



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	November 16, 2021
<b>SUBJECT/REPORT NO:</b>	City Initiative CI-21-B to Amend the Urban Hamilton Official Plan and Zoning By-law for a Portion of the Lands Located at 1086 West Fifth Street, Hamilton and Revisions to the Draft Plan of Subdivision 25T-200721 for Lands Located at 193 Alessio Drive, Hamilton (PED21207) (Ward 8)
<b>WARD(S) AFFECTED:</b>	Ward 8
<b>PREPARED BY:</b>	Jennifer Roth (905) 546-2424 Ext. 2058
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That **City Initiative CI-21-B**, to amend the Urban Hamilton Official Plan to change the designation from “Open Space” to “Neighbourhoods” on Schedule “E-1”; to remove the “Parks and General Open Space” and “Streams” designation from the subject lands on from Schedule “B” and the “Key Hydrologic Feature” from Schedule “B-8”; and to remove “City-Wide” park classification on Appendix “A” for a portion of the lands located at 1086 West Fifth Street, as shown on Appendix “A” attached to report PED21207, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED21207, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the draft 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 **City Initiative CI-21-B**, to rezone the lands from City-Wide Park (P3) Zone in Zoning By-law No. 05-200 to the “R-4/S-1301a” (Small Lot Single Family Dwelling) District, Modified in the Former City of Hamilton Zoning By-law No. 6593 in order to permit the development of four single detached dwellings on a portion of the lands known as 1086 West Fifth Street, Hamilton, as shown on Appendix “A” attached to Report PED21207, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED21207, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the draft By-law, attached as Appendix “D” to Report PED21207, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended);
  - (iv) That the By-laws will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX;
- (c) That **City Initiated Revisions to Draft Approved Plan of Subdivision 25T-200721R** owned by Spallacci and Sons Ltd. (Owner) to reconfigure residential blocks (Blocks 18 and 47) and provide an extension of a public road as shown on Appendix “E” attached to Report PED21207, subject to the following:
- (i) That this approval apply to the Draft Plan of Subdivision “Eden Park” 25T-200721R, prepared by Urban Solutions, and certified by H. Kalantzakos, O.L.S., dated September 17, 2021, consisting of three reconfigured residential blocks for single detached dwellings (Blocks 18, 38 and 49), and the extension of a public road (Shady Oaks Trail), subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with Special Conditions attached as Appendix “F” to Report PED21207;
  - (ii) In accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual (2017) there will be no cost sharing for this subdivision;
  - (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, with the calculation for the payment to be

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based on the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-laws, as approved by Council;

- (d) That **Revisions to Draft Approved Plan of Subdivision 25T-200721R** by Spallacci and Sons Ltd. (Owner) to establish an extension of the subdivision known as "Eden Park" for an additional 0.049 ha site located north of 264 Rymal Road West (Block 38), known as part of 193 Alessio Drive, as shown as Block A2 on Appendix "A" attached to Report PED21207, to be developed for future residential lots and a public road as shown on Appendix "E" attached to Report PED21207, subject to the following:
- (i) That this approval apply to the Draft Plan of Subdivision "Eden Park" 25T-200721R, prepared by Urban Solutions, and certified by H. Kalantzakos, O.L.S., dated September 17, 2021, consisting of additional lands added to Block 38 for purposes of residential lots and the extension of a public road, subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with Special Conditions attached as Appendix "F" to Report PED21207;
  - (ii) In accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2017) there will be no cost sharing for this subdivision;
  - (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, with the calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-laws, as approved by Council;
- (e) That upon finalization of the amending Zoning By-laws, the subject lands be changed from "Utilities" to "Single & Double" and the road pattern be revised in the Sheldon Neighbourhood Plan;
- (f) That upon finalization of the amending by-laws, Real Estate staff be authorized to proceed with the disposition of the City-owned lands known as part of 1086 West Fifth Street, as shown as Parts 1, 2, 5 and 6 on Appendix "G" to Report PED21207 in accordance with the Sale of Land Policy, By-law No. 14-204, and that the proceeds will be added to the Parkland Reserve Fund.

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## **EXECUTIVE SUMMARY**

The purpose of the Urban Hamilton Official Plan (UHOP) amendment is to re-designate the City owned lands from “Open Space” to “Neighbourhoods” on Schedule “E-1”; to remove the lands identified as “Parks and General Open Space” and “Streams” from Schedule “B”; to remove the lands identified as “Key Hydrologic Feature” from Schedule “B-8”; and to remove the lands classified as “City-Wide” park on Appendix “A”, in the UHOP.

The City owned lands will be rezoned from City-Wide Park (P3) Zone in Zoning By-law No. 05-200 to the “R-4/S-1301a” (Small Lot Single Family Dwelling) District, Modified in the Former City of Hamilton Zoning By-law No. 6593. The City owned lands will be severed from the rest of 1086 West Fifth by Reference Plan to create six parts, four lots for single detached dwellings, one public road and one 0.3 road reserve and is attached as Appendix “H” to Report PED21207, and will be partially exchanged and partially sold to Spallacci and Sons Ltd. to ensure the orderly development of the lands and to implement an Ontario Municipal Board (OMB Case No. PL140290), now known as the Ontario Land Tribunal (OLT).

Urbex Engineering, on behalf of 2190557 Ontario Inc. and 2197925 Ontario Inc. submitted Applications for a Zoning By-law Amendment and Draft Plan of Subdivision on July 2, 2013, as illustrated on Appendix “K” to Report PED21207. In 2014, the Applications were subsequently appealed to the OMB (Case No. PL140290). On September 24, 2014, Council endorsed a settlement agreement (Report LS14032/PED14173) and a decision was issued by the OMB.

To facilitate the OMB decision, coordination of development with Spallacci and Sons Ltd., the owner of Draft Approved Plan of Subdivision 25T-200721 and the City of Hamilton was required to connect a public road between the two subdivisions and across the City owned lands. The public road is identified as Shady Oaks Trail on Appendix “E” attached to Report PED21207, as Parts 3 and 4 on Appendix “G” attached to Report PED21207 and Street “C” on Appendix “K” attached to Report PED21207.

Spallacci and Sons Ltd. proposed an extension of the subdivision known as “Eden Park” for an additional 0.049 ha site located north of 264 Rymal Road West (Block 38), to be developed for future residential lots and a public road as shown on Appendix “E” attached to Report PED21207.

The proposed amendments and subdivision revisions have merit and can be supported. 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 UHOP.

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**Alternatives for Consideration – See Page 33**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: Revenue from the sale of the lands will be placed in the Parkland Reserve Account.

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for an amendment to the Official Plan, Zoning By-law and a Draft Approved Plan of Subdivision.

**HISTORICAL BACKGROUND**

**Report Fact Sheet**

<b>City Initiative Details</b>	
Owner:	City of Hamilton – 1086 West Fifth Street Spallacci and Sons Ltd. – 193 Alessio Drive
Applicant:	City of Hamilton – 1086 West Fifth Street Spallacci and Sons Ltd. – 193 Alessio Drive
File Number:	CI-21-B
Type of Application:	Urban Hamilton Official Plan Amendment. City of Hamilton Zoning By-law No. 05-200 Amendment. Former City of Hamilton Zoning By-law No. 6593 Amendment. Revision to Draft Approved Plan of Subdivision.
Proposal:	To amend the Urban Hamilton Official Plan to change the designation as follows: <ul style="list-style-type: none"> <li>• From “Open Space” to “Neighbourhoods” designation on Schedule “E-1”;</li> <li>• To remove the lands identified as “Parks and General Open Space” and “Streams” from Schedule “B”;</li> <li>• To remove the lands identified as “Key Hydrologic Feature” from Schedule “B-8”; and,</li> <li>• To remove the lands classified as “City-Wide” park on Appendix “A” for a portion of the lands located at 1086 West Fifth Street;</li> <li>• To rezone the lands from City-Wide Park (P3) Zone in Zoning By-law No. 05-200 to the R-4/S-1301a (Small Lot Single Family Dwelling) District, modified in the Former City of Hamilton Zoning</li> </ul>

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	<p>By-law No. 6593 in order to permit the development of four single detached dwellings on a portion of 1086 West Fifth Street;</p> <ul style="list-style-type: none"> <li>To implement the proposal, a City Initiated revision to draft approved subdivision 25T-200721R to remove two lots and add a road to connect to development to the east is required. Special Conditions of Draft Plan Approval have been revised to reflect the new lotting pattern, road network and change to engineering design; and,</li> <li>A privately initiated revision to the draft approved subdivision 25T-200721R to add additional lands, known as Block 38, for future residential development and the extension of a public road, has also been submitted.</li> </ul>
<b>Property Details</b>	
Municipal Address:	1086 West Fifth Street and 193 Alessio Drive, Hamilton (Ward 8) (see Location Map attached as Appendix “A” to report PED21207).
Lot Area:	1086 West Fifth Street (rectangular) – 0.1587 ha 193 Alessio Drive (irregular) – 24.17 ha
Servicing:	Municipal services to be constructed at time of construction of the subdivision 25T-200721.
Existing Use:	Currently vacant.
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
Growth Plan (2019 as amended):	The proposal conforms to The Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	<ul style="list-style-type: none"> <li>Identified as “Neighbourhoods” on Schedule “E” – Urban Structure;</li> <li>Designated “Open Space” on Schedule “E-1” – Urban Land Use Designations;</li> <li>Identified as “Parks and General Open Space” and “Streams” on Schedule “B” – Natural Heritage System;</li> <li>Identified as “Key Hydrologic Feature” on Schedule “B-8” – Detailed Natural Heritage Features; and,</li> <li>Classified as “City-Wide” park on Appendix “A” – Parks Classification.</li> </ul>
Official Plan Proposed (City Initiated):	“Neighbourhoods” on Schedule E-1.
Neighbourhood Plan Current:	“Utilities” in Sheldon Neighbourhood Plan.

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<b>Documents</b>	
Neighbourhood Plan Proposed (City Initiated):	“Single & Double” and revised road pattern in the Sheldon Neighbourhood Plan.
Zoning Existing:	City Wide Park (P3) Zone in Zoning By-law No. 05-200
Zoning Proposed (City Initiated):	“R-4/S-1301a” (Small Lot Single Family Dwelling) District, Modified in the Former City of Hamilton Zoning By-law No. 6593
Revision to Subdivision (City Initiated):	Loss of two lots for single detached dwelling, extension of a public road and addition of 0.3 metre road reserve for 25T-200721.
Revision to Subdivision (Privately Initiated):	Addition of lands, being Block 38, for future residential uses and extension of a public road for 25T-200721.
<b>Processing Details</b>	
Public Notice Sign:	Posted on April 14, 2021.
Notice of Neighbourhood Meeting:	Mailed to 172 property owners within 120 metres of the subject property on October 29, 2021.
Virtual Neighbourhood Meeting:	April 29, 2021
Public Comments:	Three emails received to date. (attached as Appendix “I” to Report PED21207)

Previous Application

The lands known as 163 Alessio Drive were subject to a Zoning By-law Amendment (File No. ZAC-07-099) and Draft Plan of Subdivision Application (25T-200721) in 2007 for the purpose of developing a 23.6 ha site known as Parkview Estates that provides a range of densities in the form of townhouses, semi-detached dwellings and detached dwellings. Report PED09005 went to Economic Development and Planning Committee on December 8, 2008 and was approved by Council on January 28, 2009. The subdivision has been renamed Eden Park Estates.

The adjacent lands located at 172 – 178 Rymal Road West, owned by 2190557 Ontario Inc. and 2197925 Ontario Inc., were subject to a Zoning By-law Amendment (ZAC-13-023) and Draft Plan of Subdivision application (25T-201305). The applications were appealed to the OMB for non-decision. Through the settlement of Case No. PL140290, the Draft Plan realigned Street ‘C’ in draft plan of subdivision 25T-201305 to align with a

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public road to the west in the adjacent subdivision being 25T200721, Eden Park Estates was negotiated and agreed to. The implementation of the settlement requires a revision to 25T-200721, Eden Park Estates, owned by Spallaci and Sons, which is the subject of the City Initiated Revision discussed within this Report.

**EXISTING LAND USE AND ZONING**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Vacant Land	City Wide Park (P3) Zone
	Future Residential	“R-4/S-1301a” (Small Lot Single Family Dwelling) District, Modified
<b>Surrounding Land Uses:</b>		
<b>North</b>	William Connell Park	City Wide Park (P3) Zone
	Vacant / Future Residential	“RT-20/S-1301a” (Townhouse - Maisonette) District
<b>South</b>	Residential – One and Two Storey Single Detached Dwelling	“AA” (Agricultural) District “R-2-H” (Urban Protected Residential One and Two Family Dwellings, Etc.) District, Holding “C” (Urban Protected Residential, Etc.) District
<b>East</b>	Vacant / Future Residential	“R-4/S-1715-H” (Small Lot Single Family Dwelling) District, Modified, Holding
<b>West</b>	Residential – Two Storey Single Detached Dwellings	“R-4/S-1301a” (Small Lot Single Family Dwelling) District, Modified

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Planning Act**

The City initiated file requires land to be severed from the City owned property municipally known as 1086 West Fifth Street, as shown on Appendix “G” attached to Report PED21207. Section 50(3)(c) of the *Planning Act* enables municipalities to divide land by way of a reference plan to ensure timely transfers of lands:



“50 (3) No person shall convey land by way of a deed or transfer, or grant, assign or exercise a power of appointment with respect to land, or mortgage or charge land, or enter into an agreement of sale and purchase of land or enter into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more unless,

- (c) The land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada, Her Majesty in right of Ontario or by any municipality.”

It’s proposed that the City will convey the lands to be partially sold and exchanged with Spallaci and Sons Ltd. for the future development of four lots for single detached dwellings and a public road to connect the two draft approved plans of subdivision, 25T-200721 (owned by Spallacci and Sons Ltd.) and 25T-201305 (owned by 2190557 Ontario Inc. and 2197925 Ontario Inc.).

### **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 be consistent with the PPS 2020.

The mechanism for the implementation of the Provincial plans and policies is through the City of Hamilton Official Plans. As such, matters of Provincial interest (i.e. efficiency of land use and balanced growth) are reviewed and discussed in the Official Plan analysis below.

Staff also note the UHOP has not been updated with respect to Cultural Heritage policies with the PPS. The following policy of the PPS applies:

- “2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved; and,
- 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

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As part of ZAC-07-099 and 25T-200721, a Stage 1-3 archaeological report (P017-130-2007) was submitted to the City of Hamilton and the Ministry of Heritage, Sport, Tourism and Culture Industries. The Provincial interest was signed off by the Ministry in a letter dated October 14, 2008. Staff concur with the recommendations made in the report, and the archaeology interest for Blocks A and A1 as shown on Appendix “A” attached to Report PED21207 has been satisfied. Block A2 as shown on Appendix “A” attached to Report PED21207 has not been subject to an archaeological report and the owner will be required to obtain Ministry approval prior to the development of these lands.

Block B shown on Appendix “A” attached to Report PED21207, was assessed as part of Stage 1 (P049-267-2008) and Stage 2 (P049-428-2009) assessments conducted in 2008 and 2009, respectively. Stage 3 (P007-0661-2014) and Stage 4 (P007-0811-2017) reports were prepared for the registered archaeological site (the “Hess Site”, AhGx-677) on the William Connell Park lands north of, and outside of, the subject lands related to this application. Staff note that the Hess Site is subject to a site-specific P3 Exception (676 Zoning as per By-law Number 18-219), by restricting the area to archaeological conservation uses.

There are no built heritage resources located on the site.

Staff are of the opinion that the municipal interest in the archaeology of this portion of the subject lands has been satisfied.

Based on the foregoing, the proposed UHOP Amendment is consistent with Section 3 of the *Planning Act* and the PPS 2020.

**A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)**

The policies of the Growth Plan for the Greater Golden Horseshoe apply to any Planning decision. Section 1.2.1 of the Growth Plan outlines a number of Guiding Principles regarding how land is developed, resources are managed and protected, and public dollars are invested. This proposed amendment to the UHOP conforms to these Guiding Principles in that it supports the achievement of a complete community designed to support healthy and active living, meeting people’s needs for daily living throughout an entire lifetime.

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The Growth Plan is focused around accommodating forecasted growth in complete communities and provides policies on managing growth with increased densities and exploring opportunities for intensification. The following policy, amongst others, applies:

- “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, convenient access to local stores, services, and *public service facilities*;
- 2.2.6.1 Upper and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:
- (a) Support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as other policies of this Plan by:
    - (i) Identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents.”

The proposed amendment to the UHOP is in keeping with the Growth Plan’s emphasis on supporting growth towards the achievement of complete communities. Similarly, the proposed Zoning By-law Amendment to change the zoning of the subject lands to a “R-4/S-1301a” (Small Lot Single Family Dwelling) District, modified to permit four lots for single detached dwellings will provide additional opportunities for residential development close to bus service on West Fifth Street and Rymal Road West and the road extension will provide connectivity between the proposed residential areas. By providing for residential uses within a walkable distance to William Connell Park and nearby local stores and commercial uses between West Fifth Street and Upper James Street, the proposed amendments would contribute to achieving a complete community.

As the application complies with the UHOP, it is staff’s opinion that the application is:

- Consistent with Section 3 of the *Planning Act*,
- Consistent with the PPS; and,
- Conforms to A Place to Grow (2019 as amended).

## **Municipal Planning Policy**

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

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Open Space” on Schedule “E-1” – Urban Land Use Designations. Further, the site is identified as “Parks and General Open Space” and “Streams” on Schedule “B” – Natural Heritage System and a “Stream” is identified on Schedule “B-8” – Detailed Natural Heritage Features Key Hydrologic Features. The following UHOP policies, amongst others, apply:

#### **Neighbourhoods Identification**

The following policies amongst others apply as it relates to the Neighbourhoods identification of the Urban Structure:

- “E.2.6.2 Neighbourhoods shall primarily consist of residential uses and complementary facilities and services intended to serve the residents. These facilities and services may include parks, schools, trails, recreation centres, places of worship, small retail stores, offices, restaurants, and personal and government services;
- E.2.6.3 The Neighbourhood element of the urban structure shall be implemented through land use designations shown on Schedule E-1 – Urban Land Use Designations;
- E.2.6.4 The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including affordable housing and housing with supports; and,
- E.2.6.7 Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes compatible with the existing character or function of the neighbourhood shall be permitted. Applications for development and residential intensification within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Sections B.2.4 – Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 – Commercial and Mixed Use Designations, and, E.6.0 – Institutional Designation.”

The Urban Structure generally identifies how the City will grow over time and builds upon the historic structure of the amalgamated city. The Urban Structure is based on Nodes and Corridors where the Neighbourhoods element provides the opportunity for a

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full range of housing forms, types and tenures while respecting stable areas with unique scale and character. As a result, the subject lands can be considered for residential development provided that the policies of Section B.2.4 – Residential Intensification are met.

- “B.2.4.1.1 Residential intensification shall be encouraged throughout the entire built-up area, in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation;
- B.2.4.1.3 The residential intensification target specified in Policy A.2.3.3.4 shall generally be distributed through the built-up area as follows:
- (c) 40% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure;
- B.2.4.1.4 *Residential intensification* developments shall be evaluated based on the following criteria:
- (a) A balanced evaluation of the criteria in b) through g), as follows;
- (b) The relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable patterns and built forms;
- (c) The development’s contribution to maintaining and achieving a range of dwelling types and tenures;
- (d) The *compatible* integration of the development with the surrounding area in terms of use, scale, form, and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- (e) The development’s contribution to achieving the planned urban structure, as described in Section E.2.0 – Urban Structure;
- (f) Infrastructure and transportation capacity; and,
- (g) The ability of the development to comply with all applicable policies.”

As per Policy B.2.4.1.3 c), the lands subject to the UHOP Amendment and Zoning By-law Amendment are located within the Built Boundary and are identified as Neighbourhoods, which are planned to accommodate 40% of the City’s anticipated residential intensification.

The planned context for this area is single and semi-detached dwellings and the proposed zoning for the lands will ensure that the proposal will build on the planned neighbourhood character and continue the existing lotting pattern and built form

between the adjacent subdivisions being 25T-200721 and 25T-201305, as per Policy B.2.4.1.4 b) and c). The proposal will contribute to the range of housing types and tenures within the Sheldon Neighbourhood while ensuring compatible integration in terms of the residential use and the two storey built form of the adjacent subdivisions (Policy B.2.4.1.4 d)).

Through the development of the City-owned lands for four lots and a public road, the stormwater and sewer infrastructure will be improved through connections between the subdivisions and the eventual stormwater outlet connection in William Connell Park. Further, improved connectivity of the transportation network for both vehicles and active transportation options results from the development of this parcel.

As described above, the proposal contributes to achieving the planned Urban Structure (Policy B.2.4.1.4. e)) and as per Policy B.2.4.1.4 g) will comply with the applicable policies of the UHOP upon finalization of the UHOP Amendment.

#### Residential Greenfield Design

The following policies amongst others apply as it relates to Residential Greenfield Development:

“E.3.7.1 New greenfield communities shall be designed with a unique and cohesive character. Buildings, streetscapes, street patterns, landscaping, open spaces, and infrastructure shall be designed to contribute to this character; and,

E.3.7.2 New greenfield communities shall be designed to include a focal point. All elements of the design of the community including the layout of streets, trails, pedestrian connections, and transit routes as well as the location of land uses and transit stops, shall contribute to creation of the community focal point.”

The proposed official plan and zoning by-law amendments and revisions to the draft plan of subdivision will constitute new greenfield development through the extension of a local road that will provide a logical and cohesive continuation of the streetscape and built form, while providing improved connection to William Connell Park. Through the reconfiguration of the road network and the reconfiguration of the parklands resulting from the settlement decision for Case No. PL140290, William Connell Park has become a focal point within this community.

## Low Density Residential

The following policies amongst others apply as it relates to Low Density Residential development:

- “E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods;
- E.3.4.2 Low density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade;
- E.3.4.3 Uses permitted in low density residential areas include single-detached, semi-detached, duplex, triplex, and street townhouse dwellings;
- E3.4.4 For low density residential areas the maximum net residential density shall be 60 units per hectare;
- E3.4.5 For low density residential areas, the maximum height shall be three storeys; and,
- E3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:
- (a) Direct access from lots to adjacent to major or minor arterial roads shall be discouraged;
  - (b) Backlotting along public streets and in front of parks shall be discouraged. The City supports alternatives to backlotting, such as laneway housing and window streets, to promote improved streetscapes and public safety, where feasible;
  - (c) A mix of lot widths and sizes compatible with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features; shall be encouraged. Development shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility; and,
  - (d) Development, including the creation of infill lots involving the creation of new public streets or extensions, shall generally proceed by way of plan of subdivision. Such plans shall achieve the logical and sequential extension of streets and municipal services and an efficient lotting pattern.”

The subject lands are appropriate for low density residential development since the four new lots will be located on a local road and will have compatible lot dimensions to the

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planned single detached dwellings in the adjacent subdivision being 25T-200721. Further, the zoning by-law regulations will be the same as the adjacent subdivision to ensure appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility. The proposed development meets the minimum density requirement with a density of 25 units per hectare.

The extension of the public road improves access to William Connell Park, improves the stormwater and sewer infrastructure, and connects the adjacent subdivisions by the extension of the local road. While the lotting pattern has two lots back-lotting onto the park, Landscape Architectural Service staff are satisfied the impact on park programming will be mitigated because of the natural features at this location.

### Urban Design

Urban Design policies apply to all forms of development and are provided in Section B.3.3 of the UHOP. The following policies are noted as they are considered to be relevant to the proposed Official Plan and Zoning By-law amendments:

#### “B.3.3.1 Urban Design Goals:

- B.3.3.1.5 Ensure that new development is compatible with and enhances the character of the existing environment and locale;
- B.3.3.1.8 Promote intensification that makes appropriate and innovative use of buildings and sites, and is compatible in form and function to the character of existing communities and neighbourhoods;
- B.3.3.1.9 Encourage innovative community design and technologies;
- B.3.3.1.10 Create urban places and spaces that improve air quality and are resistant to the impacts of climate change; and,

#### B.3.3.2.3 Urban Design Principles:

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

The proposed zoning that will be applied to the subject lands will ensure compatibility with the adjacent lands planned for residential development. The proposed zoning regulations will allow for residential development that respects the planned



neighbourhood character, development patterns and built form of the Sheldon Neighbourhood. The Eden Park Subdivision is subject to Urban Design and Architectural Guidelines which have been revised to also apply to the subject lands as identified as Parts 1, 2, 5 and 6 on Appendix “G” attached to Report PED21207.

### Open Space

The following policies amongst others apply as it relates to the Open Space designation:

- “E. 3.9.1 Open space and parks shall be provided in accordance with Sections B.3.5.3 - Parkland Policies and C.3.3 - Open Space Designations;
- B.3.5.3.1 The uses permitted on lands identified as Parkette, Neighbourhood Park, Community Park, City-Wide Park, General Open Space, and Natural Open Space on Appendix A – Parks Classification Map and designated on secondary plans of Volume 2 shall be parks for both active and passive recreational uses, community/recreational facilities, and other open space uses;
- C.3.3.1 Lands designated as Open Space are public or private areas where the predominant use of or function of the land is for recreational activities, conservation management and other open space uses; and,
- C.3.3.2 The Open Space designation applies to lands greater than four hectares in size designated open space on Schedule E-1 – Urban Land Use Designations. Lands used for open space purposes less than four hectares shall be permitted within the Neighbourhoods designation subject to the provisions of this Plan.”

The City-owned lands are currently designated “Open Space” and contribute to the current land holdings of William Connell Park. The lands were originally intended to be a public right of way as identified by the “Utility” designation in the Neighbourhood Plan. While the City-owned lands are currently identified as part of William Connell Park, this portion of the lands did not constitute lands donated by Dr. William Connell to facilitate the development of the City-Wide Park at this location.

Through the settlement of Case No. PL140290 a preferred design for the southern entrance to the park was secured and as a result, these lands are no longer required to provide access into William Connell Park.

Parks Hierarchy and Open Space Categories

The following policies amongst others apply as it relates to Parks and Open Space:

“B.3.5.3.4 The City shall establish a hierarchy of parks as follows:

- (d) City-Wide Parks are municipally, regionally, provincially or nationally significant destinations that meet the needs of residents and are of interest to visitors. These facilities are often associated with major recreation, education or leisure activities and may have natural, historic, or unique features. They range greatly in size and type;

B.3.5.3.11 To ensure the provision of an adequate amount of parkland, the standards of Table 3.5.3.1 – Parkland Standards, shall be used in the determination of parkland needs;

Table B.3.5.3.1 - Parkland Standards

<b>Park Classification</b>	<b>Per 1,000 Population (Ratios)</b>	<b>Minimum Service Radius / Walking Distance</b>
Neighbourhood Parks	0.7 ha / 1000	800 m
Community Parks	0.7 ha / 1000	2 km
City-Wide Parks	0.7 ha / 1000	n/a

B.3.5.3.15 Notwithstanding Policy B.3.5.3.11, the City may consider a lower parkland standard where a Neighbourhood and Community Park may be feasibly combined on the same site;

B.3.5.3.18 Where lands are deemed surplus by the City or a public agency or are being sold by a private land owner, the following criteria shall be used in the evaluation of parkland needs:

- (a) The amount of parkland deficit/surplus based on the standards in Policy B.3.5.3.11;
- (b) The size, location and site characteristics of the subject lands;
- (c) The size and location of other Neighbourhood, Community, or City-Wide Parks in the area; and,
- (d) Available municipal funds;

B.3.5.3.19 Whenever land designated or used for Open Space and Parks purposes, as designated on Schedule E-1 – Urban Land Use Designations, the maps of the secondary plans or identified on the Appendices relating to Open

Space and Parks is acquired or used by a city department or other public agency for nonrecreational public purposes, the City or public agency shall be required to compensate for the resulting loss of parkland by paying the full current market value of the parcel of land into the Parkland Reserve.”

William Connell Park is currently 19.70 ha in size and exceeds the minimum size requirements as established in Table B.3.5.3.1 for a City Wide Park. To facilitate the partial land swap and sale, 0.158 ha will be removed from William Connell Park, reducing the park size to 19.54 hectares which still exceeds the minimum requirements established in Table B.3.5.3.1.

Within the Sheldon Neighbourhood there is no Neighbourhood Park and as a result, a deficiency of 1.19 hectares exists within the Sheldon Neighbourhood Planning Unit. However, Landscape Architectural Services (LAS) staff have stated that the William Connell City Wide Park contains elements that serve local residents in the same way that a Neighbourhood Park would, in that there are two play structures and a splashpad, as well as the amenities supporting the City-wide function of the park. Policy B.3.5.3.15 states that a reduction in parkland can be considered where parks combine multiple park elements and as a result, the removal of the 0.158ha will not impact the function of the park.

Further, through the settlement of Case No. PL140290, LAS staff secured a wider park frontage within draft approved plan of subdivision 25T-201305, owned by 2190557 Ontario Inc. and 2197925 Ontario Inc., which will improve design and safety of the southern entrance to William Connell Park. As a result of the settlement decision, the subject lands have been declared surplus and are subject to the official plan and zoning by-law amendment applications discussed in this Report.

Surplus City-owned lands must be evaluated against the criteria outlined in B.3.5.3.18 of the UHOP. One of the criteria is related to parkland deficiencies, and it is noted that William Connell Park will continue to exceed the minimum size for a City-Wide Park established in Table B.3.5.3.1, even after the portion of lands that have been declared surplus are removed.

A second criteria outlined in B.3.5.3.18 is the size, location and site characteristics of the lands declared surplus. The lands that have been declared surplus are located on the southern boundary of William Connell Park and currently divide Eden Park and Sheldon Gate draft plan of subdivisions, as illustrated in Appendix “E”. The narrow configuration of the lands resulted in design concerns related to the best practices of Crime Prevention Through Environmental Design (CPTED) for LAS staff in the design and programming of an access into William Connell Park. As stated, through the settlement decision of Case No. PL140290, an alternative southern access to the park

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has been secured in the Sheldon Gate subdivision which is wider and meets both CPTED and City programming standards.

The site is currently vacant and previously contained some trees and a small watercourse. The trees that were removed from the site will be subject to appropriate compensation based on Forestry's User Fee Guide. Natural Heritage Planning staff have stated that the small watercourse has been piped upstream and downstream as a result of other developments, and as a result this portion of the watercourse can also be piped to the William Connell Park Stormwater Management Pond. As a result of the small, and narrow configuration of the site and the securing of a wider access into William Connell Park from the Sheldon Gate subdivision, the subject land identified as Parts 1 – 6 as shown on Appendix "G" attached to Report PED21207 is not needed for parkland.

The third criteria outlined in B.3.5.3.18 is the location and size of other Neighbourhood, City-wide and Community Parks. The Sheldon Neighbourhood has been planned to contain one park being William Connell Park. This City-wide Park contains elements that serve a Neighbourhood Park function. As previously noted, William Connell Park exceeds the minimum size requirements for a City-Wide Park and as a result the subject lands are not needed for parkland.

The last criteria outlined in B.3.5.3.18 regarding the evaluation of surplus lands is the availability of municipal funds. No municipal funds are required in the disposal of the site and Real Estate staff will facilitate the partial sale and partial swap of the lands. Any funds secured through the partial sale of the land will be directed into the Parkland Reserve Fund.

As a result, staff are satisfied that the parcel of land meets the criteria established in Policy B.5.3.18 of the UHOP and that the lands can be deemed surplus and sold / swapped which will facilitate the implementation of the settlement decision for Case No. PL140290. Further, the funds secured from the sale of the land will be placed in the Parkland Reserve Fund.

#### Natural Heritage

"C2.2.2 The boundaries of Core Areas and Linkages, shown on Schedule "B" - Natural Heritage System, are general in nature. Minor refinements to such boundaries may occur through Environmental Impact Statements, watershed studies or other appropriate studies accepted by the City without an amendment to this Plan. Major changes to boundaries, the removal or addition of Core Areas and Linkages identified on Schedule B -

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Natural Heritage System and Schedules B-1-8 – Detailed Natural Heritage Features require an amendment to this Plan;

- C.2.3.2 Core Areas include key natural heritage features, key hydrological features and provincially significant and local natural areas that are more specifically identified by Schedule B-1-8 – Detailed Natural Heritage Features. Core Areas are the most important components in terms of biodiversity, productivity, and ecological and hydrological functions;
- C.2.5 Core Areas - Outside the Greenbelt Plan Area;
- C.2.5.7 Streams are mapped in Schedule B - Natural Heritage System. Streams have been separated into two classes: Coldwater Watercourse/Critical Habitat and Warmwater Watercourse/Important/Marginal Habitat. If the stream has not been classified as part of an EIS, subwatershed study, or other study, a scoped EIS is required to determine the classification; and,
- 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.”

The subject lands include natural heritage features being a Core Area, which is a watercourse regulated by the Hamilton Conservation Authority. In addition, there are trees and a watercourse identified on the adjacent parkland, as shown on Schedule “B” – Natural Heritage System of the UHOP.

Core Areas are to be preserved and enhanced and any development or site alteration within or adjacent to them shall not negatively impact their natural features or their ecological functions (Policy C.2.3). Hamilton Conservation Authority (HCA) staff approved the enclosure of the stream because it was flowing downstream into the stormwater management pond in William Connell Park. A Special Condition was included in the original draft plan to ensure appropriate approvals from HCA and the Department of Fisheries and Oceans were secured. Further, the upper limits of the watercourse are located within 226 and 212 Rymal Road West which is part of a current development application (ZAC-20-018). As part of that development application, a site

visit with the City and HCA occurred January 16, 2019. It was identified that since most of the watercourse was piped as a result of the adjacent development, the remaining watercourse did not need to remain open.

An Amendment to Schedule “B” – Natural Heritage Systems and Schedule “B-8” – Detailed Natural Heritage Systems Key Hydrologic Features, is required to remove the “Parks and General Open Space” and “Stream” identifications. These amendments are further discussed in the Analysis and Rationale for Recommendation Section of Report PED21207.

#### 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 services will be connected between the adjacent subdivisions to adequately service the subject lands. Conditions have been developed by Development Engineering and Growth Management staff and tied through the subdivision schedules to ensure that adequate services are provided on the lands illustrated on Appendix “G” attached to this Report PED21207.

#### City of Hamilton Staging of Development

Finally, Policy F.1.14.1.21 of Volume 1 identifies that: “Council shall approve only those plans of subdivision that meet the following criteria:

- “(a) The plan of subdivision conforms to the policies and land use designations of this Plan;
- (b) The plan of subdivision implements the City’s staging of development program;
- (c) The plan of subdivision can be supplied with adequate services and community facilities;
- (d) The plan of subdivision shall not adversely impact upon the transportation system and the natural environment;
- (e) The plan of subdivision can be integrated with adjacent lands and roadways;
- (f) The plan of subdivision shall not adversely impact municipal finances; and,
- (g) The plan of subdivision meets all requirements of the *Planning Act*.”

The proposed revisions to the subdivision is consistent with the Criteria for Staging of Development in that utilities and services are available. This proposal supports a healthy growing economy, provides for additional assessment and Development

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Charges revenue, provides housing opportunities, will comply with the UHOP upon approval of the required amendments, will not adversely impact upon the transportation system; respects the natural environment and will integrate well with the existing development in the area, being the Sheldon Neighbourhood.

Sheldon Neighbourhood Plan

Policies F.1.2.7 and F.1.2.8 of the UHOP provide the following direction for Neighbourhood Plans within the City of Hamilton:

“F.1.2.7 Neighbourhood plans are policies adopted by council resolution and do not form part of the Official Plan. Any proposal for development or redevelopment must conform to the designations, and policies in the Neighbourhood Plan; and,

F.1.2.8 Any amendment to the Neighbourhood Plan must be evaluated using the provisions of Policies F.1.1.3 and F.1.1.4 and shall require a formal Council decision to enact the amendment.”

The site is located within the Sheldon Neighbourhood Plan which was Council adopted by Council on May 26, 1992 and designates the site “Utilities”. Staff are of the opinion that the site is appropriate for residential development and that a Neighbourhood Plan Amendment will be required to re-designate the site to “Single and Double” to permit the proposed form of residential development. Staff are supportive of this Neighbourhood Plan Amendment because it conforms to the policies of the UHOP and provides orderly development and contributes the development of the Sheldon Neighbourhood as a complete community.

Based on the foregoing and subject to the change in designation, the proposal complies with the applicable policies of Volume 1 of the UHOP.

**Hamilton Zoning By-law No. 05-200**

The portion of 1086 West Fifth Street that is subject to this City Initiated rezoning application is currently zoned City-Wide (P3) Zone in City of Hamilton Zoning By-law No. 05-200, as shown on Appendix “A” attached to Report PED21207.

The City-Wide (P3) Zone permits a range of recreation uses as well as a restaurant and retail uses. However, through the implementation of the OMB settlement, Council agreed to bring forward for consideration modifications to the zoning to permit residential development and a public road to facilitate the development of the Sheldon

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Neighbourhood. The site specific zoning modifications are further discussed in Appendix “H” attached to Report PED21207.

**Former City of Hamilton Zoning By-law No. 6593**

The lands located at 193 Alessio Drive which are subject to both the City initiated and privately initiated revisions to draft plan of subdivision 25T-200721R are currently zoned “R-4 / S-1301a” (Small Lot Single Family Dwelling) District, Modified as shown on Appendix “A” to Report PED21207. The “R-4 / S-1301a” (Small Lot Single Family Dwelling) District, Modified permits single detached dwellings and semi-detached dwellings with modified building heights, front yards, side yards, rear yards, lot widths, lot areas and front yard porch encroachments.

Based on the direction of the OMB Settlement Decision for Case No. PL140290, the portion of 1086 West Fifth Street that is being partially sold and partially swapped with Spallacci and Sons Ltd. will be placed in the “R-4 / S-1301a” (Small Lot Single Family Dwelling) District, Modified to provide for compatible development with the lands to the west, being draft plan of subdivision 25T-200721 (Eden Park, owned by Spallacci and Sons Ltd.). The lands will also be compatible with the lands to the east being draft plan of subdivision 25T201305 (Sheldon Gate, owned by 2190557 Ontario Inc. and 2197925 Ontario Inc.) which are zoned “R-4/S-1715-H” (Small Lot Single Family Dwelling), District, Modified, Holding. This zone permits single detached dwellings with specific design standards including modified front yards and side yards. Semi-detached dwellings are also permitted and do not have modified design standards. The Holding Provision was applied to the property to prevent construction until the Stormwater Management Pond was constructed in William Connell Park and is fully operational and the proportional cost share for the operation and maintenance has been provided.

**RELEVANT CONSULTATION**

<b>Departments and Agencies with No Concerns</b>	
Asset Management, Public Works	No comments/concerns.
Construction, Public Works	No comments/concerns.
Conseil Scolaire Viamonde	No comments/concerns.
Hamilton Conservation Authority	No comments/concerns.
Niagara Peninsula Conservation Authority	No comments/concerns.

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Agency	Comment	Staff Response
Alectra Utilities	Provided their standard comments related to subdivision developments.	Noted by Planning staff.
Bell	Provided their standard comments and request a condition of approval. Bell further requested that the developer contact Bell during the detailed design phase.	Noted by Planning staff and has been included as Condition 54.
Canada Post	Provided standard comments and conditions.	Noted by Planning staff and has been included as Condition 55 and 56.
Cultural Heritage, Planning and Economic Development	The subject property meets three of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential. As part of previous development applications and the development of William Connell Park, Stage 1 – 3 archaeological assessments were completed. The Provincial interest was signed off by the Ministry for the properties and staff concur that the archaeology interests on the site have been satisfied.	Noted by Planning staff.
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	Staff has no issues supporting the Official Plan Amendment and Zoning By-law Amendment. Modified and new conditions have been provided.	Condition Nos. 1, 13, 15, 16 and 43 are proposed to be deleted and replaced. Conditions 45 to 53 have been added to address the changes to the subdivision.

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Agency	Comment	Staff Response
Enbridge	Provided standard comments related to the provision of gas services.	Noted by Planning staff.  Condition 57 will require all necessary easements and agreements to provide gas services.
Forestry and Horticulture, Public Works Department	<p>Advised that a Tree Management Plan is required along with the associated permit fee. A permit will be issued upon approval of the Tree Management Plan.</p> <p>Forestry staff advised that \$657.80 plus HST per tree for road allowance street trees is required.</p>	<p>Planning Staff note that condition 41 in the Special Conditions from previous approvals requires a Tree Preservation Plan. This condition has been deleted and replaced to reflect current requirements and required payments.</p> <p>Condition 58 requires all new developments to provide payment of \$657.80 plus HST per tree for road allowance street trees.</p>
Growth Planning, Planning and Economic Development Department	<p>Staff request that appropriate conditions be incorporated to ensure development requirements and related securities are included in the Conditions of Approval of the Revised Draft Plan of Subdivision for the lands to be purchased from the City (created through a Reference Plan).</p> <p>Condition 1, 13, 15, 16 and 43 require revisions.</p> <p>A new condition is required resulting from the addition of lands being Block 38.</p>	<p>Noted by Planning staff and conditions 1, 13, 15, 16 and 43 have been revised to reflect staff comments.</p> <p>Conditions 45-53 are the new required conditions.</p>

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Agency	Comment	Staff Response
Hamilton Water, Public Works	The current sanitary design is not consistent with the previously issued Functional Servicing Report. Updated design documents are required.	Noted by Planning staff.  Condition 53 will require updated sanitary sewer design documents.
Landscape Architectural Services, Public Works Department	LAS is supportive of the City-Initiated changes to the Revisions of the Draft Plan of Subdivision. LAS suggested this land swap and sale as the parcel of land that fronts on to Alessio Drive (portion of a former road allowance) was not easily incorporated into the design of the nearby William Connell Park.  The funds earned by the sale of the land should be placed in the Parkland Cash-in-lieu Reserve.	Noted by Planning staff.
Natural Heritage, Development Planning, Planning and Economic Development Department	Natural Heritage Planning staff support the removal of the Core Area (watercourse) identification on Schedules "B" and "B-8" of the UHOP as the downstream flow is directed into a stormwater management pond and the upper limits of the stream have been piped as a result of adjacent development.  Natural Heritage Planning staff requested a Species at Risk Assessment be completed to investigate presence of Butternut ( <i>Juglans cinerea</i> ), because this endangered species was located on adjacent properties. As a result of tree cutting on the property, a Compensation Analysis was completed by Dillon Consulting instead of the SAR Assessment	Condition 41 addresses the requirement for a Tree Protection Plan.  Condition 58 requires the compensation payment for the trees that were removed.

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<p>Natural Heritage, Development Planning, Planning and Economic Development Department Continued</p>	<p>to determine appropriate compensation levels. Dillon consulting recommended that compensation be provided for 106 trees at the rates established in the City's Forestry User Rate.</p> <p>Further, Municipal Law Enforcement (MLE) staff attended the site and proceeded with charging Spallaci and Sons Limited with the tree removal. At the time of preparation of this report, a conclusion to those charges has not been determined.</p> <p>There are current tree resources adjacent to the property which will be affected by the development. As a result, a Tree Protection Plan is required as a condition of approval.</p>	
<p>Transportation Planning, Planning and Economic Development</p>	<p>Transportation Planning supports the proposed land exchange because it provides better network connectivity for motorists and other active transportation choices. Transportation Planning staff note that there will be improved maneuverability of municipal road maintenance vehicles and waste collection vehicles resulting from the land swap.</p> <p>Transportation Planning acknowledges the right of way width of 18 metres and requests that sidewalk connections between the adjacent subdivisions being 25T-200721 and 25T-201305 be aligned.</p>	<p>Noted by Planning staff.</p> <p>Sidewalks will be aligned on the north side of the street as required by Condition 15.</p>

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Agency	Comment	Staff Response
Urban Design, Development Planning, Planning and Economic Development Department	Identified that the existing urban design conditions in draft approved Plan of Subdivision 25T-200721 shall extend to the residential lots and public realm on the reference plan.  All streetscape elements including sidewalks and boulevards should be coordinated between 25T-200721 and 25T-201305.	Noted by Planning staff and a revised set of Architectural Control Guidelines have been submitted to include the lands identified as Parts 1, 2, 5 and 6 on Appendix “G” attached to Report PED21207.
Environmental Services Division, Public Works Department	Advised that the residential development is eligible for municipal waste collection provided it meets City requirements.	Noted by Planning staff.
Building Division, Planning and Economic Development Department	Advised that all lots must meet the regulations of the proposed “R-4/S-1301a” (Small Lot Single Family Detached) District, Modified.	Noted by Planning staff.
<b>Public Consultation</b>		
<p>Notice of a Neighbourhood Meeting was given on April 14, 2021, by way of mailout notice to 172 residents within an expanded circulation distance (greater than 120 metres). The Neighbourhood Meeting was held on April 29, 2021 and seven members of the public attended and three other individuals emailed in inquiries and comments. The summary of the Neighbourhood Meeting is included in Appendix “J” attached to Report PED21207.</p> <p>Notice of the Public Meeting was given in accordance with the requirements of the <i>Planning Act</i> on October 29, 2021, by way of mail out notice to 172 residents within an expanded circulation distance (greater than 120 metres). An expanded circulation distance was used to ensure that both sides of Konstantine Court and additional addresses south of Rymal Road West received notice.</p>		

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

**Proposed Official Plan Amendment**

The proposed Urban Hamilton Official Plan Amendment will change the designation on the subject lands from the “Open Space” to “Neighbourhoods” on Schedule “E-1” of the UHOP and will remove natural heritage identifications from schedules and appendices.

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The proposed Urban Hamilton Official Plan Amendment has merit and can be supported for the following reasons:

- (a) It is consistent with the Provincial Policy Statement (2020) and conforms to the A Place to Grow Plan (2019, as amended). Both policy documents encourage the development of complete communities within built-up areas;
- (b) It complies with the general intent and purpose of the UHOP, with regards to residential intensification and complete communities in the Neighbourhoods designation and complies with the parkland policies. In particular, low density residential areas are to be located on local roads; and,
- (c) The proposed amendment would be in keeping with the existing function of the Sheldon Neighbourhood Plan by maintaining the scale, form, and character of the surrounding area while providing an opportunity for residential intensification. By providing additional lands for residential development, this amendment further supports the residential intensification and Neighbourhood policies for the establishment of a variety of residential types.

### **Proposed Neighbourhood Plan Amendment**

The proposed Neighbourhood Plan amendment will change the identification of the subject lands from “Utilities” to “Single and Double” and revised the road pattern in the Sheldon Neighbourhood Plan.

The proposed changes have merit and can be supported for the following reasons:

- (a) The proposed amendment complies with the general intent of the UHOP upon approval of the proposed UHOPA; and,
- (b) The proposed amendment contributes to the Sheldon Neighbourhood being a complete community by providing enhanced access to William Connell Park.

### **Proposed Amendment to the City of Hamilton Zoning By-law No. 05-200**

A portion of the subject property is currently zoned City Wide (P3) Zone. The P3 Zone permits a range of recreation and recreation supportive uses. This zone does not permit residential uses.

The proposed Zoning By-law Amendment would delete the lands from Zoning By-law No. 05-200 (see Appendix “C” attached to Report PED21207) and add them to Former

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City of Hamilton Zoning By-law No 6593 for residential uses (see Appendix “D” attached to Report PED21207).

**Proposed Amendment to the Former City of Hamilton Zoning By-law No. 6593**

The proposed Zoning By-law Amendment will add the lands to Zoning By-law No. 6593 to the “R4 / S-1301a” (Small Lot Single Family Dwelling) District, Modified (see Appendix “D” attached to Report PED21207). The “R4 / S-1301a” permits single detached dwellings and semi-detached dwellings provided that they meet special requirements outlined in the site-specific zoning.

The proposed Zoning By-law Amendment will rezone a portion of the lands located at 1086 West Fifth Street, identified on Appendix “A” from the City Wide (P3) Zoning in Zoning By-law No. 05-200 to the “R4 / S-1301a” (Small Lot Single Family Dwelling) District, Modified in Zoning By-law No. 5693 to implement the Urban Hamilton Official Plan, as amended.

The proposed zoning changes have merit and can be supported for the following reasons:

- (a) The proposed amendment complies with the general intent of the Urban Hamilton Official Plan upon approval of the proposed Urban Hamilton Official Plan Amendment;
- (b) The proposed amendment would be in keeping with the existing function of the Urban Hamilton Official Plan and Sheldon Neighbourhood Plan by maintaining the scale, form, and character of the surrounding area while improving the road network and access to William Connell Park; and,
- (c) The implementing by-law proposes modifications to the “R4” (Small Lot Single Family Dwelling) District to align with the existing site-specific S-1301a which are discussed in Appendix “H” attached to Report PED21207.

**Revision to Draft Approved Plan of Subdivision 25T-200721**

Blocks A, A1 and A2, shown on Appendix “A” attached to Report PED21207, are part of Phase II of the subdivision known as Eden Park (25T-200721). The subject application (25T-200721R) reconfigures two blocks for residential development and extends a public road (Shady Oaks Trail) eastward through the site connecting with Street “C” in Draft Approved Plan of Subdivision 25T-201305, as shown on Appendix “K” attached to Report PED21207.

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In review of Sub-section 51(24) of the *Planning Act*, to assess the appropriateness of the proposed revision to the subdivision, staff advise that:

- (a) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow (2019, as amended);
- (b) Through the phasing of development within the Sheldon Neighbourhood Plan, 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, as amended;
- (d) The subject lands can be appropriately used for the purposes for which it is to be subdivided. Flood control will be addressed through stormwater management plans that will be required as standard conditions of draft plan approval;
- (e) The proposed subdivision will be compatible with and enhance the road network and block pattern of the surrounding neighbourhood;
- (f) The proposed road will adequately service the proposed subdivision and is a logical extension the current road network;
- (g) The dimensions and shapes of the proposed lots conform to the Zoning By-law of the adjacent land and are sufficient to accommodate the proposed development of single detached 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 lots 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.

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

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## **ALTERNATIVES FOR CONSIDERATION**

City Council could choose to not adopt the proposed amendments and the lands would remain designated as “Open Space” in the UHOP and as City Wide Park (P3) Zone in the City of Hamilton Zoning By-law No. 05-200.

This option is not preferred because it does not implement the Council approved settlement decision by the OMB for Case No. PL140290. By changing the designation to allow for low density residential development and changing the zoning, this site will fulfil the settlement decision for Case No. PL140290, will improve the road network and infrastructure and will improve access to William Connell Park. In addition, Staff were directed to enter into the settlement through the approval of report LS14032/PED14173 at the September 16, 2014 Planning Committee meeting.

The proposed Official Plan and Zoning By-law Amendments represent the highest and best use of the land towards the future development of the subject property.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Economic Prosperity and Growth**

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

### **Healthy and Safe Communities**

*Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.*

### **Built Environment and Infrastructure**

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

## **APPENDICES AND SCHEDULES ATTACHED**

- Appendix “A” to Report PED21207 - Location Map
- Appendix “B” to Report PED21207 - Draft Urban Hamilton Official Plan Amendment
- Appendix “C” to Report PED21207 - Draft Zoning By-law No. 05-200 Amendment
- Appendix “D” to Report PED21207 - Draft Zoning By-law No. 6593 Amendment
- Appendix “E” to Report PED21207 - Draft Plan of Subdivision 25T-200721
- Appendix “F” to Report PED21207 - Draft Plan of Subdivision Special Conditions
- Appendix “G” to Report PED21207 - Draft Reference Plan
- Appendix “H” to Report PED21207 - Zoning Modification Chart
- Appendix “I” to Report PED21207 - Public Comments

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Appendix "J" to Report PED21207 - Neighbourhood Meeting Minutes  
Appendix "K" to Report PED21207 - Draft Plan of Subdivision 25T-201305