



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 20, 2021
SUBJECT/REPORT NO:	Application for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 3253, 3263, 3269, 3275, 3287, 3307, 3311, 3313 and 3323 Homestead Drive, Glanbrook (PED21074) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	James Van Rooi (905) 546-2424 Ext. 4283
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Draft Plan of Subdivision application 25T-202007, by Wellings Planning Consultants Inc., on behalf of 1804482 Ontatio Ltd. (Sonoma Homes), Owner** to establish a Draft Plan of Subdivision on lands located at 3253, 3263, 3269, 3275, 3287, 3307, 3311, 3313 and 3323 Homestead Drive, Glanbrook, as shown on Appendix “A”, attached to Report PED21074, be **APPROVED**, subject to the following conditions:
- (i) That this approval apply to the Draft Plan of Subdivision application 25T-202007 prepared by A.T. McLaren Limited certified by S.D. McLaren, dated July 30, 2020, consisting of one development block (Block 1) for 67 street townhouse dwellings, and attached as Appendix “B” to Report PED21074;
 - (ii) That the Special Conditions of Draft Plan of Subdivision Approval 25T-202007 attached as Appendix “C” to Report PED21074, be received and endorsed by City Council;

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- (iii) 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;
- (iv) That the Owner enter into a Standard Form, Subdivision Agreement, with Special Conditions attached as Appendix "C" to Report PED21074;
- (v) That in accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2017), there will be no cost sharing for this subdivision;
- (b) That **Draft Plan of Condominium application 25CDM-202012, Wellings Planning Consultants Inc., on behalf of 1804482 Ontario Ltd. (Sonoma Homes), 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, a private storm water management pond and centralized mailboxes, on lands located at 3253, 3263, 3269, 3275, 3287, 3307, 3311, 3313 and 3323 Homestead Drive, Glanbrook as shown on Appendix "A" to Report PED21074, be **APPROVED**, subject to the following conditions:
 - (i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-202012 applies to the plan prepared by A.T. McLaren Limited, certified by S. D. McLaren, dated December 21, 2020, consisting of a private road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas, a private storm water management pond and centralized mailboxes, in favour of 67 street townhouse dwellings, attached as Appendix "D" to Report PED21074;
 - (ii) That the conditions of Draft Plan of Condominium (Common Element) Approval 25CDM-202012, attached as Appendix "E" to Report PED21074, be received and endorsed by City Council.

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EXECUTIVE SUMMARY

The purpose of the Draft Plan of Subdivision application (25T-202007) is to create one block (Block 1) to facilitate the creation of Parcels of Tied Land (POTL's) which will be divided into two phases, the first phase is for 67 POTL's and the second phase will be for 97 POTL's for a total of 164 street townhouse dwellings with a private condominium road. The POTL's will be created through a future Part Lot Control application.

The purpose of the Draft Plan of Condominium application (25CDM-202012) 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, centralized mailboxes, and a private stormwater management pond in favour of 67 Parcels of Tied Land (POTL). This constitutes the first phase of the development and implements Site Plan Control application DA-19-099. The condominium road will provide two accesses to Homestead Drive. The subject lands are to be developed with 67 street townhouse dwellings with frontage onto the private condominium road. A separate Draft Plan of Condominium application will be required for the second phase of the development to complete the remaining 97 street townhouse dwellings.

The proposed Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) conform to Zoning By-law No. 05-200, as amended by By-law No. 17-240 and are consistent with Minor Variance application GL/A-20:92. The applications are consistent with and will implement Site Plan Control application DA-19-099, which received conditional approval on June 18, 2020.

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 (2020), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and comply with the Urban Hamilton Official Plan (UHOP).

Alternatives for Consideration – See Page 21

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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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

Application Details	
Owner:	1804482 Ontario Ltd. (Sonoma Homes).
Agent:	Wellings Planning Consultants Inc.
File Numbers:	25T-202007 25CDM-202012
Type of Applications:	Draft Plan of Subdivision Draft Plan of Condominium (Common Element)
Proposal:	A Draft Plan of Subdivision to create one development block to facilitate 67 street townhouse dwellings with access from Homestead Drive. The Draft Plan of Condominium (Common Element) will establish a private condominium road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas, centralized mailboxes, and a private stormwater management pond in favour of 67 POTL's.
Property Details	
Municipal Address:	3253, 3263, 3269, 3275, 3287, 3307, 3311, 3313 and 3323 Homestead Drive (see Appendix "A" to Report PED21074)
Lot Area:	± 4.37 ha (irregular shape)
Servicing:	Full municipal services.
Existing Use:	All properties on Homestead Drive are vacant. The single detached dwellings have been demolished.

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Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	Identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “District Commercial” on Schedule E-1 – Urban Land Use Designations.
Secondary Plan Existing:	Mount Hope Secondary Plan – “Mixed Use – Medium Density” and “District Commercial” on and “Area Specific Policy Area D” on Map B.5.4-1.
Zoning Existing:	Mixed Use Medium Density (C5, 652, H102) Zone and District Commercial (C6, 580) Zone
Processing Details	
Received:	September 2, 2020
Deemed Complete:	October 15, 2020
Notice of Complete Application:	Sent to 69 property owners within 120 m of the subject lands on October 27, 2020. The initial notice of complete application did not capture 3 property owners within the 120 m circulation area. Another notice of complete application was circulated on April 1, 2021 to 72 property owners in accordance with the <i>Planning Act</i> .
Public Notice Sign:	Posted October 27, 2020 and updated with Public Meeting date March 24, 2021.
Notice of Public Meeting:	Sent to 72 property owners within 120 m of the subject lands on April 1, 2021.
Public Comments:	No comments received to date.
Processing Time:	159 days.

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Background

In October, 2017, Planning Committee approved a city-wide zoning by-law to establish Hamilton’s Commercial Mixed Use zones (CMU zones), known as By-law No. 17-240. A specific motion pertaining to this site was included before the Planning Committee to allow for residential uses for those properties that front onto Homestead Drive and are south of Airport Road. In November 2017, the CMU zones were passed by Council, but subsequently appealed to the Local Planning Appeal Tribunal (LPAT) and it was not until November 16, 2018 that the appeal was resolved and the implementing by-law came into effect for the subject lands.

Minor Variance Application

On July 23, 2020 the Committee of Adjustment considered Minor Variance application GL/A-20:92. The application requested relief for zone boundaries, finished floor elevation, setbacks, height, location of visitor parking spaces and aisles, and lot coverage.

The Minor Variance application was approved and is Final and Binding.

The proposal conforms to Zoning By-law, No 05-200 and Condition No. 1 of Appendix “E” to Report PED21074 requires Zoning By-law compliance.

Site Plan Control Application DA-19-099

On June 18, 2020, Site Plan Control application DA-19-099 received Conditional Approval for the development of 164 street townhouses on the subject lands in two phases. The applicant is currently working towards obtaining final Site Plan approval for Phase 1. The proposed Draft Plan of Condominium will be required to comply with the final approved Site Plan (see Condition No. 4 of Appendix “E” to Report PED21074).

A private Stormwater Management Pond with a private storm sewer system designed and constructed in accordance with the standards and specifications of the City of Hamilton will service the development and will be reviewed as part of the Site Plan Control application. The establishment of a capital reserve fund for maintenance of the stormwater management pond and the oil grit separator are addressed through Condition No. 19 of Appendix “E” to Report PED21074.

EXISTING LAND USE AND ZONING

Existing Land Use

Existing Zoning

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Subject Lands:	Vacant	Mixed Use Medium Density (C5, 652, H102) Zone and District Commercial (C6, 580) Zone
Surrounding Lands:		
North	Single Detached Dwellings, and Commercial Uses	District Commercial (C6, 580) Zone
South	Single Detached Dwellings	Mixed Use Medium Density (C5, 652, H102) Zone
East	Upper James Street, Rural Residential Uses and a Golf Course	Rural (A2) Zone and Open Space (P4) Zone
West	Fire Station and Single Detached Dwellings	District Commercial (C6, 344) Zone, Mixed Use Medium Density (C5, 652, H102) Zone, Public "P" Zone, Deferred Development "DD" Zone, Existing Residential "ER" Zone and General Commercial "C3-048" Zone

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 2020). 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.

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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 five of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining 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.

Stage 1, 2 and 3 archaeological reports (P017-0625-2017, P017-0695-2019, P389-0335-2018, and P389-0411-2018) have been submitted to the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries. Staff concur with the recommendations made in the report, and the archaeology condition for the subject applications has been met. Through letters dated September 10, 2018, December 27, 2019, August 4, 2019 and September 3, 2019 Provincial interest has been signed off by the Ministry.

As the applications 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 (2020); and,
- conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “District Commercial” on Schedule E-1 within the UHOP, and, “District Commercial”, “Mixed Use - Medium Density” and “Site Specific Policy Area D” in the Mount Hope Secondary Plan of Volume 2. The following Secondary Plan policies, amongst others, are applicable to the subject applications.

“B.5.4.4.1 In addition to Section E.4.7 – District Commercial of Volume 1, the following policies shall apply to the lands designated District Commercial on Map B.5.4-1 – Mount Hope – Land Use Plan:

- a) Existing and future commercial uses within the District Commercial designation are intended to serve the existing and future residents of the Mount Hope Secondary Plan area as well as the surrounding rural area, the Hamilton Airport and the Airport Industrial-Business Park.
- b) In addition to the uses permitted in Policy E.4.7.2 of Volume 1, permitted uses in the District Commercial designation shall include retail and service commercial, personal and business services, recreational and entertainment facilities, restaurants, taverns, hotels, and motels. Cultural facilities, community facilities/services, and institutional uses may also be permitted provided they do not interfere or conflict with the satisfactory development and operation of the District Commercial designation for the predominant general commercial uses.
- c) Lands with District Commercial designation shall be encouraged to be redeveloped for District Commercial uses. It is recognized that the redevelopment of the existing residential lots for commercial uses will occur over a relatively lengthy period of time.
- d) Development of commercial uses shall be planned and coordinated to limit the establishment of a continuous strip of individual developments.
- e) Redevelopment shall consider and be sensitive to existing residential development and ensure that the bulk, scale, height and design of commercial developments and other permitted uses are compatible with adjacent residential uses.
- f) The District Commercial designation adjacent to Airport Road West and Homestead Drive enjoys a high degree of visibility and provides a gateway to the John C. Munro International Airport. To ensure this area develops in a coordinated, well-designed and aesthetically-pleasing manner with adequate infrastructure and amenities, and to provide funding eligibility, the City shall investigate the designation of these lands as a Community Improvement Project Area.

B.5.4.4.2 Mixed Use – Medium Density Designation (OPA 69)

- g) Section E.4.2 - Commercial and Mixed Use Designations – General Policies and Section E.4.6 – Mixed Use – Medium Density Designation of Volume 1 shall apply to lands designated “Mixed Use – Medium

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Density” on Map B.5.4-1 – Mount Hope Secondary Plan – Land Use Plan.

- h) Policies B.5.4.4.1 d) to g) of Volume 2 shall also apply to lands designated “Mixed Use – Medium Density” on Map B.5.4-1 – Mount Hope Secondary Plan – Land Use Plan.

Site Specific Policy Area – D (OPA 69)

B.5.4.11.4 The following policies shall apply to lands located at 3239 to 3331 Homestead Drive and 3260 to 3300 Homestead Drive, designated “Mixed Use – Medium Density” on Map B.5.4-1 – Mount Hope Secondary Plan Land Use Plan to allow for infill residential development in areas, where the noise contour is under 30 NEF, which will support a more balanced mix of land uses within the Mount Hope Community:

- a) In addition to the uses permitted in Policy E.4.6.5 of Volume 1, street townhouses, block townhouses, and existing single detached dwellings (including minor additions, porches, decks, etc.) shall also be permitted.
- b) Notwithstanding Policies E.4.6.7 and E.4.6.8 of Volume 1, maximum building heights shall be restricted to three storeys.
- c) Policy B.5.4.9.1 of Volume 2 shall not apply to minor additions, porches, decks, etc. to existing single detached dwellings.”

The subject proposal complies as three storey street townhouse dwellings are a permitted use within Site Specific Policy Area D. Staff note that the portion of the lands that are designated “District Commercial” are lands that will be used for the visitor parking area, and will be developed along with the second phase for the remaining 97 street townhouse dwellings. The proposal complies with the Mount Hope Secondary Plan as all of the residential uses will be south of the NEF 30 contour line. As noted previously, the proposal complies with the Secondary Plan requirement of up to a maximum of three storeys. Internal to the site and along Homestead Drive the street townhouse dwellings are proposed to be three storeys (ranging from 11.9 m to 12.4m in height). The townhouses that are adjacent to Upper James Street and the private stormwater management pond are proposed to be two storeys (10.4 m).

Noise

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- “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 subject property is adjacent to Upper James Street and is also within the vicinity of the Hamilton Airport, both of which are noise generating sources. The applicant has submitted a Noise Assessment, dated June 2020, and revised August, 2020, prepared by S. Llewellyn & Associates 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 recommendations of the Noise Assessment indicate that the units which are generally adjacent to Upper James Street are required to be supplied with a central air conditioning system. The units more internal to the site and along Homestead Drive will need to be designed with the provision for adding a central air conditioning system. The site also requires a 3.0 metre high noise barrier along Upper James Street. The warning clauses are addressed in Condition No. 1 of Appendix “C” to Report PED21074 and in Condition No. 12 of Appendix “E” to Report PED21074. The Noise Assessment also provides updated noise barrier specifications that have been implemented through the Site Plan Control application.

Trees

- “C.2.11.1 The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

Since trees will be removed to facilitate the proposed development, a Tree Protection Plan (TPP) is currently being reviewed under the Site Plan Control application (DA-19-099). Staff note that the City requires 1 for 1 compensation for any tree that is proposed to be removed from private property. In accordance with the current TPP a minimum of 49 trees will be compensated. The Landscape Plan indicates that 273 trees will be planted throughout the lands and on City Property along Homestead Drive. Furthermore, as a condition of Site Plan Control application (DA-19-099) the applicant

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will be required to make a payment equivalent to 1 street tree for every 12 metres of frontage along Homestead Drive.

Plan of Subdivision

“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, R.S.O., 1990 c. P.13.”

The proposed Draft Plan of Subdivision complies with the Urban Hamilton Official Plan and the Mount Hope Secondary Plan and meets all the requirements of the *Planning Act*. It is consistent with the Criteria for Staging of Development as the subject lands can be adequately serviced using existing infrastructure, subject to the proposed Draft Plan conditions. This proposal will not adversely impact the natural environment or transportation system and will be integrated with the adjacent lands and roads and does not impact municipal finances.

Based on the above, the proposed Draft Plan of Subdivision and Draft Plan of Condominium comply with the UHOP.

Zoning By-law No. 02-500

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The subject lands are zoned Mixed Use Medium Density (C5, 652, H102) Zone which permits a full range of commercial and residential uses. Site specific exception 652 specifically permits Street Townhouse Dwellings and existing Single Detached and Duplex Dwellings with special regulations. The Holding Provision was placed on the lands to ensure that the noise levels would be investigated and that recommended mitigation measures would be implemented. As part of conditional approval of Site Plan Control application DA-19-099, the owner is required to apply for the Removal of the Holding Provision.

A portion of the subject lands is also District Commercial (C6, 580) Zone, which permits a variety of commercial uses and prohibits sensitive land uses such as dwelling units and day nurseries. In July 2020, the applicant obtained approval of a Minor Variance application (GL/A-20:92) to allow for the Mixed Use Medium Density (C5, 652, H102) Zone to apply to the extent of the conditionally approved Site Plan Control application DA-19-099. The majority of lands that are District Commercial (C6, 580) Zone are to be used as a parking area that will serve the residential uses.

RELEVANT CONSULTATION

Departments and Agencies		
French Public School Board; Hydro One; Niagara Peninsula Conservation Authority; and, Alectra Utilities.		No Comments
	Comment	Staff Response
Forestry and Horticulture, Public Works Department	There are no municipal assets on site and a landscape plan and a tree management plan are not required.	Noted.
Recycling and Waste Disposal Section, Public Works Department	The site is approved for municipal waste collection.	Prior to Occupancy, an Agreement for On-Site Collection of Municipal Solid Waste will be required in order to begin waste collection on private property. Note No. 2 of Appendix "C" to Report PED21074 identifies that the site is eligible for municipal waste collection and that the owner must contact the Waste Management to request waste

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		collection service.
Engineering Approvals, Growth Management Section	<p>All issues pertaining to grading, drainage, servicing and right of way dedications have been dealt with under the engineering review for the Site Plan DA-19-099.</p> <p>Grading and drainage shall be maintained in accordance with the approved engineering plans for the site.</p> <p>A 0.3 metre reserve along Upper James Street is to be included on the draft plan.</p> <p>The Owner is advised to follow proper SWM pond maintenance practices as described below and within the SWM Report.</p> <p>The Owner is advised to follow the OGS unit manufacturer's maintenance recommendations.</p> <p>That mutual access and any/all future on-going maintenance and/or replacement costs for any structures within the condominium lands including but not limited to private roads, water mains/services, private storm and sanitary sewers, catch basins, area drains, maintenance holes, retaining walls, parking areas, rip-rap channels, headwalls, etc. is the sole responsibility of the condominium corporation and as such shall be noted in the</p>	<p>Engineering comments relating to grading, drainage, servicing and right of way dedications are being addressed through Site Plan Control application DA-19-099.</p> <p>The establishment of a capital reserve fund for maintenance of the stormwater management pond and the oil grit separator are addressed through Condition No. 19 of Appendix "E" to Report PED21074.</p> <p>Condition No.18 of Appendix "E" to Report PED21074 includes the required notice regarding mutual access and any/all future ongoing maintenance to be noted in the condominium declaration.</p> <p>The notice requirements for maintenance of the Stormwater Management pond and notice requirements regarding surface drainage easements are addressed through Condition No. 21 of Appendix "E" to Report PED21074.</p> <p>A Joint-Use agreement with the City to satisfy the Sewer and Water By-law is included as Condition No. 16 of Appendix "E" to Report PED21074.</p> <p>The easement for surface drainage is addressed through Condition No. 17 of Appendix "E" to Report PED21074.</p>

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	<p>condominium declaration.</p> <p>That the owner enters into and registers on the title of the lands a Joint Use Agreement with the City of Hamilton to satisfy the Sewer and Water By-law requirements to the satisfaction of the Manager of the Engineering Approvals.</p> <p>As a condition of the Draft Plan of Condominium approval, the proponent shall include in the Declaration and Description pursuant to section 93 of the <i>Condominium Act, 1998</i>, a provision to establish a Capital Reserve fund to provide for regular on-going cleaning and maintenance or possible eventual replacement of the stormwater management pond and Oil/Grit Separator (OGS) units by a qualified service provider.</p> <p>The owner establish an easement for surface drainage on the lands.</p>	
<p>Growth Planning, Growth Management Section</p>	<p>As required by Section 51(17)(g) of the <i>Planning Act</i>, natural and artificial features adjacent to the proposed subdivision shall be identified.</p> <p>The submitted Draft Plan of Subdivision and Draft Plan of Condominium appear to be deficient of the signature of an Ontario Land Surveyor.</p>	<p>Natural and artificial features have been included on the Draft Plan of Subdivision.</p> <p>Both the Draft Plan of Subdivision and Draft Plan of Condominium have been signed by an Ontario Land Surveyor.</p> <p>The Draft Plan of Subdivision keymap now accurately depicts the subject lands.</p> <p>The legal description is standard and</p>

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	<p>It should be noted that the property boundary depicted on the key map does not match what is depicted on the Draft Plan.</p> <p>It should be determined if the submitted Draft Plan should include Parts from Plan 62R-18268 in its legal description. It should be noted that road widening should be depicted as blocks on the Draft Plan.</p> <p>A PIN Abstract will be required with a Draft Plan of Subdivision application.</p> <p>As required by Section 51(17)(b) of the <i>Planning Act</i>, the name of proposed highway within the condominium shall be identified.</p> <p>As required by Section 51 (17)(d) of the Planning Act, the existing uses of all adjoining lands shall be identified.</p> <p>It should be determined if the subject proposal will be serviced by municipal or private waste collection.</p> <p>It should be determined if Phase 2 of the subject development should be shown on the submitted Draft Plan of Condominium.</p> <p>Add the standard note: Pursuant to Section 51(32) of</p>	<p>there are no concerns with its description of the property.</p> <p>Road widenings will be dedicated through Site Plan Control application DA-19-099.</p> <p>A PIN Abstract has been submitted.</p> <p>The private roads within the Draft Plan of Condominium have been named.</p> <p>The existing uses of all adjoining lands have been identified on the draft plans.</p> <p>The subject property will be serviced by municipal waste collection.</p> <p>The applicant has indicated Phase 2 as “Future Development” on the Draft Plan of Condominium.</p> <p>The note has been included as Note #1 in Appendix “C” and Appendix “E” to Report PED21074.</p>
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	the <i>Planning Act</i> , draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received 2 months before the draft approval lapses.	
Canada Post Corporation	The site will be serviced by a centralized mailbox. The applicant will need to locate the mailbox on site per Canada Post standard requirements.	Associated warning clauses regarding this requirement have been included as Condition Nos. 7 and 8 of Appendix "C" and as Condition Nos. 6 (iii) and 7 to 11 of Appendix "E" to Report PED21074.
Union Gas Ltd.	At the time of writing the report, Union Gas had not provided comments, however staff included their standard condition.	This has been included as Condition No. 9 in Appendix "C" and as Condition No. 13 in Appendix "E" to Report PED21074.
Bell Canada	Requires that the applicant provide the necessary easements.	The standard condition has been included as Condition No. 6 in Appendix "C" to and as Condition No. 14 in Appendix "E" to Report PED21074.
Public Consultation		
	Comment	Staff Response
	To date, staff have not received any public submissions through this circulation.	

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 69 property owners within 120 m of the subject lands on October 27, 2020 requesting comments on the Draft Plan of Subdivision and the Draft Plan of Condominium (Common Element) applications.

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A Public Notice Sign was posted on the property on October 27, 2020, and updated on March 29, 2021, with the Public Meeting date. Finally, a Notice of Complete Application and Notice of the Public Meeting was given on April 1, 2021, in accordance with the requirements of the *Planning Act*.

A public open house for the development project was held back in August 30, 2018 by the applicant. As previously mentioned, on July 23, 2020, the applicant had their Minor Variance application (GL/A-20:92) considered by the Committee of Adjustment. No residents appeared in support or opposition to the Minor Variance application. At the time of preparation for this Report, no comments have been 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 (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (ii) It complies with the policies of the Urban Hamilton Official Plan and the Mount Hope Secondary Plan; and,
 - (iii) The proposal establishes condominium tenure for a form of development permitted under the City of Hamilton Zoning By-law No. 05-200 as amended by By-law No. 17-240. It will implement the conditionally approved Site Plan Control application DA-19-099, 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 (2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the Urban Hamilton Official Plan and the Mount Hope Secondary 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;

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- (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 dimensions and shapes of the proposed lots conform to the Zoning By-law and are sufficient to accommodate the proposed development of street townhouse dwellings;
- (g) Restrictions and regulations for the development of the subdivision are included in the conditions of draft plan approval and Subdivision Agreement/Site Plan Agreement;
- (h) The proposed subdivision will includes a stormwater management pond to address flood control; and,
- (i) Adequate utilities and municipal services are available to service the proposed block within the subdivision, the particulars of which will be determined as part of the conditions of draft approval and Subdivision/Site Plan Agreement.

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

3. The lands are zoned Mixed Use Medium Density (C5, 652, H102) Zone which permits a full range of commercial and residential uses. Site specific exception 652 specifically permits Street Townhouse Dwellings and existing Single Detached and Duplex Dwellings with special regulations. A portion of the lands are also zoned (C6, 580) Zone, which permits a variety of commercial uses and prohibits sensitive land uses such as dwelling units and day nurseries. In July 2020, the applicant obtained approval of a Minor Variance application (GL/A-20:92) to allow for the Mixed Use Medium Density (C5, 652, H102) Zone to apply to the extent of the conditionally approved Site Plan Control application DA-19-099. Staff have included a condition warning prospective owners and residents that a portion of the lands are zoned for commercial uses and a list of what uses are permitted on site (Condition No. 3 of Appendix "C" and Condition No.21 of Appendix "E" to Report PED21074). In the future the City will repeal and replace the zoning on the appropriate portion of lands that are within the District Commercial (C6, 580) Zone to a residential zone to recognize the use (which may also require an Official Plan Amendment) (Condition No. 4 of Appendix "C" and Condition No.21 of Appendix "E" to Report PED21074).

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4. 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, centralized mailboxes, and a stormwater management pond for the first phase of the development as shown on the attached plan, marked as Appendix “D” to Report PED21074. The private condominium road will provide access to Homestead Drive. All units will hold an interest in the Condominium Corporation to benefit from the common visitor parking spaces, landscaped areas, outdoor amenity areas, and centralized mailboxes. A total of 67 street townhouse dwellings 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 PED21074. A separate Plan of Condominium will be required for the Phase 2 portion of lands that are noted for future development. Staff are supportive of the Draft Plan of Condominium (Common Element) and recommend its approval. The owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton (Condition No.2 in Appendix “C” to Report PED21074).
5. The owner shall satisfy conditions, financial or otherwise, of the City of Hamilton (Condition No. 2 in Appendix “C” and Condition No. 15 in Appendix “E” to Report PED21074).
6. A condition has been included requiring the owners to enter into a Subdivision Agreement or Agreements with the City of Hamilton to the satisfaction of the Senior Director of Growth Management (Condition No. 5 in Appendix “C” to Report PED21074).
7. The M-Plan for Subdivision (25T-202007) must be registered on title of the subject lands prior to the final approval of Plan of Condominium, to the satisfaction of the Senior Director of Growth Management (Condition No. 2 in Appendix “E” to Report PED21074).
8. The condominium roads will be privately owned and maintained as such, warning clauses will also be included in all purchase and sale agreements and rental or lease agreements to advise prospective purchasers that the City of Hamilton will not provide maintenance or snow removal and that the provided garages are for parking of owners/occupants vehicles (Condition No. 6 (i) and (ii) in Appendix “E” to Report PED21074).

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9. The subject lands are to be developed in accordance with the conditionally approved Site Plan Control application DA-19-099 and the Plan of Condominium (Common Element) shall be developed in accordance with the approved Site Plan (Condition No. 4 of Appendix “E” to Report PED21074).
10. The land proposed for the Common Element Condominium and the lots for all of street townhouse dwellings will be created through Part Lot Control applications. In this regard, final approval and registration of the Common Element Condominium cannot occur until such time as the Part Lot Control applications are applied for and approved by a By-law removing the lands from Part Lot Control by Council (Condition No. 5 of Appendix “E” to Report PED21074). Part Lot Control applications have not yet been submitted.
11. That the Owner enters into and registers on title the condominium agreement incorporating the approved Plan of Condominium and related conditions to the satisfaction of the Senior Director of Growth Management (Condition No.3 of Appendix “E” to Report PED21074).
12. As the development will consist of two condominium corporations that share one road network a condition is required that the Owner register on title reciprocal easements for access and rights-of-way between the Phase One and Phase Two Plan of Condominiums for vehicular and pedestrian traffic and shared parking to the satisfaction of the Senior Director of Growth Management (Condition No. 20 of Appendix “E” to Report PED21074).

ALTERNATIVES FOR CONSIDERATION

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. Should the Draft Plan of Subdivision not be approved, the applicant / owner could not apply for a Part Lot Control application and would require Consent applications to create the individual lots.

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.

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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

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