widening block (Block 5); one future residential block (Block 6); four 0.3 m reserve blocks (Blocks 7-10); five lots for single detached dwellings (Lots 11-15); and, three public roads (Street ‘A’ and the extensions of Crerar Drive and Cyprus Drive), be received and endorsed by City Council with the following special conditions:

Development Engineering:

1. That, **prior to registration**, the Owner agrees to include in the engineering design for the subject lands, the following:
 - a. Adequate storm water conveyance to convey all pre and post development external drainage areas to the west of the subject lands for all ranges of storm events including the Regional storm event to Crerar Drive via Street;
 - b. In the absence of a continuous overland flow route for external drainage through 289 Stone Church Road East to Street “A”, the provision for adequate minor and major conveyance through the subject lands for the post development condition for all external drainage;
 - c. A self-contained overland flow route for Block 2 directed towards Street” A” or Crerar Drive, bypassing the City’s Park land save and except for the Cyprus Drive cul-de-sac; and,
 - d. An adequate major system overland flow route through Block 2 and Block 3 to convey drainage from Block 1 towards Street “A” or Crerar Drive, bypassing the City’s Park land;

all to the satisfaction of the Director, Growth Management Division;
2. That, **prior to preliminary grading**, the Owner shall submit an detailed Stormwater Management Report prepared by a qualified Professional Engineer, in accordance with the City of Hamilton Drainage Policies, City of Hamilton’s Storm Drainage Policy, Comprehensive Development Guidelines, an approved Functional Servicing Report, and the MECP’s storm design criteria outlined in the City’s Consolidated Linear Infrastructure ECA and current Stormwater Management Planning and Design Manual, including Level 1 (Enhanced) quality treatment. Additionally, the following shall be required:

Appendix “H” to Report PED21221
Page 2 of 11

- a. The outflows from the stormwater management (SWM) facilities on Block 3 shall not exceed the interim and ultimate outflow rates proposed in Tables 2.4 and Table 2.8 respectively of Functional Servicing Report dated August 2021, prepared by S. Llewellyn & Associates Limited. Allowable flow and required flood control storage must be identified for each external drainage areas 201 & 202; and,
- b. The on-site and off-site SWM proposal should be verified by the West Central Mountain Drainage study model to demonstrate that the proposed offsite and onsite SWM criteria outlined in the Functional Servicing Report dated August 2021 prepared by S. Llewellyn & Associates Limited for the subject development is appropriate and that there is no impact in the downstream system;

all to the satisfaction of the Director, Growth Management Division;

3. That, **prior to registration**, the Owner shall agree to enter into a Joint Use Agreement between Block 2 and Block 3 for the maintenance of easements, services (watermain, storm, sanitary), overland flow routes, stormwater management system including tanks and associated appurtenances, catch basins, retaining walls, etc., to the satisfaction of the Director, Growth Management Division;
4. That, **prior to servicing**, the Owner prepares and submits a driveway location/on street parking plan showing:

- | | |
|---|---|
| <ol style="list-style-type: none"> a. The location of driveways based on the premise of achieving on-street parking for 40% of the total dwelling units; b. The driveways ramps and curb openings for all lots; c. The pairing of driveways; d. Where lots in the subdivision abut a park entrance or a public walkway, as the case may be; and, e. The location of transit pads, community mailbox pads and fire hydrants, where the location has been determined by the appropriate authorities; | <div style="border: 1px solid red; padding: 2px;">where???</div> <div style="border: 1px solid red; padding: 2px; margin-top: 5px;">?</div> |
|---|---|

to the satisfaction of the Director, Growth Management Division;

5. That, **prior to servicing**, the Owner shall indicate all driveway locations on the engineering plans for all lots, and that no driveway shall be located within a daylight triangle. Further, all driveway locations at bends and corners shall be

Appendix "H" to Report PED21221

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situated to ensure that the driveways are within their own frontages, to the satisfaction of the Director, Growth Management Division;

6. That, **prior to preliminary grading**, the Owner shall submit an updated Functional Servicing Report to address all outstanding comments and requirements of draft plan conditions, for City approval, prior to their first submission of engineering plans, to the satisfaction of the Director, Growth Management Division;

7. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimates for the replacement of existing sanitary sewer sections on Crerar Drive from approximately 30 metres north of Elk Court to the existing south terminus of Crerar Drive, in accordance with the Functional Servicing Report dated August 2021 prepared by S. Llewellyn & Associates and also in accordance with the City's Financial Policies, to the satisfaction of the Director, Growth Management Division;

8. That, **prior to servicing**, the Owner agrees to provide a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision, including homes. This document will also include, first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be used, the source of water, and the contractor or agent to be used to undertake the works as well as the contractor/agent contact information so that the City can direct works be completed as necessary, to the satisfaction of the Director, Growth Management Division;

9. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimates the installation of a 1.5 metre concrete sidewalk along both sides of Crerar Drive, and a 1.5 metre concrete sidewalk on both sides of Street "A" including a 1.5 metre concrete sidewalk around the proposed temporary turnaround at the west limit of Street "A", to the satisfaction of the Director, Growth Management Division;

10. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimates the installation of a 1.5 metre concrete sidewalk around the Cyprus Drive cul-de-sac within a minimum 2.75 metre boulevard (inclusive of curb and sidewalk), provided that no additional boulevard outside of the limit of sidewalk will be required in the location of the lands municipally known as 234 Sirente Drive and owned by the Hamilton-Wentworth District School Board, to the satisfaction of the Director, Growth Management Division and the Manager of Transportation Planning;

11. That, **prior to registration**, the Owner agrees to prepare and register a reference plan establishing the parcel to be acquired from the City of Hamilton, municipally

This will be disastrous for access and parking to our homes while this is being done. How are we being compensated for this mess?

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known as 260 Sirente Drive forming part of the Cyprus Drive cul-de-sac, to the satisfaction of the Director, Growth Management Division;

12. That, **prior to registration**, the Owner shall acquire the necessary portions of the City owned lands municipally known as 260 Sirente Drive from the City of Hamilton for the nominal consideration of \$2.00 to accommodate the Cyprus Drive cul-de-sac to the satisfaction of the Director, Growth Management Division;
13. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimates the installation of a 1.5 metre high black vinyl coated heavy duty chain link fence along the east property limit of the subdivision (Blocks 2 and 3), to the satisfaction of the Director, Growth Management Division;
14. That, **prior to servicing**, the Owner include in the engineering design and cost estimates the construction of a temporary turning circle at the west limit of Street "A" or alternatively on lands located outside the plan. If the temporary turning circle is located outside the subject lands the Owner will be responsible to provide confirmation from the adjacent land owner that they have permission to construct the temporary turning circle and provide the City with all necessary legal documents to transfer the required lands to the City, all at 100% of the Owner's cost; and, the 0.3 metre reserve Block 8 shall be revised to extend around the exterior perimeter of the temporary turning circle, all to the satisfaction of the Director, Growth Management Division;
15. That, **prior to servicing**, the Owner include in the engineering design and cost estimates the extension of Crerar Drive from the existing terminus to Stone Church Road including the removal of the existing temporary turning circle, utility relocates, restoration of the roads and boulevards and the extension of sidewalk to blend with the proposed sidewalks on Crerar Drive, in accordance with the City's Financial Policies, to the satisfaction of the Director, Growth Management Division;
16. That, **prior to servicing**, the Owner include in the engineering design and cost estimates, the reconstruction of driveways for the dwellings located at 445 and 449 Crerar Drive associated with the removal of the temporary turning circle to realign and generally connect perpendicular to the proposed Crerar Road curb. This shall include works on private lands and new asphalt driveway reconstruction extending to the garage, subject to the Owner obtaining permission from the homeowners to perform works on private property. All costs associated with the driveway realignments and new driveway reconstruction will be at 100% Owner's cost, to the satisfaction of the Director, Growth Management Division;
17. That, **prior to registration**, the Owner agrees to obtain an appropriate storm water conveyance easement from the owner of the lands located at 289 Stone Church Road East as shown on the grading plan included in the Functional Servicing Report dated August 2021 prepared by S. Llewellyn & Associates, and

Appendix “H” to Report PED21221
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the easement(s) shall be registered on title. Alternatively, in the event the Owner cannot obtain permission from the owner of 289 Stone Church Road East the storm water conveyance easement must be provided within the limits of the subject lands located outside the minimum rear yard setbacks as required by the zoning by-law, to the satisfaction of the Director, Growth Management Division;

Development Planning:

18. That, **prior to servicing**, the Owner shall include in the engineering design for the subject lands, the inclusion of a noise barrier, located on Lot 17 as shown on Figure 4 of the environmental noise impact study titled “*Lavita Estates Residential Development*” dated February 2021, prepared by dBA Acoustical Consultants Inc., with a recommended height of 2.0 metres and shall be constructed of solid material with no gaps, having a minimum surface density of 20 kg/m². The wall shall be shown on the final grading plan, to the satisfaction of the Director of Planning and Chief Planner and the Manager of Engineering Design and Construction. The final height of the noise barrier may change from those shown on Figure 2 based on final grading information once it becomes available;
19. That, **prior to registration**, the Owner agrees to include the following clauses, for all lots, in all purchase and sale and / or lease and rental agreements, and registered on title to the satisfaction of the Director of Planning and Chief Planner:

Lot 17

Warning Clause “B”

“Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building unit, sound levels due to increasing road traffic may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the City of Hamilton and the Ministry of Environment, Conservation and Parks’ noise criteria.”

“This dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air conditioning. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality’s and the Ministry of Environment Conservation and Parks’ noise criteria. (Note: the location and installation of the outdoor air conditioning device should be done so as to comply with the noise criteria of the MECP Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property.)”

Lot 16*Warning Clause "A"*

"Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the City of Hamilton's and the Ministry of Environment, Conservation and Parks' noise criteria."

20. That, **prior to preliminary grading**, the Owner shall submit a revised Tree Preservation / Management / Enhancement Plan, showing the location of drip lines, edges and existing plantings, the location of all existing trees, including trees within the City owned rights-of-way, and the method to be employed in retaining trees required to be protected; and to implement all approved tree savings measures. The implementation of the Plan shall include a Verification of Tree Protection Letter, prepared by a qualified professional, all to the satisfaction of the Director of Planning and Chief Planner and the Manager of Forestry and Horticulture;
21. That, **prior to preliminary grading**, the Owner shall submit to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP) a Butternut Health Assessment prepared by a certified Butternut Health Assessor and address the *Endangered Species Act*, to the satisfaction of the Director of Planning and Chief Planner, including a letter of acknowledgement from the MOECP;
22. That, **prior to preliminary grading**, the Owner shall prepare an Edge Management Plan, to be prepared by a qualified ecologist or forester, in accordance with a Terms of Reference agreed to both by the Owner and the City, including treatment of fencing, and/or implementation of a visual barrier having a combination of fencing and/or landscaping adjacent to Block 1, to the satisfaction of the Director of Planning and Chief Planner;
23. That, **prior to preliminary grading**, the Owner shall provide a Landscape Plan prepared by a certified Landscape Architect, to the satisfaction of the Director of Planning and Chief Planner and the Hamilton Conservation Authority. The Landscape Plan is to show the placement of compensation trees required for any tree removals completed in accordance with the approved Tree Protection Plan. The minimum size of trees required for compensation are to be in accordance with the City's Tree Protection Guidelines (revised October 2010). In the event that the owner cannot provide for all trees on site, the owner shall provide cash-in-lieu for the remaining trees;
24. That, **prior to occupancy**, the Owner shall submit a revised Stewardship Brochure, to the satisfaction of the Director of Planning and Chief Planner and the

Hamilton Conservation Authority. The Stewardship Brochure shall be distributed to all future homeowners adjacent to the Crerar Woodland and shall describe the importance of the natural feature and its functions and how the homeowner can minimize their impact on this feature;

25. That, **prior to registration**, the Owner shall agree in writing to:
- a. Dedicate Block 1 to the City of Hamilton to satisfy the parkland dedication requirements for the subdivision and that there will be no parkland balance credited in favour of the Owner for this subdivision; and,
 - b. To establish a public access easement along a designated path across common elements of Block 3 granting public access through the lands from Crerar Drive and/or Street 'A' to both Block 1 and to the new pedestrian path to be constructed pursuant to Condition 28 below, to the satisfaction of the Director of Planning and Chief Planner;

Growth Planning:

26. That, **prior to the registration of the plan of subdivision**, the Owner shall work with Growth Planning staff to name the proposed Street 'A' and finalize municipal addressing for the individual Blocks and Lots, to the satisfaction of the Director of Growth Management;

Hamilton Conservation Authority:

27. That, **prior to preliminary grading**, the Owner shall submit a Stormwater Management Report and associated engineering drawings (i.e. erosion and sediment control, grading, drainage, and servicing), to the satisfaction of the Hamilton Conservation Authority;

Landscape Architectural Services:

28. That, **prior to preliminary grading**, the Owner shall include, on the engineering drawings, landscaping plans and cost estimate schedules, a continuous and barrier free 2.0 metre wide limestone screening walkway through the City owned lands municipally known as 260 Sirente Drive, connecting the required municipal sidewalk along the extension of Cyprus Drive to a private sidewalk within Block 3, complete with bollards and/or barricades to restrict motorized vehicle access, to the satisfaction of the Manager of Landscape Architectural Services;

Transportation Planning:

29. That, **prior to preliminary grading**, the Owner shall provide on the draft plan of subdivision road right-of-way dedications as follows:

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- a. ±5.18 metres right-of-way widening at 311 Stone Church Road East to bring the width of Stone Church Road East to 30.480 metres;
 - b. The Crerar Drive right-of-way width from Stone Church Road East northerly shall be 26.0 metres for a length to be determined through a traffic signal installation plan, but in no event north of Street 'A', to the satisfaction of the Manager of Transportation Planning and provided further that the Owner shall not be responsible for any more than one third of the all costs of traffic signalization of this intersection;
 - c. The remainder of the Crerar Drive right-of-way width from the length referred to in b. above to the alignment of the existing Crerar Drive shall match the existing width of Crerar Drive; and,
 - d. Street 'A' right-of-way width shall be 20.12 metres;
- all to the satisfaction of the Manager of Transportation Planning;
30. That, **prior to preliminary grading**, the Owner shall provide on the draft plan of subdivision daylighting triangle dedications as follows:
 - a. 9.60 metre x 9.60 metre daylighting triangle at the northwest corner of Stone Church Road East and Crerar Drive; and,
 - b. 4.57 metre x 4.57 metre daylighting triangles at the northwest and southwest corners of the intersection of Crerar Drive and Street 'A';to the satisfaction of the Manager of Transportation Planning;
 31. That, **prior to preliminary grading**, the Owner shall provide plans showing:
 - a. the ultimate right-of-way limits of the four quadrants of the intersection of Stone Church Road East at Brigade Drive at Crerar Drive; and,
 - b. the right-of-way limits and dedications of the Cyprus Drive cul-de-sac;to the satisfaction of the Manager of Transportation Planning;
 32. That, **prior to preliminary grading**, the Owner shall submit a revised Transportation Impact Study, to the satisfaction of the Manager of Transportation Planning;
 33. That, **prior to preliminary grading**, the Owner shall provide sightline analysis, for the proposed driveways along the east side of Crerar Drive (Lots 11, 12, 13, 14

Appendix "H" to Report PED21221

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and 15) under the scenario the proposed on-street parking spaces as referenced in Condition #4 are fully occupied and trees located as per landscape plan, to the satisfaction of the Manager of Transportation Planning;

34. That, **prior to servicing**, the Owner shall provide detailed pavement markings, traffic signs and traffic signal plans:
- a. The concepts shall be to the satisfaction and approval of the Manager of Transportation Planning; and,
 - b. The final drawings shall be to the satisfaction and approval of the Manager of Transportation Operations;

35. That, **prior to servicing**, the Owner shall provide funds in the amount of \$12 K for future installation of traffic calming devices, to the satisfaction of the Manager of Transportation Planning;

36. That, **prior to servicing**, the Owner shall provide payment for installation of an appropriately placed City of Hamilton school crossing guard crosswalk, to the satisfaction of the Manager of Transportation Planning;

37. That **prior to registration of the plan of subdivision**, the Owner shall include, in all offers of purchase and sale or lease agreements for all street townhouse dwelling units fronting Crerar Drive within Block 4, a statement advising that driveway access may be restricted, at the discretion of the City; if/when a centre median island is constructed along Crerar Drive, to the satisfaction of the Manager of Transportation Planning;

38. That **prior to registration of the plan of subdivision**, the Owner shall include, in all offers of purchase and sale or lease agreements for Lots 11, 12, 13, 14 and 15, a statement advising that motorists are advised to reverse into the driveways and exit the driveways in a forward motion to increase sightlines of oncoming vehicles, to the satisfaction of the Manager of Transportation Planning;

Alectra Utilities:

39. That **prior to registration of the plan of subdivision**, the Owner shall agree, in words satisfactory to Alectra Utilities Corporation, to grant to Alectra Utilities Corporation any easements that may be required for electrical services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Alectra Utilities Corporation facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements;

Is there gong to be speed bumps like just insatalled on Brigade drive to slow teh traffic down on Crerar as its going to be a freeway!!!!

how do you control this...you cant....

Canada Post:

40. That **prior to registration of the plan of subdivision**, the Owner shall complete the following to the satisfaction of Canada Post and the Director of Growth Management:
- (a) Include in all offers of purchase and sale or lease agreements, a statement that advises the prospective purchaser:
 - i) That the home / business mail delivery will be from a designated Centralized Mail Box; and,
 - ii) That the developers / owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales;
 - (b) The owner further agrees to:
 - i) Work with Canada Post to determine and provide temporary suitable Centralized 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;
 - ii) Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes;
 - iii) Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and / or curb installation within each phase of the plan of subdivision;
 - iv) Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations; and,
 - v) Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations;

Canadian Radio and Telecommunication Commission and Bell Canada:

41. That **prior to registration of the plan of subdivision**, the Owner provide the Manager of Development Approvals with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication service

Appendix “H” to Report PED21221
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provider approved by the Canadian Radio and Telecommunication Commission (CRTC) that adequate telecommunication service will be provided to the subdivision including 9-1-1 emergency calling service that identifies, at a minimum, the callers name and location information;

42. That **prior to registration of the plan of subdivision**, the Owner shall agree in the Subdivision Approval Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the Owner / Developer shall be responsible for the relocation of such facilities or easements; and,
43. That **prior to registration of the plan of subdivision**, the Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

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 3 years. However, extensions will be considered if a written request is received two months before the draft approval lapses;
2. The owner is advised that a karst inventory was not conducted as part of the Natural Heritage Characterization Report completed by Colville Consulting Inc. dated February 2018 although this was identified in the Terms of Reference attached as Appendix A to the Natural Heritage Characterization Report completed by Colville Consulting Inc. dated February 2018 and the owner is further advised that at the implementation stage the Conservation Authority may require additional information pertaining to the karst inventory; and,

Recycling and Waste Disposal:

3. This property is eligible for municipal waste collection service subject to meeting the City’s requirements indicated by the Public Works Department and subject to compliance with the City’s Solid Waste Management By-law 09-067, as amended. The property owner must contact the City by email wastemanagement@hamilton.ca or by telephone 905-546-CITY (2489) to request waste collection service. Waste Management staff will complete a site visit to determine if the property complies with the City’s waste collection requirements.

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Ontario Municipal Board
 Commission des affaires municipales
 de l'Ontario

16-072
Attachment 1



ISSUE DATE: January 20, 2016

CASE NO(S): PL110331
 PL090779
 PL101381
 PL120574
 PL131287

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellants: See Schedule "1"
 Subject: Official Plan Amendment No. 35 to the Region of Hamilton-Wentworth Official Plan
 Municipality: City of Hamilton
 OMB Case No.: PL090779
 OMB File No.: PL090779 (See Schedule "1")
 OMB Case Name: Artstone Holdings Limited v. Hamilton (City)

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellants: See Schedule "1"
 Subject: Official Plan Amendment No. 128 to the Town of Ancaster Official Plan (PL090780);
 Official Plan Amendment No. 18 to the Town of Dundas Official Plan (PL090781);
 Official Plan Amendment No. 118 to the Town of Flamborough Official Plan (PL090782);
 Official Plan Amendment No. 75 to the Township of Glanbrook Official Plan (PL090783);
 Official Plan Amendment No. 220 to the City of Hamilton Official Plan (PL090784);
 Official Plan Amendment No. 149 to the City of Stoney Creek Official Plan (PL090785)
 Municipality: City of Hamilton
 OMB Case No.: PL090779

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PL110331 et al

OMB File Nos.: PL090780-PL090785 (See Schedule "1")

PROCEEDING COMMENCED UNDER subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: See Schedule "2"
 Subject: Failure of the Minister of Municipal Affairs and Housing to announce a decision respecting the City of Hamilton Urban Official Plan
 Municipality: City of Hamilton
 OMB Case No.: PL101381
 OMB File No.: PL101381 (See Schedule "2")

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellants: See Schedule "3"
 Subject: The new City of Hamilton Urban Official Plan
 Municipality: City of Hamilton
 OMB Case No.: PL110331
 OMB File No.: PL110331 (See Schedule "3")

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Auburn Developments Inc.
 Subject: Application to amend Zoning By-law 6593 – Refusal of application by the City of Hamilton
 Existing Zoning: "J" (Light and Limited Heavy Industrial, etc.) District
 Proposed Zoning: "E-3" (High Density Multiple Dwellings) District
 Purpose: To permit a 10 storey student residential building
 Property Address/Description: 17 Ewen Road
 Municipality: City of Hamilton
 Municipal File No.: ZAC-07-062
 OMB Case No.: PL120574
 OMB File No.: PL120574

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Auburn Developments Inc.
 Subject: Request to amend the Official Plan – Refusal of request by the City of Hamilton
 Existing Designation: "Industrial"

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3

PL110331 et al

Proposed Designation:	"High Density Residential"
Purpose:	To permit a 10 storey student residential building
Property Address/Description:	17 Ewen Road
Municipality:	City of Hamilton
Approval Authority File No.:	OPA-07-016
OMB Case No.:	PL120574
OMB File No.:	PL120575

PROCEEDING COMMENCED UNDER subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	City of Hamilton
Subject:	Failure of Ministry of Municipal Affairs and Housing to announce a decision respecting Proposed Official Plan Amendment No. 25-OP-2009
Municipality:	City of Hamilton
OMB Case No.:	PL131287
OMB File No.:	PL131287

Schedule "1"

Appellants to the amendments to the in-force Official Plans of the former Region of Hamilton-Wentworth, Towns of Ancaster, Dundas and Flamborough, Township of Glanbrook and Cities of Hamilton and Stoney Creek (OMB Case No. PL090779)

OMB FILE NO.	APPELLANT NAME
PL090784	Shawcor Ltd.

Schedule "2"

Appellants to the failure of the Minister of Municipal Affairs and Housing to announce a decision respecting the City of Hamilton Urban Official Plan (OMB Case No. PL101381)

OMB FILE NO.	APPELLANT NAME
PL101381	A. DeSantis Developments Ltd. LIUNA Group Corp. St. Joseph's Villa

Schedule "3"

Appellants to the new City of Hamilton Urban Official Plan (OMB Case No. PL110331)

OMB FILE NO.	APPELLANT NAME
PL110331	2000963 Ontario Inc.

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PL110331 et al

2051206 Ontario Inc.
 2084696 Ontario Inc.
 2188410 Ontario Inc.
 456941 Ontario Ltd., 1263339 Ontario Ltd.,
 and Lea Silvestri
 909940 Ontario Inc.
 Artstone Holdings Limited
 Carmen Chiaravelle, 1694408 Ontario Ltd.,
 John Edward Demik, Peter Demik, Demik
 Brothers Hamilton Ltd., and Elaine Vyn
 City of Hamilton
 Corpveil Holdings Limited
 Flamborough Power Centre Inc., Flamborough
 South Centre Inc., Clappison Five Six
 Properties Inc.
 Freeland Developments Limited
 Gino and Olindo DalBello
 Lynmount Developments Limited
 Mondelēz Canada Inc. (formerly Kraft Canada
 Inc.)
 Mud and First Inc.
 Multi-Area Developments Inc.
 Norman Vartanian
 Paletta International Corporation
 Paletta International Corporation (re: Elfrida)
 Spallacci & Sons Limited
 Sullstar Twenty Limited
 Twenty Road Developments Inc.
 Upper Centennial Developments Ltd.
 Waterdown Bay Ltd.

Heard:

December 7, 2015 in Hamilton, Ontario

APPEARANCES:**Parties**

City of Hamilton

DiCenzo Construction Company
Limited**Counsel**

M. Kovacevic

S. Zakem
L. Dean

**MEMORANDUM OF ORAL DECISION DELIVERED BY SUSAN de AVELLAR
SCHILLER ON DECEMBER 7, 2015 AND ORDER OF THE BOARD**

INTRODUCTION

[1] This case is composed of several appeals of various instruments that all relate in some fashion to the City of Hamilton ("City") Urban Hamilton Official Plan ("UHOP").

[2] At the parties' request, the Board agreed to divide the hearing into several segments. Each hearing segment deals with one or more specific topic areas. Pre-hearing conferences to deal with motions, settlements, procedural orders for various hearing segments, and so on, have been interspersed between hearing segments to move matters along in an efficient manner. Decisions issued at the close of each segment set out the specific matters dealt with at that segment.

[3] The matters before the Board in this appearance deal with the appeals by DiCenzo Construction Company Limited ("DCCL") regarding the remaining Natural Heritage System matters. Two DCCL properties are affected: 313 Stone Church Road East and 305 Stone Church Road West.

[4] The parties have been in discussion for some time in an attempt to resolve their difference. The Board was advised that the parties have been unable to resolve their differences regarding 313 Stone Church Road East but have been able to resolve their differences regarding 305 Stone Church Road West.

ISSUES, ANALYSIS AND FINDINGS**313 Stone Church Road East**

[5] In its decision and order issued April 9, 2015, the Board, at the request of the parties, set out the scope of the hearing for 313 Stone Church Road East with four, very focussed, issues:

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PL110331 et al

313 Stone Church Rd. E.

1. Should the Core Area (Schedule B) and Significant Woodlands (Schedule B-2) overlays be revised to reflect the actual location of significant woodlands (if any) on and adjacent to 313 Stone Church Rd. E.?
2. Is a vegetation protection zone required for future development on 313 Stone Church Rd. E.? If so, what size of vegetation protection zone should be prescribed for this site?
3. Should an Environmental Impact Study be required to proceed with future development on 313 Stone Church Rd. E.? If so, what should be the scope of any such Environmental Impact Study?
4. Does Policy C.3.2.1(a) impose additional obligations on private landowners to actively maintain/conservate any forest, wildlife and/or wetland features on their lands? If the answer is "yes", what are the limits of such obligations and are they appropriate?

[6] The City brought a motion, returnable at today's appearance, to:

1. exclude a witness and his witness statement,
2. challenge the qualifications of an expert witness to provide an opinion on certain matters, and
3. exclude part of the evidence two expert witnesses intend to give, as suggested in their expert witness statements that were filed.

[7] The City also sought its costs of this motion.

[8] In summary, the City's motion asserts that the basis for the motion is that the witnesses were dealing with matters that were outside of the scope of the hearing and, therefore, not relevant. In the case of the challenge to qualifications, the City asserts that the expert witness is not qualified to provide opinion evidence on certain matters.

[9] In support of its motion, the City cited the agreement between the parties that resulted in the four focussed issues in the procedural order issued by the Board. The parties had also agreed that certain matters would not be before the Board in this

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PL110331 et al

proceeding. Finally, the City cited the fact that the Board had disposed previously of certain matters that the City asserts were now being raised again.

[10] The dispute between the parties regarding 313 Stone Church Road East is one that is hard fought.

[11] In the end, the Board did not hear the motion because the parties reached an agreement on next steps. Specifically, the parties asked the Board to adjourn the hearing of 313 Stone Church Road East to enable an Environmental Impact Study ("EIS") to be undertaken of the subject site.

[12] The terms of reference for the EIS are to be prepared by the City and the results of the study are to be peer reviewed by the City's expert, who is to have appropriate and reasonable access to the subject site.

[13] The parties have agreed that the adjacent City property is no longer part of the DCCL appeal and DCCL has agreed to withdraw its appeal as it applies to the adjacent City property.

[14] DCCL has also agreed to withdraw its appeal with regard to the requirement for a Vegetation Protection Zone, noted in issue 2 above, and has agreed that the policies regarding the provision of a Vegetation Protection Zone in the UHOP would apply. The Board amends the issues list accordingly.

[15] The agreement between the parties sets out their agreed terms of the requested adjournment and was filed as Exhibit 82 in these proceedings. Exhibit 82 is notable for its detailed requirements that have been accepted by DCCL.

[16] The Board agreed to adjourn the hearing regarding 313 Stone Church Road East but declined to set any specific date at this time. The parties are to advise the Board when they are ready to proceed in this matter, at which time the Board will search for an appropriate date for the hearing.

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PL110331 et al

[17] DCCL had provided hard copies of the witness statements and reply witness statements, as appropriate, for Allan Buist, Ian Barrett and John Ghent.

[18] DCCL agreed that it would not call Mr. Buist but Messrs. Barrett and Ghent remain on the witness list for DCCL.

[19] DCCL withdrew the witness statements and reply witness statements, if any, of all three and the Board returned the hard copies of all of these to DCCL.

[20] With the exception of Mr. Buist, whom DCCL will not call, the witness list for DCCL is now set.

[21] The City had also filed hard copies of witness statements and reply witness statements by Catherine Poloz, Christine Newbold and James Dougan regarding 313 Stone Church Road East.

[22] The City also withdrew these witness statements and reply witness statements and the Board returned the hard copies of all of these to the City.

[23] The witness list for the City remains and is set.

[24] If the parties are unable to settle their differences following the completion and peer review of the EIS, the parties have agreed that a new set of witness statements and reply witness statements, if any, will be exchanged and filed within the same periods of time prior to the hearing date as have been set out in the current procedural order.

[25] Finally regarding 313 Stone Church Road East, the Board highlights two key paragraphs here that have been agreed to by the parties, have been submitted to the Board on consent, and which the Board, pursuant to s. 37(c) of the *Ontario Municipal Board Act*, R.S.O. 1990, c. O.28, has agreed to order:

7. DiCenzo (or any related companies or any entity/person to which Mr.

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PL110331 et al

Anthony DiCenzo has any type of interest or is related to, (this provision to be interpreted in the broadest sense) will not file any development applications in respect of the property until its UHOP appeal is decided upon by the Board or it is settled and the settlement approved by the Board...

12. DiCenzo or any representative or agents of DiCenzo shall take no actions (even if they are permitted by law) to alter its property that is subject to the appeal, this includes without limitation tree cutting; vegetation removal or removal of any plant or animal organisms, except alterations or actions required by law or required to complete the EIS and effective until issuance of the OMB Decision on this UHOP Appeal.

305 Stone Church Road West

[26] DCCL undertook an extensive EIS for 305 Stone Church Road West. This study included an analysis of amphibians, plants, vegetative habitat, breeding birds, wildlife observations, species at risk screening and a stream assessment.

[27] The study was reviewed by the City and by the Hamilton Conservation Authority.

[28] The result is that the DCCL, the City and the Hamilton Conservation Authority all agree that certain mapping changes are appropriate to reflect properly the natural heritage elements on the subject site.

[29] The Board is satisfied that a full and proper evaluation has been done and that the changes to the schedules are appropriate.

[30] The proposed changes were filed in these proceedings as Exhibit 82.

[31] Schedule B, Natural Heritage System, is amended by deleting part of an area designated as Core Area.

[32] Schedule B-2, Detailed Natural Heritage Features – Key Natural Heritage Features Significant Woodlands, is amended by deleting the same Core Area that on this Schedule B-2 is designated as woodlands.

[33] Schedule B-4, Detailed Natural Heritage Features – Key Natural Heritage Feature and Key Hydrologic Features Wetlands, is amended by deleting a small area previously designated as a wetland.

[34] Schedule B-8, Detailed Natural Heritage Features – Key Hydrologic Features Streams, is amended by deleting a small area previously designated as streams.

ORDER

[35] With regard to 313 Stone Church Road East, the Board orders that:

1. The hearing of the appeal by DiCenzo Construction Company Limited regarding the application of Natural Heritage System policies to 313 Stone Church Road East is adjourned.
2. The City of Hamilton and DiCenzo Construction Company Limited are to advise the Board when they are ready to proceed.
3. DiCenzo Construction Company Limited is to undertake an Environmental Impact Study whose terms of reference are to be set by City of Hamilton.
4. The Environmental Impact Study is to be peer reviewed by the City of Hamilton's expert consultant who is to have appropriate and reasonable access to the 313 Stone Church Road East on 24 hours' notice and at his own risk.
5. The costs of the Environmental Impact Study and the peer review are to be borne by DiCenzo Construction Company Limited.
6. The issues list for the hearing is amended as set out in paragraph 14 above.
7. Alan Buist will not be called by DiCenzo Construction Company Limited in this matter. The witness list for the hearing of the merits is otherwise now set.

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8. Expert witness statements and reply witness statements, if any, will be filed anew as set out in paragraph 24 above.
9. Restrictions on the actions of DiCenzo Construction Company Limited, and interests related thereto, are as agreed to by the parties and are as set out in paragraph 25 of this decision, above.

[36] With regard to 305 Stone Church Road West, the Board orders that the appeal by DiCenzo Construction Company Limited regarding the application of Natural Heritage System policies is allowed in part and Schedules B, B-2, B-4 and B-8 are amended as shown in Attachment 1 to this decision.

"Susan de Avellar Schiller"

SUSAN de AVELLAR SCHILLER
VICE-CHAIR

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT 1

PL110331: Exhibit 83

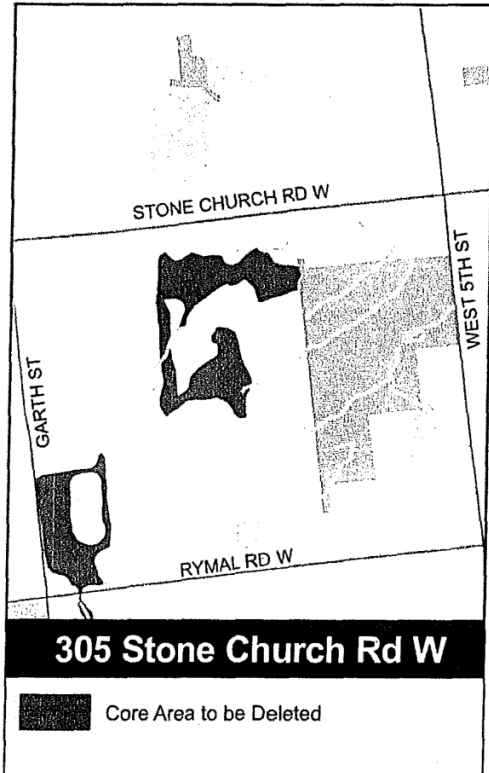
Settlement with DiCenzo Construction Company Limited

305 Stone Church Road West

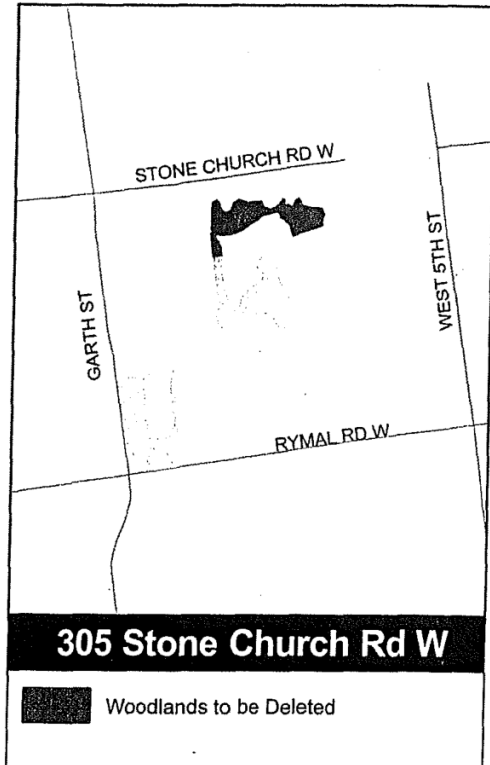
Page 1 of 2

December 7, 2015

Clip of Urban Hamilton Official Plan Schedule B
(Natural Heritage System)



Clip of Urban Hamilton Official Plan
Schedule B-2 (Detailed Natural Heritage
Features - Key Natural Heritage Features
Significant Woodlands)



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PL110331: Exhibit 83

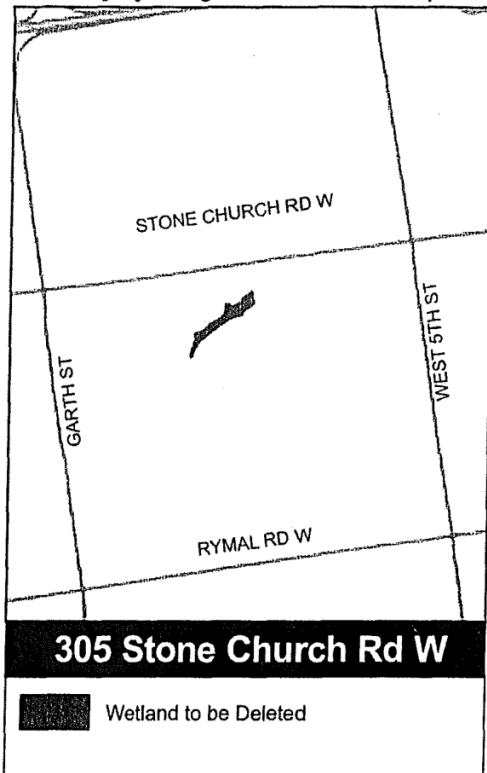
Settlement with DiCenzo Construction Company Limited

305 Stone Church Road West

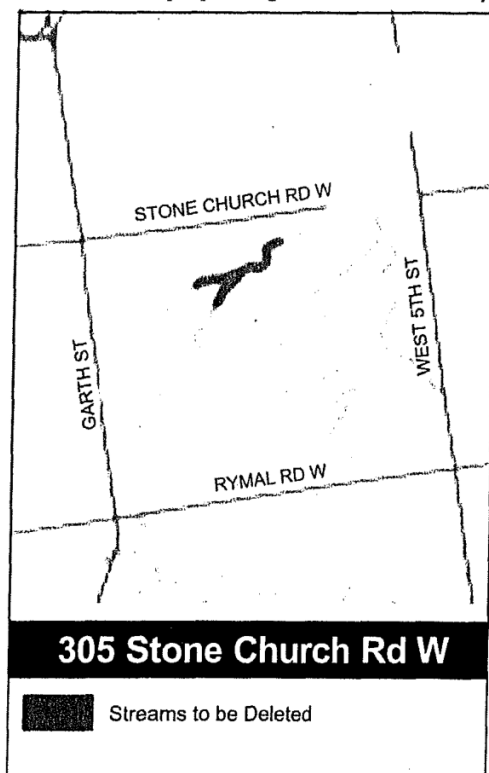
Page 2 of 2

December 7, 2015

Clip of Urban Hamilton Official Plan
Schedule B-4 (Detailed Natural Heritage
Features - Key Natural Heritage Feature and
Key Hydrologic Features Wetlands)



Clip of Urban Hamilton Official Plan
Schedule B-8 (Detailed Natural Heritage
Features - Key Hydrologic Features Streams)



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Local Planning Appeal Tribunal
 Tribunal d’appel de l’aménagement
 local



ISSUE DATE: August 14, 2020

CASE NO.: PL110331

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellants:	See Schedule “1”
Subject:	Official Plan Amendment No. 35 to the Region of Hamilton-Wentworth Official Plan
Municipality:	City of Hamilton
OMB Case No.:	PL090779
OMB File No.:	PL090779 (See Schedule “1”)
OMB Case Name:	Artstone Holdings Limited v. Hamilton (City)

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellants:	See Schedule “1”
Subject:	Official Plan Amendment No. 128 to the Town of Ancaster Official Plan (PL090780); Official Plan Amendment No. 18 to the Town of Dundas Official Plan (PL090781); Official Plan Amendment No. 118 to the Town of Flamborough Official Plan (PL090782); Official Plan Amendment No. 75 to the Township of Glanbrook Official Plan (PL090783); Official Plan Amendment No. 220 to the City of Hamilton Official Plan (PL090784); Official Plan Amendment No. 149 to the City of Stoney Creek Official Plan (PL090785)
Municipality:	City of Hamilton
OMB Case No.:	PL090779

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OMB File Nos.: PL090780-PL090785 (See Schedule “1”)

PROCEEDING COMMENCED UNDER subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: See Schedule “2”
 Subject: Failure of the Minister of Municipal Affairs and Housing to announce a decision respecting the City of Hamilton Urban Official Plan
 Municipality: City of Hamilton
 OMB Case No.: PL101381
 OMB File No.: PL101381 (See Schedule “2”)

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellants: See Schedule “3”
 Subject: The new City of Hamilton Urban Official Plan
 Municipality: City of Hamilton
 OMB Case No.: PL110331
 OMB File No.: PL110331 (See Schedule “3”)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Auburn Developments Inc.
 Subject: Application to amend Zoning By-law 6593 – Refusal of application by the City of Hamilton
 Existing Zoning: “J” (Light and Limited Heavy Industrial, etc.) District
 Proposed Zoning: “E-3” (High Density Multiple Dwellings) District
 Purpose: To permit a 10 storey student residential building
 Property Address/Description: 17 Ewen Road
 Municipality: City of Hamilton
 Municipal File No.: ZAC-07-062
 OMB Case No.: PL120574
 OMB File No.: PL120574

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Auburn Developments Inc.
 Subject: Request to amend the Official Plan – Refusal of request by the City of Hamilton
 Existing Designation: “Industrial”

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Proposed Designation: “High Density Residential”
 Purpose: To permit a 10 storey student residential building
 Property Address/Description: 17 Ewen Road
 Municipality: City of Hamilton
 Approval Authority File No.: OPA-07-016
 OMB Case No.: PL120574
 OMB File No.: PL120575

PROCEEDING COMMENCED UNDER subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: City of Hamilton
 Subject: Failure of Ministry of Municipal Affairs and Housing to announce a decision respecting Proposed Official Plan Amendment No. 25-OP-2009
 Municipality: City of Hamilton
 OMB Case No.: PL131287
 OMB File No.: PL131287

Schedule “1”

Appellants to the amendments to the in-force Official Plans of the former Region of Hamilton-Wentworth, Towns of Ancaster, Dundas and Flamborough, Township of Glanbrook and Cities of Hamilton and Stoney Creek (OMB Case No. PL090779)

OMB FILE NO. PL090784	APPELLANT NAME Shawcor Ltd.
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Schedule “2”

Appellants to the failure of the Minister of Municipal Affairs and Housing to announce a decision respecting the City of Hamilton Urban Official Plan (OMB Case No. PL101381)

OMB FILE NO. PL101381	APPELLANT NAME A. DeSantis Developments Ltd. LIUNA Group Corp. St. Joseph’s Villa
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Schedule “3”

Appellants to the new City of Hamilton Urban Official Plan (OMB Case No. PL110331)

OMB FILE NO. PL110331	APPELLANT NAME 2000963 Ontario Inc.
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2051206 Ontario Inc.
2084696 Ontario Inc.
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909940 Ontario Inc. Artstone
Holdings Limited
Carmen Chiaravelle, 1694408 Ontario Ltd.,
John Edward Demik, Peter Demik, Demik
Brothers Hamilton Ltd., and Elaine Vyn City of
Hamilton
Corpveil Holdings Limited
Flamborough Power Centre Inc., Flamborough
South Centre Inc., Clappison Five Six Properties
Inc.
Freeland Developments Limited
Gino and Olindo DalBello Lynmount
Developments Limited
Mondelēz Canada Inc. (formerly Kraft Canada
Inc.)
Mud and First Inc.
Multi-Area Developments Inc.
Norman Vartanian
Paletta International Corporation
Paletta International Corporation (re: Elfrida)
Spallacci & Sons Limited
Sullstar Twenty Limited
Twenty Road Developments Inc. Upper
Centennial Developments Ltd.
Waterdown Bay Ltd.

BEFORE:

SUSAN de AVELLAR SCHILLER)
VICE-CHAIR)
Friday, the 14th)
day of August, 2020)

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THIS MATTER having come before the Tribunal for a hearing on December 7, 2015, with a Decision and Order issued on January 20, 2016 regarding appeals related to 305 Stone Church Road West and 313 Stone Church Road East;

AND THE TRIBUNAL having included quoted paragraphs 7 and 12 in paragraph 25 of the Decision at the joint request of the City of Hamilton and DiCenzo Construction Company Limited (“DCCL”).

AND THE TRIBUNAL having received a joint request from the City and DCCL that settlement discussion have taken place and in order to further advance these discussions, the City and DCCL jointly request that paragraph [25] of the Tribunal’s Decision of January 20, 2016 be amended to delete quoted paragraph 7 so as to allow DCCL (or any related entities) to file development applications in respect of the property at 313 Stone Church Road East. The parties also request that the Decision be amended to modify quoted paragraph 12 to read as follows:

DiCenzo or any representative or agents of DiCenzo shall take no actions (even if they are permitted by law) to alter its property that is subject to the appeal; this includes, without limitation, tree cutting and vegetation removal or removal of any plant or animal organisms; except alterations or actions required by law or as necessary to complete the required studies or other materials required to be filed with the development applications, provided in each and every case DCCL first obtains concurrence from the City prior to undertaking any alteration to its property or permits as required, and effective until issuance of the final decision on the UHOP appeal with respect to 313.

THE TRIBUNAL ORDERS that the requested amendments as set out above to the Tribunal’s Decision issued on January 20, 2016 are approved and the Decision of January 20, 2016 is so amended.

“Evelyn Dawes”

EVELYN DAWES
DEPUTY REGISTRAR

If there is an attachment referred to in this document,
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Local Planning Appeal Tribunal

A constituent tribunal of Tribunals Ontario – Environment and Land Division
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

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From: Anita

Sent: February 22, 2021 3:40 PM

To: Davis, Michael <Michael.Davis@hamilton.ca>

Subject: [****POSSIBLE SPAM]311 and 313 Stone Church Road East Concept Plan

Hello Michael,

I've just received the Notice of Complete Applications by UrbanSolutions on behalf of DiCenzo and would like to know where we can find a legible copy of the "311 and 313 Stone Church Road East Concept Plan" from the back page. What we have is very poor resolution and missing dots to be able to read properly.

Files:

UHOPA-21-005

ZAC-21-009

25T-202104

25CDM-2021005

25CDM-2021006

Folder:

2021 102876 00 PLAN (1020649)

Also, what can we do to ensure that those of us in the Dolphin Place, Durrell Court, and Cyprus Drive area will be impacted the least amount by construction vehicles. We all had to endure about five years of constant dust and mud, so much so that we couldn't even wash our vehicles in our own driveways because it was that excessive. After washing our vehicles, we'd then have to spend as much time and money again washing the driveways to clear the mud. Then that's all going down our storm drains. We couldn't have clean vehicles for five years.

On top of that, the number of flat tires we all had on our vehicles: cars, pickup trucks and motorcycles and the HUGE expense, inconvenience, and danger that entailed. All from careless contractors and their nails.

I implore you to find a way to route the trucks from this new development out of this area via Stonechurch rather than Cyprus. For all of us at this end of the development to have to deal with these financial hardships AGAIN and the inconvenience is difficult and impacts our enjoyment of house and home.

Thanks,
Anita

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From: Mark M
Sent: Tuesday, February 23, 2021, 10:24 PM
To: Davis, Michael <Michael.Davis@hamilton.ca>
Subject: Lavita Estates

Michael,

I'm writing regarding the proposal for Lavita Estates, I live on Cyprus Drive a couple houses away from the dead end. I had a chance to look at a few of the plans posted on Urban Solutions website and overall the proposed plan looks interesting. It is nice to see a sizable portion of land being dedicated as a naturalized area, as it was sad to see so many larger trees taken down in that exact area 8 or 9 years ago, so hopefully over time it regenerates well. The area forms part of the Eramosa karst and the exposed rock and overall forested landscape is rare to see in an urban setting and makes Crerar Neighbourhood so unique.

It is also good to see that Cyprus Drive will not be a through street, and only gain 12 more single family homes in the private road section off of the court bulb. This should help maintain the quiet traffic volumes all of the nearby residents are used to. Will there be public foot access to the trail leading to the new natural area block?

One of the best parts of our street is the amazing view of all the large Oaks in the City park lands that tower over the Houses. There are also 6 or 8 majestic Oaks located straight off the end of Cyprus Drive, and according to the plans they appear to be on neighbouring lands and not part of the subject lands. This is great news as you can immediately see these trees the moment you turn onto our street all the way from the Sirente Drive intersection. For that reason, why does the landscape plan mark all the largest trees (in good health) that do not even grow on the subject lands as "to be removed"? Shouldn't the neighbouring land owner have a say about that? More importantly, what measures can be taken to avoid their removal all together, as these trees seem far enough away from proposed building lots to negatively affect the number of developable lots. There are numerous examples across the City where purposeful design has sidewalks bend out around some of the largest trees, thus preserving for generations to come. As these trees do not appear located in proposed rights of way either, we look forward to seeing updated plans that preserve the largest of these specific trees in this situation as well.

Will there be opportunities for public input of the proposed subdivision?

We look forward to your response to our questions, and thank you for your time.

Mark and Karen Mitchell
55 Cyprus Drive

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From: Carlo Silvestri
Sent: March 2, 2021 6:24 PM
To: Davis, Michael <Michael.Davis@hamilton.ca>
Cc: Pauls, Esther <Esther.Pauls@hamilton.ca>; Milovanov, Zora <Zora.Milovanov@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Scally, Maureen <Maureen.Scally@hamilton.ca>
Subject: RE: UHOPA-21-005, ZAC-21-009,25T-202104, 25CDM-20210005, 25CDM-20210006

Dear Mr. Davis,

I object to the following applications:

UHOPA-21-005, ZAC-21-009,25T-202104, 25CDM-20210005, 25CDM-20210006.

I wish to receive a complete copy of the staff report.

I wish to be present and make an oral presentation at the public meeting.

1. As per our previous conversation, I would like to notify you that as of Thursday, February 25, 2021

that the required sign was still not installed, thus making the applications incomplete. See attached photos above.

I respectfully request that the current deadline, for public comments be extended accordingly to allow neighbours to be notified.

The current circulation area of 120 meters is woefully inadequate as the entire Crerar Neighbourhood is affected.

The deadline is currently prior to March 26, 2021.

2. I strongly object to design of the proposal.

The approved neighbourhood plan called for the completion of Crerar Drive as a municipal loop road for the neighbourhood.

This would allow access to Crerar Park and Crerar Forest by the southern section of Crerar Neighbourhood by municipal roads and sidewalks.

The attached proposal consists of mostly private roads which essentially cut off the southern part of the Crerar neighbourhood from the northern part of the neighbourhood.

I have lived on Crerar Drive for more than 20 years with my family.

One of the most important reasons for choosing Crerar Dr. was to accommodate the accessible needs of my daughter who uses a wheelchair. The promised future Crerar Park was created after we moved in. We have to drive to the Pak entrance as it is too far to travel by wheelchair. The promise of the future extension of Crerar Drive as a municipal road with sidewalks to access Crerar Park was most appealing.

3. The approved neighbourhood plan would allow development of 30 to 40 single family dwellings on municipal roads.

The current proposal is for 221 new residential dwellings on 4.29 hectares.

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This is excessive density. It is 5 to 7 times what is allowed under the current Official Plan. Furthermore, it is on private roads with inadequate parking. Traffic and parking in the neighbourhood is already inadequate and strained. Several streets including sections of Crerar Drive have been designated for alternate side of road parking or no parking areas.

4. The entry streets to Crerar neighbourhood are already a traffic nightmare. i.e . rarely passable by 2 cars simultaneously because of road parking in good weather and further exacerbated by snow. The neighbourhood entry streets particularly affected are: Sirente, Pescara, and Distin.

5. This proposal would make new the Crerar Drive entrance from Stone Church Rd. East the main entrance for the proposed largely private and condominium roads .

6. The private high school on Crerar Drive causes its own parking and traffic issues as few students are from the neighbourhood. The students are largely bussed. Others drive their own vehicles or dropped off. The staff of the high school and the staff and adult students of the private teachers college on Crerar Drive create additional traffic.

7. There are no public or private schools in this neighbourhood. The students are all bussed to schools in other neighbourhoods.

8. The lot coverage of the proposed residences and private streets are excessive. There is very little landscape and green area as a percentage of the proposed development. The previous contentious tree cutting in the neighbourhood is well documented. The proposed development further eliminates vegetation from Crerar Neighbourhood. The neighbourhood already has its periphery developed with many Churches, townhomes, apartment buildings and senior residences. Crerar neighbourhood is also home to Bob Kemp Hospice and the future Shalom Village Long Term Care.(7 storey) on Upper Wellington. These are all developments on the periphery of the neighbourhood with direct access to the main streets, Stone Church Rd. East, Upper Wentworth Street and Upper Wellington St. This proposal is in the centre of the neighbourhood.

Thank you for considering this letter.

Yours truly,
Lucy Silvestri,
Carlo Silvestri,
Alisa Silvestri,
Victoria Silvestri

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Page 5 of 72

445 Crerar Drive
Hamilton, ON
L9A 5K3
905-385-3737
email reelostate@gmail.com



Hamilton

Mailing Address:
71 Main Street West, 5th Floor
Hamilton, Ontario
Canada L8P 4Y5
www.hamilton.ca

Planning and Economic Development Department
Development Planning, Heritage and Design
71 Main Street West, 5th Floor, Hamilton ON L8P 4Y5
Phone: 905-546-2424 Fax: 905-546-4202

February 19, 2021



Dear neighbours, you might not have received this notice. Please object to Michael Davis & Councillor Park.

Files: UHOPA-21-005
ZAC-21-009
25T-202104
25CDM-2021005
25CDM-2021006
Folder: 2021 102876 00 PLAN (1020649)

Dear Sir / Madam:

THANK YOU

Re: Notice of Complete Applications by UrbanSolutions Planning & Land Development Consultants Inc. on behalf of DiCenzo Construction Company Ltd. for Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium for Lands Located at 311 & 313 Stone Church Road East, Hamilton (Ward 7)

In accordance with the provisions of the *Planning Act*, this letter is to advise that complete applications have been received by Hamilton's Planning and Economic Development Department for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium for Lands Located at 311 and 313 Stone Church Road East (please see attached Location Plan).

Purpose and Effect of Applications

221 UNITS PROPOSED

These applications are intended to allow for the development of a range of new housing forms; new public and private streets; and, the preservation of a 1.15 hectare woodland. Specifically, the applications propose the development of 221 new residential dwelling units consisting of 112 block townhouse units, 80 maisonette units, 17 single detached dwellings and 12 street townhouse units. The proposed subdivision involves an extension of Crerar Drive to connect with Stone Church Road East and the creation of a new Street 'A' to serve the new planned residential development blocks.

Urban Hamilton Official Plan Amendment (File No. UHOPA-21-005)

The purpose and effect of this proposed Urban Hamilton Official Plan Amendment is to allow for a site-specific reduction to the minimum density requirements for Medium Density Residential uses in order to permit a block townhouse and maisonette development on a portion of the proposed Draft Plan of Subdivision. The proposed Official Plan Amendment will also allow for the dedication of a 1.15 hectare woodlot to the City of Hamilton as a parkland dedication.

The proposed Official Plan Amendment, and information and material related to it, will be available in the staff report for public inspection.

P.S. please talk to your neighbours as the City only sent notices to homeowners within 120m of application address.

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- ii If a person or public body does not make oral submissions at a public meeting, if one is held, or make written submissions to the City of Hamilton in respect of the proposed plan of subdivision before the approval authority gives or refuses to give approval to the draft plan of subdivision, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal (LPAT) unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Condominium Applications 25CDM-2021005 and 25CDM-2021006

- i If a person or public body does not make oral submissions at a public meeting, if one is held, or make written submissions to the City of Hamilton in respect of the proposed Draft Plans of Condominium before the approval authority gives or refuses to give approval to the Draft Plans of Condominium, the person or public body is not entitled to appeal the decision of the City of Hamilton to the Local Planning Appeal Tribunal (LPAT).
- ii If a person or public body does not make oral submissions at a public meeting, if one is held, or make written submissions to the City of Hamilton in respect of the proposed plans of condominium before the approval authority gives or refuses to give approval to the draft plans of condominium, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal (LPAT) unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Public Input

Before we prepare a staff report for Council consideration, we are extending an opportunity to you to make comments. Any written comments received by the Department prior to **March 26, 2021**, will be published as part of the report made available to the general public and will appear on the City's website unless you expressly request within your communication that the City remove your personal information. Those persons who respond to the Department will be provided with a copy of the staff report prior to the public meeting to be held by the Planning Committee of City Council. Please forward your comments, quoting UHOPA-21-005, ZAC-21-009, 25T-202104, 25CDM-2021005 and 25CDM-2021006 to:



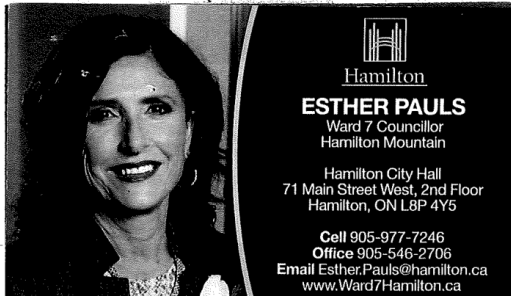
PLEASE EMAIL TO REGISTER YOUR COMPLAINTS BEFORE

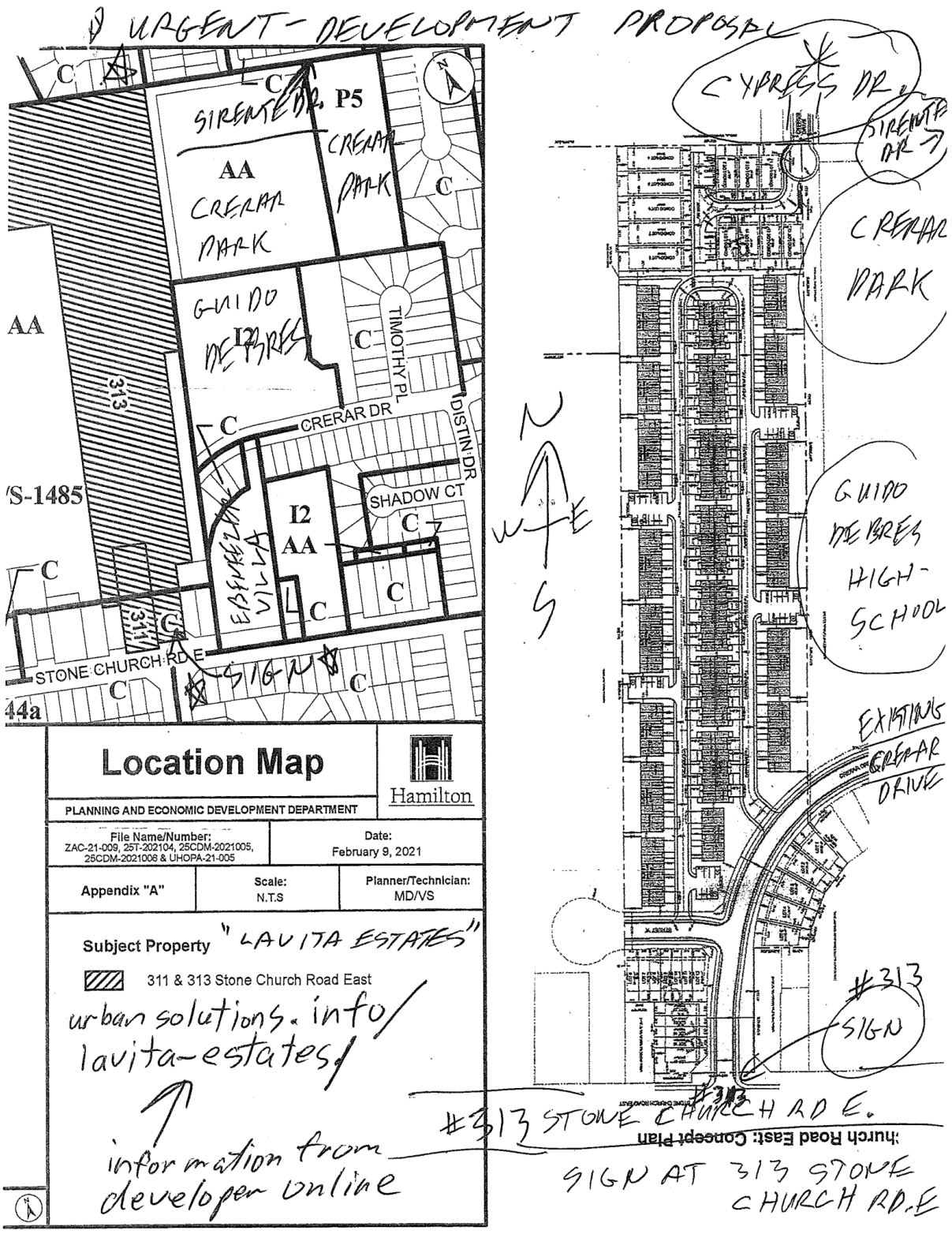
Michael Davis, City of Hamilton
 Planning and Economic Development Department
 Development Planning, Heritage and Design - Suburban Team
 71 Main Street West, 5th Floor, Hamilton, ON, L8P 4Y5
 Fax: 905-546-4202 - E-Mail: Michael.Davis@Hamilton.ca

MARCH 26, 2021

①

②





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Please feel free cut and paste the following email or choose or make your own comments.

To: michael.davis@hamilton.ca
Cc: esther.pauls@hamilton.ca

Dear Mr. Davis,

I object to the following applications:

UHOPA-21-005, ZAC-21-009, 25T-202104, 25CDM-20210005, 25CDM-20210006.

I wish to receive a complete copy of the staff report.

I wish to be present and make an oral presentation at the public meeting.

1. As per our previous conversation, I would like to notify you that as of Thursday, February 25, 2021 that the required sign was still not installed, thus making the applications incomplete. See attached photos above.

I respectfully request that the current deadline, for public comments be extended accordingly to allow neighbours to be notified.

The current circulation area of 120 meters is woefully inadequate as the entire Crerar Neighbourhood is affected.

The deadline is currently prior to March 26, 2021.

2. I strongly object to design of the proposal.

The approved neighbourhood plan called for the completion of Crerar Drive as a municipal loop road for the neighbourhood.

This would allow access to Crerar Park and Crerar Forest by the southern section of Crerar Neighbourhood by municipal roads and sidewalks.

The attached proposal consists of mostly private roads which essentially cut off the southern part of the Crerar neighbourhood from the northern part of the neighbourhood.

I am a concerned homeowner in the Crerar Neighbourhood.

Crerar Park was created for the entire neighbourhood to use.

The promise of the future extension of Crerar Drive as a municipal road with sidewalks to access Crerar Park was most appealing.

The current proposal will cut off access to the park, as planned for in the neighbourhood plan.

3. The approved neighbourhood plan would allow development of 30 to 40 single family dwellings on municipal roads.

The current proposal is for 221 new residential dwellings on 4.29 hectares.

This is excessive density. It is 5 to 7 times what is allowed under the current Official Plan.

Furthermore, it is on private roads with inadequate parking.

Traffic and parking in the neighbourhood is already inadequate and strained.

Several streets including sections of Crerar Drive have been designated for alternate side of road parking or no parking areas.

4. The entry streets to Crerar neighbourhood are already a traffic nightmare. i.e. rarely passable by 2 cars simultaneously because of road parking in good weather and further exacerbated by snow. The

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neighbourhood entry streets particularly affected are: Sirente, Pescara, and Distin.

5. This proposal would make new the Crerar Drive entrance from Stone Church Rd. East the main entrance for the proposed largely private and condominium roads .

6. The private high school on Crerar Drive causes its own parking and traffic issues as few students are from the neighbourhood.

The students are largely bussed. Others drive their own vehicles or dropped off. The staff of the high school and the staff and adult students of the private teachers college on Crerar Drive create additional traffic. The students are all bussed to schools in other neighbourhoods.

7. There are no public or separate schools in this neighbourhood. The City purchased lands previously owned by the school board and made it part of Cerear Park.

The City retained a portion of land on the west side to allow for a public road to access Crerar Park. This development proposal eliminates that road.

8. The lot coverage of the proposed residences and private streets are excessive.

There is very little landscape and green area as a percentage of the proposed development.

The previous contentious tree cutting in the neighbourhood is well documented.

The proposed development further eliminates vegetation from Crerar Neighbourhood.

The neighbourhood already has its periphery developed with many Churches, townhomes, apartment buildings (rental and conominium) and senior residences.

Crerar neighbourhood is also home to Bob Kemp Hospice and the proposed future Shalom Village Long Term Care.(7 storey) on Upper Wellington.

These are all developments on the periphery of the neighbourhood with direct access to the main streets, Stone Church Rd. East, Upper Wentworth Street and Upper Wellington St. The neighbourhood has more than contributed to the Provincial Policy statements of 2020 with regards to "Encourage an increase in the mix and supply of housing." The other statement with regards to "protect the environment and public safety" is beyond questionable.

This proposal is in the centre of the neighbourhood and largely deviates from the current neighbourhood plan by creating private roads to increase density and prevent access to roads and parklands in the neighbourhood.

Thank you for considering this letter.

NAME:

Address:

Email:

Phone: (optional)

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From: John Themeles
Sent: March 13, 2021 5:58 PM
To: Davis, Michael <Michael.Davis@hamilton.ca>
Subject: Re subdivision ward 7 lands located 311 and 313 stone church rd east

Dear Mr.Davis

File:UHOPA-21-005
ZAC-21-009
25T-2021005
25CDM-2021006
Folder:2021 102876 00 PLAN (1020649)

I've read the letter on the proposal of 210 homes to be built behind my home.Thus this letter of deep concern.

I'm concerned on the amount of homes being squeezed into such a small plot of land.

I'm concerned for the blasting of rock bed behind me as I'm aware of the geological makeup of the land.

With so many homes we will be enduring a minimum of 400 cars going in and out from the street next to me.

The other concern is the amount of traffic that will be generated and the noise.Thats just way too many people jammed into a small area.

I can see a proposal of 30-50 homes since they bought the land close to 40 some odd years ago.This is just greedy and unfair.

I am also concerned of the dust that will be generated in the area of land that surrounds me and the dust that will come into my home and the exterior fascia.

Who will be responsible in keeping the dust,mud and the cleaning my exterior once construction is up and running?

How long and when it the construction work to begin?

I'd like to be kept in the loop on this serious matter and the disruption of 210 homes stacked like sardines behind me.

Sincerely
John Themeles
327 Stone church rd e
289 921 6262

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From: Mark Wozniak
Sent: March 14, 2021 7:13 PM
To: Davis, Michael <Michael.Davis@hamilton.ca>
Cc: Mama Wozniak
Subject: UHOPA-21-005 complaint

Please feel free cut and paste the following email or choose or make your own comments.

To: michael.davis@hamilton.ca
 Cc: esther.pauls@hamilton.ca

Dear Mr. Davis,

I object to the following applications:

UHOPA-21-005, ZAC-21-009, 25T-202104, 25CDM-20210005, 25CDM-20210006.

I wish to receive a complete copy of the staff report.

I wish to be present and make an oral presentation at the public meeting.

1. As per our previous conversation, I would like to notify you that as of Thursday, February 25, 2021 that the required sign was still not installed, thus making the applications incomplete. See attached photos above.
 I respectfully request that the current deadline, for public comments be extended accordingly to allow neighbours to be notified.
 The current circulation area of 120 meters is woefully inadequate as the entire Crerar Neighbourhood is affected.
 The deadline is currently prior to March 26, 2021.
2. I strongly object to design of the proposal.
 The approved neighbourhood plan called for the completion of Crerar Drive as a municipal loop road for the neighbourhood.
 This would allow access to Crerar Park and Crerar Forest by the southern section of Crerar Neighbourhood by municipal roads and sidewalks.
 The attached proposal consists of mostly private roads which essentially cut off the southern part of the Crerar neighbourhood from the northern part of the neighbourhood.
 I am a concerned homeowner in the Crerar Neighbourhood.
 Crerar Park was created for the entire neighbourhood to use.
 The promise of the future extension of Crerar Drive as a municipal road with sidewalks to access Crerar Park was most appealing.
 The current proposal will cut off access to the park, as planned for in the neighbourhood plan.
3. The approved neighbourhood plan would allow development of 30 to 40 single family dwellings on municipal roads.
 The current proposal is for 221 new residential dwellings on 4.29 hectares.
 This is excessive density. It is 5 to 7 times what is allowed under the current Official Plan.
 Furthermore, it is on private roads with inadequate parking.
 Traffic and parking in the neighbourhood is already inadequate and strained.
 Several streets including sections of Crerar Drive have been designated for alternate side of road parking or no parking areas.
4. The entry streets to Crerar neighbourhood are already a traffic nightmare, i.e. rarely passable by 2 cars simultaneously because of road parking in good weather and further exacerbated by snow. The

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neighbourhood entry streets particularly affected are: Sirente, Pescara, and Distin.

- 5. This proposal would make new the Crerar Drive entrance from Stone Church Rd. East the main entrance for the proposed largely private and condominium roads .
 - 6. The private high school on Crerar Drive causes its own parking and traffic issues as few students are from the neighbourhood.
The students are largely bussed. Others drive their own vehicles or dropped off. The staff of the high school and the staff and adult students of the private teachers college on Crerar Drive create additional traffic. The students are all bussed to schools in other neighbourhoods.
 - 7. There are no public or separate schools in this neighbourhood. The City purchased lands previously owned by the school board and made it part of Cererar Park.
The City retained a portion of land on the west side to allow for a public road to access Crerar Park.
This development proposal eliminates that road.
 - 8. The lot coverage of the proposed residences and private streets are excessive.
There is very little landscape and green area as a percentage of the proposed development.
The previous contentious tree cutting in the neighbourhood is well documented.
The proposed development further eliminates vegetation from Crerar Neighbourhood.
The neighbourhood already has its periphery developed with many Churches, townhomes, apartment buildings (rental and condominium) and senior residences.
Crerar neighbourhood is also home to Bob Kemp Hospice and the proposed future Shalom Village Long Term Care (7 storey) on Upper Wellington.
These are all developments on the periphery of the neighbourhood with direct access to the main streets, Stone Church Rd. East, Upper Wentworth Street and Upper Wellington St. The neighbourhood has more than contributed to the Provincial Policy statements of 2020 with regards to "Encourage an increase in the mix and supply of housing." The other statement with regards to "protect the environment and public safety" is beyond questionable.
- This proposal is in the centre of the neighbourhood and largely deviates from the current neighbourhood plan by creating private roads to increase density and prevent access to roads and parklands in the neighbourhood.

Thank you for considering this letter.

NAME: 368 CERER DR
 Address: TOLANTAHOZNIALSI @gmail.com
 Email:
 Phone: (optional) (905) 574-3480

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From: Nahren Gorgis
Sent: March 14, 2021 7:15 PM
To: Davis, Michael <Michael.Davis@hamilton.ca>
Subject: Neighbor complaints

As a resident of 433 Crerar drive, we are against to build the new houses on Crerar drive.

Thank you.

Sent from my iPhone

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Please feel free cut and paste the following email or choose or make your own comments.

To: michael.davis@hamilton.ca
Cc: esther.pauls@hamilton.ca

Dear Mr. Davis,

I object to the following applications:

UHOPA-21-005, ZAC-21-009, 25T-202104, 25CDM-20210005, 25CDM-20210006.

I wish to receive a complete copy of the staff report.

I wish to be present and make an oral presentation at the public meeting.

If called upon I can express my concerns based on what we currently see now!

1. As per our previous conversation, I would like to notify you that as of Thursday, February 25, 2021 that the required sign was still not installed, thus making the applications incomplete. See attached photos above.

I respectfully request that the current deadline, for public comments be extended accordingly to allow neighbours to be notified.

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The attached proposal consists of mostly private roads which essentially cut off the southern part of the Crerar neighbourhood from the northern part of the neighbourhood.

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The City retained a portion of land on the west side to allow for a public road to access Crerar Park. This development proposal eliminates that road.

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There is very little landscape and green area as a percentage of the proposed development.

The previous contentious tree cutting in the neighbourhood is well documented.

The proposed development further eliminates vegetation from Crerar Neighbourhood.

The neighbourhood already has its periphery developed with many Churches, townhomes, apartment buildings (rental and condominium) and senior residences.

Crerar neighbourhood is also home to Bob Kemp Hospice and the proposed future Shalom Village Long Term Care. (7 storey) on Upper Wellington.

These are all developments on the periphery of the neighbourhood with direct access to the main streets, Stone Church Rd. East, Upper Wentworth Street and Upper Wellington St. The neighbourhood has more than contributed to the Provincial Policy statements of 2020 with regards to "Encourage an increase in the mix and supply of housing." The other statement with regards to "protect the environment and public safety" is beyond questionable.

This proposal is in the centre of the neighbourhood and largely deviates from the current neighbourhood plan by creating private roads to increase density and prevent access to roads and parklands in the neighbourhood.

Thank you for considering this letter.

NAME: Davide Castellana

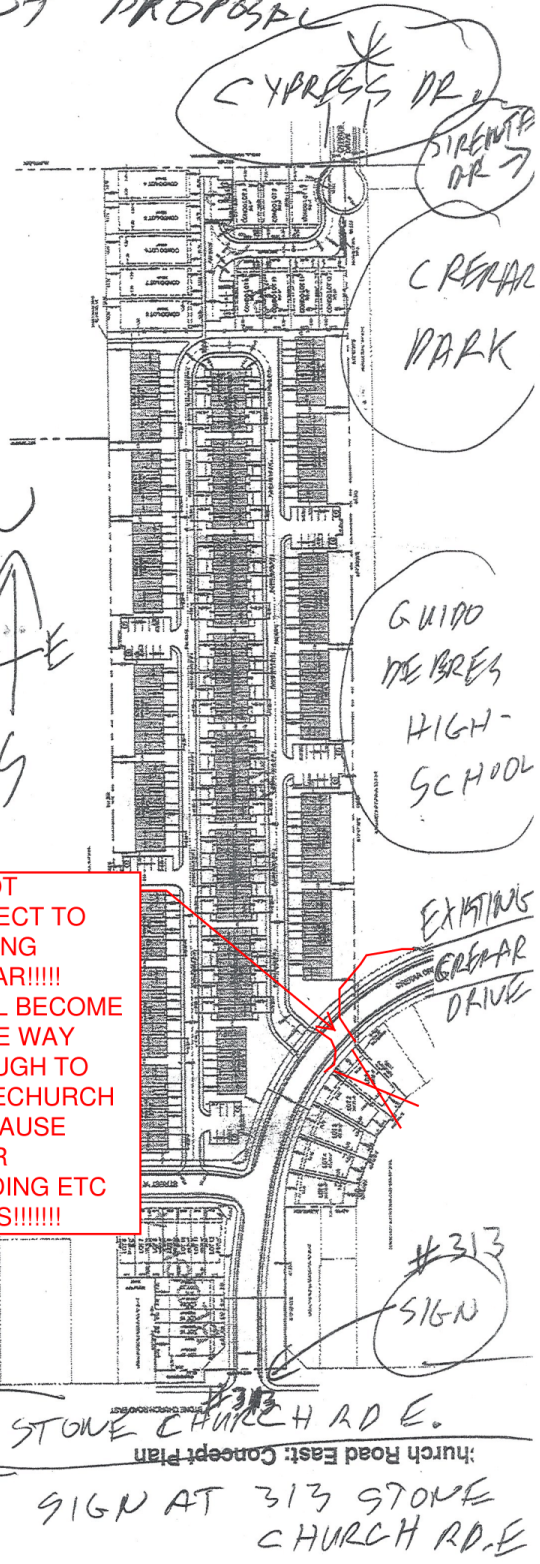
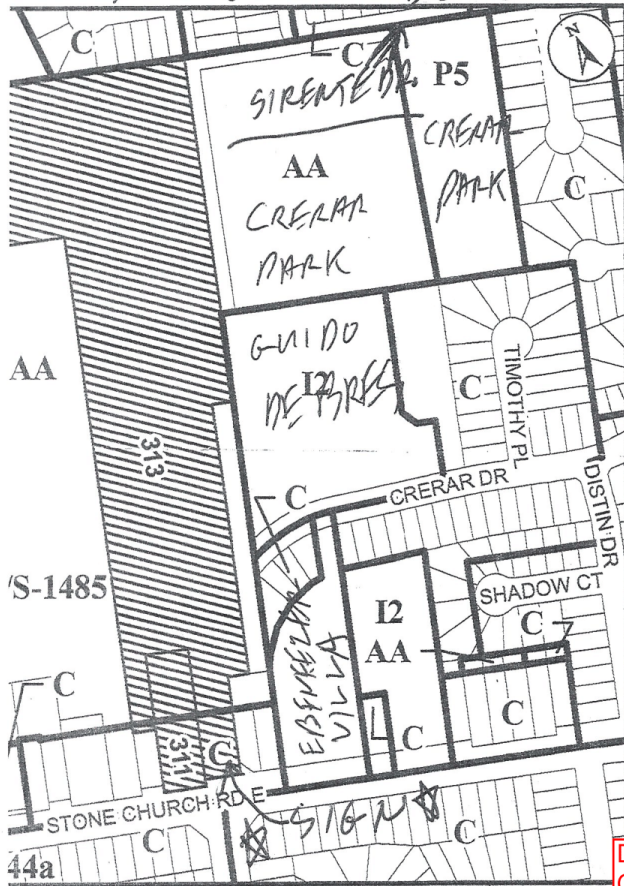
Address: 377 Crerar Drive (at corner with Distin)

Email: selmem7@gmail.com

Phone: (optional)

905-906-4188

URGENT - DEVELOPMENT PROPOSAL



DO NOT CONNECT TO EXISTING CRERAR!!!! IT WILL BECOME A FREE WAY THROUGH TO STONECHURCH AND CAUSE MAJOR SPEEDING ETC ISSUES!!!!!!

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ZAC-21-009, 257-202104, 25CDM-2021005, 25CDM-2021008 & UHOPA-21-035
 Date: February 9, 2021

Appendix "A" Scale: N.T.S. Planner/Technician: MD/VS

Subject Property "LAVITA ESTATES"

311 & 313 Stone Church Road East

urban solutions. info / lavita-estates /

information from developer online

#313 STONE CHURCH RD E.
 SIGN AT 313 STONE CHURCH RD. E.

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From: Brandon Toy
Sent: March 24, 2021 6:26 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Re: Objection to zoning change and land development

On Fri, Mar 19, 2021 at 5:20 PM Brandon Toy <[REDACTED]> wrote:

18 Dolphin Pl
Hamilton, Ontario
L9A 5J2

March 19, 2021

City of Hamilton
Attention: Michael Davis
Main Street West, 5th Floor
Hamilton, Ontario
L8P 4Y5

Dear Mr. Davis:

I have a few concerns I would like to bring to your attention regarding the proposed zoning change and subdivision plans.

Firstly, I am just hearing about the proposed development recently, and have begun looking into it. The proposed subdivision plans are fluctuating and my neighbours understanding differs from my own. I would like to pose the questions, why would our accounts differ? How often and heavily are the plans changing? What steps has the City taken to inform local residents?

Secondly, what has remained constant about what I have been hearing is that the proposed subdivision is going to be high density housing. The streets here are very narrow and would be insufficient to handle such a population surge. Furthermore, traffic in the area is already a concern, as we are in such close proximity to Limeridge Mall, and have already had more housing added a few years prior.

Additionally, the agricultural land serves both a living space and a moveable space for a fair amount of wildlife. There are forests on both sides of the agricultural land, and I have personally seen many animals, consisting of foxes, birds, squirrels, coyotes, raccoons and skunks. Many of the animals commonly end up as road kill in other parts of the city, yet not so often here. This suggests the land may serve as a sort of sanctuary to the wildlife. It would be unsightly to see so many displaced and potentially end up as road kill.

Furthermore, my neighbours are having concerns about the property value of our homes. How will the change affect this?

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To summarize, I see the proposed changes in a mostly negative light, and wish to object to the zoning change and plans for development.

- The streets are narrow and poorly equipped to handle existing traffic.
- We recently had a population surge in the area
- This is the only agricultural land in Hamilton, Ward 7.
- It will displace wildlife
- It will not be pleasing to existing residents.

In Conclusion, I have lived here my entire life of twenty-one years and heavily oppose the current plans to change zoning and the subdivision that will follow.

I should note that night-sky view from my backyard is quite nice, perhaps the best view in all of Hamilton proper adding the houses will have adverse effects such as light pollution which would be detrimental to that.

Regards,

Brandon Toy

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From: Carol
Sent: March 21, 2021 2:14 PM
To: Davis, Michael <Michael.Davis@hamilton.ca>
Cc: Pauls, Esther <esther.pauls@hamilton.ca>
Subject: Objection to applications as stated in the email.

Dear Mr Davis

I object to the following applications:
UHOPA-21-005, ZAC-21-009, 25T-202104, 25CDM-20210005, 25CDM-20210006

I wish to receive a complete copy of the staff report.

I respectfully request that the current deadline for public comments be extended accordingly to allow neighbours to be notified as the required signage was not put up thus making the applications incomplete.

The current circulation area of 120 meters is less than adequate as the entire Crerar Neighbourhood is affected.

I strongly object to the design of the proposal. The approved neighbourhood plan called for the completion of Crerar Drive as a municipal loop road for the neighbourhood. This would allow access to Crerar Park and Crerar Forest by the southern section of Crerar Neighbourhood by municipal roads and sidewalks.

The proposal consists of mostly private roads which essentially cut off the southern part of the Crerar neighbourhood from the northern part of the neighbourhood. I am a concerned homeowner of the Crerar Neighbourhood and the Crerar Park was created for the entire neighbourhood to use. The promise of the future extension of Crerar Drive as a municipal road with sidewalks to access the Park was most appealing.

The current proposal will cut off access to the park, as originally planned.

The original approved neighbourhood plan would of allowed development of 30 to 40 single family dwellings on municipal roads.

The current proposal is for 221 new residential dwellings on 4.29 hectares. This is excessive density. It is 5 to 7 times what is allowed under the current official plan.

Furthermore, it is on private roads with inadequate parking.

Traffic and parking in the neighbourhood is already inadequate and strained. Several streets including sections of

Crerar Dr has been designated for alternate side of road parking or no parking zones.

The entry streets to Crerar neighbourhood are already a traffic nightmare. For example it is rarely passable by 2 cars simultaneously because of road parking in good weather and is worsened by snow. The neighbourhood entry streets particularly affected are Sirente, Pescara and Distin.

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The new proposal would make the new Crerar Drive entrance off Stone Church Rd the main entrance for the proposed largely private and condominium roads.

The private high school on Crerar Dr causes its own parking and traffic issues as few students are from the neighbourhood.

The students are largely bussed in and others drive their own vehicles or are dropped off. The staff of the school and the staff and adults students of the private teachers college on Crerar Dr create additional traffic.

There are no public or separate schools in this neighbourhood. The city purchased lands previously owed by the school board and made it part of Crerar Park. The City retained a portion of the land on the west side to allow for the public road to access Crerar Park. This development proposal eliminates that road.

The lot coverage of the proposed residences and private streets are excessive. There is very little landscape and green area as a percentage of the proposed development. The previous contentious tree cutting in the neighbourhood is well documented. The proposed development further eliminates vegetation from Crerar Neighbourhood. The neighbourhood already has its periphery developed with many churches, townhomes, apartment buildings (rental and condo) and senior residences.

Crerar neighbourhood is also home to Bob Kemp Hospice and the proposed future Shalom Village Long Term Care on Upper Wellington.

These are all developments on the periphery of the neighbourhood with direct access to the main streets, Stone Church Rd E., Upper Wentworth and Upper Wellington Sts. The neighbourhood has more than contributed the Provincial Policy statements of 2020 with regards to "encourage an increase in the mix and supply of housing." The other statement with regards to "protect the environment and public safety" is beyond questionable.

This proposal is in the centre of the neighbourhood and largely deviates from the current neighbourhood plan by creating private roads to increase density and prevent access to roads and parklands in the neighbourhood.

Thank you for considering these issues.

Carol Bard
449 Crerar Drive
putt18@hotmail.com

**Appendix “J” to Report PED21221
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From: **Carlo & Carol**

Date: Mon, Mar 22, 2021 at 8:43 PM

Subject: Re: 311 and 313 Stone Church Road East, Hamilton (Ward 7) - Notice of Complete Application

To: Davis, Michael <Michael.Davis@hamilton.ca>

Cc: <esther.pauls@hamilton.ca>, <zora.milovanov@hamilton.ca>

Hi Mike - I am writing to you to express my concerns regarding the proposed development at 311 & 313 Stone Church Road East - Lavita Estates (Ward 7). Please consider my attached comments as part of your review of this application. In general my concerns are the following:

- proposed setback abutting rear property line of 10 Dolphin Place
- potential property damage caused by blasting and/or other forms of rock removal in Block 2 (lands directly abutting 10 Dolphin Place)

Regarding the above, please confirm the following:

- Would the proposed setback be considered compatible development under the current Urban Hamilton Official Plan (UHOP) policies?
- Will a pre-blast / rock removal survey be completed prior to any rock removal activities being conducted? At whose cost? How much notice will be provided?

Kindly add me to the notification list for this application. I would like to be notified of any future submissions, public meetings, decisions, etc.

Thank you for your time and consideration. I can be contacted at 905-730-4867 or ccmcgorni@gmail.com.

Sincerely, Carol McKenna
10 Dolphin Place
Hamilton, Ontario
L9A 5J2

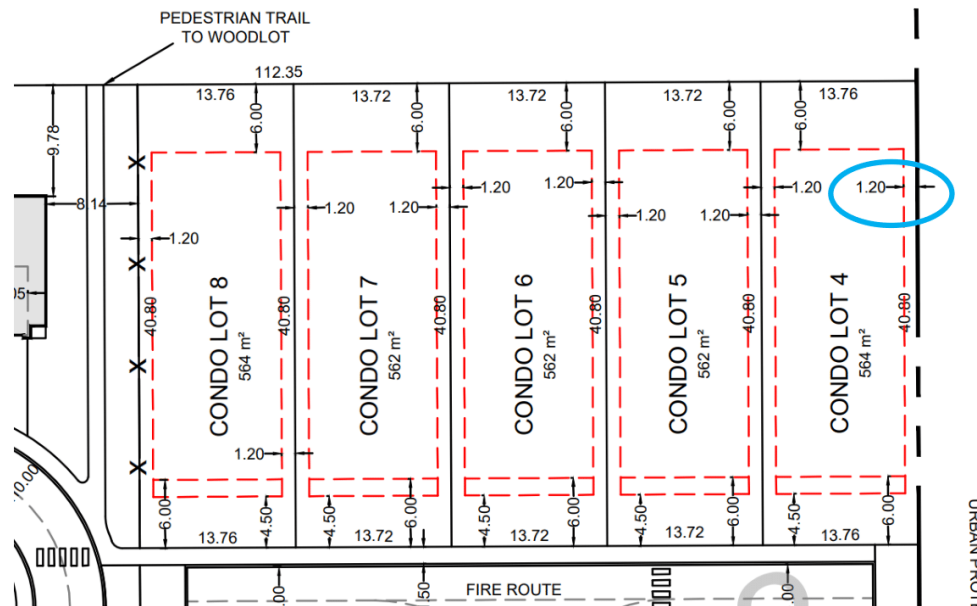
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To: Michael Davis, Senior Planner
 Planning and Economic Development Department
 Development Planning, Heritage and Design
 City of Hamilton

Date: March 22, 2021

RE: Proposed Development at 311 & 313 Stone Church Road East (Lavita Estates)

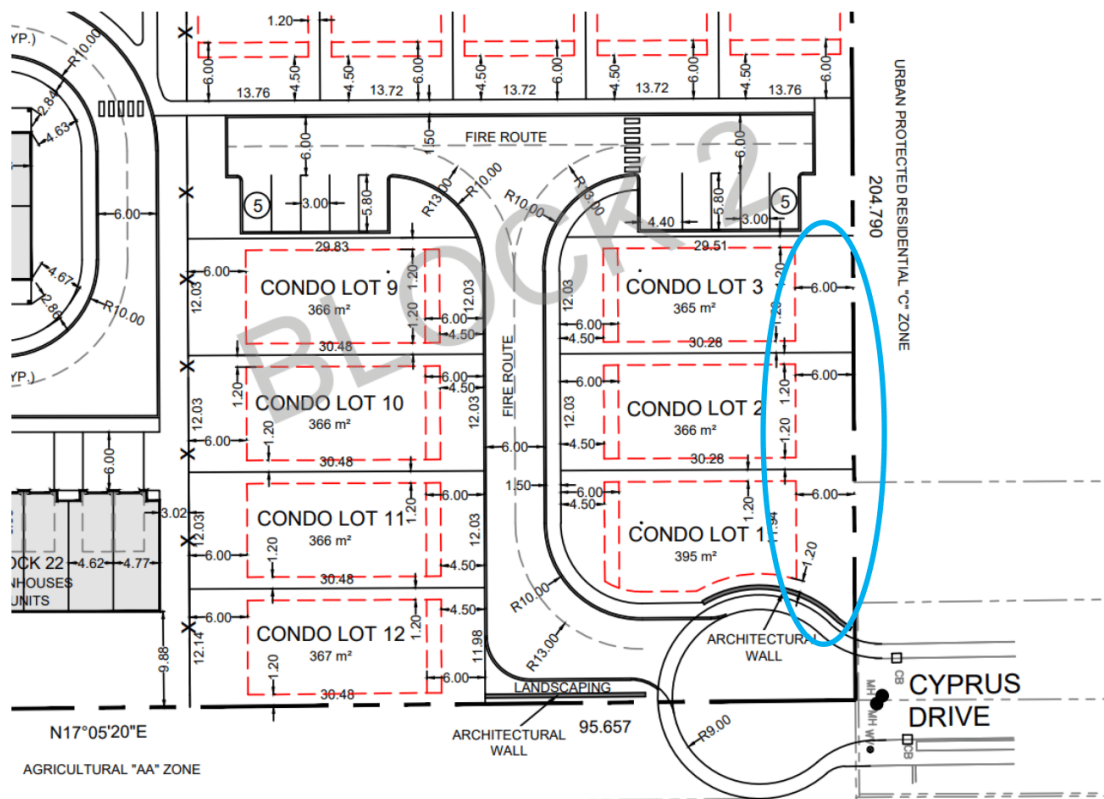
Thank you for the opportunity to comment on the proposed development at 311 and 313 Stone Church Road East. I would like to express my concerns with the setback along the northern property line, where it abuts my property at 10 Dolphin Place. The applicant is proposing an interior side yard setback of 1.2m between Condo Lot #4 and the shared property line with existing residential (see below image).



I understand that 1.2m is generally considered an appropriate interior side yard setback for developments of this nature. However, I believe the applicant has not adequately considered the context of the site. The proposed building (Condo 4) is abutting the rear yard of the existing home located at 10 Dolphin Place, not the side yard of an existing home. As a result, the proposed building as currently shown on the provided plans would create a 2-storey, 40m wall that is 1.2m from the shared property line. This will cause an undue adverse impact on my household, by greatly limiting our ability to use and enjoy our property due to lack of privacy and shadowing.

It is noted in Chapter E.3.3.2.8.a of the UHOP that proposed developments within the Neighbourhoods designation are to be evaluated, in part, based on "compatibility with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking, and landscaping". Therefore, I request that the plans be revised to remove Lot 4 from the plans or at a minimum to appropriately address the existing rear yard condition in this location. An appropriate setback of 6.0m should be provided between the proposed building and the shared property line, as is being provided between the proposed buildings (Condo Lots 1-3) and existing Dolphin Place homes to the south (see below).

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We would also like to raise concerns regarding the potential removal of the large, elevated cave / grotto rock formation directly behind our rear yard property line. The engineering report indicated that this is primarily limestone. This rock formation is included in the 12-unit block development behind our property. We are concerned that the removal process, which could involve very heavy equipment, extensive vibrations and even blasting may cause damage to our home and property.

Thank you for taking the time to hear my concerns. Please add me to the notification list for this application. I would like to be notified of any future submissions, public meetings, and decisions regarding this application.

Sincerely,
 Carol McKenna
 10 Dolphin Place
 Hamilton, ON L9A 5J2
 905-730-4867
 ccmcgorni@gmail.com

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From: Thomas Kromka
Sent: March 23, 2021 11:19 AM
To: Davis, Michael <Michael.Davis@hamilton.ca>
Cc: Pauls, Esther <esther.pauls@hamilton.ca>
Subject: Crerar Development

Re: Applications UHOPA-21-005, ZAC-21-009, 25T-202104, 25CDM-2021005, 25CDM-2021006

Mr David and Councillor Pauls,

First, I would like to express my disappointment with the decision to only circulate application notifications within 120m of the development. I expect the city to reasonably inform those who will be affected by such proposals. Residents shouldn't have to rely on their neighbours to notify them of potentially invasive developments. The city did not do its due diligence with these applications.

Next, I agree with my neighbours' concerns of inadequate access to the community park after this development. It is already difficult enough to get around the neighbourhood on foot, as Crerar Dr is the only street that connects the north and south areas. This lack of mobility, increased traffic, and foreseeable congested parking concerns myself and my neighbours. The applications should be amended to allow for proper connections through the neighbourhood and to the neighbourhood park.

Lastly, I am concerned with the density of these proposed developments. The south-east corner of Sirente and Upper Wellington already sees very overcrowded housing that provides minimal additional green space. I ask the planning committee to consider the effect of very-high density housing on a neighbourhood with a planned density at much lower levels.

Please send me a copy of the complete staff report regarding these applications.

Thank you,
Thomas Kromka

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From: Sam DeRosa
Sent: March 24, 2021 1:03 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>; ester.pauls@hamilton.ca
Subject: Fwd: Crerar Neighborhood Development

----- Forwarded message -----

From: Sam DeRosa <[REDACTED]>
Date: Tue., Mar. 23, 2021, 9:25 p.m.
Subject: Crerar Neighborhood Development
To: <Michael.Davis@hamilton.ca>
Cc: <ester.pauls@hamilton.ca>

Hello

My name is Sam DeRosa and live near a proposed development in the Crerar Neighborhood. I am complaining about a new proposal for the development of high density condominiums . There is already problems accessing the Neighborhood. School busses and extra traffic will create unsafe conditions for students and Neighborhood pedestrians.please stick with the original municipal plan. There is no room for all them unit's in such a small area and will devalue the Neighborhood if allowed. Thanks

Sam DeRosa

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From: Anita
Sent: March 24, 2021 1:40 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Cc: Pauls, Esther <Esther.Pauls@hamilton.ca>
Subject: Lavita Estates, 311-313 Stone Church Road East, Hamilton

Dear Mr. Vrooman,

RE:

Lavita Estates

311-313 Stone Church Road East, Hamilton Official Plan & zoning By-law Amendment, Draft Plan of Subdivision, Site Plan and Draft Plan of Standard and Common Element Condominium Applications.

I strongly object to the excessive density planned for the Lavita development site. Densification of this type will have a significant impact on our neighbourhood in many ways and is a polar opposite of the originally approved neighbourhood plan of 30 to 40 single family dwellings. There is no balance in this plan with blocks and blocks of townhouses and condos, book-ended by the houses on Dolphin Place and the new proposed 17 single family dwellings on the Stone Church end.

Our concerns are as follows:

1. Housing market performance

* Our area is already loaded with, or surrounded by, many townhouse units and other non-single-family detached housing: Stone Church/Upper Wentworth, Stone Church/Upper Wellington, Sirente/Upper Wellington, Towercrest/Upper Wellington, north side of the Linc/Upper Wellington, Pescara/Upper Wentworth, and Upper Wentworth north of Pescara. Now to cram in 221 units in this area for the Lavita development is over the top.

2. Parking

* Most houses, especially in a more suburban setting such as this, have two or more cars per household. The area is already overloaded with cars parking on the streets making it difficult or impossible for two cars in opposite directions of travel to pass one another.

* This problem is exasperated by the plowing of snow in the winter. Even without parked cars, the design of the neighbourhood with its sidewalks directly abutting the roadways rather than having boulevards as a buffer to load the snow onto means the snow has to be piled on the roadways, eliminating more parking for the overflow of cars and making these quiet neighbourhood streets dangerous for drivers, bicyclists, and pedestrians. Add to that situation the accumulated frustration drivers face living with this daily can have very unfortunate outcomes.

* While it seems the plans have taken into consideration parking for the units by allowing for two spots per unit and a garage, a very large percentage of people use their garages for storage and I can see this being very likely in the case of this development due to there being no basements for storage. In spite of

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parking being available for the other townhouse units that already exist in our neighborhood, we still see an overflow on the streets.

3. Traffic

* It is already very difficult to make a left turn northbound on to Upper Wellington from eastbound Stone Church, adding potentially 442 or more cars to this area will be a nightmare for traffic.

* Trying to get out to Upper Wentworth from Pescara is also already a big problem in the morning. Cars line the entire length of Pescara and are backed up in either direction on Crerar as they wait at the three-way stop to make the turn onto Pescara but are unable to because of the backup waiting to turn left on Upper Wentworth from this small street. This makes it impossible even for those who wish to turn right on Upper Wentworth from Pescara.

4. Pollution

* More people equals more cars equals more pollution and certainly with the additional congestion we will have. There is environmental fallback with that which affects the residents, the school, the old-age homes, the forest and its ecosystem and this important habitat to wildlife in the area.

5. Crime

* More people equals more crime bringing both threats to person and property. That is simply a reality with numbers. Dense population growth is a known liability and the quality of life of those who have already invested years in maintaining and contributing to their neighbourhoods and this city will be diminished by those high numbers and the problems it can bring.

No matter how traffic is routed, the root of the problem is too many units for the neighbourhood, and certainly too many units for that space. I realize we are mandated to increase density, however, a balance needs to be struck and this is excessive for one small area, excessive for one neighbourhood. I have seen other new neighbourhoods recently built up in what were once fields and they have not seen the same degree of intensification. It is not right to make up for whatever lost opportunities you had there by overloading our area and putting further strain and hardship on the current tax-paying home owners.

Thank you for your time.

Anita Thomas and Patrick Maillé
21 Dolphin Place
Hamilton, ON
L9A5J2
va3ani@gmail.com

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From: caroline reynolds
Sent: March 24, 2021 2:58 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Subject: Re: Lands located at 311 an 313 Stonechurch road East

March 24, 2021 We object to the following applications: UHOPA-21-005, ZAC-21-009, 257-202104, 25CDM-20210005,25CDM-20210006 There would be impairment to access to driving and parking (snow removal) on streets. Excessive density on available land with concerns for safety and decreased quality of life for those concerned. Land values may decrease resulting from challenging lifestyle conditions. Thank you, Gloria and Tony Milanovici, 51 Cyprus Drive, Hamilton L9A 5J2 carolinereynolds@gmail.com
ccester.pauls@hamilton.ca

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To: michael.davis@hamilton.ca

Cc: esther.pauls@hamilton.ca

Dear Mr. Davis,

I object to the following applications:

UHOPA-21-005, ZAC-21-009, 25T-202104, 25CDM-20210005, 25CDM-20210006.

I wish to receive a complete copy of the staff report.

I wish to be present and make an oral presentation at the public meeting.

1. As per our previous conversation, I would like to notify you that as of Thursday, February 25, 2021 that the required sign was still not installed, thus making the applications incomplete. See attached photos above.

I respectfully request that the current deadline, for public comments be extended accordingly to allow neighbours to be notified.

The current circulation area of 120 meters is woefully inadequate as the entire Crerar Neighbourhood is affected.

The deadline is currently prior to March 26, 2021.

2. I strongly object to design of the proposal.

The approved neighbourhood plan called for the completion of Crerar Drive as a municipal loop road for the neighbourhood.

This would allow access to Crerar Park and Crerar Forest by the southern section of Crerar Neighbourhood by municipal roads and sidewalks.

The attached proposal consists of mostly private roads which essentially cut off the southern part of the Crerar neighbourhood from the northern part of the neighbourhood.

I am a concerned homeowner in the Crerar Neighbourhood.

Crerar Park was created for the entire neighbourhood to use.

The promise of the future extension of Crerar Drive as a municipal road with sidewalks to access Crerar Park was most appealing.

The current proposal will cut off access to the park, as planned for in the neighbourhood plan.

3. The approved neighbourhood plan would allow development of 30 to 40 single family dwellings on municipal roads.

The current proposal is for 221 new residential dwellings on 4.29 hectares.

This is excessive density. It is 5 to 7 times what is allowed under the current Official Plan.

Furthermore, it is on private roads with inadequate parking.

Traffic and parking in the neighbourhood is already inadequate and strained.

Several streets including sections of Crerar Drive have been designated for alternate side of road parking or no parking areas.

4. The entry streets to Crerar neighbourhood are already a traffic nightmare. i.e. rarely passable by 2 cars simultaneously because of road parking in good weather and further exacerbated by snow. The

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neighbourhood entry streets particularly affected are: Sirente, Pescara, and Distin.

5. This proposal would make new the Crerar Drive entrance from Stone Church Rd. East the main entrance for the proposed largely private and condominium roads .

6. The private high school on Crerar Drive causes its own parking and traffic issues as few students are from the neighbourhood. The students are largely bussed. Others drive their own vehicles or dropped off. The staff of the high school and the staff and adult students of the private teachers college on Crerar Drive create additional traffic. The students are all bussed to schools in other neighbourhoods.

7. There are no public or separate schools in this neighbourhood. The City purchased lands previously owned by the school board and made it part of Cererar Park. The City retained a portion of land on the west side to allow for a public road to access Cererar Park. This development proposal eliminates that road.

8. The lot coverage of the proposed residences and private streets are excessive. There is very little landscape and green area as a percentage of the proposed development. The previous contentious tree cutting in the neighbourhood is well documented. The proposed development further eliminates vegetation from Crerar Neighbourhood. The neighbourhood already has its periphery developed with many Churches, townhomes, apartment buildings (rental and conominium) and senior residences. Cererar neighbourhood is also home to Bob Kemp Hospice and the proposed future Shalom Village Long Term Care. (7 storey) on Upper Wellington. These are all developments on the periphery of the neighbourhood with direct access to the main streets, Stone Church Rd. East, Upper Wentworth Street and Upper Wellington St. The neighbourhood has more than contributed to the Provincial Policy statements of 2020 with regards to "Encourage an increase in the mix and supply of housing." The other statement with regards to "protect the environment and public safety" is beyond questionable.

This proposal is in the centre of the neighbourhood and largely deviates from the current neighbourhood plan by creating private roads to increase density and prevent access to roads and parklands in the neighbourhood.

Thank you for considering this letter.

NAME: **ANGUS MORRISON**
Address: **441 CRERAR DRIVE**
Email: **amorrison715@gmail.com**
Phone: (optional)

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From: [REDACTED]
Sent: March 24, 2021 11:52 PM
To: michael.davis@hamilton.ca <michael.davis@hamilton.ca>
Cc: esther.pauls@hamilton.ca <esther.pauls@hamilton.ca>
Subject: Urgent - Development Proposal - Lavita Estates

Michael,

I object to the following applications:

UHOPA-21-005, ZAC-21-009, 25T-202104, 25CDM-20210005, 25CDM-20210006

I wish to receive a complete copy of the staff report. I also wish to be present and make an oral presentation at the public meeting.

1. I would like to notify you that as of Thursday, February 25, 2021, the required sign was still not installed, thus making the applications incomplete. See attached photos above.

I request that the current deadline, for public comments be extended accordingly to allow neighbours to be notified.

The current circulation area of 120 meters is woefully inadequate as the entire Crerar Neighbourhood is affected.

The deadline is currently prior to March 26, 2021.

2. I strongly object to design of the proposal.

The approved neighbourhood plan called for the completion of Crerar Drive as a municipal loop road for the neighbourhood.

This would allow access to Crerar Park and Crerar Forest by the southern section of Crerar Neighbourhood by municipal roads and sidewalks.

The attached proposal consists of mostly private roads which essentially cut off the southern part of the Crerar neighbourhood from the northern part of the neighbourhood.

I am a concerned resident in the Crerar Neighbourhood. Crerar Park was created for the entire neighbourhood to use.

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The promise of the future extension of Crerar Drive as a municipal road with sidewalks to access Crerar Park was most appealing.

The current proposal will cut off access to the park, as planned for in the neighbourhood plan. The proposed development should have its own entrance and should not be connected to the existing Crerar neighbourhood.

3. The approved neighbourhood plan would allow the development of 30 to 40 single family dwellings on municipal roads.

The current proposal is for 221 new residential dwellings on 4.29 hectares. This is excessive density. It is 5 to 7 times what is allowed under the current Official Plan. Only single-family detached homes (on large lots) should be built in the area. The increased density of the proposal will not add value to lives of Crerar residents.

Furthermore, the development is on private roads with inadequate parking. Traffic and parking in the neighbourhood is already inadequate and strained. Several streets including sections of Crerar Drive have been designated for alternate side of road parking or no parking areas. The developer should at least add roundabouts to the development as a traffic calming measure.

4. The entry streets to Crerar neighbourhood are already a traffic nightmare. i.e . rarely passable by 2 cars simultaneously because of road parking in good weather and further exacerbated by snow. The neighbourhood entry streets particularly affected are: Sirente Drive, Pescara Drive and Distin Drive.

5. This proposal would make new the Crerar Drive entrance from Stone Church Road East the main entrance for the proposed largely private and condominium roads. The intersection would need to be signalized to ensure public safety.

6. The private high school on Crerar Drive causes its own parking and traffic issues as few students are from the neighbourhood. The students are largely bussed. Others drive their own vehicles or are dropped off. The staff of the high school and adult students of the private teachers college on Crerar Drive create additional traffic. The students are all bussed to schools in other neighbourhoods. Although the high school leads to an increase in traffic, the students are really well natured. However, I am concerned about the noise a new potential public school would cause when the neighbourhood is expanded.

7. The City purchased lands previously owned by the school board and made it part of Crerar Park. The City retained a portion of land on the west side to allow for a public road to access Crerar Park. This development proposal eliminates that road.

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8. The lot coverage of the proposed residences and private streets are excessive. There is very little landscape and green area as a percentage of the proposed development. There will be an increase in impervious areas and grey infrastructure. As a result, there will be excess runoff, drainage and infiltration issues. The development also doesn't include any green infrastructure. Grey infrastructure experiences 55% runoff while green infrastructure has only 10% runoff. The development will have a large impact on wildlife in the area as they experience a loss of habitat. The footprint of the homes is land that will be taken away from native species. This development will lead a loss of biodiversity in wildlife. Therefore, all the homes built should have large lots to reduce the impact. Wildlife crossings and passageways also need to be created to protect native animals and vulnerable species. Since this is a family friendly neighbourhood, the design should include several parks, hiking trails and forested areas. Crerar residents have a great appreciation for community and nature. The developer should ensure that the proposed development will be valued by existing Crerar residents. The previous contentious tree cutting in the neighbourhood is well documented. The proposed development further eliminates vegetation from Crerar Neighbourhood. The neighbourhood already has its periphery developed with many Churches, townhomes, apartment buildings (rental and condominium) and senior residences. The rental apartment buildings in the area have already raised many environmental and safety concerns in the area. Areas with a high population density have higher crime rates and attract questionable characters. This is a family friendly neighbourhood and only low-density housing should be built in the vicinity. The townhomes and maisonettes are inappropriate for this neighbourhood.

Crerar neighbourhood is also home to Bob Kemp Hospice and the proposed future Shalom Village Long Term Care (7 storeys) on Upper Wellington. These are all developments on the periphery of the neighbourhood with direct access to the main streets, Stone Church Rd. East, Upper Wentworth Street and Upper Wellington St. The neighbourhood has more than contributed to the Provincial Policy statements of 2A2A with regards to "Encourage an increase in the mix and supply of housing." Crerar residents are already overwhelmed by the noises and smells of the local commercial units. Many people experience health problems such as headaches from noise pollution. Having a lot of green spaces and forests in the development can alleviate this issue. The other statement with regards to "protect the environment and public safety" is beyond questionable. The Crerar neighbourhood used to be quiet and peaceful area. Now the density is increasing at a high rate and there are major noise, safety and traffic concerns.

This proposal is in the centre of the neighbourhood and largely deviates from the current neighbourhood plan by creating private roads to increase density and prevent access to roads and parklands in the neighbourhood.

I would like all of my personal information removed, including my name. I have had the worst experiences with the City of Hamilton and am especially concerned about staff members seeing my personal information. I will not tolerate any harassment.

Thank you for considering this letter.

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[REDACTED]

Address: [REDACTED]

Email: [REDACTED]

WITHOUT PREJUDICE

City of Hamilton
 Planning and Economic Development Department
 Development Planning, Heritage and Design – Suburban Team
 71 Main Street West, 5th Floor,
 Hamilton, ON, L8P 4Y5

March 24, 2021

Dear Mr. Michael Davis,

RE: UHOPA-21-005, ZAC-21-009, 25T-202104, 25CDM-2021005 and 25CDM-2021006

I object to the application. Lavita Estates 311 – 313 Stone Church Road East, Hamilton Project No. 281-18 proposal to build high density housing submitted to the City of Hamilton for approval.

The proposal identifies a protected Butternut (tree #132) in good condition situated in block 2 of the proposal, growing on edge of escarpment, **tagged 9600**, that is in conflict with the building envelope which the plan recommends to remove *upon approval from the MNRF. **Butternuts are endangered species protected under Ontario’s Endangered Species Act that rely on authorities empowered to protect them.** <https://www.ontario.ca/page/butternut-trees-your-property#section-5>

A Bur Oak 114cm DBH; approximately 275 years old (tree #12) in good condition situated on the boundary of adjacent Crerar Neighbourhood Park land interferes with a proposed retaining wall due to it’s root zone therefore the plan recommends it be removed, along with other trees on the park land. Neighbouring regions of Halton and Niagara respect trees of this age, nature and magnitude. The City of Hamilton also has the authority to preserve these monuments of living history. PLEASE do not allow the removal of this tree to erect a retaining wall when manageable alternatives are available.

<https://urbansolutions.info/wp-content/uploads/2021/01/Planning-Justification-Report.pdf>
<https://urbansolutions.info/wp-content/uploads/2021/01/Landscape-Tree-Protection-Plans.pdf>

Page 36 of the Planning Justification Report states “there are no significant trees on the subject lands”. As stated above, their “Landscape Tree Protection plan” recommends the removal of a protected Butternut tree #132, the 275 year old Bur Oak tree #12, as well as several other trees on the adjacent Crerar Neighbourhood Park land. This negates the plans compliance of sufficient distance and adversely impacts surrounding lands, threatens park land and protected trees. This disregards section E.3.7.5 of UHOP - New residential development in greenfield areas shall generally be designed and planned to: a) Minimize changes to existing topography; b) Preserve existing trees and natural features.

The plan’s aim is to prioritize intensification with high density housing. Even if the plan falls in line with the UHOP guidelines, it does not justify approval, especially when surrounding area trees and parks are jeopardized. Using land efficiently should not require “force fitting” homes to meet a density mandate. The amending by-law seeks to reduce the required landscape open space from 40% to 28% of the total lot area of the standard condominium to accommodate the proposed development. This brings attention to the several by-laws requiring variances in order to accommodate this proposal which seeks to increase permitted building heights by 2 metres (6.56 feet), to reduce front yard setback by 1.5 metres, to reduce rear yard setback by 1.5 metres, etc.

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The Planning Justification Report states there is sufficient distance between existing and proposed dwellings which will be of similar height and compatible built forms. The proposed plan is to build primarily 3 storey condo block town homes. This is in conflict with the illustration of the surrounding lands which are primarily 1.5 and 2-storey single-detached homes. Section B.3.3.3.2 UHOP - New development shall be designed to minimize impact on neighbourhood buildings and public spaces by: a) creating transitions in scale to neighbouring buildings; b) ensuring adequate privacy and sunlight to neighbouring properties. The land parcel is insufficient and requires multiple changes to the current by-laws and would otherwise be in non-compliance. Adequate privacy to neighbouring properties was not addressed and is non-existent.

Local wildlife includes Rabbits, Coyotes, Possums, Raccoons, Skunks, Squirrels, Chipmunks, Bats, several avian species including Blue Jays, Cardinals, Finches, Juncos, Flickers, Woodpeckers, Nuthatches, Red-winged Blackbirds, Grackles, Oriole, Chickadees, Nightingales, Wood Thrush, Canadian Geese, Crows, Hawks, Owls and more, as well as migratory birds, insects, amphibians and other potentially endangered species.

Historically 80% of Southern Ontario’s Carolinian Region was covered with forest but now only 11% remains. Canadian forests and fields have an important role to play in supporting our communities, our economy and our wildlife. Loss and alteration of habitat, toxic pollutants such the widespread use of pesticides and herbicides and climate change threaten Canada’s wildlife in our forests and farmlands. Therefore it is crucial that we support the protection and enhancement of wildlife habitat.

I appeal to the Hamilton City Council Planning Committee to please consider and preserve the endangered Butternut, Bur Oak and the other mature Park land boundary trees for their historical significance, essential beauty and habitat they provide. This may require revision or rejection of the proposed project.

I request that any personal information with regard to this letter or my communication with the city is removed and will not be made available to the general public or appear on the City’s website.

I understand that I will be provided with a copy of the staff report prior to the public meeting to be held by the Planning Committee of City Council.

Thank-you for considering this letter.

Sincere Regards,
Area Resident

cc: Esther Pauls, Ward 7 Councillor Hamilton Mountain, City of Hamilton
cc: Lisa Burnside, Chief Administrative Officer, Hamilton Conservation Authority
cc: Chris Motherwell, President, The Hamilton Naturalists’ Club
cc: Jennifer Harvard, Lands & Waters Technical Specialist, Ministry of Natural Resources and Forestry
cc: Rob Hare and Dan Elliott, Provincial Directors, Canadian Wildlife Federation of Ontario
cc: Peter Kelly, Great Lakes West Regional Director, Nature Guelph , Ontario Nature
cc: RBG Board of Directors, Royal Botanical Gardens

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From: Lina Toy
Sent: March 25, 2021 6:05 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>
Subject: Objection to Folder 2021 102876 00 PLAN (1020649) Files: UHOPA-21-005, ZAC-21-009, 25T-202104, 25CDM2021005, 25CDM-2021006

March 25, 2021

City of Hamilton

71 Main St, West 5th Floor

Hamilton, ON L8P 4Y8\

Lina Toy

18 Dolphin Place,

Hamilton, Ontario

L9A 5J2

Attention: Mr. Tim Vrooman:

RE: Notice of Complete Applications by UrbanSolutions Planning & Land Development Consultants Inc. on behalf of DiCenzo Construction Company Ltd. for Urban Hamilton Official Plan Amendment,(File No. UHOPA-21-005), Zoning By-law Amendment (File No. ZAC-21-009), Draft Plan of Subdivision (File No. 25T-202104) and Draft Plan of Condominium (File No's. 25CDM-2021005, 25CDM-2021006) for Lands Located at 311 & 313 Stone Church Road East, Hamilton (Ward 7)

Dear Mr. Vrooman:

I strongly object to the proposed subdivision Plan and changes to existing UHOP as this will have a significant negative impact on our neighbourhood in many ways. This intensification of this new proposed plan from the original plan of 30 to 40 single family dwellings is excessive and detrimental to this small neighbourhood.

The current proposal for 221 new residential dwellings on 3.14 hectares is beyond excessive, and will greatly affect this neighbourhood and increase traffic to an unreasonable point. The roads are already filled with vehicles, that it is difficult for two vehicles to simultaneously drive through these streets, not to mention the delays crossing the intersection at Pescara and Upper Wentworth.

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The submitted Justification Report is also questionable, it does not provide the data for their conclusions, and in my opinion falls short of a true representation of the impact of the development. Their conclusion that this development will not cause any operational issues or add significant delays or congestions are simple not accurate. Traffic and parking in the neighbourhood is already inadequate and strained, now imagine 442 new vehicles added to this already congested small neighbourhood! The further recommendations to add 2 speed cushions on Crerar is simply not warranted as should they be successful in adding this many dwellings, there would be no need to slow down vehicles as they would already be no movement due to congestion, and no possible way that speeding would be a factor.

The neighbourhood already has its periphery developed with many Churches, townhomes, apartment buildings and senior residences, as well as the Bob Kemp Hospice and the future Shalom Village Long Term Care home on Upper Wellington, which is slated to be a 7 storey building.

To propose adding another 221 dwellings to this area is more than 4 times the density per hectare as outlined in the UHOP and is way too dense for this already dense area.

The proposed amendment to the zoning by-law from “C” to modified “C” is not appropriate for this neighbourhood, as previous construction has addressed those issues, and there is more than adequate diverse dwellings in the area, to add even more would be beyond a proportionate density for this area, and will adversely affect the existing residential community.

In my opinion the Zoning should remain as “C” Urban protected residential, as per the original Urban Hamilton Official Plan.

Other issues with the proposed development as an aesthetic is that the lot coverage of the proposed residences and private streets are excessive, leading to overcrowding, the lack of landscape and green space as a percentage of the proposed development is inadequate.

The proposed plan is too dense and therefore, detrimental to an already dense area. Other developments on Hamilton mountain that are underway have no where near the intensification of dwellings. It does not seem appropriate to concentrate this many dwellings in the centre of an already diversely populated neighbourhood, surrounded by townhomes, condominiums and an apartment building, there needs to be a balance, and this community already has more than it's fair share of diversity. There are other very recent developments that have not seen the same degree of intensification, it will only cause further degradation of this one quiet neighbourhood, and putting unneeded strain on the current taxpaying residents.

In addition to the above ojections, a development of this density, with little regard for green space and landscape will detrimentally affect the enjoyment of the all the existing residents of the neighbourhood. It will also affect an immense amount of wildlife that currently use this space as their home, displacing them to roam the streets of the neighbourhood.

This neighbourhood used to be a quite oasis in the middle of the busy City of Hamilton, and slowly with each additional development it is changing to one of overpopulation and fostering an unwelcoming atmosphere.

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Thank you for your time, and I hope you take these points into consideration and stop the over-densification of this once serene area, and support the previous neighbourhood plan of 30 to 40 single family residences.

Regards,

Lina Toy

18 Dolphin Place,

Hamilton, ON L9A 5j2

Linatoy@sympatico.ca

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From: [REDACTED]
Sent: March 25, 2021 8:37 PM
To: Davis, Michael ; Pauls, Esther
Subject: Files:UHOPA-21-005, ZAC-21-009, 25T-202104, 25CDM-2021005,25CDM-2021006, FOLDER:
2021 102876 00 PLAN (1020649)

Dear Mr Davis:

We are concerned citizens who live in the Crearer Dr and Stonechurch Rd E proposed development subdivision.

Our concerns are:

- 1.The influx of traffic onto Stonechurch from the proposed subdivision. is there consideration for a traffic light at the intersection.
2. On reviewing the site plan another concern is the availability of parking on city streets and private roads. we believe the planned parking is inadequate.
3. We would like to request a copy of the staff report and are asking that our personal information not be posted on the city website.

Respectfully [REDACTED], [REDACTED], [REDACTED]

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From: [REDACTED]
Sent: March 25, 2021 9:27 PM
To: Davis, Michael ; Pauls, Esther
Subject: UHOPA-21-005, ZAC-21-009, 25T-202104, 25CDM-2021005, 25CDM-2021006

Dear Mr. Davis,

I object to the aforementioned subject applications.

I have been a resident of the the Crerar Neighbourhood for the past 18 years. I did not receive notice of these applications from the City of Hamilton as I do not reside within 120 metres of the proposed development. My wife learned of the applications as she walked along Stonechurch Rd. E. and as luck would have it, viewed the public notice signage. I later received a written copy of the notice of the applications from a concerned neighbour who resided within the 120 metre boundary. These applications will have a direct impact on all residents of the Crerar Neighbourhood not just those who reside within 120 metres of the prospective development.

My primary objection with the applications is the density level of the proposed housing. We are a neighbourhood of primarily single detached family dwellings. I believe I would have difficulty arguing against these applications if they proposed the construction of single detached family homes on the lands in question. The requested amendment to the Urban Hamilton Official Plan, however, proposes to significantly increase the housing density on this relatively narrow tract of land. The proposal calls for the creation of 221 residential dwellings. The vast majority of which consist of block townhouse and maisonette units. The construction of ONLY 17 single detached dwellings is proposed. The townhome and maisonette development is to be primarily accessed through the creation of private roads.

The proposed level of housing density is unacceptable. It will create traffic and parking difficulties for those residents who live closest to the development and for those of us who reside on the the north side of the Crerar Neighbourhood near the entrance to Crerar Park. The development of the Toscani multi unit monstrosity at the corner of Sirente Dr. and Upper Wellington St. has increased traffic in our neighbourhood noticeably. Sirente Dr. is used to access Upper Wentworth St. and the Lincoln Alexander Expressway. Sirente Dr. has become a thoroughfare and speeding is an issue on the straight away section of Sirente Dr. that fronts Crerar Park. The Toscani development has private roads within its boundaries. As a result, tenants in the Toscani complex utilize both sides of Sirente Dr. (east of Wellington) for parking, which creates havoc with traffic as Sirente Dr. is often reduced to one lane especially in the winter with snow removal issues. It is this residents opinion the approval of the applications in question would create similar, potentially dangerous, disruption to the flow of traffic and parking in what should be a quiet residential neighbourhood with many children. The use of Crerar Park has grown as housing development has increased in the neighbourhood. This is not a bad thing, except for the fact that many people do not access the park on foot from the other portions of the neighborhood. Vehicles are often used to access the park and as a result, on many a warm night parking on Sirente Dr. in the area of the park can be heavy. This combined with increased vehicular travel creates an unsafe situation for children and adults when crossing Sirente Dr. The construction of an additional high density development in this neighborhood would only exacerbate the situation.

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I am opposed to the high density housing levels of these applications. The proposals as written would result in an excessive amount of housing units and vehicular traffic in our neighbourhood.

I REQUEST THE CITY OF HAMILTON REMOVE MY PERSONAL INFORMATION FROM THESE COMMENTS

Respectfully,



Sent from my iPad

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March 25, 2021

To: tim.vrooman@hamilton.caCc: esther.pauls@hamilton.ca

Dear Mr. Vrooman

This letter is to inform you and the city that I object to the following applications:

UHOPA-21-005, ZAC-21-009, 25T-2021005, 25CDM-20210006.

I live in the Crerar neighbourhood and would like to receive a complete copy of the staff report concerning these applications.

1. I would like to point out that the sign notification of the applications was not installed until the end of the first week in March. This actually makes the applications incomplete and nullifies the date of March 26, 2021 as the final date for public comments and objections. I am requesting that this deadline be extended. We have already started to notify neighbours of the intentions of the city but the deadline needs to be extended to allow that all neighbours be notified and allowed to make their objections if required.
2. The current notification of within 120 metres is not adequate as it affects a greater number of homes outside this area.
3. I strongly object to the design of the proposal. At the time I purchased my house the approved neighbourhood plan called for the completion of Crerar Drive as a municipal loop road for the neighbourhood. The approved neighbourhood plan would allow for development of 30-40 single family dwellings on municipal roads which is low density housing. The current proposal is for 221 units on 4.29 hectares. This is excessive density which is 5-7 times the approved and current Official Plan.
4. Traffic and parking in the area is already inadequate and strained. The entry streets can be a nightmare that is rarely passable by 2 cars made more difficult by parking and snow. The neighbourhood streets particularly affected are Distin, Pescara, Resolute and Sirente. Access to Stone Church Road from our neighbourhood is difficult as all of the mountain neighbourhoods use this road to travel east, west across the mountain and therefore often becomes a parking lot of traffic. Adding more intensification of housing will just exacerbate this issue. We already deal with the inadequate structure of Lincoln Alexander Parkway (should be 3 lanes) which causes more traffic to be directed into our neighbourhoods. By adding high density housing there will be even more traffic. In other words, our present infrastructure does not allow for increasing the housing density.
5. The infrastructure is also inadequate for water drainage. During rainstorms our streets often are flooded due to overflow in the storm drains. We are not allowed to drain our property directly into the storm drains because our storm drains cannot handle it so the intensification of the housing will increase problems we already have. With intensification there will not be adequate green space so where will the excess water go to.
6. The private high school on Crerar presents its own issues as most of the students are bussed or driven by parents. The situation with the number of buses in the AM and PM along with the increased number of cars presents a very dangerous situation which will be made worse by increased traffic in this area. There are no public or catholic schools in this area so if housing intensity is allowed there would be increased bus and road traffic.

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7. The proposed change would eliminate green space and would not allow for adequate green space for the new units. The previous contentious tree cutting in the neighbourhood is well documented.
8. The neighbourhood already is home to many churches, townhomes, apartment buildings (both rental and condominiums) and senior residences. Crerar is also home to the Bob Kemp Hospice, Rygiel Group Home and the proposed future home of Shalom Village Long Term Care (7 storeys) on Upper Wellington. These developments are on the periphery of the neighbourhood with direct access to the main streets, Stone Church Rd, Upper Wellington Street and Upper Wentworth Street. The neighbourhood has more than contributed to the Provincial Policy Statements of 2020 with regards to “Encourage an increase in the mix and supply of housing.” The other statement with regards to “protect the environment and public safety” is beyond question. This is not an NIMB objection.

In conclusion I would just like to express a personal opinion on a change to the zoning. In looking at this it is my opinion that the city would consider this in order to increase its tax base. Hamiltonians do need housing but they probably will not access these units but our neighbours from Toronto will. They will supply units that can be used for personal and investment use. This new influx of non-Hamiltonians are arriving and driving up the prices of our homes due to the pandemic and proximity to Toronto. The city wants to take advantage of every tiny space it can find to increase its taxes. Our area has always paid excessive taxes especially compared to the lower city. We should not be ignored because of where we live.

The proposal is in the centre of the neighborhood and largely deviates from the current neighbourhood plan by creating private roads to increase density and private access to roads and parklands in the neighbourhood. At the very least this should be a mixture of buildings with the majority being single family dwellings. A consideration should be given to make west Crerar Drive beyond the school a court thus limiting through traffic past the school.

Thank you for considering this letter

Nancy Wakefield

401 Crerar Drive

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March 26, 2021

To: Tim.Vrooman@hamilton.caCc: esther.pauls@hamilton.ca

Dear Mr. Vrooman

This letter is to inform you and the city that I object to the following applications:

UHOPA-21-005, ZAC-21-009, 25T-2021005, 25CDM-20210006.

I have lived in the Crerar neighbourhood for almost 20 years and would like to receive a complete copy of the staff report concerning these applications.

I would also like to be present and make an oral presentation at the public meeting.

1. I would like to point out that the sign notification of the applications was not installed until the end of the first week in March. This actually makes the applications incomplete and nullifies the date of March 26, 2021 as the final date for public comments and objections. I am requesting that this deadline be extended. The current notification of within 120 metres is not adequate as it affects a greater number of homes outside this area.
2. I strongly object to the design of the proposal. At the time I purchased my house the approved neighbourhood plan called for the completion of Crerar Drive as a municipal loop road for the neighbourhood which was a critical component of my decision to build a house on Crerar Drive. The approved neighbourhood plan would allow for development of 30-40 single family dwellings on municipal roads which is low density housing. The current proposal is for 221 units on 4.29 hectares. This is excessive density which is 5-7 times the approved and current Official Plan. It is on private roads with inadequate parking.
3. The private high school on Crerar presents its own issues as most of the students are bused or driven by parents. The situation with the number of buses in the AM and PM along with the increased number of cars presents a very dangerous situation which will be made worse by increased traffic in this area. There are no public or catholic schools in this area so if housing intensity is allowed there would be increased bus and road traffic. As you can see from the proposal there is only “one” new point of egress to gain access to a main thru fare, this will put traffic on all adjoining roadways during busy periods in the day.
4. Traffic and parking in the area is already inadequate and strained. The entry streets can be a nightmare that is rarely passable by 2 cars exacerbated by snow. The affected neighbourhood streets particularly affected are Distin, Pescara, Resolute and Sirente. Access to Stone Church Road from the neighbourhood is difficult as all neighbourhoods use this road and can be a parking lot of traffic. Adding more intensification of housing will just exacerbate this issue. We already deal with the inadequate structure of Lincoln Alexander Parkway which causes even more traffic issues in our area. In other words, our present infrastructure is not conducive for increasing the housing density.
5. The neighbourhood already has its periphery developed with many churches, townhomes, apartment buildings (both rental and condominiums) and senior residences. Crerar is also home to the Bob Kemp Hospice ,Rygiel Group Home and the proposed future Shalom Village Long Term Care (7 storeys) on Upper Wellington. These developments are on the periphery of the neighbourhood with direct access to the main streets, Stone Church Rd, Upper Wellington Street

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and Upper Wentworth Street. The neighbourhood has more than contributed to the Provincial Policy Statements of 2020 with regards to “Encourage an increase in the mix and supply of housing.” The other statement with regards to “protect the environment and public safety” is beyond questionable.

6. The proposed change would eliminate green space and would not allow for adequate green space for the new units. The previous contentious tree cutting in the neighbourhood is well documented.

In conclusion I would just like to express a personal opinion on a change to the zoning. In looking at this it is my opinion that the city is considering this in order to increase its tax base and the builder’s greed to maximize profits over the community’s desires. Hamiltonians do need housing but they probably will not access these units but our neighbours from Toronto will, not necessarily for putting up roots in Hamilton but for profit. This new influx of non-Hamiltonians are arriving and driving up the prices of our homes due to the pandemic and proximity to Toronto. The city wants to take advantage of every tiny space it can find to increase its tax base. We are in a city with very poor management that requires more money to pay impending lawsuits and mismanagement of our current tax dollars. Our area has always paid excessive taxes especially compared to the lower city. We should not be ignored because of where we live.

The proposal is in the centre of the neighborhood and largely deviates from the current neighbourhood plan by creating private roads to increase density and private access to roads and parklands in the neighbourhood.

I think a slight increase from the 30-40 homes that was designed for maybe in play. As an example is Crofton Developments Ltd. v. Borough of Scarborough, the Board considered this housing shortage and rising rents. There the Board stated: "Developers are to be discouraged from constantly trying to increase their density in the expectation that if they fail they can ultimately appeal to this Board to rescue them from their difficulties." 71 In this case, the developer was allowed a bonus density of fourteen units if the proposed development provided units for senior citizens. This was considered appropriate because of the minimal demand for municipal services made by senior citizens.

Thank you for considering this letter

David R. Kurceba

401 Crerar Drive

Hamilton, Ontario

L9A 5K3

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Clementina, Rosanna and Ivana Filice
323 Stone Church Road East
Hamilton, ON
L9B 1B1
r_filice@yahoo.com

March 20th, 2021

Michael Davis
City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design – Suburban Team
71 Main Street West, 5th Floor
Hamilton, ON
L8P 4Y5

Dear Mr. Davis,

We are writing this letter to voice our objections to the following applications:

UHOPA-21-005

ZAC-21-009

25T-202104

25CDM-2021005

25CDM-2021006

We would like to receive a complete copy of the staff report.

I (Rosanna Filice) would also like to attend the public meeting and make a brief oral presentation.

Having lived here for almost 50 years now, ever since there was only farmland (Comley Farm) on the south side of Stone Church Road East, we have always been aware that eventually the land around us would be developed. When we read through the proposed Draft Plan dated February 19th, 2021, we were quite shocked, to put it mildly.

We strongly object to the design outlined in the proposal because the original plan, going back to the 1970's, involved the following:

- the creation of a road (Crerar Drive) that would connect Stone Church Rd to Guido de Brès High School (that was built in the late 1970's) and eventually any homes that were built in that neighbourhood
- the development of 30-40 single family homes on municipal roads including a park accessible to the entire neighbourhood

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The proposed development of 221 new residential dwellings on solely private roads/condominium roads represents a significant deviation from the original/current neighbourhood plan. It is unacceptable in that it will

- drastically increase the population density of the neighbourhood
- directly affect the amount of traffic that will flow onto Stone Church Road East which is already a dangerous and high-traffic road as it is
- decrease the amount of “green space” at a time when we should be more environmentally conscious

While some sort of development is welcome, the proposed plan is not compatible with the existing community. Certainly, there must be a way to move forward with a development plan that respects the wishes of those of us that have lived here for almost 50 years. Changes to the proposed plan that are an absolute must are a decrease in the number of dwellings and providing additional access roads other than Crerar and Stone Church Road East.

Thank you for your understanding and cooperation.

Sincerely,



Rosanna Filice

cc. Esther Pauls, Ward 7 Councillor

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From: Jason M
Sent: March 25, 2021 10:58 PM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Cc: Pauls, Esther <Esther.Pauls@hamilton.ca>
Subject: Objections to Applications UHOPA-21-005, ZAC-21-009, 25T-2021005, 25CDM-2021006

To: Tim.Vrooman@hamilton.ca

Cc: esther.pauls@hamilton.ca

Dear Mr. Vrooman,

This letter is to inform you and the city that I object to the following applications:

UHOPA-21-005, ZAC-21-009, 25T-2021005, 25CDM-2021006.

I have lived in the Crerar neighbourhood for almost 12 years and would like to receive a complete copy of the staff report concerning these applications.

I would also like to be present at the public meeting. My comments may be made public but I do not wish to have my name and address shared publicly.

1. I would like to point out that the sign notification of the applications was not installed until the end of the first week in March. This actually makes the applications incomplete and nullifies the date of March 26, 2021 as the final date for public comments and objections. I am requesting that this deadline be extended. The current notification of within 120 metres is not adequate as it affects a greater number of homes outside this area.
2. I strongly object to the design of the proposal. At the time I purchased my house the approved neighborhood plan called for the completion of Crerar Drive as a municipal loop road for the neighbourhood which was a critical component of my decision to build a house on Crerar Drive. The approved neighbourhood plan would allow for development of 30-40 single family dwellings on municipal roads which is low density housing. The current proposal is for 221 units on 4.29 hectares. This is excessive density which is 5-7 times the approved and current Official Plan. It is on private roads with inadequate parking.
3. The private high school on Crerar presents its own issues as most of the students are bused or driven by parents. The situation with the number of buses in the AM and PM along with the increased number of cars presents a very dangerous situation which will be made worse by increased traffic in this area. There are no public or catholic schools in this area so if housing intensity is allowed there would be increased bus and road traffic. As you can see from the proposal there is only “one” new point of egress to gain access to a main thru fare, this will put traffic on all adjoining roadways during busy periods in the day.
4. Traffic and parking in the area is already inadequate and strained. The entry streets can be a nightmare that is rarely passable by 2 cars exacerbated by snow. The affected neighbourhood streets particularly affected are Distin, Pescara, Resolute and Sirente. Access to Stone Church Road from the neighbourhood is difficult as all neighbourhoods use this road and can be a parking lot of traffic. Adding more intensification of housing will just exacerbate this issue. We already deal with the inadequate structure of Lincoln Alexander Parkway which causes even more traffic issues in our area. In other words, our present infrastructure is not conducive for increasing the housing density.

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5. The neighbourhood already has its periphery developed with many churches, townhomes, apartment buildings (both rental and condominiums) and senior residences. Crerar is also home to the Bob Kemp Hospice and the proposed future Shalom Village Lon Term Care (7 storeys) on Upper Wellington. These developments are on the periphery of the neighbourhood with direct access to the main streets, Stone Church Rd, Upper Wellington Street and Upper Wentworth Street. The neighbourhood has more than contributed to the Provincial Policy Statements of 2020 with regards to “Encourage an increase in the mix and supply of housing.” The other statement with regards to “protect the environment and public safety” is beyond questionable.

The proposed change would eliminate green space and would not allow for adequate green space for the new units. The previous contentious tree cutting in the neighbourhood is well documented.

In conclusion I would just like to express a personal opinion in regards to what this will do to traffic on our street. We live directly across the street from Guido De Bres School. The mornings are chaotic due to the amount of students being bussed into this private school. On top of this, the neighbourhood children are students who attend Catholic and Public schools that have to be bussed based on the boundaries. Once Crerar is opened up and connected to the new development, it will serve as the main route for people looking to get onto the Lincoln Alexander Expressway on Upper Wentworth. Stonechurch is already backed up every day due to the fact that it is only one lane. This will force many of these residents to use Crerar Drive. We are not opposed to extending our neighbourhood to additional housing. We are however, very much opposed to the number of units being squeezed into such a small area, as doing so will have negative effects on the amount of traffic our child friendly neighbourhood will experience.

Thank you for considering this letter.

Jason Mladen

Francesca Mladen

397 Crerar Drive

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From: Quilter Bee
Sent: March 26, 2021 7:19 AM
To: Pauls, Esther
Subject: 313 Stonechurch Rd., East

*Ester Pauls
Ward 7 Councillor
Hamilton, Mountain*

*We are objecting to the development at Lavita Estates.
At 313 Stonechurch Rd., E. For the following reasons*

*221 units is too excessive for this neighborhood.
Assuming that most families own two vehicles or more.
This would add 400 or more automobiles to our roads.
I count five small parking lots in the development with a total of 55
spaces, I assume it is visitor parking.
Residents in the other townhouse complexes in our neighborhood
park on area streets rather than be bothered juggling cars in their
driveways.
Driving past the townhouse complex at Sirente Dr. and Upper
Wellington is Hazardous Especially during the winter because of
parking, especially where the streets narrow. These complexes are
nowhere near 200 units.
'the city is advertising for people to plant trees on their properties to
enhance tree canopy. How many trees will be lost to this
development.*

*Mr. & Mrs. James McMurrich
11 Resolute Drive
Hamilton, On*

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From: Lina
Sent: March 26, 2021 9:55 AM
To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>
Cc: Pauls, Esther <Esther.Pauls@hamilton.ca>
Subject: 311-313 Stone Church Rd E., Hamilton applications

Good morning Mr Vrooman:

I sent a letter of objection with regard to the Hamilton applications submitted for 311-313 Stonechurch Rd E. but would like add another point. The submitted plans do not allow for access to the green space to current residents Originally, there was to be access behind dolphin place leading to the forested green space as a walkway, but that is not shown in these new plans and I know myself and my neighbours strongly object to that. We feel as the existing residents we should have access to the green space as we have had for the last 26 years.

If this could kindly be added to my objections it would be greatly appreciated.

Thank you for your time.

Regards,

Lina Toy
18 Dolphin Pl
Hamilton, ON
L9A 5J2

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Please feel free cut and paste the following email or choose or make your own comments.

To: michael.davis@hamilton.ca
Cc: esther.pauls@hamilton.ca

Dear Mr. Davis,

I object to the following applications:

UHOPA-21-005, ZAC-21-009, 25T-202104, 25CDM-20210005, 25CDM-20210006.

I wish to receive a complete copy of the staff report.

I wish to be present and make an oral presentation at the public meeting.

1. As per our previous conversation, I would like to notify you that as of Thursday, February 25, 2021 that the required sign was still not installed, thus making the applications incomplete. See attached photos above.

I respectfully request that the current deadline, for public comments be extended accordingly to allow neighbours to be notified.

The current circulation area of 120 meters is woefully inadequate as the entire Crerar Neighbourhood is affected.

The deadline is currently prior to March 26, 2021.

2. I strongly object to design of the proposal.

The approved neighbourhood plan called for the completion of Crerar Drive as a municipal loop road for the neighbourhood.

This would allow access to Crerar Park and Crerar Forest by the southern section of Crerar Neighbourhood by municipal roads and sidewalks.

The attached proposal consists of mostly private roads which essentially cut off the southern part of the Crerar neighbourhood from the northern part of the neighbourhood.

I am a concerned homeowner in the Crerar Neighbourhood.

Crerar Park was created for the entire neighbourhood to use.

The promise of the future extension of Crerar Drive as a municipal road with sidewalks to access Crerar Park was most appealing.

The current proposal will cut off access to the park, as planned for in the neighbourhood plan.

3. The approved neighbourhood plan would allow development of 30 to 40 single family dwellings on municipal roads.

The current proposal is for 221 new residential dwellings on 4.29 hectares.

This is excessive density. It is 5 to 7 times what is allowed under the current Official Plan.

Furthermore, it is on private roads with inadequate parking.

Traffic and parking in the neighbourhood is already inadequate and strained.

Several streets including sections of Crerar Drive have been designated for alternate side of road parking or no parking areas.

4. The entry streets to Crerar neighbourhood are already a traffic nightmare. i.e. rarely passable by 2 cars simultaneously because of road parking in good weather and further exacerbated by snow. The

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neighbourhood entry streets particularly affected are: Sirente, Pescara, and Distin.

5. This proposal would make new the Crerar Drive entrance from Stone Church Rd. East the main entrance for the proposed largely private and condominium roads .

6. The private high school on Crerar Drive causes its own parking and traffic issues as few students are from the neighbourhood.

The students are largely bussed. Others drive their own vehicles or dropped off. The staff of the high school and the staff and adult students of the private teachers college on Crerar Drive create additional traffic. The students are all bussed to schools in other neighbourhoods.

7. There are no public or separate schools in this neighbourhood. The City purchased lands previously owned by the school board and made it part of Crerar Park.

The City retained a portion of land on the west side to allow for a public road to access Crerar Park. This development proposal eliminates that road.

8. The lot coverage of the proposed residences and private streets are excessive.

There is very little landscape and green area as a percentage of the proposed development.

The previous contentious tree cutting in the neighbourhood is well documented.

The proposed development further eliminates vegetation from Crerar Neighbourhood.

The neighbourhood already has its periphery developed with many Churches, townhomes, apartment buildings (rental and condominium) and senior residences.

Crerar neighbourhood is also home to Bob Kemp Hospice and the proposed future Shalom Village Long Term Care (7 storey) on Upper Wellington.

These are all developments on the periphery of the neighbourhood with direct access to the main streets, Stone Church Rd. East, Upper Wentworth Street and Upper Wellington St. The neighbourhood has more than contributed to the Provincial Policy statements of 2020 with regards to "Encourage an increase in the mix and supply of housing." The other statement with regards to "protect the environment and public safety" is beyond questionable.

This proposal is in the centre of the neighbourhood and largely deviates from the current neighbourhood plan by creating private roads to increase density and prevent access to roads and parklands in the neighbourhood.

Thank you for considering this letter.

NAME: Joe Gallo
Address: 25 Dolphin Pl.
Email: joestyx26@gmail.com
Phone: (optional)

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From: Anita

Sent: March 26, 2021 3:20 PM

To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>

Subject: Objection to Folder 2021 102876 00 PLAN (1020649) Files: UHOPA-21-005, ZAC-21-009, 25T-202104, 25CDM2021005, 25CDM-2021006

Hello,

I wanted to add of things to my objection the the 311-314 Stone Church development.

1. I have read the letter submitted by Lina Toy and I completely support and agree with each and every one of her points.

2. I was in error misunderstanding one point in the plans, I had thought the parking for all units, aside from the houses, allowed for a garage plus two driveway spots and see that it actually just the garage and ONE driveway spot. With none of those units having basements for storage, it is an absolute certainty that people will be using their garages for storage and NOT for their cars, therefore with most families having more than one car, most townhouse developments having narrow private roads with no parking, this is a serious problem and one that I can't even understand how this type of planning could be permitted in a suburban setting where it is typically a 1 KM walk to the nearest bus stop making it not very pedestrian-friendly environment.

3. In the UHOP Section E.3, it states "Development shall improve existing landscape features and overall landscape character of the surrounding area". Cramming in 221 units and all those cars does not improve the area, it further degrades an area that is already overloaded with high density.

4. On the submitted Urban-Design-Brief.pdf, page 19, it shows a "proposed pedestrian gate" in an area that I had always understood, based on original approved plans, that it would be left open as 50-foot leeway from the back fences of the Dolphin Place existing residences. Now it will be smaller, just 19-feet and closed off with a proposed gate and will there be a lock on that gate preventing the community from being able pass through?

Thank you for your time.

Anita Thomas
21 Dolphin Place.

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From: Lori Wright

Sent: March 26, 2021 7:18 PM

To: Pauls, Esther <Esther.Pauls@hamilton.ca>; Vrooman, Tim <Tim.Vrooman@hamilton.ca>

Subject: lavita_estates_letter_to_neighbours.pdf

Dear Ms Pauls and Mr Vrooman,

As per attached PDF, I am writing to inform you of my objections to the following applications located @ 311 & 313 Stone Church Rd E, Hamilton.

- UHOPA-21-005
- ZAC-21-009
- 25T-202104
- 25CDM-2021005
- 25CDM-2021006

I have lived in this community for over 24 years & have major concerns with the attached proposal.

Four of my major concerns:

- this is NOT the original plans of “single family dwellings ONLY”
- too much traffic congestion
- over population in our area that already has our community surrounded by townhouses & condominiums at every entrance
- loss of MORE TREES & nature.

Thanking you in advance, please feel free to contact me with any questions or concerns.

Sincerely,
Lori Wright



Hamilton

Mailing Address:
71 Main Street West, 5th Floor
Hamilton, Ontario
Canada L8P 4Y5
www.hamilton.ca

Planning and Economic Development Department
Development Planning, Heritage and Design
71 Main Street West, 5th Floor, Hamilton ON L8P 4Y5
Phone: 905-546-2424 Fax: 905-546-4202

February 19, 2021



Dear neighbours, you might not have received this notice, please object to Michael Davis & Councillor Park.

Files: UHOPA-21-005
ZAC-21-009
25T-202104
25CDM-2021005
25CDM-2021006
Folder: 2021 102876 00 PLAN (1020649)

Dear Sir / Madam:

THANK YOU

Re: Notice of Complete Applications by UrbanSolutions Planning & Land Development Consultants Inc. on behalf of DiCenzo Construction Company Ltd. for Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium for Lands Located at 311 & 313 Stone Church Road East, Hamilton (Ward 7)

In accordance with the provisions of the *Planning Act*, this letter is to advise that complete applications have been received by Hamilton's Planning and Economic Development Department for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium for Lands Located at 311 and 313 Stone Church Road East (please see attached Location Plan).

Purpose and Effect of Applications

221 UNITS PROPOSED

These applications are intended to allow for the development of a range of new housing forms; new public and private streets; and, the preservation of a 1.15 hectare woodland. Specifically, the applications propose the development of 221 new residential dwelling units consisting of 112 block townhouse units, 80 maisonette units, 17 single detached dwellings and 12 street townhouse units. The proposed subdivision involves an extension of Crerar Drive to connect with Stone Church Road East and the creation of a new Street 'A' to serve the new planned residential development blocks.

Urban Hamilton Official Plan Amendment (File No. UHOPA-21-005)

The purpose and effect of this proposed Urban Hamilton Official Plan Amendment is to allow for a site-specific reduction to the minimum density requirements for Medium Density Residential uses in order to permit a block townhouse and maisonette development on a portion of the proposed Draft Plan of Subdivision. The proposed Official Plan Amendment will also allow for the dedication of a 1.15 hectare woodlot to the City of Hamilton as a parkland dedication.

The proposed Official Plan Amendment, and information and material related to it, will be available in the staff report for public inspection.

P.S. please talk to your neighbours as the City only sent notices to homeowners within 120m of application address.

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- ii If a person or public body does not make oral submissions at a public meeting, if one is held, or make written submissions to the City of Hamilton in respect of the proposed plan of subdivision before the approval authority gives or refuses to give approval to the draft plan of subdivision, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal (LPAT) unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Condominium Applications 25CDM-2021005 and 25CDM-2021006

- i If a person or public body does not make oral submissions at a public meeting, if one is held, or make written submissions to the City of Hamilton in respect of the proposed Draft Plans of Condominium before the approval authority gives or refuses to give approval to the Draft Plans of Condominium, the person or public body is not entitled to appeal the decision of the City of Hamilton to the Local Planning Appeal Tribunal (LPAT).
- ii If a person or public body does not make oral submissions at a public meeting, if one is held, or make written submissions to the City of Hamilton in respect of the proposed plans of condominium before the approval authority gives or refuses to give approval to the draft plans of condominium, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal (LPAT) unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Public Input

Before we prepare a staff report for Council consideration, we are extending an opportunity to you to make comments. Any written comments received by the Department prior to **March 26, 2021**, will be published as part of the report made available to the general public and will appear on the City's website unless you expressly request within your communication that the City remove your personal information. Those persons who respond to the Department will be provided with a copy of the staff report prior to the public meeting to be held by the Planning Committee of City Council. Please forward your comments, quoting UHOPA-21-005, ZAC-21-009, 25T-202104, 25CDM-2021005 and 25CDM-2021006 to:



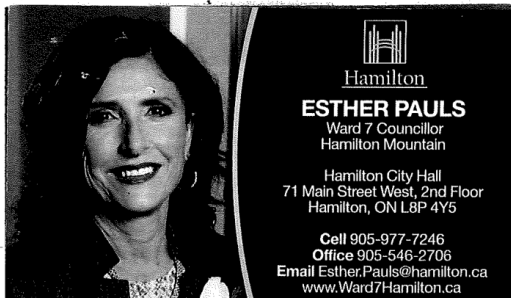
PLEASE EMAIL TO REGISTER YOUR COMPLAINTS BEFORE

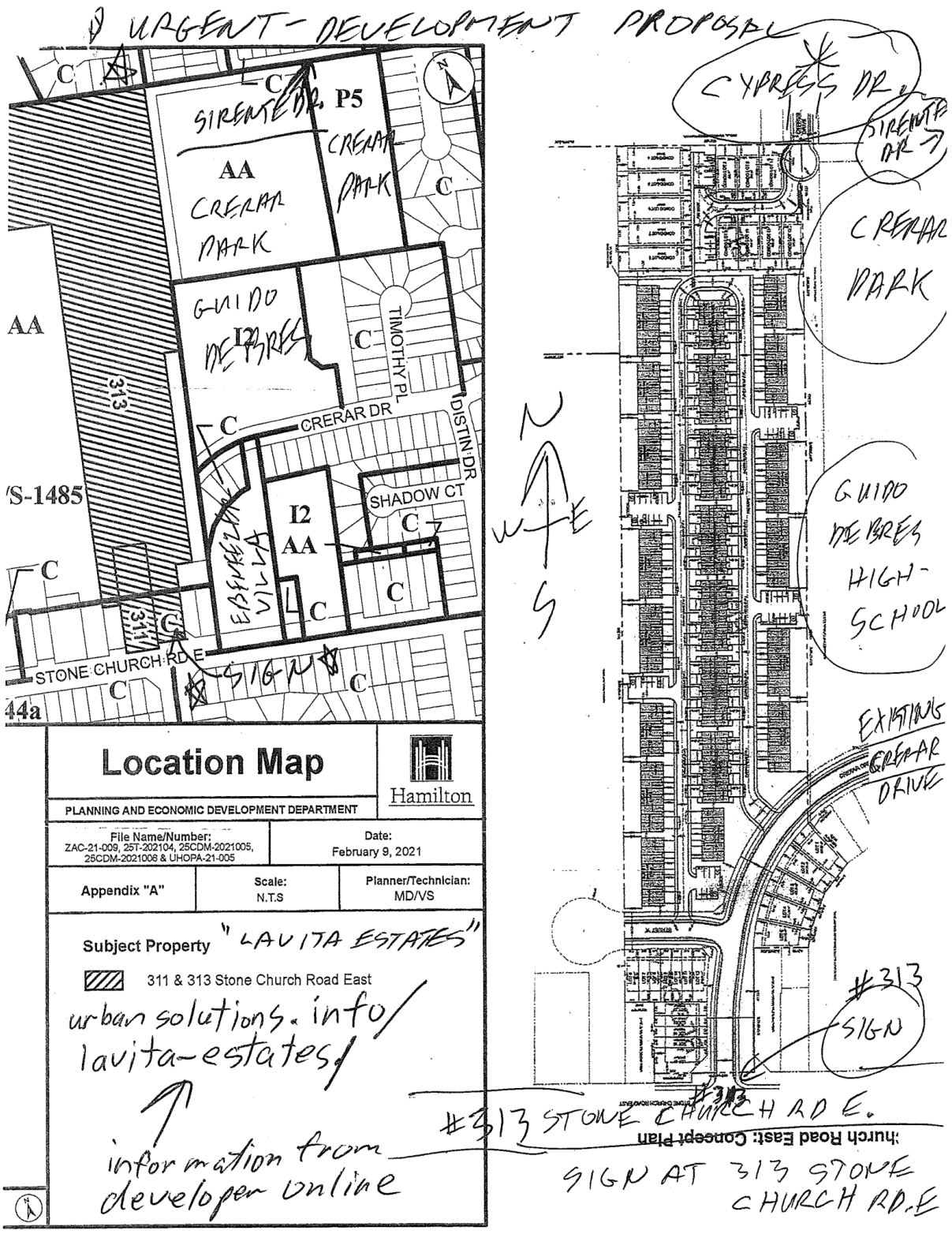
Michael Davis, City of Hamilton
 Planning and Economic Development Department
 Development Planning, Heritage and Design - Suburban Team
 71 Main Street West, 5th Floor, Hamilton, ON, L8P 4Y5
 Fax: 905-546-4202 - E-Mail: Michael.Davis@Hamilton.ca

MARCH 26, 2021

①

②





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Please feel free cut and paste the following email or choose or make your own comments.

To: michael.davis@hamilton.ca
 Cc: esther.pauls@hamilton.ca

Dear Mr. Davis,

I object to the following applications:

UHOPA-21-005, ZAC-21-009, 25T-202104, 25CDM-20210005, 25CDM-20210006.

I wish to receive a complete copy of the staff report.

I wish to be present and make an oral presentation at the public meeting.

1. As per our previous conversation, I would like to notify you that as of Thursday, February 25, 2021 that the required sign was still not installed, thus making the applications incomplete. See attached photos above.

I respectfully request that the current deadline, for public comments be extended accordingly to allow neighbours to be notified.

The current circulation area of 120 meters is woefully inadequate as the entire Crerar Neighbourhood is affected.

The deadline is currently prior to March 26, 2021.

2. I strongly object to design of the proposal.

The approved neighbourhood plan called for the completion of Crerar Drive as a municipal loop road for the neighbourhood.

This would allow access to Crerar Park and Crerar Forest by the southern section of Crerar Neighbourhood by municipal roads and sidewalks.

The attached proposal consists of mostly private roads which essentially cut off the southern part of the Crerar neighbourhood from the northern part of the neighbourhood.

I am a concerned homeowner in the Crerar Neighbourhood.

Crerar Park was created for the entire neighbourhood to use.

The promise of the future extension of Crerar Drive as a municipal road with sidewalks to access Crerar Park was most appealing.

The current proposal will cut off access to the park, as planned for in the neighbourhood plan.

3. The approved neighbourhood plan would allow development of 30 to 40 single family dwellings on municipal roads.

The current proposal is for 221 new residential dwellings on 4.29 hectares.

This is excessive density. It is 5 to 7 times what is allowed under the current Official Plan.

Furthermore, it is on private roads with inadequate parking.

Traffic and parking in the neighbourhood is already inadequate and strained.

Several streets including sections of Crerar Drive have been designated for alternate side of road parking or no parking areas.

4. The entry streets to Crerar neighbourhood are already a traffic nightmare. i.e. rarely passable by 2 cars simultaneously because of road parking in good weather and further exacerbated by snow. The

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neighbourhood entry streets particularly affected are: Sirente, Pescara, and Distin.

5. This proposal would make new the Crerar Drive entrance from Stone Church Rd. East the main entrance for the proposed largely private and condominium roads .

6. The private high school on Crerar Drive causes its own parking and traffic issues as few students are from the neighbourhood.

The students are largely bussed. Others drive their own vehicles or dropped off. The staff of the high school and the staff and adult students of the private teachers college on Crerar Drive create additional traffic. The students are all bussed to schools in other neighbourhoods.

7. There are no public or separate schools in this neighbourhood. The City purchased lands previously owned by the school board and made it part of Cerear Park.

The City retained a portion of land on the west side to allow for a public road to access Crerar Park. This development proposal eliminates that road.

8. The lot coverage of the proposed residences and private streets are excessive.

There is very little landscape and green area as a percentage of the proposed development.

The previous contentious tree cutting in the neighbourhood is well documented.

The proposed development further eliminates vegetation from Crerar Neighbourhood.

The neighbourhood already has its periphery developed with many Churches, townhomes, apartment buildings (rental and conominium) and senior residences.

Crerar neighbourhood is also home to Bob Kemp Hospice and the proposed future Shalom Village Long Term Care.(7 storey) on Upper Wellington.

These are all developments on the periphery of the neighbourhood with direct access to the main streets, Stone Church Rd. East, Upper Wentworth Street and Upper Wellington St. The neighbourhood has more than contributed to the Provincial Policy statements of 2020 with regards to "Encourage an increase in the mix and supply of housing." The other statement with regards to "protect the environment and public safety" is beyond questionable.

This proposal is in the centre of the neighbourhood and largely deviates from the current neighbourhood plan by creating private roads to increase density and prevent access to roads and parklands in the neighbourhood.

Thank you for considering this letter.

NAME:

Address:

Email:

Phone: (optional)

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From: Leanne Sinclair
Sent: April 9, 2021 10:25 PM
To: Pauls, Esther <Esther.Pauls@hamilton.ca>
Subject: Fwd: Proposed development on 311 and 313 stonechurch rd and the extension of crerar dr

Leanne's phone

Begin forwarded message:

From: Leanne Sinclair [REDACTED]
Date: March 29, 2021 at 9:51:21 AM EDT
To: Esther.Pauls@hamilton.ca
Subject: Proposed development on 311 and 313 stonechurch rd and the extension of crerar dr

Good morning Esther I sent an email to Michael Davis and cc'd you. His email bounced back saying no email exists ,my neighbour's the same thing happened . So what do we do now. We really do not want over 220 block homes they will be not nice looking and will bring down the value of our properties. These will most likely be rental or Hamilton housing they have no backyards and no road access to upper wellington so only stonechurch and crerar are the only options to get out of survey. We live on a small street with limited parking on street with a school that has about 20 busses that arrives 2x a day there is always congestion at these times. We really need to look into street parking in the area. On Distin which is off crerar going onto stonechurch is always congested everyone parks on the street eventhough they have driveways . On garbage day you can't get by and have to back up to get onto crerar and go another way. They should have signed parking for half the month on one side and switch . I would appreciate an email back to discuss these issues and what do we do about the proposed development. Thank you

Leanne Sinclair
[REDACTED]

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From: Carlo & Carol

Sent: June 8, 2021 4:28 PM

To: Vrooman, Tim <Tim.Vrooman@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Milovanov, Zora <Zora.Milovanov@hamilton.ca>

Subject: Lavita Estates (311 & 313 Stone Church Road East, Hamilton Ward 7))

Hi Tim & Esther - I am writing to you in follow up to the Community Information Meeting regarding the proposed Lavita Estates Development hosted by the applicant last evening. It was helpful to hear more information and to see concept renderings of the proposed project. However, I still remain very concerned and opposed to the current design of the Enclave (12 Single Family Condos) portion of the application. The impact to our property at 10 Dolphin Place is not acceptable and cannot be considered to be adhering to reasonable planning standards for integrating this project with our existing property and street. Our biggest concern remains with the interior side yard setback of 1.2m proposed to be adjacent to our existing rear yard property line. I received an email yesterday from Allan Buist from Dicenzo Group (I am not sure if he is a Planner - he did not indicate). In the email, he stated that the 1.2m (**3.94ft**) setback indicated the entire buildable area of lot #4 and that the actual building would be 1.65m (**5.41ft**) from my rear yard property line. This is ludicrous! They are proposing to build a 2.5 story, large luxury home, sideways, as a large brick structure 3 to 5 feet from my rear yard fence spanning almost the entire length of my rear property line. My existing rear yard property line must be treated as such and not as a side yard. I am hoping that the City of Hamilton would not support this particular component of the [design.as](#) it does not adequately address the planning context of our existing property. I believe that a 6m (19.69ft) rear yard setback, which is being provided between the proposed buildings on Enclave Lots 1 - 3 and existing Dolphin Place properties, should be honoured for our property at 10 Dolphin Place, as well.

I believe that the " T " street configuration proposed in the Enclave is not workable to be directly adjacent to the back of the properties along Dolphin Place. First of all, it is the " T " configuration that is causing the positioning of a side lot against our rear lot. It is also the " T " configuration that is placing a Visitor Parking Lot against the rear yard of our next door neighbour, which does not respect their rear yard property condition, nor our and our other neighbours rear yard views. I believe that the best way to resolve this is to make the Enclave road an " L " shape (curved away from Dolphin Place to the south) vs a " T ". This way all of our existing properties on Dolphin Place, impacted by the Enclave development, will have rear yards to rear yards. The Enclave could then move all of their Visitor Parking to the far south end of the curved " L " road adjacent to the walking path. They may have to alter the widths of some lots to make this work or go from 12 lots to 11 lots.

I also remain concerned about the cliff-like rock formations currently in the forested space directly behind our lot. I would like verification about how much of this rock formation is included in the Enclave Development and if so, will it be left intact or blasted away. I have attached pictures of this rock formation that is only 20 feet or so from my rear property line. I also noticed in one report that there will be a retaining wall constructed along my rear property line. I am concerned that this may impact my rear fence. Please advise if it would be the responsibility of the developer to repair, replace and/or provide compensation for any fence damage resulting from construction activities.

Sincerely, Carol McKenna
10 Dolphin Place

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Hamilton, ON, L9A 5J2



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Appendix “K” to Report PED21221

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Minutes

281-18

To: DiCenzo Construction Company Limited
Date: June 8, 2021
From: UrbanSolutions Planning & Land Development Consultants Inc.
Re: 311 & 313 Stone Church Road East, Hamilton
 Neighbourhood Information Meeting - Lavita Estates
 UHOPA-21-005, ZAC-21-009, 25T-202104, 25CDM-2021005, 25CDM-2021006 &
 DA-21-012

The virtual meeting was held via Microsoft Teams and hosted by Urban Solutions on June 7, 2021 between 6:00pm to 7:30pm. The purpose of the meeting was to provide an opportunity for the surrounding neighbours to learn about the proposal details, learn details of the *Planning Act* application process and receive answers to any questions.

There were 287 invitations circulated to all property owners within 120 metres of the subject lands. There was a total of 20 participants in the virtual meeting of which 12 were area residents while the balance included representatives from DiCenzo Construction Company and the City of Hamilton, including Councillor Esther Pauls and Tim Vrooman, the planner having carriage of the file.

The meeting began with a presentation by Matt Johnston, UrbanSolutions with a detailed review of the proposed development, site statistics, planning applications submitted and the presentation concluded with direction on how to formally participate in the *Planning Act* process and where to view the microsite to access all submission materials.

Following the presentation, attendees were invited to ask questions, where common themes included:

- Traffic Concerns & Safety
 - Increased congestion and traffic along Stone Church Road.
 - Quantity of visitor parking and potential overflow onto surrounding streets.
 - Desire for additional road connections from development to external road network.
- Public Access
 - Public sidewalk connections through the subject lands to access Crerar Neighbourhood Park and the proposed open space block.
- Density & Compatibility
 - Concerns with the change to neighbourhood character and built form.
 - Density greater compared to surrounding lands.
 - Implications of density.
 - Interest in achieving more affordable housing.

Appendix “K” to Report PED21221
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- Construction disruptions to the larger neighbourhood
 - Potential blasting of rock.
 - General construction disturbances.
- Preserving of greenspace/landscapes
 - Pleased with open space block dedication.
 - No large concerns regarding landscaped space.
- Privacy
 - Concerns with the interface between the proposed side yard to existing rear yard
 - Setback of visitor parking and headlight impact to existing dwellings.

Circulation:

Councillor Esther Pauls, Ward 7
Tim Vrooman, City of Hamilton
DiCenzo Construction Company



281-18

NEIGHBOURHOOD INFORMATION MEETING COMMENT RESPONSE LETTER

Applicant: UrbanSolutions Planning & Land Development Consultants Inc.
 Date: September 9, 2021
 Location: 311 – 313 Stone Church Road East, Hamilton, Ontario
 Owner: Lavita Estates

RE: (UHOPA-21-005, ZAC-21-009, 25T-202104, 25CDM-2021005 & 25CDM-2021006)

In support of the subject planning applications, a virtual Neighbourhood Information Meeting was held via Microsoft Teams and hosted by Urban Solutions on June 7, 2021 between 6:00pm to 7:30pm. The purpose of the meeting was to provide an opportunity for the surrounding neighbours to learn about the proposal details, learn details of the *Planning Act* application process and receive answers to any questions.

There were 287 invitations circulated to all property owners within 120 metres of the subject lands. There was a total of 20 participants in the virtual meeting of which 12 were area residents while the balance included representatives from DiCenzo Construction Company and the City of Hamilton, including Councillor Esther Pauls and Tim Vrooman, the planner having carriage of the file.

UrbanSolutions has prepared comment responses to the common themes raised during the Neighbourhood Information Meeting below:

Traffic Concerns & Safety

- Increased congestion and traffic along Stone Church Road.
- Quantity of visitor parking and potential overflow onto surrounding streets.
- Desire for additional road connections from development to external road network.

Comment Response: A Transportation Impact Study has been prepared to evaluate the traffic impacts of the proposed development on the surrounding street network. The Transportation Impact Study concluded that the proposal does not present any adverse traffic impacts to the local roads and has made infrastructure recommendations to appropriately accommodate the increase in traffic flows. The concept was intentionally designed without connection from Stone Church Road East to Cyprus Drive in order to prevent individuals from outside the local neighbourhood ‘short-cutting’ through the development to the northern roads. A total of 221 resident parking spaces and 64 visitor parking spaces are being provided through surface parking lots internal to the site, mitigating the potential for overflow of parking onto adjacent streets.

Public Access

- Public sidewalk connections through the subject lands to access Crerar Neighbourhood Park and the proposed open space block.

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Comment Response: The subject lands are separated from the Crerar Neighbourhood Park by a strip of land which is not under the ownership of the applicant. As such, no connections can be accommodated to the Crerar Neighbourhood Park. The proposed open space park will be physically accessible by the surrounding neighbourhood via sidewalk connections through the site.

Density & Compatibility

- Concerns with the change to neighbourhood character and built form.
- Density greater compared to surrounding lands.
- Implications of density.
- Interest in achieving more affordable housing.

Comment Response: The concept design has been carefully considered to locate the dwelling forms of higher density internal to the site, with a buffer of lower density single detached dwellings on the perimeter of the site. This distribution of dwelling forms maintains compatibility with the surrounding built form and represents an appropriate build out of the subject lands to contribute to a complete community. The proposed Zoning By-law Amendment requests a decrease in required density by 5 units per hectare and maintains the intent of the Urban Hamilton Official Plan with regards to medium density residential area designation policies. As such, it can be determined that the proposed density captures what was intended for the area.

Construction disruptions to the larger neighbourhood

- Potential blasting of rock.
- General construction disturbances.

Comment Response: The Construction Management Plan to be completed will ensure that all blasting of rock and other construction activities will avoid adverse impacts to the surrounding community with regards to noise, dust, and other disturbances.

Privacy


- Concerns with the interface between the proposed side yard to existing rear yard
- Setback of visitor parking and headlight impact to existing dwellings.

Comment Response: The proposed side yard setback to the existing rear yards of the existing dwellings on Dolphin Place has been doubled from 1.2 metres to 2.4 metres to address concerns of privacy felt by residents. Further, appropriate landscape screening and fencing will be provided along the northern lot line to mitigate any potential headlight and privacy impacts to the abutting neighbours.

Appendix “K” to Report PED21221
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If there are any questions or comments, do not hesitate to contact the undersigned.

Regards,
UrbanSolutions Planning & Land Development Consultants Inc.


Matt Johnston, MCIP, RPP
Principal


Scott Beedie, BURPI
Planner

RELEVANT CONSULTATION

Departments and Agencies		
	Comment	Staff Response
	<ul style="list-style-type: none"> • Asset Management Section, Engineering Services Division, Public Works Department; • Construction Section, Engineering Services Division, Public Works Department; and, • Hydro One Networks Inc. 	No Comment
<p>Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department</p>	<p>Roadways and Sidewalks</p> <ul style="list-style-type: none"> • All cul-de-sacs, permanent and temporary, are to be constructed to the City’s permanent standard and require 1.5 metre sidewalks around the bulbs; • There are existing sidewalks on both sides of existing Cyprus Drive that need to be extended around the proposed Cyprus Drive cul-de-sac to provide access to the Block 2 Condominium and Park lands (as shown on the Concept Plan attached as Appendix “F” attached to Report PED21221). Staff will permit a non-standard pavement radius on the proposed cul-de-sac of 9 metre vs. the 13 metre standard which matches the existing Dolphin Place cul-de-sac, complete with a 2.75 metre wide boulevard for the installation of curbing, a 1.5 metre wide sidewalk, and to accommodate snow storage and utilities. The Applicant will need acquire a portion of the City owned lands for nominal consideration for the easterly portion of the proposed Cyprus Drive cul-de-sac; • The temporary turning circle proposed on the lands located at 289 Stone Church Road East shall be dedicated to the City as a public highway prior to registration of the subdivision plan. In addition, the 0.3 metre reserve will need to be around the perimeter of the temporary turning circle right-of-way (ROW). The Applicant shall provide a reference plan and supporting 	<ul style="list-style-type: none"> • Sidewalks, the Cyprus Drive cul-de-sac, the temporary turning circle at the terminus of Street “A”, and the extension of Crerar Drive are addressed as Condition Nos. 9 - 12 and 14 - 16 of Appendix “H” attached to Report PED21221; • Parking and driveway location plans are required as Condition Nos. 4 and 5 of Appendix “H” attached to Report PED21221; • The walkway from Block 3 to Block 1 will be reviewed at the future Site Plan Control stage; • Servicing, stormwater management, external drainage and grading, detailed engineering design, and sewer replacement are addressed as Condition Nos. 1, 2, 6, 7, and 17 of Appendix “H” attached to Report PED21221; • The zoning by-law amendment (attached as Appendix “C” to Report PED21221) has incorporated a definition and regulations for swales to address grading along exterior yards and includes a Holding ‘H’ Provision for Blocks 2 and 3 to establish an emergency overland flow path. A Holding ‘H’ Provision for Block 2 to ensure the stormwater management facilities

	<p>information from the adjacent landowners (i.e. signed documentation as proof they have agreed to the temporary turning circle being located on their lands and that they understand that the temporary turning circle will be dedicated to the City and remain until development of their lands);</p> <ul style="list-style-type: none"> • There are concerns that there could be on street parking deficiencies and more information is required to determine whether the 40% minimum on-street parking requirement can be met; and, • The private pathway to the woodlot (on Block 3 and adjacent to Condo Lot 8 as shown on the Concept Plan attached as Appendix “F” to Report PED21221) has been proposed with stairs to overcome the existing 1:1 and 2:1 slopes that would limit the usefulness of the woodlot access, which could create accessibility and maintenance issues. All pathways must be a hard surface (asphalt or concrete) and gravel paths are not supported. <p>Grading and Drainage</p> <ul style="list-style-type: none"> • The overland flow route being proposed from the end of Cyprus Drive to the ROW block and Park, as shown on the preliminary grading plan, prepared by S. Llewellyn & Associated and dated August 2021, does not provide sufficient detail to demonstrate whether this is a suitable outlet for the existing and proposed road/ROW. The Applicant is to provide a revised preliminary design that demonstrates a suitable outlet for the proposed and existing Cyprus Drive ROW drainage; • The proposed preliminary grading design depicts on Lots 4 to 8 (Block 2 on the Concept Plan attached as Appendix “F” to Report PED21221) that the rear yards will have a significant retaining wall (+3.5 metres) and that there will be significant regrading within the rear 7-8 metres. At the top of the retaining wall there is a proposed 0.3 metre 	<p>have been constructed and are operational is also included;</p> <ul style="list-style-type: none"> • No modifications to the parent zoning districts with respect to rear yard setbacks along Crerar Drive and Street ‘A’ are proposed; • Joint use agreements are addressed as Condition No. 3 of Appendix “H” attached to Report PED21221’ • A dust control plan is addressed as Condition No. 8 of Appendix “H” attached to Report PED21221; • Perimeter fencing is addressed as Condition No. 13 of Appendix “H” attached to Report PED21221; • A note advising the proponent that additional information pertaining to the karst inventory may be required is included as Note No. 2 on the conditions of Draft Plan of Subdivision approval attached Appendix “H” attached to Report PED21221; and, • Site Plan agreements will be addressed at the future Site Plan Control stages.
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	<p>deep trapezoidal swale (0.6% slope). The proposed 0.6% slope is well below the minimum 1.5% slope permitted. Development Engineering is also concerned that the existing drainage being directed to the swale, flowing generally west to east from the woodlot down a steep slope ($\pm 33\%$) may continue east jumping or overtopping the wall rather than be contained and be redirected to flow north or south. The Applicant is required to demonstrate how the flows from the external lands will be contained within the intercepting swale and avoid overtopping onto the lots below;</p> <ul style="list-style-type: none">• The retaining wall, ditch inlet manholes (DIMHs), and intercepting swale in the rear of Condo Lots 4 to 8 will need to be contained within a block to be part of the common element and maintained by the condominium corporation;• The proposed trapezoidal intercepting swale along the rear of Lots 4-8 (Block 2) is directing drainage to the north, a DIMH (#5), and south, to a 3:1 slope and swale on Block 3 which will direct the external drainage to the east to the private roadway. The drainage directed south and east will flow from the proposed Condominium on Block 2 to the lands of the adjacent proposed condominium on Block 3. There needs to be a block of suitable width to convey the drainage from the rear intercepting swale to the private road. The Owner is to provide a proposal for how the rear intercepting swales along the rear of Lots 4-8 will be maintained. There will need to be a joint use agreement between the two different condominiums on Blocks 2 and 3;• Concerned with the potential for the DIMH (#5) to become blocked and therefore we require that there be a suitable emergency overland flow route. Based on the current design it appears that the drainage may overtop the retaining wall and drain between Condo Lots 4 and 5. A	
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	<p>block with a suitable width would be required to accommodate an emergency overland flow route for the external drainage between two dwelling structures. The overtopping of any retaining wall is not a suitable drainage solution and alternative solutions should be thoroughly explored;</p> <ul style="list-style-type: none">• The slope of the trapezoidal intercepting swale is too low (0.6%) and well below the minimum 1.5% slope permitted. Review and revise;• The proposed trapezoidal swale transitions from the rear of Block 3's 'Townhouse Block 8' to 289 Stone Church Road East roughly 115 metres south of the north limit of the site. Aerial mapping depicts the woodlot area extending approximately 140 metres south of the north limit of the site. The transition point for the trapezoidal swale should be revised to be further to the south, beyond the existing woodlot;• The proposed intercepting swale on lands located at 289 Stone Church Road East along the west limit of Block 3 will require that a permanent easement be obtained from the adjacent Owner (Bethel Gospel Tabernacle Church) in favour of the Condominium;• The revised preliminary grading plans depict there being significant regrading on 289 Stone Church Road East with grading extending approximately 14-16 metres of the property line. The Applicant is to confirm that the adjacent landowners have reviewed and thoroughly understand the scope and impact of the proposed grading and drainage measures being proposed on their lands. As part of the proof of permission, in addition to any signed documentation, there shall also be plans, showing the grading elevations and maximum limits, that are also to be signed by the adjacent landowners. The preliminary grading should depict some future conceptual grading on 289 Stone Church Road East to identify any opportunities	
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to perhaps raise (or lower) the shared property line with Block 3 so that there are not extensive retaining walls required when 289 Stone Church Road East is developed in the future. It is suspected that raising of the rear yards would help mitigate the need for future walls;

- Where there is external drainage proposed to be directed between dwellings (overland flow/emergency overland flow) there shall be a block of suitable width as demonstrated through the preliminary grading design;
- A recommendation for the minimum rear yard setbacks for Lots 4 to 8 and the north side yard of Lot 4 (Block 2) is required to demonstrate that the grading required to reconcile with the properties to the west and north can be achieved within the proposed yards based on the two swales (upper and lower) and the proposed retaining wall; and,
- Request that Lots 1-17 on Crerar Drive and Street 'A' have a minimum rear yard setback of 7.5 metres to ensure that the minimum rear yard amenity area is provided, and grading can be reconciled with the existing properties.

Servicing

- The sections of existing sanitary sewer on Crerar Drive that are proposed to be replaced with larger diameter sewers, as shown on the preliminary servicing plans, prepared by S. Llewellyn & Associated and dated August 2021, there appears to be multiple existing sewer services which lack adequate minimum separations to the water services. The Applicant is to provide clarification where the location information has been obtained for these services and laterals. If there are issues with achieving minimum separation this may present issues under the required MECP ECA Application for the new sewer.

	<p>Other</p> <ul style="list-style-type: none"> • Agreements for joint use between the proposed condominium blocks are required; • Perimeter fencing along adjacent developed lands is required; • Karst features have been identified in the vicinity of the property, however a karst assessment has not been provided. Development Engineering defers this matter to Natural Heritage Planning staff; and, • Site Plan agreements will be required for each of Block 2 and Block 3. 	
<p>Forestry and Horticulture Section, Environmental Services Division, Public Works Department</p>	<ul style="list-style-type: none"> • The Tree Management Plan, prepared by Adesso Design and dated August 13, 2021, is not approved requiring revisions to clarify on the plan and table whether Tree #14 is being retained or removed. Forestry staff assume Tree #14 is being retained and the table shall be updated accordingly; • It is noted that the appraised value of Trees #1 through #13 and #166, located along the City-owned strip of land adjacent to the northeast portion of the site and proposed to be removed, is \$173,663.01; • Public trees within the Crerar Natural Space northwest of the subject lands are not impacted by the proposed development; and, • A revised Landscape Plan, prepared and signed by a certified Landscape Architect, is required. 	<ul style="list-style-type: none"> • A revised Tree Management Plan is addressed as Condition No. 20 of Appendix “H” attached to Report PED21221; and, • A Landscape Plan is addressed as Condition 2.8 of the City’s Standard Conditions of Subdivision Approval. The condition of Street Tree Planting will be cleared upon receipt of a plan depicting new trees and payment of permit, loss of tree canopy, and street tree planting fees.
<p>Growth Planning Section, Growth Management Division, Planning and Economic Development Department</p>	<ul style="list-style-type: none"> • Easements for access to the rear yards may be required; • Street naming and municipal addressing for the lots and blocks within the proposed subdivision will be determined after Draft Plan approval is granted, and for the condominium blocks will be determined when a Site Plan Control Application is submitted; and, • Requested that a note be included in the draft plan conditions indicating that draft plan approval shall lapse if 	<ul style="list-style-type: none"> • Easements will be addressed through future Draft Plan of Condominium and Part Lot Control Application(s) required to create individual lots for each unit; • Addressing of the lots/blocks within the subdivision is addressed as Condition No. 26 of Appendix “H” attached to Report PED21221;

	<p>the plan is not given final approval within three years or an extension has been granted.</p>	<ul style="list-style-type: none"> • Lot/Unit addressing within the condominium blocks will be addressed at the future Site Plan Control stages; and, • Approval limitation has been added as Note No. 1 on the conditions of Draft Plan of Subdivision approval (See Appendix “H” attached to Report PED21221) and will be included as a note to the conditions of Draft Plan of Condominium approvals.
<p>Hamilton Conservation Authority (HCA)</p>	<p>Natural Heritage</p> <ul style="list-style-type: none"> • There are few native species included in the plan, and HCA encourages greater use of native species appropriate to the area due to the proximity to a significant natural area; • The landscape plan discusses the removal of invasive species and mentions that Japanese Knotweed is present on site, but methods for removal are not given and should be included. A detailed and comprehensive invasive species control program is recommended to be implemented for the site; and, • The homeowner stewardship guide, prepared by Adesso Design, should correct the reference to Hill’s Oak, which is not an endangered species as indicated in the brochure, include information to discourage the dumping of yard waste into the forest and avoid planting highly invasive species. <p>Grading and Drainage</p> <ul style="list-style-type: none"> • HCA is concerned that the quality control concept in the revised Functional Servicing Report, prepared by S. Llewellyn & Associated and dated August 2021, proposes two oil-grit separator (OGS) units in parallel covering the northerly portion of the site with no quality control of the southerly portion and external areas discharging to the southerly lands, which has not addressed the HCA 	<ul style="list-style-type: none"> • Revisions to the landscape plan and stewardship brochure are addressed as Condition Nos. 23 and 24 of Appendix “H” attached to Report PED21221; • As the City is assuming ownership of Block 1, invasive species management will be the responsibility of the City; and, • A detailed stormwater management (SWM) report and related grading, servicing and erosion and sediment control plans to address quality control is addressed as Condition No. 27 of Appendix “H” attached to Report PED21221.

	<p>recommendation that a true treatment train approach be adopted for the site. OGS calculations need to be reviewed / revised accordingly; and,</p> <ul style="list-style-type: none"> • HCA suggests erosion and sediment control plans supporting pre-grading and initial construction stages are separated and that the pre-grading plan includes sediment trapping within blocks exceeding 2 ha in area. A mud mat and revised siltation control fencing details should be provided. 	
<p>Landscape Architectural Services (LAS), Strategic Planning Division, Public Works Department</p>	<ul style="list-style-type: none"> • Trails are not permitted to be developed through an area identified as a Core Area (Significant Woodland). LAS requests that a privately owned fence along this property line be provided as well as chain link fencing along the edges of Block 1 prior to it being dedicated to the City. The access walkway from Block 3 (block townhouse and maisonette dwellings) to the Natural Heritage/Park block (Block 1) is recommended to be removed; and, • LAS circulated comments to the Parkland Advisory Review Committee (PARC) and received no contrary comments. 	<ul style="list-style-type: none"> • Fencing is addressed through the Edge Management Plan required as Condition No. 22 of Appendix “H” attached to Report PED21221. The walkway from Block 3 to Block 1 will be reviewed at the future Site Plan Control stage; • A walkway is proposed through the City-owned strip of land adjacent to the northeast portion of the site from the sidewalk along Cyprus Drive to the internal sidewalk through the medium density residential lands (Block 3 on the Concept Plan attached as Appendix “F” attached to Report PED21221). An easement will be established along the internal sidewalk to grant public access through Block 3 to Crerar Drive to complete the public connection through the west side of the neighbourhood. These are addressed as Condition Nos. 25 and 28 of Appendix “H” attached to Report PED21221.
<p>Recycling and Waste Disposal Section, Environmental Services Division, Public Works Department</p>	<ul style="list-style-type: none"> • This development is eligible for municipal waste collection service subject to meeting the City’s requirements. The property owner must contact the City to request waste collection service to complete a site visit to determine if the property complies with the City’s waste collection requirements; • As currently designed, Block 2 on the Concept Plan (attached as Appendix “F” to Report PED21221) is not 	<ul style="list-style-type: none"> • Waste collection requirements are addressed as Note No. 3 on the conditions of Draft Plan of Subdivision approval (see Appendix “H” attached to Report PED21221); • Should any Block within the proposed development be unserviceable for municipal waste collection, such as Block 2, a private waste

	<p>serviceable as it does not allow for continuous forward motion for the waste vehicles in front of Lots 4 through 8 and the length in front of these lots exceeds the maximum length per the City’s Solid Waste Collection Design Guidelines for Developments; and,</p> <ul style="list-style-type: none"> • Common piles for waste collection are not permitted in new developments. 	<p>hauler must be arranged for the removal of all waste materials; and,</p> <ul style="list-style-type: none"> • These matters will be addressed at future Site Plan Control and Draft Plan of Condominium stages.
<p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department</p>	<ul style="list-style-type: none"> • Transportation Planning conducted traffic signal analyses and have determined a traffic signal is warranted at the intersection of Stone Church Road East and Brigade Drive/Crerar Drive extension, which shall be designed and constructed at one third of the Owner’s expense. This intersection has good spacing from other traffic signals and is a suitable location for installation. The entire Crerar neighbourhood will benefit from an additional and safe access to Stone Church Road East as was envisioned through the Crerar Neighbourhood Plan; • Revisions to the Transportation Impact Study, prepared by NexTrans Consulting Engineers and dated August 2021, are required to address the extension of Crerar Drive to Stone Church Road East, traffic signal design and installation, and turning lanes; • It is not feasible to align the centreline of the right-of-way of Crerar Drive extension with the centreline of Brigade Drive on the opposite side of Stone Church Road East. Accordingly, a plan is required to show the ultimate right-of-way and daylighting limits of the four quadrants of the intersection and the existing road and sidewalk limits. The plan shall demonstrate that the paved roadways, travel paths, and pavement markings are aligned to ensure safe movements within the intersection, with different boulevard widths on either side of Crerar Drive; • Approximately 5.0 metres are to be dedicated to the right-of-way at 311 Stone Church Road East, per Schedule C-2 	<ul style="list-style-type: none"> • A revised Transportation Impact Study is addressed as Condition No. 32 of Appendix “H” attached to Report PED21221, with all required infrastructure improvements to be addressed at the detailed design stage; • Right-of-way alignment plans for Crerar Drive and Cyprus Drive and right-of-way and daylighting triangle dedications have been discussed above and are addressed as Condition Nos. 29 - 31 of Appendix “H” attached to Report PED21221; • The temporary turnaround at the west end of Street ‘A’ is addressed as Condition No. 14 of Appendix “H” attached to Report PED21221; • Sightline analysis, detailed pavement markings, traffic signs, traffic signal plans, funding for speed cushions, signage, and crosswalks, and driveway advisories are addressed as Condition Nos. 33 - 38 of Appendix “H” attached to Report PED21221; • A revised on-street parking plan is addressed as Condition No. 4 of Appendix “H” attached to Report PED21221; • The extension of the Cyprus Drive cul-de-sac is addressed as Condition Nos. 10 - 12 of Appendix “H” attached to Report PED21221; and, • Detailed design of the condominium blocks (Blocks 2 and 3 on the Concept Plan attached as

	<p>– Future Right-of-Way Dedications of the Urban Hamilton Official Plan (UHOP);</p> <ul style="list-style-type: none">• Crerar Drive at the intersection of Stone Church Road East functions as a midblock collector road connecting the local internal neighbourhood road network to the external arterial road, with a right-of-way width of 26.213 metres up to Street ‘A’. The remainder of Crerar Drive is classified as a local road and shall match the existing width of Crerar Drive (± 20.12 metres). A reduced 9.60 metre x 9.60 metre daylighting triangle at the northwest corner of Stone Church Road East and Crerar Drive is supported;• Street ‘A’ is classified as a local road with a right-of-way width of 20.12 metres. Confirmation that the proposed temporary turnaround will be constructed at the west end of Street ‘A’ is required. 4.57 metre x 4.57 metre daylighting triangles at the northwest and southwest corners of the intersection of Crerar Drive and Street ‘A’ is required;• Several traffic calming and transportation management measures are required:<ul style="list-style-type: none">○ The Traffic Calming section of the TIS identified placement of two speed cushions along Crerar Drive. The owner is required to contribute \$6 K per speed cushion; and,○ Detailed pavement markings, traffic signs and traffic signal plans are required for bicycle lanes and transit stops along Stone Church Road East, southbound and northbound left turn lanes on Brigade Drive and Crerar Drive, centre median islands, and school crossing guard crosswalks. The ultimate crosswalk location(s) shall be confirmed once the Crerar Drive extension is open and children’s walking patterns are determined;• Sightline analysis and advisory statements to prospective purchasers are required for driveways proposed along	<p>Appendix “F” attached to Report PED21221) will be addressed at the future Draft Plan of Condominium and Site Plan Control stages.</p>
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	<p>Crerar Drive. TIS approval is required prior to approval of the on-street parking plan to address sightline issues and separation from intersections; and,</p> <ul style="list-style-type: none"> The proposed cul-de-sac at the south end of Cyprus Drive does not meet current City standards; however, a modified cul-de-sac with carriageway dimensions of the existing Dolphin Court, complete with a 1.5 metre clear width municipal sidewalk, can be supported. 	
Alectra Utilities Corporation	<ul style="list-style-type: none"> Advised that the Developer needs to contact their Engineering Design Department to facilitate development. The developer shall be responsible for the cost of installation, relocation, modification, or removal of hydro facilities. In order to prepare a design and procure the materials required to service this site in a timely manner, a minimum of six months notification is required. 	<ul style="list-style-type: none"> This requirement is addressed as Condition No. 39 of Appendix “H” attached to Report PED21221.
Canada Post	<ul style="list-style-type: none"> Owners / developers are required to notify purchasers of Centralized Mailbox locations; and, Provided their requirements for the Centralized Mailbox locations. 	<ul style="list-style-type: none"> This requirement is addressed as Condition No. 40 of Appendix “H” attached to Report PED21221.
Canadian Radio & Telecommunication Commission (CRTC) and Bell Canada	<ul style="list-style-type: none"> Requested that as a condition of final approval, the owner agrees that should any conflict arise with existing facilities, the Owner shall be responsible for the relocation of such facilities or easements at their own cost. 	<ul style="list-style-type: none"> This requirement and standard conditions from CRTC are addressed as Condition Nos. 41 - 43 of Appendix “H” attached to Report PED21221.
Enbridge Gas Inc.	<ul style="list-style-type: none"> Requested that as a condition of final approval, the owner is required to provide the necessary easements and/or agreements required for the provision of gas services for this project, in a form satisfactory to them. 	<ul style="list-style-type: none"> This requirement is a Standard Condition of Draft Approval.

Public Consultation		
	Comment	Staff Response
Development Layout and Approved Crerar Neighbourhood Plan Road Network	<ul style="list-style-type: none"> • The Neighbourhood Plan identifies the completion of Crerar Drive as a ring road with connection to Cyprus Drive to provide access to Crerar Neighbourhood Park and Crerar Natural Open Space. The proposal consists of private condominium roads which essentially cut off the northern and southern parts of the Crerar Neighbourhood; and, • One area resident appreciates that Cyprus Drive will not be a through street, to help maintain low traffic volumes. 	<ul style="list-style-type: none"> • In lieu of a public roadway to complete the public connection through the west side of the neighbourhood, a walkway is proposed through the City-owned strip of land adjacent to the northeast portion of the site from the sidewalk along Cyprus Drive to the internal sidewalk through the medium density residential lands (Block 3 on the Concept Plan attached as Appendix “F” to Report PED21221), and an easement will be established along the internal sidewalk to grant public access through Block 3 to Crerar Drive, which are addressed as Condition Nos. 25 and 28 of Appendix “H” attached to Report PED21221.
Built Form and Density	<ul style="list-style-type: none"> • The Neighbourhood Plan designates the subject lands as “Single and Double”, which would allow development of 30 to 40 single detached dwellings along public roads. The proposal is for 221 new dwelling units, which is excessive density in a neighbourhood consisting of predominantly single detached dwellings; • The lot coverage of the proposed dwellings and private streets, along with the proposed zoning modifications for setbacks, is excessive, with little landscape and green area to allow for stormwater infiltration, or to minimize impacts on adjacent properties; and, • The perimeter of Crerar Neighbourhood is developed with several higher density residential uses and community facilities/services with direct access to arterial roads. 	<ul style="list-style-type: none"> • The neighbourhood contains a mixture of low and medium density developments and community facilities/services. The medium density residential lands (Block 3 on the Concept Plan attached as Appendix “F” to Report PED21221) gain access to a collector road (Crerar Drive) and a minor arterial road (Stone Church Road East) via local roads (Crerar Drive and Street ‘A’) with a small number of low density residential dwellings located on that portion of the roads. The proposed development would not be out of character with the existing context. The proposed zoning modifications are discussed in Appendix “E” attached to Report PED21221, focusing on compatibility of the proposed development with surrounding uses and the general intent and purpose of the Zoning By-law.

<p>Setbacks Abutting Dolphin Place Rear Lot Lines</p>	<ul style="list-style-type: none"> • There are concerns with the proposed interior side yard setback of 1.2 metres abutting the rear property lines of Dolphin Place and whether this is considered compatible development. Requested that a minimum 6.0 metre setback be provided, and that the “T” configuration of common element condominium enclave (Block 2 on the Concept Plan attached as Appendix “F” to Report PED21221) be reconfigured. 	<ul style="list-style-type: none"> • The initial proposal had provided a minimum side yard of 1.2 metres. In response to these concerns, the Applicant has agreed to increase the proposed setback to 2.4 metres, as included in the proposed Zoning By-law Amendment attached as Appendix “C” to Report PED21221. Compatibility has been discussed in greater detail above.
<p>Traffic and Parking</p>	<ul style="list-style-type: none"> • There are concerns that the existing neighbourhood streets are narrow and insufficient to accommodate existing traffic, and there is existing traffic congestion in the surrounding road network; • The new Crerar Drive connection from Stone Church Road East will benefit the proposed private development and will exacerbate existing traffic and parking issues along the entrance roads to the neighbourhood and with bussing and student population around the existing school and the accumulation of snow windrows; • There are concerns with connecting Crerar Drive to Stone Church Road East inviting through traffic into this area of the neighbourhood; • There are concerns that parking from the proposed development will overflow onto the adjacent roadways, as the development provides two tandem parking spaces per unit (garage and driveway). Residents are concerned that garages will be used for storage instead of the parking of vehicles; and, • There is concern that more vehicles will generate more pollution. 	<ul style="list-style-type: none"> • Revisions to the Transportation Impact Study, prepared by NexTrans Consulting Engineers and dated August 2021, will provide for signalization of the Crerar Drive and Stone Church Road East intersection. Traffic calming and transportation management measures will be provided along the extension of Crerar Drive to improve overall traffic operations within the neighbourhood. These revisions are addressed as Condition No. 35 of Appendix “H” attached to Report PED21221; • The new Crerar Drive connection from Stone Church Road East will benefit the entire Crerar Neighbourhood by providing an additional and safe access to Stone Church Road East as was envisioned through the Crerar Neighbourhood Plan; and, • The proposed zoning by-law regulations require 1.25 parking spaces plus 0.25 visitor parking spaces per unit. The current requirement is for 1.3 parking spaces and 0.3 visitor parking spaces per dwelling unit. The Transportation Impact Study - Addendum, prepared by NexTrans Consulting Engineering and dated August 2021, concludes that the proposed development will meet the requirements for both resident and visitor parking. The proposed parking ratio is sufficient to meet the needs of future residents and visitors. Warning clauses regarding the use of garages for the parking of vehicles will be addressed through conditions of the future Draft Plan of Condominium approvals. Opportunities to support alternative modes of transportation through development is encouraged.

the above parking notes is all nice as said here but you cannot and wont enforce this and the problems will be the neighbours to deal with.....not the city (unless by bylaw and we have to complain) nor the builder (who walks away in the end)

<p>Significant Woodland and Surrounding Trees, Agricultural Lands, and Wildlife</p>	<ul style="list-style-type: none"> • One area resident appreciates that a sizable portion of land being dedicated as a naturalized area, noting that area forms part of the Eramosa karst and the exposed rock and overall forested landscape is rare to see in an urban setting and makes Crerar Neighbourhood unique; • Residents have inquired if pedestrian access will be provided to the wooded area; • The proposed development will remove existing vegetation from Crerar Neighbourhood, and there is concern with blasting or other forms of rock removal within the bedrock; • A Butternut (tree #132) in good condition is located within the building envelope and is identified for removal upon approval from MNRF. Butternuts are endangered species protected under the <i>Endangered Species Act</i>; • Several significantly large Bur Oaks, including one (tree #12) that is 114 cm DBH and approximately 275 years old in good condition, are located straight off the end of Cyprus Drive, and residents wonder why they are proposed to be removed and further measures aren't being taken to protect them; and, • The woodlot and surrounding agricultural lands support wildlife habitat. 	<ul style="list-style-type: none"> • A 1.15 ha portion of the existing woodlot is being preserved as Significant Woodland and will be dedicated to the City. As the remaining woodlot will be preserved in its natural state, pedestrian access will be discouraged. The woodlot being maintained is contiguous with the existing Crerar Natural Open Space and will support habitat for wildlife. Opportunities to further preserve any existing natural features will be explored during the detailed design stage; • Butternut is regulated under the <i>Endangered Species Act</i> (2007), which is under the jurisdiction of the Ministry of Environment, Conservation, and Parks (MOECP), and requires to be assessed by a qualified Butternut Health assessor which is addressed as Condition No. 21 of Appendix “H” attached to Report PED21221; • The Geotechnical Investigation, prepared by Landtek Limited and dated September 4, 2020, notes that the dolostone / limestone bedrock will require the use of more unconventional, heavier excavation equipment such as a rock chisel/breaker or a rock-ripping (tiger teeth-fitted) excavator bucket, particularly as the competence of dolostone / limestone bedrock tends to improve very quickly with depth. The dolostone / limestone bedrock is expected to remain relatively stable at near vertical slopes for short periods of time. Blasting has not been proposed; and, • As shown in the Tree Management Plan, prepared by Adesso Design and dated August 13, 2021, the Bur Oaks are on City owned lands and are proposed to be removed as a retaining wall is proposed within the root zone. The Forestry and Horticulture Section is in a position to approve the Tree Management Plan, subject to minor revisions.
<p>Schools</p>	<ul style="list-style-type: none"> • There are no public or private schools in this neighbourhood. 	<ul style="list-style-type: none"> • This matter is under school board jurisdiction. It is noted Guido de Brès Christian High School is located east of the subject lands.

Perceived Loss of Property Values	<ul style="list-style-type: none"> The proposed development will lower the value of homes in the area. 	<ul style="list-style-type: none"> The City is not aware of any empirical evidence to support this claim.
Safety and Crime	<ul style="list-style-type: none"> An increase in population will result in an increase in crime. 	<ul style="list-style-type: none"> It is important that development be properly designed to create safe conditions, and to note that increases in population density does not directly correlate to an increase in crime. Effectively reducing opportunities for crime is achieved through implementing Crime Prevention Through Environmental Design (CPTED) principles. The proposed development achieves these principles by providing opportunities for natural surveillance and visually legible and intuitive means of access as well as defined distinctive public and private property. In this regard, it is important that access to the Significant Woodland be discouraged by means of fencing.
Light Pollution	<ul style="list-style-type: none"> Concerns that the proposed development would create light pollution detrimental to night sky views. 	<ul style="list-style-type: none"> Site Lighting Plans will be required as conditions of Site Plan Control and shall be prepared in accordance with Section 3.9 of the City of Hamilton’s Site Plan Guidelines, which applies standards to ensure minimum light spill over onto adjacent properties.
Public Notice Sign and Circulation Area	<ul style="list-style-type: none"> Residents were concerned that as of February 25, 2021, the public notice sign hadn’t been posted on the subject lands; and, Residents were concerned that the notification radius is insufficient to provide notice to all affected property owners of the Crerar Neighbourhood. 	<ul style="list-style-type: none"> In accordance with the requirements of the <i>Planning Act</i> and the Council Approved Public Participation Policy, notice is sent within a 120 m radius of the site and a Public Notice Sign was posted on the property on February 26, 2021 notifying that a complete Application had been received.
Gated Condominium Property	<ul style="list-style-type: none"> An entrance gate is proposed across the driveway to the proposed common element condominium enclave (Block 2 on the Concept Plan attached as Appendix “F” to Report PED21221) to restrict public access to the property. 	<ul style="list-style-type: none"> The proposed common element condominium will be developed as private property. The proposed access gate will be reviewed during the future Draft Plan of Condominium and Site Plan Control stages to address any public safety issues.

<p>Construction Activities</p>	<ul style="list-style-type: none">• Residents in the area of Dolphin Place, Durrell Court, and Cyprus Drive have endured construction (i.e. mud and debris on the roadways) for several years and request construction vehicles access this development area via Stone Church Road East; and,• There are also concerns that grading activities may cause damage to adjacent fences and dwellings or their foundations.	<ul style="list-style-type: none">• To mitigate impacts of construction activities during development of the site, plans or procedures for dealing with issues concerning dust control is addressed as Condition No. 8 of Appendix "H" attached to Report PED21221 and will be further reviewed at the Site Plan Control stage; and,• The Geotechnical Investigation, prepared by Landtek Limited and dated September 4, 2020, notes that the dolostone / limestone bedrock will require the use of more unconventional, heavier excavation equipment such as a rock chisel/breaker or a rock-ripping (tiger teeth-fitted) excavator bucket, particularly as the competence of dolostone / limestone bedrock tends to improve very quickly with depth. The dolostone / limestone bedrock is expected to remain relatively stable at near vertical slopes for short periods of time. Blasting has not been proposed.
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Sent: Sunday, December 5, 2021 1:18 PM

To: clerk@hamilton.ca; Committee of adjustment <cofa@hamilton.ca>; Office of the Mayor <Officeofthe.Mayor@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Vrooman, Tim <Tim.Vrooman@hamilton.ca>

Subject: objection to proposed subject property 311 and 313 Stonechurch Road East Hamilton

To Whom it May Concern,

I am writing this letter voice our concerns and disapproval of the proposed property project 311 and 313 Stonechurch Rd East.

We have been long time residents on Distin Drive for over 20 years. We have only been recently made aware of this proposal from a concerned resident of Crerar Drive.

The development of this project will have a profound impact in the neighbouring residents of the surrounding area - Distin Drive, Crerar Drive, Shadow Court, Timothy Place.

This development will add an increased congestion and traffic in an already busy neighbourhood streets of Distin Drive and Crear Drive. There is already an abundance of traffic, noise and congestion in the neighbourhood with the many schools busy that provide transportation to students of the HWCDSB, HWDSB and Guido De Bres Christian High School. The High School at the end of Crerar sees a lot of vehicle traffic, congestion and noise because of the large number of students and staff that attend the school. This already causes much concern for the safety of pedestrians and residents in the area. With the addition of this proposed project at the end of Crerar this will only exacerbate the problem. The development of this property will also dramatically affect the quantity of residential parking and visitor parking. Distin Drive already has a serious problem with parking and congestion on the street. This development will change the neighbourhood character which residents have valued. This development will have an impact on greenspace and the environment. The development will cause major construction disruptions to the larger neighbourhood for a significant period of time.

We appreciate that our concerns are taken into consideration.

Concerned Residents,

Carmelo and Linda Bellavia

From: R. Filice

Sent: Sunday, December 5, 2021 7:46 PM

To: clerk@hamilton.ca

Cc: Office of the Mayor <Officeofthe.Mayor@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Zora Milovanov <zora.milovanov@hamilton.ca>; Vrooman, Tim <Tim.Vrooman@hamilton.ca>; Izirein, Ohi <Ohi.Izirein@hamilton.ca>; Ward 8 Office <ward8@hamilton.ca>; Wojewoda, Nikola <Nikola.Wojewoda@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Powers, Russ <Russ.Powers@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; Wilson, Maureen <Maureen.Wilson@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>

Subject: RE: Public Input for Dec 7 Planning Committee Meeting - Files UHOPA-21-005/ZAC-21-009/25T-202104

Dear Ms. Kelsey, I am sending you a letter for the Planning Committee Meeting which will be held on Tuesday December 7th, 2021 at 9:30am, as per instructions outlined in the Notice we received.

It is regarding **files UHOPA-21-005/ZAC-21-009/25T-202104** and the "Applications for Amendments to the Urban Hamilton Official Plan, City of Hamilton Zoning By-law No. 6593 and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands located at 311 and 313 Stone Church Road East".

It was our intention to be at the meeting and speak, even if for only 5 minutes, to voice our concerns but we cannot take a day off work. It would have been more opportune had the meeting been held at a more favorable time when the majority of the residents of the area would have been available to have their input.

Our hope is that the Planning Committee will read the letter before the meeting on Tuesday so that they can get a sense of how the residents feel before voting.

Thank you for your time,

Rosanna Filice
Ivana Filice

Rosanna and Ivana Filice
 323 Stone Church Road East
 Hamilton, ON
 L9B 1B1
 r_filice@yahoo.com

December 3rd, 2021

Legislative Coordinator, Planning Committee
 City of Hamilton
 71 Main Street West, 1st Floor
 Hamilton, ON
 L8P 4Y5

We are writing this letter to voice our objections to the following applications: **UHOPA-21-005**
ZAC-21-009
25T-202104

We had every intention of making a brief oral presentation at the public meeting to be held on December 7th, 2021 but unfortunately, due to the fact that the meeting has been scheduled at 9:30am on a weekday, we would have to take an entire day off work which at this time is not feasible.

Having lived here for almost 50 years now, ever since there was only farmland (Comley Farm) on the south side of Stone Church Road East, we have always been aware that eventually the land around us would be developed. When we read through the proposed Draft Plan, we were quite shocked, to put it mildly.

We strongly object to the design outlined in the proposal because the original plan, going back to the 1970's, involved the following:

- the creation of a road (Crerar Drive) that would connect Stone Church Rd to Guido de Brès High School (that was built in the late 1970's) and eventually any homes that were built in that neighbourhood
- the development of 30-40 single family homes on municipal roads including a park accessible to the entire neighbourhood

The proposed development of 221 new residential dwellings on solely private roads/condominium roads represents a significant deviation (5 – 7 times more) from the original/current neighbourhood plan. **It is unacceptable** due to the fact that it will

- drastically increase the population density of the neighbourhood
- directly affect the amount of traffic that will flow onto Stone Church Road East which is already a dangerous and high-traffic road as it is
- decrease the amount of “green space” at a time when we should be more environmentally conscious

Developers and city councillors have a very important role here: to do whatever needs to be done in the best interests of the city, but not at the expense of the living conditions of the citizens who live in the area. For those of you who do not live in the area that will be affected by this development, are you aware that traffic on Stone Church Road East in the last few years has drastically increased especially in the section from Upper Wentworth to Upper James? It has become a busy thoroughfare and if an incident occurs on the Linc, traffic on Stone Church becomes a nightmare. Have you asked yourselves the amount of strain on an already horrendous traffic load this proposed development will cause?

In the report, Stone Church Road East has been designated as a “minor arterial road” which is an incorrect statement – the amount of traffic on this road makes it a major arterial road.


We understand that the city of Hamilton must do something to accommodate a future growth in the population. This does not mean, however, that the proposed population density quota must be satisfied in this small parcel of land. **All we are asking is that you strongly reconsider the number of dwellings to be built.** Common sense dictates that if you increase the number of dwellings and hence the number of drivers on the roads, that you create at least one road or more that will sustain the increase in traffic. **A road that connects the area out to Upper Wellington is crucial and essential.** This should be the number one priority of both the City of Hamilton and developers. To ignore this will cause so much undue stress on the lives of those of us who live in the area. Not only are the roads busy, but there are so many pedestrians including seniors and students and it is so dangerous for them to cross Stone Church Road as it is, can you imagine with the increase in traffic? As we all know, in the last few years, the traffic situation in Hamilton overall has changed: there are many more cars on the road and where once it would have taken 15 minutes to get somewhere, it now takes double that. **We need to think of the traffic situation first before any new developments can take place.** You have the responsibility to recognize how your actions and decisions made today will affect the citizens of the area and ultimately the entire city.

While some sort of development is welcome, the proposed plan is not compatible with the existing community. It is easy for someone who does not live in the area and will therefore not be impacted by this development to defend it and promote it but please think of those of us whose lives will drastically change. The safety of our homes will be compromised. Another solution can certainly be found - there must be a way to move forward with a development plan that respects the wishes of those of us that have lived here for almost 50 years.

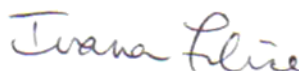
Changes to the proposed plan that are an absolute must are: a decrease in the proposed number of dwellings and providing additional access roads other than Crerar Drive and Stone Church Road East. No development should go ahead unless a new thoroughfare is created and the number of dwellings significantly reduced.

A solution must be found that allows development while at the same time shows respect to the residents and taxpayers of the area and takes their concerns into consideration. It is the city councillors’ and developers’ responsibility to do the right thing. It is always our hope that the city act in the best interests of its citizens and if this proposed plan proceeds without any changes, a conscious choice is being made to not do that.

Sincerely,



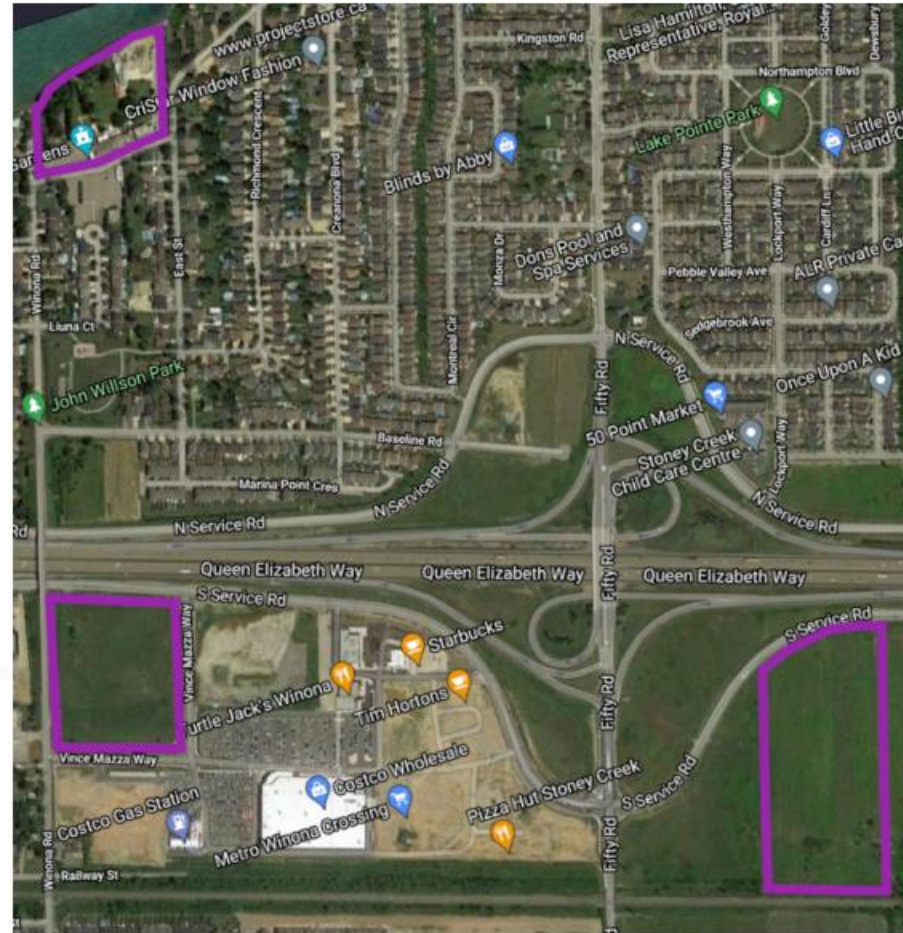
Rosanna Filice



Ivana Filice

cc. Fred Eisenberger, Mayor, City of Hamilton
 Esther Pauls, Ward 7 Councillor, City of Hamilton
 Tim Vrooman, Senior Planner, Planning and Economic Development, City of Hamilton
 Ohi Izirein, Senior Project Manager, Development Planning, City of Hamilton
 John-Paul Danko, Ward 8 Councillor, Chair of the Planning Committee, City of Hamilton
 Jason Farr, Ward 2 Councillor, 1st Vice-Chair of the Planning Committee, City of Hamilton
 Brenda Johnson, Ward 11 Councillor, 2nd Vice-Chair of Planning Committee, City of Hamilton
 Members of the Planning Committee, City of Hamilton

26 Winona Road



1290 South Service and Vince Mazza Way



1400 South Service Road



BACKGROUND

Prior to the submission of this development application, the land was approved by Council to be brought into 05-200 Zoning as part of the Commercial & Mixed Use Zones. That rezoning was appealed by the owners and is part of the “Site Specific Group” under appeal PL171450 at the Ontario Land Tribunal. As per the most recent Procedural Order agreed upon by all the parties to the appeals, the site specific group of appeals will be heard sometime following the “City-wide Group” hearing which is scheduled for 5 weeks commencing on February 14, 2022.

Prior to the current appeal, in 2015, at the request of the owner the land was rezoned from Agricultural Specialty Zone to SC 2-8-H (Shopping Centre). Hence, the subject land is still legally governed by the Stoney Creek Zoning ByLaw Regulations 3682-92

Issue #1 – We note that the planning process has been measured against Zoning 05-200.

Zoning 05-200 is not in force and effect for the subject land. It is premature to measure the proposed OPA/ZBLA against 05-200. The proposed OPA/ZBLA should be measured against 3682-92.

OPA/ZBLA

The proposal is for a development consisting of 23 buildings:

- 1 – Maintenance Waste Building
- 16 – Residential Only buildings (70%)
- 1 – Commercial Only building
- 6 – Mixed Use buildings (26%)

The proposal is a “Residential & Mixed Use”. It is not a “Commercial & Mixed Use” proposal.

Issue #2 – A change in land use to ‘residential & mixed use’ should be governed by 3692-92 Stoney Creek Zoning Regulations due to the absence of Residential Zones in 05-200.

OPA/ZBLA

The applicant has requested a C5 zoning. As per the intent of C5 zoning “although residential uses are permitted, either as single or mixed-use buildings, this zone is predominantly commercial”.

As per our DC By-law, a “mixed use development” means “a building (emphasis added) used, designed or intended for use for both (emphasis added) residential and non-residential use”

Issue #3 – The proposal is not predominantly commercial, is not predominantly mixed-use and therefore does not adhere to the general intent of the zoning regulations and bylaws.

PRECEDENTS

The applicant recently completed a similar development of stacked townhomes in Stoney Creek. In May 2018, Council approved a RM3 zoning under the residential zones of 3692-92. RM3 allows for ground floor commercial. There are other similar developments through out Hamilton that were also measured against Residential zoning standards.

Issue #4 – More appropriate alternatives that are more consistent with the general intent of zoning standards exist within the Zoning Regulations available on the shelf.

VARIANCES

There are an exorbitant amount of variances requested. It is our opinion this is because a Mixed Use Commercial standard is used as the foundation for what is a Residential development proposal. The standards for a building with ground floor commercial were written after a very lengthy and extensive public process. Those standards are not an appropriate basis to measure the impact deviations have when a building is residential only.

This proposal has 23 buildings and what appears to be **@ 90% of the gross ground floor area dedicated to residential**; uses accessory to residents. (amenities, front door access/walkways, parking ingress/egress, etc) Yet, those variances have been measured against a commercial intended standard.

Issue #5 – The residents are of the opinion, that collectively, the volume & deviations of the variances will result in unacceptable impacts to the surrounding neighbourhood and that it is not appropriate to defer significant challenges such as but not limited to:

- **Reduced Barrier Free parking spaces**
- **Reduced Barrier Free parking dimensions**
- **Significant features within the MTO setbacks**
- **Significant features (expansive grassed boulevards, sitting areas, infrastructure) within the municipal owned lands**
- **Waste Collection – insufficient turning movements**
- **Unknown size & tenure of Commercial units (“guess” parking requirements)**
- **No conventional public transit**
- **Reduced landscaped areas**
- **Increased yard encroachments.**
- **Zero parking requirements for Commercial units written in to the Zoning by-law (proposed does not ensure provided)**
- **Reduced on-site short term bicycle spaces**
- **Reduced front yard setbacks fronting onto municipal land**

Sent: Friday, December 3, 2021 9:21 AM

To: noreply@hamilton.ca

Cc: Vrooman, Tim <Tim.Vrooman@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>

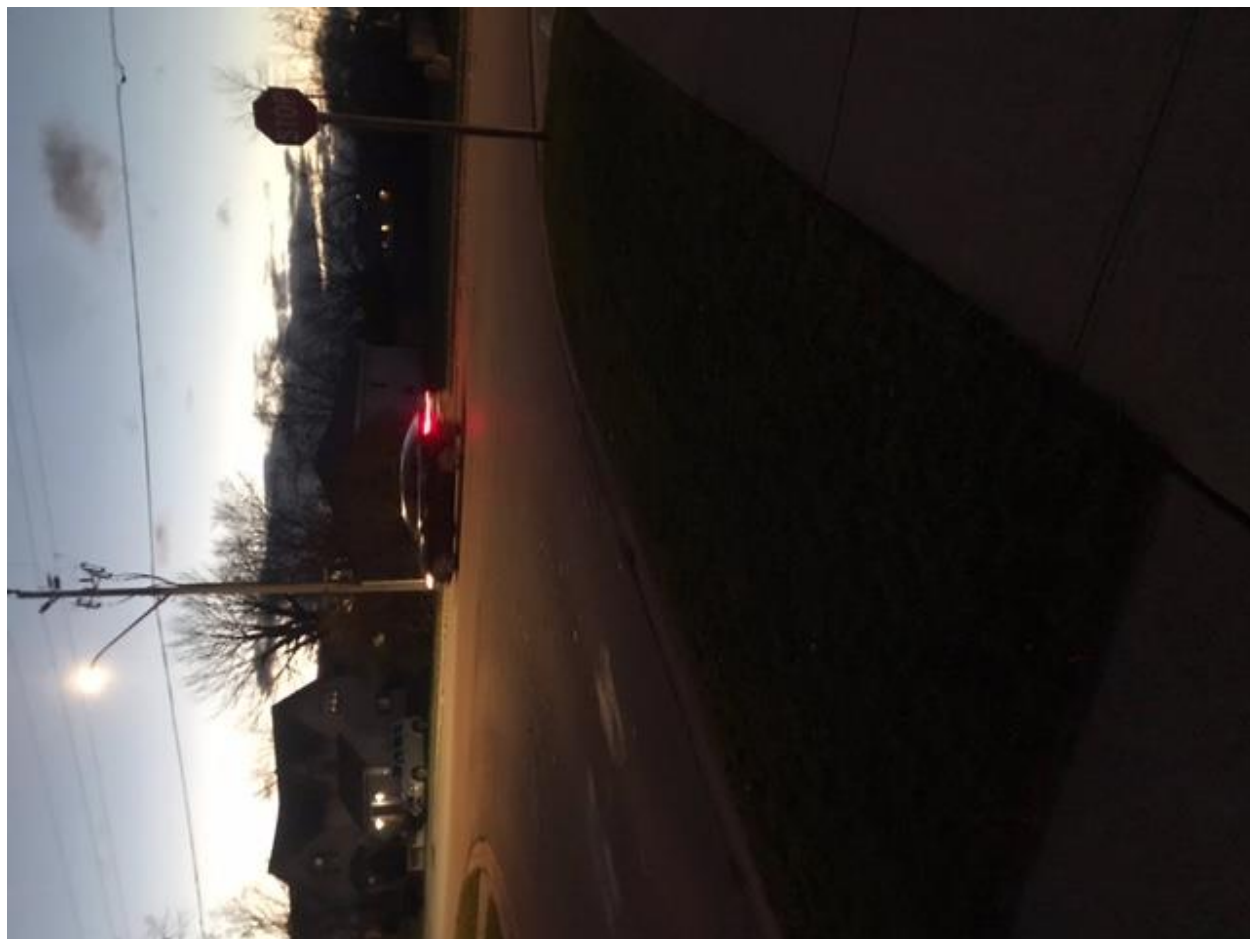
Subject: Re: Public Meeting for UHOPA-21-004 / ZAC-21-008 - 1290 South Service Road and 5 & 23 Vince Mazza Way

Hi tim

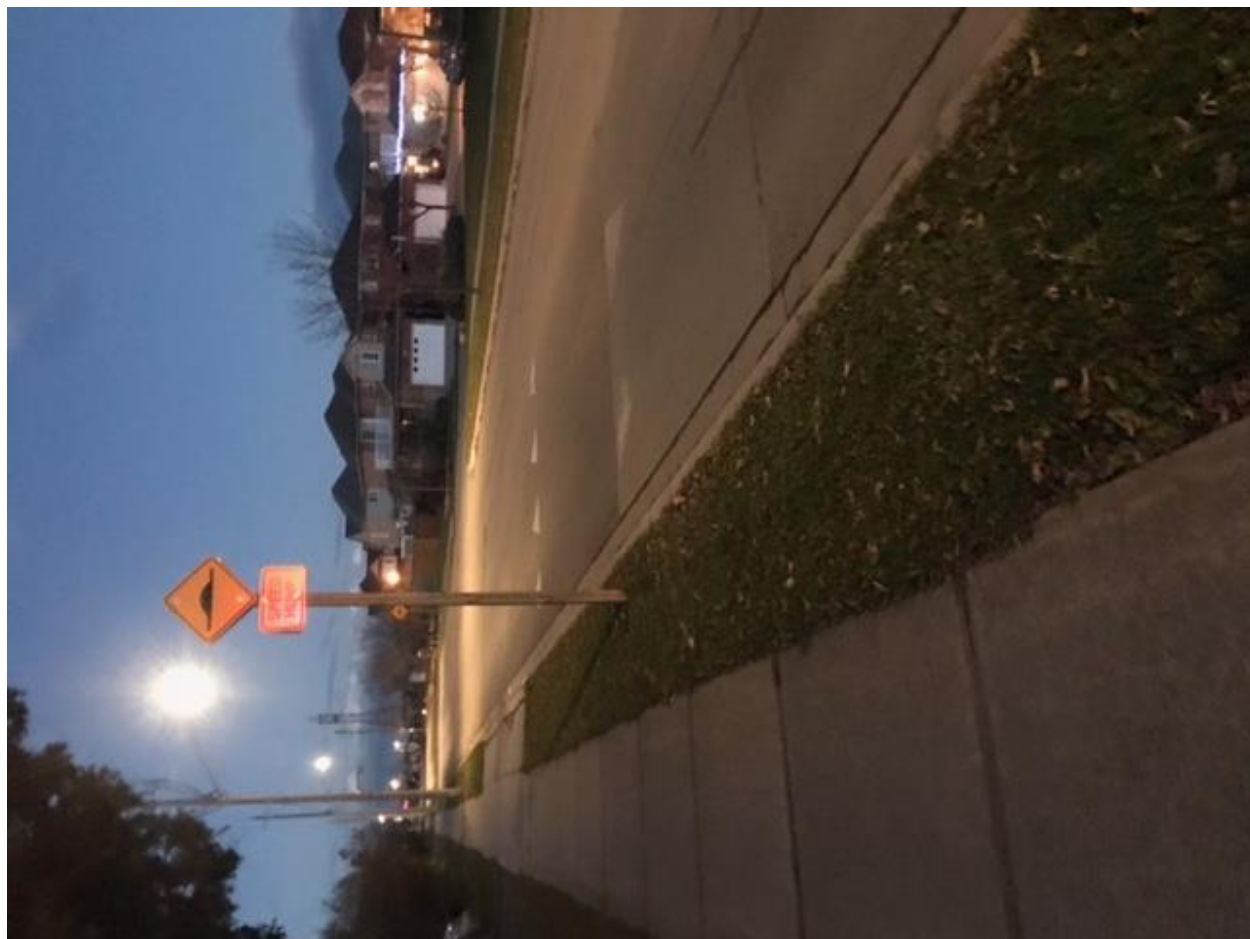
I wish the following to be brought forward as well. At the corner of sinoma lane and winoa road we desperately need a three way stop. The traffic is horrible not only to turn on and off of winona road but just to cross the street. Kids catch buses on the east side and need to cross and some idiots speed right down. Even with speed bumps. This is becoming a pedestrain nightmare.

Pat









Sent from my iPhone

CITY OF HAMILTON

NOTICE OF MOTION

PLANNING COMMITTEE DATE: December 7, 2021

MOVED BY COUNCILLOR DANKO.....

Hamilton Psychiatric Lands – Request to Rescind Minister’s Zoning Order (MZO)

WHEREAS the former Hamilton Psychiatric Hospital lands at West 5th and Fennel are owned by the Province of Ontario, and the Provincial Government is intending to sell the lands for redevelopment;

AND WHEREAS the City's Official Plan has long-identified these lands as forming part of a Major Activity Centre to accommodate critical commercial, institutional and environmental uses which may include new long term care facilities;

AND WHEREAS in February 2017 in anticipation of the Provincial Government disposing of the lands, Council directed staff to undertake comprehensive due diligence and development planning for the property to confirm a holistic vision and plan for the property;

AND WHEREAS in the spring of 2017, staff undertook extensive community consultations including stakeholder interviews with seven major local institutional leaders, a community information meeting, and a stakeholder and community design workshop, to explore potential land use concepts for the redevelopment of the subject lands

AND WHEREAS in October 2017, staff presented the findings of the community consultations through Report PED16254(c) which reaffirmed and extended the City's vision for the lands as described in the City's Official Plan, including a focus on institutional uses, building heights and massing compatible with the Niagara Escarpment and the surrounding lower density residential neighbourhoods, the adaptive reuse of Century Manor, and protecting site lines through the property to the Escarpment Brow;

AND WHEREAS the 2017 review confirmed that the existing I3 Zoning which permits a range of institutional, education and residential uses was appropriate to guide the redevelopment of the HPH lands based on the City’s vision for these lands articulated in the City’s Official Plan as a Major Activity Centre comprised of intuitional, educational and supporting residential uses

AND WHEREAS the Provincial Government, notwithstanding the City's position, and without consultation with the City or any prior notice, approved a Ministers Zoning Order for the subject lands in August 2020 that granted drastically extended zoning

permissions to allow a wide range of residential uses including, single family dwelling, semi-detached dwelling, townhouse dwelling, street townhouse dwelling and multiple dwelling development that are incompatible with the City's vision for the property.

AND WHEREAS in December 2021 the Office of the Auditor General released the 2021 Annual Report which concludes: "the use of and lack of transparency in issuing Minister's Zoning Orders (MZOs) is inconsistent with good land-use planning principles and the purposes of the Planning Act and Places to Grow Act, 2005, which are to provide for planning processes that are fair; encourage cooperation and co-ordination among various interests; and recognize the decision-making authority and accountability of municipal councils in planning."

AND WHEREAS it is anticipated that the Provincial Government will soon be offering the lands for sale for redevelopment;

THEREFORE BE IT RESOLVED:

- (a) That the City of Hamilton formally requests the Provincial Government to rescind the Minister's Zoning Order issued for the former Hamilton Psychiatric Hospital lands and reinstate local planning and site-plan control prior to taking the lands to market;
- (b) That if the Provincial Government refuses to rescind the MZO, that the Province be requested to include the necessary restrictions and requirements within any offering for the former Hamilton Psychiatric Lands that will ensure that the City's vision for the lands is realized, including the adaptive reuse of Century Manor;
- (c) That the Province be requested to undertake community consultation with respect to the terms and conditions of any disposition of the former Hamilton Psychiatric Lands prior to taking the lands to market; and,
- (d) That the Mayor be authorized and directed to share the above resolution with the Premier, the Minister of Municipal Affairs and the local MPPs.