




CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Growth Management Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 7, 2021
SUBJECT/REPORT NO:	Application to Deem Lands to the Rear of 65 Seabreeze Crescent, being Blocks 11 and 12, of Registered Plan No. 62M-1042, "Seabreeze Estates, Phase 2" not to be Part of a Registered Plan of Subdivision, for the Purposes of Subsection 50(3) of the <i>Planning Act</i> (Stoney Creek) (Ward 11) (PED21230)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Alvin Chan (905) 546-2424 Ext 2978
SUBMITTED BY: SIGNATURE:	Gavin Norman Acting Senior Director, Growth Management Planning and Economic Development Department 

RECOMMENDATION

That approval be given to deem lands to the rear of 65 Seabreeze Crescent (Stoney Creek), being Blocks 11 and 12, inclusive, of Registered Plan No. 62M-1042, "Seabreeze Estates, Phase 2" not to be part of a Registered Plan of Subdivision for the purposes of Subsection 50(3) of the *Planning Act*, as shown on Appendix "A" to Report PED21230, on the following basis:

- (a) That the draft By-law, attached as Appendix "C" to Report PED21230, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the application to deem Blocks 11 and 12, of "Seabreeze Estates, Phase 2" Registered Plan 62M-1042, not to be part of a registered plan of subdivision, for lands to the rear of 65 Seabreeze Crescent, is consistent with the Provincial Policy Statement (2021) and complies with the Urban Hamilton Official Plan.

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EXECUTIVE SUMMARY

The Owner / Applicant has submitted an application to deem to the rear of 65 Seabreeze Crescent, being Blocks 11 and 12, of Registered Plan No. 62M-1042, “Seabreeze Estates, Phase 2” not to be part of a Registered Plan of Subdivision, for the purposes of Subsection 50(3) of the *Planning Act*.

The purpose and effect of the application is to allow Blocks 11 and 12 to merge with 65 Seabreeze Crescent in order to establish four single detached residential lots per Condition #4 of Committee of Adjustment Consent to Sever application SC/B-21:29 (See Appendix “B” to Report PED21230).

As prescribed under Subsection 50(4) of the *Planning Act*, the Council of a Municipality may, by By-law, designate any Plan of Subdivision, or part thereof, that has been registered for eight (8) years or more, and deem it not to be a Registered Plan of Subdivision for the purpose of the subdivision control provisions of Subsection 50(3) of the *Planning Act*. The Plan of Subdivision “Seabreeze Estates, Phase 2” was registered on October 27, 2005, being more than the required eight (8) years.

Pursuant to the Planning Act Subsection 50(4), a By-law is required to merge Blocks 11 and 12 on 62M-1250 with the retained lands under the above-referenced consent application.

Staff supports the proposal as it:

- (i) facilitates completion of the neighbourhood;
- (ii) is consistent with the Provincial Policy Statement (2021);
- (iii) complies with the policies of the Urban Hamilton Official Plan; and,
- (iv) will permit the continued use of the parcels for residential purposes which are compatible with existing land uses in the immediate area and represents good planning.

Alternatives for Consideration – See Page 7

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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Legal: Per the *Planning Act*, a Public Meeting is not required to consider a By-law to designate any Plan of Subdivision, or part thereof, that has been registered for eight (8) years or more and deem it not to be a Registered Plan of Subdivision for the purpose of the subdivision control provisions of Subsection 50(3) of the *Planning Act*.

A copy of the By-law will be lodged with the Minister of Municipal Affairs and Housing.

Additionally, a certified copy or duplicate copy of the deeming By-law will be registered against the title to the subject lands in the proper registry office and shall not take effect until this requirement has been complied with along with final approval of SC/B-21:29 by issuance of a certificate under s. 53(42) of the *Planning Act*.

That notwithstanding s. 50(27) of the *Planning Act*, that the by-law passed under subsection (4) is not effective until a certified copy or duplicate of every by-law passed under this section is registered by the clerk of the municipality in the proper land registry office, it is intended that this By-law shall come into force and take effect when registered in the Land Registry Office by the Clerk of the municipality; and upon final approval of SC/B-21:29 by issuance of a certificate under s. 53(42) of the *Planning Act*.

Lastly, notice of passing of this By-law will be given within thirty (30) days of the date of passing, to each person appearing by the last revised assessment roll to be the owner of land to which this By-law applies, which notice shall be sent to the last known address of each such person, by registered mail.

HISTORICAL BACKGROUND

Proposal

The Owner / Applicant for 65 Seabreeze Crescent has submitted an application pursuant to Subsection 50(4) of the *Planning Act*, for approval of a By-law to deem Blocks 11 and 12 of Registered Plan No. 62M-1042, “Seabreeze Estates, Phase 2” not to be part of a Registered Plan of Subdivision for the purposes of Subsection 50(3) of the *Planning Act*.

Blocks 11 and 12, to the rear of 65 Seabreeze Crescent are vacant, totalling 0.087976 hectares, and front onto the north side of Whitefish Crescent, as identified on Appendix “A” to Report PED21230.

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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The purpose and effect of the application is to allow Blocks 11 and 12 to merge with 65 Seabreeze Crescent in order to establish four single detached residential lots per Condition #4 of Committee of Adjustment Consent to Sever Application SC/B-21:29 (See Appendix “B” to Report PED21230).

As prescribed under Subsection 50(4) of the *Planning Act*, the Council of a Municipality may, by By-law, designate any Plan of Subdivision, or part thereof, that has been registered for eight (8) years or more, and deem it not to be a Registered Plan of Subdivision for the purpose of the subdivision control provisions of Subsection 50(3) of the *Planning Act*.

In review, the Plan of Subdivision “Seabreeze Estates, Phase 2” was registered on October 27, 2005, being more than the required eight years under Subsection 50(4) of the *Planning Act*.

Chronology:

August 5, 2021: Application to deem Blocks 11 and 12, inclusive, of Registered Plan No. 62M-1042, “Seabreeze Estates, Phase 2,” not to be part of a Registered Plan of Subdivision for the purposes of Subsection 50(3) of the *Planning Act* submitted and deemed complete.

Details of Submitted Application:

Location: Lands to the rear of 65 Seabreeze Crescent
Blocks 11 & 12, inclusive, of Registered Plan No. 62M-1042
(See Appendix “A” to Report PED21230)

Owner/Applicant: Peter DeSantis Inc.

Agent: Urban Solutions Planning and Land Development
Consultants Inc. (c/o Brandon Petter)

Property Description:

<u>Lot Frontage:</u>	Block 11	– 10.97 m
	Block 12	– 12.75 m
<u>Lot Depth:</u>	Irregular	
	Block 11	– 34.82 m
	Block 12	– 34.82 m

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<u>Lot Area:</u>	Block 11	– 373.44 m ²
	Block 12	– 506.32 m ²
	Total	– 0.087976 Ha

Servicing: Existing Full Municipal Services

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	Single Residential "R3" Zone
<u>Surrounding Land Uses:</u>		
North	Residential	Rural Residential "RR" Zone
South	Residential	Multiple Residential "RM2" Zone
East	Residential	Multiple Residential "RM2-9" Zone
West	Residential	Single Residential "R3" Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2021)

The proposal to deem the subject lands (Blocks 11 and 12 of Registered Plan No. 62M-1042, “Seabreeze Estates, Phase 2”) not to be part of a Registered Plan for the purposes of Subsection 50(3) of the *Planning Act*, and merge with 65 Seabreeze Crescent to establish four single detached residential lots is consistent with the Provincial Policy Statement as it provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and are designated as “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations of Volume 1 of the Urban Hamilton Official Plan.

SUBJECT: Application to Deem Lands to the Rear of 65 Seabreeze Crescent, being Blocks 11 and 12, of Registered Plan No. 62M-1042, “Seabreeze Estates, Phase 2” not to be Part of a Registered Plan of Subdivision, for the Purposes of Subsection 50(3) of the *Planning Act* (Stoney Creek) (Ward 11) (PED21230) – Page 6 of 7

In addition, the lands are designated as “Low Density Residential 3c” on Map B.7.3-1 – Urban Lakeshore Area Secondary Plan – Trillium Neighbourhood.

As it relates to the proposal, Policy F.1.14.1.5 of Volume 1 of the Urban Hamilton Official Plan states:

“If a plan of subdivision or part thereof has been registered for eight years or more and does not conform to the policies of this Plan, the City may use its authority under the *Planning Act* to deem it not be a registered plan of subdivision.”

Registered Plan No. 62M-1042, “Seabreeze Estates, Phase 2,” was registered on October 27, 2005 and therefore conforms to the requirement of eight years or more of the plan having been registered.

Therefore, the application to deem the subject lands (Blocks 11 and 12, inclusive, of Registered Plan No. 62M-1042, “Seabreeze Estates, Phase 2”), not to be part of a Registered Plan for the purposes of Subsection 50(3) of the *Planning Act*, in order to accommodate the merger and proper land titles for these parcels with corresponding ownership details, conforms with the Urban Hamilton Official Plan.

RELEVANT CONSULTATION

Due to the nature of the application, Legal Services Division and the Planning Division were consulted.

PUBLIC CONSULTATION

Due to the nature of the application and per the *Planning Act*, public notice is not required for the subject application. Notice of the By-law is to be given to the Owner within thirty (30) days of the passing thereof by registered mail as prescribed in the proposed By-law attached as Appendix “C” to Report PED21230. Of note, the By-law will come into force and effect upon registration on title; and, final approval of SC/B-21:29 by issuance of a certificate under s. 53(42) of the *Planning Act*.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The purpose and effect of the application is to allow for Blocks 11 and 12, inclusive, of Registered Plan No. 62M-1042, “Seabreeze Estates, Phase 2”, to merge with 65 Seabreeze Crescent in order to establish four single detached residential lots and facilitate completion of the neighbourhood.

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The proposal has merit and can be supported for the following reasons:

- (i) It is consistent with the Provincial Policy Statement (2021);
- (ii) It complies with the policies of the Urban Hamilton Official Plan; and,
- (iii) The proposed By-law will permit the continued use of the parcels for residential purposes which are compatible with existing land uses in the immediate area and represents good planning.

ALTERNATIVES FOR CONSIDERATION

If the application is denied, the blocks would remain within the existing Registered Plan of Subdivision 62M-1042, “Seabreeze Estates, Phase 2” and would not facilitate completion of the neighbourhood.

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.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED21230 – Location Map

Appendix “B” to Report PED21230 – Committee of Adjustment Decision SC/B-21:29

Appendix “C” to Report PED21230 – By-law

AC/sf