

CITY OF HAMILTON PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT Planning Division

ТО:	Chair and Members Planning Committee
COMMITTEE DATE:	March 23, 2021
SUBJECT/REPORT NO:	Application for Approval of Draft Plans of Condominium (Common Element) for Lands Located at 20 Southridge Court and 533 Sanatorium Road, Hamilton (PED21053) (Ward 14)
WARD(S) AFFECTED:	Ward 14
PREPARED BY:	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 Condominium Application 25CDM-202013, by T. Johns Consulting Group Ltd. on behalf of Chedoke Redevelopment Corp., owner to establish a Draft Plan of Condominium (Common Element) comprised of a private road network, sidewalks, landscaped amenity areas, and visitor parking for 107 street townhouse dwellings on lands located at 20 Southridge Court (Hamilton), as shown on Appendix "A", attached to Report PED21053, be APPROVED subject to the following conditions:
 - (i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-202013 applies to the plan prepared by A.J. Clarke & Associates, certified by Nicholas P. Muth OLC, and dated March 1, 2021, comprised of a private road network, sidewalks, landscaped amenity areas and visitor parking for 107 street townhouse dwellings, attached as Appendix "B" to Report PED21053;
 - (ii) That the conditions of Draft Plan of Condominium Approval 25CDM-202013, attached as Appendix "D" to Report PED21053, be received and endorsed by City Council.

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- (b) That Draft Plan of Condominium Application 25CDM-202014, by T. Johns Consulting Group Ltd. on behalf of Chedoke Redevelopment Corp., owner to establish a Draft Plan of Condominium (Common Element) comprised of a private road network, sidewalks, landscaped amenity areas, and visitor parking for 104 street townhouse dwellings on lands located at 533 Sanatorium Road (Hamilton), as shown on Appendix "A", attached to Report PED21053, be APPROVED subject to the following conditions:
 - (i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-202014 applies to the plan prepared by A.J. Clarke & Associates, certified by Nicholas P. Muth OLC, and dated March 1, 2021, comprised of a private road network, sidewalks, landscaped amenity areas and visitor parking for 104 street townhouse dwellings, attached as Appendix "C" to Report PED21053;
 - (ii) That the conditions of Draft Plan of Condominium Approval 25CDM-202014, attached as Appendix "E" to Report PED21053, be received and endorsed by City Council.

EXECUTIVE SUMMARY

The subject properties are municipally known as 20 Southridge Court and 533 Sanatorium Road. The Owner has applied for approval of two Draft Plans of Condominium (Common Element) to create a private road network, sidewalks, landscaped amenity areas and visitor parking for a total of 211 street townhouse dwellings. Reciprocal easements and rights of way over the two proposed condominiums will be provided to deal with access and servicing considerations.

The proposed development is conditionally approved under Site Plan Control application DA-17-170. The private road network will access onto Southridge Court and Sanatorium Road. The proposed Draft Plans of Condominium will conform to the Hamilton Zoning By-law No. 05-200, as amended by Minor Variance Application No. HM/A-18:408 and HM/A-21:54.

The proposed Draft Plans of Condominium have merit and can be supported for the following reasons:

- They are consistent with the Provincial Policy Statement (2020) (PPS);
- They conform to the Growth Plan for the Greater Golden Horseshoe (2019, as amended) (Growth Plan); and,
- They comply with the Urban Hamilton Official Plan (UHOP) and Chedmac Secondary Plan.

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Alternatives for Consideration – See Page 14

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 applications for a Draft Plan of Condominium

(Common Element).

HISTORICAL BACKGROUND

Proposal:

The purpose of the applications are to establish two Draft Plans of Condominium (Common Element) to create a shared private road network, sidewalks, landscaped amenity areas and visitor parking for a total of 211 street townhouse dwellings to be developed on the subject lands in accordance with conditionally approved Site Plan Control application DA-17-170, attached as Appendix "F" to Report PED21053. The private road will provide access to Sanatorium Road and Southridge Court.

Site Plan Control Application DA-17-170

On September 17, 2018, Site Plan Control application DA-17-170 was conditionally approved. The Site Plan Control application implements the site layout and design for the proposed 211 street townhouses, including design for the landscaped amenity areas and a total of 267 parking spaces, 57 of which are for visitor parking. The Site Plan also notes that the existing Southam Building at the north-easterly portion of the site be retained and redeveloped for residential purposes but this does not form part of the Site Plan Application DA-17-170 as an Official Plan Amendment and Zoning By-law Amendment is required and is currently under review.

Minor Variance Applications HM/A-18:408 and HM/A-21:54

The Committee of Adjustment approved Minor Variance application HM/A-18:408 on February 7, 2019 which permitted adjustments to minimum required lot areas, rear yard setbacks, the maximum building height, and adjustment to the minimum required parking on site to facilitate Site Plan Control application DA-17-170.

Minor Variance application HM/A-21:54 is scheduled for the March 4, 2021 Committee of Adjustment Hearing. The purpose of the application is to permit a reduced front yard

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setback for lots fronting on a curve. At the time of preparation of this report, a decision on the Minor Variance application has not been made. Zoning conformity is a standard condition of draft plan approval for all condominium applications in the City of Hamilton.

Part Lot Control Application PLC-20-012

The applicants have submitted a Part Lot Control application (PLC-20-012) to create parcels of tied land for the proposed street townhouse dwellings and to create parcels comprised of the Common Element Condominium, including the street network and recreation blocks. At the time of preparation of the report, the application is currently under review.

Report Fact Sheet

Application Details		
Applicant/Owner:	Chedoke Redevelopment Corp.	
File Number:	25CDM-202013 and 25CDM-2014	
Type of Application:	Draft Plans of Condominium (Common Element)	
Proposal:	To create a private road network, sidewalks, landscaped amenity areas and visitor parking for 211 street townhouse dwellings.	
Property Details		
Municipal Address:	20 Southridge Court and 533 Sanatorium Road	
Lot Area:	7.28 ha	
Servicing:	Full Municipal Services.	
Existing Use	Former Chedoke Hospital-currently unoccupied.	
Documents		
Provincial Policy Statement (PPS)	Proposal is consistent with the PPS.	
A Place to Grow:	Proposal conforms to A Place to Grow.	

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Official Plan Existing:	 Neighbourhoods on Schedule "E" – Urban Structure; Institutional on Schedule "E-1" – Urban Land Use Designations in the UHOP; and, "Institutional" in the Chedmac Secondary Plan.
Official Plan Proposed:	No proposed amendment.
Zoning Existing:	Major Institutional (I3) Zone.
Zoning Proposed:	No proposed amendment.
Modifications Proposed:	N/A
Processing Details	
Received:	October 28, 2020
Deemed Complete:	November 12, 2020
Notice of Complete Application:	Sent to 117 property owners within 120 m of the subject property on December 2, 2020.
Public Notice Sign:	December 15, 2020 and updated on February 24, 2021.
Notice of Public Meeting:	March 5, 2021
Public Consultation:	N/A
Public Comments:	To date, staff have not received any public submissions through this circulation.
Processing Time:	146 days

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EXISTING LAND USE AND ZONING

Existing Land Use Existing Zoning

Subject Lands: Former Chedoke Hospital Major Institutional (I3) Zone

Surrounding Lands:

North Former Chedoke Hospital, Major Institutional (I3) Zone

block townhouses and "RT-20/S-1654"

(Townhouse – Maisonette)

District, Modified

South Medical Services, block Major Institutional (I3) Zone

townhouses and "DE/S-1357a" (Low

Density Multiple Dwellings)

Major Institutional (I3) Zone

District, Modified

East Holbrook Park, Columbia Neighbourhood Park (P1)

College Zone and Major Institutional

(I3) Zone

West Chedoke Twin Pad Arena, City Wide Park (P3) Zone and

Long Term Care Facility,

Former Chedoke Hospital

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (PPS 2020):

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to the Growth Plan for the Greater Golden Horseshoe (A Place to Grow 2019, as amended).

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 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.

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The following policy relating to potential noise impacts is applicable:

"1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards, and procedures."

A Noise Impact Study prepared by HGC Engineering Ltd., dated August 14, 2019 prepared in support of Site Plan Control application DA-17-170 evaluated noise impacts on the proposed dwelling units. Several small noise walls adjacent to Sanatorium Road, upgraded building components, and noise warning clauses will be required to be incorporated into the development. The warning clauses must be included in all future purchase and sale or lease agreements, per Condition No. 18 of Appendix "D" and Condition No. 17 of Appendix "E" to Report PED21053.

In addition, the following policies are applicable as they relate to archaeological and cultural heritage resources:

- "2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 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.
- 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved."

The subject lands meet four of ten criteria for defining archaeological potential as follows:

- 1) Within 250 metres of known archaeological sites;
- 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 3) In areas of pioneer EuroCanadian settlement; and,
- 4) Along historic transportation routes.

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These criteria define the property as having archaeological potential. As a proactive measure, an archaeological assessment (P018-215-2007) was submitted to the City of Hamilton and the Ministry of Heritage, Sport, Tourism and Culture Industries. In a letter dated January 2009, the Ministry requested more information before being in a position to concur with the report. The Province signed off on the reports for compliance with licensing requirements in a letter dated May 12, 2011. Staff are in concurrence with the archaeological assessment and are satisfied that the municipal interest in the archaeology of this portion of the site has been addressed.

The site currently contains existing buildings formerly used as the Chedoke Hospital and before that, the Mountain Sanatorium which was used to treat tuberculosis patients. All buildings on the subject lands except the Southam Building are scheduled to be demolished to facilitate the development of 211 street townhouse dwellings on a private road network, as shown on Site Plan Control application DA-17-170, attached as Appendix "F" to Report PED21053. A Cultural Heritage Impact Assessment (CHIA) / Documentation and Salvage Report was prepared in support of the Site Plan Control application and was reviewed by the Policy and Design Working Group of the Hamilton Municipal Heritage Committee on July 16, 2019. Further, an addendum was submitted on August 2, 2019 to address feedback from the Policy and Design Working Group which was approved by staff.

As the application for a Draft Plan of Condominium complies with the UHOP, it is staff's opinion that the application is:

- consistent with Section 3 of the *Planning Act*,
- consistent with the Provincial Policy Statement (2020); and,
- conforms to A Place to Grow (2019, as amended).

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure, designated as "Institutional" on Schedule "E-1" – Urban Land Use Designations in the UHOP, and, "Institutional" in the Chedmac Secondary Plan in Volume 2. The following Secondary Plan policies, amongst others, are applicable to the subject application.

Chedmac Secondary Plan

"B.6.3.4.1 In addition to Sections E.3.10 – Community Facilities and Services Policies and E.6.0 – Institutional Designation of Volume 1, the following policies shall apply to the lands designated Institutional on Map B.6.3 -1 - Chedmac - Land Use Plan:

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- a) New Institutional or recreational facilities shall be designed in a comprehensive manner with existing recreations facilities.
- b) The development of any new institutional facilities, including those associated with Chedoke-McMaster Hospitals, shall be designed to mitigate any negative impact on adjacent residential development."

Since the proposal seeks to redevelop the lands for residential purposes within the Institutional designation of the Secondary Plan, Section E.6.0 of Volume 1 shall be evaluated.

Institutional Designation

- "E.6.2.2 The following uses shall be permitted on lands designated Institutional on Schedule E-1 Urban Land Use Designations:
 - c) health care facilities;
- E.6.2.6 Notwithstanding Policy E.6.2.2, where institutional uses cease on lands designated Institutional, low density residential uses, parks and open space uses, or community facilities/services uses may be permitted without an amendment to this Plan, provided the uses are compatible with the surrounding area and are in keeping with the policies of this Plan.

Low Density Residential

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

The proposal seeks to establish a common element condominium in favour of 211 street townhouse dwellings having a density of 30.9 units per hectare. The dwelling units have a height ranging from one and a half to three storeys, in accordance with Policy E.3.4.5 of the UHOP. The Draft Plan of Condominium application is required to establish tenure for the road network and a Part Lot Control application is required to create the individual lots having frontage on the street, ensuring that the proposal complies with the UHOP in terms of permitted uses. Condition No. 3 of Appendices "D"

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and "E" have been included to ensure that the individual street townhouse lots are created.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Major Institutional (I3) Zone in Hamilton Zoning By-law No. 05-200 which permits street townhouse dwellings.

Minor Variance application HM/A-18:408 was approved by the Committee of Adjustment on February 7, 2019, which made adjustments to the minimum rear yard setback requirements, minimum lot area, building height, and minimum parking requirements of the Major Institutional (I3) Zone.

Minor Variance application HM/A-21:54 will be heard by the Committee of Adjustment on March 4, 2021 and requests a reduced minimum front yard setback for lots fronting onto a curved road.

The proposal conforms to Hamilton Zoning By-law No. 05-200, as approved by Minor Variance Applications HM/A-18:408 and subject to approval of HM/A-21:54. Section 4.3b) of the Zoning By-law permits street townhouses to have frontage on a private condominium road. Condition No. 1 of Appendices "D" and "E" to Report PED21053 has been included to ensure the proposal is developed in accordance with the Zoning By-law.

Site Plan Control Application DA-17-170

Site Plan Control application DA-17-170 received conditional approval on September 17, 2018. The proposed Draft Plan of Condominium will be required to comply with the final approved Site Plan (see Condition No. 2 of Appendices "D" and "E" to Report PED21053).

RELEVANT CONSULTATION

Departments and Agencies				
	Comment	Staff Response		
Forestry and Horticultre	No Comment	N/A		
Recycling and Waste Disposal	The site is eligible for municipal waste collection, subject to meeting design requirements.	Details regarding eligibility for municipal waste collection is being		

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Section,		addressed through Site Plan Control
Public Works		Application DA-17-170.
Department	O'the sear line of the leaders of the	The second secon
Engineering	Site grading, drainage and	These requirements are addressed
Approvals	servicing design shall be in	through Condition Nos. 5, 6, 13, 14,
Section	accordance with Site Plan	and 15 of Appendix "D" and Condition
	Control Application DA-17-170.	Nos. 5, 6, 13 and 14 of Appendix "E"
	Part of this design includes a	to Report PED21053.
	private underground stormwater	
	oil/grit separator which needs to	
	be maintained by the future	
	Condominium Corporations. The	
	Corporations shall also be	
	responsible for maintenance of	
	catch basins, maintenance	
	holes, parking areas, roadways, sidewalks and retaining walls.	
	Sidewalks and retaining walls.	
	Recommended the inclusion of	
	conditions for the on-going	
	maintenance and / or	
	replacement costs for any	
	structures within the	
	condominium lands and a	
	drainage easement within the	
	backyards of property owners	
	adjacent to public lands to	
	ensure that drainage patterns	
	established in the approved	
	grading plan are maintained.	
	Warning clauses are	
	recommended for some units	
	within the proposed Draft Plan	
	of Condominium at 20	
	Southridge Court.	
	The development consists of	
	two Condominium corporations	
	sharing one road network and	
	servicing design. Joint Use	
	Agreements and Reciprocal	
	Easements will be required to	
	establish easements for	

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	vehicular and pedestrian			
	access.			
Legislative Approvals Section	The standard note should be added to the Draft Plan of Condominium Conditions as Note 1.	The note has been included in Appendices "D" and "E" to Report PED21053.		
Canada Post Corporation	The site will be serviced by a centralized mailbox. The applicant will need to locate the mailbox on site per standard requirements.	Associated warning clauses regarding this requirement have been included as Condition Nos. 7(ii) and 8 to 12 in Appendices "D" and "E" to Report PED21053.		
Bell Canada	Necessary easements and / or agreements for the provision of communication / telecommunication infrastructure for this project is required.	This has been included as Condition No. 17 in Appendix "D" and Condition No. 16 in Appendix "E" to Report PED21053.		
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. 16 in Appendix "D" and Condition No. 15 of Appendix "E" to Report PED21053.		
Public Consultation				
	Comment	Staff Response		
	To date, staff have not received any public submissions through this circulation.	N/A - No submissions received.		

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 Plan for the Greater Golden Horseshoe;
 - (ii) It complies with the policies of the Urban Hamilton Official Plan; and,

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- (iii) The proposal establishes condominium tenure for a form of development permitted under the Hamilton Zoning By-law No. 05-200. It will implement the conditionally approved Site Plan Control application DA-17-170, which provides for a form of development that is compatible with surrounding land uses.
- 2. The proposed Draft Plans of Condominium (Common Element) are comprised of the following common elements: private road network, sidewalks, landscaped amenity areas and visitor parking for 211 street townhouse dwellings, as shown on the attached plans, marked as Appendices "B" and "C" to Report PED21053. The private condominium road will provide two accesses-one to Southridge Court and one access to Sanitorium Road. All units will be accessed from the private condominium road.
- 3. Future Owners and residents of this development shall be advised through Condition No. 7 of Appendices "D" and "E" to Report PED21053 that their garages are provided for the purposes of parking a vehicle and not for storage purposes. In addition, they will be advised that the Condominium Corporations will be responsible for maintenance and snow removal for the private road network.
- 4. Prior to these Common Element Condominiums being registered, Site Plan Control application DA-17-170, Minor Variance application HM/A-21:54, and Part Lot Control application PLC-20-012 shall receive final approval per Condition Nos. 1, 2 and 3 of Appendices "D" and "E" to Report PED21053. Both condominiums must be created in order to allow the lots created through Part Lot Control Application PLC-20-012 to have frontage on a road.
- 5. A Development Agreement is required to ensure that the street townhouse dwellings have legal rights tied to the Common Element Condominium and has been included as Condition No. 4 in Appendices "D" and "E" to Report PED21053.
- 6. The owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton (Condition No. 19 in Appendix "D" and Condition No. 18 in Appendix "E" to Report PED21053).
- 7. The applicant has applied for Official Plan Amendment and Zoning By-law Amendment applications UHOPA-20-04 and ZAC-20-009 to allow for the adaptive reuse of the existing Southam Building as a 23-unit multiple dwelling. The proposal will require that sanitary, storm and water services and vehicular and pedestrian accesses be shared between the proposed street townhouse dwellings and the multiple dwelling.

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ALTERNATIVES FOR CONSIDERATION

Should the proposed Plan of Condominium (Common Element) not be approved, the proposal would be considered a block townhouse development, which is not permitted in the Urban Hamilton Official Plan or the Major Institutional (I3) Zone. Successful Official Plan Amendment and Zoning By-law Amendment applications would be required to implement the proposal.

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.

Built Environment and Infrastructure

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Location Map

Appendix "B" – Draft Plan of Condominium for 20 Southridge Court

Appendix "C" - Draft Plan of Condominium for 533 Sanatorium Road

Appendix "D" – Draft Plan Conditions of Approval for 20 Southridge Court

Appendix "E" – Draft Plan Conditions of Approval for 533 Sanatorium Road

Appendix "F" - Site Plan