

**CITY OF HAMILTON**

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b> Chair and Members Planning Committee	<b>WARD(S) AFFECTED:</b> WARD 5
<b>COMMITTEE DATE:</b> March 20, 2012	
<b>SUBJECT/REPORT NO:</b> Application for Approval of a Draft Plan of Condominium (Common Elements), by Losani Homes (1998) Limited, for Lands Known as 12 Ambrose Avenue (Hamilton) (PED12030) (Ward 5)	
<b>SUBMITTED BY:</b> Tim McCabe General Manager Planning and Economic Development Department	<b>PREPARED BY:</b> Greg Macdonald (905)546-2424, Ext. 4283
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That approval be given to **Draft Plan of Condominium Application 25CDM-201114, by Losani Homes (1998) Limited, Owner**, to establish a draft plan of condominium (Common Elements Condominium) to create a condominium road, visitor parking areas, landscaped areas, and open space, for 3 freehold single detached dwellings, 2 freehold semi-detached dwellings, and 7 freehold townhouse dwellings, on lands located at 12 Ambrose Avenue (Hamilton), as shown on the attached location map marked as Appendix "A" to Report PED12030, subject to the following conditions:

- (a) That this approval shall apply to the plan, prepared by A.T. McLaren Limited and certified by S.D. McLaren, dated November 15, 2012, showing a common element road, visitor parking areas, landscaped areas, and open space, attached as Appendix "B" to Report PED12030.
- (b) That the Final Plan of Condominium shall comply with all of the applicable provisions of Zoning By-law No's. 6593 and 05-200, as amended by By-law No's 11-256 and 11-257.

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- (c) That the final plan of condominium shall comply, in all respects, with the approved Site Plan (DA-11-159), to the satisfaction of the Director of Planning.
- (d) That Site Plan Application DA-11-159 shall be final approved, including clearance of all conditions of approval, to the satisfaction of the Director of Planning.
- (e) That the owner shall register Draft Plan of Subdivision 25T-201104, "Greenhill Glen", to the satisfaction of the Director of Planning.
- (f) That the owner shall receive final approval of a Part Lot Control Application, including the enactment and registration on title of the Part Lot Control Exemption By-law(s), to the satisfaction of the Director of Planning.
- (g) That the owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed freehold single detached dwellings, semi-detached dwellings, and townhouses dwellings having frontage on the condominium road has legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor.
- (h) That the owner shall include the following warning clause in the Development Agreement and all Purchase and Sale Agreements, and any rental or lease agreements required for occupancy:

"Purchasers are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road."
- (i) That the owner shall agree to include on all offers of purchase and sale, a statement that advises the purchaser:
  - (i) That the home/business mail delivery will be from a designated Centralized Mail Box; and,
  - (ii) That the developers/owners will be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- (j) That the owner shall agree to:
  - (i) Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision.

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- (ii) Install a concrete pad in accordance with the requirements of, and in locations to be approved by the Senior Director of Growth Management and Canada Post, to facilitate the placement of Community Mail Boxes.
- (iii) Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase.
- (iv) Determine the location of all centralized mail receiving facilities in co-operation with the Senior Director of Growth Management and Canada Post, and to indicate the location of centralized mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s), showing specific Centralized Mail Facility locations.
- (k) That the owner shall provide the Manager of Design and Construction with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication service provider, approved by the Canadian Radio and Telecommunication Commission (CRTC), that adequate telecommunication service will be provided to the condominium, including 9-1-1 emergency calling service that identifies, at a minimum, the caller's name and location information.
- (l) That the owner/developer shall provide to Union Gas Limited the necessary easements and/or agreements required by Union Gas Limited for the provision of gas services for this project, in a form satisfactory to Union Gas Limited.
- (m) That the Condominium Agreement shall contain wording requiring that the Condominium Corporation is responsible for maintaining the Open Space portions of the common elements, and must maintain the existing grassed area at the rear of 15 and 20 Tracey Place in accordance with the City of Hamilton Property Standards By-law, to the satisfaction of the Director of Planning.
- (n) That prior to registration, the owner shall agree to establish a 3.0m wide easement for drainage and storm sewer purposes over the rear of the single detached dwellings that are tied parcels to the common element condominium, in favour of the future Condominium Corporation, to the satisfaction of the Senior Director of Growth Management.

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(o) That the Condominium Agreement shall contain wording requiring the Condominium Corporation to be responsible for maintaining all catch-basins installed within the parcels of lands tied to the common element condominium and the storm sewer within the required easement at the rear of the single detached dwellings that are tied parcels to the common element condominium, to the satisfaction of the Senior Director of Growth Management.

(p) That the owner shall include the following warning clause in the Development Agreement and all Purchase and Sale Agreements and any rental or lease agreements required for occupancy:

“The easterly 7.5m of Block 12 constitutes a 7.5m wide buffer adjacent to the valley bank, and this 7.5m buffer shall not be used for any buildings, structures, or swimming pools, and no changes to grading shall be permitted.”

(q) That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

**EXECUTIVE SUMMARY**

The purpose of the application is to establish a draft plan of condominium (Common Elements Condominium) for 3 freehold single detached dwellings, 2 freehold semi-detached dwellings, and 7 freehold townhouse dwellings. The common element would consist of a driveway, visitor parking area, landscaped areas, and open space (valley and floodplain). The proposed draft plan of condominium has merit and can be supported since it is consistent with the Provincial Policy Statement, conforms to the Hamilton-Wentworth Official Plan and the Hamilton Official Plan, complies with Zoning By-law No's. 6593 and 05-200, and implements the Draft Approved Plan of Subdivision, 25T-201104 (see Appendix "C"), and Site Plan Control Application DA-11-159 (see Appendix "D").

*Alternatives for Consideration - See Page 11.*

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)**

**Financial:** N/A.

**Staffing:** N/A.

**Legal:** As required under the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a Draft Plan of Condominium (Common Elements Condominium).

**HISTORICAL BACKGROUND** (Chronology of events)

**Chronology**

October 12, 2011: Rezoning Application ZAC-11-027 and Subdivision Application 25T-201104, "Greenhill Glen", are approved by Council. The subdivision includes lots for single detached and semi-detached dwellings on Ambrose Avenue and Greenhill Avenue, and a block for future residential development on a condominium road (Block 12) (see Appendix "C").

November 24, 2011: Draft Plan of Subdivision 25T-201104, "Greenhill Glen", is deemed Draft Plan Approved by the Director of Planning.

November 30, 2011: Condominium Application 25CDM-201114, "Greenhill Glen", is deemed complete.

December 9, 2011: Circulation of Notice of Complete Application and Preliminary Circulation for Condominium Application 25CDM-201114 to all residents within 120 metres of the subject lands.

December 14, 2011: Site Plan Control Application DA-11-159 is conditionally approved by the Manager of Development Planning to construct 3 single detached dwellings, 2 semi-detached dwellings, 7 townhouse dwellings, and a condominium road with visitor parking.

December 16, 2011: Public Notice Sign placed on the Subject Lands.

March 2, 2012: Circulation of Notice of Public Meeting to all residents within 120 metres of the subject lands.

**Proposal**

The purpose of the application is to establish a draft plan of condominium (Common Elements Condominium) to create the following condominium elements: a condominium road; visitor parking areas; landscaped areas; and open space (flood plain and hazard land) for 3 single detached dwellings, 2 semi-detached dwellings, and 7 townhouse dwellings, as shown on the attached plan marked as Appendix "B". The condominium road will provide access to Ambrose Avenue. The 14 lots, with associated easements, and the elements in common would be created through a future Part Lot Control Application.

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**Details of Submitted Application**

**Location:** 12 Ambrose Avenue (Hamilton) (See Appendix "A")

**Owner/Applicant:** Losani Homes

**Agent:** Armstrong Hunter and Associates

**Property Description  
(of Common Element  
Condominium):**

**Lot Frontage:** 16 metres (Ambrose Avenue)  
28.7 metres (Greenhill Avenue)

**Lot Depth:** N/A (condominium is irregular shaped)

**Lot Area:** 0.5219 Hectares

**Servicing:** Full Municipal Services

**EXISTING LAND USE AND ZONING:**

**Existing Land Use**

**Existing Zoning**

<b><u>Subject Lands:</u></b>	Vacant (Former Elementary School)	"D/S-1620" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District and "RT-30/S-1620" (Street Townhouse) District
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**Surrounding Lands:**

<b>North</b>	Single Detached Dwellings	"C" (Urban Protected Residential, Etc.) District
<b>South</b>	Future Semi-Detached Dwellings and Single Detached Dwellings (north side of Greenhill Avenue), existing Semi-Detached and Single Detached Dwellings and Park (opposite side of Greenhill Avenue)	"D/S-1620" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, "DE" (Low Density Multiple Dwellings) District, "C" (Urban Protected Residential, Etc.) District and Neighbourhood Park (P1) Zone

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<b>East</b>	Single-Detached Dwellings and Duplex Dwelling	“C” (Urban Protected Residential, Etc.) District
<b>West</b>	Single, Semi-Detached, and Duplex Dwellings and Eco House (opposite side of Ambrose Avenue) and future Single-Detached and Semi-Detached Dwellings (east side of Ambrose Avenue)	“D” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District and “C” (Urban Protected Residential, Etc.) District and “D/S-1620” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District

## **POLICY IMPLICATIONS**

### **Provincial Policy Statement**

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The application is consistent with the policies that focus growth in Settlement Areas 1.1.3.1. It also implements Policies 1.1.3.2, 1.1.3.4, and 1.4.3 with respect to promotion of densities which efficiently use land and resources and appropriate intensification and redevelopment.

Policy 2.6.2 has also been addressed, in that the Ministry of Culture approved a Stage 1 and 2 Archaeological Assessment in March, 2008, and that the lands are now considered free from further archaeological concern.

### **Growth Plan for the Greater Golden Horseshoe (Places to Grow)**

The subject lands are located within a built-up area, as defined by Places to Grow. Policy 2.2.3.1 states that by the year 2015, and for each year thereafter, a minimum of 40% of all residential development occurring annually within each upper- and single-tier municipality will be within the built-up area. The proposal also implements Policy 2.2.2.1 with respect to directing new growth to the built-up areas through intensification. Therefore, the proposal conforms to the policies contained in the Places to Grow Plan, in that the proposal provides for intensification and redevelopment within the built-up area, as defined by the Places to Grow Plan.

### **Hamilton-Wentworth Official Plan**

The subject property is designated “Urban Area” within the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. These areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

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In addition, Policy B-9.2 states that the City shall consider the protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, in the review of proposals for development and redevelopment. An Archaeological Assessment has been approved by the Ministry of Culture concluding that the subject lands should be considered free from further archaeological concern.

Therefore, based on the above, the proposal conforms with the Hamilton-Wentworth Official Plan.

**Hamilton Official Plan**

The subject lands are designated “Major Institutional” on Schedule ‘A’ - Land Use Concept of the Hamilton Official Plan and “Special Policy Area 1c” on Schedule ‘B’. Mixed residential uses are permitted within the “Major Institutional” designation, subject to the “Residential” policies. The proposed common element condominium complies with the “Residential” policies. The “Special Policy Area 1c” designation denotes that the lands form part of the “Urban Area” designation within the Niagara Escarpment Plan. The Niagara Escarpment Commission has reviewed the application, and has no concerns with the development or with any conformity issues to the Niagara Escarpment Plan. Therefore, the proposed Common Element Condominium complies with the Hamilton Official Plan.

**Urban Hamilton Official Plan**

The proposal has been evaluated against the policies of the new Urban Hamilton Official Plan, which was adopted by Council on July 9, 2009. The Minister of Municipal Affairs and Housing issued its decision on March 10, 2011, but the decision has been appealed by a number of parties and, at this time, the new Urban Hamilton Official Plan is not in effect.

The new Urban Hamilton Official Plan designates the subject lands as “Neighbourhoods” on Schedule “E-1” Urban Land Use designations. The “Neighbourhoods” designation permits a range of residential uses that maintain the existing character of established neighbourhoods. Compatible residential intensification and redevelopment is promoted. The proposed development is at a scale and density conforming to the policies that apply to “Low Density Residential” within the “Neighbourhoods” designation. Therefore, the proposed Common Element Condominium would comply with the Urban Hamilton Official Plan.



**Vincent Neighbourhood Plan**

The portion of the subject lands that are subject to the Common Element Condominium Application were redesignated through a recommendation in Report PED11175 (ZAC-11-027 / 25T-201104) from “Civic and Institutional” to “Single and Double Residential” and “Attached Housing”. The proposed condominium implements these designations.

**RELEVANT CONSULTATION**

**The following Departments and Agencies had no comments or objections:**

- Taxation Division, Corporate Services Department.
- Hamilton Municipal Parking System.
- Niagara Escarpment Commission.
- Horizon Utilities.

**The following Departments and Agencies submitted comments:**

**Environmental Services Section (Public Works Department)** has advised that an updated tree preservation plan is required. This condition has been included within the related subdivision and site plan applications and is not needed as part of the condominium application.

**Traffic Engineering Section (Public Works Department)** has advised that an Access Permit will be required, and any reconstruction of the curb and sidewalk be undertaken by a bonded contractor. It is noted that the conditions of approval associated with Site Plan Control Application DA-11-159 also include a condition for an Access Permit.

**Canada Post** has advised that this development will receive mail service to centralized mail facilities provided through their Community Mailbox Program. Canada Post requires standard conditions pertaining to offers of purchase and sale to advise purchasers of the community mailboxes, and for requirements to provide the community mailboxes within the development. This has also been included as conditions within the related Subdivision Application. The conditions requested by Canada Post are included as Recommendations (i) and (j).

**Union Gas Limited** has requested that the Draft Plan of Condominium be subject to a standard condition of approval to provide Union Gas Limited any necessary easements or agreements for the provision of gas services for this project. This condition is included as Recommendation (l).

## **Public Consultation**

In accordance with the new provisions of the Planning Act and Council's Public Participation Policy, 247 Notices of Complete Application and Preliminary Circulation were sent to property owners within 120 metres of the subject property on December 9, 2011, requesting comments on the application. Furthermore, a Public Notice Sign was posted on the property on December 16, 2011. Finally, Notice of the Public Meeting was given on March 2, 2012, in accordance with the requirements of the Planning Act. To date, no public comments have been received pertaining to the proposed Draft Plan of Condominium.

## **ANALYSIS / RATIONALE FOR RECOMMENDATION**

(include Performance Measurement/Benchmarking Data, if applicable)

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow).
  - (ii) It conforms with and implements the "Urban" designation of the Hamilton-Wentworth Official Plan.
  - (iii) It conforms to the "Major Institutional" designation of the Hamilton Official Plan.
  - (iv) It implements the "Single and Double Residential" and "Attached Housing" designations of the Vincent Neighbourhood Plan.
  - (v) The proposal implements condominium tenure for a form of development, as previously approved by Council, through Zoning Application ZAC-11-027, Subdivision Application 25T-201104, and Site Plan Control Application DA-11-159, and provides a mix of housing forms that are compatible with surrounding land uses.
  
2. The proposed draft plan of condominium (Common Elements Condominium) would be comprised of the following common elements: an internal road accessing Ambrose Avenue; a visitor parking area for 12 parking spaces; landscaped area; and open space constituting a floodplain and hazard slope. Each of the proposed 14 dwelling units would have frontage onto the condominium driveway. All open spaces, including the floodplain and hazard lands, would be maintained by the future Condominium Corporation (see Condition (m) of the Recommendation section of this Report).

3. The land proposed for the common elements condominium and the single detached dwellings, semi-detached dwellings, and townhouses will be created through an exemption from Part Lot Control. In this regard, final approval and registration of the Common Elements Condominium cannot occur until such time as a Part Lot Control Application is final approved, and the By-law removing the lands from Part Lot Control has been passed, to the satisfaction of the Director of Planning (Recommendation (f)).
4. The applicant must also enter into a Development Agreement with the City of Hamilton as a condition of draft plan approval. This Agreement would ensure that the tenure of all the subject residential parcels become “tied” to the proposed draft plan of condominium (Common Elements Condominium). This will have the effect of ensuring that individual townhouse lots are not sold until the condominium has been registered as a Common Elements Condominium under the Condominium Act (Recommendation (g)).
5. The proposed condominium road will be privately owned and maintained. As a condition of approval, the applicant should include a warning clause in the Development Agreement and all Purchase and Sale Agreements to advise perspective purchasers that the City of Hamilton will not provide maintenance or snow removal. Acknowledgement clauses are also included to advise purchasers of the centralized mailboxes and the 7.5m buffer on the future lots that abut the open space common element (Recommendations (h), (i), and (p)).
6. In order to adequately service the proposed development, the draft approved subdivision and conditionally approved site plan contemplate a rear yard catch basin with drainage swale that will collect water along the rear of the single detached dwellings along the north property line in order to take the drainage out to Ambrose Avenue, via a piped system. A 3.0m easement is proposed along the backs of these future lots. Draft Plan Conditions are proposed (see Conditions (n) and (o)) to ensure the easement is established and maintained accordingly. This implements a condition of Draft Plan Approval for 25T-201104, “Greenhill Glen”, that requires the common element condominium to be responsible for maintaining this system.

#### **ALTERNATIVES FOR CONSIDERATION**

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

Should the Plan of Condominium (Common Elements Condominium) not be approved, the applicant/owner could develop the lands as a standard block condominium development or a rental development. Site Plan Control Application DA-11-159 also could not be finalized, as issuance of draft plan approval of a plan of condominium is a

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condition of Site Plan Approval. Modifications in zoning and in the approved site plan, along with submission of an application for a standard condominium, would be required to facilitate the above alternative.

**CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)**

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

**Financial Sustainability**

- ◆ Effective and sustainable Growth Management.

**Social Development**

- ◆ Everyone has a home they can afford that is well maintained and safe.

**Environmental Stewardship**

- ◆ Natural resources are protected and enhanced.

**Healthy Community**

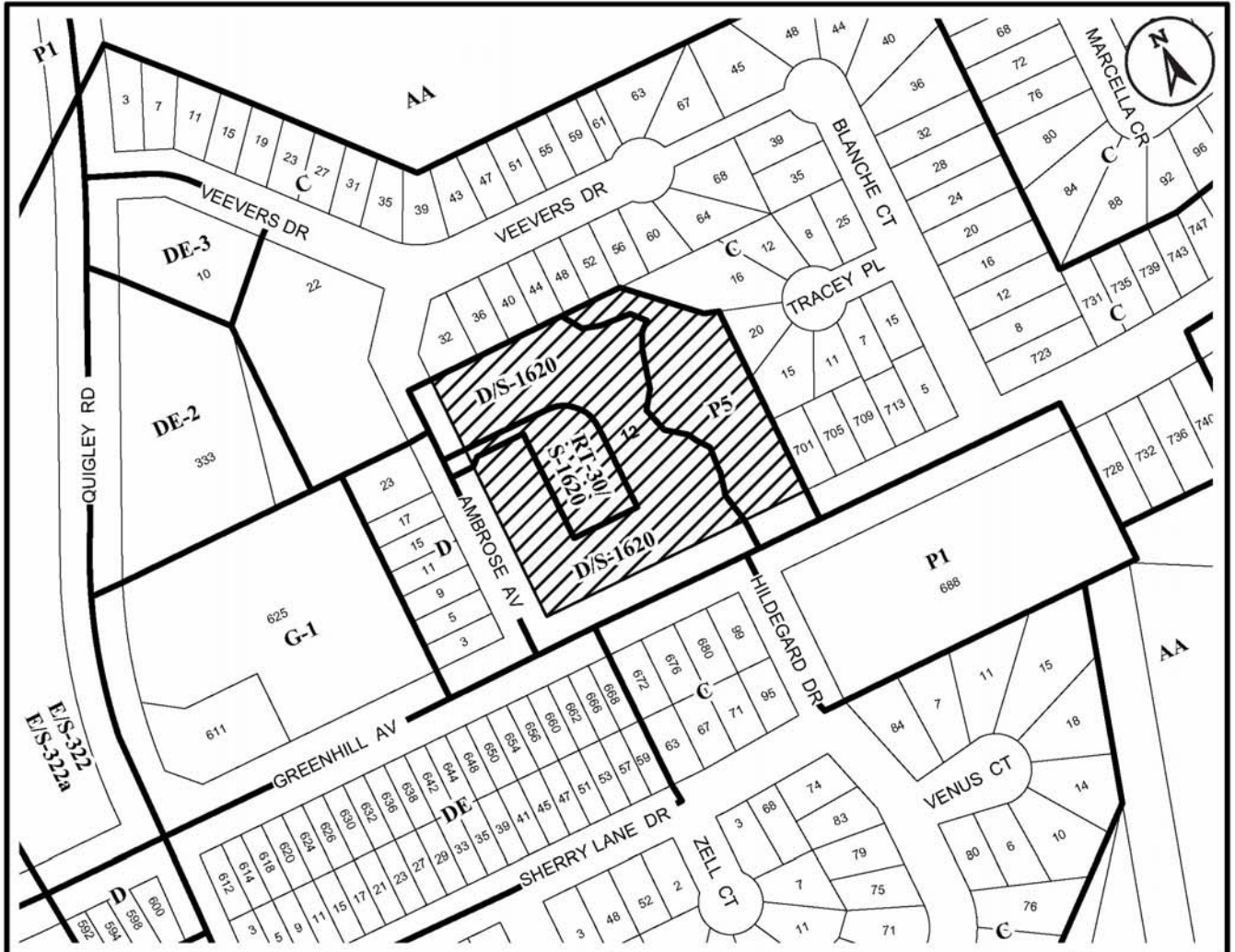
- ◆ Plan and manage the built environment.

**APPENDICES / SCHEDULES**

- Appendix "A": Location Map
- Appendix "B": Proposed Draft Plan of Condominium
- Appendix "C": Draft Approved Plan of Subdivision
- Appendix "D": Conditionally Approved Site Plan

:GM

Attachs. (4)



● Site of the Application



Ward 5 Key Map

N.T.S.

## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
25CDM-201114

Date:  
November 29, 2011

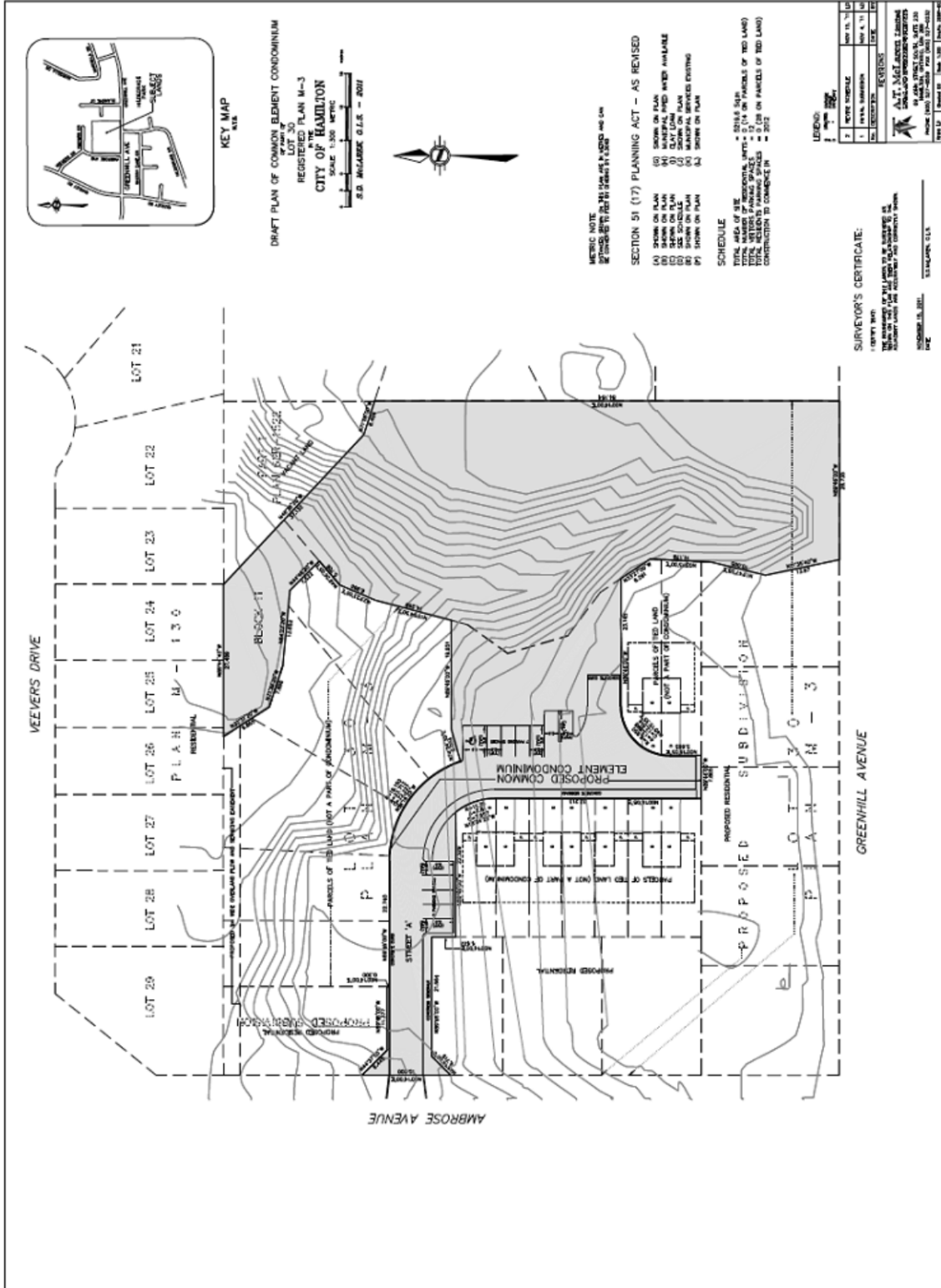
Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
GM/MS

### Subject Property

12 Ambrose Avenue



DRAFT PLAN OF COMMON ELEMENT CONDOMINIUM  
LOT 30  
REGISTERED PLAN M-3  
CITY OF HAMILTON  
SCALE 1:500 METRIC  
S.D. McLAUGHLIN O.L.S. - 2011



SECTION 51 (17) PLANNING ACT - AS REVISED

- (A) SHOW ON PLAN
- (B) SHOW ON PLAN
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- (W) SHOW ON PLAN
- (X) SHOW ON PLAN
- (Y) SHOW ON PLAN
- (Z) SHOW ON PLAN

SCHEDULE

TOTAL AREA OF SITE = 2014.5 SQ. M.  
TOTAL NUMBER OF RESIDENTIAL UNITS = 0 (14 ON PARCELS OF RED LAND)  
TOTAL RESIDENTIAL PARKING SPACES = 0 (28 ON PARCELS OF RED LAND)  
CONSTRUCTION TO COMPELCE IN = 2012

LEGEND:

NO.	DESCRIPTION	PLAN NO.	DATE
1	REVISIONS	REV. 1	2011
2	REVISIONS	REV. 2	2011
3	REVISIONS	REV. 3	2011
4	REVISIONS	REV. 4	2011
5	REVISIONS	REV. 5	2011

SURVEYOR'S CERTIFICATE:  
I hereby certify that the above is a true and correct copy of the original plan as submitted to me by the applicant and that the same conform to the requirements of the Planning Act and the Survey Act.  
A.T. McLAUGHLIN, O.L.S.  
2011-07-28





