



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 5, 2022
SUBJECT/REPORT NO:	Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent, Stoney Creek (PED22150) (Ward 10)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	E. Tim Vrooman (905) 546-2424 Ext. 5277
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-17-005, by IBI Group (c/o Jared Marcus), on behalf of Losani Homes (c/o Fred Losani) and 1080992 Ontario Inc. (c/o Dan Gabriel), Owners**, to remove the “Linkage” identifications from the subject lands to permit the development of 35 lots for single detached dwellings and the extension of public roads on lands located at 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent, as shown on Appendix “A” attached to Report PED22150, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED22150, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

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- (ii) That the proposed 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);
- (b) That **Zoning By-law Amendment Application ZAC-17-015, by IBI Group (c/o Jared Marcus), on behalf of Losani Homes (c/o Fred Losani) and 1080992 Ontario Inc. (c/o Dan Gabriel), Owners**, for a change is zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R3-46” Zone, Modified (Block 1); from the Single Residential “R2” Zone to the Single Residential “R3-46” Zone, Modified (Block 2); from the Single Residential “R3-4” Zone, Modified to the Single Residential “R3-46” Zone, Modified (Block 3); from the Neighbourhood Development “ND” Zone to the Single Residential “R3-47” Zone, Modified (Block 4); from the Single Residential “R3” Zone to the Single Residential “R3-47” Zone, Modified (Block 5); from the Single Residential “R3-4” Zone, Modified to the Single Residential “R3-47” Zone, Modified (Block 6); from the Neighbourhood Development “ND” Zone to the Single Residential “R3-48” Zone, Modified (Block 7); from the Neighbourhood Development “ND” Zone to the Single Residential “R3-48(H)” Zone, Modified (Block 8); from the Single Residential “R3” Zone to the Single Residential “R3-49” Zone, Modified (Block 9); from the Neighbourhood Development “ND” Zone to the Single Residential “R4-38” Zone, Modified (Block 10); and, from the Single Residential “R3-4” Zone, Modified to the Single Residential “R4-38” Zone, Modified (Block 11), in order to permit the development of 35 lots for single detached dwellings and the extension of public roads on lands located at 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent, as shown on Appendix “A” attached to Report PED22150, be **APPROVED** on the following basis:

- (i) That the draft By-law attached as Appendix “C” to Report PED22150, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law apply the Holding Provision of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning for the following:

The Holding (H) symbol for the Single Residential “R3-48(H)” Zone, Modified, Holding, may be removed and thereby give effect to the “R3-48” Zone provisions, upon completion of the following:

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1. That the final grading on Lot 35 has been approved and it can be clearly demonstrated how the turning movements can be successfully managed, to the satisfaction of the Director, Growth Management;
 - (iii) That the proposed 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);
 - (iv) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX.
- (c) That **Zoning By-law Amendment Application ZAC-17-015, by IBI Group (c/o Jared Marcus), on behalf of Losani Homes (c/o Fred Losani) and 1080992 Ontario Inc. (c/o Dan Gabriel), Owners**, for a change in zoning from the Single Residential “R2” Zone to the Conservation / Hazard Land (P5) Zone, in order to establish a future linkage block and protect lands located within the flood and erosion hazards associated with the Lake Ontario shoreline, on lands located at 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent, as shown on Appendix “A” attached to Report PED22150, be **APPROVED** on the following basis:
- (i) That the draft By-law attached as Appendix “D” to Report PED22150, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed 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);
 - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (d) That **Draft Plan of Subdivision Application 25T-201703, by IBI Group (c/o Jared Marcus), on behalf of Losani Homes (c/o Fred Losani) and 1080992 Ontario Inc. (c/o Dan Gabriel), Owners**, on lands located at 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent, as shown on Appendix “A” to Report PED22150, be **APPROVED**, subject to the following:
- (i) That this approval apply to the Draft Plan of Subdivision “Newport Yacht Club Phase 4” 25T-201703, prepared by A. Buonamici, and certified by Nicholas P. Muth, O.L.S., dated April 29, 2022, consisting of 35 lots for single

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detached dwellings (Lots 1-35); a temporary turning circle (Block 38); seven future development blocks (Blocks 39-44 and 50); a future linkage block (Block 51); 0.3 m reserve blocks (Blocks 36, 37, 45-48, and 52); a public right of way block (Block 49); and, public roads (Lakeside Drive and Cove Crescent extensions), attached as Appendix “F” to Report PED22150, subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with the Special Conditions attached as Appendix “G” to Report PED22150;

- (ii) In accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual there will be no City of Hamilton responsibility for 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*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

EXECUTIVE SUMMARY

The Applicant has applied for an Urban Hamilton Official Plan (UHOP) Amendment, a Zoning By-law Amendment, and a Draft Plan of Subdivision to permit the development of 35 lots for single detached dwellings along the extension of public roads and the dedication of a future Linkage block to the City as compensation for removal of existing Linkages.

The purpose of the Official Plan Amendment (OPA) Application is to remove the Linkage identifications from the subject lands and the Zoning By-law Amendment Application is to change the zoning from the Neighbourhood Development “ND” Zone, Single Residential “R2” Zone, Single Residential “R3” Zone, and Single Residential “R3-4” Zone, Modified, to the Single Residential “R3-46” Zone, Modified, Single Residential “R3-47” Zone, Modified, Single Residential “R3-48” Zone, Modified, Single Residential “R3-48(H)” Zone, Modified, Single Residential “R3-49” Zone, Modified, Single Residential “R4-38” Zone, Modified, and the Conservation / Hazard Land (P5) Zone. Staff are supportive of the requested modifications.

An ‘H’ Holding Provision is recommended to require that the final grading on Lot 35 be approved and it can be clearly demonstrated how the turning movements can be successfully managed.

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The proposed Draft Plan of Subdivision will consist of 35 lots for single detached dwellings (Lots 1-35); a temporary turning circle (Block 38); seven future development blocks (Blocks 39-44 and 50); a future linkage block (Block 51); 0.3 m reserve blocks (Blocks 36, 37, 45-48, and 52); a public right of way block (Block 49); and, public roads (Lakeside Drive and Cove Crescent extensions).

The function of the removed Linkages will be compensated within the subject lands on the lands identified as Future Linkage Block, which will be protected through dedication to the City of Hamilton and is being rezoned to the Conservation / Hazard Land (P5) Zone in the implementing Zoning By-law Amendment.

The proposal has merit and can be supported as it is consistent with the PPS (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), complies with the general intent of the UHOP, in particular, the function, scale and design of the Low Density Residential policies as they relate to residential intensification and complete communities in the Neighbourhoods designation, and represents good planning by, among other considerations, providing a compatible residential development that contributes to a complete community through the establishment of housing forms and densities that are in keeping with existing and planned development in the surrounding area. The proposed development provides for residential infill and intensification which achieves the planned public road network envisioned by the Bayview Neighbourhood Plan which ensures land, municipal services, and transportation systems are used efficiently.

Alternatives for Consideration – See Page 32

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 OPA, Zoning By-law Amendment, and Draft Plan of Subdivision.

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HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	Losani Homes (c/o Fred Losani) and 1080992 Ontario Inc. (c/o Dan Gabriel)
Applicant/Agent:	IBI Group (c/o Jared Marcus)
File Number:	UHOPA-17-005 ZAC-17-015 25T-201703
Type of Application:	Urban Hamilton Official Plan Amendment Zoning By-law Amendment Draft Plan of Subdivision
Proposal:	35 lots for single detached dwellings (Lots 1-35); a temporary turning circle (Block 38); seven future development blocks (Blocks 39-44 and 50); a future linkage block (Block 51); 0.3 m reserve blocks (Blocks 36, 37, 45-48, and 52); a public right of way block (Block 49); and, public roads (Lakeside Drive and Cove Crescent extensions), as shown on the Draft Plan of Subdivision attached as Appendix “F” to Report PED22150.
Property Details	
Municipal Address:	11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent
Lot Area:	±2.618 ha (Irregular)
Servicing:	Full municipal services.
Existing Use:	Vacant lands. An existing single detached dwelling is located on 11 Lakeside Drive, which is to be demolished.
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:	“Neighbourhoods” on Schedule E – Urban Structure and “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations.

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Documents	
Official Plan Proposed:	To remove the “Linkage” identifications on Volume 1: Schedule B – Natural Heritage System from the subject lands.
Zoning Existing:	Neighbourhood Development “ND” Zone; Single Residential “R2” Zone; Single Residential “R3” Zone; and, Single Residential “R3-4” Zone, Modified.
Zoning Proposed:	<ul style="list-style-type: none"> • Single Residential “R3-46” Zone, Modified (Blocks 1 to 3); • Single Residential “R3-47” Zone, Modified (Blocks 4 to 6); • Single Residential “R3-48” Zone, Modified (Block 7); • Single Residential “R3-48(H)” Zone, Modified (Block 8); • Single Residential “R3-49” Zone, Modified (Block 9); • Single Residential “R4-38” Zone, Modified (Blocks 10 and 11); and, • Conservation / Hazard Land (P5) Zone.
Modifications Proposed:	<p>“R3-46” Zone (Blocks 1 to 3):</p> <ul style="list-style-type: none"> • Minimum Lot Area; • Minimum Front, Side, and Read Yards; • Maximum Lot Coverage. <p>“R3-47” Zone (Blocks 4 to 6):</p> <ul style="list-style-type: none"> • Minimum Lot Area; • Minimum Lot Frontage; • Minimum Front, Side, and Read Yards; and, • Maximum Lot Coverage. <p>“R3-48” Zone (Blocks 7 and 8):</p> <ul style="list-style-type: none"> • Minimum Lot Area; • Minimum Front, Side, and Read Yards; and, • Maximum Lot Coverage. <p>“R3-49” Zone (Block 9):</p> <ul style="list-style-type: none"> • Minimum Front, Side, and Read Yards; and, • Maximum Lot Coverage. <p>“R4-38” Zone (Blocks 10 and 11):</p> <ul style="list-style-type: none"> • Minimum Front, Side, and Read Yards; and, • Maximum Lot Coverage. <p>(See Appendix “E” attached to Report PED22150.)</p>

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Processing Details	
Received:	December 23, 2016
Deemed Complete:	January 17, 2017
Notice of Complete Application:	Sent to 200 property owners within 120 m of the subject lands on January 27, 2017.
Public Notice Sign:	Posted February 23, 2018 and updated with Public Meeting date June 8, 2022.
Notice of Public Meeting:	Sent to 223 property owners within 120 m of the subject lands on June 17, 2022.
Public Comments:	Five letters / emails expressing concern or requesting additional information (see Appendix “H” attached to Report PED22150).
Revised Submissions Received:	<ul style="list-style-type: none"> • March 7, 2018; • July 5, 2018; • March 25, 2020; • May 15, 2020; • August 4, 2020; • September 11, 2020; • July 23, 2021; • February 11, 2022; • March 8, 2022; • April 27, 2022; and, • June 8, 2022.
Processing Time:	2020 days from receipt of initial Application, 27 days from receipt of final Application submission.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Single Detached Dwelling Vacant Lands	Neighbourhood Development “ND” Zone; Single Residential “R2” Zone; Single Residential “R3” Zone; and, Single Residential “R3-4” Zone, Modified.

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Surrounding Land Uses:

North	Single Detached Dwellings	Single Residential “R2” Zone; and, Lake Ontario (City Limits).
South	Single Detached Dwellings	Single Residential “R3” Zone; and, Single Residential “R3-4” Zone, Modified.
East	Single Detached Dwellings	Single Residential “R1” Zone.
West	Single Detached Dwellings	Single Residential “R2” Zone; and, Single Residential “R3” Zone.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (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:

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- 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; and,

- 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 development of single detached dwellings is an efficient use of land and represents an appropriate intensification of the site which will further enable the completion of the surrounding neighbourhood. The subject lands are well serviced by a comprehensive street network with nearby open spaces, which will encourage active transportation and increase the viability for introducing transit service to the area in the future.

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;

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- 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) Local knowledge associates areas with historic events/activities/occupations; and,
- 4) In an area of sandy soil in areas of clay or stone.

These criteria define the property as having archaeological potential. A Stage 1-2 (P013-427-2008) archaeological report for the subject property was submitted to the City and the Ministry of Heritage, Sport, Tourism and Culture Industries. The Province signed off on the report for compliance with licensing requirements in a letter dated February 19, 2010. Staff are of the opinion that the municipal interest in the archaeology of this portion of the site has been satisfied.

Hazardous Lands

“3.1.1 Development shall generally be directed to areas outside of:

- a. *Hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards.”*

A Shoreline Hazard Assessment, prepared by Shoreplan Engineering Ltd. and dated July 29, 2016 and response letter dated May 29, 2020, has been submitted and reviewed by the Hamilton Conservation Authority. A detailed design regarding the shorewall / retaining wall is required for the review and approval of the Hamilton Conservation Authority, which is addressed as Condition No. 36 of Appendix “G” attached to Report PED22150. Additionally, the implementing Zoning By-law attached as Appendix “D” to Report PED22150 proposes the Conservation/Hazard Land (P5) Zone for the hazard lands. Based on the foregoing, staff are satisfied that the proposal is consistent with Policy 3.1.1.

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

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

The proposal conforms with the Guiding Principles stated in Section 1.2.1 of A Place to Grow (2019), as it supports a range and mix of housing options, supports transit viability, and improves the integration of land use planning with planning and investment in infrastructure. The following policies, amongst others, apply to this proposal.

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- “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 in a settlement area and the proposal will provide opportunity to further enable the completion of the surrounding neighbourhood and street network with additional single detached dwellings, with existing and planned municipal services. The proposed development provides an efficient use of land with appropriate densities with nearby open spaces, which will

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encourage active transportation and increase the viability for introducing transit service to the area in the future.

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 identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations. In addition, Linkages have been identified on the subject lands on Schedule B – Natural Heritage System. The following policies, amongst others, apply to the proposal.

Hazard Lands

“B.3.6.5.4 *Hazard lands* shall be placed in a separate zoning classification in the Zoning Bylaw;

B.3.6.5.6 *Hazard lands* shall be conserved and land uses or activities which could be affected by prevailing hazardous conditions such as flooding or erosion, or could increase the inherent hazard, shall be prohibited in *hazard lands* and on lands adjacent to hazard lands; and,

B.3.6.5.11 Development approvals shall not be granted within *hazard lands* or on lands adjacent to *hazard lands* that are regulated by a Conservation Authority until written consent is obtained from the applicable Conservation Authority.”

As discussed above, the implementing Zoning By-law attached as Appendix “D” to Report PED22150 proposes the Conservation/Hazard Land (P5) Zone for the hazard lands. Uses permitted in the P5 Zone include conservation, flood and erosion control facilities, and passive recreational uses. The Hamilton Conservation Authority has no objections to this Application, as recommended by staff.

Natural Heritage

“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; and,

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

The Linkage Assessment, prepared by LGL Environmental Research Associates, dated December 22, 2016 and updated August 7, 2019 by Myler Ecological Consulting, concluded that no threatened or endangered species were observed, the areas are degraded as they are impacted by a severe Emerald Ash Borer infestation and a dense understorey of exotic invasive Common Buckthorn, representative of a continued decline of the woodland which is predicted to cease to be woodland within a year or two and would result in the loss of the linkage function. The Linkage Assessment also note that there is an abundance of habitat within the landscape. The development concept proposes the removal of both Linkages.

Schedule B – Natural Heritage System of the UHOP identifies two wooded Linkages within the subject lands. The UHOP notes that Linkages are remnant natural areas within the landscape that connect Core Areas. In this regard, these Linkages are comprised of habitat representative of Stoney Creek (canopy dominated by Ash species with an understorey of European Buckthorn). These treed areas do not physically or directly abut or connect any Core Areas; however, provide a function as temporary refuge (cover, resting areas, foraging areas) and are “stepping stones” that facilitate the movement of migratory songbirds to larger stopover areas (i.e. Confederation Beach and Fifty Point Conservation Area).

Staff note that the Bayview Neighbourhood Plan identifies the entirety of the site for residential development and supporting infrastructure including public streets. The function of the removed Linkages will be compensated within the subject lands on the proposed Future Linkage Block (Block 51 as shown on the Draft Plan of Subdivision attached as Appendix “F” to Report PED22150), and will be protected through dedication to the City of Hamilton, which is addressed through Condition No. 32 of Appendix “G” attached to Report PED22150, and is being rezoned to the Conservation / Hazard Land (P5) Zone in the implementing Zoning By-law Amendment, as shown on Appendix “D” attached to Report PED22150. Accordingly, staff consider it appropriate to remove the Linkages identification on the subject lands from Schedule B of the UHOP. Compensation plantings within the future linkage block has been addressed through Condition No. 31 of Appendix “G” attached to Report PED22150. The proposed Future Linkage Block is identified as a Core Area (Lake Ontario shoreline) on Schedule B – Natural Heritage System and therefore no further amendment to the UHOP to identify this Future Linkage Block is required.

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Trees have been identified in the subject property. Staff have reviewed the submitted Arborist Report, prepared by The Tree Specialists Inc. (Cletus Gavin, Certified Arborist), dated November 6, 2016 and revised February 6, 2017. A total of 782 trees have been inventoried, of which 749 have been identified for removal; however, due to the age of the inventory this information may not be representative of existing conditions. Of the 749 trees identified for removal, the vast majority are White Ash (in decline as noted above) with some Silver and Manitoba Maples and Black Walnut trees, among a few other species, which are mostly in fair condition with some poor or dead with few in good condition. To ensure existing tree cover is maintained, the City requires one for one compensation for any tree (10 cm diameter at breast height (DBH) or greater) that is proposed to be removed from private property, with said compensation to be identified on the Landscape Plan. To address these matters, a revised tree protection plan is required through Condition No. 30 of Appendix “G” attached to Report PED22150.

Low Density Residential

- “E.3.4.3 Uses permitted in low density residential areas include single-detached, semidetached, duplex, triplex, and street townhouse dwellings;
- E.3.4.4 For low density residential areas the maximum *net residential density* shall be 60 units per hectare;
- E.3.4.5 For low density residential areas, the maximum height shall be three storeys; and,
- E.3.4.6 *Development* in areas dominated by low density residential uses shall be designed in accordance with the following criteria:
- 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*.”

The dwelling units are intended to be in conformity with the maximum building height of 11 m allowed in the Single Residential “R3” Zone and Single Residential “R4” Zone. The lot widths and sizes are compatible with the existing streetscape. The proposed development of 35 single detached dwellings on 1.381 hectares has a net residential density of 25.3 units per hectare, which complies with the requirements for low density

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residential in the Neighbourhoods designation. The implementing Zoning By-law, attached as Appendix “C” to Report PED22150, ensures garages are recessed from principal building facades to support a pedestrian friendly streetscape. The proposed municipal roads will be complete with sidewalks and tree planted boulevards on both sides, which will be reviewed at the detailed design stage.

Transportation Network and Right-of-Ways

“C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way-widths:

- f) Local roads, subject to the following policies:
 - ii) The basic maximum right-of-way widths for local roads shall be ... 20.117 metres ...;

C.4.5.7 The City shall require the conveyance of property for appropriate daylighting triangles and corner rounding on existing roads at such times as the property is to be developed or redeveloped, as a condition of site plan approval, consent, or plan of subdivision approval, in accordance with City standards based on the intersecting roadways of the functional road classification detailed in Section C.4.5.2. Daylighting triangles at intersections shall generally be as follows:

- a) Local to local roads: 4.57 m triangle or radius.”

Lakeside Drive and Cove Crescent are classified as local roads with a right-of-way width of 20.0 metres to match the existing local road right-of-way width of abutting municipal rights-of-way. 4.57 metre x 4.57 metre daylighting triangles are required at the intersection of Lakeside Drive and Cove Crescent, as shown on the Draft Plan of Subdivision attached as Appendix “F” to Report PED22150. 4.5 m x 4.5 m daylighting triangles will also be required at the future Lakeside Drive and Jones Road intersection, which is addressed as Condition No. 3 of Appendix “G” attached to Report PED22150.

Infrastructure and Servicing

“C.5.3.11 The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system; and,

C.5.4.2 Any new *development* that occurs shall be responsible for submitting a detailed storm water management plan prior to *development* to properly

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address on site drainage and to ensure that new *development* has no negative impact on off site drainage.”

Development Engineering Approvals staff have reviewed the Functional Servicing and Stormwater Management Report, prepared by A.J. Clarke and Associates Ltd. and revised July 23, 2021, and have identified a number of matters to be addressed at the detailed design stage and through special conditions of draft plan approval, as further detailed in the Relevant Consultation section below. These matters include, but are not limited to, grading, servicing, right-of-way requirements, cost sharing, the temporary turning circle at the west end of Lakeside Drive, land assembly, reconciling with existing and future development surrounding the subject lands, including existing properties on the north side of Lakeside Drive and the removal of the east-west Cove Crescent connection, and the provision of sidewalks, which are addressed as Condition Nos. 1 - 29 of Appendix “G” attached to Report PED22150. In addition, additional west side yard setbacks for Lot 4 and an ‘H’ Holding Provision on Lot 35, as shown on the Draft Plan of Subdivision attached as Appendix “F” to Report PED22150, have been included to address grading with the adjacent lands and to address driveway location and turning movements.

Plan of Subdivision

“F.1.14.1.2 Council shall approve only those plans of subdivision that meet the following criteria:

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

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g) The plan of subdivision meets all requirements of the *Planning Act*.”

The proposed Draft Plan of Subdivision, attached as Appendix “F” to Report PED22150, consists of 35 lots for single detached dwellings (Lots 1-35); a temporary turning circle (Block 38); seven future development blocks (Blocks 39-44 and 50); a future linkage block (Block 51); 0.3 m reserve blocks (Blocks 36, 37, 45-48, and 52); a public right of way block (Block 49); and, public roads (Lakeside Drive and Cove Crescent extensions).

The proposal complies with the applicable policies of the UHOP, subject to approval of the proposed Official Plan Amendment. It is consistent with the Criteria for Staging of Development as the site can be serviced using existing and planned infrastructure and will not adversely impact upon the transportation system and the natural environment, subject to the proposed Draft Plan conditions. The proposed development will integrate well with the existing development in the Bayview Neighbourhood, will not adversely impact municipal finances, and meets all requirements of the *Planning Act*.

Based on the foregoing, the proposal complies with the applicable policies of the UHOP.

Bayview Neighbourhood Plan

The subject lands are designated “Low Density Residential” in the Bayview Neighbourhood Plan. The proposed roads are consistent with the planned road network for Lakeside Drive, Cove Crescent, and Sunnyvale Place. The future connection of Lakeside Drive and Sunnyvale Place to the west, as envisioned in the Bayview Neighbourhood Plan, and the removal of the temporary turning circles can be achieved through future development of adjacent lands. The proposal for 35 single detached dwellings on public roads complies with the Bayview Neighbourhood Plan.

Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200

The subject property is currently zoned Neighbourhood Development “ND” Zone, Single Residential “R2” Zone, Single Residential “R3” Zone, and Single Residential “R3-4” Zone, Modified in Stoney Creek Zoning By-law No. 3692-92, as shown on Appendix “A” attached to Report PED22150. In order to permit the proposed development, the Zoning By-law Amendment Application proposes to rezone the subject property to the:

- Single Residential “R3-46” Zone, Modified (Blocks 1 to 3);
- Single Residential “R3-47” Zone, Modified (Blocks 4 to 6);
- Single Residential “R3-48” Zone, Modified (Block 7);

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- Single Residential “R3-48(H)” Zone, Modified (Block 8);
- Single Residential “R3-49” Zone, Modified (Block 9);
- Single Residential “R4-38” Zone, Modified (Blocks 10 and 11); and,
- Conservation / Hazard Land (P5) Zone.

The proposed zoning is further discussed in the Analysis and Rationale section of this Report, and an evaluation of the proposed modifications to the Single Residential “R3” and Single Residential “R4” Zones are included in Appendix “E” attached to Report PED22150.

RELEVANT CONSULTATION

Departments and Agencies		
	<ul style="list-style-type: none"> • Hydro One Networks Inc.; and, • Ministry of Transportation. 	No Comment
	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> • There will be no City Share or contribution by the City towards the proposed subdivision works; • The Applicant is required to submit an updated Functional Servicing and Stormwater Management Report (FSR) with their first detailed engineering submission to address any detailed design comments; • A new watermain in the standard location within the future Lakeside Drive is required to replace the existing watermain within the 6.0 m right-of-way (ROW); • The FSR shows a sanitary sewer outlet through lands not owned by the Applicant located at 515 Jones Road. The Applicant will be required to obtain a 10.0 m easement through those lands; and, • The Applicant shall also pay 50% of the servicing costs to complete the future section of Lakeside Drive between the currently proposed full ROW and Jones Road. 	<ul style="list-style-type: none"> • An updated Stormwater Management Report, replacement of existing utilities, watermain replacement, servicing of existing lots, grading, fencing, barricades, geotechnical report, and parking plan, are addressed as Condition Nos. 4, 5, 8, 10, 16, 17, 21, 25, and 28 of Appendix “G” attached to Report PED22150 and will be addressed through detailed design. •

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	Comment	Staff Response
<p>Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department (Continued)</p>	<ul style="list-style-type: none"> • The Applicant is required to provide municipal service line extensions to the property lines of existing lots on the north side of Lakeside Drive; • A cost recovery clause will be inserted into the standard form subdivision agreement for this development for the City to recover costs from the lots on the north side of Lakeside Drive that benefit from the new municipal services and direct access to a full municipal road as a condition of a land severance Application or prior to release of a sewer/water permit for those lots; • A detailed grading plan is required and needs to address boulevard grading, including driveway and municipal sidewalks; • A Geotechnical Report is required to address the shallow cover for the proposed storm sewer; • A 2.2 m west side yard setback is required on Lot 4 to reconcile grading within the adjacent lands; • An 'H' Holding Provision is required for Lot 35, as shown on the Draft Plan of Subdivision attached as Appendix "F" to Report PED22150, to reconcile grading with the adjacent lands and to address driveway location and turning movements; and, • Block 38, as shown on the Draft Plan of Subdivision attached as Appendix "F" to Report PED22150, shall be transferred to the City and dedicated as a temporary turning circle. Further, Block 39 shall remain undevelopable until such time as the lands are assembled with Block 38 and satisfactory grading can be demonstrated. 	<ul style="list-style-type: none"> • Lot 4 grading is addressed as Condition No. 20 of Appendix "G" attached to Report PED22150, and the additional setback is addressed in the amending Zoning By-law attached as Appendix "C" to Report PED22150; and, • Grading and infrastructure located beyond the flood hazard limit is addressed as Condition Nos. 6 and 9 of Appendix "G" attached to Report PED22150. • Easements and cost sharing for the future Lakeside Drive ROW through 515 Jones Road is addressed as Condition Nos. 7, 12, and 29 of Appendix "G" attached to Report PED22150; • The remaining 6.0 m Lakeside Drive ROWs are addressed as Condition Nos. 22 – 24 of Appendix "G" attached to Report PED22150; and, • The 'H' Holding Provision on Lot 35 is addressed in the amending Zoning By-law attached as Appendix "C" to Report PED22150

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	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department (Continued)	<ul style="list-style-type: none"> • Any grading, structures or infrastructure proposed beyond the flood hazard limit requires approvals of the applicable authorities; • The Applicant is required to construct 1.5 wide sidewalks on Lakeside Drive and Cove Crescent; • Proposed Lots 18-20 and 32-34 are currently registered as Blocks and a public highway for the existing temporary east-west Cove Crescent connection. The Applicant is required to acquire the lands and remove and restore the existing temporary road connection prior to development as future residential lots, and the public highway would need to be closed by a Road Closure by-law prior to transfer; • The driveway apron of 149 Cove Crescent shall be reconstructed and reoriented perpendicular to the proposed road and centred on the existing garage; • The Applicant shall regularly inspect and maintain the existing 6.0 m Lakeside Drive ROWs located at the east and west limits of the subject lands in perpetuity. The Applicant shall also agree to transfer to the City and dedicate as municipal ROW the easterly Block 49, as shown on the Draft Plan of Subdivision attached as Appendix “F” to Report PED22150, upon request from the City; and, • The barricade at the east of Lakeside Drive is required to be located at the west side of 8 Lakeside Drive to maintain driveway access for those lands via Jones Road. 	<ul style="list-style-type: none"> • The temporary turning circle and future development block at the west end of Lakeside Drive (Blocks 38 and 39) are addressed as Condition Nos. 13 and 14 of Appendix “G” attached to Report PED22150; • Currently undevelopable Blocks 50 and 112 are addressed as Condition Nos. 15 and 19 of Appendix “G” attached to Report PED22150; • The provision of sidewalks is addressed as Condition No. 1 of Appendix “G” attached to Report PED22150; • The 149 Cove Crescent driveway is addressed as Condition No. 2 of Appendix “G” attached to Report PED22150; • Future daylighting triangles at Jones Road are addressed as Condition No. 3 of Appendix “G” attached to Report PED22150; • 0.3 m reserves are addressed as Condition No. 11 of Appendix “G” attached to Report PED22150; and, • A Construction Staging Plan is addressed as Condition No. 18 of Appendix “G” attached to Report PED22150.

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	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department (Continued)	<ul style="list-style-type: none"> • The proposed on-street parking plan does not demonstrate how the minimum parking requirements of 0.4 spaces per dwelling unit will be provided; • An updated parking plan is required at the detailed design stage identifying sufficient interim and ultimate on-street parking spaces. • 0.3 m reserve blocks are required along the proposed Lakeside Drive right-of-way abutting adjacent parcels to the east and west and along the frontages of future development blocks; • Blocks 50 and 112, as shown on the Draft Plan of Subdivision attached as Appendix “F” to Report PED22150, shall remain undevelopable until such time as the lands are assembled with adjacent lands and satisfactory grading can be demonstrated; • The Applicant shall demonstrate that they have attempted to obtain lands from the adjacent owner for 4.5 m x 4.5 m daylighting triangles at the future Lakeside Drive and Jones Road intersection; • A Construction Staging Plan is required to identify how safe and continuous access will be provided to all existing properties during all construction stages; and, • All expenses to remove or relocate, as may be required, all affected utility infrastructure shall be at the sole expense of the Applicant. 	<ul style="list-style-type: none"> • The closure, transfer and removal of the east-west Cove Crescent connection is addressed as Condition Nos. 26 and 27 of Appendix “G” attached to Report PED22150.

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	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department (Continued)	<ul style="list-style-type: none"> Block 51, as shown on the Draft Plan of Subdivision attached as Appendix “F” to Report PED22150, shall have a 1.5 m tall black vinyl chain link fence constructed along the side property lines abutting the existing residential properties. 	
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> The Arborist Report, prepared by The Tree Specialists Inc. (Cletus Gavin, Certified Arborist) and dated November 6, 2016, has identified that there are no municipal tree assets identified to be affected by the proposed development and therefore no further Tree Management Plan is required; and, A Landscape Plan, prepared and signed by a certified Landscape Architect, is required. 	<ul style="list-style-type: none"> A Landscape Plan is addressed as Condition 2.8 of the City’s Standard Conditions of Subdivision Approval. The condition of Street Tree Planting will be cleared upon receipt of a plan depicting new trees and payment of permit, loss of tree canopy, and street tree planting fees.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> It should be determined how access will be maintained for the existing residential lots which are currently accessed via the existing Lakeside Drive, and through traffic for Cove Crescent via the temporary east-west connector road; Street naming and municipal addressing for the lots and blocks within the proposed subdivision will be determined after Draft Plan approval is granted; and, Requested that a note be included in the draft plan conditions indicating that draft plan approval shall lapse if the plan is not given final approval within three years or an extension has been granted. 	<ul style="list-style-type: none"> A Construction Staging Plan, which clearly identifies how safe and continuous access will be maintained during all construction stages, will be required as part of the Detailed Engineering design and is addressed as Condition No. 18 of Appendix “G” attached to Report PED22150.

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	Comment	Staff Response
Growth Planning Section, Growth Management Division, Planning and Economic Development Department (Continued)		<ul style="list-style-type: none"> Addressing of the lots within this subdivision is addressed as Condition No. 33 of Appendix “G” attached to Report PED22150; Approval limitation has been added as Note No. 1 on the conditions of Draft Plan of Subdivision approval (see Appendix “G” attached to Report
Landscape Architectural Services (LAS), Strategic Planning Division, Public Works Department	<ul style="list-style-type: none"> Block 51 (Future Linkage Block) shall not contribute to parkland dedication; and, Requests cash-in-lieu of parkland dedication. 	<ul style="list-style-type: none"> Cash-in-lieu of parkland will be addressed through the standard form Subdivision Agreement and will be required to be paid prior to the issuance of any building permits.
Recreation Division, Healthy and Safe Communities Department	<ul style="list-style-type: none"> The proposed development is within 800 m of Waterford Neighbourhood Park. Ensure sidewalks are provided for this development to encourage pedestrian safety and healthy communities. 	<ul style="list-style-type: none"> 1.5 m separated concrete sidewalks are required on both sides of Lakeside Drive and Cove Crescent, which is addressed as Condition No. 1 of Appendix “G” attached to Report PED22150.
Recycling and Waste Disposal Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> This development is eligible for municipal waste collection service subject to meeting the City’s requirements. The property owner must contact the City to request waste collection service to complete a site visit to determine if the property complies with the City’s waste collection requirements. 	<ul style="list-style-type: none"> Waste collection requirements are addressed as Note No. 2 on the conditions of Draft Plan of Subdivision approval (see Appendix “G” attached to Report PED22150).

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	Comment	Staff Response
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<ul style="list-style-type: none"> • The surrounding transportation network can support the proposed development, and no further study is required; • A traffic signal analysis for the intersections of North Service Road and Jones Road, and North Service Road and Waterford Crescent, prepared by IBI Group and dated February 26, 2020, indicates that traffic signals are not required at these intersections in order to support this development; • 20.0 metre ROWs for Lakeside Drive and Cove Crescent are acceptable, subject to functional requirements of the City, and local road daylighting triangles of 4.57 m x 4.57 m have been provided at the intersections of Lakeside Drive and Cove Crescent; and, • In order to protect the existing and future pedestrian realm, cycling infrastructure and road network, right-of-way (ROW) dedications along the extensions of Cove Crescent shall be aligned; 1.5 metre sidewalks are required along both sides of the municipal rights-of-way; and, residential driveways for corner lots (Lots 14, 24, 28, and 35 as shown on the Draft Plan of Subdivision attached as Appendix “F” to Report PED22150) shall be placed in locations which do not disrupt future potential pedestrian crossing locations. 	<ul style="list-style-type: none"> • Daylighting triangle requirements are addressed as Condition No. 3 of Appendix “G” attached to Report PED22150; • The proposed Cove Crescent extension ROWs, as shown on the Draft Plan of Subdivision attached as Appendix “F” to Report PED22150, align to the existing Cove Crescent ROWs; • 1.5 m separated concrete sidewalks are required on both sides of Lakeside Drive and Cove Crescent, which is addressed as Condition No. 1 of Appendix “G” attached to Report PED22150; and, • A parking plan and a conceptual pavement markings and traffic signage plan are required and are addressed as Condition Nos. 17 and 34 of Appendix “G” attached to Report PED22150.
Canada Post Corporation	<ul style="list-style-type: none"> • Owners / developers are required to notify purchasers of Centralized Mailbox locations. • Provided their requirements for the Centralized Mailbox locations. 	<ul style="list-style-type: none"> • This requirement is a Standard Condition of Draft Approval.

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	Comment	Staff Response
Enbridge Gas Inc.	<ul style="list-style-type: none"> Requested that as a condition of final approval, the owner is required to provide the necessary easements and/or agreements required for the provision of gas services for this project, in a form satisfactory to them. 	<ul style="list-style-type: none"> This requirement is a Standard Condition of Draft Approval.
Hamilton Conservation Authority (HCA)	<ul style="list-style-type: none"> The proposed development will result in a significant increase in impermeable area. As the property drains to Lake Ontario, the Applicant will be required to provide enhanced stormwater quality control; and, HCA staff have reviewed the Functional Servicing and Stormwater Management Report, prepared by A.J. Clarke and Associates and dated July 23, 2021, and continue to have some concerns regarding the proposed stormwater management approach with respect to achieving the required level of storm water treatment, demonstrating that storm water leaving the outlet is not another source of dynamic beach erosion in the vicinity of the outfall, and the proposed construction of another outlet to Lake Ontario on Lot 2 (HCA staff recommend to consider sheet flow over the retaining wall within Lots 1, 2 and 3 provided minimum soil grades are achieved). These outstanding comments can be addressed through draft plan conditions. 	<ul style="list-style-type: none"> Engineering and stormwater management comments requiring a final full stormwater management report, grading plan; Drainage plan and erosion and settlement control plan to HCA's satisfaction are addressed as Condition Nos. 21 and 35 of Appendix "G" attached to Report PED22150; and, The Linkage function for migrating birds is discussed in greater detail in the Policy Implications and Legislated Requirements section of this Report.

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	Comment	Staff Response
<p>Hamilton Conservation Authority (HCA) (Continued)</p>	<ul style="list-style-type: none"> • The Linkage Assessment, prepared by LGL Environmental Research Associates, dated December 22, 2016 and updated August 7, 2019 by Myler Ecological Consulting, show that this area is used by migrating birds and it is a function of the site. However, these comments are advisory to City of Hamilton staff and do not form part of their regulatory approvals. HCA defers this matter to the City of Hamilton; • Lots 1 to 3 and Block 51 abut the Lake Ontario shoreline and are partially located within the flood and erosion hazards associated with the lake. Therefore, portions of these lots are regulated by the HCA pursuant to <i>Ontario Regulation 161/06</i>; • HCA staff have reviewed the Shoreline Hazard Assessment, prepared by Shoreplan Engineering Ltd. and dated July 29, 2016 and response letter dated dated May 29, 2020. Comments regarding the shorewall / retaining wall and dynamic beach hazard have been satisfactorily addressed; however, a detailed design for the wall in accordance with the assessment's recommendations shall be required as a condition of draft plan approval. HCA staff further recommend the lands falling within the shoreline flood and erosion hazards be appropriately designated in UHOP and zoned as the Conservation / Hazard Land (P5) Zone to recognize the extent of the hazards on the parcels and to be consistent with natural hazard policies of the PPS; • An HCA Permit is required prior to any development occurring on the lands. 	<ul style="list-style-type: none"> • The Lake Ontario shoreline is appropriately identified as a Core Area on Schedule B – Natural Heritage System in the Urban Hamilton Official Plan, the hazard lands including the entirety of the future linkage block along the Lake Ontario shoreline is being rezoned to the Conservation / Hazard Land (P5) Zone, and the detailed shorewall / retaining wall design is addressed as Condition No. 36 of Appendix "G" attached to Report PED22150; and, • An HCA Permit is required and is addressed as Condition No. 37 of Appendix "G" attached to Report PED22150.

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	Comment	Staff Response
Horizon Utilities	<ul style="list-style-type: none"> Advised that the Developer needs to contact their Engineering Design Department to facilitate development. The developer shall be responsible for the cost of installation, relocation, modification, or removal of hydro facilities. 	<ul style="list-style-type: none"> This requirement is a Standard Condition of Draft Approval.

Public Consultation		
	Comment	Staff Response
Grading and Drainage	There is a significant change in elevation between the subject lands and adjacent properties, notably at the rear of 11 and 19 Lakeside Drive. There is concern about how this will be graded and a desire to not have a retaining wall installed.	The Functional Grading Plan, prepared by A.J. Clarke and Associates Ltd. and dated July 2021, identifies a retaining wall up to 1.2 metres in height along the rear of proposed Lots 15-17 above the adjacent property to the west (57 Waterford Crescent), to address for the change in grade, provide useable amenity space for the proposed Lots, and to direct overland flows towards Lakeside Drive and ultimately Lake Ontario.
Extension of Cove Crescent	The lots located at the current termini of Cove Crescent, and the closure/removal of the east-west connector road, will impact privacy, existing corner / end lot conditions, and views of Lake Ontario.	The proposed extension of Cove Crescent is consistent with the planned road network within the Bayview Neighbourhood Plan. "The Harbours of Bayview Estates Stage 2" subdivision (Registered Plan 62M-645) intended the east-west connector road to be temporary until Cove Crescent is extended north to a new public road and the future development blocks between the existing lots and the temporary road can be developed with adjacent lands.

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	Comment	Staff Response
Lot Location and Size	There were questions clarifying the lot boundaries of 11 Lakeside Drive, and why three 11.0 m lots are proposed instead of two 16.5 m lots more consistent with the existing lands to the south.	Proposed Lots 15-17 on the Draft Plan of Subdivision, attached as Appendix “F” to Report PED22150, maintain consistent rear lot lines along Cove Crescent inclusive of all of the lands located at 11 Lakeside Drive. The proposed lots comply with Urban Hamilton Official Plan policies for compatible integration with the surrounding area in terms of scale and density.
Construction Impacts	There is concern about noise, debris, and privacy impacts as a result of construction adjacent to existing dwellings.	To mitigate impacts of construction activities during development of the site, procedures for dealing with dust control and street maintenance/cleaning, including measures to prevent mud, debris and materials being tracked onto public streets, is addressed as Condition 3.06 of the City’s Standard Conditions of Subdivision Approval.
Neighbourhood Development “ND” Zone	Inquiry regarding what the current “ND” Zone means.	The “ND” Zone permits urban farms, community gardens, greenhouse development, agricultural uses, and single detached dwellings that were in existence at the time that the Zoning By-law was passed (i.e. in existence prior to 1992).

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 200 property owners within 120 m of the subject lands on January 27, 2017.

A Public Notice Sign was posted on the property on February 23, 2018, and updated on June 8, 2022, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on June 17, 2022.

Public Consultation Strategy

Pursuant to the City’s Public Consultation Strategy Guidelines, the Applicant prepared a Public Consultation Strategy which included a neighbourhood open house held on February 17, 2022 and hosted by the Applicant virtually using the Zoom platform. The

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Applicant presented the proposal to members of the public and addressed questions and concerns associated with the Application. A notice advising of the neighbourhood information meeting was sent by the Applicant to all residents within 120 m of the subject lands. Members of the public, staff from the City and the Ward Councillor's office, and the Applicant and their agent, attended the meeting. The Meeting Comments, including applicable responses from the Applicant, are included in Appendix "I" to Report PED22150.

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 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - ii) It complies with the general intent and purpose of the UHOP, in particular, the function, scale and design of the Low Density Residential policies as they relate to residential intensification and complete communities in the Neighbourhoods designation; and,
 - iii) The proposal represents good planning by, among other considerations, providing a compatible residential development that contributes to a complete community through the establishment of housing forms and densities that are in keeping with existing and planned land uses and development in the surrounding area. The proposed development provides for residential infill and intensification which achieves the planned public road network envisioned by the Bayview Neighbourhood Plan which ensures land, municipal services, and transportation systems are used efficiently.

2. The proposed UHOP Amendment is required to remove the "Linkage" identifications from the subject lands. As per the UHOP policies identified above, the proposed OPA can be supported given that the Bayview Neighbourhood Plan identifies the entirety of the site for residential development and supporting infrastructure including public streets and that the Linkage Assessment, prepared by LGL Environmental Research Associates, dated December 22, 2016 and updated August 7, 2019 by Myler Ecological Consulting, concluded that no threatened or endangered species were observed, the areas are degraded as they are impacted by Emerald Ash Borer and invasive species, and that there is an abundance of habitat within the landscape. The function of the removed Linkages will be compensated within the subject lands which will be protected through dedication to the City of Hamilton, which is addressed through Condition Nos. 31

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and 32 of Appendix “G” attached to Report PED22150, and the implementing Zoning By-law Amendment. Therefore, staff support the proposed OPA.

3. The proposed Zoning By-law Amendment Application will permit 35 lots for single detached dwellings along the extension of public roads and establish a future linkage block.

Given that the proposed subdivision will complement the existing and planned surrounding neighbourhood envisioned by the Bayview Neighbourhood Plan, will provide a mixture of lot widths and block sizes compatible with existing and planned development in the area, will be consistent with the character of the surrounding area, and will provide long term protection to the future Linkage Block 51 which will be protected through dedication to the City of Hamilton, which is addressed through Condition No. 32 of Appendix “G” attached to Report PED22150, staff are supportive of the proposed Zoning By-law Amendment.

The implementing by-law proposes modifications to the Single Residential “R3” and Single Residential “R4” Zones. These are discussed in Appendix “E” attached to Report PED22150.

4. An ‘H’ Holding Provision is recommended to require that the final grading on Lot 35 has been approved and it can be clearly demonstrated how the turning movements can be successfully managed and is included in the draft Zoning By-law Amendment attached as Appendix “C” attached to Report PED22150.
5. The proposed Draft Plan of Subdivision will consist of 35 lots for single detached dwellings (Lots 1-35); a temporary turning circle (Block 38); seven future development blocks (Blocks 39-44 and 50); a future linkage block (Block 51); 0.3 m reserve blocks (Blocks 36, 37, 45-48, and 52); a public right of way block (Block 49); and, public roads (Lakeside Drive and Cove Crescent extensions).

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

- (a) It is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) The proposal represents a logical and timely extension of existing development and services and is in the public interest;

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- (c) It will comply with the applicable policies of the Urban Hamilton Official Plan upon approval of the Urban Hamilton Official Plan Amendment, and implements the Bayview Neighbourhood Plan;
- (d) The proposed roads will adequately service the proposed subdivision and can connect with the current road system;
- (e) The dimensions and shape of the lots and blocks are appropriate;
- (f) Restrictions and regulations for the development of the subdivision are included in the implementing Zoning By-law Amendment, conditions of draft plan approval and Subdivision Agreement;
- (g) The subject lands can be appropriately used for the purposes for which it is to be subdivided and will not negatively impact natural heritage features, and flood control will be addressed through stormwater management plans that will be required as standard conditions of draft plan approval;
- (h) Adequate municipal services will be available, the particulars of which will be determined as part of the conditions of draft plan approval and Subdivision Agreement; and,
- (i) Public land will be conveyed to create road rights-of-way, the particulars of which will be determined as part of the Standard Subdivision Agreement and final registration of the Plan of Subdivision.

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

ALTERNATIVES FOR CONSIDERATION

Should the Applications be denied, the lands could be developed in accordance with Neighbourhood Development “ND” Zone, Single Residential “R2” Zone, Single Residential “R3” Zone, and Single Residential “R3-4” Zone, Modified, which permits uses including, but not limited to, agricultural uses, existing uses, and single detached dwellings.

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.

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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.

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 PED22150 – Location Map
- Appendix “B” to Report PED22150 – Draft Official Plan Amendment
- Appendix “C” to Report PED22150 – Draft Amendment to Zoning By-law No. 3692-92
- Appendix “D” to Report PED22150 – Draft Amendment to Zoning By-law No. 05-200
- Appendix “E” to Report PED22150 – Zoning Modification Chart
- Appendix “F” to Report PED22150 – Proposed Draft Plan of Subdivision
- Appendix “G” to Report PED22150 – Draft Plan of Subdivision Special Conditions
- Appendix “H” to Report PED22150 – Public Submissions
- Appendix “I” to Report PED22150 – Open House Materials

TV:sd