



Hamilton

DN/B-24:12 – 107 Grant Boulevard, Dundas

Recommendation:

- Staff are unable to determine compliance with the Natural Heritage policies of the Urban Hamilton Official Plan at this time. Staff recommend the application be tabled and an Environmental Impact Study be prepared and submitted for review in support of this application.

Proposed Conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner/applicant shall submit survey evidence that the lands to be retained, including the location of any existing structure(s), lot area and lot frontage, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
4. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division –Plan Examination Section).
5. That the owner submits and receives approval of a Tree Protection Plan including the review fee as per the Schedule of Rates and Fees, prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester, landscape architect) to the satisfaction of the Manager of Heritage and Urban Design.
6. That the owner submits and receives approval of a Landscape Plan that shows the location of the compensation of trees to the satisfaction of the Manager of Heritage and Urban Design.



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STAFF COMMENTS

HEARING DATE: April 23, 2024

Proposed Notes:

Staff note the frontage for the retained lands (Part 1) listed on the Notice of Public Hearing is 6.88 metres, whereas the site plan submitted as part of this application shows a frontage of 15.31 metres for Part 1. Staff have reviewed the application using the 15.31 metre frontage.



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Development Planning:

Background

	Frontage	Depth	Area
SEVERED LANDS (Part 2):	N/A m±	67 m±	0.28 ha±
RETAINED LANDS (Part 1):	15.31 m±	48 m±	0.10 ha±

To permit the conveyance of a parcel of land to be added onto lands (no address, Roll Numbers: 251826005040000 and 251826005040010) to the south for open space/conservation purposes and to retain a parcel of land for residential purposes (existing dwelling to remain).

Analysis

Urban Hamilton Official Plan

The subject lands are designated as “Neighbourhoods” and “Open Space” in Schedule E-1 – Urban Land Use Designations and are identified as “Neighbourhoods” in Schedule E – Urban Structure of the Urban Hamilton Official Plan. Policies E.3.4.3, F.1.14.3.1 and F.1.14.3.6, amongst others, are applicable. The existing single detached is a permitted use.

Natural heritage features are identified on or adjacent to the subject lands in Schedule B – Natural Heritage System of the Urban Hamilton Official Plan. Staff defer to Natural Heritage planning staff regarding conformity of the proposal with the natural heritage policies of the Urban Hamilton Official Plan.

Regarding policies found in Section F.1.14.3.1, staff note that the retained parcel, Part 1, is comparable to the established lot fabric, scale, development pattern character of the area, is fully serviced by municipal water and wastewater services and fronts on to a public road. Staff are of the opinion that the proposed retained parcel meets the policies regarding severances within the “Neighbourhoods” designation found in Section F.1.14.3.1.

Staff note that the purpose of this, as stated in the submitted application form, is for the conveyance of natural heritage lands for conservation purposes. Per Policy F.1.14.3.6, minor lot line adjustments shall be permitted provided there is no increased fragmentation and the adjustments do not conflict with the intent of the policies of the Urban Hamilton Official Plan.



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Archaeology

The subject property meets the criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential. These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the Provincial Policy Statement apply to the subject application. If this severance is granted, the City does not require an archaeological assessment, but the proponent must be **advised in writing** by the Committee of Adjustment as follows:

“Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archaeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MCM.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately ([416-212-0036](tel:416-212-0036)) In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416- 212-7499).”

Cultural Heritage

No comment.

Natural Heritage

The subject property is located within the boundaries of the Urban Hamilton Official Plan (UHOP). Based on Schedule B (Natural Heritage System) of the UHOP, Core Areas have been identified within and adjacent to the subject property. These features have been identified as significant woodland, Cootes Paradise Environmentally Significant Area (ESA), and watercourse.

Based on policies within the UHOP (policy C.2.3), Core Areas are to be preserved and enhanced. In addition, any development or site alteration within or adjacent to them shall not negatively impact their



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natural features or their ecological functions. While Natural Heritage Planning staff supports the preservation of the natural features, there is concern that there will be potential impacts to the natural features by encroachment, dumping and introduction of non-native species.

At this time, it is unclear how the impacts of the existing house (i.e., encroachment, dumping) on the natural area will be mitigated (e.g. through the installation of fencing). When development potentially negatively impacts the features and functions of Core Areas, an Environmental Impact Statement (EIS) is required. An EIS: i) characterizes the existing Core Areas; ii) assesses impacts; and iii) provides recommendations on natural area boundaries, mitigation measures, and design measures to accommodate or enhance existing natural features and functions. It is recommended that this application be tabled until an EIS can be prepared for review or clarification regarding mitigation measures can be provided.

In addition, trees have been identified within and adjacent to the subject property. The City recognizes the importance of trees to the health of a community (i.e., canopy cover, energy conservation, mental health benefits, wildlife habitat) and encourages the protection and restoration of trees (policy C.2.11.1). At this time, it is unclear how the boundary of the lots will be delineated (i.e., fence) and if there would be impacts to trees. This can be addressed through the following conditions.

1. That the owner submits and receives approval of a Tree Protection Plan including the review fee as per the Schedule of Rates and Fees, prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester, landscape architect) to the satisfaction of the Manager of Heritage and Urban Design.
2. That the owner submits and receives approval of a Landscape Plan that shows the location of compensation trees to the satisfaction of the Manager of Heritage and Urban Design.

Former Town of Dundas Zoning By-law No. 3581-86

The subject lands are zoned Single Detached Residential (R2) Zone, Single Detached Residential (R2-FP) Zone, Flood Plain and Open Space Conservation (OS) Zone in Former Town of Dundas Zoning By-law No. 3581-86. The existing residential use and the proposed conservation use are permitted. The retained land, Part 1, will have frontage on a public road and meets the minimum lot size and lot area requirements of the Zoning By-law and the existing dwelling on Part 1 appears to meet the minimum requirements of the Zoning By-law.

Zoning:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	1. The owner/applicant shall submit survey evidence that the lands to be retained, including the location of any existing structure(s), lot area and



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	lot frontage, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
Comments:	<ol style="list-style-type: none"> In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees. The lot to be conveyed shall be merged in title with the lot to which it is to be merged with.
Proposed Notes:	

Development Engineering:

Recommendation:	No comments.
Proposed Conditions:	
Comments:	
Proposed Notes:	

Building Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division –Plan Examination Section).
Comments:	
Proposed Notes:	In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.

Transportation Planning:

Recommendation:	No comments
Proposed Conditions:	
Comments:	
Proposed Notes:	

Forestry



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STAFF COMMENTS

HEARING DATE: April 23, 2024

Recommendation	Approve
Proposed Conditions:	No conditions required.
Comments:	There are no public tree assets impacted by the proposed conveyance.
Notes:	