



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 19, 2021
SUBJECT/REPORT NO:	Applications to Amend the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 1173 and 1203 Old Golf Links Road (PED21197) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Melanie Schneider (905) 546-2424 Ext. 1224
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Urban Hamilton Official Plan Amendment application UHOPA-19-02, by 2008042 Ontario Inc., Owner**, to amend Schedule “B” – Natural Heritage System to remove a Linkage and recognize the location of the existing watercourse, to amend Schedule “B-8” – Detailed Natural Heritage Features Key Hydrologic Features to recognize the location of the existing watercourse, to amend Schedule “E-1” – Urban Land Use Designations to re-designate a portion of the lands from “Mixed Use – Medium Density” to “Open Space”, to amend the Meadowlands Mixed Use Secondary Plan to re-designate a portion of the lands from “Mixed Use – Medium Density” to “Natural Open Space” and to modify the Site Specific Policy – Area A to permit a multiple dwelling with a maximum density of 93 units per hectare, for the lands located at 1173 and 1203 Old Golf Links Road, as shown on Appendix “A” attached to Report PED21197, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED21197, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed Official Plan Amendment 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);

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- (b) That **Zoning By-law Amendment application ZAC-19-002, by 2008042 Ontario Inc., Owner**, to further modify the Mixed Use Medium Density (C5, 329, H86) Zone and for a change in zoning on a portion of the lands from the Mixed Use Medium Density (C5, 329, H86) Zone to the Conservation / Hazard Lands (P5) Zone to permit a six storey, 101 unit multiple dwelling and to recognize the location of an existing watercourse, for the lands located at 1173 and 1203 Old Golf Links Road, as shown on Appendix “A” attached to Report PED21197, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED21197, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning 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) and will comply with the Urban Hamilton Official Plan upon finalization of the Urban Hamilton Official Plan Amendment No. XX.

EXECUTIVE SUMMARY

The applicant has applied for amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 to permit a six storey, 101-unit multiple dwelling with 60 surface parking spaces and 14 underground parking spaces, 76 long term indoor bicycle parking spaces and five short term outdoor bicycle parking spaces. An existing watercourse regulated by the Hamilton Conservation Authority (HCA) will be recognized, protected, and integrated with the design of the proposed development.

The Official Plan Amendment proposes to designate a portion of the lands as “Natural Open Space” and modify Site Specific Policy – Area A of the Meadowlands Mixed Use Secondary Plan to permit a maximum density of 93 units per hectare instead of a maximum density of 70 units per hectare for residential uses, to remove a portion of the lands identified as “Linkage” on Schedule “B” – Natural Heritage Systems, recognize the existing location of the watercourse on Schedules “B” – Natural Heritage System and “B-8” – Detailed Natural Heritage Features Key Hydrologic Features and to redesignate the natural heritages features as “Open Space” on Schedule “E-1” – Urban Land Use Designations. The proposed Zoning By-law Amendment proposes to modify the Mixed-Use Medium Density (C5, 329, H86) Zone to permit a six storey, 101-unit multiple dwelling. In addition, it is recommended that a Conservation / Hazard Land (P5) Zone be established on site to recognize the location of the existing watercourse and its vegetation protection zone.

The applications have merit and can be supported as the proposal is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the general intent

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and purpose of the Urban Hamilton Official Plan (UHOP). In particular, the proposed development implements the built form envisioned by the Meadowlands Mixed Use Secondary Plan and ensures that natural resources are appropriately protected.

Alternatives for Consideration – See Page 19

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 an Official Plan Amendment and Zoning By-law Amendment.

HISTORICAL BACKGROUND

Application Details	
Owner:	2008042 Ontario Inc. (c/o Denis Vranich).
Applicant/Agent:	AJ Clarke & Associates (c/o Franz Kloibhofer).
File Number:	UHOPA-19-02 ZAC-19-002
Type of Application:	Urban Hamilton Official Plan Amendment Zoning By-law Amendment.
Proposal:	A six storey, 101-unit multiple dwelling with a density of 93 units per hectare, 74 parking spaces of which 14 parking spaces are located underground, and 76 long term bicycle parking spaces and five short term bicycle parking spaces.
Property Details	
Municipal Address:	1173 and 1203 Old Golf Links Road.
Lot Area:	±11,196 square metres (irregular).
Servicing:	Existing watermain and sanitary sewers.
Existing Use:	Vacant.

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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 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	<ul style="list-style-type: none"> • “Mixed Use – Medium Density” on Schedule “E-1” – Urban Land Use Designations; • “Streams” and “Linkage” on Schedule “B” – Natural Heritage Systems; and, • “Stream” on Schedule “B-8” – Detailed Natural Heritage Features Key Hydrologic Features.
Official Plan Proposed:	<ul style="list-style-type: none"> • Remove “Linkage” and realign location of “Stream” on Schedule “B” – Natural Heritage Systems on the westerly portion of the site; • Realign location of “Stream” on Schedule “B-8” – Detailed Natural Heritage Features – Key Hydrologic Features; and, • Re-designate a portion of the lands from “Mixed Use – Medium Density” to “Open Space” on Schedule “E-1” – Urban Land Use Designations.
Secondary Plan Existing:	“Mixed Use Medium Density, Site Specific Policy – Area A” on Map B.2.4-1 – Meadowlands Mixed Use Secondary Plan.
Secondary Plan Proposed:	<ul style="list-style-type: none"> • Re-designate the easterly portion of the lands from “Mixed Use – Medium Density” to “Natural Open Space” to recognize the existing watercourse. • Modification proposed to permit a maximum density of 93 units per hectare within Site Specific Policy – Area A.
Zoning Existing:	Mixed Use Medium Density (C5, 329, H86) Zone.
Zoning Proposed:	Mixed Use Medium Density (C5, 329, H86) Zone and Conservation / Hazard Land (P5) Zone.
Modifications Proposed:	<ul style="list-style-type: none"> • Deem Old Golf Links Road to be the front lot line; • Permit a maximum building setback from a street line of 12.6 metres instead of a maximum building setback of 15.0 metres; • Permit stacking lanes between the building and front lot line whereas no parking is permitted in the front yard; and, • Permit a 0.0 metre setback to a (P5) Zone whereas a minimum 7.5 metre setback is required.

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Processing Details	
Received:	December 3, 2018.
Deemed Complete:	December 7, 2018.
Notice of Complete Application:	Sent to five property owners within 120 m of the subject lands on December 21, 2018.
Public Notice Sign:	Posted December 12, 2018 and updated with Public Meeting date September 22, 2021.
Notice of Public Meeting:	Sent to five property owners within 120 m of the subject lands on October 1, 2021.
Public Comments:	None received.
Processing Time:	1,051 days.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Vacant	Mixed Use Medium Density (C5, 329, H86) Zone

Surrounding Land Uses:

North	Lincoln M. Alexander Parkway	Public "P-242" Zone
South	Hydro One Utility Station	Public "P-242" Zone
East	Vacant City owned lands	Public "P-242" Zone
West	Commercial offices	Mixed Use Medium Density (C5) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (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 shall be consistent with the PPS (2020). The following policies, amongst others, apply to the proposed development:

“1.1.1 Healthy, liveable and safe communities are sustained by:

- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs; and,
- e) promoting the integration of land use planning, growth management, *transit-supportive* development, *intensification* and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.

1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and / or uneconomical expansion;
- e) support *active transportation*; and,
- f) are *transit-supportive*, where transit is planned, exists or may be developed.

Land use patterns within *settlement areas* shall also be based on a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *transit-supportive* development, accommodating a significant supply and range of *housing options* through *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.”

The proposed development is located within a settlement area. The proposed residential development is considered to be an intensification project on underutilized lands adjacent to single use commercial buildings thereby providing opportunity for

additional housing. The proposed residential development, with convenient access to the existing road and transit network, will support the surrounding commercial area.

Noise

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

The lands directly about the Lincoln M. Alexander Parkway (LINC), the Mohawk Road LINC ramp, and are within 100 metres of Stone Church Road. These roads are identified as a Parkway, Major Arterial, and Minor Arterial roads, respectively, on Schedule C – Functional Road Classification in the UHOP. Accordingly, a detailed noise study will be required to be submitted and implemented as part of a future Site Plan Control application to determine any required noise mitigation measures.

Natural Heritage

“2.1.2 The diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas, surface water features and ground water features.*”

The proposed development is located adjacent to an existing warm watercourse and its erosion hazard area, which is considered a surface water feature. In addition, lands surrounding the watercourse are identified as a Linkage in the Urban Hamilton Official Plan. The applicants have submitted an Environmental Impact Study (EIS), prepared by R.J. Burnside & Associates Ltd., dated July of 2019 and an Addendum dated December 20, 2019 which demonstrates that the Linkage and watercourse will be maintained and improved. At the Site Plan Control stage, the applicant will be required to implement the recommendations of the EIS, including preparing a detailed restoration plan and monitoring plan during development activity. Further, the proposed Official Plan Amendment and Zoning By-law Amendment seek to recognize the features and place them under appropriate land use designations and zoning (see Appendices “B” and “C” attached to Report PED21197). The proposed amendments will prohibit development from occurring within the Linkage, watercourse, or associated erosion hazards.

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 four of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- (1) Within 250 metres of known archaeological sites;
- (2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- (3) In the vicinity of distinctive or unusual landforms; and,
- (4) Along historic transportation routes.

These criteria define the property as having archaeological potential. A Stage 1-2 archaeological report P017-0652-2018 has been submitted to the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries. While the Provincial interest has yet to be signed off by the Ministry, staff concur with the recommendations made in the report, the archaeology condition for the subject application has been met to the satisfaction of staff.

Based on the foregoing, the proposal is consistent with the PPS (2020).

Growth Plan for the Greater Golden Horseshoe (2019, as amended)

The following policies, amongst others, apply to this proposal.

“2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:

- (a) the vast majority of growth will be directed to *settlement areas* that:
 - (i) have a *delineated built boundary*;
 - (ii) have existing or planned *municipal water and wastewater systems*; and,
 - (iii) can support the achievement of *complete communities*.
- (c) within *settlement areas*, growth will be focused in:
 - (i) *delineated built-up areas*;
 - (ii) *strategic growth areas*;

- (iii) locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and,
- (iv) areas with existing or planned *public service facilities*.

2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:

- (a) Feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*; and,
- (c) Provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.”

The subject lands are within the Urban Boundary and Built-up Area, with existing and planned municipal services available. The proposed development will contribute to a complete community as it introduces new residential uses within an existing commercial area, ensures efficient and cost-effective use of municipal services, and supports existing commercial uses. The lands are within walking distance of the Hamilton Street Railway (HSR) Bus routes 41 and 43, ensuring that residential development is located within existing transit facilities to promote ridership.

Based on the foregoing, the proposal conforms with the applicable policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

Urban Hamilton Official Plan (UHOP)

The subject lands are designated “Mixed Use – Medium Density” on Schedule “E-1” – Urban Land Use Designations. Further, a “Linkage” and “Core Area” are identified on the lands on Schedule “B” – Natural Heritage System and a “Stream” identified on Schedule “B-8” – Detailed Natural Heritage Features Key Hydrologic Features. The lands are also designated “Mixed Use – Medium Density, Special Policy – Area A” on Map B.2.4-1 – Meadowlands Mixed Use Secondary Plan. The following policies, amongst others, apply to the proposal.

Urban Design

“B.3.3.2.3 Urban design should foster a sense of community pride and identity by:

- (a) Respecting existing character, development patterns, built form, and landscape;
- (b) Promoting quality design consistent with the locale and surrounding environment; and,

- (e) Conserving, maintaining, and enhancing the natural heritage and topographic features of the City and its communities.

B.3.3.2.8 Urban design should promote environmental sustainability by:

- (a) Achieving compact development and resulting built forms;
- (b) Integrating, protecting, and enhancing environmental features and landscapes, including existing topography, forest and vegetative cover, green spaces and corridors through building and site design; and,
- (c) Encouraging on-site storm water management and infiltration through the use of techniques and technologies, including storm water management ponds, green roofs, and vegetated swales.”

The proposed development seeks to introduce a new land use in an area primarily comprised of utility and commercial uses. The design of the building complements the existing built form while siting the building away from the existing watercourse on the easterly portion of the site. As part of the redevelopment, the applicant has introduced vegetation buffers that will protect the existing natural heritage features on site. The multiple dwelling represents a compact built form that will protect existing environmental features using passive stormwater management designs, including bioswales on site.

Natural Heritage

“C.2.2.7 Where properties contain two or more overlapping natural features of differing significance which overlap in the Natural Heritage System, the more restrictive policies pertaining to those natural features shall apply. If more than one policy applies to a natural feature the more restrictive policy shall apply.

C.2.5.1 Permitted uses within Core Areas as identified on Schedule B – Natural Heritage System are established through the designations and policies of Chapter E – Urban Systems and Designations and Volume 3 of this Plan. Boundaries of Core Areas and associated vegetation protection zones may be further refined by the completion of an Environmental Impact Statement. Generally, permitted uses in Core Areas shall include:

- (h) Conservation, and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered.

C.2.5.5 New development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in Section C.2.5.2 to C.2.5.4 unless the ecological function of the adjacent lands has

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been evaluated and it has been demonstrated that there shall be no negative impacts on the natural features or on their ecological functions.

C.2.5.8 New development or site alteration subject to Policies C.2.5.3 to C.2.5.7 requires, prior to approval, the submission and approval of an Environmental Impact Statement which demonstrates to the satisfaction of the City and the relevant Conservation Authority that:

- (a) There shall be no negative impacts on the Core Area's natural features or their ecological functions; and,
- (b) Connectivity between Core Areas shall be maintained, or where possible, enhanced for the movement of surface and ground water, plants and wildlife across the landscape.

C.2.5.9 An Environmental Impact Statement shall propose a vegetation protection zone which:

- (a) Has sufficient width to protect the Core Area and its ecological functions from impacts of the proposed land use or site alteration occurring during and after construction, and where possible and deemed feasible to the satisfaction of the City, restores or enhances the Core Area and/or its ecological functions.

C.2.5.10 Where vegetation protection zone widths have not been specified by watershed and sub-watershed plans, secondary, Environmental assessments and other studies, the following vegetation protection zone widths shall be evaluated and addressed by Environmental Impact Statements. Other agencies, such as Conservation Authorities, may have different vegetation protection zone requirements.

- (b) Warmwater Watercourse and Important and Marginal Habitat – 15 metre vegetation protection zone on each side of the watercourse, measured from the bankfull channel.

C.2.5.11 Vegetation protection zone widths greater or less than those specified in (a) to (i) above may be required if ecological features and functions warrant it, as determined through an approved Environmental Impact Statement. Widths shall be determined on a site-specific basis, by considering factors such as the sensitivity of the habitat, the potential impacts of the proposed land use, the intended function of the vegetation protection zone, and the physiography of the site.”

The subject lands include several natural heritage features such as a Core Area, which is a watercourse regulated by the HCA and a Linkage which is a naturalized area supporting the Core Area. In addition, there is a Core Area on the adjacent lands,

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which includes a significant woodland and watercourses, as shown on Schedule “B” – Natural Heritage System of the UHOP.

The applicants have submitted an EIS, prepared by R.J. Burnside & Associates Ltd., dated July of 2019 and an Addendum dated December 20, 2019 which demonstrate that the development will have no negative impact on the Core Area and connectivity will be maintained with adjacent Core Areas. The EIS also demonstrates that a 12.6m vegetation protection zone is warranted given the function of the channel which has previously been altered through appropriate approvals. At the Site Plan Control stage, the applicant will be required to implement several mitigation measures to support the reduced VPZ, including plans for the management of invasive species, the naturalization of the easterly portion of the site, incorporation of bird friendly design into the building and site lighting plans, plans showing the naturalized landscaping within the development area, and the location of snow storage away from the Core Area. The watercourse, Linkage, and VPZ are proposed to be located within the Conservation / Hazard Lands (P5) Zone to recognize their functions and to mitigate negative impacts of the proposed development on the features. The change in zoning is discussed in the Analysis and Rationale for Recommendation Section of Report PED21197.

- “C.2.7.3 The City shall require the incorporation of Linkages into a design of new development requiring approval by this Plan to retain and enhance the cultural, aesthetic, and environmental qualities of the landscape, wherever possible and deemed feasible to the satisfaction of the City.
- C.2.7.5 Where new development or site alteration is proposed within a Linkage in the Natural Heritage System as identified in Schedule B – Natural Heritage System, the applicant shall prepare a Linkage Assessment. On sites where an EIS is being prepared, the Linkage Assessment can be included as part of the EIS report. Any required Linkage Assessment shall be completed in accordance with Policy F.3.2.1.11 - Linkage Assessments.”

The EIS submitted by the applicant has evaluated all Linkage features on the subject lands and has confirmed that the easterly portion of the lands continue to maintain this function. The location of the developable area, being the westerly portion of the site, does not function as a Linkage and should be removed from Schedule “B” – Natural Heritage Systems of the UHOP. Amendments to Schedules “B” – Natural Heritage Systems and “B-8” – Detailed Natural Heritage Systems Key Hydrologic Features, and Schedule “E-1” – Urban Land Use Designations are required to recognize the existing location of the watercourse, to remove the “Linkage” from the developable portion of the lands, and to designate the remaining Linkage as “Open Space”. These amendments are further discussed in the Analysis and Rationale for Recommendation Section of Report PED21197.

Infrastructure

“C.5.3.15 The City shall be satisfied that adequate infrastructure services can be provided prior to any development or intensification proceeding and, where technically and economically possible, the City shall require such services to be located underground.”

The existing watermain within the Old Golf Links Road right of way currently does not have adequate capacity to support the proposed development. The applicant will be required to upgrade the watermain through an External Works Agreement at the Site Plan Control stage. The existing site-specific zoning (H86) applicable to the lands requires that this Agreement be completed prior to development occurring.

Meadowlands Mixed Use Secondary Plan

The subject lands are designated Mixed Use – Medium Density, Site Specific Policy – Area A” in the Meadowlands Mixed Use Secondary Plan. The following policies, amongst others, apply to the proposal.

“B.2.4.5.1 Mixed Use - Medium Density Designation

- (c) In addition to Section E.4.6 – Mixed Use – Medium Density Designation of Volume 1, the following policies shall apply to the lands designated Mixed Use – Medium Density on Map B.2.4-1 – Meadowlands Mixed Use – Land Use Plan and located south of the Lincoln Alexander Parkway and Golf Links Road interchange, and east Stone Church Road:
 - (ii) Residential uses may also be permitted subject to the following policies:
 - (1) Multiple attached residential units, including apartments, shall be permitted to a maximum density of 70 units per hectare and six storeys in height;
 - (2) Adequate grading, noise attenuation, buffering and landscaping shall be required to provide an amenable and adequate living environment for residents;
 - (3) Development may be subject to site specific servicing arrangements potentially including a private pumping station; and,
 - (4) The dwellings are developed for condominium ownership given the potential for private servicing and access arrangements.

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- (iv) Access shall be provided from Old Golf Links Road, except that the City may consider permitting limited access from Stone Church Road in the case of innovative land use arrangements, and subject to roadway improvements carried out at the proponent's expense;
- (v) Buildings shall be oriented to Stone Church Road or the Golf Links Road - Mohawk overpass. Building design shall address the view from the intersection at Golf Links Road and Stone Church Road;
- (vi) A network of paths shall be provided between buildings and parking areas so as to provide convenient, safe and amenable pedestrian circulation; and,
- (vii) The City may require proponents of development to install sidewalks on Old Golf Links Road.

B.2.4.12.1 Notwithstanding Policy B.2.4.3, the maximum permitted building height shall be six storeys and 22 metres for lands located 1173 and 1203 Old Golf Links Road, and identified on Map B.2.4-1 – Meadowlands Mixed Use – Land Use Plan, as Site Specific Policy - Area A.”

The applicant is proposing a density of 93 units per hectare for a six-storey multiple dwelling within the maximum height of 22 metres. An amendment to the Secondary Plan would be required for the proposed density. This is discussed further in the Analysis and Rationale for Recommendation Section of Report PED21197.

The applicant has submitted a Noise Impact Study prepared by Valcoustics Canada Ltd., dated November 8, 2018 in support of the development which has generally demonstrated that noise can be mitigated on site. A Detailed Noise Study will be required at the Site Plan Control stage to ensure that appropriate mitigation measures are implemented. Grading, buffering, and landscaping will also be reviewed in detail at the Site Plan Control stage to ensure compliance with Policy B.2.4.5.1c)ii)2.

Staff have also confirmed that the lands can be successfully serviced per Policy B.2.4.5.1cii)3 without a pumping station.

Access to the site will be provided from Old Golf Links Road with pedestrian connections to the roadway. The applicant will also be required to reconstruct Old Golf Links Road, including the installation of municipal sidewalks, to ensure the road can support the development. The building has also been designed to provide the same presence toward the LINC overpass as Old Golf Links Road to maintain the intent of Policy B.2.4.5.1c)v).

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Based on the foregoing, the proposal complies with the general intent of the UHOP and Meadowlands Mixed Use Secondary Plan.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Mixed Use Medium Density (C5, 329, H86) Zone in the Hamilton Zoning By-law No. 05-200 which permits a range of mixed uses, including multiple dwellings, and includes site specific provisions for a hotel having a maximum height of six storeys and 307 parking spaces. The removal of the existing Holding Provision designation requires the approval of a Functional Servicing Report, Stormwater Management Report, a servicing study and associated securities, and the reconstruction of Old Golf Links Road. Modifications to the existing zone are required to permit site specific development standards for a multiple dwelling and to place the existing Core Area and Linkage features into the appropriate zoning. The change in zoning and proposed modifications are further discussed in the Analysis and Rationale for Recommendation Section and Appendix “D” of Report PED21197.

RELEVANT CONSULTATION

Departments and Agencies		
Agency	Comment	Staff Response
Planning and Economic Development Department, Transportation Planning Division	<ul style="list-style-type: none">• The submitted TIS has been approved by staff with no concerns regarding the Official Plan Amendment or Zoning By-law Amendment Applications; and,• At the Site Plan Control stage, the applicant will be required to show the sidewalks along Old Golf Links Road and to provide additional details on the Site Plan to ensure the maneuverability and way finding is clear for all users.	<ul style="list-style-type: none">• This information has been forwarded to the applicant and will be reviewed at the Site Plan Control stage.

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Agency	Comment	Staff Response
<p>Planning and Economic Development Department, Development Engineering Approvals</p>	<ul style="list-style-type: none"> • The existing watermain is currently not sized to accommodate the development. The sanitary system has ample capacity to support the development; • Old Golf Links Road is currently a rural cross section with a gravel surface; and, • Further detail will be required at the Site Plan Control stage regarding the stormwater management design. 	<ul style="list-style-type: none"> • Staff have recommended that the existing Holding Provision (H86) be maintained on the subject lands to ensure that Old Golf Links Road and any necessary municipal upgrades have been completed prior to development occurring; and, • An External Works Agreement will be required at the Site Plan Control stage to confirm the detailed design of Old Golf Links Road and servicing upgrades.
<p>Public Works Department, Forestry and Horticulture Division</p>	<ul style="list-style-type: none"> • Previous tree removal activity within the public right of way has occurred without the necessary approvals; • A Tree Management Plan will be required at the Site Plan Control stage to document this previous activity; and, • A Landscape Plan is required to be submitted to detail the location of any new street trees. 	<ul style="list-style-type: none"> • A revised Tree Management Plan and Landscape Plan will be required at the Site Plan Control stage.
<p>Hamilton Conservation Authority</p>	<ul style="list-style-type: none"> • The existing watercourse channel and associated erosion hazard limits shall be placed in appropriate zoning; and, • Detailed stormwater management and landscape comments have been provided and can be finalized through the Site Plan Control stage. 	<ul style="list-style-type: none"> • Staff concur with placing the natural heritage features in appropriate zoning and have recommended utilizing the Conservation Hazard Lands (P5) Zone for all features to be protected; and, • A revised Stormwater Management Report and detailed Landscape Plan will be required at the Site Plan Control stage.

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Agency	Comment	Staff Response
Public Works Department, Transit Division	<ul style="list-style-type: none"> • Meadowlands terminal and routes #5 and #16 should not be included in any future wayfinding for the residents as they are not within reasonable walking distance. 	<ul style="list-style-type: none"> • Noted.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to five property owners within 120m of the subject lands on December 21, 2018. A Public Notice Sign was posted on the property on December 17, 2018 and updated on September 22, 2021 with the Public Meeting date. A Notice of Public Meeting was given in accordance with the requirements of the *Planning Act* to five property owners within 120m of the subject lands on October 1, 2021. No responses have been received as a result of these circulations.

Public Consultation Strategy

In addition to the requirements of the *Planning Act*, the applicants prepared a letter mail out to all property owners within 160m of the subject lands on March 19, 2019. The mail out described the development proposal and provided the contact information for the applicant and City staff. No responses were received as a result of this letter mail out to property owners.

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 A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
 - (ii) It complies with the general intent of the Urban Hamilton Official Plan and the Meadowlands Mixed Use Secondary Plan; and,
 - (iii) It ensures appropriate protections of existing natural heritage features while supporting the efficient use of land.

(2) Urban Hamilton Official Plan Amendment

The proposed Official Plan Amendment seeks to remove the developable area of the site from being identified as a “Linkage” on Schedule “B” – Natural Heritage Systems and to recognize the location of the watercourse. The EIS submitted has evaluated all the natural heritage features on the site and confirmed that the westerly portion of the

site does not function as a Linkage. Therefore, it is not appropriate to maintain this identification on this portion of the subject lands. Staff are satisfied that the watercourse, identified as a “Stream” and subject to the Core Area policies, and easterly Linkage will be appropriately protected and maintained on the site. The existing Linkage on the easterly portion of the site will also ensure that the watercourse will continue to be connected to surrounding Core Areas on adjacent lands. In addition, the watercourse has been previously realigned with the permission of the HCA. The location of the Stream identified on Schedule “B” – Natural Heritage Systems is no longer accurate and should be updated. A Site Plan Control Application to be submitted for review by the applicant will provide opportunity to implement protection measures, such as a restoration plan.

The Meadowlands Mixed Use Secondary Plan currently does not recognize the watercourse and Linkage on Map B.2.4-1. The proposed re-designation will ensure that the Secondary Plan is amended so that it is aligned with Volume 1 of the Urban Hamilton Official Plan and the implementing Zoning By-law. The proposed Site-Specific Area Policy acknowledges that the Natural Open Space provisions in the Secondary Plan are specific to other areas of the Secondary Plan and are not applicable to this property.

The Official Plan Amendment also seeks to permit a maximum density of 93 units per hectare instead of 70 units per hectare for a multiple dwelling in the Meadowlands Mixed Use Secondary Plan. The maximum height permitted by the Secondary Plan will be maintained. In addition, the applicant has demonstrated that adequate amenity space, parking, and sanitary sewer capacity are available for the increased number of units. The increased number of units will also contribute to supporting the surrounding commercial uses in the immediate area while supporting UHOP’s policy promoting the intensification of land use.

Based on the foregoing, staff support the proposed amendments to the Official Plan as they represent good planning and the goal to develop complete communities.

(3) Zoning By-law Amendment

The proposed Zoning By-law Amendment seeks to modify the existing Mixed Use Medium Density (C5, 329, H86) Zone and to rezone a portion of the lands to the Conservation / Hazard Lands (P5) Zone to permit a six storey, 101 unit multiple dwelling while protecting the existing watercourse channel, the erosion hazard area, and linkage feature.

The proposed modifications to the (C5, 329, H86) Zone can be supported as they allow for a built form that considers the existing natural heritage feature on the site and allows for an efficient use of lands to implement the policies of the UHOP and Meadowlands Mixed Use Secondary Plan. The proposed modifications, including a 12.6 metre

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setback to a street and to deem Old Golf Links Road as the front yard, are further discussed in Appendix “D” attached to Report PED21197.

The proposed Conservation / Hazard Lands (P5) Zone will provide appropriate protections to the watercourse channel including an appropriate vegetation protection zone, regulated by the Hamilton Conservation Authority, and the overall functions of the natural heritage features on the property. These features are currently not recognized by the Zoning By-law and do not align with Schedules “B” – Natural Heritage Systems and “B-8” Detailed Natural Heritage Features Key Hydrologic Features of the UHOP. The change in zoning will ensure that all applicable planning instruments match. The limits of the (P5) Zone include the limits of the VPZ in accordance with the Natural Heritage policies in Chapter C of the UHOP to ensure that the protection zone will remain untouched and function as an appropriate buffer for the channel.

The existing Holding Provision (H86) requires the completion of several detailed studies and the reconstruction of Old Golf Links Road. Staff confirm that the Holding Provisions should continue to apply and have therefore recommended that the Holding Provision remain in effect.

Based on the foregoing, the proposal represents good planning and is supported by staff.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the lands could be developed in accordance with the Mixed Use Medium Density (C5, 329, H86) Zone, which permits a six storey multiple dwelling with different setback requirements. However, the watercourse and vegetation protection zone would not be zoned appropriately.

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.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

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Built Environment and Infrastructure

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED21197 – Location Map

Appendix "B" to Report PED21197 – Draft OPA

Appendix "C" to Report PED21197 – Draft ZBA

Appendix "D" to Report PED21197 – Zoning Modification Chart

Appendix "E" to Report PED21197 – Concept Plan

MS:sd