



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

|                           |   |
|---------------------------|---|
| <b>TO:</b>                | Chair and Members<br>Planning Committee   |
| <b>COMMITTEE DATE:</b>    | April 20, 2021  |
| <b>SUBJECT/REPORT NO:</b> | Application for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 1288 Baseline Road, Stoney Creek (PED21073) (Ward 10) |
| <b>WARD(S) AFFECTED:</b>  | Ward 10   |
| <b>PREPARED BY:</b>       | James Van Rooi (905) 546-2424 Ext. 4283   |
| <b>SUBMITTED BY:</b>      | Steve Robichaud<br>Director, Planning and Chief Planner<br>Planning and Economic Development Department   |
| <b>SIGNATURE:</b>         |   |

**RECOMMENDATION**

- (a) That **Draft Plan of Subdivision application 25T-201904, by IBI Group, on behalf of Trillium Housing Highbury Non-Profit Corp., Owner** to establish a Draft Plan of Subdivision on lands located at 1288 Baseline Road (Stoney Creek), as shown on Appendix “A”, attached to Report PED21073, be **APPROVED** subject to the following conditions:
- (i) That this approval apply to the Draft Plan of Subdivision application 25T-201904 prepared and certified by S.D. McLaren, dated March 14, 2019, consisting of one development block (Block 1) attached as Appendix “B” to Report PED21073;
  - (ii) That the Special Conditions of Draft Plan of Subdivision Approval 25T-201904, attached as Appendix “C” to Report PED21073, be received and endorsed by City Council;
  - (iii) That payment of Cash-in-Lieu of Parkland be required, pursuant to Section 51 of the *Planning Act*, with the calculation of parkland payment to be based

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on the value of the lands on the day prior to the day of 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 PED21073.
  
- (b) That **Draft Plan of Condominium application 25CDM-201904, by IBI Group, on behalf of Trillium Housing Highbury Non-Profit Corp., Owner** to establish a Draft Plan of Condominium (Common Element) to create a condominium road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas and centralized mailboxes, on lands located at 1288 Baseline Road (Stoney Creek), as shown on Appendix "A", attached to Report PED21073, be **APPROVED** subject to the following conditions:
  - (i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-201904 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 area and centralized mailboxes, in favour of 16 townhouse dwellings and 44 back to back townhouse dwellings, attached as Appendix "D" to Report PED21073;
  
  - (ii) That the conditions of Draft Plan of Condominium (Common Element) Approval 25CDM-201904, attached as Appendix "E" to Report PED21073, be received and endorsed by City Council.

## **EXECUTIVE SUMMARY**

The subject property is municipally known as 1288 Baseline Road, Stoney Creek.

The purpose of the Draft Plan of Subdivision application (25T-201904) is to create one development block. The development block will consist of 16 townhouse dwellings and 44 back to back townhouse dwellings. The new right-of-way to the east of the subject lands, known as Rachel Drive, has been dedicated to the City through a deposited Reference Plan during the Site Plan Control process. Through the Site Plan Control process, it was determined that the City will be sharing costs with the owner for the construction of Rachel Drive.

The purpose of the Draft Plan of Condominium application (25CDM-201904) is to create the following common elements: a private condominium road network, sidewalks,

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landscaped areas, a visitor parking area, outdoor amenity areas and centralized mailboxes in favour of 60 Parcels of Tied Land (POTL), as finally approved under Site Plan Control application DA-18-151. The condominium road will provide an access to Rachel Drive, a new public road that connects Baseline Road and North Service Road. Subsequent to the registration of the Plan of Subdivision the POTL's will be created through Part Lot Control applications.

The proposed Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) conform to the Zoning By-law No. 3692-92, as amended by By-law No. 18-089. The applications are consistent with and will implement Site Plan Control application DA-18-151, which received final approval on September 29, 2020.

The proposed Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) 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 24**

**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**

**Report Fact Sheet**

| <b>Application Details</b> |   |
|----------------------------|---|
| Applicant/Owner:           | Trillium Housing Highbury Non-Profit Corporation        |
| Agent:                     | IBI Group   |
| File Number:               | 25T-201904/25CDM-201904                                 |
| Type of Applications:      | Draft Plan of Subdivision and Draft Plan of Condominium |

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|                                   |   |
|-----------------------------------|---|
|                                   | (Common Element)  |
| Proposal:                         | <p>The Draft Plan of Subdivision proposes to create one development block. The development block will consist of 16 townhouse dwellings and 44 back to back townhouse dwellings for a total of 60 residential units with access to Rachel Drive.</p> <p>The Draft Plan of Condominium (Common Element) will establish a private condominium road network, sidewalks, landscaped area, visitor parking areas, outdoor amenity areas and centralized mailboxes in favour of 60 POTL's.</p>                                |
| <b>Property Details</b>           |   |
| Municipal Address:                | 1288 Baseline Road  |
| Lot Area:                         | 1.14 ha   |
| Servicing:                        | Full Municipal Services.  |
| Existing Use:                     | Vacant Land (under construction).   |
| Proposed Uses:                    | 16 townhouses and 44 back to back townhouses.   |
| <b>Documents</b>                  |   |
| Provincial Policy Statement (PPS) | The proposal is consistent with the PPS.  |
| A Place to Grow:                  | The proposal conforms to A Place to Grow.   |
| Official Plan Existing:           | <ul style="list-style-type: none"> <li>• Neighbourhoods on Schedule "E" – Urban Structure and on Schedule "E-1" – Urban Land Use Designations in the UHOP.</li> <li>• "Low Density Residential 3c" and Site Specific Policy D in the Urban Lakeshore Area Secondary Plan of Volume 2, which permits: <ul style="list-style-type: none"> <li>○ Low rise apartments, townhouse dwellings and maisonettes; and,</li> <li>○ The density shall range from 30 to 53 units per net residential hectare.</li> </ul> </li> </ul> |

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|---------------------------------|---|
| Official Plan Proposed:         | No proposed amendment.  |
| Zoning Existing:                | Residential Multiple “RM3-62” Zone, Modified  |
| Zoning Proposed:                | No proposed amendment.  |
| <b>Processing Details</b>       |   |
| Received:                       | May 6, 2019   |
| Deemed Complete:                | May 13, 2019  |
| Notice of Complete Application: | Sent to 88 property owners within 120 m of the subject property on May 29, 2019.                |
| Public Notice Sign:             | June 10, 2019, sign updated on March 24, 2021.  |
| Notice of Public Meeting:       | April 1, 2021   |
| Public Consultation:            | Public meeting notice provided in accordance with the requirements of the <i>Planning Act</i> . |
| Public Comments:                | One letter expressing concern.  |
| Processing Time:                | 709 days  |

**EXISTING LAND USE AND ZONING**

|                                  | <u>Existing Land Use</u> | <u>Existing Zoning</u>   |
|----------------------------------|--------------------------|--|
| <b><u>Subject Lands:</u></b>     | Vacant                   | Multiple Residential “RM3-62” Zone, Modified                               |
| <b><u>Surrounding Lands:</u></b> |                          |  |
| <b>North</b>                     | John Wilson Park         | Neighbourhood Park (P1) Zone and Single Residential “R2-63” Zone, Modified |
| <b>South</b>                     | QEW/vacant               | Neighbourhood Shopping Centre “SC2-8-H” Zone, Modified                     |

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|-------------|--|--|
| <b>East</b> | Single detached dwellings and townhouses | Single Residential “R3” Zone and Multiple Residential “RM3” Zone |
| <b>West</b> | Single detached dwellings                | Single Residential “R2” Zone                                     |

**2017 Official Plan Amendment and Zoning By-law Amendment (OPA No. 100 & By- Law No. 18-089)**

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 was to permit a 60 unit residential development on a private (condominium) road. The applications also requested specific modifications for permitted uses, lot area, lot frontage, side yard, front yard, rear yard, privacy area, visitor parking, maximum density, maximum building height, landscaped open space and maximum lot coverage. Report PED18038 recommended that Rachel Drive (then known as Street A) be constructed through an External Works Agreement as part of the future Site Plan Control application. The applications were approved at the March 20, 2018 Planning Committee. By-law 18-089 established the site specific Residential Multiple “RM3-62” Zone, Modified, and was passed by Council on March 28, 2018.

**Site Plan Control Application DA-18-151**

On December 4, 2018, Site Plan Control application DA-18-151 received Conditional Approval for the development of 16 townhouse dwellings and 44 back to back townhouse dwellings on the subject lands. Site Plan Control application DA-18-151 received final approval on September 29, 2020. A condition of site plan approval was that the owner enter into an External Works Agreement for Rachel Drive. The External Works Agreement for the construction of Rachel Drive was entered into on July 3, 2020.

The proposed Draft Plan of Condominium (Common Element) and Draft Plan of Subdivision applications conform to Zoning By-law No. 3692-92, as amended by By-law No. 18-089 and conform to final approved Site Plan application DA-18-151.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (2020) (PPS):**

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020) (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) 2019, as amended.

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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.

The following policies are applicable as they relate to archaeological and cultural heritage resources:

#### Archaeology

“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 Heritage, Sport, Tourism, Culture Industries 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 applications.

A Stage 1 - 2 archaeological report (P346-0063-2015) has been submitted to the City of Hamilton and Ministry of Heritage, Sport, Tourism, Culture Industries Through a letter dated August 26, 2015, Provincial interest has been signed off by the Ministry. Staff concur with the recommendations made in the report, and the archaeology condition for the subject lands has been met to the satisfaction of staff.

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 PPS (2020); and,
- conform to the Growth Plan.

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**Urban Hamilton Official Plan (UHOP):**

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure, designated as “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the UHOP, and, “Low Density Residential 3c” in Site Specific Policy - Area D within the Urban Lakeshore Area Secondary Plan of Volume 2. The following Secondary Plan policies, amongst others, are applicable to the subject application.

**Low Density Residential 3c**

“B.7.3.1.6 Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the lands designated Low Density Residential 3c on Map B.7.3-1 – Urban Lakeshore Area - Land Use Plan:

- a) the permitted uses shall be low rise apartments and townhouse dwellings; and, [...]

**Site Specific Policy – Area D**

B.7.3.6.4 For the lands located at 1288 Baseline Road, designated “Low Density Residential 3c”, and identified as “Site Specific Policy – Area D” on Map B.7.3-1 – Urban Lakeshore Area Secondary Plan – Land Use Plan, the following policies shall apply:

- b) Notwithstanding Policy E.3.4.3 of Volume 1 and in addition to Policy B.7.3.1.6 a) of Volume 2, maisonettes shall also be permitted; and,
- c) Notwithstanding Policies E.3.4.4 of Volume 1 and Policy B.7.3.1.6 b) of Volume 2, the density shall range from 30 to 53 units per net residential hectare.”

The subject proposal complies with the above UHOP policies as townhouse dwellings and maisonettes (back to back townhouses) are permitted uses within Site Specific Policy Area – D and the Secondary Plan. The proposal being 52.6 units per hectare also complies with the maximum net residential density of 53 dwelling units per hectare.

In addition, the following UHOP policies of Volume 1, amongst others, apply to the subject applications.

**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.”

Staff are satisfied the applications comply with the above UHOP policy as townhouse dwellings and maisonettes are permitted and the lands will be developed in accordance with final approved Site Plan Control application DA-18-151. Additionally, the applicant has submitted a Noise Assessment, dated August 4<sup>th</sup>, 2017, 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, that the units have been supplied with a central air conditioning system and a 3.3 m high noise barrier will be required. A condition for a noise barrier and warning clauses are addressed as Condition Nos. 1 and 2 of Appendix “C” and Condition No. 14 of Appendix “E” to Report PED21073.

#### 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,

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- 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 Urban Lakeshore Area 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.

**Stoney Creek Zoning By-law No. 3692-92**

The subject lands are zoned Multiple Residential “RM3-62” Zone, Modified, in the Stoney Creek Zoning By-law No. 3693-92, as amended by By-law No. 18-089. The “RM3-62” Zone permits the proposed form of development, being 60 townhouse units (16 townhouses and 44 back to back townhouses also known as maisonettes). The proposal conforms to the Stoney Creek Zoning By-law No. 3692-92, as amended by By-law No. 18-089. Condition No.1 of Appendix “E” to Report PED21073 has been included to ensure the proposal is developed in accordance with the Zoning By-law.

**RELEVANT CONSULTATION**

| <b>Departments and Agencies</b> |  |   |
|---------------------------------|--|---|
|                                 | <b>Comment</b>   | <b>Staff Response</b>   |
|                                 | <ul style="list-style-type: none"> <li>• Hydro One Networks Inc;</li> <li>• Metrolinx;</li> <li>• Hamilton Conservation Authority; and,</li> <li>• Source Water Protection, Public Works Department</li> </ul> | No Comment  |
| Canada Post                     | Identified that 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. 5 and 6 in Appendix “C” to Report PED21073 and Condition Nos. 8 (iv) and 9 to 13 in Appendix “E” to Report PED21073. |
| Bell Canada                     | Requires the owner to provide any easements that may be necessary for  | This is included as Condition No. 4 in Appendix “C” and   |

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|  | communication/telecommunication infrastructure.  | Condition No. 16 in Appendix "E" to Report PED21073.   |
| Union Gas  | 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. 10 in Appendix "C" and Condition No. 15 in Appendix "E" to Report PED21073.  |
| Ministry of Transportation Ontario                                     | Requires that prior to final approval a detailed stormwater management report be prepared, a traffic impact study and lastly the owner must enter into a legal agreement with MTO to assume financial responsibility for the construction of all associated highway improvements.<br><br>Request a copy of Council's decision on the applications. | The conditions for a stormwater management report and traffic impact study were satisfied through the Site Plan Control application, however staff have included Condition Nos. 7 and 8 in Appendix "C" to Report PED21073 to ensure the final approved reports are provided to MTO. Condition No. 9 in Appendix "C" to Report PED21073 addresses the requirement for an agreement for the owner to assume financial responsibility for the construction of all associated highway improvements.<br><br>Staff note that as per <i>Planning Act</i> requirements MTO will receive notification of the decisions of Draft Approval of the Plan of Subdivision and Plan of Condominium. |
| Capital Budgets and Development Section, Corporate Services Department | The applicant is required to pay the Municipal Act Sanitary Sewer Frontage Charge of \$29,291.22 under By-law No. 01-116 to the satisfaction of the Capital Budgets Section of Corporate Services.   | This fee was paid through Site Plan Control application DA-18-151.<br><br>Condition No. 3 of Appendix "C" and Condition No. 17 of Appendix "E" to Report PED21073 require the owner to agree to all financial  |

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|   |   | requirements. Staff note that these are standard conditions.  |
| Recycling and Waste Disposal, 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.   | 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 in Appendix "C" of Report PED21073 informs the owner that waste collection is subject to the City's Solid Waste Management By-law No. 09-067, and Condition No. 8 i) in Appendix "E" to Report PED21073 warns purchasers that City Waste Management may not be available to residents. |
| Forestry & Horticulture Section, Environmental Services Division, Public Works Department | Indicated that municipal trees on site are insignificant and shall be removed without the requirement of a permit or fees, therefore no tree management plan is required.<br><br>A landscape plan is required depicting the street tree planting scheme for the proposed development.<br><br>Tree By-Law No. 15-125 requires new developments to provide payment of \$644.89 plus HST per tree for road allowance street trees. | A Landscape Plan was submitted, reviewed and approved through Site Plan Control application DA-18-151.  |
| Hamilton Water, Public Works Department   | There are no sanitary or storm sewer servicing concerns.<br><br>A form 1 / watermain design review and approval are required as a condition of draft plan approval to address adequate water supply.  | The requirement of a watermain design and approval was addressed through Site Plan Control application DA-18-151.   |

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| <p>Public Health Services, Healthy Environments Division, Healthy and Safe Communities Department</p>    | <p>Have requested a Pest Control Plan focusing on rats and mice during the demolition and construction phase of the development proposal.</p>  | <p>This condition was addressed as part of Site Plan Control application DA-18-151.</p>  |
| <p>Growth Planning Section, Growth Management Division, Planning and Economic Development Department</p> | <p>Have indicated that if the road widening block and the public road will be transferred by registered subdivision, both will need to be identified as blocks and part of the “Subject Lands” on the Draft Plan of Subdivision.</p> <p>Question if an agreement will be required between the Condominium Corporation and the City for the layby parking.</p> <p>The Draft Plan of Subdivision and Draft Plan of Condominium will require signing by the surveyor.</p> <p>The adjacent land uses to the east of the subject lands are required to be indicated per Section 51(17)(e) of the <i>Planning Act</i>.</p> <p>It will need to be determined if rear yard access easements will be required for the units on the west side.</p> <p>It will need to be determined if a portion of the property, at the south west corner, is within the MTO setback.</p> <p>Require a note to be included in the</p> | <p>The draft plan of subdivision has been revised, to satisfy Growth Planning requirements.</p> <p>The road widenings along Baseline Road and the public road known as Rachel Drive were dedicated by R-Plan through Site Plan Control application DA-18-151.</p> <p>Staff note that the layby parking will be for the public and no agreement is required.</p> <p>Staff note that rear yard access easements will be part of a future Part Lot Control application.</p> <p>Staff note that the property in the south west corner of the site is not within the MTO setback.</p> <p>Note No. 1 of Appendices “C” and “E” of Report PED21073 addresses the requirement for a note with respect to lapsing within three years.</p> <p>Staff add that standard conditions addressing land titles registration, mailing address unit</p> |

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|  | <p>Draft Approval Conditions:</p> <p>NOTES: Pursuant to Section 51(32) of the Planning Act, 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 two months before the draft approval lapses.</p>   | <p>numbers, and registration of condominium agreements are included as Conditions Nos. 2 to 4 of Appendix “E” to Report PED21073.</p>  |
| <p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department</p> | <p>As a condition of approval, the Applicant shall submit a detailed design pavement marking drawings to the satisfaction of the Manager of Transportation Operations, Public Works Department for a new westbound right turn lane on North Service Road at Street ‘A’. It shall be designed to TAC standards.</p> <p>As a condition of approval, the Applicant shall submit a detailed design drawing to the satisfaction of the Manager of Transportation Operations, Public Works Department for a new Pedestrian Crossover on the east leg of Baseline Road at Street ‘A’.</p> <p>As part of the design and construction of Street ‘A’, the Draft Plan of Common Element Condominium shows Parking Lay-bys on the east side of Street ‘A’. To improve the safety and operation of Street ‘A’ by discouraging mid-block crossings, Transportation Planning requires the lay-bys be moved to the west side of Street ‘A’. Modifications to the design of Street ‘A’ are required.</p> <p>Future right-of-way requirements for</p> | <p>A Pavement Markings Plan for the new westbound right turn lane was submitted and approved as part of Site Plan Control application DA-18-151.</p> <p>It was determined by Transportation Planning staff through the Site Plan Control application that the Pedestrian Crossover was not required as there is no sidewalk on the north side of Baseline Road.</p> <p>As part of the design and construction of Rachel Drive layby parking was included. A sidewalk on the east side of Rachel Drive has been included to discourage mid block crossing.</p> <p>Staff note that the Right-of-Way requirements for Baseline Road, were dedicated through Site Plan Control application DA-18-151.</p> <p>Staff note that the daylighting triangles were dedicated through Site Plan Control application DA-18-151.</p> |

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**SUBJECT: Application for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 1288 Baseline Road, Stoney Creek (PED21073) (Ward 10) - Page 15 of 25**

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|  | <p>Baseline Road is 26.213 metres, as per the Council Approved Urban Official Plan: Schedule C-2 Future Right-of-way Dedications. Approximately 3.0 metres is to be dedicated to the right-of-way on Baseline Road. It appears in the Draft Plan of Subdivision the required right-of-way dedications have been allocated to the City and no additional right-of-way dedications are required.</p> <p>The Draft Plan of Subdivision drawing shows a right-of-way width of 20.0 metres for Street 'A'. Transportation Planning will accept the Local Road classification and no revisions are required.</p> <p>The North Service Road is under the jurisdiction of the Province. In this regard, comments from the Ministry of Transportation about any required right-of-way dedications should be obtained if not already done.</p> <p>Street 'A' and Baseline Road are both classed as Local Roads. The Applicant is to dedicate a 4.57 m x 4.57 m Daylighting Triangle to the right-of-way, as per the Council Approved Urban Official Plan: Chapter C – City Wide Systems and Designations 4.5 Road Network Functional Classification: Daylighting Triangles 4.5.7. This has been shown on the Draft Plan of Subdivision.</p> <p>North Service Road is a Collector Road and Street 'A' is a Local Road. The Applicant is to dedicate a 9.14 m by 9.14 m Daylighting Triangle to the right-of-way, as per the Council</p> | <p>Through the External Works Agreement required through Site Plan Control application DA-18-151, the applicant will be providing sidewalks on both sides of the Rachel Drive. The sidewalks will be AODA compliant.</p> <p>Through the External Works Agreement required through Site Plan Control application DA-18-151, detailed design for sidewalks, accessibility ramps, and enhanced street lighting have been reviewed.</p> |
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**SUBJECT: Application for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 1288 Baseline Road, Stoney Creek (PED21073) (Ward 10) - Page 16 of 25**

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|  | <p>Approved Urban Official Plan: Chapter C - City Wide Systems and Designations 4.5 Road Network Functional Classification; Daylighting Triangles 4.5.7. This has been shown on the Draft Plan of Subdivision.</p> <p>Sidewalks are to be provided on both sides of Street 'A' and on Baseline Road.</p> <p>The proposed municipal sidewalk on Street 'A' is not dimensioned on the Draft Plan of Common Element Condominium plan. The Council Approved Pedestrian Mobility Plan calls for minimum 2.0 metre buffered sidewalks.</p> <p>The Draft Plan of Common Element Condominium does not show the existing sidewalk along the south side of Baseline Road. If the municipal sidewalk is disturbed during construction, it must be reinstated to current City standards at the Applicant's expense.</p> <p>The new Parking lay-bys on Street 'A' shall be for public use and not signed for a specific user (e.g. adjacent townhouse condominium). Hamilton Municipal Parking Systems has the authority to designate the Parking Lay-bys on Street 'A' as metered parking, loading zone, etc.</p> <p>The Applicant is advised that a detailed description of the City infrastructure works required on the surrounding road network will be identified and included in an External Works Agreement between the</p> |  |
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**SUBJECT: Application for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 1288 Baseline Road, Stoney Creek (PED21073) (Ward 10) - Page 17 of 25**

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|  | <p>Applicant and City. Construction will include but is not limited to such items as sidewalks and accessibility ramps and enhanced street lighting at the intersection.</p>   |  |
| <p>Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department</p> | <p>We recognize that a Memorandum of Understanding (MOU) exists between the City of Hamilton and Trillium Housing Winona Non-Profit for transfer of title of lands containing the “Street”. The transfer of lands associated with the “Street” shall be completed in accordance with the MOU and in coordination with the Corporate Services Department.</p> <p>The Draft Plan consists of a future public street to be constructed under this application. The future public road allowance shall be 20.0 m. The Draft Plan of Subdivision and Draft Plan of Condominium shall be revised to label the future public street as Street ‘A’.</p> <p>The Owner will be responsible for the reconstruction of Baseline Road for the entire width of the road for approximately 80 metres from the existing sanitary manhole, located at the future public street intersection, to the limit of the proposed sanitary sewer extension.</p> <p>The Owner will be responsible for restoration of existing curb, sidewalk and boulevard areas on Baseline Road.</p> <p>In accordance with City Policy and the Hamilton Pedestrian Mobility Plan, sidewalks shall be required on</p> | <p>Through Site Plan Control application DA-18-151, the right-of-way (Rachel Drive and Baseline Road) widenings were dedicated to the City.</p> <p>Rachel Drive is 20 m in width and was approved through Site Plan Control application DA-18-151 through the External Works Agreement.</p> <p>Sidewalks are being provided on both sides of Rachel Drive.</p> <p>The reconstruction of Baseline Road was required as part of Site Plan Control application DA-18-151 through the External Works Agreement.</p> <p>The tendering and construction of Rachel Drive was carried out in accordance with the City’s Financial Policies.</p> <p>The Environmental Compliance Approval to construct a sanitary sewer and storm sewer within the right-of-way was addressed through the Site Plan Control application DA-18-151.</p> <p>Through Site Plan Control application DA-18-151 the storm sewer design was addressed.</p> |

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|  | <p>both sides of the public street.</p> <p>The future public road is the only access point for Block 1 (proposed Site Plan). As such, the future public street shall be constructed prior to occupancy of the Site Plan development.</p> <p>We would like to note the following from the City's Financial Policies:</p> <p>Where the total City's share of servicing cost, before overhead, under the Schedule of Works approved by the City is greater than fifty thousand dollars (\$50,000) a public tender process must be carried out by the Proponent to award the contract.</p> <p>The existing sanitary sewer on Baseline Road will need to be extended for 15 m to the west, from the existing manhole located approximately 80 m east of the Winona Road intersection. The sanitary sewer has been proposed to facilitate the private service connections along the north property line as shown on the latest Site Plan (DA-18-151).</p> <p>The Owner will be required to construct a sanitary sewer within the future municipal road allowance to service the development. The future municipal sanitary sewer will require Environmental Compliance Approval.</p> <p>There is an existing 375 mm diameter storm sewer on Baseline Road. As per the Marina Point on Baseline</p> | <p>As shown on Appendix "B" to Report PED21073, the drainage easement has been included on the Draft Plan of Subdivision on the west side of Block 1.</p> <p>Form 1 application has been submitted to the City through Site Plan Control application DA-18-151.</p> <p>Staff have included a standard condition being Condition No. 8 (ii) of Appendix "E". This condition informs purchasers/tenants/leasees that there is an approved grading plan and that the purchaser/tenant/leasee agrees not to alter the approved grading plan without approval from the City of Hamilton. Additionally, no grade alteration within 0.45 metres of the property line will be permitted including retaining walls, walkways, curbs, etc.</p> <p>The applicant has demonstrated a suitable outlet for Rachel Drive which was addressed as part of Site Plan Control application DA-18-151 through the External Works Agreement.</p> <p>The conveyance of external drainage along the north side of North Service Road was addressed as part of Site Plan Control application DA-18-151 through the External Works Agreement.</p> <p>The cost sharing was addressed</p> |
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|  | <p>Storm Drainage Area Plan prepared by A.J. Clarke and Associates Ltd., storm drainage for Baseline Road and the east portion of the subject site have been accounted for at a runoff coefficient (C-value) of 0.40. The applicant shall demonstrate a suitable outlet for the future public road allowance and Block 1.</p> <p>There is an existing watercourse crossing North Service Road and is located along the west side of Block 1. Watercourse No. 135-36 is identified by the QEW Drainage Report (Pinelands Avenue to Fifty Road) prepared by UMA Engineering Ltd. for Ontario Ministry of Transportation. A drainage easement is required adjacent to the west limit of Block 1.</p> <p>The conveyance of external drainage along the north side of North Service Road shall be considered when constructing the future public street.</p> <p>The future municipal storm sewer within the future public road allowance will require Environmental Compliance Approval.</p> <p>The Owner will be required to construct a watermain within the future municipal road allowance to service the development. Form 1 approval will be required for the future watermain within the future public road allowance. As such, the applicant will be required to provide the necessary documents to satisfy the Form 1 process.</p> | <p>as part of Site Plan Control application DA-18-151 through the External Works Agreement.</p> |
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|  | <p>The road widening on Baseline Road shall be identified by a block number on the plan. The plan shall be revised to dedicate the road widening block to the City of Hamilton as a public highway by the Owner's certificate on the plan of subdivision.</p> <p>It shall be demonstrated by the applicant that the 3.05 m widening on Baseline Road is sufficient to establish the widened limit of Baseline Road at 13.106 m from the center line of the original road allowance.</p> <p>It is expected that any pre-grading works will be completed under the Site Plan Control application process.</p> <p>In accordance with the Memorandum of Understanding, effective March 14, 2018, and the City's Financial Policies, the City of Hamilton will share costs with the owner for the construction of the future public street as follows:</p> <ol style="list-style-type: none"> <li>1) The City will pay 100% of the costs for the following:             <ol style="list-style-type: none"> <li>a. The above grade cross section including base and top course asphalt, curbing, and below grade base to facilitate an 8 m wide pavement width;</li> <li>b. Landscaping within the right-of-way including street trees, noise fences and any other features as specified by the municipality on the approved construction drawings;</li> <li>c. Consultant fees and inspection fees associated with the road design and construction;</li> </ol> </li> </ol> |  |
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|                            | <p>d. Any oversizing of services not as a result of the proposed development; and,</p> <p>e. Storm infrastructure required to facilitate drainage from the future public street.</p> <p>as approved by the Senior Director of Growth Management.</p> <p>2) Furthermore, the Owner will pay 100% of the costs for the following:</p> <p>a. Construction of sanitary infrastructure within the future public road allowance;</p> <p>b. Construction of watermain and appurtenances within the future public road allowance; and,</p> <p>c. Construction of the future public street beyond the required 8 m wide pavement width.</p> <p>Other cost sharing provisions for this development shall be in accordance with the City's Financial Policy, if any.</p> |   |
| <b>Public Consultation</b> |   |   |
|                            | <b>Comment</b>  | <b>Staff Response</b>   |
| Property Values            | Concern regarding impact on lowering existing property value.   | Staff are not aware of any supporting information or empirical data with regards to property devaluation. |

**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 88 property owners within 120 m of the subject property on May 29, 2019, requesting comments on the Draft Plan of Subdivision and the Draft Plan of Condominium (Common Element) applications.

A Public Notice Sign was posted on the property on June 10, 2019, and updated on March 24, 2021, with the Public Meeting date. Finally, Notice of the Public Meeting was given on April 1, 2021, in accordance with the requirements of the *Planning Act*.

At the time of preparing this report one comment was received and is attached as Appendix "F" to Report PED21073.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the PPS (2020) and conforms to the 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 Urban Lakeshore Area Secondary Plan;
  - (iii) It provides for dwelling units in an area where full municipal services are available, making efficient use of the land and infrastructure; and,
  - (iv) 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 No. 18-089 and it will implement the approved Site Plan Control application DA-18-151, 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 complies with the Urban Hamilton Official Plan and the Urban Lakeshore Area 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 and the Urban Lakeshore Area Secondary Plan;
  - (d) The subject lands can be appropriately used for the purposes for which it is to be subdivided and will not negatively impact natural heritage features;

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- (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 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.

Based on the above, 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 area, visitor parking area, outdoor amenity areas and centralized mailboxes, as shown on the attached plan, marked as Appendix "D" to Report PED21073. The private condominium road will provide access to a public right of way (Rachel Drive) which will connect with Baseline Road. All 60 dwelling units will hold an interest in the Condominium Corporation to benefit from the common visitor parking spaces, landscaped area and outdoor amenity areas and all units will have access from the private condominium road network. 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 PED21073. Staff are supportive of the Draft Plan of Condominium (Common Element) and recommend its approval.
4. The Plan of Condominium shall be developed in accordance with the final approved Site Plan Control application DA-18-151 (Condition No. 5 of Appendix "E" to Report PED21073).

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5. The land proposed for the common element condominium and the lots for all of the townhouse dwelling units will be created through a Part Lot Control application. In this regard, final approval and registration of the Common Element Condominium cannot occur until such time as the future Part Lot Control application is 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 PED21073). To date a Part Lot Control application has not been submitted.
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 PED21073) becomes “tied” to the proposed Draft Plan of Condominium. This will have the effect of ensuring that individual 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 PED21073).
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 prospective purchasers that the City of Hamilton will not provide maintenance or snow removal and that the provided garages are for parking which have been included as Condition No. 8 i) and iii) of Appendix “E” to Report PED21073.

## **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**

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### **Healthy and Safe Communities**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" – Location Map – 25T-201904 & 25CDM-201904

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

Appendix "F" – Public Comments

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