



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 17, 2023
SUBJECT/REPORT NO:	Application 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 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	Michael Fiorino (905) 546-2424 Ext. 4424
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-17-001, by A.J Clarke and Associates (c/o Franz Kloibhofer), on behalf of 146769 Ontario Inc. (c/o Fabio and Pia Neri), Owners**, to redesignate lands in the Nash Neighbourhood Secondary Plan from “Neighbourhood Park” to “Natural Open Space”; to redesignate lands from “Low Density Residential 2” to “Neighbourhood Park”, “Natural Open Space” and “Utility”; to redesignate lands from “Low Density Residential 2h” to “Low Density Residential 2” and “Utility”; to redesignate lands from “Neighbourhood Park” to “Low Density Residential 2” and “Low Density Residential 2h”; to redesignate lands from “Utility” to “Low Density Residential 2”, “Low Density Residential 2h” and “Natural Open Space”; to remove the “Proposed Roads” identification on lands and adding these lands to the “Neighbourhood Park”, “Low Density Residential 2” and “Low Density Residential 2h” designations; to realign “Proposed Road”; to remove the “Hedge Row” identification on lands; and to identify the subject lands as a Site Specific Policy Area to permit a decrease in density in order to permit the development of the subject lands for 25 single detached dwellings (Lots 1 to 25), a Neighbourhood Park (Block 26), 51 townhouse dwellings (Blocks 27 and 28), 29

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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street townhouse dwellings (Blocks 29 to 34), Utilities (Block 35 to 37), Natural Open Space (Blocks 38 and 39) and the extension of a public road (Street “A”), on lands located at 15 Ridgeview Drive, as shown on Appendix “A” attached to Report PED23003, be **APPROVED** on the following basis:

- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED23003, 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), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and the Niagara Escarpment Plan;
- (b) That **Zoning By-law Amendment Application ZAC-17-001, by A.J Clarke and Associates (c/o Franz Kloibhofer), on behalf of 146769 Ontario Inc. (c/o Fabio and Pia Neri), Owners**, for a change is zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R4” Zone (Block 1), Single Residential “R4-39” Zone, Modified (Block 2); Multiple Residential “RM2-47” Zone, Modified (Block 3); and Multiple Residential “RM3-72(H)” Zone, Modified, Holding (Block 4); to permit the development of 25 single detached dwellings, 29 street townhouse dwellings, 51 townhouse dwellings and the extension of a public road (Street “A”), on lands located at 15 Ridgeview Drive, as shown on Appendix “A” attached to Report PED23003, be **APPROVED** on the following basis:

- (i) That the draft By-law attached as Appendix “C” to Report PED23003, 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:

Notwithstanding the provision of Section 3.8 “Holding Zones”, on those lands zoned “RM3-72”(H)” by this By-law, the Holding symbol (H) may be removed and thereby give effect to the “RM3-72(H)” Zone provisions in Section 2 above, upon completion of the following:

- (1) That the owner demonstrates the following:

- (aa) That the storm conveyance Block 37 has been adequately sized and designed to accommodate a storm sewer outlet and overland drainages from both Blocks 27 and 28 including Street 'A' in line with a low point on Street 'A' without having any impact on Block 27 and 28;
- (bb) That Blocks 27 and 28 top of grate (TOG) elevations for all rear yard catch basins (RYCB's) along the south limit on both Blocks 27 and 28 are set a minimum of 0.3 m above the maximum water elevation on the emergency spillway of the Stormwater Management (SWM) pond on the abutting land to the south. All RYCB's shall be designed considering 50% blockage conditions;
- (cc) That the five-year hydraulic grade line (HGL) considering five-year operating level in the abutting pond (Nash 3 pond) is below obvert of the proposed storm sewer on Street 'A' and Block 37;
- (dd) Blocks 27 and 28 shall remain undevelopable until such time as the ultimate storm water management pond facility is approved by all approval agencies with jurisdiction (MECP, City, NEC, HCA);

all to the satisfaction of the satisfaction of Director of Growth Management, Growth Management Division.

- (iii) That the proposed change in zoning are consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and the Niagara Escarpment Plan and Niagara Escarpment Plan;
- (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-17-001, by A.J Clarke and Associates (c/o Franz Kloibhofer), on behalf of 146769 Ontario Inc. (c/o Fabio and Pia Neri), Owners**, for a change in zoning from the Neighbourhood Development "ND" Zone to the Conservation / Hazard Land (P5) Zone and Neighbourhood Park (P1) Zone, in order to establish a future linkage block and protect lands located along the escarpment brow and to establish lands for a

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connection to the neighbourhood park to the south, on lands located at 15 Ridgeview Drive, as shown on Appendix “A” attached to Report PED23003, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “D” to Report PED23003, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and Niagara Escarpment Plan;
 - (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-201701, by A.J Clarke and Associates (c/o Franz Kloibhofer), on behalf of 146769 Ontario Inc. (c/o Fabio and Pia Neri), Owners**, on lands located at 15 Ridgeview Drive, as shown on Appendix “A” attached to Report PED23003, be **APPROVED**, subject to the following:
- (i) That this approval apply to the Draft Plan of Subdivision “City View Estates” 25T-2017001, certified by Nicholas P. Muth, O.L.S., dated August 18, 2022, consisting of 25 lots for single detached dwellings (Lots 1 to 25), one block for parkland for the connection to a future Neighbourhood Park (Block 26), six blocks for townhouse and street townhouse development (Blocks 27 to 34), three blocks for stormwater management (Blocks 35 to 37), two blocks for natural open space protection (Blocks 38 and 39), three blocks for right of way dedications (Blocks 40 to 42), and the extension of a public roadway (Street “A”) attached as Appendix “F” to Report PED23003, 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 PED23003;
 - (ii) In accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual there will be no City of Hamilton 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 25 lots for single detached dwellings, 29 street townhouse dwellings and 51 townhouse dwellings, one block for parkland for the connection to a future Neighbourhood Park, along with the extension of a public roads and the dedication of future stormwater management blocks to the City.

The purpose of the Official Plan Amendment (OPA) application is to modify the boundaries as shown with the Nash Neighbourhood Secondary Plan of the Low Density Residential 2 and Low Density Residential 2h, Utility and Neighbourhood Park designations; the redesignation of lands along the Escarpment brow from Low Density Residential 2 to Natural Open Space; to permit a Site Specific Policy Area for a decrease in density in the Low Density Residential 2h designation for Block 28 to permit 28 units per hectare and to permit the removal of the hedgerow identification.

The purpose of the Zoning By-law Amendment (ZBA) is for a change is zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R4" Zone (Block 1), Single Residential "R4-39" Zone, Modified (Block 2); Multiple Residential "RM2-47" Zone, Modified (Block 3); and, Multiple Residential "RM3-(72)(H)" Zone, Modified, Holding (Block 4) in Stoney Creek Zoning By-law No. 3692-92; and from the Neighbourhood Development "ND" Zone to the Conservation / Hazard Land (P5) Zone and Neighbourhood Park (P1) Zone in Hamilton Zoning By-law No. 05-200. Staff are supportive of the modifications requested.

There are 'H' Holding Provisions recommended to the satisfaction of the City of Hamilton for the completion and conveyance of land for stormwater management works consisting of storm conveyance Block 37 has been adequately sized and designed to accommodate a storm sewer outlet and overland drainages, ensuring the top of grate (TOG) elevations for all rear yard catch basins (RYCB's) along the south limit on both Blocks 27 and 28 are set 0.3 m above the maximum water elevation on the emergency spillway, that the five-year hydraulic grade line (HGL) considering five-year operating level in the abutting pond (Nash 3 pond) is below obvert of the proposed storm sewer on Street 'A' and Block 37; and Blocks 27 and 28 shall remain undevelopable until such time as the ultimate storm water management pond facility is approved by all approval

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agencies with jurisdiction (MECP, City, NEC, HCA) and until such time the work has been completed.

The proposed Draft Plan of Subdivision consists of 25 lots for single detached dwellings (Lots 1 to 25), one block for parkland for the connection to a future Neighbourhood Park (Block 26), six blocks for townhouse and street townhouse developments (Blocks 27 to 34), three blocks for stormwater management (Blocks 35 to 37), two blocks for natural open space protection (Blocks 38 and 39), three blocks for right of way dedications (Blocks 40 to 42), and the extension of a public roadway (Street "A").

The proposal has merit and can be supported as it is consistent with the PPS (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and 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 as well as the Nash Neighbourhood Secondary Plan, 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 intensification which achieves the overall planned public road network envisioned by the Nash Neighbourhood Secondary Plan which ensures land, municipal services, and transportation systems are used efficiently.

Alternatives for Consideration – See Page 41

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for an Official Plan Amendment and Zoning By-law Amendment. *Bill 23* amended the *Planning Act* to remove the mandatory requirement for a public meeting to consider a proposed Draft Plan of Subdivision.

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HISTORICAL BACKGROUND

Application Details	
Owner:	146769 Ontario Inc. (c/o Fabio and Pia Neri)
Applicant/Agent:	A.J Clarke and Associates Ltd. (c/o Franz Kloibhofer)
File Number:	UHOPA-17-001 ZAC-17-001 25T-201701
Type of Application:	Urban Hamilton Official Plan Amendment Zoning By-law Amendment Draft Plan of Subdivision
Application Details	
Proposal:	<p>The proposals consists of:</p> <ul style="list-style-type: none">• 25 lots for single detached dwellings (Lots 1 to 25);• One block for parkland for the connection to a future Neighbourhood Park (Block 26);• Six blocks for townhouse and street townhouse developments (Blocks 27 to 34);• Three blocks for stormwater management (Blocks 35 to 37),• Two blocks for natural open space protection (Blocks 38 and 39);• Three blocks for right of way dedications (Blocks 40 to 42); and,• The extension of a public roadway (Street “A”) as shown on the Draft Plan of Subdivision attached as Appendix “F” to Report PED23003.
Property Details	
Municipal Address:	15 Ridgeview Drive
Lot Area:	±5.6 ha (Irregular)
Servicing:	Full municipal services.
Existing Use:	Vacant lands.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).

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Documents	
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:	<p>Volume 1: “Neighbourhoods” and “Open Space” on Schedule E-1 – Urban Land Use Designations.</p> <p>Volume 2: Nash Neighbourhood Secondary Plan – Land Use Plan Map B.7.5-1:</p> <ul style="list-style-type: none"> • “Low Density Residential 2”; • “Low Density Residential 2h”; • “Neighbourhood Park”; • “Utility”; and, • “Hedge Row”.
Official Plan Proposed:	<p>To amend the Nash Neighbourhood Secondary Plan to redesignate lands from:</p> <ul style="list-style-type: none"> • To redesignate lands from “Neighbourhood Park” to “Natural Open Space”; • To redesignate lands from “Low Density Residential 2” to “Neighbourhood Park”, “Natural Open Space” and “Utility”; • To redesignate lands from “Low Density Residential 2h” to “Low Density Residential 2” and “Utility”; • To redesignate lands from “Neighbourhood Park” to “Low Density Residential 2” and “Low Density Residential 2h”; • To redesignate lands from “Utility” to “Low Density Residential 2”, “Low Density Residential 2h” and “Natural Open Space”; • To remove the “Proposed Roads” identification on lands and adding these lands to the “Neighbourhood Park”, “Low Density Residential 2” and “Low Density Residential 2h” designations; • To realign “Proposed Road”; • To remove the “Hedge Row” identification on lands; and, • To identify the subject lands as a Site Specific Policy Area to permit a decrease in density. <p>(See Appendix “B” attached to Report PED23003.)</p>

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Documents	
Zoning Existing:	Neighbourhood Development “ND” Zone.
Zoning Proposed:	<p>City of Stoney Creek Zoning By-law No. 3692-92:</p> <ul style="list-style-type: none"> • Single Residential “R4” Zone, Modified (Block 1); • Single Residential “R4-39” Zone, Modified (Block 2); • Multiple Residential “RM2-47” Zone, Modified (Block 3); and, • Multiple Residential “RM3-72(H)” Zone, Modified, Holding (Block 4). <p>(See Appendix “C” attached to Report PED23003.)</p> <p>City of Hamilton Zoning By-law No. 05-200:</p> <ul style="list-style-type: none"> • Conservation/ Hazard Land (P5) Zone; and, • Neighbourhood Park (P1) Zone. <p>(See Appendix “D” attached to Report PED23003).</p>
Modifications Proposed:	<p>Single Residential “R4-39” Zone, Modified (Block 2):</p> <ul style="list-style-type: none"> • Minimum Frontage (Corner Lot) – 12.5 metres <p>Multiple Residential “RM2-47” Zone (Block 3):</p> <ul style="list-style-type: none"> • Minimum Side Yard (End Unit) – 1.5 metres <p>Multiple Residential “RM3-72” Zone (Block 4):</p> <ul style="list-style-type: none"> • Minimum Lot Area Interior Unit: 160 square metres End Unit: 200 square metres Corner Unit: 200 square metres • Minimum Lot Frontage: Interior Unit: 6.5 metres End Unit: 7.4 metres Corner Unit: 7.4 metres • Minimum Front Yard: 5 metres, except that a minimum setback of 6 metres shall be provided between the streetline and an attached garage. Corner Unit: 4.20 metres, except that a minimum setback of 6 metres shall be provided between the streetline and an attached garage.

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Documents	
Modifications Proposed Continued:	<ul style="list-style-type: none"> • Minimum Side Yard: 1.25 metres for end units, except 1.5 metres where an end wall abuts the wall of another townhouse • Minimum Read Yard: 7.0 metres, except 3.0 metres abutting a zone for single detached dwellings. • Maximum Lot Coverage: 52% • Reduction in Landscape Area: <ol style="list-style-type: none"> 1. Not less than 35 percent of the lot area for maisonettes, townhouses and dwelling groups shall be landscaped, including privacy areas; and, 2. An Entry Feature Wall shall be permitted within the landscaped strip provided and thereafter maintained adjacent to every portion of any lot that abuts a street except for points of ingress and egress. • Addition of Visitor Parking regulation: That a minimum of 0.5 visitor parking spaces per unit shall be provided and maintained. <p>(See Appendix “E” attached to Report PED23003.)</p>
Processing Details	
Received:	December 16, 2016.
Deemed Complete:	December 16, 2016.
Notice of Complete Application:	Sent to 17 property owners within 120 m of the subject lands on January 9, 2017.
Public Notice Sign:	Posted January 11, 2017 and updated with Public Meeting date December 14, 2022.
Notice of Public Meeting:	Sent to 29 property owners within 120 m of the subject lands on December 23, 2022.
Public Comments:	One letter / email expressing concern or requesting additional information (see Appendix “H” attached to Report PED23003).

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Processing Details	
Revised Submissions Received:	<ul style="list-style-type: none">• July 12, 2018;• December 2019;• August 7, 2020;• April 26, 2021;• May 25, 2021; and,• February 28, 2022.
Processing Time:	2,223 days from receipt of initial Application, 253 days from receipt of final revised submission.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Vacant Lands	Neighbourhood Development “ND” Zone.

Surrounding Land Uses:

North	Niagara Escarpment Brow	Open Space “OS-3” Zone, Modified.
South	Vacant Lands	Neighbourhood Development “ND” Zone.
East	Telecommunication Tower	Neighbourhood Development “ND” Zone.
West	Vacant	Single Residential “R4-28(H)”, Modified, Holding.

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:

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

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

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *transit-supportive* development, accommodating a significant supply and range of *housing options* through *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of

suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs; and,

- 1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.”

The proposed development is located within a settlement area. The development of single detached dwellings, street townhouse dwellings and block townhouse dwellings are an efficient use of land and represent an appropriate intensification of the site which will further enable the completion of the surrounding neighbourhood. The subject lands are 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 three 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 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;
- 2) In the vicinity of distinctive or unusual landforms; and,
- 3) Along historic transportation routes.

These criteria define the property as having archaeological potential. A Stage 1-2 (P038-0819-2014) 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 August 15, 2015. Staff are of the opinion that the municipal interest in the archaeology of this site has been satisfied.

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.

“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 residential uses using existing and planned municipal services. The proposed development provides an efficient use of land with appropriate densities with nearby open spaces, which will 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).

Niagara Escarpment Plan (NEP)

The subject lands are located along the Escarpment Brow and have been designated “Escarpment Urban Area” within the Niagara Escarpment Plan (NEP), with a portion falling within the “Escarpment Natural Area” designation.

Development Objective 1 in Section 1.7 of the NEP states that “all development should be of an urban design compatible with the visual and natural environment of the Escarpment. Where appropriate, provision for adequate setbacks and screening should be required to minimize the visual impact of urban development on the Escarpment landscape.”

Development Objective 2 in Section 1.7 states that “new development shall not encroach into the Escarpment Natural or Escarpment Protection Areas.”

To permit the proposed development a Niagara Escarpment Commission (NEC) Permit including the review of a Visual Impact Assessment was required. A Visual Impact Analysis (VIA) to determine the final maximum height zoning provision for the street townhouse dwellings was provided to the NEC and approved on November 24, 2022, to permit a maximum height proposed in accordance with the VIA of 3 storeys (11 metres) the elevation of the peak of the roof shall be a maximum of 198.30 masl.

The proposal includes the required 30 metre setback buffer from the brow (Top of Bank) of the Escarpment as well as a 10 metre Vegetation Protection Zone in order to preserve the natural environment abutting the Escarpment Brow as shown as Blocks 38 and 39 on Appendix “F” attached to Report PED23003. The setbacks ensure development is outside the “Escarpment Natural Area” to protect and preserve the natural environment. Accordingly, residential development will be contained within the Urban Area designation, and the proposal conforms to the NEP in this regard.

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Section 2.4.1 of the NEP states that “lot creation ... within Urban Areas ... may be permitted subject to conformity with official plans and / or secondary plans and, where applicable, zoning by-laws that are not in conflict with the Niagara Escarpment Plan, and the criteria set out under Part 2, Development Criteria.”

Further, Section 2.4.5 states that “the size and configuration of new lots shall be subject to the requirements of official plans and / or secondary plans, and where applicable, zoning by-laws and the objectives of the designation.”

As discussed in further detail below, the proposed Zoning By-law Amendment and Draft Plan of Subdivision applications comply with the policies of Volume 1 of the UHOP and the general intent of the Nash Neighbourhood Secondary Plan subject to the required Official Plan Amendment to modify the boundaries of the Low Density Residential 2, Low Density Residential 2h, Neighbourhood Park, Natural Open Space, and Utility designations, as well as to realign the Proposed Road and remove the hedgerow identification in Volume 2 of the UHOP.

Section 2.6 states, “the objective is to ensure that hydrologic features and functions..., are protected and where possible enhanced.” The applicant has provided required material including a Functional Servicing Report and Stormwater Management Report. Development Engineering staff have reviewed the material and advise that the outlet to the Niagara Escarpment has been protected to ensure the outlet will maintain all predevelopment flows.

Development Permit for application W/R/2021-2022/203 for the proposed development was issued by the NEC on November 24, 2022. All conditions of the Development Permit must be cleared prior to the registration of the subdivision. Staff have included condition No. 53 to ensure that prior to registration of the subdivision all conditions as required by Development Permit W/R/2021-2022/203 Notice of Decision dated November 24, 2022, are satisfied to the satisfaction of the Niagara Escarpment Commission.

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure, designated as “Neighbourhoods” and “Utility” on Schedule E-1 – Urban Land Use Designations, and shown outside of the Built Boundary on Appendix G – Boundaries Map. The subject lands are designated as “Low Density Residential 2”, “Low Density Residential 2h”, Neighbourhood Park”, “Utility” and abut the “Escarpment” on Map B.7.5-1 in the Nash Neighbourhood Secondary Plan – Land Use Plan.

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The following policies, amongst others, are applicable to the subject applications.

Built Form and Compatibility:

- “E.3.2.1 Areas designated Neighbourhoods shall function as *complete communities*, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.
- E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
- a) Residential dwellings, including second dwelling units and *housing with supports*; and,
 - b) Open space and parks.”

As the proposal is for single detached dwellings, street and block townhouses, open space areas, and protection of hazard lands, the proposal complies with the intent and purpose of the Neighbourhoods policies.

Urban Design

- “B.3.3.2.8 Urban design should promote environmental sustainability by:
- b) Integrating, protecting, and enhancing environmental features and landscapes, including existing topography, forest and vegetative cover, green spaces and corridors through building and site design; and,
 - c) Encouraging on-site stormwater management and infiltration through the use of techniques and technologies, including stormwater management ponds, green roofs, and vegetated swales.”

The proposed development has been integrated with the natural environment and protected through the establishment of a Neighbourhood Park Zone (P1) Zone and Conservation / Hazard Land (P5) Zone. This approach will facilitate the mixture of public and private open space and the protection of natural features. Three blocks within the proposed development have been set aside for a stormwater management

spillway / outfall as well as allowing for connection to the stormwater management pond to the south of the subject lands.

Greenfield Development

- “E.3.7.1 New greenfield communities shall be designed with a unique and cohesive character. Buildings, streetscapes, street patterns, landscaping, open spaces and infrastructure shall be designed to contribute to this character.
- E.3.7.2 New greenfield communities shall be designed to create a focal point. All elements of the design of the community including the layout of streets, trails, pedestrian connections, and transit routes as well as the location of land uses and transit stops, shall contribute to the creation of a community focal point.
- E.3.7.5 New residential development in greenfield areas shall generally be designed and planned to:
- a) Minimize changes to existing topography;
 - b) Preserve existing trees and natural features; and,
 - c) Be compatible with and maintain public views and vistas to prominent City features and landmarks, including the Niagara Escarpment, the waterfronts of Lake Ontario and Hamilton Harbour, Cootes Paradise, and Dundas Valley, or as identified through secondary plans, cultural heritage management plans, cultural heritage conservation plan statements, or other studies.
- E.3.7.6 New development or redevelopment adjacent to open spaces shall:
- a) Minimize the impacts on natural heritage features;
 - b) Maintain or enhance public access to trails, bikeways, and parks within these features;
 - c) Preserve or enhance public views to these features; and,
 - d) Use native plant material adjacent to these features.”

The proposed Draft Plan area is within the Nash Neighbourhood Secondary Plan of Volume 2 of the UHOP and will contribute to the completion of the land uses and road network in the neighbourhood.

The proposed Draft Plan is consistent with existing development in the neighbourhood in terms of height, transition between densities, and design (street-oriented development and street hierarchy). The proposed development will directly connect with the existing surrounding Built-up Area, which is consistent with the Secondary Plan.

As discussed in further detail below, the proposal will provide for the required buffers from the Escarpment brow including the 10 metre Vegetation Protection Zone as well as maintaining the views and vistas and connections to the park and trail system.

Natural Heritage System – Core Areas

- “2.3 It is the intent of this policy to preserve and enhance Core Areas and to ensure that any development or site alteration within or adjacent to them shall not negatively impact their natural features or their ecological functions;
- 2.3.1 In accordance with the policies of this Plan, Schedule B – Natural Heritage System, identifies Core Areas to include key natural heritage features and key hydrological features. Core Areas of the City’s Natural Heritage System also include other locally and provincially significant natural areas. Schedule B – Natural Heritage System shall be amended when new Core Areas are identified;
- 2.3.2 Core Areas include key natural heritage features, key hydrological features and provincially significant and local natural areas that are more specifically identified by Schedule B-1-8 – Detailed Natural Heritage Features. Core Areas are the most important components in terms of biodiversity, productivity, and ecological and hydrological functions;
- 2.3.3 The natural features and ecological functions of Core Areas shall be protected and where possible and deemed feasible to the satisfaction of the City enhanced. To accomplish this protection and enhancement, vegetation removal and encroachment into Core Areas shall generally not be permitted, and appropriate vegetation protection zones shall be applied to all Core Areas;

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- 2.5.4 New development and site alteration shall not be permitted within significant woodlands, significant valleylands, significant wildlife habitat and significant areas of natural and scientific interest unless it has been demonstrated that there shall be no negative impacts on the natural features or on their ecological functions; and,
- 2.5.12 Permitted uses within a vegetation protection zone shall be dependent on the sensitivity of the feature and determined through approved studies. Generally, permitted uses within a vegetation protection zone shall be limited to low impact uses, such as vegetation restoration, resource management, and open space. Permitted uses within the vegetation protection zone shall be the same uses as those within the Core Area in Policy C.2.5.1 and the vegetation protection zone should remain in or be returned to a natural state.”

Core Areas have been identified as Significant Woodland, Felker’s Falls Escarpment Valley Environmentally Significant Area (ESA) and spring. The spring is also regulated by the Hamilton Conservation Authority (HCA). In addition, the Core Areas are proposed to be redesignated from “Low Density Residential 2” to “Natural Open Space” in the Nash Neighbourhood Secondary Plan. The proposal has incorporated a 30 metre setback including a 10 metre Vegetation Protection Zone measured from the dripline into the development proposal.

In addition, the stormwater management outfall on the Escarpment Brow has been relocated outside the natural area to ensure no negative impact on the Core Area.

Staff note that an Environmental Impact Statement (EIS) was prepared by LGL Limited (October 2015; revised August 2016) and further revised by (EIS Update) Myler Ecological Consulting (Dec. 2019), Comment Response July 14, 2020, for the subject lands.

Trees have been identified in the subject property. Staff have reviewed the submitted Tree Management Plan, prepared by Adesso Design Inc. (Mario Patitucci; landscape architect), dated May 19, 2021. A total of 79 trees have been inventoried, 79 have been identified for removal; however, of the 79 trees identified for removal, the vast majority are Black Walnut and Red Oak (in decline) with some Green Ash, among a few other species, which are mostly in fair condition with some poor or dead with few in good condition. In addition, a Butternut tree has been identified to be removed. It has been identified that five Butternut trees will be required to be planted to compensate for the loss of this tree and further review for the number of companion trees is required. The

removal is subject to the *Endangered Species Act* under the jurisdiction of the Ministry of Environment, Conservation and Parks (MECP) in which the applicant is required to reassess the Butternut tree in accordance with the Province's Butternut Health Assessment Guidelines. 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 and implemented through the subdivision agreement. These matters are addressed through Condition Nos. 37 to 45 of Appendix "G" attached to Report PED23003.

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:

- e) Collector roads, subject to the following policies:
 - ii) The basic maximum right-of-way widths for collector roads shall be ... 26.213 metres ...;
- 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; and,
- b) Collector to local or collector Roads: 9.14 m x 9.14 m triangle;"

Street "A" which will be an extension of Ridgeview Drive is deemed a local road with a minimum width of 20.0 metres. The subject lands are accessed from two roads, Bradshaw Drive (from the east) and First Road West (from the west). The minimum

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width requirements for the local and collector right-of-way widths have been provided to support the proposed development. The appropriate daylight triangle dedications, being 9.14 metre x 9.14 metre and 4.57 metre x 4.57 metre daylighting triangles are required at the intersection of First Road West and Ridgeview Drive and Bradshaw Drive and Street "A" (extension of Ridgeview Drive). The transfer of lands have been demonstrated on the Draft Plan as shown on the Draft Plan of Subdivision attached as Appendix "G" to Report PED23003.

Condition Nos. 50 to 52 of Appendix "G" attached to Report PED23003 have been included to ensure all land dedications for the right-of-way are provided.

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 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. as revised, and have identified a number of matters to be addressed at the detailed design stage and through special conditions of draft plan approval. These matters include, but are not limited to, grading, servicing, and the construction of a stormwater management pond on the lands to the south of the subject lands and future development surrounding the subject lands, including existing properties on the north side of Ridgeview Drive and the provision of sidewalks, which are addressed as Conditions No. 1 - 36 of Appendix "G" attached to Report PED23003. In addition, an 'H' Holding Provision on Blocks 27 and 28, as shown on the Draft Plan of Subdivision attached as Appendix "F" to Report PED23003, have been included to ensure the stormwater management pond has been constructed prior to the development of Blocks 27 and 28.

Plan of Subdivision

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

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

The proposed Draft Plan of Subdivision, attached as Appendix "F" to Report PED23003, consists of 25 lots for single detached dwellings (Lots 1-25); one block for parkland for the connection to the future Neighbourhood Park (Block 26), six blocks for townhouse and street townhouse development (Blocks 27 to 34), three blocks for stormwater management (Blocks 35 to 37), two blocks for natural open space protection (Blocks 38 and 39), three blocks for right of way dedications (Blocks 40 to 42), and the extension of a public roadway (Street "A").

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 and Holding Provision, 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 Volume 1 of the UHOP subject to the proposed amendments.

Nash Neighbourhood Secondary Plan – Volume 2

The subject lands are designated “Low Density Residential 2,” “Low Density Residential 2h,” “Neighbourhood Park,” “Utility,” “Hedge Row” and abuts the “Escarpment” on Map B.7.5-1 – Nash Neighbourhood Secondary Plan Land Use Plan. The following policies, amongst others, apply.

- “B.7.5.1 e) Integration of new parks and open spaces with existing natural open spaces to provide new passive recreation resources and designations and to establish linkages creating an interconnected system of parks and open space;
- B.7.5.1 f) Identification, protection, conservation and wise management of the tangible and intangible cultural heritage resources of the City of Hamilton for present and future generations. Where feasible, natural heritage elements that remain on site shall be considered for integration into the Nash Neighbourhood Community; and,
- B.7.5.1 g) Enhancement of the physical and visual connections to the Niagara Escarpment and Environmentally Significant Areas through the layout and design of the community including placement of parks / open space areas and the creation of streetscapes that create and protect views.”

The proposal complies with the above-noted policies because it integrates conservation / hazard lands with the Niagara Escarpment natural area along the Brow in order to provide appropriate protection, buffering and linkages. Core Areas have been identified as Significant Woodland, Felker’s Falls Escarpment Valley Environmentally Significant Area (ESA) and spring. The spring is also regulated by the Hamilton Conservation Authority (HCA). The proposal has incorporated a 30 metre setback including a 10 metre Vegetation Protection Zone measured from the dripline into the development proposal. In addition, the Core Areas have been proposed to be redesignated from “Low Density Residential 2” to “Natural Open Space” in the Nash Neighbourhood Secondary Plan. The proposed block identified as a park (Block 26) was intended to provide connection to the future Neighbourhood Park to be established to the south of the subject lands and the escarpment protecting the views and site lines.

- “7.5.2 g) Services:
 - ii) Design and implement a stormwater management system that is

integrated with the open space system and which mitigates impacts on the natural environment;

- B.7.5.6.5 No development, except infrastructure works, utilities and a low impact trail network (subject to confirmation that the works are suitable by an Environment Impact Statement), shall be permitted on lands designated Natural Open Space.”

Based on the Nash Neighbourhood Secondary Plan, a stormwater management system is to be designed and implemented to integrate with the open space system and mitigate impacts on the natural environment. In addition, as result of the subject lands abutting the Escarpment brow, the proposal must ensure that the existing flows to Centennial Falls are maintained. The proposed outfall location and related infrastructure has been placed outside the natural area. Due to the above mentioned requirements to maintain existing flows to the outfall, the proposal is required to implement stormwater management which directs flows to Centennial Falls (outfall) and the future stormwater management pond to be constructed to the south of the subject lands. Hamilton Conservation Authority, Niagara Escarpment Commission staff and City staff have reviewed the Functional Servicing Report and Stormwater Management Reports and the recommended conditions of draft plan approval have been included in Appendix “G” attached to Report PED23003. In addition, an ‘H’ Holding Provision on Blocks 27 and 28, as shown on the Draft Plan of Subdivision attached as Appendix “F” to Report PED23003, have been included to ensure the stormwater management pond has been constructed prior to the development of Blocks 27 and 28.

Low Density Residential 2

- “B.7.5.4.1 In addition to Section E.3.4 – Low Density Residential of Volume 1, the following policies shall apply to lands designated Low Density Residential 2 and 2h on Map B.7.5-1 – Nash Neighbourhood – Land Use Plan:

- a) Low Density Residential 2 Designation:
 - i. Single detached, semi-detached, duplex and street townhouses shall be permitted;
 - ii. Notwithstanding Policy E.3.4.4 of Volume 1, the density of development shall range from 20 to 35 units per net residential hectare;
 - iii. The maximum height of dwelling units shall be no more than three storeys;

- iv. Other forms of low-density housing may be considered where neighbourhood compatibility can be demonstrated to the satisfaction of the City. Their appropriateness shall be evaluated in terms of protection of natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, and privacy; and,
 - v. The location of Low Density Residential 2 is in the interior of residential neighbourhoods adjacent to local and/or collector roads;
- b) Low Density Residential 2h Designation:
- i) Notwithstanding Policy E.3.4.3 of Volume 1, multiple dwellings such as street and block townhouses, duplexes, triplexes and quadraplexes shall be permitted;
 - ii) Notwithstanding Policy E.3.4.4 of Volume 1, the density shall be in the range of 30 to 49 units per net residential hectare;
 - iii) The maximum height of dwelling units shall be three storeys;
 - iv) A limited number of detached and semi-detached dwellings may be permitted, provided the density falls within the range specified in Policy B.7.5.4.1 b) ii); and,
 - v) Notwithstanding Policy E.3.4.1 of Volume 1, the location of lands designated Low Density Residential 2h shall generally be at the periphery of residential neighbourhoods adjacent to or close to arterial and/or collector roads.”

Lots 1 to 25 and Blocks 29 to 34 have been proposed as Low Density Residential 2. The proposal complies with the Low Density Residential 2 designation which permits single detached dwellings and street townhouse dwellings and is within the permitted density range, being 23 units per hectare.

The proposal complies with the three storey maximum height which has been further refined through the approval of the NEC Development Permit process and the requirement for a Visual Impact Assessment (VIA). The Visual Impact Analysis (VIA), as approved by the NEC, has determined the final maximum zoning height provision for the street townhouse dwellings is 11.0 metres (3 storeys) and a peak rooftop elevation of 198.30 masl.

Blocks 27 and 28 of the proposed development will contain 45 block townhouses (Block 27) and six block townhouses (Block 28). Accordingly, Block 27 will have a residential

density of ± 33.5 units per net hectare and Block 28 will have density of 28.5 uph for a combined density 32.9 uph. The proposed Official Plan Amendment for a decrease in density for Block 28 is as a result of an irregularly shaped parcel created by engineering constraints for infrastructure connection to the future stormwater management pond, dividing Blocks 27 and 28. The proposed Official Plan amendment is to permit a minimum density of 28 uph for Block 28 as shown on Appendix “B” attached to Report PED23003.

Parks and Open Space Designations

- “7.5.6.3 Multi-purpose trails shall be established in the linked open space system pursuant to the approved Hamilton Trails Master Plan and identified on Map B.7.5-1 – Nash Neighbourhood – Land Use Plan. Every effort shall be made to connect new trails to existing and planned trails within and around the neighbourhood. The trails shall be established through plans of subdivision and development agreements;
- 7.5.6.7 Prior to any lands being considered for development within 100 metres of lands designated Natural Open Space on Map B.7.5-1 - Nash Neighbourhood – Land Use Plan, an Environmental Impact Statement shall be undertaken by the proponent and approved by the City and the Hamilton Conservation Authority to determine the appropriate setbacks from the Core Area;
- 7.5.6.8 Any development must address the retention of Core Areas and other wooded areas included within the Natural Open Space designation identified on Map B.7.5-1 - Nash Neighbourhood - Land Use Plan as follows:
- a) Wooded areas, including existing “hedgerows” should be maintained, enhanced, and incorporated into the overall design of the neighbourhood where possible. The delineation of the hedgerows shall be identified as part of a development application. Hedgerows are not intended to only be identified by existing mature tree species but shall also include other vegetation which establishes this area as a hedgerow. (A hedgerow can be defined as a narrow linear strip of trees that defines a laneway or a boundary between fields);

- b) A minimum 10 metre wide planted buffer from identified Environmentally Significant Areas shall be included as part of these natural areas and included as part of the open space system; and,
- c) A 30 metre wide open space area adjacent to the brow of the Niagara Escarpment Natural Area shall be established. Included in this open space shall be a public trail and may include a portion of a single loaded scenic road to promote public access, views and an open space link. The scenic road shall be located no closer than 15 metres to the brow of the Escarpment. The final location of this road shall be established as part of the processing of a plan of subdivision to the satisfaction of the City and the Niagara Escarpment Commission;

7.5.6.9 Development proposals for land within 150 metres of the Niagara Escarpment shall have a maximum height of no more than two storeys. Prior to the approval of a draft plan of subdivision and/or zoning by-law, a visual analysis shall be required to determine the maximum building height and minimum setbacks to ensure that no component of the building mass is visible above the skyline of the Niagara Escarpment from below the Escarpment brow (edge). The visual analysis must be to the satisfaction of the City and the Niagara Escarpment Commission. (Note: the skyline includes the escarpment brow – the uppermost point of the escarpment slope or face, and the tree line. Buildings should not be visible through trees above the brow, the most obvious break in slope associated with underlying bedrock)."

Staff note that trail connections are documented in both the Recreation Trails Master Plan and Nash Neighbourhood Secondary Plan. The proposed connections to the trail system are in accordance with the above noted plans. The subject lands are to connect to the west of the subject lands and provide access to the existing trail head at Glover Mountain Road allowing for connection to the Escarpment stairs and connecting trails. Staff are supportive of the location of the trail connection along Ridgeview Drive with the appropriate on street (sidewalk) connection to the existing trail head at Glover Mountain Road.

Staff note that an Environmental Impact Statement (EIS) was prepared by LGL Limited (October 2015; revised August 2016) and further revised by (EIS Update) Myler Ecological Consulting (Dec. 2019), Comment Response July 14, 2020 for the subject lands. To address the requirement of the required 10 m Vegetation Protection Zone

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(VPZ) from the ESA and the 30 m wide open space adjacent to the Niagara Escarpment Brow, the applicant has provided the necessary buffers and these lands will be zoned Conservation / Hazard Land (P5) Zone.

The purposed amendment will amend the Nash Neighbourhood Secondary Plan to modify the boundaries of the Low Density Residential 2, Low Density Residential 2h, Neighbourhood Park, Natural Open Space, and Utility designations, as well as to realign the Proposed Road and remove the hedgerow identification on the subject lands. The EIS prepared by LGL Limited and Tree Management Plan prepared by Adesso Design Inc. identified the poor condition and low quality of vegetation including invasive shrub and tree species and determined that a total of 79 trees be removed. The vast majority to be removed are within the hedgerow, being Black Walnut and Red Oak (in decline) with some Green Ash, 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. The intent of policy 7.5.6.8 a) above is to ensure preservation of nature vegetation can be preserved where possible, however, staff are of the opinion the enhanced restoration and revitalization of the Vegetation Protection Zone will provide greater vitality, overall function and health to the natural feature. These matters are addressed through Condition Nos. 37 to 45 of Appendix "G" attached to Report PED23003.

As discuss above, the proposal complies with the maximum three storey height of the Low Density Residential 2 and 2h designations. The applicant was required to complete a Visual Impact Assessment (VIA) to the satisfaction to the NEC and City staff which has determined the final maximum height provision for the street townhouse dwellings is 11.0 metres (3 storeys) and a peak rooftop elevation of 198.30 masl.

In addition, a new Site Specific Policy will be added to allow a reduction in residential density for one block (Block 28) in order to permit the development of a draft plan of subdivision consisting of 25 lots for single detached dwellings, 29 street townhouse dwellings and 51 townhouse dwellings and the extension of a public road.

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

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well with the existing development in the Nash Neighbourhood Secondary Plan, 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.

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 in Stoney Creek Zoning By-law No. 3692-92, as shown on Appendix “A” attached to Report PED23003. In order to permit the proposed development, the Zoning By-law Amendment Application proposes to rezone the subject property to the:

Stoney Creek Zoning By-law No. 3692-92:

- Single Residential “R4” Zone, Modified (Lot 1);
- Single Residential “R4-39” Zone, Modified (Lots 2 to 25);
- Multiple Residential “RM3-72(H)” Zone, Modified, Holding (Blocks 27 and 28); and,
- Multiple Residential “RM2-47” Zone, Modified (Blocks 29 to 34);

City of Hamilton Zoning By-law No. 05-200:

- Neighbourhood Park (P1) Zone, (Block 26); and,
- Conservation / Hazard Land (P5) Zone (Blocks 35 to 39).

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 “R4” Zone, Single Residential “R4-39” Zone, Modified, Multiple Residential “RM2-47” Zone, Modified and Multiple Residential “RM3-72” Zone, Modified, are included in Appendix “E” attached to Report PED23003.

RELEVANT CONSULTATION

Departments and Agencies		
<ul style="list-style-type: none"> Hydro One Networks Inc. 		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 proposed subdivision will be divided into two storm drainage areas. Approximately 2.39 ha drainage area will be drained towards the Centennial Falls, and 3.33 ha drainage area will drain towards the proposed SWM Pond located southwest of the subject site which will be constructed within the proposed Nash Neighbourhood Subdivision Phase 2 (478 & 490 First Road West); Bradshaw Road and the existing 375mm sanitary sewers shall be extended to service the subject land; Bradshaw Road and the existing 300mm watermain shall be extended to the property limit to service the subject land. The 300mm watermain on First Road West shall also be extended to provide looping for the proposed subdivision. A 300mm watermain will be proposed on Street "A" to service the proposed development and a 200mm watermain on the Condo block to service the condo units; and, Blocks 27 and 28 of the subject development shall be subject to a Holding Provision. 	<ul style="list-style-type: none"> Staff are supportive of the application proceeding with Draft Plan approval. Updated Stormwater Management Report, replacement of existing utilities, watermain replacement, servicing of existing lots, grading, fencing, geotechnical report, and parking plan among other Engineering requirements are addressed as Conditions No. 1 to 36 of Appendix "G" attached to Report PED23003 and will be addressed through detailed design.

SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) - Page 32 of 42

	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department Continued	<ul style="list-style-type: none"> The proposed subdivision will consist of a local road "Street A" which will be connected to the existing Ridgeview Drive to the West and to the extended Bradshaw Drive to the east. Street "A" shall be constructed to meet the TAC standards and City of Hamilton current roadway standards with a 20.0m R.O.W. The existing portion of Ridgeview Drive shall also be urbanized with a 20.0m R.O.W; The proposed on-street parking plan demonstrates the minimum parking requirements of 0.4 spaces per dwelling unit will be provided; Blocks created within this subdivision that are subject to Site Plan Control will require the land owner to enter into a Site Plan Agreement with the City including a requirement to provide sanitary sewer flow monitoring in order to confirm that no inflow and infiltration (I&I) is entering the sanitary sewer system; and, A 1.5m Chain link fence shall be provided: <ul style="list-style-type: none"> Along the east, west and south sides of the Park Block 26; Along both the east and west sides of Blocks 35 and 36 to the rear lot lines of Blocks 31 and 32; Along the rear lot line for Blocks 29 to 34 inclusive where these Blocks meet Blocks 38 and 39; Along the east and west sides of Block 37; and, Along the south limits of Blocks 27, 28 and 37 where those Blocks share a boundary with the adjacent SWM pond to the south of the subject lands. 	

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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"> • Privacy fencing shall be provided along the rear yard of Lots 11 - 16 and 21 – 25 to eliminate light spillage from the proposed parking lot of the future Condominium lands; • The Owner shall conduct a pre-condition survey and notify residents of the rock removal within 200 metres of the construction; • During detailed design, it must be demonstrated that adequate access be provided for the storm outfall (including a turnaround if required) within Blocks 35 and 36, in order to provide maintenance beyond the headwall; • The owner will be required to urbanize First Road West from the existing limit of urbanization (approximately 120m north of Bedrock Drive) to Ridgeview Drive including the installation of a 300mm watermain; • The preliminary servicing plan is generally acceptable. A detailed servicing plan for the lands will be required as part of the detailed design following draft plan approval; and, • There are no concerns with the proposed water servicing. Further review of the detailed design through the future Site Plan application processes will require updated domestic water demand calculations and required fire flow calculations, a revised watermain hydraulic analysis (WHA) and the Form 1 process. 	

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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 anticipated increase traffic volumes for the proposed development; • 20.0 metre ROWs for Street “A” (extension of Ridgeview Drive) are acceptable, subject to functional requirements of the City; • 3.0 metres are to be dedicated to the right-of-way on First Road West; • Daylighting triangle dedications are required: 9.14 m x 9.14 m (First Road West and Ridgeview Drive) and 4.57 m x 4.57 m (Street “A” at Bradshaw Drive). The daylighting triangles have been appropriately illustrated on the Draft Plan; and, • The proposed intersection of Street “A” (extension of Ridgeview Drive) and the extension of Bradshaw Drive shall be coordinated and constructed as urban intersections with sidewalks and appropriate traffic control. 	<ul style="list-style-type: none"> • Daylighting triangle and right-of-way widening requirements are addressed as Conditions Nos. 51 and 52 of Appendix “G” attached to Report PED23003; • A parking plan and a conceptual pavement markings and traffic signage plan are required and are addressed as Condition Nos. 47 and 48 of Appendix “G” attached to Report PED23003; • 1.5 m separated concrete sidewalks are required, which is addressed as Condition No. 50 of Appendix “G” attached to Report PED23003; and, • The intersection of First Road West at Glover Mountain Road / Ridgeview Drive will be urbanized with sidewalks, and the installation of all-way stop control, addressed as Condition No. 49 of Appendix “G” attached to Report PED23003.

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	Comment	Staff Response
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; and, Staff have advised that the Block 28 (Condominium block) must be designed to allow for continuous movement. Further detail review regarding the site layout will occur at the Site Plan application process. 	<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 PED23003).
Landscape Architectural Services, Strategic Planning, Public Works	<ul style="list-style-type: none"> Staff will review detailed Grading Plans to ensure appropriate drainage is coordinated between Block 26 (Park) and parkland on the adjacent lands to the south. 	<ul style="list-style-type: none"> These comments will be addressed through the Standard Form Subdivision Agreement (Clauses 1.24, 3.02 and 3.03) and the Development Engineering conditions.
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> The Tree Management Plan, Arborist Report, prepared by Adesso Design Inc. (Mario Patitucci, Certified Landscape Architect) and dated (revision 4) May 19, 2021, has identified that there are municipal tree assets identified to be affected by the proposed development and therefore a revised Tree Management Plan is required; A Landscape Plan, prepared and signed by a certified Landscape Architect, is required; and, A permit is required and will be issued upon approval of the Tree Management Plan and applicable fees. 	<ul style="list-style-type: none"> A Landscape Plan is addressed as Condition 2.08 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.

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	Comment	Staff Response
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> 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"> Addressing of the lots and blocks within the subdivision is addressed as Condition No. 46 of Appendix "G" attached to Report PED23003; and, This note has been included as a Note No. 1 on the conditions of Draft Plan of Subdivision approval (see Appendix "G" attached to Report PED23003).
Hamilton Conservation Authority (HCA)	<ul style="list-style-type: none"> Staff have reviewed the revised application material and are satisfied the remaining HCA concerns regarding the outfall structure and Vegetation Protection Zone be addressed through Draft Plan conditions. 	<ul style="list-style-type: none"> Stormwater management and other associated engineering drawings are addressed as Condition No. 54 Appendix "G" attached to Report PED23003; and, Drainage plan and erosion and settlement control plan to HCA's satisfaction are addressed as Condition No. 53 of Appendix "G" attached to Report PED22150.
Bell Canada	<ul style="list-style-type: none"> Bell Canada has requested the appropriate easements be included to service to the subject lands. 	<ul style="list-style-type: none"> This requirement concerns will be addressed through the Standard Form Subdivision Agreement (Clause 2.06).

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	Comment	Staff Response
Canada Post Corporation	<ul style="list-style-type: none"> Owners / developers are required to notify purchasers of Centralized Mailbox locations; and, Provided their requirements for the Centralized Mailbox locations. 	<ul style="list-style-type: none"> These requirements will be addressed through the Standard Form Subdivision Agreement (Clause 1.43 f) and 2.10).
Ministry of the Environment, Conservation and Parks	<ul style="list-style-type: none"> The subject land is within the Nash Secondary Planning Area and that the principle of development of these lands was established through that secondary planning exercise. These applications are for the purpose of implementing the requirements of that secondary plan as it applies to these lands. 	<ul style="list-style-type: none"> Noted.
Union Gas	<ul style="list-style-type: none"> The owner / developer is required to provide to Union Gas the necessary easements and / or agreements required by Union Gas for the provision of gas services for this project, in a form satisfactory to Union Gas. 	<ul style="list-style-type: none"> This requirement is addressed through the Standard Form Subdivision Agreement (Clause 1.20).

Public Consultation		
	Comment	Staff Response
Ingress and Egress of Townhouse Block	No objection to the proposed development, however, would like to see the ingress and egress location of the townhouse block (Block 27).	The subject lands are constrained due to the Stormwater Management design requiring outfall levels to be maintained which limit the locations for ingress and egress for Block 27. The proposed access to Block 27 will be reviewed at the Site Plan Control stage to ensure safe vehicular movement. The Block 28 ingress and egress location has been revised along First Road West.

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 17 property owners within 120 m of the subject lands on January 9, 2017.

A Public Notice Sign was posted on the property on January 11, 2017, and updated on December 14, 2022, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on December 23, 2022. One comment was received by staff and is summarized in the above table.

Public Consultation Strategy

Pursuant to the City's Public Consultation Strategy Guidelines, the Applicant prepared a Public Consultation Strategy which included providing neighbours within 120 metres a Public Information Letter in which the applicant described the purpose and effect of the proposal and provided contact information for A.J. Clarke and Associates Ltd.

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 Urban Hamilton Official Plan and will comply with the Nash Neighbourhood Secondary Plan, subject to adoption of the proposed Official Plan Amendment; and,
 - iii) The proposal represents good planning by, among other things, 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, while making efficient use of a vacant parcel of land that is compatible with the area and achieves the planned public road network envisioned by the Nash Neighbourhood Secondary Plan which ensures land, municipal services, and transportation systems are used efficiently.

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2. The purpose of Official Plan Amendment is to amend the Nash Neighbourhood Secondary Plan to modify the boundaries of the Low Density Residential 2 and 2h, Utility and Neighbourhood Park designations; to permit a Site Specific Policy for a decrease in density in the Low Density Residential 2h designation (Block 28) to 28 units per hectare and to redesignate lands along the Escarpment Brow to include the Natural Open Space designation (Blocks 36, 38 and 39) (refer to Appendix “B” attached to Report PED23003).

The Official Plan Amendment can be supported as the development proposes an appropriate density, achieves the planned local road network, utilizes existing infrastructure, and complies with the Niagara Escarpment Plan. Furthermore, the proposal preserves and protects the natural heritage while building on the existing patterns and built form of the area. The proposal represents residential intensification compatible with the surrounding area in terms of use, scale, form and character while still preserving the natural heritage landscape of the Escarpment.

Therefore, staff supports the proposed Official Plan Amendment.

3. The proposed Zoning By-law Amendment is for changes to City of Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200 to permit the development of 25 single detached dwellings (Lots 1 to 25), 51 townhouse dwellings (Blocks 27 and 28), 29 street townhouse dwellings (Blocks 29 to 34), and the extension of a public roadway as well as establish a future linkage block and protect lands located within the flood and erosion hazards associated with Niagara Escarpment and to establish lands for connection to the neighbourhood park.

The proposed by-law to Hamilton Zoning By-law No. 05-200 will remove a portion of the subject lands which are zoned Neighbourhood Development “ND” Zone in the City of Stoney Creek By-law No. 3692-92 and add them to the Hamilton Zoning By-law No. 05-200. The intent is to rezone them as Conservation / Hazard Land (P5) Zone and Neighbourhood Park (P1) Zone to permit of passive open space, infrastructure for the future stormwater management pond and natural buffers (refer to Appendix “C” to Report PED23003). The proposed development will conform to all of the requirements of the Conservation / Hazard Land (P5) Zone and Neighbourhood Park (P1) Zone.

The proposed by-law to City of Stoney Creek Zoning By-law No. 3692-92 proposes modifications to the Single Residential “R4” and Multiple Residential

“RM2” and “RM3” Zones. These are discussed in Appendix “E” attached to Report PED23003. The modifications will complement the existing and planned surrounding neighbourhood envisioned by the Nash Neighbourhood Secondary Plan, providing a mixture of lot widths and block sizes compatible with existing and planned development in the area and will be consistent with the character of the surrounding area.

As such, staff are satisfied that the proposal complies with the general intent of the UHOP and the Nash Neighbourhood Secondary Plan and are supportive of the Zoning By-law Amendment.

4. An “H” Holding Provision is required for Blocks 27 and 28 prior to the development proceeding. The Holding Provision can be lifted once it has been demonstrated the storm conveyance Block 37 has been adequately sized and designed to accommodate a storm sewer outlet and overland drainage.
5. The proposed Draft Plan of Subdivision will consist of 25 single detached dwellings (Lots 1 to 25), one block for parkland for the connection to future Neighbourhood Park (Block 26), six blocks for townhouse and street townhouse development (Blocks 27 to 34), three blocks for stormwater management (Blocks 35 to 37), two blocks for natural open space protection (Blocks 38 and 39), three blocks for right of way dedications (Blocks 40 to 42), and the extension of a public roadway (Street “A”).

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), conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended) and the Niagara Escarpment Plan;
- (b) The proposal represents a logical and timely extension of existing development and services and is in the public interest;
- (c) It will comply with the applicable policies of the Urban Hamilton Official Plan upon approval of the Urban Hamilton Official Plan Amendment to the Nash Neighbourhood Secondary 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 not be developed for the proposed residential draft plan of subdivision. The lands could be developed in accordance with the Neighbourhood Development “ND” Zone which permits minor agricultural uses, one single detached dwelling, a greenhouse and / or accessory buildings and structures.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

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Built Environment and Infrastructure

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

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED23003 – Location Map
Appendix "B" to Report PED23003 – Draft Official Plan Amendment
Appendix "C" to Report PED23003 – Draft Amendment to Zoning By-law No. 3692-92
Appendix "D" to Report PED23003 – Draft Amendment to Zoning By-law No. 05-200
Appendix "E" to Report PED23003 – Zoning Modification Chart
Appendix "F" to Report PED23003 – Proposed Draft Plan of Subdivision
Appendix "G" to Report PED23003 – Draft Plan of Subdivision Special Conditions
Appendix "H" to Report PED23003 – Public Submission

MF:sd