



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 3, 2019
SUBJECT/REPORT NO:	Application for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 84 and 96 Lakeview Drive (Stoney Creek) (PED19226) (Ward 10)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	James Van Rooi (905) 546-2424 Ext. 4283 Melanie Schneider (905) 546-2424 Ext. 1224
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Draft Plan of Subdivision Application 25T-201804, by IBI Group, on behalf of DeSantis Rose Joint Venture Inc., owner** to establish a Draft Plan of Subdivision on lands located at 84 and 96 Lakeview Drive (Stoney Creek), as shown on Appendix "A", attached to Report PED19226, be **APPROVED** pursuant to By-law No. 07-323 subject to the following conditions:
- (i) That this approval apply to the Draft Plan of Subdivision application 25T-201804 prepared by IBI Group and certified by S.D. McLaren, dated September 19, 2019, consisting of four development blocks (Blocks 1-4) and a road widening block (Block 5) attached as Appendix "B" to Report PED19226;
 - (ii) That in accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2017), there will be no cost sharing for this subdivision;
 - (iii) That the Special Conditions of Draft Plan of Subdivision Approval 25T-201804, attached as Appendix "C" to Report PED19226, be received and endorsed by City Council;

- (iv) That payment of Cash-in-Lieu of Parkland be required, pursuant to Section 51 of the *Planning Act*, prior to the building permit stage, and the calculation for the payment be based on the value of the lands on the day, prior to the day of issuance of each building permit, to which payment shall be based on the value of the land on the day, prior to the issuance of the first building permit, for each said Block, with the calculation of the Cash-in-Lieu of parkland payment based on the value of the lands on the day prior to the issuance of each building permit, and in the case of multiple residential blocks, prior to the issuance of the first building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council; and,
- (v) That the Owner enter into a Standard Form, Subdivision Agreement, with Special Conditions attached as Appendix "C" to Report PED19226.
- (b) That **Draft Plan of Condominium Application 25CDM-201902, by IBI Group, on behalf of DeSantis Rose Joint Venture Inc., owner** to establish a Draft Plan of Condominium (Common Element) to create a private condominium road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas and centralized mailboxes, on lands located at 84 and 96 Lakeview Drive (Stoney Creek), as shown on Appendix "A", attached to Report PED19226, be **APPROVED** pursuant to By-law No. 07-323 subject to the following conditions:
- (i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-201902 applies to the plan prepared by A.T. McLaren Limited, certified by S. D. McLaren, dated March 14, 2019, consisting of a private road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas and centralized mailboxes, in favour of 94 maisonette dwellings and 42 townhouse dwellings, attached as Appendix "D" to Report PED19226; and,
- (ii) That the conditions of Draft Plan of Condominium (Common Element) Approval 25CDM-201902, attached as Appendix "E" to Report PED19226, be received and endorsed by City Council.

EXECUTIVE SUMMARY

The purpose of the Draft Plan of Subdivision application (25T-201804) is to create five separate blocks:

- Three blocks for three storey stacked townhouses (Blocks 1-3);
- One block for three storey maisonettes with a private condominium road (Block 4); and,
- One block for a road widening (Block 5).

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

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

SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) and Draft Plan of Subdivision for Lands Located at 84 and 96 Lakeview Drive (Stoney Creek) (PED19226) (Ward 10) - Page 3 of 18

The purpose of the Draft Plan of Condominium application (25CDM-201902) is to establish a Draft Plan of Condominium (Common Element) to create the following common elements: a private condominium road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas and centralized mailboxes in favour of 136 Parcels of Tied Land (POTL), as final approved under Site Plan Control application DA-18-079. The condominium road will provide two accesses to North Service Road. The subject lands are to be developed with 94, three storey maisonettes with frontage onto the private condominium road and 42, three storey townhouse units with frontage onto North Service Road.

The proposed Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) conform to Zoning By-law No. 3692-92, as amended by By-law No. 18-139. The applications are consistent with and will implement Site Plan Control application DA-18-079, which received final approval on June 26, 2019.

The proposed Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) applications have merit and can be supported as they are consistent with the Provincial Policy Statement (2014), conform to A Place to Grow (2019) and comply with the Urban Hamilton Official Plan (UHOP).

Alternatives for Consideration – See Page 18

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Proposal:

The subject lands are bound by the North Service Road to the west, Lakeview Drive to the north, Fruitland Road to the east and the Q.E.W to the south (see Appendix “A” to Report PED19226). The subject lands were previously vacant and are being developed for 94 maisonette dwellings and 42 townhouse dwellings with access onto a private road network. The site is currently under construction, in accordance with Site Plan Control application DA-18-079.

SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) and Draft Plan of Subdivision for Lands Located at 84 and 96 Lakeview Drive (Stoney Creek) (PED19226) (Ward 10) - Page 4 of 18

2017 Planning Act Applications and By- Law No. 18-139

In 2017 applications for an Official Plan Amendment and Zoning By-law Amendment were made to the City of Hamilton. The purpose of the applications were to permit a residential development for 84 and 96 Lakeview Drive consisting of two phases. Phase one was for a townhouse and maisonette development consisting of 136 dwelling unit with specific modifications requested for permitted uses, minimum front yard and minimum side yard (flankage) setbacks, minimum distance between buildings on the same lot, maximum density, maximum building height, privacy area depth, minimum landscaped open space, permitted yard encroachments and parking requirements. The phase two portion applied to the land to the north, and was for a 6 storey multiple dwelling. The applications were heard at the May 1, 2018 Planning Committee (Report PED18085) and approved. By-law 18-139 implemented the site specific Residential Multiple “RM3-64” Zone, Modified, which was passed by Council on May 23rd, 2018.

Site Plan Control Application DA-18-079 and DA-19-053

On June 26, 2019, Site Plan Control application DA-18-079 received Final Approval for the development of 94 maisonette and 42 townhouse dwelling units on the subject lands. The units are currently under construction.

The owner has also obtained conditional approval of Site Plan Control application DA-19-053 for the adjacent lands to the north. Site Plan Control application DA-19-053 proposes to establish a 140 unit, 6 storey multiple dwelling which was conditionally approved on May 17, 2019. The Site Plan for the development to the north contemplates a shared access to the lands which are subject of these applications, as such, it has been determined that joint use agreements will be required.

Draft Plan of Subdivision

The purpose of Draft Plan of Subdivision application 25T-201804 is to establish five separate blocks:

- Block 1 is to be developed for 15 of the POTL's in the form of three storey townhouse dwellings;
- Block 2 is to be developed for 15 POTL's in the form of three storey townhouse dwellings;
- Block 3 is to be developed for 12 POTL's in the form of three storey townhouse dwellings;
- Block 4, is to be developed for a common element condominium, containing the private condo road, sidewalks, visitor parking, outdoor amenity area, landscaping and centralized mailboxes. Block 4 also contains 94 POTL's which will be three storey maisonette dwellings; and,

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SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) and Draft Plan of Subdivision for Lands Located at 84 and 96 Lakeview Drive (Stoney Creek) (PED19226) (Ward 10) - Page 5 of 18

- Block 5, is for the purposes of a road widening dedication of 0.029 in area along North Service Road.

The POTL's identified above will be created through Part Lot Control Applications PLC-19-018 and PLC-19-019.

Draft Plan of Condominium

The purpose of Draft Plan of Condominium (Common Element) application 25CDM-201902 is to establish the following common elements:

- a private condominium road network;
- sidewalks;
- landscape areas;
- outdoor amenity areas;
- visitor parking areas; and,
- centralized mailboxes.

The Common Element features are in favour of 136 POTL's. The condominium road will provide two accesses to North Service Road in accordance with the approved site plan.

Chronology:

<u>April 16, 2018:</u>	Draft Plan of Subdivision application 25T-201804 received.
<u>May 8, 2018:</u>	Draft Plan of Subdivision application 25T-201804 deemed complete.
<u>May 25, 2018:</u>	Notice of Complete Application and Preliminary Circulation sent to 63 property owners within 120 m of the subject lands.
<u>June 8, 2018:</u>	Public Notice Sign installed on site.
<u>April 2, 2019:</u>	Draft Plan of Condominium (Common Element) application 25CDM-201902 received.
<u>April 23, 2019:</u>	Draft Plan of Condominium (Common Element) application 25CDM-201902 deemed complete.
<u>May 17, 2019:</u>	Notice of Complete Application and Preliminary Circulation sent to 63 property owners within 120 m of the subject lands.
<u>May 24, 2019:</u>	Public Notice Sign updated for 25CDM-201902.

SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) and Draft Plan of Subdivision for Lands Located at 84 and 96 Lakeview Drive (Stoney Creek) (PED19226) (Ward 10) - Page 6 of 18

September 23, 2019: Revised Draft Plan of Subdivision and Draft Plan of Condominium submitted for review.

November 6, 2019: Public Notice Sign updated with Public Meeting date.

November 15, 2019: Notice of Public Meeting circulated to 63 property owners within 120 m of the subject lands.

Details of Submitted Application:

Location: 84 and 96 Lakeview Drive (Stoney Creek)
(See Location Map attached as Appendix "A" to Report PED19226)

Owner / Applicant: DeSantis Rose Joint Venture Inc. c/o: Gabe DeSantis

Agent: IBI Group, c/o: Jared Marcus

Property Description:

<u>Lot Frontage:</u>	+/- 290 m (North Service Road)
<u>Lot Depth:</u>	+/- 135 m (irregular)
<u>Lot Area:</u>	+/- 2.825 ha

Servicing: Full municipal services

EXISTING LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Maisonette and townhouse dwellings (under construction)	Multiple Residential "RM3-64" Zone, Modified
<u>Surrounding Lands:</u>		
North	Single detached dwellings, 6 Storey Multiple dwelling	Single Residential "R2" Zone and Mixed Use Medium Density "C5" Zone
South	QEW/ industrial uses	Prestige Business Park (M3) Zone

SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) and Draft Plan of Subdivision for Lands Located at 84 and 96 Lakeview Drive (Stoney Creek) (PED19226) (Ward 10) - Page 7 of 18

East	Vacant, commercial uses and multiple dwellings	Arterial Commercial C7, 327 Zone and Highway Commercial HC-(H) Zone
West	Bayview West Park, open space, single detached dwellings	Open Space (OS) Zone, Neighbourhood Park (P1) Zone and Single Residential "R3" Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (PPS 2014)

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

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Local Planning Appeal Tribunal (LPAT) approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of Provincial interest (i.e. efficiency of land use and balanced growth) are reviewed and discussed in the Official Plan analysis below.

Staff also note the UHOP has not been updated with respect to Cultural Heritage policies within the PPS. The following policy of the PPS applies:

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

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

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

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the Provincial Policy Statement apply to the subject application.

A Stage 1 - 2 archaeological report (P064-071) has been submitted to the City of Hamilton and Ministry of Tourism, Culture and Sport. Staff concur with the recommendations made in the report, and the archaeology condition for the subject applications has been met. Through a letter dated November 30, 2005, Provincial interest has been signed off by the Ministry.

As the application for a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) comply with the UHOP, which implements Provincial policy and planning direction, it is staff's opinion that the applications are:

- consistent with Section 3 of the *Planning Act*,
- consistent with the Provincial Policy Statement (2014); and,
- conforms to A Place to Grow (2019).

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as "Neighbourhoods" on Schedule E – Urban Structure and designated "Neighbourhoods" on Schedule E-1 within the UHOP. The lands are also subject to a site specific policy, known as USCN-6. The following policies, amongst others, also apply to the subject applications.

- "E.3.2.1 Areas designated "Neighbourhoods" shall function as complete communities, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.
- E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
- a) residential dwellings, including second dwelling units and housing with supports;
 - b) open space and parks;

Medium Density Residential

- E.3.5.1 Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads.

- E.3.5.5 Medium density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities, public transit, schools, active or passive recreational facilities, and local or District Commercial uses. E.3.5.6 Medium density residential built forms may function as transitions between high and low profile residential uses.

USCN-6

- 1.0 Notwithstanding Policy E.3.5.7 of Volume 1, on the lands designated Neighbourhoods, located at 84 and a portion of 96 Lakeview Drive, for medium density residential uses, the net residential density shall be between 40 units per hectare and 100 units per hectare."

The proposed development complies with the above-noted policy goals as the proposed form of townhouses contributes to a compact urban form and complete community and contributes to a range of housing types. The lands are also subject to a site specific policy known as "USCN-6", which allows for a density range of 40-100 units per hectare for medium density residential uses. The townhouse development as approved is calculated at 49 units per hectare and complies with the UHOP.

Noise

- "B.3.6.3.1 Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.
- B.3.6.3.3 Where feasible and in compliance with other policies, the City shall ensure that land use arrangements which minimize the impact of noise and vibration be considered in the formulation of plans of subdivision and condominium, official plan amendments, severances, and zoning by-law amendments."

The applicant has submitted a Noise Assessment, dated March 13th, 2019, prepared by Valcoustics Canada Ltd, to address the above noted policies. The recommendations of the Noise Assessment indicate that warning clauses be included in all offers and agreements of purchase and sale or lease. The warning clauses are addressed in Condition No. 7 of Appendix "C" to Report PED19226 and in Condition No. 14 of Appendix "E" to Report PED19226. The Noise Assessment also provided updated exterior wall and window specifications which were implemented through the Site Plan Control process to address noise requirements.

City of Hamilton Staging of Development

"F.1.14.1.1 The division of land shall occur by registered plan of subdivision where:

- a) a new road or an extension to an existing road is required; and,
- b) it is deemed in the public interest for the proper and orderly development of lands.

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

- a) the plan of subdivision conforms to the policies and land use designations of this Plan;
- b) the plan of subdivision implements the City's staging of development program;
- c) the plan of subdivision can be supplied with adequate services and community facilities;
- d) the plan of subdivision shall not adversely impact upon the transportation system and the natural environment;
- e) the plan of subdivision can be integrated with adjacent lands and roadways;
- f) the plan of subdivision shall not adversely impact municipal finances; and,
- g) the plan of subdivision meets all requirements of the *Planning Act*."

The proposal is consistent with the Criteria for Staging of Development in that utilities and services are available. This proposal supports a healthy growing economy, provides for additional assessment and Development Charges revenue, provides housing opportunities, complies with the UHOP, will not adversely impact upon the transportation system, respects the natural environment and will integrate well with the existing development in the area, being the Bayview Neighbourhood Area.

Road Widening and Daylight Triangles

"C.4.5.6 The City shall reserve or obtain road widenings for rights-of-way as described in Schedule C-2 – Future Road Widenings. Where a road right-

of-way is not described in Schedule C-2 – Future Road Widenings, the City shall reserve or obtain road widenings for rights-of-way as described in Section C.4.5.2. The aforesaid road widenings shall be reserved or obtained through subdivision approval, condominium approval, land severance consent, site plan approval or by gift, bequeathment, purchase or through expropriation where necessary and feasible.

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

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

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

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

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

Lakeview Drive, North Service Road and Fruitland Road are identified as Minor Arterial roads on Schedule C – Functional Road Classification and in accordance with Schedule C-2 – Future Road Widenings, have a future right-of-way width of 36.576 m. Neither Lakeview Drive or North Service Road is presently at the ultimate right-of-way width as

identified in the UHOP. At the February 28, 2018 meeting of City Council, Council approved a reduction to the right-of-way widening dedication for the westerly portion of the subject lands where there is currently an uneven right-of-way. The right-of-way widening has been provided and will be dedicated to the City of Hamilton by way of Condition Nos 1, 2 and 4 of Appendix “C” to Report PED19226.

With respect to the daylight triangle requirements of the UHOP, the City requires conveyance of property for appropriate daylighting triangles and corner rounding on existing roads generally to a measurement of 12.19 m by 12.1.9 m for arterial to collector or arterial roads in the urban context. A daylight triangle at the corner of North Service Road and Lakeview Drive, has been provided and will be dedicated to the City of Hamilton by way of Condition No. 3 of Appendix “C” to Report PED19226.

Based on the foregoing, the proposal complies with the applicable policies of Volume 1 of the UHOP.

Bayview Neighbourhood Plan

The subject site is designated “Medium / High Density Residential” in the Bayview Neighbourhood Plan. There are no associated policies for this neighbourhood plan. As the proposed development consists of residential development at a density which falls within the range captured by this designation, it conforms to the Bayview Neighbourhood Plan.

Stoney Creek Zoning By-law No. 3692-92

The subject lands are zoned Multiple Residential “RM3-64” Zone, Modified, in the Stoney Creek Zoning By-law No. 3693-92. This zone permits stacked townhouses, maisonette townhouses or apartments or any combination thereof. The specific modifications consider minimum front yard and minimum side yard (flankage) setbacks, minimum distance between buildings on the same lot, maximum density, maximum building height, privacy area depth, minimum landscaped open space, permitted yard encroachments and parking requirements. The proposal will be developed in accordance with the “RM3-64” Zone, Modified requirements. Furthermore, as a condition of draft plan approval the applicant will be required to demonstrate conformity with the applicable provisions of the Zoning By-law prior to release of the plan for registration (see Condition No. 1 of Appendix “E” to Report PED19226).

RELEVANT CONSULTATION

The following Departments / Agencies have no comments or objections:

- Hydro One Networks Inc;

SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) and Draft Plan of Subdivision for Lands Located at 84 and 96 Lakeview Drive (Stoney Creek) (PED19226) (Ward 10) - Page 13 of 18

- Hamilton Street Rail (HSR); and,
- Recreation – Recreation Division, Healthy & Safe Communities Department.

The following Departments and Agencies have provided comments on the application:

Canada Post Corporation has identified that the site will be serviced by a centralized mailbox. The applicant will need to locate the mailbox on site per standard requirements. Conditions addressing these comments have been included as Condition Nos. 12 and 13 in Appendix “C” to Report PED19226 and Condition Nos. 8 to 13 in Appendix “E” to Report PED19226.

Bell Canada has required the owner to provide any easements that may be necessary for communication/telecommunication infrastructure. This is included as Condition No. 11 in Appendix “C” and Condition No. 16 in Appendix “E” to Report PED19226.

Union Gas Ltd. requires that the applicant provide necessary easements and/or agreements for the provision of gas services for this project. This has been included as Condition No. 15 in Appendix “C” and Condition No. 15 in Appendix “E” to Report PED19226.

Ministry of Transportation requires that prior to final approval, a stormwater management and traffic impact study be prepared and lastly the owner must enter into a legal agreement with MTO to assume financial responsibility for the construction of all associated highway improvements. The conditions for a stormwater management report and traffic impact study were satisfied through Site Plan Control application DA-18-079. Condition No. 14 in Appendix “C” to Report PED19226 addresses the requirement for an agreement to assume financial responsibility for the construction of all associated highway improvements.

Healthy Environments Division, Healthy and Safe Communities Department have requested a Pest Control Plan focusing on rats and mice during the construction phase of the development proposal. This condition was cleared on November 8, 2018 through the Site Plan Control application DA-18-079. Healthy and Safe Communities also requested a dust management plan, which obtained clearance through Site Plan Control application DA-18-079 on June 5, 2019.

Recycling and Waste Disposal Section, Public Works Department has reviewed the development and noted that the site is eligible for municipal waste collection subject to meeting the City’s requirements. Prior to occupancy, the future residents will be required to enter into an Agreement for On-Site Collection of Municipal Solid Waste in order to begin waste collection on private property. Note No. 2 in Appendix “C” to Report PED19226 informs the owner that waste collection is subject to the City’s Solid Waste Management By-law 09-067, and Condition No. 8 i) in Appendix “E” to Report

PED19226 warns purchasers that City Waste Management may not be available to residents.

Transportation Planning require that a Traffic Signals, Traffic Signs and Pavement Markings Plan be submitted, and reiterate that Block 5 shall be dedicated to the City. Their conditions are included as Condition Nos. 1, 2, 3 and 4 in Appendix “C” of Report PED19226. A Pavement Markings Plan was submitted as part of Site Plan Control application DA-18-079 and has been approved.

Growth Planning have indicated joint use agreements will be required for the proposed six storey dwelling to the north of the site. Condition No. 10 of Appendix “C” and Condition No. 17 of Appendix “E” of Report PED19226 addresses this requirement. In addition, if final approval is not received, Growth Planning has provided comments regarding lapsing timelines through Note # 1 of Appendix “C” to Report PED19226 and Note # 1 of Appendix “E” to Report PED19226. Standard conditions addressing land titles registration, mailing address unit numbers, and registration of condominium agreements are included as Conditions Nos. 2-4 of Appendix “E” to Report PED19226 there is also a standard Condition No. 8 (ii) of Appendix “E” which ensures that no grade alteration will occur within 0.45 metres of the property line.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, Notices of Complete Application and Preliminary Circulation were sent to 63 property owners within 120 m of the subject property on May 25, 2018 for the Draft Plan of Subdivision and on May 17, 2019, for the Draft Plan of Condominium (Common Element) application.

Furthermore, a Public Notice Sign was posted on the property on May 24, 2019, and updated on November 6, 2019, with the Public Meeting date. Finally, Notice of the Public Meeting was given on November 15, 2019, in accordance with the requirements of the *Planning Act*.

Due to the extensive previous approval process per Report PED18085, it was determined a public consultation strategy was not required. However, public notice of the application and the public meeting, as noted above was given in accordance with the requirements of the *Planning Act* and the UHOP. To date, no public submissions have been received regarding the subject applications.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement and conforms to A Place to Grow (2019);
 - (ii) It complies with the policies of the Urban Hamilton Official Plan; and,
 - (iii) The proposal establishes condominium tenure for a form of development permitted under the City of Stoney Creek Zoning By-law No. 3692-92 as amended by By-law 18-139. It will implement the approved Site Plan Control Application DA-18-079, which provides for a form of development that is compatible with surrounding land uses.
2. In review of Sub-section 51(24) of the *Planning Act*, to assess the appropriateness of the proposed subdivision, staff advise that:
 - (a) It is consistent with the Provincial Policy Statement, A Place to Grow Plan, and with the general intent of the Urban Hamilton Official Plan, including the Bayview Neighbourhood Plan;
 - (b) The proposal represents a logical and timely extension of existing development and services and is in the public interest;
 - (c) It complies with the applicable policies of the Urban Hamilton Official Plan;
 - (d) The subject lands can be appropriately used for the purposes for which it is to be subdivided;
 - (e) The proposed subdivision will be compatible with the existing road network and block pattern of the surrounding neighbourhood;
 - (f) The proposed subdivision can be adequately serviced by the current road network;
 - (g) The dimensions and shapes of the proposed lots conform to the Zoning By-law and are sufficient to accommodate the proposed development of stacked townhouse dwellings and maisonette townhouse dwellings;
 - (h) Restrictions and regulations for the development of the subdivision are included in the conditions of draft plan approval and Subdivision Agreement;

- (i) Adequate utilities and municipal services are available to service the proposed blocks within the subdivision, the particulars of which will be determined as part of the conditions of draft approval and Subdivision Agreement; and,
- (j) The application will not have any negative impact on the City's finances.

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

3. The proposed Draft Plan of Condominium (Common Element) is comprised of the following common elements: a condominium road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking spaces and centralized mailboxes, as shown on the attached plan, marked as Appendix "D" to Report PED19226. The private condominium road will provide access to North Service Road. All units will hold an interest in the Condominium Corporation to benefit from the common visitor parking spaces and landscaped areas. A total of 136 maisonette and townhouse dwelling units will have access from the private condominium road network and will hold an interest in the Common Element Condominium Corporation. The applicant will be required to demonstrate zoning conformity prior to registration of the Draft Plan of Condominium (Common Element) as provided by Condition No. 1 of Appendix "E" to Report PED19226. Staff are supportive of the Draft Plan of Condominium (Common Element) and recommend its approval.
4. The subject lands are to be developed in accordance with the final approved Site Plan Control application DA-18-079 and the Plan of Condominium (Common Element) shall be developed in accordance with the approved Site Plan (Condition No. 5 of Appendix "E" to Report PED19226).
5. The land proposed for the common element condominium and the lots for all of the maisonette and townhouse dwelling units will be created through Part Lot Control Applications PLC-19-018 and PLC-19-019. In this regard, final approval and registration of the common element condominium cannot occur until such time as the Part Lot Control Applications are approved and the By-law removing the lands from Part Lot Control has been passed by Council (Condition No. 6 of Appendix "E" to Report PED19226). The applicant has submitted Part Lot Control Applications, PLC-19-018 and PLC-19-019 which are currently under review.
6. The applicant must also enter into a Development Agreement with the City of Hamilton as a condition of Draft Plan of Condominium (Common Element) approval. This Agreement will ensure that the tenure of the proposed common

elements (as shown on the Draft Plan of Condominium (Common Element) included in Appendix “D” to Report PED19226) becomes “tied” to the proposed Draft Plan of Condominium. This will have the effect of ensuring that individual maisonette and townhouse lots are not sold until the condominium has been registered as a Common Element Condominium under the *Condominium Act* (Condition No. 7 of Appendix “E” to PED19226).

7. The proposed condominium road will be privately owned and maintained. As a condition of approval, the applicant must include warning clauses in all purchase and sale agreements and rental or lease agreements to advise perspective purchasers that the City of Hamilton will not provide maintenance or snow removal and that the provided garages are for parking, which has been included as Condition No. 8 i) and iii) of Appendix “E” to Report PED19226.
8. The subject lands are intended to function with the abutting lands to the north. As such, a Joint Use Agreement is required with the City as a condition of Draft Plan of Subdivision approval for the lands to the north in order to permit any necessary easements to the satisfaction of the Senior Director of Growth Management. This is included as Condition No. 10 of Appendix “C” to Report PED19226.
9. The Engineering Approvals section is supportive of these applications and have provided the following information.

The property is subject to a right-of-way widening on North Service Road and Lakeview Drive and is also required to dedicate a 12.19 m x 12.19 m daylight triangle (as per the UHOP) at the intersection of the widened limit of Lakeview Drive and Fruitland Road. The applicant is also required to dedicate sufficient lands to the City at the northwest corner of the property at North Service Road and Lakeview Drive. Condition Nos. 1 to 4 of Appendix “C” to Report PED2019226 address road widening and daylighting triangle dedications.

North Service Road currently has a rural cross section and is located within the urban boundary. The applicant will be required to pay their proportionate share for the future urbanization of North Service Road as per the City’s “New Roads Servicing Rate” which is included as Condition No. 5 of Appendix “C” to Report PED2019226. The urbanization of North Service Road also requires that the owner provide engineering design and cost estimate schedules for the installation of sidewalk on the south side of Lakeview Drive from North Service Road to Fruitland Road, which is included as Condition No. 6 of Appendix “C” to Report PED2019226.

ALTERNATIVES FOR CONSIDERATION

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

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Healthy and Safe Communities

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

Appendix “B” – Draft Plan of Subdivision

Appendix “C” – Special Conditions of Draft Plan of Subdivision

Appendix “D” – Draft Plan of Condominium (Common Element)

Appendix “E” – Recommended Conditions of Draft Plan of Condominium

YR:jvr