



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 7, 2021
SUBJECT/REPORT NO:	Applications for Amendments to the Urban Hamilton Official Plan, City of Hamilton Zoning By-law No. 6593, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 311 and 313 Stone Church Road East (Hamilton) (PED21221) (Ward 7)
WARD(S) AFFECTED:	Ward 7
PREPARED BY:	E. Tim Vrooman (905) 546-2424 Ext. 5277
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-21-005, by UrbanSolutions Planning & Land Development Consultants Inc. (c/o Matt Johnston, Applicant) on behalf of DiCenzo Construction Company Ltd. (c/o Anthony DiCenzo, Owner)** to redesignate a portion of the subject lands from “Open Space” to “Neighbourhoods” and to establish an Urban Site Specific Policy to reduce daylighting triangle requirements, to permit a minimum net residential density of 55 units per hectare, and to permit the dedication of a woodlot to the City of Hamilton as parkland dedication, on lands located at 311 and 313 Stone Church Road East, as shown on Appendix “A” attached to Report PED21221, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED21221, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);

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- (b) That **Zoning By-law Amendment Application ZAC-21-009, by UrbanSolutions Planning & Land Development Consultants Inc. (c/o Matt Johnston, Applicant) on behalf of DiCenzo Construction Company Ltd. (c/o Anthony DiCenzo, Owner)** for a change in zoning from the “AA” (Agricultural) District to the “C/S-1811” (Urban Protected Residential, Etc.) District, Modified (Block 1); from the “AA” (Agricultural) District to the “RT-20/S-1811” (Townhouse - Maisonette) District, Modified (Block 2); from the “AA” (Agricultural) District and the “C” (Urban Protected Residential, Etc.) District to the “RT-30/S-1811” (Street - Townhouse) District, Modified (Blocks 3 and 4); and, from the “AA” (Agricultural) District and the “C” (Urban Protected Residential, Etc.) District to the “C/S-1811” (Urban Protected Residential, Etc.) District, Modified (Blocks 5 and 6), to permit a maximum of 221 residential dwelling units consisting of a maximum of 112 block townhouse units, 80 maisonette units, 12 single detached dwellings on a private road (condominium road), five single detached dwellings on a public road, and 12 street townhouse units, on lands located at 311 and 313 Stone Church Road East, as shown on Appendix “A” attached to Report PED21221, be **APPROVED** on the following basis:
- (i) That the draft By-law attached as Appendix “C” to Report PED21221, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (c) That **Zoning By-law Amendment Application ZAC-21-009, by UrbanSolutions Planning & Land Development Consultants Inc. (c/o Matt Johnston, Applicant) on behalf of DiCenzo Construction Company Ltd. (c/o Anthony DiCenzo, Owner)** for a change in zoning from the “AA” (Agricultural) District to the Conservation / Hazard Land (P5) Zone, in order to protect a significant woodland on lands located at 313 Stone Church Road East, as shown on Appendix “A” attached to Report PED21221, be **APPROVED** on the following basis:
- (i) That the draft By-law attached as Appendix “D” to Report PED21221, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

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- (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (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-202104 by UrbanSolutions Planning & Land Development Consultants Inc. (c/o Matt Johnston, Applicant) on behalf of DiCenzo Construction Company Ltd. (c/o Anthony DiCenzo, Owner)** on lands located at 311 and 313 Stone Church Road East, as shown on Appendix “A” attached to Report PED21221, be **APPROVED**, subject to the following:
 - (i) That this approval apply to the Draft Plan of Subdivision “Lavita Estates” 25T-202104, prepared by UrbanSolutions Planning & Land Development Consultants Inc., and certified by Robert McLaren, O.L.S., dated November 24, 2021, consisting of one Natural Heritage/Park block (Block 1); one block for a maximum of 12 single detached dwellings on a private condominium road (Block 2); one block for a maximum of 112 block townhouse units and 80 maisonette units (Block 3); one block for a maximum of 12 street townhouse units (Block 4); one road widening block (Block 5); one future residential block (Block 6); four 0.3 m reserve blocks (Blocks 7-10); five lots for single detached dwellings (Lots 11-15); and, three public roads (Street ‘A’ and the extensions of Crerar Drive and Cyprus Drive), attached as Appendix “G” to Report PED21221, subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with Special Conditions attached as Appendix “H” to Report PED21221;
 - (ii) Acknowledgement by the City of Hamilton of its responsibility for cost sharing with respect to this development shall be in accordance with the City’s Financial Policies and will be determined at the time of development. However, the traffic signal costs at the intersections of Stone Church Road/Crerar Drive/Brigade Drive shall be one-third (1/3rd) owner’s responsibility/share.
 - (iii) That there will be no payment of Cash-in-Lieu of Parkland required upon the dedication of the Natural Heritage/Park block (Block 1) to the City of Hamilton to satisfy parkland dedication requirements for this subdivision; and, that upon the dedication of the Natural Heritage/Park block (Block 1) to the City of

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Hamilton there will be no parkland balance credited in favour of the owner from this subdivision;

- (e) That upon approval of Urban Hamilton Official Plan Amendment Application UHOPA-21-005, Zoning By-law Amendment Application ZAC-21-009, and Draft Plan of Subdivision Application 25T-202104, that a portion of the subject lands identified as Block 1 on the Draft Plan of Subdivision attached as Appendix “G” to Report PED21221 be re-designated from “Single and Double” to “Park and Recreation” and that a portion of the subject lands identified as Blocks 3 and 4 on the Draft Plan of Subdivision attached as Appendix “G” to Report PED21221 be re-designated from “Single and Double” to “Attached Housing” in the Crerar Neighbourhood Plan;
- (f) That the Statutory Declarations for the Official Plan Amendment and Zoning By-law Amendments not be issued until the Ontario Land Tribunal issues its decision regarding the Urban Hamilton Official Plan appeal by DiCenzo Construction Company Ltd. as it affects the lands at 311 and 313 Stone Church Road East.

EXECUTIVE SUMMARY

The Applicant has applied for an Urban Hamilton Official Plan Amendment, a Zoning By-law Amendment, and a Draft Plan of Subdivision to permit the development of a maximum of 221 residential dwelling units consisting of a maximum of 112 block townhouse units, 80 maisonette units, 12 single detached dwellings on a private road (condominium road), five single detached dwellings on a public road, and 12 street townhouse units, as well as long term protection of an existing woodlot through a dedication to the City.

The owner has a site-specific appeal against the adoption of the Urban Hamilton Official Plan (UHOP). This appeal is subject to a separate process and negotiations to address the appeal.

The purpose of the Official Plan Amendment Application is to redesignate a portion of the subject lands from “Open Space” to “Neighbourhoods” and to establish an Urban Site Specific Policy to reduce daylighting triangle requirements, to permit a minimum net residential density of 55 units per hectare within a medium density residential area of the Neighbourhoods Designation, and to permit the dedication of a woodlot to the City of Hamilton as parkland dedication.

The Zoning By-law Amendment Application is to rezone the subject lands from the “AA” (Agricultural) District and the “C” (Urban Protected Residential, Etc.) District to the “C/S-

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1811” (Urban Protected Residential, Etc.) District, Modified (Block 1), the “RT-20/S-1811” (Townhouse - Maisonette) District, Modified (Block 2), the “RT-30/S-1811” (Street - Townhouse) District, Modified (Blocks 3 and 4), the “C/S-1811” (Urban Protected Residential, Etc.) District, Modified (Blocks 5 and 6), and the Conservation / Hazard Land (P5) Zone. Staff are supportive of the requested modifications except for the removal of privacy area requirements for townhouse dwellings.

The proposed Draft Plan of Subdivision will create a Natural Heritage/Park block, a block for a maximum of 12 single detached dwellings on a private condominium road, a block for a maximum of 112 block townhouse units and 80 maisonette units, a block for a maximum of 12 street townhouse units, a road widening block, a future residential block, four 0.3 m reserve blocks, five lots for single detached dwellings, and three public roads. Approval would be subject to the owner entering into a Standard Form Subdivision Agreement with Special Conditions, as outlined in Appendix “H” attached to Report PED21221.

The proposal has merit and can be supported as it 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 complies with the general intent and purpose of the UHOP, in particular the function, scale and design of the Low and Medium Density Residential policies as they relate to residential greenfield development and complete communities in the Neighbourhoods designation.

The development supports a range of UHOP objectives including providing long term protection to a natural heritage feature and providing a range of housing types and densities. The proposed maximum of 221 residential dwelling units consisting of street townhouse, block townhouse, maisonette, and single detached dwellings are supportable, as they provide a built form that is compatible with the character of the area and the proposed development represents good planning by, among other things, providing a compact and efficient urban form.

Alternatives for Consideration – See Page 37

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,

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Zoning By-law Amendment, and Draft Plan of Subdivision. The proposed Official Plan Amendment and Zoning By-law Amendments are to amend the land use designations that are currently under appeal to the Ontario Land Tribunal (OLT). Therefore, Council's approval of the Official Plan Amendment and Zoning By-law Amendments will not take effect until the OLT issues its decision regarding the UHOP appeal.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	DiCenzo Construction Company Ltd. (c/o Anthony DiCenzo).
Applicant/Agent:	UrbanSolutions Planning & Land Development Consultants Inc. (c/o Matt Johnston).
File Numbers:	UHOPA-21-005 ZAC-21-009 25T-202104
Type of Applications:	Urban Hamilton Official Plan Amendment. Zoning By-law Amendment. Draft Plan of Subdivision.
Proposal:	<ul style="list-style-type: none">• One 1.15 ha Natural Heritage/Park block (Block 1);• One block for a maximum of 12 single detached dwellings on a private condominium road (Block 2);• One block for a maximum of 112 block townhouse units and 80 maisonette units (Block 3);• One block for a maximum of 12 street townhouse units (Block 4);• One road widening block (Block 5);• One future residential block (Block 6);• Four 0.3 m reserve blocks (Blocks 7-10);• Five lots for single detached dwellings (Lots 11-15); and,• Three public roads (Street 'A' and the extensions of Crerar Drive and Cyprus Drive). <p>As shown on the Concept Plan attached as Appendix "F" to Report PED21221.</p>

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Property Details	
Municipal Address:	311 and 313 Stone Church Road East.
Lot Area:	±6.13 ha.
Servicing:	Full municipal services.
Existing Use:	Agricultural and Natural Open Space.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	“Neighbourhoods” on Schedule E – Urban Structure and “Neighbourhoods” and “Open Space” on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	<ul style="list-style-type: none"> • To redesignate a portion of the subject lands from “Open Space” to “Neighbourhoods”; • To reduce daylighting triangle requirements; • To permit a minimum net residential density of 55 units per hectare within a medium density residential area of the Neighbourhoods Designation; and, • To permit the dedication of a woodlot as parkland dedication.
Neighbourhood Plan:	Crerar – Single and Double.
Zoning Existing:	“AA” (Agricultural) District; and, “C” (Urban Protected Residential, Etc.) District.
Zoning Proposed:	<ul style="list-style-type: none"> • “C/S-1811” (Urban Protected Residential, Etc.) District, Modified (Block 1); • “RT-20/S-1811” (Townhouse - Maisonette) District, Modified (Block 2); • “RT-30/S-1811” (Street - Townhouse) District, Modified (Blocks 3 and 4); • “C/S-1811” (Urban Protected Residential, Etc.) District, Modified (Blocks 5 and 6); and, • Conservation / Hazard Land (P5) Zone.

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Documents	
Modifications Proposed:	<p>“C/S-1811” District (Block 1):</p> <ul style="list-style-type: none"> • To deem the private road as a street; • Definition and regulation of Swales; • Maximum Height; • Minimum Yards; and, • Minimum Parking Ratio. <p>“RT-20/S-1811” District (Block 2):</p> <ul style="list-style-type: none"> • Definition and regulation of Swales; • Maximum Height; • Minimum Required Setbacks; • Minimum Distance Between Buildings; • Minimum Lot Area; • Removal of Privacy Area requirements; however, staff do not support this request for the townhouse units; • Minimum Landscaped Area; • Minimum Parking Ratio; and, • Minimum Parking Space Length. <p>“RT-30/S-1811” District (Blocks 3 and 4):</p> <ul style="list-style-type: none"> • Maximum Height; • Minimum Front and Side Yards; • Minimum Distance Between Buildings; and, • Minimum Lot Area. <p>“C/S-1811” District (Blocks 5 and 6):</p> <ul style="list-style-type: none"> • Maximum Height; • Minimum Front Yard; and, • Removal of Manoeuvring Space for Parking Areas. <p>(See Appendix “E” attached to Report PED21221.)</p>
Processing Details	
Received:	December 23, 2020.
Deemed Complete:	January 22, 2021.
Notice of Complete Application:	Sent to 131 property owners within 120 m of the subject lands on February 19, 2021.
Public Notice Sign:	Posted February 26, 2021 and updated with Public Meeting date November 9, 2021.

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Processing Details	
Notice of Public Meeting:	Sent to 141 property owners within 120 m of the subject lands and other interested persons on November 19, 2021.
Public Comments:	33 letters / emails expressing concerns about various aspects of the proposed development (see Appendix “J” attached to Report PED21221).
Processing Time:	349 days.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Agricultural and Natural Open Space	“AA” (Agricultural) District; and, “C” (Urban Protected Residential, Etc.) District.
Surrounding Land Uses:		
North	Natural Open Space; and, Single Detached Dwellings.	Conservation / Hazard Land (P5) Zone; and, “C” (Urban Protected Residential, Etc.) District.
South	Single Detached Dwellings.	“C” (Urban Protected Residential, Etc.) District.
East	Single Detached Dwellings; Vacant Institutional Lands; Educational Establishment; and, Multiple Dwelling.	“R-4” (Small Lot Single Family Detached) District; “AA” (Agricultural) District; Community Institutional (I2) Zone; “C” (Urban Protected Residential, Etc.) District; and, “DE/S-787” and “DE/S-787a” (Low Density Multiple Dwellings) Districts, Modified.
West	Place of Worship; Natural Open Space; Agricultural; and, Single Detached Dwellings.	Major Institutional (I3, 8) Zone; “AA” (Agricultural) District; and, “C” (Urban Protected Residential, Etc.) District.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020)

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS (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;
- 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.”

Further, the PPS states that:

“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*;

- 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.”

The proposed development is located within a settlement area. The development of a mix of single detached and townhouse dwellings is an efficient use of land and represents an appropriate development of the site which is located close to an arterial road and public transit, amenities, and open spaces. The subject lands are well serviced by a comprehensive street network with nearby transit routes, which will encourage active transportation and transit usage.

Noise

- “1.2.6.1 *Major facilities* and *sensitive land uses* shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of *major facilities* in accordance with provincial guidelines, standards and procedures.”

The lands front Stone Church Road East and are located ±348.5 m from the Lincoln M. Alexander Parkway, which are identified as a minor arterial road and a parkway, respectively, on Schedule C – Functional Road Classification in the UHOP. Staff have reviewed the environmental noise impact study titled “Lavita Estates Residential Development”, prepared by dBA Acoustical Consultants Inc. and dated February 2021. The study identified the acoustic mitigation requirements for this development with respect to road noise from Stone Church Road East, Upper Wellington Street, and Upper Wentworth Street. Staff concur with the recommendations of the study that a noise barrier, noise warning clauses and specific ventilation will be required. These

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matters are addressed as Condition Nos. 18 and 19 of Appendix “H” attached to Report PED21221.

Natural Heritage

“2.1.5 *Development and site alteration* shall not be permitted in:

- b) *Significant woodlands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Mary’s River);

unless it has been demonstrated that there will be no *negative impacts* on the natural features or their *ecological functions*.”

The policies of the PPS (2020) seek to provide for the long-term protection of significant woodlands. The delineation and identification of significant woodlands within settlement areas is the responsibility of the City of Hamilton, the local planning authority. The Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision (attached as Appendices “B”, “D”, and “G” to Report PED21221, respectively), would result in the long term protection of 1.15 hectares of the woodland. The long term protection of the woodland and a viable housing development will support the creation of complete communities. Therefore, the proposed development is consistent with the PPS (2020).

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 five of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 250 metres of known archaeological sites;
- 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 3) In the vicinity of distinctive or unusual landforms;
- 4) In areas of pioneer EuroCanadian settlement; and,
- 5) Along historic transportation routes.

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These criteria define the property as having archaeological potential. Stage 1-2 archaeological reports (P389-0484-2020 for 311 Stone Church Road East) and (P017-195-2011 for 313 Stone Church Road East) have been submitted to the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries. Staff concur with the recommendations made in the reports, and the archaeology requirements for the subject lands has been met to the satisfaction of staff.

Hazardous Lands

“3.1.7 ... *development* and *site alteration* may be permitted in those portions of *hazardous lands* and *hazardous sites* where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

- a) *Development* and *site alteration* is carried out in accordance with *floodproofing standards*, *protection works standards*, and *access standards*;
- b) Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- c) New hazards are not created and existing hazards are not aggravated; and,
- d) No adverse environmental impacts will result.”

Lands that could be unsafe for development and site alteration due to naturally occurring hazards, including unstable bedrock (karst topography), are deemed to be “hazard lands” in the PPS. The Natural Heritage Characterization Report, prepared by Colville Consulting and dated February 2018, has noted karst features on the subject lands and surrounding area. Also, staff have noted karst features within the City-owned woodland to the north (Crerar Natural Open Space). A karst assessment has not been completed. Therefore, Note No. 2 on the conditions of Draft Plan of Subdivision approval attached as Appendix “H” to Report PED21221 is included to advise the proponent that additional information pertaining to the karst inventory may be required.

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 policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) apply to any planning decision.

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,

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- 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 where it will provide opportunity to build a compact urban form that includes a mix of single detached and townhouse dwellings, with existing and planned municipal services. The proposed development provides an efficient use of land with appropriate densities near a minor arterial road (Stone Church Road East) with available transit services.

Based on the foregoing, the proposal conforms with the applicable policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure, shown outside of the Built Boundary on Appendix “G” – Boundaries Map, and designated “Neighbourhoods” and “Open Space” on Schedule E-1 – Urban Land Use Designations. The following policies, amongst others, apply to the proposal.

Tree Protection

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

Planning and Hamilton Conservation Authority staff have reviewed the Tree Protection Plan (TPP), Landscape Plan, and Homeowner’s Stewardship Guide, prepared by Adesso Design and dated August 13, 2021. Staff have noted that there are opportunities to preserve the existing mature healthy native trees, especially those around the periphery of the site. The trees along the eastern boundary of the site are on City-owned property and part of a Linkage mapped on Schedule B – Natural Heritage System of the UHOP. These should be retained and integrated with the natural features of the site. Other technical revisions to the TPP that are required are included as Condition No. 20 of Appendix “H” attached to Report PED21221.

The TPP has identified Tree #132 as a pure Butternut which is regulated under the *Endangered Species Act* (2007). The TPP requires that this tree will be assessed by a qualified Butternut health assessor to determine its health and whether it should be removed or alternatively preserved. This recommended assessment must be

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completed and submitted to the Ministry of Environment, Conservation, and Parks (MOECP) as detailed in Condition No. 21 of Appendix “H” attached to Report PED21221.

Staff note that the preliminary grading plan, prepared by S. Llewellyn & Associates and dated August 2021, proposed grading and drainage features, which include a retaining wall and trapezoidal swale within the rear yards of condominium Lots 4-8 (within Block 2 on the Concept Plan attached as Appendix “F” to Report PED21221) to reconcile grading along the boundary of the Significant Woodland (Block 1) and address external drainage into the lands. A projecting dolostone / limestone rock face and several trees, including a Butternut, have been identified within these yards. Staff will be seeking the detailed design of environmental features, including but not limited to the projecting dolostone / limestone rock face, Butternut and other significant trees, be preserved. These edge conditions, including boundary landscaping and fencing, will be addressed through an Edge Management Plan, which is required as Condition No. 22 of Appendix “H” attached to Report PED21221.

The Landscape Plan discusses the removal of invasive species and mentions that Japanese Knotweed is present on the site, but the methods for removal are not stated in the Landscape Plan. As the City is assuming ownership of Block 1, invasive species management will be the responsibility of the City. Proposed habitat restoration plantings will be shown on the Landscape Plan as required by Condition No. 23 of Appendix “H” attached to Report PED21221.

The Landscape Plan will incorporate native species as encouraged by the HCA due to the proximity of the site to a significant natural area. As the TPP identifies approximately 121 private trees are to be removed, compensation will be required at a 1:1 ratio for all private trees to be removed. Final compensation will be determined once the TPP is approved, which shall be identified on the Landscape Plan to be reviewed at the detailed design stage, which is required as Condition No. 23 of Appendix “H” attached to Report PED21221.

Planning and HCA staff are generally satisfied with the Homeowner’s Stewardship Guide, prepared by Adesso Design, subject to some edits/corrections as addressed in Condition No. 24 of Appendix “H” attached to Report PED21221.

Neighbourhoods Designation

“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;

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- 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;
- E.3.3.1 Lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas with higher density dwelling forms and supporting uses located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads; and,
- E.3.3.2 *Development or redevelopment* adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are *compatible* with existing and future uses in the surrounding area.”

The proposed mix of single detached dwellings, street and block townhouses and maisonette dwelling units are permitted uses in the Neighbourhoods designation. The policies of the Neighbourhoods designation seek to establish a full range of residential types and densities. The proposed greenfield development contributes to the establishment of a full range of housing forms, types and densities in the area.

While the subject lands are generally located in the interior the Crerar Neighbourhood, the medium density residential lands (Block 3 on the Concept Plan and Proposed Draft Plan of Subdivision (attached as Appendices “F” and “G”, respectively, to Report PED21221) gain access to a collector road (Crerar Drive) and a minor arterial road (Stone Church Road East) via local roads (Crerar Drive and Street ‘A’) with a small number of low density residential dwellings located on that portion of the roads.

The proposed development is adjacent to lower density residential uses to the north. In particular, the rear yards of the single detached dwellings along Dolphin Place back onto the 12 single detached dwellings in the proposed common element condominium (Block 2 on the Concept Plan attached as Appendix “F” to Report PED21221). It is noted that while Lots 1-3 are arranged with a rear-to-rear yard configuration, Lot 4 is oriented such that the side yard is adjacent to the rear yards of the adjacent lands. Accordingly, the Applicant has proposed an increased setback of 2.4 metres, instead of the typical 1.2 metres, for this boundary condition, which has been reflected in the proposed Zoning By-law Amendment attached as Appendix “C” to Report PED21221. In addition, 1.8 metre high wood privacy perimeter fencing is proposed, as shown on the Landscape Plan, prepared by Adesso Design and dated August 13, 2021, which would be further reviewed at the future Site Plan Control stage.

Other matters concerning compatibility as a result of the proposed development, such as shadowing, overlook, noise, traffic, and other nuisance effects, would be negligible given the density of the proposed development on Block 2. Lighting would be reviewed in the future at the Site Plan Control stage.

Medium Density Residential

- “E.3.5.1 Medium density residential areas are characterized by *multiple dwelling* forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads;
- E.3.5.2 Uses permitted in medium density residential areas include *multiple dwellings* except street townhouses;
- E.3.5.5 Medium density residential uses shall be located within safe and convenient walking distance of existing or planned *community facilities*, public transit, schools, active or passive recreational facilities, and local or District Commercial uses;
- E.3.5.7 For medium density residential uses, the *net residential density* shall be greater than 60 units per hectare and not greater than 100 units per hectare;
- E.3.5.8 For medium density residential uses, the maximum height shall be six storeys; and,
- E.3.5.9 *Development* within the medium density residential category shall be evaluated on the basis of the following criteria:
- a) Developments should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may gain access to the collector or major or minor arterial roads from a local road only if a small number of low density residential dwellings are located on that portion of the local road;
 - b) *Development* shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations;

- c) *Development* shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures shall be *compatible* with existing and future uses in the surrounding area; and,
- d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.”

The neighbourhood contains a mixture of low and medium density developments and community facilities/services with a network of safe and convenient pedestrian connections. The proposed maisonette and block townhouse dwellings are forms of multiple dwellings. The medium density residential lands (Block 3 on the Concept Plan and Proposed Draft Plan of Subdivision (attached as Appendices “F” and “G”, respectively, to Report PED21221) gain access to a collector road (Crerar Drive) and a minor arterial road (Stone Church Road East) via local roads (Crerar Drive and Street ‘A’) with a small number of low density residential dwellings located on that portion of the roads. As there is no existing development located in the vicinity of the two proposed accesses to the development, they do not present any conflict between traffic and pedestrians on surrounding streets. The design of the accesses will be further reviewed at the future Site Plan Control stage. The proposed medium density development respects and is compatible with adjacent developments.

The proposed height of three storeys for the maisonette and block townhouse dwellings conforms to the maximum height for medium density residential uses in Neighbourhoods. However, the proposed 57.2 units per hectare falls below the permitted net residential density range for medium density residential uses. Staff are supportive of a modification to the density range as it maintains the intent of the Medium Density Residential policies of the UHOP and is compatible with the existing surrounding dwelling form of generally 1.5 to two storey heights. A minimum of 55 units per hectare is included in the Draft Official Plan Amendment attached as Appendix “B” to Report PED21221 to provide added flexibility.

Low Density Residential

- “E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods;
- E.3.4.2 Low density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade;

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- E.3.4.3 Uses permitted in low density residential areas include single-detached, semidetached, duplex, triplex, and street townhouse dwellings;
- E.3.4.4 For low density residential areas the maximum *net residential density* shall be 60 units per hectare; and,
- E.3.4.5 For low density residential areas, the maximum height shall be three storeys.”

The proposed single detached dwellings (12 units on a private condominium road in Block 2 and five units on Lots 11-15) and 12 street townhouse dwellings on Block 4 (as shown on the Concept Plan and Proposed Draft Plan of Subdivision (attached as Appendices “F” and “G”, respectively, to Report PED21221) are permitted uses in the Low Density Residential areas. The proposed density of the 12 single detached dwelling units in Block 2 is ± 17.4 units per hectare, the density of the 12 street townhouse dwellings on Block 4 is ± 50 units per hectare, and the density of the five lots (Lots 11-15) is ± 25 units per hectare. However, these proposed densities may be adjusted slightly as a result of revisions to the Concept Plan with respect to right-of-way requirements, which is discussed in detail below in the Transportation Network and Right-of-Ways section. These revisions and adjustments would not be substantial to increase the net residential density to above 60 units per hectare, therefore the proposed development complies with the maximum net residential density permitted in Low Density Residential areas. The building heights will be a maximum of 11.5 metres, as per the Draft Amendment to Zoning By-law No. 6593 attached as Appendix “C” to Report PED21221, which is representative of a maximum of three storeys.

Residential Greenfield Design

- “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 include 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 creation of the community focal point;
- E.3.7.3 The configuration of streets, trails, and open spaces shall ensure clear and convenient pedestrian, cycling, and vehicular connections from within the greenfield community to the focal point and adjacent neighbourhoods;

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E.3.7.5 New residential development in greenfield areas shall generally be designed and planned to:

- a) Minimize changes to existing topography; and,
- b) Preserve existing trees and natural features;

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 subject site is located on a future Collector road (Crerar Drive), as well as in close proximity to a Minor Arterial (Stone Church Road East). The existing neighbourhood is comprised of single detached dwellings, with natural open spaces, vacant institutional and agricultural lands, a neighbourhood park, educational establishments, multiple dwellings, and places of worship surrounding the subject lands.

The subject lands constitute a greenfield development as the lands are within the Urban Boundary but outside of the Built-Up Area and are considered a greenfield area. The subject lands are located in a settlement area where full municipal services are available and will contribute to the provision of a range and mix of housing types.

The proposed maximum of 221 residential dwelling units consisting of street townhouse, block townhouse, maisonette, and single detached dwellings will be of a size, density and scale that respects the existing and proposed scale of development in the area. At proposed building heights of two to three storeys (11.5 to 13.5 metres), the proposed development is appropriate with respect to the scale of the neighbouring buildings, which range in height from one and a half to two storeys, and massing that respects the existing street proportions and lot patterns. The subject proposal is appropriately designed and constitutes an evolving built form that is in harmony with the existing architectural massing of the area.

Visitor parking is proposed within the future condominium blocks of the development (Blocks 2 and 3) and sufficient amenity area by way of private yards and landscaped

areas will also contribute to the integration of this new development into the existing neighbourhood. The proposed development will provide landscaping and visual barriers that will buffer neighbouring properties, consistent with the amount of landscaping on other properties in the neighbourhood to eliminate potential privacy concerns for adjoining residents. The proposed development will have direct vehicular and pedestrian routes throughout the site connecting to existing and planned sidewalks along Cyprus Drive, Crerar Drive, and Street 'A', establishing direct pedestrian routes to the existing transit services (see the Concept Plan attached as Appendix "F" to Report PED21221).

Scale and Design

"E.3.2.7 The City shall require quality urban and architectural design. *Development* of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:

- a) New *development* on large sites shall support a grid system of streets of pedestrian scale, short blocks, street oriented structures, and a safe and attractive public realm;
- b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized;
- c) Adequate and direct pedestrian access and linkages to *community facilities/services* and local commercial uses shall be provided; and,
- d) *Development* shall improve existing landscape features and overall landscape character of the surrounding area;

B.3.3.2.3 Urban design should foster a sense of community pride and identity by:

- a) Respecting existing character, development patterns, built form, and landscape;
- b) Promoting quality design consistent with the locale and surrounding environment; and,
- e) Conserving, maintaining, and enhancing the natural heritage and topographic features of the City and its communities;

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- B.3.3.2.5 Places that are safe, accessible, connected and easy to navigate shall be created by using the following design Applications, where appropriate:
- a) Connecting buildings and spaces through an efficient, intuitive, and safe network of streets, roads, alleys, lanes, sidewalks, and pathways;
- B.3.3.2.8 Urban design should promote environmental sustainability by:
- a) Achieving compact development and resulting built forms; and,
 - 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;
- B.3.3.3.5 Built form shall create comfortable pedestrian environments by:
- a) Locating principal façades and primary building entrances parallel to and as close to the street as possible; and,
 - d) Locating surface parking to the sides or rear of sites or buildings, where appropriate.”

The proposed development will provide a pedestrian scale street network aligned to the general intent of the Crerar Neighbourhood Plan with the extension of Crerar Drive to Stone Church Road East. It is noted that while the Neighbourhood Plan shows a network of public roads connecting Cyprus Drive in the north to Crerar Drive in the south, private condominium roads are proposed within Blocks 2 and 3 of the proposed development (see the Concept Plan attached as Appendix “F” to Report PED21221). The Neighbourhood Plan identifies the entirety of the subject lands, including the woodland and municipal tree assets located within municipal rights-of-way, for residential development and public roads. For orderly development to proceed, in lieu of a public roadway to complete the public road connection through the neighbourhood, a walkway is proposed through the City-owned strip of land adjacent to the northeast portion of the site from the sidewalk along Cyprus Drive to the internal sidewalk through the medium density residential lands. An easement will be established along the internal sidewalk to grant public access through Block 3 to Crerar Drive. These are addressed as Condition Nos. 25 and 28 of Appendix “H” attached to Report PED21221.

With respect to integrating, conserving, protecting, maintaining, improving and enhancing existing environmental features and landscape features and the overall

landscape character of the surrounding area, including existing topography, forest and vegetative cover, through building and site design, Block 1 (woodland) will be dedicated to the City for long term protection and stewardship. Staff note that the preliminary grading plan, prepared by S. Llewellyn & Associates and dated August 2021, proposed grading and drainage features, including a retaining wall and trapezoidal swale, within the rear yards of condominium Lots 4-8 (within Block 2 on the Concept Plan attached as Appendix “F” to Report PED21221) to reconcile grading along the boundary of Block 1 and address external drainage into the lands. A projecting dolostone / limestone rock face and several trees, including a Butternut, have been identified within these yards and are identified for removal. Staff recommend that through the detailed design additional environmental features, including but not limited to the projecting dolostone / limestone rock face, Butternut and other significant trees, should be preserved. Accordingly, a Tree Preservation / Management / Enhancement Plan, Edge Management Plan, Landscape Plan, and a Homeowner’s Stewardship Guide will be required and are addressed by Condition Nos. 20 - 24 of Appendix “H” attached to Report PED21221.

The proposed dwellings will address the public and private internal roadways with garages recessed from the principal entrances of the dwellings with most visitor parking areas located away from the public street. Where visitor parking areas are located next to a public street they will be screened from view with landscaping. This requirement will be further addressed at the future Site Plan Control stage.

Matters regarding access and linkages to surrounding supporting uses and respecting the existing character, development patterns, built form, and landscape consistent with the surrounding neighbourhood through compact development have been discussed in greater detail above.

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:
- d) Minor arterial roads, subject to the following policies:
 - iii) The basic maximum right-of-way widths for major arterial roads shall be [as] described in Schedule C-2 – Future Right-of-Way Dedications;
 - e) Collector roads, subject to the following policies:

- ii) The basic maximum right-of-way widths for urban collector roads shall be ... 26.213 metres ...; and,
- iv) Short connecting link-roads which generally connect local internal neighbourhood ring road networks to external arterial roads shall be classified as collector roads. Several connecting link-roads are located in between arterial roads and function as mid block collector roads;
- 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.4.5.6.1 The City shall require, as a condition of site plan approval, subdivision approval, condominium approval and land severance consent, that sufficient lands are conveyed to provide for a road right-of-way dedication in accordance with the designated widths as set out in Section C.4.5.2 or Schedule C-2 – Future Right-of-Way Dedications;

C.4.5.6.5 Notwithstanding Policies C.4.5.6, C.4.5.6.1, C.4.5.6.3, and C.4.5.7, and in addition to Policy C.4.5.3, the City may waive or accept less lands to be dedicated than the maximum right-of-way dedication and/or daylighting triangle requirements where, in the opinion of the City:

- a) It is determined through a development planning approval process that due to significant adverse impacts on:
 - i) Existing built form;
 - ii) Natural heritage features;
 - iii) An existing streetscape; or,
 - iv) A known *cultural heritage resource*;

it is not feasible or desirable to widen an existing right-of-way to the maximum right-of-way width or provide the full daylight triangle as set in Section C.4.5.2, Schedule C-2 – Future Right-of-Way Dedications, or Section C.4.5.7, and that the City's

objectives for sustainable *infrastructure*, complete streets and mobility can be achieved; or,

- b) An alternative right-of-way width or daylighting triangle size has been deemed appropriate through a City initiated environmental assessment, streetscape master plan, area master plan, secondary planning study, or other transportation or planning study approved by Council, and provided it does not affect the safe and planned operation of the roadway;

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;
- b) Collector to local or collector Roads: 9.14 m x 9.14 m triangle; and,
- c) Arterial to collector or arterial (Urban): 12.19 m x 12.19 m triangle;

C.4.5.8.3 Private access to arterial and collector roads shall be designed to minimize the number of driveways and to consolidate driveways for adjacent sites where possible; and,

C.4.5.10 Traffic calming devices shall only be installed where warranted in accordance with current City traffic standards.”

Stone Church Road East is classified as a Minor Arterial with a future right-of-way width of 30.048 metres from Golf Links Road to Upper Mount Albion Road, as specified in Schedule C-2 of the UHOP. A road widening of approximately 5.18 m to provide a right-of-way width of 15.024 m from the road centreline has been provided on the Draft Plan as Block 5 and will be dedicated to the City (see Appendix “G” attached to Report PED21221). This has been secured through Condition No. 29 of Appendix “H” attached to Report PED21221.

Crerar Drive at the intersection of Stone Church Road East functions as a midblock collector road connecting the local internal neighbourhood road network to the external

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arterial road, with a right-of-way width of 26.213 metres. The remainder of Crerar Drive is classified as a local road and shall match the existing width of Crerar Drive (± 20.12 metres). The Concept Plan and Proposed Draft Plan of Subdivision (attached as Appendices “F” and “G”, respectively, to Report PED21221) identify a proposed ± 9.6 metre x ± 9.6 metre daylighting triangle at the northwest corner of Stone Church Road East and Crerar Drive. In consultation with Transportation Planning staff, notwithstanding the daylighting triangle requirements and criteria for alternative size, the ± 9.6 metre x ± 9.6 metre daylighting triangle can be supported as it will be a consistent in size with the existing daylighting triangle at the northeast corner of Stone Church Road East and Crerar Drive. A maximum 9.60 metre x 9.60 metre daylighting triangle requirement is included in the Draft Official Plan Amendment attached as Appendix “B” to Report PED21221 and will be secured through Condition No. 30 of Appendix “H” attached to Report PED21221.

It is noted that the transition from a collector road to a local road right-of-way width has not been determined. The right-of-way of Street ‘A’ is approximately 70 metres from the ultimate right-of-way of Stone Church Road East, and there may be a pinch point if the 26.213 metre right-of-way width is not provided for the entire length from Stone Church Road East to Street ‘A’. The 26.213 metre right-of-way width of a collector road is to ensure, amongst other infrastructure need, that sufficient width for turning lanes is provided (i.e. taper and storage lengths). It will not be feasible to align the centreline of the right-of-way of the Crerar Drive extension with the centreline of Brigade Drive on the opposite side of Stone Church Road East. The new road, boulevard and sidewalk will be shifted westerly off-centre of the Crerar Drive right-of-way in order that the travel path centrelines of Crerar Drive and Brigade Drive are aligned. A southbound left turn lane and taper needs to be accommodated. Transportation Planning cannot support a reduced right-of-way for the section of Crerar Drive required to be classified as a collector road unless the Applicant can demonstrate there will be sufficient room to accommodate the infrastructure needs within the right-of-way prior to Street ‘A’, as is currently shown on the Draft Plan of Subdivision attached as Appendix “G” to Report PED21221.

Street ‘A’ is classified as a local road with a right-of-way width of 20.12 metres. 4.57 metre x 4.57 metre daylighting triangles at the northwest and southwest corners of the intersection of Crerar Drive (section classified as local road) and Street ‘A’ are required (Condition Nos. 29 and 30 of Appendix “H” attached to Report PED21221). A temporary turnaround required at the west end of Street ‘A’ and 0.3m reserve block around the perimeter are addressed as Condition No. 14 of Appendix “H” attached to Report PED21221. Revisions to the proposed cul-de-sac at the south end of Cyprus Drive to include the acquisition of a portion of City owned lands and the necessary boulevard for sidewalks and the installation of utilities is further discussed in Appendix

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“L” attached to Report PED21221 and is addressed as Condition Nos. 10 - 12 of Appendix “H” attached to Report PED21221.

A revised Transportation Impact Study, traffic signal design and installation for the Stone Church Road East and Brigade Drive/Crerar Drive extension intersection, and plans showing the ultimate right-of-way and daylighting limits, roadways, medians, pavement markings including left-turn storage and taper lengths, sidewalks, traffic calming and transportation management measures, sightline analysis and advisory statements to prospective purchasers, as further detailed in the Relevant Consultation attached as Appendix “L” to Report PED21221, are required as Condition Nos. 31 - 38 of Appendix “H” attached to Report PED21221. All required infrastructure improvements identified through an approved Transportation Impact Study will be addressed at the detailed design stage.

Approval of the Transportation Impact Study is required prior to approval of the on-street parking plan to address sightline issues and separation from intersections. In accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual, the minimum number of parking spaces shall be a ratio of 0.4 parallel on-street parking spaces per dwelling unit within reasonable walking distance for each phase of development. A revised on-street parking plan is addressed as Condition No. 4 of Appendix “H” attached to Report PED21221.

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 have identified several concerns with respect to the proposed grading and drainage plans, particularly the significant regrading proposed on the subject and adjacent lands, retaining wall, and trapezoidal swale along the north side and rear yards of Lots 4 to 8 on Block 2 and the west rear yards of Block 3, and overland flow routes, as further detailed in the Relevant Consultation attached as Appendix “L” to Report PED21221. The concerns are that the proposed drainage concept may not adequately contain, and redirect, stormwater flows from external lands away from the proposed development lots. As discussed above, the revisions provide an opportunity for staff to encourage, through the detailed grading design, that any

additional environmental features be preserved. The Applicant is to confirm that the adjacent landowners for the lands located at 289 Stone Church Road East have reviewed and understand the scope and impact of the proposed grading and drainage measures, as well as the temporary cul-de-sac at the terminus of Street 'A', being proposed on their lands. This matter has been addressed as Condition No. 17 of Appendix "H" attached to Report PED21221.

Development Engineering Approvals has also identified potential issues with the proposal to replace a section of the existing sanitary sewer on Crerar Drive with larger diameter sewers. Multiple existing sewer services lack adequate minimum separations to the water services, which may present issues under the required MECP ECA Application for the new sewer.

Hamilton Conservation Authority have advised that the revised Functional Servicing Report, prepared by S. Llewellyn & Associates and dated August 2021, has not proposed sufficient quality control for the lands. They further recommend separate erosion and sediment control plans for pre-grading and initial construction stages and the plans provide additional measures and details. The above servicing, stormwater management, external drainage and grading, detailed engineering design, and sewer replacement have been addressed as Condition Nos. 1, 2, 6, 7, and 17 of Appendix "H" attached to Report PED21221.

Plan of Subdivision

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

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

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- 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 “G” to Report PED21221, consists of one Natural Heritage/Park block (Block 1); one block for a maximum of 12 single detached dwellings on a private condominium road (Block 2); one block for a maximum of 112 block townhouse units and 80 maisonette units (Block 3); one block for a maximum of 12 street townhouse units (Block 4); one road widening block (Block 5); one future residential block (Block 6); four 0.3 m reserve blocks (Blocks 7-10); five lots for single detached dwellings (Lots 11-15); and, three public roads (Street ‘A’ and the extensions of Crerar Drive and Cyprus Drive).

Block 1 will be dedicated to the City for long term protection and stewardship of the woodland. Block 2 will allow for a future Condominium development having private roads and freehold lots, and Block 3 will allow for a future Condominium development having private roads and standard condominium units. Block 4 will allow for street townhouse dwellings, which may be divided through future Part Lot Control Applications. Block 5 dedicates the necessary road widening along Stone Church Road East and respective daylighting triangle. Two of the 0.3 m reserve blocks (Blocks 7 and 8) preclude access to lands not currently under the ownership or control of the subject Owner/Applicant, which can be lifted with future development of those lands and including Block 6 (future residential block). The other two 0.3 m reserve blocks (Blocks 9 and 10) will ensure driveway access from Cyprus Drive and Stone Church Road East, respectively, will not be permitted to the adjacent land.

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

Based on the foregoing, the proposal complies with the applicable policies of the UHOP, subject to approval of the proposed Official Plan Amendment.

Crerar Neighbourhood Plan

The subject site is located within the boundaries of the Crerar Neighbourhood Plan. The neighbourhood plan was originally approved by Council in March of 1979 which established an overall framework for the neighbourhood design, including locations for park blocks and open spaces, to serve the future development of the broader area for the lands bounded by Upper Wellington Street, Lincoln M. Alexander Parkway, Upper Wentworth Street and Stone Church Road East.

The specific land use permissions and design details for individual development blocks in the neighbourhood have been, and continue to be, implemented through Zoning By-law Amendment Applications and Draft Plans of Subdivision. The site is designated “Single and Double” in the Neighbourhood Plan, which contemplates the development of single detached and semi-detached dwellings. The Block Townhouse and Street Townhouse blocks (Blocks 3 and 4, respectively, as shown on the Draft Plan of Subdivision attached as Appendix “G” to Report PED21221) would be categorized as “Attached Housing” in the Crerar Neighbourhood Plan. Portions of the subject lands are also identified for “Proposed Roads”. The woodland is not identified for protection by the Neighbourhood Plan.

An amendment to the Crerar Neighbourhood Plan is required to adjust the planned local road network and change the designations of:

- The Natural Heritage/Park block (Block 1 as shown on the Draft Plan of Subdivision attached as Appendix “G” to Report PED21221) from “Single and Double” to “Park and Recreational”; and,
- The Block Townhouse and Street Townhouse blocks (Blocks 3 and 4, respectively, as shown on the Draft Plan of Subdivision attached as Appendix “G” to Report PED21221) from “Single and Double” to “Attached Housing”.

Given:

1. The dedication of 1.15 hectares of woodland to the City;
2. The site’s frontage on a collector road (Crerar Drive) as a prominent entrance to the neighbourhood from a minor arterial (Stone Church Road East); and,
3. That the development will comply with the Urban Hamilton Official Plan upon approval of the proposed Urban Hamilton Official Plan Amendment.

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The above redesignations to “Park and Recreational” and “Attached Housing” can be supported.

Hamilton Zoning By-law Nos. 6593 and 05-200

The subject property is currently zoned “AA” (Agricultural) District and “C” (Urban Protected Residential, Etc.) District, in Hamilton Zoning By-law No. 6593, as shown on Appendix “A” attached to Report PED21221. In order to permit the proposed development, the Zoning By-law Amendment Application proposes to rezone the subject property to the:

- “C/S-1811-H” (Urban Protected Residential, Etc.) District, Modified (Block 1);
- “RT-20/S-1811-H” (Townhouse - Maisonette) District, Modified (Block 2);
- “RT-30/S-1811” (Street - Townhouse) District, Modified (Blocks 3 and 4);
- “C/S-1811” (Urban Protected Residential, Etc.) District, Modified (Blocks 5 and 6), all under Hamilton Zoning By-law No. 6593; and,
- Conservation / Hazard Land (P5) Zone under City of Hamilton By-law No. 05-200.

The proposed zoning will be discussed in the Analysis and Rationale section of this Report, and an evaluation of the proposed modifications to the “C”, “RT-20”, and “RT-30” Districts are included in Appendix “E” attached to Report PED21221.

RELEVANT CONSULTATION

Refer to Appendix “L” attached to Report PED21221 for a summary of Department and Agency comments and public input received.

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 131 property owners within 120 m of the subject lands on February 19, 2021.

A Public Notice Sign was posted on the property on February 26, 2021, and updated on November 9, 2021, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on November 19, 2021.

Public Consultation Strategy

Pursuant to the City's Public Consultation Strategy Guidelines, the Applicant launched a project website providing the complete Application documents and key project status dates. Further, the Applicant prepared a Public Consultation Strategy which included a neighbourhood information meeting held on June 7, 2021 and hosted by the Applicant virtually using the Microsoft Teams platform. The Applicant presented the proposal and addressed questions and concerns associated with the Applications. A notice advising of the neighbourhood information meeting was sent by the Applicant to all residents within 120 m of the subject lands. Members of the public, staff from the City and the Ward Councillor's office, and the Applicant and their agent, attended the meeting. The meeting comments are included in Appendix "K" attached to Report PED21221.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed development has merit and can be supported for the following reasons:
 - i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - ii) It complies with the general intent and purpose of the UHOP, in particular, the function, scale and design of the Low and Medium Density Residential policies as they relate to residential greenfield development and complete communities in the Neighbourhoods designation; and,
 - iii) The proposed maximum of 221 residential dwelling units consisting of street townhouse, block townhouse, maisonette, and single detached dwellings are supportable, as they provide a built form that is compatible with the character of the area and the proposed development represents good planning by, among other things, providing a compact and efficient urban form;
2. The proposed Urban Hamilton Official Plan Amendment is required to redesignate a portion of the subject lands from "Open Space" to "Neighbourhoods" and to establish an Urban Site Specific Policy to reduce daylighting triangle requirements, to permit a minimum net residential density of 55 units per hectare within a medium density residential area of the Neighbourhoods Designation, and to permit the dedication of a woodlot to the City of Hamilton as parkland dedication.

As per the UHOP policies identified above, the proposed Official Plan Amendment can be supported given that the Crerar Neighbourhood Plan identifies the entirety of the site for residential development and supporting infrastructure including public streets, and that the 1.15 hectare woodland is being protected through dedication to the City of Hamilton.

The Concept Plan supports a range of UHOP objectives including planning and designating lands for a range of housing types and densities and securing the woodland and the development of housing and public street connections as envisioned by the Crerar Neighbourhood Plan. Therefore, staff support the proposed Official Plan Amendment.

The proposed 57.2 units per hectare falls below the permitted net residential density range for medium density residential uses. With the type of housing form proposed, located on internal private roads, there are no public lands to exclude from the calculation and thus the result is a lower overall density number. Staff support the modification to the density range as it maintains the intent of the Medium Density Residential policies of the UHOP by proposing a development which is compatible with the existing surrounding dwelling form and massing. A minimum of 55 units per hectare is included in the Draft Official Plan Amendment attached as Appendix “B” to Report PED21221 to provide added flexibility.

The proposed ± 9.6 metre x ± 9.6 metre daylighting triangle at the northwest corner of Stone Church Road East and Crerar Drive is less than the required 12.19 metre x 12.19 metre daylighting triangle. In consultation with Transportation Planning staff, notwithstanding the daylighting triangle requirements and criteria for alternative size, this daylighting triangle can be supported as it will be a consistent in size with the existing daylighting triangle at the northeast corner of Stone Church Road East and Crerar Drive. A maximum 9.60 metre x 9.60 metre daylighting triangle requirement is included in the Draft Official Plan Amendment attached as Appendix “B” to Report PED21221.

3. The proposed Zoning By-law Amendments are to change the zoning:
- From the “AA” (Agricultural) District to the “C/S-1811” (Urban Protected Residential, Etc.) District, Modified (Block 1);
 - From the “AA” (Agricultural) District to the “RT-20/S-1811” (Townhouse - Maisonette) District, Modified (Block 2);

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- From the “AA” (Agricultural) District and the “C” (Urban Protected Residential, Etc.) District to the “RT-30/S-1811” (Street - Townhouse) District, Modified (Blocks 3 and 4);
- From the “AA” (Agricultural) District and the “C” (Urban Protected Residential, Etc.) District to the “C/S-1811” (Urban Protected Residential, Etc.) District, Modified (Blocks 5 and 6); and,
- From the “AA” (Agricultural) District to the Conservation / Hazard Land (P5) Zone.

This zoning amendment will permit a maximum of 221 residential dwelling units consisting of a maximum of 112 block townhouse units, 80 maisonette units, 12 single detached dwellings on a private road (condominium road), five single detached dwellings on a public road, and 12 street townhouse units, and to protect a 1.15 hectare significant woodland.

Given that the proposed development will complement, through a compact design that includes a diverse range and mix of housing types, the existing and planned surrounding neighbourhood, will provide a mixture of lot widths and block sizes compatible with existing and planned development in the area, will be consistent with the character of the surrounding area, and will provide long term protection to a woodland, staff are supportive of the proposed Zoning By-law Amendment.

The implementing by-law proposes modifications to the “C” (Urban Protected Residential, Etc.) District, the “RT-20” (Townhouse - Maisonette) District, and the “RT-30” (Street - Townhouse) District. These are discussed in Appendix “E” attached to Report PED21221.

4. The proposed Draft Plan of Subdivision will consist of one Natural Heritage/Park block (Block 1); one block for a maximum of 12 single detached dwellings on a private condominium road (Block 2); one block for a maximum of 112 block townhouse units and 80 maisonette units (Block 3); one block for a maximum of 12 street townhouse units (Block 4); one road widening block (Block 5); one future residential block (Block 6); four 0.3 m reserve blocks (Blocks 7-10); five lots for single detached dwellings (Lots 11-15); and, three public roads (Street ‘A’ and the extensions of Crerar Drive and Cyprus Drive).

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

- (a) It is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) The proposal represents a logical and timely extension of existing development and services and is in the public interest;
- (c) It will comply with the applicable policies of the Urban Hamilton Official Plan upon approval of the Urban Hamilton Official Plan Amendment;
- (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.

5. Applications for a Draft Plan of Condominium (Common Element) (25CDM-202105) for a maximum of 12 single detached dwellings on a private condominium road for Block 2, a Draft Plan of Condominium (Phased – Standard) (25CDM-202106) for a maximum of 112 block townhouse units and 80 maisonette units for Block 3, and Site Plan Control Application (DA-21-012) for the aforementioned

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condominium blocks are required for the proposed development of the subject blocks, and will be further considered at later stages in the development process. It is noted that until such time as the applicant has submitted and received approval of the engineering submissions relating to storm water management, overland flow routes and grading, submission of a site plan application or an application for a model home permit is considered to be premature and would not be supported by staff.

ALTERNATIVES FOR CONSIDERATION

Should the Application be denied, the lands could be developed in accordance with the “AA” (Agricultural) District and the “C” (Urban Protected Residential, Etc.) District, which permits uses including, but not limited to, agricultural use and single detached dwellings.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Healthy and Safe Communities

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

Clean and Green

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

Built Environment and Infrastructure

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

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED21221 - Location Map

Appendix “B” to Report PED21221 - Draft Official Plan Amendment

Appendix “C” to Report PED21221 - Draft Amendment to Zoning By-law No. 6593

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Appendix “D” to Report PED21221 - Draft Amendment to Zoning By-law No. 05-200
Appendix “E” to Report PED21221 - Zoning Modification Chart
Appendix “F” to Report PED21221 - Concept Plan
Appendix “G” to Report PED21221 - Proposed Draft Plan of Subdivision
Appendix “H” to Report PED21221 - Draft Plan of Subdivision Special Conditions
Appendix “I” to Report PED21221 - Ontario Land Tribunal (Formerly OMB/LPAT) Case Nos. PL110331 et al
Appendix “J” to Report PED21221 - Public Submissions
Appendix “K” to Report PED21221 - Open House Materials
Appendix “L” to Report PED21221 - Relevant Consultation

TV:sd