



City of Hamilton
DELEGATED CONSENT AUTHORITY
AGENDA

Meeting #: 24-9 (DA)
Date: November 12, 2024
Time: 1:00 p.m.
Location: Meet as per their delegated authority –
Meetings are not livestreamed

Jamila Sheffield, Secretary Treasurer (905) 546-2424 ext. 4144
cofa@hamilton.ca

	Pages
1. Delegated Consent Authority	
1.1 N/AB-24:64270 Longwood Road South, Hamilton (Ward 1) Agent A.J. Clarke & Associates – F. Kloibhofer Purchaser Longwood Hotels Inc. Owner The Gore District Land Trustee Corporation	3
1.2 N/AB-24:41259 & 265 Wilson Street East, Ancaster (Ward 12) Agent Landwise K. Gillis Purchaser 259 Wilson St. Inc. – B. Brownlow Owner The Trustee Board Ryerson United Church – R. Smith	39



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF APPLICATION
CONSENT

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.:	B-24:64	SUBJECT PROPERTY:	270 Longwood Road South, Hamilton
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APPLICANTS: Owner: The Gore District Land Trustee Corporation
Applicant: Longwood Hotels Inc.
Agent: A.J. Clarke and Associates c/o Franz Kloibhofer

PURPOSE & EFFECT: To permit the creation of a stratified lease for a parcel of land for greater than 21 years and to create a stratified easement over a portion of land for access and maintenance purposes.

	Frontage	Depth	Area
SEVERED LANDS: (for Lease, Parts 1,2, 3 & 7)	138.80 m [±]	103.72 m [±]	11,307.12 m ^{2±}
SEVERED LANDS: (for Easement, Parts 4, 5 & 6)	12.47 m [±]	106.89 m [±]	1,439.15 m ^{2±}
RETAINED/REMAINDER LANDS:	217 m [±]	222 m [±]	45,765.33 m ^{2±}

Associated Planning Act File(s): DA-23-28 & A-24:230

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

This application will be decided upon by the Consent Authority, the Director of Planning and Chief Planning, no earlier than:

Tuesday, November 12, 2024

B-24-64

For more information on this matter, including access to drawings illustrating this request and other information submitted:

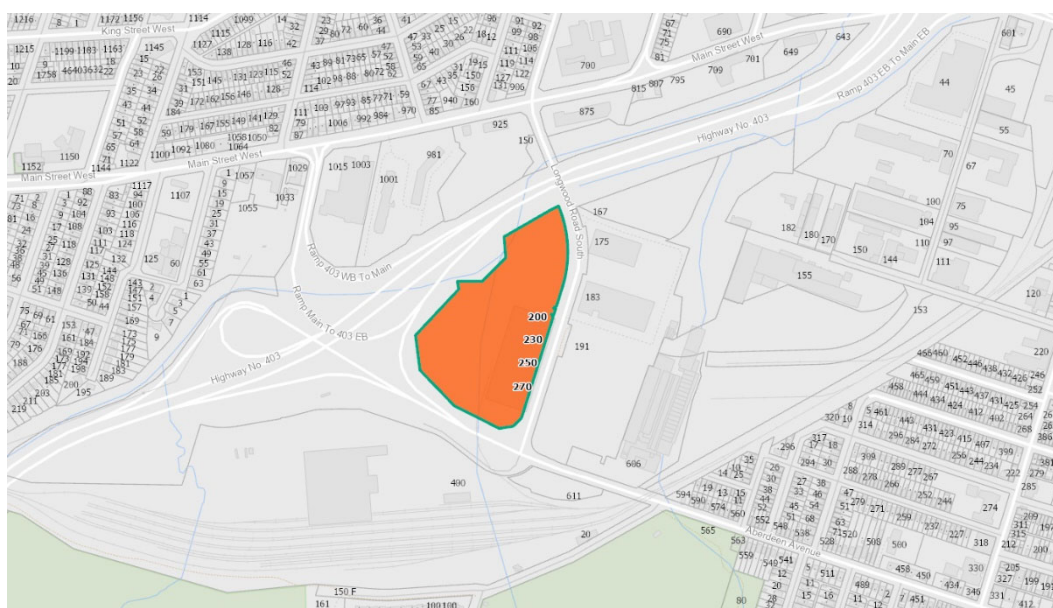
- Visit www.hamilton.ca/committeeofadjustment - Delegated Consent Authority Tab
- Email Committee of Adjustment staff at cofa@hamilton.ca


PUBLIC INPUT

Written: If you would like to submit written comments to the Consent Authority, you may do so via email or hardcopy. Written comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Date of Decision.**

Comments will be available on **November 8, 2024** on our website: www.hamilton.ca/committeeofadjustment

Orally: Oral comments are not able to be submitted.



 Subject Lands

DATED: October 24, 2024

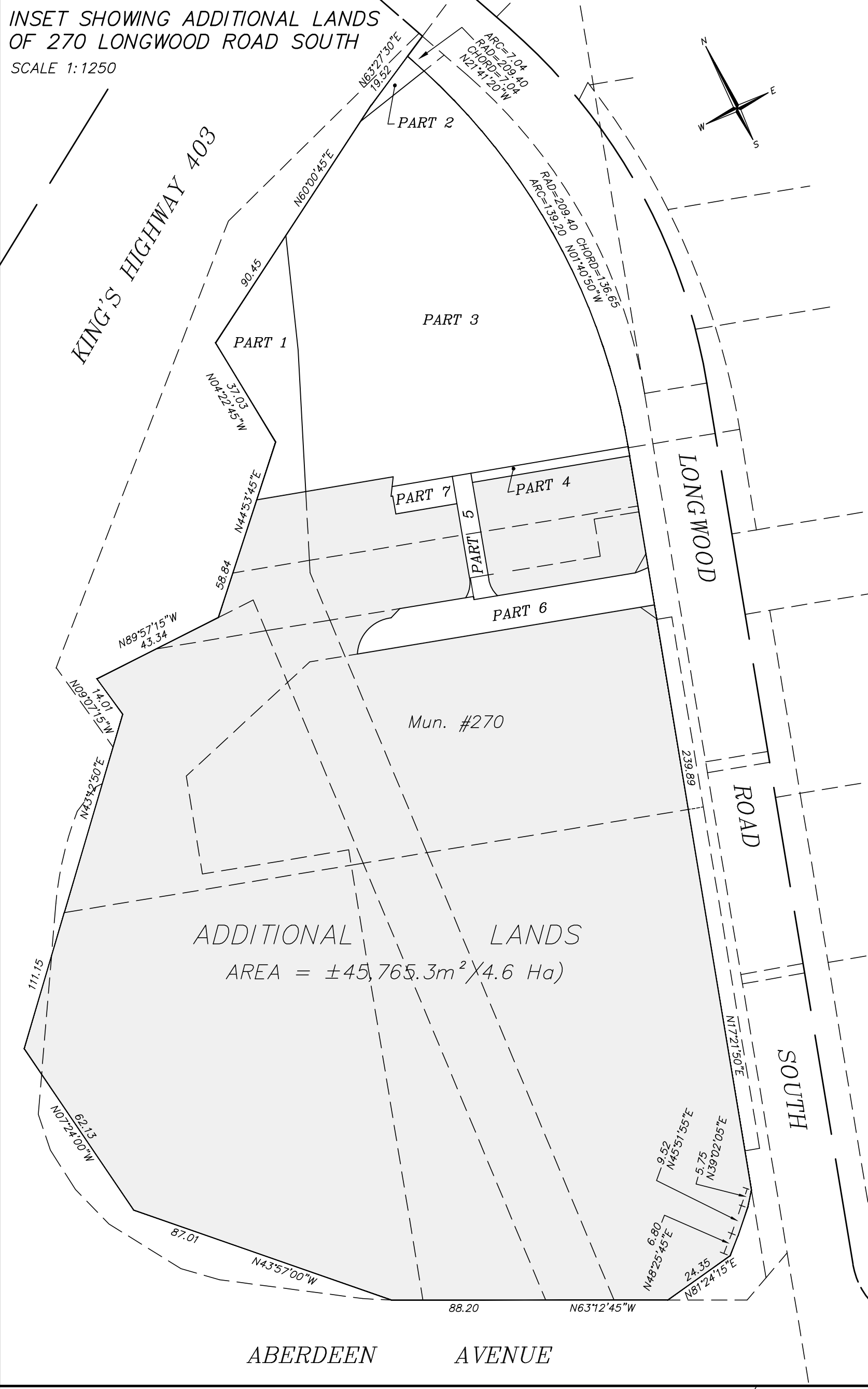
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

If a person or public body that files an appeal of a Decision in respect of the proposed consent does not make written submissions before the Consent Authority gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

B-24:64

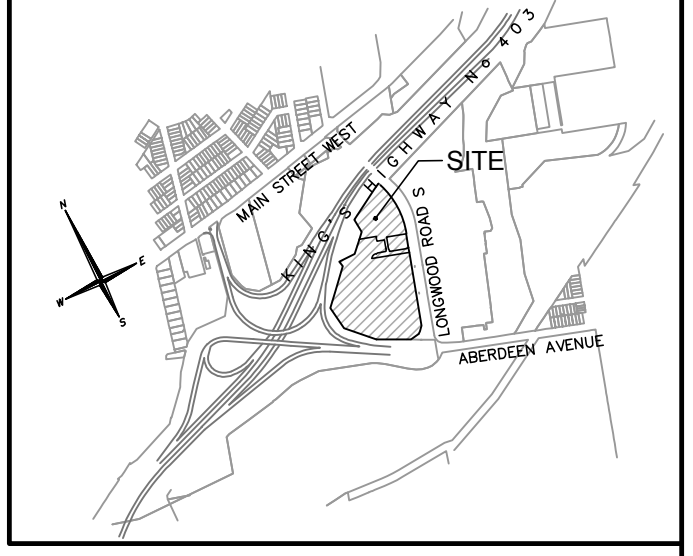
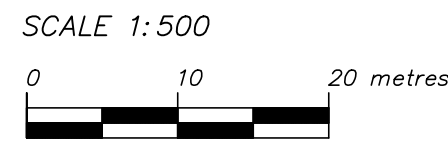
If you wish to be notified of the Decision of Consent Authority in respect of the proposed consent, **you must make a written request** to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at cofa@hamilton.ca or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5. A copy of the Decision will only be sent to those who request.



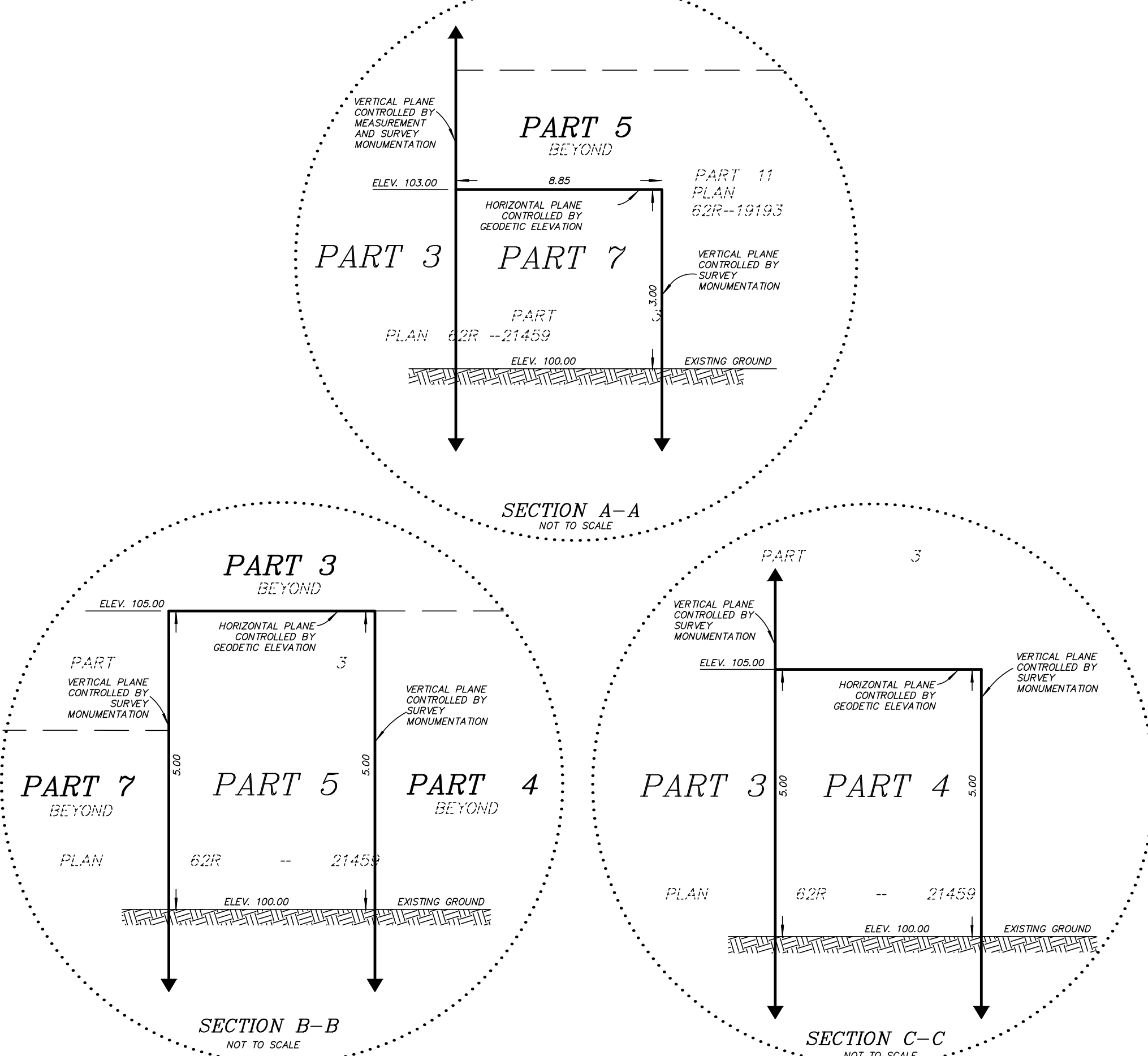
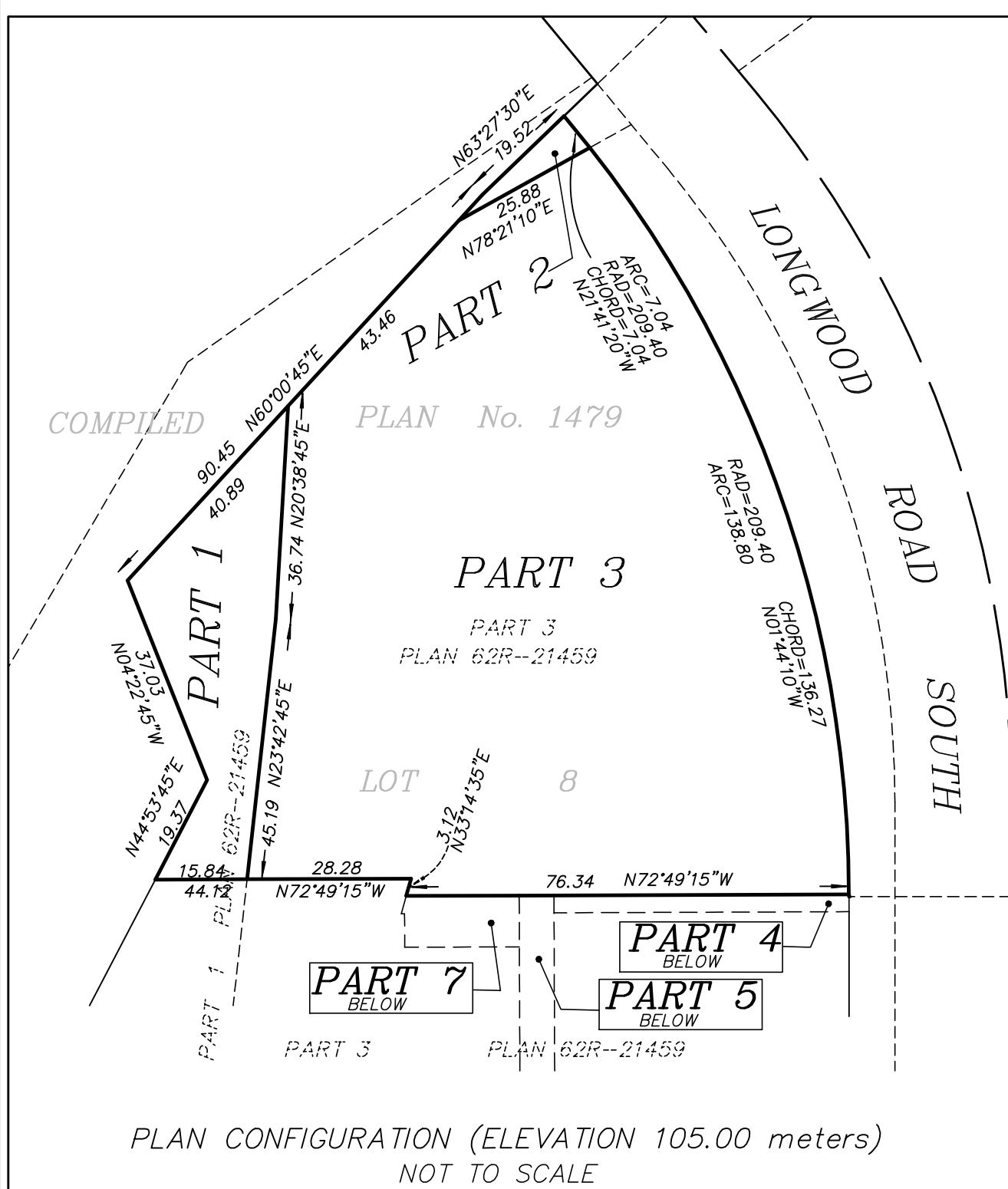
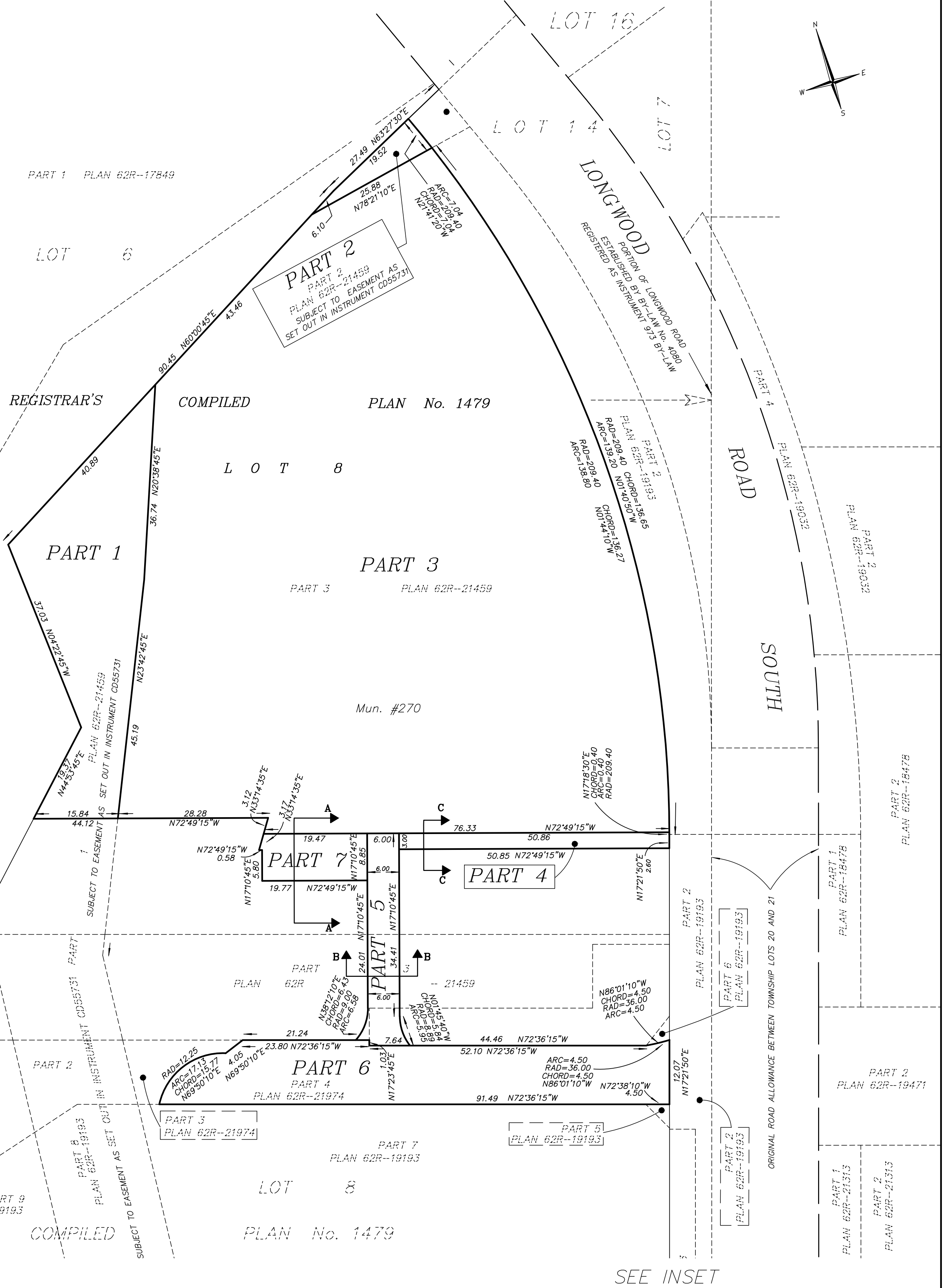
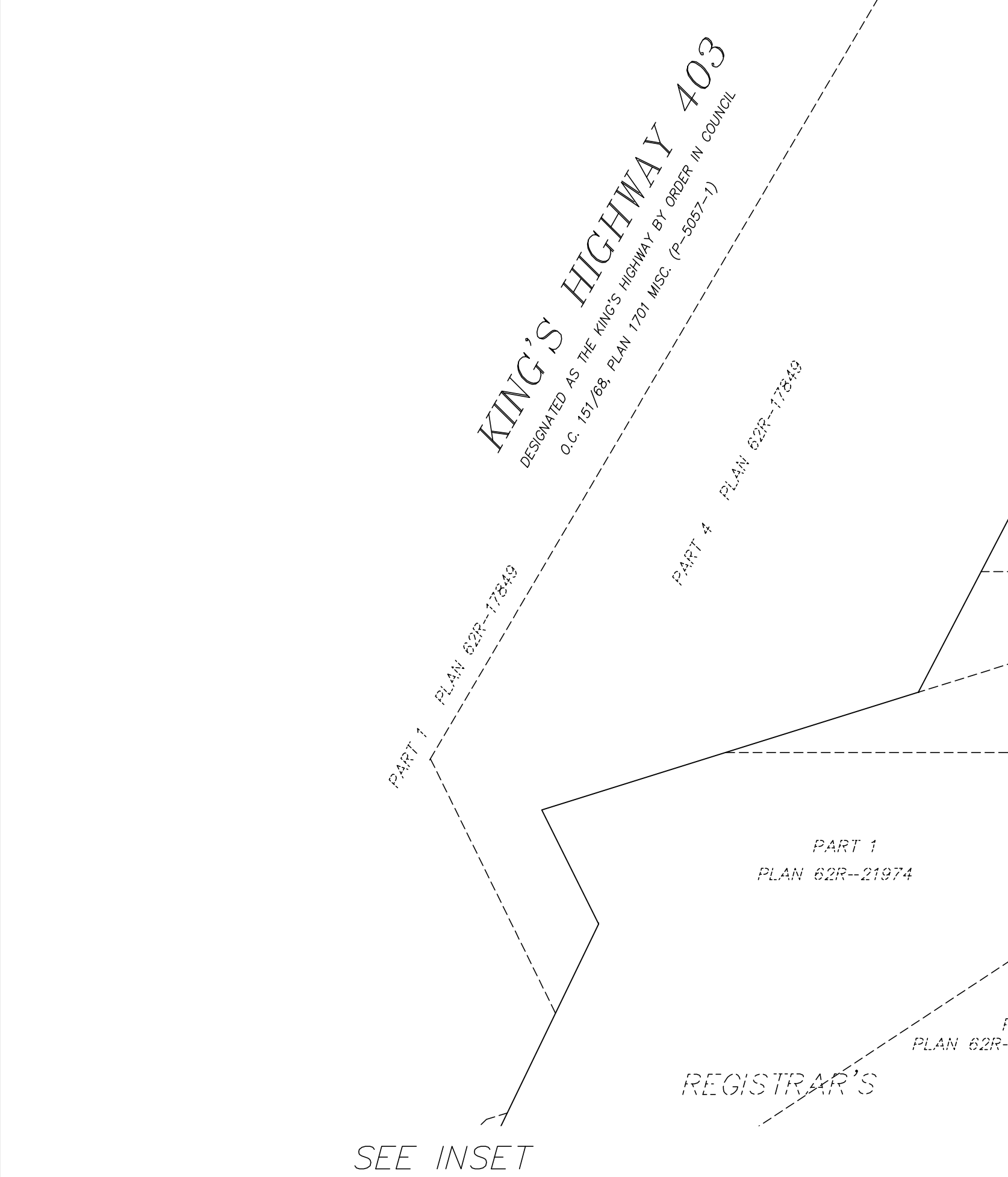
SKETCH FOR CONSENT APPLICATION

270 LONGWOOD ROAD SOUTH

CITY OF HAMILTON



THE ABOVE NOTED LANDS ARE PART OF LOT 8 REGISTRAR'S COMPILED PLAN No. 1479 CITY OF HAMILTON



METRIC: DISTANCES SHOWN ON THIS SKETCH ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTE: SURVEY INFORMATION SHOWN ON THIS SKETCH IS BASED ON COMPILED SURVEY PLANS ON FILE IN OUR OFFICE.

THIS SKETCH IS PREPARED TO ACCOMPANY AN APPLICATION TO THE LAND DIVISION COMMITTEE AND IS NOT INTENDED FOR REGISTRATION.

CAUTION: THIS IS NOT A PLAN OF SUBDIVISION AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.

CONSENT SCHEDULE:

PART 1 - LANDS TO BE LEASED	AREA (1,204.59m ²)
PART 2 - LANDS TO BE LEASED	AREA (93.09m ²)
PART 3 - LANDS TO BE LEASED	AREA (7,751.82m ²)
PART 4 - PROPOSED ACCESS EASEMENT	AREA (152.77m ²)
PART 5 - PROPOSED ACCESS EASEMENT	AREA (246.87m ²)
PART 6 - PROPOSED ACCESS EASEMENT	AREA (975.53m ²)
PART 7 - LANDS TO BE LEASED	AREA (175.39m ²)

JULY 11 2024
DATE

NICHOLAS P. MUTH
ONTARIO LAND SURVEYOR

A. J. Clarke and Associates Ltd.
SURVEYORS • PLANNERS • ENGINEERS
25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO, L8P 1H1
TEL. 905-528-8761 FAX 905-528-2289
email: ajc@ajclarke.com

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A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

September 27, 2024

City of Hamilton
Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Attn: Ms. Jamila Sheffield
Secretary Treasurer, Committee of Adjustment (*email: Jamila.Sheffield@hamilton.ca*)

**Re: Consent to Lease Application Submission
(Related to Site Plan Approval Application DA-23-028)
270 Longwood Road South, Hamilton, Ward 14**

A.J Clarke and Associates Ltd. is retained by both the owners of and the prospective lessee of part of the parcel known as 270 Longwood Road South, Hamilton, to act as planning consultant and agent for their project. This application is for both a Consent to Lease and for Consent for an Easement.

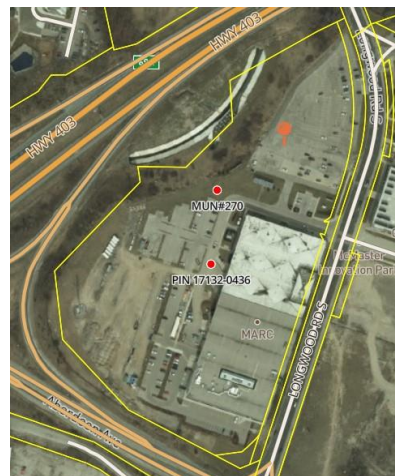
The project is the development of a hotel on the northern part of the parcel. A Site Plan Approval Application was submitted on December 22, 2022, and has the file number DA-23-028. Special Condition #8 requires the owner “apply for and receive approval of a Consent Application for a Lease greater than 21 years...” This application is to satisfy this requirement.

The subject parcel has many addresses, but it is listed in the City GIS system as 270 Longwood Road South.

PIN: 17132-0436

Legal Description: LT 8 REGISTRAR'S COMPILED PL
1479, PTS 1, 2, 3 & 4 62R-3576; EXCEPT PTS 1 TO
6 62R-19193, PT 1 62R-20439; S/T TO AN
EASEMENT OVER PTS 3 & 4 62R-3576 AS IN
CD55731, EXCEPT THE T/W THEREIN CITY OF
HAMILTON

Area: 58,494.89 msq



A fulsome submission package has been prepared accordingly, and we are pleased to provide the following materials as a complete application:

- 1) This Cover Letter
- 2) Completed Consent to Sever Application Form
- 3) Severance Sketch
- 4) Conditional Approval Letter for Site Plan Approval DA-23-028
- 5) Conditional Approval Site Plan for Site Plan Approval DA-23-028



270 Longwood Road South, Hamilton, Ward 14
Consent Application

September 27, 2024

The fees for the processing of planning application, \$2,080.00, are intended to be delivered via Electronic Funds Transfer (ETF). If that is not feasible, the fees will be paid by a cheque to be delivered to the City. Please contact Tony Gill, Vice President, Real Estate, Longwood Hotels Inc. He may be reached at (905) 220-9871 or via email at tony@sigmagroup.ca.

The subject lands are described in a Strata Plan of Survey, included in this application package. For reference, please see Appendix A at the end of this letter.

- Parts 1, 2, 3, and 7 are to be Leased.
 - Parts 1 & 2 are subject to an easement in favour of the City of Hamilton.
 - Part 7 has strata, being on the ground to a height of 3 metres.
- Parts 4, 5, and 6 are to be Subject to an Access Easement.
 - Part 4 has strata, being on the ground to a height of 3 metres.
 - Part 5 has strata, being on the ground to a height of 5 metres.
 - Part 6 outlets to a signalized intersection on Longwood Road South.
- The entirety of the subject parcel is to be subjected to an Environmental Easement.
 - In favour of Metrolinx and their operations.

The strata area above Parts 4, 5, and 7 is planned for a future parkade and student residence structure. This aerial area will be accessed from the retained lands. The conceptual massing of this future development is labeled 'E5' and 'J' in the 2020 MIP Master Plan conceptual drawing. Access from the leased lands to the strata areas will not be required. For reference, the planned hotel is labelled '9' on this drawing.

If there are any difficulties with the files or omissions from the package, please do not hesitate to contact me directly.

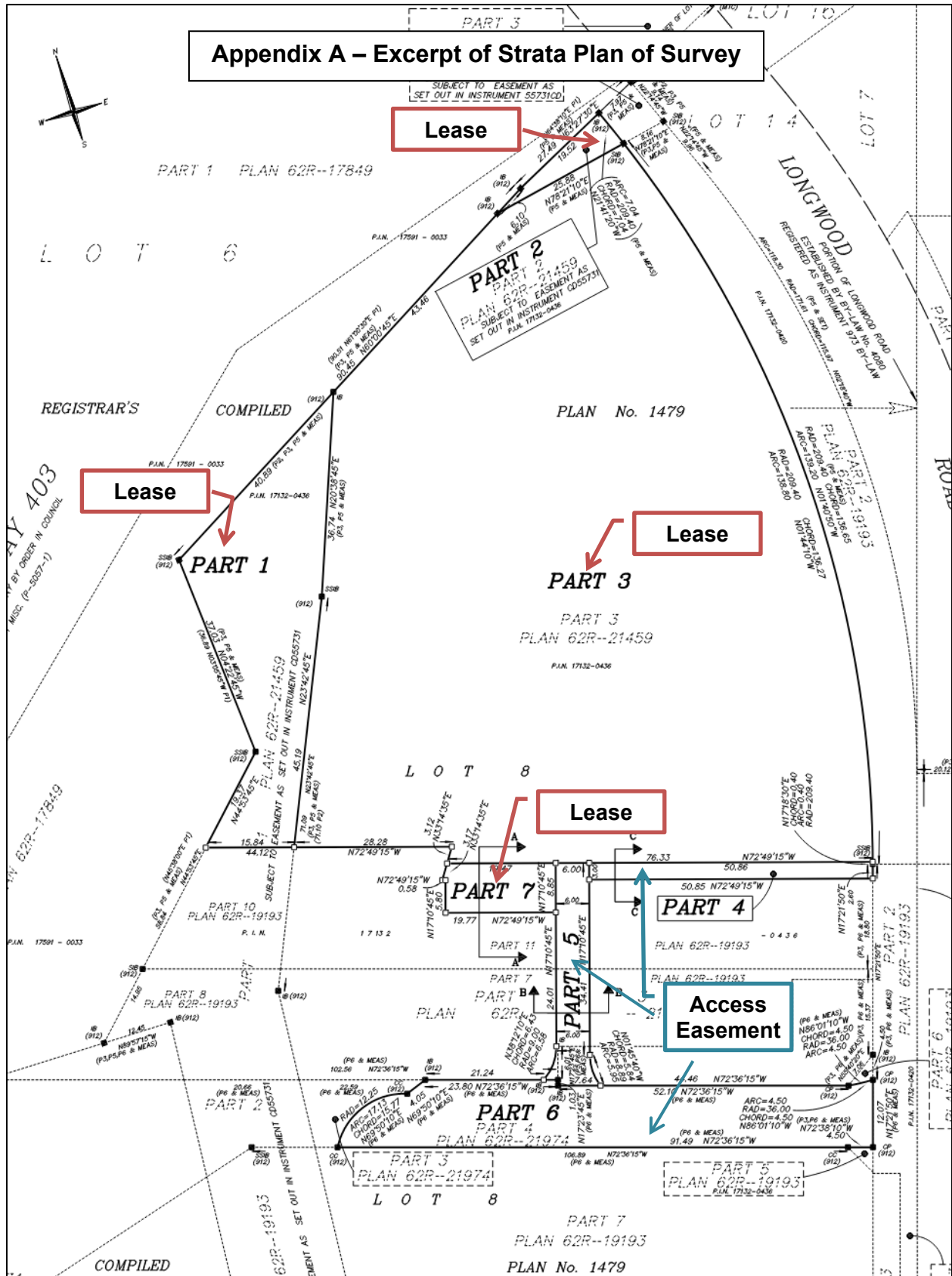
Regards,

Liam Doherty, RPP
Senior Planner

905-528-8761 ext. 287
liam.doherty@ajclarke.com



Figure 1: Part of 2020 Master Plan Concept





Hamilton

July 11, 2024

File: DA-23-028

A.J. Clarke and Associates
c/o Franz Kloibhofer
25 Main Street East, Suite 300
L8P 1H1
Franz.kloibhofer@ajclarke.com

**Re: Concurrent Site Plan / Building Plan Review Process
Site Plan Control Application by A.J. Clarke and Associates c/o Franz Kloibhofer for Lands Located at 270 Longwood Road South, Hamilton (Ward 01)**

Your application to construct a 7-storey Hotel with 162 hotel rooms with 88 onsite parking spaces and 30 offsite parking spaces for a total of 118 parking spaces was conditionally approved by the Manager of Heritage and Urban Design on July 11, 2024, subject to an Undertaking pursuant to Section 41 of the *Planning Act*, R.S.O. 1990, c.P.13 being entered into. The City's conditional approval relates to the attached revised site plan dated July 19, 2023 and the comments received as a result of circulation of the application as well as any changes / modifications or revisions required to the plans to implement its conditions of approval.

To start the clearance of conditions process, the Applicant is required to pay to the City of Hamilton the applicable **clearing of conditions fee** (current rate at time of payment) in accordance with the applicable Planning Division Fee Structure.

The City's conditional approval has been structured to allow the Applicant to participate in the Concurrent Site Plan / Building Plan Review Process subject to the Applicant entering into the Acknowledgement with the Building Division.

Upon clearance of the Section 2 conditions below, and subject to receiving a clearance letter from Development Planning, the Applicant may submit building plans for Building Plan Review under the Concurrent Site Plan process. Upon clearance of the conditions in Section 2 and Section 3, and subject to receiving a clearance letter from Development Planning, a building permit application may be submitted to the Building Division and, subject to the satisfaction of the Building Division, a building permit may be issued.

The City's approval requires satisfactory completion of all the following conditions:

Re: **CONCURRENT SITE PLAN / BUILDING PLAN REVIEW PROCESS**
Site Plan Control Application by A.J. Clarke and Associates c/o
Franz Kloibhofer for Lands Located at 270 Longwood Road South,
Hamilton (Ward 01)

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1. SITE PLAN

1. (a) To develop and maintain the site in compliance with the Site Plan, dated July 19, 2023 attached hereto and hereinafter referred to as the "Site Plan". Minor changes to the Site Plan or condition(s) shall be permitted only upon written approval from the City's Director of Heritage and Urban Design.

Approval Limitation

1. (c) That in the event there has been no submissions made to clear conditions for a period of two (2) years this approval shall be considered inactive. To reactivate this approval a notice to the Manager of Heritage and Urban Design shall be provided with a description of any changes to the proposed development and payment of a second Site Plan Control Full Application Clearing of Conditions Fee (fee determined based on fee schedule in effect at the time of reactivation). The applicant is responsible to monitor when submissions have been made to ensure that the application remains active.

Ground Cover to Prevent Soil Erosion

1. (d) Where the construction or demolition of a building, or buildings, or site development works are, in the opinion of the City's Director of the Building Division, substantially suspended or discontinued for more than 45 days the Owner shall forthwith provide suitable ground cover to prevent soil erosion by wind, rain and snow for the protection of adjoining lands to the satisfaction of the said Director.

Garbage Collection

1. (e) The Owner acknowledges that garbage collection for the proposed development shall be in accordance with the applicable Municipal By-Law.

2. PRIOR TO THE SUBMISSION FOR BUILDING PLAN REVIEW

Erosion and Siltation Control

2. (a) To show all erosion and siltation control features in detail on a Grading and Drainage Control Plan hereinafter described in Section 3(b); to the satisfaction of the City's Manager of Development Engineering and the Hamilton Conservation Authority and to implement all such erosion and siltation control measures. The Owner further agrees to maintain all such measures to the satisfaction of the City's Manager of Development Engineering until the site has been fully developed as determined by the City's Director of Heritage and Urban Design.

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Tree Management

2. (b) To prepare a Tree Preservation/Enhancement Plan as part of the required Landscape Plan hereinafter described in Section 3(e), showing the location of drip lines, edges and existing plantings, the location of all existing trees and the method to be employed in retaining trees required to be protected; to obtain approval thereof from the City's Director of Heritage and Urban Design; and to implement all approved tree savings measures. Prior to the implementation of the Plan or any site alteration, the applicant shall provide the associated securities and a Verification of Tree Protection Letter, prepared by a qualified professional and approved to the satisfaction of the Director of Planning and Chief Planner.

Fill Permits

2. (c) To obtain a permit from the Hamilton Conservation Authority, pursuant to the Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation under Ontario Regulation 97/04.

Building Elevations

2. (d) To submit a digital copy of final building elevations to the satisfaction of the City's Director of Heritage and Urban Design. Minor changes to the Building Elevations or condition(s) shall be permitted only upon written approval from the City's Director of Heritage and Urban Design.

Interior Garbage Storage/Outdoor Garbage Containers

2. (f) To show the following on the required Site Plan:
 - i) The location of any vaults, central storage and collection areas, or other facilities for the storage of garbage and recyclable material, including those which may be internal to a proposed or existing building; or
 - ii) The location of any outdoor garbage and recycling containers and details for a supporting concrete pad and, if required by the City's Director of Heritage and Urban Design, a roofed enclosure having a height sufficient to conceal the containers.

Cost Estimate and Letter of Credit

2. (g) i) To provide cost estimates for 100% of the total cost of all exterior on-site works to be done by the Owner. Such cost estimates shall be in a form satisfactory to the City's Director of Heritage and Urban Design; or be prepared in accordance with the Guides for estimating security requirements for landscaping and engineering.

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- ii) Calculate the lump sum payment for exterior works using the City's Letter of Credit Policy or Surety Bond Policy to the satisfaction of the City's Director of Heritage and Urban Design.
- iii) To provide an irrevocable Letter of Credit or Surety Bond to the City's Director of Heritage and Urban Design for 75% of the total cost of all on-site development works in a form satisfactory to Finance (Development Officer, Budget, Taxation and Policy) to be held by the City as security for the completion of the on-site development works required in this Agreement.

Alternatively, the owner may choose to provide a lump sum payment for on-site works in accordance with 2. (g) ii). above.

- iv) The Letter of Credit or Surety Bond shall be kept in force until the completion of the required site development works in conformity with the approved design and requirements, securities may be reduced in accordance with the City's Letter of Credit Policy or Surety Bond Policy. If the Letter of Credit or Surety Bond is about to expire without renewal thereof and the works have not been completed in conformity with their approved designs, the City may draw all of the funds so secured and hold them as security to guarantee completion unless the City Solicitor is provided with a renewal of the Letter of Credit or Surety Bond forthwith.
- v) In the event that the Owner fails to complete, to the satisfaction of the City's Director of Heritage and Urban Design, the required site development works in conformity with its approved design within the time required, then it is agreed by the Owner that the City, its employees, agents or contractors may, at the City's sole option and in addition to any other remedies that the City may have, enter on the lands and so complete the required site development works to the extent of monies received under the Letter of Credit or Surety Bond. The cost of completion of such works shall be deducted from the monies obtained from the Letter of Credit or Surety Bond. In the event that there is a surplus, the City shall pay it forthwith to the Owner. In the event that there are required site development works remaining to be completed, the City may exercise its authority under (Section 446 of the Municipal Act) to have such works completed and to recover the expense incurred in doing so in like manner as municipal taxes.

1. PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS

- 3. (a) Satisfy all pre-grading conditions set out in Section 2 above.

Grading and Drainage Control

- 3. (b) i) To prepare a detailed Grading and Drainage Control Plan showing drainage details for the subject property, abutting properties and public rights-of-way so as to ensure compatible drainage, and to show thereon all existing and proposed connections to the municipal storm sewer to provide for that

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drainage i.e. catch basins/leads etc. to the satisfaction of the City's Manager of Development Engineering and Hamilton Conservation Authority.

- ii) To pay a fee (current rate at time of payment) for the final inspection all aboveground features, such as but not limited to, landscaping, drainage, roads, driveways, noise barriers/fencing, lighting, etc., to the satisfaction of the City's Manager of Development Engineering.

Storm Water Management Design

3. (c) To submit to the satisfaction of the City's Manager of Development Engineering and Hamilton Conservation Authority detailed engineering design for storm water management or to receive from the said Manager an exemption from this requirement.

Landscape Plan

3. (e) To prepare a Landscape Plan showing planting and surfacing details for all areas not covered by buildings, structures, loading areas or parking areas; and to obtain approval thereof from the City's Director of Heritage and Urban Design.

Fencing/Visual Barriers

3. (f) To obtain approval of the details of all fencing and visual barriers as indicated on the Site Plan, from the City's Director of Heritage and Urban Design, as part of the approval of the Landscape Plan.

Boulevard Sodding

3. (g) To show on the required Landscape Plan, planting and surfacing details for the portion of all adjacent public property located between the sidewalks, curbs or streets and the Owner's property line so as to ensure a contiguous landscaped area between the public streets and the Owner's proposed development to the satisfaction of the City's Director of Heritage and Urban Design.

Site Lighting-Design

3. (i) To prepare a Site Lighting Plan, including lighting for any underground parking facilities, and to submit said plan with a signed certification from an Electrical Engineer stating that said plan complies with Section 3.9 "Lighting" of the City of Hamilton Site Plan Guidelines to the satisfaction of the City's Director of Heritage and Urban Design.

Site Servicing Plan

3. (k) i) To submit to the City's Manager of Development Engineering a satisfactory Site Servicing Plan and pay the applicable drawing review fee based on the

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approved User Fees Schedule for the year that the Servicing Plans are submitted for review.

- ii) To pay for and obtain the required Site Servicing Permits, the cost of which will be calculated based on the approved servicing design.

Ministry of Transportation

3. (m) To obtain a Building/Land Use Permit from the Ministry of Transportation.

Cash-in-Lieu of Parkland

3. (n) To pay to the City of Hamilton Park Trust Fund Account the required cash-in-lieu of parkland contribution based on the value of the lands the day before the issuance of a Building Permit.

Development Charges

3. (o) To pay to the City of Hamilton all applicable Development Charges in accordance with the Development Charges By-law, as amended, to the satisfaction of the City's Director of the Building Division.

Site Plan Drawing

3. (p) To submit a digital copy of the final site plan drawing to the satisfaction of the City's Director of Heritage and Urban Design.

Taxes

3. (q) To submit proof from the Taxation Division that the Municipal Taxes are current on the subject lands to the satisfaction of the City's Director of Heritage and Urban Design.

Tariff of Fees

3. (r) To pay to the City of Hamilton the applicable additional charges as per the Tariff of Fees By-law for the proposed development type as follows:
 - i) Commercial – current rate at time of payment per m² of new gross floor area to a maximum of 50,000m² to the satisfaction of the City's Director of Heritage and Urban Design.

Wastewater Assessment

3. (s) To submit a wastewater generation assessment using Part 8 of the latest edition of the Code and Guide for Sewage Systems to establish an updated equivalent population density, to the satisfaction of the City of Hamilton Public Works Department.

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Water Service Assessment

3. (t) To submit a water service assessment which tabularizes the expected occupancy and provides a water demand estimation and needed fire flow calculation based on City of Hamilton Policy PW19096, to the satisfaction of the City Public Works Department.

Storm Drainage Area Plan

3. (u) To submit a storm drainage area plan that clearly illustrates the extent of the property which will contribute surface water and ground water by direct connection to the existing systems. The plan must also illustrate where runoff from the remainder of the subject property if applicable, will be directed and/or collected. Appropriate runoff coefficients are to be assigned for the consideration and records of the Public Works Department.

4. PRIOR TO OCCUPANCY

Prior to occupancy of the proposed development the Owner agrees to fulfill each of the conditions which follow:

Driveway Closure

4. (a) To complete the closure of all redundant driveways to the City's or Ministry of Transportation's standards.

Driveway Installation

4. (b) To install, at the Owner's cost and to the City's or Ministry of Transportation's standards, new driveway ramps at grade with the (existing, proposed or future) sidewalk. That the Owner must apply for and receive an Access Permit from the Public Works Department or the Ministry of Transportation.

Relocation of Municipal and/or Public Utilities

4. (c) That the relocation of any Municipal and/or Public Utilities, such as but not limited to, street furniture, transit shelters, signs, hydrants, utility poles, transformers, communication pedestals, wires or lines, required due to the location of buildings, structures, walkways, boulevards, driveways, curbing or parking, be arranged and carried out at the Owner's cost, to the satisfaction of the appropriate City Department or Public Utilities.

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Emergency/Fire Routes

4. (d) That any required "Emergency/Fire Routes" shall be established by the City's Director of the Building Division and that such signage shall be installed at the Owner's cost and to the satisfaction of the City's Director of the Building Division.

Traffic Control Signs

4. (e) To install, at the Owner's cost, all required traffic signs, including directional, visitor parking and barrier-free parking signs, to the satisfaction of the City's Senior Project Manager, Corridor Management, Public Works.

Fire Hydrant

4. (g) To install at the Owner's cost, any fire hydrant required by the Ontario Building Code as directed by the City's Director of the Building Division.

Site Servicing

4. (h) To complete site servicing to the satisfaction of the City's Manager of Development Engineering.

5. WITHIN ONE YEAR OF OCCUPANCY (PRIOR TO RELEASE OF CREDIT)

Grading and Drainage Completion

5. (a) To complete the site grading and drainage scheme in accordance with the Grading and Drainage Control Plan approval.

Storm Water Management Implementation

5. (b) To complete any storm water management scheme and all related drainage control facilities in accordance with the approval Plan.

Tree Management

5. (c) To complete the tree management requirements for the lands in accordance with the approved Tree Preservation/Enhancement Plan.

Landscape Completion

5. (d) To complete the landscaping in accordance with the approved Landscape Plan.

Interior Garbage Storage/Outdoor Garbage Container Installation

5. (e) To install or demarcate on-site any vaults, central storage and collection areas, or other facilities for the storage of garbage and recyclable material, in accordance with the approved Landscape Plan.

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Fencing/Visual Barriers Installation

5. (f) To install all fencing and visual barriers as indicated on the Site Plan in accordance with the approved Landscape Plan.

Boulevard Sodding

5. (g) To complete, at the Owner's cost, the landscaping on all adjacent public property in accordance with the approved Landscape Plan.

Curb Installation

5. (h) To install 0.15 metre raised curbing in the locations shown on the Site Plan.

Site Lighting Installation

5. (i) To implement the approved Site Lighting Plan.

Paving

5. (j) To pave all areas intended to facilitate on-site vehicular movement, parking and loading, as shown on the Site Plan with hot-mixed asphalt or equivalent and to demarcate the parking on said surface.

Certification of Site Development Works

5. (k) To submit to the City's Director of Growth Management, Site Development Works Certification Forms prepared by the appropriate consultants, certifying that the site development works required under this approval have been completed in accordance with the respective plans prepared by such consultant and accepted by the City.

In addition to the foregoing conditions, the following **special conditions** are also part of this approval:

PRIOR TO THE SUBMISSION FOR BUILDING PLAN REVIEW

1. That the Owner / Applicant provide a security deposit to the City of Hamilton in the amount of \$25,000.00 for the installation of the minimum 1.5m wide concrete sidewalk along the entire frontage of Longwood Road South to the satisfaction of the Manager of Development Approvals.
2. That the Owner / Applicant investigates the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MOECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning

Re: CONCURRENT SITE PLAN / BUILDING PLAN REVIEW PROCESS Page 10 of 14
Site Plan Control Application by A.J. Clarke and Associates c/o
Franz Kloibhofer for Lands Located at 270 Longwood Road South,
Hamilton (Ward 01)

and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner / applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner and Metrolinx.

3. That the Owner / Applicant shall carry out an archaeological assessment of the entire property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and the Ministry of Citizenship and Multiculturalism (MCM) confirming that all archaeological resource concerns have met licensing and conservation requirements. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the Ministry of Citizenship and Multiculturalism.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).

4. That the Owner / Applicant apply for and receive approval of a Minor Variance application from the Committee of Adjustment to the satisfaction of the Manager of Heritage and Urban Design for the following minor variance(s):
 - a. To allow for a maximum ground floor setback of 11.23 metres, whereas the Zoning By-law permits a maximum ground floor setback of 2.0 metres.
5. That the Owner / Applicant obtain a Zoning Compliance Review for 167 Longwood Road South confirming sufficient parking to supplement 30 offsite parking spaces to the satisfaction of City's Director of Heritage and Urban Design.
6. That the Owner / Applicant submit a Site Plan of the parking lot at 167 Longwood Road South showing the parking spaces reserved with markings for 270 Longwood Road South as part of the offsite parking agreement to the satisfaction of the City's Director of Heritage and Urban Design.
7. That the Owner / Applicant enter into an offsite parking agreement in accordance with Hamilton Zoning By-law 05-200 to the satisfaction City's Director of Heritage and Urban Design and City Legal.
8. That the Owner / Applicant apply for and receive approval of a Consent Application for a Lease greater than 21 years over a portion of the lands known

Re: CONCURRENT SITE PLAN / BUILDING PLAN REVIEW PROCESS Page 11 of 14
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as 200 Longwood Road South to the satisfaction of the City's Director of Heritage and Urban Design.

9. That the Owner / Applicant agrees to provide payment of \$726.40 plus HST (or applicable fee) per tree for road allowance street trees to be planted by the City of Hamilton, as approved through the review of a proposed street tree planting scheme, to the satisfaction of the Manager of Forestry and Horticulture.
10. That the Owner / Applicant submits and receives final approval of a Visual Impact Study to the satisfaction of the City's Director of Heritage and Urban Design.
11. That the Owner / Applicant shall finalize municipal addressing with the Legislative Approvals Section, to the satisfaction of the Director, Growth Management & Chief Development Engineer.

PRIOR TO ISSUANCE OF ANY BUILDING PERMITS

12. That the Owner / Applicant shall submit and receive final approval of the McMaster Innovation Park Master Plan Transportation Impact Study & Parking Study that evaluates the requirements and improvements necessary to facilitate the building of the entire McMaster Innovation Park (MIP) lands, to the satisfaction and approval of the Manager, Transportation Planning.
13. That the Owner / Applicant shall enter into an External Works Agreement with the City to undertake infrastructure improvements as determined by the operational and qualitative findings of the McMaster Innovation Park Master Plan Transportation Impact Study & Parking Study in conjunction with Transportation Planning staff. All associated costs shall be at the responsibility of the proponent to the satisfaction and approval of the Manager, Transportation Planning.
14. That the Owner / Applicant shall submit and receive final approval of the site plan illustrating the location of all proposed municipal driveway access(es) to the satisfaction and approval of the Manager, Transportation Planning.
15. That the Owner / Applicant shall enter into an External Works Agreement with the City to implement a minimum 1.5 metre pedestrian sidewalk along Longwood Road adjacent to the subject property limits from the existing pedestrian crossover to Frid Street subject to the satisfaction and approval of the Manager, Transportation Planning and Manager, Development Engineering.
16. That the Owner / Applicant submit a comprehensive Construction Management Plan addressing: Construction Details/Management, Traffic Management, and Public Communication, and pay the CMP Review Fee for the current year, to the satisfaction of the City's Manager of Development Approvals.

Re: CONCURRENT SITE PLAN / BUILDING PLAN REVIEW PROCESS Page 12 of 14
Site Plan Control Application by A.J. Clarke and Associates c/o
Franz Kloibhofer for Lands Located at 270 Longwood Road South,
Hamilton (Ward 01)

17. That the Owner / Applicant submit a slope stability assessment by a Licensed Professional to establish the top of the stable slope on the west side of the proposed development, to the satisfaction of the City's Manager of Development Approvals.
18. That the Owner / Applicant submit a Watermain Hydraulic Analysis, identifying the modelled system pressures at pressure district (PD2) level under various boundary conditions and demand scenarios if it cannot be demonstrated that there is adequate service for the proposed development within the existing municipal system based on hydrant tests, to the satisfaction of the City's Manager of Development Approvals.
19. That the Owner shall grant Metrolinx an environmental easement for operating emissions, which is to be registered on title for all uses within 300 metres of the rail right-of-way to the satisfaction of Metrolinx.

If you are agreeable to the conditions of approval, please sign and date in the space provided below and **return a copy to Joseph Sanseverino within 5 days**. However, if you have any questions or concerns with the conditions of this Site Plan Approval, please contact Joseph Sanseverino at 905.546.2424 ext. 1284 or by e-mail at Joseph.Sanseverino@hamilton.ca immediately.

Owner's Signature

Date

Once the applicable conditions have been satisfied, a Building Permit may be issued.

Re: CONCURRENT SITE PLAN / BUILDING PLAN REVIEW PROCESS Page 13 of 14
Site Plan Control Application by A.J. Clarke and Associates c/o
Franz Kloibhofer for Lands Located at 270 Longwood Road South,
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Notes:

1. **The City of Hamilton is in the process of creating a new comprehensive Zoning By-law for the entire City. The new Zoning By-law is being prepared in phases by Land Use topic. New zoning may be implemented which could be different than the current zoning. Accordingly, if a Building Permit has not been issued by the City prior to the new zoning coming into effect, the approved site plan may be affected, related to zoning compliance, which may require further planning approvals (i.e. Minor Variance, Zoning Amendment, etc.).**
2. **The above conditions of site plan approval are separate and independent of any review under the Ontario Building Code (OBC) as part of the Building Permit review process. In the event that a building permit application does not comply with the OBC, a letter outlining the deficiencies or areas of non-compliance will be issued to the owner and/or agent. Site plan review and building permit review are separate and independent processes.**

Yours truly,

Ken Coit, OAA
 Director of Heritage and Urban Design
 Planning Division

KC:js
 Attachment(s)

cc:

Councillor Maureen Wilson, Ward 1
 A. Fabac, Acting Director of Planning and Chief Planner
 K. Coit, Director, Heritage and Urban Design
 S. McKie, Acting Director, Development Planning
 R. Dal Bello, Manager, Development Planning
 T. Collingwood, Manager, Development Planning
 J. Kelemen, Manager, Heritage and Urban Design
 S. Kenney, Manager, Site Planning
 Attn: Joseph Sanseverino
 Jennifer Catarino Area Planning Manager, Development
 Planning
 J. Beckett, Manager, Building Engineering
 B. Korah, Director, Development Engineering

Maureen.wilson@hamilton.ca;
 steve.robichaud@hamilton.ca;
 ken.coit@hamilton.ca;
 anita.fabac@hamilton.ca;
 rino.dalbello@hamilton.ca;
 tricia.collingwood@hamilton.ca;
 jana.kelemen@hamilton.ca;
 sean.kenney@hamilton.ca;

Jennifer.catarino@hamilton.ca;

joyanne.beckett@hamilton.ca;
 rosie.hagerty@hamilton.ca;
 binu.korah@hamilton.ca;

Re: CONCURRENT SITE PLAN / BUILDING PLAN REVIEW PROCESS Page 14 of 14
Site Plan Control Application by A.J. Clarke and Associates c/o
Franz Kloibhofer for Lands Located at 270 Longwood Road South,
Hamilton (Ward 01)

Z. Panovski, Senior Project Manager, Development Engineering - West Attn: Abdul Khan Hamilton Conservation Authority, Attn: Mike Stone	Zivko.Panovski@hamilton.ca; devengapprovals@hamilton.ca; Abdul.khan@hamilton.ca; Mike.stone@conservationhamilton.ca;
H. Travis, Manager, Legislative Approvals/Staging of Development P. MacDonald, Solicitor, Legal Services GIS Planning & Analysis Development Officer, Budgets & Finance Hamilton Water Approvals, Water & Wastewater Systems Planning	heather.travis@hamilton.ca; patrick.macdonald@hamilton.ca; dlgisplanninganalysis@hamilton.ca; developmentofficer@hamilton.ca; hwapprovals@hamilton.ca; 420108-water.review@gmblueplan.ca; tplanning@hamilton.ca;
Transportation Planning M. Stavroff, Acting Supervisor of Zoning	Matthew.stavroff @hamilton.ca zoningrequest@hamilton.ca;
M. Viveiros, Development Application Intake Coordinator Metrolinx	maria.viveiros@hamilton.ca; Luka.Medved@metrolinx.com; Alvin.Chan@metrolinx.com; Joyce.Sandoval@metorlinx.com; Vibha.Singh@metrolinx.com;
Ministry of Transportation Sigma Group c/o Tony Gill 2910 South Sheridan Way Oakville ON L6J 7L9	Usama.Ali@ontario.ca; tony@sigmagroup.ca
McMaster Innovation Park 175 Longwood Road South, Suite 101A Hamilton ON L8P 0A1	

Committee of Adjustment
 City Hall, 5th Floor,
 71 Main St. W.,
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221
 Email: cofa@hamilton.ca

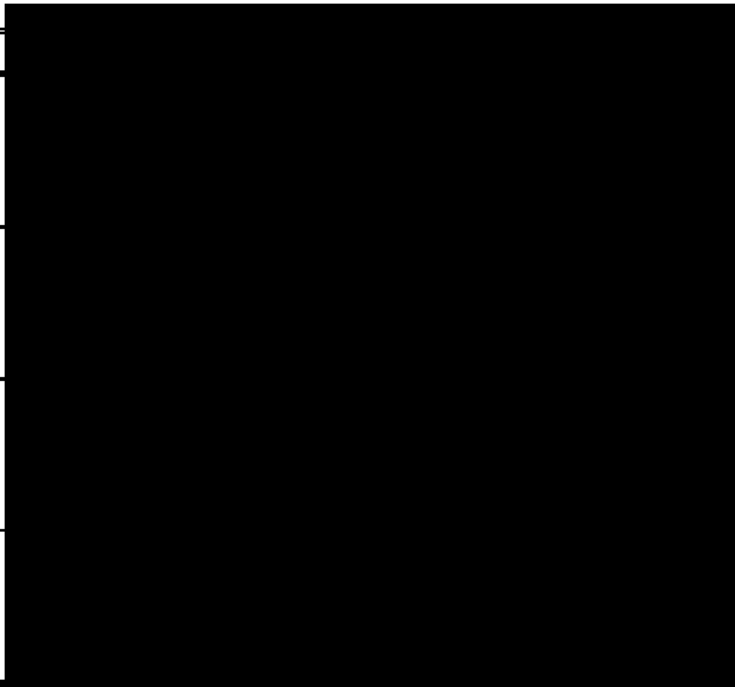


**APPLICATION FOR CONSENT TO SEVER LAND
 and VALIDATION OF TITLE
 UNDER SECTION 53 & 57 OF THE PLANNING ACT**

Please see additional information regarding how to submit an application, requirements for the required sketch and general information in the Submission Requirements and Information.

1. APPLICANT INFORMATION

	NAME
Purchaser*	
Registered Owners(s)	
Applicant(s)**	
Agent or Solicitor	



*Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application.

** Owner's authorisation required if the applicant is not the owner or purchaser.

1.2 Primary contact Purchaser Owner
 Applicant Agent/Solicitor

1.3 Sign should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.4 Request for digital copy of sign Yes* No
 If YES, provide email address where sign is to be sent _____

1.5 All correspondence may be sent by email Yes* No
 If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

1.6 Payment type

- In person
- Cheque

Credit over phone*

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	270 Longwood Road South		
Assessment Roll Number	Part of 251801009101550		
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number	1479	Lot(s)	Part of Lot 8
Reference Plan Number (s)	62R-21459	Part(s)	Parts 1, 2, and 3

2.2 Are there any easements or restrictive covenants affecting the subject land?

- Yes No

If YES, describe the easement or covenant and its effect:

3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

- creation of a new lot(s)
- addition to a lot
- an easement
- validation of title (must also complete section 8)
- cancellation (must also complete section 9)
- creation of a new non-farm parcel (must also complete section 10)
(i.e. a lot containing a surplus farm dwelling resulting from a farm consolidation)
- concurrent new lot(s)
- a lease
- a correction of title
- a charge

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

3.3 If a lot addition, identify the lands to which the parcel will be added:

N/A

3.4 Certificate Request for Retained Lands: Yes*

* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (O. Reg. 786/21)

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

All dimensions to be provided in metric (m, m² or ha), attach additional sheets as necessary.

Identified on Sketch as:	Retained	Parts 1, 2, 3 & 7	Parts 4, 5 & 6	cel 4*
Type of Transfer		Lease	Access Easement	
Frontage m	217	138.80	12.47	
Depth m	222	103.72	106.89	
Height m (Strata)			3.0m & 5.0m	
Area m ² Excluding Strata	47,894.83	9,224.89	1,375.17	
Existing Use	Industrial Research	Parking	Roadway	
Proposed Use	Same	Hotel	Roadway	
Existing Buildings/ Structures	Multiple	None	None	
Proposed Buildings/ Structures	None	Hotel	None	
Buildings / Structures to be Removed	None	None	None	

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

- provincial highway
- municipal road, seasonally maintained
- municipal road, maintained all year
- right of way
- other public road

b) Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
- privately owned and operated individual well
- lake or other water body
- other means (specify)

c) Type of sewage disposal proposed: (check appropriate box)

- publicly owned and operated sanitary sewage system
- privately owned and operated individual septic system
- other means (specify)

4.3 Other Services: (check if the service is available)

- electricity
- telephone
- school bussing
- garbage collection

5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Business Park

Please provide an explanation of how the application conforms with a City of Hamilton Official Plan.

The application will facilitate the development of a permitted use, Hotel, that supports the growth vision of the OP and supports the neighbouring business uses.

5.2 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval?

- Yes No Unknown

If YES, and known, provide the appropriate file number and status of the application.

5.3 What is the existing zoning of the subject land? Research and Development (M1), Exp 7

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?

5.4 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?

- Yes No Unknown

If YES, and known, provide the appropriate file number and status of the application.

5.5 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input checked="" type="checkbox"/>	Many within 500m
An active railway line	<input type="checkbox"/>	380m
A municipal or federal airport	<input type="checkbox"/>	

6 HISTORY OF THE SUBJECT LAND

6.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?
 Yes No Unknown

If YES, and known, provide the appropriate application file number and the decision made on the application.

Consent to Lease, different part of the subject property, approved.

6.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

6.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land?
 Yes No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of the transferee and the land use.

6.4 How long has the applicant owned the subject land?

Since 2005.

6.5 Does the applicant own any other land in the City? Yes No
 If YES, describe the lands below or attach a separate page.

The McMaster Innovation Park has multiple land holdings within the surrounding area.

7 PROVINCIAL POLICY

7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?
 Yes No (Provide explanation)

Relevant subsections (h)(i)(k)(l)(p)(r). Additional well-placed industrial development will promote healthy communities, employment opportunity, and make efficient use of space and infrastructure.

7.2 Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)

The PPS promotes development which efficiently utilizes available land resources and supports the financial well-being of the province and municipalities. Leasing these lands for development promotes this.

7.3 Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

By providing guaranteed access, the subject lands can develop and make better use of infrastructure. Provides employment.

7.4 Are the subject lands subject to the Niagara Escarpment Plan?
 Yes No (Provide explanation)

7.5 Are the subject lands subject to the Parkway Belt West Plan?

Yes No (Provide explanation)

7.6 Are the subject lands subject to the Greenbelt Plan?

Yes No (Provide explanation)

7.7 Are the subject lands within an area of land designated under any other provincial plan or plans?

Yes No (Provide explanation)

8 ADDITIONAL INFORMATION - VALIDATION

8.1 Did the previous owner retain any interest in the subject land?

Yes No (Provide explanation)

Not Applicable

8.2 Does the current owner...

Yes

8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)

9 ADDITIONAL INFORMATION - CANCELLATION

9.1 Did the previous owner retain any interest in the subject land?

Yes

Not Applicable

9.2 Does the current owner...

Yes

No

(Provide explanation and details on plan)

9.3 Why do you require cancellation of a previous consent? (attach additional sheets as necessary)

10 ADDITIONAL INFORMATION - FARM CONSOLIDATION

10.1 Purpose of the Application (Farm Consolidation)
 If proposal is for the consolidation, indicate if the consolidation is:
 Surplus Farm Consolidation
 Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation

Not Applicable

10.2 Location of farm consolidation property:

Municipal Address			
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

10.3 Rural Hamilton Official Plan Designation(s)
 If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm consolidation property.

10.4 Description of farm consolidation property:

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

10.5 Description of abutting consolidated farm (excluding lands intended to be severed for the surplus dwelling)

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

10.6 Existing Land Use: _____ Proposed Land Use: _____

10.7 Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: _____

- a) Date of construction:
 Prior to December 16, 2004 After December 16, 2004
- b) Condition:
 Habitable Non-Habitable

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application Form
- Signatures Sheet

11.2 Validation of Title

- All information documents in Section 11.1
- Detailed history of why a Validation of Title is required
- All supporting materials indicating the contravention of the Planning Act, including PIN documents and other items deemed necessary.

11.3 Cancellation

- All information documents in Section 11.1
- Detailed history of when the previous consent took place.
- All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including PIN documents and other items deemed necessary.

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study



Hamilton

B-24:64 – 270 Longwood Road South, Hamilton (Delegated Authority)

Recommendation:

Approve

Proposed Conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)

Proposed Notes:

The lands to be conveyed (Parts 1, 2, 3 & 7) will be assigned the address of 180 Longwood Road South (Hamilton).

We ask that the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.



Hamilton

Development Planning:

Background

	Frontage	Depth	Area
Severed Lands (for Lease, Parts 1, 2, 3 and 7):	138.80 m±	103.72 m±	11307.12 m ² ±
Severed Lands (for Easement, Parts 4, 5 and 6):	12.47 m±	106.89 m±	1439.15 m ² ±
Retained/Remainder Lands:	217 m±	222 m±	45765.33 m ² ±

The purpose of this application is to permit the creation of a stratified lease for a parcel of land for greater than 21 years and to create a stratified easement over a portion of land for access and maintenance purposes.

Staff note that there are associated Planning Act files for the subject lands, being Site Plan application DA-23-028 (which received Conditional Approval on June 28, 2024) and Minor Variance application A-24:230. Site Plan application DA-23-028 was to facilitate a proposed seven storey hotel with 162 hotel rooms, 88 on-site parking spaces and 30 off-site parking spaces. Special Condition #8 of the Conditional Approval requires that the Owner/Applicant apply for and receive approval of a Consent Application for a lease greater than 21 years over a portion of the subject lands, to the satisfaction of the City's Director of Heritage and Urban Design.

Both the proposed lease and easement are to be stratified. Parts 1, 2, 3 and 7 of the submitted consent sketch are the proposed leased area of the subject lands, with parts 4, 5 and 6 being the proposed easement. Parts 1 and 2 are subject to an easement in favour of the City of Hamilton and Part 7 has strata, being on the ground to a height of 3 metres.

Similarly, Parts 4 and 5 have strata, being on the ground to a height of 3 and 5 metres respectively. Part 6 provides access to Longwood Road South at a signalized intersection. The entirety of the subject lands are to be subject to an environmental easement in favour of Metrolinx and their operations.

Analysis

Urban Hamilton Official Plan

The subject lands are identified as "Employment Areas" in Schedule E – Urban Structure of the Urban Hamilton Official Plan. The subject lands are designated "Business Park" in Schedule E-1 – Urban

STAFF COMMENTS**HEARING DATE: November 12, 2024**

Hamilton

Land Use Designations. Policies E.5.4.3, F.1.14.3.7 and Section F.4.2 amongst others, are applicable and permits the proposed hotel.

Policy F.1.14.3.7 permits consents for the purposes of long-term lease agreements for infrastructure works provided a separate lot is not created for a dwelling or any urban land use, except the uses noted in this Section. Based on the foregoing, **staff recommend approval.**

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

The subject lands are zoned Research and Development (M1, 7) Zone in City of Hamilton Zoning By-law No. 05-200. The proposed hotel is a permitted use.

Zoning:

Recommendation:	No comments
Proposed Conditions:	
Comments:	
Notes:	

Development Engineering:

Recommendation:	Comments Only
Proposed Conditions:	Our Understandings is the severance application is to facilitate the long-term Lease Agreement. All grading and servicing are being reviewed under DA-23-28
Comments:	Proposed Conditions: N/A
Notes:	

Transportation Planning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	Delegated Authority file does not get circulated to staff
Notes:	

Legislative Approvals:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	
Comments:	The lands to be conveyed (Parts 1, 2, 3 & 7) will be assigned the address of 180 Longwood Road South (Hamilton).

STAFF COMMENTS

HEARING DATE: November 12, 2024



Hamilton

Notes:	We ask that the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.
--------	--

Please Note: Public comment will be posted separately, if applicable.



RE: November 12, 2024 COA Agenda Available

From Mikiya Hobbs <mhobbs@conservationhamilton.ca>

Date Fri 11/1/2024 4:12 PM

To Committee of adjustment <CofA@hamilton.ca>

Cc Laura Warner <lwarner@conservationhamilton.ca>

External Email: Use caution with links and attachments

Good afternoon,

Thank you for circulating the Hamilton Conservation Authority (HCA) with the Consent Application B-24:64 for the lands located at 270 Longwood Road South, Hamilton. HCA staff have reviewed the information provided in accordance with HCA's plan review and regulatory responsibilities under the Conservation Authorities Act and provide the following comments. HCA has Bcc'd our contact for items relating to these properties on this email for their information.

The subject property is located in the Chedoke Creek subwatershed. Portions of the site are regulated by HCA pursuant to the *Conservation Authorities Act* and *Ontario Regulation 41/24* (Prohibited Activities, Exemptions and Permits) due to confined slopes, and flooding and erosion hazards associated with nearby Chedoke Creek.

HCA staff understand that consent is requested to permit the creation of a stratified lease for a parcel of land for greater than 21 years and to create a stratified easement over a portion of land. This consent application is a condition of Site Plan application DA-23-028, which was conditionally approved on July 11, 2024. HCA has been reviewing the proposed development through this site plan application (DA-23-028) and will address any remaining concerns through the site plan application and future HCA Permit. As such, HCA staff have no comments related to the proposed severance.

Please contact me if there are any questions regarding these comments.

Kind regards,

Mikiya Hobbs

Planner, Watershed Management Services

Hamilton Conservation Authority

Phone: 905-525-2181 Ext. 148

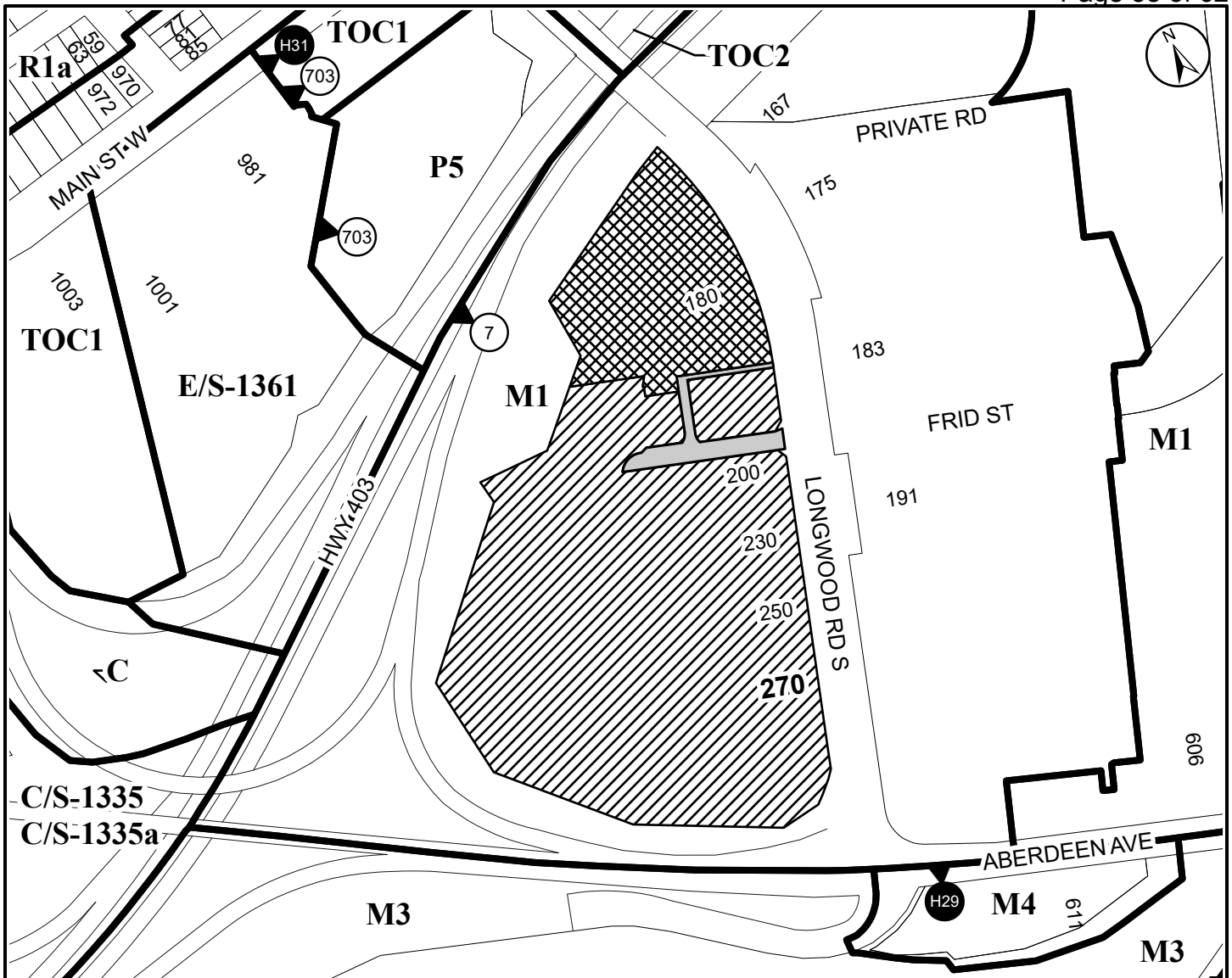
The contents of this e-mail and any attachments are intended for the named recipient(s). This e-mail may contain information that is privileged and confidential. If you have received this message in error or are not the named recipient(s), please notify the sender and permanently delete this message without reviewing, copying, forwarding, disclosing or otherwise using it or any part of it in any form whatsoever. Thank you.

From: Committee of adjustment <cofa@hamilton.ca>

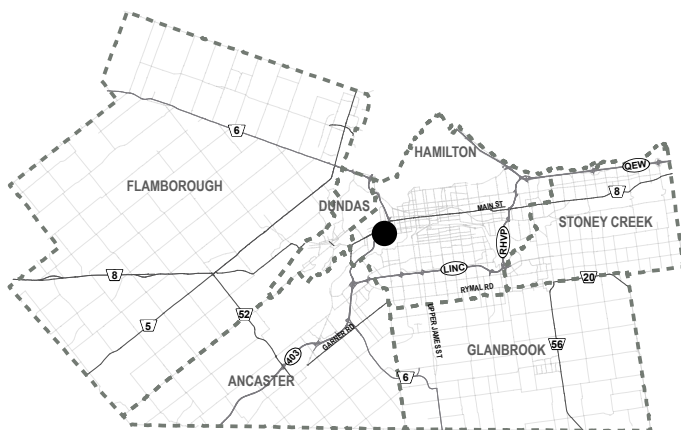
Sent: October 24, 2024 2:10 PM

To: Committee of adjustment <cofa@hamilton.ca>

Subject: November 12, 2024 COA Agenda Available



● Site Location






City of Hamilton

Committee of Adjustments

Subject Property

270 Longwood Road South, Hamilton (Ward 1)

-  Lands to be retained
-  Lands to be leased
-  Proposed access easement

File Name/Number:
B-24:64

Date:
October 30, 2024

Technician:
SH

Scale:
N.T.S.

Appendix "A"



Hamilton



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF APPLICATION
CONSENT

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.:	B-24:41	SUBJECT PROPERTY:	259 & 265 Wilson Street East, Ancaster
-------------------------	----------------	--------------------------	--

APPLICANTS: Purchaser: 259 Wilson St. Inc. c/o Barry Brownlow
Owner: The Trustee Board Ryerson United Church c/o Rick Smith
Agent: Landwise c/o Katelyn Gillis

PURPOSE & EFFECT: To permit the creation of an easement over a portion of land for access and maintenance purposes.

	Frontage	Depth	Area
SEVERED LANDS: (for Easement/Lease)	4.12 m [±]	95.94 m [±]	679.69 m ² ±
RETAINED LANDS (265 Wilson Street East):	45.7 m [±]	111.7 m [±]	7,606.1 m ² ±
RETAINED LANDS (259 Wilson Street East):	N15.5 m [±]	94.3 m [±]	3,787.4 m ² ±

Associated Planning Act File(s): B-24:40

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

This application will be decided upon by the Consent Authority, the Director of Planning and Chief Planning, no earlier than:

Tuesday, November 12, 2024

B-24:41

For more information on this matter, including access to drawings illustrating this request and other information submitted:

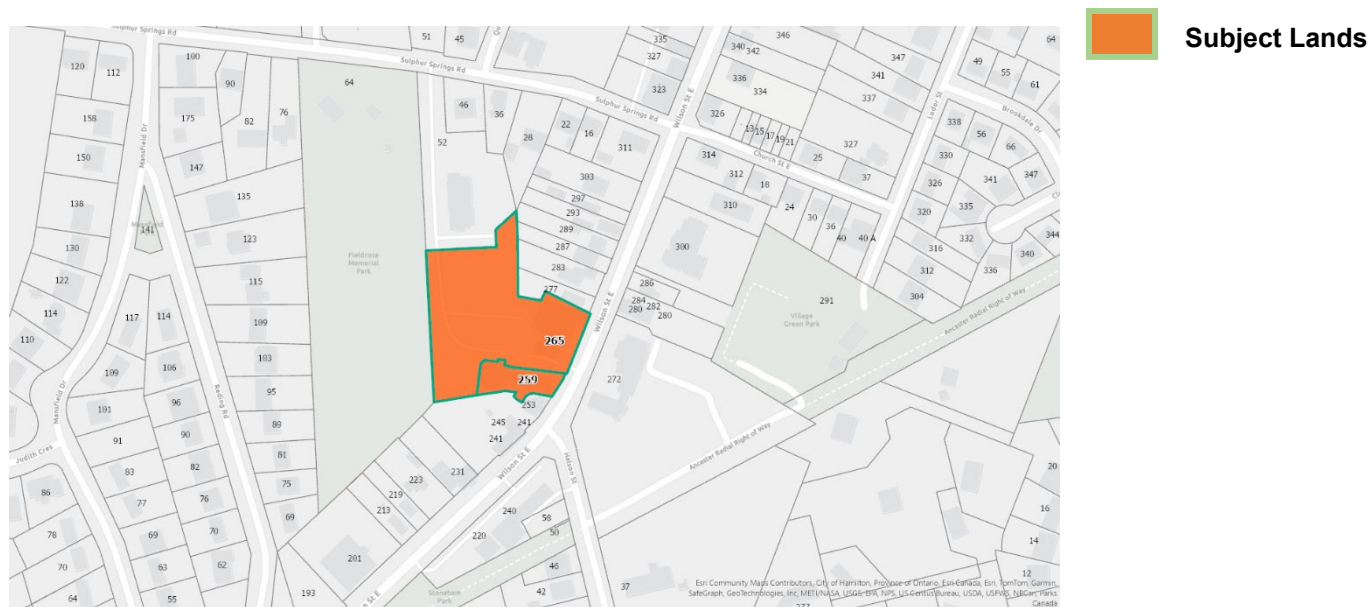
- Visit www.hamilton.ca/committeeofadjustment - Delegated Consent Authority Tab
- Email Committee of Adjustment staff at cofa@hamilton.ca

PUBLIC INPUT

Written: If you would like to submit written comments to the Consent Authority, you may do so via email or hardcopy. Written comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Date of Decision.**

Comments will be available on **November 8, 2024** on our website: www.hamilton.ca/committeeofadjustment

Orally: Oral comments are not able to be submitted.



DATED: October 24, 2024

 Jamila Sheffield,
 Secretary-Treasurer
 Committee of Adjustment

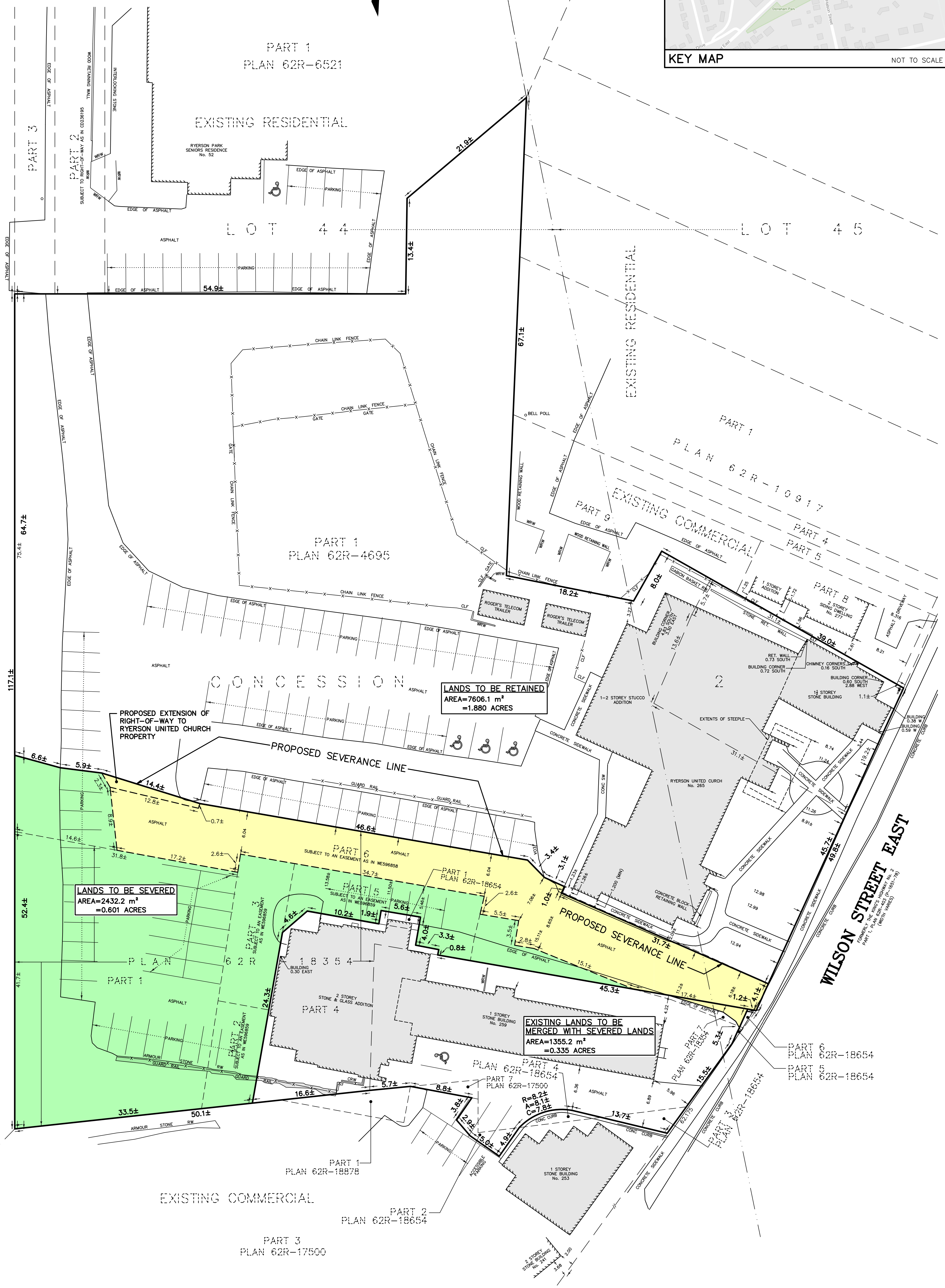
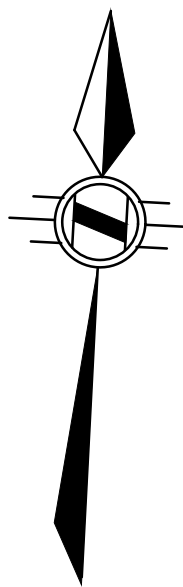
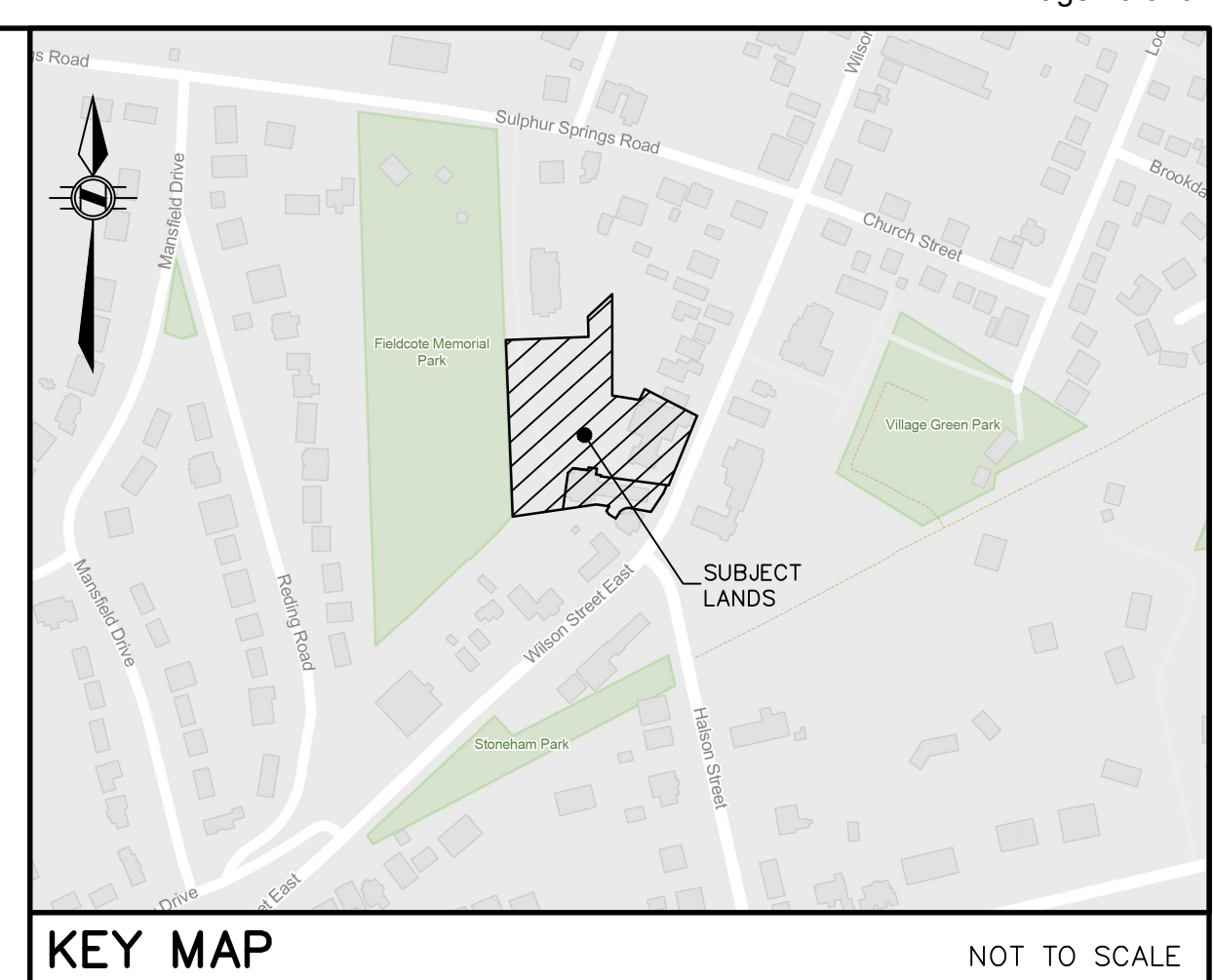
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

B-24:41

If a person or public body that files an appeal of a Decision in respect of the proposed consent does not make written submissions before the Consent Authority gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the Decision of Consent Authority in respect of the proposed consent, **you must make a written request** to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at cofa@hamilton.ca or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5. A copy of the Decision will only be sent to those who request.

SKETCH TO ILLUSTRATE LAND DIVISION
 OF
259 & 265 WILSON STREET EAST
 IN THE
CITY OF HAMILTON
 SCALE 1:250 METRIC
 5 2.5 0 5 10 15 metres
R.A. McLAREN, O.L.S. - 2024



LANDS TO BE SEVERED
 AREA=2432.2 m²
 =0.601 ACRES

LANDS TO BE RETAINED
 AREA=7606.1 m²
 =1.880 ACRES

EXISTING LANDS TO BE MERGED WITH SEVERED LANDS
 AREA=1355.2 m²
 =0.335 ACRES

- RIGHT-OF-WAY EASEMENT THROUGH LANDS TO BE SEVERED
- REMAINING LANDS TO BE SEVERED

CAUTION:
 A) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.
 B) THIS PLAN IS PROTECTED BY COPYRIGHT ©

NOTE:
 DISTANCES SHOWN ON THIS PLAN WERE DERIVED FROM PLAN BY A.T. McLAREN LTD DATED DECEMBER 6, 2022.

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

MAY 16, 2024
 DATE

A.T. McLaren Limited
 LEGAL AND ENGINEERING SURVEYS
 69 JOHN STREET SOUTH, SUITE 230
 HAMILTON, ONTARIO, L8N 2B9
 PHONE (905) 527-8559 FAX (905) 527-0032

Drawn	Checked	Drawn	Scale
AC	RAM	CM	1:250
			Dwg No. 37194-SK

May 27, 2024

Via Digital Submission

ATTN: Jamila Sheffield, Secretary-Treasurer

Committee of Adjustment
City of Hamilton
Planning and Economic Development Department
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

**RE: 259 & 265 Wilson Street East, Ancaster
Consent Applications**

Landwise (formerly T. Johns Consulting Group Ltd.) was retained by the applicant, 259 Wilson St. Inc., to submit the enclosed Consent to Sever Applications on their behalf to facilitate a boundary adjustment between the lands municipally known as 259 and 265 Wilson Street East in Ancaster.

Proposed Boundary Adjustment & Easement

A boundary adjustment is proposed to transfer a portion of 265 Wilson Street East to 259 Wilson Street East. The lands to be transferred are encumbered by easements for a right-of-way and a long-term parking lease for 35 spaces in favour of 259 Wilson Street East. The purpose of the boundary adjustment is to round out the existing property of 259 Wilson Street East and secure on-site parking, as opposed to off-site parking via a lease. There are no functional or physical changes proposed as a result of the boundary adjustment. The site will continue to operate as it currently does.

A consent for easement is proposed to be re-established to be owned by 259 Wilson Street East in favour of 265 Wilson Street East. The proposed easement will generally follow Instrument WE596858 with minor modifications to extend the entire length of the access aisle to ensure connectivity between 259 and 265 Wilson Street East, as required.

Two (2) Consent to Sever Application are enclosed. One (1) is to facilitate the transfer of lands from 259 to 265 Wilson Street East, and one (1) is to re-establish an easement to maintain the shared access driveway from Wilson Street East.

Planning Status and Active Planning Applications

An Official Plan Amendment (File No. UHOPA-24-006) and a Zoning By-law Amendment (File No. ZAC-24-013) are currently in progress. The OPA is required to amend the *Ancaster Wilson Street Secondary Plan* to redesignate the lands proposed to be transferred from “Institutional” to “Mixed Use Medium Density - Pedestrian Focus” to match the land use designation of 259 Wilson Street East. The ZBA is required to rezone the lands proposed to be transferred from “Neighbourhood Institutional (I1-16) Zone, Modified” to “Mixed Use Medium Density - Pedestrian Focus (C5a-XX) Zone, Modified” to match the zoning of 259 Wilson Street East.

Landwise requests the circulation of this letter along with the enclosed documents to all relevant departments in support of the Consent to Sever applications.

Please find the enclosed:

- This Cover Letter;
- Consent to Sever applications with signatures;
- Copies of two (2) cheques (#001640 & #008856), each in the amount of \$2,720.00 for a total of \$5,440.00 to satisfy the Consent to Sever (\$3,360.00 and \$2,080.00) application fees, made payable to the City of Hamilton;
- Survey Plan;
- Consent Sketch.

Should you have any questions or require additional information, please do not hesitate to contact Katelyn Gillis at 905-574-1993 ext. 207.

Respectfully submitted,

LANDWISE



Katelyn Gillis
Senior Planner

Cc: 259 Wilson St. Inc. c/o Mr. Barry Brownlow

The Trustee Board, Ryerson United Church c/o Mr. Rick Smith



Committee of Adjustment
 City Hall, 5th Floor,
 71 Main St. W.,
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221
 Email: cofa@hamilton.ca

**APPLICATION FOR CONSENT TO SEVER LAND
 and VALIDATION OF TITLE
 UNDER SECTION 53 & 57 OF THE PLANNING ACT**

Please see additional information regarding how to submit an application, requirements for the required sketch and general information in the Submission Requirements and Information.

1. APPLICANT INFORMATION

	NAME
Purchaser* (259 Wilson St. Inc. to purchase lands from The Trustee Board Ryerson United Church)	259 Wilson St. Inc. c/o Barry Brownlow
Registered Owners(s)	The Trustee Board Ryerson United Church c/o Rick Smith 259 Wilson St. Inc. c/o Barry Brownlow
Applicant(s)**	Same as Purchaser
Agent or Solicitor	Landwise c/o Katelyn Gillis

*Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application.

** Owner's authorisation required if the applicant is not the owner or purchaser.

1.2 Primary contact Purchaser Owner
 Applicant Agent/Solicitor

1.3 Sign should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.4 Request for digital copy of sign Yes* No
 If YES, provide email address where sign is to be sent _____

1.5 All correspondence may be sent by email Yes* No
 If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

1.6 Payment type

 In person
 Cheque

 Credit over phone*

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	259 Wilson Street East and 265 Wilson Street East
Part of Lots 44 & 45 Concession 2 Geographic Township of Ancaster in the City of Hamilton	

2.2 Are there any easements or restrictive covenants affecting the subject land?

 Yes No

If YES, describe the easement or covenant and its effect:

WE596858 and WE596859, right-of-way access and parking lease in favour of 259 Wilson St E

3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

- | | |
|---|--|
| <input type="checkbox"/> creation of a new lot(s) | <input type="checkbox"/> concurrent new lot(s) |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a lease |
| <input checked="" type="checkbox"/> an easement | <input type="checkbox"/> a correction of title |
| <input type="checkbox"/> validation of title (must also complete section 8) | <input type="checkbox"/> a charge |
| <input type="checkbox"/> cancellation (must also complete section 9) | |
| <input type="checkbox"/> creation of a new non-farm parcel (must also complete section 10)
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | |

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

The Trustee Board, Ryerson United Church

3.3 If a lot addition, identify the lands to which the parcel will be added:

3.4 Certificate Request for Retained Lands: Yes*

* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (O. Reg. 786/21)

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

All dimensions to be provided in metric (m, m² or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
Identified on Sketch as:		Part 6 & Proposed Extension of Right-of-Way to Ryerson United Church Property.			
Type of Transfer	N/A	ROW Easement	Retained Lands (265 Wilson St E)	Retained Lands (259 Wilson St E)	
Frontage		±4.12m	+45.7m	+15.5m	
Depth		±95.94m	+111.7m	+94.3m	
Area		±679.69m ²	+7,606.1m ²	+3,787.4m ²	
Existing Use		Access	Place of Worship	Office	
Proposed Use		Access	Place of Worship	Office	
Existing Buildings/ Structures		None	Place of Worship	Office	
Proposed Buildings/ Structures		N/A	N/A	N/A	
Buildings/ Structures to be Removed		N/A	N/A	N/A	

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

- | | |
|---|--|
| <input type="checkbox"/> provincial highway | <input type="checkbox"/> right of way |
| <input type="checkbox"/> municipal road, seasonally maintained | <input type="checkbox"/> other public road |
| <input checked="" type="checkbox"/> municipal road, maintained all year | |

b) Type of water supply proposed: (check appropriate box)

- | | |
|--|--|
| <input checked="" type="checkbox"/> publicly owned and operated piped water system | <input type="checkbox"/> lake or other water body |
| <input type="checkbox"/> privately owned and operated individual well | <input type="checkbox"/> other means (specify) _____ |

c) Type of sewage disposal proposed: (check appropriate box)

- | |
|--|
| <input checked="" type="checkbox"/> publicly owned and operated sanitary sewage system |
| <input type="checkbox"/> privately owned and operated individual septic system |
| <input type="checkbox"/> other means (specify) _____ |

4.3 Other Services: (check if the service is available)

- | | | | |
|---|---|--|--|
| <input checked="" type="checkbox"/> electricity | <input checked="" type="checkbox"/> telephone | <input checked="" type="checkbox"/> school bussing | <input checked="" type="checkbox"/> garbage collection |
|---|---|--|--|

5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Volume 1: Mixed Use Medium Density
Volume 2 (Ancaster Wilson Street Secondary Plan): Institutional

Please provide an explanation of how the application conforms with a City of Hamilton Official Plan.

The easement will maintain the shared access driveway and shared parking agreement between the landowners.

5.2 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval?

Yes No Unknown

If YES, and known, provide the appropriate file number and status of the application.

UHOPA-24-006 in progress

5.3 What is the existing zoning of the subject land? Institutional (I1-16) Zone, Modified

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?

5.4 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?

Yes No Unknown

If YES, and known, provide the appropriate file number and status of the application.

ZAC- 24-013 in progress

5.5 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	450m
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	Misc. commercial
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 HISTORY OF THE SUBJECT LAND

- 6.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?
 Yes No Unknown

If YES, and known, provide the appropriate application file number and the decision made on the application.

Application file number is unknown. Decision was approved and final/binding. Part 4 was severed from 265 Wilson St E and merged with 259 Wilson St E.

- 6.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.
-

- 6.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land?
 Yes No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of the transferee and the land use.

- 6.4 How long has the applicant owned the subject land?
 Since 1958 (66 years). *Note that the owner is not the applicant.
-

- 6.5 Does the applicant own any other land in the City? Yes No
 If YES, describe the lands below or attach a separate page.
-

7 PROVINCIAL POLICY

- 7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?
 Yes No (Provide explanation)

The application is consistent with the Provincial Policy Statement, 2020.

- 7.2 Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)

The easement will support the boundary adjustment between 259 and 265 Wilson Street East to achieve a more logical lot pattern and efficient use of the lands.

- 7.3 Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)
 It will support continuation of the existing employment and institutional land uses that contribute to the economic development and growth of the Ancaster community.
-

- 7.4 Are the subject lands subject to the Niagara Escarpment Plan?
 Yes No (Provide explanation)
-

7.5 Are the subject lands subject to the Parkway Belt West Plan?

Yes No (Provide explanation)

7.6 Are the subject lands subject to the Greenbelt Plan?

Yes No (Provide explanation)

7.7 Are the subject lands within an area of land designated under any other provincial plan or plans?

Yes No (Provide explanation)

8 ADDITIONAL INFORMATION - VALIDATION

8.1 Did the previous owner retain any interest in the subject land?

Yes No (Provide explanation)

8.2 Does the current owner have any interest in any abutting land?

Yes No (Provide explanation and details on plan)

8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)

9 ADDITIONAL INFORMATION - CANCELLATION

9.1 Did the previous owner retain any interest in the subject land?

Yes No (Provide explanation)

9.2 Does the current owner have any interest in any abutting land?

Yes No (Provide explanation and details on plan)

9.3 Why do you require cancellation of a previous consent? (attach additional sheets as necessary)

10 ADDITIONAL INFORMATION - FARM CONSOLIDATION**10.1 Purpose of the Application (Farm Consolidation)**

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate if the consolidation is for:

- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation

10.2 Location of farm consolidation property:

Municipal Address			
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

10.3 Rural Hamilton Official Plan Designation(s)

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm consolidation property.

10.4 Description of farm consolidation property:

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

10.5 Description of abutting consolidated farm (excluding lands intended to be severed for the surplus dwelling)

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use: _____ Proposed Land Use: _____

10.7 Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: _____

a) Date of construction:

- Prior to December 16, 2004 After December 16, 2004

b) Condition:

- Habitable Non-Habitable

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application Form
- Signatures Sheet

11.2 Validation of Title

- All information documents in Section 11.1
- Detailed history of why a Validation of Title is required
- All supporting materials indicating the contravention of the Planning Act, including PIN documents and other items deemed necessary.

11.3 Cancellation

- All information documents in Section 11.1
- Detailed history of when the previous consent took place.
- All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including PIN documents and other items deemed necessary.

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study



Hamilton

B-24:41 – 259 & 265 Wilson Street East, Ancaster (Delegated Authority)

Recommendation:

Approve

Proposed Conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. That consent application B-24:40 be approved and that the lands to be severed be merged in title with the property at 259 Wilson Street East, to the satisfaction of the Director of Development Planning.
4. The owner/applicant shall submit survey evidence that the lands to be retained, including the location of parking and access to parking, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).

Proposed Notes:

We ask that the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.

1. If this consent is granted, the proponent must be advised in writing by the Committee of Adjustment as follows:

"The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbance, in addition to any areas impacted by the installation of services, such as water, electricity and ground-source heat pumps, and the proponent is advised to conduct an archaeological assessment prior to such impacts in order to address these concerns and mitigate, through preservation or resource removal and

STAFF COMMENTS**HEARING DATE: November 12, 2024**Hamilton

documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the MCM.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-0036). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”



Hamilton

Development Planning:

Background

	Frontage	Depth	Area
SEVERED LANDS (Part 1): (For Easement)	4.12 m [±]	95.94 m [±]	679.69 m ^{2±}
RETAINED LANDS (265 Wilson Street East):	45.7 m [±]	111.7 m [±]	7,606.1 m ^{2±}
LANDS TO BE MERGED TO (259 Wilson Street East):	15.5 m [±]	94.3 m [±]	3,787.4 m ^{2±}

The purpose of this application is to create an easement (Part 6 on the submitted survey) on the parcel of lands that is to be severed from 265 Wilson Street East and merged in title with the property at 259 Wilson Street East, to the benefit of 265 Wilson Street East, for access and maintenance purposes. The easement allows for both 259 and 265 Wilson Street East to utilize a shared driveway for access purposes. The easement will replace existing easement rights that exist over the lands at 265 Wilson Street East that are in favour of 259 Wilson Street East.

Staff note that this Consent application was concurrently submitted with Consent to Sever application B-24:40, which seeks to sever a portion of 265 Wilson Street East and to merge the lands in title with the property at 259 Wilson Street East. The proposed application for easements does not properly function until the proposed severance under application B-24:40 is approved and finalized. Therefore, the approval of and merger of the severed lands in title with the property at 259 Wilson Street East needs to occur prior to the finalization of application B-24:41. It is therefore recommended that this matter be included as a condition of approval of this delegated authority Consent application.

Staff further note that applicant applied for Official Plan Amendment (UHOPA-24-006) and Zoning By-law Amendment (ZAC-24-013) for the subject lands, which were approved by Council on July 12, 2024. The applications were to amend the Official Plan designation of the lands and to change the Zoning to facilitate the conveyance of a parcel of land from 265 Wilson Street East to be added to the property at 259 Wilson Street East. Through the Official Plan Amendment and Zoning By-law Amendment applications staff identified the need for reciprocal easements to ensure the continued functioning of the parking areas for the separate properties.

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Community Node” and “Neighbourhoods” in Schedule E – Urban Structure and are designated as “Mixed Use – Medium Density” in Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. Policies E.4.6.5 and F.1.14.3.6, amongst others,



Hamilton

are applicable and permit the existing office use at 259 Wilson Street East and the existing place of worship at 265 Wilson Street East, in addition to the proposed easement.

Ancaster Wilson Street Secondary Plan

The subject lands are further designated “Mixed Use Medium Density – Pedestrian Focus” for the lands at 259 Wilson Street East and the lands to be severed from 265 Wilson Street East, and designated “Institutional” for the balance of the lands at 265 Wilson Street East, in the Ancaster Wilson Street Secondary Plan. The lands are also located within the Village Core Area. Policies B.2.8.8.4 and B.2.8.10, amongst others, is applicable and permits office uses and places of worship.

Natural Heritage

Through the Zoning By-law Amendment application, Natural Heritage staff advised that the subject property is located within the boundaries of the Urban Hamilton Official Plan (UHOP) and has been identified within the Ancaster Wilson Street Secondary Plan. Based on the mapping within the UHOP (Volume 1 – Schedule B Natural Heritage System and Volume 2 – Ancaster Wilson Street Secondary Plan Land Use Plan Map B.2.8-1), Core Areas and Linkages have not been identified within or adjacent to the subject property. Since development is not proposed, it is anticipated that the proposed boundary adjustment will not further negatively impact the features or functions of the City’s Natural Heritage system.

Archeology

Through the Zoning By-law Amendment application, Cultural Heritage staff advised that the subject property meets four (4) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:

- 5) Within 250 metres of known archaeological sites;
- 6) 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;
- 7) In areas of pioneer EuroCanadian settlement; and,
- 8) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 4.6.2 of the Provincial Planning Statement apply to the subject application. Municipal heritage planning Staff require that the owner of 259 Wilson Street East, who will be acquiring the lands proposed to be severed, be informed in writing the following:



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“The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbance, in addition to any areas impacted by the installation of services, such as water, electricity and ground-source heat pumps, and the proponent is advised to conduct an archaeological assessment prior to such impacts in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the MCM.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-0036). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”

This note has been included as a recommended for approval of the Consent application.

Cultural Heritage

Through the Zoning By-law Amendment application, Cultural Heritage staff advised that the subject property comprises Ryerson United Church, a gothic revival style church located at 265 Wilson Street East and is included in the City’s Register of Property of Cultural Heritage Value or Interest as a non-designated property. Furthermore, Ryerson United Church is included on staff’s list of Designation Candidates. The subject properties are adjacent to the following properties included in the City’s Register of Property of Cultural Heritage Value or Interest:

- 241 Wilson Street East
- 277 Wilson Street East
- 280 Wilson Street East
- 283 Wilson Street East
- 286 Wilson Street East
- 287 Wilson Street East
- 289 Wilson Street East



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Additionally, the subject property is located adjacent to 272 Wilson Street East (St. John's Anglican Church), a property designated under Part IV of the *Ontario Heritage Act* and a "protected heritage property" under the Provincial Planning Statement.

Notwithstanding that the property known as Ryerson United Church is included in the City's Register of Property of Cultural Heritage Value or Interest, is a high priority Designation Candidate and that both properties in question are adjacent to a property designated under Part IV of the *Ontario Heritage Act*, and several properties included in the City's Register of Property of Cultural Heritage Value or Interest, staff have reviewed the application and are of the opinion that the cultural heritage value or interest of Ryerson United Church will be conserved as there is no proposed development contemplated as part of this application.

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

For the property at 259 Wilson Street East and the lands to be severed from 265 Wilson Street East the lands are zoned Mixed Use Medium Density – Pedestrian Focus (C5a, 903) Zone, in the City of Hamilton Zoning By-law No. 05-200. An office use is a permitted use.

For the balance of the lands at 265 Wilson Street East the lands are zoned Neighbourhood Institutional (I1, 16) Zone. A place of worship is a permitted use.

Therefore, staff recommend the application be approved, subject to the recommended condition.

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	The owner/applicant shall submit survey evidence that the lands to be retained, including the location of parking and access to parking, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
Comments:	<ol style="list-style-type: none"> 3. Please note, this application shall be heard in conjunction with Consent application B-24-40 and conditions provided above may be cleared under one Zoning Compliance Review application. 4. Be advised, the proposed application is associated with Zoning By-law Amendment 24-132 and reviewed through application ZAC-24-013. Drawings match those submitted through ZAC-24-013 and as such,

STAFF COMMENTS**HEARING DATE: November 12, 2024**

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	<p>conform to the Zoning requirements as amended through Zoning By-law Amendment 23-132. Conditional Clearance is required to confirm an Access Easement being provided on the lot to be severed and merged with 259 Wilson Street East for access to parking on 265 Wilson Street East.</p> <p>5. The lands to be conveyed/retained shall be merged in title with the lands to which they are to be added.</p> <p>6. Legally established rights of ways shall be properly registered on title to provide access between properties (lands to be conveyed and retained) and sharing of the parking areas.</p>
Notes:	

Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

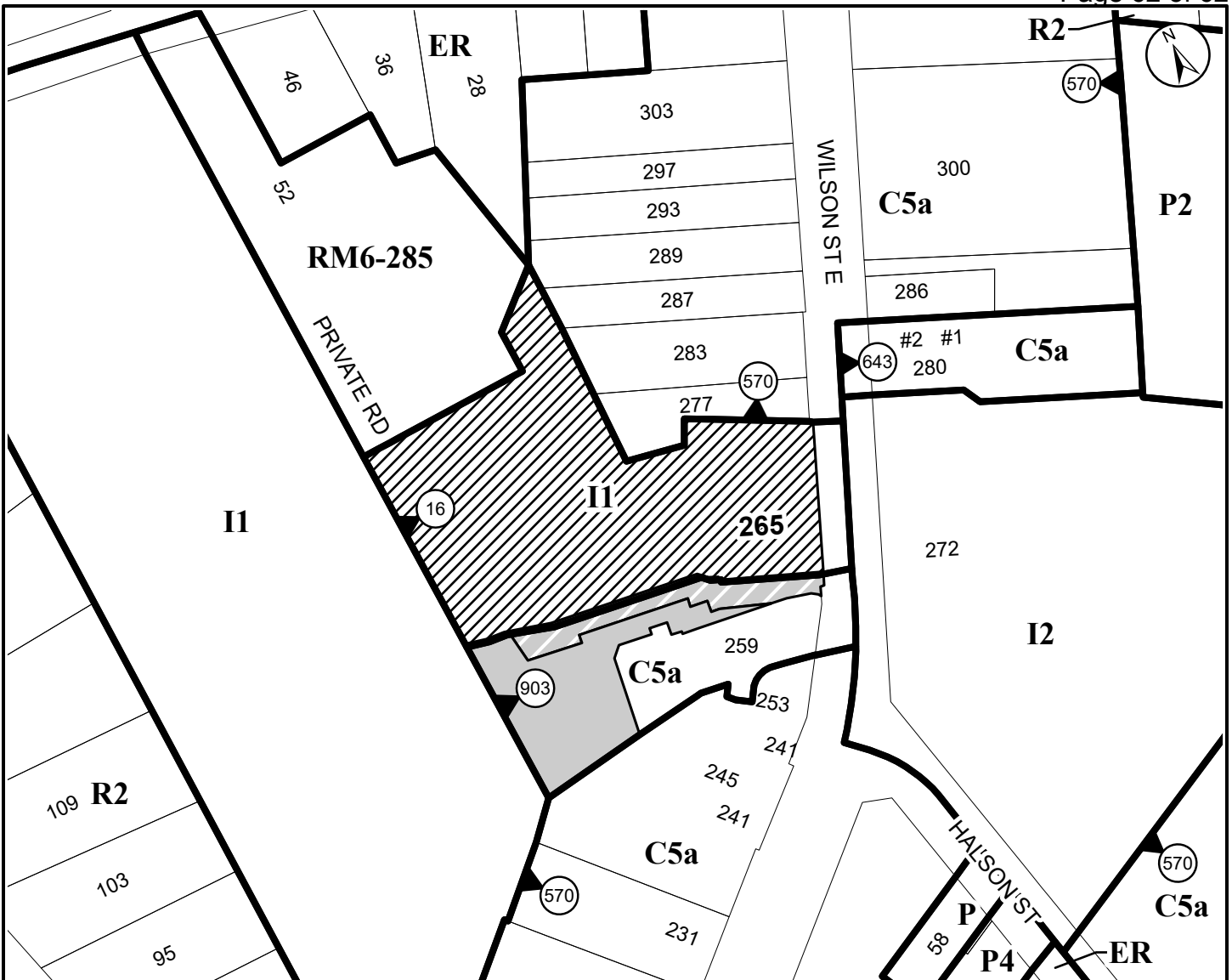
Transportation Planning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	Delegated Authority file does not get circulated to staff.
Notes:	

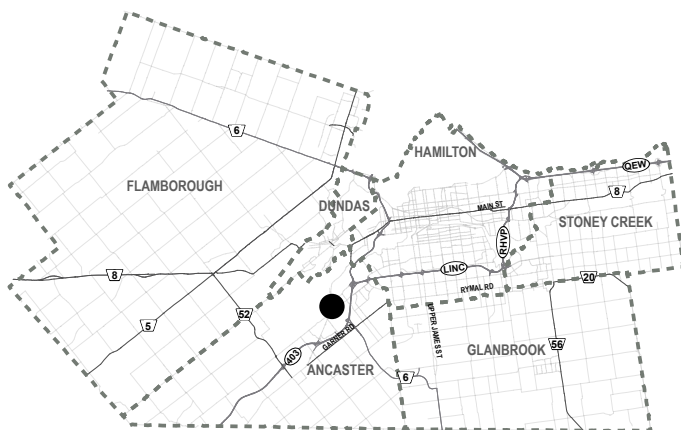
Legislative Approvals:

Recommendation:	No Comments.
Proposed Conditions:	
Comments:	
Notes:	We ask that the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.

Please Note: Public comment will be posted separately, if applicable.



● Site Location






City of Hamilton

Committee of Adjustments

Subject Property

265 Wilson Street East, Ancaster (Ward 12)

-  Lands to be retained
-  Lands to be severed and merged with 259 Wilson St E
-  Right-of-way easement through lands to be severed

File Name/Number:
B-24:40

Date:
October 31, 2024

Technician:
SH

Scale:
N.T.S.

Appendix "A"



Hamilton