




INFORMATION REPORT

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| TO: | Chair and Members Planning Committee |
| COMMITTEE DATE: | September 21, 2021 |
| SUBJECT/REPORT NO: | Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-20-026, Zoning By-law Amendment Application ZAC-20-041, and Draft Plan of Subdivision Application 25T-202008 for Lands Located at 870 Scenic Drive and 828 Sanatorium Road (Hamilton) (PED21162) (Ward 14) |
| WARD(S) AFFECTED: | Ward 14 |
| PREPARED BY: | E. Tim Vrooman (905) 546-2424 Ext. 5277 |
| SUBMITTED BY: | Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department |
| SIGNATURE: |  |

Council Direction:

In accordance with subsections 22(7) and 34(11) of the *Planning Act*, an Official Plan Amendment application together with a Zoning By-law Amendment Application and Draft Plan of Subdivision Application may be appealed to the Ontario Land Tribunal (OLT) after 120 days if Council has not made a decision on the Application.

A motion to direct staff to advise the Planning Committee on matters relating to appeals regarding Council's non-decision, pursuant to the *Planning Act*, was passed by City Council on May 18, 2010. This Information Report has been prepared in accordance with Council's policy for staff to advise the Planning Committee and City Council of appeals for non-decision to the OLT.

The following information is provided to Planning Committee with regards to Urban Hamilton Official Plan Amendment Application UHOPA-20-026, Zoning By-law Amendment Application ZAC-20-041, and Draft Plan of Subdivision Application 25T-202008, which have been appealed by the proponent for non-decision.

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The appeal of the Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision Applications, filed by Russell D. Cheeseman, counsel for Valeri (Chedoke Browlands) Development Limited (Owner), was received by the City Clerk's Office on May 27, 2021, 213 days after the receipt of the initial application (refer to Appendix "D" to Report PED21162).

Background:

The subject property is municipally known as 870 Scenic Drive and 828 Sanatorium Road (refer to Appendix "A" to Report PED21162). The applicant, UrbanSolutions Planning & Land Development Consultants Inc., c/o Sergio Manchia, on behalf of Valeri (Chedoke Browlands) Development Limited (Owner), applied for amendments to the Urban Hamilton Official Plan (Application No. UHOPA-20-026), the Zoning By-law (Application No. ZAC-20-041) and for a Draft Plan of Subdivision (Application No. 25T-202008).

The subject property, commonly known as the Chedoke Browlands, is semicircular in shape. It has a lot area of 10.69 hectares and is located along Scenic Drive at the north end of Sanatorium Road. The property is bounded by Scenic Drive along the east, west, and south, and the Niagara Escarpment to the north. The east side of the property contains a Significant Woodland, and a tributary of Chedoke Creek traverses the west side. A vacant two storey brick building, known as the Long and Bisby Building, exists on the property adjacent to the woodland to the east. The property is located within the Mountview Neighbourhood on the west side and Westcliffe West Neighbourhood on the east side, with their respective boundaries located along Old Sanatorium Road traversing the site from Scenic Drive to Upper Sanatorium Falls. Across Scenic Drive, the property is surrounded by single detached dwellings to the east and west and a stormwater management facility and a lodging house (student residence) to the south. A golf course is located at the base of the Niagara Escarpment to the north.

In 2012, the Ontario Land Tribunal (OLT, or the Ontario Municipal Board as it was known at the time) approved Official Plan Amendment Application OPA-07-014, Zoning By-law Amendment Application ZAC-07-053, and Draft Plan of Subdivision Application 25T-200712 for the redevelopment of the site for townhouse and multiple dwellings up to six storeys with a total of 529 dwelling units (with the option to have 429 dwelling units and up to 200 retirement dwelling units) and to protect the creek and the associated floodplain and the woodlot by re-zoning them to the Conservation / Hazard Land (P5) Zone. It was recommended by the OLT that the Long and Bisby Building be retained and re-purposed as part of the re-development, which is the subject of Site Plan Control Application MDA-20-106. The Mountain Sanatorium Brow site, including the Long and Bisby Building and the Cross of Lorraine, were designated as a property

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of cultural heritage value through By-law No. 21-036 which was approved by Council on March 31, 2021.

The previous applications approved by the OLT are being superseded by the current applications for an Official Plan Amendment, Zoning By-law Amendment, and a Draft Plan of Subdivision. These applications were received on October 26, 2020 and were deemed to be complete on November 19, 2020. The details of the proposal are outlined below.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” and “Major Open Space” on Schedule E – “Urban Structure” and designated “Neighbourhoods” and “Open Space” on Schedule E-1 – “Urban Land Use Designations” in Volume 1 of the UHOP.

The subject lands are further designated “Medium Density Residential 3” and “Natural Open Space” in the Chedmac Secondary Plan and located within Site Specific Policy “B-1”, “B-2”, “B-3”, and “B-4” areas. The subject lands are identified as a Cultural Heritage Landscape.

The west portion of the subject lands are also designated “Medium Density Apartments” and “Open Space” in the Mountview Neighbourhood Plan. The remainder of the lands to the east are in the Westcliffe West Neighbourhood Planning Unit (no Neighbourhood Plan has been adopted for the Westcliffe West Neighbourhood).

City of Hamilton Zoning By-law No. 6593

The subject lands have multiple zones as follows (refer to Appendix “A” to Report PED21162):

- Block 1: “AA/S-1353” (Agricultural) District, Modified;
- Blocks 2 and 3: “DE-H/S-1600” (Low Density Multiple Dwellings) District, Modified, Holding;
- Blocks 4 and 5: Conservation/Hazard Land (P5) Zone;
- Blocks 6 and 7: “E-H/S-1600” (Multiple Dwellings, Lodges, Clubs, Etc.) District, Modified, Holding; and,
- Block 8: Conservation/Hazard Land (P5, 672, H69) Zone.

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Official Plan Amendment Application

Application UHOPA-20-026 is an Official Plan Amendment Application to:

1. Adjust the Core Area limits within the subject site (identified as a Significant Woodland and Locally Environmentally Significant Area), realign the Neighbourhoods and Open Space designations accordingly, and realign the stream traversing the site; and,
2. Amend the Chedmac Secondary Plan by:
 - redesignating portions of the lands from “Medium Density Residential 3” to “Natural Open Space” and from “Natural Open Space” to “Medium Density Residential 3”, adjusting Site Specific Policy area boundaries B-1 through B-4, and realigning the stream to align to the proposed amendments to the Urban Hamilton Official Plan described above;
 - removing Old Sanatorium Road as a public road; and,
 - replacing the text of Area Specific Policies B-1 and B-2.

Zoning By-law Amendment Application

Application ZAC-20-041 is a Zoning By-law Amendment Application to change the zoning from:

- the “DE-H/S-1600” (Low Density Multiple Dwellings) District, Modified, Holding;
- the “E-H/S-1600” (Multiple Dwellings, Lodges, Clubs, Etc.) District, Modified, Holding;
- the “AA/S-1353” (Agricultural) District, Modified;
- the Conservation/Hazard Land (P5) Zone; and,
- the Conservation/Hazard Land (P5, 672, H69) Zone;

to a site specific “DE” (Low Density Multiple Dwellings) District and the Conservation/Hazard Land (P5) Zone (refer to Appendix “A” to Report PED21162) consistent with the adjustments to the Core Area limits noted in the Official Plan Amendment Application above.

Several site specific zoning modifications are proposed to implement the proposed development, including:

- modifications to permitted uses;

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- increases in height;
- reduced setback requirements from Scenic Drive;
- increased built form and massing along Scenic Drive;
- modified setback requirements from the staked limit of the brow of the Niagara Escarpment;
- reduced minimum setbacks between dwellings;
- deleting the maximum number of contiguous townhouse dwelling units in a townhouse dwelling;
- deleting the maximum gross floor area for all residential units;
- an increase in the maximum number of dwelling units;
- modifications to lot frontage, lot area, and respective density requirements;
- deleting landscaped area requirements;
- a reduction in number of visitor parking spaces required;
- modification to the parking stall size;
- deleting minimum loading space requirements;
- deleting the maximum percentage of required parking as surface parking; and,
- deleting the regulation which prohibits direct vehicle access from townhouses to Scenic Drive.

The requested site specific modifications are shown conceptually on the Concept Plan in Appendix “B” to Report PED21162.

Draft Plan of Subdivision Application

Application 25T-202008 is a Draft Plan of Subdivision Application consisting of seven blocks, with two blocks for multiple dwellings (Blocks 2 and 5), two Open Space blocks (Blocks 1 and 4), one Stormwater Management block (Block 3), one Woodlot / ESA block (Block 6), and one block for road widening (Block 7) (refer to Appendix “C” to Report PED21162).

The following issues/concerns were raised through circulation of the applications:

- Increased building height and density, reduced setbacks from Scenic Drive, and reduced separation distances between buildings;
- Compatibility and respecting the character of the existing surrounding neighbourhood, including pedestrian connections and views into and through the site;

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- Removal of private and public trees and the ecological impacts of the proposed watercourse realignment and the Significant Woodland;
- Traffic impact, vehicular accesses to the site and the proposed street pattern, and on-site maneuverability related to the underground parking and its encroachment into the municipal road right-of-way;
- Existing water servicing and downstream sanitary sewer capacity constraints and upgrades of these services are required to accommodate the proposed development. Constructability issues with the proposed sanitary sewer service replacement in the east block have also been identified. Further clarification on the proposed storm sewer, and site grading and drainage, particularly considering the existing bedrock elevation, is also required; and,
- Visual, noise, vibration, and light impacts on the existing natural landscape, particularly the Niagara Escarpment, and ecological features, both during construction and occupancy.

PUBLIC CONSULTATION

As part of the applicant's Public Consultation Strategy and in consultation with the Ward Councillor, a neighbourhood meeting was held on May 18, 2021. Notice of the neighbourhood meeting was sent out by the applicant to residents within 120 metres of the subject lands.

To date staff have received a total of 26 written submissions by residents opposed to the development. Issues raised by the public relate to increased height, density, general overdevelopment of the site, traffic, noise and parking, the notification and circulation process, environmental impact on the Niagara Escarpment, woodlot and street trees, loss of open space, visual impact, construction noise and vibration impacts, underground parking garage ventilation, tenure, and compatibility with adjacent existing low density development.

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A" to Report PED21162 – Location Map
- Appendix "B" to Report PED21162 – Concept Plan
- Appendix "C" to Report PED21162 – Draft Plan of Subdivision
- Appendix "D" to Report PED21162 – Letter of Appeal

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