



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING **Consent/Land Severance**

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.:	SC/B-22:66	SUBJECT PROPERTY:	9 UPPER CENTENNIAL PARKWAY, STONEY CREEK
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APPLICANTS: Agent Bousfield Inc. c/o D. Falletta
Owner **EM Two Properties Inc. c/o Oren Aronowicz**

PURPOSE & EFFECT: To permit the establishment of a Long-Term Lease in excess of 21 years (McDonald's Restaurants of Canada Ltd.)

	Frontage	Depth	Area
LEASED LANDS:	38 m [±]	44 m [±]	1,340 m ^{2±}
RETAINED LANDS:	135-179 m [±]	96-133 m [±]	22,290 m ^{2±}

Associated Planning Act File(s): N/A

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

This application will be heard by the Committee as shown below:

DATE:	Thursday, July 28, 2022
TIME:	1:50 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



 **Subject Lands**

DATED: July 12, 2022

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public, and may include posting electronic versions..

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of

SC/B-22:66

Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at cofa@hamilton.ca or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

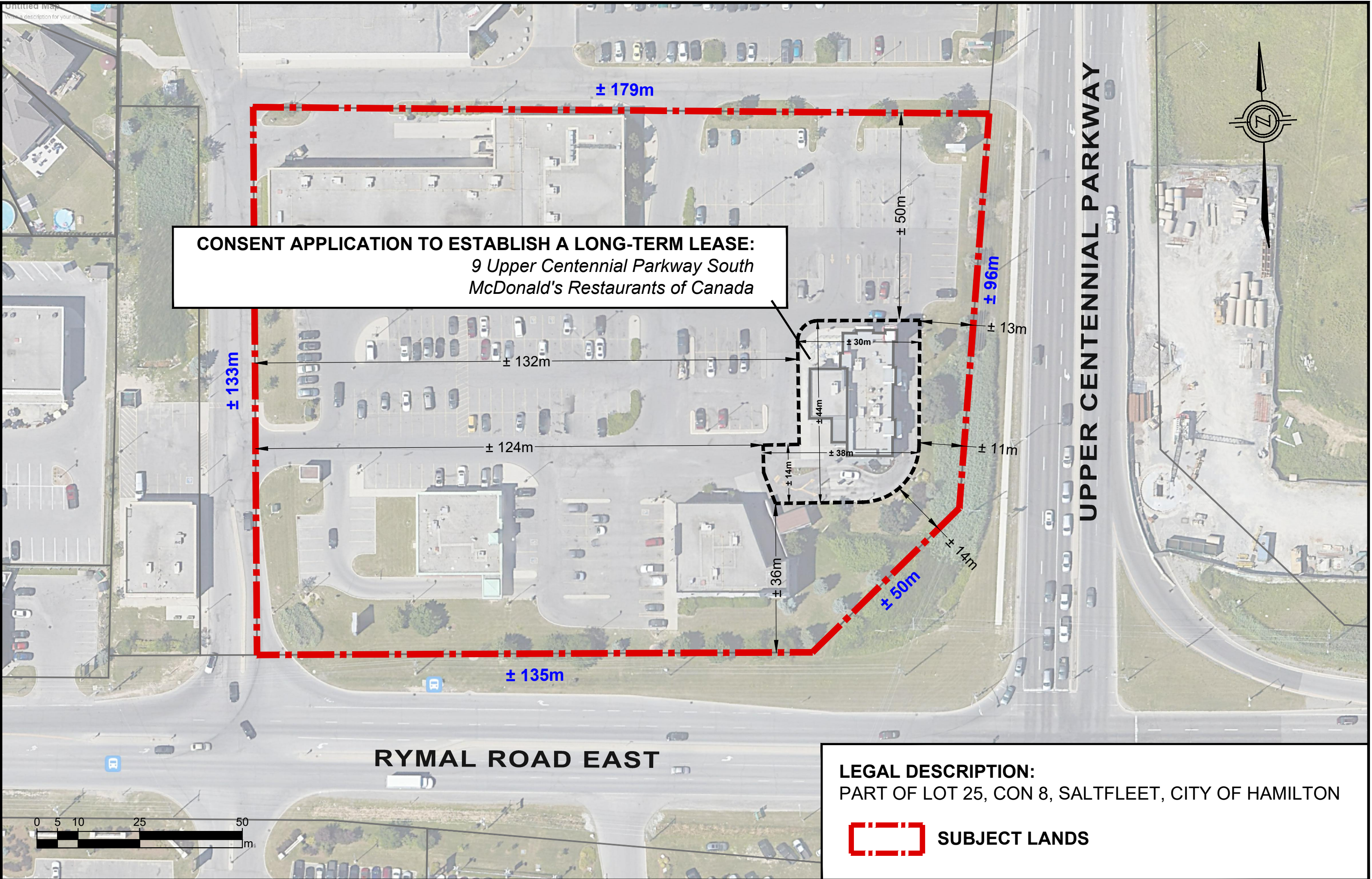
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



SURVEYOR'S REAL PROPERTY REPORT
PART 1
PLAN OF SURVEY OF PART OF
LOT 25
CONCESSION 8
(GEOGRAPHIC TOWNSHIP OF SALTFLEET)
IN THE
CITY OF HAMILTON

SCALE: 1:500
0 5 10 20 30 40 50 Meters

EDWARD J. GRENKIE
ONTARIO LAND SURVEYOR
© COPYRIGHT 2012

LEGEND

- SURVEY MONUMENT FOUND
- SURVEY MONUMENT PLANTED
- SIB STANDARD IRON BAR
- IB IRON BAR
- OP NAIL WITH WASHER
- OU DENOTES ORIGIN UNKNOWN
- (P) DENOTES PLAN 62R-14684
- (P1) DENOTES PLAN BY BENNETT YOUNG LTD. DATED JANUARY 12, 2006
- (S12) DENOTES A.J. CLARKE & ASSOCIATES
- (HR) DENOTES HOLSTEAD & REDMOND LTD.
- (1497) DENOTES ASHENHURST NOUNWENS LTD.
- (MTO) DENOTES MINISTRY OF TRANSPORTATION OF ONTARIO
- LS DENOTES LIGHT STANDARD
- CT DENOTES CONIFEROUS TREE

BEARING NOTE

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE NORTHERLY LIMIT OF RYMAL ROAD EAST AS SHOWN ON PLAN 62R-14684 HAVING A BEARING OF N73°41'40"W.

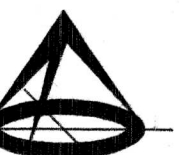
METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

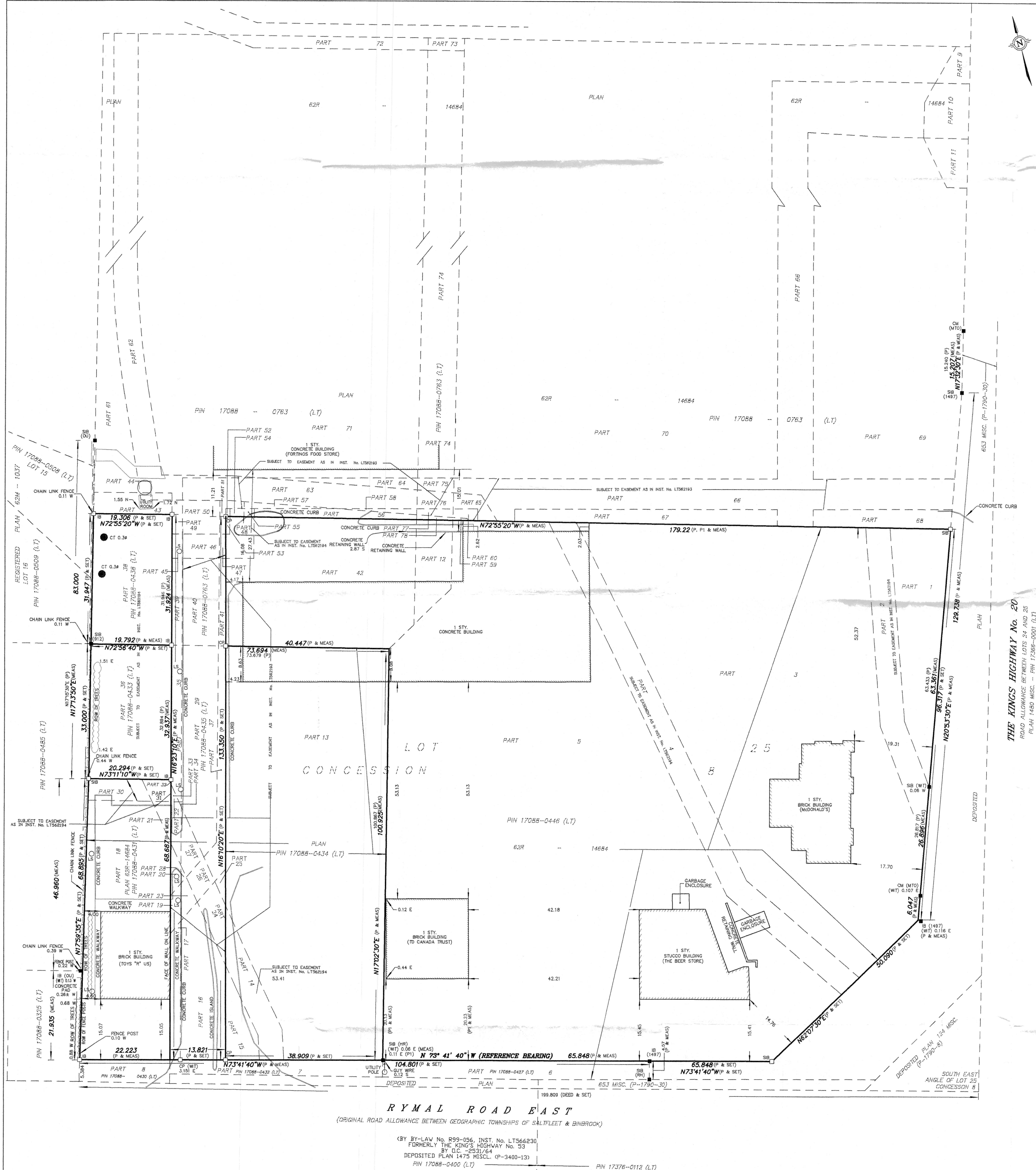
PART 2

DESCRIPTION SUMMARY - LANDS DESCRIBED IN P.I.N. 17088-0431 (L.T.), P.I.N. 17088-0433 (L.T.), P.I.N. 17088-0434 (L.T.), P.I.N. 17088-0438 (L.T.) AND P.I.N. 17088-0446 (L.T.) THIS PLAN MUST BE READ IN CONJUNCTION WITH SURVEY REPORT DATED JANUARY 3, 2011

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
1825078



THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR
in accordance with
Regulation 1026, Section 29(3).



SURVEYOR'S CERTIFICATE

- I CERTIFY THAT
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON JANUARY 3, 2012.

DATE: JANUARY 3, 2012

Edward J. Grenkie
EDWARD J. GRENKIE
ONTARIO LAND SURVEYOR

Barich Grenkie
Surveying Ltd.
20 - 428 MILLER ROAD - STONEY CREEK, ON
(905) 882-4767

PREPARED FOR: Blake Cassels and Graydon DRAWN BY: WSL CHECKED BY: EJR JOB NO. 11-1086

2.2 Are there any easements or restrictive covenants affecting the subject land?

☒ Yes ☐ No

If YES, describe the easement or covenant and its effect:

See Appendix A attached.

3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

a) Urban Area Transfer (do not complete Section 10):

☐ creation of a new lot

☐ addition to a lot

☐ an easement

Other: ☐ a charge

☒ a lease

☐ a correction of title

b) Rural Area / Rural Settlement Area Transfer (Section 10 must also be completed):

☐ creation of a new lot

☐ creation of a new non-farm parcel

(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation)

☐ addition to a lot

Other: ☐ a charge

☐ a lease

☐ a correction of title

☐ an easement

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

McDonald's Restaurants of Canada Ltd.

3.3 If a lot addition, identify the lands to which the parcel will be added:

n/a

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be Severed (lease, easement, charge etc.):

N/A - no frontage

Frontage (m)	Width (m)	Depth (m)	Area (m ² or ha)
38		44	1,340 m ²

Existing Use of Property to be severed:

☐ Residential

☐ Agriculture (includes a farm dwelling)

☐ Other (specify) _____

☐ Industrial

☐ Agricultural-Related

☒ Commercial

☐ Vacant

Proposed Use of Property to be severed:

☐ Residential

☐ Agriculture (includes a farm dwelling)

☐ Other (specify) _____

☐ Industrial

☐ Agricultural-Related

☒ Commercial

☐ Vacant

Building(s) or Structure(s):

Existing: 1 storey commercial building

Proposed: 1 storey commercial building

Existing structures to be removed: n/a

Type of access: (check appropriate box) n/a - Access provided through existing parking lot, per existing lease terms.

☒ provincial highway

☐ municipal road, seasonally maintained

☐ municipal road, maintained all year

☐ right of way

☐ other public road

Type of water supply proposed: (check appropriate box)

☒ publicly owned and operated piped water system

☐ privately owned and operated individual well

☐ lake or other water body

☐ other means (specify) _____

Type of sewage disposal proposed: (check appropriate box)

- ☒ publicly owned and operated sanitary sewage system
☐ privately owned and operated individual septic system
☐ other means (specify)

4.2 Description of land intended to be **Retained (remainder)**:

Frontage (m)	Depth (m)	Area (m ² or ha)
135 - 179	96 - 133	22,290

Certificate Request for Retained Lands: ☐ Yes*

* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (**O. Reg. 786/21**)

Existing Use of Property to be retained:

- ☐ Residential ☐ Industrial ☒ Commercial
☐ Agriculture (includes a farm dwelling) ☐ Agricultural-Related ☐ Vacant
☒ Other (specify) n/a - establishing a lease boundary for an existing commercial use

Proposed Use of Property to be retained:

- ☐ Residential ☐ Industrial ☐ Commercial
☐ Agriculture (includes a farm dwelling) ☐ Agricultural-Related ☐ Vacant
☒ Other (specify) n/a - establishing a lease boundary for an existing commercial use

Building(s) or Structure(s):

Existing: Restaurant

Proposed: Restaurant

Existing structures to be removed: n/a

Type of access: (check appropriate box)

- ☒ provincial highway ☐ right of way
☐ municipal road, seasonally maintained ☐ other public road
☐ municipal road, maintained all year
(Rymal Road & Upper Centennial Parkway)

Type of water supply proposed: (check appropriate box)

- ☒ publicly owned and operated piped water system ☐ lake or other water body
☐ privately owned and operated individual well ☐ other means (specify)

Type of sewage disposal proposed: (check appropriate box)

- ☒ publicly owned and operated sanitary sewage system
☐ privately owned and operated individual septic system
☐ other means (specify)

4.3 Other Services: (check if the service is available)

- ☒ electricity ☒ telephone ☐ school bussing ☒ garbage collection

5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): n/a

Urban Hamilton Official Plan designation (if applicable): Mixed Use - Medium Density

Please provide an explanation of how the application conforms with a City of Hamilton Official Plan.

There are no proposed changes to the existing built form or established lot lines - only a boundary delineation to be used congruently with a lease.

5.2 What is the existing zoning of the subject land?

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? Mixed Use Medium Density

5.3 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard*	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

*Complete MDS Data Sheet if applicable

6 PREVIOUS USE OF PROPERTY

- ☐ Residential
 ☐ Industrial
 ☒ Commercial
☐ Agriculture
 ☐ Vacant
 ☐ Other (specify)

- 6.1 If Industrial or Commercial, specify use Restaurant
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
☐ Yes ☒ No ☐ Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?
☐ Yes ☒ No ☐ Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
☐ Yes ☒ No ☐ Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
☐ Yes ☒ No ☐ Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
☐ Yes ☒ No ☐ Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
☐ Yes ☒ No ☐ Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
☐ Yes ☒ No ☐ Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
☐ Yes ☒ No ☐ Unknown

- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
☐ Yes ☒ No ☐ Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?
 Owner information, existing permitted uses granted by the City.
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
 Is the previous use inventory attached?
☐ Yes ☒ N/A No

7 PROVINCIAL POLICY

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)
☒ Yes ☐ No
 Existing use, building and lot lines are already permitted and maintained in the proposal. Proposal delineates a lease boundary only.
- b) Is this application consistent with the Provincial Policy Statement (PPS)?
☒ Yes ☐ No (Provide explanation)
 Existing use, building and lot lines are already permitted and maintained in the proposal. Proposal delineates a lease boundary only.
- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
☒ Yes ☐ No (Provide explanation)
 Existing use, building and lot lines are already permitted and maintained in the proposal. Proposal delineates a lease boundary only.
- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)
☐ Yes ☒ No
 n/a - no new uses, buildings, or lot boundaries are proposed. Proposal delineates a lease boundary only.
- e) Are the subject lands subject to the Niagara Escarpment Plan?
☐ Yes ☒ No
 If yes, is the proposal in conformity with the Niagara Escarpment Plan?
☐ Yes ☐ No
 (Provide Explanation)
 n/a
- f) Are the subject lands subject to the Parkway Belt West Plan?
☐ Yes ☒ No
 If yes, is the proposal in conformity with the Parkway Belt West Plan?
☐ Yes ☐ No (Provide Explanation)
 n/a
- g) Are the subject lands subject to the Greenbelt Plan?
☐ Yes ☒ No

If yes, does this application conform with the Greenbelt Plan?

☒ Yes ☐ No (Provide Explanation)

n/a - not in the Greenbelt Plan area.

8 HISTORY OF THE SUBJECT LAND

8.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?

☒ Yes ☐ No ☐ Unknown

If YES, and known, indicate the appropriate application file number and the decision made on the application.

Unknown

8.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

n/a

8.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land? ☐ Yes ☒ No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of the transferee and the land use.

n/a n/a

8.4 How long has the applicant owned the subject land?

9 years (since February 29, 2012) 9 years (since February 29 2012)

8.5 Does the applicant own any other land in the City? ☐ Yes ☐ No

If YES, describe the lands in "11 - Other Information" or attach a separate page.

n/a

9 OTHER APPLICATIONS

9.1 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval? ☐ Yes ☒ No ☐ Unknown

If YES, and if known, specify file number and status of the application.

9.2 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?

☐ Yes ☒ No ☐ Unknown

If YES, and if known, specify file number and status of the application(s).

File number n/a Status n/a

10 RURAL APPLICATIONS N/A

10.1 Rural Hamilton Official Plan Designation(s)

☐ Agricultural ☐ Rural ☐ Specialty Crop

☐ Mineral Aggregate Resource Extraction ☐ Open Space ☐ Utilities

☐ Rural Settlement Area (specify) _____

Settlement Area

Designation

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm operation.

10.2 Type of Application (select type and complete appropriate sections)

- | | | |
|---|---|-------------------------|
| <input type="checkbox"/> Agricultural Severance or Lot Addition | } | (Complete Section 10.3) |
| <input type="checkbox"/> Agricultural Related Severance or Lot Addition | | |
| <input type="checkbox"/> Rural Resource-based Commercial Severance or Lot Addition | | |
| <input type="checkbox"/> Rural Institutional Severance or Lot Addition | | |
| <input type="checkbox"/> Rural Settlement Area Severance or Lot Addition | | |
| | | |
| <input type="checkbox"/> Surplus Farm Dwelling Severance from an Abutting Farm Consolidation | | (Complete Section 10.4) |
| | | |
| <input type="checkbox"/> Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation | | (Complete Section 10.5) |

10.3 Description of Lands

a) Lands to be Severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from in Section 4.1)
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Existing Land Use: _____ Proposed Land Use: _____

b) Lands to be Retained:

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
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Existing Land Use: _____ Proposed Land Use: _____

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

(Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m ² or ha):
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Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of consolidated farm (excluding lands intended to be severed for the surplus dwelling):

Frontage (m):	Area (m ² or ha):
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Existing Land Use: _____ Proposed Land Use: _____

d) Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
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Front yard set back: _____

e) Surplus farm dwelling date of construction:

- ☐ Prior to December 16, 2004 ☐ After December 16, 2004

f) Condition of surplus farm dwelling:

- ☐ Habitable ☐ Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
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Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

(Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

Frontage (m):	Area (m ² or ha):
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Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of surplus dwelling lands intended to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: _____

d) Surplus farm dwelling date of construction:

☐ Prior to December 16, 2004 ☐ After December 16, 2004

e) Condition of surplus farm dwelling:

☐ Habitable ☐ Non-Habitable

f) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

n/a

12 ACKNOWLEDGEMENT CLAUSE

I acknowledge that The City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

May 30, 2022

Date

Raphael Aronowicz

Signature of Owner

Digitally signed by Raphael Aronowicz
Date: 2022.05.30 12:38:28 -04'00'



June 3, 2022

Jamila Sheffield
Secretary Treasurer
Hamilton Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, Ontario, L8P 4Y5

Dear Jamila,

***Re: Consent Application to establish a long-term lease
9 Upper Centennial Parkway South, Stoney Creek, ON***

We are the planning consultants for EmTwo Properties Inc. (the "Applicant"), who have entered into a long-term lease agreement with McDonald's Restaurants of Canada Ltd. (the "Tenant"), the tenants of the retail establishment located at 9 Upper Centennial Parkway South (the "subject site"). The subject site is located on the northwest corner of Upper Centennial Parkway and Rymal Road East.

The Subject Site

The subject site is currently occupied by a McDonald's restaurant and has an approximate site area of approximately 22,359.6 square metres and approximate frontages of 135.9 metres along Rymal Road East and 96 metres along Upper Centennial Parkway. The existing single storey McDonald's restaurant building has a commercial gross floor area of approximately 509 square metres.

Purpose of the Application

As the lease between the Applicant and the Tenant contemplates the granting the use of and right in land for a period exceeding twenty-one years, Section 50(3) of the Planning Act, R.S.O. 1990, c. P.13 requires the Applicant/owner to obtain consent from the Corporation of the City of Hamilton. Accordingly, the purpose and intent of the subject application is to allow the Applicant and Tenant to enter into a long-term lease that began November 26, 2001. The long-term lease originally had an expiry date of November 25, 2021 but was extended by 5 years to November 25, 2026. McDonalds has 3 additional 5-year periods to extend the Term, giving a total of all remaining possible Extension Periods of 15 years and a total lease term of 40 years.

Policy and Regulatory Test

The subject site is identified as a *Community Node* and *Secondary Corridors* in the City of Urban Hamilton Official Plan Urban Structure Map - Schedule E. The Urban Land Use Map (Schedule E-1) and Weston Mountain Area Secondary Plan Land Use Map (Map B.7.6-1) shows the subject site as being within a *Mixed Use – Medium Density*. The Official Plan provides that *Mixed Use – Medium Density* will be comprised predominantly of a mix of commercial, residential, institutional, and public service uses (Sections 3.2.2 and 7.1.2). Accordingly, as the proposed application seeks to establish a long-term lease over the subject lands for an existing restaurant building, the proposal conforms to the Official Plan, since the existing restaurant use is permitted.

The subject site is zoned *Mixed Use Medium Density* (“C5”) zone in Zoning By-law 05-200 (as amended by Zoning By-law 17-240). The C5 zone permits the existing restaurant and provides applicable performance standards. As the subject proposal seeks to establish a long-term lease over the subject site for the existing restaurant and its parking area, the proposal complies with the Zoning By-law. In this regard, the use, size, shape and location of the existing building complies with the applicable zoning regulations.

Section 51 (24) of the Planning Act requires that 13 criteria (a-m) are to be addressed when considering a draft plan of subdivision, part lot control, or consents. Accordingly the following is a summary of these criteria and how the proposal has adequately considered each:

(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

Response: As the subject proposal seeks to establish a long-term lease over the subject site for the existing restaurant and its parking area, which conforms to the Official Plan and complies with the Zoning By-law both of which are consistent with and conform to provincial policy.

(b) whether the proposed subdivision is premature or in the public interest;

Response: The effect of the subject proposal is to modify the tenure and establish a long-term lease for an existing use, which is not premature and is in the public interest as it will enable a permitted use to be maintained for a long term.

(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

Response: The subject proposal conforms to the official plan and no changes to the subject site's functional boundaries are proposed. Accordingly, the proposal will not impact the adjacent plans of subdivision.

(d) the suitability of the land for the purposes for which it is to be subdivided;

Response: The subject proposal maintains the existing use that is permitted by the Official Plan and Zoning By-law. The subject site is suitable for the proposed lease.

(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

Response: N/A - Affordable housing units are not proposed.

(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

Response: There are no new public streets or highways are proposed, the subject proposal has adequately addressed criteria 51 (24)(e).

(f) the dimensions and shapes of the proposed lots;

Response: The dimension and shape of the proposed consent area is appropriate and includes the existing commercial building and its parking area, including the drive-thru.

(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

Response: The subject proposal seeks to establish a long-term lease on a portion of the subject site and introduces no new restrictions to the already development site. The purpose is to facilitate a land use that is permitted by the Official Plan and Zoning By-law and complements how it currently functions with the surrounding context and adjoining lands.

(h) conservation of natural resources and flood control;

Response: The subject proposal is not in a protected area and does not overlap any natural resources, or buffers thereto, as per the Urban Hamilton Official Plan, Schedule B-4: Key Natural Heritage Feature and Key and Key Hydrologic Feature Wetlands.

(i) the adequacy of utilities and municipal services;

Response: The subject proposal is an existing building, connected to existing utilities and municipal services, no additional or new impacts to utilities and municipal services is expected.

(j) the adequacy of school sites;

Response: Dwelling units are not proposed, as such there will be no impact to the existing school capacity in the surrounding area.

(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

Response: No land is to be conveyed or dedicated for public purposes as a result of the subject proposal.

(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

Response: The subject proposal is an existing building, connected to existing utilities and municipal services, no additional impacts are anticipated to the available supply, means of supplying, and efficient use of energy

(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

Response: As noted earlier, the purpose of the application is to permit a lease greater than 21 years. The existing development was subject to site plan control, where matters related to the development were reviewed in detail and addressed.

The application supports the continued use of the existing building as a commercial restaurant establishment, the McDonald's restaurant. The application maintains the existing and emerging built form character along Rymal Road East and Upper Centennial Parkway South, with no changes proposed to the pedestrian realm, vehicular access or parking. Based on the foregoing, it is our conclusion, from a land use planning perspective, that the proposed consent application appropriately responds to Section 50(3) of the Planning Act and should be approved on this basis.

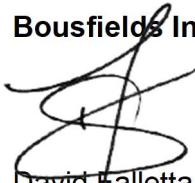
In support of this application, please find enclosed the following:

- A digital copy of the completed and signed application form;
- A digital copy of the Land Survey;
- A digital copy of the Concept Site Plan; and
- A cheque in the amount of \$2,985 made payable to The City of Hamilton – Committee of Adjustment.

Should you require any additional information or clarification, please do not hesitate to contact me (ext. 401) or Liam Crawford (ext. 229) of our office at (416) 947-9744.

Yours truly,

Bousfields Inc.



David Falletta MCIP, RPP

LC/df:jobs

cc. Client