



Hamilton

# INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	August 9, 2022
<b>SUBJECT/REPORT NO:</b>	Update on 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(a)) (Ward 10)
<b>WARD(S) AFFECTED:</b>	Ward 10
<b>PREPARED BY:</b>	E. Tim Vrooman (905) 546-2424 Ext. 5277
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## COUNCIL DIRECTION

On July 5, 2022, Planning Committee resolved that:

“Report PED22150 respecting 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), was DEFERRED to the August 9, 2022 Planning Committee meeting to allow staff to address concerns raised by the Delegations.”

## Background

Staff presented Report PED22150 to Planning Committee on July 5, 2022 recommending approval for applications for an Urban Hamilton Official Plan Amendment (UHOPA-17-005), Zoning By-law Amendment (ZAC-17-015), and Draft Plan of Subdivision (25T-201703). At the meeting, Planning Committee deferred the

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OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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decision and directed staff to bring forward responses to questions/issues raised at the public meeting to the August 9, 2022 Planning Committee meeting.

**INFORMATION**

The concerns raised by the Delegations at the public meeting, along with staff responses, are provided below in a question and answer format.

**What lands are being rezoned from the Single Residential “R2” Zone to the Conservation / Hazard Land (P5) Zone?**

The lands being rezoned to the Conservation / Hazard Land (P5) Zone, as shown on Schedule “A” in the draft By-law attached as Appendix “B” to Report PED22150, only applies to portions of the lands subject to these applications and includes:

- The lands located at 20 Lakeside Drive, to establish a future Linkage block (Block 51 shown on the Draft Plan of Subdivision attached as Appendix “B” to Report PED22150(a)); and,
- A portion of the lands located at 30 Lakeside Drive, from the surveyed flood hazard limit at the south to the City limits at the north, to protect lands located within the flood and erosion hazards associated with the Lake Ontario shoreline (at the rear of Lots 1-3 shown on the Draft Plan of Subdivision attached as Appendix “B” to Report PED22150(a)).

**What does the solid black line shown on the Location Map along the rear of the existing properties on the north side of Lakeside Drive represent?**

The line referred to, as shown on Appendix “A” attached to Report PED22150(a), is the existing zoning boundary for the Single Residential “R2” Zone in City of Stoney Creek Zoning By-law No. 3692-92, which may not align to the historically deeded private lands along Lake Ontario. The zoning line does not reflect property ownership boundaries. No modifications to the existing Single Residential “R2” Zone beyond the limits of the subject applications are proposed.

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**Where are 0.3 metre reserve blocks being required?**

A 0.3 metre reserve is a tool used by the City of Hamilton to ensure that orderly development occurs to preclude the issuance of a building permit or a sewer permit until such a time as preconditions have been satisfied.

0.3 metre reserves are required along the frontage of the Applicant's lands in the locations listed below, as shown on the Draft Plan of Subdivision attached as Appendix "B" to Report PED22150(a), in order to restrict access to the proposed new municipal rights-of-way until such time as lands necessary for development are assembled:

- Blocks 36 and 48: These reserves are located at the east and west limits of the proposed Lakeside Drive right-of-way, excluding the existing 6.0 m laneway. Blocks 36 and 48 are 13.9 metres in width whereas Lakeside Drive Extension is 20 metre in width;
- Block 37: This reserve is located adjacent to the Future Development Block 39, south of the temporary turning circle (Block 38), that will prevent the development of Block 39 until such time as Lakeside Drive Extension is connected to Sunvale Place and the temporary turning circle is no longer needed;
- Blocks 45 to 47: These reserves are adjacent to the Future Development Blocks 42-44 which require land assembly with the lands to the east, respectively; and,
- Block 52: This reserve is adjacent to Future Development Block 50 which requires land assembly with the lands to the west.

The establishment of the 0.3 metre reserves is a standard requirement and is typically imposed by the City of Hamilton.

**Will the turning circle at the west end of Lakeside Drive be permanent or temporary? Why are Lakeside Drive and Sunvale Place not being connected at this time?**

The turning circle at the west end of Lakeside Drive (Block 38 on the Draft Plan of Subdivision attached as Appendix "B" to Report PED22150(a)) will be temporary, similar to the turning circle at the current terminus of Sunvale Place to the west (Block 114 on Plan 62M-645). The Bayview Neighbourhood Plan identifies the future connection of Lakeside Drive and Sunvale Place. The removal of the temporary turning circles can be

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achieved through future development and assembly of adjacent lands owned by third parties.

**How will the grade differential from the existing Sunvale Place turning circle to the Lakeside Drive right-of-way be reconciled?**

Based on the preliminary grading plan and topographic survey information, as shown in the Functional Servicing and Stormwater Management Report, there is an approximately one metre grade difference between the existing north end of Sunvale Place and the preliminary grading depicted at the west end of the Lakeside Drive temporary turning circle. With approximately 40 to 55 metres of future road length available to reconcile the difference in elevations, a slope of approximately 2% can be achieved which would be within the City's Development Guidelines. At the time that development application(s) are brought forward for the extension of Lakeside Drive to Sunvale Place, the future Applicant(s) would be responsible to demonstrate that the City's geometric roadway standards can be achieved and to address the existing grading of the adjacent properties to the north (46, 48, and 50 Lakeside Drive) which are presently below the elevation of the existing north end of Sunvale Place.

**What impacts will the proposed development have on existing municipal services and utilities to the existing properties along Lakeside Drive?**

**Will the proposed new municipal services extend to Jones Road or towards Sunvale Place, and can existing properties connect to these new services?**

Properties which are currently connected to municipal water services will remain unchanged (only subject to planned interruptions during installation of the new municipal watermain. A Construction Staging Plan to manage impacts to existing properties and ensure that affect property owners receive advance notice of any service disruptions is addressed as Condition No. 18 of Appendix "G" attached to Report PED22150. The existing properties with frontage onto the new proposed municipal Lakeside Drive right-of-way will benefit from municipal services such as waste collection and snow removal. Existing municipal services to the remaining properties fronting onto the remnant portions of the private roadway will remain unchanged.

Utilities (i.e. natural gas, electrical, phone, cable, etc.) are the responsibility of the respective utility providers. At the detailed servicing design stage, the applicant will engage with any utility providers to determine their respective needs and establish contracts/agreement or easements, where applicable, for the works that are part of the

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subdivision. If there are upgrades/changes to existing utility services that are not part of the subdivision it would be the responsibility of each provider to design and construct. If there are any changes to existing utility services, it is expected that recipients would be notified by the respective provider prior to any disruption. A utility coordination meeting is required prior to the commencement of any construction.

As shown in the Functional Servicing and Stormwater Management Report, the applicant will be installing municipal watermain and sanitary and storm sewers within the proposed Lakeside Drive right-of-way to service the proposed development. These services will be stubbed at the terminus of the temporary turning circle at the west end. A sanitary sewer outlet will extend through lands located at 515 Jones Road. The Applicant will be required to obtain a 10.0 m easement from the landowner, which is addressed as Condition No. 7 of Appendix "G" attached to Report PED22150, to allow for the construction of the sanitary sewer.

The Applicant will be required to provide municipal water and sanitary service line extensions to all of the existing lots on the north side of Lakeside Drive along the proposed new municipal right-of-way for Lakeside Drive, as well as for 2, 4, and 6 Lakeside Drive, up to the front property line. This is addressed as Condition No. 27 of Appendix "G" attached to Report PED22150. For clarification, all existing properties along Lakeside Drive, except for 47, 48, and 50 Lakeside Drive, will have service line extensions brought to their front property lines. The owners of these properties being serviced are under no obligation to connect to these services. These owners may connect to these services at their expense, either by choice or through a severance / building permit application which would trigger an obligation to connect to municipal services. Service connection for 47, 48, and 50 Lakeside Drive may be provided once the Lakeside Drive right-of-way and services are extended to Sunvale Place.

**Is the existing east-west Cove Crescent connector road temporary, and how will access to Jones Road be maintained?**

**Can Lakeshore Drive be extended to Jones Road at this time?**

The east-west connection of Cove Crescent, located to the north of 14 and 144 Cove Crescent, is a temporary road that is planned to be removed and developed for residential purposes once Cove Crescent is extended northerly to connect to Lakeside Drive.

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In accordance with Condition 25 of Schedule “C” of the Harbours of Bayview Estates, Phase 2 subdivision agreement dated July 25, 1989, the east-west connector road is temporary and will be closed once Cove Crescent is extended north to a new public road (i.e. Lakeside Drive), as shown on Appendix “A” attached to Report PED22150(a). Cove Crescent will retain access to Jones Road via Lakeside Drive and Waterbeach Drive. A copy of the 1989 registered plan of subdivision is attached as Appendix “C” to Report PED22150. As shown on the 1989 subdivision, a 1.9 metre wide block of land (Block 104, 62M-645) is located between 144 Cove Crescent and the east-west portion of Cove Crescent.

The extension of Lakeside Drive to Jones Road will be achieved through future development and assembly of adjacent lands owned by a third party. As noted in the comments provided from Transportation Planning in Report PED22150, the surrounding transportation network can support the proposed development. Any increase in traffic from the proposed 35 lots would be negligible and therefore the connection from Lakeside Drive to Jones Road is not required to accommodate the proposed development.

Staff are recommending that once Cove Crescent has been extended northerly to connect to Lakeside Drive and Lakeside Drive has been opened as a municipal street, the developer be required to install a barricade at the west end of 8 Lakeside Drive to prevent through traffic from the new subdivision accessing Jones Road via the remaining 6.0 metre wide Lakeside Drive gravel road. 2, 4, 6, and 8 Lakeside Drive will continue to have access to Jones Road via this section of road only, while the remaining lands will have access via the extension of Cove Crescent and Waterbeach Drive.

**Who will be responsible for maintaining the remnant privately owned portions of Lakeside Drive?**

In accordance with Condition Nos. 21 and 22 of Appendix “G” attached to Report PED22150, the Applicant/owner will be responsible to inspect and maintain the remnant privately owned portions of Lakeside Drive in perpetuity, until such a time as the City deems it is no longer required, and they will be required to provide performance securities for the anticipated inspection and maintenance costs.

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**Who is responsible for the maintenance of Blocks 103 and 104, north of 14 and 144 Cove Crescent adjacent to the temporary east-west Cove Crescent connector road?**

In accordance with Condition 25 of Schedule “C” of the Harbours of Bayview Estates, Phase 2 subdivision agreement dated July 25, 1989, the owner agreed to retain ownership of certain blocks, including Blocks 103 and 104. Maintenance of lands are the responsibility of property owners in accordance with the City’s property standards by-laws.

As shown on Appendix “A” attached to Report PED22150(a), the east-west connector road is temporary and will be closed once Cove Crescent is extended north to a new public road (i.e. Lakeside Drive) and the proposed lots for new single detached dwellings will be developed.

**What is the policy basis for the removal of the existing Linkage features and the compensation for their function?**

The City of Hamilton defines Linkages as follows:

Natural areas within the landscape that ecologically connect Core Areas. They are avenues along which plants and animals can propagate, genetic interchange can occur, populations can move in response to environmental changes and life cycle requirements, and species can be replenished from other natural areas. Conserving linkages also protects and enhances Core Areas.

Policy C.2.7.3 of the UHOP requires the incorporation of Linkages into the design of new development requiring to retain and enhance the cultural, aesthetic, and environmental qualities of the landscape, *wherever possible and deemed feasible to the satisfaction of the City* (emphasis added). Further, Policy C.2.7.5 states that where new development is proposed within a Linkage, the applicant shall prepare a Linkage Assessment.

The identification of lands as a linkage and acquisition of the lands by the City does not mean that the lands are to be used by the public for parkland purposes. Rather, the intent is that the lands regenerate into a naturalized condition over time.

The Applicant prepared and submitted a Linkage Assessment as part of the subject Applications. Staff reviewed the Linkage Assessment, prepared by LGL Environmental

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Research Associates, dated December 22, 2016 and updated August 7, 2019 by Myler Ecological Consulting, which concluded that no threatened or endangered species were observed, and the areas are degraded as they are impacted by a severe Emerald Ash Borer infestation and a dense understorey of exotic invasive Common Buckthorn, which is 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 Bayview Neighbourhood Plan, was adopted by Council in 1988, identifies the entirety of the site for residential development and supporting infrastructure including public streets. In accordance with Policy F.1.2.7 of the Urban Hamilton Official Plan, neighbourhood plans are policies adopted by council resolution and any development proposal must conform to the designations and policies in the Neighbourhood Plan.

Based on the foregoing, staff have concluded that it is not feasible to retain and enhance the existing Linkage features. Therefore, the removal of the existing Linkage features is consistent with the Provincial Policy Statement (2020) and complies with the Urban Hamilton Official Plan. 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 “B” to Report PED22150(a)). 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.

**What is the proposed use of the future Linkage block being rezoned to Conservation / Hazard Land (P5) Zone and dedicated to the City? Will it provide public access to the Lake Ontario shoreline?**

The proposed Future Linkage Block (Block 51 as shown on the Draft Plan of Subdivision attached as Appendix “B” to Report PED22150(a)), will be used for “Conservation” and “Flood and Erosion Control Facilities”, which are permitted uses in the Conservation / Hazard Land (P5) Zone. The function of the removed Linkages will be compensated on the proposed Future Linkage Block through compensation plantings, which is addressed through Condition No. 30 of Appendix “G” attached to Report PED22150. These lands will remain in a naturalized state. A 9.0 metre drainage easement to provide a major overland stormwater outlet, as shown in the Functional Servicing and Stormwater Management Report, will be provided on the eastern side of the future Linkage block. In accordance with Condition No. 31 of Appendix “G” attached to Report PED22150, the lands shall not contribute to parkland dedication.



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As previously noted, the lands will not be developed for recreational uses and public access to the Lake Ontario shoreline will not be developed.

**What are the drainage and stormwater impacts as a result of the proposed tree removal and increased lot coverage and impermeable surface areas?**

City and Hamilton Conservation Authority staff have reviewed the Functional Servicing and Stormwater Management Report and have provided comments which can be addressed at the detailed design stage. The change in imperviousness has been taken into account through the standard servicing design requirements (i.e. storm sewer calculations). From a stormwater management perspective, there is no quantity storage component required due to the proximity to Lake Ontario. Only quality treatment is required. The final grading and servicing design will ensure that drainage from the proposed subdivision is not directed through adjacent neighbouring properties and is instead contained within the subject lands and conveyed to an appropriate outlet.

**What rights do surrounding landowners have to appeal a decision to give approval to a Draft Plan of Subdivision Application?**

The Applicant and certain persons may appeal the decision or any of the conditions on a Draft Plan of Subdivision Application in accordance with Section 51(39) of the *Planning Act*. Under changes made to the *Planning Act* under Bill 108 (*More Homes, More Choice Act*, 2019), those persons were limited to specific corporations and there are no third party appeal rights of subdivisions (such as adjacent landowners) under the current version of the *Planning Act*. Adjacent landowners are advised to seek independent legal advice on their options in this circumstance due to the timing of the receipt of this application.

It is noted that any persons who, before the by-laws were passed, made oral submissions at a public meeting or written submissions to Council may appeal the decision on an Official Plan Amendment and Zoning By-law Amendment application. Further, the conditions on a Draft Plan of Subdivision only obligate the owner of the subject lands to implement the approval of the draft plan and does not place any obligations on adjacent landowners.

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**Are the proposed Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision applications premature?**

Complete Applications for an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision were received by the City in 2017 and were accompanied by supporting materials, reports, and studies. The Applications have been reviewed by City and Hamilton Conservation Authority staff comments were provided to the applicant and resubmissions were made. Through the review staff are satisfied that an appropriate analysis of the proposal has been undertaken and staff have recommended approval of these Applications, subject to an 'H' Holding Provision attached to the proposed zoning by-law on one of the proposed lots and the Draft Plan of Subdivision subject to the standard form subdivision agreement as approved by City Council and with the Special Conditions attached as Appendix "G" to Report PED22150. As such, staff are of the opinion that the applications are not premature.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED22150(a) – Location Map  
Appendix "B" to Report PED22150(a) – Draft Plan of Subdivision  
Appendix "C" to Report PED22150(a) – 62M-645 "The Harbours of Bayview Estates, Phase 2"

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