

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 8
COMMITTEE DATE: April 30, 2013	
SUBJECT/REPORT NO: Application for Amendments to the City of Hamilton Zoning By-law No. 6593, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1155 West 5 th Street (Hamilton) (PED13080) (Ward 8)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Chris Bell (905) 546-2424 Ext.1262
SIGNATURE:	

RECOMMENDATION:

- (a) That approval be given to **Amended Zoning Application ZAC-12-005, by Sonoma Homes, Owners**, for a change in zoning from the “AA” (Agricultural) District to the “RT-30/S-1667” (Street Townhouse) District, Modified, with a Special Exception, to permit the development of up to 18 townhouses fronting onto a public road (Block 1), and up to 121 townhouses fronting onto an internal private condominium road as parcels of tied land (Block 2), on lands located at 1155 West 5th Street (Hamilton), as shown on Appendix “A” to Report PED13080, on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED13080, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law be added to Schedule “A”, Map No. W9d, of Zoning By-law No. 6593;

SUBJECT: Application for Amendments to the City of Hamilton Zoning By-law No. 6593, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1155 West 5th Street (Hamilton) (PED13080) (Ward 8) - Page 2 of 25

- (iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth and City of Hamilton Official Plans;
 - (iv) That upon finalization of the implementing By-law, the Mewburn Neighbourhood Plan be amended to revise the road pattern, as shown on Appendices “B” and “D”, and change the designation of the westerly portion of the subject lands from “Single and Double Residential” to “Attached Housing”.
- (b) That approval be given to **Draft Plan of Subdivision Application 25T-201202, by Sonoma Homes, Owners**, to establish a draft plan of subdivision, on lands located at 1155 West 5th Street (Hamilton), as shown on Appendix “D” to Report PED13080, subject to the following conditions:
- (i) That this approval apply to 25T-201202, prepared by Wellings Planning Consultants Inc., and certified by Bryan Jacobs, O.L.S., Revision 5, dated March 15, 2013, as red-line revised, showing 1 group townhouse block (Block 1), 3 blocks for a temporary stormwater management pond/future street townhouse blocks (Blocks 2, 3, 5), 1 block for a temporary stormwater management pond/future public road (Block 4), a public road (Street “A”), a temporary turning circle block, 1 block for road widenings along West 5th Street (Block 6), and a 0.3m reserve block along the frontage of Blocks 2 and 3, attached as Appendix “D” to Report PED13080, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “E” to Report PED13080;
 - (ii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each Building Permit. The Cash-in-lieu payment will be calculated at a rate of 1 hectare for each 300 dwelling units proposed, to which payment shall be based on the value of the land on the day prior to the issuance of the first Building Permit for each said block;
 - (iii) Acknowledgement that there will be no City share for any municipal works associated with this development;

All in accordance with the financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

SUBJECT: Application for Amendments to the City of Hamilton Zoning By-law No. 6593, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1155 West 5th Street (Hamilton) (PED13080) (Ward 8) - Page 3 of 25

- (c) That approval be given to **Condominium Application 25CDM-201201, by Sonoma Homes, Owners**, to establish a draft plan of condominium (Common Elements Condominium) to create a condominium road, parking, and amenity area for a 121 unit townhouse development, on a portion of the lands located at 1155 West 5th Street (Block 2 on Appendix "A"), in the former City of Hamilton, as shown on Appendix "F" to Report PED13080, subject to the following conditions:
- (i) That this approval applies to the plan prepared by Wellings Planning Consultants Inc., and certified by Bryan Jacobs, O.L.S., dated March 15, 2013, as red-lined revised, showing the condominium road, parking, and amenity area, attached as Appendix "F" to Report PED13080;
 - (ii) That the Final Plan of Condominium complies with all of the applicable provisions of Zoning By-law No. 6593;
 - (iii) That the owner enters into a Development Agreement to ensure that the tenure of each of the proposed freehold units has legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor;
 - (iv) That the owner receives final approval of a Part Lot Control Application, and the implementing By-law, to the satisfaction of the Director of Planning;
 - (v) That the owner includes the following warning clauses in the Development Agreement, all Purchase and Sale Agreements, and any rental or lease agreements required for occupancy:
 - "Purchasers are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road."*

"Purchasers are advised that owners of lots located at the end of dead-end lanes may not receive curb-side collection of waste, but will instead be required to place their waste at the nearest intersection on waste collection days."
 - (vi) That the owner includes the following clause in the Development Agreement, all Purchase and Sale Agreements, and any rental or lease agreements required for occupancy:

“The garages provided are intended for use as parking by owners. Owners/occupants are responsible for ensuring that parking provided for their lot will meet their needs. There is no opportunity for on-street overflow parking on West 5th, and visitor parking is intended strictly for visitors”.

- (vii) That the owner agrees to register a common element drainage easement, to the satisfaction of the Senior Director of Growth Management Division;
- (viii) That the owner provides the Director of Development Engineering with evidence that satisfactory arrangements, financial or otherwise, have been made with a telecommunication service provider, approved by the Canadian Radio and Telecommunication Commission (CRTC), that adequate telecommunication service will be provided to the condominium, including 9-1-1 emergency calling service that identifies, at a minimum, the caller’s name and location information;
- (ix) That the owner satisfies any conditions, financial or otherwise, of the City of Hamilton.

EXECUTIVE SUMMARY

The purpose of these applications is to amend the City of Hamilton Zoning By-law, and consider the approval of a draft plan of subdivision and a draft plan of condominium application.

Zoning By-law Amendment Application (File No. ZAC-12-005):

The proposed Zoning By-law Amendment is to amend the zoning on the subject lands in order to permit up to 121 freehold townhouse units fronting on a private condominium road (Block 2, Appendix “A”), and up to 18 street townhouses fronting onto a public road (Block 1, Appendix “A”). The total unit yield will be phased, as the northerly portion of the lands will be used for a temporary stormwater management pond. It is proposed that the lands will be rezoned to a site-specific “RT-30” (Street Townhouse) District.

Draft Plan of Subdivision (File No: 25T-201202):

The proposed Draft Plan of Subdivision, attached as Appendix “D”, consists of seven parts;

- One block for proposed freehold townhouse units, common element condominium road, and parking spaces (Block 1);

SUBJECT: Application for Amendments to the City of Hamilton Zoning By-law No. 6593, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1155 West 5th Street (Hamilton) (PED13080) (Ward 8) - Page 5 of 25

- 4 blocks for a temporary stormwater management facility (Blocks 2, 3, 4, and 5) that may ultimately be used for additional townhouses (Blocks 2, 3, and 5) and a future public road (Block 4) once the stormwater management facilities are no longer needed;
- A public road (Street "A"); and,
- One block for a road widening along West 5th Street (Block 6).

The approval of the plan of subdivision will allow lots for each of the proposed townhouse units to be created in the future by way of exemption from Part Lot Control.

At such time as the temporary stormwater management blocks are no longer required, Blocks 2, 3, and 5 may be used for additional townhouse units, and Block 4 will be transferred to the City as a public road.

Draft Plan of Condominium (File No. 25CDM-201201):

The proposed Draft Plan of Condominium (Common Element) is for the creation of a common element condominium road, walkways, visitor parking area, and amenity area tied to the proposed future townhouse units for the lands shown as Block 2 on Appendix "A". The proposed draft plan of condominium is attached as Appendix "F".

The proposal has merit and can be supported since the applications are consistent with the Provincial Policy Statement, and conform to the Hamilton-Wentworth Official Plan. The proposed development is considered to be compatible with and complementary to the existing and planned development in the immediate area. The proposed development also represents good planning by, among other things, providing for the intensification of an under utilized parcel of land and an efficient use of existing services.

Alternatives for Consideration - See Page 24.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: N/A.

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Common Element Condominium.

HISTORICAL BACKGROUND (Chronology of events)

Proposal:

The subject lands are located on the east side of West 5th Street, north of Rymal Road West. The lands are legally described as Part Lot 15, Concession 8, Geographic Township of Barton, in the former City of Hamilton, and are municipally known as 1155 West 5th Street (see Appendix "A").

The applicant has submitted a plan of subdivision application, together with a Plan of Condominium application and an application to amend the regulations of the City of Hamilton Zoning By-law, in a manner that will allow the implementation of the proposed plan of subdivision. The following additional technical reports, plans, and studies were initially submitted with the applications to assist in conducting a thorough review of the development proposal:

- Planning Justification Report, prepared by Wellings Planning Consultants Inc., dated February 2012;
- Urban Design Brief, prepared by Wellings Planning Consultants Inc., dated February 2012;
- Functional Servicing and Stormwater Management Reports, prepared by AMEC Environmental & Infrastructure, dated February 2012;
- Phase 1 Environmental Site Assessment, prepared by Landtek Limited, dated December 30, 2011;
- Archaeological Assessment (Stages 1 and 2), prepared by Detritus Consulting, dated May 2010;
- Traffic Impact Study, prepared by Paradigm Transportation Solutions Ltd., dated January 2012;
- Conceptual Site Plan, prepared by Wellings Planning Consultants Inc., dated January 26, 2012;
- Draft Plan of Subdivision, prepared by Wellings Planning Consultants Inc., dated January 26, 2012; and,
- Draft Plan of Condominium, prepared by Wellings Planning Consultants Inc., dated January 26, 2012.

SUBJECT: Application for Amendments to the City of Hamilton Zoning By-law No. 6593, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1155 West 5th Street (Hamilton) (PED13080) (Ward 8) - Page 7 of 25

As part of the review, addendums and/or revisions to the above were received and reviewed by staff.

Adjacent Development Applications ZAC-12-067 & 25T-201206:

Zoning By-law Amendment and Draft Plan of Subdivision applications have also been submitted by the adjacent land owner to the north, at 1125 West 5th Street (see Appendix "G"), which are proposing up to 130 block and street townhouse dwelling units fronting onto a number of new public roads and private common-element roads (see Appendix "I").

Chronology:

- February 9, 2012: Submission of Applications ZAC-12-005, 25T-201202, and 25CDM201201 by Sonoma Homes
- February 22, 2012: Applications ZAC-12-005, 25T-201202, and 25CDM201201 are deemed complete.
- March 2, 2012: Circulation of Notice of Complete Application and Preliminary Circulation for Applications ZAC-12-05, 25T-201202, and 25CDM201201 to all residents within 120m of the subject lands.
- June 11, 2012: Development Coordinating Meeting with the Owners, Owner's Consultant, Agencies, and Departments.
- July 13, 2012: Owner's Agent submits REVISED concept based on input received as part of the initial circulation and meeting of June 11, 2012.
- July 20, 2012: Circulation of REVISED concept.
- September 28, 2012: Development Coordinating Meeting with the Owners, Owner's Consultant, Agencies, and Departments.
- November 30, 2012: Owner's Agent submits REVISED concept, draft plan of subdivision, and draft plan of condominiums.
- December 10, 2012: Meeting with Owners, Owner's Agent, and Planning staff.

SUBJECT: Application for Amendments to the City of Hamilton Zoning By-law No. 6593, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1155 West 5th Street (Hamilton) (PED13080) (Ward 8) - Page 8 of 25

- January 17, 2013: Owner's Agent submits REVSED concept, draft plan of subdivision, and draft plan of condominium.
- April 12, 2013: Circulation of Notice of Public Meeting to all residents within 120m of the subject lands.

Details of Submitted Applications:

Location: 1155 West 5th Street (former City of Hamilton) (see Appendix "A")
Owners: Sonoma Homes
Agent: Wellings Planning Consultants Inc.

Property Size: Area: 3.547 hectares
Frontage: 181.2m (West 5th Street)
Depth: Varies

Servicing: Full Municipal Servicing

EXISTING LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	"AA" (Agricultural) District
<u>Surrounding Lands:</u>		
North	Vacant	"AA" (Agricultural) District
South	Residential Dwelling and Commercial Parking Lot	"G-1/S-1230" (Designed Shopping Centre) District, "G-1/S-1382" (Designed Shopping Centre) District, "AA" (Agricultural) District
East	Vacant Land and Retail Commercial Plaza	"AA" (Agricultural) District, "G-1/S-1230" (Designed Shopping Centre) District, G-1/S-1382" (Designed Shopping Centre) District

SUBJECT: Application for Amendments to the City of Hamilton Zoning By-law No. 6593, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1155 West 5th Street (Hamilton) (PED13080) (Ward 8) - Page 9 of 25

West	Single Detached Dwellings, Church, Public Park	“P3” (Community Park) District, “AA” (Agricultural) District, “C” and “C/S-1630” (Urban Protected Residential, Etc.) District, “B” (Suburban Agriculture and Residential, Etc.) District, Community Institutional (I2) Zone
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POLICY IMPLICATIONS:

Provincial Policy Statement:

Staff recognizes that the applications are consistent with the policies that focus growth in Settlement Areas, Policy 1.1.3.1.

However, Policy 1.7.1(e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered, and separated from each other to prevent adverse effects from odor, **noise** and other contaminants, and minimize risk to public health and safety. Staff notes that the subject lands are intended to be developed for residential purposes, and are located adjacent to **West 5th Street** and **existing commercial development**, and are within approximately 157m from **Upper James Street**. The proximity of the proposed sensitive land use to road and stationary noise sources triggers the requirement for a Noise Study. A Noise Study is required as a condition of draft plan approval of the subdivision (see Item 3 of Appendix “E”).

In addition, Policy 2.6.2 outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted.

A Stage 1 and 2 Archaeological Assessment, dated May 2010, and prepared by Detritus Consulting, was submitted with the subject applications. The Report has been reviewed by City Heritage staff, who have concurred that the municipal interest in archaeology has been met.

Further, Policy 2.6.3 states that development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated, and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. Mitigative measures and/or

SUBJECT: Application for Amendments to the City of Hamilton Zoning By-law No. 6593, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1155 West 5th Street (Hamilton) (PED13080) (Ward 8) - Page 10 of 25

alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alteration. Staff notes that the subject lands are one lot removed, or approximately 190m, from 1073 West 5th Street (The Parsonage), which is designated under the Ontario Heritage Act and is identified within **Hamilton's Heritage Volume I**. Cultural Heritage Planning staff has advised that they have no concerns with respect to the proposed development and its potential impact on the nearby designated property.

Growth Plan for the Greater Golden Horseshoe (Places to Grow):

Section 1.2.2 of the Growth Plan for the Greater Golden Horseshoe 2006 indicates that some of the guiding principles of the Plan are to “build compact, vibrant, and complete communities”, and to “optimize the use of existing and new infrastructure to support growth in a compact, efficient form”.

The lands are located outside of the “Built Boundary” identified in the Growth Plan and are, therefore, considered a “Greenfield Area”. It is the intent of the Growth Plan to have the entirety of the “Greenfield Area” developed to achieve density targets of not less than 50 residents and jobs combined per hectare.

The subject lands would be expected to generate 124 residents per hectare upon full build-out (2.87 persons/unit for townhouses on 3.2 hectares net of public road, based on 2006 census data), which would surpass “Greenfield Area” targets. It is understood that said density targets for both residents and jobs are to be measured over the entire designated area. Therefore, the resident yield on this site will assist in achieving Growth Plan targets by off-setting reduced densities on parcels where such densities may cause land use compatibility conflicts.

The applications conform with the principles of the Growth Plan, as it proposes to build a more compact community by allowing a development which will maximize the development potential of the site.

Hamilton-Wentworth Official Plan:

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

The proposed Draft Plan of Subdivision and the amendment to the Zoning By-law conform to the Hamilton-Wentworth Regional Official Plan.

New Urban Official Plan:

The Urban Hamilton Official Plan received Ministerial Approval from the Ministry of Municipal Affairs and Housing on March 16, 2011. However, it has been appealed to the Ontario Municipal Board.

The lands fall within the “Neighbourhoods” designation. The “Neighbourhoods” designation is intended to provide the opportunity for a full range of housing forms, types, and tenures, including affordable housing and housing with supports. The street townhouse and group townhouse blocks proposed by the applicant are unit types considered in the “Neighbourhoods” designation and comply with the envisioned density range.

Staff is satisfied that, upon modification of the Mewburn Neighbourhood Plan in accordance with Recommendation (d) of this Report, the proposal would comply with the “Neighbourhoods” policies of the Urban Hamilton Official Plan.

City of Hamilton Official Plan:

The subject lands are designated “Residential” in the City of Hamilton Official Plan. The “Residential” designation permits a range of dwelling types and tenures, with preference being given to locating similar densities and development types together, rather than indiscriminately.

In terms of design and layout of a residential draft plan of subdivision, Section A2.1.9 of the Official Plan encourages: “the design of RESIDENTIAL areas which complement the natural features of the area and utilize energy saving measures such as, but not limited to:

- i) Reduced road lengths;
- ii) Building orientation;
- iii) Retention of existing trees and other vegetation;
- iv) Clustering of units; and,
- v) Such other matters as Council deems necessary and which are in keeping with the provisions of Sub-section C.8, Energy.”

SUBJECT: Application for Amendments to the City of Hamilton Zoning By-law No. 6593, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1155 West 5th Street (Hamilton) (PED13080) (Ward 8) - Page 12 of 25

Further according to Sub-section C7.1, consideration should also be given to achieving high standards of RESIDENTIAL amenity by the:

- i) Provision and maintenance of adequate off-street parking;
- ii) Alteration of traffic flows;
- iii) Improvement and maintenance of street landscaping;
- iv) Acquisition, removal, or improvement of buildings or uses incompatible with a zoning district;

Planning staff is satisfied that the Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium being sought by the applicant conform with the “Residential” and “Housing” policies of the City of Hamilton Official Plan. Although the subject application proposes townhouses, the subject lands and surrounding lands are predominantly “Greenfield” in nature with no predominant built form. Rather, the predominant land use with the greatest influence over potential built form is the Upper James Street commercial corridor to the immediate east of the subject lands. Staff is satisfied that the proposed units may be located in a manner, and at a density, that is compatible with surrounding residential uses and can address compatibility issues associated with the adjacent commercial uses. Further, the proposed lot and road layout provides a road network that will allow for the further extension of Street “A” to continue through the Mewburn neighbourhood in a manner consistent with the Mewburn Neighbourhood Plan, and is well connected with West 5th Street, a minor arterial road.

Mewburn Neighbourhood Plan:

The lands fall within the Mewburn Neighbourhood Plan (see Appendix “G”) and are partially designated “Single and Double” and “Attached Housing”. Although the Mewburn Neighbourhood Plan does not form part of the City of Hamilton Official Plan, it remains a Council direction to be considered when assessing development.

While the portions of the site designated “Attached Housing” have contemplated townhouse-type residential development since 1997, the “Single and Double” residential designation, as noted in the Neighbourhood Plan, would require a modification. Planning staff is satisfied that the townhouse residential form proposed by the applicant represents an opportunity for intensification that will be compatible with the surrounding designations in the Neighbourhood Plan. As noted in Recommendation (a)(iv) of this Report, an amendment to the Mewburn Neighbourhood Plan is required. Further analysis of this is contained in the Analysis/Rationale for Recommendation section of this Report.

RELEVANT CONSULTATION:

The following Departments and Agencies had no comments or objections:

- Hydro One.
- Source Cable.
- Hamilton-Wentworth District School Board.
- Hamilton-Wentworth Separate School Board.
- Hamilton Police Services.
- Emergency Services.

Recreation Division (Community Services Department) has noted that the lands are located in close proximity to William Connell City Wide Park. Proper cross-walks are located at the lighted intersections of Rymal Road East/West 5th Street and Stone Church Road/West 5th Street. Therefore, residents who would like to use William Connell Park (once developed) may choose to use lighted crosswalks approximately 600m away.

In addition to the larger City-Wide recreational opportunities, Recreation staff recommended a centrally located on-site amenity area. In response, the proponents allocated an amenity area of approximately 450 sq. m. within the site. The common element amenity area is centrally located and accessible by an internal sidewalk network. The amenity area will be included within the condominium plan as part of the common-element area, and will be maintained and available to all residents within the future Condominium Corporation.

As this is a private amenity area, staff has not stipulated the type of equipment to be contained within it. However, Recreation staff has advised that the size and shape of the amenity area would accommodate a large amount of playground equipment sufficient enough to serve the residents of the development.

It should be noted that while staff supports the inclusion of amenity space within the development, it will be constructed and maintained by the Condominium Corporation. This amenity area will not affect the Cash-in-Lieu of Parkland dedication required for this development proposal.

Forestry Division (Public Works Department) requested that a Tree Management Plan, Landscaping Plan, and Tree Preservation Plan be submitted, prior to final approval. These requirements have been included as Special Condition 4 in Appendix "E".

SUBJECT: Application for Amendments to the City of Hamilton Zoning By-law No. 6593, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1155 West 5th Street (Hamilton) (PED13080) (Ward 8) - Page 14 of 25

Operations and Waste Management (Public Works Department) indicated that the lands may be eligible for the collection of garbage, organics, recyclable material, and leaf and yard waste by the City of Hamilton, subject to compliance with the City's Solid Waste Management By-law 09-067. Ultimately, future discussions will be required between the owner and the City's Operations and Waste Management staff to determine what extent of the site is eligible for pick-up, and whether the Condominium Corporation is interested in the City's municipal service. The private condominium roads have been designed to assist with the movement of municipal garbage trucks by providing appropriate widths and turning radii at corners. However, due to a number of dead-end roads, there are a number of future units that would not be eligible for curb-side pick up and they would have to place their weekly waste at the closest internal road intersection. A warning clause has been included in Recommendation (c)(v) of this Report to ensure future owners are aware of this possibility, and this warning clause will also be incorporated into the required site plan approvals for Block 2, Appendix "A".

Traffic Engineering Division (Public Works Department) has advised that the owner will be responsible for designing and constructing a continuous, two-way left-turn lane on West 5th Street along the frontage of the draft plan. In addition, a 9m x 9m daylight triangle will be required at the intersection of the proposed new public road and West 5th. These and other technical conditions have been included as Special Conditions 22 to 25 in Appendix "E".

The City's **Municipal Parking Authority** has advised that they have no issues with the proposed subdivision from a parking perspective. They have recommended a condition be included in the Condominium Agreement clarifying that future owners are aware that garages are intended to assist in satisfying parking needs (see Recommendation (c)(vi)).

Hamilton Conservation Authority requested a number of stormwater management-related conditions that have been included as Special Conditions 26, 27, and 28 in Appendix "E".

Union Gas Limited has requested that the owner provide their agency with the easements and/or agreements, if necessary, for the provision of gas services to the project. Said conditions are contained within the Standard Form Subdivision Agreement.

Canada Post requested a number of conditions concerning the provision of centralized mail boxes that are included within the Standard Form Subdivision Agreement.

Public Consultation:

In accordance with the new provisions of the Planning Act and Council's Public Participation Policy, a Notice of Complete Application and Preliminary Circulation of the applications was circulated to 51 residents within 120m of the subject property on March 2, 2012. A Public Notice Sign was also posted on the subject lands at that time. At the time of preparation of this Report, staff had received one piece of correspondence in response to the Notice of Complete Application (see Appendix "H"). A full discussion of the concerns raised in the letter is found in the Analysis/Rationale for Recommendation section of this Report.

Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

1. The amended changes in zoning, draft plan of subdivision, and draft plan of condominium can be supported for the following reasons:
 - (i) They are consistent with the Provincial Policy Statement, as they represent an opportunity for growth in a Settlement Area;
 - (ii) They conform to the Growth Plan, Hamilton-Wentworth Official Plan, and the City of Hamilton Official Plan;
 - (iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area; and,
 - (iv) The proposed development represents good planning by providing a compact urban form.

2. Proposed Plan of Subdivision (25T-201202):

The proposed plan of subdivision (see Appendix "D") will consist of:

- One block for proposed freehold townhouse units, common element condominium road, and parking spaces (Block 1);

- Four blocks for a temporary stormwater management facility (Blocks 2, 3, 4, and 5) to be used in the future for additional street townhouse blocks (Blocks 2, 3, and 5) and a public road (Block 4);

SUBJECT: Application for Amendments to the City of Hamilton Zoning By-law No. 6593, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1155 West 5th Street (Hamilton) (PED13080) (Ward 8) - Page 16 of 25

- A public road (Street “A”);
- A block for a temporary turning circle; and,
- One block for a road widening along West 5th Street (Block 6).

Once further development occurs to the north and the temporary stormwater management ponds are no longer required, Block 4 will be transferred to the City as a public road in order to act as a collector road through the Mewburn Neighbourhood.

According to the proponent’s Functional Servicing Report, there is an existing 300mm watermain and a 375mm sanitary sewer on West 5th Street to service the subject lands.

Storm drainage from the subject lands is intended to be accommodated by the construction of a temporary pond on Blocks 2 - 5 of the draft plan of subdivision (see Appendix “D”) until such a time as a centralized neighbourhood-wide permanent stormwater management plan is constructed on other lands not owned by the applicant to the north within the Mewburn Neighbourhood.

Growth Management staff is satisfied that the lands can be adequately serviced by existing municipal services and future planned services. The timing, phasing, and financial contributions for the installation of services not yet provided are discussed later in this Report and identified in the conditions of draft plan approval (see Items 5-21 of Appendix “E”).

3. Staff has had consideration for the criteria contained in Sub-section 51 (24) of the Planning Act to assess the appropriateness of the proposed subdivision and advises that:
 - (a) It complies with the Provincial Policy Statement;
 - (b) With the imposition of conditions of draft plan approval respecting phasing, it will be a logical and timely extension of existing development and services, and is in the public interest;
 - (c) It conforms with the policies of the Official Plan;
 - (d) The lands can be appropriately used for the use for which it is to be subdivided;

SUBJECT: Application for Amendments to the City of Hamilton Zoning By-law No. 6593, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1155 West 5th Street (Hamilton) (PED13080) (Ward 8) - Page 17 of 25

- (e) The proposed roads will adequately service the proposed subdivision and can connect with the current road system;
- (f) The dimensions and shape of the lots are appropriate;
- (g) Restrictions and regulations for the development of the subdivision may be included in the implementing Zoning By-law Amendment, conditions of draft plan approval, and Subdivision Agreement;
- (h) No substantial natural resources are evident on site, and flood control will be addressed through stormwater management plans that will be required as conditions of draft plan approval;
- (i) Adequate municipal services are available, the particulars of which will be determined as part of the standard conditions of draft plan approval and Subdivision Agreement;
- (j) School Boards have not expressed any concerns regarding the adequacy of school sites available to accommodate the anticipated student yield of this subdivision;
- (k) 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;
- (l) Efforts will be made, where possible, during development and thereafter to efficiently use and conserve energy; and,
- (m) Site Plan Control will be applied to Block 2 within this subdivision.

4. Mewburn Neighbourhood Plan Compliance:

Land Use:

The lands fall within the Mewburn Neighbourhood Plan (see Appendix “G”), and are partially designated “Single and Double” and “Attached Housing”. Approval of the Planning application will necessitate an amendment to the Neighbourhood Plan so that the land use designation and road pattern of the Plan reflects the proposed townhouse form of development.

SUBJECT: Application for Amendments to the City of Hamilton Zoning By-law No. 6593, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1155 West 5th Street (Hamilton) (PED13080) (Ward 8) - Page 18 of 25

While the Mewburn Neighbourhood Plan currently contemplates “Attached Housing” forms, such as townhouses, on a portion of the site to provide a transition between the commercial development on Upper James Street and the planned lower density adjacent to West 5th Street, staff feels it is supportable in this particular case to amend the plan to allow the remaining lands to also be used for townhouses. Given the “Greenfield” nature of this area, there is little likelihood of negative impacts on existing residential development. The abutting land to the north is a large land holding likely to be developed in the future, that is currently the subject of separate development applications (see the Preliminary Concept Plan attached as Appendix “I”). In the area abutting the residential lot to the south, the proponents are proposing a street townhouse block facing West 5th with a 3.0m yard setback. The southerly abutting lot currently abuts a commercial parking lot to the south and, as such, staff is satisfied that the proposed use will not generate any undue land use conflicts.

The proposed townhouse development will have efficient access to West 5th Street, a road designated as a minor arterial corridor in the City of Hamilton Official Plan and Urban Hamilton Official Plan. Such a location in close proximity to an arterial road is consistent with the criteria of the City of Hamilton Official Plan for the location of townhouses.

Road Network:

While the public road proposed by the proponents varies from the road network identified in the Mewburn Neighbourhood Plan, staff notes that the predominant road connection allowing for access to the remaining lands within the Neighbourhood Plan unit will remain in place. The portion of the road network not contemplated by the owner would only provide access to the subject lands themselves. Staff is satisfied that the reduced length of public road will not impact the efficient circulation through the remainder of the Mewburn Neighbourhood Plan area, and assists in achieving other objectives of the Official Plan by reducing public road lengths and clustering residential development on adequately accessible private lanes.

It is considered that these elements of the proposed draft plan of subdivision will not compromise the developability of the Mewburn Neighbourhood Plan area.

5. Implementation: Zoning By-law Amendment:

The applicant has requested that Blocks 1 and 2 on Schedule “A” to Appendix “C” be rezoned from the “AA” (Agricultural) District to the “RT-30/S-1667” (Street - Townhouse) District, Modified.

SUBJECT: Application for Amendments to the City of Hamilton Zoning By-law No. 6593, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1155 West 5th Street (Hamilton) (PED13080) (Ward 8) - Page 19 of 25

The particular land use objectives of the Zoning regulations for each new Zoning category, as well as discussion about the specific regulations and rationale, is outlined below:

Block 1 - Street Townhouses Fronting onto the North Side of Street "A":

- Minimum Parking Stall Size of 2.6m x 5.5m (or 2.7m x 6.0m if in a garage)

Rationale: This special provision aligns with the parking stall provisions with those currently in new City of Hamilton Zoning By-law 05-200. The required parking spaces in the garages of the townhouse units will continue to comply with the parent zoning By-law provisions.

- Minimum Front Yard Setbacks of 4.5m and 5.8m to an attached garage.

Rationale: While the proponent's concept plan (see Appendix "B") indicates front yard setbacks of 5.5m, Planning is recommending the above setbacks as they are the as-of-right street townhouse standards currently contained in the new City of Hamilton Zoning By-law 05-200. The shorter front yards of 4.5m to the dwelling unit are an element of new urbanism that may be implemented on the subject lands, while the larger 5.8m setback to the garage will allow for a vehicle to be wholly parked in the driveway without conflicting with the sidewalks and/or internal road.

- Minimum Rear Yard Setback of 6.5m.

Rationale: A rear yard setback of 6.5m is proposed in-lieu of the standard 7.5m rear yard setback of the "RT-30" Zone. Between the individual private amenity areas in the rear yard of each unit, the proposed 450m² common element private amenity area, and the proximity to the William Connell Park, Planning staff is satisfied that future residents are well serviced with amenity areas. In addition, rear yards will predominantly abut new lots within the subdivision, and will not compromise compatibility with existing surrounding development. This approach would be consistent with other Greenfield townhouse developments considered by the City.

- Minimum Side Yard of 1.5m for an interior yard and 3.0m for an exterior yard.

Rationale: The typical "RT-30" zoning regulations have a minimum interior side yard requirement of 1.2m, 2.0m, and 2.5m for building heights of one, two, and three storey dwellings, respectively. This special provision has been included to allow one consistent setback, while still assisting in the

SUBJECT: Application for Amendments to the City of Hamilton Zoning By-law No. 6593, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1155 West 5th Street (Hamilton) (PED13080) (Ward 8) - Page 20 of 25

achievement of the Grading Reform Policy, as approved by Council on October 26, 2011 (PED10091(d)).

- Minimum Lot area of 150 sq. m. for a street townhouse lot.

Rationale: The typical “RT-30” zoning regulations require a minimum lot area of 180 sq. m. The reduced lot area in this case has been included to be consistent with lot size that results from the proposed building footprint and reduced front and rear yard setbacks.

Block 2 - Street Townhouses on the South Side of Street “A”:

The lands subject to these special provisions will be part of the block that fronts onto a proposed private condominium road. Block 2 will be subject to all of the special provisions referred to above in Block 1, but will also have additional provisions to clarify that the condominium road is deemed to be a “street” for the purposes of the By-law. This provision will ensure that each townhouse unit may be situated on its own lot fronting onto the condominium road.

Further provisions have been included to allow townhouse units located at the corners of the condominium roads to be within 1.5m of the radii of the streets, if necessary. The purpose for this provision is to allow the option for the condominium roads to be built with more tapered corners to allow municipal waste collection trucks to travel through the site, if so desired by the developer. The parent City of Hamilton Zoning By-law did not envision the circumstances of providing municipal garbage collection on private condominium roads at the time of writing.

Finally, additional provisions have been added to ensure that at least 42 visitor parking spaces have been made available within the parking lots, and a minimum 450 sq. m. amenity area is provided in the common-element, in accordance with the proponent’s concept plan. This is required as a house-keeping amendment, as the visitor parking spaces and amenity area will not be part of the individual “lots” for each townhouse unit.

Street townhouses typically require 1 parking space per dwelling unit, with an additional space in the driveway. Group townhouses typically require 0.3 visitor parking spaces per dwelling unit. Given these requirements, the proposed development would be well serviced by parking, as each unit will have at least 2 parking spaces per dwelling unit, as well as an additional 42 spaces in visitor parking lots, which calculates to 0.34 parking spaces per dwelling unit. It should be noted that additional parking spaces may be accommodated in the parking lot once further site design work is undertaken, as the dimensions of the visitor

SUBJECT: Application for Amendments to the City of Hamilton Zoning By-law No. 6593, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1155 West 5th Street (Hamilton) (PED13080) (Ward 8) - Page 21 of 25

parking spaces shown on the concept plan are 3.0m x 6.0m, rather than 2.6m x 5.5m, which is permitted by the proposed implementing By-law.

6. Implementation - Draft Plan of Subdivision Application:

Staff notes that the proposed changes to the Zoning and draft plan of subdivision sought by the proponent are intended to implement the policies of the City of Hamilton Official Plan. As such, staff supports the proposed plan and Zoning By-law Amendment. However, a number of additional issues must still be addressed as the development proposal proceeds towards final construction, but are more appropriately addressed at later stages. Other such post-draft plan matters are identified below, and include discussion about how such matters will be addressed by the proponent and the City:

Road Widening:

The owner will be required to dedicate a strip of land, approximately 3.05m (10 feet) in width, to the City for road allowance widening purposes along the entire frontage of West 5th Street (see Block 6 of the Draft Plan of Subdivision - Appendix D). The Standard Form Subdivision Agreement contains provisions to ensure that all lands required to be dedicated to the City, including road widenings, are transferred prior to final approval of the plan.

Intersection Improvements:

The owner will be required to construct a continuous, two-way left-turn lane on West 5th along the frontage of the subject lands. This condition is included as Item 22 of Appendix "E".

Noise Study:

According to the Ministry of the Environment's D-6 Guidelines, residential uses are considered uses that are sensitive to, and potentially negatively impacted by, nearby noise sources. Given the proximity of the residential uses to West 5th, Rymal Road, Upper James, and the adjacent commercial uses, it is necessary to assess the impacts of noise on the sensitive land uses.

While it has been demonstrated that it is reasonable to develop the subject lands in a manner that will meet the MOE's Guidelines, further study will be required to confirm the details of any noise mitigation features. This condition is included as Item 3 of Appendix "E".

Tree Management Plan:

Urban Forestry Division staff has identified municipal tree assets adjacent to the property and trees on the subject lands. As such, a Tree Preservation Plan, prepared by a qualified Landscape Architect, will be required as Item 4 of the conditions of draft plan approval found in Appendix “E”. The Tree Preservation Plan will inventory all trees and identify relocation and protection opportunities. If existing trees can remain, steps will be taken to protect them during grading and construction, as per the City’s Tree Preservation and Protective Measures for Trees Affected by Construction Policy.

In addition, new street trees will be required, as per the conditions in the Standard Form Subdivision Agreement.

Site-Specific and Neighbourhood-Wide Stormwater Management:

As noted above, Blocks 2, 3, 4, and 5 are required for a temporary stormwater management pond. At such a time as a centralized neighbourhood-wide stormwater management pond is located, designed, and constructed, the stormwater management function of this block will become redundant.

As such, the subject lands have been zoned in a manner that will allow for the consideration of future residential development. In addition, the lands have been identified as future development blocks on the draft plan of subdivision. However, as noted on the red-lined Draft Plan of Subdivision (see Appendix “D”) and Item 21 of the Conditions of Draft Plan approval (see Appendix “E”), a one foot (0.3m) reserve will be placed on the frontage of Blocks 2 and 3 to preclude residential development until it is demonstrated, to the satisfaction of the City, that the stormwater management ponds are no longer needed.

Street “A” and the Future Extension of the Public Road:

Street “A” will be dedicated to the City as a public road. As it will temporarily be a dead-end street, it will be necessary for the owner to construct a temporary turning circle at the end of Street “A”. This temporary turning circle may compromise the construction of a number of townhouse units. Ultimately, once future development may occur to the north at such a time as a permanent stormwater management pond is available, Street “A” will be extended to include Block 4, which will be similarly dedicated to the City as a public road, allowing for the road to continue to connect with a future public road to the north. Arrangements have been included in Items 13 and 16 of the Conditions of Draft Plan Approval (see Appendix “E”) to clarify the owner’s responsibility for the extension of Street “A” and the need for an interim temporary turning circle.

On-Street Parking Plan:

Item 19 of the Conditions of Draft Plan Approval (see Appendix “E”) will require the submission of an on-street parking plan, based on the premise of achieving on-street parking for 40% of the total number of street townhouses fronting onto a public street, in accordance with City Guidelines. At this stage, it is premature to consider the final on-street parking numbers, as a predominant portion of the street will be adjacent to a temporary stormwater management block. At such a time as the stormwater management blocks are no longer required, and further residential development may occur, this 40% target will be further assessed and may impact the layout or total unit yield on Blocks 2, 3, and 5.

7. Implementation - Draft Plan of Condominium:

As noted earlier, the proponents are proposing that the townhouse development on Blocks 1 and 5 of the Draft Plan of Subdivision function as free-hold lots fronting on a private lane under condominium ownership. Also included within the “condominium” will be other common elements of the development site, including sidewalks, parking areas, and the amenity/park block.

This form of ownership requires the approval of a Draft Plan of Condominium application by the City, and provides the City with an opportunity to assess the size, configuration, and design standards of the road, and functionality of the other common elements.

Internal Roads:

The proposed internal common element road will be a minimum of 6.0m wide, which will accommodate the two-way flow of vehicular traffic. In addition, the corners at intersections have been designed to accommodate 13.0m radii, which are standards that would accommodate municipal garbage trucks.

Sidewalks:

Where possible, 1.5m wide walkways have been included in the common element area in order to provide pedestrian access to the internal amenity area and to the sidewalks to be constructed along the proposed new public road.

Park Block:

The proposal contains a private 450 sq. m. amenity area that will service the future residents of the Condominium Corporation. Regardless, the subject property is located in close proximity to William McConnell Park, and is consistent with the West Mountain Planning District policies with respect to adequacy of parkland. As no parkland is being dedicated, in accordance with the City's Parkland Dedication and Cash-in-Lieu of Parkland By-law, the proposed development is subject to a Cash-in-Lieu of Parkland dedication payment (see Recommendation (b)(ii)).

Parking Area:

The two on-site parking areas are of a size that will accommodate at least 42 visitor parking spaces, which provides an adequate parking ratio (0.34 spaces/unit).

8. Staff received one letter from the agent for the neighbouring property owner to the north in response to the pre-circulation of the original application on March 2, 2012 (see Appendix "G" for property location and Appendix "H" for correspondence). At that time, the property owner had expressed their desire to ensure that the proposal did not advance in a manner that would compromise the development of the remainder of the lands within the Mewburn Neighbourhood, particularly with respect to the provision of roads and stormwater management facilities. As is evident on the Draft Plan of Subdivision (see Appendix "D") and the conditions of Draft Plan approval (see Appendix "E"), the plan subject to this Report has been modified to provide the public road being sought by the abutting property owner, and includes a location for a temporary stormwater management block that will not compromise the location of a more centralized facility elsewhere in the neighbourhood. The provision of the temporary stormwater management pond will be at the developer's cost. Further, the owner will be required to contribute to the future permanent stormwater management pond through the typical means of development charge contributions.

ALTERNATIVES FOR CONSIDERATION:

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

The subject lands are zoned "AA" (Agricultural) District in the City of Hamilton Zoning By-law No. 6593. Should the proposed change in zoning be denied, the subject lands could be developed for one single-detached dwelling unit per existing lot, in accordance with the "AA" zone provisions.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

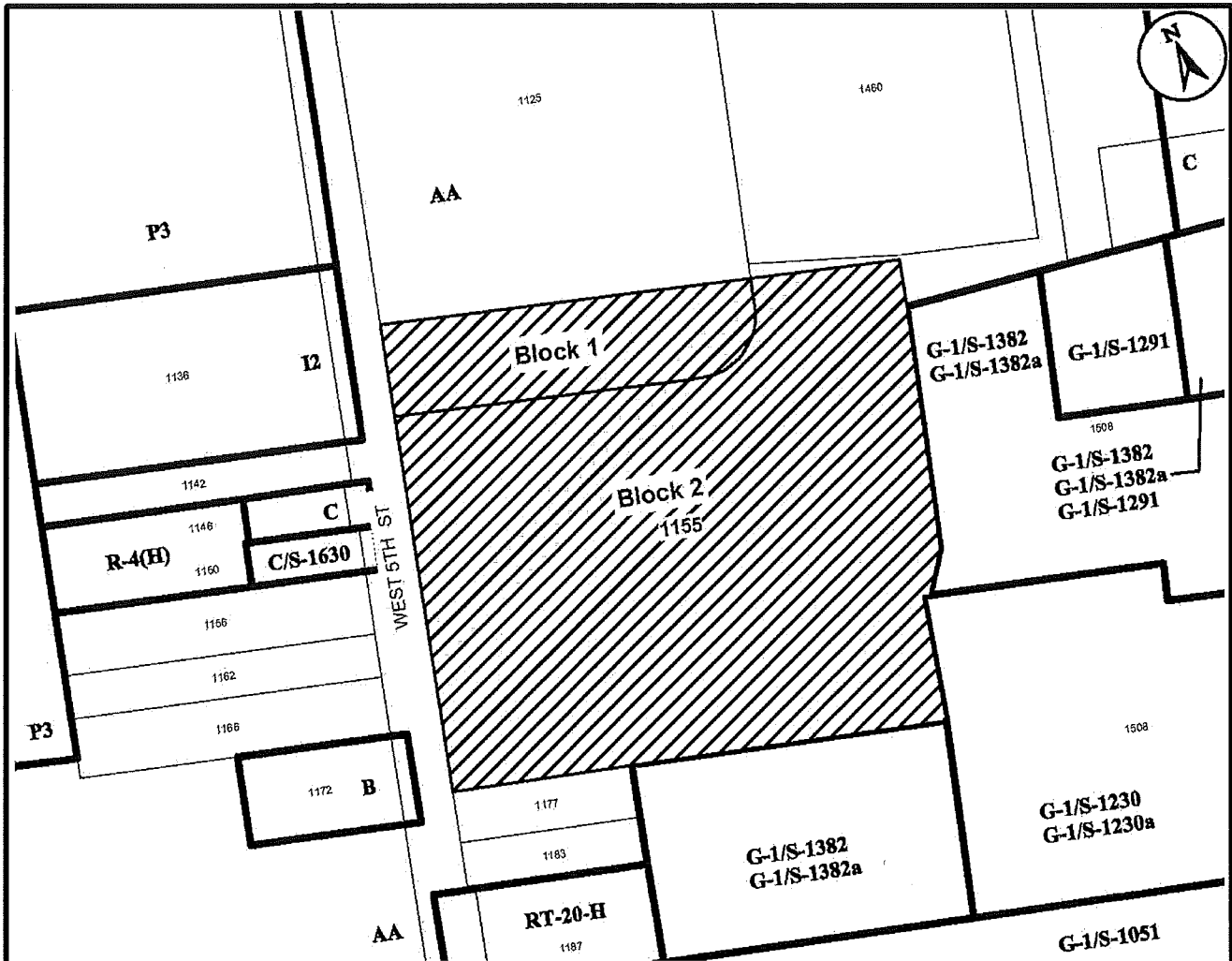
- 1.2 Continue to prioritize capital infrastructure projects to support managed growth and optimize community benefit.

APPENDICES / SCHEDULES

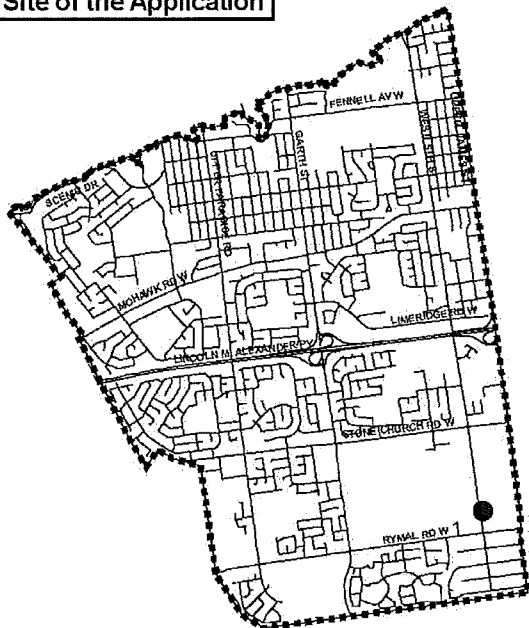
- Appendix “A”: Location Map
- Appendix “B”: Concept Plan
- Appendix “C”: Proposed Amendment to Zoning By-law 3692-92
- Appendix “D”: Proposed Revised Plan of Subdivision
- Appendix “E”: Special Conditions of Draft Plan of Subdivision Approval
- Appendix “F”: Proposed Draft Plan of Condominium
- Appendix “G”: Mewburn Neighbourhood Plan
- Appendix “H”: Neighbourhood Letter
- Appendix “I”: Preliminary Concept for Lands to North (ZAC-12-067 / 25T-201206)

:CB

Attachs. (9)



● Site of the Application



Ward 8 Key Map

N.T.S.

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
 ZAC-12-005/25T-201202/25CDM-201201

Date:
 March 11, 2013

Appendix "A"

Scale:
 N.T.S.

Planner/Technician:
 CB/NB

Subject Property

1155 West 5th Street

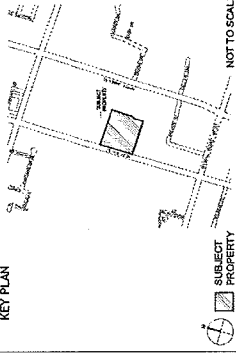


Block 1 and 2: Change in Zoning from the "AA" (Agricultural) District to the "RT-30/S-1667" (Street Townhouse) District, Modified

CONCEPT PLAN

1155 WEST 5th HAMILTON
 PART 1
 CONFESSION 18
 GEOGRAPHIC TOWNSHIP OF BARTON
 NOW IN THE CITY OF HAMILTON

KEY PLAN



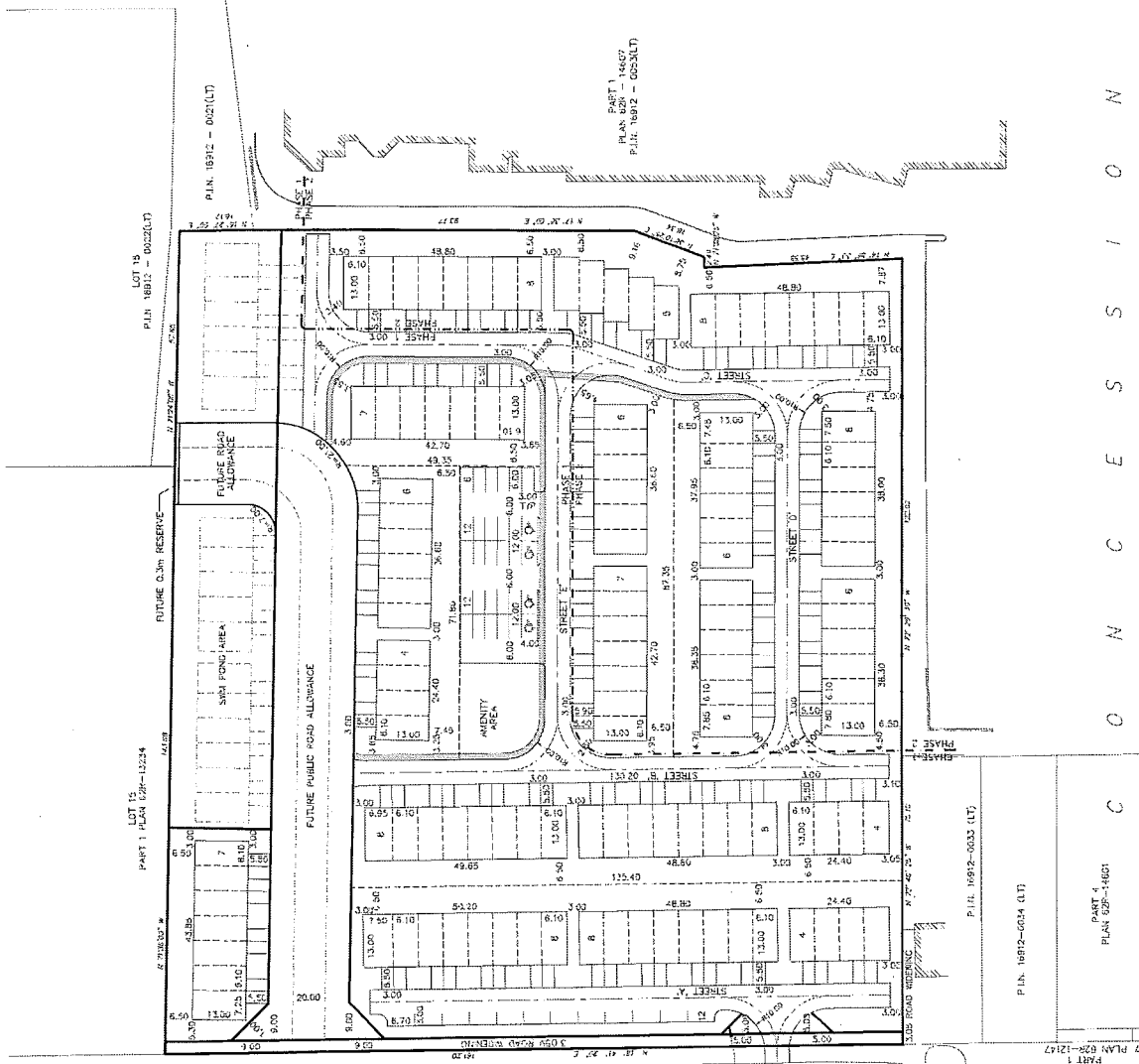
SUBJECT PROPERTY

SITE STATISTICS

SITE AREA	3.547ha (8.7655ac)
DENSITY	34.4uph (13.92upsa)

LAND USE DETAILS

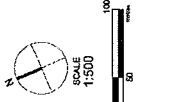
BLOCK TOWNHOUSE UNITS	122
VISITOR PARKING SPACES	42



PEDESTRIAN CONNECTION
 PROPERTY BOUNDARY
 PHASE LINE

DISPOSITION AND GRADING INFORMATION SHOWN
 SURFACE TO BE CONSTRUCTED BY THE DEVELOPER
 SURFACE TO BE MAINTAINED BY THE DEVELOPER
 ALL DIMENSIONS ARE SHOWN IN METERS

REVISIONS
12-07-12
12-09-17
12-10-05
12-10-21
12-11-26
12-12-18
12-21-00
12-21-10
12-21-15



DATE: MAY 14, 2015
 PLAN: 028-12147

Wellings Planning, Consultants Inc.
 100-10000 Yonge Street, Suite 100, Richmond Hill, Ontario L4B 1N7

Authority: Item [REDACTED]
Planning Committee
Report 13 [REDACTED] (PED13080)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY- LAW NO. [REDACTED]

**To Amend Zoning By-law No. 6593
Respecting Lands Located at 1155 West 5th Street (Hamilton)**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which By-law was approved by the Ontario Municipal Board by Order, dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 13-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED] 2013, recommended that Zoning By-law No. 6593 (Hamilton) be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Sheet No. W9d of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing:
 - (a) Blocks 1 and 2 to be rezoned from the "AA" (Agricultural) District to the "RT-30/S-1667" (Street Townhouse) District, Modified,

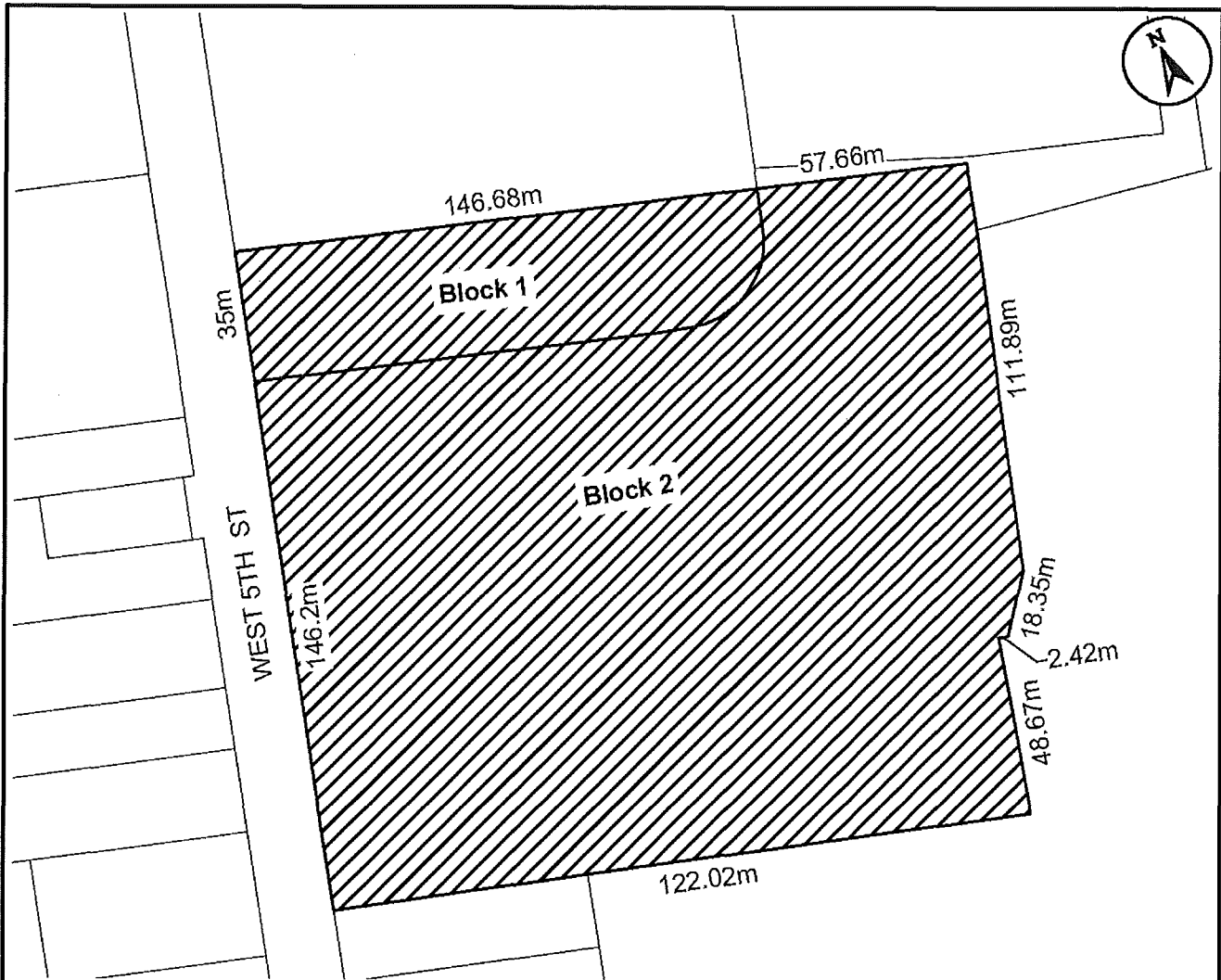
on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule 'A'.
2. That the following special regulations shall apply to lands identified as Blocks "1", "2":
 - (a) That notwithstanding Sub-section 18A.(7) of Zoning By-law No. 6593, every parking space, other than a parallel parking space, shall have dimensions not less than 2.6m wide and 5.5m long, except that parking spaces within an attached garage shall have dimensions not less than 3.0m wide and 6.0m long.
 - (b) That notwithstanding Sub-section 10F.(4)(a) of Zoning By-law No. 6593, a minimum front yard of a depth of not less than 4.5m, except 5.8m to an attached garage, shall be provided and maintained.
 - (c) That notwithstanding Sub-section 10F.(4)(b) of Zoning By-law No. 6593, a rear yard of a depth of at least 6.5m shall be provided and maintained;
 - (d) That notwithstanding Sub-section 10F.(4)(c) and (5) of Zoning By-law No. 6593, the following minimum side yards shall be provided and maintained for yards abutting a wall that is not a party wall:
 - i) 1.5m for an interior side yard; and,
 - ii) 3.0m for an exterior side yard.
 - (e) That notwithstanding Sub-sections 2(b) and (d) of this By-law, the minimum front yard and exterior side yard may be reduced to accommodate 13m turning radii at the intersection of condominium lands, but in no circumstances shall a setback be less than 1.5m.
 - (f) That notwithstanding Sub-section 10F.(6)(i) of Zoning By-law No. 6593, a lot area not less than 150 sq. m. for each single family dwelling unit shall be provided and maintained.
 - (g) That Sub-sections 18A.(25) and 18A.(29) of Zoning By-law No. 6593 shall not apply.

3. That the following special regulations shall apply to lands identified as Block 2:
 - (a) That notwithstanding any provision of Zoning By-law No. 6593, for the purposes of this By-law, a common element condominium road is deemed to be a street.
 - (b) That notwithstanding any provision of Zoning By-law No. 6593, a minimum of 0.34 visitor parking spaces per dwelling unit shall be provided and maintained.
 - (c) That notwithstanding any provision of Zoning By-law No. 6593, a private amenity area of not less than 450 sq. m. shall be provided and maintained. For purposes of this By-law, a private amenity area shall mean an area of open space where facilities are provided for recreational activities.
 - (d) That Sub-section 18A.(9), (11), and (12) of Zoning By-law No. 593 shall not apply to visitor parking, except that a visual barrier between a parking space and the lot line of an abutting residential district, not less than 1.2m in height and not greater than 2.0m in height, shall be provided and maintained.
4. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1667.
5. That Sheet No. E-98 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1667.
6. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "RT-30" (Street-Townhouse) District provisions, subject to the special requirements referred to in Sections 2 and 3 of this By-law.
7. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the Planning Act.

PASSED and ENACTED this [REDACTED] day of [REDACTED], 2013

R. Bratina
Mayor

Rose Caterini
Clerk



This is Schedule "A" to By-Law No. 13-
Passed the day of, 2013


Clerk


Mayor

Schedule "A"

Map Forming Part of
By-Law No. 13-_____

to Amend By-law No. 6593

Subject Property
1155 West 5th Street
 Block 1 and 2: Change in Zoning from the "AA" (Agricultural) District to the "RT-30/S-1667" (Street Townhouse) District, Modified

Scale: N.T.S.	File Name/Number: ZAC12-005/25T-201202/25CDM-201201	 Hamilton
Date: March 11, 2013	Planner/Technician: CB/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Special Conditions of Draft Plan of Subdivision Approval for 25T-201202

Planning:

1. That this approval apply to the Plan of Subdivision 25T-201202, for Sonoma Homes, in the City of Hamilton, prepared by Wellings Planning Consultants Inc., and certified by Bryan Jacobs, O.L.S., Revision 5, dated March 15, 2013, as red-line revised, showing 1 group townhouse block (Block 1), 3 blocks for temporary stormwater management pond/future townhouse blocks (Blocks 2, 3, and 5), 1 block for a temporary stormwater management pond/future public road (Block 4), a public road (Street "A"), a temporary turning circle block, 1 block for road widenings along West 5th Street (Block 6), and a 0.3m reserve block along the frontage of Blocks 2 and 3.
2. That the owner shall enter into a Standard Form Subdivision Agreement with the City of Hamilton.
3. That, **prior to registration of a Subdivision Agreement by the City**, the owner/applicant shall investigate the noise levels on the site, and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment's recommended sound level limits. An Acoustical Report, prepared by a qualified Professional Engineer containing the recommended control measures, shall be submitted, to the satisfaction of the City of Hamilton, Director of Planning. Should a peer review of the Acoustical Report be warranted, all associated costs shall be borne by the owner/applicant, and shall be submitted, to the satisfaction of the City of Hamilton, Director of Planning.
4. That, **prior to preliminary grading or servicing**, the owner shall submit a Tree Preservation Study and Plan, prepared by a certified arborist or landscape architect, for review and approval by the Director of Planning, and provide written certification from the owner's landscape architect/arborist to the Director of Planning that all measures for the protection of isolated trees, tree clusters, and woodlands, in accordance with the Detailed Tree Preservation Plan approved by the Director of Planning, have been implemented and inspected, prior to any clearing or grubbing of the lands within the draft plan.

Growth Management:

5. That, **prior to registration of the final Plan of Subdivision**, the owner shall agree to dedicate Block 4 to the City for a future public road, and include a certificate on the final plan dedicating Street 'A' to the City of Hamilton as a public highway.
6. That, **prior to registration of the final Plan of Subdivision**, Block 6 shall be dedicated to the City of Hamilton as a public highway by the owner's certificate on the Final Plan of Subdivision, for widening of West 5th Street.

7. That, **prior to registration of the final Plan of Subdivision**, the owner shall pay their proportional share for future urbanization of West 5th Street adjacent to Block 6, based on the City's "New Roads Servicing Rate" in effect at the time of the plan registration.
8. That, **prior to registration of the final Plan of Subdivision**, the owner shall provide a cash payment to the City for the outstanding service fee for the existing sanitary sewer on West 5th Street, as identified under By-law 07-281 for the subject lands.
9. That, **prior to registration of the final Plan of Subdivision**, the owner shall demonstrate sufficient sanitary servicing capacity to service the subject lands, to the satisfaction of the Senior Director of Growth Management Division.
10. That, **prior to registration of the final Plan of Subdivision**, the owner shall agree that no more than 100 units shall be constructed until a second street access is provided to service the subject lands, to the satisfaction of the Senior Director of Growth Management Division.
11. That, **prior to registration of the final Plan of Subdivision**, the owner shall agree to operate and maintain, in an acceptable manner, a private temporary SWM facility, in accordance with requirements of an MOE Certificate of Approval, until a time established by the Senior Director of Growth Management Division, and monitor the operation of the facility and provide the City a copy of a satisfactory Operation and Maintenance Manual, to the satisfaction of the Senior Director of Growth Management Division.
12. That, **prior to registration of the final Plan of Subdivision**, the owner shall agree that phasing of the subject lands shall be to the satisfaction of the Senior Director of Growth Management.
13. That, **prior to servicing**, the owner shall secure 100% of the estimated cost plus indexing for the extension of Street 'A', including installation of municipal sewers and watermain through the SWM Block to the north property line, to the satisfaction of the Senior Director of Growth Management.
14. That, **prior to servicing**, the owner shall demonstrate consent from downstream land owners, and acquire any necessary easements registered in the City's favour for temporary storm outlet works, to the satisfaction of the Senior Director of Growth Management Division.
15. That, **prior to servicing**, the owner shall include in the engineering design and cost estimate schedules, provision to install a 1.5m wide concrete sidewalk on both sides of Street 'A'.

16. That, **prior to servicing**, the owner shall include in the engineering design and cost estimate schedules, provision to install temporary works, including but not limited to, pavement widening to provide for a continuous left-turn lane and pavement markings on West 5th Street, temporary turning circle, and temporary SWM facility, to the satisfaction of the Senior Director of Growth Management Division
17. That, **prior to servicing**, the owner shall include in the engineering design and cost estimate schedules, provision for installation and future maintenance, removal and restoration of the temporary storm outlet works through the lands to the north of the subject lands, to the satisfaction of the Senior Director of Growth Management Division.
18. That, **prior to servicing**, the owner shall submit a detailed Stormwater Management (SWM) Report, prepared by a qualified engineer, that demonstrates how quality and quantity control criteria will be handled, in accordance with City of Hamilton's Storm Drainage Policy, Criteria and Guidelines for Stormwater Infrastructure Design, and both the "West Central Mountain Drainage Assessment" and the Sheldon Mewburn Neighbourhoods Master Servicing Class EA, to the satisfaction of the Senior Director of Growth Management Division.
19. That, **prior to servicing**, the owner shall prepare an on-street parking plan for Street "A", based on the premise of achieving on-street parking for 40% of the total number of dwelling units to be developed upon full build-out of the subject lands, to the satisfaction of the Senior Director of Growth Management.
20. That, **prior to servicing**, the owner shall indicate all driveway locations on the engineering drawings for all lots which will front onto Street "A", to the satisfaction of the Senior Director of Growth Management.
21. That, **prior to registration of the final Plan of Subdivision**, the owner shall agree to establish 0.3m reserves along all street frontages for Blocks 2 and 3, and will not be lifted until such time as the temporary stormwater management pond is able to be replaced by an alternative stormwater management pond, to the satisfaction of the Senior Director, Growth Management Division.

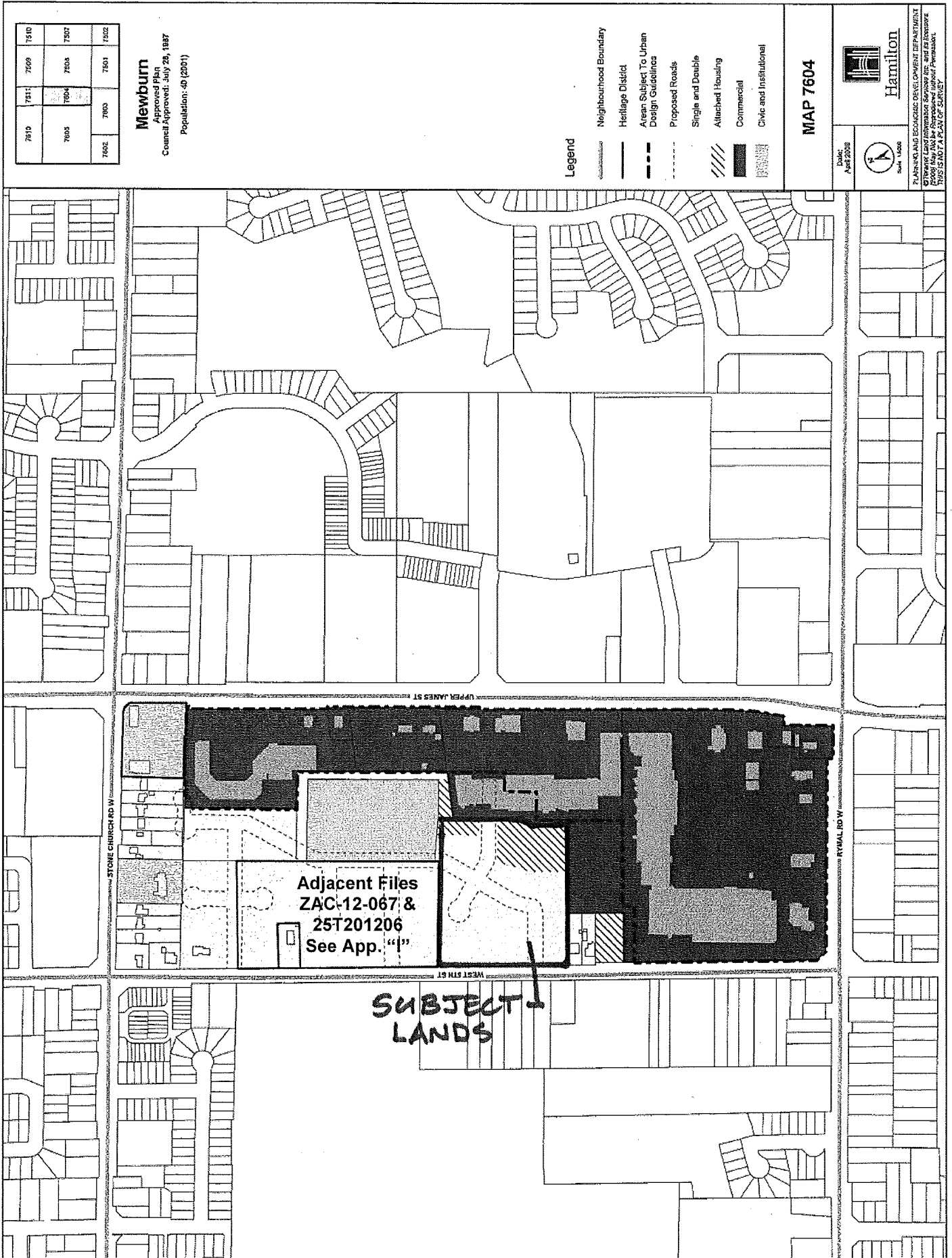
Traffic:

22. That, **prior to registration of the final Plan of Subdivision**, the owner shall design and construct a continuous two-way, left-turn lane on West 5th Street along the frontage of the draft plan. The two-way, left-lane and appropriate tapers must be designed in accordance with TAC standards.

23. That, **prior to registration of the final Plan of Subdivision**, the owner shall provide a detailed Pavement Marking and Traffic Signs Plan. The Plan must be in accordance with the City of Hamilton Traffic Signal and Pavement Marking Design Manual, and be submitted in micro-station V8, to the satisfaction of the Manager of Traffic Operations and Engineering.
24. That, **prior to registration of the final Plan of Subdivision**, the owner shall dedicate a 9m x 9m daylight triangle on West 5th Street at the municipal road. The daylight triangle must be measured from the widened limits.
25. That, **prior to registration of the final Plan of Subdivision**, the owner shall demonstrate that the proposed municipal road aligns centerline-to-centreline with the proposed municipal road on the lands to the north (1073 West 5th), as shown in FC-12-014.

Hamilton Conservation Authority:

26. That, **prior to registration of the final plan**, the applicant shall prepare and implement an erosion and sediment control plan for the subject property, to the satisfaction of the Hamilton Conservation Authority. The approved plan shall include the following notes:
 - a) All erosion and sediment control measures shall be installed prior to development, and be maintained throughout the construction process, until all disturbed areas have been re-vegetated;
 - b) All erosion and sediment control measures shall be inspected after each rainfall, to the satisfaction of Authority staff;
 - c) Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,
 - d) All disturbed areas shall be re-vegetated with permanent cover immediately following completion of construction.
27. That, **prior to registration of the final plan**, the applicant shall prepare and implement a Stormwater Management Plan for the subject property, to the satisfaction of the Senior Director of Growth Management, in consultation with the Hamilton Conservation Authority. The approved Plan shall ensure that post development flows will equal pre-development levels, and that current Provincial drainage and stormwater quality guidelines are implemented.
28. That, **prior to registration of the final plan**, the applicant shall prepare and implement a Lot Grading Plan, to the satisfaction of the Hamilton Conservation Authority.



DICENZO & ASSOCIATES
PROFESSIONAL CORPORATION
LAWYERS

BY EMAIL (chris.bell@hamilton.ca)

March 23, 2012

City of Hamilton
Planning and Economic Development Department
Planning Division – Development Planning – West Section
71 Main Street West, 5th Floor
Hamilton, Ontario
L8P 4Y5

Attention: Chris Bell

Dear Sirs:

Re: **Sonoma Homes Inc. - 1155 West 5th Street, Hamilton**

- **Notice of Complete Application and Preliminary Circulation for Approval of a Zoning By-Law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium**
- **City File Nos. ZAC-12-005, 25T-201202 & 25CDM201201**

We are the solicitors for Di Cenzo Construction Company Limited. Our client is the owner of the lands municipally known as 1125 West 5th Street (the "DCCL Lands"), located immediately to the north of the lands (the "Sonoma Lands") which are the subject of the above-captioned development applications (the "Sonoma Applications").

Our client has a number of concerns in respect of the Sonoma Applications, not the least of which are the following:

1. Disregard of Approved Neighbourhood Plan

Both the DCCL Lands and the Sonoma Lands fall within the approved Mewburn Neighbourhood Plan. The Mewburn Neighbourhood Plan lays out an integrated road pattern and land use plan linking the DCCL Lands and the Sonoma Lands. Our client has specifically relied upon the road pattern established by the neighbourhood plan in its plans for the development of the DCCL Lands.

The Sonoma Applications do not appear to show any regard for the Mewburn Neighbourhood Plan, and in particular road access to the currently landlocked school parcel located to the rear of the Sonoma Lands and the DCCL Lands, and instead contemplate a completely self-contained development.

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2. **Failure to Adhere to Master Servicing Plan**

As you are aware the City is currently undertaking a Master Servicing Plan Class Environmental Assessment Study in respect of both the Mewburn Neighbourhood and the Sheldon Neighbourhood located on the west side of West 5th Street. The Sonoma Applications again appear to ignore the current Class EA process, particularly as it relates to stormwater management. Our client requires confirmation that the Sonoma Applications will in no way prejudice the future servicing of the DCCL Lands, including the control of stormwater onto the DCCL Lands, especially given the much higher densities proposed in the Sonoma Applications than are contemplated in the Mewburn Neighbourhood Plan. In particular, it remains unclear to our client how the temporary stormwater management pond proposed under the Sonoma Applications would be sufficient in this regard.

3. **Prejudice to Abutting Parcels**

The Sonoma Applications contemplate a form of development which appears incompatible and potentially prejudicial to the future development of abutting parcels. As indicated above, it shows no regard for the future school site located to the rear of the Sonoma Lands and the DCCL Lands. Residents of the development contemplated by the Sonoma Applications would have no means of direct access to such school site and would need to access same by returning to West 5th Street then entering via the future development of the DCCL Lands. Additionally, it is our client's understanding that services, including sanitary sewers, were designed and constructed in West 5th Street based on the proposed densities contemplated by the Mewburn Neighbourhood Plan. Our client is concerned that the greatly increased densities contemplated by the Sonoma Applications would have an adverse impact on the capacity of existing services, particularly sanitary sewer, for the future development of the DCCL Lands, the future school board site and the lands located to the north of the DCCL Lands. Finally, it is unclear to our client how the development contemplated by the Sonoma Developments, including the above-described temporary stormwater management pond, will accommodate the overall grading of the area and tie into existing and proposed grades for adjoining lands.

4. **Failure to Seek Permanent Solution**

It is troubling to our client that the applicant did not approach it or, as far as we are aware, LPF Realty Retail Inc., the owner of the commercial plaza fronting onto Upper James Street, to fully canvass the potential for a permanent stormwater management facility on the rear portion of the LPF Realty lands presently contemplated by the Class EA process. The Sonoma Applications appear to circumvent the current process for identifying an overall, long-term stormwater management solution for the Mewburn and Sheldon Neighbourhoods, and instead propose a "go-it-alone" short-term, and somewhat short-sighted, solution.

As a result of the foregoing, our client considers the Sonoma Applications, at best, to be premature at this time and, at worst, to be unsupportable as a result of the planning, servicing and neighbourhood compatibility issues described above.

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PROFESSIONAL CORPORATION

3.

Should you have any questions or comments, or require anything further, please do not hesitate to call.

Yours very truly,

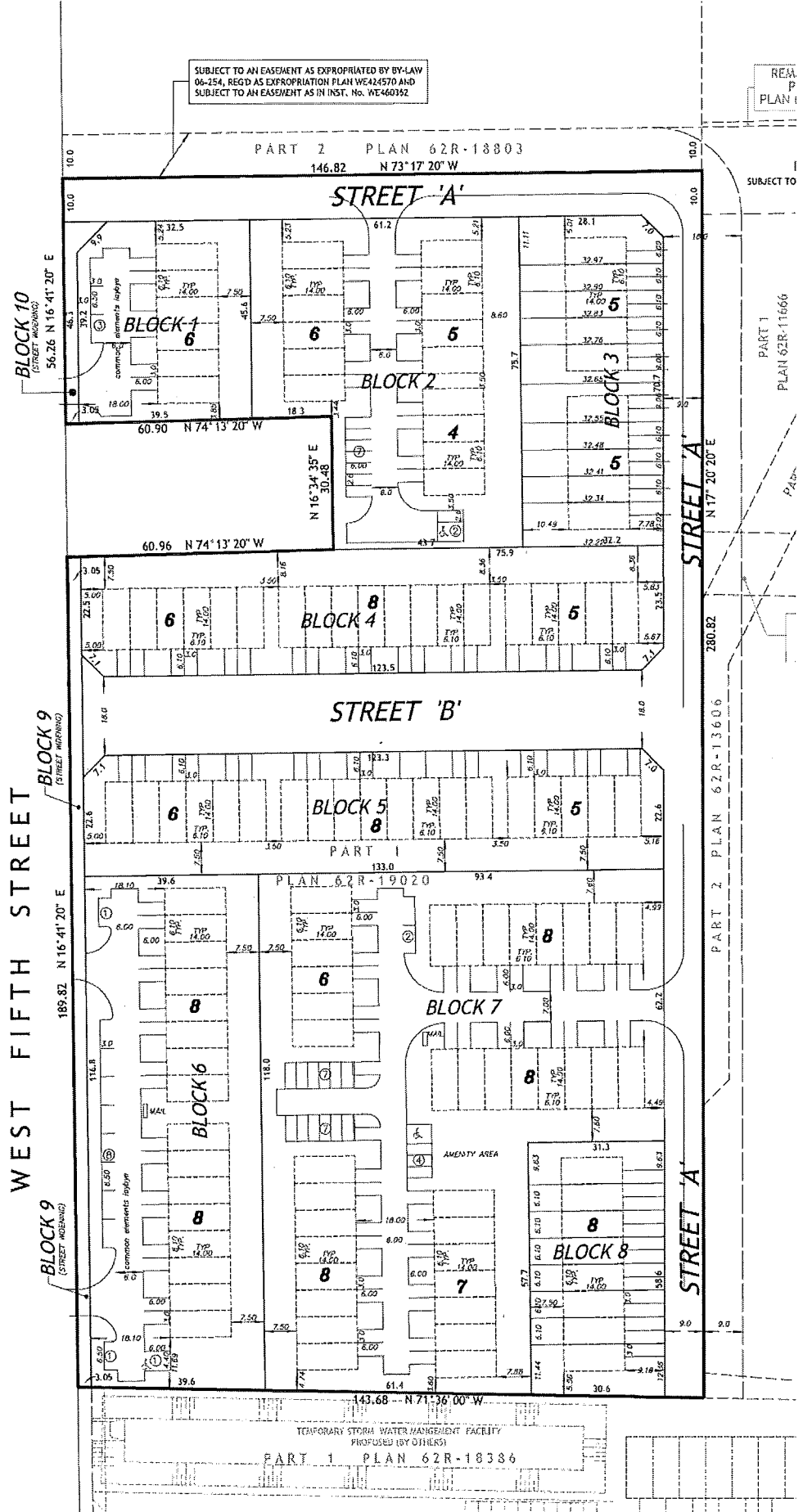
DICENZO & ASSOCIATES
PROFESSIONAL CORPORATION



per: Allan Buist
AB/tc
encls.

- c. Steven Zakem, Aird & Berlis (by e-mail only)
Di Cenzo Construction Company Limited (by e-mail only)

h:\data\1-dicenzo\paradise meadows\phase 3\plan registration\letter to city enclosing executed subdivision agreement.doc



SUBJECT TO AN EASEMENT AS EXPROPRIATED BY BY-LAW 06-254, REGD AS EXPROPRIATION PLAN WE424570 AND SUBJECT TO AN EASEMENT AS IN INST. No. WE460362

REA
P
PLAN I

SUBJECT TO

PART 1
PLAN 62R-11666

PART 2 PLAN 62R-13606

PART 2 PLAN 62R-18803
146.82 N 73° 17' 20" W

PART 1 PLAN 62R-19020

PART 1 PLAN 62R-18386
TEMPORARY STORM WATER MANAGEMENT FACILITY
PROPOSED BY OTHERS

BLOCK 10
(STREET ADDRESS)
56.26 N 16° 41' 20" E

BLOCK 9
(STREET ADDRESS)

BLOCK 9
(STREET ADDRESS)

WEST FIFTH STREET
189.82 N 16° 41' 20" E

STREET 'A'

STREET 'A'

STREET 'A'

STREET 'B'

BLOCK 1

BLOCK 2

BLOCK 3

BLOCK 4

BLOCK 5

BLOCK 7

BLOCK 8

143.68 N 71° 36' 00" W