



PLANNING COMMITTEE

REPORT 18-001

9:30 a.m.

Tuesday, January 16, 2018

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors A. Johnson (Chair), J. Farr (1st Vice-Chair), D. Conley (2nd Vice Chair), M. Green, C. Collins, M. Pearson, B. Johnson, D. Skelly, and J. Partridge

Absent with Regrets: R. Pasuta, Personal

Also Present: Councillor T. Whitehead

THE PLANNING COMMITTEE PRESENTS REPORT 18-001 AND RESPECTFULLY RECOMMENDS:

1. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED18002) (City Wide) (Item 5.1)

That Report PED18002 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

2. Responsible Animal Ownership By-law 12-031 be Amended to Include the Offence of Barking Dog (PED18003) (City Wide) (Item 5.2)

- (a) That the draft By-law, attached as Appendix "A" to Report PED18003, which amends the Responsible Animal Ownership By-law No. 12-031, by establishing offences of noise made by animals (barking dog, etc.), and which has been prepared in a form satisfactory to the City Solicitor, be approved;
- (b) That the draft By-law, attached as Appendix "B" to Report PED18003, which amends the By-law to Establish a System of Administrative Penalties By-law No. 17-225, by amending Table 8 to include offences of noise made by animals (barking dogs, etc.), which has been prepared in a form satisfactory to the City Solicitor, be approved.

COUNCIL – January 24, 2018

3. Review of Problems Associated with Increased Visitors to Waterfalls (PED18011) (Wards 6, 9, 13, 14 and 15) (Item 5.3)

That Report PED18011 respecting Review of Problems Associated with Increased Visitors to Waterfalls, be received.

4. Quality Index for Rental Units (PED18026) (City Wide) (Outstanding Business List Item) (Item 5.4)

That Report PED18026 respecting Quality Index for Rental Units, be received.

5. Application to Deem 1428 and 1444 Sandhill Drive, (Ancaster) Being Lots 8 to 11, Inclusive, of Registered Plan No. 62M-630, “Stanlow Industrial Park, Phase 1,” Not to be Part of a Registered Plan of Subdivision, for the Purposes of Subsection 50(3) of the *Planning Act* (PED18041) (Ward 12) (Added 5.5)

That approval be given to deem 1428 and 1444 Sandhill Drive (Ancaster), being Lots 8 to 11, inclusive, of Registered Plan No. 62M-630, “Stanlow Industrial Park, Phase 1,” not to be part of a Registered Plan of Subdivision, for the purposes of Subsection 50(3) of the *Planning Act*, as shown on Appendix “A” to Report PED18041, on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED18041, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposal to deem Lots 8 to 11, inclusive, of “Stanlow Industrial Park, Phase 1,” Registered Plan 62M-630, not to be part of a registered plan of subdivision, for lands known as 1428 and 1444 Sandhill Drive, is consistent with the Provincial Policy Statement (2014), and complies with the Urban Hamilton Official Plan.

6. Application for Approval of Draft Plan of Condominium (Common Element), for lands located at 1890 Rymal Road East (Glanbrook) (PED18006) (Ward 11) (Item 6.1)

- (a) That Draft Plan of Condominium Application 25CDM-201711, by Glen Schnarr & Associates Inc., on behalf of Branthaven Dakota Inc., Owner, to establish a Draft Plan of Condominium (Common Element) to create a condominium road network, sidewalks, landscaped areas, 51 visitor parking spaces and centralized mailboxes, on lands located at 1890 Rymal Road East (Glanbrook), as shown on Appendix “A” attached to Report PED18006, be APPROVED subject to the following conditions:

- (i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-201711 applies to the plan prepared by A.T. McLaren Limited, certified by S. D. McLaren, and dated August 31, 2017, consisting of a condominium road network, sidewalks, landscaped areas, 51 visitor parking spaces and centralized mailboxes, in favour of 194 townhouse dwelling units, attached as Appendix “B” to Report PED18006; and,
 - (ii) That the conditions of Draft Plan of Condominium Approval 25CDM-201711, attached as Appendix “C” to Report PED18006, be received and endorsed by City Council.
- (b) That there were no public submissions received regarding this matter.

7. Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 43-51 King Street East and 60 King William Street, Hamilton (PED18013) (Ward 2) (Item 6.4)

- (a) That the amended application Zoning By-law Amendment Application ZAR-17-047 by King William Residence Inc., Owner, for a change in zoning from the Downtown Prime Retail Streets (D2) Zone and the Downtown Mixed Use (D3) Zone to the Downtown Prime Retail Streets (D2, 626, H18) Zone, to permit a mixed use building consisting of two tower elements on a podium with a maximum building height of 94 metres (30 storeys) for lands located at 43-51 King Street East and 60 King William Street, Hamilton, as shown on Appendix “A” to Report PED18013, be APPROVED on the following basis:
 - (i) That the Draft By-law, attached as Appendix “A” to Report 18-001, which has been prepared in a form satisfactory to the City Solicitor, be amended by adding the following subsection, and be approved as amended:
 - 3(b) That the Owner purchase the alleyway required to implement the proposed development and provide confirmation that the abutting landowners have been granted easements over the alleyway to the satisfaction of the Director of Planning and Chief Planner;
 - (ii) That the amending By-law, attached as Appendix “A” to Report 18-001, as amended, be added to Schedules 910, 911, 952 and 953 of Zoning By-law No. 05-200; and,
 - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for

the Greater Golden Horseshoe (2017) and complies with the Urban Hamilton Official Plan;

- (b) That the public submissions received regarding this matter did not affect the decision.

8. Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium, for Lands Located at 154 and 166 Mount Albion Road, Hamilton (PED18014) (Ward 5) (Item 6.5)

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-17-014, by Springbrook West Scarlett Inc., Owner, to establish a site specific policy area to permit twenty-nine (29) townhouse dwellings on a private condominium road having a minimum residential density of forty-two (42) units per hectare, for lands located at 154 and 166 Mount Albion Road, as shown on Appendix “A” to Report PED18014, be APPROVED, on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18014, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) and conforms to the Places to Grow Plan.
- (b) That Amended Zoning By-law Amendment Application ZAC-16-002, by Springbrook West Scarlett Inc., Owner, for a change in zoning from the “AA” (Agricultural) District to the “C/S-1755” (Urban Protected Residential, etc.) District, Modified (Block 1) and “RT-30/S-1755” (Street – Townhouse) District, Modified (Blocks 2 to 6) in order to permit a maximum of twenty-nine (29) townhouse dwellings and two (2) single detached dwellings, for lands located at 154 and 166 Mount Albion Road, as shown on Appendix “A” to Report PED18014 be APPROVED, on the following basis:
 - (i) That the draft By-law, attached as Appendix “C” to Report PED18014 which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as “RT-30/S-1755” and “C/S-1755”; and,
 - (iii) That this By-law is in conformity with the Urban Hamilton Official Plan, upon approval of Urban Hamilton Official Plan Amendment No. .

- (c) That upon finalization of the amending By-law, that Blocks 3-9, as shown on Appendix "D" to Report PED18014, be re-designated from "Single and Double" and "Institutional" to "Attached Housing" in the Red Hill Neighbourhood Plan.
- (d) That Draft Plan of Subdivision Application 25T-201613, by Springbrook West Scarlett Inc., Owner, to establish a Draft Plan of Subdivision known as The Towns of Red Hill, on lands located at 154 and 166 Mount Albion Road, as shown on Appendix "A" to Report PED18014 be APPROVED, subject to the following:
 - (i) That this approval apply to the Draft Plan of Subdivision known as "The Towns of REDHILL", as redline revised, 25T-201613, prepared by B.A. Jacobs Surveying Ltd., and certified by Bryan Jacobs O.L.S dated August 9, 2016, showing two (2) lots for single detached dwellings (Lots 1 and 2), one block for a private condominium road and visitor parking (Block 3), six (6) townhouse blocks (Blocks 4 to 9), and one block for a daylight triangle (Block 10) subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the special conditions attached as Appendix "E" to Report PED18014.
- (e) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the *Planning Act*, and will be calculated in accordance with the City's Parkland Dedication By-law, and shall be based on the value of the lands on the day prior to the issuance of each building permit.
- (f) With regard to the twenty-nine (29) lots for townhouse dwellings and two (2) single detached dwelling, a parkland dedication at a ratio of 0.6 hectare per 300 dwelling units, will be required for the proposed townhouse dwellings all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.
- (g) That Draft Plan of Condominium (Common Element) Application 25CDM-201619, by Springbrook West Scarlett Inc., Owner, to establish a Draft Plan of Condominium (Common Element) consisting of a condominium road and visitor parking for twenty-nine (29) townhouse dwellings, on lands located at 154 and 166 Mount Albion Road, as shown on Appendix "A" to Report PED18014 be APPROVED, subject to the following:
 - (i) That this approval apply to the Draft Plan of Condominium (Common Element), 25CDM-201619, prepared by B.A. Jacobs Surveying Ltd. and certified by Bryan Jacobs O.L.S, dated August 9, 2016, showing a private condominium road and visitor parking, subject to the owner entering into a Standard Form Condominium Agreement, as approved by City Council, and with the special conditions attached as Appendix "G" to Report PED18014;

- (h) That the public submissions received regarding this matter did not affect the decision.

9. Applications to Amend the Urban Hamilton Official Plan, the Rural Hamilton Official Plan, Glanbrook Zoning By-law No. 464, Hamilton Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision “Mountaingate” for lands known as 9255 Airport Road West (Glanbrook) (PED18017) (Ward 11) (Item 6.6)

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-15-03, by Hotz and Sons Limited, Owner, to amend the Mount Hope Secondary Plan to redesignate lands from “Institutional” and “Low Density Residential 3f” to “District Commercial”; from “District Commercial” and “Low Density Residential 3f” to “General Open Space”; from “Low Density Residential 2”, “Utility”, and “Natural Open Space” to “Neighbourhood Park”; from “Low Density Residential 2” and “Utility” to “Natural Open Space”; from “Low Density Residential 2” and “Low Density Residential 2c” to “General Open Space”; from “Low Density Residential 2” and “Low Density Residential 2c” to “Utility”; from “Low Density Residential 2” to “Low Density Residential 2c”; from “Low Density Residential 2c” and “Low Density Residential 3f” to “Medium Density Residential 3”; from “Low Density Residential 2c”, “Low Density Residential 3f”, “Utility”, and “Neighbourhood Park” to “Low Density Residential 2”; and from “Low Density Residential 2c”, “Low Density Residential 3f”, and “Neighbourhood Park” to “Institutional”. The amendment will also add a special policy area for lands designated “Low Density Residential 2” in order to restrict uses to single detached dwellings and establish a maximum density of 40 units per net hectare; add a special policy area for lands designated “Low Density Residential 2c” to establish a density range of 30 to 55 units per net hectare; add a site specific policy area for lands designated “Medium Density Residential” in order to allow for a maximum height of four storeys; add a site specific policy area for lands designated “Institutional” in order to allow for multiple dwellings and to permit a maximum building height of four storeys; remove Core Areas; Linkages and Streams from the Natural Heritage System; remove wetlands and streams from the Natural Heritage Features; and, establish new local roads, for the lands known as 9255 Airport Road West (Glanbrook), as shown on Appendix “A” to Report PED18017, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18017, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).

- (b) That Rural Hamilton Official Plan Amendment Application RHOPA-18-002, by Hotz and Sons Limited, Owner, to amend the Schedule B-Natural Heritage System, Schedule B-4 - Detailed Natural Heritage Features Key Hydrologic Features, and Schedule B-8 - Detailed Natural Heritage Features Key Hydrologic Features Streams to remove the Key Hydrologic Features (Wetlands and Streams) and to apply a Site Specific Policy to allow for the development of a stormwater management facility to serve the adjacent urban area, for the lands known as 9255 Airport Road West (Glanbrook), as shown on Appendix "A" to Report PED18017, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix "C" to Report PED18017, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).
- (c) That Zoning By-law Amendment Application ZAC-07-111 by Hotz and Sons Limited, Owner, for changes in zoning from the Deferred Development "DD" Zone and General Agriculture "A1" Zone to the Residential "R4-218(A)" Zone, Modified (Block 1); from the Deferred Development "DD" Zone and General Agriculture "A1" Zone to the Residential Multiple "RM2-194(A)" Zone, Modified (Block 2); from the Deferred Development "DD" Zone and the General Agriculture "A1" Zone to the Residential Multiple "RM3-284(A)" Zone and "RM3-284(B)" Zone, Modified (Blocks 3 and 4); and from the Deferred Development "DD" Zone and the General Agriculture "A1" Zone to the Shopping Centre Commercial "C2-309" Zone, Modified (Block 5) in Zoning By-law No. 464; for lands located at 9255 Airport Road West (Glanbrook), as shown on Appendix "A" to Report PED18017, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix "D" to Report PED18017, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (PPS) and conform to the Growth Plan for the Greater Golden Horseshoe (2017); and,
 - (iii) That the proposed changes in zoning comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. 89.
- (d) That Zoning By-law Amendment Application ZAC-07-111 by Hotz and Sons Limited, Owner, for changes in zoning from the Deferred

Development “DD” Zone to the Neighbourhood Park (P1) Zone; from the Deferred Development “DD” Zone and the General Agricultural “A1” Zone to the Open Space (P4) Zone; from the Deferred Development “DD” Zone and General Agriculture “A1” Zone to the Conservation / Hazard (P5) Zone; and from the Deferred Development “DD” Zone and General Agriculture “A1” Zone to the Conservation / Hazard Lands – Rural (P6) Zone, in Zoning By-law No. 05-200; for lands located at 9255 Airport Road (Glanbrook), as shown on Appendix “A” to Report PED18017, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “E” to Report PED18017, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (PPS) and conform to the Growth Plan for the Greater Golden Horseshoe (2017); and,
 - (iii) That the proposed changes in zoning comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. 89 and Rural Hamilton Official Plan Amendment No. 15.
- (e) That approval be given to add a portion of the lands located at 9255 Airport Road West, Glanbrook, to Zoning By-law No. 05-200 and zone said lands District Commercial (C6) Zone in Zoning By-law No. 05-200, subject to the following:
- (i) That the draft By-law, attached as Appendix “I” to Report PED18017, be held in abeyance until such time as the Commercial and Mixed Use Zones are in force and effect; and,
 - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “I” to Report PED18017, for enactment by City Council, once Zoning By-law No. 17-240, the by-law to establish the Commercial and Mixed Use Zones, is in force and effect.
- (f) That Draft Plan of Subdivision Application 25T-200723 by Hotz and Sons Limited, Owner, to establish a Draft Plan of Subdivision previously known as “Mountaingate”, be amended to be known as “Lancaster Heights”, on lands known as 9255 Airport Road West (Glanbrook), as shown on Appendix “A” to Report PED18017, be APPROVED subject to the following conditions:
- (i) That this approval apply to the Draft Plan of Subdivision, previously known as “Mountaingate”, as amended to be known as “Lancaster Heights”, 25T-200723, prepared by Odan-Detech Consulting Engineers and certified by Bruce MacLeod, O.L.S., dated

September 12, 2017, consisting of a maximum of 217 lots for single detached dwellings (Lots 1 – 36, 71 – 159, 245 – 259, 284 – 360), a maximum of 143 lots for street townhouse units (Lots 37 – 70, 160 – 244, and 260 – 283), one block for 69 back-to-back and stacked decked townhouse units (Block 361), one block for institutional or 228 medium density residential units (conventional; back-to-back, stacked and / or stacked deck townhouse units) (Block 362), one commercial block (Block 363), one block for a future road widening (Block 364), one open space block (Block 365), one future servicing block (Block 366), one neighbourhood park (Block 369), three blocks for servicing corridor (Blocks 370, 371, and 372), two natural open space blocks (Blocks 373 and 376), two Stormwater Management Blocks (Blocks 374 and 375), as per the agreement between Branthaven Homes and Hotz and Sons Limited, and one future residential block (Block 377), one block for a 0.3 m reserve (Block 367), one block for a vegetation protection zone (Block 368), proposed Street “A”, Street “B”, Street “C”, Street “D”, Street “E”, Street “F”, proposed Mountaingate Road, the extension of Rosebury Way, and the extension of Provident Way, subject to the owner entering into a standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “B” to Report 18-001, as amended, to include the requirement that traffic calming measures be installed between the existing subdivision and “Lancaster Heights”;

- (ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development shall be in accordance with the City’s Financial Policies and will be determined at the time of development; and,
- (iii) That pursuant to Section 51 of the *Planning Act*, 1.57 ha, being 5% of the subject lands and known as part of “Block 369” on the attached Draft Plan (Appendix “F” to Report PED18017), shall be dedicated to the City for Park land purposes. A credit for parkland dedication will be provided for the over dedication of 0.63 ha of “Block 369” to be used for parkland purposes, which is above and beyond the required 5% subject to Section 51 of the *Planning Act*;

all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

- (g) That the public submissions received regarding this matter did not affect the decision.

10. Preliminary Screening for the Request to Designate 650 and 672 Sanatorium Road, Hamilton, Under Part IV of the *Ontario Heritage Act* (PED18001) (Ward 8) (Item 8.1)

- (a) That Council direct and authorize staff to undertake a Cultural Heritage Assessment of 650 and 672 Sanatorium Road, Hamilton, shown on Appendix “A” to Report PED18001, to determine whether the property is of cultural heritage value worthy of designation under Part IV of the *Ontario Heritage Act*;
- (b) That the Cultural Heritage Assessment work be assigned a high priority and be added to staff’s work plan for completion and presentation to the Hamilton Municipal Heritage Committee (HMHC) no later than December 31, 2018, as per the attached Appendix “G” to Report PED18001;
- (c) That should the Cultural Heritage Assessment determine that 650 and 672 Sanatorium Road, Hamilton, is of cultural heritage value or interest, a Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes be prepared by staff for Council’s consideration for designation under Part IV of the *Ontario Heritage Act*;
- (d) Pursuant to Section 27(1.2) of the *Ontario Heritage Act*, that Council direct staff to add the respective buildings located at 650 and 672 Sanatorium Road, shown in Appendix “A” of Report PED18001, to the Register of Property of Cultural Heritage Value or Interest (the “Register”), following consultation with the HMHC as per the Council-approved Designation Process (see Appendix “D” to Report PED18001);
- (e) Pursuant to Section 27(5) of the *Ontario Heritage Act*, that Council require that any notice of intention to demolish or remove any structure or building on 650 and 672 Sanatorium Road, shown in Appendix “A” to Report PED18001, include a Cultural Heritage Impact Assessment report, to the satisfaction and approval of the Director of Planning and Chief Planner;
- (f) That a copy of Report PED18001 be forwarded to the Hamilton Municipal Heritage Committee for information and consultation; and,
- (g) That a copy of Report PED18001 be forwarded to the property owner and the designation requestors for information.

- 11. Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Urban Hamilton Official Plan, Town of Glanbrook Zoning By-law No. 464, and Draft Plan of Subdivision, for Lands Located at 9684, 9694, and 9714 Twenty Road West (Glanbrook) (PED18009) (Ward 11) (Item 8.2)**

That Report PED18009 respecting Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Urban Hamilton Official Plan, Town of Glanbrook Zoning By-law No. 464, and Draft Plan of Subdivision, for Lands Located at 9684, 9694, and 9714 Twenty Road West (Glanbrook), be received.

- 12. Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Town of Ancaster Zoning By-law No. 87-57, for Lands Located at 941 Old Mohawk Road (Ancaster) (PED18010) (Ward 12) (Item 8.3)**

That Report PED18010 respecting Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Town of Ancaster Zoning By-law No. 87-57, for Lands Located at 941 Old Mohawk Road (Ancaster), be received.

- 13. Purchase Leaseback of 18 Sinclair Avenue, Hamilton (Added Item)**

WHEREAS the City is acquiring the property at 18 Sinclair Court (being a three bedroom, 2 storey home), the closing of which will take place on January 31, 2018;

WHEREAS, the property owner is acquiring a small bungalow in Hamilton - this closing is scheduled to coincide with the sale of her property to the City on January 31, 2018;

WHEREAS, one of the property owners has limited mobility and has, for several years, resided in a long term care facility, and is unable to assist their spouse; and

WHEREAS, the property owner is requesting a lease-back of her property for a short term commencing February 1, 2018, ending on May 31, 2018, at nominal consideration (\$2.00) to permit a staged move through the Winter/Spring seasons;

THEREFORE BE IT RESOLVED:

- (a) That the Real Estate Section of the Planning and Economic Development Department be authorized and directed to enter into a short term lease of

18 Sinclair Court at \$500 per month with the existing property owners commencing February 1, 2018 and terminating on May 31, 2018;

- (b) That the Mayor and Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor.

14. To Recognize Storage as a Permitted Use for the Property Located at 3868 Hwy No. 6, Mount Hope (Added Item)

WHEREAS, in approving the Rural Zoning By-law, it was the intent of Council to provide flexible zoning in the rural area to support existing businesses;

WHEREAS, the property at 3868 Hwy No. 6, Mount Hope has been used for storage uses prior to amalgamation and adoption of the Rural Zoning By-law; and

WHEREAS, the Rural Zoning By-law has a site specific exception for the property at 3868 Hwy No. 6, Mount Hope to recognize the use of the property for storage related uses;

THEREFORE BE IT RESOLVED:

That Planning and Economic Development staff be advised that the intent of Council in approving the Rural Zoning By-law applicable to the subject lands was to recognize the use of the property for a storage facility.

15. Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 157 Upper Centennial Parkway (Stoney Creek) (Ward 9) (Added Item 12.1)

That the direction to staff respecting the Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 157 Upper Centennial Parkway (Stoney Creek), be approved and remain private and confidential until approved by Council.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes to the agenda:

1. ADDED DELEGATION REQUESTS

- 4.1 Brad Clark, Maple Leaf Strategies, to present a summary of the Hamilton Rental Housing Roundtable discussion paper entitled “Promoting Code Compliant Rental Housing with Safe, Clean and Healthy Dwelling Units,” at the February 6, 2018 meeting.
- 4.2 Alexander Temporale, A.T.A. Architects Inc., regarding the heritage designation of the property located at 650 Sanatorium Road, Hamilton (Item 8.1) (For today’s agenda.)

2. ADDED CONSENT ITEM

- 5.5 Application to Deem 1428 and 1444 Sandhill Drive, Being Lots 8 to 11, Inclusive, of Registered Plan No. 62M-630, “Stanlow Industrial Park, Phase 1,” Not to be Part of a Registered Plan of Subdivision, for the Purposes of Subsection 50(3) of the *Planning Act* (Ancaster) (Ward 12) (Ward 12) (PED18041)

3. ADDED WRITTEN COMMENTS

- 6.2(b) Ed Fothergill, Fothergill Planning & Development Inc., on behalf of Marfad Holdings, 928 Queenston Road, Stoney Creek respecting the Centennial Neighbourhoods Secondary Plan, PED18007
- 6.2(c) Sarah Knoll, GSP Group, on Behalf of SmartREIT 502-560 Centennial Pkwy North respecting the Centennial Neighbourhoods Secondary Plan, PED18007
- 6.2(d) Ed Fothergill, Fothergill Planning & Development Inc., on behalf of Parkway Nissan, 191 Centennial Parkway North respecting the Centennial Neighbourhoods Secondary Plan, PED18007
- 6.2(e) Catherine Spears, Professional Planner, Spears + Associates, on behalf of Bentall Kennedy LP (Canada) Eastgate Square respecting the Centennial Neighbourhoods Secondary Plan, PED18007
- 6.2(f) James Webb of WEBB Planning Consultants, on behalf of The Effort Trust Company, respecting the Centennial Neighbourhoods Secondary Plan, PED18007

- 6.2(g) Patricia Foran, Aird & Berlis LLP, on behalf of Queenston Road Holdings Inc. respecting the Centennial Neighbourhoods Secondary Plan, PED18007
- 6.2(h) Stephen Fraser, A. J. Clarke and Associates Limited, on behalf of A. DeSantis Holding Limited.
- 6.3(a) Valerie Righton, owner of 2358058 Ontario Limited, 165 Queenston Road respecting Item 6.3, Proposed Transit Oriented Corridor Zones in Zoning By-law No. 05-200 - LRT Extension and Housekeeping Amendments (PED18012) (Wards 1,3, 4, 5 and 9)
- 6.6(a) Matt Johnson and Carmela Agro, of UrbanSolutions, Planning and Land Development Consultants Inc., on behalf of Branthaven Mount Hope Inc. (Branthaven) respecting Item 6.6 Applications to Amend the Urban Hamilton Official Plan, the Rural Hamilton Official Plan, Glanbrook Zoning By-law No. 464, Hamilton Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision "Mountaingate" for lands known as 9255 Airport Road West (Glanbrook) (PED18017) (Ward 11)

4. REPLACEMENT OF APPENDICES TO ITEMS 6.2, 6.3 AND 6.5

- The maps on pages 68 of 75 and 72 of 75 of Appendix "B" to Item 6.2 respecting Centennial Neighbourhoods Secondary Plan, PED18007 are replaced with the distributed copies.
- Appendix "B" to Item 6.3 respecting Proposed Transit Oriented Corridor Zones in Zoning By-law No. 05-200 - LRT Extension and Housekeeping Amendments (PED18012) (Wards 1,3, 4, 5 and 9) is replaced with the distributed copy.
- Appendix "G" to Item 6.5 respecting Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium, for Lands Located at 154 and 166 Mount Albion Road, Hamilton (PED18014) (Ward 5) is replaced with the distributed copy.

5. ADDED PRIVATE AND CONFIDENTIAL ITEM

- 12.1 Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 157 Upper Centennial Parkway (Stoney Creek) (Ward 9) (Distributed under separate cover.)

Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (e) and (f) of the Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City and the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

The agenda for the January 16, 2018 meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

Councillors Pearson and Green declared an interest with respect to Item 4.1 as they are both owners of rental properties.

(c) APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 3)

(i) December 5, 2017 (Item 3.1)

The Minutes of the December 5 2017 meeting were approved.

(d) DELEGATION REQUESTS (Item 4)

The following delegation request was approved to attend at a future meeting:

- (i) Brad Clark, Maple Leaf Strategies, to present a summary of the Hamilton Rental Housing Roundtable discussion paper entitled "Promoting Code Compliant Rental Housing with Safe, Clean and Healthy Dwelling Units." (Added 4.1)

The following delegation request was approved to address Committee at today's meeting:

- (i) Alexander Temporale, A.T.A. Architects Inc., regarding the heritage designation of the property located at 650 Sanatorium Road, Hamilton (Item 8.1) (Added 4.2.)

Item 6.4 respecting Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 43-51 King Street East and 60 King William Street, Hamilton (PED18013) (Ward 2) was considered first.

(e) DELEGATIONS/PUBLIC HEARING (Item 6)

(i) Application for Approval of Draft Plan of Condominium (Common Element), for lands located at 1890 Rymal Road East (Glanbrook) (PED18006) (Ward 11) (Item 6.1)

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

No member of the public came forward,

James Doracin from Branthaven, the applicant, was in attendance.

The staff presentation was waived.

The public meeting was closed.

The recommendations were amended by adding the following subsection (b) and re-lettering the balance:

- (b) That there were no public submissions received regarding this matter.

For disposition of this matter refer to Item 6.

(ii) Centennial Neighbourhoods Secondary Plan and Centennial Neighbourhoods Transportation Management Plan (PED18007) (Wards 5 and 9) (Item 6.2)

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

Written Comments

- 6.2(a) Meaghan Palynchuk, Manager, Municipal Relations, Bell Canada
- 6.2(b) Ed Fothergill, Fothergill Planning & Development Inc., on behalf of Marfad Holdings, 928 Queenston Road, Stoney Creek
- 6.2(c) Sarah Knoll, GSP Group, on Behalf of SmartREIT 502-560 Centennial Pkwy North
- 6.2(d) Ed Fothergill, Fothergill Planning & Development Inc., on behalf of Parkway Nissan, 191 Centennial Parkway North
- 6.2(e) Catherine Spears, Professional Planner, Spears + Associates, on behalf of Bentall Kennedy LP (Canada) Eastgate Square
- 6.2(f) James Webb of WEBB Planning Consultants, on behalf of The Effort Trust Company
- 6.2(g) Patricia Foran, Aird & Berlis LLP, on behalf of Queenston Road Holdings Inc.
- 6.2(h) Stephen Fraser, A. J. Clarke and Associates Limited, on behalf of A. DeSantis Holding Limited.

The written comments, Item 6.2(a) to 6.2(h) were received.

The following individuals addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. Copies of the presentations are available for viewing on the City's website:

Melanie Pham, Planner, provided an introduction to the report. Patrick Kennedy of Dillon Consulting provided an overview of the Secondary Plan. Norma Moores of IBI Group provided an overview of the Transportation Master Plan. Melanie Pham, Planner, provided an overview of the Secondary Plan. Madeleine Giroux, Planner, provided an overview of Item 6.3, the Transit Oriented Corridor Zoning Extension, as the two Items are related.

The presentations were received.

Speakers

1. **Catherine Spears, Professional Planner, Spears + Associates, on behalf of Bentall Kennedy LP (Canada) Eastgate Square**

Catherine Spears addressed Committee on behalf of her client, the owner of Eastgate Square and spoke in support of the proposal but expressed some concerns and referred to recommendations which she outlined in her letter which is Item 6.2(e).

2. **James Webb, WEBB Planning Consultants on behalf of The Effort Trust Company**

James Webb addressed Committee and indicated that his client, The Effort Trust Company, owner of Queenston Mall, is in agreement with the long term vision but is concerned with the transitional period and asked for the opportunity to continue to work with staff.

3. **Stephen Fraser, J.J. Clarke and Associates Limited, on behalf of A. DeSantis Holdings Limited, regarding 517 – 523 Queenston Road**

Stephen Fraser addressed Committee and asked for more time to work out the concerns of his client, A. DeSantis Holdings Limited, with staff.

4. **Steven Silverberg, representing Laurier Queenston Road Inc., 826 and 840 Queenston Road**

Steven Silverberg addressed Committee and indicated that Laurier Queenston Road Inc., the owners of 826 and 840 Queenston Road, want to participate in the public meeting and be informed of Council's decisions.

5. **Michael Crough, IBI Group**

Michael Crough addressed Committee and indicated that he is representing two properties; Image Honda, 155 Centennial Parkway North and Satay Motors, 282 Centennial Parkway North. Their issue is with Policy Item 677(k)(iv) regarding the Urban Design requirements.

6. Matt Johnston, UrbanSolutions, Planning and Land Development Consultations

Matt Johnston addressed Committee and indicated that he is representing his client who is the owner of 140 Centennial Parkway North. They believe that this location could accommodate an increase in the height restrictions.

7. Fred Pizzoferrato, 103 Centennial Parkway South, Stoney Creek

Fred Pezzoferrato addressed Committee and indicated that he is a long time resident of Centennial Parkway and he believes the road should be widened to three lanes each way.

8. Valerie Righton, owner of 2358058 Ontario Limited, 165 Queenston Road

Valerie Righton addressed Committee and indicated that she is seeking confirmation that the zoning on her property at 165 Queenston Road, does include the allowable parking spaces and setbacks. Staff confirmed that it did.

The delegations were received.

The public meeting was closed.

Report PED18007 respecting Centennial Neighbourhoods Secondary Plan and Centennial Neighbourhoods Transportation Management Plan Amendment was TABLED to the next meeting in order for staff to address the concerns expressed in the public submissions.

(iii) Proposed Transit Oriented Corridor Zones in Zoning By-law No. 05-200 - LRT Extension and Housekeeping Amendments (PED18012) (Wards 1,3, 4, 5 and 9) (Item 6.3)

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

Written Comments

6.3(a) Valerie Righton, owner of 2358058 Ontario Limited, 165 Queenston Road

The added written comments, Item 6.3(a) were received.

No member of the public came forward.

The public meeting was closed.

Report PED18012 respecting Proposed Transit Oriented Corridor Zones in Zoning By-law No. 05-200 - LRT Extension and Housekeeping Amendments was TABLED to the next meeting in order for staff to address the concerns expressed in the public submissions.

(iv) Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 43-51 King Street East and 60 King William Street, Hamilton (PED18013) (Ward 2) (Item 6.4)

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

Tiffany Singh and Daniel Barnett, Planners, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. A copy of the presentation is available for viewing on the City's website.

The staff presentation was received.

Sergio Manchia of UrbanSolutions and Bernardo Graziani (Graziani + Corazza Architects Inc.) were in attendance representing the applicant and addressed Committee with the aid of a PowerPoint presentation. A copy of the presentation is available for viewing on the City's website.

The agents' presentation was received.

Speakers

1. Jonathan Deveau, 80 King William Street

Jonathan Deveau addressed Committee and expressed his concerns with the proposal which included the height and the affect on traffic. He provided a hand-out titled "Section view showing impact of Podium and Tower on King William" which was distributed. A copy has been retained for the Clerk's record.

2. Rob Fiedler, Planning Coordinator, of the Beasley Neighbourhood Association (BNA).

Rob Fiedler addressed Committee and indicated that although the Association does not oppose the proposal they do have concerns with the proposed height.

The delegations were received.

The public meeting was closed.

Appendix "B" was amended by adding the following subsection:

- 3(b) That the Owner purchase the alleyway required to implement the proposed development and provide confirmation that the abutting landowners have been granted easements over the alleyway to the satisfaction of the Director of Planning and Chief Planner;

The recommendations were further amended by adding the following subsection (b):

- (b) That the public submissions received regarding this matter did not affect the decision.

For disposition of this matter refer to Item 7.

(v) **Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium, for Lands Located at 154 and 166 Mount Albion Road, Hamilton (PED18014) (Ward 5) (Item 6.5)**

In accordance with the provisions of the *Planning Act*, Chair A. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Official Plan and Zoning By-law Amendments, the Draft Plan of Subdivision and Draft Plan of Condominium, the person or public body is

not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No member of the public came forward.

The public meeting be closed.

The staff presentation was waived.

Brenda Khes of GSP Group was in attendance representing the applicant.

The recommendations were amended by adding the following subsection (h):

- (h) That the public submissions received regarding this matter did not affect the decision.

For disposition of this matter refer to Item 8.

(vi) Applications to Amend the Urban Hamilton Official Plan, the Rural Hamilton Official Plan, Glanbrook Zoning By-law No. 464, Hamilton Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision “Mountaingate” for lands known as 9255 Airport Road West (Glanbrook) (PED18017) (Ward 11) (Item 6.6)

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

Written Comments

6.6(a) Matt Johnson and Carmela Agro, of UrbanSolutions, Planning and Land Development Consultants Inc., on behalf of Branthaven Mount Hope Inc. (Branthaven)

The added written comments, Item 6.6(a) were received.

The staff presentation was waived.

Michael Hannay was in attendance representing the owner. He addressed Committee and indicated that they support the staff report.

Speakers

1. Sergio Manchia, representing Avatar Homes Inc.

Sergio Manchia addressed Committee and indicated that he is representing Avatar Homes Inc., the owner of the property adjacent to the proposed development. He indicated support for the proposal and noted that the developer agreed to install a permanent storm water management pond so that Avatar can release its temporary storm water management facility.

2. Matt Johnston, UrbanSolutions, Planning and Land Development Consultants representing Branthaven Homes

Matt Johnston addressed Committee and indicated that he is representing Branthaven Homes, the owner of the lands abutting the proposed development. He is requesting amendments to the recommendations and indicated that he has copies of the amendments.

The delegations were received.

The public meeting was closed.

- (a) The conditions were amended to reflect the agreement between Branthaven Homes and the applicant regarding drainage;
- (b) Traffic calming measures are to be installed between the existing subdivision and the new subdivision;
- (c) The development/subdivision, previously known as "Mountaingate", is to be known as "Lancaster Heights".

The recommendations were amended by adding the following subsection (g):

- (g) That the public submissions received regarding this matter did not affect decision.

For disposition of this matter refer to Item 9.

(f) DISCUSSION ITEMS (Item 8)

- (i) Preliminary Screening for the Request to Designate 650 and 672 Sanatorium Road, Hamilton, Under Part IV of the *Ontario Heritage Act* (PED18001) (Ward 8) (Item 8.1)**

Delegation

- (i) Alexander Temporale, A.T.A. Architects Inc (Added 4.2)**

Alexander Temporale addressed Committee with the aid of a PowerPoint presentation and indicated that he was retained by Columbia International College, the owner of the building located at 650 Sanatorium Road. He outlined reasons why 650 Sanatorium Road does not merit heritage designation. A copy of his presentation is available for viewing on the City's website.

The delegation was received.

Ward Councillor Terry Whitehead was in attendance to speak to this issue.

For disposition of this matter refer to Item 10.

(g) MOTIONS (Item 9)

- (i) Community Improvement Plan Incentives (Item 9.1)**

Staff were directed to report back on the feasibility of limiting Development Charge reductions, Parkland Dedication Fee reductions or any Community Improvement Plan incentives to the regulated height and density restrictions of the Council adopted Official Plan and/or Zoning By-law with full fees to be applied to all height and density that surpass the restrictions.

Chair A. Johnson relinquished the Chair to Vice Chair Farr to move the following motion:

- (ii) Exemption of Affordable Housing Projects from Application Fees (Item 9.2)**

WHEREAS, the City has exempted affordable housing projects from the payment of parkland dedication fees;

WHEREAS, the City has exempted affordable housing projects from the payment of development charges;

WHEREAS, in 2016 Council approved the waiving of several planning fees for affordable housing projects including application fees for rezonings, Official Plan Amendments, Site Plans, and a portion of fees for Plans of Subdivision and Plans of Condominium; and

WHEREAS, for the purposes of this motion, affordable housing includes any project that either has been approved to receive funding from the Government of Canada or the Province of Ontario under an affordable housing program or has been approved by the City of Hamilton or the CityHousing Hamilton Corporation through an affordable housing program;

THEREFORE BE IT RESOLVED:

That staff report back on significant fees and securities related to development approvals that are typically incurred by affordable housing projects, the estimated cost to the City of waiving or reimbursing these fees, and the potential funding sources for offsetting any lost City revenues.

Chair A. Johnson assumed the Chair.

(h) NOTICES OF MOTION (Item 10)

(i) Purchase Leaseback of 18 Sinclair Avenue, Hamilton (Added 10.1)

Councillor Collins introduced a notice of motion respecting Purchase Leaseback of 18 Sinclair Avenue, Hamilton.

The rules of order were waived in order to allow the introduction of a motion respecting Purchase Leaseback of 18 Sinclair Avenue, Hamilton.

For disposition of this matter refer to Item 13.

(ii) To Recognize Storage as a Permitted Use for the Property Located at 3868 Hwy No. 6, Mount Hope (Added 10.2)

Councillor B. Johnson introduced a notice of motion To Recognize Storage as a Permitted Use for the Property Located at 3868 Hwy No. 6, Mount Hope.

The rules of order be waived in order to allow the introduction of a motion To Recognize Storage as a Permitted Use for the Property Located at 3868 Hwy No. 6, Mount Hope.

For disposition of this matter refer to Item 14.

(i) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

(i) Outstanding Business List (Item 11.1)

(Conley/Pearson)

The following new due dates were approved:

Item “V” – That staff report back on the feasibility of amending the Licensing By-law including comparators across the country, to clearly define adult services in relation to the distinction between strip clubs and other performances, including but not limited to burlesque.

Due date: January 16, 2018

New due date: ~~January, 2019~~ **TBD**

Item “W” – That staff investigate and report back on the feasibility of implementing a by-law that will ensure that any commercial company that is contracted to remove trees within the City of Hamilton has a City Business Licence.

Due date: January 16, 2018

New due date: January, 2019

The following Items were removed:

Item “G” - Quality Index for Rental Units (Item 5.4 on this agenda)

Item “FF” - That staff be directed to review the current zoning and schedule a public meeting of the Planning Committee to consider changes to the zoning by-law to broaden the range of permitted uses to include new local commercial uses that serve the immediate neighbourhood. of King St E. between Barnesdale Avenue & Fairholt Street. (Item 6.3 on this agenda.)

(j) PRIVATE AND CONFIDENTIAL (Item 12)

Committee approved the following without moving into Closed Session:

- (i) Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton’s Refusal or Neglect to Adopt an Amendment to the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 157 Upper Centennial Parkway (Stoney Creek) (Ward 9) (Added Item 12.1)**

The rules of order were waived to permit the introduction of a motion respecting Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton’s Refusal or Neglect to Adopt an Amendment to the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92,

for Lands Located at 157 Upper Centennial Parkway (Stoney Creek) (Ward 9)

For disposition of this matter, refer to Item 15.

(k) ADJOURNMENT (Item 13)

There being no further business, the Planning Committee was adjourned at 3:07 p.m.

Respectfully submitted,

Councillor A. Johnson
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk

Authority: Item , Planning Committee
Report
CM: January 16, 2018
Ward: 2

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 05-200 Respecting Lands Located at 43 - 51 King Street East and 60 King William Street, Hamilton

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

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

AND WHEREAS the first stage of the new Zoning By-law, being Zoning By-law No. 05-200, came into force on the 25th day of May, 2005;

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

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan.

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

1. That Maps 910, 911, 952 and 953 of Schedule "A" - Zoning Maps of By-law No. 05-200 be amended by changing the zoning from the Downtown Prime Retail Streets (D2) Zone and Downtown Mixed Use (D3) Zone to the Downtown Prime Retail Streets (D2, 626, H18) Zone, for the lands, the extent and boundaries of which are shown on Schedule "A" annexed hereto and forming part of this By-law.
2. That Schedule "C" Special Exceptions of By-law No.05-200 be amended by adding an additional special exception as follows:
 - "626. Within the lands zoned Downtown Prime Retail Streets (D2, 626) Zone, identified on Maps 910, 911, 952 and 953 of Schedule "A" Zoning Maps and described as 43 to 51 King Street East and 60 King William Street the following special provisions shall apply:

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 43 - 51 King Street East, and 60 King William Street**

- a) Notwithstanding Sections 5.2 b), 5.6 a), 5.7, and 6.2.3 a) ii), iii) and b) ii) the following special provisions shall also apply:

b) REGULATIONS

- | | | | |
|----|--|------|---|
| a) | Maximum Building Setback from a Street Line (Podium) | ii) | 2 metres for the second and third storeys from property line along Hughson Street North and King William Street; |
| | | iii) | That Section 6.2.3 a) iii) shall not apply. |
| b) | Building Height | ii) | Maximum building height shall be 94 metres. |
| c) | Minimum Building Setback from a Street Line or Property Line (North Tower) | i) | 6.0 metres from the King William Street street line to the building, 3.0 metres from the easterly property line to the building, 12.0 metres from the southerly property line to the building and a minimum average setback of 8.25 metres, but not less than 6.5 metres from the Hughson Street North street line to the building, for any portion of the building above the fourth storey. |
| | | ii) | In addition to the above, a minimum 23.0 metres from the Hughson Street North street line to the building, for any portion of the building above the sixth storey. |
| d) | Minimum Building Setback from a Street Line or Property Line (South Tower) | i) | 4.0 metres from the King Street East street line to the building, 4.5 metres from the easterly property line to the building, 8.0 metres from the King William Street street line to the building and a minimum average setback of 5.5 metres, but not less than 4.5 metres from the Hughson Street North street line to the building, for any portion of the building above the fourth storey. |
| | | ii) | In addition to the above, a minimum 41.0 metres from the King William Street street line to the building, for any portion of the building above the sixth storey. |

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 43 - 51 King Street East, and 60 King William Street**

- | | | |
|----|--------------------------|---|
| e) | Minimum Tower Separation | 16.0 metre separation distance from a tower to another tower located on the same lot. |
| f) | Parking | <p>Parking for a Multiple Dwelling within a mixed use building shall be provided on the basis of:</p> <ul style="list-style-type: none"> i) 0.74 spaces per dwelling unit, except where a dwelling unit is 50 square metres in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 spaces per dwelling unit. ii) No parking space shall be less than 2.6 metres in width by 5.5 metres in length. |
| g) | Bicycle Parking | <p>Bicycle Parking for a Multiple Dwelling within a mixed use building shall be provided on the basis of:</p> <p>0.92 Bicycle Parking spaces per dwelling unit of which 10% are to be provided as short term Bicycle Parking spaces.</p> |
3. That Schedule D – Holding Provisions, of By-law No. 05-200, be amended by adding the additional Holding Provision as follows:
- Notwithstanding 6.2 of this By-law, within the lands zoned “Downtown Prime Retail Street (D2, 626) Zone, on Map 910, 911, 952 and 953 of Schedule A – Zoning Maps, and described as 43 – 51 King Street East, and 60 King William Street (Hamilton), the H Symbol applicable to the lands referred to in Section 1 of this By-law shall prohibit development of the lands and shall be removed condition upon:
- (a) the applicant submitting a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment and Climate Change (MOECC). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECC, and submission of the City of Hamilton’s current RSC administration fee.
 - (b) that the Owner purchase the alleyway required to implement the proposed development and provide confirmation that the abutting landowners have been granted easements over the alleyway to the satisfaction of the Director of Planning and Chief Planner.

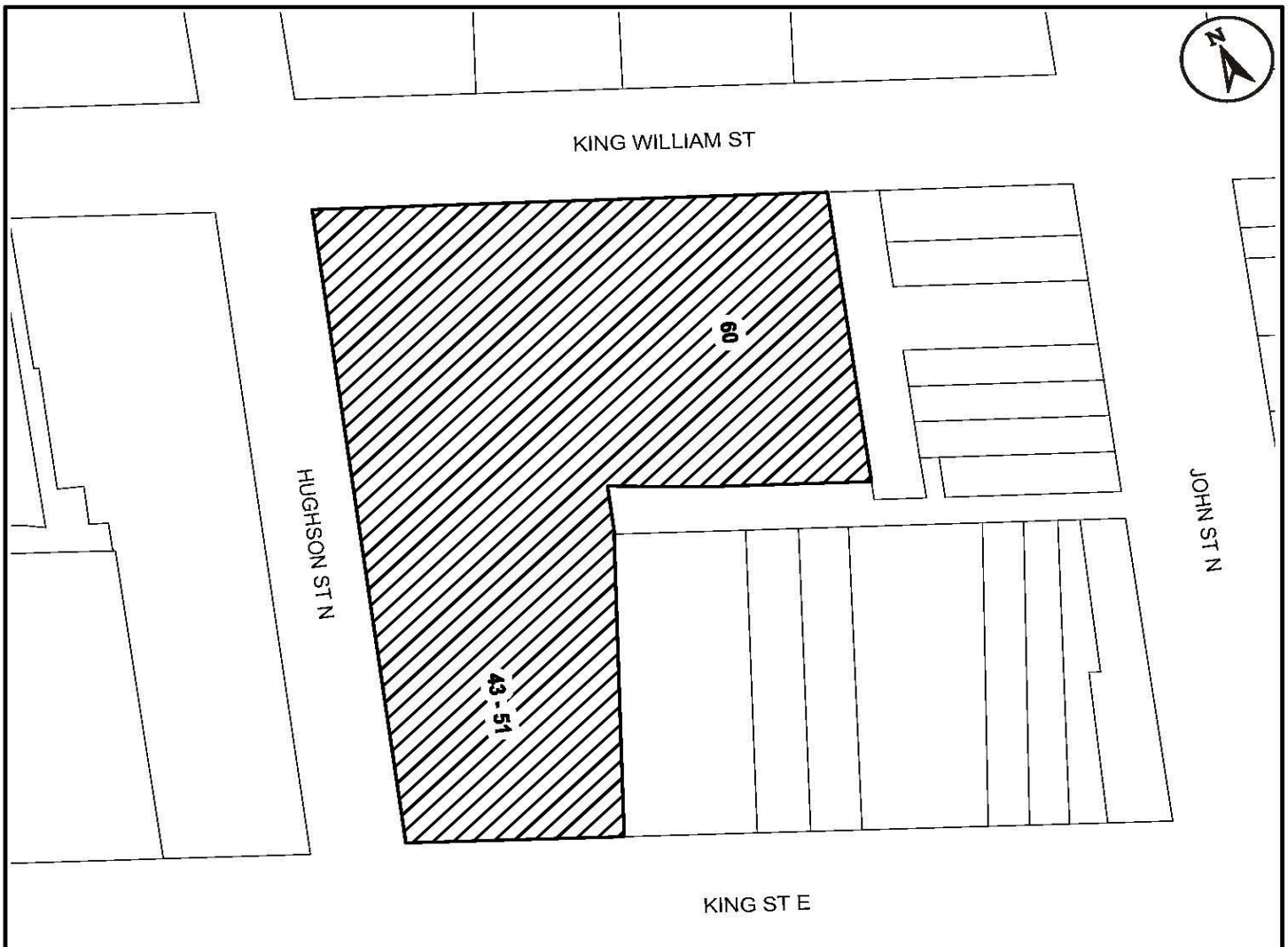
**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 43 - 51 King Street East, and 60 King William Street**

4. That Schedule F" – Figure 1 of By-law 05-200 be amended by identifying the lands shown in Schedule "A" with a maximum height of 94 metres.
5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of the By-law, in accordance with the *Planning Act*.
6. That this By-law No. 18_____ shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the *Planning Act*, either upon the date of passage of this By-law or as otherwise provided by the said Sub-section.

PASSED this _____ , 2018

F. Eisenberger
Mayor

R. Caterini
City Clerk



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

Passed the day of, 2018

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-law No. 18-_____

to Amend By-law No. 6593

Subject Property

43 - 51 King Street East & 60 King William Street



Change in Zoning from the
Downtown Prime Retail Streets (D2) Zone and
Downtown Mixed Use (D3) Zone to the
Downtown Prime Retail Streets (D2, 626, H18)
Zone

Scale:
N.T.S.

File Name/Number:
ZAR-17-047

Date:
Dec. 1, 2017

Planner/Technician:
DB/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Special Conditions for Draft Plan of Subdivision Approval**For “Mountaingate”, now known as “Lancaster Heights”, 25T-200723(R)**

That this approval apply to the Draft Plan of Subdivision, 25T-200723(R), prepared by ODAN-DETECH Consulting Engineers and certified by Bruce MacLeod, O.L.S., dated, September 12, 2017, consisting of 217 lots for single detached dwellings (Lots 1 – 36, 71 – 159, 245 – 259, 284 - 360), 143 lots for street townhouse units (Lots 37 – 70, 160 – 244, and 260 – 283), one block for 69 back-to-back and stacked townhouse units (Block 361), one block for institutional or 228 medium density residential units (conventional; back-to-back, stacked and / or stacked townhouse units) (Block 362), one commercial block (Block 363), one block for a future road widening (Block 364), one open space block (Block 365), one future servicing block (Block 366), one neighbourhood park (Block 369), three blocks for servicing corridor (Blocks 370, 371, and 372), two natural open space blocks (Blocks 373 and 376), two Stormwater Management Blocks (Blocks 374 and 375), and one future residential block (Block 377), one block for a 0.3 m reserve (Block 367), one block for a vegetation protection zone (Block 368), proposed Street “A”, Street “B”, Street “C”, Street “D”, Street “E”, Street “F”, proposed Mountaingate Road, the extension of Rosebury Way, and the extension of Provident Way, subject to the owner entering into a standard Form Subdivision Agreement, received, and approved by City Council with the following special conditions.

Development Planning, Heritage and Design

1. That, **prior to registration**, the owner / applicant agrees to include the following clauses, for the following lots, in all purchase and sale and / or lease agreements, and registered on title to the satisfaction of the Director of Planning and Chief Planner:

All Lots:

“Purchasers / tenants are advised that their property is located within the Airport’s noise influence area.”

Lots 1-7:

Warning Clause “B”:

“Purchasers / tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasion interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the City of Hamilton’s and the Ministry of the Environment and Climate Change.”

Warning Clause “C”:

“This dwelling unit has been designed with the provision for adding central air conditioning at the occupant’s discretion. Installation of central air conditioning by

Special Conditions for Draft Plan of Subdivision Approval

For "Mountaingate", now known as "Lancaster Heights", 25T-200723(R)

the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the City of Hamilton's and the Ministry of the Environment and Climate Change."

Lots 8, 15, 60 - 70, 93 and 94:

Warning Clause "B":

"Purchasers / tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasion interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the City of Hamilton's and the Ministry of the Environment and Climate Change."

Warning Clause "D":

"This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the City of Hamilton's and the Ministry of the Environment and Climate Change."

Lots 9-14, 16-59, 71-92 and 95-360:

Warning Clause "A":

"Purchasers / tenants are advised that sound levels due to increasing road and air traffic may occasionally interfere with some activities of the dwelling unit occupants as the sound levels exceed the sound level limits of the City of Hamilton's and the Ministry of the Environment and Climate Change."

Warning Clause "D":

"This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the City of Hamilton's and the Ministry of the Environment and Climate Change."

Special Conditions for Draft Plan of Subdivision Approval

For "Mountaingate", now known as "Lancaster Heights", 25T-200723(R)

Blocks 361 and 362:

Warning Clause "A":

"Purchasers / tenants are advised that sound levels due to increasing road and air traffic may occasionally interfere with some activities of the dwelling unit occupants as the sound levels exceed the sound level limits of the City of Hamilton's and the Ministry of the Environment and Climate Change."

Warning Clause "D":

"This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the City of Hamilton's and the Ministry of the Environment and Climate Change."

Warning Clause "E":

"Purchasers are advised that sound level limits due to the proximity of the adjacent commercial facility, sound levels from the commercial facilities may at times be audible."

2. That, **prior to issuance of a building permit**, when detailed grading information is available for Lots 1-8, 15, 60 - 70, 93 and 94, a detailed noise study should be performed to the satisfaction of the Director of Planning and Chief Planner, to refine the acoustic barrier heights and specific acoustical requirements.
3. That, **prior to issuance of a building permit**, when architectural drawings are available for Lots 1-7 south of Rosebury Way, an acoustic consultant should provide revised glazing recommendations based on actual window to floor area ratios, to the satisfaction of the Director of Planning and Chief Planner.
4. That, **prior to issuance of a building permit**, when house locations and final grades are available, a Professional Engineer qualified to provide acoustical engineering services in Ontario will be required to review the lot plan and grading plans to certify that the noise control barriers as approved have been

Special Conditions for Draft Plan of Subdivision Approval

For "Mountaingate", now known as "Lancaster Heights", 25T-200723(R)

incorporated for lots adjacent to Highway 6, to the satisfaction of the Director of Planning and Chief Planner.

5. That, **prior to the assumption of the subdivision**, the City of Hamilton's Building Department inspector or a Professional Engineer qualified to provide acoustical engineer services in the Province of Ontario shall certify that the noise control measures have been properly installed and constructed for the lots adjacent to Highway 6, to the satisfaction of the Senior Director of Growth Management.
6. That, **prior to preliminary grading or servicing**, the Owner / Applicant shall submit a Tree Protection Plan (TPP) prepared by a tree management professional, showing the location of drip lines, edges of existing plantings, the location of all existing trees and the methods to be employed in retaining trees to be protected, and to implement all approved tree saving measures, to the satisfaction of the Director of Planning and Chief Planner.
7. That, **prior to preliminary grading**, the Owner shall submit a Restoration Plan to the satisfaction of the Director of Planning and Chief Planner. This Restoration Plan is to aid in mitigating possible impacts from the development (i.e. encroachment, dumping, introduction of invasive species, and predation of wildlife by pets) on the natural heritage features and their functions. The Restoration Plan is to be prepared by a certified Landscape Architect in consultation with an ecologist and will identify the locations and species to be planted.
8. That, **prior to preliminary grading** and removal of the existing stormwater management pond, the Owner / Developer shall submit and implement a Fish / Wildlife Re-location Plan to the satisfaction of the Director of Planning and Chief Planner.
9. That, **prior to preliminary grading**, a Grading Plan and Erosion and Sediment Control Plan is required for the subject lands and should be prepared to the satisfaction of the Niagara Peninsula Conservation Authority and the Director of Planning and Chief Planner.

Enbridge Pipelines Inc.:

10. That, **prior to registration**, the owner / applicant agrees to include the following clauses, in all purchase and sale and / or lease agreements, and registered on title to the satisfaction of the Director of Growth Management and Enbridge:

Special Conditions for Draft Plan of Subdivision Approval

For "Mountaingate", now known as "Lancaster Heights", 25T-200723(R)

"That the Purchaser and / or leaser acknowledges that it has been advised and / or is otherwise aware that:

- (i) the northern 18.3 metres of the lands in Lots 71 to 77 inclusive (the "Easement Affected Properties") are subject to an easement in favor of Enbridge Pipelines Inc. and / or its successor and / or assigns (the "Pipeline Easement"). The Pipeline Easement spans the entire east / west length of the northern 18.3 metres of the Easement Affected Properties (the "Pipeline Lands").
- (ii) the southern 18.3 metres of the lands in Lots 94 – 113 inclusive (the "Easement Affected Properties") are subject to an easement in favour of Enbridge Pipelines Inc. and / or its successor and / or assigns (the "Pipeline Easement"). The Pipeline Easement spans the entire east / west length of the northern 18.3 metres of the Easement Affected Properties (the "Pipeline Lands"). The owner of these lands is prohibited from landscaping, developing, or erecting and building any permanent structures including, but not limited to: fences, decks, swimming pools which are located over, under or upon these Pipeline Lands.
- (iii) The southern 18.3 metres of the lands in Lots 94 - 113 inclusive (the "North Safety Zone Lands") are within a pipeline safety zone (the "Northern Safety Zone").
- (iv) the northern 30 metres, commencing at the northern boundary of the Pipeline Easement, of Lots 71 to 77 inclusive (the "Southern Safety Zone Lands") are within a pipeline safety zone (the "Southern Safety Zone").
- (v) pursuant to terms of the Pipeline Easement and the applicable zoning by-law designations and other laws affecting the Pipeline Lands, an owner of an Easement Affected Property is prohibited from landscaping, developing, or erecting any buildings or permanent structures including but not limited to fences, decks, swimming pools or shed, over under or upon the Pipeline Lands unless written approval is provided by Enbridge Pipelines Inc.
- (vi) pursuant to terms of the Pipeline Easement and applicable laws governing Pipeline Safety Zones, prior to any mechanical excavation being undertaken within the Pipeline Lands and / or the Southern Safety Zone Lands and / or Northern Safety Zone Lands, Enbridge Pipelines Inc. must

Special Conditions for Draft Plan of Subdivision Approval

For "Mountaingate", now known as "Lancaster Heights", 25T-200723(R)

be advised of such work. Such notification shall be deemed to have been made by providing notice through "Ontario One Call" at 1-800-400-2255 (or such replacement number as may be designated from time to time by public notice).

- (vii) subsection (i) to (vi) are not intended to disclose all matters relating to the Pipeline Easement and / or any restriction for lands which are within a Pipeline Safety Zone. For full details respecting the foregoing title to affected lands and all applicable laws, rules, regulations and / or other ordinances must be reviewed and/or consulted."

Ministry of Transportation

- 11. That, **prior to final approval**, the owner shall submit to the Ministry of Transportation for their review and approval, a stormwater management plan and report indicating the intended treatment of the calculated runoff and impacts on the Highway 6 New Right-of-way.
- 12. That, **prior to final approval**, the owner shall submit to the Ministry of Transportation for their review and approval, a copy of a traffic impact assessment addressing the anticipated traffic volumes, resulting from the development, and their impact on the Highway 6 and Highway 6 New intersection.

Niagara Peninsula Conservation Authority (NPCA)

- 13. That, **prior to grading**, the owner / applicant apply for and receive any approvals and permits required by Fisheries and Oceans Canada (DFO), the Ministry of Natural Resources (MNR) and the Niagara Peninsula Conservation Authority (NPCA), to the satisfaction of the NPCA.
- 14. That, **prior to grading**, detailed lot grading and drainage plans, delineating both existing and proposed grades and means whereby major system flows will be accommodated across the lands, be submitted to the satisfaction of the Niagara Peninsula Conservation Authority.
- 15. That, **prior to grading**, detailed sedimentation and erosion control plans explaining methods proposed for (a) the control of silt and erosion during the construction phase and (b) restoration proposed for the site after construction, be submitted to the satisfaction of the Niagara Peninsula Conservation Authority.

Special Conditions for Draft Plan of Subdivision Approval

For "Mountaingate", now known as "Lancaster Heights", 25T-200723(R)

16. That, **prior to grading**, a Stormwater Management Plan be prepared by a qualified professional engineer in compliance with the Ministry of the Environment and Energy's "Stormwater Management Practices and Planning Design Manual", June 1994, and the "Stormwater Quality Guidelines for New Development", May, 1991, be submitted to the satisfaction of the Niagara Peninsula Conservation Authority.
17. That, **prior to grading**, the Owner / Applicant agrees to implement the mitigation measures as outlined in the approved Environmental Impact Study revised December 2014 and as updated in the April 2016 letter prepared by Savanta Inc. to the satisfaction of the Niagara Peninsula Conservation Authority.
18. That, **prior to grading**, the Owner / Applicant agrees in the executed subdivision agreement to implement all plans and required works arising from meeting the conditions as noted 13 to 17, inclusive, noted above, to the satisfaction of the Niagara Peninsula Conservation Authority.

Canada Post

19. That, **prior to registration**, the owner / applicant agrees to include the following clauses in all purchase and sale and / or lease agreements, and registered on title to the satisfaction of the Director Growth Management and Canada Post:
 - i) the home / business mail delivery will be from a designated Centralized Mail Box (CMB); and,
 - ii) that the developers / owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box (CMB) locations prior to the closing of any home sales.

Hamilton-Wentworth Catholic District School Board

20. That, **prior to the final approval**, the applicant shall implement the following, to the satisfaction of the Hamilton-Wentworth District School Board:
 - a) The acquisition, or reservation for future acquisition, of Block 362 designated in the plan for elementary school purposes;
 - b) Prior to servicing, the clearing, grubbing, engineered filling, where required, and grading of Block 362 shall be completed. This includes

Special Conditions for Draft Plan of Subdivision Approval

For "Mountaingate", now known as "Lancaster Heights", 25T-200723(R)

the removal of any and all buildings and structures, tanks and utility structures; and,

- c) That the designation of Block 362 as an elementary separated school site is subject to the completion of a soils report, of which the findings will be addressed by the applicant to the satisfaction of the Hamilton-Wentworth Catholic District School Board.

Engineering

- 21. That, **prior to registration**, the Owner shall show on the final plan a 0.3 metre reserve along the west side of the future servicing Block 366, between Residential Condominium Block 361 and Open Space Block 365, to the satisfaction of the Senior Director of Growth Management.
- 22. That, **prior to grading**, the Owner shall include in the Engineering design and cost estimate schedules, provisions to replace the existing sanitary sewer on Provident Way from the upper limit at the west end of Provident Way (approximately 42 m west of Penfold Court) as required to provide sufficient capacity for the proposed development while maintaining capacity for the existing Southampton Estates development entirely at the owner's expense to the satisfaction of the Senior Director of Growth Management.
- 23. That, **prior to grading**, the Owner shall include in the engineering design and cost estimate schedules, provisions to provide a 26 m cross section including provision to service the adjacent property to the west through Block 366 entirely at the Owner's expense to the satisfaction of the Senior Director of Growth Management.
- 24. That, **prior to servicing**, the Owner shall include in the Engineering design and cost estimates provisions for the construction a 1.5 m high black vinyl coated heavy duty chain link fence entirely at the owner's expense in the following locations:
 - a. along the east and west boundaries of Block 371 from Provident Way to Street E;
 - b. continuously along the east property limit of Lot 125, across the rear property limits of Lots 125 to 134 (inclusive), and along the west property limit of Lot 134;

Special Conditions for Draft Plan of Subdivision Approval

For "Mountaingate", now known as "Lancaster Heights", 25T-200723(R)

- c. continuously along the west property limit of Lot 292, across the rear property limits of Lots 292 to 301 (inclusive), and along the east property limit of Lot 301;
- d. along the south and north property limits of Block 372 from Street F to the west property limit of Block 372 except where noise barrier is required;
- e. along the south property limit of Lot 1 from Rosebury Way to the west property limit of Lot 1 except where noise barrier is required;
- f. along the east and west property limits of Block 370 from Street E to the North property limit of Block 370 and along the north property limit of Block 370;
- g. along the south property limit of Lot 350 from Street D to the east property limit of Lot 350; and,
- h. along the east property limit of Block 374 from Rosebury Way to the south property limit of Block 374 and continuing along the south property limit of Block 374 to the west property limit of Block 377;

to the satisfaction of the Senior Director of Growth Management.

25. That, **prior to registration**, 4.5 m by 4.5 m daylight triangles shall be established on the final plan of subdivision at the following intersections:

- a. Rosebury Way and Street A;
- b. Street D and Street F;
- c. Street C and Street D;
- d. Street B and Street D; and,
- e. Rosebury Way and Provident Way;

to the satisfaction of the Senior Director of Growth Management.

26. That, **prior to registration**, 9.0 m by 9.0 m daylight triangles shall be established on the final plan of subdivision at the following intersections:

- a. Street B, Street F, and Mountaingate Road;

Special Conditions for Draft Plan of Subdivision Approval

For "Mountaingate", now known as "Lancaster Heights", 25T-200723(R)

- b. Street C and Mountaingate Road;
- c. Street D and Mountaingate Road;
- d. Street E, Street F, and Mountaingate Road;
- e. Street E and Mountaingate Road (North intersection); and,
- f. The Block 366 future services block and Mountaingate Road;

to the satisfaction of the Senior Director of Growth Management.

- 27. That, **prior to registration**, 12.0 m by 12.0 m daylight triangles be established on the final plan of subdivision at the intersection of Mountaingate Road and Airport Road West to the satisfaction of the Senior Director of Growth Management.
- 28. That, **prior to registration**, Mountaingate Road shall be established as a 20 m Right of way from Street B to Street E to the satisfaction of the Senior Director of Growth Management.
- 29. That, **prior to registration**, Block 364 be dedicated to the City of Hamilton as a public highway, by Owner's certificate on the final plan of subdivision for road widening on Airport Road West to the satisfaction of the Senior Director of Growth Management.
- 30. That, **prior to registration**, the Owner shall agree to include in all offers of Purchase and Sale a statement that advises the prospective purchaser that there is an approved grading plan and that the purchaser agrees not to alter any lands in a way that would conflict with the approved grading plan without approval from the City of Hamilton to the satisfaction of the Senior Director of Growth Management.
- 31. That, **prior to registration**, the Owner will be required to make a cash payment to the City of Hamilton for the future urbanization of Airport Road West based on the "New Roads Servicing Rate" in effect at the time of payment to the satisfaction of the Senior Director of Growth Management.
- 32. That, **prior to registration**, the Owner shall agree to include in all offers of Purchase and Sale or Lease Agreement a statement that advises the prospective

Special Conditions for Draft Plan of Subdivision Approval

For "Mountaingate", now known as "Lancaster Heights", 25T-200723(R)

purchaser or leasee that it is the sole responsibility of the home owner to maintain any and all noise barrier or other infrastructure required within the approved noise study and that the purchaser agrees not to alter any noise barrier or other infrastructure without approval from the City of Hamilton to the satisfaction of the Senior Director of Growth Management.

33. That, **prior to registration**, the Owner shall agree to include in all notices of purchase and sale of residential units, the following warning clause:

"On-street, public parking in the surrounding neighbourhood will be limited and cannot be guaranteed in perpetuity. Garage space for this unit is provided and intended for the purposes of parking a vehicle. It is the owner's responsibility to ensure that their parking needs can be accommodated."

to the satisfaction of the Senior Director of Growth Management.

34. That, **prior to registration**, the Owner shall include in any Agreements of Purchase and Sale for lots, blocks, units, and severed parcels, with respect to sidewalks:

- i. a plan showing the location of sidewalks; and,
- ii. a notice advising prospective purchasers and tenants that a sidewalk will, or will not, be constructed within the street right-of-way fronting the lot / block, unit or severed parcel;

to the satisfaction of the Senior Director of Growth Management.

35. That, **prior to grading**, the Owner agrees in writing that the removal of all existing septic beds, garages, playground equipment, wells, and / or any structures will be at the sole cost to the owner to the satisfaction of the Senior Director of Growth Management.

36. That, **prior to servicing**, the Owner be required to relocate, as required, all affected utility poles, hydrants, pedestals, hydro vaults, etc. on Airport Road, Rosebury Way, and Provident way, entirely at the owner's expense to the satisfaction of the Senior Director of Growth Management.

37. That, **prior to servicing**, the Owner shall agree that a maximum of 100 residential units of the final plan of subdivision shall be permitted to be constructed with only one (1) public road access to service each phase of the

Special Conditions for Draft Plan of Subdivision Approval**For "Mountaingate", now known as "Lancaster Heights", 25T-200723(R)**

development. A second public road access to the subject lands is required, prior to development, beyond the initial one hundred (100) residential units to the satisfaction of the Senior Director of Growth Management.

38. That, **prior to servicing**, the Owner agrees to provide in writing, a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision. This document will also include first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be used, the source of water, and the contractor or agent to be used to undertake the works as well as contractor / agent contact information so that the City can direct the work to be completed as necessary all to the satisfaction of the Senior Director of Growth Management.
39. That, **prior to servicing**, the Owner include in the engineering design for the draft plan lands removal of all dead or diseased trees within the City's road allowance as required by reconstruction on existing streets and pay all costs for replacement of such street trees all to the satisfaction of the Senior Director of Growth Management.
40. That, **prior to servicing**, the Owner shall include in the engineering design all road geometric to City of Hamilton standards. The minimum urban residential horizontal centreline road radius excluding 90 deg. Curves shall be: 90 m for local roads, 95 m for minor collectors and 160 m for major collectors, to the satisfaction of the Senior Director of Growth Management.
41. That, **prior to servicing**, the Owner include in the engineering design and cost estimate schedules for the draft plan lands installation of 1.5 m wide sidewalks on both sides of Rosebury Way, Mountaingate Road, Provident Way, Street 'A,' and Street 'B' and on one side of Streets 'C', 'D', 'E' and 'F (sidewalk on east side)' including wheel chair ramps that incorporate integrated tactile accessibility features as per RD-124 to the satisfaction of the Senior Director of Growth Management.
42. That, **prior to servicing**, the Owner shall make provisions in the engineering design and cost schedules for the installation of traffic-calming measures where the development connects to the existing subdivisions to the east, specifically on Street B (Spitfire Drive), Rosebury Way, Provident Way, entirely at the owner's cost, to the satisfaction of the Senior Director of Growth Management.
43. That, **prior to servicing**, the owner shall submit a Hydrogeological report to the City, prepared by a qualified professional, to assess impacts, identify any

Special Conditions for Draft Plan of Subdivision Approval**For "Mountaingate", now known as "Lancaster Heights", 25T-200723(R)**

significant recharge and discharge zone, and provide recommendations to mitigate the groundwater impacts during any construction within the subdivision, including but not limited to house construction, and to undertake the works as recommended including monitoring. The report shall also provide a groundwater contingency plan to ensure that an appropriate mitigation strategy is available to be implemented in the case whereof:

- i. an aquifer is breached during excavation;
- ii. groundwater is encountered during any construction within the subdivision, including but not limited to house construction;
- iii. sump pumps are found to be continuously running; and,
- iv. water supply and sewage disposal systems and any surface and groundwater related infrastructure are negatively impacted;

all to the satisfaction of the Senior Director of Growth Management.

- 44. That, **prior to servicing**, the Owner, through a soil consultant or other qualified consultant, shall: check existing wells which provide potable water supply to other properties located within a reasonable distance of the subject lands to establish the existing depth of water within wells, prior to commencement of construction; monitor these wells during construction and continue monitoring and checking the wells after completion of construction until full buildout of the subdivision. Where, in the opinion of the City, if any problems arise, they must be appropriately addressed by the Owner to the satisfaction of the Senior Director of Growth Management.
- 45. That, **prior to servicing**, the Owner prepare a revised on-street parking plan for Streets "A", "B", "C", "D", "E", "F", Mountaingate Road, Provident Way, and Rosebury Way based on the premise of achieving on-street parking for 40% of the total number of units and it shall include:
 - i. driveway ramps and curb openings for all lots;
 - ii. the pairing of driveways;

Special Conditions for Draft Plan of Subdivision Approval

For "Mountaingate", now known as "Lancaster Heights", 25T-200723(R)

- iii. where lots in the subdivision abut a park entrance or a public walkway; and;
- iv. the location of transit pads, community mailbox pads, and fire hydrants, where the location has been determined by the appropriate authorities;

to the satisfaction of the Senior Director of Growth Management.

46. That, **prior to grading**, the owner shall prepare and provide a Construction Management Plan that provides details on any construction activity that will encroach into the municipal road allowance such as construction staging, scaffolding, cranes, etc. The plan must identify any required sidewalk and / or lane closures and the estimated length of time for such closures). Details on heavy truck routing must also be included, all to the satisfaction of the Senior Director of Growth Management.
47. That, **prior to grading**, the owner shall prepare and provide the following:
- i. a pre-construction survey of surrounding roads that are outside the subject lands; and,
 - ii. an adequate security for costs to repair and reconstruction to any of these roads that are damaged due to construction;

to the satisfaction of the Senior Director of Growth Management.

48. That, **prior to registration of the plan of subdivision**, the owner agrees to prepare a post-construction survey / photo inventory that corresponds to the pre-construction survey required in Condition 46 to identify any damages and the owner further agrees to repair those damages all to the satisfaction of the Senior Director of Growth Management.
49. That, **prior to servicing**, the owner shall include in the engineering design and cost schedules a suitable storm outlet to convey all external drainages as shown on Figure 5 of the Mountaingate Plan of Subdivision Functional Servicing Report (April 4, 2017) through the subject lands including:
- I. An adequate storm sewer system on Airport Road West and Mountaingate Road to accommodate 100-year flows from external areas EX1, EX2 and

Special Conditions for Draft Plan of Subdivision Approval

For "Mountaingate", now known as "Lancaster Heights", 25T-200723(R)

EX3 to the limits of the frontage of the subject lands on Airport Road West;

- II. An adequate storm sewer system on Street B to accommodate 100-year pre-development flows from EX 4 and EX 5; and 100-year post-development flows from EX 6, 78 (including a portion of east of future Marion Street) 80 Marion Street and parts of 3302 Homestead Drive properties. Further the owner shall provide an adequate easement through lots 350 and 351 to Street D to accommodate a suitable storm outlet in accordance with condition 64 at the cost of the benefitting landowners (78 and 80 Marion Street);
- III. An adequate storm sewer system on Street E to accommodate the minor and major system flows from EX 1 to Ex6 lands at the owner's expense;
- IV. An adequate major overland flow route for external area EX 7;
- V. An adequate storm sewer system on Airport Road to accommodate the minor and major flows from drainage area 201 to the existing drainage ditch west of the subject lands at the owner's expense;
- VI. An overland flow route and easement through the Commercial Block 363 to accommodate an emergency spillway for the external drainage area C-201 and Airport Road.

all to the satisfaction of the Senior Director of Growth Management.

- 50. That, **prior to servicing**, the owner agrees to include in the design and cost estimates provisions to construct a reverse crowned concrete walkway within Block 371 to convey major system flows from Street E to Provident Way entirely at the owner's expense to the satisfaction of the Senior Director of Growth Management.
- 51. That, **prior to servicing**, the Owner shall indicate all driveway locations on the engineering drawings for all lots, and that no driveway shall be located within a daylight triangle. Further, all driveway locations at bends and corners shall be situated to ensure that the driveways are within their own lot frontages to the satisfaction of the Senior Director of Growth Management.

Special Conditions for Draft Plan of Subdivision Approval

For "Mountaingate", now known as "Lancaster Heights", 25T-200723(R)

52. That, **prior to registration of the plan of subdivision**, the Owner demonstrates that a 13.0m pavement radius is provided along the inside curb line at the 90 degree bends on Streets "D", "E" and "F" complying with the City's Engineering Guidelines to the satisfaction of the Senior Director of Growth Management.
53. That, **prior to grading**, the owner shall submit a Fluvial Geomorphological assessment and erosion flow exceedance analysis for the Welland Creek tributary from the proposed SWM facility outlet to 500m south of White Church Road West to the satisfaction of the Senior Director of Growth Management.
54. That, **prior to grading**, the Owner shall demonstrate that the subject development has riparian rights to drain onto and across downstream private lands. The Owner shall notify the downstream land owner(s) whose properties are traversed by Welland Creek from the SWM outfall to 500m south of the White Church Road West Culvert, of a proposed SWM outfall, and impending pond construction to the satisfaction of the Senior Director of Growth Management.
55. That, **prior to grading**, the Owner acknowledges that the increase or alteration of the existing floodplain on adjoining lands will not be permitted without a written authorization from the land owner to the satisfaction of the Senior Director of Growth Management.
56. That, **prior to grading**, the Owner shall secure an adequate outlet to convey flows from the proposed SWM facility to the White Church Road West culvert, which may require acquisition of lands or easements from adjacent land owners, to the satisfaction of the Senior Director of Growth Management.
57. That, **prior to servicing**, the owner shall include in the engineering design and cost schedules entirely at the owner's expense provision for a minimum of 2.0 m separation between foundation walls and a maximum water surface depth of 0.30 m on rear lot catch basins in any case where there is a requirement of an overland flow route to the municipal road allowance to the satisfaction of the Senior Director of Growth Management.
58. That, **prior to grading**, the Owner agrees to monitor drainage across the lands from the SWM facility outlet to 500m south of the White Church Road West culvert (located approximately 100m west of outlet) to ensure that the existing lands are not negatively impacted by the development. The monitoring plan will occur throughout the construction of the subdivision and for a period of not less than 2 years after all lot / blocks within the draft approved plan are fully

Special Conditions for Draft Plan of Subdivision Approval**For "Mountaingate", now known as "Lancaster Heights", 25T-200723(R)**

developed. In the event that a problem arises, the Owner further agrees to take the necessary remedial action as per the monitoring report at their cost. The engineering design and cost schedule for the outlet works shall include a minimum of \$100,000 security for potential remedial works. The security shall not be released or reduced until it has been demonstrated that there are no impacts as a result of development for a period of not less than 2 years after full buildout of draft approved plan to the satisfaction of the Senior Director of Growth Management.

59. That, **prior to grading**, the Owner shall submit a detailed Stormwater management report prepared by a qualified professional engineer, in accordance with the City of Hamilton Drainage Policies, City of Hamilton Comprehensive Guidelines (2017) and the MOE&CC Stormwater Management Planning and Design Manual (2003), and considering the following parameters:
- i. The design shall demonstrate a suitable pond outlet including an emergency spillway from the SWM facility block to the existing culvert on White Church Road West;
 - ii. The pond shall be designed to meet erosion flow exceedance target identified in the Fluvial Geomorphologic Assessment report;
 - iii. Verify and confirm that the lesser of predevelopment flow or pond outflows can be safely conveyed through the existing culvert on White Church Road West without an increase in floodplain on adjoining lands;
 - iv. The pond geometry shall be as per City of Hamilton Comprehensive Development Guidelines (2017);
 - v. The pond landscaping shall be as per City of Hamilton Landscape Design Guidelines for SWM facilities (2009); and,
 - vi. Demonstrate that 100-year HGL is located at or below the top of grate elevation at all inlet and rear-lot catch basin locations and that the 5-year HGL is within the sewer obvert based on 100-year and 5-year pond operating levels, respectively;

Special Conditions for Draft Plan of Subdivision Approval

For "Mountaingate", now known as "Lancaster Heights", 25T-200723(R)

all to the satisfaction of the Senior Director of Growth Management and the Niagara Peninsula Conservation Authority.

60. That, **prior to assumption**, the Owner agrees:

- i. To submit an operation and maintenance manual, as per the City of Hamilton Comprehensive Development Guidelines (2017), to inspect and monitor the stormwater management facility upon commencement of construction or pre-grading of the subject lands through to assumption of the facility;
- ii. To keep detailed logs concerning stormwater management facility performance and maintenance, including costs for cleaning and removal of sediment, and submit such logs to the City during pre-grading and construction activities in accordance with the operation manual;
- iii. To construct, operate, and maintain at the Owner's expense, the stormwater management facility, in a manner acceptable to the City, including any changes to conditions of the MOECC's approval, throughout servicing of all stages of draft plan registration and development of all registered lots and blocks; or until such time as determined by the Senior Director of Growth Management;
- iv. To remove sediment from the stormwater management facility attributed to development, carry out a bathymetric survey and verify volumetric capacity of the stormwater management facility, prior to release of the Owner's operation and maintenance responsibilities for the stormwater management facility; and,
- v. a security for such costs.

all to the satisfaction of the Senior Director of Growth Management.

61. That, **prior to servicing**, the Owner shall submit a detailed sump pump design to include a secondary relief / overflow on surface and back-up power unit to the satisfaction of the Senior Director of Growth Management.
62. That, **prior to registration**, the Owner shall submit the necessary transfer deeds to the City's Legal Services to convey, to the City, adequate lands including Blocks 374 and 375 for the stormwater management facility. The land costs for

Special Conditions for Draft Plan of Subdivision Approval

For “Mountaingate”, now known as “Lancaster Heights”, 25T-200723(R)

Block 374 will be in accordance with City’s financial policies and the land value for Block 375 will be based on an independent land appraisal all to the satisfaction of Senior Director of Growth Management.

63. That, **prior to servicing**, the owner agrees in writing that Block 377 and Lots 1 to 3 on the draft plan will remain undevelopable until the SWM pond design has been approved by the City, to the satisfaction of Senior Director of Growth Management.
64. That, **prior to servicing**, the owner agrees to include in the design and cost estimates removal of the existing temporary turning circles at the west ends of Rosebury Way and Provident Way entirely at the owner’s expense to the satisfaction of Senior Director of Growth Management.
65. **That, prior to servicing**, the owner agrees in writing that Lots 350 & 351 on the draft plan shall remain undeveloped until the grading and storm designs demonstrate appropriate minor and major system outlets to accommodate the future developments on the adjacent lands, known as 78 and 80 Marion Street (including a portion east of the future Marion Street at 78 Marion Street), and parts of 3302 Homestead Drive properties. Further, the owner shall provide an adequate easement through Lots 350 and 351 to Street “D” to accommodate a suitable storm outlet, in accordance with condition 64, at the cost of the benefitting landowners (78 and 80 Marion Street), and to the satisfaction of the Senior Director of Growth Management.
66. That, **prior to registration**, the Owner shall provide a 4.5 m drainage easement in favour of the City of Hamilton on lots 115 to 124, to the satisfaction of the Senior Director of Growth Management.
67. That, **prior to grading**, the Owner acknowledges that the storm outlets from the proposed SWM Facility to the White Church Road West culvert shall be designed and constructed at the owner's cost, to the satisfaction of the Senior Director of Growth Management.
68. That, **prior to servicing**, the Owner acknowledges in writing that the development shall not proceed until it has been demonstrated that adequate capacity is available in the downstream sanitary sewer system to service the subject lands, including:

Special Conditions for Draft Plan of Subdivision Approval

For "Mountaingate", now known as "Lancaster Heights", 25T-200723(R)

- i. along Rosebury Way;
- ii. along Provident Way;
- iii. the pumping station at the south end of Fulmar Way, and;
- iv. the pumping station at Strathearn Place and Homestead Drive

all to the satisfaction of Senior Director of Growth Management.

- 69. That, **prior to registration**, the Owner agrees that the City of Hamilton shall pay the owner for Block 374 required for the stormwater management facility in accordance with the City's Development Charge Policy for quality and quantity ponds and for Block 375 based on an independent land appraisal to the satisfaction of Senior Director of Growth Management.
- 70. That, **prior to grading**, a Traffic Impact Study must be submitted to the satisfaction of the Manager of Traffic Engineering, Public Works Department.
- 71. That, **prior to registration**, the owner / applicant agrees to construct the Neighbourhood Park (Block 369), to City standards and requirements, to accommodate the needs of the Mount Hope Neighbourhood, to the satisfaction of the Manager of Landscape Architectural Services, Public Works Department.
- 72. That, **prior to grading**, the Owner shall include in the engineering design and cost estimate schedules provisions to abandon the existing sanitary sewer stub between existing Lots 19 and 20 (municipal addresses #23 and #27) on Penfold Court to the north-most existing manhole on Penfold Court entirely at the owner's expense to the satisfaction of the Senior Director of Growth Management.

Transport Canada

- 73. That, **during any phase of construction**, the disposal of waste that is edible by, or attractive to birds shall be properly covered and managed so that it does not attract birds, to the satisfaction of the Hamilton Airport Manager and Transport Canada.
- 74. That, **during any phase of construction**, the installation of any construction crane should be coordinated with the Hamilton Airport Manager and with Transport Canada. Also, in advance of construction, an Aeronautical Obstruction

Special Conditions for Draft Plan of Subdivision Approval

For "Mountaingate", now known as "Lancaster Heights", 25T-200723(R)

Clearance Form must be submitted to Transport Canada for assessment, to the satisfaction of the Hamilton Airport Manager and Transport Canada.

NOTES TO DRAFT PLAN APPROVAL

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